

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARINGS
MARCH 3, 2021
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's March 3, 2021 Public Hearing via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

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. Todd K. Morgan, AICP, Senior Planner

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

ZONING MAP AMENDMENT – Kevin Wall, Staff

1. Request of **Viox & Viox, Inc. (applicant)** for **Norbert A. Kahmann Trust, Timothy Kahmann, and Christie Kahmann (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 151.7 acre site located at 2298-2318 Clarkston Lane, and the southernmost, approximate 7.5 acres of the site located at 2425 Longbranch Road, Boone County, Kentucky (approximately 159.2 acres total). The request is for a zone change to allow a cluster subdivision for detached single family dwelling units.

Ms. Meghan de Sola, Viox & Viox, Inc. stated that Union Clarkston, LLC is a partnership between Thomas J. Ackermann and Ralph Meierjohan. They have over 35 years of experience in the development business. Land Design is a multi-disciplinary firm of landscape architects, engineers, and planners. Ms. de Sola showed examples of their developments. She showed images of Walworth Junction in the East End of Cincinnati, Springboro Meadows in Springboro, Ohio, Woodlawn Meadows in Woodlawn, Ohio and Gershom Grove in the College Hill neighborhood of Cincinnati.

Mr. Peter Crowley, Land Design, described the history of the properties and community using a PowerPoint presentation. He used aerial photographs dating back to 1939. The properties have been used for agricultural purposes over that time including dairy and tobacco farming. Family is a link to the past and a bridge to the future. The site has rolling topography along with several wetland ponds. There are many memories as “happiness is homegrown.” There will be community gardens in the open space areas. He referenced the 1883 Atlas of Boone County. They were able to locate old dirt roads. The design team created a conceptual composite that focused on 3 elements – environmental, features, and land management. They examined the site very carefully in order to preserve streams, ponds, and signature trees. The Master Plan Concept for the site includes green fingers, the preservation of the barn, a clubhouse, a meadow and trails.

Ms. de Sola stated that the site is a total of 159 acres. It connects to Clarkston Lane and Ballyshannon Drive. The site is located in unincorporated Boone County but the developer is pursuing annexation into the City of Union. There are 5 vehicular and pedestrian connections to this development. Two of the connections will be to Ballyshannon Subdivision. One connection is planned to Westbrook Subdivision and another one is planned to connect to Orleans Subdivision. A final one is planned to the south to a vacant parcel that ultimately leads to Hathaway Road. The site is mostly open pasture land and is not heavily wooded. The site is currently zoned Rural Suburban Estates (RSE) and the developer is asking to rezone it to Suburban Residential One (SR-1) for a cluster residential subdivision. The Comprehensive Plan’s Future Land Use Map designates this site to be Suburban Density Residential (SD) for single-family residential units up to 4 dwelling units per acre. The request is for a density between 1.9 and 2.2 dwelling units per acre. The Comprehensive Plan emphasizes that “future development should minimize the impact on existing low density residential uses and also offer connecting

routes to take the burden off existing roadways.” This Concept Development Plan meets the intent of the Comprehensive Plan. The proposed development is able to maximize the Kahmann open green spaces by using the flexibility of the cluster subdivision design and the flexibility of the SR-1 zone. Even though the SR-1 zone allows for 4 homes per acre, the development will have approximately 2 homes per acre. It will give a feel of a low density community because of the abundance of open space. There will be amenities for this community. It includes 3 lakes and common or communal open spaces. The main boulevard will have a 5 foot wide sidewalk on one side and an 8 foot trail on the other side. It will connect to Ballyshannon and Westbrook Subdivisions. The construction of the development will take approximately 10 years to build out with approximately 30-40 homes built per year. This buildout plan will lessen the impact on public infrastructure such as schools. Ms. de Sola mentioned the 2017 National Association of Homebuilders Study of determining the number of children per household. The multiplier is 0.62 children per home or 22 school aged children per year/220 school aged children in a 10 year time period. Ms. de Sola referenced the five standards for a cluster subdivision. The layout needs to have visible and functional open space. The open space needs to be connected to a pedestrian network. Gross Density refers to the maximum number of homes allowed with standard zoning. This would result in 636 homes. The applicant is proposing between 305 and 355 homes. The net density will be between 1.92 and 2.23 dwelling units per acre. They do meet the minimum size of a cluster subdivision. In terms of open space, they will provide a minimum of 30%. They expect to provide between 33-37% of the usable open spaces. Street A is designed to be a Green Boulevard Street. They will be providing 3 of the 4 open space types (open, village green and a green boulevard street).

Mr. Brock MacKay, Viox & Viox, Inc. stated that all the streets meet the Boone County Subdivision Regulations. The lot sizes also meet the regulations as they also provide a variety of sizes. They decided on a cluster subdivision based upon the assets and constraints of the properties. The existing ponds will be kept as lakes. Grading will be minimized to protect the planned green space. Mr. MacKay referred to an on-going traffic study. They are collecting data even during the COVID era.

Mr. Crowley stated that there is an 8 acre plus open space in the middle of the site. It sits around an existing lake with mature trees. It will be a great place for kids. The green space will be a structured pastoral space full of yews and hedgerows. There will be village and corner greens along with meadows. Mr. Crowley showed illustrations of the road network coming into the subdivision from Westbrook Drive, one of the roundabouts, and from Ballyshannon Drive.

Mr. Kevin Wall, Staff, referred to his PowerPoint presentation. He noted pages 3-10 of the Staff Report as it relates to the Comprehensive Plan. He identified the text of the Comprehensive Plan that describes the Union area. It emphasizes street connections as well as the agricultural character of the area. It also discusses recreational facilities relative to large residential projects. Overall, the Comprehensive Plan encourages cluster and open space subdivisions. Mr. Wall referred to the other findings necessary for granting a Zoning Map Amendment. He identified the Design Issues defined in the Staff Report on pages 14-18. The first one is layout and there are 17 standards. In addition, Mr. Wall mentioned street connections and the proper alignment of

Street A from Westbrook to Ballyshannon and there are a lot of cul-de-sacs which decreases the level of connectivity. He also suggested that the applicant provide representative images of the proposed design for the dwellings and common facilities. He asked when the applicant will provide the traffic study? Mr. Wall noted that the Boone County School District submitted an email (see Exhibit A). He read the email that highlights the concerns over the number of homes. Mr. Wall also explained that he received an email from Mr. David Plummer expressing an intent on behalf of the City of Union to annex the subject property (See Exhibit B).

In conclusion, the Planning Commission and the Boone County Fiscal Court or City of Union need to evaluate the proposed zone change in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the Our Boone County – Plan 2040, 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.

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.

Mr. Bruce Bremer, 1250 Clarkston Lane, inquired where would the developer begin the project and would they construct all the infrastructure at once? He noted that a lot of the water from the Kahmann ponds flows into the existing lake behind Clarkston Lane. How will stormwater from the development affect this lake? He hopes the water will not be dammed up so as to dry up the existing lake.

Ms. de Sola, Viox & Viox, Inc., replied that they don't know where they will start since they have not selected a builder. The builder will determine what section begins first based upon the market and building product. Ms. Michelle Bollman, Viox & Viox, Inc., stated that they will start at the Ballyshannon connection with the 52 foot wide lots. She noted that they planned on keeping the existing lakes for stormwater purposes.

Chairman Rolfsen inquired about the 0.62 school aged child per household figure. Is the developer willing to agree to a condition of restricting the number of lots due to the school overcrowding? Ms. de Sola restated that the developers are committed to building 30-40 homes per year. Mr. T.J. Ackerman stated that they will consider that figure but they haven't discussed or investigated it yet. They are limited to house construction due to the amount of infrastructure that can be built and the actual residential construction market.

Mr. Costello asked if there were any patio homes being purposed or any other type that would not have such a major impact on the school system? Mr. Ackerman replied that they would develop the subdivision and sell the lots to a larger builder. It would include patio homes, ranch style homes and traditional 2 story homes. Mr. Costello noted that Ballyshannon and Longbranch Schools are crowded now and there is a future school site next to Ballyshannon Middle School. It would also be helpful to receive a construction schedule should the project be approved in order to understand the impact of the development on the School District. Mr. Wall stated that it would be good to obtain a consensus with the school district on the number of homes to be built each year before the Zone Change Committee Meeting.

Mrs. Heilman asked the developer to provide the type of homes the developer is proposing. A 52 foot wide lot is not very wide for a single family home compared to what is located in Ballyshannon, Orleans, and Westbrook Subdivisions.

Chairman Rolfsen suggested that the proposed development must blend in or be consistent with the surrounding area. It is difficult to know how it fits in when there are no examples.

Mr. Patton noted that the plan is very strong from a global standpoint in terms of street connections and open space. He suggested that the applicant look at more cross connections and meet the Staff ahead of time.

Chairman Rolfsen asked if there are other examples of a cluster subdivision? Mr. Wall replied Cardinal Cove and Pebble Creek. There are others in the rural part of the County which are more like the Open Space subdivision model. Ms. de Sola noted that the HOA usually maintains the open space.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 24, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on April 7, 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 8:21p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A – Email from Mike Ford, Boone County School District dated 3/3/21
Exhibit B – Email from David Plummer, City Administrator, City of Union, dated 3/2/21

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 8:22 p.m.

ZONING MAP AMENDMENT AND VARIANCE – Todd Morgan, Staff

2. Request of **Viox & Viox, Inc. (applicant)** for **Bonnie J. Livingston and William Rex Livingston (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial Two (I-2), and a variance from the **Boone County Zoning Regulations**, for the approximate 1.83 acre site located at 8450 Dixie Highway, and the easternmost, approximately 0.14 acres of the site located at 149 Mikkelsen Drive, Boone County, Kentucky (approximately 1.97 acres total). The request is for a zone change to allow self-storage and a variance from Table 31.1 to reduce the side yard setback from 100 feet minimum to 40 feet.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is located on Mikkelsen Drive. The request is to rezone the site from Suburban Residential One (SR-1) to Industrial Two (I-2) so that Anchor Storage can expand. The zone change area is comprised of an approximate 1.83 acre site located at 8450 Dixie Highway and an approximate 0.14 acre portion of 149 Mikkelsen Drive. Both properties are currently owned by Anchor Storage. The existing structures have been removed from the site. The second part of the request is a Variance to reduce the sideyard setback from 100 feet to 40 feet along the western boundary of the zone change site. Anchor Storage owns the house at 149 Mikkelsen Drive. The first building would contain twenty-seven 12'x30' storage units. It is 324' x 30' in size. The second building is 312' x 60' and contains fifty-two 12' x 30' storage units. It is located about 60 feet south of the first building. Access to these buildings is shown from the existing parking lot. A 25' wide buffer yard is planned along the Mikkelsen Drive frontage and 40' wide buffers are shown in the western parts of the zone change site. The applicant also wants to convert the existing emergency access to Mikkelsen Drive to egress only. This is outside the zone change limits. The overall site has its main access off Dixie Highway and emergency access of Mikkelsen Drive and Weber Lane. Mr. Morgan showed photographs of the existing site and adjoining properties. The Comprehensive Plan's Future Land Use Map recommends Industrial (I) by the year 2040. He referred to the criteria necessary for taking action on a Zoning Map Amendment request noted on page 2 of the Staff Report along with criteria for granting a Variance. The Planning Commission makes the final decision on the Variance request. Other references to the Comprehensive Plan are noted on pages 4 and 5 of the Staff Report.

In terms of Staff Comments, Staff has some concerns regarding the Zoning Map Amendment request because Mikkelsen Drive is predominantly a single-family residential street. Staff would like the applicant to address the following compatibility issues:

1. Will the proposed storage buildings be single story construction and match the other Anchor Storage buildings?
2. What additional security lighting is proposed? Will this lighting be on all night or be on motion sensors?
3. Can the proposed limits of security fencing be better defined? What type(s) of fencing is proposed?
4. Does Anchor Storage permit any outside storage?
5. How many customers visit the site on a typical day? Are there issues with customers pulling out of the site from the Dixie Highway access point.
6. Is any additional building mounted signage proposed.
7. Can the Mikkelsen Drive street frontage buffer be enhanced? The plan is currently showing Buffer Yard A plantings will be installed. Staff would like the applicant to analyze if Buffer Yard B plantings and a supplemental berm could be installed in this street frontage buffer.

An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, City of Florence Fire Department, and the Kentucky Department of Transportation requesting comments pertaining to the request. Their comments are attached to the 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 introduced Mr. Jason Livingston, Manager of Anchor Storage. The business has been located on Dixie Highway for 12 years. The original idea of the facility was to provide storage for RVs, boats and camper trailers from harsh weather. They currently have 400 spaces and the facility is full. They have a waiting list. They would like to increase capacity from 406 units to 485 individual garages. The new buildings are designed to match the existing ones. They are made of steel and 2 buildings will be added. The lighting will be the same as what is there now. It is directed downward and inwards. Mr. MacKay noted the current zoning of the property and the Future Land Use Map designates industrial for the site. The planned buffer to the west affects the neighboring property which is them. The Comprehensive Plan recommends industrial development and zoning along Dixie Highway. The proposed use is commercial in nature and could fall into a C-3 zoning district. The proposed use is less impactful than a typical I-2 use. The buffer requirements will be met along the adjoining property lines. They have enhanced the buffer along Mikkelsen Drive. Mr. MacKay showed photographs of the existing buildings. Buffer Yard D will be planted between the 2 properties. The proposed landscaping along Mikkelsen Drive is a B+ rather than the required Buffer A. There is no need for additional signage. They would like to use Mikkelsen Drive for exiting the site in order to allow traffic to approach the major intersection.

Chairman Rolfsen asked if the new units were designed exclusively for RVs and boats? Mr. Livingston replied yes that is what their intention is at this time. However, they don't limit customers to those items as they rent to people who store household items. They don't allow the outside storage of RVs and boats. They do allow boats to be stored under a canopy, which could be construed as outside storage. The height of the proposed buildings is 14 feet tall. Mr. MacKay said that they will look and see if they can put a berm in the Mikkelsen Drive street frontage buffer but will need to be careful not to trap water. No outside storage is being proposed as part of this application. Chairman Rolfsen asked if there was going to be a security gate for the egress? Mr. Livingston replied yes. It is a lot easier to see to turn left from Mikkelsen Drive to go north on Dixie Highway versus the existing egress when Dixie Highway is very busy. It is a function of Dixie Highway being backed up and not a lot of customers leaving the site. They have about 10-12 vehicles leaving the site everyday.

Mr. Patton asked if the lighting can be on the building versus on poles? Mr. Livingston responded that they don't have poles. Lighting is on wall packs. Mr. Patton noted that the development is getting bigger so it probably needs another exit.

Ms. Gulick inquired about the size of radius for the egress. Is the developer going to improve it so the residents won't be blocked when traveling from Mikkelsen Drive to Dixie Highway? She understood the request of a second exit but it shouldn't be at the cost of the residents.

Mr. Costello read an email received at 7:58 p.m. from Mr. Johnny D. Babb, Jr., 1552 Mikkelsen Drive, asking for details of the proposed project and meeting (See Exhibit A). He expressed a

concern about property values. He requested that Mr. Babb and other be allowed to submit written testimony to the Planning Commission for consideration. Mr. Wilson asked what type of notification was made to Mr. Babb? Mr. Morgan replied that signs were posted on the property. The adjoining property owners received a notice by mail and newspaper ad. The letter informed people to call the office to get a link to the virtual meeting. Most people on Mikkelsen Drive did not get notice because they were not adjoining property owners. Signs were posted on both parcels located on Mikkelsen Drive. Staff will follow up with Mr. Babb. Chairman Rolfsen asked if there was anyone else in the audience who wanted to speak or make comments?

Mr. Bunger asked if the buildings proposed in this section will be enclosed? Mr. Livingston responded they will be completely enclosed buildings. The storage units will have individual doors. Chairman Rolfsen asked for the sections of the site that have a roof only. Is that considered outside storage by definition? Mr. Morgan replied yes,

Ms. Amlung stated that the roof is a very bright blue color. How tall is the buffer or barrier and what is it going to cover? From what she sees on Google, the roof is very bright and a distraction. If the buffer is not tall enough, it won't hide the bright roof in this residential area. Mr. Livingston responded that the roof is not painted even though it looks like it on Google. It is actually a rolled, standing seam, steel roof. The trim around the top is blue. The roof is actually silver. It can't be seen from the ground unless you are 14 feet tall. Ms. Amlung reiterated that the buffer needs to be tall enough to hide the blue stripe on the top to minimize the commercial look on a residential street.

Mrs. Steele recommended eliminating the blue stripe to make the development fit in better with the residential area.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 17, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on April 7, 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**

Exhibit A – Email from Johnny Babb, Jr. dated March 3, 2021

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

3. Request of **ECE, Inc. (applicant)** for **R&T Real Estate LLC (owner)** for a Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 0.87 acre site located at 1409 Donaldson Highway, Boone County, Kentucky. The request is for a Concept Development Plan to permit a multi-tenant building for commercial, office, and industrial uses.

Chairman Rolfsen announced that public Hearing #3 (ECE, Inc./R&T Real Estate, LLC) has been postponed at the request of the applicant. It will be rescheduled at a later date.