

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
FEBRUARY 6, 2019
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Robert Jonas, AICP, Director, Planning Services
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:39 p.m.

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Michael Schwartz, Staff

1. Request of **John Diersing (applicant)** for **Southern Hearth Real Estate LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) District to allow an electronic message center on a monument sign.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is 16 acres in size and located on the north side of Litton Lane and west of North Bend Road. Mr. Schwartz referred to an aerial photograph to identify the site. The request is to replace an existing sign with a monument sign containing an electronic message board. He showed the location of the signs. The surrounding zoning of the site is Industrial One (I-1) with the exception to the east being zoned Commercial Four (C-4). It is important to note that the current regulations allow the site to have one monument sign up to 10 feet high and 100 square feet in area as well as allowing 50% of the sign area to be manually changeable copy. The topography of the site is relatively flat. The Comprehensive Plan designates the site as Business Park (BP). Mr. Schwartz showed photographs of the site. The proposed sign is 10 feet in height and just under 53 square feet in sign area of which 28 square feet is to be a full color electronic message board. The electronic message board is about 53% of the total sign area. Staff has provided appropriate references to the Comprehensive Plan relative to signage and the 2017 Goals and Objectives. Staff would like to add the following comments. While this type of sign is permitted in a Special Sign District, Staff has provided the pertinent regulations for permitted electronic signs such as no flashing, no motion and 5 second intervals for message changes. All of these items should be addressed by the applicant as how they will comply with the criteria. Should the request be approved, all messages should be displayed on a black background and the sign should not advertise for off-premise businesses.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Woody Fellingner, Quality Signs, introduced Mr. Chip Klosterman from Klosterman Bakery and stated that the proposed sign will comply with the current regulations for electronic message signs. It will not flash, scroll or blink. They will comply with the zoning regulations 100%. The proposed sign has an auto dim function. At night, the sign will be less bright than during the day. It won't be in your face or too bright. Mr. Fellingner stated that the owner wants to post messages for prospective clients, public service announcements, time/temperature and their logo. Further, Mr. Klosterman has kids who visit the manufacturing facility for tours. The proposed sign is more modern looking. By going electronic, it allows someone who is off-site to change the sign message. It saves the company time and money.

Chairman Rolfsen asked if the proposed sign could only be seen from Litton Lane? Mr. Fellingner responded yes. Mr. Klosterman stated that there are fewer manufacturing facilities today. That is why they offer tours. It is used for "greeting" messages.

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

Mr. Lunnemann asked about the type of public service announcements? Mr. Klosterman replied that it would recognize group tours, products they sell and time/temperature.

Ms. Gulick asked if the proposed sign impacts sight distances coming in and out of the entrance/exits? Mr. Fellingner responded that he doesn't believe so. It will be located in the exact same spot. It is the same height.

Mr. Bunger asked what is the base material? Also, will the black background work for the company? The base is all aluminum construction with an aluminum pole cover. The black background will work on the site.

Mr. Hicks stated that he appreciated the owner restricting the use of the proposed sign. Is there a way to not allow these types of signs to be a billboard? Can the Staff look into this issue? Mr. Costello responded that the proposed sign can only advertise the on-premise business not off-premise businesses. Mr. Hicks mentioned the existing sign in Richwood as an example. Mr. Costello replied that he would have Staff investigate that sign.

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 further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 6, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:51 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen called the Public Hearing to order at 7:52 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT - Kevin Wall, Staff

2. Request of **Redwood ACQ - Greg Thurman (applicant)** for **Lucile C. Stephens Trust Agreement c/o Michael A. Conner (owner)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) and Public Facilities (PF) to Suburban Residential Two/Planned Development (SR-2/PD) for approximately 18.3 acres and Public Facilities/Planned Development (PF/PD) for approximately 3.9 acres of the tract located at 2046 Burlington Pike, Boone County, Kentucky; and for a Zoning Map Amendment from Public Facilities (PF) to Commercial One (C-1) for approximately 2.6 acres and Public Facilities/Planned Development (PF/PD) for approximately 4.1 acres of the tract located on the northwest corner of the North Bend Road/Veterans Way intersection and immediately south of Stephens Elementary School at 5687 North Bend Road, Boone County, Kentucky. The request is for zone changes to allow single story attached dwelling units, an assisted living facility, and commercial uses

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The request involves two zone changes as a result of the recent construction of the Veterans Way extension. The site is located at KY 237 and KY 18 and is currently zoned Suburban Residential Two (SR-2) and Public Facilities (PF). The Future Land Use Map designates the site as Commercial (C). The site has a large lake on it. The applicant is proposing a Public Facilities/Planned Development (PF/PD) zone in two parts of the site. The first part will be open space while the second part will be an assisted living facility for seniors. A Commercial One (C-1) zone is being proposed on the northeast side of the site in an outlot format. The remaining part of the site is being proposed as Suburban Residential Two/Planned Development (SR-2/PD). This area will be single story townhouse rental units. The proposed unit is similar to the units planned for the Villages of Florence and Villages of Weaver Mill. There will be 17 residential buildings for a total of 101 dwelling units. The proposed density is 5.5 dwelling units per acre. The existing trees will be retained on the open space tract. The existing lake will be retained as part of the open space. Access to the north and south tracts is off the Veterans Way extension. The access to the senior living facility will be located immediately across from the access planned for the commercial tract. Another access point to the 101 units is planned west of the access to the senior housing. About 45% of the entire development is devoted to open space. The applicant has provided landscaping and signage details. The proposed sign for the rental housing phase will have a stone base and is about 32 square feet in sign area. Monument signs are also proposed for the senior living and commercial sites. There is a proposed pylon sign at Veterans Way and KY 237. Mr. Wall showed landscaping exhibits and building examples for the SR-2/PD phase. He showed photographs of the existing buildings as examples and photographs of the site. The site actually sits much lower than KY 237 and KY 18.

In terms of Staff comments, the Comprehensive Plan's Future Land Use Map designates the site for Commercial (C) uses. The text recommends a mixture of office and retail. The Business Activity and Housing Elements discuss residential overall for the KY 18 corridor. Mr. Wall referred to PD standards as outlined in Section 1514 of the Zoning Regulations. These standards don't apply to the commercial lot. Mixed use is the first standard but multi-use could apply to the

development since the uses are separated into distinct phases. In regard to pedestrian orientation, the County Engineer offered some comments, namely, regarding a proposed crosswalk from the commercial area to the residential area. The County Engineer recommended that a proposed crosswalk be eliminated at KY 237 and a sidewalk be installed on the south side of Veterans Way. Mr. Wall recommended a vertical curb to identify the sidewalk within the development so that the sidewalk is not part of the driving surface. In terms of compatibility of uses, he offered comments about landscaping. This includes a shared buffer yard between the SR-2/PD area and the senior living site. It should be effective for both sides. Mr. Wall identified several of the units that line the perimeter - Veterans Way, KY 18 and KY 237. The rear or side yards of these units face outward. They are plain looking compared to the frontal views. In the Villages of Florence and Weaver Mill, the facades were enhanced architecturally. He requested a sample of the vinyl siding to be brought to the Committee Meeting because they can vary. He further suggested that the Committee review the C-1 text to determine if any of the uses are inappropriate given the location. Mr. Wall suggested installing a trail and/or benches next to the existing lake. In addition, there should be more definition for the architecture planned in the commercial area and senior living building. He suggested some sample drawings or photographs of existing projects possibly examining the architecture of nearby buildings.

Mr. Wall noted that signage is undefined for the commercial and senior living areas. The requirements are monument style - 10 feet high and 100 square feet in sign area. He suggested having the developer match the sign proposed in the SR-2/PD area or tie it into the architecture of the commercial/senior living buildings. The proposed pylon sign is not permitted and is most likely in the street right-of-way. The County Engineer recommended that the access point to the senior housing building along Veterans Way be eliminated and the new access be to the west. Mr. Wall recommended that the access to the west should be a full one and not a gated one. He noted that he received comments from the Boone County Water District, SD1, KYTC and the County Engineer. Those comments appear in the Staff Report. Finally, the Planning Commission and the Fiscal Court need to evaluate the application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, Article 15 "Planned Development District (PD)" of the zoning regulations, the 2010 Boone County Comprehensive Plan, the 2017 Boone County Comprehensive Plan Goals and Objectives, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Greg Thurman, Redwood, introduced Mr. Todd Foley from POD Design. Mr. Foley gave a PowerPoint presentation. Redwood is a single story low density apartment developer. Their current portfolio has over 10,000 units that they own and manage. They retain their sites and don't sell them. Their portfolio is 98% leased. The company operates in multiple states - Ohio, Michigan, Indiana, Iowa, North Carolina and South Carolina. They have communities in the Dayton and Southern Ohio area. Projects are located in Lebanon, Milford, Union Township, Centerville, Fairborn, Tipp City, Washington Township and Sugarcreek Township. Their units include empty nesters and young professionals at a rental range of \$1,450 - \$1,700 per month. They promote a maintenance free lifestyle. Redwood builds single story units with two bedrooms/bath along with two car attached garages. Each unit is designed with a zero clearance threshold. There are no

steps in and out of the units. Buildings will have different colors and a stone water table. Mr. Foley stated that they are shuffling the current zoning of the site. The proposed SR-2/PD zoning is compatible with the schools in the area since it is a lower density product. It will help with traffic. Redwood is currently discussing the senior living site with several developers. They have sites with this type of residential unit. The proposed commercial lot is located to the north so it can be seen from the KY 18 SPUI and from KY 237. Every building will have foundation plantings and perimeter buffering. There will be an entry treatment along Veterans Way. Perimeter buffering will be planted along KY 18 and KY 237. A 40 foot wide buffer area is being proposed next to the senior living building. They are preserving a lot of the existing buffer on the north and west sides of the site. The development will be screened from the existing school. The proposed pylon sign was intended to advertise the 3 parcels on one sign. If it is going to be problematic, then he stated it could go away. Mr. Foley offered to provide more details of the signage proposed on the commercial and senior housing lots. In terms of architecture, the buildings will have vinyl siding and shake accent panels on the peak areas above the garages. He committed to installing the stone water table for those facades facing Burlington Pike and North Bend Road. The units along Veterans Way will have porches. Every unit has their own patio space. There is no on-street parking allowed. Each driveway is long enough to hold 2 vehicles plus a 2 car garage. They will also provide visitor parking. Mr. Foley described the interior of each unit.

In summary, Mr. Foley stated that the proposed development is a compromise to a commercial development. It is low density and compatible to the neighbors - schools. It is a good transitional use and a low traffic generator. Their traffic is significantly lower than a traditional apartment complex. The senior living facility is even lower in terms of traffic. Typically the type of resident living at a Redwood community doesn't have school age children. There are no pools or clubhouses. Mr. Foley referred to the Staff Report. He will further break down the open space as requested. Adding the sidewalk along Veterans Way and moving the crosswalk could be a good solution. All the buildings facing the public road will have the stone water table. He offered to provide more plant material with a tree buffering plan. They will review the C-1 list of uses to try to pair in down and look at a path system/benches around the lake. They will also investigate architectural options for the commercial and senior living areas. Finally, they will continue the dialogue with the County Engineer about the curb cut along Veterans Way, perhaps right in and right out.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Fred Macke, realtor for property owners, stated that he has watched this property for at least 12 years. He knows what uses shouldn't be considered for the property. It was a fine retail site at one point but when the SPUI was built it took away the access to KY 18. Also, because of the height of the SPUI, roof lines from commercial buildings can be seen. It is not an industrial site because of the issues with truck traffic and the ground is too valuable for that use. The site doesn't have the culture to be a single family residential site entirely. There hasn't been an office market in the area since 2007. The best use is a slight variation of its current zoning. It makes sense to have senior apartments and senior living and then have it supported by the commercial. Mr. Macke stated that he has visited these types of developments in South Bend, Indiana, Columbus, Ohio, Batavia, Ohio, Milford, Ohio and Sugar Creek Township, Ohio. The units are clean and well designed.

At this time, Chairman Rolfsen asked if any of the Board members had any questions or comments? Mr. McMillian asked why the developer wants to put an empty nester and senior living development next to a school? Also, is the developer putting a walk way to the school if kids live in the community? Mr. Thurman replied that the residents may have grandkids that will go to school, church, the YMCA or the neighboring park. Their project is a good transitional use to the neighboring uses. The lake is private and serves as a good buffer to the school and church. In regard to the walk way to Stephens Elementary School, Mr. Costello noted that a multi-use path will be built along KY 237 past the school to the Connor School Complex and to KY 20. This multi-use path is funded by a grant received by the Boone County Fiscal Court. He also mentioned the multi-use path along KY 18. The developer should design the project to connect to these 2 paths along KY 237 and KY 18.

Mr. Bunger asked if Redwood managed the units? Mr. Thurman responded yes. Mr. Bunger asked the applicant to bring building material samples to the Committee Meeting. Mr. Bunger asked if there was a left turn and right turn lanes on KY 237 to Veterans Way? Mr. Thurman responded that it can happen now because it is extra wide. It is set up for extra markings. Mr. Bunger inquired if the intersection has been studied to possibly be widened? Mr. Thurman replied that they may have to do a TIS (Traffic Impact Study). Other improvements may not be required as a result of their sole project. Mr. Bunger asked how will the residents coming from KY 237 be able to use Veterans Way to get to KY 18? Mr. Thurman stated that Veterans Way was constructed for traffic to go both ways. Mr. Bunger asked if the applicant would consider other amenities such as a pool and clubhouse under the PD requirements? Finally, Mr. Bunger inquired on whether the senior living building will be one, two or three stories? Mr. Thurman replied that he will bring photos of examples to the Committee Meeting.

Chairman Rolfsen asked if each unit will have two vehicles? Mr. Thurman responded that they average less than that figure.

Mr. Bunger inquired about rooftop equipment? Mr. Thurman replied that he understood the concern but the road elevation of KY 18 and KY 237 may be higher than the senior living facility.

Mr. Patton stated that he appreciated the applicant's desire to make 3 sides of the units look nice or be screened but the lake is a public side due to the church and bank. The proposed units across the lake need to be considered on the backside. There is no variation of building design on the back side of these units. Perhaps the units could be staggered or additional materials could be added. Mr. Thurman replied that the back side of IHM is much less. Also, there will be trees along the lake that will screen the view. Mr. Patton suggested putting the buildings with the courtyards along the lake. Mr. Thurman offered the idea of possibly staggering the roof line or joggling the building pad.

Mr. Lunnemann asked the applicant to bring specific concepts of the senior living facility to the Committee Meeting. The Board needs to know what it will look like before taking action. It is hard to take action when you don't know what it looks like and there should be some commitments. Mr. Thurman stated that he has a site plan that shows a concept. Mr. Lunnemann stressed the importance that the senior living and commercial sites can be seen from all four sides.

Mr. Patton inquired on whether the School District should be contacted about a path to the commercial area. Mr. Costello answered that the new multi-use path on KY 237 is sufficient to provide access to the commercial and the senior living parcels from Stephens Elementary. The wooded area is steep and has a creek. Mr. Thurman emphasized that KY 237 is a safer access route - higher visibility.

Mr. Schwenke asked the applicant to review the list of C-1 uses to determine the appropriate uses at the location.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 6, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:51 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director