

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

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Chairman Charlie Rolfsen opened the Public Hearing at 7:41 p.m. and welcomed the audience to the Planning Commission's December 7, 2022 Public Hearings.

**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. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Patton, Vice Chairman  
Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**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  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

1. Request of **Gregory P. Tilsley (applicant)** for **Graeters Properties Limited (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 5.7 acre area located at 8905 US 42, Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two additional eating and drinking establishments, a central plaza area, and interconnected parking facilities.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. In April, 2014, the Union City Commission adopted a Zoning Map Amendment application for the Kroger Marketplace development. It did include the site in question. In September of this year, the Union City Commission adopted a change to the approved Concept Development Plan to allow a Graeter's store adjacent to the subject site. The site is currently vacant and located next to the Boone County Library. Mr. Schwartz described the adjoining land uses. There is a 100 foot wide utility easement that runs through the property. Access to the site is from an existing driveway serving Wings and Rings and Kroger. The site is currently zoned C-2/PD. Page 2 of the Staff Report provides those sections of the zoning regulations that are applicable to the request. The site has been graded for development. The Future Land Use Map designates the site for commercial use. Pages 3-5 of the Staff Report provide relevant sections of the Comprehensive Plan. Mr. Schwartz showed photographs of the site and adjoining properties. The submitted Concept Development Plan shows a two story building with 8,086 square feet for the first floor, a 1,688 square foot mezzanine and a 1,443 square foot terrace. The proposed use is a Dewey's Pizza restaurant and Braxton Brewery. An outside lawn area is proposed and a beer garden plaza. The applicant has submitted a set of building elevations. A decorative beer silo is being proposed. It is designed as a sign. Building mounted signage is being proposed as well as a mural. Pages 6-8 of the Staff Report includes an evaluation of the proposal in relation to the zoning regulations. Page 8 of the Staff Report identifies those requirements that are to be waived or modified under the PD regulations. It includes allowing building mounted signage on all 4 sides and allowing it to be larger than what is normally permitted. The silo is larger than what is normally allowed for a sign. The applicant is also requesting a reduction in the buffer yard width between the C-2 and SR-1 zoning districts. Page 8 of the Staff Report also identifies a number of Staff concerns. One includes the existing driveway connection built by Kroger in the past. The applicant is not going to utilize this access point. In summary, the request is for a Change in Concept Development Plan to allow a restaurant and brewery.

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

Mr. Greg Tilsley, applicant, stated that his firm is the project architect. The site will be sold to a new owner. The 100 foot wide utility easement is problematic. The building would either have to

be north or south of it. His client chose north because it lines up with the Graeter's building. The green space will be a beer garden. There will be connectivity. The sidewalks will be widened to accommodate people. It will be customer focused. The existing access will be shared with Graeter's. The parking lot will be closer to Kroger. The building is designed to accommodate people in different areas. He considers it a one story building with a mezzanine. One will be able to see people and activity on the terrace. It will be a fun place to go. The front door to both businesses are oriented towards both green spaces. The building is turned on an angle. Garage doors will open up when there is nice weather. They are still working on the landscaping plan. It will be an important feature to the space. It is a unique site since all 4 sides of the building can be seen.

Mr. Tilsley commented that the owner wants to put a mural on the building similar to the Graeter's building. The silo is not a sign but rather a piece of equipment. The main door to the building is just beyond the silo. Instead of hiding it, they would like to feature it just beyond the service area. It is out of the way. Silos are needed at all breweries. There will be no graphics on the silo. It won't be painted in the Braxton colors unless it is permitted. The other signs are fully compliant. They are allowed 438 square feet of signage. The mural is 474 square feet in size. The Braxton and Dewey's signs are a total of 271 square feet. The building will look unique with the 4 signs. He is willing to add the Kroger curb cut. It is not a deal breaker for them. It would eliminate about a half a dozen parking spaces. If the fire department feels it is necessary, they would consider adding it. They want everyone to come in and exit at the same location. It was probably put in in the event the parcel was subdivided into 3 parcels.

In regard to the buffer, their site is adjacent to about 50-60 linear feet of the residential neighborhood. There is a 37 foot wide buffer planned in that area. They felt a 10 foot buffer on the library site was more important than the 10 foot buffer on the Wings and Rings site. The library site is 20 feet lower than the subject site. If they installed a 10 foot buffer next to the Wings and Rings they would lose a whole row of parking. It will be a deal killer. It would be a 2.5 foot concession. The design is currently 60% brick and glass. The other materials are wood and metal (31%). It follows the Braxton and Dewey's brand edgier. It is more of design focus. It is not the material but how it is used.

Mr. Chuck Lipp, President of Dewey's Pizza, stated that he has 24 locations in 5 states. This is the coolest and neatest space. The common areas are fantastic. It will be a great experience.

Mr. Jake Rouse, Braxton Brewery, stated that he got his start about 100 yards from the site on Braxton Drive. They are coming home and he would have loved having this when he grew up in Union.

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

Mayor Larry Soloman stated that he understands the role of the Planning Commission in assuring good design. He is supportive of the proposal and looking forward to having Graeter's, Braxton and Dewey's in Union.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Lunnemann asked if the silo was an active working silo in the beer production process? Mr. Tilsley stated that there is a brewery inside the building. Mr. Rouse replied that it will be used to store grain. It will be used within a year of when the facility is operable. Mr. Lunnemann asked the applicant to show a preliminary landscaping plan at the Committee Meeting. Mr. Tilsley replied yes as they have hired Kleingers to do the site plan – the same firm that did the Graeter’s plan. Mr. Lunnemann also requested to see more detail of the building materials on all 4 sides. Where will the materials be located on the building and perhaps the applicant can bring samples of the building materials? Who owns the detention basin adjacent to the site? Mr. Tilsley explained that it will be owned by Graeter’s but be maintained by Kroger. Mr. Lunnemann expressed a concern about maintenance. It is unsightly, at times, especially as it is at the front door of their development.

Mayor Solomon noted that Graeter’s will sell it back to Kroger for a dollar to maintain it.

Mr. Costello asked who will be owner of the subject site? He recommended a shared parking agreement with Kroger for overflow parking and using the second curb cut for 2 ways in and out of the site. Mr. Lipp replied that Dewey’s will purchase the property and Braxton’s Brewery will be the tenant.

Chairman Rolfsen asked the applicant to have pedestrian access to the library site and adjoining residential neighborhood. Mr. Tilsley repeated that there is a 20 foot drop to the library site. Mr. Costello told the applicant to contact Ms. Carrie Herman, the Library Director. There was a condition to make a connection from the previous approval. There could also be some shared parking between the sites. It would have to benefit both parties.

Mrs. Goetting inquired about providing specifics for the proposed plaza. Mr. Tilsley responded that they contacted the utility and they really don’t want anything in the space since they may have to drive a truck through it. Mr. Tilsley replied that the area will be lower level landscaping and perhaps some casual or movable furniture - benches, chairs, fire pits and lighting.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on January 4, 2023 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 8.35 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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Kevin P. Costello, AICP  
Executive Director**

**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  
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Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the second item on the Agenda at 8:36 p.m.

**ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff**

3. Request of **Vision Engineering, LLC, per Jihad Hillany (applicant)** for **City of Florence (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 196.5 acre area located at 7500 Turfway Road, Florence, Kentucky. The request is for an amendment to an existing Special Sign District in a Recreation/Planned Development/Houston-Donaldson Study Corridor Overlay (R/PD/GDO) district to allow for an electronic message board/screen.

Staff Member, Todd Morgan, referred to her PowerPoint presentation. The applicant wants to amend their 2021 Special Sign District approval. The proposed sign will be located in the paddock area. It would be a tv screen 22 feet tall oriented towards the paddock and race track advertising horse racing events. He showed a drawing of the proposed sign. It would be 123.72 square feet in size. Mr. Morgan showed drawings and photographs of the other signs in the special sign district as well as the proposed sign site. Mr. Morgan asked how will the back of the proposed sign be finished? The back will be seen from the parking lot.

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

Mr. Jihad Hallany, applicant, stated that the back of the proposed sign will be metal and will match the black fence and poles.

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?

Ms. Gulick inquired about the video playing on the existing sign at the main entrance? Is that legal? She has heard some complaints about the sign being a distraction. Mr. Morgan replied that he recollected that the sign would not be permitted to have live t.v. or moving images. He explained that the City's Code Enforcement Board could look into it to see if it is compliant. Mr. Morgan noted that there is an 8 second requirement for images to remain. He also read the conditions which stated no motion allowed – no scrolling and flashing allowed. He will contact the City of Florence to investigate it. It has to be static.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on January 4, 2023 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 8:42 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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