

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
FEBRUARY 13, 2019
7:30 P.M.**

Mr. Pieper called the meeting to order at 7:30 P.M.

BOARD MEMBERS PRESENT

Ms. Dee Begley
Ms. Lois Evans, Vice-Chairwoman
Mr. Timothy Pieper, Chairman
Mr. Charlie Reynolds
Mrs. Linda Schaffer

LEGAL COUNSEL PRESENT

Mr. Dale Wilson

APPROVAL OF THE MINUTES

Mr. Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of January 9, 2019. He asked if there were any comments or corrections? Mr. Reynolds made a motion to approve the minutes as written and Ms. Evans seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

AGENDA ITEMS

1. Request of VME Properties, LLC for a Conditional Use Permit. The Conditional Use Permit is to allow a townhouse development, at a maximum intensity of 8 dwelling units per acre, with an accessory swimming pool, clubhouse and parking. The approximate 7.8 acre site is located on the east side of Hopeful Church Road and the west side of Hopeful Road and is immediately to the north of 7015 Hopeful Road, south of 6767 Hopeful Road, and west of 6795, 6809, 6829, 6855 and 6897 Hopeful Road, Florence, KY and is zoned Suburban Residential Two (SR-2).

Mr. Pieper said the application was tabled last month. He asked for a motion and a second to bring the application from the table. Mrs. Schaffer made a motion to bring the application off the table and Ms. Evans seconded it. Mr. Pieper called for the vote and it carried unanimously.

Mr. Wilson said there was a meeting last month that took about 2.5 hours. At the end of it, Mrs. Schaffer made a motion to table the request so the applicant would have an opportunity to take the comments from the hearing and make the plan more compatible. The Board then voted to table the request to tonight (see page 10 of the 1/9/19 Florence Board of Adjustment meeting minutes). Unless the applicant objects, the meeting should start up from that point because the record from last month was just adopted with the approval of the meeting minutes.

Mr. Jeff Flaherty said he was the project engineer and was joined by the property owner, architect, legal counsel, and traffic engineer. He said he would start by going over some general themes. The project is subject to Conditional Use Permit from the Board of Adjustment versus being a use that is principally permitted by right. The Conditional Use allows the Board and the community to weigh in on the use, building materials, and

landscaping. The revised plans submitted tonight (see Exhibit 1) show reduced intensity, more green space, and a safer access point. They also show 61 townhouse dwelling units. He then read off the townhouse dwelling unit definition from Article 40 of the Boone County Zoning Regulations. The units are designed as single-family townhouses and will be individually deeded. The design aligns with the Boone County Comprehensive Plan, 2035 Future Land Use Map, and Boone County Zoning Regulations. The Zoning Regulations say that the purpose of the Suburban Residential Two (SR-2) zoning district is to provide a more compact but essentially single family residential environment. They believe a townhouse development is a text book fit. He knows some of the residents had concerns about this turning into an apartment development but the land isn't zoned for an apartment project.

Mr. Flaherty said he would now address the Board's concerns in more depth. One of the concerns was density. The 2035 Future Land Use Map designates the site for High Suburban Density Residential (HSD) uses. This future land use classification is defined as single-family and/or attached housing of up to eight dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development. The new plan shows that the number of units has been reduced from 63 to 61 units. The entrance has also been reconfigured to allow more green space and landscaping. He noted that a 64 unit townhouse development was approved on this property in 2001 but was never built. The revised plan also shows four pocket parks and enhanced landscaping along Hopeful Church Road, Hopeful Road, and the peninsula (panhandle). The parking lot that butted up to the peninsula has been removed and replaced with a pocket park.

They looked at three different access alternatives and shared them with Staff. The plan presented last month showed the access point aligned with Hope Trail. They have also analyzed other options to the north and south. The one that they are showing on the plan tonight is the northern option. They picked it because it gave them more green space and increased sight distance. Mr. Morgan said he had prepared a PowerPoint show of the three access alternatives and could go over them when Mr. Flaherty was finished with his presentation.

Mr. Flaherty said they know there was a concern with trash trucks and school busses turning around. By moving some buildings and modifying the detention basin they were able to fit in a cul-de-sac at the end of the driveway. They met with City of Florence Staff and Mr. Morgan after the last meeting to discuss the project and possible access to Hopeful Church Road. Since that time, the city has made no further progress with the Kentucky Transportation Cabinet than they did regarding a Hopeful Church Road access point. Another issue they looked into was an H.O.A. document. Loren Wolff, with Graydon, is here tonight and can speak to that issue.

Mrs. Schaffer asked for confirmation that the number of units was decreasing from 63 to 61? Mr. Flaherty said that was correct. She asked about building 9. They drawings show 7 units but the labels show 5 units. Mr. Flaherty said the building labels contain some typos but the development will only have 61 units. Mrs. Schaffer asked if any of the floor plans, elevations, or renderings had changed from the first meeting? Mr. Nodas Papadimas, with Synthesis Architecture, said the building exteriors and floor plans will remain the same. The buildings are two stories and each unit has a one car garage. The second floors have two

bathrooms and either two or three bedrooms. The two bedroom units have an open loft area. This is where the third bedroom would be located in the 3 bedroom units. The footprint and dimensions are identical.

Mrs. Schaffer asked how much parking was being provided? Mr. Flaherty referred to Sheet L-1.0 in the revised plans (see Exhibit 1). There are a total of 193 parking spaces (61 garage spaces, 61 driveway spaces, 66 parking spaces, and 5 handicapped spaces). She asked how many two and three bedroom units are proposed? He referred to a box on Sheet L-1.0. It shows 30 two bedroom units and 31 three bedroom units.

Mr. Morgan reviewed the PowerPoint show showing the three different access point alternatives that were discussed at the first meeting. He noted that the posted speed limit on the road is 20 miles per hour and that a lot of the scrub vegetation in the right-of-way would be cleared if the development is constructed. He likes the northern access point location that the applicant has selected because there would be ample sight distance and it reduces the potential for headlight glare impacts on adjoining. Mrs. Schaffer asked how far away the northern access point alternative is from the alternative that aligns with Hope Trail? Mr. Flaherty responded approximately 265 feet. Mrs. Schaffer asked how far way the intersection would be from the Colonial Heights access point? Mr. Morgan said he didn't have a dimension. He showed the PowerPoint slide showing the sight distance from the proposed intersection and pointed out the Colonial Heights entrance sign. He noted the sign is a considerable distance to the north. Mrs. Schaffer asked how far the access point is from the Dawson property line (adjoining property to north). Mr. Flaherty said it's approximately 65 feet. Mrs. Schaffer said she would defer the access issue to the Staff if the application is approved. One thought she had regarding the option that aligned with Hope Trail is the city could put in a four-way stop at that intersection if they felt like it was necessary. The stop sign would eliminate a lot of traffic issues. Mr. Morgan indicated that he and the Zoning Administrator went out to the site yesterday and looked at the three alternatives. They felt that the northern access point had the best sight distance. They also liked the southern option but it could cause headlight glare issues on some of the neighbors. Ms. Evans said she likes the idea of having the access point opposite Hope Trail and a stop sign being installed. Mr. Morgan said the City of Florence would have to be agreeable. Mrs. Schaffer said she thinks the plan is better but still has concerns about parking. There are 71 extra parking spaces but a lot of residents use would use them because these are two and three bedroom units.

Mr. Morgan asked if amenities, such as playgrounds, seating areas, etc., were being proposed in the pocket parks? Mr. Papadimas said the pocket parks would have amenities.

Ms. Begley said the plan shows that a lot of three bedrooms units are proposed. As a result, it's feasible that a lot of these units will have three people residing in them that drive. These residents will also have visitors. Where will these people park? Will spaces be reserved? Mr. Flaherty said that would be a question for the H.O.A. document. Ms. Evans said once they units are built the H.O.A. can't do anything about it. Mr. Flaherty replied they could certainly look into eliminating some of the green space and provide more parking.

Ms. Evans asked if the garages were one car garages and if the driveways had room for only one car? Mr. Flaherty said that was correct. Mr. Flaherty said they might be able to do some on street parking. Mr. Morgan said they would need a minimum of 28' (20' wide driveway aisle and 8' wide parallel stall). However, he is not seeing an area where they

could add parallel parking because it would block the driveways. Mr. Flaherty said they could look at reducing some of the pocket parks and convert them to parking areas. He added the development complies with the parking requirements found in the zoning regulations. Mrs. Schaffer asked if they could reduce the number of units to 55? This would eliminate a building and free up more land for parking. Mr. Papadimas said they need to stay at 61 units to make the project financially feasible. He said they are trying to balance the buildings, green space, and parking. They can look at adding extra parking. Ms. Begley said she would like to see extra parking added by buildings 6-9 because those buildings are further from the clubhouse and most of the extra parking. Mr. Flaherty said they can look at putting parking back in between buildings 7 and 9. The original plans showed parking in this area.

Mr. Morgan questioned how many pocket parks were necessary. He doesn't see the need for the four pocket parks. Mrs. Schaffer agreed. Ms. Begley said she wouldn't want to see more parking added between buildings 7 and 9 because of the proximity to the neighbors. Mr. Flaherty said he could look at adding parking between buildings 2 and 3 or buildings 1 and 2.

Ms. Evans said she has a problem with the units only having tandem parking (one garage space and one driveway space). With the number of three bedrooms that are being proposed someone will always be in the way. Mrs. Schaffer said that is a good point. That is why she asked where will people park? She feels there are too many units. Ms. Evans said regardless of the number of units there will be parking problems because people living in the same unit will block each other in and vehicles will constantly have to be moved. Mrs. Schaffer said she agrees. She thinks reducing the number of units would help because it would allow for extra parking to be provided. The extra parking spaces could be extra surface parking or driveways with side by side parking. Ms. Evans added that tandem driveways do not make sense to her.

Ms. Begley said the residents in building 2 would have the option to park at the clubhouse because they would still be close to their units. The residents at the other end of the development will not have this luxury. Ms. Evans said there could be a large number of residents that leave their driveways open and park in the extra parking spaces. Mrs. Schaffer said she thinks that more surface parking should be added near buildings 4-9 if they keep the tandem driveways. Ms. Evans said she isn't sure what the H.O.A. will allow. The parking spaces around the clubhouse will be valuable in the summertime and when someone has a party at the clubhouse.

Ms. Begley asked if they could address the preliminary H.O.A. document. Ms. Loren Wolff, with Graydon, said she lives in Covington and understands parking concerns. An H.O.A. is like a contract that is recorded into property records. The home owners could make the rules for themselves and they would be legally binding on subsequent owners. Those same owners could also amend the rules or abolish the H.O.A. She asked if anybody had any specific questions about the H.O.A.? Mr. Morgan asked if there would be any provisions for the number of people that could rent out their units after they bought them? Ms. Wolff said this really has to be a market driven decision. The Comprehensive Plan does talk about the need for rental units. The way they have the draft H.O.A. document right now is that the units are rentable. However, there are controls. The home owner must have permission from the H.O.A. and give them the lease. The H.O.A. has the ability to evict the tenants even if the home owner doesn't. Tenants would be required to follow the rules of

the H.O.A. Mr. Morgan said there was a lot of discussion last month about where garbage cans would be stored. He asked if this was addressed in the document? Ms. Wolff said there is a provision that only allow trash cans to be out on days that trash pickup is scheduled. All trash cans would have to be stored in garages. Mr. Morgan asked if there was a provision regarding disabled vehicles in the parking lots? Ms. Wolff said there would be. Ms. Evans asked who is responsible for the H.O.A. fee if a unit is rented? Ms. Wolff replied typically the owner. Mrs. Schaffer asked if the H.O.A. can be changed by the developer? Ms. Wolff said not once they are no longer an owner.

Ms. Evans asked how many phases the development would be constructed in? Mr. Pete Kontopos, with VME Properties, said the project will be financially and market driven. He isn't a big time developer. He doesn't know how many phases the project will be constructed in because he doesn't have final figures on how much the project will cost to build. Once he bids the project out and gets figures he will decide if the project should be built in 1, 2, or 3 phases. He hopes to construct it in 1 or 2 phases.

Ms. Begley said that safety has to be a factor in the H.O.A rules. People have to be able to park and trash trucks have to get in and turnaround. Ms. Wolff said that is why they are here tonight. The Board and Staff need to determine they are meeting the minimum safety and parking requirements. An H.O.A. is really just a bunch of people getting together and agreeing to have certain rules. It cannot change zoning requirements.

Ms. Evans asked if the H.O.A document would require all the H.O.A. Board members to live in the community? Ms. Wolff said they would be required to be a homeowner but would not have to live in the community.

Mr. Reynolds asked if three of the pocket parks could be eliminated and one larger park be created for everybody in the community to enjoy? He would like to see them add about 25 to 30 parking spaces. He asked where they would add that parking if that was done and how many parking spaces could be added? Mr. Flaherty said he thinks he could add that many parking spaces and create a larger pocket park. He will probably have to relocate some buildings and possibly add some units onto buildings.

Mr. Flaherty said tandem driveways are not uncommon in townhouse developments. Ms. Begley replied said she does not have a problem with the tandem driveways. Her problem is the lack of additional surface parking because 31 three bedroom units are proposed. People might start parking on Hope Trail if there isn't enough parking.

Ms. Begley asked if they started with 65 units and are now at 61 units? Mr. Morgan said the first plan that was submitted to him showed 65 units and he made the applicant aware they could not have that many based on the acreage and permitted building intensity. 63 townhouse units were presented at the hearing last month and they have now cut the number down to 61 units.

Ms. Evans asked what type of storage was being provided in the individual units? Mr. Papadimas said the 1 car garages are a little bit oversized and there would be some storage space in them. There is also some storage space in the units. The 2 bedroom units have an extra den that can be used for storage. He added that they can reduce the

number of three bedroom units in the development if that would help with the parking. They could have fifty (50) two bedrooms and eleven (11) three bedrooms.

Ms. Begley asked why 61 units was their magical number? Why couldn't a 58 unit or 55 unit development be proposed? A smaller development would allow for more parking to be provided. Mr. Papadimas said 61 units is the magic number for the owner to make the project viable.

Mrs. Schaffer said the garages appear to be 13' wide and 18 - 20' long from the drawings that were shown last month. She asked how big a typical car is? Mr. Morgan replied that a typical parking space is 18' x 9'. She said there would not be that much storage in the garages because you have to be able to open your car doors. She added that the livable area in the units was roughly 35' x 24' x 2 (floors). She asked if the units were roughly 1,680 square feet in area? Mr. Papadimas said he wanted to correct something he said earlier. The 4'-4" x 10' area shown on the back of the units (level 1) is a designated storage area. Most cars are also smaller than 18' x 9' so the garages will have some storage potential. The garage depth is 21' per the level one plan. He indicated that they can make additional storage areas on the second floor if needed. This would reduce the number of three bedrooms, add storage, and reduce parking. Mr. Morgan replied that he needs to know the specific number of units that are being proposed and if they are two or three bedroom units.

Mrs. Schaffer asked if there is an extra room upstairs? Mr. Papadimas replied the extra room in a two bedroom can be setup as den or storage area. She asked what would stop somebody from using it as a third bedroom? He replied they wouldn't meet building code because they wouldn't have doors, smoke detectors, or egress windows. Ms. Evans asked if the extra room would have a closet? Mr. Papadimas said it would not. Mrs. Schaffer said she believes some people would still treat it like a bedroom because it's upstairs. Mr. Morgan asked if the two bedrooms could just be made larger by eliminating the extra wall? Mr. Papadimas said that could be done but they would be enormous bedrooms.

Ms. Begley asked if there is an advantage to having two and three bedroom units in the same building or could they set them up exclusively as two bedroom buildings and three bedroom buildings? Mr. Papadimas said there isn't an advantage. They could be setup as two and three bedroom buildings. She said the majority of extra parking should be located near the three bedroom buildings. Mr. Flaherty said he liked that idea.

Mrs. Schaffer asked how many extra parking spaces were being added? Ms. Begley said she was thinking about 24. Mr. Reynold said the earlier conversation was adding 24 to 30 parking spaces in exchange for three of the pocket parks. Mrs. Schaffer asked for confirmation on the number of two bedrooms and three bedrooms that were now proposed. Mr. Flaherty responded fifty (50) two-bedrooms and eleven (11) three bedrooms. Mr. Morgan asked if the Board was looking for a minimum number of parking spaces to be added in exchange for the three pocket parks? He said he has heard different number mentioned and wants to be on the same page. Mrs. Schaffer said it depends on the total number of bedrooms that are proposed. Mr. Morgan said they would be adding to the extra 71 overflow/guest stalls because the 122 tandem stalls would not change. Ms. Begley said she would be okay if they added between 22 and 24 extra parking stalls. Mr. Reynolds said he isn't concerned with the tandem parking because he and his wife do it everyday. Mrs. Schaffer said the tandem parking is a concern for her because of the three bedroom units.

Mr. Reynolds asked if the parking pad could be widened for the three bedroom units? Mrs. Schaffer said it couldn't be widened. Ms. Begley said she would be okay if the extra guest parking was added.

Ms. Begley said she would like to hear from the Traffic Engineer. Mr. Matt Bogen, with Cardinal Engineering, said he would answer the Board's questions. Mr. Reynolds asked how many people he sees coming in and out of the development at peak times? Mr. Bogen said the trip generation is based on the number of dwelling units. For the AM peak hour there would be 28 trips (6 entering and 22 exiting) and for PM peak there would be 35 trips (23 entering and 12 exiting). Mr. Reynolds asked what is the impact of this development? Mr. Bogen said the initial Traffic Study that was started for Kentucky Transportation Cabinet only included traffic counts on Hopeful Church Road. The report was never finalized because the State said they would not permit access on Hopeful Church Road. They don't have count data on Hopeful Road. He believes the impact would be similar to Hopeful Trails Subdivision because the number of units are similar. Mr. Reynold asked about school bus traffic. Mr. Bogen said he would expect 1 to 2 school bus trips. Ms. Evans stated that three schools are listed in Mr. Ford's email. Mr. Morgan replied Mr. Ford's email references Yealey Elementary, Ockerman Middle, and Boone County High School. Mr. Bogen said he didn't know how the busses ran. Mr. Pieper said each school would have a separate bus. Ms. Begley said she thinks the trip generation numbers are low. Mr. Bogen said the Kentucky Transportation Cabinet does not require a full blown Traffic Study until there is 100 trips being generated in the peak hour. He added that this development is well below that. Ms. Begley said her concern is that this development can only use Hopeful Road for access and the street is already used by the nursing home, Hopeful Trails Subdivision, and other houses. She doesn't know how the trip generation numbers were prepared. Mr. Bogen replied that the trips are staggered. For example, people go to work at different times. Mr. Reynolds asked what are considered peak hours? Mr. Bogen said it varies case to case but the traffic data that was collected on Hopeful Church Road shows that the A.M. peak was from 8:00 - 9:00 and the P.M. peak was from 5:00 - 6:00. Ms. Evans asked what the counts were on Hopeful Church Road? Mr. Bogen said there were about 4,000 vehicles in the morning peak and 5,600 vehicles in the evening peak. Ms. Evans asked for clarification what the proposed development would generate? Mr. Bogen replied 28 trips for the A.M. peak and 35 trips for the P.M. peak. She said those numbers are less than half the units. He replied the average rate for this land use is 0.46 trips per unit based on the ITE Manual. Trip generation is not a perfect science. The ITE Manual has many land use codes and they take data sets by studying various developments across the country. They then come up with an algorithm to determine the number of trips coming in and out of a development based on that. Some of these algorithms are more reliable than others because they can study more data points for certain uses. Residential uses are pretty well defined. The ITE Manual is the standard publication that is used when traffic engineers are forecasting for a development.

Ms. Begley asked what are the anticipated price points for the two and three bedroom units? Mr. Flaherty responded the price points will be determined after the bids come back to construct the project. He approximated the units would be sold in the \$230,000 - \$250,000 range. Mr. Kontopos asked if they Board wanted rent or sales price? Mrs. Schaffer replied sales price. Mr. Flaherty said there are too many unknowns right now to determine sales price.

Ms. Evans asked if the applicant needed to get some settled and come back again? Mrs. Schaffer said she feels like they have tied a lot of things down.

Mr. Pieper asked how the projected traffic would impact what already exists? This is what he is concerned about and probably what the people that live in the area are concerned about. Mr. Bogen said one benefit of not having the access points aligned is that drivers will not be waiting on each other to turn in or out. Mr. Pieper said they also heard concerns about traffic congestion at the Cayton Connector/Hopeful Road intersection. Mr. Bogen said he would have to do a full study on that intersection to address the impacts of this development on it. Ms. Evans asked what it would take to get that information? Mr. Bogen said they would need to send someone out there with a counter. They could scale it back from the 12 hour count that was originally done to a peak hour count if everybody is agreeable. Mr. Reynolds asked if a traffic signal exists at that intersection? Mr. Morgan replied there is not.

Mrs. Schaffer asked where Staff was recommending the extra landscaping (Section 308 B. of the Subdivision Regulations)? Mr. Morgan said he originally recommended it in the Hopeful Church Road street frontage buffer. However, the applicant stated they would also be willing to do it in the Hopeful Road buffer. Mr. Flaherty said the revised plans that were submitted tonight show notes that the supplemental landscaping will be installed in both buffers (see Sheet L-1.0 in Exhibit 1). Mrs. Schaffer asked if existing trees would be considered? Mr. Morgan said he would need to see the final grading plan to see what trees were being preserved. Credit can be given for preserved vegetation. Mr. Schaffer asked what was being planted along the neighboring property lines (non street frontage areas)? Mr. Morgan referred to pages 2 and 3 of the Staff Report. The buildings will be setback 30' from the property lines and a 20' wide landscaping buffer (Buffer Yard B) is required. Buffer Yard B contains evergreen trees. Mrs. Schaffer asked where the Section 308 B. requirements were? He replied they were included in his Memo that was submitted into the record at the first meeting. Mrs. Schaffer asked if a berm was required with Section 308 B? Mr. Morgan replied it was an option. Mrs. Schaffer asked if Buffer Yard B was an adequate buffer to screen the neighbors in the non-street frontage buffers? Mr. Morgan said he believes it would be over time.

Mrs. Schaffer asked if Staff was okay with the building materials. Mr. Morgan said he would be okay if they would agree to his recommended building materials condition. He submitted a list of potential conditions into the record (see Exhibit 2).

Ms. Begley said she would like to see a Traffic Study for the 12 hour period. She does not know if counts for just the A.M. and P.M. peaks will be sufficient. Mrs. Schaffer said she wouldn't know how to address impacts. Mr. Morgan said that is something the Board needs to consider in approving or denying the Conditional Use Permit application. Mr. Reynolds asked if there have been any studies on Cayton Connector? Mr. Bogen said the City could have data. He isn't sure if they take regular counts. Ms. Begley said the counts are one thing and the ability to get in and out of there is another. Mr. Bogen said a full Traffic Impact Study would look at turning movement counts and look at levels of service and intersection delay at peak hours. Ms. Evans asked how often is a full traffic study done for a townhouse development? Mr. Bogen replied that it really depends on the location of the project. The state has a threshold of 100 trips during the peak hour. The State did require traffic studies for mid size to larger residential subdivisions and commercial and industrial developments. Ms. Begley said this is something they probably wouldn't be talking about if access was permitted to Hopeful Church Road. Ms. Evans asked if the state required traffic study for smaller residential projects? Mr. Bogen said they would typically ask for an abbreviated memo, which outlines the size of the development, number of units, and roadway conditions. Mr. Bogen said one way to look at traffic during the peak hours is by using a bell curve. There could be trips just outside the peak hours that wouldn't be included in the bell curve.

Mr. Pieper asked if anyone on the Board wanted to make a recommendation? Ms. Begley said she thinks they are closer but the items that were brought up tonight need to be addressed.

Mrs. Schaffer asked if the other Board members were okay with the traffic? Ms. Begley replied she wasn't. Mrs. Schaffer said the development will certainly add more traffic on Hopeful Road. Mr. Reynold said what will they be able to do about it once they see the results of the traffic counts? Mrs. Schaffer said they will need to look at the results and compare them to the Conditional Use Permit criteria that are listed in the Staff Report. Mr. Flaherty said he would like to remind everyone that there are principally permitted uses that can be put on this property without coming to a Board. A development with four and five bedroom houses would cause as much traffic and a traffic study would not be required.

Mr. Pieper said the applicant talked about changing the number of two and three bedroom units and adding parking. He would like to see those changes. Mr. Flaherty said they would be willing to agree to that as a condition now. Mr. Pieper said he would like to see a plan.

Ms. Evans asked if they would be further along with the projected sale prices when they met next month? Mr. Kontopos said they would be.

Mr. Pieper said it seems like the Board is leaning towards tabling the request and bringing it back again next month. Mr. Morgan said he has been keeping some notes and the applicant should bring back the following things if the application is tabled:

1. Traffic counts per Ms. Begley's request.

Mr. Bogen asked if that was a traffic count at Hopeful Road and Cayton Connector for the peak hours only? Mr. Pieper said that would be okay for him. Ms. Begley said she isn't sure if the 12 hour study should be done. She believes what he is saying about the bell curve is true and there could be a lot of trips right outside the peak times. Mr. Bogen suggested taking counts for 4 hour periods in the A.M. and P.M.

2. The plan needs to note amenities being required in the play area. Amenities would include seating, playgrounds, and supplemental landscaping.
3. One large pocket park would be acceptable so that more visitor parking can be provided.
4. All buildings shall be designed as three-bedroom buildings or two-bedroom buildings. The majority of the overflow parking shall be located by the three-bedroom buildings.
5. The development shall be permitted fifty (50) two-bedroom units and eleven (11) three-bedroom units.
6. 22-24 additional parking stalls shall be required in the development in exchange for the three pocket parks.

Ms. Begley said she thinks they also need to discuss the site access a little more. She would also like to see the H.O.A. document to be a little bit more defined. Mr. Morgan asked what specific elements she is looking for or if she is looking to condition certain

things? If conditions are added he would then have to take a look at the recorded H.O.A. document and make sure those specific things were included. He wants to make sure the applicant brings back the information the Board is looking for next month. Ms. Begley replied that she is looking for the bare minimum that is allowable. She lives in a H.O.A. community and they are not permitted to have certain types of fencing, detached sheds, and trash cans are only permitted out at certain times. She is wanting to see more of that type of information. Ms. Wolff asked Mr. Wilson if the Board can impose a condition that requires certain elements to be in a H.O.A. document? Mr. Wilson said the Board does not have the legal authority to enforce provisions of an H.O.A., private restrictions, or covenants because they are not public laws that zoning enforcement staff can enforce. The Board can ask to see the substance of an H.O.A. document when an applicant says the units will be owner occupied units. The H.O.A. document shows that this is likely to happen. Instead of getting into content, the Board can ask to see the H.O.A. document that will be enforced by the people that purchase in the development. Ms. Wolff said it is up to her client if he wants to share the draft document. Mr. Wilson agreed. She said H.O.A. documents vary greatly and there are a lot of standards regarding upkeep, garbage, etc., to make sure everybody keeps up a certain quality. Ms. Begley said they are not trying to dictate what the H.O.A. says. However, she heard a preliminary price point of \$220,000 - \$250,000 and wants to see the standards that will maintain the property values of the development and adjoining properties. She would like to see some general guidelines.

Mr. Pieper asked if they needed a motion to table the request again? Mr. Wilson said they did. Mr. Morgan said he would recommend tabling the request to 3/13/19, at 7:30 P.M. if the Board tables the request. He asked the applicant if that would be enough time to get the information that has been requested? Mr. Flaherty said it would be. He asked Staff to repeat the list of supplemental information that was being requested. Mr. Morgan repeated the list.

Ms. Evans asked if the revised entrance was okay? Mr. Morgan said the plan that was submitted tonight shows the northern entrance. He asked if everybody was okay with keeping it there? Mr. Pieper said it seems that everybody is in agreement.

Mr. Pieper made a motion to table the request to 3/13/19, at 7:30 P.M. Ms. Evans seconded the motion. Mr. Pieper called for the motion and it carried unanimously. Mr. Morgan added that there would not be any additional legal notice.

A gentleman in the audience asked if the public would be able to speak at the next meeting? Mr. Wilson said what this session has been is a continuation of the last meeting. The public spoke at the last meeting and gave their concerns. The Board then tabled the request to tonight. What went back and forth here was not a new presentation but the applicant and Board addressing the issues that were raised last month. The Board will have to make the decision to take additional testimony or not from the public after all the information is submitted.

The gentleman asked if he could speak now? Mr. Wilson replied the Board just voted to table the request to next month. The gentleman said the Board has done a great job but one thing they don't realize is that adding more parking spaces will add more traffic. Mr. Reynolds and Ms. Evans disagreed. Mr. Reynolds said the parking is being added to accommodate the housing that is proposed.

OTHER

No other matters were discussed.

ADJOURNMENT

Mr. Pieper asked for a motion to adjourn. Mr. Reynolds so moved and Ms. Evans seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 9:50 P.M.

APPROVED

Mr. Timothy Pieper, Chairman

Attest:

Todd K. Morgan
Senior Planner

Exhibits

1. Revised Plans
2. Potential Conditions list submitted by Staff