

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 1, 2017
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Brad Shipe
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. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Robert A. Jonas, AICP, Director, Zoning Services

Chairman Rolfsen called the Public Hearing to order at 7:37 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT AND VARIANCE - Mitch Light, Staff

1. Request of Jim Thomas, President and CEO of The Harper Company (applicant) for Billy Vines, Judith Vines, and Shayeson Huff Properties, LLC (owners) for a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2), and a Variance, for an approximate 10 acre area located at 1582 and 1648 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow construction related uses and all I-2 zone Principally Permitted and Accessory Uses, and a Variance from Section 3645 of the Boone County Zoning Regulations to reduce the required landscape buffer yard along the east property line.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The Applicant is requesting a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2) to allow all construction related uses in the I-2 zone (including a concrete plant and asphalt plant) as well as a dimensional variance relating to the required landscape buffer yard width along the easternmost property line. The submitted Concept Plan shows the proposed expansion of the existing Harper Company. The proposal also indicates the elimination of the access point at KY 20 for this parcel. There will be no direct access onto KY 20 from this parcel. The applicant has indicated that the northernmost portion of the property is being offered to SD1. This area includes the creek and is adjacent to the storm water detention parcel that SD1 owns and maintains. The applicant has also applied for a Variance to reduce the buffer requirements along the east property line. Even though the Kenton County Airport Board (KCAB) owns the adjoining properties to the east, the required landscape buffer between an I-2 property and the adjoining SR-1 (KCAB owned property) is a Buffer Yard D. The Buffer Yard D is an 80' width, 20 evergreens, 11 large trees and 40 shrubs per 100 lineal feet or 40' width if a 6' high berm (2.5:1 max. slope), fence or masonry wall, 20 evergreens, 11 large trees and 20 shrubs. Mr. Light identified the surrounding zoning of Industrial One (I-1), Suburban Residential Two (SR-2), Urban Residential One (UR-1) and Suburban Residential One (SR-1). The 10 acre site has approximately 525 feet of frontage on Petersburg Road (KY 20). A portion of the site is wooded. Boone County GIS shows that the topography of the site falls from 880 feet above sea level on Petersburg Road (KY 20) to 822 feet above sea level at the creek.

In terms of site history, there was a request by Viox & Viox for the current property owners in 2008 for a Zoning Map Amendment from SR-1 to I-1 for a 7.9 acre tract. The request was approved with conditions. In 2000, there was a request by Jim Thomas for Shayeson-Huff Properties, LLC for a Zone Change from SR-1 to I-1 for a 4.1 acre tract. The request was approved with conditions. Mr. Light stated that the Future Land Use map from the Comprehensive Plan designates the site as Industrial (I). The Land Use Element text within the 2010 Boone County Comprehensive Plan makes the following statement that relates to this area: "The small industrial park surrounding the Hebron Post Office should continue to develop to the limits indicated on the Future Land Use Map." References to the Goals and Objectives are noted on pages 2 & 3 of the Staff Report. The Land Use Element makes the following statements regarding the general area:

- A. "This section of Boone County is characterized by the I-275 and KY 237 Interchange and the established town of Hebron. Land to the north of the airport interchange lies directly under two of the airport's flight paths and, in some cases, is best suited for commercial, office, or industrial uses related to the airport. The Hebron area has been dramatically affected by the 18R north-south airport runway. Construction of this runway has displaced existing residential land uses, impacted public land uses, and relocated or closed roadways."
- B. "Property to the east of the interchange along I-275 possesses high visibility and is a suitable location for high-profile Business Park development similar to that occurring at the Mineola Interchange. The development of this Business Park area is dependent upon a road connection from KY 237, opposite Litton Lane to Elijahs Creek Road to allow all traffic associated with the development to directly access the KY 237 Interchange, and to serve future residential growth. This road should be connected to the relocated KY 20, near I-275 and near the runway tunnel, through industrial development. For industrial development to occur east of Elijah's Creek in this area, it must have either the direct KY 20 connection or the KY 237 connection described above."

The Business Activity Element contains the following passage that relates to the proposal:

"Property on the north side of KY 20 and near existing Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities."

Mr. Light showed a map from the 2030 Boone County Transportation Plan that depicted a potential road from KY 20 crossing Elijah Creek Road and connecting to KY 237 opposite of Coral Drive. It was shown to be a Controlled Access Connector. The applicant is willing to not utilize the existing curb cut serving the subject site. The Harper Company would use their existing curb cut. Mr. Light showed photographs of the subject site and adjoining properties.

In terms of Staff Comments, Mr. Light noted that the findings necessary for a Zoning Map Amendment and a Variance are noted on pages 4 & 5 of the Staff Report. In addition, Staff would like the applicant to address the height of a concrete/asphalt plant. The I-2 zone has a 100' maximum height, however concrete and asphalt plants are exempt from this requirement. Section 3124 of the Boone County Zoning Regulations states that water tanks, silos, etc. which are not intended for human occupancy are exempt from the height requirements. The application also requests a variance in the Buffer Yard "D" requirements along the eastern property line. Staff would like for the applicant to explain how much of a Variance is being requested. Staff sent an agency memo to the Boone County Fiscal Court, Sheriff's Department, Public Works, Hebron Fire, Boone County Schools, Kentucky Transportation Cabinet and Kenton County Airport Board asking if they had any comments regarding the proposal. Staff received emails from Hebron Fire and the Boone County Sheriff indicating they had no issues at this time. A Major Site Plan review will be required to construct any of the proposed improvements if this Zoning Map Amendment is approved. The Site Plan will address grading, parking, storm water, landscaping, lighting, etc.

Mr. Light concluded that the request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Jim Thomas, The Harper Company, stated that he did not have a formal presentation but was available to answer any questions.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Maynard Leever, 2764 Berwood Lane, stated that he can see Harper Company from his house. He has lived in the area for 20 years. Harper has dumped concrete on their property at night in the past. It was very loud. It has affected his quality of life. The proposed use is too close to residential uses. The houses next to The Harper Company are rental properties. It is not a proper place for an asphalt or concrete crushing facility. There will be dust and excessive noise. It will affect property values.

Chairman Rolfsen asked if any Board members had comments or questions? In response to a question by Chairman Rolfsen, Mr. Thomas stated that the plant will be either concrete or asphalt but not both. They are not in the commercial business to sell to others. If a plant was set up, it would be for their use only for an Airport or KDOT project. They are not like Hilltop. Hilltop actually sells a product to other companies and don't actually do the paving. The product that Harper makes is for their use only. They will not build the plant until it is needed. It would be on a temporary basis. Mr. Thomas stated that they hauled broken concrete from the Airport at night and ceased the activity immediately. They don't want to disturb anyone. They want to be good neighbors.

Chairman asked if the plant is not constructed, how would Harper use the property? Mr. Thomas replied that they would store equipment on the property just like the other parcels. Piles of asphalt and concrete would exist if they use the plant. Mr. Costello asked what is meant by "temporary?" Are there any drawings of the proposal showing the height and impacts? What State and Federal permits are required? Mr. Thomas replied they have a statewide permit. Mr. Costello requested elevation drawings of the plant from KY 20 and the adjoining residential subdivision. Mr. Thomas replied he would provide the drawings at the Committee meeting.

Mrs. Kegley asked the applicant to review or evaluate the list of I-2 uses that could be eliminated. Mr. Thomas agreed to supply such a list.

Mr. Hicks expressed a concern of opening an I-2 zone in the area. What is the chance that more residential in the area could develop? Currently, the Planning Commission has to review the request in light of current residential zoning. Mr. Thomas referred to a letter provided by the Airport and the likelihood the property will be developed for a residential use. That site should be zoned Airport (A) instead of residential. Mr. Hicks explained that the Planning Commission tries to keep I-2 away from residential because it is a heavier industrial use. The applicant is requesting I-2 zoning with a blank check. There is no plan to mitigate the impact of the plant.

Mr. Bunger asked Staff what was the requested buffering on the adjoining property and what was

planned for the buffer on the subject site? Also, what is the distance between the applicant's property and the closest residence? Mr. Thomas replied that it is 500 feet. Mr. Light stated he would pull the approved plans in order to obtain the information. Mr. Light acknowledged there are trees above and below the fence and wall. Mr. Thomas also stated there is a berm. Mr. Bunger asked if what exists meets the requirements and approved plans? He also inquired about ownership of the proposed detention basin since SD-1 was not interested. Who would own it? Mr. Thomas replied that he would like to give it to SD-1 or the Boone County Conservation District. It could also be a permanent green space or a buffer. Mr. Light remarked that the development area could be limited on the Concept Development Plan. Mr. Thomas also offered to give it to the adjoining property owners. In response to Mr. Bunger, Mr. Thomas stated there will be no nighttime work on the site in question.

Chairman Rolfsen asked how much of a reduction in the buffer was the applicant requesting on the eastern side? Mr. Thomas replied that he is willing to work with Staff on reducing Buffer Yard D. The 80 foot requirement would negate the use of the property. Also, the Airport doesn't have plans for the use of the adjoining property. They will install a fence and evergreen trees.

Chairman Rolfsen asked if the applicant would agree to no nighttime operations? Mr. Thomas replied yes.

Mr. Bunger inquired about state requirements for setting up a temporary plant? Mr. Thomas replied that state EPA requires an Emissions Permit and Noise Permit. His company meets those requirements since they have a statewide permit. He stated they are inspected.

Mr. Schwenke asked if the plant in question was truly portable? Mr. Thomas responded yes. He further explained that the proposed plant is potential. They have no desire to do it right now. If it comes up, it will be on a temporary basis. Mr. Bunger stated that the request, if approved, would allow a temporary plant on a regular basis and that is why the impacts have to be analyzed.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 15, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:10 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Brad Shipe
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. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Robert A. Jonas, AICP, Director, Zoning Services

Mr. Randy Bessler left the meeting room.

Chairman Rolfsen called the Public Hearing to order at 8:11 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT - Kevin Wall, Staff

2. Request of **Jay Bayer, Bayer Becker Inc. (applicant)** for **Toebben, Ltd. (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of a residential phase in the previously approved Rivers Pointe Estates development (no increase in number of dwelling units for the overall Rivers Pointe Estates development).

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is for a Zone Change from A-2 and RSE to SR-3/C-1/PD for a 2.2 acre lot at 1892 Stahl Road. The site has a garage building on it and is split zoned. The Future Land Use Map from the Comprehensive Plan designates the site as Rural Density Residential (RD) and Suburban Density Residential (SD). The topography of the site is relatively flat with the exception of the back portion. Mr. Wall provided a Concept Development Plan for the entire site of Rivers Pointe Estates Subdivision. The original zone change was approved in 2010. The entire site is 334 acres in size and has residential, commercial and office uses. It includes 23,000 square feet of commercial/office space off North Bend Road. In addition, a variety of residential building types were approved with a total unit count of 864. The proposed 2.2 acres will be added to Area II. There are four different residential building types in this area. Residential uses include single family detached lots, landminiums, townhomes, and apartments. The applicant submitted a specific landscaping plan for the perimeter of Area 2. No increase in the number of lots/units will occur even though the applicant is adding 2.2 acres to the project. In theory, the applicant could add one lot to the project based upon the existing zoning but they are not proposing to do so. Mr. Wall showed photographs of the site and adjoining properties.

In terms of Staff Comments, Mr. Wall noted quotes from the Comprehensive Plan on pages 2-8 of the Staff Report. There are a lot of references to the Housing Element. Because the applicant is pursuing the Planned Development (PD), there are criteria that the applicant must address. These criteria were examined extensively when the original request was reviewed in 2010. Further, the approved conditions are also noted in the Staff Report and in terms of which ones apply to the 2.2 acre parcel. There were 22 conditions that apply to the original project. Mr. Wall referred to Condition #8 that pertains to the landscape perimeter. The landscape around the perimeter should be designed based upon the final use and layout of the 2.2 acres. Mr. Wall stated that comments were received from Hebron Fire, SD1, and the Kentucky Transportation Cabinet. Comments were requested from other outside agencies but have yet to be received. This includes the Boone County Water District, the Boone County Public Works Department and the Boone County School District. Mr. Wall concluded that the request has to be reviewed in relation to the statutory requirements, the PD requirements, and the potential impacts. If approved the Future Land Use Map would need to be amended.

Mr. John Toebben, Toebben Companies, stated that after much debate the original project was approved in 2010. Since then, there was a sanitary sewer moratorium, along with a recession,

which slowed the project. After the original approval, they had the opportunity to purchase the parcel in question. No additional units are being proposed. It is a relatively small parcel compared with the entire project.

Mr. Jay Bayer, engineer for the project, showed the original plan for Rivers Pointe Estates Subdivision. The Regulating Plan had a table which described the allowable uses. This includes single family homes with rear access, townhomes, landminiums and multi-family units. The overall number of units and density will remain the same. Mr. Bayer stated that the Housing Element of the Comprehensive Plan suggests offering a variety of housing and units. Page 8 of the Comprehensive Plan states as the County's population ages, the need for higher density and planned unit developments will likely increase. It was envisioned that this type of need was coming. The parcel in question is small compared with the overall size of the project of 334 acres. Traditional innovative design as well as mixed use design options shall be encouraged throughout Boone County in order to accommodate market demands. The Land Use Element for the North Hebron area states that planned development or clustered housing should be used to insure proper development of this site. Mr. Bayer commented that the Zone Change Committee noted that the original plan was generally consistent with the Land Use Concepts in the Comprehensive Plan. In addition, the Committee felt that the original proposal was consistent with the Future Land Use Development Guidelines outlined in the Comprehensive Plan. It included the agreed conditions and the design guidelines from the Rivers Pointe Estates booklet. It fulfilled the requirements of the Planned Development (PD) requirements. He asked that the current request follow the same procedure and requirements of the previous applications and approval including the plan, booklet and conditions.

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

Mr. Robert Brill, 1889 Stahl Road, stated that the site in question is directly across the road from his house. He is not clear on what will be put on the property. He heard about a few things but what will really go there? He is unsure of whether he is for or against the request. One hundred by five hundred feet is not 2 acres. He doesn't want to see an apartment building across the street. Stahl Road is a relatively small road as it is difficult for two cars to pass at the same time. He explained that he didn't want to lose his property value for Mr. Toebben's profit or benefit.

Chairman Rolfsen asked if the applicant knew exactly what was going to be built on the 2.2 acres? Mr. Bayer showed a drawing of potential buildings on the 2.2 acres. It is a concept of what could occur. It could be any of the previously approved residential uses or buildings - single family detached houses, townhomes or apartments.

Ms. Donna Herald, 2400 Frontier Drive, stated that she didn't live in Hebron in 2010. She had the understanding that not all the new housing from the project would have access to Stahl Road. She expressed a concern about Stahl Road since is it very narrow. There is a elderly lady who walks her dog every day. There are no sidewalks or striping. It is difficult to make a left turn onto KY 237 due to increased traffic at peak time. Stahl Road is a paved gravel lane. To add multi-family housing to Stahl Road, it would result in a loss of life. Mr. Costello asked if there are any conditions placed on the applicant for Stahl Road? Mr. Wall replied no. There are 2 access points to Stahl

Road from the phase in question. There was a condition pertaining to the end of Stahl Road. It is a gated emergency access point. Mr. Wall stated that Fiscal Court added a condition that a traffic signal would be added at the primary entrance to the development on KY 237 when warranted. The bulk of the traffic including the phase in question will use the primary entrance.

Mr. Paul Marsh, 2481 Frontier Drive, asked whether the developer was changing the number of units because he didn't see them all on the plan? Maybe some of the buildings are larger? Can Stahl Road handle the additional traffic and weight limits? Most of the traffic from Stahl Road turns left onto KY 237. It is a nightmare if you don't leave your home early enough. It can take 10-15 minutes to turn left at a minimum. Most of the time people move to the middle lane and wait to merge right. Maybe a new traffic study needs to be done to expand KY 237. There was an accident this morning near the Remke intersection. Mr. Marsh showed a photo from his phone about a parcel for sale and a proposed development. Mr. Costello instructed Mr. Marsh to send the information to Mr. Wall.

Mr. Brill noted that Stahl Road has a lot of cracks and is not any wider than a driveway. The County will need to upgrade Stahl Road if apartments are built on the site in question.

Ms. Joanne Ellena, 1718 Grandview Drive, inquired about an article that appeared in the newspaper about 400 apartments. She said she would send a copy to the Planning Commission. She doesn't agree with apartments. There is a lot of traffic with Amazon and the new library. It can take 30 minutes to get to Kroger. Why haven't the police, sewer and schools commented? Where does it leave this issue if we don't know the impact? Is the land stable enough to support development? Where will the animals go?

Chairman Rolfsen asked the applicant to verify the acreage. Mr. Toebben replied it is 2.2 acres. He stated that they are not proposing to put any additional units on the 2.2 acres. It will be built on but will be in the overall unit count from 2010. An exhaustive study of the site was performed along with a traffic study. The entire project has 9 different housing pods. Mr. Toebben stated this area could have single family, paired homes, cluster units in the Village Center area. It will be urbanistic.

Chairman Rolfsen inquired about the start of the project. Mr. Toebben responded there is a force sanitary sewer main that has to be built along North Bend Road to Tanner Road in order to provide service. Construction will start in the Spring 2018. The force main is located in front of their property.

Mr. Bunger asked how the project would be phased? Mr. Toebben replied they will construct 50 units per year. They are currently working on a final plan and marketing studies. They hope to present a preliminary plan next Spring. The first phase will go beyond the retail area along KY 237. The connection to Stahl Road will be market driven.

Ms. Heilman asked if the developer is simply expanding the land area to build the previously approved 864 units? Mr. Wall responded yes. If the application was denied, the applicant could still build 864 units plus one unit on the 2.2 acres. The overall density of the project would decrease slightly.

Mr. Douglas Herald, 2400 Frontier Drive, stated that the 2010 Traffic Study should be updated since the population density in the area has increased. There needs to be a new traffic study. Times have changed. It was an old study. Traffic is different now than in 2010. The property hasn't been touched in 7 years, maybe it should be re-evaluated.

Mr. Ron Williams, 1873 Stahl Road, stated that the plan shows 20-30 units and big buildings. He didn't know about the changes on Stahl Road. He thought it was strictly off North Bend Road. It is difficult to get out onto KY 237. The apartments are getting closer to the single family residential areas. He is against the project. It is too much traffic. The County will have to do a lot more.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 15, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:44 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

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. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:45 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT - Mitch Light, Staff

3. Request of **Seva Hospitality, Ravi Narsinghani (applicant)** for **BBWAJ Partnership (William Burbank) (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/PD/HDO) for an approximate 2.8 acre site located on the south/west side of Ted Bushelman Boulevard between the property at 3125 Ted Bushelman Boulevard (Florence Fire Department) and 7300 Woodspoint Drive (Bridge Point Center), Florence, Kentucky. The request is for a zone change to allow a hotel and other uses permitted in the O-2 and C-2 zones.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The applicant has submitted a Zoning Map Amendment application to change the zoning of an 2.8 acre site from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/PD/HDO). The application and Concept Plan indicates that the applicant proposes to construct a 5-story, 89 unit hotel with an approximate gross floor area (GFA) of 72,965 and proposed intensity of 25,500 s.f. per acre. The proposed elevations show a brick and EIFS facade. The Concept Development Plan shows two (2) curb cuts onto Ted Bushelman Boulevard. The 2.8 acre site has approximately 230' of frontage on Ted Bushelman Boulevard. The site is wooded and lies between the new Florence Fire Station on Ted Bushelman Boulevard and Bridge Point Center on Woodspoint Drive. Boone County GIS shows that the topography of the site falls from 906 feet above sea level on Ted Bushelman Boulevard to 868 feet above sea level at the rear of the site adjacent to the golf course. All utilities are either available or will be extended to serve the subject site. The Future Land Use Map from the Comprehensive Plan designates the site as Recreation (R). Mr. Light described the adjacent zoning and land uses. The text of the Land Use Element states that "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study." "Commercial development should remain on the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate." Mr. Light showed samples of the hotel's brick and EIFS colors and building materials. He showed photographs of the project site and adjoining properties. He also referred to items A-C from the Land Use Element's Future Land Use Development Guidelines on pages 2-3 of the Staff Report. Mr. Light noted that the property is located in subarea 4 of the Study. The Study does not refer to this site specifically, but makes the following general statements:

- Although there is some redevelopment opportunity, there is very little new development opportunity in the Subarea.
- The zoning for the Subarea Four shows that almost the entire Subarea is under an approved Concept Development Plan. The only areas that are not subject to a Concept Development Plan are the development between Thoroughbred Boulevard and Turfway Road and the Bridgepoint Care and Rehabilitation Center.

- Future development and/or redevelopment in Subarea Four should be of commercial or office type land uses and not of light industrial or residential uses, except for the light industrial area on Spiral Drive.

In terms of Staff Comments, Staff would like the applicant to address if the hotel will have any conference rooms that can be rented out? If so, additional parking would be required. Staff would also like the applicant to address if any of the rooftop units will be visible from either Ted Bushelman Boulevard or Woodspoint Drive. A third comment involves permitted signage - one (1) Monument Sign 8' high and 48 s.f. max and a maximum of two (2) building mounted sign not to exceed 250 s.f. total. The proposed elevations show building mounted signage on the front and rear elevations. Finally, Staff sent an agency memo to the City of Florence, Florence Police Department, 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 issues at this time. In conclusion, the Concept Development Plan and the request need to be evaluated by the Boone County Planning Commission and Florence City Council in terms Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Ravi Narsinghani of Seva Hospitality, stated that his company wants to build a Staybridge Suite Hotel. It is geared towards corporate and leisure traveler. The proposed hotel is designed by the Intercontinental Hotel Group. Most recently, they built the Comfort Inn & Suites Hotel in the Houston-Donaldson Study area. The site in question is difficult to develop because of the topography because it is difficult to see and access. It is suitable for a high office building or hotel. There is a demand for extended stay hotels. Mr. Narsinghani referred to his PowerPoint presentation. Growth in the hotel industry is due to the growth at the Airport and at the Creation Museum and Ark Encounter sites. Hotel occupancy is now in the upper 80 percentages. By late 2019, there will be 477 additional hotel rooms built. What is Staybridge Suite hotel? It is an extended stay hotel - average number of days rented would be five. They are spacious studios with 1-2 bedrooms. They have kitchenettes, full size appliances, an on-site pantry, a hot breakfast, and complimentary evening cocktails. It functions like a mini resort. It is a homelike atmosphere for people who may work in the area but not live here. Many people staying at the hotel are looking for housing. Their rooms are larger to support larger families. Mr. Narsinghani stated they added one hotel room and it meets the parking requirements - 96 parking stalls are being provided. The proposed building is just under 65 feet tall. The height has been cleared by the Kentucky Airport Zoning Commission. The FAA approved the hotel height at 60 feet so they will have to submit a revised plan for FAA approval. The proposed building is just under 70,000 square feet. Design Elements of the building are red/gray brick and EIFs on the fifth floor. He showed photographs of the hotel's interior, which included a pantry, flex meeting space, a breakfast area, outdoor patio, indoor pool, outdoor grilling area, a putting green area and various hotel rooms. The flex meeting space will only be used by hotel guests.

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 additional comments or questions?

In response to a question by Chairman Rolfsen, Mr. Narsinghani replied that the flex meeting space will only be used by hotel guests. It is being built to facilitate the rental of the hotel rooms. All HVAC units will be located on the ground and be enclosed by a beige fence.

Mr. Lunnemann inquired about hotel room rates for this type of hotel. Mr. Narsinghani responded that hotel rates will range from \$149/\$159 - \$299 per night. For extended stay guests, it would be \$109/\$119 per night.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 15, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:20 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 9:21 P.M. and introduced the fourth item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

4. Request of Viox & Viox (applicant) for Shihasi Turfway, LLP, Shihasi Blue Ash, LLP, and Shihasi Corporation (owners) for two changes in approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 6.237 acre site including the tracts at 7484 and 7492 Turfway Road, and the 0.472 acre vacant tract in between the properties at 7484 and 7492 Turfway Road, Florence, Kentucky. The request is for modifications to two Concept Development Plans to allow an additional hotel and increase the building intensity for the existing hotel at 7492 Turfway Road by reducing the lot size, and modifying previous conditions of approval.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 6.237 acre site is comprised of the SpringHill Suites hotel, lot #2 of Spring Hill Suites Subdivision (a vacant tract) and the Acapulco Mexican restaurant. The SpringHill Suites hotel is currently located on a 3.366 acre site. It is a 4 story building with 65,716 square feet and 101 rooms. Lot #2 is 0.472 acres in size. Lot 6 of Saratoga Square Subdivision is 2.399 acres in size and has a 6,849 square foot restaurant with an outside seating area. The existing SpringHill Suites will remain and the applicant would like to reduce the lot size from 3.366 acres to 3 acres. Lot 6 of Saratoga Square, Lot 2 of SpringHill Suites, and the 0.366 acres being subdivided off from Lot 1 of SpringHill Suites would be combined as a 3.237 acre lot and allow a 63,900 square foot TownePlace Suites hotel, with 105 rooms, and the existing 6,849 square foot restaurant on the lot. The proposed building area is 70,749 square feet (63,900 square foot hotel and 6,849 square foot restaurant). As part of the request, up to a 50% building intensity increase is being sought on both lots. The proposed hotel is five stories tall (67 feet in height). 208 parking stalls are proposed on the Acapulco and TownePlace site. Some of the parking spaces already exist. The proposed TownePlace Suites hotel will be constructed primarily with brick. There are some fiber cement panels on the middle section of the building. The applicant has only provided building elevations for the front of the building.

There is a lot of site history to the request. Mr. Morgan referred to pages 3 & 4 of the Staff Report. In 1992, the Zoning Administrator approved a Minor Change to the Concept Development Plan allowing a shared parking lot on Lot 4 and a 6,000 square foot restaurant and 10,400 square foot hotel on Lot 6 of Saratoga Square Subdivision. In 2006, the Planning Commission and City of Florence approved a Zoning Map Amendment from Recreation/Planned Development (R/PD) to Commercial Two/Planned Development (C-2/PD) for an approximate 3.84 acre site (SpringHill Suites Subdivision). The approval allows two development options. Option 1 allows a 119 room hotel and option 2 allows a 103 room hotel and a 3,000 square foot retail or office building. In 2009, two Changes in Concept Development Plan were approved for a 2.85 acre site that included the Tumbleweed lot and Lot 2 of SpringHill Suites Subdivision. The approval allowed a four-story hotel (65' overall height), with 83 rooms, to develop behind Tumbleweed restaurant. A 28.295% building intensity bonus was permitted with the approval. The proposed hotel was 47,425 square feet in area and the existing restaurant was shown at 7,421 square feet in area. He noted that the previous PD language allowed a maximum building density of 30% above the underlying zoning district. Since then, the regulations have changed and building density is allowed to increase by

50%. Mr. Morgan showed photographs of the subject site and adjoining properties. The Future Land Use Map from the current Comprehensive Plan designates the site as Commercial (C). References to the Comprehensive Plan and the Houston-Donaldson Study are noted in the Staff Report beginning on Page 7.

In terms of Staff Comments, Section 1512 of the Boone County Zoning Regulations was changed as part of 2012/2013 Zoning Update. The current regulations allow the Planning Commission and legislative body to consider up to a 50% building intensity bonus as part of a Planned Development request. The prior regulations (2002 and 2008 zoning codes) only allowed up to a 30% building intensity bonus. In addition, there are major changes that are being proposed as part of the request. Below is a list of the major changes:

- A. The SpringHill Suites lot would be reduced from 3.366 acres to 3 acres. The Acapulco and TownePlace Suites lot would increase from 2.871 acres to 3.237 acres.
- B. Up to a 50% building intensity bonus is being proposed on each lot.
- C. In 1996, a 47,425 square foot TownePlace Suites was approved. The hotel was a four-story structure (65' overall height) and contained 83 rooms. The current proposal would allow a 63,900 square foot TownePlace Suites hotel. The proposed hotel is a five-story structure (67' overall height) and contains 105 rooms.
- D. New architectural design of the TownePlace Suites.
- E. New PD Waivers as described on Page 2 of Staff Report.
- F. Modification or elimination of existing conditions as noted on Pages 2 and 3 of Staff Report. Mr. Morgan reviewed the conditions.

The plans show that 325 parking stalls will be provided on the two sites (117 on SpringHill and 208 on TownePlace/Acapulco) and 323 stalls are required. Also, the plans show that three flag poles are proposed. The applicant informed Staff that only official flags (non-commercial) will be flown. Staff recommends that the Planned Development Standards outlined on Page 9 of the Staff Report should be analyzed in more detail before action is taken on the request. This includes mixed use and pedestrian orientation, open space and building architecture.

Staff would like the applicant to address the following:

- Submit building elevation drawings of the sides and rear of the building.
- The front elevation drawing shows that "LED continuous strip lighting" is being proposed under the roof elements. Pictures showing the color of the lighting should be provided.
- Confirm no building mechanicals will be visible on the roof.
- Address the height and materials of the retaining wall (rear patio area).
- The Concept Plan and elevations are not consistent. The Concept Plan shows the front facade (northwest side) will have a seating area behind a wall or fence.

To date, no comments have been received from outside agencies. Mr. Morgan inquired about the height of the proposed hotel and whether the Airport or the Kentucky Airport Zoning Commission had any comments.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Ms. Megan DeSola, Viox & Viox, Inc. distributed a handout about the project (see Exhibit A). She introduced the land owner, Mr. Subhas Patel. Keystone Management Group, LLP is a Cincinnati based hotel group that manages 5 hotels in the area including the Country Inn & Suites Airport and the SpringHill Suites in Florence. Ms. DeSola provided background information about the history of the subject site. In 2006, a Zoning Map Amendment was approved to allow the SpringHill Suites hotel. It was built in 2008. In 2009 the TownePlace Suites project was approved. Construction did not occur because of the economy. Now, they would like to increase the size of the TownePlace Suites by 16,500 square feet and have 105 rooms instead of 85 rooms. The three lots will be combined into 2 lots. Ms. DeSola reviewed the approved conditions and proposed some changes (see Exhibit A). She stated that the applicant is willing to work with Staff. She referenced a drawing showing the combined lots. The existing restaurant and the proposed hotel will be a new lot. Additional parking spaces have been provided in order to meet all parking requirements. There are many reasons for granting the requests. There has been business expansion in and around the Airport as well as an increase in tourism activity with the Ark Encounter and the Creation Museum. Parking would be shared between the 2 hotels and the restaurant. She also stated that they have received preliminary approval from the Florence Fire Department, the Kentucky Airport Zoning Commission and Federal Aviation Administration.

Mr. Carter Dickerson, landscape architect, Viox & Viox, Inc., stated that the first requested waiver is to eliminate the landscape buffer along the common lot line that is proposed in the parking lot. He noted that the sites meet the 22% green space requirements. The second waiver involves a 12 foot rear building setback instead of a 20 foot required setback for the proposed hotel. Third, the proposed rear buffer yard is being reduced from 10 feet to 8 feet to allow the construction of a concrete patio. Fourth, a waiver is being requested to allow the Turfway Road street frontage buffer yard to taper in width where the proposed 20 foot buffer yard approaches the existing 10 foot buffer yard. The existing 10 foot wide buffer yards along Turfway Road and Hansel Drive are grandfathered. The final waiver request is to allow the hotel height to be between 57-67 feet instead of 57-65 feet.

Mr. Steve Roberts, project architecture, stated the building will be mostly brick with fiber cement panels near the entrance. He noted that they will look at the other sides of the building. The building will have a grilling area and an outdoor fire pit. There will be a pool/patio area. The roof will only be used for mechanical equipment. It will be screened by parapet walls.

Chairman Rolfsen asked if anyone in the audience had comments? Seeing no one, he asked if any Board members had comments or questions?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 15, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:45 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

EXHIBIT A - TownePlace Suites/SpringHill Suites Handout