

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
DECEMBER 4, 2019
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bungler, Secretary/Treasurer
Mr. Don McMillian
Mr. Bob Schwenke
Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda at 7:40 p.m.

UNIFORM APPLICATION - Todd Morgan, Staff

1. Request of **John Wallace for Tillman Infrastructure (applicant)** for **Steven A. Brown (owner)** for a Wireless Communications Facility at 3634 Turfway Road, Boone County, Kentucky. The request is for a 135 foot high monopole tower and associated antennas and ground equipment.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is located at 3634 Turfway Road which is Brown's Transmission. The request was submitted by Tillman Infrastructure who wants to build a 135' monopole communication tower. Tillman is a build to suit company and Verizon would be a tenant on the tower. The site is located across the street from Perfetti Van Melle. The tower will be located on the back of the site or the northwest corner. The lease area is 50' x 70' in size. The compound would be fenced. The tower will be approximately 390 feet from Turfway Road. Mr. Morgan showed a diagram of where the tower would be located relative to the adjoining properties. The tower will utilize an existing driveway. The tower can accommodate other carriers. The tower will have an 8 foot tall lighting rod for an overall tower height of 143 feet. Verizon's equipment will be installed at 108 feet. A future carrier would be at the 120 foot and 132 foot levels. A chain linked fence is proposed around the compound. The closest tower is owned by SBA at 1211 Cox Avenue. It is about 1,242 feet away from the proposed tower. Mr. Morgan showed photographs of the site and adjoining properties. It included a map of both tower locations. He mentioned grading activity already occurring on the site. The Comprehensive Plan designates the site as Business Park (BP). On Page 2 of the Staff Report, the Goals and Objectives of the Comprehensive Plan notes that wireless communications and similar facilities shall not be obtrusive to residential or scenic areas, and co-locations shall be implemented wherever possible. Mr. Morgan also referenced pertinent sections of KRS and the Boone County Zoning Regulations. Section 3197 of the Boone County Zoning Regulations requires the applicant to document all existing cell towers and other tall structures (utility towers, building rooftops, church steeples, farm silos, water tanks, stadium light poles, etc.) within a mile of their search ring and provide written reasons why the co-location was unsuccessful.

Mr. Morgan showed an aerial photograph which depicted the 1,000 foot Verizon search ring and the location of the proposed Tillman tower and the existing SBA tower. Both are located in the search ring unlike the existing tower at the Point Pleasant Fire Department site and the 3 existing towers at Turfway Park. All the towers are located within a 1 mile radius. On page 3 of the Staff Report, the Tower Design Guidelines are listed. In an I-1 zoning district, one is allowed to ask for a height of 199 feet for a new tower but the applicant is well short of it at 135 feet. Mr. Morgan showed photographs of the SBA tower. Verizon is currently on the SBA tower. Verizon wants to leave the SBA tower and join the Tillman tower. Point Pleasant Fire Department has an 80 foot high tower. The applicant indicated that the tower was not high enough. The applicant is requesting 5 different waivers: (1) To reduce the setback requirement between the proposed tower and an existing residence from 286' (2 times overall tower/antenna height) to 215'. Duke Energy has bought the property and will probably demolish the house to build a pipeline; (2) To reduce the setback requirement between the proposed tower and the northern property line from 35.75' (1/4 the overall tower/antenna height) to 23'-11". The subject property owner owns the adjoining 0.974 acre property to the north; (3) To reduce the setback requirement between the proposed tower and western property line from 35.75" (1/4 the overall tower/antenna height) to 26'-1"; (4) To

reduce the accessory structure setback requirement for equipment associated with tower from 25' to 0'. The submitted drawings show the fence compound will go right up to the northern and western property lines; and (5) Waivers for the fencing and landscaping. The Tower Design Guidelines require an 8' tall wood privacy fence and a 10' wide landscaping buffer with evergreen trees around fence compound except gates. The plans show a 6' tall chainlink fence with barbed wire and no landscaping.

Mr. Morgan referred to Staff Comments on Page 5 of the Staff Report.

1. Staff received an email from the applicant indicating all information and plans contained in the application could be reviewed in the Powerpoint during the public hearing (see attachments).
2. The applicant identified five towers that are located within a mile of the proposed tower and were analyzed for co-location. Mr. Morgan reviewed the five towers mentioned below.

Tower Location	Distance From Proposed Tower	Reasons For Not-Colocating
1211 Cox. Ave.	1242' East	*Verizon is currently on this tower *Rent Rates *Tower is being utilized at 104.2% of its structural capacity. Foreseeable expansion needs of Verizon can't be met
3444 Turfway Rd	Pt. Pleasant Fire 2405' East	*80' Tower is outside the search ring *Next available RAD Center is at 40' or lower
7500 Turfway Rd	5198' South	*Tower is outside the search ring
7500 Turfway Rd	5200' South	*Tower is outside the search ring
7500 Turfway Rd	5205 South	*Tower is outside the search ring

3. Staff would like the applicant to address the following issues:
 - A. A letter was submitted from Verizon Wireless indicating they have equipment on a SBA tower located at 1211 Cox Avenue (1,242' northeast feet of the subject site). Verizon wants to relocate its equipment on the proposed tower "because the SBA tower is no longer viable from an economic standpoint."

- Can the applicant address this letter in more detail?
- B. Verizon's Radio Frequency Engineers provided propagation plots showing the coverage differences between the SBA tower they currently have equipment on (1211 Cox Ave.) and the proposed tower.
- Can these plots be explained? Are there any coverage advantages of the proposed tower over the SBA tower?
- C. The submitted co-location analysis indicates the SBA tower at 1211 Cox Avenue is almost completely utilized at 104.2% of its structural capacity.
- Could this tower be reinforced to meet Verizon's current expansion plans?
- D. The tower elevation drawing for the proposed tower shows equipment being placed at 132' and a 108'. Is Verizon going to place equipment at both of these RAD centers?
- E. Have any other carriers stated they will co-locate on the tower? If so, which ones?
- F. Approximately how many carriers could the tower accommodate?
4. Staff received a letter from Paul Hegedus, with Kenton County Airport Board, regarding the request. Staff would like to note that the submitted application contains approval letters from the FAA and Kentucky Airport Zoning Commission.
5. For the benefit of the newer Board Members, the Planning Commission will take final action on the request and waivers. The Kentucky Revised Statutes state that an application needs to be reviewed in terms of its agreement with the Boone County Comprehensive Plan and Boone County Zoning Regulations. There is no final action by the Boone County Fiscal Court.

In conclusion, the request needs to be evaluated by the Boone County Planning Commission in terms of the criteria necessary for approving a Uniform Application as outlined in Article 31, Section 3197 of the Boone County Zoning Regulations and the provisions of Chapter 100.986 and 100.987 of the Kentucky Planning and Zoning Statutes.

Mr. Morgan stated that the Planning Commission has 60 days to take final action on the submitted application. The applicant has waived the time limit until the January 8, 2020 Business Meeting to take action on the request.

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

Mr. Jacob Walborn, Attorney representing Tillman Infrastructure, stated that the existing SBA tower that Verizon's equipment is located on is completely full and is extremely expensive. Tillman's

rates are significantly less than SBA's rental rates. Verizon has asked Tillman to investigate the possibility of a different tower because the SBA tower is economically burdensome. The existing tower is at 104.2% of its load. It doesn't mean that the tower will fall over but it is an indication that the site is very full. Could the existing SBA tower be reinforced? The answer is that he doesn't know since he doesn't represent SBA. The existing compound is completely occupied with equipment so it can't physically be reinforced with all the equipment on the ground given the size of the compound area. That site is maxed out. Wireless infrastructure is vitally important to economic development. The tower is important due to the proximity to the industrial park and airport. In regard to the requested waivers, Mr. Walborn stated that they need a waiver for the residence located close by. However, it will be torn down by Duke Energy. Also, the current owner of the subject property owns the property next door and doesn't object to the waiver. The waivers are appropriate since they tucked the tower away in the corner. It is the best location for a cell tower on the subject property. The fencing proposed is the company's standard fencing. His client doesn't object to installing the Planning Commission's preferred fencing. He feels that it is overkill given the area but he doesn't have a problem.

Mr. John Wallace, LCC Telecom Services, stated that his company is the site acquisition firm contracted with Tillman to find the site location. The tower is tucked back into the corner of the site and the use is compatible with the warehouses in the area. There are 60 foot high deciduous evergreen trees on the perimeter of the subject parcel. It screens the site from all directions except there is a gap to the west but it will be a warehouse in the future. If the compound area needs to be screened, they can put slats in the fence or a stockade fence on certain sides. The transmission building blocks the view from Turfway Road. Propagation maps usually show gaps in coverage. All propagation maps show no degradation of service. It is a relocation site not a standard new site. Vertically and ground wise, the existing site is challenging. It is a completely loaded site. The inside of the tower is full of cables and there is no room. Co-ax cable is also being run on the outside of the tower. Verizon wants to upgrade the site with the latest technology. Also, SBA is not lowering rates in jurisdictions across the United States. The difference between Tillman and SBA rates is between \$1.5 and \$4.0 million over 20 years. Sometimes SBA reduces the rate by 25% but that isn't enough. The proposed tower was originally designed to have AT&T on the top of the tower. AT&T would want to leave the SBA tower but wants assurances that Tillman has permit in hand. AT&T has early termination rights on the other tower. Both AT&T and Verizon have contractual agreements with Tillman. The cost of the SBA tower upgrade is \$100,000. The base plate is failing given the capacity of the tower. Should the new tower be approved, it will allow Verizon and AT&T to rollout new technology immediately. It would assure that the business park and airport are covered.

Ms. Tia Combs, attorney for SBA Communications, stated that her client learned about the new tower less than a month ago. She distributed a packet of information about the proposed tower and the existing tower (see Exhibit A). It is an RF Study. The frequencies that can be broadcasted off the existing tower are the same frequencies they can broadcast off the new tower. The new tower will not bring greater coverage or any greater cell phone service. Tillman wants to build a duplicate tower. The SBA tower is a little over 1,000 feet away and the coverage is about the same. The existing SBA tower is 20 years old as SBA made the original investment in the community. Tillman wants a duplicate tower and wants everyone to move. The existing SBA tower is completely sufficient for all the things the new tower provides. AT&T and Verizon are already

on the SBA tower. No one has approached SBA to put new materials on the tower or asked if the rent be lowered? There has been no opportunity for SBA to negotiate the rent, do any sort of reinforcement or move anything around. Newer technologies tend to be smaller. SBA doesn't know precisely what Verizon wants to put on the tower because they have not met with SBA. SBA has reached out to Verizon in the past week. SBA is open to negotiation to preserve the co-location. Verizon's lease on the SBA tower is up this summer. They have entered into agreement to put new equipment on the SBA tower. It happened in March, 2019. SBA had no idea that Verizon needed more space for more equipment to be put on their tower. In addition, this seems to be a nationwide activity between Tillman and Verizon to go and build towers next to existing towers. There is a letter in the packet regarding SBA's contract with Verizon and photographs and articles of what it looks like to have multiple poles next to each other. There has been no opportunity to continue co-location of carriers because of a lack of communication. SBA asks the application be denied because it is a duplicate tower.

Chairman Rolfsen asked if the tower could be a tower at 199 feet tall, why is the proposed tower only going to be 135 feet high? Mr. Wallace replied that it is RF (radio frequency) driven and this is what the engineers wanted based upon the proximity of other sites. As you get more users, the heights get lower where there is more traffic. In a rural area, the pole is usually higher to draw users from a larger area. Since no negotiations have occurred, Chairman Rolfsen asked if SBA could lower the rent to what Tillman could charge Verizon? If the rent was the same for both towers, is the existing SBA tower not sufficient? Mr. Wallace responded that the tower is loaded. No one can make a statement to what is going on to the tower. More is generally the case. If the tower has to be modified, SBA is not going to eat the tower modifications cost. There is no ground room. They will have to lease more space from the ground landlord. The photographs of towers proves that SBA has failed to negotiate. Verizon and AT&T have master agreements with SBA and costs have risen as things are added to the tower. AT&T has renegotiated leases with Crown and American Tower. SBA has not. He is not asking the Planning Commission to help him negotiate with SBA. The existing tower has serious physical issues and fixing it will exacerbate the economics of it. The new tower will allow for a speedy deployment of new equipment whenever it is available. The upgrades of 5G, 6G will be there. To say that SBA didn't know is a lark. They know and they are not negotiating.

Chairman Rolfsen stated that he could care less about Verizon saving money. He is more concerned about the community and looking at another tower. If the existing tower works for Verizon, it is up to Verizon to set the current contract or agree to it. Mr. Wallace responded that the land use is creating a monopoly for SBA. Verizon can't leave it unless there is another option to go to in the search ring.

Mr. Wilson asked if there has been negotiations between Verizon and SBA? Mr. Wallace replied yes at a corporate level. SBA has not budged. The best offer has been a 25% reduction in rent. Mr. Wilson asked if there was a gap in services by being on the existing tower? Mr. Wallace responded no but there are limitations moving forward. Mr. Wallace stated that Verizon is using the end of the term from the lease to look at what their future will be. They are not looking at the current site and saying let's get a new tower so there won't be a rent issue or space limitations like with the existing tower. Mr. Wilson asked if it was accurate that coverage will not be improved by

having a new tower? Mr. Wallace responded that it is pretty much a wash. The request is to get a new tower that allows upgrades going into the future. The existing tower will not do that in the future. Mr. Wilson asked if the applicant has records of dropped calls by being on the existing tower? Mr. Wallace responded no. Again, it is going forward as the tower is at 104%. There is no solution besides replacing the tower. It would have to be taken down and every carrier put on a COW (cell on wheels) temporarily. He is not sure where they could go on the site since there is no space. Mr. Wilson restated that a new tower will not improve coverage. There is no drop call history. Mr. Wallace stated that the industry changes equipment and technology rapidly. It isn't a gas station where gas isn't going to change.

Mr. Hicks stated that he understands the dilemma of being a monopoly and competition. It is a dilemma. Why is the applicant so concerned about the fencing? Mr. Wallace replied that he is in agreement with the recommendation of the different fencing. Mr. Hicks asked why can't the tower shift away from the property line and not ask for the waiver? Mr. Wallace responded that they were trying to stay out of the landlord's current vehicular area. They could shift it. They are fine with opaque screening.

Mrs. Kegley expressed a concern about no communication about this specific site. If you are going to change something, it would have to be site specific. The applicant is talking about the future with nothing specific in mind. How can you get specific without it existing yet? Points have been made that equipment gets smaller. The future may or may not occur in a particular way. What bothers her is the lack of communication of what could be done with the specific site. What would the company be willing to do for the specific site? It is a big gap for her.

Mr. Walborn responded that he is only representing Tillman and not Verizon. This is not a unique situation. It is happening all over the country. The existing tower is at 104% loading. There is no room inside the tower to run more wires. The tower is completely overloaded. As equipment changes, it is difficult to change a tower if there is no room. Mrs. Kegley stated that she gets it but if there was communication, the applicant would have proof of it. It hasn't happened and that is a big concern for her. She stated that she doesn't remember an application where a new tower didn't increase coverage. She is also concerned that a compound runs right up to the property line. The applicant is requesting waivers to build a tower. How fair is that? Mr. Wallace agreed that it should be reviewed site specific. Mr. Wallace noted that SBA could make an offer to Verizon before the full Board takes final action. He reminded everyone that the site is next to an industrial park. The warehouse doesn't have windows that face the tower. It is tucked back in the corner. They are cutting into a berm and there are large trees by the residences. He showed photographs of the site.

Mr. Costello noted that the request will be assigned to the Technical/Design Review Committee and recommended that the Committee meet on January 8, 2020 in order to give Tillman, Verizon and SBA time to meet and discuss all concerns. Mr. Walborn noted that the State Law does not allow companies to build towers on speculation rather there has to be an anchor tenant in mind in order to submit the application. If Verizon cuts a deal with SBA, Tillman's application will evaporate.

Mr. Adrian Garrido, representing Verizon, stated that SBA is aware of their intentions and they

are aware of the load. Mr. Costello asked about Verizon's upgrade on the existing tower in March, 2019. Mr. Wallace replied that it was included in the load factor. Verizon made recent investment in the existing tower. Mr. Costello asked why did Verizon invest in the tower if the goal was for them to leave? Mr. Garrido replied that Verizon would be responsible for the tower modification cost. Rent would increase because they are adding equipment to the existing tower. SBA has not reached out to him or his manager to negotiate a better rent. Mr. Wallace stated that improvements to the tower were requested by Verizon's radio frequency engineers but they are continuing to look at the rent costs.

Mrs. Heilman asked Verizon if they had requested anything that has been turned down by SBA? Mr. Garrido replied that it had been requested at the headquarters level. He noted that he cannot produce any evidence tonight that anything has been turned down. Mrs. Heilman asked Verizon to bring that information to the Committee meeting.

Chairman Rolfsen asked Ms. Combs to respond to the issue of negotiation. Ms. Combs stated that the agreements with Tillman and AT&T are nationwide. Smaller tower companies like SBA are facing this nationwide. SBA does not know when Tillman will build a specific tower at a specific location and when. SBA did not know about the proposed tower next to their tower until a month ago. That is why there hasn't been much of a reach out. They don't know where the next tower will be built in order to renegotiate a rent with a carrier. They don't know when things need to change until someone comes to them. Verizon doesn't need more capacity now but maybe sometime in the distant future, which is unknown. They can't quantify at this time. What says that Tillman won't raise their rent in 2 years? Communities usually don't want a proliferation of giant towers in their backyards. That is the impetus behind planning and zoning because it is not desirable to have these things in your community. If it is a problem with money or structural stuff on the tower, that can be worked out if someone comes to SBA to try to get it worked out.

Mr. Costello asked if the existing tower predates the State law? Mr. Morgan replied no. The Planning Commission reviewed the existing tower. It dates back to about 2001. He will verify the date.

Mr. Walborn stated that he doesn't agree that sometimes there is community outrage on cell towers. They are not here. The only person here is the person trying to protect their money.

Mr. Lunnemann asked how many times has Verizon reached out to SBA about their current agreement? Mr. Walborn responded that Tillman would not negotiate with SBA. Mr. Garrido responded that they have reached out to SBA for a long time about a year for all high rent sites, including the current site.

Mr. Wilson asked whether Verizon will negotiate any further with SBA? Mr. Garrido replied that Verizon will continue to negotiate with SBA to lower the rates. The current terms of SBA are unacceptable by Verizon.

Mrs. Heilman suggested having this item the only item before the Technical/Design Review Committee to consider on January 8, 2020. Mr. Costello explained that both Verizon and SBA need to meet prior to the Committee meeting. Chairman Rolfsen emphasized that the history of

the Planning Commission's actions on cell towers has been to improve coverage. This application doesn't involve increasing or improving coverage. Mr. Costello stated that the current regulations require co-location efforts. The area in question is a growing area next to the airport and the proliferation of towers in not good.

Mr. Wallace stated that the FCC is auctioning off 2 more licenses so there will be additional carriers in the area. An additional carrier can't go onto the existing tower now. It is not an option.

Mr. Morgan noted that the current code would allow a tower replacement and certain enhancements to the tower on Cox Avenue. It would be reviewed administratively. Stacked equipment in the compound is also an option.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 8, 2020 at 6:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 8, 2020 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:45 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A - Packet submitted by Tia Combs, Attorney for SBA Communications

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Bob Schwenke
Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Mrs. Janet Kegley announced that she had a conflict of interest on this request and left the meeting room.

Chairman Rolfsen introduced the second item on the Agenda at 8:46 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff

2. Request of **Ken Butler (owner by contract)** for a Change in Concept Development Plan in Commercial Two/Planned Development (C-2/PD) and Office One/Planned Development (O-1/PD) zones for a 0.97 acre lot located on the south side of US 42, to the immediate west of the property at 8741 US 42 and immediate east of the property at 8755 US 42, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building with two drive-through facilities.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is approximately one acre in size. In 1996, there was a Zoning Map Amendment request that changed the zoning on the site from Suburban Residential One (SR-1) to Office One/Planned Development (O-1/PD) and Commercial Two/Planned Development (C-2/PD). In 2018, there was a Change in Concept Development Plan application, which permitted eating and drinking establishments along with accessory drive-thru facilities. In 2019, a Major Site Plan was approved for a Starbucks store on the adjoining site. A few months ago, there was an application for a Change in Concept Development Plan for a Firestone auto repair service facility. The Planning Commission recommended disapproval and the applicant withdrew the request prior to City of Florence action. Approximately one-third of the site is zoned C-2/PD and the other two-thirds is zoned O-1/PD. Subareas 9 and 10 of the Plantation Pointe North Concept Development Plan permits eating and drinking establishments as principally permitted uses. The topography of the site is relatively flat. Mr. Schwartz showed the location of the existing stormwater detention basin. It straddles the property line. The 2040 Future Land Use Map identifies the site for commercial uses. Page 3 of the Staff Report includes those sections of the Comprehensive Plan that are pertinent to the request. Mr. Schwartz showed some photos of the site and adjoining properties. He also showed the submitted Concept Development Plan. The proposed building will be 3,640 square feet in size. It will include 2 tenants. One of the tenants is a Jimmy John's restaurant and an unnamed restaurant. There will be 2 independent drive thru facilities. The one closest to the building will be used for Jimmy John's. The other one will be on the outside and will serve the other restaurant. Mr. Schwartz showed the locations of the drive thru, travel lane and the dumpster. All of the movements converge at one point. He also showed photographs of a prototypical building design. It is included on Pages 4 & 5 of the Staff Report as well as an evaluation of the submitted Concept Development Plan against both the Zoning Regulations as well as the existing approved Concept Plan for Plantation Pointe North Subdivision.

In regard to Staff Comments, the drive thru facilities must be incidental according to the requirements and subordinate to the principal use. A determination will have to be made whether the proposal of 2 independent drive thru facilities is still subordinate and incidental. Paving, curbing and vehicular parking must be setback a minimum of 10 feet from any interior property line. There is an 8 foot setback. Each building in the area shall utilize a gable or hip roof shape. The applicant's design shows a flat roof construction. There are multiple turning movements at the existing driveway entrance.

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

Mr. Ken Butler, owner by contract, stated that he is open to any suggestions even if it means turning the dumpster in a different direction.

Chairman Rolfsen expressed a concern about another possible restaurant with a drive thru. It would result in a lot of traffic.

Ms. Gulick inquired about the type of queing and the amount of cars that will be in line or stacked. It would be for not only Jimmy Johns's but also for the unnamed restaurant. How do you expect the traffic to circulate through the site without backing out to any of the adjoining streets?

Mr. Butler replied that it isn't a McDonald's or Chick-fil-A restaurant that have a double drive thru. Those restaurants are already in the area. The stacking for Jimmy John's is not a lot of cars. Jimmy John's has merged with Rusty Taco and it doesn't have a high traffic count. That is what he envisions for the site.

Ms. Gulick stated that her experience has been that drive thrus usually wrap around a building completely. How many cars do you typically see at your 16 locations during your peak hours? Would the other restaurant have the same peak hours? Would it open at the same time? Could there be one drive thru that serves both businesses?

Mr. Butler replied that he hopes the other restaurant is as "freaky fast" as their restaurant. They don't have to stack up. The other restaurant could always move their menu board down in order to stack more cars.

Mr. Lunnemann noted that the previous project for the same site had similar problems to what is proposed. It seems like there is a lot being crammed on the site and into a small space. He asked the applicant to consider eliminating the second drive thru and moving the Jimmy John's restaurant to the other side of the building? Mr. Butler answered that he is open to any suggestions. He feels it would be overkill. Starbucks owns the whole parcel and is requiring them to buy the whole acre. Their building is about 1,500 square feet on a one acre parcel. He could make the building a little smaller. Mr. Butler stated that he put his restaurant on the east side so it could hold more cars in the stacking area. Mr. Lunnemann also suggested that the design should accommodate drive thru and pedestrian traffic equally. Chairman Rolfsen emphasized that traffic at times is horrendous due to the Starbucks and the shared driveway. Mr. Butler replied that he could add angled parking in the drive thru area for the second restaurant if the drive thru is eliminated.

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?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 18, 2019 at 5:00 P.M. in the Boone County Administration Building 2nd Floor IT Conference Room (Room 204A) . This item will be on the Agenda for the Business Meeting on January 8, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:03 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the third item on the Agenda at 9:04 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

3. Request of **PHOTA Florence LLC (applicant)** for **Meijer Stores Ltd. (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 2.88 acre portion of the 26.32 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change in Concept Development Plan to allow a hotel.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is in a portion of the Meijer parking lot and will be developed as a Hilton Garden Inn. The proposed hotel would face Best Buy and be next to the Meijer Garden Center. The proposed hotel is 78,348 square feet in size. The building intensity is 27,204 square feet per acre of land. There will be 123 hotel guest rooms and it will be 5 stories in height. There are 119 parking stalls on-site and there will be some shared parking with Meijer. Access is through the parking lot and Meijer Drive. Mr. Morgan showed building elevations of the hotel. The hotel will include stone, EIFS, and wood materials. Information about the percentage of materials are included in the Staff Report. All rooftop mechanical units will be screened by a parapet. There will be an outside pool. The dumpster enclosure will match the hotel building materials. The applicant is asking for a waiver of the materials as part of this process. Material sample boards were submitted including colors. Mr. Morgan reviewed the site history dating back to 1992. He described the current zoning and adjoining land uses as well as photographs of the site. He showed a photograph of the existing crosswalk crossing Meijer Drive. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C). Other references to the Comprehensive Plan are mentioned on pages 2-5 of the Staff Report as well as references to the Houston-Donaldson Study. Mr. Morgan reviewed the building material requirements of brick and stone. EIFS shall only be used as accent materials. There is also a reference to building colors or the use of natural tones - red or brown line of color. Dark colors are not permitted. The applicant is also requesting special consideration to their signage package as part of the PD process. The applicant is requesting a 37.2 square foot monument sign. Normally a 24 square foot monument sign is allowed. The current sign code allows for 2 building mounted signs. The applicant is requesting a 168.6 square foot building mounted sign on the northeast facade and an 88.46 square foot building mounted sign on the northwest and southeast facades. Mr. Morgan showed building elevations depicting the sign locations. There would be no signage facing the Meijer Garden Center.

In regard to Staff Comments, Mr. Morgan asked if the shared parking agreement with Meijer has been signed yet? Does the hotel have any rooms that can be rented by parties not staying at the hotel? Has an analysis been done for the Meijer remaining tract in terms of building intensity, green space and parking with the development of the hotel and Tesla facility? Does Meijer still comply with the Houston-Donaldson Study? The Board needs to evaluate this request based upon the Comprehensive Plan and the Planned Development Standards - pedestrian orientation and landscaping. In terms of pedestrian orientation, the Staff is recommending the extension of the sidewalk through the landscape island but only if there is a crosswalk installed. In terms of landscaping, has the applicant contacted the utility companies who have an easement in the proposed landscape areas? The proposed sign and dumpster locations appear to be close to

easement area. Mr. Morgan restated his concerns for the color of the building and percentage of EIFS material. Also, what material will be used for the proposed retaining wall? Will it be stone? Mr. Morgan noted that he sent out agency letters and the responses are included in the Staff Report. Finally, Mr. Morgan provided a list of hotels approved by the Planning Commission or the Florence Board of Adjustment since 2016.

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

Mr. Michael Ritz, Peachtree Hotel Group, stated that his company builds new hotels and acquires existing hotels across the United States. The Hilton Garden Inn has minimal meeting space. The space is between 1,000 -1,500 square feet in size and will be used by hotel guests. It won't result in high parking counts from people not staying at the hotel. In addition, no existing Hilton property in the area objected to the submitted request. This was a result of the internal impact study. There is not a hotel supply concern because of the growth of the area. Mr. Ritz stated that his company owns a Home 2 Suites in Liberty Township, Ohio. They manage 48 hotels in the United States.

Mr. John Beale, Peachtree Hotel Group, stated that they currently don't know how many parking spaces they are short. They estimate they are 9 parking spaces short but it could change at any time. The parking agreement with Meijer will be executed in the next 60-90 days. They are open to looking at their color palette. They like the design and the variety for contrast purposes. EIFS makes a synthetic stone that you can't tell that it is EIFS close up. It could be on the second floor and above. How does glass factor into the percentages? They are willing to change the dumpster material to match the building material.

Chairman Rolfsen asked if the sleeping rooms had kitchens? Mr. Beale replied that there are no kitchens. It is strictly rooms. They are not an extended stay hotel.

Mrs. Kegley asked if the Staff could send the color building elevations to the Zone Change Committee Members?

Mr. Lunnemann asked the applicant to identify the brands in his Company's portfolio? Mr. Ritz replied that they build, own, and manage Marriott and Hilton products with 120-175 rooms. The high end Hilton product is the Hilton Garden Inn and Homewood Suites. Mr. Lunnemann asked the applicant to examine the more recently constructed hotels near the site in terms of building materials. Can your Company meet or exceed those examples in terms of building materials? Mr. Ritz stated that the proposed hotel has a limited bistro or restaurant inside it. It primarily serves hotel guests but anyone can use it. There really isn't a peak time because hotel guests come and go throughout the day. There is also shared parking. It is less common they have walk in traffic for the restaurant since there are many other restaurants in the area.

Mr. Jeremy Pettit, Project Engineer, stated that they are willing to re-route the sidewalk to connect to a crosswalk and the other sidewalk. They will also reach out to the utility companies to verify utility locations.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 18, 2019 at 5:00 P.M. in the Boone County Administration Building 2nd Floor IT Conference Room (Room 204A) . This item will be on the Agenda for the Business Meeting on January 8, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:29 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director