

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
FEBRUARY 4, 2015
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mr. Kim Patton
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator, ZEO

Chairman Rolfsen called the Public Hearings to order at 7:30 P.M. and introduced the first item on the Agenda:

**CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN- Janet Kegley, Chairwoman,
Kevin Wall, Staff**

1. Request of **Gregory S. Thurman c/o Redwood Acquisition, LLC (applicant)** for **Hopeful Road Holdings, LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential Two/Planned Development (SR-2/PD) zone for an approximate 33.8 acre site located on the west side of Hopeful Church Road between the properties at 7275 and 7393 Hopeful Church Road, across Hopeful Church Road from the Hopeful Church Road/Surfwood Drive intersection, and at the southern terminus of Meadow Wood Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow single story attached rental residential units.

Staff Member, Kevin Wall, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). He stated that the site was subject to a Zone Change application about 10 years ago. It was referred to as the Annhofer property at the time. The site is just over 33 acres and is located on the west side of Hopeful Church Road across from the intersection with Surfwood Drive. Mr. Wall showed photographs of the site. The Future Land Use Map designates the site as High Suburban Density Residential (HSD), which includes townhouses up to 8 dwelling units per acre. There are 2 lakes on the property. The current approved plan was conditionally approved for 344 townhouses and stacked condos. The approved density was a little over 10 units per acre. The conditions of the approved plan are included in the Staff Report. The current proposal is for 191 single story units that are attached and for rent. They are considered one story townhouses. The design includes multi-gable roofs with dormers and attached garages. The buildings range in size from 4 to 10 units. The density is 5.65 units per acre. Mr. Wall showed photographs of the exterior of the buildings. This information is included in the Staff Report. He also showed photographs of adjacent land uses and buildings. He referred to the approved Concept Development Plan and the submitted Concept Development Plan. The proposal includes 3 clusters of housing on the north side of the road and 1 on the south side. The project will be served internally by private drives and streets. The plan includes a street connection to Meadow Wood Drive. The big lake will serve as a retention basin. The building setback will be 30 feet minimum. There will be no active amenities on the site. A Traffic Impact Study was not included with the submittal.

In terms of Staff Comments, there is an incidental area designated Suburban Density Residential (SD) that adjoins Stonegate Meadows Subdivision. Most of the site is designated High Suburban Density Residential (HSD). A key component from the text of the Comprehensive Plan is from the Land Use and Transportation Elements and the County Transportation Plan. Both recommend a connector road that supports multi-modal traffic. Regarding Section 1514 in the Planned Development (PD) criteria, there is a concern about sidewalks and pathways. The PD overlay requires this type of amenities. It is recommended that a pathway system be developed instead of a pool/clubhouse. Mr. Wall referred to a series of recommendations regarding building architecture. This was part of the supplemental conditions that the City of Florence added to the original approval. Mr. Wall noted a handful of comments pertaining to landscaping-buffer yards and the retention of existing vegetation. Mr. Wall questioned what was the intent of the applicant's lighting plan for the project? Is it more than coach lights on a building? The proposed road will serve as a connector between Pleasant Valley Road and Hopeful Church Road. It could also connect to a road network to Mall Road and then I-75. In terms of circulation, Mr. Wall asked whether the internal streets are intended to

be public or private? The submitted plan shows the proposed east-west connector road to be about 24 feet in width on a 2 lane road. The approved Concept Development Plan showed a 3 lane road section, a bike/pedestrian path on the north side, a street tree scheme and bus pull offs. It also had a connection to the Estes property to the south. If this connection occurred, then the project could align with Rosetta Drive. Finally, Mr. Wall suggested that the Board look closely at the original conditions.

Chairman Rolfsen asked if the applicant was ready to proceed with his presentation?

Mr. Paul Darpel, 25 Crestview Town Center, Crestview Hills, Kentucky stated that he was representing Hopeful Road Holdings (owner). The developer is Redwood Acquisitions, LLC. Mr. Darpel stated that he thought the submitted plan was better than the one previously approved and is in full support of the project.

Mr. John Latevler, Senior Vice President for Redwood Acquisitions Company. He is affiliated with Redwood Living, an apartment management company that owns and operates 4,000 dwelling units. His company is based in Cleveland, Ohio and was founded in 1991. They are building in Cleveland, Columbus, Southeast Michigan, Central Michigan and in Indiana. They hope to be in Kentucky and in North Carolina soon. Mr. Latevler stated that his company's portfolio is 99% leased. It is market rate housing. He explained that there have been changes to the building architecture as a result of Staff comments. It will be more of a southern look-architecture from what they are doing in South Carolina. There is more shaker shingles and prairie style architecture. Mr. Latevler stated that his company mixes stone and shake and horizontal vinyl siding. They use upgraded "carriage-style" garage doors to help with the attractiveness of the community. They are proposing less than 6 units per acre and concrete streets. There will be no on-street parking. The internal street network will be private drives. They are currently working on an updated 3.0 version for the exterior of each building. They are ranch-style townhomes. People who rent from their company typically have moved out of their single-family home already in the area - a 3 mile ring. Each unit is between 1,200 - 1,400 square feet and an attached garage. There is no one above or below. There are no stairs. The units have larger "eat-in" kitchens. It is a large open floor plan. The units are very energy efficient, which is important to fixed income residents. The HERS (Home Energy Rating System) rating for the unit is in the teens. Anticipated monthly rent for the units will be between \$1,200 - \$1,400/month. They credit check each renter. They use Zillow to reference monthly rent and household affordability. Their residents are empty nesters and young professionals. The development will have an on-site maintenance superintendent and property manager. They perform a rigorous background and credit check. They don't accept felony or domestic violence renters. They sell peace and quiet. Each unit has a 2 car garage that flows into a kitchen with 2 bedrooms and bathrooms.

Mr. Greg Thurman, Vice President for Development for Redwood Living. This proposed community is a good fit for Florence. It allows for the people who grew up in the community to have a housing choice. Renters can be by choice. Mr. Thurman stated that the main road was always intended to be the same road as previously designed and approved. If you did a traffic analysis on the proposed community compared to what was previously approved, there would be a much less need for 3 lanes. But he noted that they believe in the Comprehensive Plan and will agree to a 3 lane road, a bus turn off, a bike path on the north side of the proposed road and a street tree program just like the previously approved plan. They are in agreement. Mr.

Thurman suggested a gate at the stub street for emergency purposes. They are flexible about it though. He explained that the building architecture will include generous overhangs at gable ends and a variety of building colors to eliminate monotony. He explained that their typical renter generates less traffic than in a typical multi-family zoning district or a single-family district. They also designed the streets based upon fire district guidelines or the ability to respond and get proper access. They will use the existing lake for retention purposes. They are going to try not to disturb it too much. They will have to meet all Florence requirements. A drain well will be dug next to the lake to side drain it. The project is about 45% less of an impact based upon building density. The type and size of the development will bring fewer students. Less than 20% of the families living at the site will have school aged children.

At this time, Chairman Rolfsen asked if there was anyone in the audience who was in favor or against the request? Mr. Doug Runion, 7393 Hopeful Church Road, stated that he has lived in the area for about 40 years. The Highway Department bought his original house when they widened the road and he rebuilt his house about 50-60 feet from its original location. In 2005, the zoning was changed on the property. It was the wrong decision then and it is wrong tonight due to the congestion in the area. He complimented Redwood Acquisitions on selecting Florence. It is a great place. It is the wrong location. The project looks nice and if it was a senior development, he might look at moving there. But it is a rental property. There was too much traffic in 2005 and it has multiplied today. There is plenty of rental property on Hopeful Church Road near Cayton Road and on Weaver Road. Hopeful Church Road is used by a lot of different people, trucks, cars and school buses. He witnessed tractor trailers passing cars in the middle lane. It is a high impact area. There is a back-up everyday to his driveway. When there is a wreck on U.S. 42 or I-75, the back-ups are tremendous all the way to the church. There are problems with rental property - drugs and emergency responses. The developer wants to create an environment that makes you feel that you are at home. This is commendable. He stated that he has never met a rental person who calls their place a "home". Seniors don't want to live in an area where young people live. It just doesn't mix together. Maybe it could be developed as retirement housing. Mr. Runion asked the Planning Commission to reject the development as rental property. The area can only handle a certain amount of traffic. He stated that he has had cars in his front lawn. There is a park about a quarter mile away full of activity - football, baseball, picnicking, tennis, etc. There is a lot of traffic from the park as well as traffic from the Peewee football field. In 2013, there were 31,423 people in the Boone County/Florence area. In 2025, it could be as high as 35,000-40,000 people. People who use Hopeful Church Road are going to Burlington, Union, and Independence. Mr. Runion offered 3 things to think about in reviewing the application. First, until the U.S. 42/Hopeful Church Road intersection is redesigned, the Planning Commission should consider cancelling any development projects off Hopeful Church Road. It is a disaster. Second, a traffic study should be compiled again. It has been about 10 years since one was done. Third, a road from Hopeful Church Road to Pleasant Valley Road would be a disaster with the schools and parks. He also noted that he has some erosion from the Hopeful Church Road project and from the hill on the subject site. He suggested placing a storm water pipe across his property. He asked about a deceleration lane on Hopeful Church Road and the berm from the previously approved plan?

Mr. Ron Schroeder, 24 Kelley Drive, explained that the rear portion of his property is next to the north side of the existing lake. He expressed a concern about the drainage in the area. He noted that he gets storm water from people off Meadow Wood Drive, Stonegate Drive and Kelley Drive. On a normal to a heavy rain event, there is a raging 8-10 foot wide creek between

his house and where the development is going to be built. The lake is not that deep. It won't hold the drainage. It needs to be addressed. Mr. Schroeder stated that Mr. Gallenstein agreed to provide Buffer Yard C across their property off Kelley Drive. It would be a private area. He is asking for their commitment with the proposed project. The traffic is horrible especially left turns out of the subdivisions. The project will be better than the 344 unit project approved years ago. He stated that he isn't opposed to the project but would like to see people taken care of in terms of privacy and stormwater. There should be a southbound deceleration lane on Hopeful Church Road.

Mr. Dave Zimmerer, 22 Kelley Drive, expressed a concern about the stormwater overflow. He currently has a 4-5 foot stormwater back-up in his yard from the lake. It will take a day or two for the water to subside and then it is mush. It is very soggy. When concrete is installed, the runoff doubles. What are they going to do for the residents along Kelley Drive? What about privacy? The heavy rains causes it to flood.

Mr. Cecil Baker, 7316 Hopeful Road, stated that his biggest problem about the project is the fact that it is rental property. The site is surrounded on 3 sides by private, single-family homes. Some of the homes may be rented. Why does rental property have to be stuck in the middle of a single-family residential section? A traffic signal is needed because of the traffic. It is difficult to make left turns onto Hopeful Church Road.

Mr. Ron Schroeder offered to show anyone his property and Mr. Zimmerer's property. The City of Florence has installed large stones as rip rap near the existing storm sewer pipe. The volume of water in this area has severely eroded the soil.

Mr. Steve May, 35 Meadow Wood Drive, stated that he lives on a flag lot and noted that a lot of kids play on the street and a street connection from the development will be an issue for safety. He agreed with the stormwater and traffic issues. The stormwater is eroding the creek and trees are falling. The original plan called for a berm on the north side and he doesn't see one on the new plan. Is a traffic study going to be conducted?

At this time, Chairman Rolfsen asked if the Board Members had any questions or comments?

Mr. Bessler asked what is the correct building density for the project? There is some conflicting information. Mr. Latevlere responded that it is 5.65 units per acre.

Chairman Rolfsen asked the Staff if the applicant was going to submit a traffic study as part of the application? Mr. Wall replied that the State will require one to be submitted. This item was discussed with the applicant at the pre-application meeting. There is a substantially lower number of units being proposed when compared to the previous application. The requirement for a deceleration lane was in the original approval as well as a proportionate share of paying for a traffic signal based upon State approval. Chairman Rolfsen recommended that the applicant conduct a traffic study as part of the request. In addition, he asked if the Staff could find out more about a potential traffic signal at the new intersection. Mr. Costello explained that usually the Chief Elected Official would request a study from the Kentucky Transportation Cabinet. He stated that a traffic signal would most likely be needed based upon the number of trips and traffic safety. After Cayton Road, there is no other traffic signal on Hopeful Church Road until the U.S. 42 intersection. That is a pretty long stretch in the road.

Chairman Rolfsen asked about the stormwater from the site on adjoining properties? Mr. Wall responded that the lake needs to be examined and the Florence Public Services Department was involved in the stormwater issue in the prior application. Chairman Rolfsen asked about Buffer Yard C. Mr. Wall explained that it is a code requirement. There were other stipulations regarding the buffer on the previously approved Concept Development Plan.

Mr. Hicks asked if the maintenance building would be a garage? Mr. Latevlere replied that the maintenance facility is half garage and half office. It will store facets and small equipment to fix things. It is their work place. All snow removal and landscaping services are sub-contracted. The building will house a snow blower to do sidewalks and driveways. The site will have a mail box kiosk and not individual mail boxes. Garbage will be curb side with a 55 gallon tote.

Mr. Longano asked what is in the grassy areas behind each unit? Mr. Latevlere replied that the central valley area will be maintained with the existing trees. It will be a natural area. Every unit has a walkout patio. It is 8'x10' in size. There is a screen wall between patios. The backs of the buildings will have minimal landscaping since most renters will put potted plants on the patios.

Mr. Bunger asked whether sheds or storage units be allowed? Mr. Latevellere responded absolutely not. Mr. Bunger asked if the developer would provide a pool or meeting area? Mr. Latevlere stated that they have one former condo project that has a pool. They have determined that with a clubhouse, it skews their demographics in a different direction. It attracts a younger resident. Boone County has plenty of recreation centers like the YMCA or the Senior Center that can be used for functions. Their residents feel that a clubhouse is nice but not needed because they don't use it and don't want to pay for it. Mr. Bunger asked would they consider marketing the property for seniors only? Is the main cross street public or private? What is the length of the rental commitment? Will there be any government subsidies related to the proposed development? Mr. Latevlere stated that his company has experimented with senior communities. They have found that people don't want to live in a community that has the stigma of a senior community. This is true for the areas that they operate in with the exception of Florida. If the renters wanted a retirement community, they would move to Florida. The main east-west connector road will be a public road identical to what was proposed in the Gallenstein proposal in 2005. The rental contracts are between 9-15 months. It is dependent on market driven factors. There are no month to month contracts. They vary the length of leases so they don't have large number renter turnover in one month. They want to maintain the 99% occupancy rate. There are no government subsidies for the proposed development. It is market rate housing with conventional financing. Mr. Bunger asked if on-street parking is allowed? Mr. Latevlere responded no. It is a violation of the lease. On-street parking is an eyesore and it is an operational nightmare. It is enforced by the on-site manager and maintenance employee. It is usually resolved. Otherwise, they may get the Police or Fire Marshall involved.

Chairman Rolfsen inquired about background checks. Mr. Latevellere replied that it depends on what the misdemeanor is to determine if someone is in violation of their lease. Disturbing the peace and domestic violence are "killers" for them. They allow one DUI. Fair housing laws also apply to proper eviction of renters based upon criminal behavior. There has to be a legal basis to terminate a lease.

Mr. Turner asked if the applicant had any data on their residents who are considered long-term renters? Mr. Latevlere responded that the average resident tenure is 2.5 to 3 years.

Mr. McMillian asked if there was a minimum depth for lake overflow? Mr. Wall replied there is no minimum. It is based on a design formula in the Subdivision Regulations.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 18, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on March 4, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:52 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger
Ms. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mr. Kim Patton
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator, ZEO

Chairman Rolfsen called the Public Hearings to order at 8:53 P.M. and introduced the second item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN- Randy Bessler, Chairman, Mitch Light, Staff

2. Request of **C&B Sign Services Inc./Steve Cupito (applicant)** for **Kroger Limited Partnership Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 17 acre site located at 3105 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an additional building mounted sign.

Staff Member, Mitch Light, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The applicant would like to install a building mounted sign for the Little Clinic. The request is similar to the request involving the Mall Road store in terms of signage. However, the process is different. The applicant is requesting a Change in an Approved Concept Development Plan versus a Change to a Special Sign District. The store was originally built without the Little Clinic in mind. Little Clinic is a tenant inside the existing Kroger. The current conditions allow for up to 6 building mounted signs on the front facade but they must be located in 5 sign areas. The request is to add 49 square feet in an additional sign area on the front elevation. If approved, the total square feet of building mounted signage is 682.7 and 7 building mounted signs within 6 sign areas. Typically, the sign regulations allow 2 square feet of sign area per 1 lineal foot of building within 3 sign areas. The Hebron Kroger Marketplace is 472.67 lineal feet, which would allow 945.34 square feet of building mounted signage with 3 sign areas. Mr. Light showed maps of adjacent zoning and land uses. The Future Land Use map of the Comprehensive Plan shows this area as Commercial. Mr. Light referred to the Comprehensive Plan's Land Use Element outlined in the Staff Report. He also referred to Condition #4, which is what the applicant would like to amend in order to allow the Little Clinic sign. He also showed the proposed Little Clinic sign location on the front building elevation. It would be located to the right of the existing U.S. Bank building mounted sign.

In terms of Staff concerns, if approved, the Little Clinic sign will increase the total sign area to 685.7 square feet and 7 building mounted signs within six (6) sign areas. The sign regulations normally allow two (2) square feet of signage per lineal foot if building on the front elevation within three (3) sign areas. The Hebron Kroger Marketplace store is 472.67 lineal feet which would allow 945.34 square feet of building mounted signage within three (3) sign areas. In addition, Staff suggest increasing not only the number of building mounted signs (from 6 to 7) but also the number of sign areas as well (from 5 to 7) and not to exceed the square footage formula of 2 square feet of building mounted signage per lineal foot of building. In conclusion, the Planning Commission and the Boone County Fiscal Court must review the request in relation to the 3 criteria necessary for a Zoning Map Amendment.

Chairman Rolfsen asked if the applicant was ready to proceed with his presentation?

Mr. Steve Cupito, representing Little Clinic, explained that Little Clinic wants to put a store in the Kroger building. The main reason for the sign is the fact that not all Kroger stores have a Little Clinic. It has to be seen from the road.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Hap Walton, representing the Hebron Liars Club at McDonalds, stated that his group is upset at Kroger because of all of the garbage in the area. They don't cut their weeds. He stated that Mr. Kirby next door cuts the grass and picks up the garbage. Mr. Walton submitted photos of the garbage and weeds. He asked that the Planning Commission not give Kroger their sign until the site was cleaned up. Mr. Costello accepted the photographs and instructed Mr. Light to obtain contact information from Mr. Walton and for him to contact Kroger and Terra Firma Associates.

Chairman Rolfsen asked if any of the Board Members had any questions or comments? Mr. Bessler noted that he shops at the Kroger store in Hebron and he didn't know there was a Little Clinic at the store.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 18, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on March 4, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:05 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director