

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
APRIL 6, 2022  
7:30 P.M.**

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Chairman Charlie Rolfsen opened the Public Hearing at 7:39 p.m. and welcomed the audience to the Planning Commission's April 6, 2022 Public Hearing.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the only item on the Agenda.

**ZONING MAP AMENDMENT, Todd Morgan, Staff**

1. Request of **CarMax Auto Superstores, Inc., per Daniel T. Bickett (applicant)** for **AEC Properties, LLC and Welcome Holiday Hotel, Inc. (owners)** for a Zoning Map Amendment from Commercial Services (C-3) district to Commercial Service/Planned Development (C-3/PD) district for an approximate 5.24 acre area located at 8050 and 8053 Holiday Drive, Florence, Kentucky. The request is for a zone change to allow a used auto sales and service facility (tabled at the January 5, 2022 Planning Commission meeting).

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The site is located on west side of I-75 and south of U.S. 42. It includes the Ponderosa property and the Baymont Inn property. It is 5.24 acres in size. The request is to rezone the site from Commercial Services (C-3) to Commercial Services/Planned Development (C-3/PD) to allow a CarMax facility. The submitted Concept Development Plan shows a 7,737 square foot building with sales and service functions. There are 71 customer parking stalls, 172 inventory parking stalls and an unstriped service area that can accommodate 135 vehicles. The inventory lot has a gate. All customers would use Holiday Drive to enter the customer service area. The applicant will install horse fencing along the interstate. The inventory lot is bounded by a u-shaped guardrail/bollard. Usually, the City of Florence doesn't allow fencing in the front yard. The site has a 2,000 gallon fuel tank and a dumpster/tire storage area. Mr. Morgan showed several different building elevations/facades. The materials will include textured and smooth face painted block and a standing seam metal roof. There will be bay doors on the back side of the proposed building. A total of 44 light poles and 16 wall packs are proposed along with 24 foot high light poles. The applicant requested seven waivers including an average of 4.77 foot candles versus the 3.6 foot candle requirement found in the zoning regulations. In addition, the applicant is requesting landscaping waivers. There are no landscaping islands proposed in the inventory lot and they only want to install shrubs around the perimeter of the inventory lot. In regard to signs, he wanted to know how long would the banners remain in place? The applicant will utilize the existing Baymont Inn sign to advertise the site. The existing Ponderosa sign would be removed from the site. The site actually sits substantially higher than the interstate. Holiday Drive will be used by employees and customers. Vehicles will be transported by auto carriers using LaCresta Drive. Mr. Morgan reviewed photographs of the site and adjoining properties. Car carriers will be using U.S. 42, LaCresta Drive, Jameson Lane, Steilen Drive and Holiday Drive. The applicant is currently negotiating road improvements with the City of Florence. Mr. Morgan showed all of the car carrier turning movements entering and leaving the site. The applicant is proposing to install a traffic island on Holiday Drive.

Mr. Morgan noted the applicable regulation on Pages 2-3 of the Staff Report and references to the Comprehensive Plan on Pages 4-7. Staff Comments are outlined on Pages 7-11. How does the proposal meet the Planned Development criteria?

A Traffic Impact Study was submitted with the request and it's part of the record as an Exhibit. Staff would like the applicant to provide an overview of the Study and the proposed road

improvements. Staff would also like the applicant to specifically address the following: Staff was made aware that the applicant's team was still having discussions with Kentucky Transportation Cabinet and the City of Florence when the Staff Report was finalized. Are the proposed road improvements shown in the T.I.S. up to date? Can car carriers safely make all turns? Will any additional right-of-way need to be acquired? Do the 2023 and 2033 Build AM and Build PM analyses for U.S. 42 and LaCresta Drive consider tractor trailer traffic when computing Level of Service and intersection delay? Staff has concerns about increased traffic at this intersection because vehicles turning onto U.S. 42 from LaCresta Drive have approximately 12 seconds of green light time and 2 minutes and 20 seconds of red light time.

Since this is a Concept Development Plan submittal, a complete Site Plan evaluation in relation to the zoning regulations was not conducted. However, Staff has identified the following exceptions to code that the applicant would like to include as part of their application:

1. Section 3311, 3312 and Table 33.1 of the Boone County Regulations require the following:
  - All parking lots to be striped. The service parking lot isn't striped.
  - 90° stalls are required to 9' wide and 18' long. The parking stalls in the sales lot are 9' wide and 17' long.
  - 24' wide driveway aisles are required when 90° parking exists on both sides of a driveway aisle. The driveway aisles in the inventory lot are 20' wide.
  - Interior parking radii to be minimum of 5'. Some of the internal parking radii are shown at 3.5'.

Section 3151 of the Boone County Zoning Regulations requires trash areas to be completely enclosed with brick walls, masonry walls, or wood fences. Chain link fences with slats are not permitted. The dumpster/tire enclosure detail shows the tire enclosure will have a chain link gate with vertical slats.

Section 3316 and Figure 33.6 of the Boone County Zoning Regulations states the overall average light level on site cannot exceed 3.6 footcandles. The submitted lighting plan indicates the overall average is 4.77 footcandles.

Staff would also like the applicant to address the following:

- Is the 4.77 footcandle average only including readings on site?
- Can the light pole heights be reduced?
- Why is the lighting in the sales lot so much brighter than the customer parking lot? There are readings in the customer parking lot that exceed 48 footcandles.

Sections 3327 and 3321 of the Boone County Zoning Regulations require walkways (sidewalks) between parking lots and buildings. The sidewalks are required to be 6' wide or 4' wide if wheel blocks are provided in the parking stalls. Sidewalks are not shown in front of the service building.

Section 3413.4.2 of the Boone County Zoning Regulations permits the site to have one (1) architectural freestanding sign having a maximum height of twenty (20) feet and a maximum sign area of 150 square feet. The submitted concept plan shows the nonconforming Ponderosa freestanding sign would be removed and that the base and the pole of the Baymont Inn freestanding sign will be reused. The new CarMax freestanding sign would be twenty (20) feet tall and 150.82 square feet in area.

Sections 3620 and 3645 of the Boone County Zoning Regulations require perimeter landscaping buffer yards (street frontage buffers and perimeter buffers) to be installed around the perimeter of the site. These perimeter buffers must contain a certain number of trees and shrubs per 100 linear feet. Section 3625 of the Boone County Zoning Regulations requires 5% of the parking lots on site to contain Vehicular Use Area (VUA) landscaping islands. The inventory and service parking lots do not contain any VUA islands.

Section 3655 of the Boone County Zoning Regulations does not permit any fencing within the front yard of a development in the City of Florence. The submitted plans show that U-shaped pipe bollards and a 3'-8" security gate will be located in the front yard and secure the inventory sales lot.

Staff has the following comments pertaining to the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations:

1. Mixed Use Development and Pedestrian Orientation – The development isn't a mixed-use development nor does it have a pedestrian orientation to adjacent properties.
2. Open space – The development does not have useable open space(s) in an amount over and above setback and buffer areas.
3. Multi-Modal Transportation System – The development does not have a multi-modal transportation system.
4. Preservation of Existing Site Features – The submitted plans show vegetation would be preserved along the western property line (buffer between the site and SureStay Hotel). This area is a mix of mature trees and scrubby vegetation. Staff recommends that some supplemental trees should be planted in this area.
5. Landscaping – This criterion states that substantial landscaping is supposed to be provided in a Planned Development with emphasis given to street scape areas, buffer zones, and quantity and quality of materials. While the submitted landscaping plan shows that significant landscaping is proposed, Staff remains concerned about the landscaping waivers that are proposed in the sales lot. The first would eliminate the required VUA landscaping islands in the sales lot and the

second would allow no trees to be planted around the perimeter of this lot. Staff's recommendation would be that the VUA landscaping in the sales lot should be waived only if the perimeter landscaping around this lot is upgraded to comply or exceed code.

6. Architecture – The submitted elevation drawings show that the building will be constructed predominately with painted split-face and smooth-faced CMU. Staff would like the applicant to address if they would be willing to use split-face and smooth-faced CMU that were manufactured with integral colors. Will all of the roof top mechanicals be screened?
7. Signage – Staff does not have any issues with the proposed signage package. The removal of the Ponderosa freestanding sign and upgrade of the Baymont sign would be a major improvement.
8. Conformance with Comprehensive Plan – The Comprehensive Plan needs to be evaluated.

Mr. Morgan indicated that comments were received from the Florence Fire Department, the Kentucky Transportation Cabinet and the City's Administrative Department and they are attached to the Staff Report.

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

Mr. Brad Lauth, Centerpoint Integrated Solutions, Inc., stated that he was representing CarMax Auto Superstores, Inc. He referred to a PowerPoint presentation. He gave a history of CarMax. The proposed store will be the second in the Cincinnati area. He showed the site by referring to an aerial photo. Both of the existing buildings will be demolished. The two lots will be combined into one lot after the purchase of the lots. CarMax has been looking in the Florence market for 10 years. Recently, the company has been working with the City of Florence on the preferred site. It is a great opportunity for redevelopment. In terms of the PD criteria, Mr. Lauth asserts that CarMax meets the compatibility of uses criteria with like uses in the area. They will enhance the landscaping of the site. They are going to reduce the amount of signage on the site. In terms of waiver requests, there are 8 waivers listed in the Staff Report but he feels CarMax can comply with a least half of them. CarMax structures their sales display area in a certain way as there is no public accessible driving in the sales lot. Only the associates will be moving cars around. In order to fit as many vehicles as possible in the sales area, they have 9' x 17' parking spaces and 20 foot driveway aisles. Safety is not much of a concern. The sales display area is not striped because it is not a public accessible area and it is where cars are stored while being inspected and repaired. They agree not to use chain link fence in the storage area. In regard to the lighting, the sales display area is brighter than the rest of the site. It is the showroom of the site. It helps the customers see the car color and imperfections on the car during the day and night. The levels of lighting are dropped down to security levels one hour after they close. Those levels would then meet the 3.6 foot

candle maximum average levels. They will install the sidewalk in front of the building. They will comply with the 150 square foot area sign requirement. They are requesting a partial waiver of landscaping along the front of the sales area due to the elevation of the site as seen from I-75. Installing trees will block the display area. They are willing to redistribute the amount of landscaping. They don't want to put trees in landscaped islands in the sales area due to nesting issues and tree limbs falling on the inventory area. In the sales lot, it is very tight in terms of the amount of vehicles parked in the area. Another waiver is the guardrail. The sales area is a fully secured lot where the keys are secured on each car. A rolled pipe bollard will be installed and screened with hedges. They prefer to use the painted CMU. Mr. Lauth showed a couple of illustrations of the proposed project – along Holiday Drive and in front of the building.

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 Commissioners had any questions or comments?

Mr. Harper stated that he was very familiar with the area. One of the former properties that his company owned was located at LaCresta Drive and U.S. 42. He expressed a concern about the flow of traffic. Traffic on U.S. 42 is extremely heavy in that area. Car carriers making a left turn onto LaCresta Drive is going to be a challenge. Leaving the area will be difficult with traffic exiting the gas station or White Castle's as traffic dumps out. He requested more details on how the traffic will work.

In response to a question asked by Chairman Rolfsen, Mr. Lauth stated that it is an average of 4-8 car carriers per day, six days a week. Mr. Steve Hudak, CarMax, stated that his company has struggled at times with inventory. During Covid, they had an uptick in activity. The demand for cars is great at their facilities and sales have increased. The maximum number of vehicles stored on the site is 172. The site is considered smaller than a typical 15 acre CarMax site. Mr. Hudak explained the hours of operation. Service hours are 7:00 a.m. to 6:00 p.m. Sales hours are 9:00 a.m. to 9:00 p.m. The management team sets the final hours based upon the market. They have two light dimming times when they close. In response to a question about lighting, Mr. Hudak showed a plan that noted the overall site average is 4.77 foot candles but it should be 0 at the property line. There is no additional lighting on the I-75 southbound entrance ramp.

Ms. Gulick asked if the applicant uses all of the same light fixtures on each site? Mr. Lauth replied yes. They are all LED with same color temperature. They are programmed accordingly. The pole is 24' in height plus a 2' base. Ms. Gulick asked if the fixtures facing I-75 would be shielded? Mr. Lauth responded that he would bring a cut sheet showing the cast triangle to the Committee Meeting. Ms. Gulick asked if other dealers had stipulations on light brightness. Mr. Costello responded that he thought they did and Staff would research it before the Committee Meeting. He recalled maybe Toyota and the Honda dealerships.

Mr. Hincks said the type of lights, their location, their elevation and impact on the interstate need to be analyzed. Mr. Costello noted that the need for extra lighting may not be relevant as cars are going 70+ mph and won't be able to see the display area.

Mr. Szurlinski expressed a concern about the car carriers. Are the drivers of the car carriers employees of CarMax? Mr. Hudak explained that the day to day stocking of car inventory is either handled by CarMax drivers or by regional partners. There are some independent contractors but it is a small percentage. Mr. Hudak showed the route car carriers would take and where they would unload cars on the project site. Mr. Lauth noted that 80% of their customers use their website to find a car and then come into the store.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 20, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on May 4, 2022 at 7:00 p.m. in the Fiscal Courtroom.** The Chairman Rolfsen closed the Public Hearing at 8:32 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

Exhibit 1 – Traffic Impact Study