

RESOLUTION R-21-017-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH A CONDITION, FOR A 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 U.S. 42, 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 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 U.S. 42, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, 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 a condition, 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 U.S. 42, Florence, Kentucky.

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

SECTION I

That the request for a Change in Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with a condition, in a Commercial Two/Planned Development (C-2/PD) and Office One/Planned Development (O-1/PD) zones for a .9703 acre site located at 8747 U.S. 42, Florence, Kentucky. The real estate which is the subject of this request for a change in Approved Concept Development Plan is more particularly described in DEED BOOK: 1146, PAGE NO. 487 (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 a condition, 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 U.S. 42, Florence, Kentucky, 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, with a condition, for this request based on the findings of fact as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with a condition, 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 U.S. 42, Florence, Kentucky, shall be forwarded to the City of Florence, 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

EXHIBIT

“A”

STAFF REPORT

Request of Ken Butler (owner) for a Change in Approved Concept Development Plan in Commercial Two/Planned Development and Office One/Planned Development (O-1/PD) zones for a 0.9703 acre site located at 8747 US 42, Florence, Kentucky. The request is for a Change in Approved Concept Development Plan to modify a previous condition of approval regarding the location of a drive-through menu board sign.

June 2, 2021

REQUEST

The property owner has submitted a Change in Concept Development Plan application to modify a 2020 condition of approval. The subject condition requires the Jimmy John's menu board to be located near the southwest corner of the building. The property owner wants to revise the condition so the menu board can remain near the southeast corner of the building.

PERTINENT SITE HISTORY

- A. In 2020, the City of Florence approved a Concept Development Plan application, which allowed a multi-tenant commercial building with a drive through on the subject lot. The request was approved with nine conditions (see attachments). One of the conditions requires the menu board to be located at the southwest corner of the building.
- B. In 2020, the Major Site Plan was approved allowing the construction of the building and parking lot (see attachments).
- C. In 2021, the menu board was placed on site without a Sign Permit. A Sign Permit cannot currently be issued because the location does not comply with the condition outlined above.

APPLICABLE REGULATIONS

- A. Section 314 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.
- B. Section 1514 of the Boone County Zoning Regulations states that Concept Development Plan proposals in a Planned Development shall be evaluated against the Planned Development criteria unless a portion of the criteria do not apply or relate to a specific proposal. Staff recommends that the following standard should be analyzed:
 - o Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details,

materials, and colors. The use of signage design guidelines is required for multi-phased projects.

- C. Section 1517 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a "Utilization of an Underlying Zone within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.
- D. Section 3413 (3) of the Boone County Zoning Regulations allows one (1) drive-through sign or menu board adjoining each drive-through lane. Menu boards shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is freestanding and forty-eight (48) square feet in size if the sign is mounted to the building.

SITE CHARACTERISTICS

- A. The 0.9703 acre site is located on the south side of US 42 and the north side of Cavalry Drive, approximately 170 feet east of Express Street.
- B. The property contains a 3,730 square foot multi-tenant building with a drive through lane and outside seating. Jimmy John's is the occupant in the eastern tenant space and the western tenant space is unoccupied. The drive through lane is used by Jimmy John's customers and is located to the rear and eastern side of the building.
- C. Access to the site is provided from Cavalry Drive and a total of 36 parking spaces exist on site. A driveway connection also connects the site to the Starbucks parking lot.
- D. A shared storm water detention basin is located along the western property line.
- E. The site is located within the 55 Day/Night Noise Levels of the Greater Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

North: US 42, Bank (WesBanco) and medical offices (St. Elizabeth Physicians and OrthoCincy) (C-2/PD/CD))

South: Cavalry Drive, undeveloped lot, and office buildings (O-1/PD/CD)

East: Retail (Verizon) (O-1/PD/CD)

West: Restaurant (Starbucks) (C-2/PD/CD)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 "2040 Future Land Use Plan" designates the site for Commercial uses. This designation is described as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
- 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).
 - 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).
 - 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. The following is an excerpt from Our Boone County – Plan 2040:
- The U.S. 42 corridor should experience commercial growth on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip type commercial (Land Use, Description and Purpose of Land Use Maps, 20 Union, page 137).

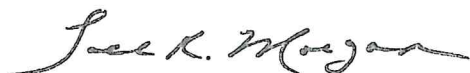
STAFF COMMENTS

- A. Staff has asked the applicant to provide specifications of the menu board so the height and square footage of the menu board can be determined.
- B. Staff recommends that the menu board should remain where it has been constructed. The location maximizes vehicle stacking from the Cavalry Drive access point.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 3 of the Boone County Zoning Regulations, Section 1514 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,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

Attachments:

- *Site Vicinity Map
- *2020 Approved Concept Plan and Conditions
- *7/9/20 Approved Site Plan
- *Proposed Concept Development Plan Showing Vehicle Stacking From Menu Board
- *Picture Submitted by Applicant
- *2020 Aerial Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application

SITE VICINITY MAP

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1 inch = 300 feet

Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2020
ArcMap Document: *.mxd



1. Settings of Concept Development
 2. w/ Conditions
 3. M. Smith
 4. 1/16/2020

JIMMY JO
Serves
JJ
SANDWICHES

DATE 21730

JIMMY JOHN'S
STORE # 1319
8747 US 42
FLORENCE, AL

RECEIVED
DEC 13 2019
DOONE COUNTY
PLANNING COMMISSION

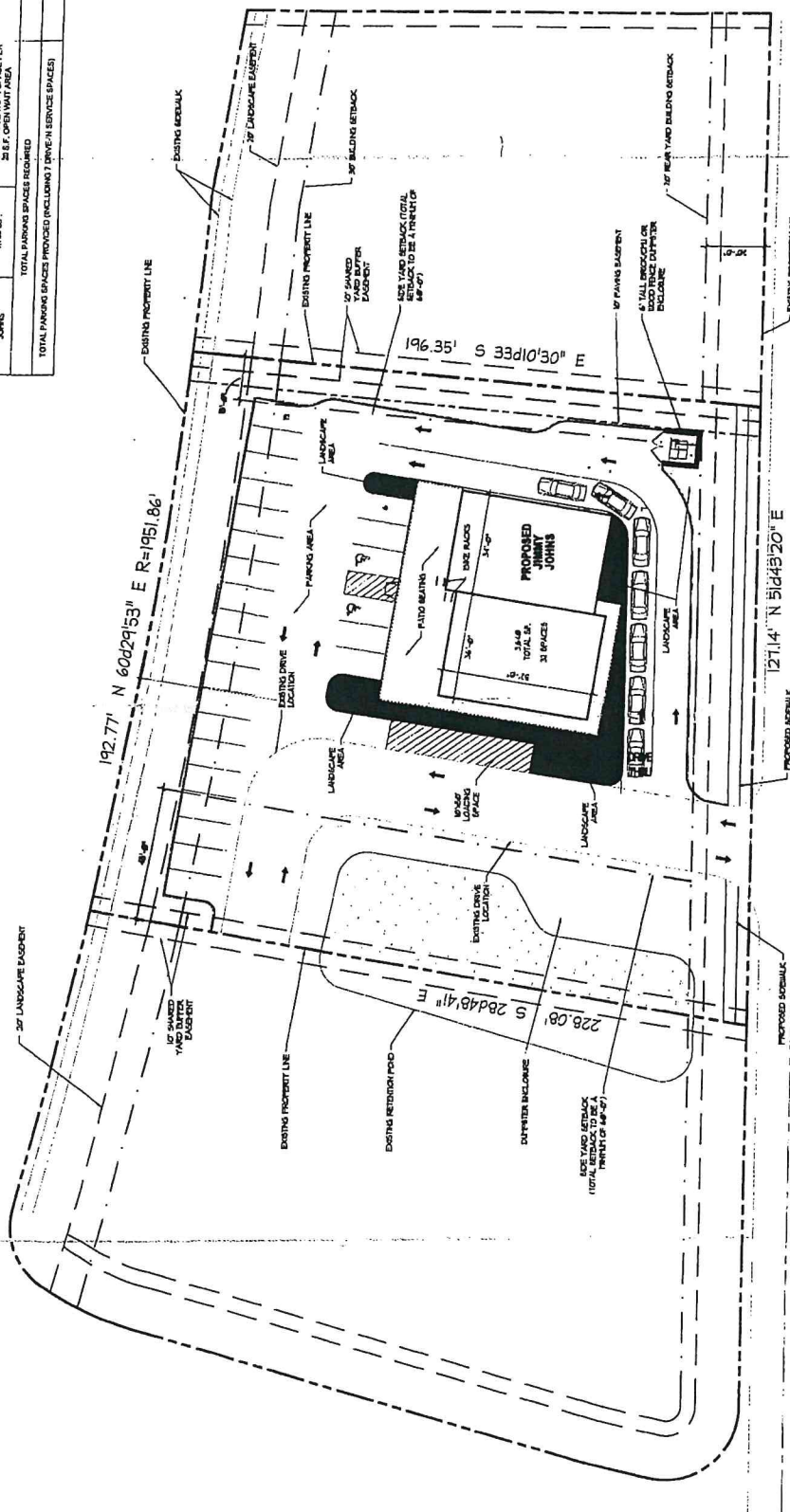
ARCHITECTURAL

108 NO 19052

12/13/2019
AS NOTED
STAFF
PM

AS-1

PARKING REQUIREMENTS			
SPACE	AREA	SPACES MINIMUM	SPACE MIN. CALCULATION
FUTURE TENANT	1,472 S.F.	1 SPACE PER 3 SEATS - 1 SPACE PER 10 S.F. OPEN WAIT AREA	15
PROPOSED MARY JOHNS	1,708 S.F.	1 SPACE PER 3 SEATS - 1 SPACE PER 10 S.F. OPEN WAIT AREA	17
TOTAL PARKING SPACES REQUIRED			32
TOTAL PARKING SPACES PROVIDED (INCLUDING DRIVE-IN SERVICE SPACES)			24



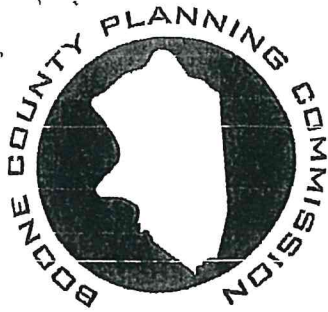
SITE STATISTICS			
SPACE	AREA	REQUIREMENT	% OF SITE
ASPHALT PARKING LOT	12,282		50.33%
LANDSCAPE AREA	1,813	8% MINIMUM UNPAVED AREA	3.81%
LANDSCAPE AREA OUTSIDE PAVED AREA	11,844		28.02%
CONCRETE	3,311		8.43%
BUILDING	3,640	MAXIMUM 50% BUILDING TO LAND RATIO	8.81%
RETENTION POND	3,328		8.33%
ACCESS ROAD	1,244		12.41%
TOTAL	42,283		100.00%



(A)

PROPOSED SITE PLAN

AESTHETIC LANDSCAPE STATISTICS			
SPACE	AREA	SPACES MINIMUM	% OF PAVED AREA
ASPHALT PARKING LOT & ACCESS ROAD	14,000		
LANDSCAPE AREA IN SIDE PAVED AREA	1,012		8.00%



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

December 20, 2019

Mr. Ken Butler
2466 Hidden Oak Court
Newburgh, Indiana 47630

RE: Recommended Conditions of Approval for Ken Butler (applicant/owner by contract) for a Change in a Concept Development Plan in Commercial Two/Planned Development and Office One/Planned Development (O-1/PD) zones for a 0.97 acre lot located on the south side of US 42, to the immediate west of the property at 8741 US 42 and immediate east of the property at 8755 US 42, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building with two drive-through facilities.

Dear Mr. Butler:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their December 18, 2019 meeting. If you, as the authorized representative of the applicant and property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, January 3, 2020.

CONDITIONS

1. That the site be developed in a manner consistent with the Revised Concept Development Plan and Elevations, dated December 13, 2019, that were submitted at the Committee's December 18, 2019 meeting.
2. That the final architectural details and building materials be evaluated and approved as part of the Site Plan, with the exception that: (a) EIFs should be used as an accent and not as a predominant building material; and (b) brick shall be installed to the top of the windows, at a minimum, on all four sides of the building.
3. That specific parking requirements be reviewed and approved either as part of a Site Plan or a Tenant Finish permit.
4. That signage be reviewed and approved through separate sign permits.
5. The location of the menu board shall be at the southwest corner of the building to maximize stacking distance in the drive through lane.



Mr. Ken Butler
December 20, 2019
Page 2

6. The dumpster shall be turned 90 degrees counter clockwise and the enclosure shall be made of brick that matches the building.

Sincerely,


Michael D. Schwartz
Planner

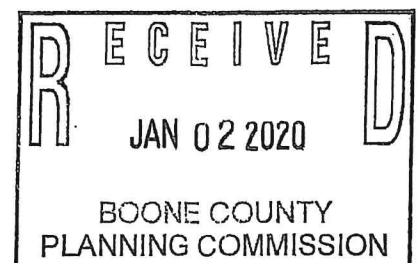
MDS/ss

AGREEMENT

I, the authorized representative of the property owner of the approximate 0.97 acre lot located on the south side of US 42, to the immediate west of the property at 8741 US 42 and immediate east of the property at 8755 US 42, Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan.


Ken Butler (Applicant/Owner By Contract)

12/25/19
Date



ORDINANCE NO. O-2-20

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE AND OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD) ZONE FOR A 0.97 ACRE LOT LOCATED ON THE SOUTH SIDE OF U.S. 42, TO THE IMMEDIATE WEST OF THE PROPERTY AT 8741 U.S. 42 AND IMMEDIATE EAST OF THE PROPERTY AT 8755 U.S. 42, FLORENCE, KENTUCKY, TO ALLOW A MULTI-TENANT COMMERCIAL BUILDING. (KEN BUTLER/JIMMY JOHNS)

WHEREAS, the City of Florence, Kentucky, is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission by Resolution No. R-20-001-A recommended approval for a change in a concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the request of Ken Butler (Owner by Contract) for a change in a concept development plan in a Commercial Two/Planned Development (C-2/PD) Zone and Office One/Planned Development (O-1/PD) Zone, for an approximate 0.97 acre lot located on the south side of U.S. 42, to the immediate west of the property at 8741 U.S. 42 and immediate east of the property at 8755 U.S. 42, Florence, Kentucky, to allow a multi-tenant commercial building, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

SECTION II

The approval of this change to the concept development plan is granted subject to the terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-20-001-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council, shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "B", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-20-001-A, marked Exhibit "A", and attached hereto.

SECTION V

If the approval for this change in the concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved concept development plan for this property as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

SECTION VI

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 11 DAY OF February, 2020.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 25 DAY OF February, 2020.

APPROVED:

Deane E. Whalen
MAYOR

ATTEST:

Nancy Jackson
CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: AGREED ADDITIONAL CONDITIONS - REQUEST OF KEN BUTLER (OWNER BY CONTRACT) FOR A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR A 0.97 ACRE LOT LOCATED ON THE SOUTH SIDE OF U.S. 42, TO THE IMMEDIATE WEST OF THE PROPERTY AT 8471 U.S. 42 AND IMMEDIATE EAST OF THE PROPERTY AT 8755 U.S. 42., FLORENCE, KENTUCKY. THE REQUEST IS FOR A CHANGE IN CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD) TO ALLOW A MULTI-TENANT COMMERCIAL BUILDING.

The Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional conditions will apply to the request described above.

1. Box curb and appropriate storm utilities to the existing access road, service, and landscape areas shall be installed.
2. The dumpster enclosure shall be constructed of the same brick materials as the approved building materials; stone veneer may be used as an accent. The gate shall be of a durable material, color, and design that will blend with the enclosure.
3. Boone County Planning Commission, Condition Number 2 shall be amended as follows:

Condition 2) That the final architectural details and building materials be evaluated and approved as part of the Site Plan, with the exception that: ~~(a) EIFs should be used as an accent and not as a predominant building material; and (b) brick shall be installed to the top of the windows, at a minimum~~ brick shall be the predominant building material on all four sides of the building. Stone veneer may be used as a secondary material. EIFs/Stucco may only be used for trim or incidental areas.

Agreed to this 29 day of January, 2020.

Ken Butler

BY: 

(Title)

COUNTY OF Vanderburgh STATE Indiana

The foregoing instrument was acknowledged before me this 29 day of January, 2020, by Ken Butler, the member, on behalf of the company.



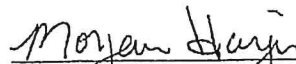
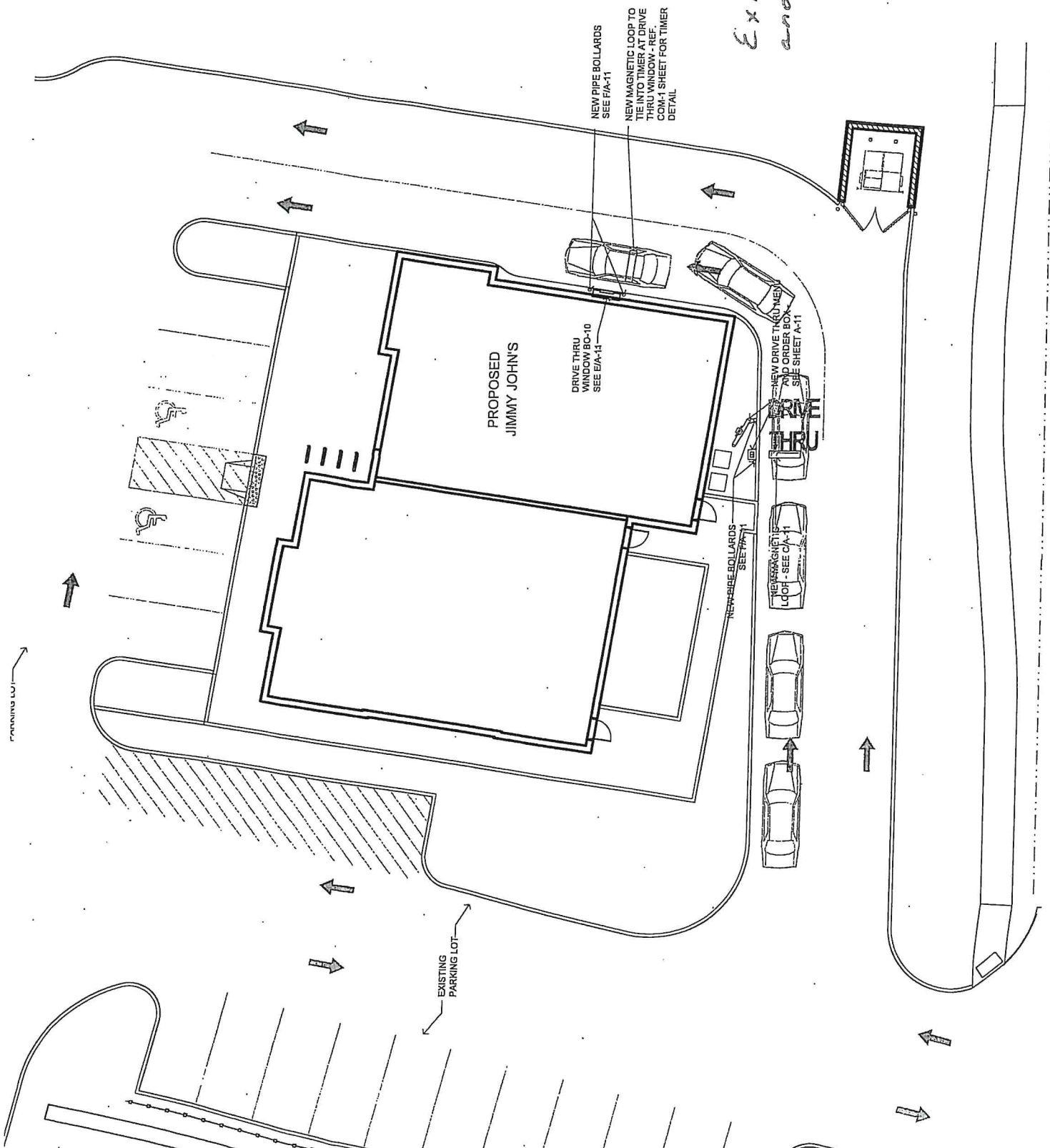

NOTARY PUBLIC, State at Large
My Commission Expires: 10-3-2027

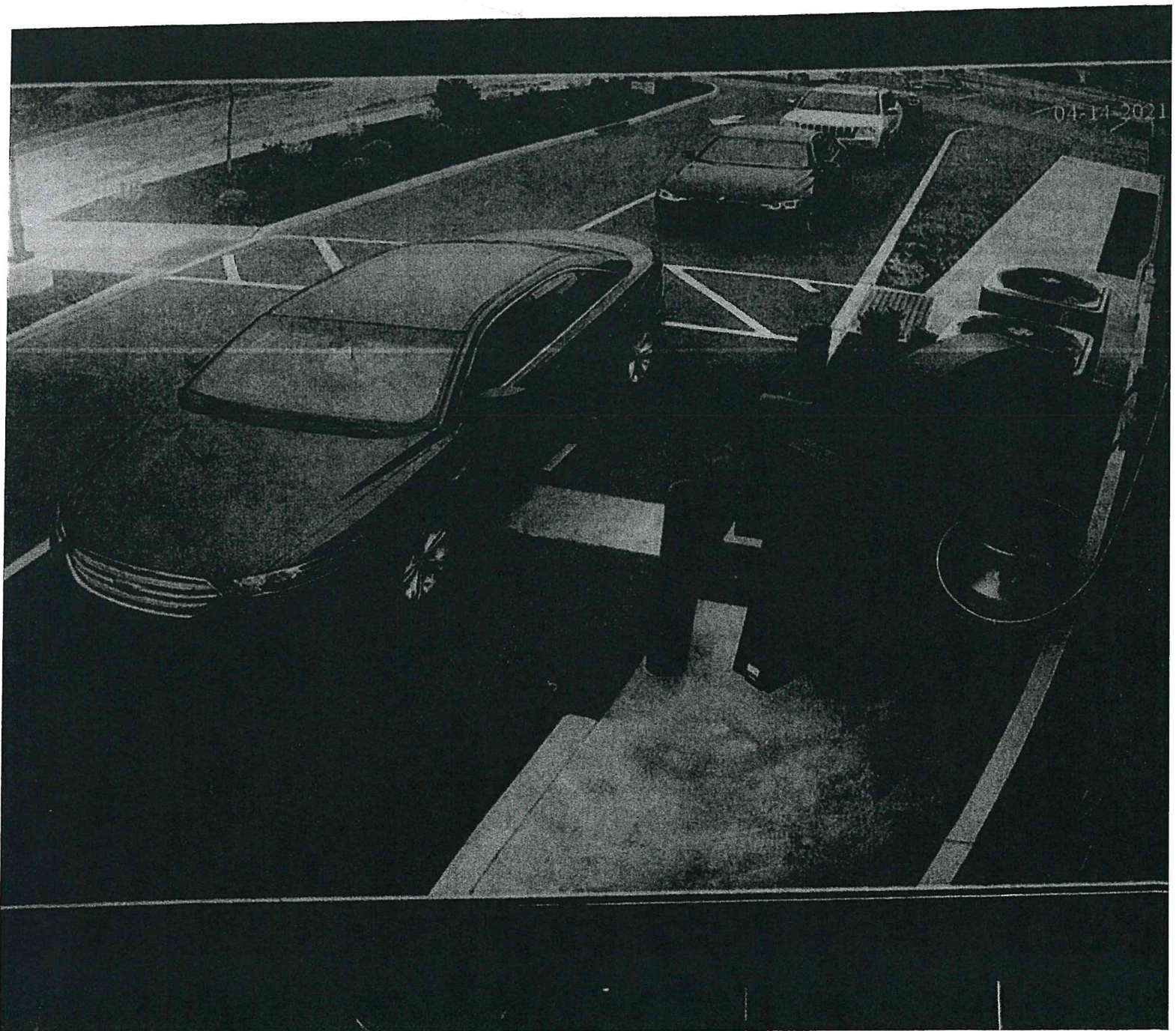
EXHIBIT 'A'



*Existing Conditions
and Proposal*

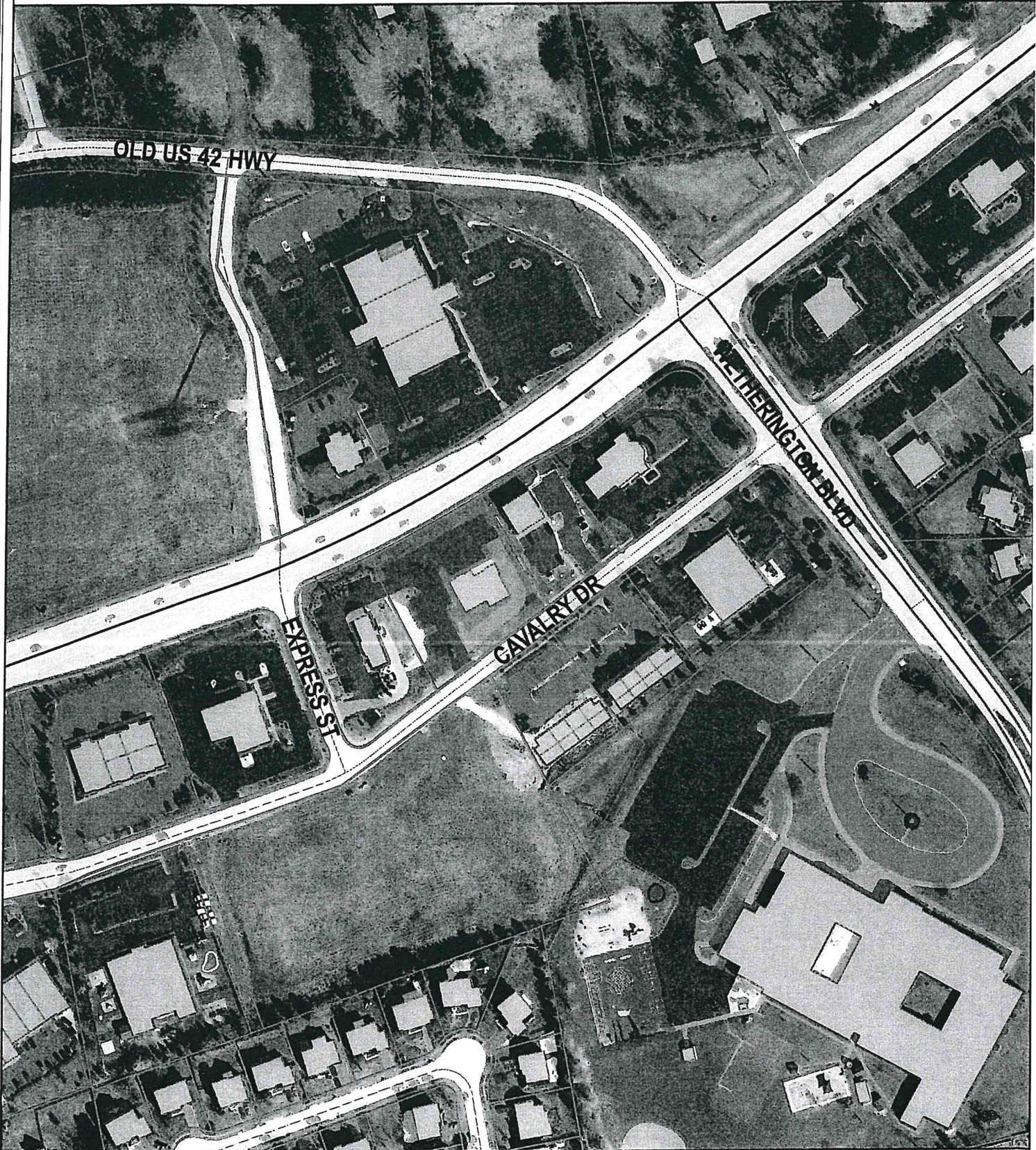


04-14-2021



2020 AERIAL MAP WITH BLDG & PAVEMENT OVERLAYS

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1 inch = 200 feet

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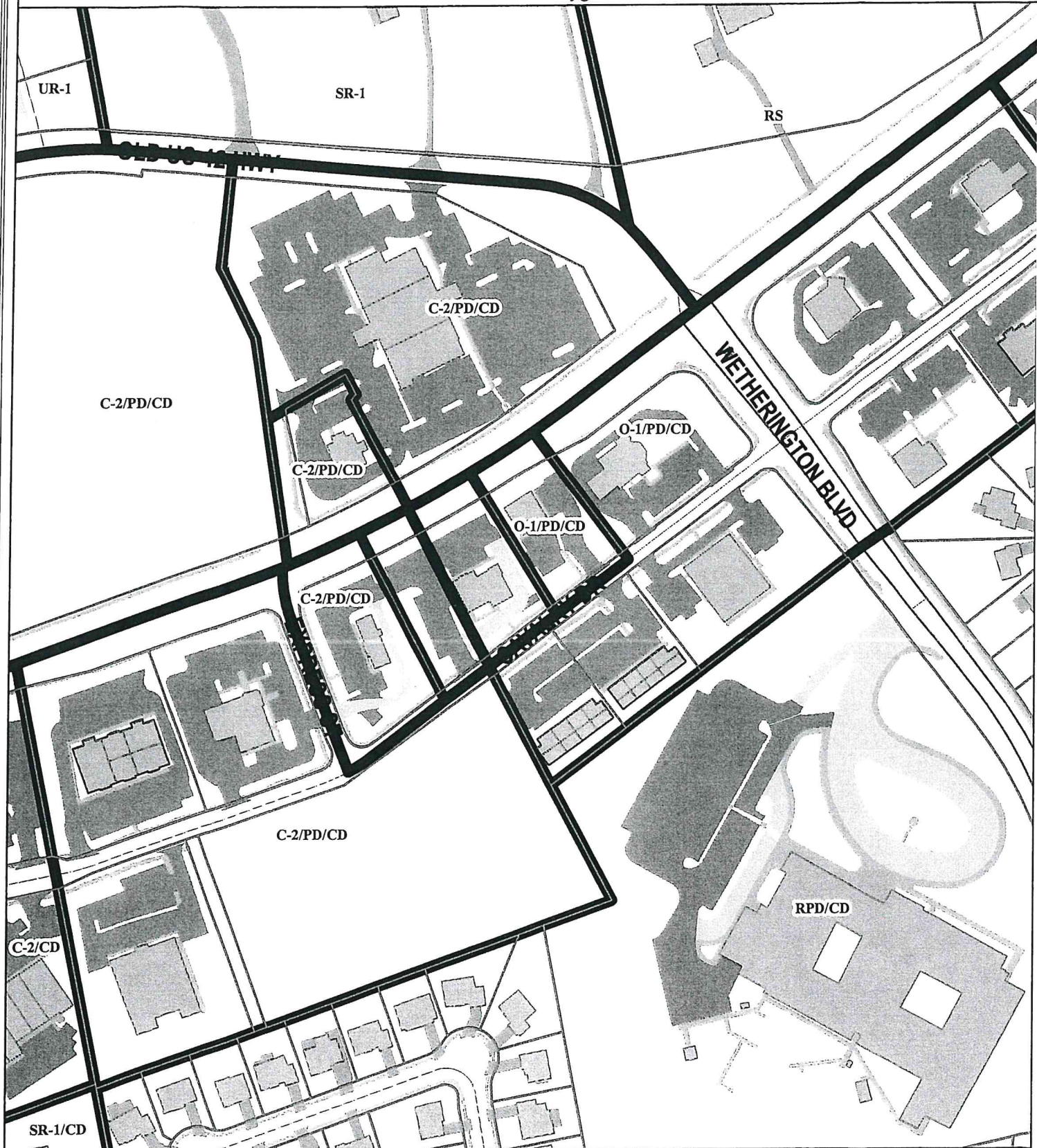


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ZONING MAP

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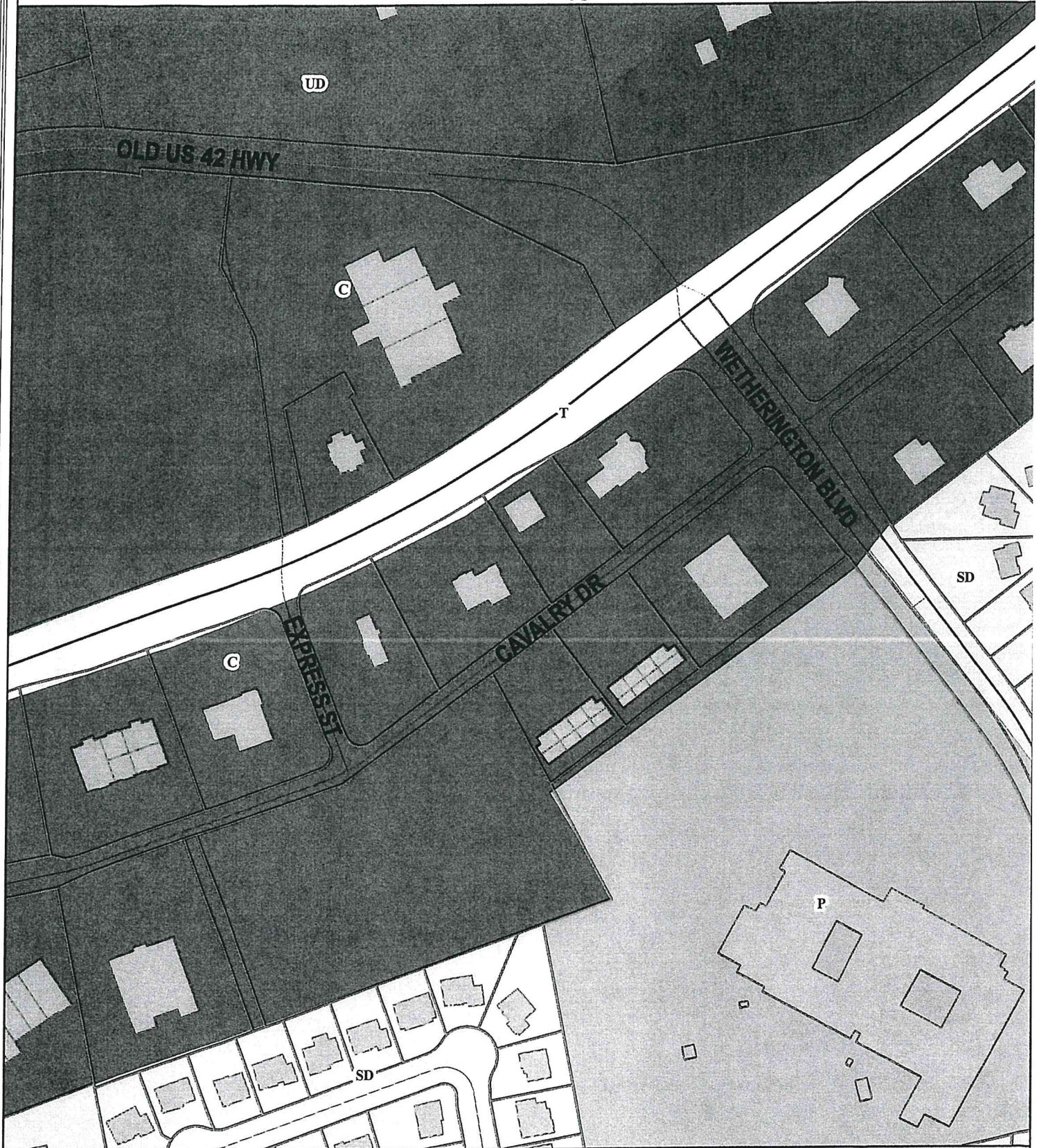


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2040 FUTURE LAND USE MAP

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Map Created: xx/xx/2020



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**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: JIMMY JOHNS
3. Location of Project: 87407 US 42
4. Total Acreage of Project: .9703
5. Current Zoning of Property: O-1/PD/CD + C-2/PD/CD
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):
- RETAIL - CHANGE LOCATION OF MENU
BOARD SIGN.

9. Proposed Building Intensities (specify for each building):

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: KEN BUTLER

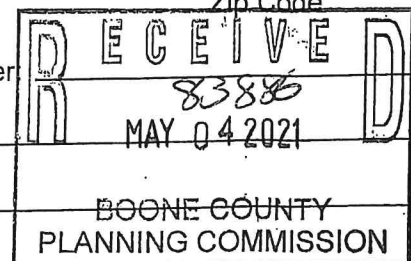
Address: 2466 HIDDEN OAK CT.
NEWBURGH IN 476300
City State Zip Code

Phone Number: 812-319-1558 Fax Number: 83886

Email: KEN@STINLER.COM

13. Applicant: SAME

Address:



Todd Morgan

From: Sara Smith
Sent: Wednesday, May 19, 2021 3:02 PM
To: 'The BOLD Company'
Cc: Todd Morgan
Subject: RE: [BULK] Public Hearing for 8747 US 42

Thank you. I have forwarded your email to Todd Morgan.

Sara Smith
Administrative Assistant
Boone County Planning Commission
859-334-2196
859-334-2264

From: The BOLD Company [mailto:mike@theboldcompany.com]
Sent: Wednesday, May 19, 2021 2:17 PM
To: Planning Commission General Account
Subject: [BULK] Public Hearing for 8747 US 42
Importance: Low

EXTERNAL MESSAGE

Todd,

Attached is our letter stating we do not have an objection to the owners request. **Please reply to confirm receipt.** Thank you.

Mike J. Kegley
Cavalry Drive, LLC
The BOLD Company
BOLD Realty
Builders Of Lifelong Dreams
Office: 859-657-6700
Fax: 859-384-5272
Mobile: 859-379-9280
Web Site: www.TheBoldCompany.com

"The bitterness of poor quality remains long after the sweetness of low price is forgotten" – Benjamin Franklin

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LEAVE A GOOGLE REVIEW

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 fifth item on the Agenda at 8:35 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – 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.

Mr. Todd Morgan, Staff, referred to his PowerPoint presentation. The request involves the relocation of the menu board of a drive-thru sign for Jimmy John's. The original Concept Development Plan was approved in January, 2020. A condition was placed on the property to locate the menu board sign near the southwest corner of the building. It was supposed to be located closest to the Cavalry Drive access point. The proposal involves moving the menu board to the southeast corner or further away from the access point. Mr. Morgan showed a Site Plan that depicted the new location of the menu board. This new location allows for 4 cars to stack in the drive-thru before it impacts the Cavalry Drive access point. He also showed pictures of the current stacking of the drive-thru. He showed photographs of the site, adjoining properties and the menu board. Mr. Morgan noted that since the applicant did not apply for a sign permit for the menu board, Staff didn't know the actual dimensions of the sign. References to the Comprehensive Plan were identified in the Staff Report. Commercial (C) uses are recommended for the site. Mr. Morgan asserted that he preferred the new location of the menu board because it provided for more stacking.

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

Mr. Ken Butler, representing Jimmy John's, stated that when they were building the drive-thru lane, they thought the menu board was too close and traffic would back-up onto the main frontage road. He noted that he can control customers at the menu board to the drive-thru window, but he can't control people sitting at the menu board or beyond. He also stated that he doesn't know why the menu board was left out of the signage package permit application. He agreed to have his sign company apply for the sign permit. Mr. Morgan asked if the applicant would provide the specifications for the menu board first before applying for the sign permit.

Vice-Chairman Patton asked the applicant how long have they been opened? Mr. Butler replied since December, 2020. He also said that the stacking has been going well.

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

Vice-Chairman Patton asked if any of the Board Members had any questions?

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 Vice-Chairman closed the Public Hearing at 8:45 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. Bungler
No Report

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

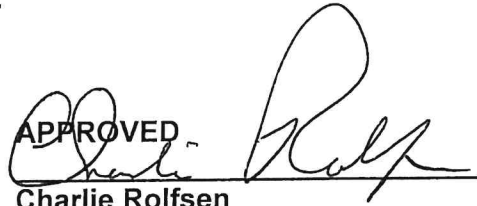
TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

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

#5

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

DATE: July 7, 2021

RE: Request of **Ken Butler (owner)** for a Change in Approved Concept Development Plan in Commercial Two/Planned Development and Office One/Planned Development (O-1/PD) zones for a 0.9703 acre site located at 8747 US 42, Florence, Kentucky. The request is for a Change in Approved Concept Development Plan to modify a previous condition of approval regarding the location of a drive-through menu board sign.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

1. The Change in Approved Concept Development Plan request is in agreement with Our Boone County Plan 2040 for the following reasons:
 - A. The 2040 future land use plan designates the site in question for "Commercial" uses. This future land use designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The proposal is in agreement with the following Objective:
 - 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).
2. The proposal is in agreement with the following Planned Development Standard found in Section 1514 of the Boone County Zoning Regulations:
 - Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Ken Butler/8747 US 42

July 7, 2021

Page 2

The Committee concluded the proposed Change in Concept Development Plan is in agreement with the passages above based on the following:

- The request will allow the existing menu board to remain where it has been constructed. The location promotes safety because it maximizes vehicle stacking between the sign and the Cavalry Drive access point.
 - Although menu board specifications were not submitted, the Committee concluded that the sign was consistent with the appearance of other menu boards in the area and should be approved as constructed.
3. The Committee has concluded the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County Plan 2040 and Article 3 "Amendment" of the Boone County Zoning Regulations. The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the condition.

CONDITION:

1. A sign permit application shall be submitted to Boone County Planning Commission to document the height and square footage of the menu board.

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: Corrin Gulick, Chairwoman
DATE: June 23, 2021

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

2. 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.

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 _____

Corrin Gulick (Chairwoman)

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

Janet Kegley

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

Randy Bessler (Alternate)

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

Rick Lunnemann

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 _____

Todd K. Morgan

Recorded by Todd K. Morgan,
Senior Planner

TOTAL: _____ DEFERRED 3 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ 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 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 fifth item on the Agenda at 8:35 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – 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.

Mr. Todd Morgan, Staff, referred to his PowerPoint presentation. The request involves the relocation of the menu board of a drive-thru sign for Jimmy John's. The original Concept Development Plan was approved in January, 2020. A condition was placed on the property to locate the menu board sign near the southwest corner of the building. It was supposed to be located closest to the Cavalry Drive access point. The proposal involves moving the menu board to the southeast corner or further away from the access point. Mr. Morgan showed a Site Plan that depicted the new location of the menu board. This new location allows for 4 cars to stack in the drive-thru before it impacts the Cavalry Drive access point. He also showed pictures of the current stacking of the drive-thru. He showed photographs of the site, adjoining properties and the menu board. Mr. Morgan noted that since the applicant did not apply for a sign permit for the menu board, Staff didn't know the actual dimensions of the sign. References to the Comprehensive Plan were identified in the Staff Report. Commercial (C) uses are recommended for the site. Mr. Morgan asserted that he preferred the new location of the menu board because it provided for more stacking.

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

Mr. Ken Butler, representing Jimmy John's, stated that when they were building the drive-thru lane, they thought the menu board was too close and traffic would back-up onto the main frontage road. He noted that he can control customers at the menu board to the drive-thru window, but he can't control people sitting at the menu board or beyond. He also stated that he doesn't know why the menu board was left out of the signage package permit application. He agreed to have his sign company apply for the sign permit. Mr. Morgan asked if the applicant would provide the specifications for the menu board first before applying for the sign permit.

Vice-Chairman Patton asked the applicant how long have they been opened? Mr. Butler replied since December, 2020. He also said that the stacking has been going well.

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

Vice-Chairman Patton asked if any of the Board Members had any questions?

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 Vice-Chairman closed the Public Hearing at 8:45 p.m.

APPROVED:



Kim Patton
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director