

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JUNE 7, 2023
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's June 7, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

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

Chairman Rolfsen introduced the first item on the Agenda at 7:30 p.m.

ZONING TEXT AMENDMENTS, Michael Schwartz, Staff

1. Request of the **Boone Fiscal Court, per Jeff Earlywine, County Administrator**, to consider Zoning Text Amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional

Use within the Graves Road – Residential (GR-R) district; (2) add Short Term Rental as a Conditional Use within the Graves Road – Commercial (GR-C) district; and (3) add Short Term Rental as a Conditional Use within the Graves Road – Business Park (GR-BP) district. The request is to hear and evaluate comments on proposed Text Amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). It is a request from the Boone County Fiscal Court for a Zoning Text Amendment as it applies to the three Graves Road Zoning Districts. According to the map, the Residential District is identified as yellow, Commercial as red and Business Park as blue. The request is to allow Short Term Rentals as a conditional use in all 3 zoning districts. Page 1 of the Staff Report describes the history of the Graves Road Study and its adoption process and the Short Term Rental Report. The two studies ran parallel to one another and that is why they didn't mesh at the end. The details of the Graves Road Study were prepared in the beginning and that is why the Short Term Rentals language was not added at the end of the process. Pages 2 and 3 of the Staff Report includes sections of the zoning code. Currently, Short Term Rentals are a Conditional Use in residential zoning districts and prohibited in commercial and industrial zones. Short Term Rentals are not allowed in the Cities of Union and Walton at all based on zoning. When the Graves Road Commercial District was established, 11 single-family houses in the Study area became non-conforming uses. When the Graves Road Business Park District was established, 43 single-family houses became non-conforming uses.

Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 21, 2023 at 6:30 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:40 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

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

Chairman Rolfsen introduced the second item on the Agenda at 7:41 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

2. Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). He described the site history. In 2021, the Short Review Process was approved to convert a roller rink into an autobody shop for Tom Gill's Chevrolet. The current proposal would allow vehicles being repaired to be stored in the northern parking lot, facing Commerce Place. Mr. Morgan gave an overview of the project, which included fencing along Commerce Place. The site is zoned C-3/PD and the applicant wants to create a storage area for cars awaiting service. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for commercial uses. Mr. Morgan outlined his concerns.

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

Mr. Stacey Graus, attorney, stated that Mr. Gill needs to expand the outdoor storage area for vehicles awaiting service. They plan to install a 6' high privacy fence along Commerce Place. This will become a damaged car lot that will be screened from view. All vehicles in this area are operable. They are just waiting for service. Nine additional parking spaces are proposed in the northern parking lot. Two handicapped spaces will be relocated to the western side of the site. Mr. Tom Gill stated that the vehicles in question are drivable. Towed vehicles are going to the Chevy dealership and not to this site. The building has been open for six months and they have tripled their business.

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

Seeing no one, Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant.

Mr. Lunnemann asked what was the distance between the sidewalk and privacy fence? Mr. Mike Wolfe, architect, replied about 6 feet. The fence is on the Collision Center side.

Seeing no further questions or comments, Chairman Rolfsen announce that Committee Meeting for this item will be on June 21, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:49p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

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

Chairman Rolfsen introduced the third item on the Agenda at 7:50 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

3. Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report).

The site is approximately 3 acres in size and is located off Constitution Drive. The history of the site is included in the Staff Report. Currently, there is a 22,000 square foot retail service building located on the site and an 85 space off-street parking lot. Mr. Schwartz reviewed the surrounding land uses and zoning of the site. Pages 1 & 2 of the Staff Report outline the applicable regulations to the site. The site is designated for Commercial (C) use according to the 2040 Future Land Use Map. Other references to the Comp Plan are identified on Pages 3 and 4 of the Staff Report. The site is located in the 60 DNL noise level. Mr. Schwartz showed photographs of the site. The proposal includes an 8,000 square foot building addition and a new 4,000 square foot building. An 18 foot high retaining wall would be constructed on the site. The parking lot will be reconfigured to include 127 parking spaces.

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

Mr. Steve Berling, Engineer, explained the project and noted that Mr. Ireland has 2 tenants that want to expand in the existing building and he wanted to include another building on the site. Chairman Rolfsen asked if the expansion was for Steve Ireland's business? Mr. Berling replied no. It is for Jump Zone. The free-standing building would be multi-tenant offices.

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

Seeing no one, Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant.

Mrs. Steele inquired about storm water detention for the additions? Mr. Berling replied there is an existing detention pond on the site. It would have to be expanded.

Seeing no further questions or comments, Chairman Rolfsen announced that Committee Meeting for this item will be on June 21, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:02 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

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

Chairman Rolfsen introduced the second item on the Agenda at 8:01 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

4. Request of **Restaurant Holdings LLC, per Ana Pelhank (applicant)** for **MassiveG2.0 LLC (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district for an approximate 0.56 acre area located at 7303 Turfway Road being immediately to the northwest of the property located at 6808 Burlington Pike, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow an approximate 2,300 square foot eating and drinking establishment with drive-through service.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report).

The site is the former Krispy Kreme donuts lot. A 2,300 square foot Taco John's restaurant is proposed with 38 indoor seats. It is located off Turfway Road. A total of 9 parking spaces are located on the site. The applicant is entering into an agreement with Frisch's to use 10 of their parking spaces. The applicant is required to have a total of 19 parking spaces. A walkway is proposed to link the site to the Frisch's site next door. Mr. Morgan expressed a concern to install trees instead of shrubs on the east side of the site. He showed building elevations. Most of it will be brick, aluminum panels and fiber cement panels. The proposed channel letters need to be flush on the building. The original Concept Development Plan dates back to 1993. The proposed use is in compliance with the original Concept Development Plan except for the parking condition. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for Commercial (C) use. The site is subject to architectural review outlined in Section 3199 of the Zoning Regulations. The site does not meet the driveway stacking requirements. Those can be modified by the Zoning Administrator or through the zoning process. The primary entrance should be facing Turfway Park. Mr. Morgan asked the applicant to provide building materials percentages. He also inquired about building colors. Could color swatches be provided? Rooftop mechanicals should be screened from public view. All building signage should be channel letters. Will there be a loading area? If so, what about deliveries? Has Frisch's agreed to provide 10 parking spaces? Is there a written agreement? Will the parking area be resurfaced? A sidewalk connection should be made to Turfway Road. The dumpster pad should be enclosed with matching brick and steel doors. The proposed free standing sign can be constructed with a matching brick base. Trees proposed in the front yard seem excessive. Could some be relocated to the southwest property line? Comments about the project from the City of Florence are attached to the Staff Report.

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

Mr. David Fukenik, real estate manager with the applicant, stated that Taco John's is a relatively new brand with 4 stores in operation already and 3-4 under construction. His team has reviewed the comments on the project and they will revise the plans to be in compliance with the PD requirements.

Ms. Sarah Kramer, Woolpert, stated that she is able to answer any engineering questions.

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

Seeing no one, Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant.

Mr. Costello asked who will own the property? Mr. Fukenik replied Restaurant Holdings will buy the land, build the restaurant, then sell the land with a lease of 20 years.

Ms. Gulick asked if the applicant had any concerns of the drive thru stacking window? Mr. Fukenik responded they have stacking for 7 cars and they will try to get another space. It is a small site.

Mr. Costello noted that the Mall Road site had more stacking. Mr. Lunnemann inquired about the percentage of material used on the front? Mr. Randy Chenoweth, Meritage Construction, stated that the front is mostly brick (75%) and not cement board (15%).

Mr. Lunnemann asked about relocating the doorway to face Turfway Road? Mr. Chenoweth replied that they could do it as their team is already looking at it. The HVAC will not be visible and will be located in the back of the building. It won't be visible to the public. The hours of operation will be 6:30 a.m. to 12:00 midnight, 7 days a week. The proposed site will replace the Mall Road location.

Seeing no further questions or comments, Chairman Rolfsen announced that Committee Meeting for this item will be on June 21, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:23 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director