

RESOLUTION R-22-034-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF RESTAURANT HOLDINGS, LLC PER ANA PELHANK (APPLICANT) FOR THE WESTERN SOUTHERN LIFE INSURANCE COMPANY (OWNER) FOR A CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.4 ACRE AREA LOCATED AT 7897 MALL ROAD, 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 Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.4 acre area located at 7897 Mall Road, 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 conditions, for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky.

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

SECTION I

That the request for a Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky. The real estate which is the subject of this request for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road (C-2/PD/MR) zone is more particularly described in DEED BOOK 509, PAGE NO. 206, (as supplied by the applicant) is recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, Findings of Fact and Conditions 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 Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.4 acre area located at 7897 Mall Road, 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 DECEMBER, 2022.

APPROVED:



CHARLIE ROLFSEN
CHAIRMAN

ATTEST:



TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR:tlb

EXHIBIT

“A”

STAFF REPORT

#2

Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant)** for **The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

November 16, 2022

REQUEST

The request is for an approximate 1.4-acre area located at 7897 Mall Road to allow a quick service restaurant to occupy the property.

SITE HISTORY

2012 – Mall Road Study is adopted.

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 1121 of the Boone County Zoning Regulations identifies "eating and drinking establishments" as principally permitted uses in the C-2 District.
- D. Section 3314 of the Boone County Zoning Regulations identifies "All parking and loading spaces set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface. Interlocking, concrete pavers that permit grass to grow through openings are an acceptable substitute for asphalt

concrete or portland cement concrete for parking spaces and driveways that serve 50 or less parking spaces provided that at least 50 percent of the paver surface is exposed as the driving surface.”

- E. Section 3323 of the Boone County Zoning Regulations states that “Interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet. Internal driveways must be clearly divided from parking areas with directional signs or markings in each aisle or driveway.
- F. Section 3620 of the Boone County Zoning Regulations addresses when a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A. This landscaping is not required to be placed in a linear design but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.”

SITE CHARACTERISTICS

- A. The parcel has approximately 175 feet of frontage along Mall Road, and 330 feet of frontage along Plaza Boulevard.
- B. Access to the site is from Plaza Boulevard.
- C. There is an existing parking lot on the site.
- D. There is an existing stand of mature trees along the southeast property line.

ADJACENT LAND USES AND ZONING

North: Smokey Bone’s (C-2/PD/MR)
South: KYTC (C-2/PD/MR)
East: Vacant Land (C-2/PD/MR)
West: Optometrist/Vape Shop/Nail Salon (C-2/PD/MR)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial which is defined 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:
 - 1. 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).

2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 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).
 4. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 5. 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).
 6. 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).
 7. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
- C. The following Future Land Use Development Guidelines from Our Boone County Plan 2040 relate to the application:
1. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography p. 95).
 2. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Buffer areas should use and supplement existing site features where possible (Buffering, p. 95).
 3. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways (Landscaping p. 96).

4. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property during an emergency (Access Management p. 96).

RELATIONSHIP TO THE MALL ROAD STUDY

- A. The following Mall Road District Study Objectives apply to this application:
1. Facilitate a mixed-use district which includes a realistic variety of 24 hour functions including retail, service, office, residential, and entertainment uses, while maintaining Mall Road as a local and regional shopping destination. Encourage redevelopment for sites with obsolete projects.
 2. Capitalize on the assets afforded by each of the eight sub-areas, and tailor the land use recommendations to the sub-areas when applicable.
 3. Create architectural standards which will establish high quality design and "timeless" aesthetic attributes to the built environment, and which will be adaptable to changing occupants and tenant needs over time.
 4. Create site design standards which correlate to the recommended architectural standards and the overall Study recommendations.

CONCEPT PLAN

The Concept Plan shows the following:

- A. Provision for 19 parking spaces.
- B. A 2,280 square foot restaurant.
- C. Provision for a drive-thru.
- D. Provision for a dumpster enclosure.
- E. Provision for landscaping.

STAFF COMMENTS

- A. Staff has the following comments and concerns regarding the request:

1. The "Taco John's" sign on the awning will need to be flush to the building.
2. Staff will need better dimensions of the Taco sign shown. This is not a permitted sign type from the Mall Road Sign Requirements.
3. Staff will need colored elevations of the building to evaluate the Mall Road Design Requirements.
4. Rooftop mechanicals will need to be screened.
5. Staff will need retaining wall detail if it is taller than 4 feet.
6. Drive-Thrus are not permitted in the corner side yard.
7. Staff will need better description of the dumpster screening materials.
8. The City of Florence should evaluate the proposed sidewalk along the Plaza Boulevard frontage. A crosswalk would need to be striped off in the Plaza Boulevard right of way to connect to the sidewalk on the northern side of Plaza Boulevard in front of the BJ's Brewhouse property.
9. Would this use be appropriate in this location due to the amount of traffic on Plaza Boulevard, especially during the holiday season which it would be extremely difficult to enter and exit the site due to excessive traffic?
10. Review the comment from the Boone County Building Department:
 - i. The accessible parking space must be van-accessible, requiring a 16' overall width of parking space and access aisle. The sign must say "Van-accessible" and the bottom of the sign must be 60" min. above the pavement.

CONCLUSION

The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The 2040 Future Land Use Map would need to be amended if the request is approved.

Respectfully submitted,

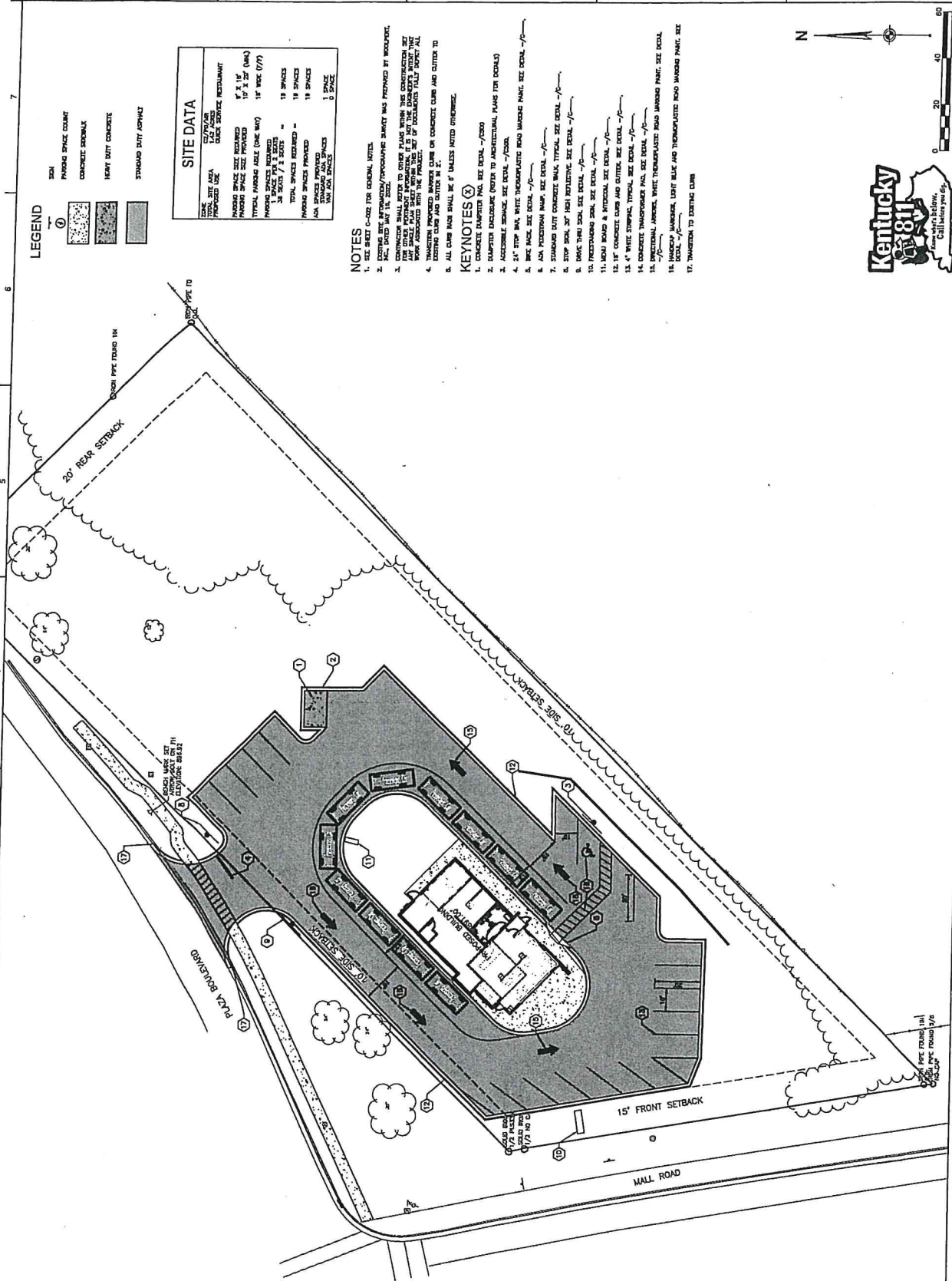


Alaina Hagenseker
Planner

ACH/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

[illegible]

KEYNOTES (x)

- [illegible]

SITE DATA

SITE DATA		CITY OF MILWAUKEE DANCE RESTAURANT	
DATE	TITLE, SITE AREA PROPOSED USE	SPACES	SPACES
	MILWAUKEE SPACE SIZE REQUIRED	8" X 16"	(N/A)
	MILWAUKEE SPACE SIZE PROVIDED	10" X 20"	(N/A)
	TYPICAL MILWAUKEE ASILE (ONE WAY)	18" WIDE (177)	
	MILWAUKEE SPACES REQUIRED	19 SPACES	
	34 SPACES / 3 SPACES =	19 SPACES	
	TOTAL SPACES PROVIDED	19 SPACES	
	MILWAUKEE SPACES PROVIDED	19 SPACES	
	ASILE REQUIRED	19 SPACES	
	STANDARD ASILE SPACES	19 SPACES	
	MIN ASILE SPACES	19 SPACES	

LEGEND

- | | | | | | |
|---|-------------------------|---------------------|-------------------------------------|----------------------|----------------------|
| ① | STANDARD LIGHT CONCRETE | HEAVY DUTY CONCRETE | CONCRETE REINFORCED WITH STEEL BARS | PAVED SPACE CONCRETE | PAVED SPACE CONCRETE |
|---|-------------------------|---------------------|-------------------------------------|----------------------|----------------------|



GRAPHIC SCALE IN FEET

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)
 - ☐ Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

2. Name of Project: Taco John's - Quick Service Restaurant
3. Location of Project: 7897 Mall Road
4. Total Acreage of Project: 1.42
5. Current Zoning of Property: C2/PD/MR
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: Mall Road Study

8. Proposed Use(s) (specify each use):

Quick service restaurant

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

38 seat restaurant with drive thru

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: The Western Southern Life Insurance Company

Address: 400 Broadway Street, MS 47

Cincinnati
City

OH
State

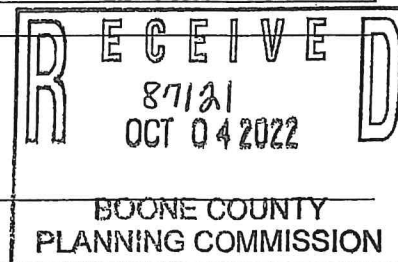
45202
Zip Code

Phone Number: 513.361.7700

Fax Number: 513.361.7701

Email: jenny.on@eagle realealtygroup.com

13. Applicant: Restaurant Holdings, LLC, C/O Ana Pelhank



Address: 45 Ottawa Avenue, SW, Suite 600
Grand Rapids MI 49503
City State Zip Code
Phone Number: 616.591.9271 Fax Number: _____
Email: apelhank@mhgi.net

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

15. 509 206
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 checked="" 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 checked="" 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:

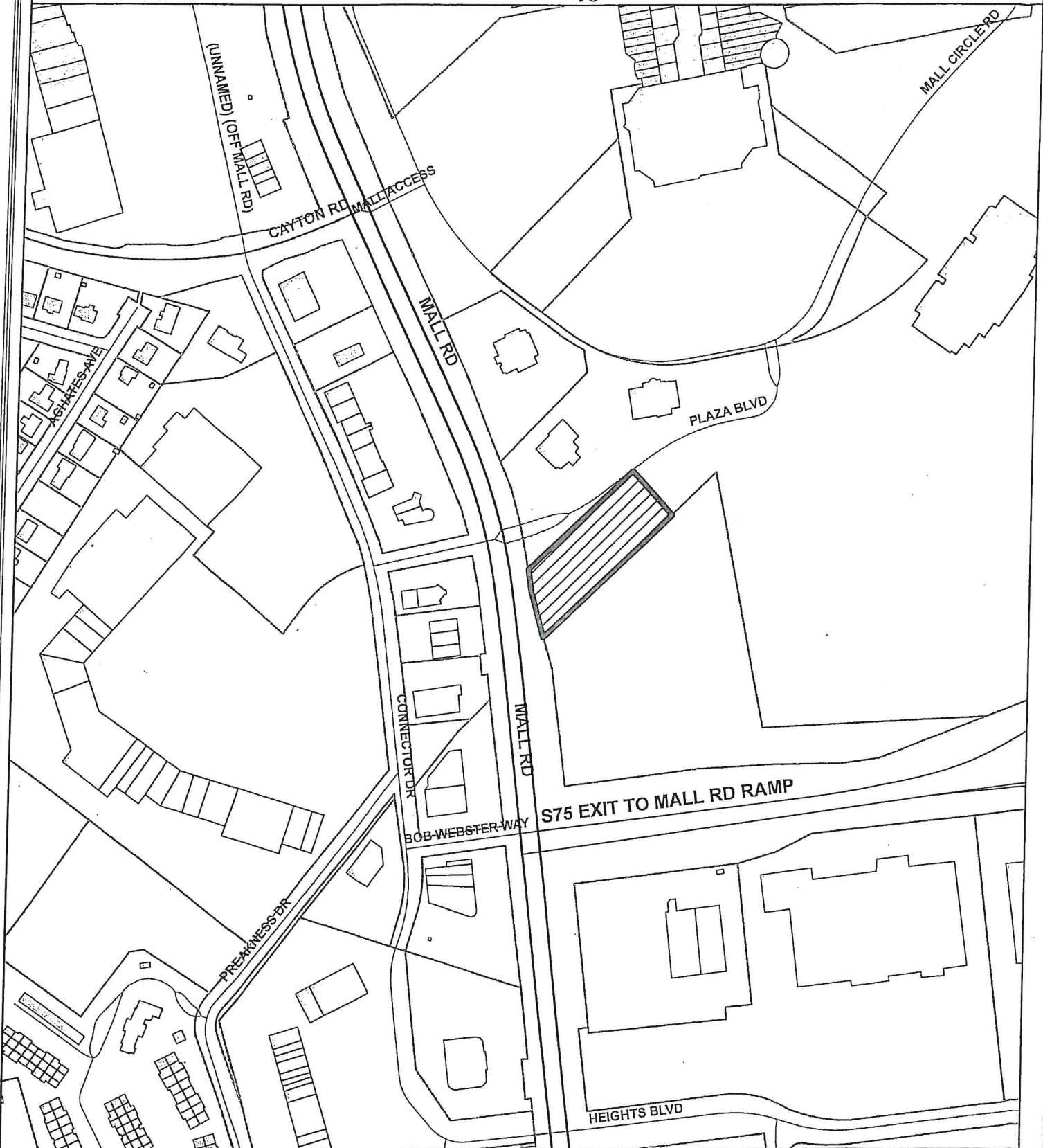
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 8/16/2022

ORIGINAL Property Owner's Signature: The Western and Southern Life Insurance Company By Charles L. Thomas, Vice President
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

Vicinity Map

www.boonecountygis.com



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1 Inch = 333 feet

Boone County GIS - Putting Northern Kentucky on the Map

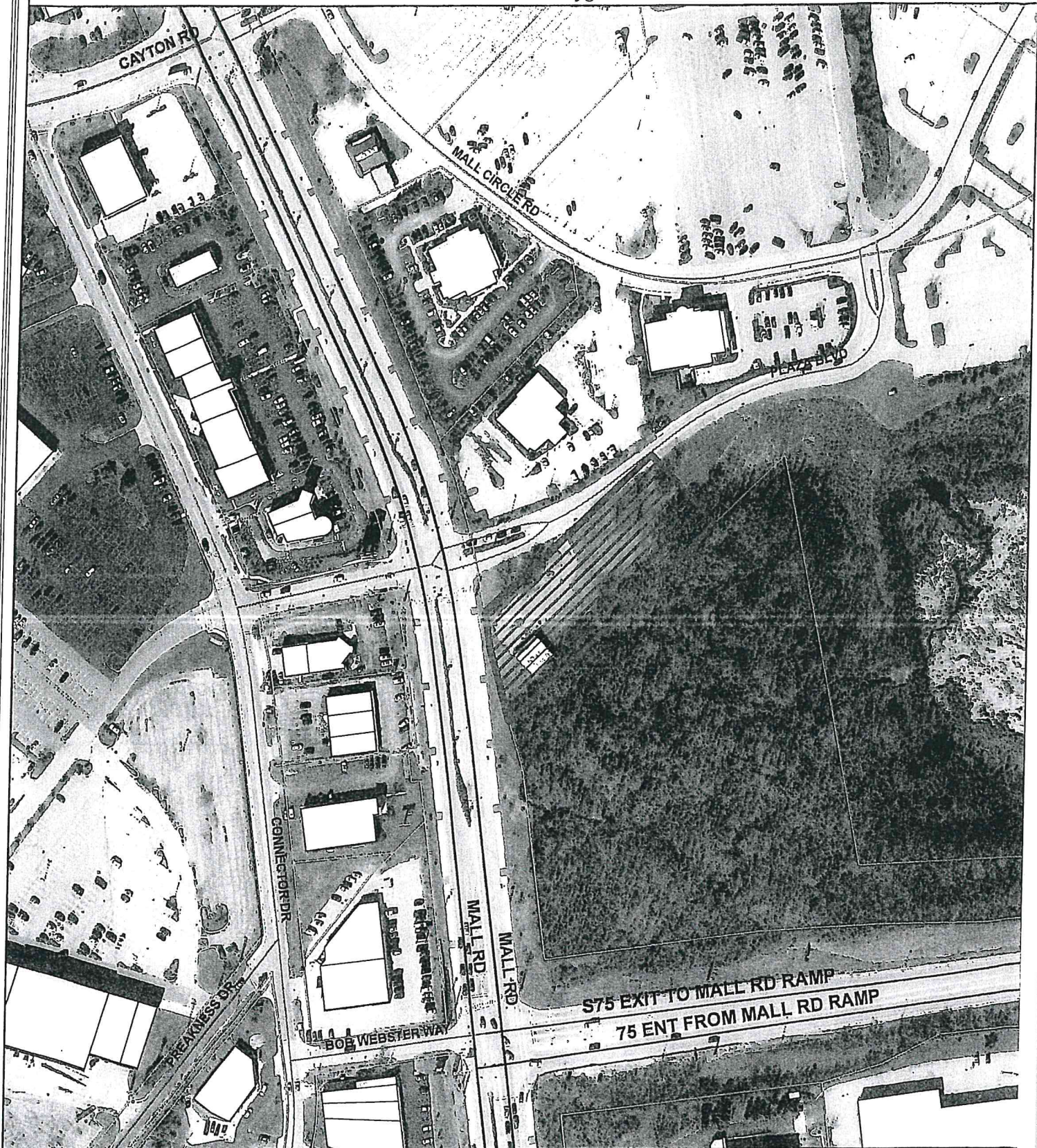


Map Created: 10/02/2022

Map File: Vicinity Map.mxd
ArcMap Document: *.mxd

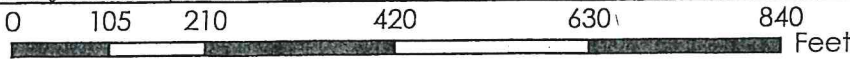
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Map File: Boone County GIS.mxd
ArcMap Document: *.mxd

Zoning Map

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0 85 170 340 510 680 Feet
1 inch = 167 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

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ArcMap Document: *.mxd

Topography Map

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1 inch = 167 feet

Boone County GIS

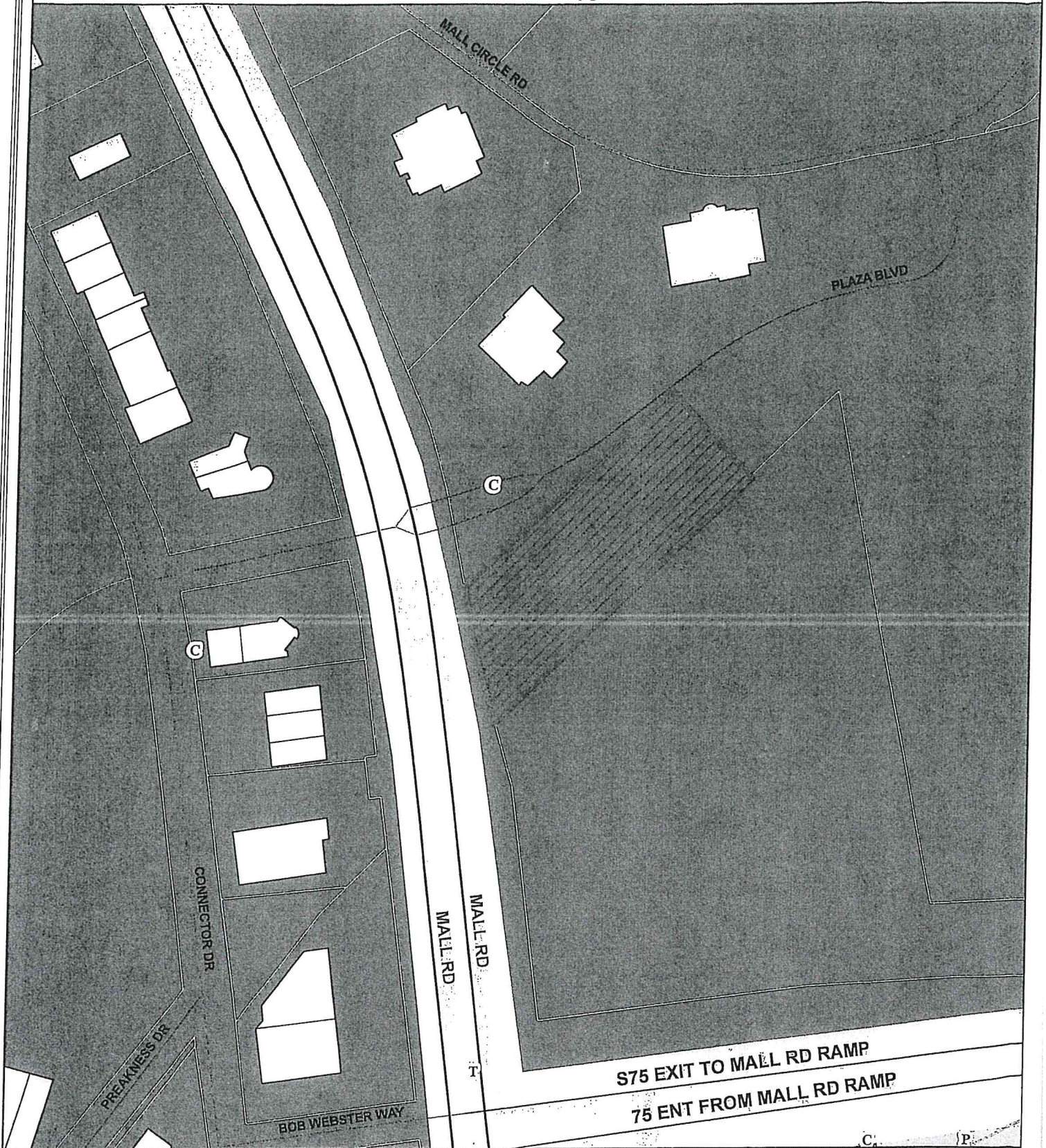


Map Created: 10/10/2022

Map Document: *.mxd

Future Land Use Map 2040

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1 inch = 167 feet

Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 09/01/2022

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CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

2. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant)** for **The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is located on the corner of Mall Road and Plaza Boulevard. It has 172 feet of road frontage along Mall Road and 330 feet of road frontage on Plaza Boulevard. She described the surrounding businesses, which included several restaurants. The site is currently zoned C-2/PD/MR. The site is relatively flat and the Future Land Use Map designates the site for Commercial (C) uses. The submitted Concept Development Plan shows 19 parking spaces, a 2,280 square foot restaurant and a drive thru. She showed a series of building elevations and samples of building material. Mrs. Hagenseker showed photographs of the site and adjoining properties. Staff Concerns are noted on Page 5 of the Staff Report. The proposed Taco John's sign will have to be flush to the building. Rooftop mechanicals will need to be completely screened. Details of the proposed retaining wall will need to be provided. Currently, a drive-thru is not permitted in the corner side yard or front yard. The dumpster screening materials will have to be defined. In addition, the City of Florence should evaluate the sidewalk along Plaza Boulevard to determine if a crosswalk is needed to get to the sidewalk on the other side of Plaza Boulevard. She expressed a concern about the use since there is excessive traffic in the area, especially during the holiday season. Comments were also received from the Boone County Building Department regarding parking accessibility – handicapped parking and signage.

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

Mr. Ray Nix, Woolpert, stated that the Staff did a nice job explaining the project. He is available to answer questions.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Lunnemann asked if Plaza Boulevard is a public or private street? Mr. Costello replied that it is a private street.

Chairman Rolfsen inquired about the use deed restriction? Mr. Nix responded that it is being dealt with as part of the sale of the property. Chairman Rolfsen asked about Taco John's. What type of restaurant is it? Mr. Nix replied it is a midwestern chain like Taco Bell.

Mr. Harper noted that with the limit of right turn in and out, one will have to go to the Florence Mall to turn left because of the stacking of traffic towards Mall Road. Mr. Harper noticed that one will

have to drive completely around the building to get into the drive-thru queue. Mr. Nix responded that if the drive thru is on the same side of the entrance, then they will drive straight in and create a problem with other drivers. It could create a back up on Plaza Boulevard.

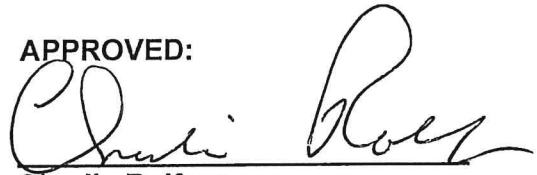
Ms. Gulick asked if the applicant considered moving the curb cut further back on the property? Mr. Nix replied that originally they were going to make the curb cut only a right in and out. They will consider moving it back to accommodate a left turn out. Most people will want to go to Mall Road versus the Mall when exiting the site. Mr. Nix stated that they will look at reconfiguring the site and address where to put the parking as a result of the new design.

Mrs. Steele asked if they were going to have dine in activities? Mr. Nix replied yes. The restaurant will have 38 seats.

Chairman Rolfsen asked where the closest restaurant was located? Mr. Nix responded Indianapolis. He asked if the Board would like to see a revised plan of changes at the Committee Meeting. Mr. Chairman Rolfsen responded yes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 30, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:03 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
DECEMBER 7, 2022
7:00 P.M.**

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's December 7, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Patton, Vice Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the November 16, 2022 Business Meeting and Public Hearings. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Lunnemann moved to approve the Minutes as presented. Mr. Hincks 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 November 3, 2022 and December 7, 2022.

EXPENSES:

Accounting Fees	\$ 1,742.00
Attorney Fees	4,712.50
Auto Expense	211.62
Consultant/Professional Svcs Fees	2,710.00
Filing Fees (CLURS)	900.00
GIS Operations	20,000.00
Legal Ads/Recruitment	530.88
Miscellaneous Expense	428.00
Office & Board Meeting Supplies	365.56
Office Equipment / Expense	303.84
Office/Liability Insurance	527.32
Postage Expense	178.48
Printing/Pub/Dues/Subscriptions	120.00
Professional Development	50.00

TOTAL: \$ 32,780.20

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 8,325.75
Health/Dental/Life/LTD	14,558.68
Retirement – BCPC Portion	24,294.25
Salaries – Staff Expenses	113,667.82
Salaries – BCPC & BOA	1,840.00

TOTAL: \$162,686.50

GRAND TOTAL: \$195,466.70

Ms. Gulick 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. Mrs. Goetting seconded the motion and it carried unanimously.

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND
CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff**

1. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Ms. Gulick moved to defer the request until the March 1, 2023 Business Meeting. Mr. Lunnemann seconded the motion and is passed unanimously.

At this time, Mrs. Kegley left the meeting room.

CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **Plantation Luxury Flats, LLC (applicant)** for **A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Brock MacKay, Viox & Viox, Inc., stated he was available to answer any questions.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion.**

Chairman Rolfsen asked what was the logic behind the 7 foot trees? Mr. Lunnemann responded that the applicant addressed all the issues noted at the Public Hearing. The Committee wanted to enhance the landscaping along the property line. Normally, the trees would be 6 feet in height at planting but the Committee felt at least 7 feet would be better. Mr. MacKay showed a revised cross-section of the area. The existing pine trees are much larger as they are older. The proposed evergreens will grow a couple of feet a year.

Mrs. Clark asked if a decision was made on whether the units were apartments or condominiums? Mr. MacKay replied that the developer wanted to keep it as an open decision based on the financial analysis. It could be either an apartment or a condo.

Chairman Rolfsen asked for a vote on the motion originally made by Mr. Lunnemann and seconded by Mr. Harper. The motion passed unanimously.

At this time Mrs. Kegley returned to the meeting room.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman, Todd Morgan, Staff

3. Request of **Tin Lizzie Cincinnati Two, LLC (applicant)** for **Channel Mark Holdings, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 1.2 acre area located at 4911 Houston Road, Florence, Kentucky. The request is for a Special Sign District to allow projector lights, flood lights, and two non-functional vintage gasoline pumps in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Sam Tancredi, applicant, stated that he agrees with everything in the Committee Report. He understands the conditions. The revised opening date for the restaurant is January 16, 2023. It may coincide with the lighting being installed.

Seeing no further comment, **Steve Harper moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Kathy Clark seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT and VARIANCES, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff

4. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Wayne Erpenbeck, applicant, stated that he was present to answer any questions.

Mr. Schwartz noted that the motion should include approval of the two variance requests since when approved by the Planning Commission, they are final if the Fiscal Court takes action on the Zoning Map Amendment request only. Mr. Costello noted that variance findings identified noted in the Staff Report.

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact. Mrs. Steele seconded the motion and it passed unanimously.**

CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

5. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant) for The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Angelo Bart, Engineer, stated that the conditions by the Planning Commission have been addressed in the revised Concept Development Plan. They are in agreement and he is available to answer any technical conditions.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Goetting seconded the motion and it passed unanimously.**

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

6. Gateway Rehabilitation Center – 5940 Merchants Street

Mrs. Kegley moved to defer the request until the January 4, 2023 Business Meeting. Mr. Lunnemann seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

7. Target – 1100 Hansel Boulevard

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The request involves the pick-up area. An existing beacon will be relocated to the new pick-up area. Another new beacon will be installed at the southern end of the pick-up area. The reason why the project is being reviewed is because of the height of the sign is 12 feet tall. Only 5 foot high signs are normally allowed for directional purposes. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan. Mrs. Steele seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

8. Penske Truck Leasing – 3721 Ohara Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The request is to construct 2 building additions and a canopy. A 1,444 square foot addition is planned along with a 4,365 square foot rear addition. Two canopies are planned on the side of the building along with a fuel canopy on the rear portion of the building. A new dumpster enclosure is also proposed. All the proposed materials match the existing building – split face CMU and metal panels. Mr. Morgan showed pictures of the proposed additions. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan. Mr. Hincks seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

9. Turfway Gaming – 7500 Turfway Road

Staff Member, Todd Morgan, stated that the Committee met prior to the Business Meeting and decided to table the request until next month.

Mrs. Kegley moved to defer the request until the January 4, 2023 Business Meeting based upon the Technical/Design Review Committee recommendation. Mr. Lunnemann seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

10. Freddie's Steakburgers – 95 Meijer Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The building consists of brick and hardy-plank. The design is generally in agreement with the design guidelines of the Houston-Donaldson Study with one condition. The condition is that the east elevation facing the

new hotel shall have at least 60% brick and 40% hardy-plank to match the other side of the building. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve of the request based upon the Technical/Design Review Committee recommendation as presented with one condition about the east elevation as stated by Mr. Schwartz. Mr. Hincks seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Alaina Hagenseker, Staff

11. Request of **Heritage Fellowship, per Jeremy Weaver (applicant)** for **Heritage Assembly of God, Inc., per Vernel Perry (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 20.7 acre area located at 7216 US 42, Florence, Kentucky, which is zoned Suburban Residential Two (SR-2) and Office One (O-1). The request is for a Special Sign District to allow a free standing sign having an electronic message board/panel in an Office One (O-1) district.

ZONING MAP AMENDMENT AND VARIANCE, Michael Schwartz, Staff

12. Request of **ECE, Inc, per R. Wayne Erpenbeck (applicant)** for **Tri-Saint Investments, LLC, per Tim Bishel (owner)** for a Zoning Map Amendment from Public Facilities (PF) and Industrial One (I-1) to Urban Residential One (UR-1) for an approximate 18.2 acre area located along the west side of Beaver Road, between Mary Grubbs Highway and Skyway Drive, approximately 800 feet north of Mary Grubbs Highway, having a Parcel Identification Number (PIDN) of 078.00-00-002.00, Walton, Kentucky. The request is for: (1) a zone change to allow 214 multi-family residential dwelling units within sixteen (16) buildings; and (2) a variance reducing a portion of the rear yard buffer yard width from sixty (60) feet (Buffer Yard C) to twenty (20) feet (Buffer Yard B).

CONCEPT DEVELOPMENT PLAN/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

13. Request of **Prime Car Wash, LLC, per Adam Jones (applicant)** for **Broadway Circle, LLC, per Mike Hanich (owner)** for a Concept Development Plan/Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) district for an approximate 1.3 acre area located at 7592 and 7600 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan/Change in an Approved Concept Development Plan to allow a car wash.

Mr. Harper moved to schedule the Public Hearing for Items #11, 12 & 13 on January 4, 2023 at 7:30p.m. in the Fiscal Courtroom. Mr. Hincks seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Kevin P. Costello, AICP, stated that Mr. Jon Brown was elected Boone County PVA and will take office on December 5, 2022. As a result, the Planning Commission will have to hire a new engineer on a part-time basis. Mr. Costello referenced his November 22, 2022 Memo. He recommended hiring Ms. Alison Chadwell, P.E., on a part-time basis for a period of time from December 1, 2022 to June 30, 2023.

Ms. Gulick moved to authorize the Executive Director to execute a contract with Ms. Chadwell based upon the terms outlined in his November 22, 2022 Memo. Mrs. Steele seconded the motion and it passed unanimously.

Mr. Costello referred to his December 1, 2022 Memo regarding the 2023 Office Holiday Schedule, the 2023 Business Meeting and Public Hearing Date Schedule, the 2023 Committee Meeting Schedule and the 2023 Board of Adjustment Schedule. He asked for approval of the four above schedules.

Mrs. Goetting moved to approve the 2023 Office Holiday Schedule, the 2023 Business Meeting and Public Hearing Date Schedule, the 2023 Committee Meeting Schedule, and the 2023 Board of Adjust Meeting Schedule. Mrs. Clark seconded the motion and it passed unanimously.

I. Committee Reports:

- Airport
No Report
- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report
- Executive
No Report

J. Chairman's Report:

Chairman Rolfsen announced that the Election of Officers will take place on January 4, 2023. He recommended that Janet Kegley and Bob Schwenke serve as the Nominating Committee. Anyone who is interested in serving as an officer of the Board should let Mr. Schwenke or Mrs.

Kegley know. There will be at least one opening as Mr. Patton will end his term with the Planning Commission on December 31, 2022.

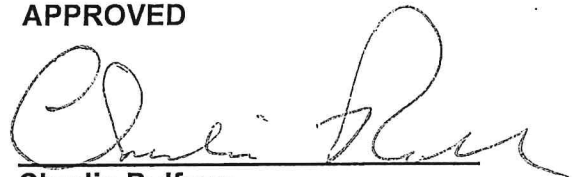
K. OKI Report: Kim Patton
No Report

L. Other:

M. Adjournment:

There being no further business to come before the Planning Commission, **Mr. Harper** moved to adjourn the meeting. **Mrs. Kegley** seconded the motion and it passed unanimously. The meeting was adjourned at 7:40 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: December 7, 2022

RE: Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant)** for **The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

REMARKS:

We, the Committee Members were present at the Committee Meeting and recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

1. The Committee concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
 - a) 2040 Future Land Use Plan" designates the site for Commercial which is defined as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
2. The Committee has concluded that the proposed C-3 district, along with the proposed concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
 - a) 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).
 - b) Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - c) 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).
 - d) Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 - e) 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).

- f) 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).
 - g) Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
3. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached conditions are 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 conditions:

CONDITIONS:

- 1. The approval shall be based on the revised concept development plans submitted on November 29th 2022, except as modified by the conditions below. This includes the building mounted sign package. The Zoning Administrator can permit minor changes to these plans.
- 2. A crosswalk shall be required from the Taco John property line to connect to the north property line on Plaza Boulevard.
- 3. The dumpster enclosure will match the brick from the submitted elevations on the revised concept development plans submitted on November 29th, 2022.
- 4. The rooftop mechanicals must be screened.
- 5. Retaining wall detail shall be required.

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

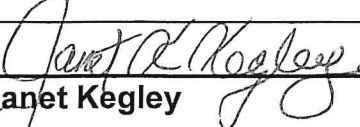
DATE: November 30, 2022

REMARKS:


We, the Committee Members were present 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.

CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

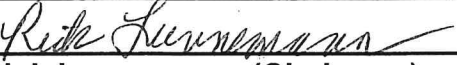
2. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant)** for **The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.



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



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

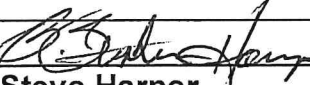


Rick Lunnemann (Chairman)
For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Patton
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



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

Jackie Steele (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____

TOTAL: _____ DEFERRED _____ FOR PROJECT _____ ABSENT _____
_____ AGAINST PROJECT _____ ABSTAIN _____

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Pamela Goetting
Mrs. Janet Kegley
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:49 p.m.

CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

2. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant) for The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is located on the corner of Mall Road and Plaza Boulevard. It has 172 feet of road frontage along Mall Road and 330 feet of road frontage on Plaza Boulevard. She described the surrounding businesses, which included several restaurants. The site is currently zoned C-2/PD/MR. The site is relatively flat and the Future Land Use Map designates the site for Commercial (C) uses. The submitted Concept Development Plan shows 19 parking spaces, a 2,280 square foot restaurant and a drive thru. She showed a series of building elevations and samples of building material. Mrs. Hagenseker showed photographs of the site and adjoining properties. Staff Concerns are noted on Page 5 of the Staff Report. The proposed Taco John's sign will have to be flush to the building. Rooftop mechanicals will need to be completely screened. Details of the proposed retaining wall will need to be provided. Currently, a drive-thru is not permitted in the corner side yard or front yard. The dumpster screening materials will have to be defined. In addition, the City of Florence should evaluate the sidewalk along Plaza Boulevard to determine if a crosswalk is needed to get to the sidewalk on the other side of Plaza Boulevard. She expressed a concern about the use since there is excessive traffic in the area, especially during the holiday season. Comments were also received from the Boone County Building Department regarding parking accessibility – handicapped parking and signage.

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

Mr. Ray Nix, Woolpert, stated that the Staff did a nice job explaining the project. He is available to answer questions.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Lunnemann asked if Plaza Boulevard is a public or private street? Mr. Costello replied that it is a private street.

Chairman Rolfsen inquired about the use deed restriction? Mr. Nix responded that it is being dealt with as part of the sale of the property. Chairman Rolfsen asked about Taco John's. What type of restaurant is it? Mr. Nix replied it is a midwestern chain like Taco Bell.

Mr. Harper noted that with the limit of right turn in and out, one will have to go to the Florence Mall to turn left because of the stacking of traffic towards Mall Road. Mr. Harper noticed that one will

have to drive completely around the building to get into the drive-thru queue. Mr. Nix responded that if the drive thru is on the same side of the entrance, then they will drive straight in and create a problem with other drivers. It could create a back up on Plaza Boulevard.

Ms. Gulick asked if the applicant considered moving the curb cut further back on the property? Mr. Nix replied that originally they were going to make the curb cut only a right in and out. They will consider moving it back to accommodate a left turn out. Most people will want to go to Mall Road versus the Mall when exiting the site. Mr. Nix stated that they will look at reconfiguring the site and address where to put the parking as a result of the new design.

Mrs. Steele asked if they were going to have dine in activities? Mr. Nix replied yes. The restaurant will have 38 seats.

Chairman Rolfsen asked where the closest restaurant was located? Mr. Nix responded Indianapolis. He asked if the Board would like to see a revised plan of changes at the Committee Meeting. Mr. Chairman Rolfsen responded yes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 30, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:03 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director