

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
MAY 2, 2018
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mr. Rick Lunnemann
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Bob Schwenke
Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

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

ZONING MAP AMENDMENT - Kim Patton, Chairman, Mitch Light, Staff

1. Request of **Marc Gloyeske (applicant)** for **Kreutzjans Yeager Properties LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1), and a Conditional Use Permit, for a 2.69 acre site located on the northeast corner of the Petersburg Road/Lindberg Court intersection, Boone County, Kentucky. The request is for a zone change and a Conditional Use Permit to allow a hotel.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is to rezone the site from C-2 to I-1 with a Conditional Use Permit in order to construct a hotel. The primary reason for rezoning the property is to allow more density for the proposed hotel use. The applicant would like to construct a 4-story, 101 unit hotel with an approximate gross floor area (GFA) of 59,229 square feet and proposed intensity of 22,020 square feet per acre. The I-1 zone allows for a maximum intensity of 25,000 square feet per acre. The current C-2 Zoning District allows between 12,000 - 15,000 square feet per acre. The proposed building elevations show an EIFS facade with cultured stone. The Concept Development Plan shows an access point onto Lindbergh Court (private) and an existing private access drive adjacent to the Country Inn and Suites. No direct access to Petersburg Road (KY 20) is being proposed. The 2.69 acre site has approximately 365' of frontage on Petersburg Road (KY 20). Boone County GIS shows that the topography of the site falls from 858 feet above sea level on Petersburg Road (KY 20) to 848 feet above sea level at the rear of the site. All utilities are either available or will be extended to serve the subject site. Mr. Light reviewed the site history as outlined in the Staff Report. The original Zoning Map Amendment request for the 15 acre site was approved in 1997. This approval allowed an office/warehouse complex and commercial uses. Mr. Light showed photographs of nearby hotels in the area - Comfort Suites, Marriott, Hampton Inn and Country Inn & Suites. He reviewed the adjacent zoning and land uses, which includes mostly industrial and commercial uses. Across from the site is Bluebird Subdivision, a residential subdivision and A-2 zoning. The Comprehensive Plan designates this site as Business Park (BP) uses. The text of the Land Use Element suggests that "Industrial development to the north of KY 20 should not locate on any portion of the Developmentally Sensitive hillsides and a buffer area for the preservation of those hillsides may be required." Mr. Light noted the criteria used in evaluating a Zoning Map Amendment request and a Conditional Use Permit. He showed photographs of the subject site and the 1997 Concept Development Plan. The proposed Concept Development Plan includes a 4 story Holiday Inn Express & Suites hotel. He showed building elevations of the proposed hotel that included a sign cabinet above the roof line which is normally not allowed and lighting on the building. The applicant has applied for a Special Sign District for the proposed sign package. The building material is mostly EIFS with cultured stone.

In terms of Staff Comments, Mr. Light asked 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 Petersburg Road (KY 20). The colored uplighting proposed on the building is considered signage per the Zoning Regulations and will require approval of a Special Sign District. Staff sent an agency memo to the Boone County Fiscal Court, Sheriff's Department, Public Works, Hebron Fire, Kentucky

Transportation Cabinet and Kenton County Airport Board asking if they had any comments regarding the proposal. Hebron Fire and the Boone County Public Works indicated that they saw no major issues with the proposal 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. The application also requests a Conditional Use Permit. "Hotels and motels" are listed as a Conditional Use in the Industrial One (I-1) zone.

The Zoning Map Amendment request needs to be evaluated by Boone County Planning Commission and Boone County Fiscal Court in terms Article 3 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area. The Boone County Planning Commission needs to evaluate the Conditional Use Permit request in terms of Section 262 of the Boone County Zoning Regulations.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Mark Gloyeske, Viox & Viox, Inc, referred to a PowerPoint presentation. The owner of the proposed hotel actually owns the Hampton Inn & Suites nearby. They also own other hotels in other markets - Dayton, Ohio, Cleveland Ohio, Lawrenceburg, Indiana, Phoenix, Arizona, etc. Holiday Inn Express is owned by Intercontinental Hotels Group (IHG). Mr. Gloyeske showed photographs of the hotel both interior and exterior. The conference room in the hotel is only 800 square feet and it will only be used by people staying at the hotel. There should not be a problem with parking. The site is surrounded by hotels. The demand for hotel rooms is high around the Airport because of growth at the Airport - passenger and cargo traffic. The site is so close to the Airport so the hotel is a good fit. Mr. Gloyeske showed a color version of the Concept Development Plan. The hotel is placed in the middle of the site with parking around the building. The hotel will have an outdoor patio. He also showed a drawing of various building elevations.

Mr. Garish Patel, owner of the proposed hotel , stated that his company has been in the market for 20 years and the are pleased with the results of the existing Hampton Inn & Suites hotel. There is great demand for the hotel due to growth like Amazon. He is aware of additional hotel projects in the Florence area.

Chairman Rolfsen asked if the hotel occupancy rate was at 90% in Boone County? Mr. Patel replied that could not tell for all of the hotels in the area. However, he stated that his hotel is north of 80% occupied. Normally, the industry is at a 60 - 65% occupancy. Mr. Patel responded that he would not invest in a \$10 million hotel if the market was not strong. If the zoning is approved, they would expect construction to start in early 2019. The roof equipment would not be visible. All signage can be modified to meet local standards.

Mr. Lunnemann asked what materials were used on the adjacent hotels. Mr. Light responded mostly brick with the exception of the Comfort Inn & Suites which is mostly EIFS. The proposed hotel is mostly EIFS. Mr. Lunnemann asked if there was any thought of reducing the amount of EFS and increasing the amount of cultured stone to match the other hotels in the area? Mr. Patel stated they could do it to the first level.

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

Mr. Ray Singh, representing Comfort Suites, stated that when they built their hotel, they were promised that there would not be a hotel on the subject site in the future. If the site develops as a hotel, it will definitely affect their business. Revenues will be down and they will probably go out of business. He referred to a letter from Mr. Dick Wentz stating that no additional hotel will be allowed on the site. Mr. Light noted that he had a copy of the letter. He read the letter into the record. Mr. Light noted there were no written conditions dating back to 1997 restricting the subject site of not having a hotel.

Mr. Wilson restated that when the original rezoning went before the Planning Commission, neither the Planning Commission nor the legislative body imposed a condition to not allow a hotel on the subject site. It is a private matter that the Planning Commission cannot enforce. He suggested that the parties contact their legal counsel to examine their recourse. Mr. Ram Singh stated that sales have dropped at his hotel. The future is not bright. The land purchased for the Comfort Suites was the same owner and the letter was a surety at the time. Chairman Rolfsen responded that the Planning Commission has no legal authority to enforce the letter. He advised him to seek legal representation.

Mr. Pat Patel, part owner of Comfort Suites, stated they were interested in the subject site but were kicked out by the County and they settled on their current site. He wanted to build a gas station on the subject site, but the asking price for the land was too much. The site was sitting vacant not because of no interest but because of the high price. The hotel market is overgrown. The location is kind of sensitive. The proposed hotel will take some business away from other hotels in the area. He volunteered to share emails from negotiating with the owner to buy the site for a gas station.

Mrs. Heather Gardner, 842 Ridgedale Drive, expressed a concern about seeing the hotel from her house. She is located across KY 20. She grew up in the area and played in the woods. A 4 story building can be seen from her back yard. It would be nice not to have it or at least have some trees block it. Mr. Light showed the location of Ms. Gardner's house.

Mr. Satyamohan Reddy stated that he owns the Country Inn & Suites hotel. He was interested in buying the subject site for a parking lot. He was told that it could not be used for a hotel.

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

Mr. Bunger commented that the Planning Commission examines the appropriate land use in making their decision based upon the long term plan for the County. We don't make a decision based upon the level of competition in the area. That is a business decision by the owner/developer. He asked the applicant to bring a drawing to the Zone Change Committee meeting showing the maximum amount of cultured stone to be installed on the building. Also, he requested to bring information about the lighting and how critical it is to the project.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 16, 2018 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on June 6, 2018 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:05 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director