

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
OCTOBER 2, 2019  
7:00 P.M.**

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**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. Charlie Rolfsen, Chairman  
Mr. Brad Shipe

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Patton  
Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**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. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:30 p.m.

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff**

1. Request of **Oppidan c/o Jay Moore (applicant) for Synergy Development Group LLC c/o Steven Weber (owner)** for a Change in Concept Development Plan in a Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) zone for an approximate 1.48 acre lot located on the south/east side of Meijer Drive and to the immediate east of the property at 410 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail store.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site has frontage on Meijer Drive and Interstate I-71/I-75 to the rear of the site. Mr. Schwartz presented some resubdivision information. In 2006, 3 lots were created. Lot 10-H is currently the University of the Cumberlands. Lot 10-I is the subject site and Lot 10-J is currently vacant. Through a Declaration of Easement, the 3 lots all share a common access and common parking. The Declaration of Easement states that anything that is not a public right-of-way and not a building is technically shared by all 3 lots and the users of the 3 lots. In 2006, there was a Concept Development Plan approved. Lot 10-H was approved for a 3 story 36,000 square foot office building (now the University of the Cumberlands building). Lot 10-I was approved for a proposed parking lot. Lot 10-J was approved for a retail building. In 2007, a Concept Development Plan was approved showing Lot 10-I for a one-story, 9,000 square foot medical building with a coffee shop and Lot 10-J for a one-story 24,000 square foot retail building. Again, common cross access and parking were approved with the uses. A curb cut was approved for the entire site. The request is to change the Concept Development Plan from a medical office building to a retail building. The site is currently vacant with the exception of some off-street parking that is currently used by the University of the Cumberlands. Mr. Schwartz described the adjoining land uses and zoning. The subject site is zoned O-2/C-2/PD/HDO. The HDO zone was approved in 2014 and Page 2 of the Staff Report includes a table comparing the existing Approved Concept Development Plan with the proposed Concept Development Plan. Mr. Schwartz showed a topographic map. The topography of the site rises from 904 above sea level at Meijer Drive to 914 at the center of the site to 910 at the right-of-way of I-71/I-75. The 2040 Future Land Use Map designates the site as Commercial (C). References to the Comprehensive Plan are noted on Pages 3 and 4 of the Staff Report. The site is located in the 55 decibel range of the day-night noise level of the Airport. He showed photographs of the site and adjoining properties.

The submitted Concept Development Plan indicates a 11,441 square foot, one-story retail building. It will be a Duluth Trading Store. It will include 63 off-street parking spaces, a trash enclosure to the rear of the property, a provision for 21% of the site to be landscaped, a provision to use the existing curb cut along with the common access drive for the site and adjacent vacant lot (10-J). The applicant is proposing to connect the new parking areas to the existing parking areas of Lot 10-H. There are 3 points of cross access. Mr. Schwartz showed elevations of the proposed building. Pages 5 & 6 of the Staff Report identifies a list of issues where the submitted plan does not meet the minimum requirements of the zoning regulations. Staff has received 3 letters in favor of the proposal. Copies of the letters have been distributed to the Board Members (See Exhibits A, B & C). The request is to amend the existing Concept Development Plan and Mr. Schwartz stated that he is available to answer any questions.

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

Ms. Margaret Jordan, Oppidan, stated that her company is the preferred developer for the Duluth Trading Company. The proposed store would be the twelfth in the United States. Oppidan built the West Chester store. Duluth Trading likes to be near an interstate with high visibility. The building is like a billboard. A typical customer drives between 60-100 miles to one of their stores. The company started as a catalogue business 30 years ago and then started building stores 5-6 years ago.

Ms. Jordan stated that the building itself is part of the brand. The prototype is new but it is modeled after an old steel factory. The building has windows and chimneys on the side. The chimneys are part of the brand as signage is placed on them. The building has different colors (shades) of black. It is a modern look to an old type building. In the vestibule, there will be a tractor or truck. The signage on the awnings direct you to the entrance of the store and to the women's and men's areas of the store. It helps with wayfinding before you walk through the front door. Duluth is thrilled to be coming to this part of the market. The West Chester store has done well and there is a need for a store on the south side of the Ohio River.

Chairman Rolfsen asked if the proposed store is like the West Chester store? Ms. Jordan replied no since the West Chester site is designed after a big red feed barn and has a height of 42 feet. Chairman Rolfsen asked if the signage was a game changer? Ms. Jordan responded that the game changer would be the awnings. Duluth is willing to work with the Planning Commission regarding the chimneys. She reviewed the Staff Comments and replied that they should be able to comply with the requirements.

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

Seeing no one, Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Bunger inquired whether the color and lettering on the building would be considered as a sign? Mr. Schwartz responded that the sign would include the lettering. The lettering on the canopies and chimneys would be considered signs. It would be evaluated as part of the PD overlay. The wording on the canopies or awnings says Men's Gear and Women's Gear. They are more directional. The lettering on the chimneys say Duluth. Ms. Jordan stated how visible are they really to the customer? She identified other stores in Wichita, Kansas and South Portland, Maine that would be similar to the one proposed for this site. Mr. Lunnemann asked about building materials. Ms. Jordan replied that the building has CMU block (red and tan) and bronze windows. The windows are real and let light in the building.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 16, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 6, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:47 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

Exhibit A - 9/27/19 Letter from Weber/Synergy Development  
Exhibit B - 9/26/19 Letter from Joseph Gilligan  
Exhibit C - 10/2/19 Letter from Matthew Levitt - Meijer

**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. Charlie Rolfsen, Chairman  
Mr. Brad Shipe

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Patton  
Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the second item on the Agenda at 7:48 p.m.

**ZONING MAP AMENDMENT - Kevin Wall, Staff**

2. Request of **Redwood USA, LLC c/o Greg Thurman (applicant)** for **Lucile C. Stephens Trust Agreement c/o Michael A. Conner (owner)** for a Zoning Map Amendment from Public Facilities/Planned Development (PF/PD) to Suburban Residential Two/Planned Development (SR-2/PD) for an approximate 3.9 acre site located on the southwest corner of the North Bend Road/Veterans Way intersection, and part of the approximate 22.2 acre tract at 2406 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow single story attached dwelling units.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The Board reviewed the site earlier this year. The request is a revision to a Zone Change application approved in May, 2019. The site is located at the southwest corner of KY 237 and Veterans Way. The 3.9 acre site is zoned PF/PD for a senior living facility. Since approval of the original Concept Development Plan, the 2040 Comprehensive Plan has been approved. The Future Land Use Map designates the site as Commercial (C) and Urban Density Residential (UD). Mr. Wall showed a topographical map that depicts the site as fairly flat. Mr. Wall also showed the original Concept Development Plan for the entire site, which included open space, single family attached housing, commercial, and senior housing. The applicant would like to replace the senior living units with more single story attached residential units. It would be a continuation of what was previously approved. There were a lot of drawings submitted as part of the application and the drawings are included in the Staff Report. A landscaping plan has been submitted and it matches the original landscaping plan. Building elevations have also been submitted with the application. Again, they are similar to the original drawings and approval. Mr. Wall showed photographs of the site and adjoining properties. The request involves 24 additional residential units with 125 units total. The overall density will be 5.63 units/acre versus 5.52 units/acre that was previously approved. It is the same driveway standard - 26 feet wide. Sidewalks will follow the original approved plan. References to the Comprehensive Plan are noted on the bottom of Page 8 and top of Page 9 in the Staff Report. Mr. Wall also noted the PD overlay zone standards on Pages 9-11. Mixed use orientation would be diminished with the elimination of the senior living component. In terms of compatibility of uses, there are references to landscaping. The applicant should verify whether the buildings with stone veneer water tables and shakes in the gables face the adjoining public streets as noted in the previous conditions. One of the proposed buildings encroaches into the required 50 foot setback along North Bend Road. The Boone County Public Works Department will not permit the second access point onto Veterans Way. It will allow the one building to be moved in order to meet the setback. There are about 10 acres of open space. A sidewalk is proposed on the south side of Veterans Way. There are no historic or prehistoric features on the subject site. Three monument signs were approved with the original zone change request. One of the signs was approved for the subject site but the applicant is willing to eliminate it. A number of outside agencies provided comments regarding the project. The Boone County Water District didn't have any issues. SD1 provided a punch list of items that the applicant must follow or address. The Burlington Fire District didn't identify any issues with the proposed project. No comments have been received by the Boone County School District or the Kentucky Transportation Cabinet. If any comments are submitted, Staff will provide them to the Committee. In conclusion, Mr. Wall stated that the Planning Commission must consider the 3 criteria for approving a zone change, the PD requirements, the Comprehensive Plan, and potential impacts.

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

Mr. Greg Thurman, Redwood, stated that the real estate market is changing. It is softening for the senior living. There is more of a demand for the senior oriented type of housing they provide. He is asking for 25 more units identical to what they showed before to the Planning Commission. He is willing to eliminate one of the originally approved signs. Mr. Thurman stated that he is in agreement with all of the other items in the Staff Report. The project is not restricted to age but age is built into the design of the units - no 3 bedroom units which encourage children. It is senior oriented. The units have a zero threshold from the street to the kitchen. The units are rentals and two people live on the site to help manage and maintain the property. Mr. Thurman stated that they are working with the neighbors in terms of the lake and sewer accessibility. They would like to provide more of this much needed housing in the community. This is what they Comprehensive Plan is looking for in Boone County.

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

Seeing no one, Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. McMillian inquired about the elimination of the second curb cut? Mr. Thurman responded there is a way in and a way out at about 150 feet away from the site. The two curb cuts are too close together. Mr. McMillian stated there needs to be another way in and out. Mr. Thurman replied that the land is flat and has a small ditch. An emergency vehicle could cross it.

Mr. Bunger asked if the people living in the additional units have access to the planned amenities? Mr. Thurman responded yes. It is one community.

Mr. Lunnemann asked about the units facing the public road? Mr. Thurman replied that he agreed to the same condition about providing stone and shake materials for these units.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 16, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 6, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:05 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**