

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 16, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's November 16, 2022 Public Hearings.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Pamela Goetting
Mrs. Janet Kegley
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT and VARIANCES, Alaina Hagenseker, Staff

1. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from sixty (60) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from sixty (60) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is about 4 acres in size and located off Frogtown Road. It has about 315 feet of road frontage. She described the surrounding land uses. The site is currently zoned SR-1. The site slopes from a 900 foot elevation along the road to 920 to the north. The Future Land Use Map designates the site for Commercial (C) uses. The corrected buffer yard variance request is to go from 80 feet to zero on the west side (because it will be considered one property) and 80 feet to 10 feet on the east side. References to the Comprehensive Plan are mentioned in the Staff Report. The submitted Concept Development Plan shows the subject site will be simply an addition to the existing nursery. It will allow more greenhouses, the outside storage of plants, mulch, potting mixes and compost. There is a provision for six 15' & 25' bulk bins to be used for mulch and compost. There is also planned space for 200 square feet in area for bulk items and materials. Mrs. Hagenseker showed photographs of the site. Staff Issues are identified on Page 6 of the Staff Report. A new access point is being proposed to be located about 40 feet from the current one. The Kentucky Transportation Cabinet will not approve 2 access points located close to each other. She mentioned that the shrubs could be eliminated if the buffer yard is increased to more than 30 feet. A landscaping plan is recommended to be submitted for review because of the variance requests.

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

Mr. Wayne Erpenbeck, applicant, stated that the State threw them a curve ball. The State originally approved the new curb cut. Since then, the State changed their mind because they assumed the other curb cut would be eliminated. He stated that he will revise the Concept Development Plan showing the elimination of one of the entrances. They want to have a 10 foot buffer along the interstate leaving existing trees as much as possible.

Mr. Todd Baeten, owner, stated that the goal of the project is to create a better shopping experience. The area has grown and they are landlocked. The property next door became available. They will have elbow room. They need more parking and to relocate the bulk materials. Currently, everyone moves in one direction. They want to separate the residential customers versus the commercial contractor customers. It will create a better shopping experience. It will be

safer for everyone. All the structures on the site will be removed except the barn. It will be relocated. The parking lot will be concrete and gravel.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing none, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Turner asked how many more parking spaces will the applicant have as a result of this addition? Mr. Baeten replied between 10-20 depending on the entrance location.

Ms. Gulick stated that there is a State appeals process for encroachment permits. It is performed by the State Highway Engineer's office. Often, it can override the District's decision. Mrs. Hagenseker stated that curb cut locations can change when sites redevelop or change uses according to the zoning regulations. Mr. Costello noted that the curb cut would align with the Frogtown Road connector. He mentioned a future road widening project for Frogtown Road. He suggested that the applicant obtain an update on the project to see how it would affect their development. Ms. Gulick noted that the State just started the design phase on the project and it may include a sidewalk along their property. She recommended that the applicant contact Mike Bezold at District 6 office. It may end up to be a 3 or 5 lane road. Mr. Baeten noted that the entrance and most of the traffic areas will be concrete.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 30, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:48 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Pamela Goetting
Mrs. Janet Kegley
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:49 p.m.

CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

2. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant)** for **The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is located on the corner of Mall Road and Plaza Boulevard. It has 172 feet of road frontage along Mall Road and 330 feet of road frontage on Plaza Boulevard. She described the surrounding businesses, which included several restaurants. The site is currently zoned C-2/PD/MR. The site is relatively flat and the Future Land Use Map designates the site for Commercial (C) uses. The submitted Concept Development Plan shows 19 parking spaces, a 2,280 square foot restaurant and a drive thru. She showed a series of building elevations and samples of building material. Mrs. Hagenseker showed photographs of the site and adjoining properties. Staff Concerns are noted on Page 5 of the Staff Report. The proposed Taco John's sign will have to be flush to the building. Rooftop mechanicals will need to be completely screened. Details of the proposed retaining wall will need to be provided. Currently, a drive-thru is not permitted in the corner side yard or front yard. The dumpster screening materials will have to be defined. In addition, the City of Florence should evaluate the sidewalk along Plaza Boulevard to determine if a crosswalk is needed to get to the sidewalk on the other side of Plaza Boulevard. She expressed a concern about the use since there is excessive traffic in the area, especially during the holiday season. Comments were also received from the Boone County Building Department regarding parking accessibility – handicapped parking and signage.

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

Mr. Ray Nix, Woolpert, stated that the Staff did a nice job explaining the project. He is available to answer questions.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

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

Mr. Lunnemann asked if Plaza Boulevard is a public or private street? Mr. Costello replied that it is a private street.

Chairman Rolfsen inquired about the use deed restriction? Mr. Nix responded that it is being dealt with as part of the sale of the property. Chairman Rolfsen asked about Taco John's. What type of restaurant is it? Mr. Nix replied it is a midwestern chain like Taco Bell.

Mr. Harper noted that with the limit of right turn in and out, one will have to go to the Florence Mall to turn left because of the stacking of traffic towards Mall Road. Mr. Harper noticed that one will

have to drive completely around the building to get into the drive-thru queue. Mr. Nix responded that if the drive thru is on the same side of the entrance, then they will drive straight in and create a problem with other drivers. It could create a back up on Plaza Boulevard.

Ms. Gulick asked if the applicant considered moving the curb cut further back on the property? Mr. Nix replied that originally they were going to make the curb cut only a right in and out. They will consider moving it back to accommodate a left turn out. Most people will want to go to Mall Road versus the Mall when exiting the site. Mr. Nix stated that they will look at reconfiguring the site and address where to put the parking as a result of the new design.

Mrs. Steele asked if they were going to have dine in activities? Mr. Nix replied yes. The restaurant will have 38 seats.

Chairman Rolfsen asked where the closest restaurant was located? Mr. Nix responded Indianapolis. He asked if the Board would like to see a revised plan of changes at the Committee Meeting. Mr. Chairman Rolfsen responded yes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 30, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:03 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director