

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 7, 2019
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bungler, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 8:50 p.m.

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is the former Clayton Homes site. It is located north of the Richwood Flea Market. RES, LLC is pursuing a zone change in order to sell tractor trailers. The applicant will retain 3 existing buildings on the property. All of the mobile homes will be removed. The applicant is proposing to enhance the landscaping along Dixie Highway. The site slopes towards I-75. The current zoning of the site is Commercial Services (C-3). There is a mix of C-3 and I-1 zoning in the area. Mr. Morgan showed photographs of the site and surrounding properties. There is a single family home located north of the site that is zoned C-3. All trees on the site are deciduous. Therefore, the leaves will fall in the winter and there won't be any protection. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C) matching the existing zoning.

In terms of Staff Comments, Mr. Morgan referred to the zone change criteria on page 4 of the Staff Report. He mentioned that Staff Comments are identified on page 5 of the Staff Report. The applicant is proposing a use that is not permitted in the C-3 zoning district. It is, however, permitted in an Industrial One (I-1) zone. Currently, RES Truck and Trailer Sales operates at 11061 Dixie Highway (about 0.44 miles to the south). Staff took some pictures of the property. The applicant has made Staff aware that they would leave their current location and move to the subject property. Mr. Morgan noted that the current site has tractor trailer parts stored outside. Will this occur at the new site or will they store the parts inside a building?

Staff received an email from Linzy Brefeld, with Kentucky Transportation Cabinet, regarding the application. The email is attached to the Staff Report. Staff would also like the applicant to address the following:

- A.) Is semi truck and trailer sales the only use that is being proposed?;
- B.) Approximately how much inventory will be kept on site?;
- C.) Will the gravel storage yard limits be expanded?;
- D.) Will any additional site lighting be added to the site?;
- E.) One of the pictures of the existing operation at 11061 Dixie Highway shows a trailer with tractor trailer parts? Is this typical? If so, could parts be kept inside buildings and not in the storage yard?;
- F.) Is the applicant aware that the Zoning Regulations only permit one monument sign that is a maximum of 10' tall and 100 square feet in area in an I-1 zoning district?;

- G. The submitted Concept Plans show that street frontage landscaping will be added along the Dixie Highway frontage. Could landscaping be added along the I-71/75 frontage and in the gap along the northern property line? What about improving the buffers on the side? Perhaps some supplemental evergreens can be added.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Gerry Dusing, attorney, stated that he was representing RES, LLC. He introduced Glenn Crone, President of RES, LLC and Denenna Singleton who is the office manager for the company. She stated that they are a family owned company and have been in business for 3 years but both have been in the trucking sales industry between 25 - 30 years. Ms. Singleton stated that RES has 8 full time employees and several part time employees as needed. They sell semi-trucks and trailers. Their customer base is all over but most is from the tri-state area. About 80% of their sales are negotiated by phone or by email. The other 20% of sales is from walk-in or drive-by traffic from US 25 or I-75. The company delivers the inventory to the buyer. They don't perform mechanical work or recondition work from their location. Those types of activities are sent out to a second party. Usually their inventory is minimal. The proposed site will have the same amount of traffic as the existing site. It will not cause problems with neighboring businesses. The use is similar to Fyda Freightliner south of the subject site but is much smaller. They are a small family owned company. Being small allows them to provide a comparable inventory of vehicles at largely reduced prices. They don't generate one-tenth of the in and out traffic that Freightliner does. The zone change will have zero traffic impact.

Mr. Dusing referred to the vicinity map for the proposed project showing existing land uses and zoning. Most of the area is currently zoned industrial. The site is currently zoned commercial. Historically, tractor and trailer sales were permitted in a commercial zone but it was changed in the 2000s to allow it only in the industrial districts. This is exactly what happened with the Fyda site. The 2040 Future Land Use Map designates the site for Commercial but the site is surrounded by industrial, railroad tracks, I-75 and a major arterial - Dixie Highway. He referred to page 2, number 6 of the Staff Report, which supports industrial uses on the site. On page 3, there is reference to Future Land Use Boundaries being approximate and not fixed. The site has a small portion designated as Rural Lands (RL), which is not realistic. Mr. Dusing described the Richwood East area in terms of proposed land uses as identified on page 4 of the Staff Report. The applicant would like to move down the street as they are leasing property now. They will purchase the new site. It is an ideal site. The mobile homes will be removed from the site. In response to the questions posed in the Staff Report, Mr. Crone offered the following:

- A.) Only the uses of semi truck and trailer sales are being proposed on the site; B.) Twenty tractors and ten trailers will be stored on the site; C.) The gravel storage yard limits will not be expanded at this time; D.) No additional lighting will be added to the site; E.) Parts will be stored inside one of the buildings; F.) They are aware of the monument sign requirements; G.) They are committed to planting landscaping on the upside of the hill located along I-75. There are some existing trees on the sides of the parcel and there are some gaps.

Mr. Dusing stated that the request meets the criteria for a zone change. He identified the text from the Comprehensive Plan which says so.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no one, Chairman Rolfsen asked if any Board members had any comments or questions?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 4, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:10 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Kim Patton

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen called the Public Hearing to order at 9:11P.M. and introduced the third item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff

3. Request of **Jason Horowitz (applicant)** for **Florence KY (SEC HWY 42 and Express) (owner)** for a Change in an Approved Concept Development Plan in Office One/Planned Development (O-1/PD) and Commercial Two/Planned Development (C-2/PD) zones for a 0.97 acre lot located on the south side of US 42, to the immediate west of the property at 8741 US 42 and immediate east of the property at 8755 US 42, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow an automotive repair facility.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. He reviewed the site history. In 1996, there was a Zoning Map Amendment request to re-zone the site and subdivision from SR-1 to O-1/PD and C-2/PD. In 2019, a Site Plan was approved for a Starbucks store along with the shared access and detention basin on the adjoining lot. Mr. Schwartz showed photographs of the site and adjoining properties and described the land uses - St. Elizabeth and an Urgent Care office building, a Verizon store, Erpenbeck Elementary, office buildings and a former bank building. The western third of the site is currently zoned Commercial Two/Planned Development (C-2/PD/CD). This portion of the site is also located in Subarea 9 of the Plantation Pointe North Concept Development Plan. It was intended to be developed with commercial uses consistent with the C-2 zone. Automotive repair is a conditional use in the C-2 zoning district. The eastern two-thirds of the site is zoned O-1/PD/CD. This portion of the site is located in Subarea 10 of the Plantation Pointe North Concept Development Plan. Subarea 10 was originally planned for office uses consistent with the Office-One (O-1) zoning district. Automotive repair is prohibited in the O-1 zoning district but the Planned Development (PD) zone does allow some variation. The site slopes 4 feet from U.S. 42 to Cavalry Drive. The Future Land Use Map designates the site for Commercial (C) uses. Page 3 of the Staff Report contains sections of the Comprehensive Plan that are relevant to the request. Mr. Schwartz showed a series of photographs of the subject site and adjoining properties. The submitted Concept Development Plan shows a 6,081 square foot auto repair facility with 8 service bays. There will be 4 bays on each side of the building and 30 off-street parking spaces. There will also be a shared access drive with Starbucks. An enclosed tire storage and trash area will be constructed. Landscaping will be installed along the site perimeter. Mr. Schwartz showed building elevations. The proposed building will be made of brick with a metal roof. The building will also have a canvas awning. Staff sent out an Agency Memo to the City of Florence and to the Florence Fire Department. To date, no comments have been received. On pages 4-5 of the Staff Report, there is a list of items in which the submitted Concept Development Plan doesn't meet the Boone County Zoning Regulations or the original Plantation Pointe North Concept Development Plan document. In summary, the request is for a Change in an Approved Concept Development Plan.

Mr. Costello inquired on whether the applicant is aware of the special architectural design requirements for the subdivision? Mr. Schwartz responded that it is referred to in the Staff Report (e.g. gable and green metal roof and earth tone colors are required). Mr. Schwartz noted that the Design Review of the proposed building would occur at the Site Plan Review submittal stage.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Bob Gage, GBT Realty, stated that his company will develop the site. The proposed use will be a Firestone Tire Store. Eighty percent of the business is tire sales and installation. They do perform oil changes and ancillary repairs. He has reviewed the Staff Report and feels they can meet all the requirements with the exception of parking. They are requesting 30 parking spaces and are only allowed a maximum of 21 spaces. It is being requested by the retailer. In response to a question by Chairman Rolfsen, Mr. Gage stated tires are stored in an enclosed area and picked up two times a week. All new tires sales and displays will be stored inside the building.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no one, Chairman Rolfsen asked if Board members had any comments or questions? Mr. Hicks expressed a concern about Design Review so that the use does not look like a garage. Mr. Gage replied that it will be addressed in the Design Review process with the doors and gable roof. Mr. Hicks asked if the applicant is required to submit this information as part of this request? Mr. Costello responded that in this case it might be a good idea of having a preliminary design because of the proposed use. It doesn't have to be the final design drawings. The final design drawings would be reviewed at the Site Plan submittal phase. The Zone Change Committee would decide whether to take a look at it now because of the proposed use or agree to a condition. Mr. Gage stated that he has submitted drawings to Staff and received some initial comments. He showed a drawing. Mr. Costello suggested starting with that design and then make any modifications. Mr. Gage stated that he thought they were very close to the Staff's recommendations.

Mr. McMillian asked where are the curb cuts located for the proposed store? Mr. Schwartz replied that the only curb cut is on Cavalry Drive which is shared with Starbucks. There is no curb cut on U.S. 42. Because Firestone will share access with Starbucks, traffic from the site can use Express Street and Cavalry Drive.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 4, 2019 at 7:00 P.M. Chairman Rolfsen also stated that the Public Hearing will be recessed and continue tomorrow, August 8, 2019 at 7:30 p.m. Board and Staff members left the room at 9:27 p.m.

COMMISSION MEMBERS PRESENT:

Mr. Charlie Rolfsen, Chairman, Hearing Examiner

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen called the recessed Public Hearing to order at 7:30 P.M. and re-introduced the third item from the August 7, 2019 Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff

3. Request of **Jason Horowitz (applicant)** for **Florence KY (SEC HWY 42 and Express) (owner)** for a Change in an Approved Concept Development Plan in Office One/Planned Development (O-1/PD) and Commercial Two/Planned Development (C-2/PD) zones for a 0.97 acre lot located on the south side of US 42, to the immediate west of the property at 8741 US 42 and immediate east of the property at 8755 US 42, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow an automotive repair facility.

Chairman Rolfsen (Hearing Examiner) stated that the Public Hearing from August 7, 2019 is re-opened and asked if anyone was present who wanted to speak in favor or against the request. Seeing no one and no further comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2019 at 5:00 p.m. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 4, 2019 at 7:00 p.m. Chairman Rolfsen closed the Public Hearing at 7:31 p.m.

APPROVED:

Charlie Rolfsen
Chairman
Hearing Examiner

Attest:

Kevin P. Costello, AICP
Executive Director