

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
APRIL 1, 2015
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Ms. Lori Heilman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley

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

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **BRG Realty Group, LLC (applicant)** for **Commonwealth Bank & Trust Company (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 a multi-family residential development.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 9.7 acre tract is located at Weaver Road and Evergreen Drive. It is also located across the street from the signalized Saddlebrook Lane intersection and in the city limits of Florence. A Concept Development Plan was submitted with the request. The request is to rezone the property from Commercial Two (C-2) to Urban Residential Two (UR-2) to allow 9 apartment buildings and 172 units. Building #8 also has a clubhouse with apartments above it. The plan shows 48 one-bedroom apartments and 124 two-bedroom units. The overall density of the project is 17.71 dwelling units per acre and includes 7 parking garages. The site has 331 parking spaces, which includes the garage spaces. Primary access will be through an existing signalized intersection off Weaver Road. It will include a designated left turn lane. Improvements to Weaver Road are included with a left turn lane. A secondary access off Evergreen Drive will be utilized. Another access will be shared with the Farm Bureau building. Mr. Morgan showed elevations of the proposed buildings. The buildings will be 3 stories in height. Building materials will be vinyl, brick and stone veneer. Shake shingles will also be installed. Mr. Morgan gave an overview of the site's history. The site was rezoned to commercial in 1988. The 1988 plan showed a 60,000 square foot commercial strip center, a 4,500 square foot office building (Farm Bureau) and a future 4,250 square foot bank. There was also a 2 acre outlot located across from Evergreen Drive. In 2007, Noll Properties submitted a request for a Change in Concept Development Plan for the commercial area. It allowed for up to 11,500 square feet of commercial/retail space, up to 60,000 square feet of office, a 6,010 square foot day care facility and up to a 5,000 square foot corner commercial use along with several road improvements. Conditions required improvements to be made to Evergreen Drive and Weaver Road. The road network and utilities were installed on the site. In 2014, there was a Zone Change request from Commercial Two (C-2) to Urban Residential One (UR-1) to allow 84 two bedroom apartments (8.65 dwelling units per acre). The Planning Commission recommended approval to the City of Florence but the applicant eventually withdrew the request. The primary reason why the request was withdrawn was the fact that the City wanted the applicant to relocate the main entrance to align with the Saddlebrook Lane signalized intersection. Mr. Morgan showed photographs of the previous building elevations. Mr. Morgan described the surrounding land uses and zoning, which included single-family and multi-family uses. He showed photographs of the site and surrounding area. Mr. Morgan stated that the subject site is forecasted for Commercial uses in the Boone County Comprehensive Plan's Land Use Element. Other references to the Comprehensive Plan are identified in the Staff Report.

In terms of Staff Comments, Mr. Morgan referred to the bottom of page 7 in the Staff Report. Action on a Zoning Map Amendment requires findings as noted in Section 308 of the Zoning Regulations. He noted that the applicant submitted a letter indicating why the current zoning of the property, Commercial Two (C-2), is inappropriate. Mr. Morgan explained that he prepared a building intensity chart. Below are the building intensities.

1. Ascot Glen (proposed development) - 17.71 dwelling units/acre
2. Weaver Farms - 11.36 dwelling units/acre
3. Trails of Saddlebrook - 9.82 dwelling units/acre
4. Trellises - 15.88 dwelling units/acre

Mr. Morgan noted that a Traffic Study was submitted with the request. The entire document is part of the record. Portions of it are included in the Staff Report - introductions, trip generation figures and the findings/conclusions. The study provides turning movement counts for the three intersections during AM and PM peak hours and trip generation forecasts for the proposed apartment complex and the previously approved retail/commercial/office development. A comparison table indicates that trip generation for the proposed apartment complex will be significantly lower (41% less for the AM peak and 46% less for the PM peak) than the retail/commercial/office development.

The Study recommends the following improvements at the intersection of Weaver Road, Saddlebrook Lane, and the proposed access drive.

1. An exclusive left turn lane for westbound traffic on Weaver Road that is turning south into the development. The turn lane should be 150 long, not including the taper.
2. The northbound approach on the proposed access drive should be constructed to provide an exclusive left turn lane and a lane shared for through traffic and right turns.
3. The existing traffic signal should be modified with a signal head for the northbound approach. Also, the traffic signal head for the westbound approach may have to be adjusted or replaced.
4. Pavement markings and signage within the limits of the project.

The applicant submitted a letter explaining that they will be seeking a landscaping Waiver from the Zoning Administrator if the Zoning Map Amendment application is approved. The Waiver would allow a modified Buffer Yard C to be installed along a 490' property line, which adjoins the Browning, Gauspohl, Pommer, and Kentucky Farm Bureau properties. If approved, the Waiver would allow the majority of the required evergreen and deciduous trees to be relocated to the other side of the development driveway because there are overhead utility and water main easements in the buffer area (see attachment).

Mr. Morgan explained that the Boone County Zoning Regulations require 320 parking spaces in the development (2 spaces per two bedroom unit and 1.5 spaces per 1 bedroom unit). The plans show 331 spaces. A note on the plans indicates that all lighting will be placed on the proposed buildings and will not cause glare issues on adjacent residential properties. Staff received emails from Kentucky Transportation Cabinet, Boone County Public Works, Boone County Schools, and Florence Fire Department regarding the request. The emails are attached to the Staff Report. The Boone County Public Works Department had no issue with the development but would like the applicant to verify the cross drain at Evergreen Drive is functioning properly. Boone County Schools had no issue with the project moving forward as presented. The Florence Fire District indicated that they wanted a vehicle turn around near Building #6. The Kentucky Transportation Cabinet is requiring the left turn lane

taper be extended to be 340 feet in length and is recommending a right turn dedication lane be provided on Weaver Road.

Staff would like the applicant to address the following questions:

1. Can a right turn deceleration lane be added on Weaver Road at the main entrance?
2. Can the exclusive left turn lane at the outbound approach be lengthened to allow one or two more vehicles to stack?
3. Can the vinyl siding on the apartment building be replaced with Hardieplank lap siding?
4. Is the shake siding proposed on the buildings a vinyl product?
5. The trash compactor plans are not consistent. Sheet L-5 shows the sides and rear will be constructed with CMU and Sheet L-7 shows they will be constructed with cultured stone. Which plan is being proposed? Is the cultured stone veneer the same product that is being used on the apartment buildings?
6. The garage/mail kiosk plans on Sheets L-4 and A-8.1 are not consistent. Sheet L-4 shows they will be constructed with vinyl siding and Sheet A-8.1 shows they will be constructed with stucco and cultured stone. Which plan is being proposed? Staff recommends that all the garage/mail kiosk buildings be consistent and contain large percentages of brick or stone which correlate to the apartment buildings. Two of the garages will be highly visible from Weaver Road.
7. What hours will the pool be open?
8. Has Duke Energy approved the landscaping and fencing that is shown in their utility easements?

Mr. Morgan concluded his presentation by stating that the Planning Commission and the City of Florence need to evaluate the request in terms of criteria identified Article 3 of the Boone County Zoning Regulations. Mr. Morgan noted that the Planning Commission received a letter from Marcia Geier in opposition to the project (see Exhibit A).

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

Mr. Joe Thomas, Metro Development of Central Ohio, explained that the proposed project is a joint venture with BRG Realty. The site is good since it already has underground utilities and street structure. The submitted plan represents a layout around the existing streets and utilities. They are able to use 90% of the existing infrastructure. The site will include a 4,500 square foot clubhouse. There will be a movie theater, exercise facility, office/business area and a gaming room. Directly behind the clubhouse is a large resort style pool as well as a firepit, barbecue grills, lounge areas and a large open space area. There are 4 units above the clubhouse and 12 units adjacent to the clubhouse on either side. Each other building has 24 units with a mixture of 1-2 bedroom units (680-1,030 square feet in size). The average monthly rent will be from

\$825.00 - \$1,050.00. A typical renter is a young professional and the development will have approximately 1.5 persons per unit.

Mr. Thomas stated that his Company will install a right turn deceleration lane and extend the left turning lane taper on Weaver Road. They will look at changing the vinyl siding with the hardie plank siding. The shake siding is a vinyl product. They will make the trash compactor plans consistent. The hours for the pool will be 10:00 a.m. to 8:00 p.m. When final engineering of the site has been completed, they will seek approval from Duke Energy to put landscaping in the utility easement. Mr. Thomas indicated that they met with the City Staff, Planning Commission Staff and neighbors surrounding the property. It was a good meeting. They have committed to installing a sidewalk along Weaver Road.

Mr. Andy Gianella, BRG Realty, stated that they own and manage just under 7,000 apartment units including about 700 units in Florence. The units in Florence are older workforce type housing. BRG Realty is a buy and hold company. They try to provide safe, clean and affordable housing. BRG Realty has purchased two developments from Metro Development in Columbus, Ohio. They have another one under contract. Metro Development has built over 30,000 units in Central Ohio. Mr. Gianella stated that the proposed project will not be subsidized or Section 8 housing. Their current portfolio has about 5% Section 8 housing. In terms of density, he offered to make the recommended improvements to Weaver Road. In order to do these improvements, a 12 inch water line must be relocated to accommodate the road improvements and install a sidewalk. Mr. Gianella stated that Metro Development will build the project and BRG Realty will own it. He stated that BRG Realty owns Crown Court, Wentworth Estates, Oakwood Apartments and Florence Apartments.

Mr. Joe Kramer, Cardinal Engineering, stated that they will commit to the road improvements as stated by the Kentucky Transportation Cabinet. The applicant is working with City officials regarding the relocation of the 12 inch water line. He offered to examine the cross drain on Evergreen Drive to make sure it is functioning properly. He will meet with Florence Fire officials to examine the turning radius for large fire trucks.

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

Mr. Rodney Foltz, 928 Sunnybrook Drive, stated that Weaver Road is a mess. There were 3 fatalities and a lot of accidents. BRG Realty owns several lower income apartment developments. They are not well maintained. What happens if the new apartments don't get rented? Then, the owner begins to fill the units with anyone. They don't want a vacant building. The connection to Evergreen Drive leads to a lane and half road (Sunnybrook Drive). Traffic is extremely bad in this area. More traffic will use this route. The setting is country-like, with larger lots and acreage. The proposed use doesn't fit the location or the surrounding uses. He stated that he doesn't want the project to happen.

Mrs. Laurie Walton, 784 Grace Drive, submitted a letter (see Exhibit B) opposing the request. She noted that the Planning Commission previously determined that a more neighborly commercial development is most desirable for the site. The C-2 zoning has already been endorsed by previous County Master planning efforts. It was expected to be a good transition with brick buildings, office space, a day care facility and a neighborhood restaurant. The

concerns mentioned are no way directed towards Metro Development or the BRG Realty groups. Both groups are transparent and communicative. The proposed project not only affects Eagle's Landing Subdivision and other adjoining properties, but also all of us that call Boone County home. The effects of this decision will not only be felt in the short term but also in the years to come. The Planning Commission should consider 3 questions: 1.) If this development would be proposed in your neighborhood, what would be your concerns?, 2.) What are the value added properties of this proposal? What value does it bring to Boone County's standard of living? What does it bring to our schools? What value does it bring to our neighborhoods?, and 3.) What are the long term effects to Boone County, Florence and specifically the Weaver Road neighborhood, should the project be approved.

Mr. Earl Litton, 775 Grace Drove, stated that he has lived at his house for 28 years. In terms of safety, one must look at infrastructure and present road conditions. One of government's responsibilities is to keep citizens safe. Weaver Road is one of the most crash prone minor highways in Northern Kentucky. With Gateway College and Brighton Center, traffic has increased creating more congestion. There have been 208 accidents on Weaver Road from 2009 to March, 2015, including 33 involving injuries. Two children and one adult were killed on Weaver Road a few weeks ago. Mr. Litton showed photographs of the existing Weaver Road. There are no paved walkways or sidewalks. There are 2.2 wrecks per week on Weaver Road. It is hard to image more traffic from the proposed project on Weaver Road. The Fire/EMS service tries to navigate through the U.S. 42 intersection. Residents from the existing apartments often walk along Weaver Road with no sidewalks. Weaver Road and Evergreen Drive needs sidewalks, stop lights and traffic turning lanes. The 55 mph speed limit on Weaver Road should be reduced to 35 mph after the Farm Bureau office. There are potholes and erosion on Weaver Road. There is a funded transportation improvement to Weaver Road but it only involves the intersection. Bids for this project won't happen to 2016. Nothing has been offered to improve Weaver Road. He encouraged Boone County and Florence to initiate improvements to Weaver Road. The existing problems need to be corrected first before allowing more people and cars.

Mr. David Gausepohl, 8930 Evergreen Drive, expressed a concern about the density of the project. It is the highest in the region. If approved, there would be 964 apartments on Weaver Road. The project will generate approximately \$2 million per year but only will be taxed on the value of the property. There is no tax on the rental. It is not an on-going entity of commercial businesses with a variety of business taxes. Would the property taxes alone lower the cost of providing public services to the site? What are the occupancy rates of the other apartment complexes that the applicant owns? Is there a real need for these apartments? There will be a lot of people living close to the single family residences. What about pool noise? What about tents for parties? What about lighting being directed towards the development versus neighbors? Will the berms that screen Weaver Road go away? Who will maintain the sidewalks?

Ms. Lauren Krebs, 8912 Evergreen Drive, stated that the proposed project would be in their side and rear yards. When she bought the parcel, she thought the site would develop as commercial. A six foot fence will not provide enough privacy even with planned landscaping. It will affect their property.

Mt. Bill Boyle, 788 Grace Drive, stated that he owns 2 parcels on Evergreen Drive directly across the development. Why would it be important enough to change the zoning when it was agreed upon years ago and it is not consistent with the Comprehensive Plan? The Weaver

Road corridor already has 3 major apartment complexes whose density places a burden on the infrastructure and safety in the area. The Boone County Comprehensive Plan has the parcel in question designated for commercial use. The County has developed in a manner that is conducive to the needs of the residents. The commercial zoning was put there to serve the existing and future residents. It was not intended to be an apartment complex. The neighbors in the area were contacted previously and supported Noll Builders in their effort to develop the site as commercial. Mr. Boyle requested that the Planning Commission not approve the Zone Change application and simply keep the site commercial based upon the Comprehensive Plan.

Mr. Jeff March, CEO of BRG Realty, stated that they are local owners and operators. They have owned properties in Florence for over 20 years. They are in better shape today than 20 years ago. BRG Realty stated that buying existing properties has evolved into a business. They own 30 communities throughout the tri-state, a couple in Columbus and one in Louisville. In his experience, they have only sold 2 assets in 25 years. His company is financially sound with substantial reserves allocated to improving properties. Mr. March stated that he agreed with the neighbors about traffic whether it means a right turn onto Evergreen Drive or a reduced speed limit because they would also live in the neighborhood. The traffic counts would be higher if the commercial zoning stayed in place. The proposed project would consist of 258 residents or 1.5 persons per unit. The project is \$14 million and it is good for the local economy. The development will have 5 full-time people paying a payroll tax and a tax on the LLC. They pay a lot of taxes in Florence. From an operational standpoint, they perform background checks in all of their communities. The income level for the projected renter will be \$40,000 - \$70,000 a year.

Ms. Shelley Foltz, 940 Sunnybrook Drive, stated that she is retired and enjoys her quiet and peaceful neighborhood. It is a country setting and she loves it. If the project is approved, how long of a time period will the development take to complete including the sidewalks on Weaver Road and Evergreen Drive? Where will the sidewalks be located? Will there be another traffic signal at Evergreen Drive and Weaver Road?

Mr. Rodney Foltz asked why the applicant didn't meet with all of the neighbors and not just some of them? It seems like it was only the people who lived in the immediate area. The project is affecting people further out.

Mr. Greg Isaacs, 9212 Kelley Louise Drive, stated that with the proposed development it may cause an increase in cut through traffic from Evergreen Drive to Sunnybrook Drive. It is a back access to the Kroger store. If you don't live in the neighborhood, you won't pay attention to the posted speed limit. If the property stayed commercial, most traffic will enter and exit at the same location.

Mr. Bill Boyle stated that something has to be done with Weaver Road regardless of the proposed development. There needs to be a right turn lane off Weaver Road at Evergreen Drive. There also needs to be sidewalks on Weaver Road. Residents from these communities are walking up to U.S. 42 to shop. The proposed sidewalk from the development needs to be continued to U.S. 42.

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

Mr. Hicks stated that the apartments create new traffic versus the commercial zoning that captures traffic. If you build a new apartment, you are bringing new people to the area.

Mr. Ford asked what is the plan for sidewalks for the proposed development? Mr. Morgan responded that the Concept Development Plan shows a sidewalk on Weaver Road and on Evergreen Drive. It doesn't connect to anything.

Chairman Rolfsen asked if the connection to Evergreen Drive was critical to the developer since there are two other ways to get out of the development? Mr. Morgan replied that he wanted to consult with the Florence Fire Department before rendering an opinion.

Mr. Patton asked how much commercial was located southeast of the site? Mr. Morgan responded that he would provide that information at the Committee Meeting.

Mr. Turner asked if it would be appropriate to have a gate on the Evergreen Drive access? It could only be accessed by the fire department.

Mr. Andrew Gianella stated that they are willing to have a gated access off Evergreen Drive. He noted that it would be an 8-12 month construction period with a potential start date in the Fall of 2015 and completion by the Summer of 2016. The only access to the pool area is through the clubhouse.

Mr. Reynolds asked the applicant to describe their plans for the area where the overhead utility is located. Mr. Thomas replied that the existing overhead utility line prevents them from increasing the size of the berm and trees. There will be a 6 foot high privacy fence with a shadow box design and an additional buffer. The finished grade itself is below Weaver Road and the residences. There is an existing berm located in the area. No shade trees can be planted in the area but evergreen shrubs might be able to be planted. Mr. Thomas also stated they can install a guardrail and a sign at the end of a sidewalk to prevent trespassing.

Mr. Schwenke asked if there were any future improvements planned for Weaver Road? Mr. Costello responded that the County has been talking with the Kentucky Transportation Cabinet about sidewalks. There is a planned sidewalk improvement at the U.S. 42 intersection. It will be installed from U.S. 42 to the Weaver Farms development. The remaining area will require grant funding that the County, City of Florence or the State may pursue in the future. Weaver Road was built in 1989 and it primarily served Northern Kentucky Industrial Park at the time it was built. The design of the road is rural, unlike Hopeful Church Road and Houston Road. The bridge over I-75 limits the expansion of Weaver Road.

Mr. Longano asked about the lengths of the apartment lease and renewal provisions? Mr. Gianella replied that the typical lease length is one year and they occasionally do a 6 month lease or a 2 year lease.

Chairman Rolfsen asked if the occupancy level dropped, would they allow subsidize housing? Mr. Gianella responded as long as it is lawful, they would record a covenant on the ground that is in favor of the adjacent property owners. They are a long-term owner and have never defaulted on a loan. They make sure they are in a good financial position.

Chairman Rolfsen inquired about BRG Realty's occupancy rate? Mr. Gianella replied they are just over 92% occupancy with over 7,000 units.

Mr. Breetz asked if the applicant had any recreational amenities included in the design of the development? Mr. Gianella responded no and that the amenities are more adult driven, such as the pool, theater, business office and work out area.

Chairman Rolfsen asked what is the percentage of units that will have children? Mr. Gianella replied that out of 172 units, there will be 20-40 children in the entire development. Mr. Ford responded that is what the School Board projected.

Mr. Hicks asked if the Public Hearing record from the previous application be included as part of the record from tonight's Public Hearing? Mr. Costello responded, yes. Mr. Hicks asked if Mr. Brandstetter had an contingency Committee Report from the previous application since he voted no? Mr. Morgan replied that he would check.

Mr Dale Wilson asked Mr. Hicks if he wanted tonight's Public Hearing minutes to reflect the record from the previous application? Mr. Hicks answered yes.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 15, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 6, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:52 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A - Letter dated April 1, 2015 from Marcia Geier
Exhibit B - Letter dated April 1, 2015 from Laurie Walton

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Ms. Lori Heilman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bungler, Secretary/Treasurer
Mrs. Janet Kegley

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

ZONING MAP AMENDMENT - Kevin Wall, Staff

2. Request of **Viox & Viox, Inc. (applicant)** for **Our Lady of Good Counsel Church - Jim Brueggemann, Trustee (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for an approximate 17.75 acre site located at 479 Beaver Road, Boone County, Kentucky. The request is for a zone change to allow a private girls school and a convent.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). He stated that the site is located at 479 Beaver Road and in unincorporated Boone County. The applicant is planning to annex the site into the City of Walton. The site is located just east of Chandler Drive or International Industrial Park. One of the barns and lake on the property has been removed. The Comprehensive Plan's Land Use Map designates the site and surrounding properties as Industrial. The Concept Development Plan indicates a 49,000 square foot building with 3 wings - a convent, cafeteria and a private, girls school, K - 12. Parking is located mainly in front of the building. The site will also have a play area and detention pond. Mr. Wall showed photographs of the site and surrounding properties. Mr. Wall referred to the text of the Comprehensive Plan as outlined in the Staff Report. It recommends industrial uses for this site and discusses the need for public and private schools. The Comprehensive Plan doesn't specifically call out sites for new public facilities unless it is owned by a public entity. An example of this was the recent Carespring project. Mr. Wall also referenced the statutory findings for acting on a zone change application.

In terms of Staff comments, no building elevations were submitted with the application. However, a note on the Concept Development Plan states "the architectural style of the new school and convent building will be in the same language as the existing church building." Mr. Wall recommended that specific design components be listed as a potential condition, or the applicant submit design drawings as part of the Design Review process later on. In addition, it might be wise for the applicant to plan for Buffer Yard D since the building may be expanded in the future to over 50,000 square feet. The plan currently shows Buffer Yard C based upon a proposed 49,000 square foot building adjoining the SR-1 property. In regard to parking, the applicant should clarify some figures for peak times. The applicant has stated that a Traffic Study was completed but it has not been submitted. The Kentucky Transportation Cabinet will require one when the applicant submits their Encroachment Permit application. There are no public improvements planned for Beaver Road. Turning lanes may be required based upon the Traffic Study. One access point is planned for the site. One thought is to require the applicant to connect to one of the adjoining properties, especially for emergency access, such as to the vacant property to the east. Mr. Wall included the original approval documents for the church and school on the other side of Beaver Road. There was a condition on the property across the street that limits the school capacity to 100 students. Currently, the school has 110 students. In conclusion, the Planning Commission needs to evaluate the request based upon the 3 criteria and if approved, the Future Land Use Map would need to be changed.

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

Mr. Mark Gloyeske, Viox and Viox Inc., stated that he is representing Our Lady of Good Counsel, to request a Zone Change from Suburban Residential One (SR-1) to Public Facilities (PF). The existing school, Our Lady Assumption Academy, opened in 2010. The proposed Sacred Heart School will be located on 17.75 acres. The applicant has filed an intent to annex

the site into the City of Walton. First reading of the annexation ordinance is April 13th. Even though the Future Land Use Map designates the site as Industrial, the text of the Plan encourages private schools to ease population growth in local public schools. To meet sight distance requirements, they placed the driveway on the western portion of the site. Mr. Gloyeske submitted four copies of the Traffic Study (see Exhibit A). The proposed building will be constructed in phases or as funds became available. The style of the building will most likely be like the church - brick and stone and minor amounts of siding.

Mr. Ehmet Hayes, Architect for the project, mentioned they are matching the language of the existing church. He suggested taking a look at the neighboring properties - industrial zoning with metal siding buildings. The church is one of the nicer looking commercial buildings in the area. Mr. Hayes stated that the actual size of the building is 49,000 square feet. He noted that he would provide more information about the use of the building to make sure there is adequate parking. The location was the one preferred from the Traffic Study. There is no intent to have bus service now. In terms of access management, it is difficult to mix school traffic with industrial traffic.

Sr. Mary Jordan, Mother Prowess of the Dominican Sisters, 12730 John Webster Lane, stated that the Dominican congregation was founded in France. They have 12 schools in Europe and their first school in the United States was founded in 1991 in Post Falls, Idaho. The second school was founded in 2007 in Mecano, New York. Both schools are full. Students are from all over the United States, Canada and Mexico. There will be 20 Sisters living in the convent and will be in charge of educating the children.

Fr. Daniel Muscho, Pastor of Our Lady of Assumption Church for the past 2 years, stated that he served as Pastor and Principal at the church/school in Idaho. The proposed school will provide an excellent education in the Walton area. They want to help form good citizens. It will be a good asset for the community.

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

Mr. Jim Evans, 12200 Eagle Ridge, stated that his kids attend Assumption School. The school is a very good addition to the community. They are active in the community - hold a church festival and participate in parades. He is supportive of the new school.

Mr. Jeff Bronson, 857 Beaver Road, stated that he is not a member of the church. It is a nice addition to the area. There are good kids who attend the school.

Ms. Peri Dinke, 601 Beaver Road, stated that she has children attending the school. It is a great school. She had older daughters who attended the Post Falls School. She is supportive of the new school.

Chairman Rolfsen asked if any of the Board Members had any questions or comments?

Mr. Ford asked if the proposed school was a high school? Fr. Muscho, responded that the proposed school would be K - 12 but it will be based upon demand and funding. Mr. Ford asked what was the projected student enrollment? Fr. Muscho replied 250 student capacity. Mr. Ford asked if the proposed school would be built with all the amenities a high school would have at

this time? Mr. Hayes responded no since their curriculum is different than a public school. It will involve multi-purpose rooms.

Chairman Rolfsen asked about the 110 student enrollment. Fr. Muscho responded that the Health Department has allowed them to retain this enrollment figure as long as they are making plans for the new school to lower the enrollment at the existing school. Mr. Wall explained that the 110 figure originated from the Kentucky Transportation Cabinet and there is a zoning condition capping the student enrollment at 100. Fr. Muscho stated they have about 50% girls so it would free up space. They may start with K-5 and then convert it to an all girls school.

Mr. Reynolds asked if the applicant had any outside athletic facilities? Sr. Mary Jordan replied they would have a play ground only. They don't have a gymnasium.

Mr. Hicks asked if the applicant is in violation in terms of student enrollment? Mr. Costello replied yes but the applicant is working toward a solution. Our practice has been to work with any business to resolve any issue as long as there is progress toward a solution. Mr. Hicks stated he preferred not to demand access management since it is a school and industrial traffic doesn't make sense. It would encourage more traffic. It should be kept safe. Mr. Wall responded that the Staff Report referred to a gated emergency access only.

Chairman Rolfsen asked why the applicant was pursuing annexation into the City of Walton? Mr. Hayes responded that it was necessary to obtain utility service specifically sanitary sewer service.

Mr. Patton asked if the architect could address the buffer yard setbacks especially if the organization grows over the next 20 years and needs to expand the building? Mr. Hayes replied there is ample room to expand the square footage of the building. They would most likely have to come back before the Planning Commission. Sr. Mary Jordan replied that when they reach the 250 student enrollment, they stop growing and start another school elsewhere. They purposely keep the classroom size small. There will be 20 Sisters for 250 students. They also have 15 lay teachers helping at the school. The convent will be for the Sisters and some of the lay teachers.

Mr. McMillian stated that he is in favor of access management. It is for safety. He inquired on how do you plan to transport students between the two buildings? Mr. Hayes replied that the building is self contained. It will have a cafeteria and chapel. If they go to the church across the street, then they will have to be transported by car or by bus.

Mr. Schwenke asked if the applicant could install a gravel road with a gate for emergency access? Mr. Wall responded that the fire department would have to agree and the State would have to allow the encroachment. Mr. Schwenke stated that it makes sense to keep it on campus rather than connecting it to an industrial area. It would be about 600 feet in length. Mr. Patton asked if there was an existing easement on the adjoining property that could be used for emergency access? Mr. Wall responded that he would look into this issue.

Ms. Reeves asked if the proposed school would ever be a boarding school? Sr. Mary Jordan replied that they currently have a few boarding students. It would be students who could go home every few weeks, living not far away.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 15, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 6, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:37 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A - Traffic Study, Viox & Viox, Inc. - Jack Pflum, P.E.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Ms. Lori Heilman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bungler, Secretary/Treasurer
Mrs. Janet Kegley

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 Hearings to order at 9:38 P.M. and introduced the third item on the Agenda:

UNIFORM APPLICATION - Todd Morgan, Staff

3. Request of **Christopher L. King for Lorch Naville King for Crown Castle GT Company, LLC (applicant)** for **Hebron Fire Protection District (owner)** for a Wireless Communications Facility located at 3120 North Bend Road, Boone County, Kentucky. The request is to extend the height of an existing lattice tower to 147 feet with lighting arrestor and expand the ground equipment enclosure.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is the Hebron Fire Station. There is an existing cell tower on the site. Crown Castle wants to modify the existing tower and the lease compound area so Verizon Wireless can co-locate on the structure. The cell tower is located behind the fire station. The existing tower is 127 feet in height plus 11 feet for the lighting rod for a total of 138 feet. The proposal is to extend the tower to 142 feet plus the lighting rod for an overall height of 147 feet. The proposal is to extend the height of the tower another 15 feet. Verizon Wireless would co-locate on the top of the tower. The equipment shelter would be located on a Kenner Chain Wall. Mr. Morgan showed the proposed changes to the fence area. Normally, this type of proposal would be an administrative review but the applicant can't meet the required 25 foot building setback for the enlarged compound and accessory structures. Another requirement is a wooden fence and evergreen trees (10 foot buffer along the property line). Mr. Morgan noted that the new equipment shelter and platform has a 19.5 foot setback from the property line. The utility H-frame has a 14.5 foot setback. The diesel generator will have a 16 foot setback from the property line. The applicant will not use wood fencing but rather continue to use chain link fencing. It would result in a wavier. The applicant is planning to use the hillside and existing vegetation and not plant the evergreen trees. It is why the applicant has submitted a Uniform Application. Mr. Morgan showed photographs of the site and surrounding properties as well as the zoning of the area. The Comprehensive Plan recommends that the site be developed as Public/Institutional.

In terms of Staff Comments, Mr. Morgan noted that the overall tower height would increase from 138' to 147' if the application is approved. This would be an approximate 6.5% increase in the tower height. The Uniform Application was required because the accessory structure setback and fencing and landscaping design guidelines are not being met. The Planning Commission will take final action on the request and waivers and not the Fiscal Court. The Kentucky Revised Statutes indicate that an application needs to be reviewed in terms of its agreement with the Boone County Comprehensive Plan and Boone County Zoning Regulations. Mr. Morgan referenced Section 6409 of the Title VI of the Middle Class Tax Creation and Job Act as outlined in the Staff Report. It deals with FCC rules for cell towers. Staff would like the applicant to address the following questions:

1. Does Verizon Wireless currently have equipment on this tower?
2. The applicant's narrative indicates that Verizon Wireless wants to improve coverage near the KY 20/KY 237 intersection. Can coverage plots be submitted?
3. The plans show that the proposed equipment shelter will be placed on a 3'-6" tall "Kenner Chain Wall". Can a picture be provided? Why is the structure needed?

The applicant has submitted letters from the Federal Aviation Administration (FAA) and Kentucky Airport Zoning Commission (KAZC) indicating the tower height increase would not be a hazard to air navigation (see Staff Report).

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

Mr. Christopher L. King, of Lorch, Naville, Ward, stated that he was representing Crown Castle GT. One of the reasons why he is pursuing the application is because of the growth of cell phone usage in the last 5 years. It has increased 1,250%. Verizon's objective for the site is to provide better coverage in the Hebron area along North Bend Road and Petersburg Road (KY 20). They need continuous coverage and an off load for adjacent sites. Mr. King showed before and after coverage plots. As the area has developed, there is a need to provide more service and better coverage. Verizon conducted a search ring study and determined that an antenna at 3120 North Bend Road would work for them. The existing tower is full - ATT, Sprint, Cricket, and T-Mobile are already on the tower. In order to place Verizon on it, they need to make some more room. The top is the logical place to put it. Instead of cutting out the hillside, a Kenner Chain Wall is a way of having a flat surface without digging up the entire hillside. Part of the foundation will be buried in the hillside. The Kenner Chain Wall is a pre-fabricated foundation that fits into a trench to support the equipment shelter.

Mr. King referenced Section 6409, which was a law passed in 2012. It basically says that if service provider is not making a substantial change to an existing tower, local government cannot disapprove it. Congress neglected to describe what is a substantial change? In 2014, the FCC finally defined what is meant by a substantial change. It is a substantial change if one increases the tower height by more than 10% and as long as the disturbance is not outside the property line. He discussed the law with Staff and felt that the best way to go was the Uniform Application. Mr. King stated that the request meets the requirements of the Comprehensive Plan, which shows a preference for co-location, utilizing a public facility and locating away from residential uses. The property is zoned Public Facilities (PF). It meets the spirit of the Comprehensive Plan and Zoning Regulations. They are also asking for the waivers because of the substantial buffer with the existing vegetation and the changing elevations.

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

Mr. Mike Crane, 3135 Limaburg Road, stated that generally he doesn't notice the tower now because of his big barn. With an additional 15 feet, he said that he would notice it. It is more of an appearance thing. Is there anyway that the applicant can go outward instead of going up 15 feet? What about the noise? Will it require another diesel generator? What about cancer from the microwaves that might affect his livestock? Are there other options so they don't have to look at the tower since they have a big bay window in the back of their house? He stated that he put up a privacy fence to screen the Kroger store. Mr. King responded that they cannot extend the proposed antenna outward because of potential interference from other carriers. It would also create a large wind load. It would put stress on the tower. He concluded that the environmental effects of RF radiation is prohibited from being considered at a local level. The FCC has examined this issue a lot and have made this determination. It has concluded there is no basis for concern. State and local governments are prohibited from considering this issue. The diesel generator is used for back-up purposes only. Noise will be contained in the shelter.

At this time, Chairman Rolfsen asked if the Board Members had any questions or comments? Mr. Longano asked if the proposed Verizon antenna is larger than the other 4 on the tower as indicated on the submitted drawing. Mr. King replied that he does not know. Mr. Longano asked if there was room for one additional carrier other than Verizon? Mr. King responded that another one could be placed at the top or at the height of 142 or 143 feet. Mr. King stated that the tower will not be lit.

Mr. Hicks asked if the property was leased from the Hebron Fire Department? Mr. King replied yes. Captain Tony Crouch stated that the Hebron Fire Department reconfigured the lease and there is a monthly fee and additional fees with additional carriers. The Fire District is receiving \$1,600 a month.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 6, 2015 at 6:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 6, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 10:00 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director