

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS**

June 7, 2017

7:30 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Ms. Lisa Reeves
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd Morgan, AICP, Senior Planner
Mr. Robert Jonas, AICP, Director, Planning Services

Chairman Rolfsen called the Public Hearing to order at 7:31P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **StoryPoint (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development (PF/PD) for a 14.104 acre tract located on the east side of US 42 and immediately south of the property at 9001 US 42 (Kroger Marketplace), Union, Kentucky. The request is for a zone change to allow an elderly housing facility.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 14.1 acre tract is located in the City of Union. The proposed use is an elderly housing facility. Mr. Morgan noted the land uses and zoning that adjoin the site. To the north is the Kroger store and fuel center. To the east and south is single family residential uses. The building will be 187,017 square feet in size with 175 parking spaces. Independent Living will be located in the 3 story portion of the structure. There will be 88 one bedroom apartments and 31 two bedroom apartments in this portion of the facility. The rear portion of the facility will be one story and will be Enhanced Living. It will consist of 30 one bedroom units, 8 studio units and 4 two-bedroom units. The proposed building density is 13,678 square feet of building per acre of land or 11.85 dwelling units per acre. Access to the site will be through the Kroger drive, which is currently private. It may be public in the future. The existing retention pond on the site will be enlarged. A portion of the site will be transferred to Kroger for buffering purposes. Mr. Morgan stated that the proposed building will have an approximate 528 square foot front yard setback, a 104 foot setback from the rear property line along Braxton Drive and a 104 foot setback from the Arbor Springs Subdivision. The longest portion of the proposed building is 542.71 feet in length. Its width is 392.53 feet. There are 2 planned carport areas. He described the topography of the site and showed pictures of the carports and retaining walls. Building floor plans have also been submitted. Amenities include a dining hall, bistro, café, indoor/outdoor activity areas, shops, postal services, salon/barber, library, fitness room, media room and a multi-purpose room. A detailed landscaping plan has also been submitted. The buffers along the residential zones meet the zoning code - 40 foot Buffer Yard D with a privacy fence in the middle of the buffer or a 80 foot Buffer Yard D without a fence. There is a street frontage buffer and 3 rail fences as required in the Union Town Plan. Mr. Morgan showed elevations of the proposed building. The height of the proposed building is 50 feet. Building materials include stone veneer, vinyl siding and vinyl shakes. The single story portion of the building will be 26 feet.

On Page 2 of the Staff Report, the applicant is asking for a number of Planned Development Waivers. The first waiver includes parking. Typically, an apartment building with this number of units would require 331 parking spaces. The current zoning code doesn't acknowledge senior housing parking requirements. The applicant is proposing 175 parking spaces and has submitted parking information from other facilities they own. The second waiver includes temporary signage - a 100 square foot "V-shaped" sign over 8 feet tall located along their US 42 frontage. It would be removed once the Certificate of Occupancy permit is issued. The applicant is also requesting 6 additional temporary signs of 6 square feet or less along the entry. Finally, they would like a 10' x 30' Grand Opening banner to be placed on the building. In addition, the applicant is requesting 2 perimeter landscape buffer waivers. The first waiver is to eliminate Buffer Yard A (10' wide) along StoryPoint's northwest property lines where the site adjoins Kroger. Normally, no

landscaping would be required along these property lines if Kroger signed a shared landscaping buffer yard agreement. Kroger will be installing substantial buffering along these property lines as part of their development. In addition, Buffer Yard D (40' or 80' wide) is required along StoryPoint's northwest property line where the site adjoins the Arlinghaus remainder tract. The Arlinghaus remainder tract is not part of the request and is zoned RSE/UTO. Page 27 of the application booklet indicates that Buffer Yard A would be installed along this property line.

The last waiver seeks permission to put a temporary sales trailer and a parking lot on the site. It will be removed within 30 days of receiving a Certificate of Occupancy for the new facility. Mr. Morgan noted that the City of Union approved a Zoning Map Amendment request in 2014 to allow a Kroger Marketplace store and several outlots. He showed a copy of the approved Concept Development Plan. In May, 2016, a Grading Plan for the subject site was approved by the Planning Commission as part of the construction work for the Kroger Marketplace Store.

Mr. Morgan showed a map of the current zoning of the site and adjoining properties as well as photographs. The Comprehensive Plan's Future Land Use Map designates the site as Suburban Residential (up to 4 dwelling units/acre) and High Suburban Density Residential (up to 8 dwelling units/acre) and Rural Lands. He noted that the Comprehensive Plan has not been updated since Kroger was approved. With the next Comprehensive Plan, the entire Kroger site will be designated Commercial. Other references to the Comprehensive Plan are mentioned on pages 4 - 11 of the Staff Report. He noted that over time, the older age groups have increased while the younger age groups have decreased. The Population Element outlines population estimates based on OKI Transportation Analysis Zones. The site is located in the Union region. The population of the Union region will change to 33,568 in 2020 to 41,886 in 2030. In relation to the Union Town Plan, the Land Use Map mirrors the Comprehensive Plan. The green areas include a 100 foot wide buffer area along U.S. 42 as well as town homes (6 dwelling units per acre) and single family detached housing at 2.2 units per acre. Mr. Morgan referred to the findings necessary for a map amendment and the Planned Development (PD) standards.

In terms of Staff Comments, Mr. Morgan stated that the applicant has submitted an 80 page booklet. It will be part of the record (See Exhibit A). He informed the audience that if anyone wanted a copy of the booklet he would make it available in a PDF format. It includes a cover letter, the legal basis for the request, traffic study, building and parking information and the Concept Development Plans. Staff comment #2 defines what an elderly housing facility is according to the zoning code. Third, the Staff would like the applicant to address the following questions: Are residents required to be a certain age before they can live in the facility? If so, how is this enforced? Can the enhanced living care be described more thoroughly?

Further, Staff recommends the following PD Standards should be analyzed in more detail:

Mixed Use Development and Pedestrian Orientation - The proposed development and the adjoining Kroger development (also zoned PD) will have a mixed use orientation. The elderly housing facility is proposed next to a commercial/office subdivision. The submitted plans show that sidewalk connections are being provided between the building and Kroger development.

Compatibility of Uses - The Planning Commission and City of Union need to determine if the size of the building (542.71' length) and building height (50' overall height) are appropriate because the adjoining properties to the northeast and southeast contain single-family residential dwellings. The applicant has provided two cross sections showing views of the building from Braxton Drive and Penrose Way (see Exhibit J).

The applicant also submitted lighting specifications with the application (see Exhibit G). Staff would like the applicant to address the height of the proposed light poles and explain where wall packs and/or fixtures will be mounted on the building.

In terms of landscaping, the applicant has submitted several waivers that the Planning Commission and the City of Union must analyze. The submitted plans show the street frontage buffer, northeast and southeast property lines buffers (adjoining single-family residential homes), and parking lot landscaping will comply with code. Waivers are being sought to reduce the landscaping requirements along the northwest property lines (adjoining Kroger and Arlinghaus remainder tract). Staff would like to note that Buffer Yard Tables 1 and 2 found in Article 36 of the Boone County Zoning Regulations require Buffer Yard D to be installed when a developing PF use (larger than 50,000 square feet) adjoins residentially zoned property.

In regards to building architecture, the standard requires the predominant building materials to have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. The submitted elevation drawings do not meet the standard because the predominate building material is vinyl siding. Staff has asked the applicant to consider adding more stone to the building, replacing the horizontal vinyl siding with composite siding, and providing building material percentages for each facade. The applicant is proposing one permanent monument sign near the cul-de-sac (see Exhibit G in booklet). The sign complies with the requirements of the PF zone. It is 4' tall (to the top of the sign) and 31.14 square feet in area. No building mounted signage is shown. The applicant's proposal to allow additional temporary signage (see page 2 of the Staff Report) also needs to be evaluated.

In terms of transportation connections, Mr. Morgan asked if a decision has been made to upgrade the Kroger driveway to a public street? Is Kroger agreeable to dedicating the right-of-way? The Concept Development Plans shows a sidewalk connection through Kroger's landscaping buffer. Is Kroger agreeable to making this improvement? One of Staff's preliminary comments to the applicant was that a gated emergency driveway should be pursued through Kroger's landscaping buffer so an alternative means of access could be provided to the facility. Staff would like to know if the applicant has contacted Kroger about this potential improvement.

Mr. Morgan noted that the submitted Concept Development Plan shows that Arlinghaus Builders will be left with two remainder tracts. One remainder tract is located at the end Vicksburg Drive and is approximately 2 acres in area. The other is located between U.S. 42 and the fuel center and is approximately 1.7 acres in area. Neither of these remainder tracts are part of the request and will remain zoned RSE/UTO.

He distributed an agency memo and received comments back from the Union Fire Department and SD1. They are attached to the Staff Report. He also introduced an email from Mr. Matt Bogen of

the Kentucky Transportation Cabinet (see Exhibit B) stating that he didn't think there would be a need for any further road improvements on U.S. 42. Mr. Morgan stated that Staff received two emails from Mr. Don McBlynn opposing the project. Those emails are included in the Staff Report. He also included a list of all of the existing and proposed senior housing developments in Boone County.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with its presentation. Mr. Aaron Seymour of StoryPoint, 7077 Apple Creek Road, Sylvania, Ohio, presented an updated building elevation of the proposed project. He gave an overview of his company (see PowerPoint presentations). StoryPoint has over 35 years of experience in the senior housing industry. They have a portfolio occupancy rate of 94% compared to an industry average of 90%. StoryPoint operates over 2,000 units of senior housing throughout the Midwest. Their headquarters is in Brighton, Michigan. They have projects in Michigan, Ohio and Indiana. They currently have 14 buildings in Ohio and Michigan. They are a highly capitalized corporation as they are true owner-operators. They don't partner with an operations group.

In terms of benefits, the project will bring about 80 jobs with about 40 of them being full-time. Payroll will be in excess of \$3 million annually. Property taxes will be \$250,000 annually along with marketing costs of \$150,000. StoryPoint is very involved in local charities. Mr. Seymour referred to the same unit breakdown as described by Mr. Morgan. The proposed facility is unlicensed. Enhanced Living provides a step up from the care provided in Independent Living. The units are typical apartments but the facility has other core amenities. It has a full service commercial kitchen, dining room, bistro, café, and other activity areas. Residents are assessed to determine if they need additional services and assistance. That is when Enhanced Living comes into play. He also gave a breakdown of parking needs. The largest number of employees per shift change is 50. Family visitors will be about 45 per day. Outside contractors will be about 20 per day. Special event parking will require 20 spaces. Finally, resident parking will involve 40 spaces per day. Total number of parking spaces is 175. They have never had a problem with parking at any of their sites. Mr. Seymour showed some photographs of StoryPoint's existing buildings. There is a need for senior living in the area. They have identified all the competition in the area and have determined that there is a net demand in excess of 700 senior living units throughout the area. All lighting fixtures used on site will be LED fixtures. They have full cut-off controls as well as dimming controls. Full lit parking lots will not occur throughout the entire night. Buildings will have building mounted wall packs. In regard to the issue of age, Mr. Seymour stated that they are in full compliance with federal fair housing guidelines. They don't have any age restrictions. They heavily market the facility to the senior market because of its services and design. They have never had an issue of turning someone away because of it not being a good fit. There have been no issues like a family of 4 moving into one of their facilities.

Mr. Patrick Hughes, attorney for the applicant, stated there is not a specific designation for the number of required parking spaces for an elderly housing facility. It is somewhere between apartment housing and housing for the aged. Parking for housing for the aged is significantly less than apartment living. In terms of building architecture, his client is still working with staff on this issue. He pointed out that the building is a well designed facility. While there is vinyl siding, he doesn't believe that the list in the code prohibits vinyl siding for a solid look.

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

Mr. Chester Gregory, 2204 Penrosa Way, inquired whether the buffer would include mature trees or seedlings? His biggest concern is the expansion of the retention pond. Who will maintain it so it doesn't become a problem?. Will it have a fountain to keep it looking nice and not stagnant? Mr. Morgan responded that the evergreen trees would have to be a minimum of 6 feet in height at planting. The large deciduous trees would be 2 inches in caliper size at planting. Mr. Seymour stated that they try to use a lot of lake aeration at their present facilities. They would install such a feature at the proposed facility. Mr. Bob Schroeder, Arlinghaus Builders, stated that they own on both sides the lake. StoryPoint would own at least 80% of the lake and the remaining part would be owned by others. Mr. Gregory asked what will the land between the lake and Arbor Springs Subdivision be used for in the future? Will it be permanent green space? Mr. Costello asked what would be the benefit of owning the remaining 20% if it is needed for drainage? Mr. Gregory stated that he was told it would be green space.

Ms. Elizabeth Compo, 9069 Braxton Drive, submitted a letter and a photograph of her property (See Exhibit C). She bought her house in 2003 in a rural setting. She thought the area would develop into luxury subdivision estates with nice homes. Two years later Arlinghaus constructed a 60 foot high mountain of topsoil. It blocked their view and continually has weeds. An invasive vine on the property killed a line of trees they planted. She invested a lot of money into her home with an in-ground pool and a home theater. She always thought that she would get a return on her investment. Then, the Kroger zone change came to allow the largest Kroger Marketplace ever built to be constructed in their line of sight. Many people in the area have had problems with their air conditioning units because of dirt from the construction project. Gutters were also filled with dirt. They haven't been able to open their pool in 2 years. Because of her health, they are looking for a new type of ranch house. They are going to put their house on the market soon. She fully understands the need for the proposed building because of the aging community. She is not here to speak against it but it is unfair to the homeowners nearby. Everyone thought the property would be developed as a residential subdivision like Arbor Springs or Plantation Pointe. Isn't the purpose of zoning to indicate stipulated use of a particular area? What is the point when a large corporation that wants to build something can then change the zoning? What is the purpose of zoning at all? StoryPoint will negatively impact the resale value of her home. Forty feet is high and baby trees are not enough. It is difficult now with the Kroger building. StoryPoint should be required to pay the property owners that have a clear line of site of their facility a sum of not less than \$30,000 per household. Houses are the biggest investment and the company can afford to compensate the property owner for their losses. If approved, the applicant should help her much like the Airport did years ago when the new runways were built. She doesn't want to lose money on her house. It only affects a few people.

Mr. Andy Carr, 2004 Halleck Way, asked what is the source of income for the facility? Is it private pay or medicaid? What type of employment is it? Mr. Seymour replied that they were all private pay. The range of jobs includes property administration, wellness coordinator, housekeepers and a variety of kitchen jobs. Chairman Rolfsen asked the applicant to define Enhanced Living? Mr. Seymour responded residents who need help with bathing, getting dressed, etc.

Mrs. Noreen Morgan, 9205 Royal Oak Drive, expressed a concern about traffic and the traffic

study. All traffic generated from development along U.S. 42 has impacted traffic going north. Last week at 2:40 p.m. traffic was backed up on U.S. 42 from Weaver Road south to Bob Sumerel going north. There were 24 cars that tried to turn left on Hopeful Church Road. Cars coming south were also bumper to bumper. It is surprising that the Fire Department has not commented on the project. She has witnessed emergency vehicles having difficulty pulling out on U.S. 42. Sometimes she has to wait 3 lights to get through the intersection. There are many projects under construction like the new grade school and apartments that will contribute to traffic. The traffic from the project itself won't affect her that much but it will others add to the existing traffic going north. It is worse when school is in session.

Ms. Shirley Petrie, 9056 Royal Oak Drive, stated that she was interested in knowing more about the quality of care. Is it a facility that has a continuum of care? If it isn't, who will take care of the people if they need assisted living or if they don't have nurses or social workers? Is what is proposed the best use of the property? It is just housing. What is the average rent per unit? Mr. Seymour responded that they have not established their full rent yet. The Independent Living portion usually starts at \$3,000 per month. It includes one meal per day. He stated that they operate other facilities that offer Assisted Living and Memory Care. They have decided to focus on Independent Living and Enhanced Living because this is where they have had the most success. It is the best fit for the area. They normally work with other surrounding facilities if residents need a different type of care through a referral process. Mr. Costello noted that a list of senior housing facilities is attached to the Staff Report.

Mr. Hughes stated that Kentucky requires a Certificate of Need to operate a skilled care facility or nursing home for the continuum of care element. Boone Spring and Baptist Life are examples of skilled care facilities.

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

Mr. Hicks inquired whether the open space near the lake is locked in as open space? Has the density been taken? Can it still be used in other matters? Mr. Morgan replied that he would have to research the approval for Arbor Springs Subdivision. Mr. Costello offered that the existing lake was built as part of the U.S. 42 project. Mr. Schroeder agreed and the site in question was never part of Arbor Springs Subdivision. The site will always be used for retention purposes. It makes sense to have the lake maintained by one property owner. He didn't know what would happen to the area by Mr. Gregory's house. Arbor Springs has double the amount of required open space. The lake could be transferred to the HOA. Mr. Costello stated that Staff will verify that information. It can't be used to build a house but most likely will be open space. Nothing will be built between the lake and the homes in Arbor Springs.

Mr. Patton stated that from a nursing standpoint, the applicant has been very respectful with the single story portion of the building facing the houses on Braxton Drive. Is the Enhanced Living lower in height than the multi-story Independent Living? Mr. Seymour replied yes. Mr. Patton asked if the applicant could provide distance dimensions from the neighbors to the Enhanced Living and Independent Living areas.

Mr. Shipe inquired about the monthly rate for Enhanced Living? Mr. Seymour responded that it

would be more than Independent Living because the additional services would be ala carte. They are at the mid-range for pricing for these types of facilities.

Mr. Schwenke inquired about an entrance to the Kroger site for an emergency fire entrance. Mr. Seymour replied they will analyze it as long as it is used on a limited basis. They could install a gate but they also don't want to disrupt the proposed buffer.

Mr. Bunger stated that the Planning Commission receives an application, holds a Public Hearing and votes on a recommendation to the legislative unit. The legislative unit makes the final decision on the land use. The Planning Commission did not recommend approval of the Kroger store and the legislative unit made the final decision. Ultimately, there was a court decision to approve the use. It is important to know this information based upon some of the comments made at the Public Hearing about previous Planning Commission approvals.

Mr. McMillian asked why would someone put a housing project next to a filling station? He couldn't approve the project. It is too close and will have a terrible smell next to the housing.

Mr. Seymour responded that they would most likely add more landscaping and fencing in the area in order to restore the view. It is there and they are aware of it. They currently don't have a project that is so close to a gas station. It is not a major concern for them.

Mr. Turner asked if the Union Town Plan still exists? If it does, what does it say about buildings of this magnitude? Mr. Morgan replied that the Union Town Plan exists but the proposed zone change would remove it from the Town Plan zoning and standards. Instead, the applicant is following the Planned Development standards. Currently, it is planned for residential use. The density is different. The Planned Development standards have higher criteria for density and building materials than the Union Town Plan zoning. Mr. Turner asked what is the scale of the project relative to other projects in the area? Mr. Morgan stated he would have to research it more to give an accurate answer. Mr. Costello added that the proposed use is residential but at a higher density. Also, there is an impact of the Kroger development as a result of their zone change. It is a different land use there. Is there a transitional use between Kroger and Arbor Springs? It is a public facility. In terms of scale, the Town Plan is built on density to create the commercial zone or center. The Town Plan actually encourages mixed uses and higher density. What is proposed does not actually match the existing zoning. The applicant is providing more green space in lieu of the density. The project is clustered. Other projects in the area have been built based on the Union Town Plan.

Ms. Nieves asked what is the occupancy rate for their facilities? Mr. Seymour stated that they have 2 new facilities that just opened and they have a 60% occupancy rate but the average of all others is at 94%. She asked if the \$3,000 per month is a standard fee for the other facilities? It seems high. Mr. Seymour responded yes. They are well capitalized to weather any storm and thus don't need to lower monthly rates.

Mr. Bunger asked if the applicant would build the project all at once or in phases? Mr. Seymour replied it will be constructed all at once over a 16-18 month period.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be held on June 21, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on July 5, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:50 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

EXHIBIT A - Application booklet submitted by applicant
EXHIBIT B - Email from Matt Bogen, KTC, District 6
EXHIBIT C - Letter and photo from Elizabeth Compo

COMMISSION MEMBERS PRESENT:

Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Ms. Jamie Nieves
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Bob Schwenke

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 Morgan, AICP, Senior Planner
Mr. Robert Jonas, AICP, Director, Planning Services

Chairman Rolfsen called the Public Hearing to order at 8:51 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT AND VARIANCES - Kevin Wall, Staff

2. Request of **Viox & Viox, Inc. (applicant)** for **Kenton County Airport Board (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) and two dimensional variances for a 1.8 acre tract located on the west side of Limaburg Road and immediately south of the properties at 4465 Limaburg Road and 1743 Anderson Boulevard, Boone County, Kentucky. The request is for a zone change to allow a warehouse and variances from Table 31.1 and Section 3645 "Buffer Yards" of the Boone County Zoning Regulations to allow reductions in the required 50 foot rear yard setback and the Buffer Yard D landscaping standards.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is south of Anderson Boulevard and faces Limaburg Road. It is a 1.8 acre tract. The Comprehensive Plan designates the site as Industrial. Anderson Tool & Die wants to build a 68 space parking lot and a 32,000 square foot warehouse. It would be connected through the existing Anderson Tool & Die vehicular areas on Anderson Boulevard and not from Limaburg Road. The applicant is not only requesting a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) but also 2 variances. The first variance involves a reduction in the building setback and the second variance involves a landscape buffer yard. The variances are being requested because the adjoining properties are zoned Rural Suburban (RS) but are owned by the Airport. There is a letter from the Airport in the Staff Report. Mr. Wall showed photographs of the subject site and adjoining properties.

In terms of Staff concerns, Mr. Wall inquired about the use or what type of industrial activity will occur in the building? Will it primarily be used for storage purposes? What will be the building design? What type of fencing will be installed and how tall? Based upon a comment from the County Engineer, how will delivery trucks maneuver on the site since it is a tight site with the potential of trucks backing out onto Anderson Boulevard. Mr. Wall referred to the criteria, or Section 251 included in the Staff Report, to evaluate the two variance requests. Is there a unique hardship? The Airport submitted a letter regarding the four lots that surround the site. They have no plans to develop or sell these lots. The distance between the subject site and the closest private residential use is about 220 feet. The width of the lot is about 100 feet. Mr. Wall concluded that the Planning Commission must evaluate both the requests based upon the 3 criteria under State law for evaluating a zone change and the variance criteria outlined in the Staff Report.

Mr. Patton inquired on whether the criteria for the variance included the need for business expansion for economic reasons? Mr. Wall responded no. He explained that it involved dimensional relief to allow business activity or personal use. The Board is looking at more physical characteristics.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with his presentation? Mr. Gerry Dusing, attorney for Anderson Tool & Die, introduced Mr. Ben Hall of Viox & Viox, Inc. and Theresa Anderson, Charles Anderson and Carl Anderson (principals of Anderson Manufacturing). Mr. Ben Hall, Viox & Viox, Inc., referred to his PowerPoint presentation and showed the location of the Anderson Tool & Die's expansion. Currently, there are 3 buildings on

the property of which 2 of them are connected. The current zoning of the parcel under review is Rural Suburban (RS) and the parcel is 97 feet wide. Typically, larger setbacks are required when residential zoning is located adjacent to industrial zoning. The proposed building will be built over the parcel line as the owners will consolidate the parcels. The Limaburg Road view is considered a side yard setback and the rear setback faces the RS zoning district or the remaining Airport property to the south. The Andersons have discussed the project with the owners of Accurate Patterns next door and they are in agreement with the proposed project or the proposed parking lot next to their building. No fences are being proposed. The proposed development will add 67 parking spaces. Storm water detention will be located in the rear of the development for the building and in front for the parking lot. A traffic impact study is not required because no new curb cut is being proposed. The proposed building will only have small truck or box truck deliveries. Mr. Hall showed drawings of the proposed 32,200 square foot building. It will be one story with a mezzanine.

Ms. Theresa Anderson, owner, stated that the planned use of the proposed warehouse involves the machining of metal parts. It will be processed by CNC robotic machine tools. There will be no hazardous material used or stored inside or outside the facility. Upon construction completion, they expect to expand the number of full-time employees by 15. Currently, they have 92 employees.

Mr. Dusing added that the Comprehensive Plan recommends industrial uses for the site. The Airport and the County currently look at opportunities for developing Airport property without interfering with the operation of the Airport. Development has to be compatible with the Airport and the area. The main reasons for the variances is because of the Airport. His client tried to buy more land from the Airport for a bigger building and more parking but couldn't because of the need to protect Airport operations. Mr. Dusing summarized the criteria for the Zone Change and the variances. He concluded that the use can't hurt anybody. The setback in this request is from the Airport, which is about 8,000 acres. It would be a total waste of putting a 50 foot buffer against 8,000 acres. The Airport will install the fence and not his client. The expanded parking will be a huge blessing to the site since they only have 50-60 parking spaces with 2 shifts going. Chairman Rolfsen asked what the Airport was using the other parcels for? Mr. Dusing responded that it had something to do with federal money used to acquire the land originally. Mr. Dusing noted that his client was only interested in land for purchase and not lease.

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

Seeing no one, Chairman Rolfsen asked if any Planning Commission members had any comments or questions? He asked about the number of parking spaces currently on-site? Ms. Anderson responded they would have 67 new spaces to go with the existing to adequately serve the present and future number of employees.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be held on June 21, 2017 at 5:00 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on July 5, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:12 P.M.

APPROVED:

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Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

