

RESOLUTION R-21-015-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF LEE RICHARD CAHILL (APPLICANT) FOR MARSHALL LAND MANAGEMENT LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL TWO/PARKWAY CORRIDOR STUDY OVERLAY (SR-2/PO) ZONE TO COMMERCIAL TWO/PLANNED DEVELOPMENT/PARKWAY CORRIDOR STUDY OVERLAY (C-2/PD/PO) ZONE FOR THE NORTHERN, APPROXIMATE 1.3 ACRES OF THE PROPERTY LOCATED AT 7544 BURLINGTON PIKE, FLORENCE, KENTUCKY; AND THE REQUEST OF LEE RICHARD CAHILL (APPLICANT) FOR MARSHALL LAND MANAGEMENT LLC (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/PARKWAY CORRIDOR STUDY OVERLAY (C-2/PD/PO) ZONE FOR THE SOUTHERN, APPROXIMATE 1.23 ACRES OF THE PROPERTY LOCATED AT 7544 BURLINGTON PIKE, FLORENCE, KENTUCKY AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval , with conditions, for a Zoning Map Amendment and a Concept Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and also recommended for approval, with conditions, request for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. The real estate which is subject to both requests is described in DEED BOOK 1083, PAGE NO. 358 as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

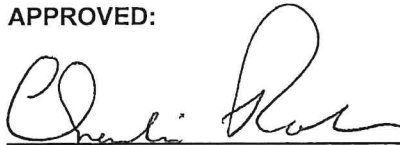
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky, shall be forwarded to the City of Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 21ST DAY OF JULY, 2021.

APPROVED:



CHARLIE ROLFSEN
CHAIRMAN

ATTEST:



TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR:tlb

EXHIBIT

“A”

STAFF REPORT

#3

Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

June 2, 2021

REQUEST

- A. The first part of the submitted request is to rezone the northern portion of the site, having an area of approximately 1.30 acres, from SR-2/PO to C-2/PD/PO.
- B. The second part of the submitted request is for a Concept Development Plan for the entire site (2.53 acres), including the southern portion of the site, having an area of approximately 1.23 acres and currently zoned C-2/PD/PO, for an eating and drinking establishment, commercial recreation area, and food truck parking area.

SITE HISTORY

- 1983 On September 14, 1983, the Florence Board of Adjustment denied a Conditional Use Permit application for garden and landscape sales, spa and pool display, lawn furniture, decks, fencing, seasonal shrubs, plants, and tree sales (FBOA 9-14-83).
- 1987 On January 23, 1987, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.
- 1987 On August 5, 1987, the Boone County Planning Commission approved a Concept Plan, Utilizing the Underlying Zone, for an automotive sales facility (Florence Mall Auto Sales).
- 1993 On September 16, 1993, the Boone County Planning Commission approved a Minor Site Plan for a parking lot expansion.
- 1999 On October 8, 1999, the Boone County Planning Commission approved a Minor Site Plan for a parking lot expansion.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map

amendment is granted, the Planning Commission and legislative body shall use the following criteria:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 1020 (Commercial two District) of the Boone County Zoning Regulations states that “the purpose of the Commercial two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district’s facilities and major shopping spaces.”
- C. Section 1021 of the Boone County Zoning Regulations identifies eating and drinking establishments including alcoholic beverages as a principally permitted use in the C-2 district.
- D. Section 1500 of the Boone County Zoning Regulations states that intent of the PD district is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.
- E. Section 1511 of the Boone County Zoning Regulations states that uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court.

- F. Section 4000 of the Boone County Zoning Regulations provides for the following definitions:
1. Automotive Sales: The sale or leasing of new and used motor vehicles, displayed, stored, and sold or leased on site excluding repair work except incidental repair.
 2. Commercial Recreation: A privately owned and operated facility that offers activities related to fitness or recreation. It does not include a sexually oriented business.
 3. Eating and Drinking Establishment: A restaurant serving food and/or alcoholic beverages, along with music. Eating and drinking establishments do not include an adult cabaret or any other type of sexually oriented business.

SITE CHARACTERISTICS

- A. The site contains 2.53 acres and is located along the north side of Burlington Pike, approximately 600 feet west of Utz Drive.
- B. The site has approximately 231 feet of frontage along Burlington Pike.
- C. The site is currently occupied by a one-story, 1,200 square foot office/retail building, a one-story, 875 square foot auto garage building, an approximate 25,000 square foot off-street parking area, and approximately 1.8 acres of open space/green space.
- D. Topographically, the site slopes downward, south to north, at an average grade of 5%.
- E. The site is within the 55 and 60 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- F. There is an existing stand of mature trees, having a depth of approximately 80 feet, along the north and east property lines of the site.

ADJACENT LAND USES AND ZONING

- | | |
|--------|--|
| North: | Single-family residential dwellings (SR-2/PO) |
| South: | Michael's College of Hair Design/MI Salon and Day Spa (currently vacant) (O-2/PF/PD/PO) |
| East: | Filmore's Dairy Hut/Single-family residential dwellings (C-2/PD/PO and SR-2/PO) |
| West: | Matt's Natural World/Velocity Bike and Bean/Rettay Chiropractic/Single-family residential dwellings (C-2/PD/PO/CD and SR-2/PO) |

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the southern portion of the site for Commercial uses and the northern portion of the site for Suburban Density Residential uses.

1. Commercial uses are described as “Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”
2. Suburban Density Residential uses are described as “Single family housing of up to four units per acre.”

- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).

Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Parks and open space shall be used to preserve scenic and natural areas with significant and unique qualities and provide activity centers close to or within established and developing residential areas (Natural and Cultural Resources Goal A, Objective 1).

Local agriculture, business products, and services shall be encouraged and supported

(Economy Goal A, Objective 4).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- C. Burlington Pike is a state maintained arterial street providing for two way traffic within four driving lanes (two lanes in each direction) and a center left turn lane. Sidewalks are provided along both sides of the roadway.

RELATIONSHIP TO THE CENTRAL FLORENCE STRATEGIC PLAN – An Update of the Parkway Corridor Study

- A. The intent of the Central Florence Strategic Plan is to further develop the city's central neighborhoods and to link existing and/or planned businesses, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center.
- B. The site in question is located within Subarea 1 of the study which includes the following recommendations:
 - 1. Encourage low to moderate turnover commercial uses, or those whose peak hours don't coincide with the street network.
 - 2. Building designs should use natural materials and colors.
 - 3. Encourage local consumer services and retail with interconnecting parking lots; discourage car sales lots and other uses with large open lots and outdoor display.
 - 4. Promote the idea that redevelopment should include the consolidation of parcels.

CONCEPT PLAN

- A. The applicant is proposing the following:
 - 1. Use of the existing office/retail building for an office.
 - 2. Conversion of the existing auto garage building into a tap room (an eating and drinking establishment) with indoor seating.
 - 3. Provision for outdoor patio seating.

4. Provision for a food truck zone.
5. Restriping of the existing parking area to provide for fifty-three (53) parking spaces.
6. Installation of a six (6) foot high, treated wood privacy fence.
7. Installation of a four (4) foot high, black coated chain link fence.
8. Installation of a four (4) foot high, aluminum decorative fence.
9. Retention of the existing mature trees along the north and east property lines.
10. Provision for landscaping.
11. Retention of the northern portion of the site as open green space.
12. Installation of a building mounted sign on the east building façade of the proposed tap room building.
13. Retention of the right to convert the site back to an automotive sales facility.

ADDITIONAL INFORMATION SUBMITTED BY APPLICANT

- A. The applicant has submitted an Additional Narrative to their request (see attached).

STAFF COMMENTS

- A. The following issues should be addressed and clarified by the applicant:
1. What are the days/hours of operation of the business.
 2. Will there be any exterior lighting of the site.
 3. How is access going to be gained to the northern open green space of the site for maintenance purposes.
 4. Will food trucks be allowed to park on the site when the business is not open.
- B. Since this is a Concept Development Plan submittal, a complete site plan evaluation against the zoning regulations was not conducted. However, Staff has identified the following specific requirements that will need to be addressed:
1. The proposal includes the use of the property for commercial recreation and food truck parking. Pursuant to Section 1021, these uses are not identified as principally permitted within the C-2 district. This requirement can be modified through the PD district.

2. The submitted plan does not show a trash area. If there is going to be a designated trash area, it will need to comply with Section 3151.
3. The submitted plan indicates a building mounted sign on the east building façade of the new tap room building. Pursuant to Section 3199.2, the following building mounted signage is prohibited: internally lit box cabinets, board signs, and signs or graphics painted directly on the exterior building wall.
4. The submitted plan indicates the provision of two ADA compliant handicap parking spaces and a total of 53 parking spaces. Pursuant to Section 3313.1, a minimum of three (3) ADA compliant handicap parking spaces must be provided for any parking area containing 51 to 75 spaces.
5. Pursuant to Section 3313.1, all handicap accessible parking spaces must have appropriate signage.
6. The submitted plan does indicate the use of exterior lighting. If exterior illumination will be utilized, it will have to meet the requirements of Section 3316.
7. The submitted plan indicates that the proposed buffer yard landscape material along Burlington Pike will be located within the right-of-way. Pursuant to Section 3645.4, an encroachment permit from the Kentucky Transportation Cabinet will be required for the proposed buffer yard landscape material along Burlington Pike.
8. The submitted plan indicates that there will not be a buffer yard along the northeast and west property lines of the site, north of the proposed fence line. Pursuant to Section 3645, a Buffer Yard C is required where proposed development within a C-2 district is adjacent to a SR-2 district. Since there is no proposed activity in the area of the site, north of the proposed fence line, along with the presence of existing trees, it may be reasonable to not require a buffer yard along these property lines. This requirement can be modified through the PD district.
9. The submitted plan indicates that the proposed fencing along the property lines will be located between required landscaping and the adjacent property line. Pursuant to Section 3645, fences that are used within buffer yards shall be located within the center of the buffer yard and the plants shall be installed on both sides of the fence. This requirement can be modified through the PD district.
10. The submitted plan indicates the installation of a black coated chain link fence along the east property line. Pursuant to Section 3645, fences that are used within buffer yards shall be solid and provide 100% opacity and that chain link fences with slats shall not be permitted. This requirement can be modified through the PD district.
11. The following provides a comparison between the required buffer yards/landscaping and the proposed buffer yard/landscaping (this requirement

can be modified through the PD district):

	REQUIRED	PROPOSED
South Property Line	10 foot width 7 trees 62 shrubs	10 foot width 11 trees 83 shrubs
West Property Line (C-2 to C-2)	10 foot width 4 trees 36 shrubs	10 foot width 5 trees 24 shrubs
West Property Line (C-2 to SR-2)	30 foot width 9 evergreen trees 7 trees 13 shrubs	40 foot width 8 evergreen trees 6 trees 0 shrubs
East Property Line (C-2 to C-2)	10 foot width 7 trees 69 shrubs	10 foot width 20 trees 34 shrubs
East Property Line (C-2 to SR-2)	30 foot width 4 evergreen trees 4 trees 6 shrubs	10 foot width 4 evergreen trees 0 trees 0 shrubs
TOTAL	13 evergreen trees 29 trees 186 shrubs	12 evergreen trees 42 trees 141 shrubs

C. In summary, the following modifications are being requested through the PD district:

1. Use of the property for commercial recreation and food truck parking.
2. Removal of the buffer yard along the northeast and west property lines, north of the proposed fence line.
3. Location of fencing within buffer yards along the property line rather than in the center of the buffer yard.
4. Use of a chain link fence within a buffer yard.
5. The amount of required buffer yard landscaping.

D. An inter-departmental email was sent to the Boone County Building Department, City of Florence, and City of Florence Fire Department requesting comments pertaining to the request.

1. Jerry Noran, Boone County Building Department, responded that three (3) ADA

compliant parking spaces, with appropriate signage, needs to be provided since there are more than fifty (50) parking spaces (see attached).

- E. The applicant has provided staff with an email from Linzy Brefeld, Kentucky Transportation Cabinet, stating that KYTC sees no traffic issues with the entrance as it is currently presented for the proposed intended use (see attached).

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Kentucky Revised Statute (KRS) 100.213, Articles 3 and Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Planner

MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Applicant's Additional Narrative
- *Concept Development Plan
- *Email from Jerry Noran, Boone County Building Department, dated May 5, 2021
- *Email from Linzy Brefeld, Kentucky Transportation Cabinet, dated April 22, 2021

Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



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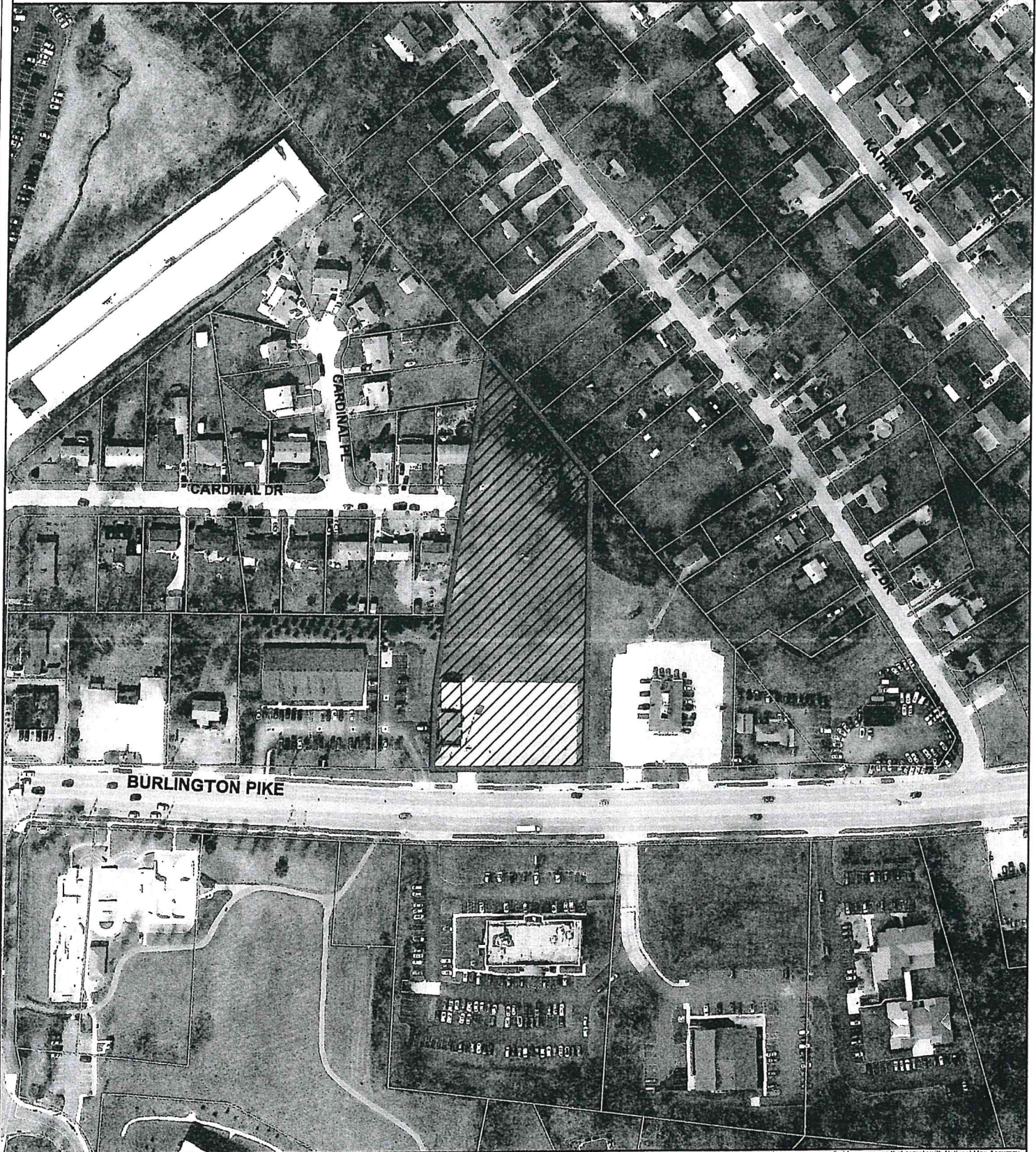
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

Aerial Map

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Topographical Map

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Zoning Map

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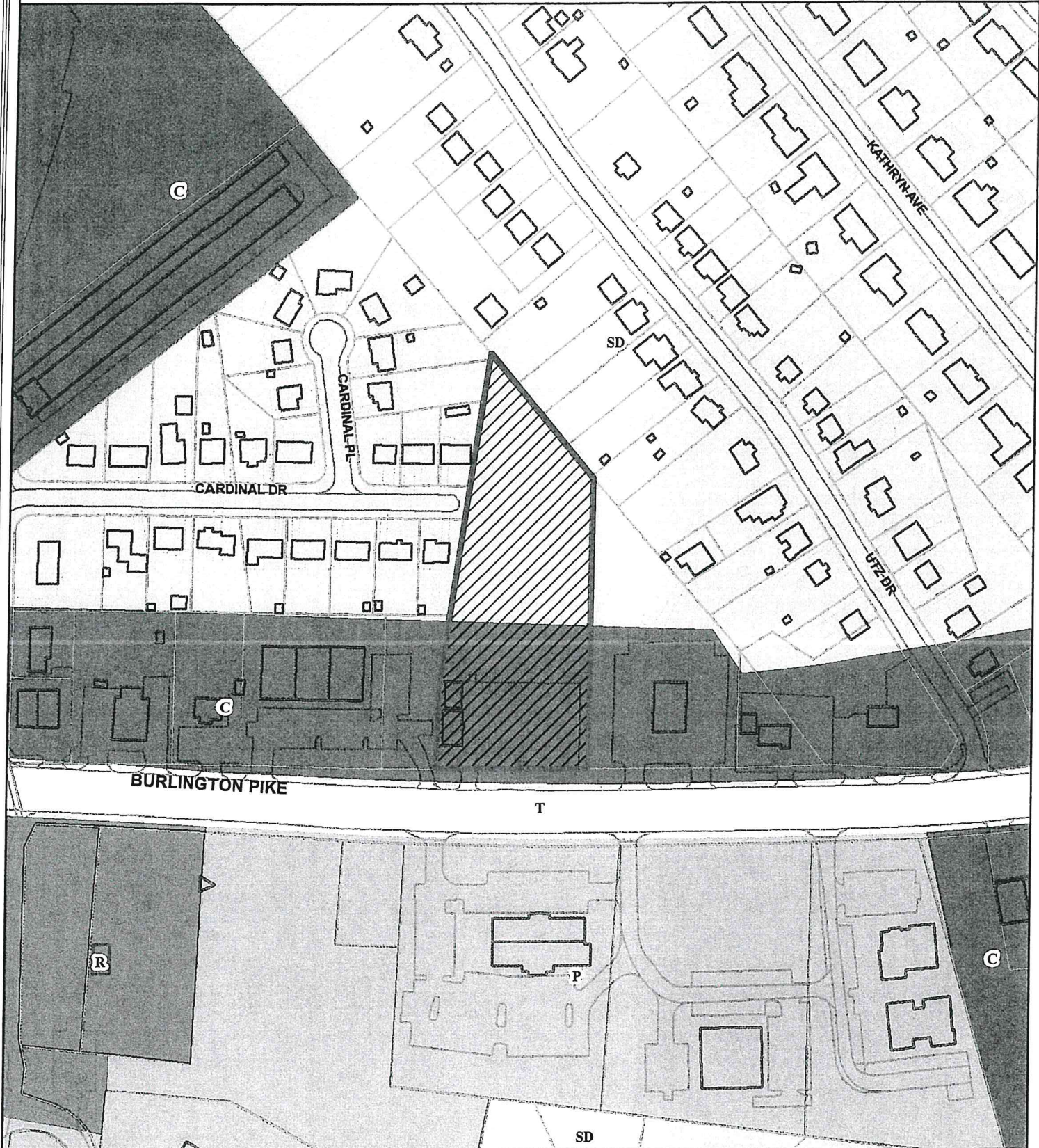


Map Created: xx/xx/2020

Maple Place 7 edited by BOW 04/01/2019
ArcMap Document: *.mxd

2020 Future Land Use Map

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

Noise Contour Map

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1 inch = 200 feet



Map Created: x/h/2020

Boone County GIS - Putting Northern Kentucky on the Map



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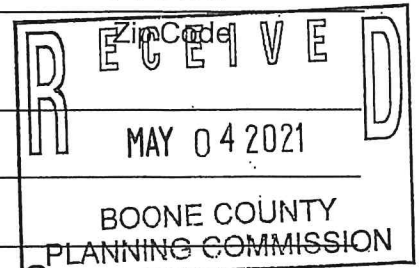
**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

Seven (7) copies of submitted drawings are required

An application consists of all fees paid in full, submitted drawings, and a completed application form

SECTION A: (To be completed by applicant)

1. Name of Project: The BARK Park & Patio
2. Location of Project: 7544 Burlington Pike, Florence, KY 41042
3. Total Acreage of Project: 2.65
4. Current Zoning of Property: SR-2/PO
5. Proposed Zoning of Property (classification being requested): C-2/PD/PO
6. Proposed Use(s) (specify each use):
This request includes the retention of the right to use both portions of the premises for all permitted uses currently authorized under the zoning overlay of 1986.
7. Proposed Building Intensities (specify for each building):
The office building intensity is: 1,200 sq.ft./2.65 acres = 452. The garage intensity is: 875 sq.ft./2.65 acres = 330
8. Are you applying for any of the following (check all that apply):
☐ Conditional Use Permit ☒ Variance
9. Current Owner: Marshall Land Management, LLC
Address: 15217 Carli Court
Crittenden KY 41030
City State Zip Code
Phone Number: _____ Fax Number: _____
Email: _____
10. Applicant: Lee Richard Cahill
Address: 437 Missouri Avenue Apt. 2
Cincinnati OH 45226
City State Zip Code
Phone Number: (859)803-6285 Fax Number: _____
Email: lee.cahill@barkparkpatio.com
11. Are there any existing buildings on the site: ☒ Yes ☐ No
If yes, indicate how many: _____



12. $\frac{1083}{\text{Deed Book}}$ $\frac{358}{\text{Page Number}}$ $\frac{2034A}{\text{Group Number}}$

13. Have you had a pre-application meeting with the BCPC staff: ☒ Yes ☐ No

14. Have you submitted a Concept Development Plan: ☒ Yes ☐ No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- | | | | |
|-------------------------------------|--|--------------------------|---|
| <input checked="" type="checkbox"/> | Boone County Building Department | <input type="checkbox"/> | Local Fire District |
| <input type="checkbox"/> | Boone County Public Works Department | <input type="checkbox"/> | Local School District |
| <input type="checkbox"/> | Boone County Water District | <input type="checkbox"/> | Northern Kentucky Health Department |
| <input type="checkbox"/> | Cincinnati Bell | <input type="checkbox"/> | Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> | Cincinnati/Northern Kentucky International
Airport (Kentucky Airport Zoning Commission
for height restrictions near the airport) | <input type="checkbox"/> | Sanitation District No. 1 |
| <input type="checkbox"/> | Duke Energy | <input type="checkbox"/> | USDA NRCS/Boone County
Conservation District |
| <input type="checkbox"/> | Florence Public Services Department | <input type="checkbox"/> | Other: _____ |
| <input type="checkbox"/> | Kentucky Division of Water | | |
| <input type="checkbox"/> | Kentucky Transportation Cabinet | | |

16. Concept Development Plan Jurisdiction/Location (check all that apply):
☐ Unincorporated Boone ☒ Florence ☐ Walton ☐ Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____.

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: 
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

83894

1. Date Received: 5-4-21 Fee Received: \$2,366.52 Receipt #: 83894
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - ☐ Completed Application
 - ☒ Concept Development Plan
 - ☐ Legal Description
 - ☐ Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: MICHAEL SCHWARTZ
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

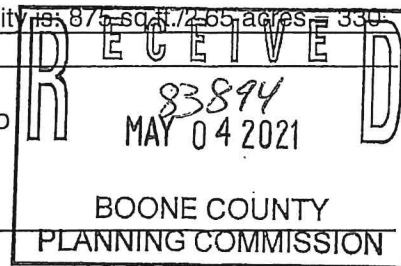
CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

An application consists of all fees paid in full, submitted drawings, and a completed application form

SECTION A: (To be completed by applicant)

1. Type of review (check one):
☒ Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
☐ Change in an Approved Concept Development Plan
☐ Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
☐ Long Range Planning Committee Review (as stated in the Union Town Plan)
☐ Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
☐ Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
☐ Zoning Administrator Review (as stated in the Mall Road District Study)
2. Name of Project: The BARK Park & Patio
3. Location of Project: 7544 Burlington Pike, Florence, KY 41042
4. Total Acreage of Project: 2.65
5. Current Zoning of Property: C-2/PD/PO and SR-2/PO
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable): _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission ☐ Yes ☒ No
If yes, indicate the name of the study: _____
8. Proposed Use(s) (specify each use):
The C-2/PD/PO will be used as a taproom bar and patio area whereas the SR-2/PO will be used as a dog park (the SR-2/PO is currently requested to be rezoned into a C-2/PD).
9. Proposed Building Intensities (specify for each building):
The office building intensity is: 1,200 sp.ft./2.65 acres = 452. The garage intensity is: 875 sq.ft./2.65 acres = 330.
10. Have you submitted a Concept Development Plan: ☐ Yes ☒ No
11. Are you applying for any of the following (check all that apply):
☐ Conditional Use Permit ☐ Variance
12. Current Owner: Marshall Land Management, LLC
- Address: 15217 Carli Court
- Crittenden KY 41030
City State Zip Code
- Phone Number: _____ Fax Number: _____
- Email: _____
13. Applicant: Lee Richard Cahill
- Address: 437 Missouri Avenue Apt. 2



Cincinnati

City

Ohio

State

45226

Zip Code

Phone Number: (859)803-6285

Fax Number: _____

Email: lee.cahill@barkparkpatio.com

14. Are there any existing buildings on the site: ☒ Yes ☐ No
If yes, indicate how many: 2

15. 1083 358 2034A
Deed Book Page Number Group Number

16. Have you had a pre-application meeting with the BCPC staff: ☒ Yes ☐ No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

18. Concept Development Plan Jurisdiction/Location (check all that apply):
☐ Unincorporated Boone ☒ Florence ☐ Walton ☐ Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____

ORIGINAL Property Owner's Signature: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 5-4-21 Fee Received: \$2,366.52 Receipt #: 83894
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - ☐ Completed Application
 - ☒ Concept Development Plan
 - ☒ Legal Description
 - ☐ Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: MICHAEL SCHWARTZ
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other

Boone County Planning Commission
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www.boonecountyky.org

Additional Narrative Information for BARK Park and Patio

Florence, Boone County, Kentucky

Planned Development District (PD) Criteria

Introduction:

Article 15: Planned Development District (PD) Criteria:

1. Mixed Use Development and Pedestrian Orientation: The proposed redevelopment of this 2.53-acre will include an indoor drinking establishment (craft beer taps) and an outdoor dog park area. The site is bounded to the southeast, southwest, and south (across Burlington Pike) by a variety of commercial uses (Velocity Bike & Bean, Rettay Chiropractic, Liberty Medical Assessment, Fillmore's Dairy Hut, and Mi Salon - which is now vacant). Single-family residential housing adjoins the property to the north, northeast, and northwest. Stringtown Park is also located on Burlington Pike and is located a short distance to the east of the site. The area surrounding this proposed development, which could already be defined as being "mixed-use", would benefit from the addition of another recreational use (dog park) and a new entertainment use (drinking establishment).

The site will front on Burlington Pike (KY 18) which is a heavily travelled east-west thoroughfare through the central part of Florence. There are existing sidewalks along both sides of Burlington Pike, which allows for easy pedestrian access to the site. Because of the abundance of existing residential housing surrounding the site, in addition to the nearby location of Stringtown Park (which does not include a dog park), this proposed development will become a destination for local residents and pedestrians.

2. Compatibility of Uses: As stated previously, the proposed dog park and bar will be a complementary feature within an existing mixed-use area.
3. Open Space: The existing building on the site will be redeveloped into the proposed bar and patio area. This building fronts on Burlington Pike and will include parking. The north (rear) area of the site will be open space to be used for the dog park. The open area will be fenced and will include landscaping per the Boone County/Florence regulations. The total green space is 1.78 acres. 1.00 acres is enclosed by fencing which includes a 2,150 SF patio area with optional expansion area.
4. Multi-Modal Transportation System: The site is easily accessible to automobiles, pedestrians, bikes.
5. Preservation of Existing Site Features: Most of that area will remain open space for the dog park. 1.78 acres of the 2.53 acres will remain green space. In addition, the open space will include new fencing and new and additional landscape buffering. Existing vegetation on the north end of the property will be retained.

6. Landscaping: See proposed landscape plan. The proposal requests a variance for the buffer yard C plant requirements based on total green space and privacy fencing.
7. Architecture: See proposed exhibits for elevation drawing and floor plan.
8. See response to #7 above.
9. Historic and Prehistoric Features: NA
10. Signage: The applicant will comply with all current sign regulations. Any free-standing monument sign will visually correlate to the planned architectural theme of the development.
11. Transportation Connections and Entry Points: Please refer to the pedestrian and street connections as shown in the attached concept plan.

BARK PARK ZONE CHANGE SUBMITTAL

7544 BURLINGTON PIKE, FLORENCE,
KY 41042

SITE DATA

Parcel ID: 061.03-22-032.00
Parcel Address: 7544 BURLINGTON PIKE
Current Owner: MARSHALL LAND MANAGEMENT LLC
Owner Address: 15217 CARLI CT, CRITTENDEN, KY 41030
Deed Ref: 1083/358
Total Acreage of Site: 2.53
Current Zone: SR-2/PO = 51.3%, C-2/PD/PO=48.7%
Soils: 96% JESSUP SILT 12 TO 20% SLOPES; 4% ROSSMOYNE
SILT LOAM 6 TO 12% SLOPE

SITE ZONING DATA

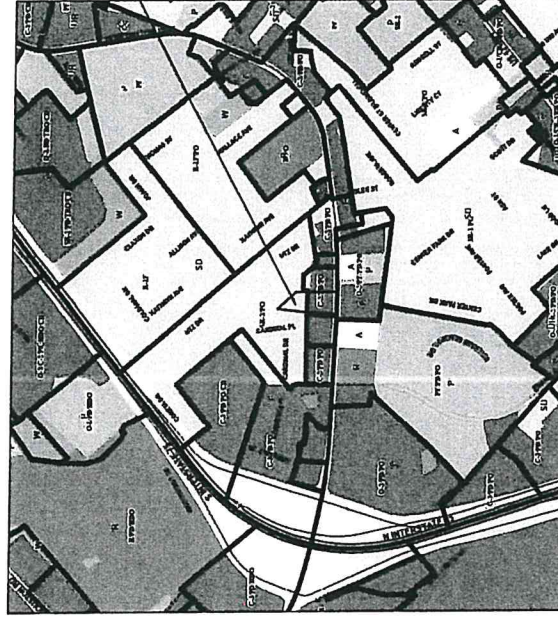
Proposed Zone:
Min. Size of District = 2 ACRES
Max. Intensity = 2,000 - 15,000 SF
Min Lot Size = 5,000 SF
Min. Frontage = 50 FT
Max. Ht = 50 FT
Min. Front Yard Setback = 30 FT
Min. Rear Yard Setback = 20 FT (50 FT WHEN AJN. SR-2 DIST.)
Min. Side Yard Setback = 10 FT (50 FT WHEN AJN. SR-2 DIST.)

Buffer Yard Requirements:

Adjoining SR-2 = Buffer Yard C - 60' or 30' w/ fence or berm
Adjoining Street = Buffer Yard "A" - 10'
Adjoining C-2 = Buffer Yard "A" - 10'

UTILITY INFO:

WATER: CITY OF FLORENCE
ELEC: DUKE ENERGY
SAN SEWER: CITY OF FLORENCE
STORM SEWER: FLORENCE PUBLIC SERVICES
TEL/CABLE: CINCINNATI BELL/SPECTRUM



VICINITY MAP

SCALE: NTS

SHEET INDEX

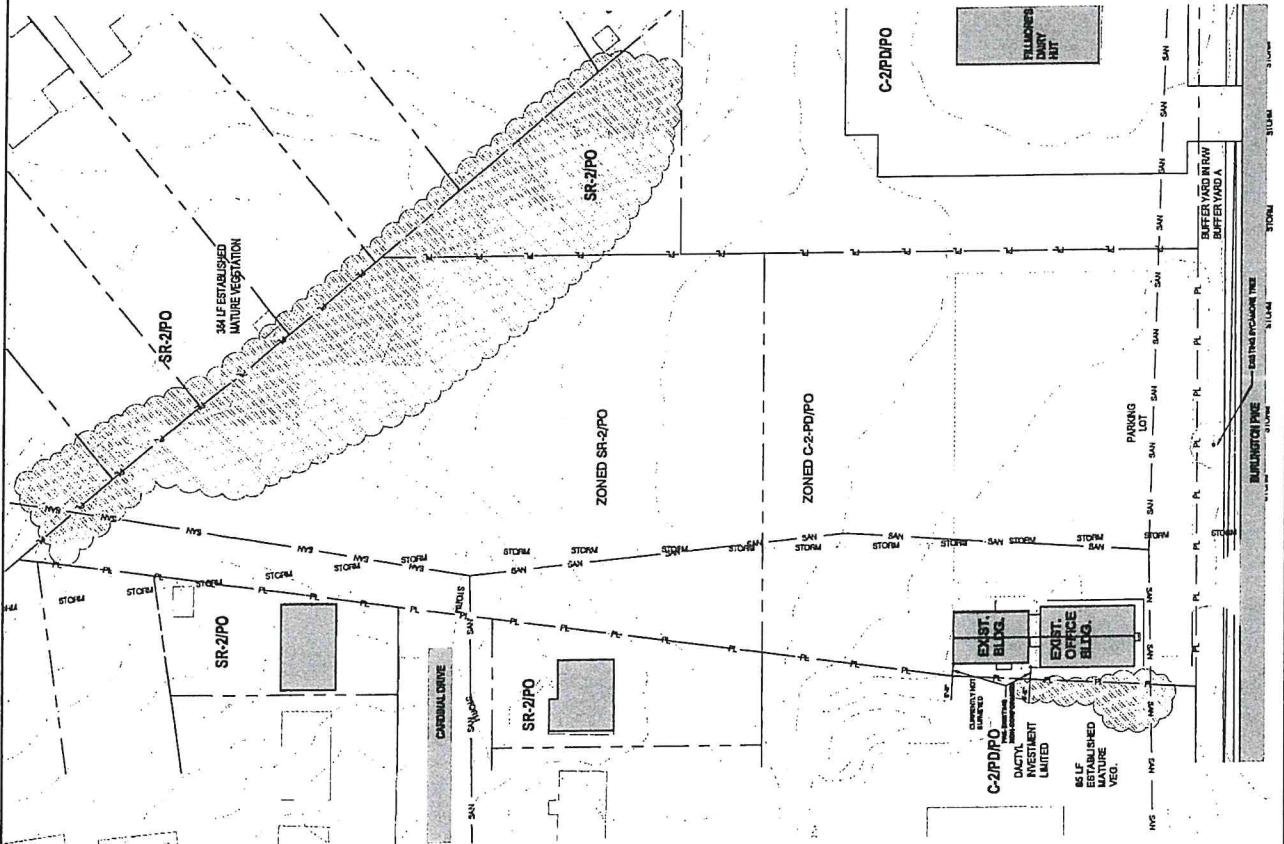
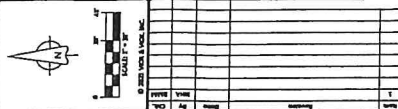
COVER
EXISTING CONDITIONS - L1
SITE PLAN - L2
3D PERSPECTIVE VIEW AND INSPIRATION IMAGES
EXTERIOR ELEVATIONS
SCHEMATIC FLOOR PLAN

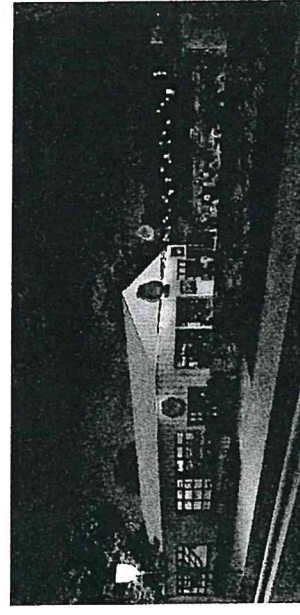
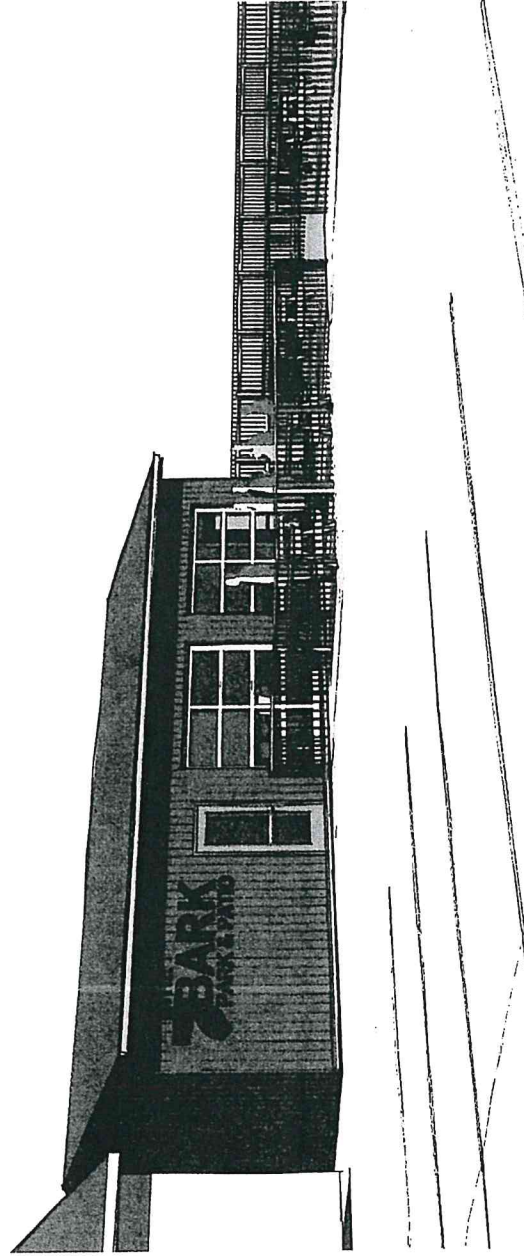
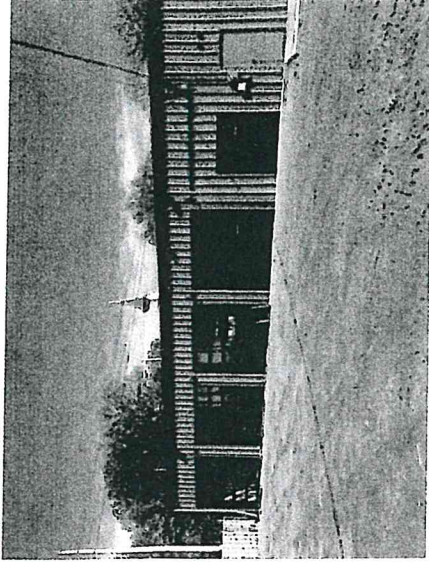
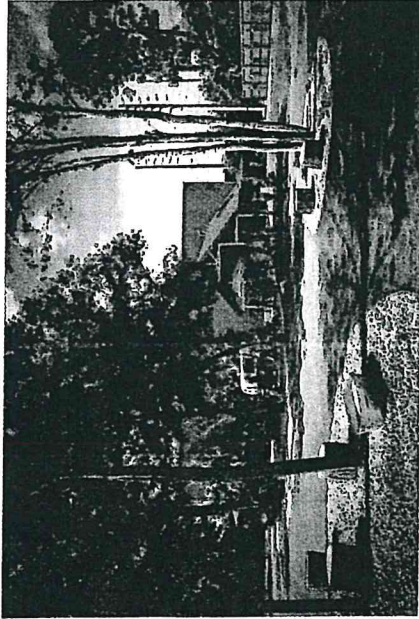
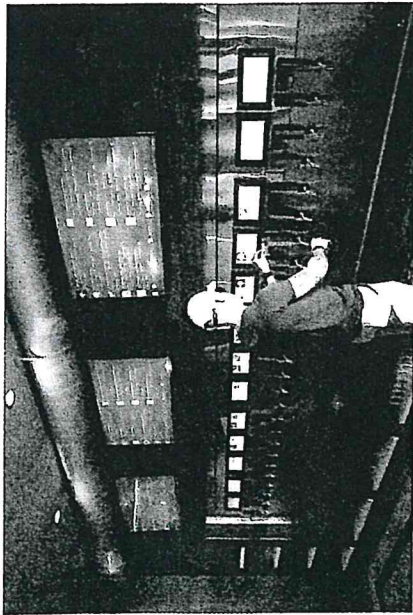
VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
2100 Main Street • Lexington, Kentucky 40503
PH: 606.277.2323 • FX: 606.277.1000
www.vioxinc.com



BARK PARK
7544 BURLINGTON PIKE, FLORENCE, KY 41042
ZONING LANDSCAPE PLAN

Sheet No.	Scale	Notes
1	1" = 100'	COVER
2	1" = 100'	EXISTING CONDITIONS - L1
3	1" = 100'	SITE PLAN - L2
4	1" = 100'	3D PERSPECTIVE VIEW AND INSPIRATION IMAGES
5	1" = 100'	EXTERIOR ELEVATIONS
6	1" = 100'	SCHEMATIC FLOOR PLAN

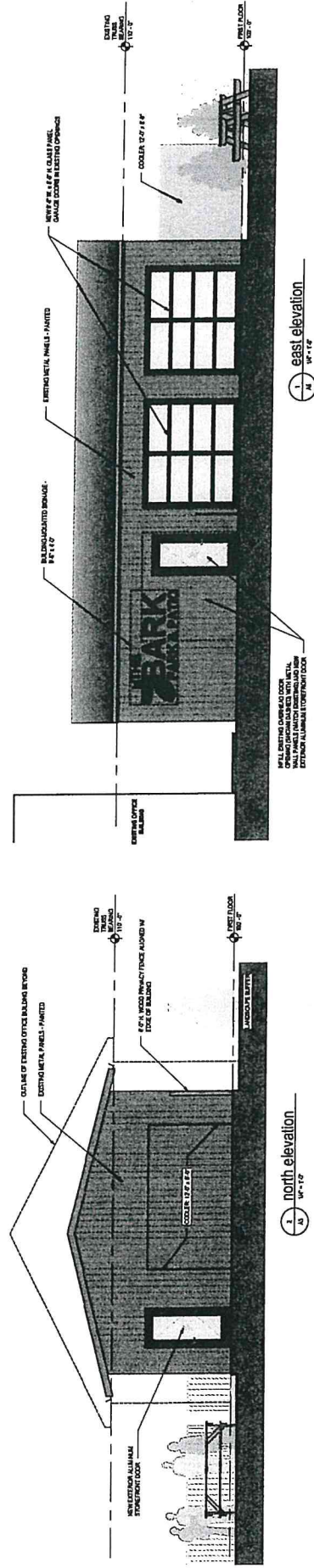
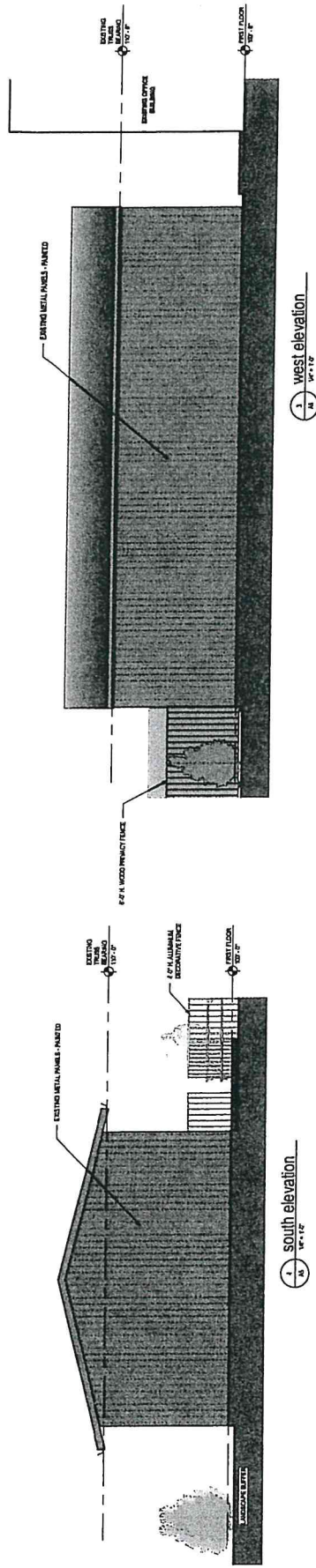




3D RENDERING BY ARCHITECTURE

BARK Park Schematic Design Package

3D PERSPECTIVE VIEW & INSPIRATION IMAGES



BARk Park Schematic Design Package

EXTERIOR ELEVATIONS

© 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692,



Michael Schwartz

From: Jerry Noran
Sent: Wednesday, May 05, 2021 2:29 PM
To: Michael Schwartz
Subject: RE: Bark Park and Patio - 7544 Burlington Pike

Accessible parking needs pole signage per the ADA. Three spaces are required for 51 spaces, but I only count 50 (which only requires 2). The aisle listed as 11 only has 10 shown.

Sincerely,
Jerald E. Noran, CBO, AIA
Chief Building Official
Boone County Building Department
2950 Washington Street
P.O.Box 900
Burlington, KY 41005
859-334-3288
jnoran@boonecountyky.org

From: Michael Schwartz
Sent: Wednesday, May 05, 2021 1:54 PM
To: Jerry Noran <jnoran@boonecountyky.org>; 'Joshua Hunt' <Joshua.Hunt@Florence-KY.gov>; 'Randy.Childress@Florence-KY.gov' <Randy.Childress@Florence-KY.gov>
Subject: Bark Park and Patio - 7544 Burlington Pike

We are in receipt of a zoning map amendment/concept development plan application for the above referenced address.

If you have any comments regarding this proposal that you would like to be included in our staff report to the Boone County Planning Commission, please forward them to me no later than Wednesday, May 26, 2021.

Please feel free to contact me if you have any questions.

Michael D. Schwartz, Planner



2950 Washington Street, Room 317
Burlington, Kentucky 41005
(P) 859-334-2196 (F) 859-334-2264

Michael Schwartz

From: Kevin Wall
Sent: Wednesday, May 05, 2021 12:56 PM
To: Michael Schwartz
Subject: FW: Curb Access for 7544 Burlington Pike, Florence KY 41042

From: Brock MacKay [mailto:bmackay@vioxinc.com]
Sent: Tuesday, May 04, 2021 5:22 PM
To: Kevin Wall
Subject: FW: Curb Access for 7544 Burlington Pike, Florence KY 41042

EXTERNAL MESSAGE

Kevin,
I am forwarding this from Linzy and it has operational info.
Brock

----- Forwarded message -----

From: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Date: Thu, Apr 22, 2021, 1:08 PM
Subject: Re: Curb Access for 7544 Burlington Pike, Florence KY 41042
To: Lee Cahill <lee.cahill@barkparkpatio.com>

KYTC sees no traffic issues with the entrance as it's currently presented for the proposed intended use.

Linzy Brefeld, P.E.
Transportation Engineer Supervisor
KYTC District 6
Traffic and Permits Section
Linzy.Brefeld@ky.gov
Get [Outlook](#) for iOS

From: Lee Cahill <lee.cahill@barkparkpatio.com>
Sent: Thursday, April 22, 2021 10:52:09 AM
To: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Subject: Re: Curb Access for 7544 Burlington Pike, Florence KY 41042

Oh that makes sense. No, this is our first place and we are very excited about it but, as I'm sure you know, there's SO much that goes into it.

We are going to be open Tuesday - Friday 12:00PM - 10:00PM and Saturday - Sunday 10:00AM - 10:00PM.

On Thu, Apr 22, 2021, 10:47 AM Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov> wrote:

I was just wondering if you had an alternate or current location of the Bark Park and Patio and an estimate of how many daily trips you had coming in and out of the establishment. What are the proposed hours of operation?

Linzy Brefeld, P.E.

Transportation Engineer Supervisor
KYTC District 6
Traffic and Permits Section
Linzy.Brefeld@ky.gov
Get Outlook for iOS

From: Lee Cahill <lee.cahill@barkparkpatio.com>
Sent: Thursday, April 22, 2021 10:44:26 AM
To: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Subject: Re: Curb Access for 7544 Burlington Pike, Florence KY 41042

I'm sorry I do not. Where would I get that?

On Thu, Apr 22, 2021, 10:35 AM Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov> wrote:

Do you have any trip generation data for this type of establishment?

Linzy Brefeld, P.E.
Transportation Engineer Supervisor
KYTC District 6
Traffic and Permits Section
Linzy.Brefeld@ky.gov
Get Outlook for iOS

From: Lee Cahill <lee.cahill@barkparkpatio.com>
Sent: Wednesday, April 21, 2021 9:29:49 AM
To: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Subject: Curb Access for 7544 Burlington Pike, Florence KY 41042

Good morning Linzy,

Brock MacKay told me you were the person to talk to regarding curb access to properties.

I am looking to revitalize the 7544 Burlington Pike location from a vacant lot to a dog park and a taproom bar and in doing so give the area a bit of a facelift. Is there going to be any issue with the current access point for that location?

All the best,

Lee Cahill
Owner and Operator
The BARK Park & Patio
Phone: (859) 803-6285



COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the third item on the Agenda at 7:44 p.m.

**ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Michael Schwartz,
Staff**

3. Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544

Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

Mr. Michael Schwartz, Staff, referred to his PowerPoint presentation. The site is approximately 2.5 acres and is located on the north side of Burlington Pike about 600 feet west of Utz Drive. The site has approximately 231 feet of road frontage along Burlington Pike. Page 1 of the Staff Report includes a history of the site. The last approved use of the site was an automotive sales facility. Pages 2 and 3 of the Staff Report provide the statutory and regulatory requirements that pertain to the request. Mr. Schwartz showed an aerial photo of the site. It is currently occupied by a one story, 1,200 square foot office/retail building and behind it is a one story 875 square foot auto/garage building. There is also a 25,000 square foot off-street parking area and approximately 1.88 acres of open/green space. There is a large area of existing trees located on the northern part of the site, which is approximately 80 feet in depth. Mr. Schwartz displayed a map showing the current zoning of the site. The southern portion of the site (1.2 acres) is currently zoned C-2/PD/PO. The northern portion of the site (1.3 acres) is currently zoned SR-2/PO. That is the area proposed to be rezoned C-2/PD/PO to match what is in front. Mr. Schwartz described the surrounding land uses and zoning. The site slopes downward from south to north. The average grade is roughly 5% . The site is predominantly located in the 55 DNL noise level. The 2040 Future Land Use Map designates the frontage of the site as Commercial (C) and the rear as Suburban Density Residential (SD) uses. Pages 3 and 4 of the Staff Report contain references to the Comprehensive Plan that are relevant to the issue. The site is located in Subarea 1 of the Central Florence Strategic Plan as noted on Page 5 of the Staff Report.

Mr. Schwartz showed photographs of the site and adjoining properties. He reviewed the submitted Concept Development Plan. He noted that the property owner wants to retain the right to turn the site back into the auto sales use if the proposed business closes and goes away. The existing office building will be used as an office. The existing auto/garage building will be converted into a tap room for indoor seating for eating and drinking. There is a provision for an outdoor patio seating area. There is also a provision for a food truck area. The existing parking area will be restriped for 53 parking spaces. A six foot high solid wood privacy fence will be installed to screen the view from Cardinal Drive. A 4 foot high chain link fence will be installed along the northern and eastern sides of the site. This will be adjacent to the existing 80 foot wide tree area. A four foot high aluminum decorative fence will be installed in the patio area. New landscaping will be installed on the north, west and south sides of the site. The northern area will remain open space. Mr. Schwartz showed some building elevations as well as interior photographs. One bay door will be removed from the auto/garage building and a pedestrian door will be installed. Page 6 of the Staff Report includes the issues that the applicant must address. Pages 6-8 of the Staff Report provide a review of the proposal against the Zoning Regulations which can be discussed at the Committee Meeting. Page 8 of the Staff Report identifies those items that the applicant is requesting a modification through the Planned Development regulations. A chart is provided. The applicant has provided an email from the Kentucky Transportation Cabinet indicating no issues

with regard to access. Yesterday, Staff received an email from Clara and Jeff England. They live on Utz Drive. They identified 4 issues. First, there is a drainage issue from an unmaintained creek bed. It causes running water and ponding. They are concerned about dog feces being washed down into their yard. What about smells and noise (barking)?

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

Mr. Brock MacKay, Viox & Viox, Inc., stated the proposal is an unusual project – The Bark Park and Patio. He introduced Mr. Lee Cahill. Mr. Cahill stated that the proposal is a dog park and a bar. The back part will be the dog park. It will be fenced in. The site will include a patio area and an inside dining area. Dogs will be leashed while they are in the inside dining area and patio area. Dogs will be unleashed in the dog park area. The indoor dining area will have self-serve beer taps. Dogs will be required to have a membership which involves fully vaccinated pets. Dogs will have to be spade or neutered. They will have attendants that will be responsible for watching dog behavior in the dog park area. They will also be responsible for keeping the dog park area clean of feces. Hours of operation are Tuesday thru Friday – 12:00 noon to 10:00 p.m. Saturdays and Sundays will be 10:00 a.m. to 10:00 p.m. There should be no late night noises.

Mr. Mackay stated it is a lease operation. It is an adaptive reuse of the property. They are working with the existing building and existing parking lot. The zone change area will be utilized as a dog park. Currently, the City is working on a Stormwater Watershed Study in the area. More information about this Study will be provided later. Mr. Mackay reviewed the Concept Development Plan. The proposed layout mimics the property on the west side of the site. A black aluminum rail fence will be installed in the patio area.

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

Seeing no one, Vice-Chairman Patton asked if the existing parking lot would require any landscaping islands? Mr. Schwartz replied that since the parking lot already exists and the applicant isn't proposing any changes other than striping, there is no requirement for additional interior landscaping. Vice-Chairman Patton asked the applicant to at least consider it and the potential to install a double fence to prevent people from entering the property outside of the dog park.

Mr. Costello asked what the applicant was going to do with the office building in front of the tap room. Mr. Cahill responded that they will paint it. They will not brew any beer on the site. Vice-Chairman Patton stated that both buildings should be painted the same to be compatible.

Mrs. Heilman asked what was access to the open space area? Is it Cardinal Drive? Mr. Schwartz replied that will be access from the patio area and parking lot.

Mr. Lunnemann asked how the applicant will maintain the back open space area? Mr. Cahill responded that there will be a fence gate opening to maintain the back area with mowing equipment.

Mr. Szurlinski inquired about lighting especially in the back area where the dog park will be located. Do they plan to install lighting in that area? Mr. Cahill replied that they are planning to keep the existing lighting. They will add low intensity (string lights) with hanging light bulbs in the back front half.

Vice-Chairman Patton suggested that the applicant check with Staff about the lighting lumen standards.

Mr. Costello asked what was the capacity for indoor seating? Mr. Cahill replied 4 tables of 2 person seating. The patio will be 1,000 square feet in size. The idea is for people to go outside. What happens in February? They will have heaters in the patio area as much as possible. Colder months may result in closing down like Fillmore's. Vice-Chairman Patton stated much like Covington Yard.

Mr. Lunnemann expressed a concern about rezoning the site to C-2/PD and potentially allowing a car dealership to be allowed in the rear should the dog park and bar use close. He offered to restrict the car use to the front of the parcel only or where the former dealership existed. Mr. Costello offered to consider other uses. He noted that it is very rare to allow a property owner to go to a prior use as it may have been abandoned. A better solution is to simply come back through the process again for a different use. Mr. Cahill responded that it too was his understanding that the property owner would have to go through the process again.

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 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 closed the Public Hearing at 8:17 p.m.

APPROVED:



Kim Patton
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
JULY 7, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 7, 2021 Business Meeting. It is the first in person Business Meeting since July 1, 2020. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

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 Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 16, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? Mr. Costello mentioned a correction on Page 2 in the first paragraph. Instead of \$12,250, it should be \$2,250 increase from the City of Union.

Mr. Patton moved to approve the Minutes as amended. Mr. Turner seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between June 3, 2021 and July 7, 2021.

EXPENSES:

Accounting Fees	\$ 546.18
Attorney Fees	4,000.00
Auto Expense	202.31
Consultant/Professional Svcs Fees	2,425.00
Filing Fees (CLURS)	1,200.00
GIS Operations	1,921.15
Legal Ads/Recruitment	73.18
Miscellaneous Expense	112.15
Office & Board Meeting Supplies	574.15
Office / Equipment Maintenance	3,956.91
Office Equipment / Expense	1,167.36
Office / Liability Insurance	22,732.38
Postage Expense	1,190.10
Printing/Pub/Dues/Subscriptions	12.00

TOTAL: \$ 40,112.87

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,310.35
Health/Dental/Life/LTD	11,887.34
Retirement – BCPC Portion	18,322.42
Salaries – Staff Expenses	99,290.26
Salaries – BCPC & BOA	1,290.00
Workers' Comp Insurance	5,801.40

TOTAL: \$143,901.77

GRAND TOTAL: \$184,014.64

Mr. McMillian moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Lunnemann seconded the motion and it carried unanimously.

ZONING TEXT AMENDMENT – Lori Heilman, Chairwoman, Kevin Wall, Staff

1. Request of the **City of Union** to consider Zoning Text Amendments to Section 3149 "Parking and Storage of Certain Vehicles" of the **Boone County Zoning Regulations** to: (1) add the provisions regarding parking and storage of certain vehicles which currently apply to unincorporated Boone County and the cities of Florence and Walton; and (2) repeal the provisions regarding parking and storage of certain vehicles which currently apply to the City of Union. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). He noted the Committee voted unanimously to approve the request with Mrs. Heilman, Mr. Lunnemann, Mr. Harper and Mrs. Steele voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Zoning Text Amendments by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact. Mr. Harper seconded the motion and it passed unanimously.**

ZONING TEXT AMENDMENT – Lori Heilman, Chairwoman, Michael Schwartz, Staff

2. Request of the **Boone County Fiscal Court** to consider a series of Zoning Text Amendments to Articles 6, 7, 8, 9, 16, 20, 23, 25, 31, and 40 of the **Boone County Zoning Regulations** to: (1) define "short term rental"; (2) allow "short term rentals" in agriculture, recreation, conservation, residential, Employment Planned Development/Residential Planned Development (EPD/RPD), Union Commercial (UC) and Small Community Overlay (SC) zones; and (3) add supplementary performance standards for "short term rentals". The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). He noted the Committee voted unanimously to approve the request with Mrs. Heilman, Mr. Lunnemann, Mr. Harper and Mrs. Steele voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Lunnemann moved to approve the Zoning Text Amendments by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact. Mr. Patton seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Michael Schwartz, Staff

3. Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). Mr. Schwartz noted the Committee voted unanimously to approve the request with Mr. Bunger, Ms. Gulick, Mrs. Kegley and Mr. Lunnemann voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Lunnemann moved to approve the Zoning Map Amendment and Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Ms. Gulick seconded the motion.**

Chairman Rolfsen inquired about the dog park and food trucks. Mr. Lunnemann responded that the dog park is being developed with a drinking establishment (beer sales). Potentially, one could get something to eat, drink and also walk your dog. It is a unique use for the area. The food truck area is accessing to the bark park area. Food trucks just can't park at the site and not serve food.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Ms. Gulick. The motion passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Kevin Wall, Staff

4. Request of **William Martin (applicant)** for **Hebron Land Company, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Four (C-4) zone for a 1.29 acre site located at 2575 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit retail, office, commercial service, and eating and drinking establishment uses.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and subject to one Condition (see Committee Report). Mr. Wall noted the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Lunnemann, Ms. Gulick, and Mr. Bunger voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Change in Concept Development Plan by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Condition. Mrs. Kegley seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Todd Morgan, Staff

5. Request of **Ken Butler (owner)** for a Change in Approved Concept Development Plan in Commercial Two/Planned Development (C-2/PD) and Office One/Planned Development (O-1/PD) zones for a .9703 acre site located at 8747 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval regarding the location of a drive-through menu board sign.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and subject to a Condition (see Committee Report). Mr. Morgan noted the Committee voted unanimously to approve the request with Mr. Bunger, Mr. Lunnemann, Mrs. Kegley and Ms. Gulick voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Change in Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Condition. Mr. Schwenke seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Janet Kegley, Chairwoman, Todd Morgan, Staff

6. Request of **Viox & Viox (applicant)** for **ERHAL Holdings LLC (owner)** for a Change in Approved Concept Development Plan in a Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) zone for an approximate 3.5 acre site located at 1200 Bill Wentz Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an alternate buffer yard planting scheme in the north/northeast most part of the site.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). Mr. Morgan noted the Committee voted unanimously to approve the request with Ms. Gulick, Mr. Bunger, Mr. Lunnemann and Mrs. Kegley voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Change in Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact. Mr. Szurlinski seconded the motion and it passed unanimously.**

TECHNICAL/DESIGN REVIEW – Lori Heilman, Chairwoman, Todd Morgan, Staff

7. Kohl's + Sephora – 61 Spiral Drive

Staff Member, Todd Morgan, referred to a Power Point presentation. He referred to a drawing that showed the existing building mounted signs facing the front parking lot and Houston Road. In 1999, both signs were approved at 193.75 square feet each. The current code allows two 250 square foot signs. The applicant wants to add the word "Sephora" to the existing sign facing the front parking lot. The proposed sign area is 442.06 square feet in 3 sign areas. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the change.

Chairman Rolfsen asked if there was a motion to act on the request? Mr. Harper moved to approve the request based upon the Technical/Design Review Committee recommendation as presented. Mr. Lunnemann seconded the motion and it passed unanimously.

NEW BUSINESS:

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

8. Request of Tim Greive (applicant) for Bob Sumerel Tire Co. (owner) for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

9. Request of Brad Trauth – Trauth Property Group (applicant) for Thousand Hills Holdings, LLC (owner) for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit residential townhomes and an office building in addition to an existing pet daycare facility.

Mr. Lunnemann moved to schedule the Public Hearings for Items #8 and #9 on August 4, 2021 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT AND VARIANCE – Kevin Wall, Staff

10. Request of Viox & Viox (applicant) for 9541 US 42 LLC (owner) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD), and a Variance, for a 61.889 acre site located at 9253 and 9357 Old Union Road (on the east side of Old Union Road between the Villas of Fowler's Creek development and the property at 9513 Old Union Road), and

along the west side of US 42 between the US 42/Fowlers Lane intersection and the US 42/Sweet Harmony Lane intersection, Union, Kentucky. The request is for a Zone Change to allow commercial and office uses, residential condominiums, apartments, and green space, and a Variance from Section 2540.1 "Setbacks" of the Boone County Zoning Regulations to allow the 50 foot maximum front yard setback to be exceeded.

Mr. Szurlinski moved to schedule the Public Hearing for Item #10 on August 18, 2021 at 7:30 p.m. Mr. Turner seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, welcomed everyone back to the first in-person Business Meeting in over a year. He referred to his July 2, 2021 Memorandum regarding a contract renewal with Jonathan Brown for engineering and surveying services with Brown Engineering, LLC for FY 2021-2022. The only change in the proposed contract is the term. The rates will remain the same.

Mr. Patton moved to authorize the Executive Director to execute a contract with Brown Engineering, LLC for providing engineering and surveying services to the Boone County Planning Commission based upon his July 2, 2021 Memorandum. Mrs. Kegley seconded the motion and it passed unanimously.

Mr. Costello referred to his July 2, 2021 Memorandum regarding the Director, Community Development position. He explained the history of the position and the need to change the focus of the vacated position after Mr. Jonas' retirement. He introduced Ms. Jenna LeCount and described her prior work experience. He, along with other members of the Senior Staff, interviewed Ms. LeCount and references were checked. Mr. Costello noted that he was impressed with her achievements in making each community she worked in a better place.

At this time, Chairman Rolfsen asked if there was a motion to hire Ms. Jenna LeCount? **Mr. Patton moved to appoint or hire Ms. Jenna LeCount as the Director, Community Development effective August 2, 2021 based upon Mr. Costello's July 2, 2021 Memorandum. Mr. Harper seconded the motion and it passed unanimously.** Chairman Rolfsen invited Ms. LeCount to make any remarks.

Ms. LeCount appreciated the positive vote. She reviewed her educational background and work experience on both sides of the Ohio River. There are so many good things happening now in Boone County and in the future. She is happy to be part of the team. Again, Chairman Rolfsen welcomed her to the Planning Commission.

COMMITTEE REPORTS:

AIRPORT: Mr. Bessler
No Report

ADMINISTRATIVE/PERSONNEL: Mr. Lunnemann
No Report

ENFORCEMENT: Mr. Bunger
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke
No Report

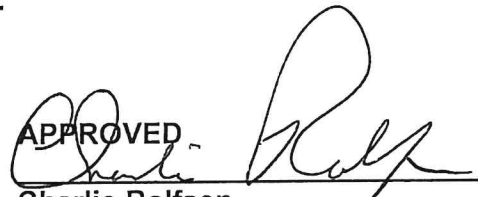
TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

EXECUTIVE: Chairman Rolfsen
No Report

CHAIRMAN: Chairman Rolfsen
No Report

OTHER:

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Mr. Schwenke seconded the motion and it passed unanimously. The meeting was adjourned at 7:29 P.M.**

APPROVED 
Charlie Rolfsen
Chairman

Attest: 
Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: July 7, 2021

RE: Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

REMARKS:

1. We, the Committee, recommend approval of the above referenced zoning map amendment and concept development plan request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

- a. The Committee has concluded that the proposed C-2/PD/PO zone, along with the submitted concept development plan, is consistent with Our Boone County – Plan 2040, which designates the southern portion of the site, having an area of approximately 1.23 acres, for Commercial uses. The proposed C-2/PD/PO zone principally permits a variety of commercial uses, including the proposed eating and drinking establishment.
- b. The Committee has concluded that while the northern portion of the site, having an area of approximately 1.3 acres is identified for Suburban Density Residential uses, the proposed C-2/PD/PO zone will not be inconsistent with the adjacent areas since, based on the submitted concept development plan, this area will remain as open space or be used as a recreation area as part of the proposed dog park.
- c. The Committee has concluded that the proposed C-2/PD/PO zone, along with the submitted concept development plan, is consistent with the 2040 Future Land Use Map which identifies the site for Commercial and Suburban Density Residential uses. The Committee notes that the future land use boundaries are intended to be approximate and subject to refinement and interpretation.
- d. The Committee has concluded that the proposed C-2/PD/PO zone is, along with the proposed concept development plan, is consistent with the following Our

Boone County – Plan 2040 Goals and Objectives:

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).

Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Parks and open space shall be used to preserve scenic and natural areas with significant and unique qualities and provide activity centers close to or within established and developing residential areas (Natural and Cultural Resources Goal A, Objective 1).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

Compact, efficient development patterns shall be encouraged for industrial,

commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- e. The Committee has concluded that the proposed zoning map amendment and Concept Development Plan meets the requirements of Article 15 (PD district) of the Boone County Zoning Regulations, except as noted under conditions.
- f. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner and developer have signed a letter demonstrating agreement with this condition.

CONDITIONS:

- 1. Development of the site shall be consistent with the submitted Concept Development Plan. Any modifications that are not consistent with the Concept Development Plan, including reverting the site back to an automotive sales business, shall be submitted to the Planning Commission as a Change of Concept Development Plan.
- 2. Food truck parking shall only be allowed during the business hours of the proposed Bark Park and Patio.
- 3. The two existing buildings on the site shall be treated so that the color of their facades and trim match one another.
- 4. The northern portion of the proposed six (6) foot high privacy fence, that does not parallel a property line, shall be placed on the interior of the site, on the inside of the proposed landscaping.
- 5. The proposed six (6) foot high privacy fence shall be extended along the existing stand of trees if the trees are removed or disturbed.
- 6. All signage shall meet the requirements of Section 3199.2 and Article 34 of the Boone County Zoning Regulations.
- 7. All exterior lighting shall meet the requirements of Section 3316 of the Boone County Zoning Regulations.
- 8. An encroachment permit shall be obtained from the Kentucky Transportation

Cabinet for the landscaping along Burlington Pike.

9. Landscaping shall be provided along the northern edge of the parking lot. This landscaping shall meet the Buffer Yard A width requirement and the Buffer Yard A tree requirement only.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Rick Lunnemann, Chairman
DATE: June 23, 2021

ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Michael Schwartz, Staff

4. Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

REMARKS:

We, the Committee Members were present via live video teleconference at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Kim Bunger

For Project _____ Absent ☒
Against Project _____
Abstain _____ Deferred _____

Viz Live Teleconference

Corrin Gulick

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Viz Live Teleconference

Janet Kegley

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Viz Live Teleconference

Rick Lunnemann (Chairman)

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Patton

For Project _____ Absent ☒
Against Project _____
Abstain _____ Deferred _____


Recorded by Michael Schwartz,
Planner

TOTAL: 0 DEFERRED 3 FOR PROJECT 2 ABSENT
 0 AGAINST PROJECT 0 ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunker, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the third item on the Agenda at 7:44 p.m.

**ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Michael Schwartz,
Staff**

3. Request of Lee Richard Cahill (applicant) for Marshall Land Management LLC (owner) for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of Lee Richard Cahill (applicant) for Marshall Land Management LLC (owner) for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544

Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

Mr. Michael Schwartz, Staff, referred to his PowerPoint presentation. The site is approximately 2.5 acres and is located on the north side of Burlington Pike about 600 feet west of Utz Drive. The site has approximately 231 feet of road frontage along Burlington Pike. Page 1 of the Staff Report includes a history of the site. The last approved use of the site was an automotive sales facility. Pages 2 and 3 of the Staff Report provide the statutory and regulatory requirements that pertain to the request. Mr. Schwartz showed an aerial photo of the site. It is currently occupied by a one story, 1,200 square foot office/retail building and behind it is a one story 875 square foot auto/garage building. There is also a 25,000 square foot off-street parking area and approximately 1.88 acres of open/green space. There is a large area of existing trees located on the northern part of the site, which is approximately 80 feet in depth. Mr. Schwartz displayed a map showing the current zoning of the site. The southern portion of the site (1.2 acres) is currently zoned C-2/PD/PO. The northern portion of the site (1.3 acres) is currently zoned SR-2/PO. That is the area proposed to be rezoned C-2/PD/PO to match what is in front. Mr. Schwartz described the surrounding land uses and zoning. The site slopes downward from south to north. The average grade is roughly 5% . The site is predominantly located in the 55 DNL noise level. The 2040 Future Land Use Map designates the frontage of the site as Commercial (C) and the rear as Suburban Density Residential (SD) uses. Pages 3 and 4 of the Staff Report contain references to the Comprehensive Plan that are relevant to the issue. The site is located in Subarea 1 of the Central Florence Strategic Plan as noted on Page 5 of the Staff Report.

Mr. Schwartz showed photographs of the site and adjoining properties. He reviewed the submitted Concept Development Plan. He noted that the property owner wants to retain the right to turn the site back into the auto sales use if the proposed business closes and goes away. The existing office building will be used as an office. The existing auto/garage building will be converted into a tap room for indoor seating for eating and drinking. There is a provision for an outdoor patio seating area. There is also a provision for a food truck area. The existing parking area will be restriped for 53 parking spaces. A six foot high solid wood privacy fence will be installed to screen the view from Cardinal Drive. A 4 foot high chain link fence will be installed along the northern and eastern sides of the site. This will be adjacent to the existing 80 foot wide tree area. A four foot high aluminum decorative fence will be installed in the patio area. New landscaping will be installed on the north, west and south sides of the site. The northern area will remain open space. Mr. Schwartz showed some building elevations as well as interior photographs. One bay door will be removed from the auto/garage building and a pedestrian door will be installed. Page 6 of the Staff Report includes the issues that the applicant must address. Pages 6-8 of the Staff Report provide a review of the proposal against the Zoning Regulations which can be discussed at the Committee Meeting. Page 8 of the Staff Report identifies those items that the applicant is requesting a modification through the Planned Development regulations. A chart is provided. The applicant has provided an email from the Kentucky Transportation Cabinet indicating no issues

with regard to access. Yesterday, Staff received an email from Clara and Jeff England. They live on Utz Drive. They identified 4 issues. First, there is a drainage issue from an unmaintained creek bed. It causes running water and ponding. They are concerned about dog feces being washed down into their yard. What about smells and noise (barking)?

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

Mr. Brock MacKay, Viox & Viox,, Inc., stated the proposal is an unusual project – The Bark Park and Patio. He introduced Mr. Lee Cahill. Mr. Cahill stated that the proposal is a dog park and a bar. The back part will be the dog park. It will be fenced in. The site will include a patio area and an inside dining area. Dogs will be leashed while they are in the inside dining area and patio area. Dogs will be unleashed in the dog park area. The indoor dining area will have self-serve beer taps. Dogs will be required to have a membership which involves fully vaccinated pets. Dogs will have to be spade or neutered. They will have attendants that will be responsible for watching dog behavior in the dog park area. They will also be responsible for keeping the dog park area clean of feces. Hours of operation are Tuesday thru Friday – 12:00 noon to 10:00 p.m. Saturdays and Sundays will be 10:00 a.m. to 10:00 p.m. There should be no late night noises.

Mr. Mackay stated it is a lease operation. It is an adaptive reuse of the property. They are working with the existing building and existing parking lot. The zone change area will be utilized as a dog park. Currently, the City is working on a Stormwater Watershed Study in the area. More information about this Study will be provided later. Mr. Mackay reviewed the Concept Development Plan. The proposed layout mimics the property on the west side of the site. A black aluminum rail fence will be installed in the patio area.

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

Seeing no one, Vice-Chairman Patton asked if the existing parking lot would require any landscaping islands? Mr. Schwartz replied that since the parking lot already exists and the applicant isn't proposing any changes other than striping, there is no requirement for additional interior landscaping. Vice-Chairman Patton asked the applicant to at least consider it and the potential to install a double fence to prevent people from entering the property outside of the dog park.

Mr. Costello asked what the applicant was going to do with the office building in front of the tap room. Mr. Cahill responded that they will paint it. They will not brew any beer on the site. Vice-Chairman Patton stated that both buildings should be painted the same to be compatible.

Mrs. Heilman asked what was access to the open space area? Is it Cardinal Drive? Mr. Schwartz replied that will be access from the patio area and parking lot.

Mr. Lunnemann asked how the applicant will maintain the back open space area? Mr. Cahill responded that there will be a fence gate opening to maintain the back area with mowing equipment.

Mr. Szurlinski inquired about lighting especially in the back area where the dog park will be located. Do they plan to install lighting in that area? Mr. Cahill replied that they are planning to keep the existing lighting. They will add low intensity (string lights) with hanging light bulbs in the back front half.

Vice-Chairman Patton suggested that the applicant check with Staff about the lighting lumen standards.

Mr. Costello asked what was the capacity for indoor seating? Mr. Cahill replied 4 tables of 2 person seating. The patio will be 1,000 square feet in size. The idea is for people to go outside. What happens in February? They will have heaters in the patio area as much as possible. Colder months may result in closing down like Fillmore's. Vice-Chairman Patton stated much like Covington Yard.

Mr. Lunnemann expressed a concern about rezoning the site to C-2/PD and potentially allowing a car dealership to be allowed in the rear should the dog park and bar use close. He offered to restrict the car use to the front of the parcel only or where the former dealership existed. Mr. Costello offered to consider other uses. He noted that it is very rare to allow a property owner to go to a prior use as it may have been abandoned. A better solution is to simply come back through the process again for a different use. Mr. Cahill responded that it too was his understanding that the property owner would have to go through the process again.

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 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 closed the Public Hearing at 8:17 p.m.

APPROVED:



Kim Patton
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director