

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MARCH 2, 2016
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

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. Todd K. Morgan, AICP, Senior Planner
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 8:08 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Kevin Wall, Staff

1. Request of **Barr M. Manter (applicant)** for **K Barr Investments, LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Small Community (C-2/SC) for an approximate 0.68 acre site located at 12 Girard Street, Florence, Kentucky. The request is for a zone change to allow the property to be used as a single family residence in addition to C-2 uses.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is located at 12 Girard Street in Florence and it is currently zoned Commercial Two (C-2). He described the surrounding zoning and land uses. The Future Land Use Map shows the site as Suburban Density Residential (SR). Mr. Wall showed photographs of the site and surrounding properties. The site used to have a sewing business located in the existing building. The proposal involves adding the Small Community Overlay (SC) district to the site in order to allow a single family residence. The existing zoning of Commercial Two (C-2) has been in place since 1980. It does not allow detached single family residences as a primary use. It does allow multi-family residential uses as a conditional use. It allows a dwelling unit as an accessory use if it is part of a business. The existing building is a 1.5 story frame residence with a parking area out front. The site also has a pole sign. The past owner converted the building to a single family residence apparently illegally. The current owner bought it as a foreclosure property a few months ago.

In terms of Staff Comments, Mr. Wall recommended that the Board look at the Small Community Overlay (SC) zoning district. He referred to the intent statement and the uses permitted in the SC Overlay District. He mentioned that Staff from the City of Florence had no immediate concerns. Mr. Wall concluded that the request must be reviewed in relation to the three criteria for granting a zone change and the proposed impacts.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with his presentation?

Mr. Barr Manter (applicant and owner) stated that the purpose of the request for rezoning is to accommodate the use as a residential dwelling. The feedback that he has received from multiple selling agents while marketing the property was that interested buyers liked the idea of having commercial within walking distance. The property exterior has been improved with new siding, roof and windows, which adds to the community. The interior has also been completely updated. He believed rezoning the property will contribute to mixing the area with residential properties. He also believed that the remodeling and renovations of the property will serve the new owners and the City of Florence and also achieve the diversity and balance the City would like to see in the land use (see Exhibit A).

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

Seeing no one, Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments?

Mr. Bunger asked if the owner was going to live in the home or was it rental property? Also, what would happen if the owner wanted to change the use from residential to commercial in the future? Would they have to go back to the City of Florence for approval? Mr. Barr replied that he is not going to live in the house. He is an investor and purchased the property to recondition it and put it back onto the market. He stated that when he purchased the property, he had no idea it was zoned for commercial uses. There was nothing in the paperwork about it in the Master Commissioner's sale. He found out later when the first person made an offer. The building is completely residential. It has been completely redone on the inside.

Chairman Rolfsen asked if the residence is a three, bedroom remodeled house? Mr. Barr responded that there was a major rehab done in 2013. He put a new roof on it, upgraded the 2.5 bathrooms and finished the lower level. It is a three bedroom house.

Mr. Costello asked if the zone change of SC overlay was approved, could the property owner have a commercial use at the site? Mr. Wall responded yes that any C-2 uses remain viable. It is an option in the future, especially with the parking lot out front. The main purpose of the application is for the property owner to use the building as a residence for now.

Mr. Ford inquired about potentially combing the commercial and residential uses. Is it possible? Mr. Wall responded yes as an accessory use. An owner/operator of a business could live on site.

Mr. Schwenke asked whether the property was used for residential purposes at the time of the foreclosure sale? Mr. Barr replied that he thought the previous investor rehabbed it and sold it as a residential property. It was financed through a VA loan as a residential property. It had been used as a residential property for about two years.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 16, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 6, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:20 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A: - Letter and photographs from Mr. Barr M. Manter

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

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. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:21 P.M. and introduced the second item on the Agenda:

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

2. Request of **David Williams (applicant)** for **HealthPoint Family Care Inc. (owner)** for a Zoning Map Amendment for a Special Sign District in a Commercial One (C-1) zone for a 2.96 acre site located at 7607 Dixie Highway, Florence, Kentucky. The request is for a Special Sign District to allow the addition of electronic message boards on an existing freestanding sign.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The approximate 3 acre site is located at 7607 Dixie Highway. The applicant is requesting a Zoning Map Amendment to establish a Special Sign District to allow alternative signage. The site is zoned Commercial One (C-1) which does not allow electronic message boards. The existing sign is 15 feet tall and 54 square feet in size. The proposed sign would include an electronic message board and the dimensions of the sign would not change. The middle cabinet from the existing sign would have a 3' x 5' Electronic Message Center (EMC). Messages would be displayed in a 19 millimeter pixel pitch. The bottom cabinet would be 4 lines of fixed copy. Mr. Morgan showed photographs of the land use and zoning of the adjoining properties. It includes commercial uses along Dixie Highway and residential uses in the rear. The Future Land Use Map from the Comprehensive Plan recommends commercial uses for the site.

In terms of Staff Comments, the Boone County Planning Commission and City of Florence should analyze the following passages from the Boone County Zoning Regulations and Boone County Comprehensive plan before acting on the request. First, Section 3440 of the Zoning Regulations states that the purpose of a Special Sign District shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development. Second, 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 on the visual appearance of a development or corridor. It is a key passage from the Comprehensive Plan.

On February 8, 2016, Staff sent the applicant an e-mail message, which asked for additional information regarding the electronic sign. Highlights indicate that the sign will not display any flashing, scrolling, or animated messages. Messages will be held for a minimum of 10 seconds. The sign could display up to 6 lines of 4 inch characters at any given time. A line of text could contain up to 18 characters. Four inch characters can be seen from approximately 300 feet away depending on weather conditions. The sign will have a built in dimming switch that will be controlled by the operator. Future building tenants will be able to advertise on the electronic sign.

Staff would like the applicant or property owner to address if any still photos will be displayed on the message board with accompany text or graphics. Staff also questioned if the proposal is a

special circumstance per the Special Sign District text. The 2013 Findings of Approval for the St. Paul's Parish Special Sign District indicated that their electronic sign was being approved because it was being used to display church, school, and on-site community events. Mr. Morgan showed a photo of the St. Paul's sign. If the sign is approved, Staff would like the number of lines of permitted text reduced to promote sign readability and driver and pedestrian safety. The existing sign is a nonconforming structure. The Boone County Zoning Regulations currently would permit a 10' tall, 100 square foot monument sign on the subject property. Staff would like the applicant or property owner to address if they would be willing to replace or alter the existing sign so it complies with the 10' height requirement of the C-1 zone. Large portions of the building are currently vacant (lower level of the northern wing and the southern wing). The proposal will not leave the future tenants with any fixed advertising areas on the freestanding sign. Any future tenant would have to advertise on the new electronic message center. Mr. Morgan noted that he had received an e-mail message today from Josh Wice of the City of Florence regarding the request. This e-mail has been distributed to the Board Members and is an exhibit to the Public Hearing minutes (see Exhibit A).

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

Mr. David Williams, with CAP Signs said he was representing HealthPoint Family Care, Inc. He is requesting approval of a special sign in a C-1 zone. He explained that he is trying to help his client put a message board on their sign in order for them to communicate to the community their services. They provide medical services to underprivileged citizens in the community. HealthPoint is non-profit. He expressed a concern about content and the code. He asked the Planning Commission to really consider the request. If they were not located in a C-1 zoning district, there wouldn't be a problem. Everything would be okay with the electronic message boards. The C-1 district along Dixie Highway has tons of businesses and very little residences. He found it hard to believe that the property is zoned C-1. It is a good size business corridor leading from retail to the north to heavy industrial to the south. The C-1 requirements are very prohibitive in terms of advertising for businesses.

Ms. Pam Smallwood, stated that HealthPoint is a federally qualified health center. They have 5 locations - 3 are in Northern Kentucky (Bellevue, Covington and Florence). About 70% of their patients have medicaid, 16% are uninsured, 8% are medicare and 6% are private commercial pay patients. HealthPoint provides primary care services for adults and pediatrics. They also provide full service dentistry and ob/gyn services at the Florence facility. They are recruiting for behavioral health services. They have been located in Florence for awhile and began by providing ob/gyn services at one of the St. Luke facilities. They outgrew that facility because of the need and demand. They later expanded quickly to provide primary care services, pediatric and dental services. They own the current building and have some vacant space but they plan on using it in the future for expansion. They don't anticipate leasing the vacant space. Ms. Smallwood distributed a HealthPoint brochure to the Board Members (see Exhibit B).

Chairman Rolfsen asked about the other HealthPoint facility locations? Ms. Smallwood replied that there is one in Nicholasville, Kentucky and one in Owenton, Kentucky. There is also a sixth location

- a homeless facility only in Covington. Chairman Rolfsen asked if any of the other facilities have electronic message boards? Ms. Smallwood responded that they are in the process of adding one at the Covington location. She explained that many people don't realize they are there. Patients would come to the facility not knowing what services were available - for example, ob or dental services. There is a lack of providers for medicaid eligible recipients in Northern Kentucky. They are the only provider in Northern Kentucky. Chairman Rolfsen asked the owner to give an example of a typical message needed to provide to the community. Ms. Smallwood replied that there is currently a whooping cough outbreak in Northern Kentucky. Their office is doing testing or screening for whooping cough. This service is available at the Florence facility and the public needs to know about it. Another example is that they expanded their hours of operation until 10:00 p.m. on weeknights starting in February. They are also open on Saturdays from 9:00 a.m. to 5:00 p.m. for walk-in appointments. They would use the new sign to show the expansion of hours.

Mr. Patton stated that he was very familiar with HealthPoint services and expressed a concern that if the Planning Commission allows it, what will it mean to the rest of the area? Is there a way to limit it without impacting the entire area? Did HealthPoint approach the City of Florence about changing the requirements for the entire district? Ms. Smallwood responded that she started with the City and they pointed her to the Planning Commission. HealthPoint is simply following their direction. Mr. Costello mentioned that the Commercial One (C-1) zoning district is more of a neighborhood commercial zoning district. It is a smaller scale of commercial uses. The Commercial Two (C-2) zoning district is typically larger scale commercial uses like the ones located on Mall Road and Houston Road. Dixie Highway has always been a traditional smaller scale commercial corridor. Because of that fact, the signage requirements are different and allow smaller signs. Electronic message centers or boards are not permitted in a C-1 zoning district. The applicant has two choices, either a Zoning Map Amendment to change the zoning of the property or seek a Special Sign District. It is very similar to St. Paul's north of the site. Mr. Patton commented that there are two options either change the requirements of the whole area or make an exception for certain uses like institutions or health care facilities desiring special messages. Mr. Costello responded that the previously approved electronic message center for St. Paul's was approved because it was a school/church that wanted to advertise numerous activities and events. Mr. Costello further commented that the Planning Commission will be updating the entire zoning code after the update of the Comprehensive Plan and this can be an issue Staff looks at in greater depth. Ms. Smallwood also noted that another purpose of having the new sign would be helpful in getting people enrolled in Medicaid coverage and the health insurance marketplace. They also have translators available. That is the type of information they want to get out into the community. They have communication barriers now. Chairman Rolfsen explained that the Planning Commission has to evaluate the request in light of other businesses wanting the same type of sign as HealthPoint. Do we allow electronic signs all the way down Dixie Highway? Mr. Patton suggested being very specific about the applicant's case and not worry about the availability of providing services. Is it a health and safety issue? Ms. Smallwood stated that she thought that HealthPoint was the only health facility located along Dixie Highway. Chairman Rolfsen noted the dentist office at the intersection of Dixie Highway and U.S. 42.

Mr. Bunger asked if HealthPoint would consider an electronic message sign similar to St. Paul's? It is smaller in size and it wouldn't be a pole sign. Ms. Smallwood replied that they discussed that option. HealthPoint is a non-profit and they are trying to go the most cost effective route. A

replacement sign will be another \$8,000 - \$10,000. They are trying to be good stewards of their resources but they could look at a size of 10 feet or less with a message board. The messages would primarily be in English with some in Spanish. About 10% of their patients are Spanish speaking. They also have other languages. If the request is not approved, they would keep the existing sign, just change out the face plate and make the sign compliant. The electronic message board will only have 4 lines of text, not 6 lines.

Mr. Hicks asked if the electronic message boards are allowed in the C-2 zoning district? Mr. Morgan responded that they are allowed in C-2 and C-3 zoning districts in the City of Florence as a conditional use. Mr. Hicks noted that the neighbor is zoned C-2. It is not a far reading to allow it when it is allowed about a 100 feet down the road. They don't have more of an impact than property zoned C-2.

Ms. Heilman noted that where electronic message centers are currently located, they were held to certain guidelines as identified by Mr. Wice. Examples of that are solid black backgrounds and not allowing flashing messages so as to not distract drivers. Also, the length of time that messages are displayed, along with allowing photographs are important. Landscaping around the sign helps make the sign fit in with the area. These are requirements that are expected. Ms. Smallwood noted that St. Paul's sign had a blue background. They are willing to make some concessions. Ms. Heilman stated that the St. Paul's sign is about 3 years old and she recommended to check with Staff to review the latest approvals. Ms. Smallwood replied that they have based their research on what is out there. Ms. Heilman mentioned there are some good examples of electronic message signs with limitations on U.S. 42.

Mr. Schwenke asked if there was a way to approve a request like this because the applicant/owner was a non-profit like St. Paul's? Could it be in a finding of approval that the use is different than a regular commercial business in the event someone else applies for the same type of request? Mr. Wilson replied that it is always dangerous to deal with content regarding signs. If the regulatory language was based on the content of the signs as opposed to size, it could get challenged.

Mr. Patton asked if it could be defined by use groups? Mr. Costello thought the original question dealt with a profit versus non-profit business being allowed to have such a sign. He mentioned that at first the profit businesses had these types of signs and now the non-profit businesses have them like hospitals, schools, libraries, etc. since the cost of them has decreased over the years. The Board needs to focus on the land use impacts of the sign - how large it is, how close it is to the road, etc. irregardless who owns the sign.

Mr. Patton asked whether you could limit the use to health care facilities? Mr. Costello responded there are a lot of health care facilities in the community just like banks. He mentioned there is a spacing requirement. Mr. Morgan explained there is a 660' distance limitation between signs with electronic message centers when the sign goes through the Conditional Use Permit process but not the Special Sign District. Mr. Morgan stated that the proposed sign exceeds the 660' distance requirement from St. Paul's. Mr. Morgan emphasized it has to be a special circumstance to warrant approving the Special Sign District.

Mr. Breetz asked Staff to bring the conditions of the St. Paul's request to the Committee Meeting. Mr. Morgan responded they are included in the Staff Report along with the City Ordinance.

There was no one in the audience who wanted to speak in favor or against the request.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 16, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 6, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:49 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A: - E-mail message dated March 2, 2016 from Josh Wice
Exhibit B: - HealthPoint Family Care brochure