

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JULY 7, 2021
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's July 7, 2021 Public Hearing.

COMMISSION MEMBERS PRESENT:

Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:35 p.m.

ZONING MAP AMENDMENT – Michael Schwartz, Staff

1. Request of **Steve Berling (applicant)** for **Eric Deters and Mary Deters (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) for the approximate 37 acre tract located on the south side of Walton-Nicholson Road, approximately 150 feet east of the Walton-Nicholson Road/Mullen Drive intersection, to the immediate south and west of the property at 217 Walton-Nicholson Road, and at the western terminus of Malbec Lane, Boone County, Kentucky. The request is for a zone change to allow landscape, construction, and nursery uses.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site contains approximately 37 acres. It is located along the south side of Walton-Nicholson Road approximately 1,450 feet east of Mullen Drive and about 1,100 feet west of Aosta Valley Drive. The site has approximately 468 feet of road frontage along the south side of Walton-Nicholson Road. The site is located in unincorporated Boone County and is intended to stay in the County. The site is currently vacant. There is an approximate 1.1 acre pond on the site and a tree line is located along the majority of the perimeter of the site. There is a 50 foot wide electric transmission line that bisects the site in the front portion. The front portion of the site is zoned RS (4.4 acres) and the remainder is zoned A-2 (32.6 acres). The site has been zoned this way since 1980. The proposed I-1 zone would allow a variety of industrial uses which includes the uses proposed for the site. Mr. Schwartz described the surrounding land uses and zoning. Topographically, the site slopes upward from the center to the east and west. The 2040 Future Land Use Map designates the site as Industrial (I). It has been that way since 1995. Pages 3-5 of the Staff Report refer to the Comprehensive Plan. Walton-Nicholson Road is a state-maintained arterial street with a 22 foot pavement width. The posted speed limit on the road is 45 mph. Mr. Schwartz showed photographs of the site and adjoining properties. Mr. Schwartz also described the submitted Concept Development Plan. The proposal includes the construction of a 7,200 square foot building, 13 parking spaces, storage bins, an equipment storage area, a topsoil storage area, a retention lake and a 100,000 square foot planting area. The proposed access to the site is approximately 540 feet east of Mullen Drive. Pages 6 & 7 of the Staff Report identifies deficiencies in the submitted plan that would have to be addressed in a future Site Plan submittal should the proposal be approved. Days and hours of operation of the proposed business should be defined. What types of vehicles will be used in the business? Will the planting bed be covered? What materials will be stored on the site? What uses that normally are allowed in the I-1 zone would be incompatible with the adjacent residential uses? Would the developer prohibit those uses? Page 1 of the Staff Report provides the Findings for making a recommendation. Mr. Schwartz stated that Staff received an email today along with a petition with 527 signatures in opposition to the request. The petition will be made part of the record.

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

Mr. Steve Berling (applicant) stated that he represents Mr. Eric Deters and Mr. Chad Fuller. The proposed business is Pure Green, LLC, a landscaping contractor. It is a soft use on a challenging site. The business is off the road a bit because of the power line easement. The building will be sitting about 15-20 feet below the subdivision.

Mr. Chad Fuller, owner of Pure Green Landscaping, stated that he has been in business since 2014. His current business is located at 5253 Madison Pike, Independence, Kentucky. His company does landscaping for new construction as he did a lot of the houses in Aosta Valley Subdivision.

Mr. Eric Deters stated that he has driven by the site for years. Mr. Fuller is his son-in-law and works very hard. His current location is in an office complex and he needs more space. Mr. Deters noted the planned street connections to the site from Aosta Valley Subdivision. Someone may have intended to develop the site for residential use in the future. The proposed use is less dense and less activity. It is a nice buffer between residential and industrial uses. It is a regular daytime landscaping business. Exterior lighting will only be used for security purposes. It will only involve landscaping equipment and vehicles. It will have covered and uncovered planting beds. The storage bins will have topsoil and stone. He is willing to restrict the uses of the site. It is one neighbor, a tree lined buffer and is not an industrial park or group of houses.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

Ms. Janice Darnell, 317 Pinot Court, stated that she and her neighbors are opposed to the proposed project. She submitted a packet of information (see Exhibit 1). She expects the Commission to decide in the best interest of the community. Since 1995, residential developers have sought approval to rezone property – over 550 homes. Not once since 1995 has Boone County revised their long-term plan. She wants to challenge the 2040 Future Land Use Plan. Why hasn't this area been addressed since 1995? Residents were asked about their community. The answers were to make the community family friendly, full of greenspace and less traffic. The area was rezoned to residential in 2005. So don't eliminate any buffer. Pure Green is described as a concrete contractor according to their Facebook page. Walton is starting to become a warehouse city. They have submitted a 600 signature petition. Don't eliminate any greenspace as a buffer since it is a skinny tree line. Over 20 people are directly impacted by the development. Ms. Darnell expressed a concern for traffic congestion. There is no relevant traffic study. There is not enough space between the existing curb cuts and the proposed entrance off Walton-Nicholson Road. If the site was developed for residential, it could tie into Malbec Lane and it would circumvent that issue. There is a surplus of land for this business to go in the County.

Ms. Chrisy Mallott, 263 Chardonnay Valley, stated that her number one concern is environmental impact of the concrete business. What about runoff and flooding? Did the Planning Commission get a plan or study? What kind of chemicals or pesticides will be used? What about air quality? Ms. Mallott quoted from the Environmental Element, which identified potential polluted streams and runoff. The 2040 Plan identifies these issues associated with the use. She showed

photographs of the site. She and her neighbors want to continue living in a safe community away from what is planned. Respiratory problems and cancer will occur with premature death. There is a day care business located on Mullen Drive. She expressed a concern about dumping. What hazardous waste would be present and will it be in the runoff from the site? Will it cause vapors and explosions? Will there be corrosives? What about noise pollution from the construction activity? The proposed use covers the entire back side of the subdivision. The tree line is very slim to none. Do we really need this company there? Is there a need? Within a 20 mile radii of the site, there are 70 landscaping companies and 90 construction companies. Within a 5 mile radius of the site, there are 15 landscaping companies and 40 construction companies. We don't need this type of business and not one that doesn't want to be part of Walton. The business is expected to use Walton City water. They are asking the citizens of Walton to bear the burden of this with zero benefit. They will install a septic tank but pay no City taxes. This is something you shouldn't support.

Ms. Chloe North, 171 Zinfandel Lane, explained the role of the Zoning Administrator. The Zoning Administrator cannot disapprove a use on the proposed property if the property is rezoned to industrial. She mentioned that her subdivision will be surrounded by industrial, if approved. The 1995 Future Land Use Map shouldn't guide the discussion about the appropriateness of the proposed use. She supports the rural character of the area as noted in the Comprehensive Plan. Development should promote a good quality of life when receiving a good economic return. She expressed a concern about the impact of industrial on Walton's historic downtown and charm. The increase in traffic will have an impact on the physical and social environment of Walton. In three seasons of the year, one can see the industrial street to the west. The land has been acting as the buffer.

Ms. Stephanie Hollingsworth, 137 Zinfandel Lane, read a letter from a couple of Walton City Council Members. It involved Council Member Stevens and Council Member Courtney. They felt that the proposed use would have a negative impact on the residents in Aosta Valley and North Walton Pointe Subdivisions. While the City of Walton doesn't have any authority, it is hoped that the Planning Commission will listen to Walton City leaders and Walton residents. The 2040 Plan is a broad rule and has not been updated in years. We request that the zone change be voted down. Mr. Costello noted that the Comprehensive Plan was updated in 2019. It will be updated again in 2024.

Chairman Rolfsen asked if anyone wanted to submit any documents or written testimony, they can by contacting Staff.

Ms. Kelsey Carpenter, 179 Zinfandel Lane, noted that developments in Boone County must recognize the potential impact of adjoining land uses and incorporate transition of land uses with setbacks and landscaping. She cannot just go out in the field if this development occurs. Now they take walks.

Ms. Julia Orams, 182 Zinfandel Lane, has a concern about environmental impact of the development on her daughter. Her daughter needs fresh air and wants to play with her neighbors outside. The existing tree line is really not a buffer. Please consider the children and the adults who really worked hard to purchase the homes.

Ms. Sheree Weichold, 183 Zinfandel Lane, stated that the argument you could have something else in your backyard is not a good one. She moved to Walton because of the rural atmosphere and nature. She chose Boone County because you value citizen opinion.

Mr. Robert Colstein, 1152 Gemstone Pointe, stated that he won't be impacted by the lights etc. but will be impacted by more traffic traveling fast on Walton-Nicholson Road. It is tough pulling out of the subdivision when cars travel so fast.

Mayor Gabe Brown, City of Walton, stated that the project is not the worst use of the property. His concern is his MS4 permit and anything that runs off the property flows into Cruise's Creek. The storm water runoff is a major concern, as the City has no way to inspect the property since it is not in the City of Walton.

Mr. William Hummel, 199 Zinfandel Lane, stated that if the Board chooses to ignore the public statements, there is a concern that the project will turn into another industrial park. If the I-1 moves forward, the front portion can be used as a nursey, but the back can be used for something bigger. What happens after that? Would it be easier to have a different industrial use? It could be bigger than what it was intended for from the beginning.

Mr. Hunter Hollingsworth, 137 Zinfandel Lane, stated that he likes to see the wildlife in the field. He doesn't want a nursery or landscaping company behind his house.

Ms. Leslie Anderson Ford, 52 South Main Street, stated that she lived in Los Angles for 30 years. She moved to Florence and then wanted to live in a rural area. Traffic on Main Street has increased. We need to slow things down to enjoy our living environment.

Mr. Patton explained the zone change process to the public and public comment referring to the Committee meeting and ultimately the next Business Meeting for the full Board vote. There will be an opportunity to provide a brief summary of comments at the Business Meeting. The Planning Commission's recommendation will go to the Fiscal Court where there will be another opportunity for public comment. Mr. Costello noted that the Fiscal Court may or may not hold a Public Hearing. They will accept public comment on a limited basis based on the record being made at tonight's Public Hearing. The Fiscal Court takes final action on the request.

Ms. Terri Courtney, 74 Pine Top Drive, stated that she currently serves on Walton City Council. She expressed a concern about the industrial zoning. The town and neighboring area like in Richwood has been sold out for industrial zoning in Walton.

Mr. Patrick Nemethy, 148 Zinfandel Lane, asked if the project was built, would they expand KY 16? There is a lot of traffic and trucks.

Mr. Canter Weichold, 183 Zinfandel Lane, stated that he didn't want a landscaping business behind his house because of the chemicals.

Mr. Nick Orams, 182 Zinfandel Lane, asked the Commission to drive the area because of the speed of traffic and the fact that there will be another entrance on the road. There are a lot of curves and the road is deteriorating. It will get worse with dump trucks.

Ms. Jacqueline Thomas, 305 Pinot Court, stated that she backs up to the area that won't be disturbed but has two young kids. She is against the project.

Mr. Urik Izenwolf, 160 Zinfandel Lane, explained that he invested in his property. What is proposed is not in the best interest of his investment.

Chairman Rolfsen asked if any of the Board Members had any questions or comments?

Mr. Patton noted that the document submitted by the neighbors is the most concise and articulate document he has seen. He also explained that very few people participated in the update of the Comprehensive Plan. Everyone assumes they have a scenic easement across some else's property. It is not true. Farms have turned into neighborhoods. It is important that people know what the future means for property next door to them. Mr. Patton asked what was the plan for the back part of the property? Mr. Deters responded that he has no idea. The hope would be that it would be an outgrowth of the growth of the company. An example of this is the Baeten site. It grew over time. It could be more greenhouses. There is no plans to sell lots. The 37 acre site is a great start to grow a business like what is proposed. There is no plan to build a road back there. Mr. Patton suggested some public space on the back. Mr. Deters replied that might be possible. There is a natural buffer on the site. Mr. Deters stated that the company only has concrete forms. There won't be concrete runoff. He has no interest in doing anything on the site that causes cancer. There are no hazardous materials. It has no impact on downtown Walton. Walton-Nicholson Road is a great road. Unlike Mullen Drive, it is a straight shot from the proposed curb cut. It is not dangerous. It is not his fault that he is located in Boone County and not Walton. There are heavy construction trucks in the subdivision already. The proposed use is consistent with the Comprehensive Plan. It is between residential and industrial. It is the best option besides a residential subdivision and an industrial park.

Chairman Rolfsen asked about the use of the existing pond. Will they be used for retention/detection ponds? Mr. Schwartz replied that it will be determined at the Site Plan Review submittal stage. Mr. Berling said that they will use the existing pond/lake for retention purposes. Any drainage will be on their own property because of the location of the lake. There won't be any chemicals, just runoff from the building and parking lot.

Chairman Rolfsen asked about business traffic. Mr. Fuller responded that they had 10 trucks and 20 employees. They will grow plants and install them at project sites. There will be no retail sales.

Mrs. Kegley asked the applicant to review the list of uses allowed in the I-1 zoning district. Also, she asked that the landscaping equipment used on the business be identified. Will the large equipment go past the parking lot? What is the site distance? Mr. Fuller stated that they already have the encroachment permit.

Ms. Gulick asked if the applicant has had any discussions with the City of Walton to annex the property?

Mr. Berling stated that the only thing that the City of Walton can offer to the developer is sanitary sewer but they don't need it. They only have one bathroom and it can be handled on a private

septic tank system. The leach field will be located by the building. Mr. Berling stated that people on Zinfandel Lane will not see the proposed building because its sets in a hole. It would be difficult to put any structure in the back part of the site. The front end is about five acres of the 37 acre site. Mr. Schwartz explained the buffer requirements – Buffer Yard D. Mr. Berling stated that they will do the mounding along the RS zone and install a fence. They need to establish a winter buffer so it makes sense to install evergreens. Mr. Costello suggested that Mr. Berling put together a drawing showing all of those details that he just described.

Mr. Lunnemann asked the applicant to address all of the items listed in the Staff Report at the Committee meeting.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 21, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on August 4, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman Rolfsen closed the Public Hearing at 8:59 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Packet Opposing to Rezone Parcel 077.00-00-042.00

COMMISSION MEMBERS PRESENT:

Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 9:00 p.m.

ZONING MAP AMENDMENT – Kevin Wall, Staff

2. Request of **The Drees Company – Matt Mains (applicant)** for **Weaver Road Properties, LLC (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for the 3.0733 acre site located on the north/east side of Weaver Road, approximately 520 feet south of the Weaver Road/Ascot Drive intersection, to the immediate south of the properties at 15 through 21 Tattersall Lane, and to the immediate west of the properties at 901 through 923 Dapple Grey Drive, Boone County, Kentucky (annexation into the City of Florence is pending). The request is for a zone change to allow attached dwelling units; and the request of **The Drees Company – Matt Mains (applicant)** for **Weaver Road Properties, LLC (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for the 16.5410 acre site located at 903 Weaver Road, and between the properties at 8986 and 9034 Evergreen Drive, Boone County, Kentucky (annexation into the City of Florence is pending). The request is for a zone change to allow attached and detached dwelling units.

Mr. Kevin Wall referred to his PowerPoint presentation. The request involves two sites and two Zone Change applications. Both sites are located east and west of Weaver Road. The west site fronts on Weaver Road and Evergreen Drive. The east site is about three acres. That request is from SR-1 to SR-2/PD. The west site is 16.5 acres in size. That request is from SR-1 and SR-2 to SR-2/PD. In 2017, there was a zone change for part of the west site for single-family residences. The project was never built.

The 2040 Future Land Use Map shows the east site as Suburban Density Residential (SD) and the west site is designated High Suburban Density Residential (HSD up to eight units per acre). Mr. Wall showed the 2017 Concept Development Plan, which included single-family lots. The east side includes 30 Carriage condominiums. It is 9.6 dwelling units per acre. On the other side of Weaver Road, there are 110 units planned. It includes single story and two story units. The applicant has also proposed two single-family homes along Evergreen Drive. There is no planned street connection between Evergreen Drive and Weaver Road. Two street connections are planned to the north on the west site. On the west site, the applicant is proposing leaving some fairly large vegetation. There is a planned dog park and playground on the west site. Mr. Wall showed drawings of the proposed residences. He also showed photographs of both sites and adjacent properties.

In terms of Staff comments, Mr. Wall mentioned that the first comment pertains to the stating requirements for reviewing zone change applications. There are references to the Comprehensive Plan and the Boone County Transportation Plan in the Staff Report. It includes a discussion of unit types and density, as well as how the request relates to the SR-2 zone and the PD requirements. There is also references to the Demographic Element. This includes a discussion of attached units and multi-family housing. Mr. Wall mentioned Section 1514 of the Zoning

Regulations. This section deals with the eleven PD criteria. The first deals with mixed use orientation. The units planned for the east site are similar to the ones that exist in Saddlebrook Subdivision. The planned west site now diversifies those uses that already exist in that area. Sidewalks are proposed on one side of all the streets. The applicant is proposing public streets per the condominium specifications. Sidewalks are planned on the main entry drive. They stop short and must be extended to and along Weaver Road, similar to the Villages of Weaver Mill project already built on Weaver Road. The second big concern is the perimeter buffer yard. It is recommended that the applicant use mostly evergreen trees on the north and west property lines on the east site. Also, there is a 25-foot electric easement on the property, which may affect any buffer. On the west side, there is a substantial buffer already in place. Buffer Yard B and C will have to be provided on the west site due to the number of units. The landscape plans need to be revised before the Committee Meeting in a couple of weeks. There will be 8.46 acres of open space. Some of the existing vegetation will be preserved on the western site. Mr. Wall suggested offering more masonry on the one story townhome unit. He also suggested using the same material on all sides of a proposed building so there isn't a blank look. Mr. Wall also mentioned that there may be one or more graves on the western site according to Matt Becher. Mr. Becher suggested a condition should the Planning Commission recommend approval of the project. Mr. Wall referred to his Staff Report regarding the two street connections. County Engineer Rob Franxman suggested that a connection not occur between Weaver Road and Evergreen Drive. This would include connections to the north and south (Cloverhill Drive). Mr. Wall included comments from the City of Florence and the Kentucky Transportation Cabinet in the Staff Report. He asked the applicant what was the status of the Traffic Impact Study (TIS). No comments were received from the Boone County School District. Mr. Wall concluded his presentation by noting the three criteria for taking action on a zone change request. He also mentions that if approved, the Future Land Use Map would need to be amended. Mr. Wall noted that letter from Ms. Heinke Lillenstein has been distributed to the Board.

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

Mr. Matt Mains, applicant for The Drees Company, showed a Power Point presentation and stated that the project involves two parcels but it is considered one development. The property was split by Weaver Road years ago. A previous developer cleared the property on the east side. Mr. Mains referred to the 2010 Comprehensive Plan that states the area south of Saddlebrook Farms should develop in an urban density residential manner. Their desire is to have it develop in a High Suburban Density Residential (HSD) manner. This allows attached units up to eight dwelling units per acre. The development will be annexed in the City of Florence. There will be a total of 140 units – townhomes, condominium units and carriage style homes. A Traffic Impact Study has been started and is being reviewed by the Kentucky Transportation Cabinet. Preliminary recommendations include a left turn on both sides of Weaver Road. They will comply with that or with what the Kentucky Transportation Cabinet requires. It is less about the traffic and more about the speed limit on Weaver Road. They will install an entry monument feature/sign. They will also install sidewalks and will explore one on Weaver Road. They are willing to review the landscaping plan. He noted that they will have to move the buildings on the eastern side because of incorrect easement information. As a result, they will probably have to lose a five unit building. This will

allow them to provide a sufficient buffer. He showed some examples of building architecture. Unit prices will be from \$240,000 to \$370,000. There will be 60 carriage homes, 58 life style homes, 20 townhomes and 2 detached lot homes. The total acreage of both sides is 19.61 acres. The density is 7.1 units/acre. There will be 8.46 acres of open space (43%). There will also be street lighting on the interior. He agreed that the high impact areas should be looked at in terms of improving or adding building materials. Finally, Mr. Mains stated that he is open to sharing driveways for the two planned houses on Evergreen Drive. He concluded his presentation by saying that he was excited about the project and was available to answer any questions.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

Ms. Heinke Lillenstein, Morgan's Trace, stated that she submitted a letter. The east site adjoins her property. She has enjoyed the existing buffer from her unit on Weaver Road. She requested that mature trees be retained as much as possible and that Drees provide fencing along their mutual property lines to add to the buffer. She expressed a concern about more traffic on Weaver Road as well as water pressure.

Ms. Lori Bailey, 9134 Evergreen Drive, stated that she has a list of concerns from people on Evergreen Drive and Mary Lou Drive. She expressed a concern on where kids will go to school who live in the new development? There is a capacity issue at Ockerman Elementary. Could there be more streetlights installed on Weaver Road? There is a need to install sidewalks on Weaver Road. She also expressed a concern about Evergreen Drive traffic. It is a cut through to get to Sunnybrook and Gunpowder Roads. People ride their bikes and walk their dogs in the street since there are no sidewalks on Evergreen Drive. Everyone on the petition list is not for the development even though she is not necessarily against development. She submitted a copy of the petition (see Exhibit 1).

Mr. Costello noted the need for sidewalks on Weaver Road due to recent pedestrian deaths/accidents. He also noted that the State extended a sidewalk on Weaver Road as a result of the Jughandle project and the City of Florence received a grant to install a sidewalk on Weaver Road from approximately the fire station area to Saddlebrook Drive. In addition, the developer was required to install a sidewalk as part of the Weaver Mill project.

Mr. Ted Sandlin, 9065 Evergreen Drive, asked whether residents living on Evergreen Drive would be staring at two story units? Will the existing trees remain to shield the view? The other concern is the traffic at U.S. 42 and Weaver Road. The traffic back-ups all the time.

Mr. Tom Ford, 9167 Evergreen Drive, asked how the two lots on Evergreen Drive will be annexed? Are they annexing Evergreen Drive? Mr. Costello replied that the two lots are contiguous to the attached unit area. Mr. Mains responded that the annexation goes with the property line. The property owner is requesting it and consenting to it. Mr. Ford suggested adding speed bumps to Evergreen Drive because of the traffic speeds.

Ms. Brenda Baldwin, 913 Tattersall Lane, stated that her house on the cul-de-sac is the closest. What is the impact of the overhead utility line and sanitary sewer line in terms of the planned buffer? Will the trees be removed?

Ms. Joann Chaplin, 9158 Evergreen Drove, stated that she was almost hit on Weaver Road. It is scary and it is a highway now. We don't have enough stoplights. Weaver Road is a bad road.

Mr. Paul Riggs, 9062 Evergreen Drive, reaffirmed that the developer will not access Evergreen Drive other than the two proposed lots.

Mr. Sandlin, 9093 Evergreen Drive, asked if there has to be two ingress/egress points from a subdivision? Chairman Rolfsen replied there is no requirement. It is suggested only and not recommended if it makes it worse. Mary Lou Drive has one way in and one way out.

Mr. Costello mentioned that it will be interesting to see if the State requires a traffic signal elsewhere on Weaver Road due to the volume of traffic. The submitted traffic study should address this especially as the proposed development is located on both sides of Weaver Road.

Mr. Mains stated that they will have to re-assess the east site due to the new location of the utility easement. It will affect the buffer area. The connection to the sanitary sewer will not affect the residents on Dapple Grey. The hope is to retain a lot of the mature trees but will also have to provide detention areas. He will comply with putting sidewalks on Weaver Road. They will retain a lot of trees on the west site due to the stream channel with the exception of a sanitary sewer line to provide a natural buffer along to Evergreen Drive. The PD approach allows them to commit to a plan. He offered to supplement the existing tree area, if necessary, in order to provide an adequate buffer. If anyone is interested in seeing the type of units to be built on the west site, they can visit the Preston development.

Chairman Rolfsen asked if any of the Board Members had any questions or comments?

Mr. McMillian asked if there was a limit on curb cuts off Weaver Road? Mr. Mains responded that the Kentucky Transportation Cabinet has seen the plan and the agency wants Drees to submit a traffic study. Mr. McMillian stated there needs to be more than one-way in and out. Mr. Costello inquired about a possible connection to the Farm Bureau property. Mr. Mains stated that perhaps an emergency access could be provided. Mr. Mains committed to talk to them about a secondary emergency access.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 21, 2021 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on August 4, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 10:06 p.m.

APPROVED:

Attest:

Charlie Rolfsen
Chairman

Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Petition prepared by Ms. Lori Bailey

COMMISSION MEMBERS PRESENT:

Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
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LEGAL COUNSEL PRESENT:

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STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the third item on the Agenda at 10:07 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

3. Request of **Kathy Hinkebein (applicant)** for **Gomez Family LLC – Octavio Corraera (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 2.78 acre site located on the east side of Bill Wentz Drive, between the properties located at 8509 and 8519 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a car wash and a restaurant.

Mr. Todd Morgan, referred to his PowerPoint presentation. The request involves Lots #5 and #6 in Florence Promenade Subdivision. The submitted Concept Development Plan includes a 5,742 square foot restaurant with 62 parking spaces and 4,120 square foot tunnel car wash. There are two access points off Bill Wentz Drive. One of the access points is shared with Dunkin' Donuts. Another driveway connection is shown to the adjoining property, which is a trucking company. The submitted drawing is confusing to read because it also shows the original Concept Development Plan. The proposed car wash will be constructed of wave panels, new techwood, polycarbonate roof panels, etc. It is a bright metal building with stacked stone. He showed some elevations of the car wash. The vacuums are not shown on the Concept Development Plan. Mr. Morgan showed a photo of the restaurant. The proposed building is EIFS and stone. The photo shows outdoor dining but it is not shown on the Concept Development Plan. Mr. Morgan reviewed the history of the site. In 2005, a 23,265 square foot commercial strip center was approved for the site. He showed photographs of the site and adjoining properties. The City of Florence is planning to make the Bill Wentz Drive and the Beechwood Drive intersection right turn in and right turn out. The shared access with Dunkin' Donuts has significant stacking problems during peak times. The Future Land Use Map designates this site for Commercial (C) uses. References to the Comprehensive Plan are noted on Pages 2 and 3 of the Staff Report.

In terms of Staff Comments, Mr. Morgan stated that exceptions to the requirements are possible because it is a PD Zoning District. Part of the restaurant's front parking lot is located in the 10 foot wide street frontage buffer and the 10 foot wide southern property line buffer. Part of the parking lot is located in the 20 foot rear yard buffer. The buffer yard requirement along the lot 5/lot 6 property line is also not being met. A 10 foot wide buffer could be shared - 5 feet on either side. The restaurant site is subject to the VUA landscaping requirements because the parking lot contains more than 50 parking spaces. There is a requirement for landscaping islands and trees. It doesn't look like the applicant has enough islands. Staff would like the applicant to address the following items. First, the old parking lot layout should be removed from the plan. Second, can the Concept Development Plan be drawn on an engineering scale and not an architectural scale? Is the proposed car wash a Fast Freddy's? If so, has the proposed design of the car wash been built elsewhere? If so, can pictures be provided? Can the plan indicate the location of the vacuums? Next, how many seats are proposed in the restaurant? Will the restaurant have an outdoor dining area? The proposed project should be evaluated based on the Planned Development criteria. The Staff recommends the following items to be analyzed: sidewalk connections to Bill Wentz Drive, landscaping, building architecture and the use of masonry products and signage. A traffic study was submitted by the applicant. It is an exhibit to the

Staff Report. Mr. Morgan expressed a concern about the driveway design and stacking. The design is similar to Watson's/Panera Bread on Houston Road. Finally, Mr. Morgan recommended that the driveway connection to the east be eliminated because of industrial businesses and tractor-trailer traffic associated with them. Comments were received from the Boone County Building Department and the Florence Fire Department as well as from Harold Ownby, who owns Dunkin' Donuts.

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

Ms. Kathy Hinkebein (applicant) stated that she is a commercial real estate broker and is assisting both potential users. The entire parcel is owned by Gomez Family, LLC and there is a contract on the car wash parcel contingent on zoning. She mentioned that she had several pre-application meetings with the City of Florence about access. The shared access with Dunkin' Donuts and the one to the east is not contingent on their plan. It just helps with traffic flow in the area. There won't be any outdoor seating area for the restaurant. Both users are agreeable to meeting the design standards.

At this time, Chairman Rolfsen asked to identify the restaurant? Ms. Hinkebein responded that it was going to be a Rio Grande Mexican Restaurant. The indoor seating will be for 125 people. The operator of the car wash has two locations in Frankfort and one in Shelbyville. There are 2 under construction in Bowling Green. It is an express service car wash with vacuums that are free. She referred to the pads on the submitted plan. One is a dumpster and the other 2 are vacuum motor pads which are being eliminated. There will be 2 dumpsters – one for each use. Stacking won't be a problem with the car wash because there are 3 lines for stacking and payment. She also mentioned the submittal of a traffic study but she hasn't reviewed it yet since she just received it today.

Chairman Rolfsen inquired about the hours of both businesses. Ms. Hinkebein answered that the restaurant hours are 11:00 a.m. to 10:00 p.m. seven days a week. The car wash hours are 8:00 a.m. to 7:00 p.m. Monday thru Saturday and Sunday 10:00 a.m. to 6:00 p.m. The car wash is always manned – 6-7 employees working at the location.

Chairman Rolfsen asked if any of the Board Members had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 21, 2021 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on August 4, 2021 at 7:00 p.m. Chairman Rolfsen closed the Public Hearing at 10:29 p.m.

Attest:

Kevin P. Costello, AICP
Executive Director

APPROVED:

Charlie Rolfsen
Chairman