

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JUNE 1, 2016
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
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. Randy Bessler
Mr. Greg Breetz
Mrs. Lori Heilman
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 7:43 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **Meierjohan Building Group (applicant)** for **Buckeye Properties LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Urban Residential Two (UR-2) for an approximate 9.7 acre site located on the south/west side of Weaver Road across from Saddlebrook Lane, on the south and east sides of Evergreen Drive, to the northwest of the property at 957 Weaver Road, to the north and east of the property at 8912 Evergreen Drive, and to the east of the properties at 8930 and 8940 Evergreen Drive, Florence, Kentucky. The request is for a zone change to allow attached ranch style rental units.

Staff Member, Mitch Light, presented the Staff Report for Todd Morgan, which included a PowerPoint presentation (see Staff Report). He mentioned that he would present the slides for the request and outline the Staff concerns identified in the Staff Report. The Board should be familiar with the site. It is located at Weaver Road and Evergreen Drive in Florence. The site is approximately 9.75 acres. Mr. Light showed a layout of the proposed development. It will include 15 buildings - 14 one bedroom units and 41 two bedroom units. He also showed building elevations and a landscape plan. Mr. Light explained the history of the site. There was a 1988 approved Concept Development Plan that included C-2 zoning. The plan showed a commercial center with commercial uses. In 2007, there was a Change in an Approved Concept Development Plan application showing six commercial lots. In 2014, there was a Zone Change application for 84 two bedroom apartments - (8.65 dwelling units/acre). This application was later withdrawn by the applicant before the City of Florence. In 2015, another Zone Change application was submitted showing 172 dwelling units (17.71 dwelling units/acre). This application was denied. Mr Light showed photographs of the site and adjoining properties. The 2035 Future Land Use Map designated the site as commercial.

In terms of Staff Comments, the Planning Commission and City of Florence need to analyze the findings necessary for granting a Zoning Map Amendment as listed in Section 308 of the Zoning Regulations. The applicant's team submitted a letter with the request which provides a basis for the zone change. A chart appears in the Staff Report that compares the proposed building intensity compared to other apartment complexes in the immediate area. A Traffic Impact Study was also submitted with the request and the entire document is part of the record. The introduction, trip generations, and findings and conclusions sections have been copied and are included in the Staff Report. Total trips for the development are estimated to be 28 and 34 for the AM and PM peak hours. A comparison table indicates that trip generation for the proposed apartment complex will be significantly lower (approximately 82% less for the AM peak and approximately 86% less for the PM peak) than the retail/commercial/office development. The analysis at the Weaver Road/Saddlebrook Lane intersection will continue to operate at Level of Service (LOS) B and C during the AM and PM peak hours. The analysis completed at the Weaver Road/Ascot Drive and Weaver Road/Ridgeview Road intersections show the new trips generated by the new development will not have any impact on the flow of traffic and safety of vehicles. An exclusive westbound left turn lane should be provided at the Weaver Road/Saddlebrook Lane intersection for motorists that are turning into the proposed development. The turn lane should be 295 long, including the taper. The northbound approach on Drive A (main development driveway that connects to traffic signal) should be constructed to provide an exclusive left turn lane and a shared lane for through traffic and right turns. Staff has the following comments regarding the application:

Staff would like the applicant to address if the berms along Weaver Road and Evergreen Drive will remain? Staff would like the applicant to address similar apartment projects they have constructed. Where are they located and who are their typical tenants (seniors, single professionals, married couples with children, etc.)? The project does not show any amenities (pool, playground, etc.). The building elevations and floor plans show that the units will have rear patios and be screened with 6' tall privacy fencing. The fencing cannot be permitted behind building #1 because it would be located in the corner side yard. Staff recommends that more guest parking stalls should be added to the plan. The plans show that sidewalks will be constructed along the Weaver Road frontage, main development driveways, and a small portion of Evergreen Drive. The Planning Commission and City of Florence should determine if the sidewalk system is adequate. Are outside trash areas or mail kiosks being provided? If so, where will they be located? A note on the plan indicates that all site lighting will be placed on the buildings and will not glare onto adjacent residential properties. The back and sides of the buildings are being constructed entirely of vinyl siding. Staff recommends the following: The vinyl horizontal siding shown on the buildings shall be replaced with polymer siding. Vinyl siding products may be used in the roof gable areas. The rear facades of buildings 1, 3, and 11 shall be constructed with some stone veneer. The proportion of stone veneer shall replicate the front of the buildings. Staff would like the applicant to address if the size of the storm water detention basin is adequate and the outlet point across Evergreen Drive.

The landscaping plan shows the following Waivers will be sought:

275' Property Line (common property line with Browning)

A 20' wide Buffer Yard B is required and the plantings are required as noted in the Staff Report. The Waiver would allow a 6' shadowbox fence to be installed in place of the required evergreen trees and large shrubs. The fence is shown on the property line.

490' Property Line (common property line with Browning, Gausepohl, Pommier, and KY Farm Bureau)

A 20' wide Buffer Yard B is required and the following plantings are required as noted in the Staff Report. The Waiver would allow a 6' shadowbox fence to be installed instead of the required evergreen trees and shrubs. The plans also indicate that three existing trees and honeysuckle vines would be retained in the buffer. The planting of the required trees would occur on both sides of the development drive.

Staff would like the applicant to address if some of the maple trees could be replaced with columnar evergreen trees to provide year around screening? Staff sent out an memo regarding the project on May 9, 2016. At the time the Staff Report was finalized, Florence Fire, Florence Public Services, and Kentucky Transportation had commented. Their responses are attached to the Staff Report. Staff also reached out to Carol Callan-Ramler, with Kentucky Transportation Cabinet regarding Project 6-367. As part of this project, sidewalks will be constructed on Weaver Road between the newly constructed US/Weaver Road intersection and the Florence Fire Department. Project construction is currently scheduled for 2017. The City of Florence has also applied for Federal funds to help with the construction of an approximate 2,100 foot section of sidewalk between Tamarack Drive and Saddlebrook Lane. This section of sidewalk will tie into the sidewalks

that are part of the state road project outlined above. Boone County is a partner with the City of Florence in this project and has committed equal funding. This section of sidewalk should also be constructed in 2017.

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

Mr. T. J. Ackermann, stated that he was the applicant for the project on behalf of Meierjohan Building Group. He noted that his company was ready to build a similar project off Hopeful Church Road about one mile from the subject site.

Mr. Don Stegman, Cardinal Engineering, stated that the last two proposals for the site have involved multi-family type housing. The site is not feasible for commercial development. It has not developed in almost 30 years. The property was foreclosed and a bank owns the property. The Planning Commission approved a multi-family project for the site two applications ago, about 8.3 units/acre in 2013 but the developer withdrew the application because of additional conditions. Last year, another application was submitted at a density of 17.7 units/acre. That proposal was turned down. The applicant is proposing a new product - ranch style apartments. The buildings have a single floor. Each unit has a built-in garage not detached like other apartment projects. Most of the units have two bedrooms. Each unit has four parking spaces (two spaces in the garage and two spaces on the driveway). The look and feel of the project is single-family residential. The proposed project has a density of 5.7 units/acre, much lower than neighboring apartment complexes. It is similar to SR-1 (up to four units per acre) zoning. It is between SR-1 and SR-2 zoning. A traffic Impact Study was completed and the Kentucky Transportation Cabinet is okay with what is proposed for improvements. The signal will be modified and a left lane will be added. Mr. Stegman stated that his client complies with items 3.a - 3e outlined in the Staff Report. The height of the berms from Weaver Road and Evergreen Drive will remain the same. Some of the berm height may be changed a little to accommodate a corner of two buildings. It will not affect views from the two public roads. They may have to install a small retaining wall.

Mr. T. J. Ackermann, stated that his company is developing five other projects identical to the proposed project in the area. The first project is open in Harrison, Ohio. The make-up of the tenants - over 75% of their tenants are 50 years or older. 37.5% of those residents are retired and over 50% of the group are single. Most people are looking for a care free lifestyle. The product they offer provides the best of an apartment and a condominium. A condominium gives one an individual unit with their own garage, open floor space and yard. The apartment gives residents a total care free lifestyle where a company is responsible for the exterior, along with the interior in terms of appliances, the HVAC system, the lighting system and plumbing maintenance. Each unit has a no step entry. Doorways are three feet wide and hallways are between 4-5 feet in width. The experience is single-family home living.

Mr. Stegman explained that due to the low density of the project and type of resident that is attracted to this type of development, there is no need for a playground or pool. It is a quiet neighborhood. There is a planned sidewalk system within the development that can be used by residents. Mr. Stegman stated that they would modify the location of Building #1 due to the fencing requirements. He noted they have plenty of parking in the site with parking allowed in the garages

and driveways. They also have extra stalls distributed throughout the development. They show 113 parking spaces of which 103 are required. That figure does not include any garage space. If you include the garage, it would be double the amount provided. The existing street is 25 feet in width and parking could be provided on the street. There is plenty of room to park. It is not any different than a single-family residential development. It is a private street as there is no right-of-way. Mr. Stegman showed the location of the additional seventeen parking spaces and sidewalks. Each unit will have its own garbage cans like a single-family house. They will be kept in the garage. A kiosk will be installed for mail service. Each unit will have a "coach-style" light installed on the building facade. Mr. Stegman agreed with the comment about vinyl siding (see page 9 of Staff Report). He noted they will have less impervious surface than a commercial development. They assume it is adequate but there are new water quality regulations. It will be sized according to the new detention and water quality requirements.

Mr. Costello noted that the detention pond has been in place for many years without maintenance. The whole system should be checked to make sure it is working properly. There was an issue with a headwall and erosion occurring on property across Evergreen Drive. Mr. Stegman responded they will review it for flow purposes.

Mr. Stegman referred to the submitted landscape plan. He stated that they would like to keep as much vegetation as possible on the former Browning property. They will install a six foot tall shadow box fence on the property and then off the property line as you turn the corner due to the presence of existing vegetation. They will also supplement the existing landscaping. He showed photographs of the two property lines and existing vegetation. The proposed houses are single story.

Ms. Gayle Frazer, landscape architect, stated that she chose English Oak trees because of overhead wire constraints and the fact that the fence can be placed in the easement. The English Oak does keep its leaves in the winter. There should be a lot of opacity with the fence and mature oak trees. Mr. Stegman offered to look at other tree types if necessary. In conclusion, the commercial zoning is not appropriate and this type of product is a good fit. It is being built in Burlington and down the street along Hopeful Church Road. This project is a great addition to their other project in Florence. The proposed project will be jointly managed with the Hopeful Church Road project by the applicant. That project will have a clubhouse that could be potentially rented by residents of the proposed project.

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

Mr. Clay James, resident in Eagle's Landing Subdivision, asked if the proposed development would have any subsidized housing? Will it be a percentage of units? Will the development have parking standards for automobiles, campers and boats similar to what Saddlebrook Apartments enforces?

Mr. Buddy Krebs, 8912 Evergreen Drive, stated that his property is the former Browning property shown on the drawing. He noted that if the power company wants to remove the existing vegetation, they can do it immediately since it is their easement. Nothing is there. He purchased

his property because it was a commercially zoned area. An apartment complex in his backyard and side yards will decrease his property value. Is the fence an option or is it both? There is part of the property that drops and the fence will also drop and therefore there will only be a 3 to 4 foot buffer. In the Fall, Mr. Krebs stated that he can see the Saddlebrook Apartments when the leaves drop. Chairman Rolfsen responded that the fence would be a backup. Mr. Krebs asked what is the distance between the fence and road?

Mr. Randy Pommier, 8940 Evergreen Drive, expressed a concern about the traffic on Evergreen Drive. All the traffic studies have been done on Weaver Road. He has loved living in the area for 15 years. Traffic is using Evergreen Drive and Ridgeview Drive. Those roads are not capable of handling more traffic. The site will be a cut through for local traffic, especially with the Mt. Zion Road construction. It is difficult to turn off Evergreen Drive onto Weaver Road. Adding 55 units will make it worse. He stated that he has a two story deck and a six foot wall won't help him. The buffer is not adequate. He has storm water runoff problems in his yard since the site has been developed. It is a mud pile.

Mr. Charlie Walton, Eagle's Landing Subdivision resident, stated he owns property along Evergreen Drive. He suggested looking at traffic from 7:00 to 9:30 a.m. and from 3:30 - 6:30 p.m. Sometimes, you have to wait 5 minutes at the intersection of Evergreen Drive and Weaver Road to make a left turn onto Weaver Road. There is a definite traffic issue there.

Ms. Karen James, Eagle's Landing Subdivision resident, asked why UR-2 was being requested with such a low density? Mr. Don Stegman replied due to the setback requirements given their building type and size.

Mr. Ackermann stated that they don't accept subsidized housing, vouchers or government programs. The units are market rate renting at \$1,200 - \$1,300/month for one bedroom units and \$1,500/month for two bedroom units. He explained that single residents are renting two bedroom units and use the second bedroom as a den or office or guest room. A one bedroom unit is 1,000 square feet and a two bedroom is 1,350 square feet in size excluding the garage. Boats, campers and car storage are not allowed in the development including work on vehicles. The vehicles have to be operational. They also don't allow outdoor play sets or portable pools. They are trying to keep it quiet for the residents and neighbors. Basketball hoops are not allowed. Research indicates that most people belong to various clubs and various activities so it is not needed on the proposed site. It wouldn't be used and would only attract people outside the neighborhood.

Mr. Ford asked how the property would be managed? Mr. Ackermann replied that his management company has full time Staff and they would manage the property. He has on-site management, on-site leasing, on-site maintenance and regional oversight. He explained that they want to install a fence to fully screen both properties. The former Browning property is being used commercially with the storage of boats, lawn maintenance equipment and animals. The proposed development will allow neighbors from adjoining subdivisions to use the traffic signal at the front of their entrance. It was originally planned that way dating back to the late 1980's. The community will not be gated. It will remain open even though they have private streets. His residents won't be out during peak hours so the local traffic can use the signal in order to cut their wait time by 3.5 to 4 minutes. It is difficult and unreasonable to screen something from a two story deck. Storm water

runoff including water quality will be managed by a central system and meet County standards. They will maintain the system.

Chairman Rolfsen asked if the applicant limited the number of people living in a one bedroom and two bedroom apartment? Mr. Ackermann replied yes. It is regulated by the building code. Each one bedroom can accommodate two people and two bedrooms can accommodate four people. They perform periodic checks for maintenance purposes. They allow up to three pets with a total maximum weight of 100 pounds.

Mr. McMillian inquired about the neighbor's mud problems. Mr. Ackermann responded that they cannot add to an existing problem. He is not aware of any off-site issues related to his site. If there is an issue, they are willing to assess the problem.

Chairman Rolfsen inquired how the applicant verifies the weight of a pet? Mr. Ackermann replied that the resident has to provide certification from a veterinarian. He explained that they are trying to build a community where people are mature and comfortable - a place where there is not 50% turnover in the first year. They retain residents at a minimum of three years or on an average of seven years. It creates more stability and less wear and tear on the property.

Mr. Hicks asked if the applicant has sold this type of development in the past? Mr. Ackerman answered no. His family has been in the multi-family residential development business since 1933. His business model is to build and hold. That is why they are investing in upgraded building materials. He has no desire to sell it. It is like an annuity for his children.

Mr. Patton asked the applicant to provide to the Zone Change Committee a copy of a lease outlining the operational standards. Mr. Ackermann replied he would do so. Chairman Rolfsen asked what is the length of the lease? Mr. Ackermann replied they are usually for one year but they have some short term leases (5-10%). Short-term is defined as six months. After the resident completes the first year, the leases go month to month.

Mr. Bunger asked whether the applicant would consider not allowing parking on the main road since others will be using the road to get to the traffic signal? Mr. Ackermann responded that it would depend on how the street is being used. He doesn't anticipate parking on the street. He doesn't see a problem with restricting parking to one side of the street if it were needed or an occasional basis for a special event or party. He doesn't want to overly restrict the problem to make it more difficult for people to live there. Mr. Ackermann stated that he would consider restricting it from Evergreen Drive to the main connector street. The stretch from the main connector street to the Farm Bureau building would provide more parking opportunities. Mr. Bunger noted that the applicant will be installing up to 900 lineal feet of shadow box fencing. He asked the applicant to provide the type of design of the proposed fence to the Zone Change Committee. Mr. Stegman suggested limiting on-street parking to off peak hours and events. They will also bring pictures of fence styles they are proposing on the site.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on July 6, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:00 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director