

RESOLUTION R-22-036-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A 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, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) for an approximate 1.2 acre area located at 4911 Houston 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 the Zoning Map Amendment for a Special Sign District.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate, which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) for an approximate 1.2 acre area located at 4911 Houston Road, Florence, Kentucky. The real estate, which is the subject of this request for a Zoning Map Amendment to establish a Special Sign District is in a Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (C-2/PD/HDO) zone, is more particularly described in DEED BOOK 1181, PAGE NO. 273 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Zoning Map Amendment to establish a Special Sign District request are the 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."

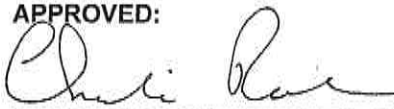
The Committee recommended approval, with conditions, for this request based on the Findings of Fact and Conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) for an approximate 1.2 acre area located at 4911 Houston 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.

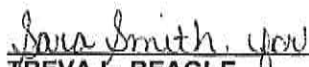
PASSED AND APPROVED ON THIS 21ST DAY OF DECEMBER, 2022.

APPROVED:



**CHARLIE ROLFSEN
CHAIRMAN**

ATTEST:



**TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES**

CR/tlb

EXHIBIT

“A”

STAFF REPORT

#2

Request of **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.

November 2, 2022

PERTINENT SITE HISTORY

- A. In 1992, a Change in Concept Development Plan was approved for Saratoga Square Subdivision. One of the conditions limited monument style signage in the subdivision to a sign at the corner of Hansel Avenue and Houston Road and a sign at the corner Turfway Road and Houston Road.
- B. On September 21, 2022, Boone County Planning Commission approved a Design Review application for signage for Ford's Garage restaurant (see the attached sign drawings).

The following signage was approved:

- Front Façade (Houston Road) – Four (4) building mounted signs totaling 149.24 square feet.
- Side Façade (Hansel Avenue) – Two (2) building mounted signs totaling 106.92 square feet.
- Side Façade (Facing O' Charley's) – Two (2) building mounted signs totaling 81.38 square feet.
- Rear Façade (Richman Road) – One (1) building mounted sign totaling 61.17 square feet.
- Front Parking Lot – Two (2) gas pumps and (2) model cars. The gas pumps are 9'7" tall and contain a 4.5" x 9.25" Ford's Garage sign on top.

All the signs were approved except for:

- Two (2) gas pumps signs shown near the front door of the building.
- Twelve (12) blue colored projector lights and ten (10) blue colored flood lights shown on the four building facades.

REQUEST

The applicant is seeking Special Sign District approval to allow the signs that were not approved through the Design Review application process. The only modification to the original proposal is that red colored projector and flood lights are proposed and they be changed to other colors for special occasions. An example would be allowing green lighting for St. Patrick's Day.

APPLICABLE REGULATIONS

- A. Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. "The effect of a special sign district shall be to modify requirements, regulations, and procedures for signs included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development."
- B. The Houston-Donaldson Study's special sign regulations allow the following signage on the property:
- One building mounted sign shall be permitted on each façade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred (200) square feet in area. One monument sign shall also be permitted at the maximum height of eight (8) feet tall and twenty-four (24) square feet in area (see 1992 condition regarding monument sign).
- C. The "administration" section of the Houston-Donaldson Study's special sign regulations contains the following passage:

As stated previously, all proposals that meet the Special Sign District Regulations can proceed directly to the Sign Permit Review Process listed in Section 3405 of the Boone County Zoning Regulations. Proposals that do not meet the Special Sign District Regulations shall be reviewed in one of the following manners as determined by the Zoning Administrator:

Design Review Application - Applicant seeking minor changes to the sign code. Any proposal for infrequently changing electronic signs, such as gas prices and hotel room rates, shall be reviewed under this application. Boone County Planning Commission takes final action on Design Review applications.

Variance Application - Applicant seeking relief from dimensional requirements of the sign code. Variances cannot be sought for design requirements. The appropriate Board of Adjustment would take final action on a Variance application.

Concept Development Plan - An applicant can ask for modifications to the sign code as part of a Concept Development Plan or Change in Approved Concept Development application. Such applications are reviewed by the Planning Commission and a

recommendation is made to the appropriate legislative body.

Special Sign District - An applicant is seeking major changes to the sign code. Any proposal for a frequently changing electronic message center will be viewed as a major change. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body

SITE CHARACTERISTICS

The 1.245-acre site is located in Saratoga Square Subdivision and has 278' of frontage on Houston Road, 195' of frontage on Hansel Avenue, and 278' of frontage on Richman Road. The property contains an 8,055 square foot restaurant, 1,470 square outside eating area, and 91 parking spaces (Note – Ford's Garage owns an overflow parking lot across Richman Road that contains approximately 65 parking stalls). Access to the site is provided from two curb cuts on Richman Road. Public sidewalks exist on all three streets.

ADJACENT LAND USES AND ZONING.

Northeast: Hansel Ave. & Chase Bank (C-2/PD/HDO)

Northwest: Richman Road and Overflow Parking Lot for Ford's Garage and O' Charley's (C-2/PD/HDO)

Southeast: Houston Road and St. Elizabeth Physicians and Hospital (PF/PD/HDO)

Southwest: O' Charley's (C-2/PD/HDO)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 contains the "2040 Future Land Use Plan". The 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:
 - 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. Boone County shall promote a vibrant, diverse, and sustainable economy that both recognizes the value of the environment and encourages and incentivizes innovation and prosperity with meaningful employment opportunities (Economy, Goal A).
 - 3. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).

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 A).
- C. The Land Use Element contains the following Future Land Use Development Guideline as it pertains to Design, Signs, and Cultural Resource Preservation (page 97):
- "Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorists attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view."
- D. The Land Use Element text contains the following passage regarding the "Florence Commercial" future land use geographical area (pages 125-126):
- "A substantial portion of this section is located within the 2013 Houston-Donaldson Study area and has excellent development and/or redevelopment opportunity due to its high visibility from and easy access to I-75. Existing parcels should be developed/redeveloped to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development."

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

- A. The Houston – Donaldson Study identifies the site as being within Subarea five. The land use recommendation chapter contains the following passages which relate to the request:
1. "Future development and/or redevelopment in Subarea Five should be of commercial or office type land uses and not of light industrial or residential uses" (pg. 35).
 2. "Any future development and/or redevelopment in Subarea Five should be made to conform and blend in with the existing built environment" (pg. 35).
- B. The Houston-Donaldson Study includes development design and special signage requirements. The pertinent sign regulations have been outlined in the applicable regulations section of the Staff Report.

STAFF COMMENTS

- A. The Boone County Planning Commission and City of Florence should analyze the Boone County Zoning Regulations, Our Boone County Plan 2040, and the Houston-Donaldson Study before acting on the request.

- B. Staff recommends the projector lights and flood lights should be limited to one color a day if the request is approved. In addition, the lighting should be constant without any blinking or special effects.
- C. Staff's only concern with the request is the precedent it could set. Staff is not aware of any other business, within the Houston-Donaldson Study limits, having colored flood lights and projector lights.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and City of Florence in terms of the three criteria necessary for approving a Zoning Map Amendment and Section 3440 (Special Sign Districts) of the zoning regulations. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



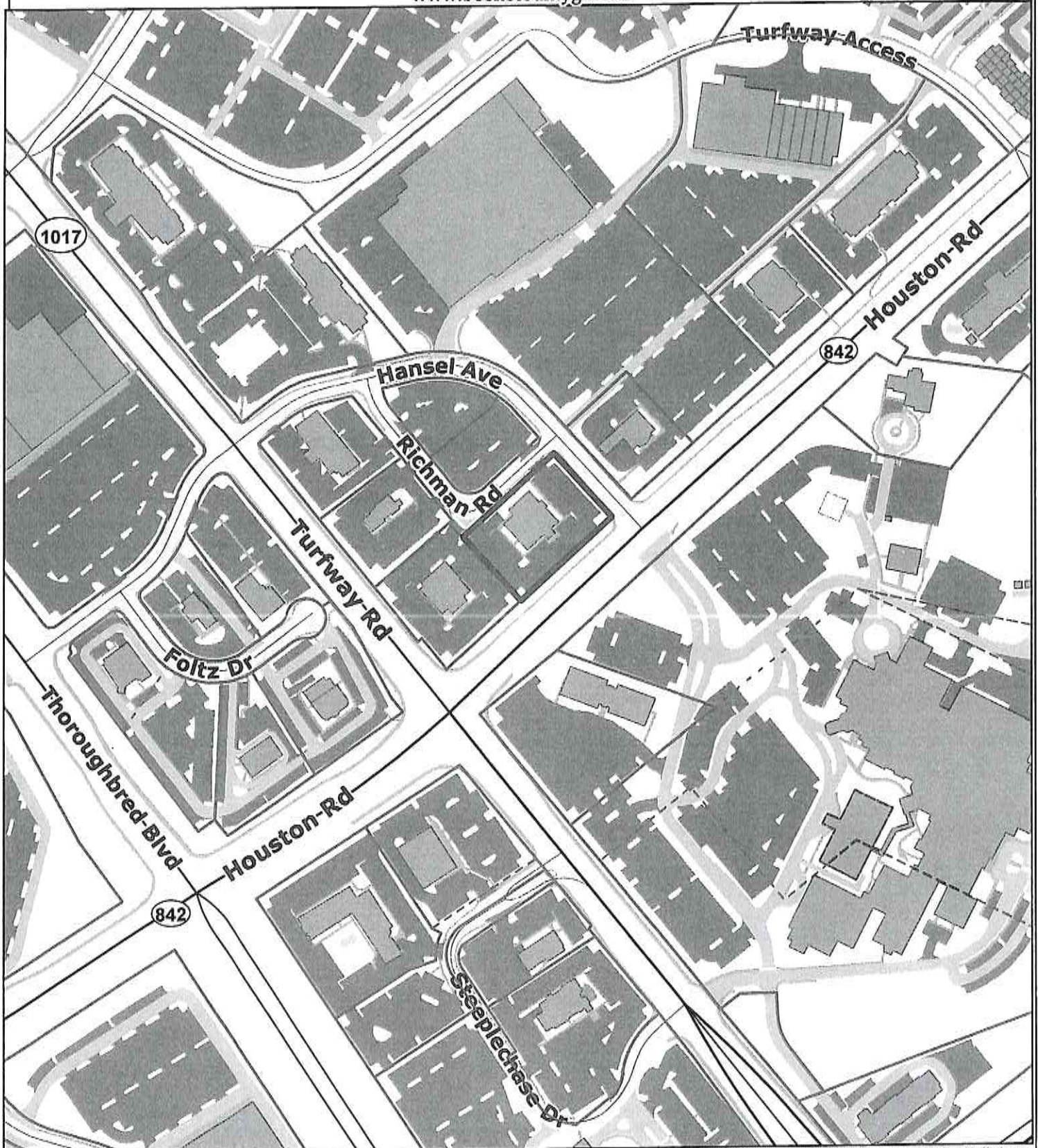
Todd K. Morgan, AICP
Senior Planner

Attachments:

- *Site Vicinity Map
- *Letter From the Applicant
- *Sign Drawings
- *Projector and Flood Light Specifications
- *Picture of Another Ford's Garage with Projector and Flood Lights
- *Zoning Map
- *2040 Future Land Use Map
- *Topographical Map
- *2020 Aerial Map
- *Application

SITE VICINITY MAP

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

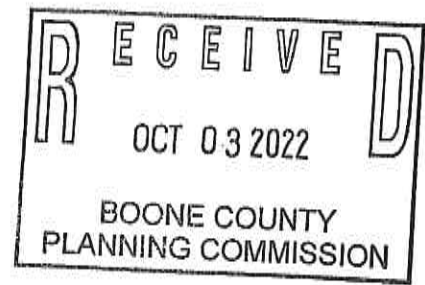
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AutoMap Document: *.mxd

Ford's Garage

4911 Houston Rd

Florence, KY 41042



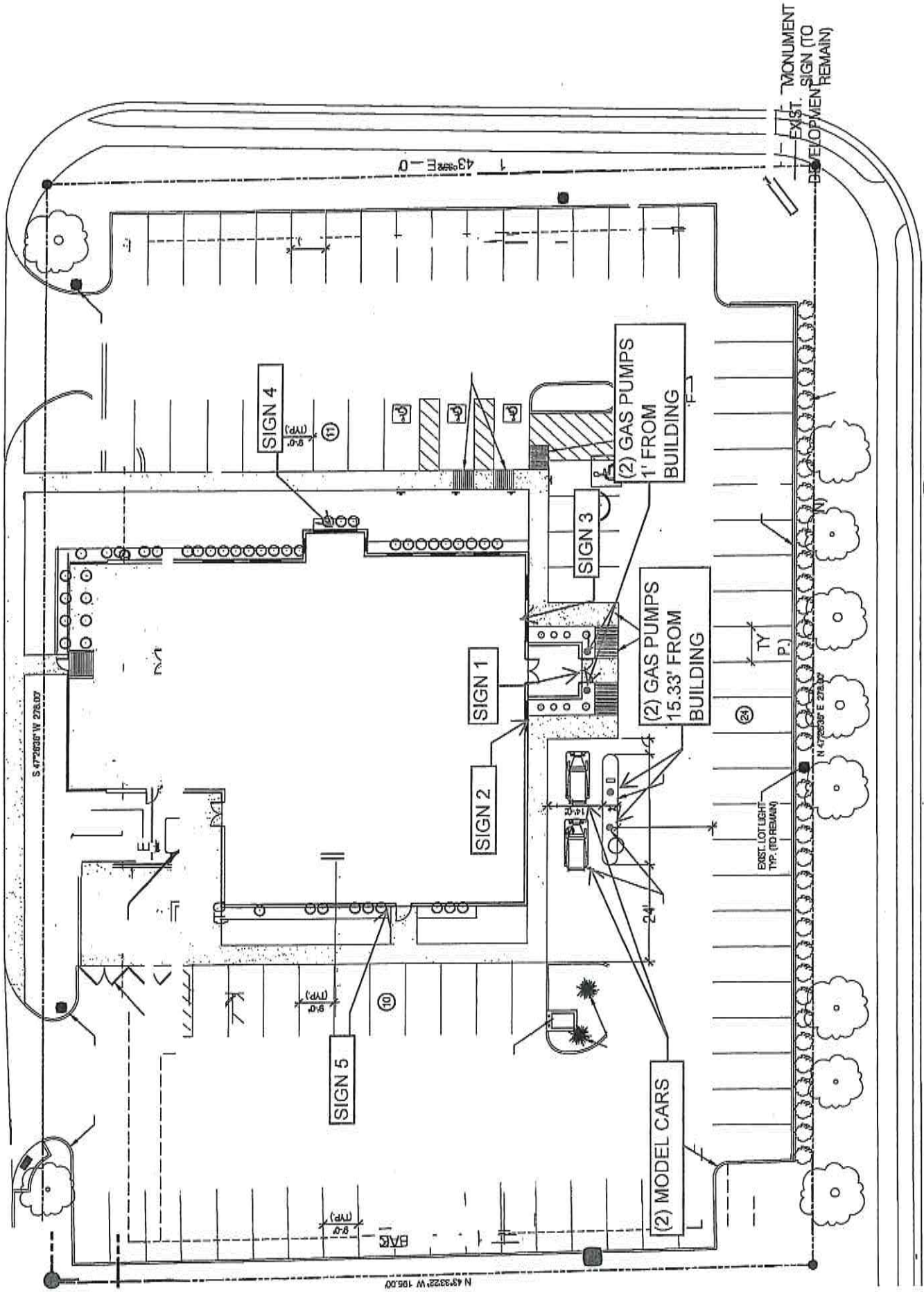
Special Sign District Request

Tin Lizzie Cincinnati Two, LLC dba Ford's Garage is proposing to install 22 projector and flood lights on the exterior of the building (see attached renderings and light specs). While the lights can change colors continuously, it is proposed that the color will not change on any given day. Red will be the preferred color and will remain set and only changed on special occasions such as green on St Patrick's Day. These color changes will be extremely limited.

Ford's Garage is also proposing two fuel pumps at the front door as shown in the rendering.

These requests are being made to keep the trade dress for the Brand intact.

RICHMAN ROAD



HOUSTON ROAD





Houston Road
Gas Pump
QTY 4



A SIGN BY DESIGN, INC.

Signs By Design

"A Quality Sign Says It All"

THE BLUE CHIP

BUSINESS AWARD WINNER

4725 W. 106th St. Zionsville, IN 46077

PHONE: 317-876-7900

FAX: 317-802-5670

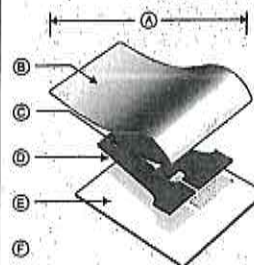
www.assignbydesign.com

EMAIL: sbd@assignbydesign.com

CLIENT NAME FORD'S GARAGE		ACCNT. REP SAMANTHA
FILE NAME FORDSGARAGE GASPUMP1.PDF		DRAWN BY AA
DATE 9/14/2022	PRODUCTION FILE FORDSGARAGE GASPUMP1.F5	FILE LOCATION FEB-2022
LOCATION FLORENCE, KY	ART <input checked="" type="checkbox"/>	

X _____ DATE _____

VINYL DECAL CROSS SECTION

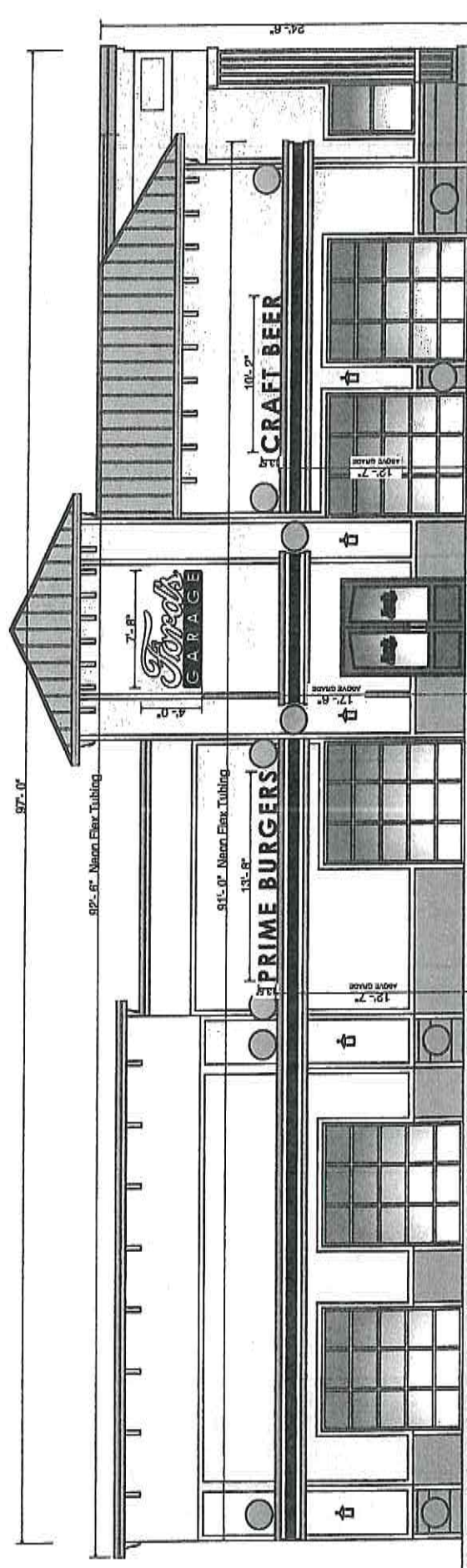


A	VINYL DECAL DIMENSIONS AS SHOWN
B	APPLICATION TAPE (TRANSFER TAPE)
C	HP BLACK VINYL DECAL
D	ADHESIVE SIDE OF VINYL
E	BACKING PAPER (RELEASE LINER)
F	
G	
H	
I	



THIS DRAWING IS THE SOLE PROPERTY OF A SIGN BY DESIGN, INC. AND IS NOT TO BE REPRODUCED OR RE-DISTRIBUTED BY OR TO A THIRD PARTY
THERE COULD BE A COLOR DIFFERENCE FROM THIS DRAWING TO THE FINAL PRODUCT

Houston Road



Legend:

SUC-GT51-01B-12x-ROB-36-DMK - 36" LED

LTP-F20W - 20" LED

SUC-24x-10-1057-24x-UF Neon Flex - 1057

Notes:

- Upper and lower signs to be hung from roof on the roof with a 120V disconnect.
- Lower sign to be hung from roof on the roof with a 120V disconnect.
- Lower sign to be hung from roof on the roof with a 120V disconnect.
- LED signs to be attached with exterior stainless steel clips to roof line.
- LED signs to be attached with exterior stainless steel clips to roof line.

Ford's Garage: 30.67

Prime Burgers: 15.38

Craft Beer: 11.44

LED TUBE: 91.75

(92'6" + 91' = 183.5' * .5")

Total SQFT: 149.24

Notes:

Within square feet

**Exception:

Number of signs

Provide information:

Gas pumps, Car(s), color of lighting

Aerial Sign Systems, Inc.

Signs By Design

SCALE: 1/8" = 1'

Feb-22 Ford's Garage Front Signage
PO BOX 891 - Zionsville, IN 46077
PHONE: 317-378-1111
www.aerialsignsdesign.com
EMAIL: chris@signsdesign.com

1/4" Quality Sign

Architectural elevation drawing of the front of a building. The drawing shows a two-story structure with a gabled roof on the left side. The left side features a large window with a decorative pediment above it. The right side has a garage with a sign that reads "Torres GARAGE". Above the garage is a small window. The building has a mix of siding and brickwork. Dimensions are provided for various elements: 105'-4" for the total width, 95'-3" for the main section, 7'-8" for a small section, 56'-3" for the garage section, 17'-11" for a window, and 24'-6" for another section.

<p>Fords Garage: 30.67</p> <p>LED TUBE: 76.25</p> <p>(96'3" + 56'3" = 152' * .5")</p>	<p>Total SQFT: 106.92</p>
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Architectural floor plan of a room. The overall dimensions are 865.7" (width) by 244.6" (depth). The plan includes a large central area labeled "58' 4\" Neon Flex Tubing". To the right of this area are two large windows, each divided into a 4x4 grid of smaller panes. Below the windows are two sets of double doors. The bottom of the plan shows a row of windows and a door. The left side of the plan shows a wall with a door and a window. The top of the plan shows a wall with a door and a window. The plan is oriented with the 865.7" dimension running horizontally and the 244.6" dimension running vertically.

[illegible]

Total SQFT: 61.17

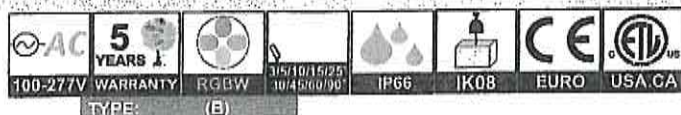
Provide: Color of lights

EMAIL: elad@nationalcyberinf.gov

SLC-GTE6101 B-12 RGBW 24v-DMX - BLUE



LED PROJECTOR LIGHT:



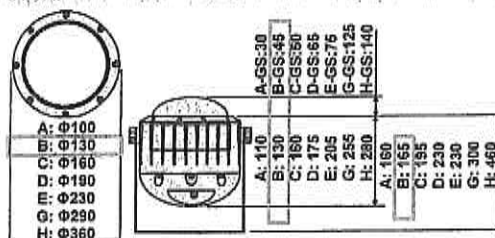
TYPE: (B)

BACKVIEW



(B-GS)

DIMENSION: [UNIT: MM]



NOTE:

All parameters are measured at 25°C ambient temperature, 35% humidity experimental environment. Tolerances of power and luminous flux are ±10%, tolerance of color rendering index is ±5.

SMART LED CONCEPTS A.: 3780 N.E 4th Ave, Oakland Park, FL 33334

INTRODUCTION

FEATURE

Durable Exterior Light by Skilled Manufacturing
Architecture Lighting with Multiple Custom Function
Long Lifespan Design > 50,000 hours
Working Temperature: -30°C ~ 50°C

MAIN MATERIAL

LED Brand: GUBO
Internal Driver Brand: GUBO
Housing: Die-casted Aluminum
Optics: High Efficiency PC Lens
Diffuser: Clear Tempered Glass

INSTALLATION

Surface Mounted
Suitable for Exterior Illumination, Like Architecture.....

STANDARD

Designed and Manufactured to Comply with
CE/RoHS/CB/ETL/SAA/SASO Standard

IP66 Protection, Class I Electric

OPTIONS

LED CCT: 1,800K~10,000K/R/G/B/Y
[CRI]: RA80, [G] RA90 [H] RA97
Custom Housing Finish: Colors by RAL Code

[GSL] LOUVER	WHITE [HMWT]	BLACK [HMBK]	SILVER [HMSV]	DARK GREY [HMGD]	BRASS [HMBR]
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MODEL NO.	POWER [W]	LED TYPE	CCT [K]	CRI	FLUX [LM]	POWER FACTOR	BEAM ANGLE	REMOTE CONTROL	INPUT [V]
YR-FL390-V295-GTE6101B	4C@18W	6RGBW	G2700K G6000K 465nm	RA90	820 820 820	>0.8 >0.8 >0.5	[Symmetric] BL15D:15°	[CDX]: [DMX512(1%)]	[AC100~277V] [CV DC24V]

Light Count:
Houston Road: 8
Hansel Ave.: 2
O'Charley's: 2

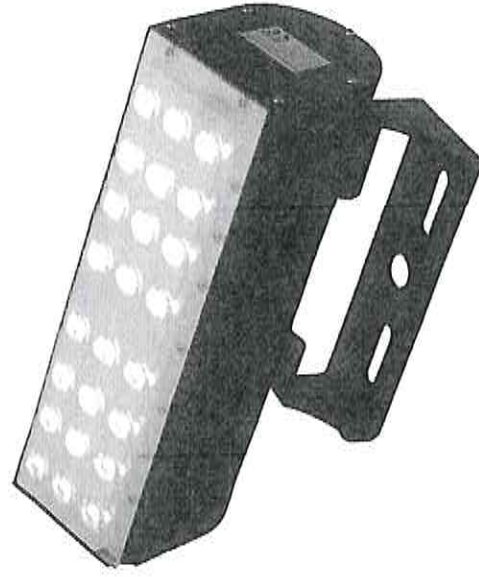
Total: 12

LTF-F50W - BLUE



RioTinto

ETL cETL Listed RGB RGBW Flood Light



Specification

Model No.	Power (W)	LED Chip	Control Method	Voltage	Size (mm)	Beam angle	Housing color	Certification
LTF-F50W	50W				285x106x85	15° 25°	White/Black	
LTF-F100W	100W	RGB RGBW	DMX	100-277V 24V DC	570x106x85	40° 60° 90°	White	ETL cETL
LTF-F150W	150W				855x106x85			
Bracket -1								2 Rows Installation Bracket
Bracket -2								3 Rows Installation Bracket

PRODUCT DESCRIPTION

The RGB ,RGBW flood light wall washers with unique housing design and Utility model patented,can be used as landscape light,architectural lighting .

The lens are anti-glare optics and 15°,25°,40°,60°, 90°beam angle optional.

FEATURES

- 1.ETL cETL certified.
- 2.Patented fixture design and excellent heat dissipation design.
3. Universal AC100~277V operation.
- 4.Wide radiation angle, huge lighting area.
- 5.DMX control ,Wireless control and App control optional.
- 6.Outdoor using waterproof IP67.

Light Count:

Houston Road: 4

Hansel Ave.: 3

Richman Rd.: 3

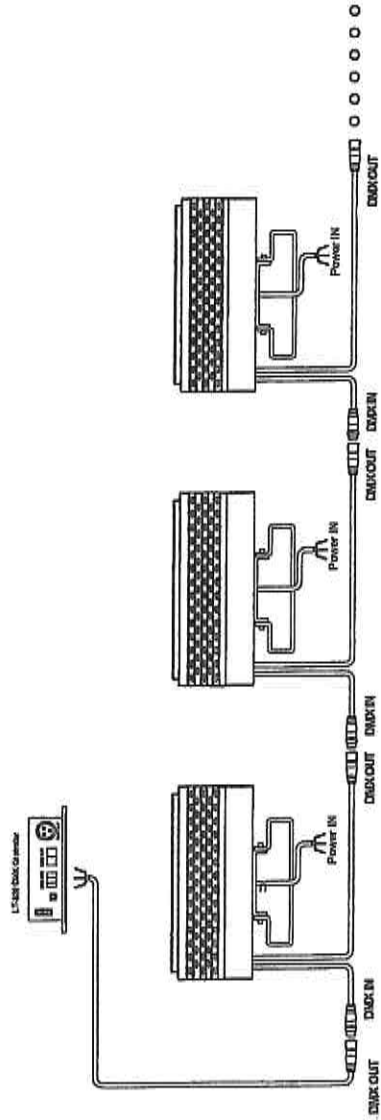
Total: 10

LTF-F50W - BLUE

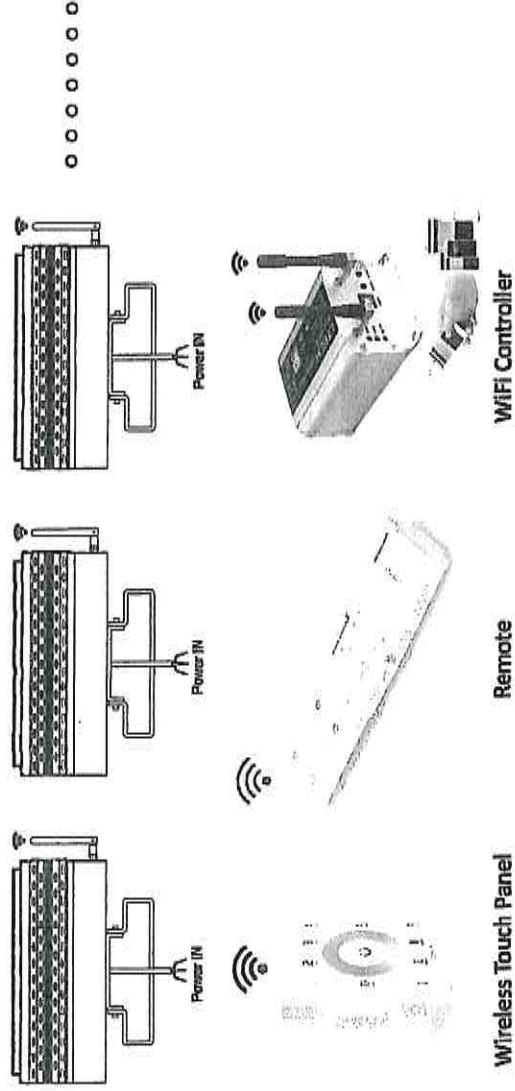


RioTento

DMX Control Connection

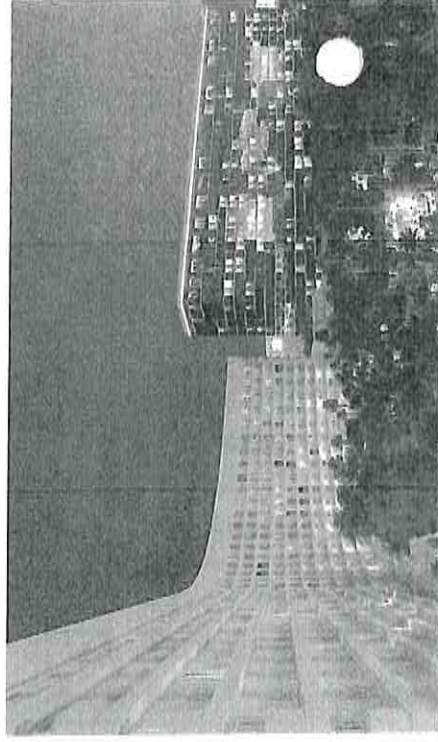
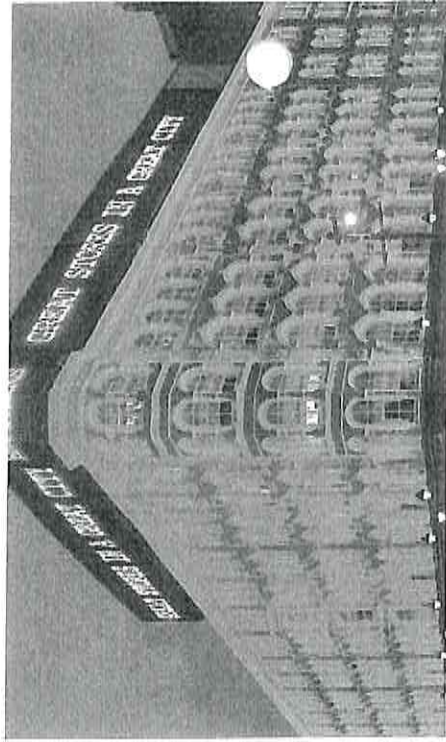


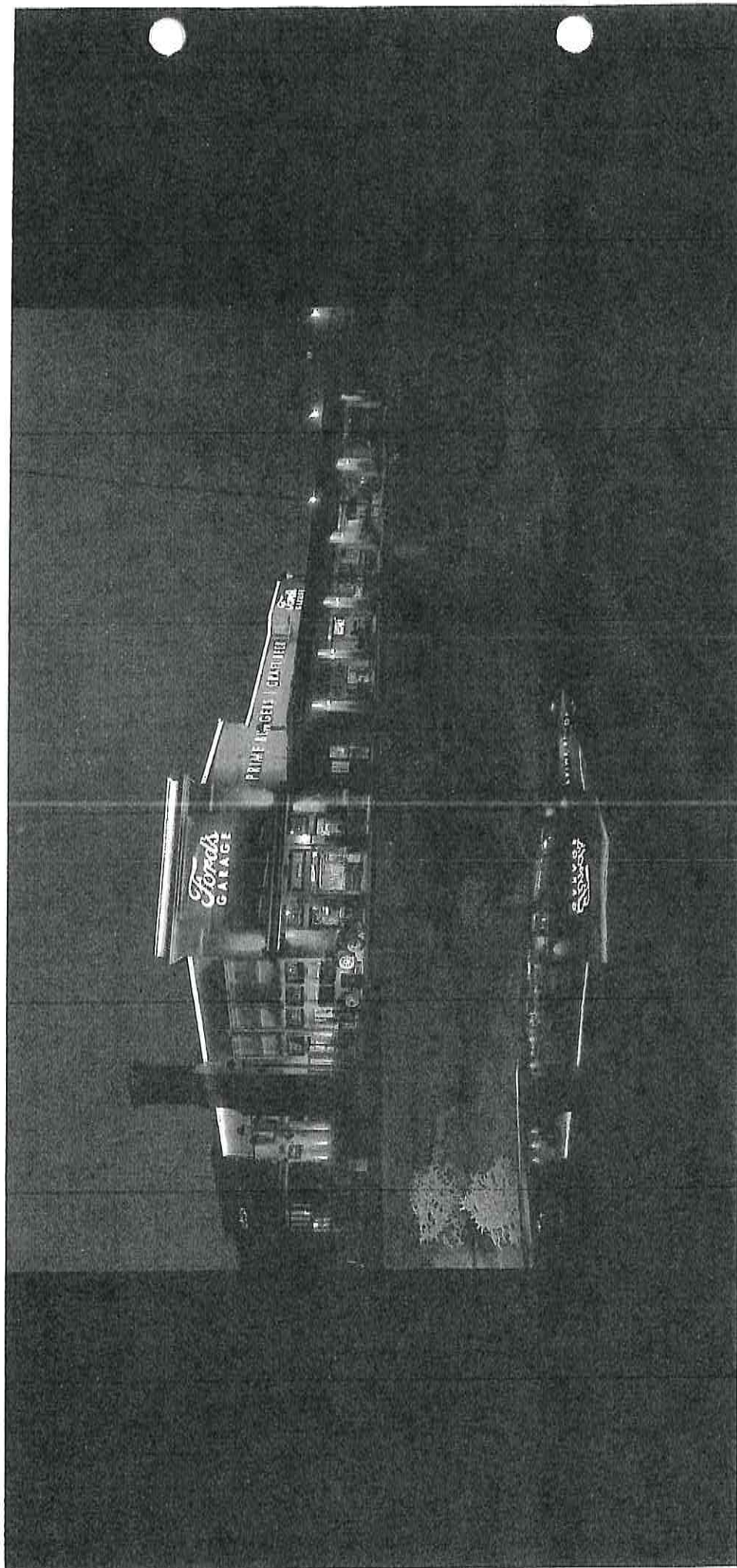
Wireless Control Connection



Application

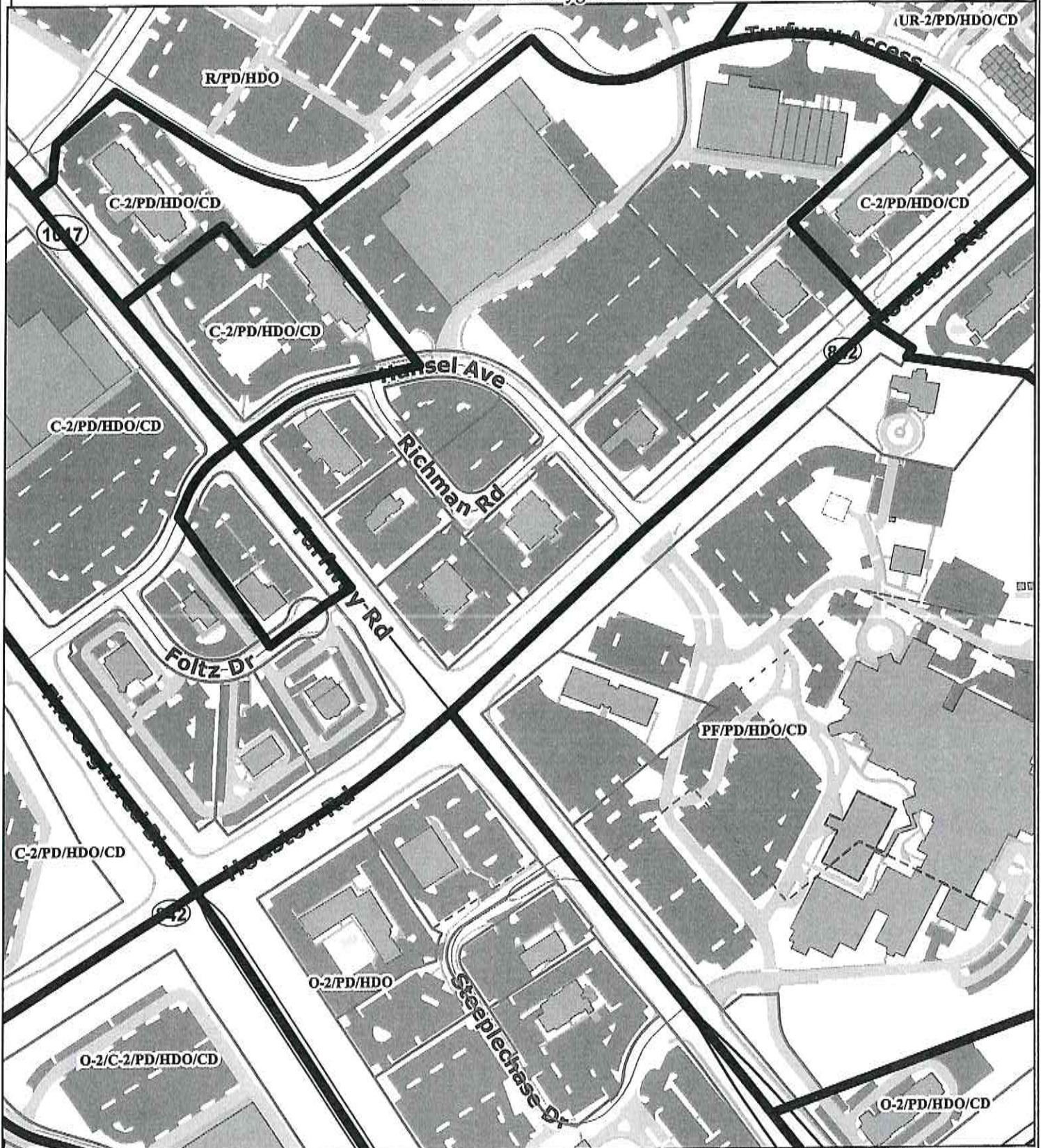
The RGB RGBW wall washer flood light is mainly used for individual buildings, external wall lighting of historical buildings, interior partial lighting, green landscape lighting, billboard lighting, special facilities such as medical and cultural lighting, and atmosphere lighting of entertainment places such as bars and dance halls.





ZONING MAP

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1 Inch = 300 feet



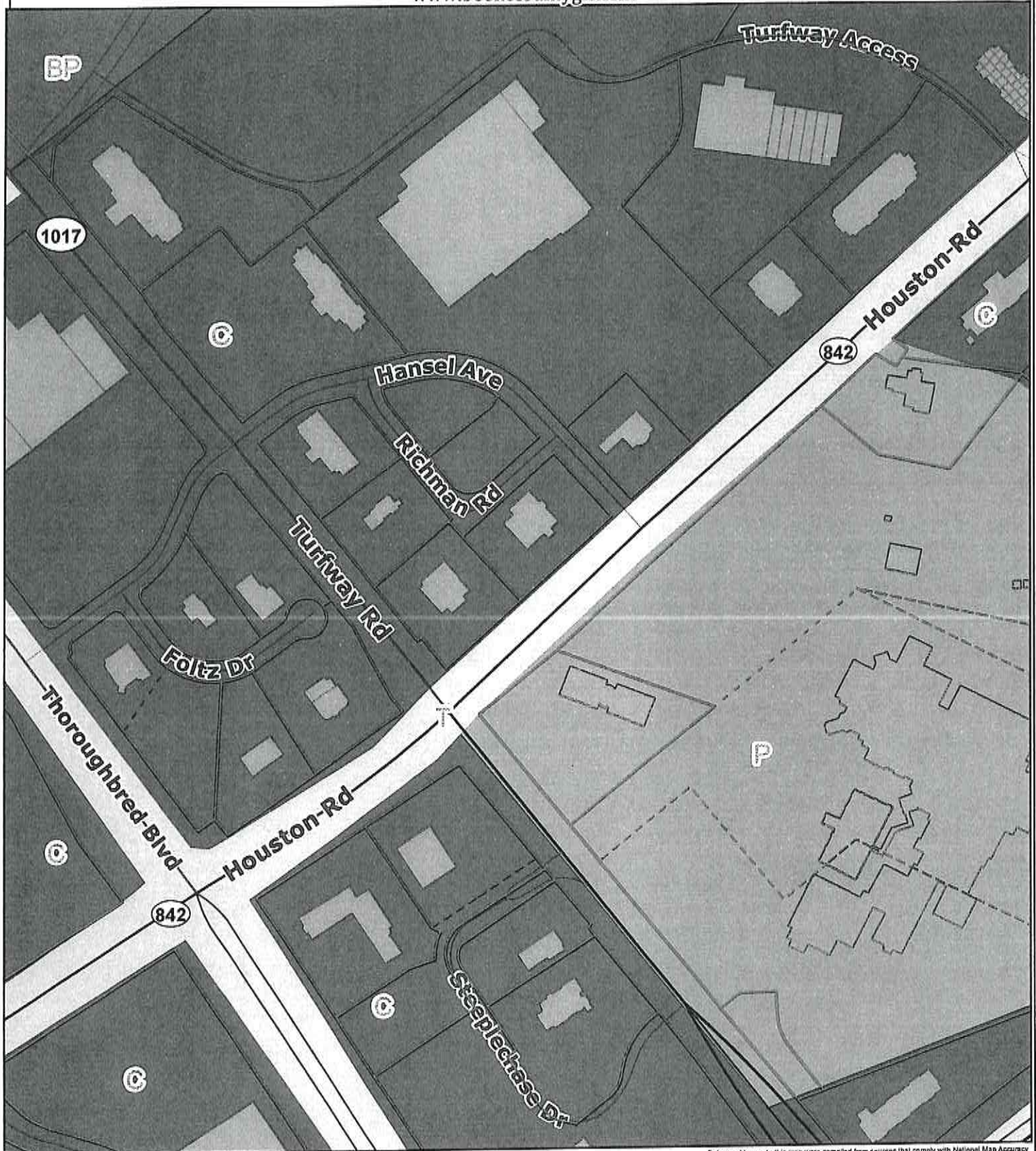
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 10/10/2020

Map File: 10/10/2020 10:10:10
ArcMap Document: 1.mxd

2040 FUTURE LAND USE MAP

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

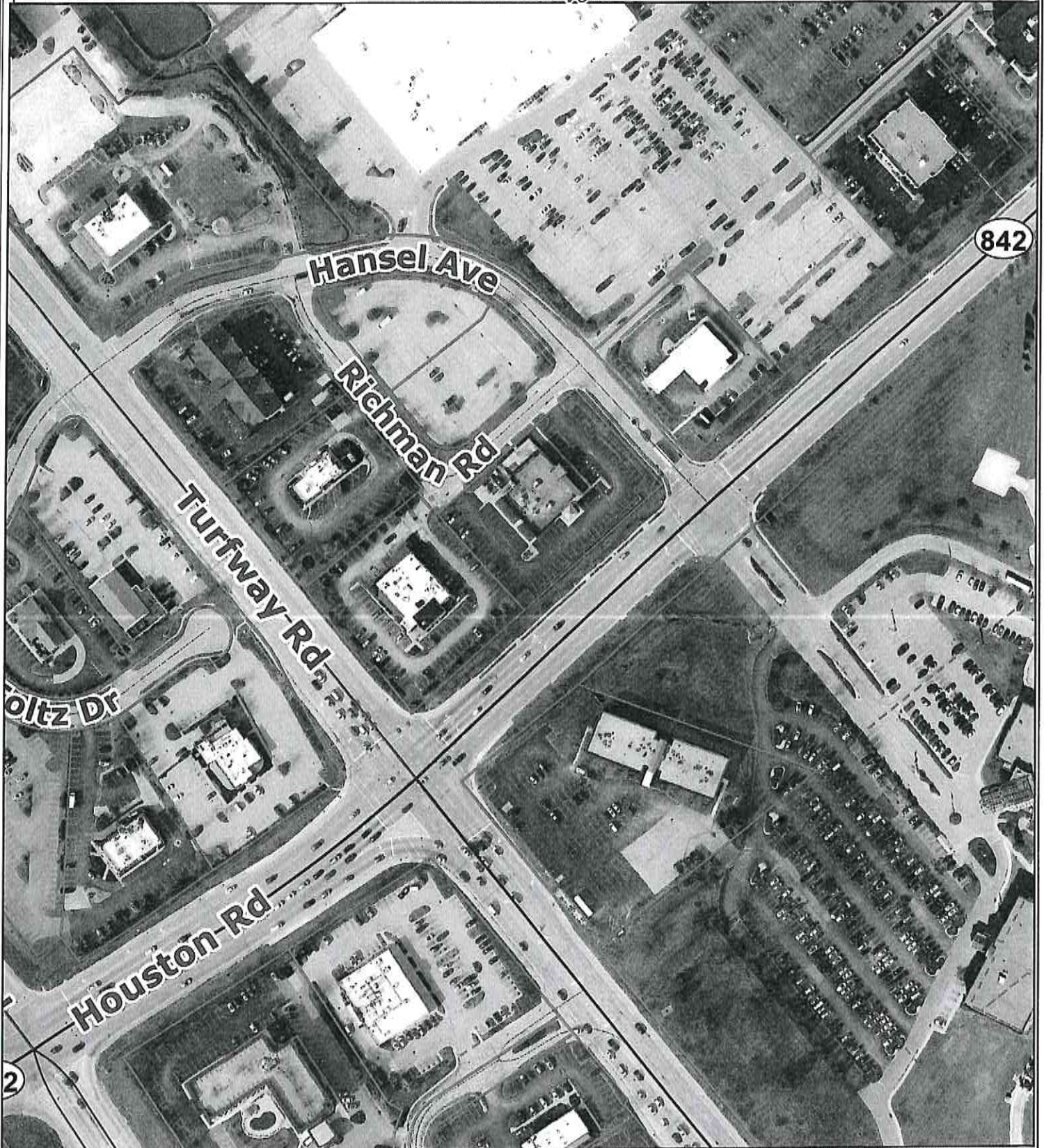


Map Created: 10/10/2020

ArchMap Document: *.mxd

2020 AERIAL MAP

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0 100 200 400 600 800 Feet

1 inch = 200 feet



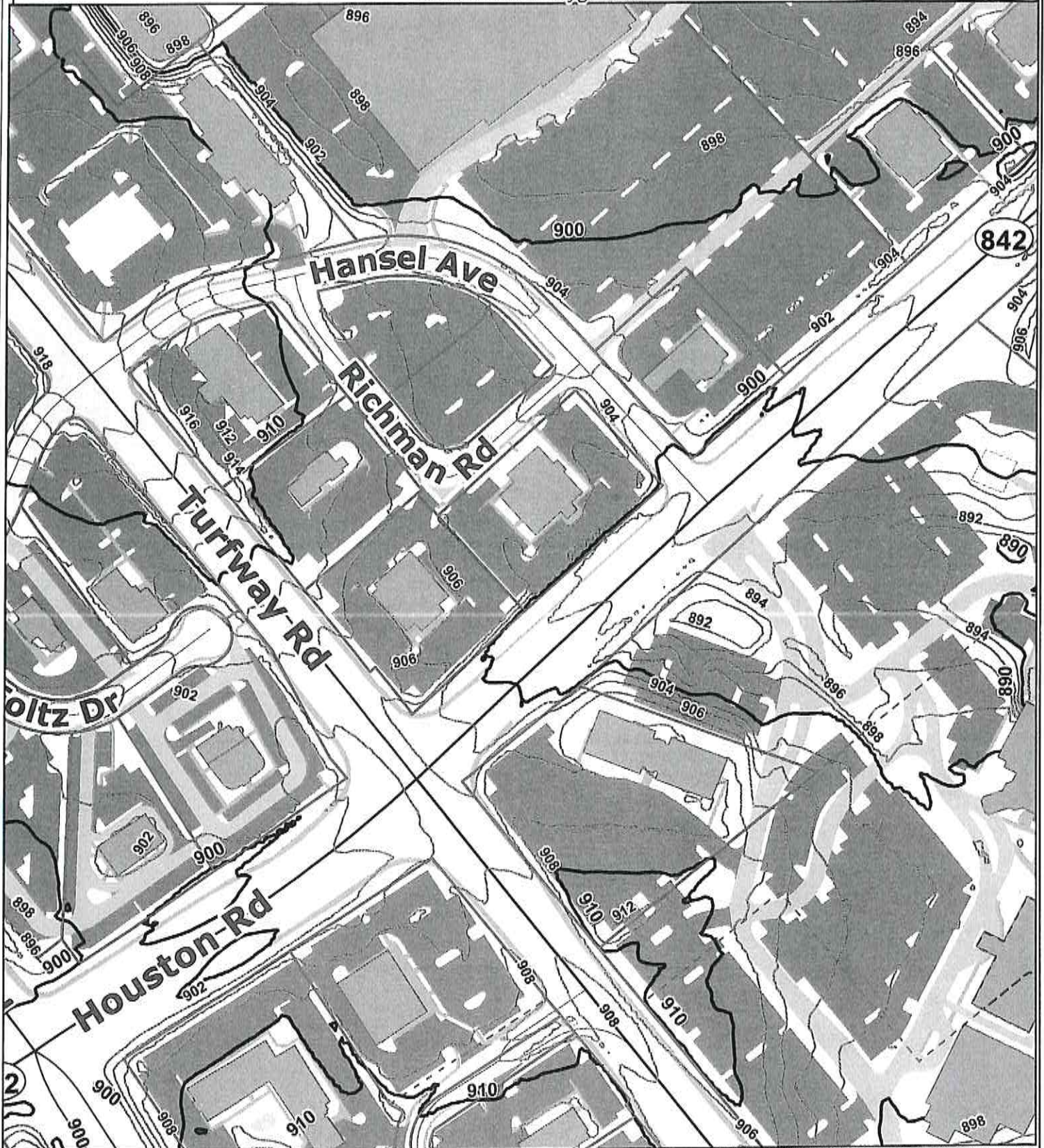
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

Map File: C:\arcgis\work\2020\2020_08_10\2020_08_10.mxd

TOPOGRAPHICAL MAP

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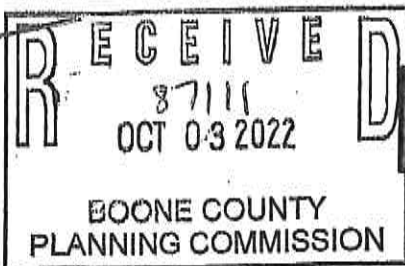
1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: * mxd



**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

*For a special
Sign District*

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: Ford's Garage
2. Location of Project: 4911 Houston Rd., Florence, KY 41042
3. Total Acreage of Project: 1.25AC
4. Current Zoning of Property: C-2/PD/H20/CD ~~12~~
5. Proposed Zoning of Property (classification being requested): n/a
6. Proposed Use(s) (specify each use):
A Special Sign District is being proposed to allow colored projector lights and flood lights to be mounted to the building. Also seeking two additional gas pumps.
7. Proposed Building Intensities (specify for each building):

8. Are you applying for any of the following (check all that apply):
☐ Conditional Use Permit ☒ Variance
9. Current Owner: Channel Mark Holdings, LLC
Address: 17220 N. River Rd.
Alva FL 33920
City State Zip Code
Phone Number: 239-822-1888 Fax Number: _____
Email: mike@mcguiganrestaurants.com
10. Applicant: Tin Lizzie Cincinnati Two, LLC
Address: 11869 Piney Glade Rd.
Noblesville IN 46060
City State Zip Code
Phone Number: 317-908-9912 Fax Number: _____
Email: sam@tinlizzierestaurants.com
11. Are there any existing buildings on the site: ☒ Yes ☐ No
If yes, indicate how many: 1

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

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

Chairman Rolfsen introduced the second item on the Agenda at 8:41 p.m.

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

2. 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, referred to his PowerPoint presentation. In late September, the owner received approval of their Design Review application for their building mounted package. It did not include their flood and projector light package and two additional gas pumps. Mr. Morgan showed what the two additional gas pumps would look like if approved. They are 9'7" tall. He showed the location of the flood lights and projector lights. The lights will be red on most days. They may be a different color on special days like green on St. Patrick's Day. There will be 12 projector lights and 10 flood lights. Mr. Morgan showed building elevations that identified where the projector lights and flood light would be located. He showed photographs of the site and adjoining properties. Staff recommends that the projector and flood lights be limited to one color a day and the lighting should be constant with no blinking effects. The request could set a precedent for the area. Staff is unaware of any other examples of this type of lighting in the Houston-Donaldson Study area.

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

Mr. Sam Tancredi, Tin Lizzie Cincinnati Two, LLC, distributed a photograph of the red projector lights and flood lights. The lights are much more subtle (see Exhibit A).

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked what changed? What is different than what was submitted previously? Mr. Tancredi replied there really was nothing different. It was just a different procedure to follow. Mr. Morgan replied that the applicant wanted to add 2 more gas pumps and change the color of the lights. Mr. Tancredi said the gas pumps and cars are typically at the front door but they will be on the side of the building. It is a garage theme restaurant. It is part of the brand. The projected opening of the restaurant will be December 12th. Even if the lights are approved, they know they won't be installed until after the opening.

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


Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 16, 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. The Chairman Rolfsen closed the Public Hearing at 8:52 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit A – Photograph of exterior lighting

**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 #3

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

DATE: December 7, 2022

RE: 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.

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. Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. The effect of a special sign district shall be to modify requirements, regulations, and procedures for signs included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.
2. The request is in agreement with Our Boone County Plan 2040 for the following reasons:
 - A. The request is in agreement with the following goals and objectives:
 - "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).
 - Boone County shall promote a vibrant, diverse, and sustainable economy that both recognizes the value of the environment and encourages and

incentivizes innovation and prosperity with meaningful employment opportunities (Economy, Goal A).

- Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).

B. The request is in agreement with the following passages from the land use element:

- Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorists attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view (Future Land Use Development Guidelines - Design, Signs, and Cultural Resource Preservation, pg. 97).

3. The request 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.

The Committee concluded the request is in agreement with the sections 1-3 above based on the following:

- A. The special sign district application was in response to the redevelopment of the site.
- B. The proposed gas pump signs, projector lights, and flood lights are part of the overall building and signage design and are not being used to compete for motorist attention.

- C. Building mounted signage is the predominate signage on site. The site contains a monument sign but it's shared between Ford's Garage, O' Charley's, Comfort Inn, and Wendy's.
 - D. Conditions were imposed to help the signs blend into the area.
4. The Committee concluded the attached conditions are 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 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 this condition.

CONDITIONS

- 1. All projector and flood lights shall display the same color and the lighting shall be constant without any blinking or other special effects.
- 2. The projector lights and flood lights shall be limited to displaying one color per day.

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: Steve Harper, Chairman
DATE: November 16, 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.

2. 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.

Janet Kegley

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

Corrin Gulick

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

Rick Lunnemann

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 (Chairman)

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

Jackie Steele (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT _____
_____ AGAINST PROJECT _____ ABSTAIN _____

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

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

Chairman Rolfsen introduced the second item on the Agenda at 8:41 p.m.

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

2. 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, referred to his PowerPoint presentation. In late September, the owner received approval of their Design Review application for their building mounted package. It did not include their flood and projector light package and two additional gas pumps. Mr. Morgan showed what the two additional gas pumps would look like if approved. They are 9'7" tall. He showed the location of the flood lights and projector lights. The lights will be red on most days. They may be a different color on special days like green on St. Patrick's Day. There will be 12 projector lights and 10 flood lights. Mr. Morgan showed building elevations that identified where the projector lights and flood light would be located. He showed photographs of the site and adjoining properties. Staff recommends that the projector and flood lights be limited to one color a day and the lighting should be constant with no blinking effects. The request could set a precedent for the area. Staff is unaware of any other examples of this type of lighting in the Houston-Donaldson Study area.

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

Mr. Sam Tancredi, Tin Lizzie Cincinnati Two, LLC, distributed a photograph of the red projector lights and flood lights. The lights are much more subtle (see Exhibit A).


Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked what changed? What is different than what was submitted previously? Mr. Tancredi replied there really was nothing different. It was just a different procedure to follow. Mr. Morgan replied that the applicant wanted to add 2 more gas pumps and change the color of the lights. Mr. Tancredi said the gas pumps and cars are typically at the front door but they will be on the side of the building. It is a garage theme restaurant. It is part of the brand. The projected opening of the restaurant will be December 12th. Even if the lights are approved, they know they won't be installed until after the opening.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 16, 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. The Chairman Rolfsen closed the Public Hearing at 8:52 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

Exhibit A – Photograph of exterior lighting