

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
OCTOBER 4, 2023
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:40 p.m. and welcomed the audience to the Planning Commission's October 4, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mr. Rick Lunnemann
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:

Mrs. Pamela Goetting
Mrs. Janet Kegley
Mr. Eric Richardson

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda:

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

1. Request of **Crosland Southeast, per Christopher W. Taft (applicant) for Farmview Commons LLC, per Hemakumar Soni (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner

of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit an approximate 56,000 square foot grocery store with an attached liquor store and drive-through pharmacy, along with two outlots for retail, service, and/or eating and drinking establishment uses.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). The 11.82 acre site has road frontage on U.S. 42. It is bounded by Old U.S. 42, St. Elizabeth Way, Farmview Drive and U.S. 42. The property is located in Florence and Union. Mr. Morgan described the submitted Concept Development Plan. Lot 1 is an outlot with a 5,150 square foot office/commercial building with a pick-up window and 37 parking spaces on 0.9 acres. Lot 2 is also an outlot with a 7,000 square foot office/commercial building with a drive-through and 31 parking spaces. The lot is also 0.9 acres in size. Lot 3 is a 56,264 square foot grocery store with an attached 3,200 square foot liquor store, a drive-through pharmacy and 289 parking stalls. It includes electric vehicle charging stations. There are 3 loading docks for the large building and a shared detention basin. The overall size of the lot is about 10 acres. Access to the site is planned to be right in and out of Farmview Drive. There is a full access off U.S. 42 via St. Elizabeth Way, which will be converted to a public street and a full access point on Old U.S. 42. The Concept Development Plan shows monument signs. They are 14 feet tall and 97.78 square feet in area. Two monument signs are shown on the grocery store parcel and one for each out lot. The proposed monument sign on outlot #1 would contain a panel advertising the grocery store.

In terms of the PD exceptions, there is no 10 foot landscape buffer between the outlots. Building landscaping is another exception against the grocery store. The applicant is asking for a higher monument sign instead of the normal requirement of 10 feet. Mr. Morgan showed building elevations. Building materials include masonry and EIFs. He also showed drawings of the monument signs. Brick will be used to match the grocery store. He showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for Commercial (C) use. Mr. Morgan noted what the Comprehensive Plan says for the area in question. It is noted on Page 5 of the Staff Report under mixed-use development (A.) The passage is specific to the Farmview Subdivision area. Other references to the Comprehensive Plan are noted on Pages 5-8 of the Staff Report.

In terms of Staff Comments, Mr. Morgan references the reduction of outlots and the inclusion of a grocery store. The project must also be evaluated in terms of mixed-use development and a pedestrian orientation. Sidewalks should be added on at least one side of the north-south driveway between Old U.S. 42 and the east-west driveway between the grocery store and St. Elizabeth Way, the old U.S. 42 frontage and ADA accessibility between Lot 1 and Lot 2 patio areas. In terms of compatibility of uses, the building height of the grocery store will be highly visible along Old U.S. 42. Will all of the out lot buildings be single story? The applicant wants to utilize the use list from the 1996 approval of Area 12. It is attached to the Staff Report. Lot #1

should be analyzed more if it will have a "heavy use" drive-through. He expressed a concern about noise levels from the 3 loading docks. What time will the deliveries occur? Will trucks idle overnight? How will trucks enter and exit the development? What about truck traffic patterns? They should be analyzed. Lighting is not addressed in the application. Will the applicant meet the 2021 condition of decorative poles and a maximum height of 20 feet. What about fixtures on the back of the building? There is no planned useable open space on the site. Staff recommends that 4 foot tall black metal fencing with an opacity of 50% or less should be required to be used for outside seating area. How much of the existing tree line along Old U.S. 42 will be preserved? Is any of this area being graded and will trees be removed? Staff has identified the following landscaping issues: The applicant is asking for a waiver to eliminate the 10 foot buffer between Lots 1 & 2. There is no building landscaping planned around the grocery store. Finally, Staff requested that a landscaping plan be submitted for the grocery store lot. Mr. Morgan also recommended evergreens and a fence near the rear parking to mitigate the visual and noise impacts. In terms of architecture, the Staff recommends changes so that the grocery store meets the 2021 conditions and architectural planned development standards. The building should have more masonry and less EIFs. It would be helpful to obtain percentages of building materials. Because the roof is flat, all the mechanicals are visible and just painted. Will the outlots meet Condition #6 dealing with a combination of flat and pitched roofs? Further details about dumpster screening, retaining walls, E-V charging stations and cart corrals are needed. Will all 4 monument signs match? Will the out lots have channel letter signs? Staff recommends that sight distance and stopping distance be analyzed for Old U.S. 42. How will the entry points be demarcated? A Traffic Impact Study has been submitted and the executive summary has been included in the Staff Report. It is being reviewed by the Kentucky Transportation Cabinet. The City of Florence had questions about stacking on Farmview Drive. Is a right deceleration lane needed at U.S. 42 and Farmview Drive or at St. Elizabeth Way? In addition, what about improvements on Old U.S. 42 from traffic coming from neighboring subdivisions? Mr. Morgan indicated that he received comments from Florence Fire/EMS, the City of Union, the City of Florence and Kentucky Transportation Cabinet. Further, emails have been received from Mr. Lynne Mullins and Mr. John Mullins (see Exhibit 1). Finally, Mr. Morgan expressed a concern about storm water management of the site since he heard about flooding from residents in the area.

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

Mr. Jay Bayer, project engineer, introduced Chris Taft, Crossland Southeast, Charlotte, North Carolina. His firm has developed a lot of projects in the southeast and is excited to be in Kentucky.

Mr. Bayer noted that the 2040 Comprehensive Plan designates the site for Commercial (C). A private road will be built in the middle of the site. It is similar to the previously approved project. The number of outlots have been reduced along with the retirement home eliminated. A grocery is being proposed. Access is also similar to the previous plan. Mr. Bayer stated that he will address the comments made in the Staff Report. The Chairman preferred that the applicant address the major concerns and save the others for the Committee Meeting. Mr. Bayer reached out to the City

of Florence about stormwater issues in the area. He pledged to do a detailed stormwater analysis for site plan review. They are proposing a stormwater detention basin. The outlet will be the basic flow of what is there now. They will reduce the amount of peak flow leaving the site. They will improve St. Elizabeth Way with curb and gutters to direct the flow versus the overland flow. Mr. Bayer reviewed the transportation improvements. No turning lanes on U.S. 42 will be required by the State. The Farmview Drive curb cut will only be right in and out. St. Elizabeth Way will be improved to a public road. Farmview Drive will be restriped to have more right turn movements. Mr. Costello asked about a left turn lane on Farmview Drive to Old U.S. 42 due to subdivision traffic? Mr. Bayer replied that he would look at it again.

Mr. Lunnemann asked the applicant to provide a sight line study of the grocery store from the neighboring residential buildings for appearance purposes. The previous plan showed a building of 44 feet high. The proposed building is 30'9" tall. They are also going to preserve all of the existing vegetation along Old U.S. 42. He would look at a fence in relation to preserving the existing trees. Lighting would be limited to the 20 foot height. They will also discuss the decorative fixtures at a later date. The area where the detention area is located will be cleared and then new trees will be planted. They will agree to install a sidewalk from Farmview Drive to the entrance of the site along Old U.S. 42. In the interest of saving vegetation, they would prefer not to install it directly behind the grocery store.

Chairman Rolfsen asked what was the name of the grocery store? Mr. Taft replied that he has a name but can't disclose it. He stated that he can discuss the amount of EIFS used in the building at the Committee Meeting. The intent of the outlots is not to have an intense use like a Starbucks or Chick-fil-A.

Dr. Clark asked if the grocery store chain is located in the south because of the proposed flat roof? Mr. Taft replied yes.

Mr. Szurlinski asked if the TIS included the other intersection of Old U.S. 42 and U.S. 42? Mr. Bayer responded yes. Mr. Szurlinski stated that it backs up daily.

At this time, Chairman Rolfsen asked if anyone in the audience who was in favor or against the request or have questions?

Mr. Hemakumar Sono stated that he is the landowner of the project. The City of Union needs options. It is a high to medium income area. There is only one large grocery store in the area. It is the best option for the Cities of Union and Florence and Boone County.

Ms. Sheila Spradling, 32 Rio Grande Circle, stated that traffic will be bad. Old U.S. 42 is a two lane road. There is a bad curve where the entrance is planned on Old U.S. 42. Her community uses old U.S. 42 for access. There is no other access. In 2020, there were 4 accidents. In 2021, there were 9 accidents. These accidents are at Old U.S. 42 and Wetherington Drive. In 2022, there were 17 accidents. So far this year there have been 13 accidents. There is a progression of

accidents. There will be more accidents with more traffic. She is concerned about stormwater run off especially the overflow. It will affect their detention pond. It will bring water and silt. They will have to take care of the problem. She also expressed a concern about lighting and dumpsters. Who wants to hear trucks especially refrigerated trucks? She understands something will be built there. It has to be a good neighbor. She asked Board members to drive Old U.S. 42.

Ms. Carol Haynes, Building #10, Unit 2, Southfork Creek, said she has seen enough growth. She doesn't want to smell bakery goods and fried chicken 24/7. Turning left onto U.S. 42 is dangerous. We don't need anymore stores.

Ms. Cynthia Markley, 10 Rio Grande Circle, #4, expressed a concern about the new street access on Old U.S. 42. Lights from the cars using the access will be shining in her condo. The road also doesn't look wide enough. She expressed a concern about the appearance of the building. It sits higher and she will be able to see it more.

Chairman Rolfsen asked for a cross-section of where the building and trees sit in relation to the residential buildings. Mr. Bayer replied that they would provide it at the Committee Meeting.

Mr. Mark Maynard, 38 Rio Grande, expressed a concern about the Farmview side. There isn't a lot of road between Old U.S. 42 and U.S. 42 off Farmview Drive. It will affect stacking and one of the existing traffic signals has a long wait time. How will the big trucks make the turn? The site isn't made for the type of anticipated traffic. Old U.S. 42 doesn't have much traffic now.

Ms. Charlotte Runion, 40 Rio Grande Circle, #5, expressed a concern about traffic but wanted to know the hours of operation. The lights will shine in her condo. The roads are not made for semi-tractor trailers.

Mr. Taft replied that the store is not open 24 hours. The proposed store is 55,000 square feet and much smaller than Kroger. It is more of a traditional grocery store.

Ms. Jill Charles, 9105 Diamond Trace, asked where is the best place for the grocery store? She is not convinced that the proposed location is the best place. It seems like it is too small of a site. It is not deep enough. Kroger sits way back. There is another site in Richwood. Do we need store?

Ms. Lynne Mullins, 33 Rio Grande Circle #1, is more concerned about trucks and where they will line up. How will that affect their way in and out?

Chairman Rolfsen inquired about truck stacking?

Mr. Bayer replied that they expect 3 trucks a day. The trucks will be staggered since they only have 2 bays.

Ms. Belinda Klein, 33-7 Rio Grande Circle, expressed a concern about emergency vehicle access since her unit had a fire in the past. Additional traffic would impair response time.

Mr. John Mullins, 33 Rio Grande Circle #1, stated that their club house and swimming pool is in the front. They will lose their privacy. What about putting up a wall for privacy on their side?

Ms. Patricia Smith, 24 Rio Grande Circle, Unit #1, stated that they have had sink holes in the past. Runoff from the site may create more sink holes. The proposed electronic charging stations may affect their electricity supply.

Chairman Rolfsen explained detention to the audience. Any new stormwater generated from the development has to be contained in the detention pond. The volume of water exiting the site must be the same as before the development occurs.

Mr. Carl Weber, 38 Rio Grande Circle, #7, stated that a right turn only for trucks is very difficult. It can create major traffic problems. Old U.S. 42 is like a driveway. Just think if a 60,000 square foot building was put in your neighborhood with all of the noise and light, etc. The applicant won't be bound by 3 trucks a day. He wasn't sure where sidewalks would be located along Old U.S. 42. The project will make people stay at home.

Ms. Angela Grover, 31 Rio Grande Circle, #3 stated she moved there because it was peaceful. The project will create more noise. It won't be a peaceful neighborhood. There is no need for another grocery store because Kroger and Meijer are just up the road.

Mr. Jeff Flick, 53 Barnwood Court, stated that if Farmview Drive will be straightened, it needs to also be widened. It is difficult for trucks. Mr. Bayer replied that trucks will come from U.S. 42 and make a right turn onto Farmview Drive and then turn right onto the site. Trucks will either go right or left onto Old U.S. 42 from St. Elizabeth Way.

Mr. Costello asked if there was a plan to widen Old U.S. 42 by the City of Florence? Mr. Morgan replied no. Mr. Costello noted the intersection with Wetherington Drive is not aligned with Old U.S. 42. It is an awkward turning movement. There is another potential development off that road with Dr. Baird's property – over 50 acres available.

Ms. Lois Evans, 30 Rio Grande, noted that there is a lot of traffic generated from Ortho Cincy and St. Elizabeth Urgent Care. Sometimes those people have difficulty leaving the area and making turns. It takes forever to leave the area because the short traffic light cycle and traffic that is stacked, especially during peak times with school traffic.

Ms. Debbie Cappel, 106 Fieldgate Drive, expressed a concern about signage. Most of the signs in the area are low and the developer wants a 30 foot high sign. She doesn't want to see another Colerain Avenue.

At this time, Chairman Rolfsen asked if any Board members had any questions or comments. He explained the remaining steps of the zone change process to the audience.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 18, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:55 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Letter from Mr. John Mullins

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mr. Rick Lunnemann
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:

Mrs. Pamela Goetting
Mrs. Janet Kegley
Mr. Eric Richardson

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 8:58 p.m.

ZONING MAP AMENDMENTS, Steve Lilly, Staff

2. Request of **KMK Law, per James Parsons (applicant) for Mt. Zion MHC LP, per Kurtis P. Keeney (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Commercial Four (C-4), including the following variances: (1) reducing the Buffer Yard A width from ten (10) feet to one (1) foot along Mt Zion Road; (2) reducing the Buffer Yard A width from ten (10) feet to one (1) foot along Carpenter Drive; and (3) reducing the rear yard building setback from fifty (50) feet to thirty-eight (38) feet, for an approximate 1 acre area located at the southeast corner of

the intersection of Mt Zion Road and Lakeside Drive, including the properties at 266, 270, 274, 278, 282, 286, and 290 Carpenter Drive and 10006 West Garland Court, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the development of an eating and drinking establishment with drive-through service.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The request is to rezone the site from MHP to C-4. The site is located on the south side of Mt. Zion Road, east of Lakeside Drive and north of Carpenter Drive. Mt. Zion Road has been rebuilt. There is a designated turn lane in both directions on Mt. Zion Road to Lakeside Drive. The existing intersection is signalized and sidewalks exist along Mt. Zion Road, Lakeside Drive and Carpenter Drive. The site is relatively flat and has an average grade of 3%. Commercial zoning exists north and west of the site. Pages 1-3 of the Staff Report contain the applicable regulations that pertain to the application. The 2040 Future Land Use Map designates the site as Commercial (C) use. Mr. Lilly referred to the Comprehensive Plan that suggests the Greenlawn Mobile Home Park be developed for commercial uses due to its high visibility and access (Mt. Zion Road). Lakeside Drive and Carpenter Drive are considered private streets. Pages 3-6 of the Staff Report contain sections from the Comprehensive Plan that are pertinent to the request.

The applicant has submitted a Concept Development Plan showing a 4,359 square foot McDonald's restaurant with drive thru service and seating for 70 customers. Three variances are being requested. The first variance is for a street frontage buffer along Mt. Zion Road. The second variance is a street frontage buffer that runs along Carpenter Drive. The final one is for the rear yard building setback from 50 feet to 38 feet. A single point access is being proposed via Lakeside Drive. The applicant is proposing to install a barrier near the end of the curb cut off Lakeside Drive. No vehicular access from the mobile home park will be permitted. A lighting plan and landscaping plan have been provided by the applicant. The proposed landscaping along Mt. Zion Road is planned to be installed in the right-of-way. An encroachment permit from the State will be required. The buffer along Carpenter Drive will be Buffer Yard A. Buffer Yard A is also planned for the eastern property line. It will have to be revised to reflect Buffer Yard B. The applicant has submitted a sign package for the site. There are no variances being requested for signage.

Mr. Lilly showed building elevations and photographs of the site and adjoining properties. Pages 8-10 of the Staff Report lists a series of Staff Comments. A traffic study was submitted and Staff included the executive summary in the Staff Report. Comments from outside agencies are included in the Staff Report. SD1 indicated that the site will have to go through storm water permit process. Staff has not received any comments back from the Kentucky Transportation Cabinet. In terms of Staff concerns, there doesn't seem to be pedestrian access from the existing sidewalks into the site. Can a sidewalk be provided from the existing sidewalk along Lakeside Drive into the site at the stripe pedestrian crossing in the parking lot? Section 3155 A.5. states that intercoms or other audio devices used in conjunction with a drive-through facility shall not be audible beyond the property line of the lot containing the drive-through facility. With the east property line being less than 80 feet away, can the applicant address how this may affect the adjacent mobile home

tenants? The submitted Concept Development Plan shows parking that would meet the requirements but does not show proposed curbside pick-up or drive-through reservations. Will there be dedicated parking spaces for those applications? The Concept Development Plan that was submitted doesn't address deliveries. Moreover, it does not identify a designated area for loading spaces? Are deliveries made by using tractor-trailers? If so, have turning simulations been conducted and evaluated? Staff would like the issue of future connectivity addressed? Has there been any discussion about the continuation of commercial development and future access when/if it continues along Mt. Zion Road? Staff requests that stacking information be provided for the drive-through which is based on existing McDonald's sites located in Boone County. Staff would like the applicant to address the stacking onto Lakeside Drive coming out of the development. Is there a potential for existing vehicles to back up into the development while waiting for the traffic light? Finally, is it possible to reconstruct a portion of Carpenter Drive further south? This would allow for a better bypass lane and eliminate some of the stacking concerns. It could also allow for a full street buffer along the southern boundary and compliance with the rear yard setback.

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

Mr. James Parsons, applicant for McDonald's, referred to his PowerPoint presentation. He indicated that the owner of the mobile home park wants the barrier to remain in place for Lakeside Drive for now. The restaurant site will be leased from the owners of Greenlawn Mobile Home Park. All landscaping along Mt. Zion Road is all gone due to the reconstruction of the road. The variance request will not alter the essential character of the area. The road itself ended the buffer. The roadway today is right up against the right-of-way. Despite this, they are going to attempt to put some landscaping in on the site. The property is surrounded by commercial uses except for the mobile home park. The request is for a 4,395 square foot McDonald's restaurant in a C-4 Zoning District. It is consistent with the Comprehensive Plan and adjacent uses. The submitted plan meets the stacking requirements. The Kentucky Transportation Cabinet has approved the landscape plans. A lighting plan has been submitted along with a Traffic Impact Study. The Comprehensive Plan calls out the area to be developed for Commercial (C) uses. The Traffic Impact Study doesn't require any additional improvements. Most of the proposed building setback is in compliance along Carpenter Drive. Just a small portion of it requires a variance. It is a lot corner. There will be no sound from the drive-thru speakers leaving the property line.

Chairman Rolfsen asked if anyone in the audience had any comments or questions? Mr. Rick Hall, 10000 Demia Way, stated that he owns the Valvoline and car wash. A lot of the people from the mobile home park walk through his property. How will these be relocated if the project is built? Eight mobile homes will be removed from the site. There are good people back there and someone needs to take care of them. The barriers were installed by the previous owner because of the traffic back up on Mt. Zion Road. It was a short cut to Dixie Highway. The mobile home at 10013 has a direct access to his property and could alleviate some of the back-up at the signal. The blank mobile home at the bottom on Lakeside Drive and between his property and 10020

Demia Way, there is an easement that could take care of the back-up. There isn't much room between the McDonald's exit and the traffic signal. Traffic will back into the parking lot and on Carpenter Drive. Mr. Hall has had vandalism problems in the past. There will have to be a lot of lights for the restaurant to prevent security issues. Any connectivity would be welcomed.

Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant? He asked how many cars can be stacked at the light? Ms. Etta Reed, Bayer-Becker, replied that 4 vehicles can be accommodated on Lakeside Drive before it affects McDonald's entrance. Mr. Parsons explained that his site is only the leased area and does not connect to adjoining properties. Perhaps it could be available for future development. Chairman Rolfsen asked how wide were the plantings on Mt. Zion Road? Mr. Parsons responded that he would give an answer at the Zone Change Committee meeting.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 18, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:30 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director