

**CITY OF UNION, KENTUCKY
PUBLIC HEARING MINUTES
Thursday, April 3, 2014**

Attendance sign-in sheet are on file and available to be viewed.

CALL TO ORDER:

Mayor Don Kirby called the Public Hearing to order at 6:00 pm Thursday, April 3, 2014.

LOCATION: Ryle High School Auditorium, Union, KY 41091

ROLL CALL: The following city officials were present:

Mayor – Don Kirby
Commissioner – Bryan Miller
Commissioner - Deanna Kline
Commissioner - Ken Heil
Commissioner Donna Fryman
City Engineer - Barry Burke, PE PLS
City Clerk/Treasurer - Kathy Porter
City Attorney - Greg Voss, Esq.

City Events Coordinator Karen Franxman was absent.

PLEDGE OF ALLEGIANCE: Mayor Kirby led the audience in the Pledge of Allegiance to the American Flag.

Mayor Kirby opened the **Public Hearing** at 6:00 p.m., by thanking the residents for the input and coming out to the Public Hearing. He outlined the way the hearing would be handled. The first presentation will by ANN F. McBride, FAICP, McBride Dale Clarion the applicant and following that presentation Mayor Kirby has a list of people who would like to speak for the zone change and a list of people who would like to speak against the zone change. Each person will be given a chance to speak.

Ms. Anne McBride spoke on behalf of the applicant (Kroger). She stated that they had some engineers at the meeting to answer questions. She started off by giving a little history on how the meeting got to where it was. She stated that as Union grew there was an increase in demand for grocery shopping so in 1997 they opened the current location. When that store opened there was 1,400 residents in Union. When the last census data was released there was over 5,500 residents. And Kroger is still operating with the same store that was designed for a significantly less customer base. The result is not enough parking and not enough variety, the store will be stocking shelves during busy times causing an inconvenience. After the census numbers were released Kroger began looking to solve the issues. Increasing the size of the building was not an option because of the limited parking. Therefore they started looking at other locations close in proximity to the current location. The chose a location 870 feet to the south of the current location. Ms. McBride stated prior to making application they had meetings with residents and businesses in the area to get input on what they felt. During the application process they addressed land usage, traffic concerns, landscaping, signage, and building design.

Ms. McBride stated the property they wish to purchase is a little over 35 acres. The main portion of the property which contains 22.5 acres will include the Kroger Marketplace, Liquor store, fuel center, and parking area. There are two additional areas of the property, one is a 4.73 acre area which will be used for restaurants, retailers and service companies. The adjacent areas just under 8 acres which will also be used for restaurants, but will also be used for office space.

Kroger has worked with an architect to design the Kroger to go with what is currently in the city. Ms. McBride showed the audience what the proposed Kroger will look at.

Ms. McBride stated that there are two (2) proposed exits for the new location. One at Old Union Road and the other at the Fowler Creek area. Kroger has worked with Kentucky Department of Transportation for a traffic count. They will add a right turn lane from US 42 at both entrances to allow for better flow of traffic. There is also

a proposed additional left turn lane from Old Union Road. Fowlers Creek will now be a signalized intersection.

Ms. McBride stated that there will be two dry basins put into the property to allow for drainage. In terms of landscaping there will be a white washed fence along US 42 which will coincide with all the other developments within Union. There will be 882 trees planted and 1107 shrubs. There will be a tree scape area along US 42 and a buffer area. There will be a buffer between the building and the homes along Braxton Lane.

The proposed buildings will be finished on all four size and there will be limitations on the signage usage. There will also be bike racks provided in the area.

Ms. McBride stated that the existing fuel center will remain.

Ms. McBride introduced a representative from Kroger who told the audience that if a decision is made for a zone then Kroger will immediately begin to start looking for an occupant for the existing building.

Someone asked when Kroger vacated a store in the past would the potential use for the existing building be one store or would it be broken up into multiple stores. The representative stated that it could be broken down into more than one store.

Mr. Greg Dale from McBride, Dale, Clarion spoke about the Boone County Comprehensive plan and stated that the basis of the plan is based upon the Union Town Plan. He stated that there is no reason why this can't go forward and the Union Town Plan be developed as planned.

Ms. McBride stated this would wrap up their portion of the presentation.

Commissioner Heil asked if the Kroger would consider letting a representative from the City Union to provide input on those wishing to be in the out lots.

Commissioner Heil asked if Kroger may be willing to provide delivery service for seniors in the location. A representative of Kroger stated that it would be something they could look into.

Commissioner Miller asked adjacent to the proposed area how much land is left. Ms. McBride stated there is 16 acres left. Commissioner Miller asked if that could be zoned commercial as well. Ms. McBride stated that would be a decision for the City of Union.

Commissioner Fryman asked if there was a backup plan and what would happen to existing building. Ms. McBride stated that they had already had interest in the building.

Commissioner Kline asked if Kroger will be managing the out lots and what is the plan for them. Kroger will be managing the out lots with the help of a secondary firm.

Mayor Kirby asked if Ms. McBride had anything further, she stated that she would just like to reserve some time at the end.

After the presentation on behalf of the applicant, Mayor Kirby opened the floor to members of the audience who would like to speak in favor of the zone change.

Mayor Kirby asked Mr. Kevin Costello with Boone County Planning Commission what the reasoning for the Boone County planning to deny the petition 10-0. Mr. Kevin Costello stated that zoning was not within the plan set forth by the Union Town Plan. The land was recommended for residential not commercial.

Mr. Dennis Gordon who lives at 10204 Lewis Lane in Hempsteade Manor, stated that when he began looking for a home he looked for an area that had a sense of future and what was needed to fund that and found that in the City of Union. He supports the zone change based on the fact that when a good plan is developed and approved the community should revisit it from time to time to determine if the goals are still relevant and if the community is taking all the steps to implement them. In his opinion the goals of the Union Town plan are still relevant, however it's the next question as to if the community is taking the necessary steps to implement them that he disagrees

with the planning commission. He questions if waiting for the number of rooftops to grow enough to implement the plan is enough. Grocery stores are a necessity of life as opposed to a department store such as Target.

Mr. Paul Parmele who lives at 10208 Lurawoods Court stated he was a twenty (20) year Kroger employee. The impact on denying the zone change might have on other developers to locate in Union. Kroger has been a part of Union for years and are looking to improve the quality of business within Union. If the city continues to deny the request of businesses it sends a bad message to those who might be wanting to come into the community. He stated that the impact of the zoning change would not affect the lives of the adjacent property owners.

Mr. Jerry Lux who lives on Russwill lane stated that he's been a resident of Union for 35 years, and is employed by Kroger, he read several statement from customers who would like to see a larger Kroger in the area. He also stated that the Union Kroger supported many charities within the area. Mr. Lux stated this store is one of largest retail volume stores in the area.

Mr. Al Decaro who lives in Arbor Springs stated that if Kroger is willing to invest in us we need to grow. Thanked the Kroger. Mr. Decaro stated he supports Union Kroger.

Mr. Charles Zitnik, who lives at 7624 Plowshare Ct. in Hearthstone Subdivision which is just outside of the city limits. He stated that many people in his community also shop at the Union Kroger which puts a greater burden on already stated that we should not throw this opportunity away. This store supports not just the residents of the City of Union but also the surrounding communities.

Mr. Frank Beemon who lives on Richmond Road stated that he is for the new Kroger.

Kelly Lobenberg who lives at 1116 Ashton Ct. in Hempsteade stated that the current Kroger did not have enough handicap spots. With the new Kroger having larger aisles would benefit the handicap and older residents. She stated that she hates to drive to the marketplace in Walton because the store in Union does not have the items she needs. She stated that given the choice of a large section of apartments or a new Kroger Marketplace, he would rather have the Marketplace.

Mr. Mark Halbert who is a Kroger employee and moved to Union about six (6) years ago. They chose the location specifically to be close to a store. He supports the zone change.

Ms. Katie Smith who lives on Irish Way stated that she has been a Kroger employee for twenty (20) years and she hears complaint about the current store all the time.

Ms. Regina Egbers stated that she moved back to the area to raise her families stated we need to build the new Kroger Marketplace to provide for the residents if we do not build it people would go elsewhere and possibly could build a park next to the location. This area has grown tremendously since she has lived here.

Ms. Ashley Caldwell who has lived in the area for only three (3) months stated she supported the zone change for the new marketplace.

Mr. Anthony Frohlich who has lived in Union his entire life, he stood at the same location in 1998 to design a plan for the city. Most people in the auditorium was against the Union Town Plan. After the meeting a group was put together to develop a plan for the City. He was a member of that group. October of 1998 they went to the Planning and Zoning meeting to look at the proposed plan and one of the biggest problems was what was to be done about the commercial area. One of the real problem was the stone home that is historic in the area. The biggest issue is what to do with the commercial area on that side of US 42 (across from Kroger). In 2005 the owner of the property was offered a lot of money to sell his property. The city was faced with a zone change to allow the building.

Mr. Frohlich urged the commission to not ask the Kroger to move to the Union Town Center, the plan was not designed for that purpose.

Mr. Frohlich quoted from the plan.

At this time Mayor Kirby opened the floor to those who would like to speak in opposition of the zone change.

Ms. Anna Welsh who lives at 9525 Sapphire Lane stated that if Union chose to rezone this area for Kroger what would be next. The Union Town Center is possible.

Ms. Noreen Morgan 9205 Royal Oak Lane stated she is opposition in the zone change. She stated that there is legal issues because they do not meet the requirements of the zone change. The initial proposal did not meet the requirement of the Comprehensive Plan or the Union Town Plan. She stated that the proposed plan is in large scale and according to the plan all growth should be on a small scale. She stated that US 42 would turn into a Houston Road or Mall Road if the zone change is allowed. The proposed building will be right in the middle of three (3) developments.

The city should follow the law and deny the zone change.

Ms. Mary Lou Pleasants 9158 Royal Oak Lane spoke in opposition of the zone change.

Mr. John Schoener 106 Mt. Laurel Way stated that he is not in opposition of Kroger, but Union should consider the future growth. If the zone change is allowed how many more of these meetings will the citizens have to attend?

Mr. Jason Yount 4005 Hathaway Road stated they are not in opposition in Kroger, but they the support the Union Town Plan. He asked the commission to look at what the zone could do to the City of Union.

Ms. Stephanie Fuller 955 Aristides Drive stated that the city may need a grocery store, but not the other out lots that come along with the store. The city should consider a review of the Union Town Plan, the city could easily get the needed grocery store by just amending the plan. Why not compromise, it's not necessary to either have a zone change or no grocery store. Ms. Fuller spoke with Bill Remke who stated that if Kroger Left today he would be willing to put a grocery store in that location.

Mr. Thomas Campenella 9849 Melody Drive stated that he supports the local Kroger, but the city should abide by the Planning Commission decision and not allow spot zoning (section 308) which is taking what is zoned and being selective as to what is being changed. He gave the commission documents on the spot zoning. He stated to the audience that is what was shown was Kroger's plan not the plan of the City of Union. And Boone County Planning and Zoning had already made a decision on what is best for the city. He stated business should follow our plan, not the plan following businesses. If changes need to be made the plan needs to be changed first.

Mr. Jim Longano 9918 Burleigh Lane stated that we are not at this meeting because of Kroger, we all know that it is too small and the parking lot is too small that is irrelevant. Mr. Longano stated the reason we are here is for a zoning map amendment not that we love Kroger. He stated that the request does not follow the adopted comprehensive plan. Kentucky Revised Statute requires each county to have an approved Comprehensive Plan. As part of BCPC denial of the zone request is that no part of the request shows that have been no changes that were not anticipated upon the adoption of the plan in 2012.

Ms. Patty Rafferty 9171 Royal Oak Lane stated she does not support the zone change and that the request does not meet the requirements.

Mr. John Mefford who lives on Splendor Dr. stated he was opposed to the zone change. This not a Kroger issue it is a zoning issue, if the request is approved then the city could not deny the requests of other businesses who would like to come into the community. He urged the commission to check lists of those who support the zone change because a large portion are not residents of the city of Union.

Ms. Geraldine Sawrey stated that all her points have been made and she opposes the zone change.

Mr. Jeff Wallace stated people moved here because it is a rural community and urged the commission to not change that.

Dr. Bryan Turner who serves on the Union Economic Development Committee stated there are six people on the committee and they have worked hard to make the town center happen. Once the widening of KY 536 happens

the Town Center will be seen. Growth will happen. But how do the city want it to happen, marching down 42 as an extension of Florence or the way the residents who support the Town Plan sees it. Five (5) years ago Target came in wanting to build on this same piece of property and the zone change was denied.

At this time Mayor Kirby allowed Kroger five (5) minutes to wrap up with a summary.

Ms. Ann Mc Bride stated that the issue does not have to be an either or situation she feels that the Union Kroger Marketplace could happen as well as the Union Town Center.

Commissioner Kline asked if Kroger has discussed what the Plan B if the zone change was denied. Ms. McBride stated that she did not want to speak for Kroger, but if it was denied then they would probably discuss other options.

Ms. Lisa Ammons with Kroger stated they had not considered one yet. They are opening a store in Florence that may alleviate some of the issues and feel that a lot of shoppers will go to other stores.

Commissioner Kline stated that during the initial presentation at Boone County Planning and Zoning that Kroger felt that some of the shoppers will go to other stores. Ms. Ammons stated that approximately 12% will go to the other store.

ADJOURN:

Mayor Kirby asked for a motion to adjourn the Public Hearing, Commissioner Heil moved to adjourn the meeting at 8:66 pm. Commissioner Kline seconded the motion. All voted in favor. **Motion carried.**

Signed this 5th day of May, 2014

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer