

**BOONE COUNTY PLANNING COMMISSION  
VIA LIVE VIDEO TELECONFERENCE  
BURLINGTON, KENTUCKY  
PUBLIC HEARING  
NOVEMBER 18, 2020  
7:30 P.M.**

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Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's November 18, 2020 Public Hearing via Live Video Teleconference.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Hellman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mrs. Katie Nolan  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Tom Szurlinski

**COMMISSION MEMBERS NOT PRESENT:**

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. John Harney, GISP, GIS System Administrator

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

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

1. Request of **Nick Grammas, Grammas Investments (applicant)** for **1995 Grammas Childrens Trust (owner)** for a Zoning Map Amendment from Union Town Center (UTC) to Union Town Center/Urban Residential Two/Planned Development (UTC/UR-2/PD) for a 6.113 acre site located on the southeast corner of the US 42/Brilliance Avenue intersection, and on the north side of Mt. Zion Road between the properties at 1764 and 1808 Mt. Zion Road, and between the properties at 1816 and 1838 Mt. Zion Road, Union, Kentucky. The request is for a zone change to allow commercial, multi-family residential, and townhouse uses.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. This is a Zone Change request from Union Town Center (UTC) to Union Town Center/Urban Residential Two/Planned Development (UTC/UR-2/PD). The site is located on the southeast corner of U.S. 42 and Brilliance Avenue. It also has frontage in two places off Old Mt. Zion Road. Brilliance Avenue dead ends at the intersection of Melody Drive. The site is currently undeveloped and has a lot of tree cover on the south side. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C). The site is located in the Union Town Plan area. It is mostly in Phase 2 of the Union Town Center Plan. A small portion of the site is in Phase 1 of the Union Town Center Plan.

In regard to the submitted Concept Development Plan, the proposed "L" shaped building is 4 stories tall with 31,100 square feet of retail space. It has 93 apartment units with surface parking spaces and an underground parking garage. There are 4 outdoor seating areas. There are also 12 three-story townhouse units planned at the southeastern corner of the site. A 77 space parking garage is proposed along with a 72 space parking lot in the retail area and a 121 space parking lot in the rear of the large building. Twenty-five street parking spaces are also being provided. An access is being proposed through a median cut on Brilliance Avenue as well as at the intersection with Melody Drive and on old Mt. Zion Road. A conceptual landscaping plan has been submitted. The residential net density is about 20 dwelling units per acre. Mr. Wall showed a sample of building elevations as well as photographs of the site and adjoining properties. He also introduced the applicant's signage plan. It shows 4 monument signs.

In terms of Staff Comments, the first one deals with the Boone County Comprehensive Plan and the Union Town Plan. The Union Town Plan designates this site for Union Town Center Phase 2 and Phase 1. Phase 2 has a stipulation that development can't occur in the phase until 50% of Phase 1 is completed. Section 2520 of the code states that the 50% threshold is not necessarily absolute and can be bypassed through the appropriate review procedures so long as the project is well designed and reinforces the Town Center concept. The Design Standards for both phases require parking in rear or on the side, small front setbacks, brick and stone construction and buildings facing the main road. For reference purposes, Section 2525, "Intensity" does not have a maximum building intensity standard for commercial or office uses in the UTC zone, but it has a minimum of 3 dwelling units per acre and a maximum of 8 dwelling units per acre for residential

uses. The UR-2 zone allows up to 20 dwelling units per acre but with the PD overlay zone, it would allow the proposed 20.04 dwelling units per acre.

In regard to the PD overlay zone and Development Standards, mixed use development with retail on the bottom floor and residential on the top floors is suggested. The project meets this standard but doesn't meet the pedestrian requirement with a large parking lot and a retaining wall in front. Mr. Wall offered suggestions to meet these requirements by reconfiguring the parking, possibly having smaller, multiple buildings, grading and sidewalk changes. The applicant should clarify the proposed non-residential uses. Mr. Wall noted that 20% of the site needs to be landscaped or be left in its natural state. The applicant should explain how much of the 37.5% green space is useable. Sidewalks and bike racks must be provided in order to meet the multi-modal requirements. The applicant should explain the intended design for storm water detention since it could necessitate clearing all of the existing vegetation. Mr. Wall identified the 4 issues related to landscaping on Pages 20-21 of the Staff Report. He also referred to the 10 main points of the Building Architecture on Pages 21-23 of the Staff Report. Four free standing signs are proposed with about 231 square feet. Normally, fewer and smaller signs are permitted in the Union Town Plan. Directional signs are permitted but are much smaller.

Mr. Wall noted that it is the developer's responsibility to extend Brilliance Avenue to old Mt. Zion Road. In addition, there are requirements to make driveways connect to adjoining properties on Old Mt. Zion Road. In regard to a Traffic Impact Study, data has been collected and it needs to be completed for review by the City of Union and the Kentucky Transportation Cabinet. Comments have been received by the City of Union, Sanitation District 1 and the Union Fire Protection District only. Mr. Wall noted the specific Development Standards that apply to the subject site – underground utilities, the number of parking spaces, accessible parking for the disabled, the width of the driveway loop for the townhouse cluster and potential subdivision issues.

The Boone County Planning Commission and the Union City Commission need to evaluate the proposed zone change in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in the Boone County Zoning Regulations, the Planned Development requirements in Article 15 of the zoning regulations, the Comprehensive Plan, the 2000 Union Town Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved. Mr. Wall stated that he received comments from adjoining property owner Mr. Bernard Schrage. The letter is included in the Staff Report.

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

Mr. Brock MacKay, Viox & Viox, Inc., referred to his PowerPoint presentation and explained that Grammas Investments, Inc. started in the 1970s in commercial and residential development in Southwestern Ohio and Northern Kentucky. Nick Grammas has been head of the firm for over 20 years. Reztark is a full service architectural design studio specializing in master planning, urban planning, architecture, interior design, industrial design, graphic design and branding. The firm mostly focuses on multi-family, senior living, retail, workplace and hospitality markets. Grammas Investments Projects consists of Montgomery Commons and Village Green in Fairfield.

Reztark has previously done mixed-use retail and residential projects. The subject site is 6.113 acres in size. The proposed uses fit in the Union Town Center but it is a matter of density. The UR-2 Zoning District is an add on to the UTC Zoning District. The proposed PD also gives flexibility on the layout. There is no maximum on the square footage of commercial use other than meeting the parking requirements. However, the present zoning of UTC only allows a maximum of 8 residential units per acre. The Future Land Use Map is one dimensional as it doesn't show retail on one floor and residential on the top floors. Mr. MacKay referred to the purpose of the Union Town Center (UTC) zoning district, where it encourages multi-level, mixed uses designed at a pedestrian scale. It can be retail on the bottom floor with office and residential uses on the above floors. Mr. MacKay felt that the proposal really meets that language. The Union Town Plan is really trying to protect against standard commercial strip center or big box development. Mr. MacKay reviewed the Concept Development Plan. The "L" shaped building will have 31,100 square feet of retail space and 93 apartments. It will have a parking garage underneath the building on the back side. The residential and retail traffic will be separated. That is why some parking is located in front of the building. It has to do with safety and privacy. Parking in front is important as it makes the retail space more viable. The site is challenging because it fronts U.S. 42, Brilliance Avenue and Old Mt. Zion Road. Brilliance Avenue has the most road frontage and has a curve. The position of the "L" shaped building faces both U.S. 42 and Brilliance Avenue but mostly Brilliance Avenue. There is a one story restaurant and patio area that is located next to Brilliance Avenue. The Brilliance Avenue connection is very important to the project. More discussion will have to occur about the design of the road extension. The City of Union has been working with Gresham Smith to advise them in implementing the Union Town Center zoning. One of the recommendations was allowing on-street parking. That is what is proposed and will be further evaluated. Landscaped islands are being proposed to be extended on Brilliance Avenue. Twelve townhomes are also being proposed on the site.

Mr. Dean Lutton, Reztark Design Studio, stated there are topography challenges for the site that influence the layout and overall design. There is a 16 foot grade change from U.S. 42 to Melody Drive. At the first curb cut off Brilliance, they are 14 feet higher than the intersection at U.S. 42. They have found that the crossing of vehicular and pedestrian traffic usually limits the success of a mixed use development. Residents prefer a safe and secured entrance and private parking. It has to be easily accessible. Commercial patrons need easy access to their storefronts. The main entrance to U.S. 42 sits below the site and is not a pedestrian oriented road. The ends of the building will be geared towards restaurants because of the outdoor dining and seating areas. Brilliance Avenue is one lane but the width is wider than for one lane. They are proposing to widen the street to allow parallel parking and a single drive aisle or lane. They also would like to narrow the intersection for street calming purposes and pedestrian walkability. Part of the median on Brilliance Avenue will have to be removed to allow left turning movements to the retail area. The townhouse area encourages pedestrian access from U.S. 42. He suggested a possible staircase from the sidewalk on U.S. 42 to a sidewalk leading to the retail area. It could be located near the intersection crosswalk across U.S. 42 and Brilliance Avenue. He showed a close-up drawing of the main entrance to the residential area opposite of Melody Drive. The intersection has stained concrete. The proposed townhomes are located next to the street with parallel parking on the street. A patio area is proposed on the back side of the larger building for outdoor dining and could also be used as an amenity for the residents. The top of the one story restaurant has a green roof for outdoor space for the residents. Mr. Lutton showed a building elevation on

the backside of the project. The parking garage will be used for residents only. He noted there was a comment about not having a sufficient amount of parking for the retail and at the same time making the development have a pedestrian orientation. The rear parking lot can serve as an overflow parking lot if needed from the planned retail uses. Mr. Brett Kratzer, Reztark, stated that when they originally met with Gresham Smith, they had shown more parking in front for the retail (104 spaces). Instead, it was recommended that they turn the area into a walkable connected space. As a result, they eliminated a front row of parking and widened the sidewalk in front of the retail space. The lost parking could be recouped from the proposed street parking. The Study suggests U.S. 42 be the front walkable entrance to the development. Mr. Lutton disagreed as the speed of the traffic doesn't allow a pedestrian feel. Brilliance Avenue is more appropriate to have the pedestrian streetscape or feel. By putting a 4 story building next to Brilliance Avenue, it would have a dramatic impact or be overly imposing on the Harmony tract across Brilliance Avenue. That tract will have 10 dwelling units per acre. The planned single story restaurant pad will draw pedestrians to the area. It will also allow building density to occur on the site which the Study recommends. Retail needs convenient parking for it to be successful. The retail also needs customers and the proposed units and neighboring housing will help support the retail. If the retail faced U.S. 42, parking would have to be in the rear and the entrance has to be next to the parking lot for the retail to be successful. The result is that the back of the building would face U.S. 42 and this would not be a walkable development and an architectural solution. Pedestrians prefer not to be walking along high speed routes like U.S. 42. The east-west building orientation opens up the pedestrian orientation from Brilliance Avenue and U.S. 42.

Mr. Ryan Johnson, Reztark Design Studio, discussed the building materials and stated that he felt the project was in line with the Union Town Plan guidelines. Suggested materials are quality materials, masonry stone, metal and siding products, fiber cement and not vinyl. The proposed materials are similar to what has been used in the area. The owner wants to use low maintenance materials (e.g. brick and stone). Mr. Brock MacKay showed a preliminary grading and utility plan. He noted that the owner conducted a virtual workshop with the Harmony HOA on October 22, 2020. Forty-six residents participated. A primary concern was non-Harmony residents using their neighborhood amenities. Mr. MacKay responded that the developer would educate their new residents that Harmony has private facilities and perhaps Union would develop a park in the future. There was a concern voiced about traffic flow and needing a connection to the roundabout. Mr. MacKay stated that they are performing a traffic study to make sure of what is the best way to make the connection. It would also address the need for any turn lanes. Other concerns included commercial tenant hours of operation and noise. The position of the building helps reduce the potential for noise. Other final comments relate to building architecture, layout, scale, materials, colors, etc. There were several positive comments including that it seems to be in line with the Town Center Plan. In regard to the Traffic Impact Study, they have already had preliminary discussions with the City of Union and the Kentucky Transportation Cabinet and they have collected data at several of the key intersections.

Mr. Lutton explained the branding of the project. Arcadia is a place holder name. Signage will be simple in terms of size and materials. Four signs are proposed for the 2 types of uses. All the signs are proposed at each entrance – U.S. 42, Brilliance Avenue and Old Mt. Zion Road. The signs will be externally lit.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request? Seeing no one, Chairman Rolfsen asked if there was a separate entrance off old Mt. Zion Road to the development? Mr. MacKay replied yes. Brilliance Avenue would be extended south to old Mt. Zion Road. It would be a City street. Mr. Costello added that in order to the development to be successful, the extension of Brilliance Avenue has to occur. It leads to the new roundabout. It is what the Union Town Plan recommends. It will help the retail by allowing traffic from new Mt. Zion Road to travel directly into the area. The Planning Commission expects this to be done and typically the developer builds this road. Mr. MacKay responded that it was the same understanding that the developer had. Mr. Nick Grammas, Grammas Investments, stated that he has been talking to the City or the Mayor for the past 4-5 months. He understands that the road has to be built. It is just a question of who will pay for it – the City, jointly funded or funded through TIF Funds. Mr. Costello stressed that the Planning Commission doesn't care who builds it but that it is built from the very beginning of the project. It is a critical component of the project. The Drees Company built Brilliance Avenue on both sides of U.S. 42 when the residential construction started. Chairman Rolfsen asked how much of the 31,100 square feet of retail will be for restaurant use? Mr. Dean Lutton replied that the ends of the buildings will be restaurants as well as the back triangle area. It would be from 9,000 – 12,000 square feet of restaurant space.

Ms. Gulick stated that she thought the entrances were confusing – one for retail and one for residential. Will people get confused with using the main entrance for the retail use if coming from Mt. Zion Road? Will a left turn lane be needed to the retail area? What are the differences in traffic volumes in that area? Also, there is no second access out of the front parking lot. Mr. MacKay replied that the turn lane analysis will be included in the Traffic Study. If someone accidentally turns into the main entrance and is going to retail, it is okay. Customers can walk around the building to get to the retail. The rear parking lot is not a dead end parking lot. There is only one curb cut serving the retail due to the topography and close proximity to the intersection. The good news is that they created a loop within the parking lot so traffic can circulate. It is a small enough parking lot that one ingress/egress is good enough. Mr. Lutton stated that signage near each entrance will help direct traffic. Generally, shoppers will turn into entrances when they see store fronts. The proposed one story restaurant will serve as a symbol of the retail area since it is located so close to the entrance.

Mr. Harper stated that he was impressed with the thought that went into designing the project. It is a complicated project. There may be many more details to be worked out but he is impressed with it.

Mrs. Nolan stated that she was definitely impressed with the submitted plan. She inquired about outdoor gathering space. Mrs. Nolan asked if the developer considered a pedestrian connection to old Mt. Zion Road in case there is any future open space in that area? It would be another way to get to the south other than U.S. 42. Mr. Johnson responded that it could be looked at further for safe pedestrian access. Mrs. Nolan noted that in her discussion with the City, she thought it was important to get the first main focal point developed and then expand out, why isn't this occurring? It is less interest? Mr. MacKay responded that the property owner has a larger site across the street. For a variety of reasons, the market and the subject site is the right size. It is a good first step. They are creating some open space with the outdoor areas and the riparian areas. Mr. Grammas added that the project will kick start the town center on the north side of

new Mt. Zion Road. There could be another phase on the other side of U.S. 42 with a 23 acre site.

Chairman Rolfsen asked how many stories are the townhouses? Mr. Lutton replied that they are 3 stories with an integrated garage. The first story will be half garage and half livable area and then 2 occupiable floors. There will also be a roof deck amenity on the top level. Chairman Rolfsen asked how many bedrooms are in the apartments? Mr. Johnson replied that it will be 1, 2 or 3 bedroom apartments. It will be a ratio of 40%, 50% and 10% for 1, 2 and 3 bedrooms. The trend today is that the third bedroom is usually an office versus a bedroom for children.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 2, 2020 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on December 16, 2020 at 7:00 p.m.** If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:58 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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