

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
August 2, 2017
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

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, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Kevin Wall, Staff

1. Request of **Florence Baptist Church (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 66.72 acre site located at 642 Mt. Zion Road, Boone County, Kentucky. The request is for a zone change to allow a K-12 school to operate within the existing church.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site in question is the current Florence Baptist Church located off Mt. Zion Road. The Comprehensive Plan's Future Land Use Map designates this site as Public/Institutional (P). Mr. Wall stated that the site received a Conditional Use Permit in 2000 to allow a church to be built. The Conditional Use Permit allowed for a 130,000 square foot church building. Currently, the church is 80,000 square feet in size. The conditions as stated with the Conditional Use Permit are attached to the Staff Report. A school is proposed to be located in the existing building. The floor area of the proposed school is 5,524 square feet. Enrollment is K-12 grades with a maximum of 100 students. The operation will include offices for the school's administration, school board meetings and occasional school programs such as musicals and plays. There will be no buses. Mr. Wall showed the location (floor plan) of the Twelve Stones Christian Academy. He showed photographs of the site and adjoining properties including the realignment of the church entrance as a result of the Mt. Zion Road construction project. The actual square footage of the existing building is 80,670 square feet on 66.72 acres.

In terms of Staff Comments, Mr. Wall noted there were only three. The first one relates to the Comprehensive Plan which recommends Public/Institutional uses. This category includes churches and schools. There is specific language about the site identified on page 6 of the Staff Report. The real purpose of the PF zone is to allow a school. The church is already permitted based upon the current zoning. Second, Mr. Wall explained that he provided a copy of Article 12 or the Public Facilities (PF) text in the Staff Report so that Board members can have an understanding of the permitted uses. The Board could consider limitations on the uses in the proposed PF zone. There is plenty of land that can be used in the future. Finally, Mr. Wall noted that the Florence Fire Department submitted a letter expressing a desire to examine the interior life safety systems later on with the Building Department. No comments have been received from the Kentucky Transportation Cabinet most likely due to the fact that the access has already been determined.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Dr. Tavis McNair, representing Florence Baptist Church, stated that one of the purposes of Florence Baptist Church is to impact the community in a positive way. One of the ways of doing this is to open the building during the week for a school. Dr. McNair emphasized that their primary goal is to be a church. By changing the zoning to Public Facilities (PF) the church can continue and it also allows them flexibility to have a school. He also explained that they already have a preschool at the church - Pathways Preschool. They meet Tuesdays, Wednesdays and Thursdays in the morning. They have plenty of room in the building. They also have other church related activities going on during the week like Women's Bible Study. Florence Baptist Church has no desire to construct a building addition for the school. They would use the church building "as is" from 8:30 a.m. - 3:30 p.m. Monday through Friday.

Mr. John Pinkston, 5559 Cody Road, Independence, Kentucky, stated he was a Board member of the proposed school. It is a start-up school. They have approximately 20 students enrolled this upcoming academic year. It is a soft launch. There is a need for this type of school in the area.

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 Board members had any comments or questions? Mr. Patton asked if the 100 student figure is a specific request or a capped amount? Dr. McNair replied that they submitted the figure based upon what the school anticipated. It is obvious the church can accommodate more students. They want to continue to use the building as a church - perhaps 100 - 150 student range would be okay. Mr. Patton stated that 120 students would give the applicant more balance - 10 students per grade.

Mr. Bunger asked if there would be food service and athletic fields? Dr. McNair responded there would be no food service. Students would bring their own lunch. They don't have a full cafeteria. The school does not plan on having athletic teams. They don't have those type of facilities at the church site and don't have the ability to provide them.

Mr. McMillian inquired about school buses. Dr. McNair responded that it is all individual transportation and no school buses. It is parent drop-off and pick-up.

Chairman Rolfsen asked about the type of student who would attend Twelve Stones Christian Academy since it was noted that Union Pointe Academy was concentrating on special needs students? Mr. Pinkston responded that it would be a high quality Christian education - small class sizes and co-ed. It is the first and only campus in the area at this time. There is no history.

Ms. Nieves asked if there were any playground facilities currently at the site? Mr. Pinkston replied there are indoor and outdoor playgrounds. There is also a soccer and a baseball field. Ms. Nieves inquired about how the school would address mixing students from different grades. Mr. Pinkston stated that in the first year, they are only accepting students K-7 grades in order to avoid high school students mixing with younger students. It is an academic and financial challenge.

Mr. Bunger questioned what is involved in starting and establishing a school? What are the standards? Mr. Pinkston replied that such items as facility management, staffing, curriculum, and finance are involved. It includes filing for non-profit status. Mr. Bunger inquired on whether the teachers had to be accredited? Mr. Pinkston explained that accreditation occurs once they are established and in operation. It usually takes 2 years for accreditation.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 16, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:49 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

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, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:50 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT -Todd Morgan, Staff

2. Request of **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The applicant is requesting the zone change because the current zoning does not allow a hotel, but the proposed zoning does allow a hotel at 30,000 square feet/acre of land. The proposed use is a four story Holiday Inn Express and Suites hotel with 93 guest rooms. It is 56,000 square feet in area with a building intensity of 26,047 square feet of building per acre of land. A total of 107 parking spaces are planned for the site. Two curb cuts access the site. The proposed building faces Vandercar Way and the applicant has submitted building elevations with building materials. The building is all brick and stone. Mr. Morgan showed photos of the site and the building elevations. He reminded the Board that the site in question is part of the lawsuit settlement area where there are specific design requirements. Two other hotels (Homewood Suites and Comfort Suites) in the area have gone through a similar process. The Future Land Use Map designates the site as Commercial (C). The Staff Report refers to sections of the Houston-Donaldson Study and Boone County Comprehensive Plan.

In terms of Staff Comments, the zone change is being requested because the O-2 zone allows a maximum building intensity of 30,000 square feet of building per acre of land (2.15 x 30,000 = 64,500 square feet). The proposed hotel is approximately 56,000 square feet in area and 45'-4" tall. Typically, hotels are listed as conditional uses in the Office Two (O-2) zone. However, the Conditional Use Permit is not required when hotels are approved as part of a Planned Development (PD). Staff would like the applicant to address the following: Does the hotel have any conference rooms that can be rented out by guests that are not staying at the hotel? If so, additional parking would be required. Has the Kenton County Airport Board or Kentucky Airport Zoning Commission been contacted regarding the proposed building height? Similar zone change requests have been approved in Merchants Square Subdivision. In 2011, the City of Florence approved a Zoning Map Amendment application from O-1/PD to O-2/PD for the 8.95 acre site at 1090 Vandercar Way. The approval allowed the existing Homewood Suites to be located on a 5.38 acre tract and two development options for the remaining 3.57 acres. Option 1 allowed O-2 uses (1 or 2 buildings) to develop on the property at the maximum intensity of the O-1 zone (16,000 square feet of building permitted per acre of land). Option 2 allowed a hotel to develop on site at maximum intensity of the O-2 zone (30,000 square feet of building per acre of land). A condition of approval limits the height of the hotel so it cannot be any taller than Homewood Suites. To date, neither development option has been constructed.

In 2016, the City of Florence approved a Zoning Map Amendment from C-2/PD/HDO to O-2/PD/HDO to allow a four-story hotel (Comfort Suites) to develop on lot 12 of Merchants Square Subdivision. The approved building intensity was approximately 28,582 square feet of building per square foot of land (56,180/1.9656).

Staff has the following comments regarding the Planned Development (PD) Standards:

Architecture: The design of the building needs to be analyzed against the architectural guidelines found in the lawsuit settlement agreement and the site design standards found in the Houston-Donaldson Study.

Staff would like the applicant to address the following so it's clear if any architectural design waivers are being sought:

1. Provide a material sample board.
2. Explain if the dumpster enclosure will match the building?
3. Explain if any mechanical equipment be visible on the roof?
4. Define the fencing materials around the patio.

Signage: The applicant has informed Staff that they will comply with the lawsuit settlement agreement and the Houston-Donaldson Study Special Sign Regulations. One 6' tall and 7' wide monument sign is permitted on the lot. Final approval of all signs would take place through the Technical/Design Review and Sign Permit application processes.

Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe.

Sidewalks will be required along both street frontages and a sidewalk connection is shown between the front of the building and Vandercar Way.

Lastly, Staff sent an agency memo to the City of Florence, Florence Fire Department, and Kenton County Airport Board asking if they had any comments regarding the proposal. Staff received an email from Florence Fire Department indicating they had no comments at this time.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to make a presentation? Mr. Davesh Patel, applicant, submitted a sample board of building materials and colors. Mr. Patel stated that the patio and building will be all brick. The dumpster will match the red brick of the building. Mechanical equipment will be screened. Mr. Daniel Whitley, Arnold Consulting Engineers, stated that a parapet will be installed on the roof to screen the roof equipment. They did contact the Kentucky Airport Zoning Commission and did not see any concerns but they will have to file with the FAA.

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 Board Members had any comments or questions? Mr. Patton inquired if the request is a PD, is the applicant capping the building intensity at 56,000 square feet? If for some reason the applicant does not build it and someone else wants to build it at 60,000 square feet, would they have to come back

before the Planning Commission? Mr. Morgan replied the changes would have to be analyzed first by Staff because such an approval would include height, building intensity and architecture. It may or may not have to come back to the full Planning Commission.

Mr. Bunger asked about the applicant's other hotel operations in the area? Mr. Patel responded that they have 25 hotels and 7 under construction. They have 3 hotels in Louisiana, 2 in Nashville and 3 in Kentucky. Chairman Rolfsen inquired about the average occupancy rate? Mr. Patel replied that he did a comparison of hotels that he would compete with when the hotel opens. They built the Best Western in Florence in 1996 and the market is moving towards the mid-80s percent occupancy. It is due to business growth like Amazon, Southwest Airlines and the Ark project. It is a high end hotel. It is a limited service hotel. There are no kitchens in the rooms.

Mr. Patton asked the Staff if the occupancy rates are accurate. Mr. Costello responded yes as Mr. Eric Summe with the NKY Visitors and Convention Bureau recently presented some data to the Staff. Florence area hotels are benefitting from the Ark project simply because of the limitation of attractions, services and hotels in Grant County. The high occupancy rate in Boone County is due to industrial business growth in Boone County and the Ark project. This also includes increased airline traffic. Florence is in the middle between the Ark project and downtown Cincinnati.

Mr. Lunnemann inquired about the amenities provided at the hotel? Mr. Patel replied that the hotel will have an indoor pool, a meeting room, free wi-fi, patio area and free breakfast.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 16, 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 September 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:07 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director