

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARINGS
JUNE 2, 2021
7:30 P.M.**

Vice-Chairman Patton opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's June 2, 2021 Public Hearing via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the first item on the Agenda.

ZONING TEXT AMENDMENT – Kevin Wall, Staff

1. Request of the **City of Union** to consider Zoning Text Amendments to Section 3149 "Parking and Storage of Certain Vehicles" of the Boone County Zoning Regulations to: (1) add the provisions regarding parking and storage of certain vehicles which currently apply to unincorporated Boone County and the cities of Florence and Walton; and (2) repeal the provisions regarding parking and storage

of certain vehicles which currently apply to the City of Union. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

Mr. Kevin Wall, Staff, referred to his PowerPoint presentation. The request is from the City of Union. The City would like to change their regulations pertaining to the parking of RVs, trailers, business related vehicles and disabled vehicles. The current requirements relate to a stand alone Zoning Text Amendment dating back to 1998. The Planning Commission actually recommended denial of this Zoning Text Amendment but the City of Union overturned the Planning Commission's recommendation. The proposed language is exactly what exists for the City of Florence, City of Walton and the Boone County Fiscal Court. The proposed language is attached to the Staff Report. The current language that applies to the City of Union is proposed to be deleted and is struck out. There is one provision in the proposed language that will apply to Union that is identical to the City of Florence. It deals with storing vehicles on a paved surface. There are references to the Comprehensive Plan in the Staff Report.

At this time, Vice-Chairman Patton asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Text Amendment request? There was no one representing the City of Union present at the Public Hearing. Seeing no one from the audience, he asked if any of the Board Members had any questions or comments?

Mr. Costello noted that Zoning Text Amendment requests normally are referred to the Technical/Design Review Committee. **Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 16, 2021 at 5:30 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 2021 at 7:00 p.m.** If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Vice-Chairman Patton closed the Public Hearing at 7:35 p.m.

APPROVED:

Kim Patton
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the second item on the Agenda at 7:36 p.m.

ZONING TEXT AMENDMENT – Michael Schwartz, Staff

2. Request of the **Boone County Fiscal Court** to consider a series of Zoning Text Amendments to Articles 6, 7, 8, 9, 16, 20, 23, 25, 31, and 40 of the **Boone County Zoning Regulations** to: (1) define “short term rental”; (2) allow “short term rentals” in agriculture, recreation, conservation, residential, Employment Planned Development/Residential Planned Development (EPD/RPD), Union Commercial (UC) and Small Community Overlay (SC) zones; and (3) add supplementary performance standards for “short term rentals”. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

Mr. Michael Schwartz, Staff, referred to his PowerPoint presentation. The first part of the request is to add a definition of a short term rental. One is being proposed that is identical to the one adopted by the City of Florence in December, 2020. The second part of the request is to add development standards for creating short term rentals. The proposed standards are the same as ones adopted by the City of Florence. The third part of the request is to add short term rentals as a permitted or conditional use in certain zoning districts as noted on the slide. Pages 1-3 of the Staff Report provide a history and background on the issue. Pages 4 and 5 of the Staff Report provide sections of the Comprehensive Plan that are pertinent to the issue. Lastly, Mr. Schwartz showed a map of potential short term rental sites in the unincorporated area as a permitted use or a conditional use. There is approximately 7,300 properties that may be eligible for a short term rental. While that number seems really high by density, you must compare it with the total number of parcels for the entire county, it results in the same ratio that exists in the City of Florence. There is no difference comparing the County with the City of Florence. While the number is high, it is because there are a lot of parcels in the County.

At this time, Vice-Chairman Patton asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Text Amendment request?

Leanne Arlinghaus Pauley, 11363 Big Bone Road, stated that they have one vacation rental in the City of Florence. She explained that it is a nice way to bring families into the neighborhood and a good way to bring out of State business to local businesses. It helps with traveling to the Ark and the Creation Museum.

Ms. Erin McCarthy, 10830 Big Bone Church Road, stated that she is in favor of the request. She is excited about the opportunity since she purchased her farm last year. A number of people have inquired about renting out her farm house. The house is rather large and it could be used for family retreats or reunions. She has had a lot of inquiries from people outside of the State of Kentucky who are interested in coming to the Creation Museum or possibly Turfway Park Racetrack. She frequently rents houses when she travels because it is convenient to have a washer/dryer and a kitchen.

Vice-Chairman Patton asked if any of the Board Members had any questions?

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 16, 2021 at 5:30 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 7:43 p.m.

APPROVED:

Kim Patton
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the third item on the Agenda at 7:44 p.m.

**ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Michael Schwartz,
Staff**

3. Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544

Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

Mr. Michael Schwartz, Staff, referred to his PowerPoint presentation. The site is approximately 2.5 acres and is located on the north side of Burlington Pike about 600 feet west of Utz Drive. The site has approximately 231 feet of road frontage along Burlington Pike. Page 1 of the Staff Report includes a history of the site. The last approved use of the site was an automotive sales facility. Pages 2 and 3 of the Staff Report provide the statutory and regulatory requirements that pertain to the request. Mr. Schwartz showed an aerial photo of the site. It is currently occupied by a one story, 1,200 square foot office/retail building and behind it is a one story 875 square foot auto/garage building. There is also a 25,000 square foot off-street parking area and approximately 1.88 acres of open/green space. There is a large area of existing trees located on the northern part of the site, which is approximately 80 feet in depth. Mr. Schwartz displayed a map showing the current zoning of the site. The southern portion of the site (1.2 acres) is currently zoned C-2/PD/PO. The northern portion of the site (1.3 acres) is currently zoned SR-2/PO. That is the area proposed to be rezoned C-2/PD/PO to match what is in front. Mr. Schwartz described the surrounding land uses and zoning. The site slopes downward from south to north. The average grade is roughly 5% . The site is predominantly located in the 55 DNL noise level. The 2040 Future Land Use Map designates the frontage of the site as Commercial (C) and the rear as Suburban Density Residential (SD) uses. Pages 3 and 4 of the Staff Report contain references to the Comprehensive Plan that are relevant to the issue. The site is located in Subarea 1 of the Central Florence Strategic Plan as noted on Page 5 of the Staff Report.

Mr. Schwartz showed photographs of the site and adjoining properties. He reviewed the submitted Concept Development Plan. He noted that the property owner wants to retain the right to turn the site back into the auto sales use if the proposed business closes and goes away. The existing office building will be used as an office. The existing auto/garage building will be converted into a tap room for indoor seating for eating and drinking. There is a provision for an outdoor patio seating area. There is also a provision for a food truck area. The existing parking area will be restriped for 53 parking spaces. A six foot high solid wood privacy fence will be installed to screen the view from Cardinal Drive. A 4 foot high chain link fence will be installed along the northern and eastern sides of the site. This will be adjacent to the existing 80 foot wide tree area. A four foot high aluminum decorative fence will be installed in the patio area. New landscaping will be installed on the north, west and south sides of the site. The northern area will remain open space. Mr. Schwartz showed some building elevations as well as interior photographs. One bay door will be removed from the auto/garage building and a pedestrian door will be installed. Page 6 of the Staff Report includes the issues that the applicant must address. Pages 6-8 of the Staff Report provide a review of the proposal against the Zoning Regulations which can be discussed at the Committee Meeting. Page 8 of the Staff Report identifies those items that the applicant is requesting a modification through the Planned Development regulations. A chart is provided. The applicant has provided an email from the Kentucky Transportation Cabinet indicating no issues

with regard to access. Yesterday, Staff received an email from Clara and Jeff England. They live on Utz Drive. They identified 4 issues. First, there is a drainage issue from an unmaintained creek bed. It causes running water and ponding. They are concerned about dog feces being washed down into their yard. What about smells and noise (barking)?

Vice-Chairman Patton asked if the applicant was present and wanted to proceed with their presentation?

Mr. Brock MacKay, Viox & Viox, Inc., stated the proposal is an unusual project – The Bark Park and Patio. He introduced Mr. Lee Cahill. Mr. Cahill stated that the proposal is a dog park and a bar. The back part will be the dog park. It will be fenced in. The site will include a patio area and an inside dining area. Dogs will be leashed while they are in the inside dining area and patio area. Dogs will be unleashed in the dog park area. The indoor dining area will have self-serve beer taps. Dogs will be required to have a membership which involves fully vaccinated pets. Dogs will have to be spade or neutered. They will have attendants that will be responsible for watching dog behavior in the dog park area. They will also be responsible for keeping the dog park area clean of feces. Hours of operation are Tuesday thru Friday – 12:00 noon to 10:00 p.m. Saturdays and Sundays will be 10:00 a.m. to 10:00 p.m. There should be no late night noises.

Mr. Mackay stated it is a lease operation. It is an adaptive reuse of the property. They are working with the existing building and existing parking lot. The zone change area will be utilized as a dog park. Currently, the City is working on a Stormwater Watershed Study in the area. More information about this Study will be provided later. Mr. Mackay reviewed the Concept Development Plan. The proposed layout mimics the property on the west side of the site. A black aluminum rail fence will be installed in the patio area.

At this time, Vice-Chairman Patton asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

Seeing no one, Vice-Chairman Patton asked if the existing parking lot would require any landscaping islands? Mr. Schwartz replied that since the parking lot already exists and the applicant isn't proposing any changes other than striping, there is no requirement for additional interior landscaping. Vice-Chairman Patton asked the applicant to at least consider it and the potential to install a double fence to prevent people from entering the property outside of the dog park.

Mr. Costello asked what the applicant was going to do with the office building in front of the tap room. Mr. Cahill responded that they will paint it. They will not brew any beer on the site. Vice-Chairman Patton stated that both buildings should be painted the same to be compatible.

Mrs. Heilman asked what was access to the open space area? Is it Cardinal Drive? Mr. Schwartz replied that will be access from the patio area and parking lot.

Mr. Lunnemann asked how the applicant will maintain the back open space area? Mr. Cahill responded that there will be a fence gate opening to maintain the back area with mowing equipment.

Mr. Szurlinski inquired about lighting especially in the back area where the dog park will be located. Do they plan to install lighting in that area? Mr. Cahill replied that they are planning to keep the existing lighting. They will add low intensity (string lights) with hanging light bulbs in the back front half.

Vice-Chairman Patton suggested that the applicant check with Staff about the lighting lumen standards.

Mr. Costello asked what was the capacity for indoor seating? Mr. Cahill replied 4 tables of 2 person seating. The patio will be 1,000 square feet in size. The idea is for people to go outside. What happens in February? They will have heaters in the patio area as much as possible. Colder months may result in closing down like Fillmore's. Vice-Chairman Patton stated much like Covington Yard.

Mr. Lunnemann expressed a concern about rezoning the site to C-2/PD and potentially allowing a car dealership to be allowed in the rear should the dog park and bar use close. He offered to restrict the car use to the front of the parcel only or where the former dealership existed. Mr. Costello offered to consider other uses. He noted that it is very rare to allow a property owner to go to a prior use as it may have been abandoned. A better solution is to simply come back through the process again for a different use. Mr. Cahill responded that it too was his understanding that the property owner would have to go through the process again.

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:17 p.m.

APPROVED:

Kim Patton
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the fourth item on the Agenda at 8:18 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

4. Request of **William Martin (applicant)** for **Hebron Land Company, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Four (C-4) zone for a 1.29 acre site located at 2575 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit retail, office, commercial service, and eating and drinking establishment uses.

Mr. Kevin Wall, Staff, referred to his PowerPoint presentation. The request is for a Change in an Approved Concept Development Plan. The site is zoned C-4 as a result of a zone change request dating back to 1999. The site was used as a Fifth Third Bank for about 20 years. It is located off North Bend Road next to a Burger King restaurant. The building is 3,500 square feet in size. It was used as a branch bank with drive-through facilities. It has a shared curb cut with Burger King. There is also a shared driveway in the rear of the building that connects to Litton Lane. The applicant would like to modify Condition #6, which limits uses of the existing building. The applicant would like to expand the use list. The current approval is listed on Page 1 of the Staff Report. The proposed uses are noted on the bottom of Page 1 and on Page 2 of the Staff Report. Some of the categories or terminology has changed over time. There is also some duplication of the two lists. No improvements are identified in the application materials. The applicant may potentially close up the drive-through area. If that is done, the square footage would be approximately 5,800 square feet. There are references to the Comprehensive Plan in the Staff Report. The Future Land Use Map designates this site as Commercial (C). The text of the Plan doesn't identify the specific site but it does discuss the context of the area surrounding the site. The site has a lot of existing vegetation on the west and south sides. Mr. Wall showed photographs of the property and surrounding properties. On Page 8 of the Staff Report, there is a combined list, which shows a list of the approved and proposed uses based on the terminology used by the current Zoning Regulations. Most of the uses in the zoning district are identified as office uses or general consumer retail or service uses. Eating and drinking establishment uses will have to be examined more closely because of drive-throughs and outdoor seating. Parking is usually an issue with outdoor seating. The applicant currently has 34 spaces on the site. Perhaps more could be squeezed in. The big issue with the site is the use of the drive-through. It could result in a back-up on the Northwest corner of the site. Perhaps a traffic study could be required if the applicant wants to use the existing drive-through? The Staff did receive a comment from the Kentucky Transportation Cabinet. A Traffic Impact Study may be required depending on the use and whether the drive-through is being utilized.

Vice-Chairman Patton asked if the applicant was present and wanted to proceed with their presentation?

Mr. William Martin, applicant with Brandicorp, stated that the building is in pretty good shape. He doesn't think another bank will locate there. He has a client that has a Domino's Pizza franchise. He has a 10 year signed lease for the store assuming they receive all the necessary approvals. There will be no drive-through. About 75% of their business is delivery. About 20% is pick-up. There won't be any nuisances in the community. It will be a clean operation. He has no intention to do anything with the drive-through. It will be used as a pick-up window. It was suggested that they look at all of the uses for the future. They won't do too much to the building.

Ms. Charlotte Markovich, CFO, Glass Family Pizza, Inc., stated that they have been looking forward to having a business in Hebron for a long time. Also, they have previously converted old banks into stores. One was done in Florence and in Edgewood. They are not a drive-through destination. They prefer walk-ins or pick-up windows. There won't be any parking issues since it is not a restaurant. They will have some tables and chairs for customers to sit and wait for their pizza. It will be seating for 20 people. There is no ordering at the pick-up window.

Vice-Chairman Patton asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

Seeing no one, Vice-Chairman Patton asked if any of the Board Members had any questions?

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:34 p.m.

APPROVED:

Kim Patton
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the fifth item on the Agenda at 8:35 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

5. Request of **Ken Butler (owner)** for a Change in Approved Concept Development Plan in Commercial Two/Planned Development (C-2/PD) and Office One/Planned Development (O-1/PD) zones for a .9703 acre site located at 8747 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval regarding the location of a drive-through menu board sign.

Mr. Todd Morgan, Staff, referred to his PowerPoint presentation. The request involves the relocation of the menu board of a drive-thru sign for Jimmy John's. The original Concept Development Plan was approved in January, 2020. A condition was placed on the property to locate the menu board sign near the southwest corner of the building. It was supposed to be located closest to the Cavalry Drive access point. The proposal involves moving the menu board to the southeast corner or further away from the access point. Mr. Morgan showed a Site Plan that depicted the new location of the menu board. This new location allows for 4 cars to stack in the drive-thru before it impacts the Cavalry Drive access point. He also showed pictures of the current stacking of the drive-thru. He showed photographs of the site, adjoining properties and the menu board. Mr. Morgan noted that since the applicant did not apply for a sign permit for the menu board, Staff didn't know the actual dimensions of the sign. References to the Comprehensive Plan were identified in the Staff Report. Commercial (C) uses are recommended for the site. Mr. Morgan asserted that he preferred the new location of the menu board because it provided for more stacking.

Vice-Chairman Patton asked if the applicant was present and wanted to proceed with their presentation?

Mr. Ken Butler, representing Jimmy John's, stated that when they were building the drive-thru lane, they thought the menu board was too close and traffic would back-up onto the main frontage road. He noted that he can control customers at the menu board to the drive-thru window, but he can't control people sitting at the menu board or beyond. He also stated that he doesn't know why the menu board was left out of the signage package permit application. He agreed to have his sign company apply for the sign permit. Mr. Morgan asked if the applicant would provide the specifications for the menu board first before applying for the sign permit.

Vice-Chairman Patton asked the applicant how long have they been opened? Mr. Butler replied since December, 2020. He also said that the stacking has been going well.

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

Vice-Chairman Patton asked if any of the Board Members had any questions?

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Vice-Chairman closed the Public Hearing at 8:45 p.m.

APPROVED:

Kim Patton
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the sixth item on the Agenda at 8:46 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

6. Request of **Viox & Viox (applicant)** for **ERHAL Holdings LLC (owner)** for a Change in Approved Concept Development Plan in a Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) zone for an approximate 3.5 acre site located at 1200 Bill Wentz Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an alternate buffer yard planting scheme in the north/northeast most part of the site.

Mr. Todd Morgan, Staff, referred to his PowerPoint presentation. The project site is Scheper Ridge, located off Bill Wentz Drive behind CVS and Gunpowder Center. In 2017, there was an approved Concept Development Plan to build a 3 story apartment building with 48 senior apartments. Between the apartment building and the retail strip center, a shared Buffer Yard C was approved – 30 foot wide buffer yard with plantings and a fence. Between the apartment building and Baluyot property Buffer Yard B was approved – 20 foot wide buffer with plantings. He showed building elevations. In October, 2019, the Planning Commission approved a Major Site Plan for the site. A 3:1 slope was approved for the northeast property line. Also approved at the time was a landscape plan that was based on the approved conditions. The applicant is proposing a change to the buffer in the northeastern portion of the property. This change includes an erosion control blanket, 50 saplings (mix of oak, sugar, maple, pine and fir with a wildflower seed mix) to naturalize the steep slope area.

Mr. Morgan showed photographs of the site and adjoining properties.

In regard to Staff Comments, Mr. Morgan stated that Staff doesn't object to the proposed changes as the area is not subject to a public view and the proposed saplings will eventually grow into a dense buffer area as outlined in the red hatch area on the submitted plan.

Vice-Chairman Patton asked if the applicant was present and wanted to proceed with their presentation?

Ms. Katie Kady, landscape architect for the project, stated that their landscaper would not warranty any of the original planting materials on the site due to the steep slope. They will create a buffer but in a different form. A sapling mix will be planted of 30 evergreens along with 20 deciduous trees, all of which are on the recommended Plant List in Article 36 of the Zoning Regulations. It will include pines, firs, maples and oaks. Native wildflowers will also be planted and an erosion control blanket will be installed.

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

Seeing none, Vice-Chairman Patton asked if any of the Board Members had any questions?

Mr. McMillian asked about the entrance to the development? Mr. Morgan responded that the site only has one entrance near Mel's Lane and Bill Wentz Drive.

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:55 p.m.

APPROVED:

Kim Patton
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director