

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 2, 2023
7:30 P.M.**

Vice-Chairwoman Gulick opened the Public Hearing at 7:36 p.m. and welcomed the audience to the Planning Commission's August 2, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
M Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
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
Mr. Steve Lilly, PLS, GISP, Planner

Vice-Chairwoman Gulick introduced the first item on the Agenda at 7:36 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

1. Request of **Dan Hughes (applicant/owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 3.9 acre area located at 8269 Pleasant Valley Road, and includes the adjoining parcel having a Parcel Identification Number (PIDN) of 062.00-00-008.25,

Florence, Kentucky. The request is to allow for the future subdivision of the property into smaller residential lots.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The site is located at the corner of Pleasant Valley Road and Valley View Drive, within the City of Florence. The property is currently divided into 2 parcels. There is an existing house and a detached garage on the site. Both parcels are accessed by an existing curb cut off Pleasant Valley Road. The site gently slopes by 4% towards the western portion of the property. The existing zoning is A-2. Mr. Lilly described the adjoining land uses and zoning (SR-1 and A-2). The 2040 Future Land Use Map designates the site as Rural Density Residential (RD) which allows one dwelling unit per acre. Pages 2-4 of the Staff Report refers to the pertinent sections of the Comprehensive Plan and the site in question. It is located in the Airport's 55 DNL noise contour. Mr. Lilly showed photographs of the site and surrounding properties. The applicant has not submitted a Concept Development Plan. There are no immediate plans for the property but he would like the option to subdivide additional building lots in the future. The applicant has submitted a letter which is attached to the Staff Report. The Kentucky Transportation Cabinet will not allow additional access points on Pleasant Valley Road. Any access to Valley View Drive will have to meet the distance requirements. There doesn't seem to be any sight distance issues, the City of Florence has noted that any future residences will have to connect to public sewer. There is also a concern about a higher density that is allowed in and SR-1 Zoning District.

In terms of Staff concerns, the maximum number of units on the site could be 15 dwelling units based upon SR-1 zoning. Would the applicant consider restricting the total number of lots on the subject property? In addition, the applicant has not indicated the intended access to the new lots. Staff suggested limiting access to the new lots from the existing driveway on Pleasant Valley Road or off Valley View Drive. The final concern was the connection to public sanitary sewer. Mr. Lilly noted that an email was received from Ms. Teresa Kahmann (See Exhibit 1).

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

Mr. Dan Hughes, applicant, 8269 Pleasant Valley Road, stated that he is amenable to all of the Staff concerns. He is willing to limit the number of lots to 2 (1 per acre). He is also agreeable to access the additional lots through the current driveway. Finally, he is willing to connect the new lots to public sanitary sewer since a line was built in the area for future connections.

Vice-Chairwoman Gulick asked if anyone in the audience had any comments or questions?

Ms. Teresa Kahmann, 8720 Valley View Drive, stated that her father developed the neighborhood in the early 1970s. The property in questions belonged to Joe Collett at the time. It was intended to be part of the subdivision as the entrance to it. The lot was sold separately as their entrance is off Pleasant Valley Road. She expressed a concern for no Concept Development Plan and no limitations. She doesn't object to splitting the property as long as it is done in a way that it is

appropriate. It should be limited to 1 acre lots. Ms. Kahmann submitted a drawing showing her suggestions on how to divide the property (See Exhibit 2). There should be a Concept Development Plan in place in case Mr. Hughes does not build at first. Someone else would have to follow it instead of no restrictions.

Mr. Doug Daniel, 8710 Valley View Drive, stated that he and his wife are opposed to the project because there is no Concept Development Plan. Things can happen in the future unless there are restrictions. Ingress and egress should be nailed down. The character of the neighborhood allows people to walk their dogs. Adding more traffic to Valley View Drive is going to be tough because of turning movements on Pleasant Valley Road. What is proposed is not in character of when he built his house in 1992. This will set a precedent in the subdivision. Others will be able to subdivide.

Ms. Linda Smith, 8700 Valley View Drive, stated that she does like the park setting of the neighborhood. The proposal will affect it. Fifteen smaller houses could be built on the property. It would affect the integrity of the subdivision. She has improved her house over the past 50 years. She is not opposed to two additional homes. There are 39 homes in the neighborhood and it is a friendly area.

Mr. Frank Butler, 8664 Valley View Drive, noted that he was the first to build in the subdivision (1971). There were many rules about building garages and pools that have been followed. He is open to development but not multi-family housing.

Mr. Larry Fathman, 8785 Skyview Drive, asked if Mr. Butler's house was one of the houses already zoned SR-1? Mr. Lilly will research the questions for the benefit of the Board members. Mr. Fathman is against the project and Mr. Hughes should follow the existing regulations. He prefers to only allow one additional lot. Either A-2 or RS zoning would be more appropriate.

Mrs. Mary Gold, 8675 Valley View Drive, stated that she just moved to the neighborhood about a year ago. It is an older, established neighborhood. Her main concern is keeping the ambience in the neighborhood and running a driveway down the side of her house. Her house is directly behind the site in question. She doesn't want to move again. She just wants to see a firm plan to see what they want to do.

Mr. Tom Wingo, 8638 Valley View Drive, stated that he doesn't want to see a driveway outside his front door. He also doesn't want to see seven houses on the site. A firm plan with 1 or 2 houses is ideal for him.

Mr. Martin Cahill, 8698 Skyview Drive, said that he built his house in 1975. The attraction to the place is the 2 acre lots. He had to have septic tanks and cisterns installed at the time. If the applicant is allowed to put more houses on the site, what prevents him from doing the same. The previous owner bought 2 lots to build on. Access is easily achieved off Pleasant Valley Road. There is no reason to have an entrance off Valley View Drive.

Vice-Chairwoman Gulick asked if any Commissioner had any questions or comments for the applicant.

Mr. Harper suggested that the applicant prepare a plan that showed access and the division of the lots. It would be helpful to have it at the Committee Meeting.

Mr. Hughes apologized for not having a detailed plan. He bought the land for the same reasons as the neighbors bought their property. Originally, family members were going to build on the extra land. He is willing to limit the number of lots and limit access to only Pleasant Valley Road.

Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on August 30, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Vice-Chairwoman Gulick closed the Public Hearing at 8:13 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Email and drawing from Ms. Teresa Kahmann
Exhibit 2 – Drawing submitted by Ms. Teresa Kahmann

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
M Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
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
Mr. Steve Lilly, PLS, GISP, Planner

Vice-Chairwoman Gulick introduced the second item on the Agenda at 8:14 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **CPRE TP Boone Limaburg LLC/Chavez Properties, per Martin Chavez (applicant) for CPRE TP Boone Limaburg LLC, per Martin Chavez (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 1.0 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky. The request is to place an overall approximate 27.4 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky, in one zoning district so that it can be developed in accord with the I-1 district.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). The approximate one acre site is part of a larger tract containing approximately 27.4 acres. The site is located on the east side of Limaburg Road and north of Distribution Drive. It has approximately 230 feet of road frontage along Limaburg Road. The site is occupied by a house. Access to the site is via an existing driveway. It is currently zoned Rural Suburban (RS). The remainder of the property is zoned Industrial One (I-1). The area to the north was subject to a zone change application that was recently withdrawn before action by the Boone County Fiscal Court and after the Planning Commission's denial. Mr. Schwartz described the surrounding land uses and zoning. Pages 1 and 2 of the Staff Report outline the applicable sections of the Zoning Regulations to the site. The site slopes downward from front to back. The 2040 Future Land Use Map designates the site for Industrial (I) use. Pages 2-4 describes the appropriate sections of the Boone County Comprehensive Plan. The site is located in the 55 DNL of aircraft noise. Mr. Schwartz showed some photographs of the site. The applicant has not submitted a Concept Development Plan and has submitted reasons for doing so.

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

Ms. Loren Wolff, attorney for the applicant, stated that the larger parcel is zoned I-1 and will be used for a permitted use in that zone. The primary reason for the one acre zone change is because of road frontage. It is good to have one zoning district for the entire property. That will allow it to deal with buffers and ingress/egress. The request is in agreement with the Comprehensive Plan including the 2040 Future Land Use Map. The property is a key parcel around the airport.

Mr. Martin Chavez (owner) stated that he would like to add the 1 acre parcel to the 27.4 acre tract and market the property. Plans for the use of the property are in flux. Whoever develops it, it will be for industrial use. That is what the market is saying today. It is a small but important step to rezone the small parcel so all of it can be developed.

Vice-Chairwoman Gulick asked if anyone in the audience had any comments or questions?

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, is concerned about Limaburg Road. Tractor trailers park by her mailbox. Limaburg Road needs to be fixed as an industrial road. It is a two lane country road. There have been accidents on Limaburg Road. Trucks cannot fit on Limaburg Road. They are forced off the road. She is not against development but is more concerned about the safety of the road. The road needs improvement before building.

Vice-Chairwoman Gulick asked if any Commissioner had any questions or comments for the applicant.

Mr. Lunnemann stated that it is difficult to determine the impact of the request when there is no Concept Development Plan. What are the improvements needed to Limaburg Road as a result of your project?

Mr. Harper inquired about the current access to the 1 acre parcel. Mr. Schwartz replied that the site today has a separate access point. However, the 27.4 acre parcel has plenty of road frontage to provide access.

Ms. Wolff remarked that the challenge was the fact that the use is unknown. The list of industrial uses are wide in scope and have different traffic impacts. The access will be driven by the ultimate use planned for the property. Mr. Costello noted that regardless of the zone change request, the applicant would still need to provide a Traffic Impact Study for access to Limaburg Road. Ms. Wolff stated that with more road frontage available, the access could be planned more safely. Vice-Chairwoman Gulick stated that if the applicant doesn't know the traffic impact perhaps the applicant could look at conditions/uses in order to limit it. How much traffic is feasible in the area?

Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on August 16, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Vice-Chairwoman Gulick closed the Public Hearing at 8:35 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
M Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

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Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
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
Mr. Steve Lilly, PLS, GISP, Planner

Vice-Chairwoman Gulick introduced the third item on the Agenda at 8:36 p.m.

CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

3. Request of **Capital Growth Buchalter, Inc., per Kirk Farrelly (applicant)** for **Victor Connell, Carolyn Riley-Connell, and ZNM Properties, LLC, per Gerry Pizzano (owners)** for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2 acre area located at 7640 and 7670 Burlington Pike, being the properties located at the northwest corner of the Burlington Pike/Cardinal Drive intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow a 5,919 square foot convenience store with gasoline pumps.

Staff Member, Steve Todd Morgan, referred to his PowerPoint presentation (See Staff Report). The site is located at the corner of Burlington Pike and Cardinal Drive. It is the former Angel Animal Hospital site and a vacant service station lot. The submitted Concept Development Plan shows a 5,919 square foot Wawa convenience store and a 29' x 20' fuel canopy with 8 islands (16 dispensers). There is no planned access onto KY 18. The closest access to KY 18 from Cardinal Drive is a right in and out. There is also a planned access off Cardinal Drive/Commerce Drive. The dumpster has an enclosure. There are 52 parking spaces, of which 10 are EV charging stations. There are 4 underground fuel tanks, perimeter landscaping, 2 free standing signs (each 20 feet tall and 70.77 square feet of signage with LED prices), building mounted signage and underground detention. Mr. Morgan showed building elevations – brick, EIFs and stucco. The building is 91' x 68' in size. He showed drawings of the fuel canopy and the signage. The applicant is requesting two free standing signs under the PD requirements.

The applicant is requesting 9 exceptions to the PD zoning which includes only 375 feet of lot frontage on Cardinal Drive, the access point closest to KY 18 is 89 feet instead of 230 feet, the parking lot, sidewalks and loading zone encroach into the 10' buffer along the northwest property line, no VUA landscaping requirement, the perimeter buffers do not meet shrubbery requirements, two freestanding signs, LED fuel price displays would be subject to a Variance or a Conditional Use Permit, the rear façade appears to have too much building mounted signage and the gas canopy support columns contain signage.

Mr. Morgan described the zoning of land surrounding the site and showed photographs. The 2040 Future Land Use Map designates the site for Commercial (C). Mr. Morgan explained that he included many sections from the Central Florence Strategic Plan in the Staff Report including a reference to a convenience store/gas combination. Mr. Morgan referred to Staff Concerns in the Staff Report, which includes the 9 exceptions and the PD standards. It includes sidewalk connections. What about the hours of operation? Is there an intercom system proposed? What about overhead lighting? What about meeting the buffer and landscaping requirements? Small trees should be planted in the utility easement areas. Do the building elevations match and will any of the rooftop mechanicals be seen from KY 18 or Cardinal Drive? A traffic study has been submitted as part of the request. Staff provided a summary of the peak volumes. Staff received an email from Josh Hunt, the Director of Administration/City Administrator for the City of Florence, regarding the request. It outlines six significant concerns regarding the Concept Development Plan and Traffic Impact Study. Staff is concerned the development would have two curb cuts on Cardinal Drive and that no access is proposed on KY 18. Ideally, Staff would like to see a right-in/right-out or right-out access point on KY 18 so all traffic entering and exiting the development didn't have to use Cardinal Drive. However, Linzy Brefeld, with Kentucky Transportation Cabinet, provided an email indicating that access will not be granted on KY 18. Cardinal Drive is a two-lane road which has recently seen traffic increases because of the raised median that was installed on KY 18 between the northbound Interstate access ramp and Commerce Drive. This raised median prohibits eastbound traffic on KY 18 from turning left onto Commerce Drive and requires Cardinal Drive to be used to access Tom Gill Chevrolet, hotels, and other businesses. Based on the 2023 and 2033 Build AM and PM Peak Hour Vehicle Volumes, Staff is concerned

about vehicle queuing on Cardinal Drive. Staff did some rough timing and found that vehicles turning left onto KY 18 from Cardinal Drive have approximately 10 seconds of green-light time and 4 minutes and 45 seconds of red-light time. The access point located closest to KY 18 is approximately 89' from the intersection and is labeled as a right-in/right-out only. Staff would like the applicant to address if an island is being proposed in this access point to restrict left hand turning movements in or out of the development. An alternative would be for the City of Florence to consider breakaway bollards in the Cardinal Drive right-of-way to restrict left hand turning movements. Staff would like the applicant to provide the turning movements of gasoline tankers into and out of the site. Staff would also like the applicant to address where the gasoline tankers will park when they are delivering fuel.

Staff has some additional comments: 1.) The sign exceptions that are being sought with the application need to be analyze. 2.) Staff recommends that a consolidation plat be required if the application is approved. 3). The applicant should provide EV charging specifications. 4.) All outside equipment, such as ice machines, propane storage, vending machines, etc., need to be defined.

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

Mr. Patrick Warnement, real estate project engineer for Wawa, stated that Wawa is based in suburban Philadelphia and owns about 1,000 stores. They would like to build another 1,000 stores in the next 10 years in new markets in Ohio, Kentucky, Indiana and Tennessee. He agreed with Staff about having a right in and right out off KY 18 but the State will not allow it. That is why they would like 2 access points off Cardinal Drive. The curb cut closest to KY 19 will be right in and out only. The business is open 24 hours a day. They will submit a landscaping plan and are agreeable to adding landscaping. They will work with the Board to reduce the number of exceptions. They are open to using natural colors on their building as other communities have asked the same thing. The type of zoning will be the same as Speedway next door. They have extra parking because food comes before fuel. They didn't sell fuel until the mid-1990s. Many people will come to buy a hoagie and never buy gas.

Vice-Chairwoman Gulick asked if anyone in the audience had any comments or questions?

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, stated that the area is not fit to accommodate such a facility yet. There are back ups on KY 18 due to the truck stop across the street. They roads are not adequate for these fabulous businesses. Nothing is being done about the overflow of traffic. It is growing too fast. No one is paying attention to the safety issue. It is negative growth. She is not a resident in the area.

Ms. Michelle Kelly, 1231 Gaines Way, stated that she is not a resident of the area. She has experienced exiting northbound I-75 at KY 18. She couldn't even get off the exit for 15 minutes. We have to be more careful of where we put things.

Vice-Chairwoman Gulick asked if any Commissioner had any questions or comments for the applicant.

Mr. Harper asked the applicant to provide more details about the movement of the fuel tanker trucks on the site.

Mr. Lunnemann noted that the proposed project has a lot of exceptions. He liked the idea that the applicant will work with the Board to reduce the number. He likes the store but maybe not the location.

Mr. Costello asked why the applicant needed 2 free standing signs on KY 18, especially when the canopy and buildings have signs? The zoning code only allows for one sign. Everyone knows that the use is a fuel station. Mr. Warnement responded that there is no left turn at Commerce Drive so one of the signs would be located there and on the opposite end. He said he would reconsider only having one sign. In addition, he offered to coordinate the review of the proposed curb cuts with representatives from the City of Florence and the Kentucky Transportation Cabinet.

Vice-Chairman Gulick expressed a concern about the traffic study and the growth rate. A very large amount of traffic will be generated from the proposed use in an already high traffic area. All the traffic related comments must be addressed by the applicant at the Committee Meeting.

Mr. Bill Skebba, Kimley Horn, stated that they addressed the 3 items that the Kentucky Transportation Cabinet wanted them to analyze. However, they didn't address the City of Florence's comments and that is why they will meet with them to make sure everyone is on the same page. There should be a middle ground.

Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on September 20, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 4, 2023 at 7:00 p.m. in the Fiscal Courtroom. Vice-Chairwoman Gulick closed the Public Hearing at 9:04 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director