

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH A CONDITION, FOR A REQUEST OF TOM GILL (APPLICANT/OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES/PLANNED DEVELOPMENT/PARKWAY CORRIDOR STUDY (C-3/PD/PO) DISTRICT FOR AN APPROXIMATE 2.65 ACRE AREA LOCATED AT 7864 COMMERCE PLACE, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with a Condition, for a Change of Concept Development Plan in an Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky.

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

SECTION I

That the request for a Change of Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with a Condition, in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The real estate which is the subject of this request for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) District for an approximate 2.65 acre area located at 7864 Commerce Place is more particularly described in DEED BOOK: 1175, PAGE NO: 559 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with a Condition, for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce, Florence, Kentucky, Findings of Fact and a Condition 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 a Condition as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with a Condition, for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 2ND DAY OF AUGUST, 2023.

APPROVED:



CHARLIE ROLFSEN
CHAIRMAN

ATTEST:



TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb

EXHIBIT

“A”

Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

June 7, 2023

REQUEST

A Change in Approved Concept Development Plan application has been submitted to allow the outdoor vehicle storage area at Tom Gill Collision Center to be expanded. The submitted Concept Development Plan shows the following improvements are proposed:

- A. Nine (9) new parking spaces are proposed in the northern parking lot (Commerce Place). This will increase the striped parking count in this lot to 28 stalls.
- B. The northern parking lot will be converted to a damaged car lot and will be screened with a 6' tall privacy fence. The proposed fence will screen 28 parking stalls and will terminate to the east of the customer entrance. Another run (approximately 40') of privacy fencing is proposed to the east side of the Commerce Place access point and will connect to the existing privacy fence.
- C. Two handicapped parking stalls in the northern parking lot will be relocated to the western parking lot.

PERTINENT HISTORY

- A. On May 26, 2021, the Zoning Administrator determined the proposed Tom Gill Collision Center could occupy the former Florence Fundome and be approved through the "short review process" as outlined in the Central Florence Strategic Plan. The determination noted the proposed fencing that used to secure customer vehicles would be located "in a fairly discreet location at the rear of the building" (see the attached determination letter and accompanying plans).
- B. On June 9, 2021, a Minor Site Plan application was approved allowing the Florence Fundome to be converted into Tom Gill Collision Center. Improvements included new overhead garage doors, fencing, building and parking lot improvements, and landscaping.

APPLICABLE REGULATIONS

- A. The Site is located within area 1 of the Central Florence Strategic Plan. The Study contains the following passages which relate to the request:
 - 1. Encourage low to moderate turnover commercial uses, or those whose peak hours don't coincide with the street network; except where adjoining residences, a strictly controlled use list is not necessary (Plan Concepts, Area 1, pg. 6.1).

2. Low to moderate turnover commercial uses are recommended for the commercial portions of this area, and interstate related services such as hotels and restaurants that are not high volume/high turnover (examples of which include restaurants with drive-through order windows and combination gas/convenience stores) are expected to continue or redevelop along Commerce Drive. For the sites within Area 1 that are not subject to previously approved Concept Development Plans, uses that are Principally Permitted in the respective underlying zone are appropriate provided they do not include outside activities such as storage or display (including auto dealer vehicle display), and all business functions occur indoors (Zoning for Plan Sub-Areas, Area 1, pp. 7.1-7.2).
- B. Section 505.3 and Table 5-4 of the Boone County Zoning Regulations list automotive repair facilities as a principally permitted use in the Commercial Services (C-3) zone.
 - C. Section 1506 of the Boone County Zoning Regulations lists the criteria that Concept Development Plans in Planned Development zones are to be primarily evaluated against (see attachments).
 - D. Section 1509 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.
 - E. Section 3655 of the Boone County Zoning Regulations contains the fence regulations for the City of Florence. Fences are not permitted in front and corner side yards.

SITE CHARACTERISTICS

- A. The overall site is 2.65 acres in area and has 580.77 feet of frontage on the south side of Commerce Place and 226.8 feet of frontage on the east side of Commerce Drive.
- B. The property contains the Tom Gill Collision Center. The approved plans show the building is 30,000 square feet in area.
- C. Access to the site is provided from two curb cuts. One is located on Commerce Drive and the other is located on Commerce Place.
- D. The following parking currently exists on site:
 - Western parking lot - 39 striped stalls
 - Northern parking lot – 17 striped stalls
 - Eastern parking lot (gated damaged car lot) – approximately 31 stalls.

- E. A decorative white horse fence is located along the south and west sides of the western parking lot.
- F. A privacy fence with a gate secures the eastern parking lot (damaged car lot).
- G. Public sidewalks exist along both street frontages.
- H. Street frontage landscaping exists along both Commerce Drive and Commerce Place.
- I. A freestanding sign exists along the Commerce Drive frontage.

ADJACENT LAND USES AND ZONES

North: Commerce Place, Best Western, and Vacant Commercial Building Fronting on Commerce Place (C-3/PD/PO)

South: Speedway, Vacant Automotive Repair Facility, and Vacant Parcel Fronting on KY 18 and Cardinal Drive (C-3/PD/PO)

East: Vacant Parcel Fronting on KY 18 and Cardinal Drive (C-3/PD/PO)

West: Commerce Drive, Tom Gill, America's Best Value Inn (C-3/PD/PO)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 Future Land Use Plan designates the site for Commercial uses, which 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. 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).
 - 3. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment, Goal A, Objective 7).
 - 4. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).

5. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
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 (Land Use, Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, page 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 (Land Use, Future Land Use Development Guidelines, Buffering, page 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
4. 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 motorist 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 or corridor (Land Use, Future Land Use Development Guidelines, Design, Signs, and Cultural Resource Preservation, page 97).

- D. The site is located in the Florence Central Future Land Use Geographical Area. This geographical area contains the following passage which relates to the proposal:

The area east of I-75, north of U.S. 42, and south of KY 18 shall continue to be developed in a cohesive manner to form a city center for Florence. The Parkway Corridor Study, which was originally developed for this area, was updated and replaced by the Central Florence Strategic Plan in 2008. The intent of this plan was to further develop the city's central neighborhoods and to link existing and/or planned business, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center. (pg. 128).

STAFF COMMENTS

- A. The Change in Approved Concept Development Plan application is required for the following reasons:

1. The May 26, 2021 Zoning Administrator determination allowed the business to go through the short zoning review process because the storage of damaged cars would occur "in a fairly discrete area behind the building". The current proposal would allow the storage of 28 damaged vehicles in the front yard (between the building and Commerce Place right-of-way).
2. The application would allow 6' tall privacy fencing to be placed in the front yard. This can be sought because the property is located within a Planned Development (PD) zoning district.

- B. Staff reviewed the approved 7/9/21 Minor Site Plan and the submitted Concept Plan and found some errors:

1. Both plans show the row of parking closest to Commerce Drive would be removed. This row of parking was not removed.
2. Both plans show some pavement would be removed and 2 evergreen trees would be installed between the privacy fence and Commerce Place right-of-way. Two parking spaces remain in this area.
3. The damaged car lot was shown with two gates. There is only 1 gate.
4. All the building and fence landscaping has not be installed.

Staff would like the applicant to update the Concept Development Plan by the Zone Change Committee Meeting.

- C. Staff recommends that the following Planned Development standards be reviewed in more detail:

1. Compatibility of Uses – The compatibility of the use and fence with Commerce Place and adjoining properties needs to be analyzed.
 2. Landscaping – Substantial landscaping is supposed to be provided in a Planned Development. Staff would like to reanalyze this once the updated Concept Plan is submitted.
- C. The latest Concept Development Plans were reviewed by Florence Fire/EMS and they have no concerns regarding the proposal.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and City of Florence in terms of Articles 3 and 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

TKM/ss

Attachments:

- *Site Vicinity Map
- *Submitted Concept Development Plan
- *5/26/21 Zoning Administrator Determination and Plans
- *Zoning Map
- *Topographical Map
- *2023 Aerial Map
- *2040 Future Land Use Map
- *Application

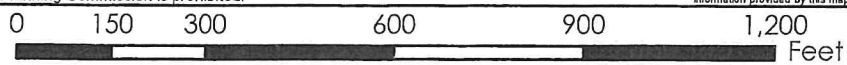
SITE VICINITY MAP

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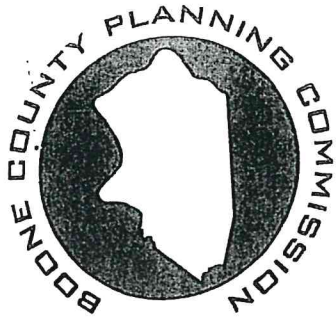
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BOONE COUNTY PLANNING COMMISSION

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

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

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

May 26, 2021

Mr. Tom Gill
7830 Commerce Drive
Florence, KY 41042

RE: Zoning Administrator Determination of Review Process in Central Florence Strategic Plan Area (Parkway Corridor Study Overlay District) for Tom Gill Collision Center, 7864 Commerce Place, Florence, Kentucky; Commercial Services/Planned Development/Parkway Corridor Study Overlay (C-3/PD/PO) Zone.

Dear Mr. Gill:

The purpose of this letter is to inform you that I have determined that the above referenced proposal fulfills the "Zoning Administrator Criteria for Determining Review Process" (Subsection 3, p. 7.5) for the short review process as outlined in the Central Florence Strategic Plan. This determination is based on the plans and application materials, and the clarifications provided in the 5/24/21 email from Gene Weber. The project may now proceed to the administrative Site Plan review process and an extended public hearing review is not necessary.

Specifically, I have determined that the proposal follows the recommendations of the "Plan Concepts" and "Zoning for Plan Sub-Areas" sections, and the plan maps, as the proposal largely involves the reuse and enhancement of existing improvements for a "low to moderate turnover commercial use" that is Principally Permitted in the underlying C-3 zone. The fenced parking area is one aspect of the proposal that requires additional explanation. The "Area 1 – Commerce Drive/Cardinal Drive" text (p. 7.1) does not endorse "outside activities such as storage or display (including auto dealer display)." I do not find the arguments made in Gerry Dusing's 5/4/21 letter that the fenced parking area does not constitute outside storage to be compelling. To the contrary, the Area 1 text views this issue broadly.

However, I do not find that fencing the existing rear parking area to secure customer vehicles to be a significant factor in this instance. The area in question is relatively small

Mr. Tom Gill
May 26, 2021
Page 2

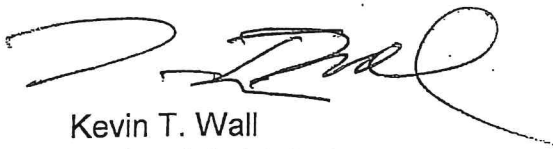
and in a fairly discreet location at the rear of the building. More importantly, Mr. Dusing's letter states that "all repair activities will occur within the building." In short, it is my conclusion that the fenced parking area is acceptable for the short review process if enhanced landscaping (comprised mostly of large evergreen trees instead of the standard Buffer Yard A) is provided along the east boundary of the fence enclosure (including around the northeast corner of the enclosure), and ornamental landscaping (comparable to that proposed along the north façade of the building) is provided along the two short sections of fencing which face Commerce Place. This landscaping is needed to more effectively screen (and enhance) the fenced parking area from the surrounding properties, notably the residential neighborhood to the east, and Commerce Place.

When considering the fact that the proposal largely involves reusing existing improvements, it reasonably complies with the applicable design standards in the "Office, Commercial, and Industrial Project Design Requirements" section (Chapter 8) of the Central Florence Strategic Plan. Detailed compliance will be determined through the Site Plan process. The commitments outlined in Gene Weber's 5/24/21 email will also be evaluated in detail through the Site Plan process.

Relative to the other Criteria, a Master Sign District (Chapter 9) has not been implemented for this area and the Plan's recommended "Transportation Improvements" (Chapter 10) do not apply to Area 1. No unknown or undue impacts on infrastructure or public services have been identified.

Please call me if you have any questions.

Sincerely,

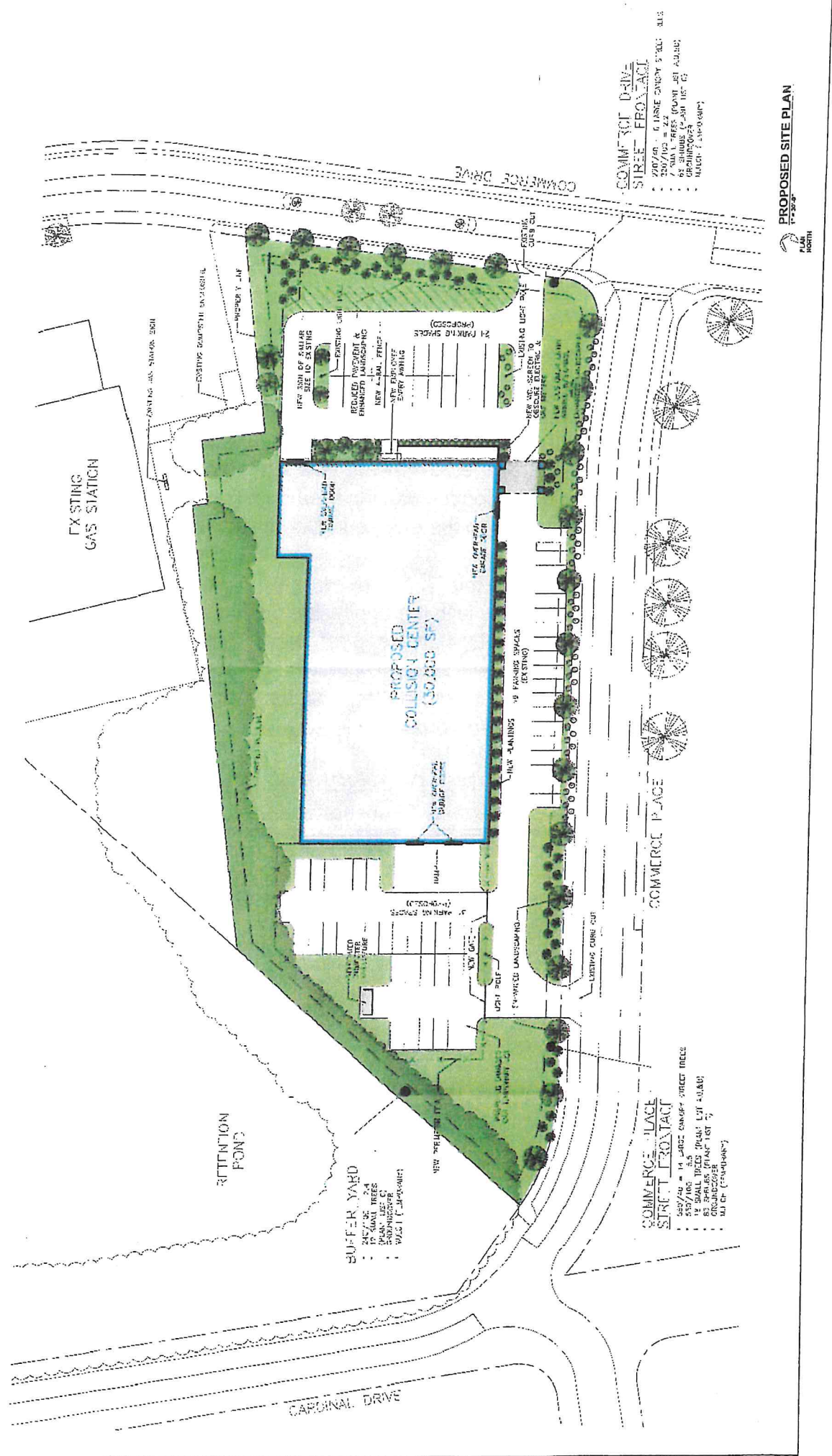


Kevin T. Wall
Zoning Administrator
City of Florence

KTW/tlb

cc: Josh Hunt, Business & Community Development Director

5/26/21 ZONING ADMINISTRATOR REVIEW – SHORT REVIEW PROCESS APPROVED

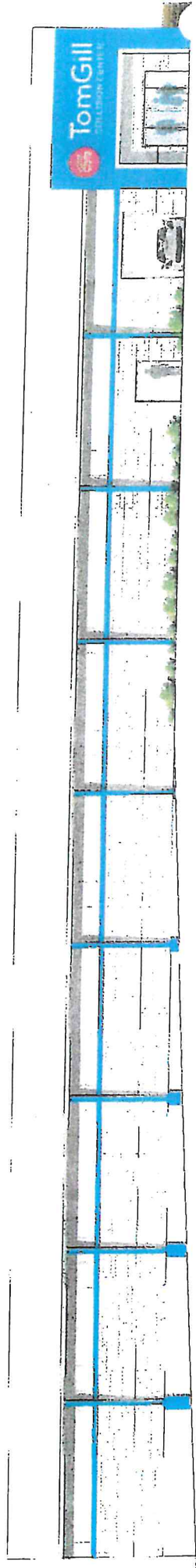


COMMERCIAL DRIVE
STREET FRONTAGE
220'/40' x 6' DASH CANYON STALL: 31.5
220'/100' x 2.2
40' WALL TREES (PLANT LIST ATTACHED)
6' SIDEWALK
12" MANHOLE
12" WATER MAIN
12" GAS

COMMERCIAL PLACE STREET FRONTAGE
330'/40' x 6' DASH CANYON STREET TREES
330'/100' x 2.2
40' WALL TREES (PLANT LIST ATTACHED)
6' SIDEWALK
12" MANHOLE
12" WATER MAIN
12" GAS

PROPOSED SITE PLAN
1:1,500
PLAN NORTH

ZONING ADMINISTRATOR REVIEW – SHORT REVIEW PROCESS APPROVED



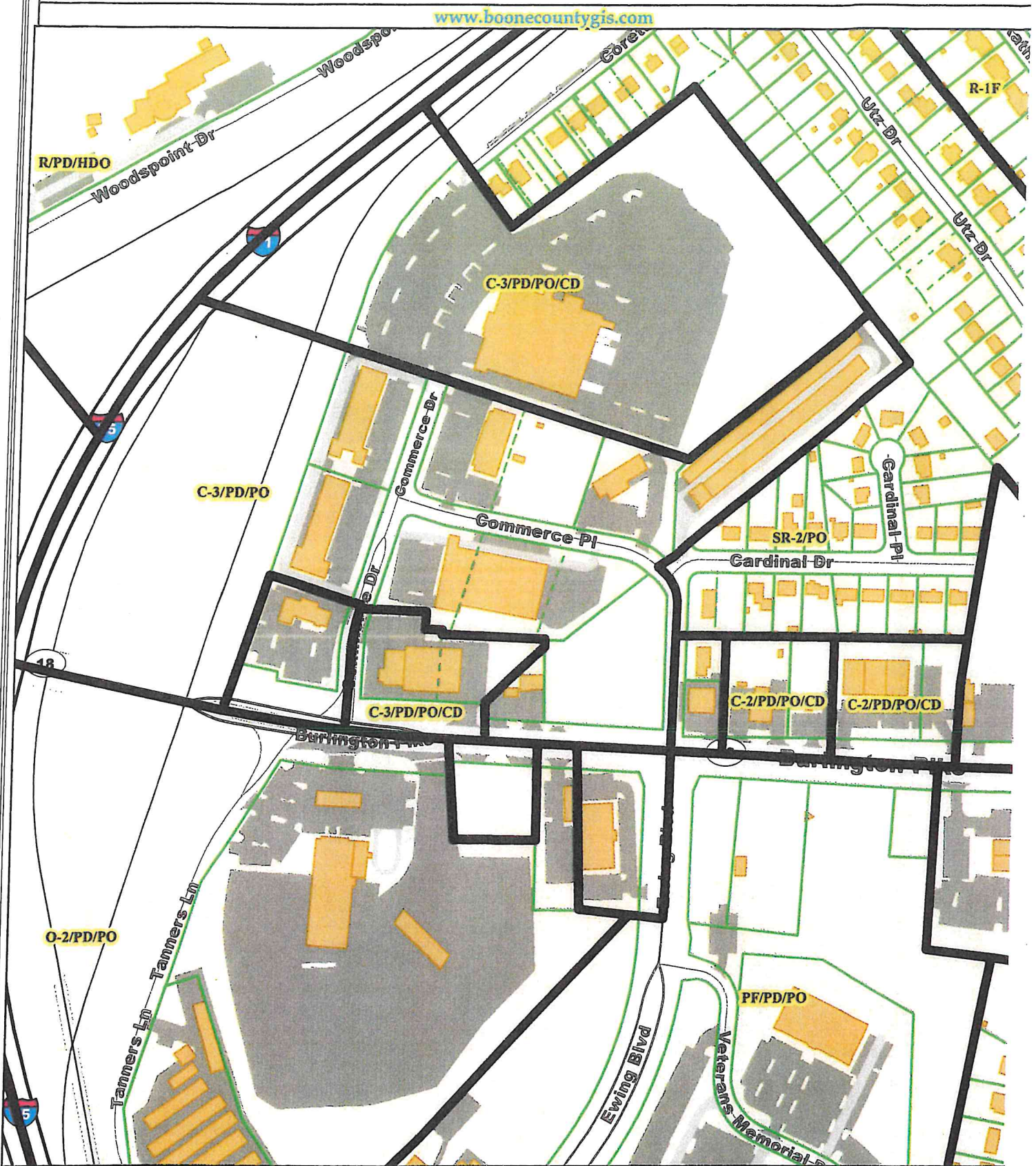
SOUTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"

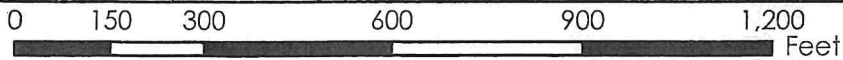
ZONING MAP

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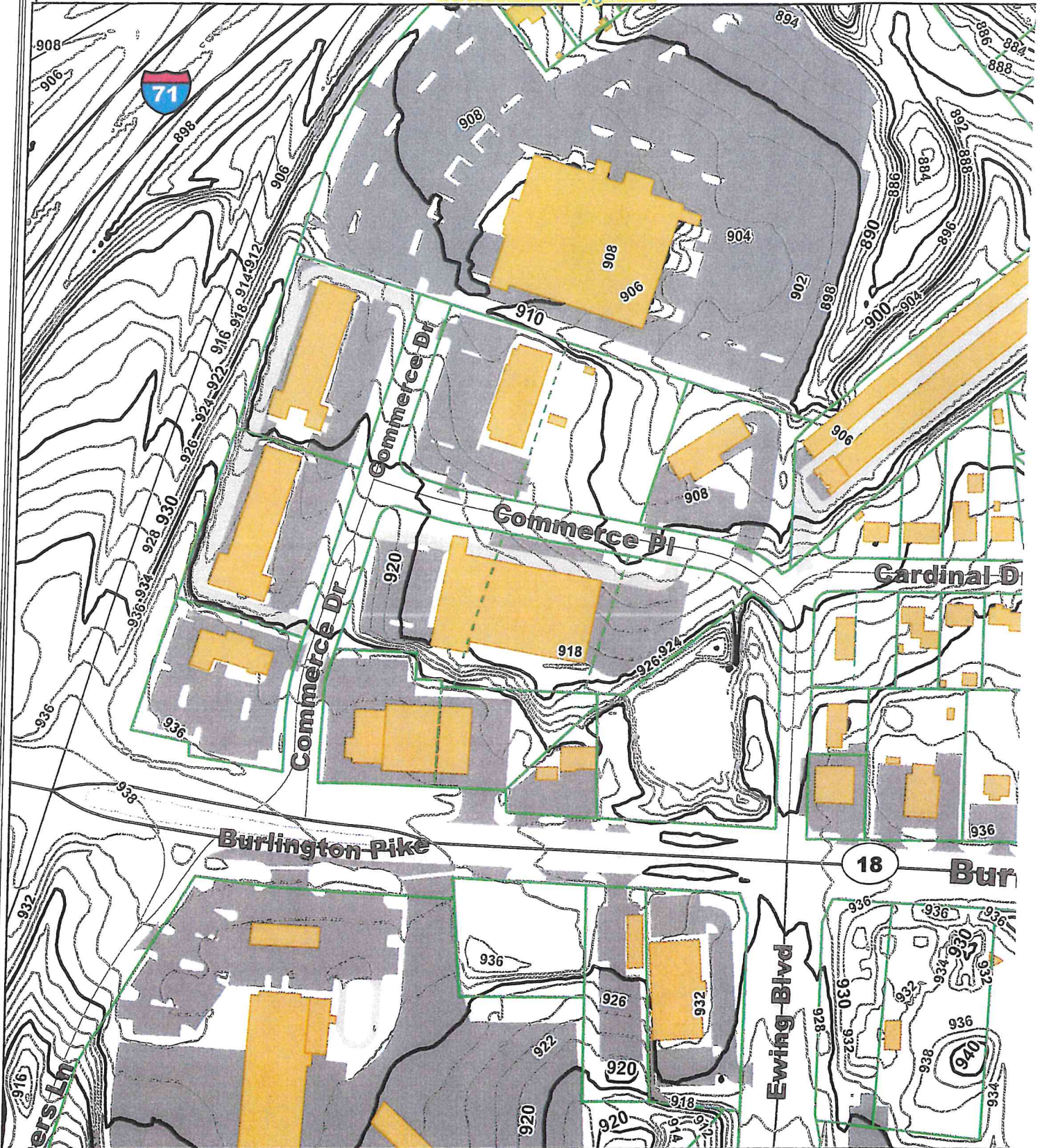
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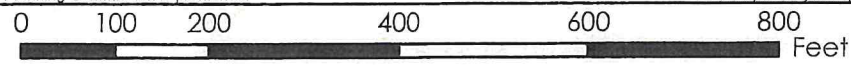
TOPOGRAPHICAL MAP

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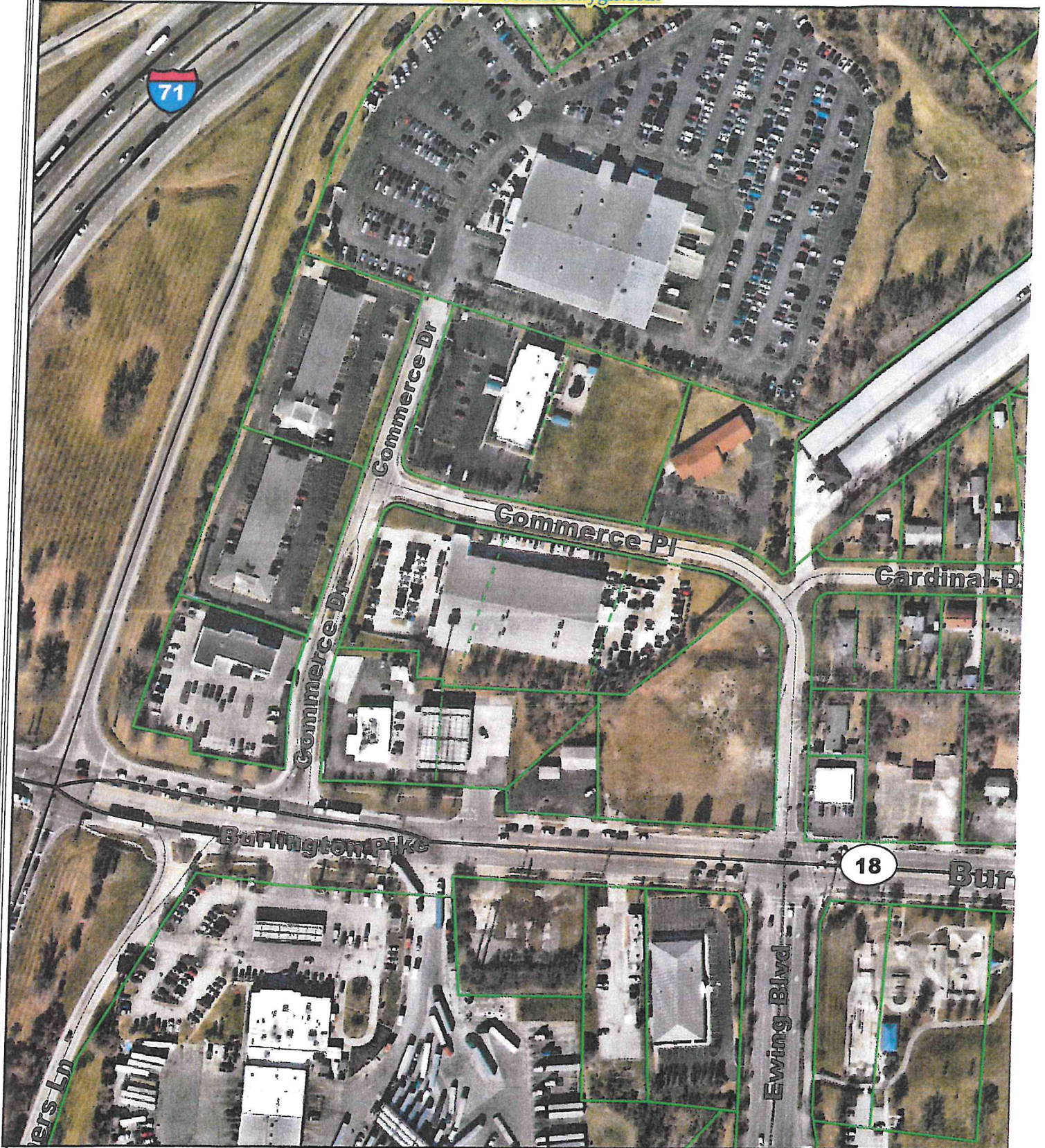
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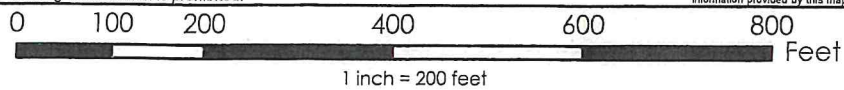
2023 AERIAL MAP

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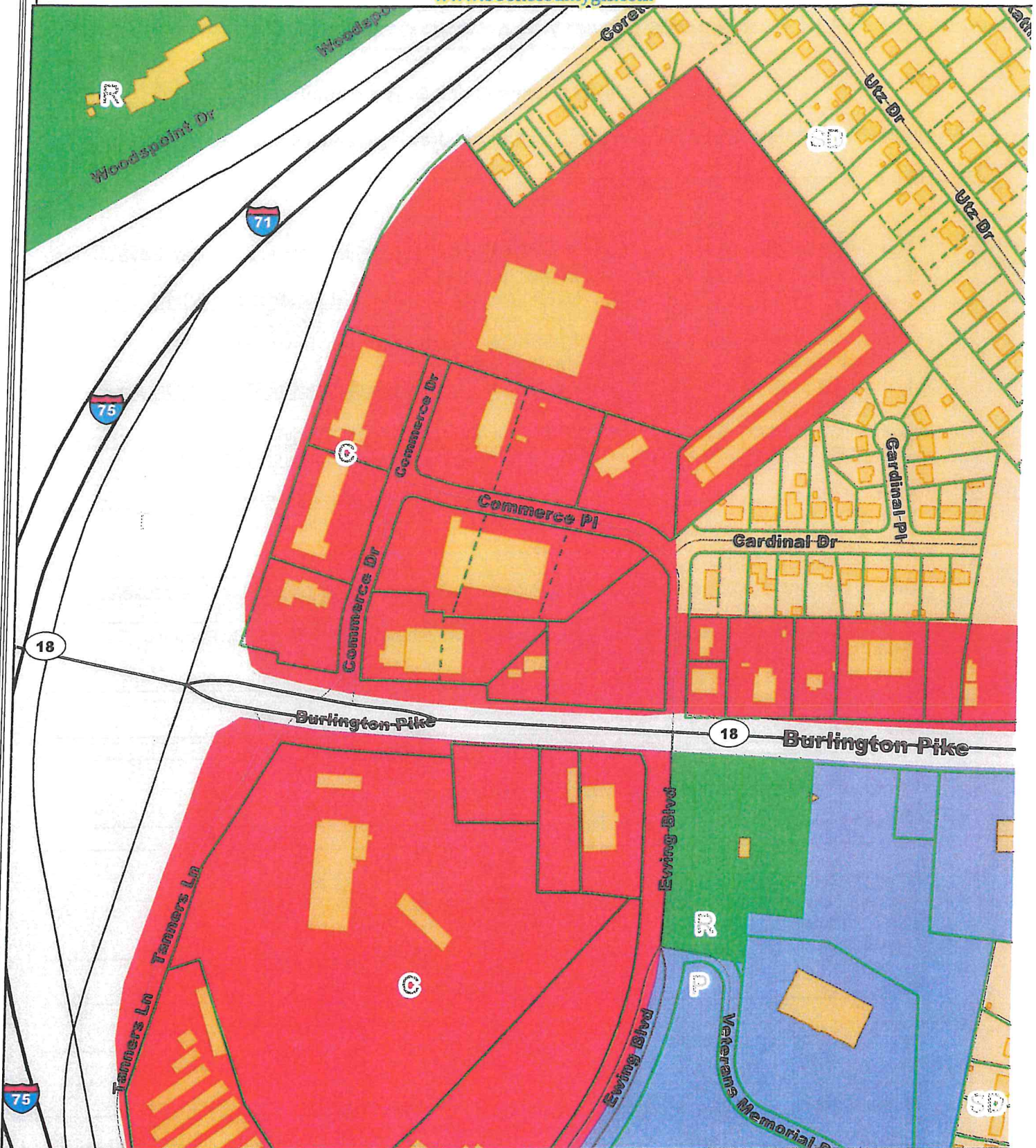
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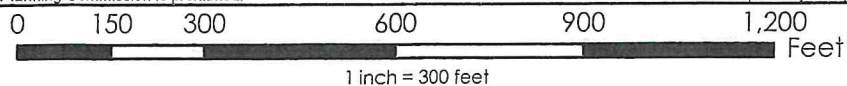
2040 FUTURE LAND USE MAP

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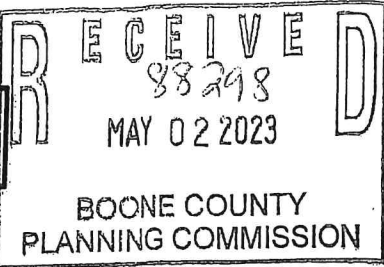


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**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Type of review (check one):
- Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
 - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
 - Zoning Administrator Review (as stated in the Mall Road District Study)
 - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

2. Name of Project: Tom Gill Chevrolet Collision Center
3. Location of Project: 7864 Commerce Place, Florence, KY 41042
4. Total Acreage of Project: 2.65
5. Current Zoning of Property: C-3/PD/PO
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
2021

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____

8. Proposed Use(s) (specify each use):
-Auto Body Repair Shop

9. Proposed Building Intensities (specify for each building):
-Existing Building - No Change in Size

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: Tom Gill

Address: 7830 Commerce Drive
Florence Kentucky 41042
City State Zip Code

Phone Number: 513-312-5100 Fax Number: _____

Email: tgill@tomgill.com

13. Applicant: Tom Gill

Address: 7830 Commerce Drive
Florence Kentucky 41042
City State Zip Code

Phone Number: 513-312-5100 Fax Number: _____

Email: tgill@tomgill.com

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

15. 1175 559 1645 2034 A
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 type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

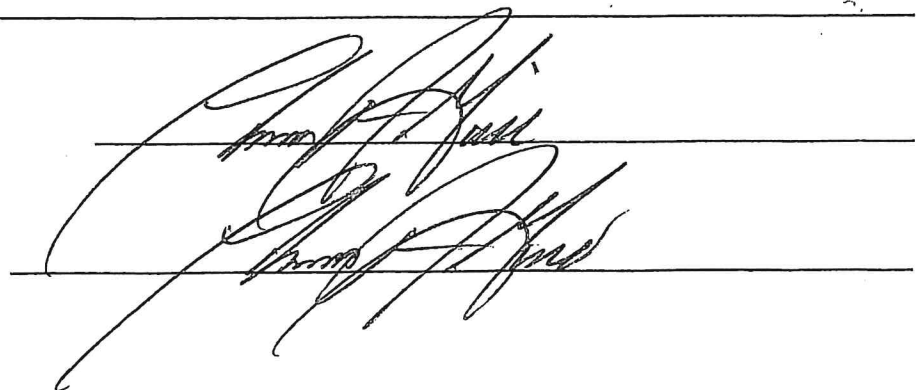
18. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

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

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

Property Owner's Signature: _____

Applicant's Signature: _____



COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 7:41 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

2. Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). He described the site history. In 2021, the Short Review Process was approved to convert a roller rink into an autobody shop for Tom Gill's Chevrolet. The current proposal would allow vehicles being repaired to be stored in the northern parking lot, facing Commerce Place. Mr. Morgan gave an overview of the project, which included fencing along Commerce Place. The site is zoned C-3/PD and the applicant wants to create a storage area for cars awaiting service. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for commercial uses. Mr. Morgan outlined his concerns.

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

Mr. Stacey Graus, attorney, stated that Mr. Gill needs to expand the outdoor storage area for vehicles awaiting service. They plan to install a 6' high privacy fence along Commerce Place. This will become a damaged car lot that will be screened from view. All vehicles in this area are operable. They are just waiting for service. Nine additional parking spaces are proposed in the northern parking lot. Two handicapped spaces will be relocated to the western side of the site. Mr. Tom Gill stated that the vehicles in question are drivable. Towed vehicles are going to the Chevy dealership and not to this site. The building has been open for six months and they have tripled their business.

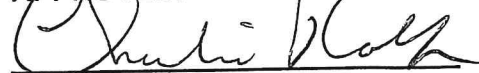
Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one, Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant.

Mr. Lunnemann asked what was the distance between the sidewalk and privacy fence? Mr. Mike Wolfe, architect, replied about 6 feet. The fence is on the Collision Center side.

Seeing no further questions or comments, Chairman Rolfsen announce that Committee Meeting for this item will be on June 21, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:49p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
JULY 5, 2023
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 5, 2023 Business Meeting. Mr. 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, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Eric Richardson
Mr. Steve Turner
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. Steve Lilly, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 21, 2023 Business Meeting and Public Hearing. He asked if there were any comments or corrections?

Mrs. Goetting moved to approve the Minutes as presented. Mr. Harper seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between June 8, 2023 and July 5, 2023.

EXPENSES:

Accounting Fees	\$ 775.00
Attorney Fees	4,400.00
Auto Expense	119.49
Consultant/Professional Svcs Fees	3,163.75
Filing Fees (CLURS)	850.00
Legal Ads/Recruitment	642.40
Miscellaneous Expense	150.75
Office & Board Meeting Supplies	285.06
Office/Equipment Maintenance	173.70
Office Equipment / Expense	597.25
Office/Liability Insurance	26,792.37
Postage Expense	1,000.00
Printing/Pub/Dues/Subscriptions	156.40
Professional Development	<u>798.00</u>

TOTAL: \$ 39,904.17

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,250.92
Health/Dental/Life/LTD	13,557.30
Retirement – BCPC Portion	28,335.80
Salaries – Staff Expenses	82,297.74
Salaries – BCPC & BOA	<u>1,780.00</u>

TOTAL: \$141,884.46

GRAND TOTAL: \$181,788.63

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. Mr. Szurlinski seconded the motion and it carried unanimously.

ZONING TEXT AMENDMENTS, Rick Lunnemann, Chairman, Michael Schwartz, Staff

1. Request of the **Boone Fiscal Court, per Jeff Earlywine, County Administrator**, to consider Zoning Text Amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional Use within the Graves Road – Residential (GR-R) district; (2) add Short Term Rental as a Conditional Use within the Graves Road – Commercial (GR-C) district; and (3) add Short Term Rental as a Conditional Use within the Graves Road – Business Park (GR-BP) district. The request is to hear and evaluate comments on proposed Text Amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact for two parts of the request and recommended denial of the third part. The vote was unanimous.

Seeing no further comment from the Board Members, **Mr. Lunnemann 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. Clark seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff

2. Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and a Condition. The vote was unanimous by the Committee. 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. Stacey Graus, attorney, explained that the request is not much just adding storage for cars and adding more buffering to screen the storage area. It is not a significant change but a necessary one.

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 one Condition. Mrs. Goetting seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

3. Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous by the Committee. The applicant has signed the condition letter.

Mr. Steve Berling, applicant, stated that he was available to answer any questions.

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

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 and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Todd Morgan, Staff

4. Request of **Restaurant Holdings LLC, per Ana Pelhank (applicant)** for **MassiveG2.0 LLC (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district for an approximate 0.56 acre area located at 7303 Turfway Road being immediately to the northwest of the property located at 6808 Burlington Pike, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow an approximate 2,300 square foot eating and drinking establishment with drive-through service.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous by the Committee. 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?

Ms. Sara Kramer, Woolpert, stated that she submitted all the information requested from Taco John's on Friday. She felt that the company met all of the Planning Commission's requirements.

Seeing no further comment, **Mr. 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. Mrs. Steele seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff

5. Request of **CT Realty, per Cole Moody (applicant) for Skas Properties LLC (owner)** for: (1) a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky; and (2) a Conditional Use Permit to allow a truck stop on an approximate 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky. The request is for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky.

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

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions of the Zoning Map Amendment request. In addition, Mr. Schwartz read the recommendation of the Conditional Use Permit application. The Committee recommended approval based upon Findings of Fact and a Condition (see Committee Report). The Conditional Use Permit application is final action by the Boone County Planning Commission. It does not go to the Boone County Fiscal Court. The vote was 3-1 with Mr. Harper, Mrs. Kegley and Mr. Lunnemann voting in favor of the request and Ms. Gulick voting against 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. Jonathan Woche, McBride, Dale, Clarion, representing the applicant, stated that his client agrees with the conditions. It is a unique case. First, it is a very small Zone Change request. Second, the property can't be used without the Zone Change. The Conditional Use Permit for the truck stop is unique because they don't have all of the elements that are typical of a truck stop. It is a clean truck hub that will use compressed natural gas and not diesel gas.

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, stated that there is a tree line along her property line and the Golf Ranch has refused to do any maintenance in this area. She would like the applicant to keep the tree line. Mid-Valley Oil has torn out an area to maintain their oil line. The oil line crosses Limaburg Road onto her property. She provides access to Mid-Valley Oil. Her house has been at its location for 7 years. She has a concern about having no bathroom facilities. Employees will just go outside. A six foot chain link fence doesn't work for her. There is a truck stop at the end of the street and industrial buildings off Lakeland Park Drive. There is only one way out from the subdivision. Lakeland Park Drive and Limaburg Road aren't big enough roads. It is a 640 parking spot truck stop. There is more land adjacent to the site. Hopefully the Planning Commission will look at the big picture of development on Limaburg Road. There must be other ways to reroute traffic through the Airport property. There will be hundreds of trucks with only a 6 foot fence and a bush. She understands growth but would like a higher fence and more trees.

Seeing no further comments, **Mrs. Kegley moved to approve both the Zoning Map Amendment and Conditional Use Permit requests by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion. The motion included the one additional condition mentioned earlier.**

Chairman Rolfsen asked the applicant about bathrooms. Mr. Wochoer replied there would be port-o-lets with proper screening. Mr. Dale Wilson asked Mr. Wochoer if the applicant would accept the provision of port-o-lets as an additional condition? Mr. Wochoer responded yes on behalf of the applicant. Chairman Rolfsen asked if the existing tree line would be retained? Mr. Schwartz replied that the trees in the Zone Change area are minimal in terms of amount. Mr. Schwartz described the requirements of Buffer Yard D, which includes a berm, a fence and evergreen trees. The proposed fence will be in the middle or on the property owner side of the berm. It can't be on the outside. Mr. Wochoer said he was flexible about the placement of the fence. He offered a condition of retaining the existing buffer. The fence will be an opaque fence. There will be two types of fence-security and opaque.

Mr. Szurlinski expressed a concern about the use and its impact on Limaburg Road. He has been on the road many times. It is not necessarily a proper placement of the proposed use. It is just not now.

Mr. Wochoer noted they have done a Traffic Impact Study. It was completed and concluded not to require turn lanes. A level of service analysis was done and they volunteered to make turn lane improvements based upon available right-of-way. Truck traffic already exists onto Limaburg Road.

Ms. Gulick echoed Mr. Szurlinski's comments. She said it's not so much at the facility's entrance but rather there is no plan to improve all of the Limaburg Road. There is no funding. It will at some time but once it is in a plan, then it has to be funded. For that reason, she is opposed to the project.

Chairman Rolfsen asked if the project included a single user? The single user is not known at this time. What happens if the single user require everyone to make a left turn?

Mr. Wochoer responded that they assessed it from all truck traffic to the north.

Mr. Mike Timko, traffic consultant, stated the Traffic Impact Study is based upon an existing facility in Groveport, Ohio. Not a lot of trucks leave at 8:00 a.m. It is throughout the day. There is no huge peak. The most is 90 trucks at the peak hour. It is usually mid-morning.

Ms. Gulick stated that typically trucks don't have the same peak hour as a commuter. She asked who the main user is in the Groveport, Ohio facility? Mr. Timko responded that he didn't know who the end user was at that facility.

Mr. Szurlinski asked if the applicant looked at any other intersections on Limaburg Road? Mr. Timko replied four – the one closest to the south, the proposed intersection and 2 others to the north. The one to the south if very bad now.

At this time Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Harper. The vote found Mr. Bessler, Mrs. Goetting, Mr. Harper, Mr. Hincks and Mrs. Kegley in favor of the requests and Mrs. Clark, Ms. Gulick, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke and Mr. Szurlinski voting against it. The motion to approve the request is denied by a vote of 6-5.

Mr. Wilson asked Mr. Szurlinski to confirm that his vote was "no". Mr. Szurlinski replied that is correct.

At this time, Chairman Rolfsen asked Staff to read the Findings of Fact for Denial of the request. Mr. Schwartz referred to the Findings of Fact for Denial as outlined in a previous email sent to the Zone Change Committee prior to their Committee Meeting. He read the Findings of Fact for Denial (see Exhibit 1) of the Zoning Map Amendment and Approval of the Conditional Use Permit based on the Findings of Fact and Condition outlined in the Committee Report. Should the Boone County Fiscal Court overturn the Planning Commission's denial of the Zoning Map Amendment and since the Fiscal Court has no jurisdiction on the Conditional Use Permit, it is recommended to approve the Conditional Use Permit request.

Mr. Lunnemann moved to deny the Zoning Map Amendment request and approve the Conditional Use Permit with one condition as presented by Staff by Resolution to the Boone County Fiscal Court. He explained why he voted differently from at the Committee Meeting based upon the Commissioners' input. Ms. Gulick seconded the motion. The vote found Mrs. Clark, Mrs. Goetting, Ms. Gulick, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke and Mr. Szurlinski voting yes to deny the Zoning Map Amendment but approve the Conditional Use Permit and Mr. Bessler, Mr. Harper, Mr. Hincks and Mrs. Kegley voting no to the denial. The motion to deny the Zoning Map Amendment request and approve the Conditional Use Permit passed by a vote of 7-4.

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

TECHNICAL/DESIGN REVIEW, Michael Schwartz, Staff

6. Residence Inn – 370 Meijer Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The site went through a Change in Concept Development Plan review in September, 2022. He mentioned that the City of Florence several adopted Conditions. The City adopted the submitted materials and color schemes. All rooftop equipment shall have parapet walls. All building mounted signage shall be approved per the submitted sign drawings. Finally, the proposed monument sign shall be upgraded with a masonry base and an architectural feature based upon the Houston-Donaldson Study special sign requirements. It is recommended that the rooftop equipment screening and the monument sign provisions be included as Conditions of Approval.

Mrs. Steele moved to approve the request as presented by Mr. Schwartz with the Conditions. Mr. Lunnemann seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENTS, Michael Schwartz, Staff

7. Request of **CPRE TP Boone Limaburg LLC/Chavez Properties, per Martin Chavez (applicant) for CPRE TP Boone Limaburg LLC, per Martin Chavez (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 1.0 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky. The request is to place an overall approximate 27.4 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky, in one zoning district so that it can be developed in accord with the I-1 district (this issue was deferred from July 5, 2023).

ZONING MAP AMENDMENT, Steve Lilly, Staff

8. Request of **Dan Hughes (applicant/owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 3.9 acre area located at 8269 Pleasant Valley Road, and includes the adjoining parcel having a Parcel Identification Number (PIDN) of 062.00-00-008.25, Florence, Kentucky. The request is to allow for the future subdivision of the property into smaller residential lots.

CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

9. Request of **Capital Growth Buchalter, Inc., per Kirk Farrelly (applicant) for Victor Connell, Carolyn Riley-Connell, and ZNM Properties, LLC, per Gerry Pizzano (owners)** for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2 acre area located at 7640 and 7670 Burlington Pike, being the properties located at the northwest corner of the Burlington Pike/Cardinal Drive intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow a 5,919 square foot convenience store with gasoline pumps.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

10. Request of **Maronda Homes (applicant) for DFK Direct Investments Wach LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Planned Development (RSE/PD) and Suburban Residential One (SR-1) to Rural Suburban/Planned Development (RS/PD) for: (1) an approximate 50.78 acre area located along the north side of Burlington Pike, between Main Street and Caroline Williams Way, approximately 1,100 feet east of Caroline Williams Way, and being across from the Burlington Pike/Saddle Ridge Drive intersection; and (2) an approximate 0.76 acre area located at 6539 and 6540 Hammer Court, Boone County, Kentucky. The request is for the development of a one hundred four (104) lot single-family residential subdivision.

Mr. Szurlinski moved to schedule the Public Hearings for Items #7, #8 and #9 on August 2, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Hincks seconded the motion and it passed unanimously.

Mr. Bessler moved to schedule the Public Hearing for Item #10 on August 16, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. **Executive Director's Report:**

Mr. Kevin P. Costello, AICP, reminded the Board members that there will be no Business Meeting on July 19, 2023 since the Fiscal Courtroom will be under renovation. However, the Zone Change Committee Meeting will be held on that day in the Information Services Department Training Room (Room 204A) on the second floor of the Boone County Administration Building.

Mr. Costello introduced Mr. James Horton, GISP. He stated that Mr. Horton was retiring from the Planning Commission on August 1, 2023 as a member of our GIS Staff. Mr. Horton grew up in Petersburg and his last day of work is July 31, 2023. He is the main person for Boone County information. He knows the history of the County having grown up in the community. He will be missed by everyone and is respected by public officials and real estate professionals. Mr. Horton stated that he hasn't been to a meeting in 15 years. He thanked the Board for support of the Staff over the years. When he started, Boone County GIS was involved in a pilot project in the City of Florence. He was hired in August, 1996. It took him 4 years to draw all the parcels. He enjoyed his experience with the Planning Commission. Chairman Rolfsen stated that Mr. Horton has the most positive attitude of any human being. He is a diamond in the rough. He wished him the best of luck and he will be missed.

I. **Committee Reports:**

- Airport (Randy Bessler)
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 (Charlie Rolfsen)
No Report

J. **Chairman's Report:** (Charlie Rolfsen)
No Report

K. **OKI Report:** (Randy Bessler)
No Report

L. **Other:**

M. **Adjournment:**

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Goetting seconded the motion and it passed unanimously. The meeting was adjourned at 7:58 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit – Boone County Planning Commission Adopted Findings of Fact for Denial

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: July 5, 2023

RE: Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee concluded the proposed development is consistent with the Our Boone County Plan 2040 for the following reasons:
 - A. The 2040 Future Land Use Map identifies the site for commercial uses.
 - B. The proposed development is consistent with the following Goals and Objectives:
 - Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
 - Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
 - Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
 - C. The proposal in an agreement with the following passages from the Land Use Element text:
 - 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 (Land Use, Future Land Use Development Guidelines, Buffering, page 95).

- 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
 - 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 motorist 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 or corridor (Land Use, Future Land Use Development Guidelines, Design, Signs, and Cultural Resource Preservation, page 97).
 - The area east of I-75, north of U.S. 42, and south of KY 18 shall continue to be developed in a cohesive manner to form a city center for Florence. The Parkway Corridor Study, which was originally developed for this area, was updated and replaced by the Central Florence Strategic Plan in 2008. The intent of this plan was to further develop the city's central neighborhoods and to link existing and/or planned business, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center (Florence Central Future Land Use Geographical Area, pg. 128).
2. The proposed development is consistent with the Central Florence Strategic Plan, an Update of the Parkway Corridor Study for the following reason:
- A. The area 1 text states that lots which front on KY 18 and are not subject to a Concept Development Plan are recommended to be consolidated and redeveloped into larger sites or centers for local consumer services and goods with interconnecting parking lots and drives with combined access points on KY 18. Due to the limited depth of these lots, compact and intensive buffer improvements need to be provided where they adjoin residential properties versus wider buffer yards. The redevelopment of sites that face KY 18 which do not accomplish the development objectives stated in this section are recommended for the Long Review Process (Zoning for Plan Sub-Areas, Area 1, pp. 7.1-7.2).

3. The Committee concluded the request is in agreement with the following Planned Development standards found in Section 1506 of the Boone County Zoning Regulations:
 - A. Landscaping – Substantial landscaping and fencing will be provided to screen the damaged car lot from Commerce Place.
 - B. Compatibility of Uses – The use, with the landscaping and fencing, is compatible with other properties across Commerce Place.
4. The Committee has concluded the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITION:

1. The approval shall be based on the revised 6/21/23 Concept Development Plans. The Zoning Administrator can permit minor changes to these plans.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

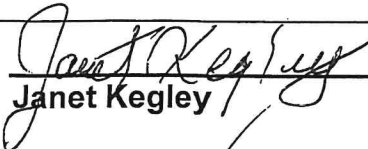
TO: Boone County Planning Commission
FROM: Rick Lunnemann, Chairman
DATE: June 21, 2023

REMARKS:

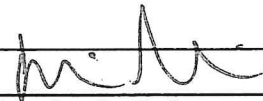
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff

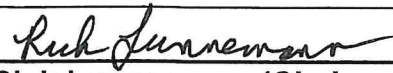
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Janet Kegley
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

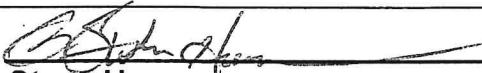


Corrin Gulick
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



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

Kathy Clark (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



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

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

David Hincks
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, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 7:41 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

2. Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). He described the site history. In 2021, the Short Review Process was approved to convert a roller rink into an autobody shop for Tom Gill's Chevrolet. The current proposal would allow vehicles being repaired to be stored in the northern parking lot, facing Commerce Place. Mr. Morgan gave an overview of the project, which included fencing along Commerce Place. The site is zoned C-3/PD and the applicant wants to create a storage area for cars awaiting service. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for commercial uses. Mr. Morgan outlined his concerns.

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

Mr. Stacey Graus, attorney, stated that Mr. Gill needs to expand the outdoor storage area for vehicles awaiting service. They plan to install a 6' high privacy fence along Commerce Place. This will become a damaged car lot that will be screened from view. All vehicles in this area are operable. They are just waiting for service. Nine additional parking spaces are proposed in the northern parking lot. Two handicapped spaces will be relocated to the western side of the site. Mr. Tom Gill stated that the vehicles in question are drivable. Towed vehicles are going to the Chevy dealership and not to this site. The building has been open for six months and they have tripled their business.

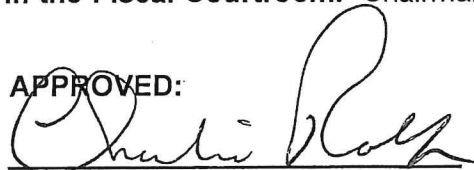
Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one, Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant.

Mr. Lunnemann asked what was the distance between the sidewalk and privacy fence? Mr. Mike Wolfe, architect, replied about 6 feet. The fence is on the Collision Center side.

Seeing no further questions or comments, Chairman Rolfsen announce that Committee Meeting for this item will be on June 21, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:49p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director