

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARING
DECEMBER 16, 2020
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's December 16, 2020 Public Hearing via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, 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. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Robert A. Jonas, AICP, Director, Planning Services
Mr. Matthew Becher, AICP, Rural/Open Space Planner
Mr. John Harney, GISP, GIS System Administrator

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

I-275/GRAVES ROAD INTERCHANGE STUDY – Bob Schwenke, Chairman, Robert Jonas, Matt Becher, Staff

Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider the I-275/Graves Road Interchange Study, a land use and zoning study which includes a series of amendments that affect the Boone County Zoning Regulations and Zoning Map. The approximately 2,500 acre Study Area is generally bound by properties that front on the south side of Petersburg Road (KY 20) to the south; Cornerstone Estates Subdivision, Liberty Crossing Subdivision, a portion of Park West International Subdivision, and North Bend Road (KY 237) to the east; Tree Tops Subdivision, Treetops Estates Subdivision, Thornwilde Subdivision, and Williams Road to the north; and the rear boundary of Traditions Subdivision to the west.

Staff Member, Robert Jonas, presented the Staff Report, which included a PowerPoint presentation. For the record, the Staff Report is being entered into the record along with numerous exhibits. The exhibits are listed in the back of the Staff Report. There are 10 exhibits in the Staff Report and he will be referring to them as he completes his presentation. Exhibit 1 represents the complete draft of the I-275/Graves Road Interchange Study. This PowerPoint presentation is also included in the Staff Report and it is Exhibit 2. The Background and History of the Graves Road Interchange dates back to 1995 as it appears in each Comprehensive Plan since then. The Plan at the time was called A Vision For The Year 2020 and it recognized the possibility of a new I-275 Interchange between the Hebron and Petersburg Interchanges. At the time, the Staff assumed the new interchange would be in the Graves Road area. In 2016, the Kentucky Transportation Cabinet moved forward to conduct an Interchange Justification Study (IJS). In 2019, the Fiscal Court asked the Planning Commission to conduct a land use and zoning study (see Exhibits 3 and 4). In December, 2019, Judge/Executive Gary Moore formed a Graves Road Stakeholders Group comprised of 9 people who lived or did business in the Graves Road/Hebron area. The group was a sounding board for reviewing the Study. In January, 2020, the Fiscal Court issued a development moratorium for the Study area (Exhibit 6). In January, 2020, work began on the construction of the interchange. The ultimate construction of the entire interchange is scheduled to be completed by August, 2022. Mr. Jonas noted that the Staff relied heavily on public participation. The Stakeholders Group was formed and met several times in 2020 – January, May and October, 2020. A public workshop was held at the new Hebron library in January, 2020. Over 100 people attended the workshop. We also generated an email list of over 120 interested property citizens. Drafted materials were posted on the Planning Commission's web site. Face to face contact was limited due to COVID 19. The Staff used the "Our Boone County" Facebook page for posting material. This page has over 1,500 followers. Zoom meetings were also held.

The Interchange Study includes an Introduction which states why the Study is being done. Existing and Future Conditions/Analysis are included. Ultimately, the Study resulted in a set of recommendations based on the Future Conditions and Analysis. A Transportation Study was prepared by TEC Engineering, Inc. and is included in the Study along with proposed text changes to the existing Zoning Regulations. Chapter 1 is the Introduction for the Study. It includes the Purpose and Goals of the Study. It is intended to guide development to promote economic vitality and quality of life. It is also intended to create a unique gateway to employment, commercial and

residential opportunities. It encourages attractive building and site designs with enhanced pedestrian accessibility. The Study Area is defined to be 2,500 acres in size. Chapter 2 is Existing Conditions and it includes the Kentucky Transportation Cabinet design drawings for the new interchange, existing zoning and land use, demographics, natural and cultural resources (historic sites and structures, cemeteries, etc.) and finally, previous comprehensive and transportation plans. Chapter 3 is Future Conditions and Analysis. This Chapter includes population and employment projections, future land use analysis, utility analysis (water and sanitary sewer) and the traffic study performed by TEC Engineering, Inc. The utility analysis dealt with existing and future capacity limits. Transportation recommendations are included in this chapter. Chapter 4 includes recommendations for designating the Future Land Use, Zoning, Signage, Development Standards, Design Requirements and the Review Process. Changes to the Future Land Use are based on the exact location of the new interchange. The Business Park (BP) classification increased and shifted towards the new interchange. A commercial node was added at Graves Road and KY 20 and adjustments were made on the north side of the interchange. Finally, Suburban Density Residential (SD) was added to replace Rural Density Residential (RD) at the west end of KY 20. In addition, Focus Areas were created to provide more detailed description of the zoning recommendations. Six Focus Areas were created in order to breakdown the larger areas north and south of the interchange. Focus Area A is 647 acres and it includes Traditions Golf Course Subdivision. There are no significant Future Land Use Changes contemplated in this area. Improvements to Williams Road is the key as this area develops over time. Focus Area B is 455 acres in size. This area was realigned from the Comprehensive Plan's recommendation. The proposed east Commercial area may include interstate uses (e.g. hotel, restaurant, etc.). The triangular parcel is recommended to be changed from Industrial to Commercial due to the condition of the old Graves Road. However, in the text of the Study, if someone wants to develop this parcel for an industrial use, it can be done as long as it is accessed through Park West Subdivision off World Wide Boulevard. The remainder of the Commercial Uses on the west side of new Graves Road should be neighborhood mixed use and smaller scale Commercial Uses since the site is surrounded by future Residential Uses. Finally, the proposed Residential Uses located behind the commercial area would be accessed through the commercial area. Improvements to Williams Road will be needed as the area develops. There is an opportunity for an entranceway greenspace corridor utilizing the existing right of way in the area. This planned green corridor will allow the exit to become different or unique to Boone County. A lot of the green corridor is State right-of-way and it can be an arrival piece.

Focus Area C includes 317 acres. High Suburban Density Residential (HSD) land uses are recommended in this corridor. Multi-family housing is recommended only on the southeast side of Graves Road. HSD serves as a transition from the Commercial and Industrial uses to the existing single-family residential housing in the area. The library site could include future outdoor and public recreational uses and possibly a small expansion of the Park West Industrial Subdivision. Focus Area D begins on the south side of I-275. It contains 545 acres. It is primarily recommended as Suburban Density Residential (HSD) due to knowing the location of the interchange and to be compatible with the residential development pattern to the west. There are no planned changes south of KY 20. The key component in Focus Area D is the availability of sanitary sewer that will drive development as well as the condition of KY 20 itself. Focus Area E consists of 385 acres. Almost all of this area is recommended to be Business Park (BP). Suburban Density Residential is recommended south of Focus Area E. The Watts Road area separates the large BP properties located on KY 20 to the west from new Graves Road. The

east area is accessed by the proposed Litton Lane connection to new Graves Road. This is a high visibility area for a mix of office, research, warehouse, light industrial uses in a park-like setting. The Watts Road area could remain residential but also could be recommended as part of a bigger BP development. The green recreation corridor mentioned on the north side could continue south along new Graves Road. The interchange is very pedestrian friendly. Also included in the recreation area is the historic Allie Corn House.

Focus Area F is 132 acres in size. There is an opportunity to re-establish Bullittsville as a “place.” A small neighborhood commercial node would be created to serve local residents instead of highway traffic. This would be at the intersection of the new Graves Road and KY 20. The green corridor extends north to connect to the commercial area north of I-275. There would also be increased residential density on the south side of KY 20.

Mr. Jonas asked how do we accomplish these recommended land uses? He answered by stating that Chapter 4 includes recommendations for new zoning. Zoning is a tool to achieve the Future Land Use vision in the Focus Area descriptions. A Graves Road Zoning District was created for the HSD, C and BP on the Future Land Use Map. Three new zoning districts were created: Graves Road Residential, Graves Road Commercial and Graves Road Business Park. The Graves Road Residential (GR-R) Zoning District consists of 314 acres on both sides of the interchange. It calls for compact, higher density residential uses. It provides a good transition between BP and C uses to typical residential uses. It allows single-family homes, patio homes, landminiums, townhouses, duplexes up to 8 units per acre and multi-family (apartments units up to 12 units per acre). The Graves Road Commercial (GR-C) Zoning District consists of 136 acres split in 2 areas. The larger area to the north and the smaller to the south. It allows for standalone retail and mixed use commercial/residential uses (1st floor commercial). The planned commercial areas would support both local residential base and business functions around the interchange area. It is designed for both vehicular and pedestrian traffic and have bicycle access. Finally, Graves Road Business Park (GR-BP) Zoning District consists of 386 acres. It suggests a mixture of office, research, business commercial and light industrial. It supports the idea of establishing a professional corporate office center. There are restrictions on logistics/light industrial uses. The uses cannot exceed 30% of the entire district (approximately 116 acres). The maximum building size shall not exceed 350,000 square feet. These restrictions are based on public comments and feedback about truck traffic and parking from heavy transportation uses. The Business Park (BP) designation was never intended for industrial uses as noted in the previous Comprehensive Plans dating as far back as 1995. If the maximum percentage of light industrial uses is 30%, it makes sense to break the potential use into smaller buildings to allow more sites. In addition, there is a limit of commercial uses in a GR-BP Zoning District. It shall not exceed 20% of the entire district or approximately 77 acres out of 386 acres. The commercial uses would be limited to those supporting business park activities.

Mr. Matt Becher stated that there are regulations being proposed for signage, development standards and design review. It is patterned after the regulations that were established for Mall Road 8-9 years ago. It is nothing new or dramatic that the development community has not seen before. Free standing signs are allowed and outlots are allowed. An outlot would have an option of an 8 foot high, 60 square foot monument sign. There are examples of this on Mall Road. These signs can complement each other based upon materials used. Mr. Becher showed an example

(BJ's Brewhouse) of a monument sign from Mall Road. The material used on the building is used on the monument sign. He also referred to screened dumpster areas. The proposed Development Standards also include building setbacks and height (60 feet maximum), underground utilities, parking, landscaping/buffers and a street frontage plaza option. The proposed Design Standards will produce overall better looking buildings. He showed photographs of Menard's and Planet Fitness buildings. He noted the roof form, building materials, facades, site furniture, fences and lighting. It allows for better designed buildings. Mr. Becher concluded by saying that these regulations were the result of suggestions by the public and Staff for better design and signage requirements.

Mr. Jonas referenced the two tracks for receiving projects. The Zoning Administrator would make the decision which review process is applied. One is the short review process where a project is in agreement with the Study or Focus Area descriptions and recommendations followed by the Long Review Process where the proposed project is not in agreement with the Study. The Short Review Process would entail submitting a Site Plan for review. The Long Review Process would entail submitting an application for a Public Hearing. He referred to a flow chart. Mr. Jonas also entered into the record and referred to Exhibit 11, which represents the 8 comments received prior to the Public Hearing. Those were previously distributed to the Board Members. In addition, there was a late addition to the list of comments. One additional letter was received from Mr. Bryan Dunham. It is also included as part of the record.

Mr. Jonas concluded that the Study itself should be reviewed as to how it promotes and builds upon Our Boone County – Plan 2040 by providing a guide for development in an important 2,500 acre Study Area. Should this Study be approved and adopted, the Zoning Map and Text Changes described in this report, as included in Appendix III in the I-275/Graves Road Interchange Study, will appear as new Zoning Districts in the Boone County Zoning Regulations and on the Zoning Map. Furthermore, changes to the Land Use text and Future Land Use map will need to be made during the next update of the Comprehensive Plan. The recommendations contained in this Study may also be evaluated during the next five year update of the Comprehensive Plan.

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

Mr. Dan Tobergte stated that he is representing Doug and Donna Connor's property. It is 22 acres in size. He already submitted a letter on the changes that have partially been made. The Connors are very pleased with the BP zoning that is being projected for their properties. These properties are located south of the interchange and close to KY 495. They have a concern about the properties to the south of them that are projected to be HSD Residential. That is going to be a problem or detrimental to developers as having residential so close to BP. Residential, athletic fields, playgrounds, churches are counter to a Business Park setting. The concept is to accommodate the Business Park setting by extending it to the south by 18 acres and rezone 3 acres along KY 20 to a commercial zone. He asked the Planning Commission to continue to study the area and he may get a civil engineer firm involved to look at what the proper distances and setbacks are to be by taking the residential zoning out. It would result in maximizing the development potential for a \$55 million interchange investment.

Mr. Gary Smith, 3010 Bullittsville Road, stated that he is the first house on the west side of the new interchange of KY 20. How is this going to impact his property if Bullittsville Road is widened?

Mr. Jonas replied that the widening of Bullittsville Road is not part of the Study. Generally, there is more opportunity for Higher Density Residential in the area. There is no basis to require anyone to move as the property owner will make that decision at the appropriate time. If there is any idea of purchasing any right-of-way, it is not part of this Study.

Mr. Steve Dallas, an attorney representing Mr. Bill Stapleton, stated the Mr. Stapleton is one of the property owners that Mr. Tobergte was talking about previously. Part of the property is zoned Commercial, Recreation and HSD. The HSD portion is very small and it does not lend itself to the Commercial zone. Mr. Dallas requested that the Stapleton's parcel be rezoned to Business Park.

Mr. Brian Dunham stated that he and Mr. David Wallace represent the Graves Family. The Graves Family owns about 128 acres. The property is well suited to light industrial before the Graves Road Interchange was built. Now that the interchange is in, it is better suited for Industrial. The property is under contract for sale. Looking at what is recommended and what the County has dealt with Business Park development in the past, they are concerned about how it will impact them. The 11 acre triangular parcel on the north side of I-275 was previously labeled Industrial, but is now shown as Commercial with Industrial as an option. They would rather have it developed as Industrial. The concern is that Commercial will not develop there for a number of years. Industrial currently exists on both sides. If it would remain Commercial, then he would like to change the language in the Study that the access would not have come through Park West Subdivision to allow an industrial use with light truck traffic to come through Old Graves Road. The proposed Litton Lane extension planned for the Graves Farm is a burden for any developer. Perhaps, there could be a public project or the establishment of a TIF to meet this infrastructure requirement. A desire to have corporate research campus is a rare item these days. Every County is trying to recruit this type of development. The fear is that with the 30% restrictions on light industrial uses, neighbors will be competing against each other. It will impact them less since they have a buyer. Is that fair for other people in the Business Park category? Perhaps the 30% could be increased to 45%? They are opposed to the maximum size of an industrial building used for logistics purposes. He understands the reasons to break up a 1,000,000 square foot building. Their site can accommodate a 600,000 square foot range building and the other 2 buildings would not exceed the 350,000 square foot figure. He asked the Board to reconsider the 350,000 square foot figure? Mr. Dunham did state that he submit a letter outlining these items for tonight's Public Hearing. He invited a few members of the Graves Family to share some of their thoughts.

Ms. Sue Graves Spaulding, 2272 Williams Road, gave a history of the Graves Family arriving to Boone County in 1798. The family signed a contract to sell the land that they farmed for years in late 2019 prior to the moratorium. The family has a rich history of providing service to the community including government, the Fair Board and 4H. They have contributed to Boone County and asked the Board to be fair by allowing Industrial on their farm. The family is asking for equal farm rights by selling just like the Smiths, Utz, Ravenscrafts, the Muldoons and Jay Acres. The restrictions of the 200 foot buffer is equivalent to 9 acres of land and it will affect their income by \$1 million. The extension of Litton Lane will impact the sale of the property by \$1 million. BP zoning decreases their total income. Boone County can receive Industrial zoning money from development now versus Business Park and HSD in long term planning.

Ms. Sally Rose Burchman, stated that the farm is a family legacy and they have had interested buyers years ago. They chose not to do anything. They had planned for this sale someday. It kind

of blew up or didn't happen that way. We would like to get the items resolved fairly. We don't want this to continue to the next generation. It is not fair to them because they have a contract.

Mr. Randy Graves, 2807 Graves Road (Allie Corn House), appreciates all the work the Planning Commission has put into the Plan. He hates to see the farm or Boone County change. He would like to get the maximum dollar for the farm since he and his family has lived on it for a number of years. If Litton Lane is extended, it makes sense to continue the Industrial zoning since it already exists on the east side. He rather see Business Park rather than any type of High Density Residential. He would like to see a change is the percentage along with the maximum size of a building.

Mr. Dunham explained that the Graves Family interviewed over a dozen developers. They had multiple developers submitting bids. They selected one that wasn't going to pay them the most dollar.

Mr. Dale Holladay, 3358 Petersburg Road, stated that he has 80 acres. He doesn't support the 30% figure because it leaves people out. The percentages need to be taken off.

Mr. Bob Schroder, Arlinghaus Builders, stated that he already submitted a letter. He expressed a concern about the green space, the uses and the design standards.

Mr. David Tepe, asked what was the time line to complete the Study and Zoning? Mr. Jonas responded that the zoning would take effect once the Study is adopted by the Boone County Planning Commission and the Boone County Fiscal Court.

Mr. David Kappleman, 2854 Watts Road, inquired how deed restrictions would affect taxes or property resale? Mr. Costello replied that generally until the improvements are made on the property based on the new zoning, values most likely will not change. Land is not appraised solely on zoning. It is also on other factors. The Boone County PVA is responsible for appraising land and buildings and taxing entities set their own tax rates. Property valuations are based on the use of the property and improvements to the property. Mr. Costello stated that as long as the property is continuously used for residential purposes, it can continue even though the zoning may have changed as a result of the Study.

Mr. Scott Goodridge, 2928 Petersburg Road, stated that he agrees with the Connors and they are the neighbors to the south. They agree with extending the Commercial down KY 20. They have 16 acres and it runs along Presidential Drive and the power lines. They lost an easement domain case with the power company. Mr. Jonas referenced a map showing what Mr. Goodridge is talking about in his suggestions. They would like to extend the BP further south and Commercial south to KY 20. The HSD Residential would then be eliminated. The back portion of the site is a flat field suitable for development. In the past, they have turned developers down most recently in January/February, 2020.

Ms. Rebecca Young, 2745 Watts Road asked once the zoning is changed on Watts Road, who will purchase the current residential property on Watts Road? Mr. Jonas responded that there is no way to know who will purchase the property if no one is willing to sell the property. Just because the zoning is changed doesn't mean someone has to move. One scenario would be if a group of

property owners would get together and market their property for sale to a developer. It is totally up to the homeowners themselves.

Chairman Rolfsen asked if any Board Members had questions or comments?

Seeing no one, the Chairman recognized one other person in the audience.

Mr. James Hutchison, 3073 Petersburg Road, inquired about access from the BP area to KY 20? KY 20 is already busy. Mr. Jonas stressed the need to upgrade Petersburg Road but also Williams Road. Not all of what is recommended will happen immediately. There will be some time for improvements. Mr. Jonas agreed that it was one of the reasons for not extending the BP to KY 20 since there is no funding for widening KY 20. It is not in the 6 year Transportation Plan at this point. Watts Road sort of blocks access to the western part of the Study area without having to travel onto KY 20. Chairman Rolfsen mentioned that if the Commercial is extended to KY 20, it would also need to be expanded even without excluding the BP south to KY 20. It is a process to get the road improvement in place. There is safety concern about the existing roadways given the proposed zoning.

Mr. Dan Tobergte, stated that he was speaking on behalf of Sandy and Paul Lageman, who are having trouble connecting to the meeting. They live at 2401 Graves Road and Mr. Lageman thinks there is too much HSD Residential proposed in the Study. Mr. Jonas noted that the Study actually reduces the amount of HSD Residential by 100 acres when comparing it with Our Boone County - 2040 Plan.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 6, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on January 20, 2021 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 8:56 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director