

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
OCTOBER 3, 2018
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's October 3, 2018 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Steve Harper
Mr. Rick Lunnemann
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd Morgan, AICP, Senior Planner
Mr. Michael Schwartz

Approval of the Minutes:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the September 5, 2018 Public Hearing and the September 19, 2018 Special Business Meeting. He asked if there were any comments or corrections? **Mr. Bunger moved to approve the Minutes as presented. Mr. Hicks seconded the motion and it carried unanimously.**

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between September 6, 2018 through October 3, 2018.

EXPENSES:

Accounting Fees	\$ 2,712.80
Attorney Fees	3,800.00
Auto Expense	84.22
Consultant/Professional Svcs Fees	3,412.50
Filing Fees (CLURs)	208.00
GIS Operations	1,000.00
Legal Ads/Recruitment	111.40
Miscellaneous Expense	269.44
Office & Board Meeting Supplies	1,192.68
Office Equipment/Expense	11,223.93
Postage Expense	1,173.70
Printing/Pub/Dues/Subscriptions	339.52
Professional Development	<u>1,690.00</u>

TOTAL: 26,678.19

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,621.26
Health / Dental / Life / LTD	13,247.45
Retirement - BCPC Portion	16,079.93
Salaries - Staff Expense	77,568.38
Salaries BCPC	1,000.00
Salaries BCBOA	140.00
Salaries WBOA	<u>140.00</u>

TOTAL \$113,797.02

GRAND TOTAL: \$140,475.21

Mr. McMillian moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Hicks seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Steve Turner, Chairman, Michael Schwartz, Staff

1. Request of **David M. Blair (applicant)** for **Blair Professional Center (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The request is for a Special Sign District in a Office One (O-1) District to allow an electronic message center on a monument sign.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Schwartz noted that the Committee voted to approve the request with Mr. Turner, Mr. Bungler, Mr. Patton and Mr. Lunnemann voting in favor of the request.

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

Seeing no further comments or questions, Chairman Rolfsen asked if there was a motion to act on the request? **Mr. Turner moved to approve the Zoning Map Amendment request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions. Mr. Patton seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT AND VARIANCE - Kim Patton, Chairman, Todd Morgan, Staff

2. Request of **Drees Company - Matt Mains (applicant)** for **Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Three (SR-3), and a Variance, for a 44.7277 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north, south, and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including the tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow attached residential condominiums and a Variance from Section 3645 "Buffer Yards" of the Boone County Zoning Regulations to allow the required perimeter landscape areas to be reduced from Buffer Yard C to Buffer Yard B.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Morgan noted that the

Committee voted 3-2 to approve the request with Mr. Patton, Mr. Turner and Mr. Lunnemann voting in favor of the request and Mr. Breetz and Mr. Bunger voting against the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request with a five minute time limit for each side?

Mr. Dale Wilson stated that comments made are not part of another Public Hearing. Comments should address the Committee Report. There should be nothing new.

Mr. Matt Mains, The Drees Company, stated that the site was rezoned from RS to SR-1 for 112 single family lots. While the approved plan met the density requirements for the Comprehensive Plan, it also required grading the entire site. This is not only expensive, but it also goes against the spirit of the Comprehensive Plan in matching the development with the existing landscape in an environmentally sensitive manner. For that reason, the existing zoning is inappropriate. That is why the site hasn't been developed in the last 14 years. Since then, there has been a demographic shift - a demand for a variety of housing types outside of the traditional single family detached home. Boone County's population is becoming increasingly older. This has an impact on housing demands with empty nesters moving out of high maintenance lots into condominiums and landominiums. Drees has seen an increase in these types of homes. There is a buyer looking for a maintenance free lifestyle. Availability of this type of product is very limited. The change in zoning is justified based upon these trends. Empty nesters and single adults are interested in their types of homes. It is maintenance free housing - they no longer have to mow lawns and shovel snow. The proposed project is at 3.64 dwellings per acre, which is under the 4.0 maximum. Over 57% of the open space will be maintained by the HOA and 40% of the site will be undisturbed. Drees will preserve the large tree stands and they are withdrawing the variance request. The traffic report supports a small increase in traffic over the approved plan. Cutting through Cardinal Cove Subdivision will be avoided as the connection will only allow emergency access. Home values will be similar or higher than adjacent homes. There will be an enhanced sidewalk connection to North Bend Road. Finally, the type of housing will offer a variety of the commercial and industrial core of the area.

Mr. Mark Nichols, 1529 Jolee Drive, referred to KRS 100.213 and noted that Drees addressed a portion of Part A and Part B. Drees addressed that the existing zoning is inappropriate but did not address the issue that the proposed zoning is appropriate. He also referred to the intent of the SR-3 zoning district. The area is not urban. It is either rural or suburban residential. There are no exceptions. Old North Bend Road was designed and built to serve the rural and agricultural area. There is no transition of housing densities in the area - rural for Parlor Grove Subdivision and Suburban Residential for Cardinal Cove Subdivision.

Mr. Justin Steinhard, 2283 Britt Drive, stated that nobody present at the meeting wants the project to be built. Over 150 members of the community have put in time and taxes to build their houses. They don't want the project. Only 4 people are in favor of the proposition only because they have a financial interest. They control the need and the prices of housing.

Ms. Barbara Jacobson, 2346 Grandin Court, stated that everyone in the meeting room are Boone County residents and those in favor live in Kenton and Campbell Counties. The Planning Commission represents Boone County. Safety is the issue and one can wait until there is a death when someone tries to cross KY 237. This is a sham. It is tiring to see the neighborhood saturated with development. People couldn't get to the meeting tonight because of traffic. Many new homes have been previously approved for the area.

Chairman Rolfsen asked if there was a motion to take action on the request. Mr. Patton moved to approve the request Resolution to the Boone County Fiscal Court based upon the Committee Report subject to the Findings of Fact and Conditions. Mr. Hicks seconded the Motion.

Chairman Rolfsen asked if there were any questions or comments from the Board?

Mr. Bunger explained that he voted against the request at the Committee meeting for a variety of reasons. First, he felt that the type of housing is in demand but should not be the motivating factor to approving the request or land use. Second, the site is surrounded by RSE, PF and SR-1 zoning. Third, the Future Land Use Map designates the site as Suburban Residential and the site is surrounded by single family detached residences. The request doesn't meet the criteria for a zone change. Old North Bend Road is narrow and is inadequate for the number of residences proposed on the site. The SR-3 zoning is located in a more urban setting where transportation and bus services are appropriate as noted in the Comprehensive Plan. There are no significant changes either physical, economical or social that would be a basis to change the zoning of the property. He stated that he would be voting no on the project.

Mr. Breetz stated that he voted against the request at the Committee Meeting for the same reasons Mr. Bunger just mentioned. It doesn't meet the criteria especially changes in the area. The Planning Commission would just be adding more homes to the problem. It was done earlier. Part of North Bend Road is currently being rebuilt. The County just updated its Transportation Plan and counted the number of homes for the future. Adding more homes will just compound the problem. The developer wants to add 47% more homes to the site. Multi-story housing for seniors doesn't make sense. It is ironic that the original street connection from Cardinal Way to the site was recommended to be closed because of the expected amount of traffic from the proposed development. It goes against what we agreed upon for having connecting subdivisions. He is not in favor of the request.

Mr. Patton voted in favor of the request at the Committee Meeting because 13 years ago the Planning Commission approved the plan but required the developer to wait until KY 237 was improved. Boone County also experienced an economic decline. Since then, the Planning Commission approved projects in the area and no transportation related restrictions on them. Tying the road improvements on the property for a second time is a "taking". It is single family and the Comprehensive Plan calls for a mix of housing and developing a site sensitively. The request is more environmentally sensitive than what has been approved. The housing will help people who want to downsize and by eliminating the variance, it will help buffer the development from its neighbors.

Mr. Breetz also reaffirmed that the County Engineer didn't want the street connection based upon the proposed use.

Mrs. Heilman stated that there are rules of decorum at public meetings. At the Public Hearing, residents mocked the Chairman and questioned Board ethics. Someone said that this was a sham. She doesn't agree with that statement. The Planning Commission represents a diverse, cross section of the county and represents everyone's interest. Requests are made in many geographic areas and the standards are applied uniformly. She admitted that she drove the street and agreed with Mr. Bunger. The infrastructure is inadequate and changes in the area work against the request. The process doesn't have to be adversarial. Some comments really impact the public's case when one criticizes people on a personal level. She explained that everyone will

see past the personal insults and vote on the merits of the project and the law. She doesn't think the applicant has met the requirements of KRS Chapter 100. Overall, the density of the proposed project may not seem high but if you take away the amount of open space, the density is much higher. More dwelling units are being proposed than what is allowed or permitted per the previously approved by the Planning Commission. For those reasons, she cannot support the project and agreed with Mr. Bunger's comments.

Mr. McMillian stated that anytime someone owns a piece of property, one may like to change the zoning, if they can. Everyone bought a house in Boone County and the people already living there didn't want new people. We hear this all the time. He is against the request for one reason - access management. There is only one way in and out of the site. It seems like with all the people living in the area, they need more than one entrance to the proposed development in case something happens. They put 2 doors on school buses so there is more than one way to get out.

Mr. Hicks asked if the gate requirement were changed would Mr. McMillian be in favor of the request? Mr. McMillian replied that he would consider the request in a better fashion.

Mr. Bunger stated that he is 1 of 15 Commissioners. Each Commissioner is here to evaluate proposals that come before the Board and make a decision individually based upon all the information they may have at the time for what is best for Boone County. What is best for Boone County often affects more than the residents. There is a standard of respect for people in the audience and it should be mutual to the Board and the developer. The builder/developer has been courteous in this process.

Chairman Rolfsen stated that he has served in Boone County law enforcement for 29 years and has been living in Boone County all of his life. The Planning Commission is a group of volunteers who act for the benefit of Boone County. Until the I-275/Graves Road Interchange is completed as a way to relieve some of the traffic in the area, how can we inconvenience the existing residents living in the area? We don't know when that interchange will be completed. Even phasing the project won't work. One access in and one access out will not work. He noted that he will vote no on the request.

Seeing no further discussion, Chairman Rolfsen asked for a vote on the original motion for approval made by Mr. Patton and seconded by Mr. Hicks. The motion found Mr. Hicks, Mrs. Kegley, Mr. Patton and Mr. Turner (4) in favor of the request and Mr. Breetz, Mr. Bunger, Mrs. Heilman, Mr. McMillian, Mr. Rolfsen, Mr. Shipe and Mr. Vaught (7) against the request. The motion to approve the request was denied by a vote of 7-4.

At this time, Chairman Rolfsen asked the Staff to read the "Findings of Fact for Denial". Mr. Costello distributed the "Findings of Fact for Denial" to the Planning Commission members. Mr. Morgan read the "Findings of Fact for Denial" (see Exhibit A).

Chairman Rolfsen asked if there was a motion to take action? Mr. Bunger moved to deny the request by Resolution to the Boone County Fiscal Court based upon the "Findings of Fact for Denial" as presented by Staff. Mr. Breetz seconded the motion. The motion found Mr. Breetz, Mr. Bunger, Mrs. Heilman, Mr. McMillian, Mr. Rolfsen, Mr. Shipe and Mr. Vaught in favor of the denial and Mr. Hicks, Mrs. Kegley, Mr. Patton and Mr. Turner voting against the denial of the request. The motion to deny the request was approved or passed by a vote of 7-4.

Chairman Rolfsen announced that the Planning Commission's recommendation will be forwarded to the Boone County Fiscal Court for final action.

TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Kevin Wall, Staff

3. Logistics Three - Doering Drive and Ted Bushelman Boulevard

Staff Member, Kevin Wall, referred to a PowerPoint presentation. The request is a Design Review application for a new building. The site is at the intersection of Ted Bushelman Boulevard and Doering Drive. The next door neighbor is Walmart. It is an approximate 70,000 square foot facility for GE. It is a precast building with an entry feature at the corner facing the intersection. Mr. Wall showed elevations of the proposed building. It has different patterns and colors. It will have a brick knee wall on the bottom and top of the building. Mr. Wall stated that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval with one change or condition. The condition is that the rectangular units on the large walls be 4 feet in height instead of 6 feet for articulation purposes.

Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation and subject to the condition as stated by Mr. Wall. Mr. Hicks seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Todd Morgan, Staff

4. Union Food Mart - 2003 Hathaway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The Union Food Mart is located at the intersection of Old Union Road and Hathaway Road (KY 536). The site is part of the Union Town Plan. It is zoned Union Town Center (UTC) and subject to a Design Review process since the applicant would like to change the color of the building. Mr. Morgan showed a photograph of the existing building. The applicant would like to paint the roof facade from green to blue. It will be a Sunoco fuel station. The owner has already obtained a sign permit for a new sign. The bottom of the building will be repainted gray. The Technical/Design Review Committee met prior to the Business Meeting and recommended approval subject to one condition. The condition involves painting the canopy blue and the building gray at the same time.

Mrs. Heilman stated that the paint color change was a lateral change and moved to approve the request based upon the Technical/Design Review Committee recommendation and subject to the condition as stated by Mr. Morgan. Mr. Hicks seconded the motion and it passed unanimously.

New Business:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

5. Request of **David L. Schank Companies (applicant)** for **G. Sharpco Inc. (owner)** for a Change in an Approved Concept Development Plan in Commercial Two (C-2) and Office Two (O-2) zones for a 6.254 acre site located to the south and east of the property at 2355 Burlington Pike (Gold Star Chili), east of the property at 6159 First Financial Drive, west of the properties at 6100 First Financial Drive (Forcht Bank) and 6201 Camsey Drive, and north of the properties at 6030, 6036, 6042, 6048, 6054, 6060, and 6066 Kingsgate Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit retail, restaurant, commercial, and office uses.

Mr. Hicks moved to schedule a Public Hearing for item #5 listed above on November 7, 2018 at 7:30 p.m. Mr. Patton seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, Executive Director, officially introduced Michael Schwartz. He referred to his memorandum dated September 27, 2018. In the memorandum, it is recommended that the Planning Commission consider hiring Michael D. Schwartz as a planner full-time effective October 8, 2018. Mr. Schwartz has worked for the Planning Commission since May on a part-time basis. His resume is enclosed.

Mr. Hicks moved to hire or appoint Mr. Michael D. Schwartz as a planner effective October 8, 2018 based upon Mr. Costello's September 27, 2018 memorandum. Mr. Bunger seconded the motion and it passed unanimously.

COMMITTEE REPORTS:

AIRPORT: Mr. Bessler
No Report

ADMINISTRATIVE/PERSONNEL: Mr. Turner
No Report

ENFORCEMENT: Mr. Bunger
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke
No Report

TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

EXECUTIVE: Mr. Rolfsen
No Report

CHAIRMAN: Mr. Rolfsen
No Report

OKI: Mr. Breetz
No Report

OTHER:

There being no further business to come before the Planning Commission, Mr. Hicks moved to adjourn the meeting. Mr. Patton seconded the motion. The meeting was adjourned by unanimous consent at 8:12 p.m.

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A - "Findings of Fact for Denial" - Drees Company/Aylor/Godsey/Akin & Miller