

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
MARCH 17, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed everyone to the Planning Commission's March 17, 2021 Business Meeting. The Boone County Planning Commission, pursuant to KRS 61.826, Kentucky Senate Bill 150 and OAG 20-05, is conducting its regularly scheduled meeting on Wednesday, March 17, 2021 at 7:00 p.m. via live video teleconference. This meeting format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

COMMISSION MEMBERS PRESENT:

Mrs. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jacqueline Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Michael D. Schwartz, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the March 3, 2021 Business Meeting and Public Hearings. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Patton moved to approve the Minutes as presented. Mr. Lunnemann seconded the motion and it carried unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Bunger, Chairman, Kevin Wall, Staff

1. Request of **Farmview Commons, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and conditions. Mr. Wall noted that the request only includes Option A and not Option B. Option B with a proposed car wash has been withdrawn. The Committee voted 2-1 to approve the request with Mr. Lunnemann and Ms. Gulick voting in favor of the request. Mr. Bunger voted against the request. Mr. Wall showed a copy of the revised Option A Concept Development Plan. It has 5 outlots and a senior housing building. He showed exhibits of the architectural concepts, which included flat roofs, pitched roofs, canopies, development materials, detail elements, building elevations and monument signs.

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

Mr. Sean Suder, attorney for the applicant, stated that his team has appeared before the Zone Change Committee twice. His client has accepted the Conditions of approval and is seeking approval from the Planning Commission tonight.

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action tonight? **Mr. Bunger moved to approve the request by Resolution to both the City of Florence and the City of Union based upon the Findings of Fact and Conditions outlined in the Committee Report. Mr. Lunnemann seconded the motion.**

Chairman Rolfsen asked if any Board members had any questions?

Mr. Harper expressed a concern that the City of Union had regarding the impact of the development on Farmview Drive and the need for improvements on the portion of the road in the city limits of Union. He noted one of the conditions discussed the need to make those improvements.

Mr. Bunger noted that the vote on the project was 2-1 in favor of approving the project. He was the lone vote against the project. The request came to the Planning Commission at an early stage. The applicant really did not know what the uses might be other than a car wash which has been eliminated. The Committee members and staff worked diligently with the applicant to produce the best possible plans to the extent possible. He voted against the request for the following reasons. First, the applicant had a lack of interest in upgrading the existing private road to a public road. This road is called St. Elizabeth Way. It is one of the primary entrances to the site. They had not contacted or done any due diligence with St. Elizabeth in order to provide a road with consistent width and pavement design. A better mix of uses should have been found with professional office uses and what is noted as land uses in the Comprehensive Plan. The auto services use on Lots 2 or 3 is really not compatible with other uses like the senior housing building and St. Elizabeth office. The information about potential uses and type of buildings was very limited and was not enough to make a decision. The proposed uses were more auto related and not pedestrian oriented as recommended in the Planned Development (PD) zone. He also expressed a concern about KTC requiring the need for turn lanes on U.S. 42 after the uses are known.

Chairman Rolfsen stated that it made no sense to have an automotive use on the site as he is leaning towards voting no because of the automotive part. Why is it needed?

Mr. Suder replied that the lots along U.S. 42 are considered retail convenient uses. The market calls for an automotive service use in the area like a tire changing or an oil changing facility. They did agree to a condition about keeping the doors on the side of the building and keeping the doors down. It would fit in without being obtrusive. Other uses would be a restaurant or some other retail use. There is only one being proposed on Lot 1 or Lot 3.

Chairman Rolfsen reiterated that the auto service use would represent 20% of the outlot area and it doesn't fit in with the entire development. The auto services business would make a lot of noise while one is outside having lunch. He stated he is not in favor of the automotive service repair use and he will vote no on the request.

Mr. Andrew Feinblatt, realtor, responded that they are reacting to the marketplace. They are hearing from a number of automotive uses for the consumer – higher end suburban uses. It won't be full of shop noise and oil in the parking lot. It is not what they are seeing today. The garage doors tend to be closed. Everything now is being driven by the pandemic. Dining inside is not always the best. There is a lot of demand for outside dining and drive-thrus. Automotive repair tends to be a low traffic generator compared to restaurants. It will balance out the site and keep the traffic in check.

Chairman Rolfsen asked what is meant by a high end automotive repair place? There are always wrecked cars or cars with flat tires in the lot. Mr. Feinblatt replied that Firestone and AAA/Bob Sumerel are examples and one is located across the street.

Mrs. Heilman asked the Staff to review the access plans to the site? Mr. Wall showed the Concept Development Plan. There are no plans to improve the existing road by St. Elizabeth. Mr. Costello noted that the applicant will have access rights to use the road but St. Elizabeth owns it. The applicant was willing to discuss such improvements with St. Elizabeth. The road was intended to serve both properties. The existing road serves two way traffic and the medical office building and bank.

Mr. Bunger stated that the road has a variable width and is blacktopped. It is in average condition and will need to be upgraded with any additional traffic – adequately paved and drainage. Mr. Bunger asserted that there was no effort by the applicant to pursue or commit to the upgrade of the road.

Mr. Wall stated that access to the site is from U.S. 42, Farmview Drive and old U.S. 42. All would have to be reviewed and approved by the Planning Commission.

Mrs. Heilman noted that if the private road wasn't upgraded, then most of the traffic would use Farmview Drive.

Ms. Gulick stated that the proposed drive-thrus don't indicate a 3 sided building wrap around that allows for more staging. She did not mention it at the Committee meeting. The drive-thrus won't work since they only have 2 sides versus 3 sides.

Mr. Wall explained that what is shown on the Concept Development Plan is representations and not specific. It will go through a design phase based on the use/business. Some drive-thrus like a pharmacy/dry cleaners don't have a lot of customers. Mr. Costello mentioned the Slim Chicken site that didn't work on Mall Road.

Mr. Suder mentioned that they only proposed one full drive-thru facility.

Mrs. Steele said that she tended to agree with the Chairman on the automotive repair uses because she owns a similar business. The use seems to be randomly placed with other businesses and a senior living facility. Normally, the repair uses stand alone on a lot, not by restaurants. It is not feasible to keep the garage doors closed during the summer. It is better to keep them open during the summer time.

Mr. Lunnemann stated that the Committee worked hard on where such use should be located. The Committee didn't want it to be at the front door on Lot 1. It was agreed to move such a use to Lot 2 or Lot 3. The doors would be facing the side and not U.S. 42 and would remain shut. Also, we recommended not to have a drive-thru on Lot 1 because of not wanting traffic to spill out onto Farmview Drive. All these changes were made to make the development fit into the community better. It was also mentioned that Bob Sumerel was located across the street and it fit in.

Mr. Suder responded that he did not want the whole development denied over the one use. If that is the way the Planning Commission is going, then he would like to discuss alternatives to the automotive use. Mr. Suder asked if the Commission would be willing to substitute the use for a full drive-thru use on Lot 2? It would result in 2 drive-thru uses on Lots 2 & 3. Is that acceptable? Chairman Rolfsen replied yes and Mrs. Steele said it would but she would like to know more on traffic flows.

Mr. Costello mentioned that it might be better to send the request back to the Committee for consideration. Mr. Bunger noted that they could obtain more information about the private road and senior housing project. Mr. Suder stated that he would be fine sending the request back to the Committee. As a result, Mr. Bunger and Mr. Lunnemann agreed to withdraw the original motion. **Mr. Bunger moved to defer the request until the May 5, 2021 Business Meeting. The Committee meeting will be held on April 21, 2021 at 5:00 p.m. Mr. Lunnemann seconded the motion and it passed unanimously.**

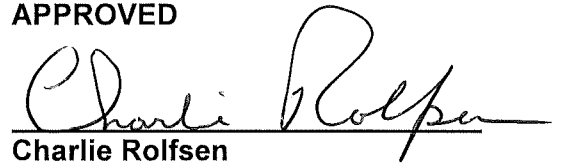
EXECUTIVE DIRECTOR'S REPORT: None

CHAIRMAN'S REPORT: None

OTHER: None

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Mr. Bessler seconded the motion. The meeting was adjourned by unanimous consent at 7:54 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director