

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
SEPTEMBER 6, 2017
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Janet Kegley
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
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Robert A. Jonas, AICP, Director, Zoning Services
Mr. Matt P. Becher, AICP, Rural/Open Space Planner

Chairman Rolfsen called the Public Hearing to order at 7:36 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Mitch Light, Staff

1. Request of **Steve Berling (applicant)** for **Dave Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757, and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643, and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The request is for a zone change to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).

Mr. Mark Hicks left the meeting room at this time.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The Applicant's Concept Development Plan proposes 52 lots on 17 acres (3.05 dwelling units per acre). McGuire Lane, within the Gunpowder Trails Subdivision, is shown extending to the property line with the remaining Kroth property and a short cul-de-sac off Gordon Blvd., Devin Court, within the Hawk's Landing Subdivision (formerly Gunpowder Trails Phase V). The Suburban Residential One (SR-1) setbacks are 30' front, 30' rear and 5' minimum - 15' total on the sides with 65' of road frontage on a minimum 8,000 square foot lot. The site has both overhead and underground utility easements. All utilities are available and will be extended to the adjoining property. The site is currently zoned Agricultural Estate (A-2). The site has 3 bodies of water. The Future Land Use Map designates the site as Suburban Density Residential (SD) up to 4 dwelling units per acre. Mr. Light presented a drawing showing the various phases in the Gunpowder Trails Subdivision. There were 4 Public Hearings for the subdivision. In 2001, 193 lots were approved on 80 acres. In 2004, 154 lots were approved on 51.2 acres. In 2006, there were two applications: 140 lots on 53.6 acres and 33 lots on 11 acres. Mr. Light showed photographs of the site and adjacent properties. Mr. Light noted references to the Comprehensive Plan are identified on pages 2-5 of the Staff Report. This includes the Housing Element on page 3 and Goals and Objectives on pages 3-4.

In terms of Staff Concerns, Staff would like to know when the Gordon Boulevard road connection into Hawk's Landing and out to Longbranch Road will be made and open to the public? Staff would like to know how much of the existing vegetation will be retained. In conclusion, The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. Mr Light reviewed the list of attachments identified in the Staff Report.

In response to a question by Chairman Rolfsen, Mr. Light noted that the 2001 zone change was 2.41 dwelling units per acre. The 2004 zone change was 3.01 dwelling units per acre. The first 2006 zone change was 2.61 units per acre. The second 2006 zone change was 3 units per acre. The existing subdivision is at 2.54 dwelling units per acre.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Steve Berling, engineer for the project, stated that he did the design work for Gunpowder Trails and Hawk's Landing. It has taken 10 years to start Hawk's Landing. There are 2 different builders working in Hawk's Landing and Gunpowder Trails Subdivisions. Both of them will work from both ends to get towards the middle. In response to Chairman Rolfsen, Mr. Berling stated that the connection to Longbranch Road will occur based upon demand. He anticipated the connection to occur sometime in 2019 or thereafter. Currently, there is a 15-20 lot take down per year. In 2001, it was close to 45-50 houses built in the subdivision per year. The distance to the connection is 2,500 feet in length.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Ron Mullen, 2362 Grandview Drive, Ft. Mitchell, stated that he was present on behalf of Camp Ernst, LLC. He is one of the members of the development company. He explained that the proposal "squares up" the property and it is consistent with the Comprehensive Plan. The proposed lots are similar in size to what is there and he hopes the streets can be connected in the next 2-3 years. Mr. Mullen noted that the proposed layout will minimize the vegetation removal.

Mr. Kevin Kruetzkamp, 6729 Gordon Boulevard, stated that he isn't against the project but has a few issues. He asked about disturbing the lake? He and others own part of the lake. He noticed that the lot owners and names don't match on the submitted drawing. Was it a clerical error? He owns Lot 249 but the drawing says lot 250. The paper work is incorrect if it is being considered for approval. Without the access to Longbranch Road, the Union Fire Department has to go all the way around the subdivision to enter their area of service.

Ms. Amy Fritz, 609 McGuire Lane, stated that she is not against the proposal but she has concerns. Access to the subdivision, considering its size, is difficult because it only has one entrance and exit. She requested that the developer keep the existing pond and vegetation behind her house. If the pond is filled in, how does it work for drainage? She has a four year old child with autism and expressed a concern about increased traffic off McGuire Lane.

Mr. Ryan Kochert, 639 Makayla Court, expressed a concern of when the proposed homes would be built and the timing of the connection to Longbranch Road. There is a lot of pressure at the existing access point for the existing residents plus the new residents.

Mr. Randall Baugus, 6725 Gordon Boulevard, explained that he just moved to the area about a month ago. He owns a portion of the lake and that is why he bought the lot. He expressed a concern about what the developer was going to do about it. He owns about 25-30 feet into the lake.

Ms. Stephanie Knauer, 6708 Gordon Boulevard, asked if any of the vegetation was going to remain adjacent to the existing lots on McGuire Lane?

Chairman Rolfsen asked if any Board members had any comments or questions? Mrs. Kegley asked what was the total number of lots for the subdivision? How many of the houses will be

heading to the one exit? Mr. Light responded that he could provide that information at the Committee Meeting. He will verify the number of 566 lots.

Mr. Berling stated that the big lake will not be disturbed. Lots will be backed into it. The little pond by McGuire Lane will be removed and the vegetation will be kept along the fence row. There is a large storm sewer pipe near the big lake. No storm water from the site in question will be going onto the existing lots.

Mr. Breetz asked who owns the dam? Mr. Berling responded that it is a big earthen embankment. The houses are built on top of the dam area. The lake is 15-25 feet deep. SD1 maintains the outlet structure.

Chairman Rolfsen asked about the phasing of the project. Mr. Berling replied that the extension of McGuire Lane will be built first and then the 2 cul-de-sacs. The connection could take 2-3 years depending on the Devin Court extension in Hawk's Landing. Mr. Costello asked if the developer could reassess the timing issue of the street connection due to the new construction of the Ballyshannon Middle School on Longbranch Road? It is a new attraction. Mr. Berling replied yes he would reassess the street connection.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 20, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on October 4, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:08 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
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Ms. Lisa Reeves
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Mr. Bob Schwenke
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COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Robert A. Jonas, AICP, Director, Planning Services
Mr. Matt P. Becher, AICP, Rural/Open Space Planner

Chairman Rolfsen called the Public Hearing to order at 8:09 P.M. and introduced the second item on the Agenda:

LONG RANGE PLANNING/COMP PLAN - Bob Schwenke, Chairman, Robert Jonas & Matthew Becher, Staff

2. Request of the **Long Range Planning/Comp Plan Committee** to hold a Public Hearing to present and hear comments regarding the 2017 update of the Boone County Comprehensive Plan Goals and Objectives. The Goals and Objectives include the following sections: Overall, Demographics, Environment, Natural and Cultural Resources, Economy, Public Facilities, and Transportation. The Goals and Objectives will form the basis for the update of the remaining Elements/Chapters of the 2017 Boone County Comprehensive Plan.

Mr. Mark Hicks returned to the meeting room.

Staff Member, Bob Jonas, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). He described the history of the Boone County Comprehensive Plan. The current Comprehensive Plan was based upon a plan created by a consultant in 1980 in terms of structure and format. In 1985, a section by section land use description was added. In 1990, the Transportation and Recreation Elements were expanded. GIS was first utilized in the 1995 update. In 2000, the inclusion of the Union Town Plan was introduced. In 2005, there was a concentrated effort to track development and infrastructure trends. In 2010 the plan recognized the slower development activity, increased technology, home based businesses, and other items.

KRS Chapter 100 describes the requirements for updating a comprehensive plan. It is a 3 step process that includes preliminary research, creation of a statement of goals and objectives that direct the plan and then the development of the actual plan. The planning time period is 2040. Mr. Jonas showed a flow chart of the update process. The Goals and Objectives are adopted by the Planning Commission and by the 4 legislative units. He also reviewed the original research, which appears in the form of a summary report in Attachment A of the Staff Report. The purpose of the report is to determine if the original research is still valid. Staff reviewed the current Goals and Objectives and concluded that they remain generally appropriate based on currently available data. However, there have been some changes in the community and the proposed Goals and Objectives reflect those changes.

Staff Member Matt Becher gave an overview of the public involvement process of the Goals and Objectives update. In general, public involvement has been an issue in past updates. Fewer people want to attend meetings. Social media is becoming more of a factor where people prefer to comment from home. Staff made an active effort to engage the public digitally. The public involvement strategies go well beyond the minimum required by KRS 100. Strategic Advisors was hired to guide the public involvement process. They assisted in developing a Web page and a Facebook page. Numerous committee meetings were held to discuss the Goals and Objectives along with receiving comments from various organizations and individuals. Nine sets of comments were submitted for review and it helped shape the proposed Goals and Objectives. Two more sets of comments were received today. In terms of the structure or format of the Plan and the Goals and Objectives, the format has changed. Mr. Becher explained that Staff researched different

types of successful community plans across the United States. The result was that the Plan should be overhauled in terms of format and design. The overhaul means restructuring and streamlining it to make it more brief. Elements will be combined. Population and Housing will become Demographics. Recreation and Open Space, Agriculture, and Preservation will become more resource based Elements called Natural and Cultural Resources. Economy and Business Activity will be combined to be called just Economy. Public Facilities, Transportation, Environment, and Land Use will be stand alone Elements due to the requirements of KRS 100 and based on the importance to the community. By combining some of the Elements, it will eliminate a lot of the redundancy.

Mr. Jonas stated that the proposed draft of the Goals and Objectives was endorsed by the Long Range Planning/Comp Plan Committee on August 2, 2017. The draft has been available to public on the Planning Commission's website and in the office. Also, a copy of it was sent to interested groups, individuals, and organizations. Mr. Jonas then reviewed the key changes to each section. Generally, wording was combined to reduce duplicate words. In the Demographics section, language was added to deal with the needs of an aging population. An objective was added to retain existing residents and meet the needs of the population in all geographic areas. A new objective was added to balance housing types with employment, commercial and educational needs of the community. Language was added to encourage redevelopment and renovation of the deteriorating housing stock. Interconnected subdivisions wording is to be relocated to the Transportation Element of the Plan and language regarding clustered housing was simplified.

In terms of the Environment Element, there is an effort to unify the County and City goal and "standards" language for Developmentally Sensitive areas was removed in order to address the matter in the actual Environment Element. Soils were added as a consideration of development design. In the Natural and Cultural Resources section, language was combined and removed dealing with the acquisition of land for parks and open space. Industry standard terms such as Active Transportation and Cultural Resources were added along with the conceptual or interconnected regional parks system and the economic importance of Agri-Tourism and Heritage Tourism. Under Economy, a unified County/City goal was proposed along with references to Agri-Tourism, Heritage Tourism, virtual employment, and natural systems in assuring development compatibility. In the Public Facilities section, the proposed Goal was directed to residents and businesses and not just development. Reference was made to natural infrastructure as well as man made infrastructure when considering growth. Finally, language was added about small cellular facilities for wireless communication and internet services. The Transportation section was reorganized into 3 parts: Regional, Local, and Land Use Compatibility/Safety. Language was added stressing road conditions across jurisdictions, the movement of people and freight, and about the Boone County Transportation Plan update. Other items added were Active Transportation and Autonomous Vehicle terms. In conclusion, Mr. Jonas noted that it is important to note that much of the actual content of the 2017 Goals and Objectives has been publically reviewed through several previous Comprehensive Plan updates and represents sound planning practice. All portions have been publically discussed. The Boone County Comprehensive Plan has always been designed to promote a balance of land uses and a mix of urban and rural growth that respects the land characteristics and infrastructure of Boone County. He also acknowledged the receipt of two items to introduce at the Public Hearing. The first item originated from Planning and Development Services of Kenton County (Exhibit A) and the second one from SD1 (Exhibit B).

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Brian Miller, Building Industry Association of NKY, noted that the I-Phone was developed 10 years ago so the concept of Autonomous Vehicles may not be too far off. Things happen and change quickly. He appreciated the willingness of the Board and Staff to review their submitted comments. He extended an offer to meet to review the key items. In order to pay for anything today, there has to be a vibrant economy. Without the economy, all you have left is the environment. He expressed a concern that environmental regulations should be under the jurisdiction of local government or elected officials. Stream mitigation fees are higher than land values in certain areas of Boone County as noted from an example of a 300 acre site located off KY 237. He expressed a desire to review the Planning Commission's responses to their group's original comments made in February, 2017 on the current (2010) Goals and Objectives.

Mr. Max Montoya, 2110 Williams Road, stated he is a horse farm owner and has lived off Williams Road for 18 years. His property is now surrounded by development. Farming and development need to co-exist. He is also a business owner and he understands the issue about regulations. A road is being proposed to go through their farm. He is concerned. He is opposed to the road. It will destroy his life and future. He doesn't care about businesses that affect his farm. He doesn't want a road through his farm so developers can sell houses.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 20, 2017 at 6:30 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on October 4, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:45 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A - Letter from Planning & Development Services of Kenton County dated 9/6/17.
Exhibit B - Email from SD1 dated 9/6/17.