

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARINGS
FEBRUARY 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 February 3, 2021 Public Hearing via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

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

ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

1. Request of **Grand Communities, LLC attn: Jason Wisnieski (applicant)** for **Mark Kahmann, Susan Kahmann, and Bonita Maddox Family Living Trust (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 12.74 acre tract located at 2514 Hathaway Road, and an approximate 19.85 acre area located immediately north of the properties at 2514 and 2546 Hathaway Road, Boone County, Kentucky; and the request of **Longbranch Development, LLC attn: Jason Wisnieski (applicant)** for **AF Investments, LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 38.84 acre site located between the properties at 2408 Hathaway Road and 9771 through 9915 Spruce Lane to the east, and the properties 2504 and 2514 Hathaway Road to the west, Boone County, Kentucky. The requests are for a zone change and a Change in an Approved Concept Development Plan to allow detached single family dwelling units and duplex dwelling units.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. He added that he received comments from Tammie Lipscomb, Edward Horgan, and William Martin after the Staff Report was finalized and they are part of the record (see Exhibits 1, 2, and 3).

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation. Mr. Jason Wisnieski, with Grand Communities, said he was joined by Joe Kramer, with Cardinal Engineering. He reviewed a PowerPoint presentation and indicated the proposal would allow an amendment to the southern end of Ballyshannon Subdivision. No changes are proposed in the northern part of the subdivision. He showed a plan and indicated that some minor lot layout changes are proposed in Pod 5. Pod 6 is proposed to extend north and south. The development standards in Pods 5 and 6 would not change. This includes the 75' lot width for lots that adjoin Spruce Lane. Pod 7 is new and contains the paired home products. There would be five lots in this pod that would contain single patio homes. These lots are highlighted on the PowerPoint slide. All lots on the western boundary of Pod 7 will contain Buffer Yard C plantings. The paired patio home product (Wembley) is single-story construction and has the option for a loft or basement (but not both). The units are about 1,200 square feet and have 2 or 3 bedrooms. They are typically occupied by young professionals and empty nesters. The paired patio townhomes (Hudson) are two-story construction, without a basement, and are about 1,600 square feet in area. They are also typically occupied by young professionals and empty nesters and have 2-3 bedrooms. These two products would replace the condo phase (Pod 4) that they sold to the school. However, the proposed units are attached homes on fee simple lots. They are looking to make the same architectural commitments that they made at Union Pointe Centre Subdivision. This includes partial masonry fronts, brick or stone wraps along the exposed side of high impact sites, and upgraded carriage style garage doors. The sides and rear elevations are vinyl siding. He added that they are preserving a portion of the existing pond along the east

property line for storm water retention. Parts of pods 6 and 7 will drain here and then eventually discharge to the stream that runs through the middle of the site. They need to do more studies on storm water, utilities, and grading. However, the Boone County Regulations require them to account for all their storm water and analyze pre and post development flows. They have intentionally turned the houses in Pod 7 so the sides of the houses face Donegal Avenue. They did this to minimize curb cuts and enhance landscaping on Donegal Avenue. They will have to do another Traffic Study on Hathaway Road to determine the road improvements that need to be made. They believe all the required improvements will take place on their property or in the existing right-of-way. Lastly, they are asking that the second street connection not be required until 500 certificates of occupancy are granted because it would more closely align with how they plan to develop and phase the subdivision down to Hathaway Road based on market conditions.

Chairman Rolfsen asked if the applicant's team was done with their presentation. Mr. Wisnieski responded that they were but would be available for any questions.

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. Robert Hall said he and his wife live at 2546 Hathaway Road and pods 6 and 7 surround them. His first questions are what type of buffers are proposed and how will drainage be addressed? Chairman Rolfsen asked Mr. Morgan if he could address that. Mr. Morgan said the plans indicate that Buffer Yard C will be installed anytime an attached house adjoins an RSE zoning district. As a result, Buffer Yard C plantings would be installed anywhere Pod 7 adjoins Mr. Hall's property. There is a table in the Staff Report that outlines what is required in Buffer Yard C. There are 30' and 60' wide options. Mr. Rolfsen asked what trees would be preserved? Mr. Morgan replied that was one his questions for the applicant. He wanted the applicant to address grading and tree preservation. He noted that any trees that would be preserved could be used to fulfill the buffer yard requirements. Mr. Wisnieski said they can look at the grading extents and the condition of the existing trees. They do not want to preserve trees that aren't healthy or provide the right buffering. Mr. Joe Kramer, with Cardinal Engineering, indicated that they will be grading very close to the property line and it's likely that remaining trees would die. Mr. Hall asked if trees or a fence would be in the buffer. Mr. Morgan replied that both buffer options contain trees and shrubs. The 30' width option must contain a berm, wall or fence and the 60' does not need to have one of those elements. Mr. Hall asked how the buffers will work. Some of the back yards are shallow and the minimum buffer width is 30'. Mr. Morgan replied that all that lots in Pod 7 that adjoin RSE zoning are deeper and can accommodate Buffer C.

Mrs. Tammie Lipscomb asked what Pod adjoined them. Mr. Morgan replied that Pod 7 adjoined them. Pod 7 can be defined because all of the streets are T turnarounds.

Mr. Morgan said he would like to build on Mr. Hall's question. He asked if any landscaping was proposed between the single-family homes in Pod 6 and the adjoining properties that were zoned RSE. Mr. Wisnieski said he does not believe they have any plans to buffer those areas.

Mr. Hall asked would be done to address storm water from Pod 6 that would come onto his property and his neighbors. Runoff will come directly to them if all the existing vegetation is removed. Can Cardinal Engineering take a look at the elevations to make sure they don't get an

excessive amount of water? Mr. Kramer indicated that the majority of water coming from the front part of Pod 7 (closer to Hathaway Road) will be designed to drain to the east. The front of the houses and streets will drain to the east and the rear of the houses will drain to the west. As you move towards the four T streets to the north, the water will drain to the west but the end of each street will have a storm system that will carry the water down to the creek to the north. Mr. Hall asked if they were going to have connector drains that take the roof water to the storm ponds. The water can't run uphill. Mr. Kramer said the final grades aren't going to be what they are now. The majority of water will drain away from their property. Mrs. Cheryl Hall said she would like to see an engineered report documenting that in case there is a flooding issue later. Chairman Rolfsen said the applicant will need to address storm water. Mr. Morgan agreed. Storm water would be addressed at later stage and would need to comply with all regulations. Mr. Hall said this issue is important to them because their septic system is located in back of their house and it goes towards Pods 6 and 7. The system works now and they don't want to have any problems.

Mrs. Tammie Lipscomb said she adjoins the proposed T street that is located 9' from the property line and 19' from her house. She has concerns about a car running into her house. Mr. Wisnieski said they can take another look at that street. Mr. Morgan asked them to analyze if Buffer Yard C could be put between the end of the street and her property line. Mr. Wisnieski said they would. Mrs. Lipscomb asked why the T streets were proposed. Mr. Wisnieski said the plan was focused on trying to limit the number of driveways of Donegal. Mrs. Lipscomb said she is also worried about the possibility of vibrations from heavy equipment damaging their homes. Mr. Rolfsen said that would need to be addressed through a civil lawsuit.

Mrs. Cheryl Hall asked why the applicant is asking for the zone change. The answer is to make more money. They are looking to put duplexes in an area that adjoins RSE zoning. The adjoining properties are at least 2 to 3 acres in size. Why can't they put single-family homes on larger lots in Pod 7? She would like this to be explained. Other concerns are the higher volumes of traffic that will be on Hathaway Road and the natural springs that are in the fields. What will happen when they dig into one of these springs? Will they be swamped out? They have lived on their property for almost 36 years and they built out here to be away from construction and large subdivisions. They know the grade of the land and they are worried about storm water. They also believe their homes will be devalued if duplexes are built up against them. She asked that duplexes not be allowed up against 2 to 3 acre lots.

Mr. Wisnieski replied that they are introducing the duplex product for a couple reasons. The first is to meet the market demand for this type of housing. They originally had 401 condominium units approved in the subdivision and they were removed when the school bought Pod 4. They are trying to broaden the housing options for people that live in Boone County. He added that there will be more traffic on Hathaway Road once they build. However, they are still well below the number of dwelling units that were approved in 2007. In terms of grading and storm water, the land will look different than it looks today and they will be required to handle storm water. Runoff from their property will not be able to be more than it is today. As a result, the storm water issues will be no worse than they are today. Mrs. Hall replied that putting duplexes up against them is making things worse for them. She said the duplex lots should be in the middle of the subdivision. Mr. Wisnieski replied there is nowhere else to put them right now. Pod 4 has been sold to the schools.

Mr. Ben Horgan said he lived at 2536 Hathaway Road wanted to touch on the water issue. He reviewed photos of the neighboring properties that would adjoin Pods 6 and 7 and another picture of his yard. The neighboring properties all sit in a low spot when compared to the Maddox and Kahmann properties. Great volumes of water from the Maddox property already come into his yard. Sometimes the subject portion of his yard is impossible to cut because of the amount of water. Heavy rains can flood the low area where it ties into the creek. This a serious issue. He is worried that additional impervious services could make the issue worse. His other concern is traffic. They have a blind spot when they pull out of the shared driveway onto Hathaway Road. The blind spot is looking towards Camp Ernst Road. The traffic impact needs to be analyzed.

Ms. Penny Brown said she is speaking for her father, Bill Vaughan. He has lived at 2504 Hathaway Road for about 50 years. She understands the frustration of her neighbors and friends. Her father's property is being impacted on all four sides. There would be new traffic lanes on Hathaway Road, a new road to side, and 10 new houses that surround him. This will devalue his property. Her father's land should be included in this project. This will not be safe for him because he doesn't hear well. Chairman Rolfsen asked Mr. Wisnieski if he could address this. Mr. Wisnieski replied that he would like to exchange contact information and have a discussion outside of this meeting. Ms. Brown provided her phone number.

Mrs. Cheryl Hall asked if they would see the revisions that are submitted regarding this request. Mr. Morgan said there will be a follow up meeting in two weeks to discuss the project and any revisions. Any of the neighbors that are interested in attending this meeting are welcome to contact him and he will get their email address and send them the meeting link.

Mr. Ben Mathis said he would like to discuss the Comprehensive Plan. He would like to know when the Comprehensive Plan goes into play on all these developments regarding the heavy flow of traffic. The new Camp Ernst Road that has been dreamed about for over 40 years will probably reroute traffic along some of the development streets and control traffic issues between Camp Ernst Road, Hathaway Road, and Longbranch Road. By continuing to add new development there will not be any room for this new road. The people that live by these developments will deal with the impacts when the new road is finally constructed. This is not right. The developer should lose some of their land to plan for the new improvements.

Mr. Ed Horgan said he lived at 2530 Hathaway Road. The entrance that is now proposed for the development is pretty close to their ingress and egress point. He asked if the proposed sign would impact sight distance and if anything is proposed to be done to their culverts. These culverts almost spill onto Hathaway Road now when there are heavy rains. Mr. Morgan replied that the sign should be far enough off the right-of-way that it will not impact sight distance. The applicant's engineer could analyze sight distance for the Committee Meeting. As far as the culvert pipes, the applicant would not be required to make improvements on adjoining properties. Mr. Horgan said he believes he adjoins Pod 6 and his property sits 22' lower than the developing property. He asked if they would be cutting the property down that much. Mr. Kramer said the grade does come down 8-10' along the Horgan properties. The rear yards of the developing properties would still drain towards them. Currently, there is approximately 3.5 acres of land that drain towards the Hall, Horgan, and other properties to the west. After they get done grading, only 2 to 2.5 acre will drain towards them. Mr. Horgan asked when they will know what Buffer is being installed up against their properties. Mr. Costello said the applicant can address that at the

Committee Meeting. He would like to see the applicant take a closer look at grading because there are a lot of questions regarding storm water. Chairman Rolfsen stated that all of these issues will be discussed at the Zone Change Committee Meeting on February 17, 2021. The meeting will be held virtually and start at 5:00 P.M. Mr. Wisnieski said they will provide more information on the buffers at the Committee Meeting.

Mr. Kim Patton said the multi-family part of the development was originally in the middle of the development. He would imagine that they did not sell that property at a loss. They are now proposing the multi-family on the edge of the development. He does not believe they would have gotten the multi-family area approved on the edge of the development last time. As a result, the buffer on the edge of the development is critical. He does not believe the Planning Commission has allowed multi-family lots adjoining estate lots without significant buffers.

Chairman Rolfsen asked if any other Board Members had questions or comments.

Mr. Bunger asked that the developer come to the Zone Change Committee Meeting with a valid reason for the proposed change. There was a lot of discussion in 2007 about the locations and types of housing. The multi-family was placed in the center of the development for a reason. He does not know if selling the former multi-family area off to the school is a valid reason for making the change. He believes there should be more to it than that. He would also like to receive extensive information about what improvements are proposed at the entrance and how long term anticipated traffic patterns will occur to the east and west. He also heard Mr. Wisnieski say that Pod 7 will eventually drain to a creek. He would like this to be explained more thoroughly.

Mr. Schwenke said he agrees with Mr. Patton and Mr. Bunger regarding the placement of the multi-family area.

Ms. Gulick said she knows the County Engineer was okay with the T turnaround streets but she has some safety concerns with the 15' radius. She does not know how a fire truck would be able to turnaround in these streets. A fire truck needs a 25' radius to turn around. She would like to see some turning radii at the Committee Meeting. She would also like the person that is handling traffic for the applicant at the Committee Meeting to provide some preliminary information.

Mr. Bunger said the duplexes that are turned to face the main street should have a large percentage of masonry on the high visibility side. He asked that this be addressed at the Committee Meeting.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 17, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on March 3, 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 8:58 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibits

1. Email from Tammie Lipscomb
2. Email from Edward Horgan
3. Email from William Martin

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Planner
Mr. Kevin Wall, Director, Zoning Services

Chairman Rolfsen introduced the second item on the Agenda at 8:59 p.m.

ZONING MAP AMENDMENT AND VARIANCE - Michael Schwartz, Staff

2. Request of **Zimmer Motors (applicant)** for **Florence Baptist Church (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Services (C-3) and two variances from the **Boone County Zoning Regulations** for an approximate 3 acre site located at 1050 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow motor vehicles sales and an automotive repair facility, a variance from Section 3620 "Landscaping Along Street Frontages" to reduce the width of the street frontage landscaping area from 10 feet minimum to 0 feet, and a variance from Section 3645 "Buffer Yards" to reduce the width of the landscape buffer yard along the rear property line from Buffer Yard C (30' and 60' options) to 20 feet.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is approximately 3.1 acres in size and located on the northeast side of Burlington Pike and about 600 feet northwest of Greenview Drive. The site has approximately 470 feet of road frontage and sits adjacent to the existing Zimmer Motors site. Pages 1-4 of the Staff Report provides a history of the site and the two adjacent properties. Pages 5 & 6 of the Staff Report identifies the applicable regulations to the request. The site is occupied by a two story, 18,000 square foot church building, a 100 space off-street parking lot, accessory structures and two curb cuts onto Burlington Pike. A mature tree line exists along the north property line between the site and the adjacent single-family houses within Greenview Subdivision. The existing Zimmer Motors site is currently occupied by an approximate 27,200 square foot auto sales and service facility, an approximate 6,700 square foot collision center, a stormwater detention facility, an off-street parking/auto display lot and one curb cut onto Burlington Pike. Mr. Schwartz showed aerial photographs of the subject site.

The site is currently zoned Public Facilities (PF) and the applicant is requesting Commercial Services (C-3) zoning. The subject site slopes upward west to east. The average grade of the site is 3%. The Comprehensive Plan's Future Land Use Map designates the site for Public/Institutional uses. References to the Comprehensive Plan are mentioned on pages 7-8 of the Staff Report. The property is located in the 55 DNL aviation noise contour and in a Kentucky Opportunity Zone which is described on pages 6 and 7 of the Staff Report. Mr. Schwartz showed photographs of the site and adjoining properties. The photographs showed the existing trees on the north end of the property.

The applicant has submitted two options of a Concept Development Plan.

Option A contains the following:

- a. Demolition and removal of the existing church facility.
- b. Closure and removal of the westernmost curb cut onto Burlington Pike.
- c. Construction of a free standing, approximate 15,000 square foot building to be used for an auto dealership.
- d. Provision for 29 off-street parking spaces for customers and employees.

- e. Provision for approximately 53,300 square feet of display/service area.
- f. Utilization of the stormwater detention facility on the existing Zimmer Motors property.
- g. Provision for two driveway connections between the site in question and the existing Zimmer Motors property.
- h. Provision for a ten (10) foot wide buffer yard (Buffer Yard A) along the east and west (side) property lines.
- i. Provision for a twenty (20) foot wide buffer yard along the north (rear) property line.

The applicant is proposing a zero Buffer Yard A along the front property line on Burlington Pike. The applicant is also proposing a 20 foot Buffer Yard C along the rear property line instead of the required 60 feet or 30 foot option.

Option B is virtually the same as Option A with the following exceptions:

- a. Construction of an approximate 15,000 square foot building addition to the existing Zimmer Motors building.
- b. Provision for 30 off-street parking spaces for customers and employees.
- c. Provision for approximately 72,500 square feet of display/service area.

In regards to Staff comments, the front display area for Kerry Mazda/Volkswagen is set back zero (0) feet from the right-of-way of Burlington Pike. The display area for Zimmer Motors is set back 0 to 5 feet from the right-of-way of Burlington Pike. The applicant would like to match the Kerry site.

The display area for Kerry Mazda/Volkswagen is set back approximately twenty (20) feet from their rear property line. This is the same distance proposed on the site in question. Items (C) 1-4 on page 10 of the Staff Report will have to be addressed by the applicant in terms of meeting the Site Plan requirements. The Kentucky Transportation Cabinet is proposing a three quarter entrance to the site, thus restricting left turn movements from the site. This limitation would match what is located across the street for the apartment development. The request not only involves a Zoning Map Amendment application but also two Variances. Action on the Zoning Map Amendment request is a recommendation to the Fiscal Court but action on the two Variances are the result of final action of the Planning Commission and not the Fiscal Court.

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

Mr. Paul Darpel, attorney for Zimmer Motors, explained that they are presenting two Concept Development Plans because they have to get approval from the car dealers –Jeep and Chrysler in order to meet their requirements. The proposed C-3 zoning is in compliance with the

Comprehensive Plan. C-3 zoning and car dealerships are located on either side of this site. Keeping these uses together would make it consistent with the Comprehensive Plan. It was zoned C-3 forever and then the Church requested Public Facilities zoning in the past because they wanted to create a school but never did. C-3 zoning is the best use of this particular property. In regard to the Variances, the applicant stated that they want to be consistent with their neighbors. They want the dealership to look the same as the other dealerships in the corridor. The rear tree line is more that what is at the Mazda dealership. They are more than willing to install a fence and fill in the gaps with spruce trees. All lighting will be down lighting with guards. The proposed project will allow Zimmer Motors to expand and stay where they are presently located.

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 any Board Members had questions or comments?

Mr. Patton stated that he is supportive of what has developed along KY 18. The buffer next to the residential neighborhood needs to be upgraded. He understands about the Mazda/Volkswagen site but the people living in the area had the expectation of the church being located on the site and not another car dealership. He asked the applicant to upgrade the rear buffer. Mr. Darpel replied that they will look at the suggestion and discuss it at the Committee Meeting.

Mr. Bunger asked the applicant to examine the existing trees along the property line and determine if some can remain as part of the buffer. Mr. Darpel also noted that the current grade is 3%. It will allow them to connect both sites to prevent less traffic on KY 18 even allowing the unloading of vehicles on-site instead of on KY 18. Some of the existing trees are dead and should be removed. They will try to leave as many trees as possible.

Mr. Costello asked if the proposed expansion will resolve the storage issue of parking new vehicles off-site? Mr. Darpel responded yes that is their intent.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 17, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on March 3, 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 9:22 p.m.

APPROVED:

Attest:

Charlie Rolfsen
Chairman

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Janet Kegley
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 Wall, Director, Zoning Services

Chairman Rolfsen introduced the third item on the Agenda at 9:23 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

3. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The site is located on the northeast corner of the US 42/Farmview Drive intersection. A driveway formerly called Natorp Drive runs along the east boundary. It is largely level and cleared, but has a line of existing vegetation along the Old US 42 frontage. The site contains two tracts. The larger tract on the east side of the site is in Florence and contains slightly less than 11 acres. It is part of a larger area on both sides of US 42, Plantation Pointe North, which is subject to a zone change approval from 1996. It is also subject to a Change in Concept Development Plan from 2014, which modified a prior condition of approval for building height from 35 feet to 50 feet for the frontage lots along US, 42. It kept the 35 foot building height for lots along Old US 42, but allowed architectural features for these lots to extend up to 50 feet. The smaller tract along Farmview Drive is in Union. At the same in 2014 that the Change in Concept Development Plan was approved for the larger tract, a zone change from RSE to C-2/PD was adopted for the smaller tract, subject to the same terms and conditions as the larger tract. The Future Land Use Map designates the site as Commercial. The Natural Features Map attached to the Staff Report shows that the site is largely flat with steeper slopes and existing vegetation along Old US 42.

The Concept Development Plan includes two plan options. The first, Option A, shows five lots for commercial and restaurant uses along US 42. The back lot along Old US 42 is proposed for elderly housing, multi-family housing, or medical office. An open space lot is proposed at the corner of Farmview Drive and Old US 42. The back lot with the bigger building and the open space lot are the same on both plan options. Option B is similar to Option A, but has four frontage lots along US 42 with a car wash at the corner of US 42 and Farmview Drive. The proposed uses include the list from the 1996 Concept Development Plan and drive-throughs for the frontage lots. The 1996 approval allowed drive-throughs for banks only. Automobile related retail is also proposed.

The architectural concept shows a brick building with detailing on all sides, with black awnings, storefronts, and standing seam metal roofing. A pitched roof is proposed on part of the building. The design guidelines adopted for Plantation Pointe North per the 1996 zone change conditions require a pitched roof over the entire structure, with the exception of a later change, which relaxed the pitched roof requirement for structures with a footprint larger than 100 feet by 200 feet. This exception does not apply to the structures shown on the current Concept Development Plan. The architectural concept includes illustrative vignettes.

In regards to Staff comments, a detailed discussion about the Comprehensive Plan is outlined in the Staff Report. A key provision, which pertains to this area, is discussed on pages 12 and 13. This provision states that a broader range of commercial and office uses is appropriate in the area around the US 42/Pleasant Valley Road intersection, but should taper down to smaller-scaled office and institutional uses in the proximity of Farmview Subdivision and the municipal boundary between Florence and Union, which is the location of this site.

Regarding the Planned Development Criteria in Section 1514, the first criterion pertains to mixed-use development and pedestrian orientation. This proposal is more auto-oriented due to the layout, car wash, and number of drive-throughs. The rear lot will diversify uses in the development and function as a transitional use for the properties to the north. There are sidewalk recommendations per this criterion on page 15 of the Staff Report.

Under compatibility of uses, the first issue pertains to building height. The requested building height change would only pertain to the rear lot since the US 42 frontage lots can already have 50 feet. The building pad elevation for the rear lot is approximately 26 feet higher than the elevation of the intersection at the Village of South Fork Creek, so a multi-story building will be visible. Mr. Wall requested that the applicant provide sight line drawings from the properties to the north for the Zone Change Committee to evaluate. Based on the requirements of the underlying C-2 zone, the applicant should explain the building intensity assumptions for this lot.

The proposal includes the 1996 use list, car wash, elderly housing, multi-family housing, and drive-through facilities for restaurants and retail uses. The applicant needs to explain what is meant by the term "automotive retail services" that is used in the narrative. Regarding the car wash, Staff recommends that it be substituted with a use that is more enclosed. The concern is compatibility at the entrance to a major residential area, as well as the Comprehensive Plan's direction about tapering down commercial uses at this location. Drive-through facilities are proposed for most, if not all, lots. The locations, style, such as pick-up only or full-service, and number of drive-through facilities needs to be evaluated by the governing bodies. There are several examples of local drive-through problems, especially stacking problems. Lighting recommendations are in the Staff Report.

The next criterion pertains to open space. The proposed open space includes a detention basin and a seating area. It encompasses approximately 14 percent of the overall site area. The applicant should explain how it will function as an open space amenity. The applicant's narrative mentions outdoor restaurant seating areas in relation to this criterion. Additional information needs to be provided in order to determine whether or not this aspect of the proposal corresponds to this criterion. A short discussion regarding the multi-modal transportation criterion is in the Staff Report.

In relation to the preservation of existing site features criterion, the existing vegetation along the Old US 42 frontage is the only notable feature on the site. The applicant's narrative discusses keeping this vegetation as part of the landscaping plan. Staff recommends that it be substantially retained and any removal be kept minimal and conform around the improvements shown on the plan. Retention of the existing vegetation could potentially fulfill the landscaping requirements for this part of the site.

There are a few issues pertaining to the landscaping criterion outlined in the Staff Report. Regarding the architectural criterion, it is Staff's conclusion that the proposed architectural concept is appropriate with the caveat that Staff hasn't identified a rationale from a compatibility standpoint to relax the pitched roof requirements in the Plantation Pointe North design guidelines. This was discussed at the pre-application meeting for this project. The applicant's narrative states that the rationale for altering the roof requirement is due to roof mounted mechanical equipment, however, pitched roofs are prevalent for commercial buildings in the area.

Regarding historic/prehistoric features, Staff is not aware of any on the subject site. For the signage and transportation connections and entry points criteria, there are some relatively minor points discussed in the Staff Report.

Excerpts from the Traffic Impact Study, and related questions from the Kentucky Transportation Cabinet and City of Florence staff, are in the Staff Report. Both the Planning Commission staff and City staff share the same concerns regarding drive-throughs based on recent, local experience. The Study states that a northbound, left turn lane is warranted for the existing driveway on the east side of the site to the main east-west driveway. This improvement is not apparent on the Concept Development Plan or in the Study's recommendations.

Comments were provided from the Florence Fire Department, Florence City Administration, and Union City Administration. The Florence Fire Department did not identify any issues. The Florence City Administration had a fairly extensive list of comments, which the applicant should be prepared to discuss at the Zone Change Committee meeting.

Lastly, unless exceptions are approved through the Concept Development Plan process, the project will need to meet all normally applicable requirements. Staff identified that the seat counts inherent in the parking figures for eating and drinking establishments noted on the Concept Development Plan are relatively low. The governing bodies need to evaluate the proposal in relation to the Comprehensive Plan, Article 15 of the zoning regulations, particularly Section 1514, 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 the application is approved.

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

Mr. Sean Suder, attorney for Farmview Commons and Mike's Car Wash, stated that they had a large team present. Mr. Suder shared the screen to display a PowerPoint presentation which he stated should answer the Commissioners' questions and address issues raised in the Staff Report. Farmview Commons is Mr. Hemal Soni, who is present and a resident of Union. Representatives from Mike's Car Wash are also present.

Mr. Soni explained his background. He migrated from India to Long Island, New York 23 years ago with a math and chemistry degree. He worked as a cashier at a retail store and then became part of the management team. The economy crashed in 2007-08 and his wife lost her job. He began looking for business opportunities around the U.S. at that point. He found a business that was losing money in Verona, Kentucky. He made it profitable in three years. He then started investing in other businesses from Gallatin County to Jefferson County. He currently has forty to fifty employees. He moved to Union in 2019. He passed by the Farmview Commons site on a

regular basis and saw an opportunity. Mr. Soni stated that he assembled the right team for the project, and that we can work together as a team to work through the plan and address any problems. He thanked his team and noted that he appreciates the opportunities that he has received.

Mr. Suder showed the location of the site. It is part of the commercial corridor that has developed around US 42 and which contains a number of commercial, service, and convenience establishments, including drive-through facilities, which serve the surrounding rooftops. It may be a little jarring to see three drive-throughs on the plan, but it is consistent with the surrounding area. Mr. Suder identified several drive-throughs in the area. Drive-throughs are not out of context at this location. They have proposed a comprehensive, mixed-use development and not piecemeal projects. It will provide convenience uses for the surrounding neighborhood, much needed senior living, and an amenity area that will remain open space.

Mr. Suder stated that the property has been marketed for a long time. Their broker, Jeff Smith with On-Site Retail Group, is present. The zoning is old and outdated. The zoning is from 1996 and it's now 2021. The world has changed significantly in that amount of time. Adjoining properties like Starbucks have sold recently and driven the cost of this property up, making it even more expensive to develop. Mr. Suder displayed a slide of images from 1996. Union only had 1,000 people back then. Florence had about 20,000 and Boone County had about 75,000. He stated that he does zoning work around the country and sometimes finds zoning codes that are 20 to 60 years old. Zoning can't exist in a bubble and has to evolve over time. They're asking the Planning Commission to update the use list. There's a lot they can do with the property, but it's missing some components like senior living and drive-through restaurants which are in high demand, especially in the Covid era. It's also missing things like Mike's Car Wash which didn't exist in 1996 and is one of the most highly sought after uses in the region. It's a good reminder that laws need to evolve over time. Mr. Suder displayed a slide, which showed Area 12 on the 1996 Concept Development Plan, which does not allow drive-throughs or car washes, and Area 11 which allows both. The development which has occurred on both sides of US 42 has been very auto-oriented. Mr. Suder said what they're asking for is contextual and not out of line with other development in the area. The proposal is sensitive to the adjoining residential development. The lots on the north side of the site will provide a nice land use transition to the residential development to the north. It is an appropriate land use scheme for this property.

Mr. Suder stated that they have submitted two options. The first option has five lots along the US 42 frontage, with four drive-throughs and one automotive use, and senior living or medical office in the rear. The second option, which is the preferred option, will reduce the drive-throughs by one and include a Mike's Car Wash. Mike Dahm and Ty Dubay from Mike's Car Wash are present and will explain their plans and business. It is situated on the site to reduce impacts. They have some updates on potential users for the other sites. It will include retail and restaurants. It is important nowadays to allow for drive-throughs and drive-ups.

Mr. Stan Ladrack, architect for the applicant, stated that they designed one building. It is the 8,000 square foot building for Lots 4 and 5 on Option A. The intent is to establish the appearance, feel, materials, and general color scheme that would be used throughout the development. The buildings would not be identical, but compatible and part of one context. This allows some adaptability for specific users and keeps the development interesting. The color image boards show the types of materials and details that will be used. They represent the type of feel and

character that will be provided. The signage for the buildings will be internally lit with individual letters and comply with the permissible size. Mr. Ladrack also showed an image of the proposed monument signs. On Option A, the scale of the buildings decreases from east to west, which is in keeping with the overall plan document which requests a decrease from east to west.

Mr. Jeff Smith, real estate broker, said that this property has some challenges due to its depth, particularly for the back portion. The traditional big box retailer or fitness center was the prime candidate for this type of location with some outlots along the front. Big boxes are fewer and farther between these days. The price of the property and the cost of the infrastructure and construction have all been tough when finding a buyer. Mr. Soni is up for the challenge and he has a good concept that he thinks can work for the land, the community, and residents of Florence and Union. They initially had some good interest in this property including food users, traditional retailers, and service-oriented retailers. Senior living is another use which has shown a lot of interest. They have had interest from national, regional, and local tenants. They are drawn to this market due to the growth and demographics. The food users are retooling right now. They are going from a sit down model to one that makes customers feel comfortable and safe. They are looking towards the fast food model with a drive-through or pick-up window. For example, Jimmy John's across the street went from being in an in-line store to an end cap. Even the higher end fast food users are going to a drive-through and end cap concept. We live in a convenience-oriented society. They are trying to accommodate the 2021 customer base.

Mr. Suder said that they have marketed the property to medical office users ad nauseam. They haven't gotten any bites so this isn't really a core medical office area. They are getting a lot of traction for affordable to mid-range senior living for the back piece. For retail, they have a smoothie shop and a new-to-market burger place interested, and Mike's Car Wash is under contract. They have a lot of interest from establishments that would serve the surrounding neighborhood. There's a lot of strong interest in senior living which they think they can bring to the market. New public recreation amenities are proposed in the open space including walking trails. Sidewalks will be provided throughout. It will be built as a common development and not piecemeal. It will have uniform signage. The drive-through is a necessity, but these are not typical drive-throughs which surround the entire building. They are pick-up windows along the end caps. They believe that the Mike's Car Wash plan makes it an even better development. It will reduce the number of drive-throughs and it is a highly sought after use.

Mr. Mike Dahm, of Mike's Car Wash, stated that it is a family business that started in 1948. They're in Florence now and are proud to be there. They've always had this area on their radar. The company prides itself on being the best at what they do. That's due to their training and hiring four to five managers and twenty team members. They wear shirts and ties and provide a first class experience. They have excellent facility maintenance and provide a high quality car wash. They'd like the opportunity to be in this area and are big believers in giving back to the community. On average, they have given back over \$500,000 to the local community. They were voted in the best places to work in Ohio and Indiana, and are working on it for Kentucky. They are in three states and are headquartered in Cincinnati. They believe that they would be a great asset for the area.

Mr. Ty Dubay, of Mike's Car Wash, showed several images of existing Mike's Car Wash facilities. It's clean with a very high end design. They constantly look at maintaining their properties to assure that there is no trash and things are orderly and put away. It needs to be an upscale car

wash where people are comfortable going there day and night, look good, and be a great part of the community. They have been around since 1948, have given over \$500,000 to charity, and are embedded in their communities. Mr. Dubay displayed a slide with the four elevations of the building. There is some elevation change on the northwest part of the site that will probably require a retaining wall. He showed a slide of the retaining wall at their facility in South Lebanon as an example of how it would be built. They want to do a high end retaining wall to reflect well on the community. They believe Farmview Commons is a great location for them. It fits their demographics and they have a high number of Mike's customers coming out of Union. It's about a \$7 million investment and would create about twenty jobs. There's a lot of equipment and technology put into each store. They do a free wash weekend for charity with each store opening which can raise over \$20,000. In response to Mr. Suder, Mr. Dubay said that noise impacts can come from the vacuums and the wash itself. They use a centralized vacuum system so the turbine is housed in the building. It has mufflers to dampen the noise, which is minimal. The noise at the exit end of the car wash is about 70 to 75 decibels, which isn't noticeable along a road like US 42. The wash has a door that only opens when a car is exiting. The building is oriented so that the exit faces other buildings and directs noise away from residents.

Mr. Suder stated that a traffic study was prepared and they can talk about that and the traffic issues raised more with the Committee. Mr. Suder displayed a slide that noted the distances of residences in the area to commercial properties. The closest residence to this property is about 500 feet away from the end of the Mike's Car Wash and about 285 feet from US 42. Other homes in the area are 75 to 80 feet from commercial properties, including those with pools that adjoin loading facilities. Regarding community benefits, they are proposing a walking trail around the detention pond, sidewalks throughout, and attractive landscaping and entrances. It is an approximate \$35.5 million dollar investment, will generate about twenty times the current real estate taxes, and will create hundreds of temporary and permanent jobs. Mike's Car Wash alone creates about twenty jobs. In response to Chairman Rolfsen, Mr. Suder confirmed that their presentation was concluded.

Mr. Costello stated that the applicant's presentation mentioned the site being in Union. He noted that the site is mostly in Florence with a smaller portion in Union. It would have to be acted on by both jurisdictions. This site is part of the larger Plantation Pointe concept plan, of which a great deal has been built. Some of the comments made about that plan are misleading.

Chairman Rolfsen stated concerns with potential traffic issues with the restaurants, especially in this area, noting that restaurants like Chick-fil-A back up traffic in many different directions. Chairman Rolfsen asked if he was understanding the proposal to put a walking path around the detention pond correctly.

Mr. Suder stated that it is a larger development scheme and they are building it altogether. They were thinking of providing trails that connected to the sidewalk along Farmview Drive. It would also function as an amenity for people who wanted to walk from the multi-family residential or senior living facility.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Change in Concept Development Plan request? Seeing none, he asked if any Board Members had questions or comments?

Mr. Lunnemann stated that he has several questions. First, is the detention pond a dry basin or a lake that would fit in with the PD standards and function as an amenity? Second, how does Mike's Car Wash fit in with the compatibility of the overall development? Third, what types of restaurants are anticipated?

Mr. Adrian Yanes, Viox & Viox, responded that the detention basin in the open space is designed as a dry facility. Another basin by the senior living facility is anticipated to be a lake.

Mr. Smith stated that regarding compatibility, they are providing services for the community. Mike's Car Wash fits in well in most areas. It's a well-known, high end product. Tropical Smoothie has a location identified here and Great Clips is looking. Everyone from ice cream to local operators with salads and chicken concepts are interested. They're all high end uses.

Mr. Lunnemann stated that he would like the committee to strongly discuss the PD amenities that will be included with the development.

Mr. Suder stated that they will be prepared to discuss that and hope to have more information on the users at the committee meeting. The theme here is convenience, and that's how Mike's and the retail uses fit in. He understands that the site is mostly in Florence, but the trade area that Mike's is talking about is the growing Union area and south Florence.

Mr. Ladrack said that in regards to compatibility, the exterior of Mike's is brick masonry with metal accent panels. The horizontal, projecting roof is compatible with the design created for the rest of the development. The site lighting will match across all of the lots. All of the sites are tied together.

Mr. Costello asked Mr. Jamal Adhami, traffic engineer, what improvements are planned for Farmview Drive? He also asked if he was aware of the existing traffic conditions at the intersection at peak hours and how it will be affected by the additional commercial development? Is there any plan to improve Farmview Drive?

Mr. Adhami responded that the traffic study doesn't warrant any improvements on Farmview Drive. He stated that they have been communicating with the Kentucky Transportation Cabinet and they have asked about turn lane warrants from US 42 to Farmview Drive.

Mr. Costello stated that Farmview Drive is maintained by the City of Florence. He stated that with traffic pulling in and out of the development, there will be major issues.

Mr. Suder stated that they will entertain a discussion about road improvements.

Mr. Costello said that he passes through the intersection frequently. Right now, it's not as busy on the other side since Kroger is gone. There's more retail on the other side of the street and it's four lanes. Farmview Drive is two lanes that maybe widens to three. It is the main entrance to Farmview Subdivision and it connects to Pleasant Valley Road. There's a lot of people that cut through this road network. With the additional traffic from the development, it seems that something would need to be done with Farmview Drive.

Mr. Suder said that they definitely want to address these issues and that three access points in different parts of the site are proposed.

Mr. Costello noted that there are also problems at the other end of Old US 42 at the intersection with Wetherington Boulevard. Drivers play a “game of chicken” because the lanes don’t line up.

Chairman Rolfsen said that relates to the unknowns with the restaurants. It will be a nightmare if they generate a lot of morning traffic.

Mr. Costello noted that on a nice day, the car wash has the potential to stack up a lot of cars. He doesn’t believe that the commercial traffic should hold up the people who live there. It’s the primary entrance for people who live in the front of the subdivision. He advised the applicant to take a close look at this issue.

Mr. Adhami said that they will do that.

Mr. Bunger said that in addition to being a traffic tie-up, it’s a safety issue. He asked the applicant to also include the local traffic in addition to the traffic from the various lots in this development. He could see cars lining up by the Kroger gas station waiting to get into the car wash. Mike’s provides a great product, but it could be terrible for traffic. He asked if the large detention basin could be made wet to enhance the amenities that Mr. Lunnemann referred to and important for this site if it is approved? He also advised the applicant’s team to consider how it will be designed if some of the exceptions requested to the current restrictions are not approved. He is looking more for the pitched roof design which matches what is across the street and more specific building materials and colors need to be identified.

In response to Chairman Rolfsen, Ms. Gulick stated that she hasn’t seen the traffic study yet, but noted that it will be brought to the Zone Change Committee.

Mr. Adhami advised that they submitted a traffic study, but will revisit the issues identified.

Mr. Costello said that part of the traffic study is in the Staff Report.

Mr. Wall stated that the scope, warrant discussion, and recommendations from the traffic study are attached to the Staff Report.

Mr. Costello stated that Staff will forward the traffic study to Ms. Gulick.

Mr. Suder said that they will be ready to discuss all of these issues with their team at the committee meeting.

Mr. Josh Hunt, Business & Community Development Director for the City of Florence, stated that he reviewed the traffic report and would appreciate receiving any traffic data that Mike’s Car Wash may have which is more accurate than the data in the traffic study.

Ms. Gulick stated that it may be beneficial for Mike’s Car Wash to have an event plan for high-capacity days. It’s a little hard to fit into a traditional traffic report, but it would be good to have a strategy in place.

Mr. Adhami stated that they tried to use the land use category which generated the higher traffic for the study. The car wash is unique, so they'll check it over.

Chairman Rolfsen stated that the traffic that we have now is nowhere close to the pre-Covid era since so many people are working from home. More people will start getting out and working from offices.

Mr. Adhami responded that they tried to make some adjustments in the traffic data to account for Covid.

Chairman Rolfsen stated that the lack of school traffic also needs to be considered.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 17, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on March 3, 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 10:40 p.m.

APPROVED:

Attest:

Charlie Rolfsen
Chairman

Kevin P. Costello, AICP
Executive Director