

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
OCTOBER 6, 2021
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 8:30 p.m. and welcomed everyone to the Planning Commission's October 6, 2021 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
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. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
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, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner
Mr. Tom Chaney, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT – Kim Patton, Chairman, Michael Schwartz, Staff

1. Request of **Stephany Sheekey (applicant)** for **Amerco Real Estate Company (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Commercial Services/Planned Development (C-3/PD) for a 9.55 acre site located at 10915 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow self-storage, warehousing, truck and trailer share, retail, and flea market uses, and to allow additional signage and modifications to landscape requirements.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site contains approximately 9.5 acres along the west side of Dixie Highway and east of I-71/75. It is located approximately 1,100 feet south of Frogtown Road. The site has approximately 900 feet of road frontage and has a lengthy history with the Planning Commission (see pages 1 & 2 of the Staff Report). The site is currently occupied by a one story, 53,800 square foot commercial building and a 6,000 square foot canopy structure. There is a 19 foot high, 168 square foot free standing sign. There are other signs on the property. Access is provided by a single curb cut off Dixie Highway. Mr. Schwartz showed photographs of the site and adjoining properties. The site is currently zoned Commercial Services (C-3), and the applicant would like to add the Planned Development (PD) Overlay Zoning District. The applicable zoning regulations are provided on pages 2 & 3 of the Staff Report. The impetus for the zone change request is the desire to build a 17,847 square foot warehouse building. The site is relatively flat with an average grade of 2%. The 2040 Future Land Use Map designates the site for Commercial (C) use. Page 4 of the Staff Report provides references to the text of the Comprehensive Plan. Mr. Schwartz reviewed the submitted Concept Development Plan.

The applicant is proposing to build a 43' high, 17,847 square foot warehouse building for U-Haul's U-Box self storage. In addition, three 11' foot high, 2,500 square foot, self storage buildings are planned along with the construction of two 2,591 square foot truck/trailer share structures. The plan also calls for the conversion of the existing 6,179 square foot roof covered flea market structure to self-storage room will occur. The existing 53,800 square foot building will be used for U-Haul storage. The indoor flea market will transition to an outdoor flea market. There is a provision for 228 off-street parking spaces, an outdoor truck display area and landscaping. The existing free-standing sign along Dixie Highway will be retained and exterior lighting will be installed. In addition, a 30 foot high free-standing interstate sign of 450 square feet will be installed with the following message areas; U-Haul (137.25 square feet), address panel (21.33 square feet) and a manual reader board (60.83 square feet). Mr. Schwartz showed some elevations of the proposed buildings.

Page 6 of the Staff Report provides a list of Staff comments. Pages 7 and 8 of the Staff Report provide a list of deficiencies in which the Concept Development Plan does not meet the requirements of the Zoning Regulations. The applicant has provided traffic generation information based upon the applicant's other facilities. The proposed interstate free-standing sign is located in an existing 20 foot wide sanitary sewer easement. Mr. Schwartz summarized what the applicant

is requesting through the PD application process. The applicant is requesting that the property be used for a storage warehouse and the use of the front yard for outside storage, display and loading. In addition, the applicant does not want to install a wall screen for outside storage, display or loading areas. Further, the owner is requesting light that may exceed one foot candle along portions of the north and east property lines, a reduction in the number of required off-street parking spaces, a provision for additional signage and modifications to required landscaping.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Drew Case, U-Haul Company, stated that it is their desire to improve the site to meet the community standards.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Concept Development Plan request? Mr. John Helmer, stated that he owns the neighboring property. He asked if the owner could clean-up the trees on the south side of the site. The area is overgrown. He asked the previous owner to clean it up. He also suggested adding a chain link fence. The trees should be removed and the fence would be for security purposes. He submitted pictures of the trees. Chairman Rolfsen asked if the trees would be removed? Mr. Case replied that he could trim them and install some new ones. He explained that they would replace some of the pavement. Mr. Costello inquired about how the site would be cleaned up? Mr. Case replied that they are looking to clean-up the entire site as his company has done a lot of conversion projects like one in Milford, Ohio – a three story building. The goal is for the outside storage to move towards the inside in an effort to control it. He offered to limit the number of parking spaces for boats and recreational vehicles.

Mr. Patton asked the applicant to be prepared for the Committee Meeting in terms of how the site will look and be organized. He felt uncomfortable with what the applicant is asking for in terms of uses and landscaping exceptions. The applicant is welcome to meet with Staff ahead of time. He encouraged the Board to look at all of his conversion sites.

Mrs. Steele asked if the applicant would still be charging to enter the parking lot? Mr. Case responded that he would look into it.

Mr. Schwenke inquired about the old semi-trailers and campers on the site. Mr. Case agreed to look into the matter. Currently, the facility is not to their standards. U-Haul owns the whole property. Mr. Case stated that he will bring additional drawings to the Committee meeting to show what the site will look like in the future.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 20, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 3, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:55 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
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. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
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, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner
Mr. Tom Chaney, Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:56 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Tom Chaney, Staff

2. Request of **Viox & Viox (applicant)** for **Villas of Fowler's Creek LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential Two/Union Town Overlay (SR-2/UTO) zone for a 17.743 acre site located at 9172 Royal Oak Lane, Union, Kentucky (Villas of Fowler's Creek Condominiums). The request is for a Change in an Approved Concept Development Plan to allow a right turn, exit only gate at the Royal Oak Lane/Old Union Road intersection.

Mr. Tom Chaney, referred to his PowerPoint presentation. The request is for a Change in an approved Concept Development Plan to allow a right turn, exit only gate at Royal Oak Lane/Old Union Road. The site is located across U.S. 42 from the Union Kroger. He reviewed the history of the site dating back to 2005. Putting in a gate on the second exit is a major change as the previous approval allowed for right turn and out. The site is currently zoned SR-2/UTO. Mr. Chaney reviewed the adjoining zoning and land uses. He reviewed the Future Land Use Map, which suggests Urban Density Residential (UD), which are condominiums and apartments over 8 dwelling units per acre. Mr. Chaney stated that the existing curb cut will be converted to a right turn out only. An exit gate will be installed along with a turn around. He showed photographs of the site and existing curb cut, traffic island and sidewalk. To open the gate, a number will be needed to be punched in on a key pad to leave the subdivision. It is gated going out only.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Ms. Megan deSola, Viox & Viox, Inc., explained that the Union Promenade development held a virtual workshop and the Villas of Fowler Creek HOA wanted to meet with the developer to consider solutions in preventing traffic from cutting through Royal Oak Lane. Their solution was to reconstruct Fowler's Lane to make it a radial curve and to install a gate with an exit only curb cut. Ms. deSola showed aerial photographs of the site. Pavement will be removed and the sidewalk would be extended. The gate would sit back about 30 feet. Landscaping will be added to the area. She also suggested adding a "exit only" sign. The HOA is investigating the type of gate and what type of key pad could be installed. The Union Fire Department didn't have a problem with it since they can't enter the curb cut now – too narrow.

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?

Ms. Lois Ramler-Vahlsing, 9175 Royal Oak Lane, asked who is paying for the gate? Mr. T.J. Ackerman responded that his company was paying for it. She feels they don't need a gate. Just remove the right turn in and exit is already covered. Who is paying for the maintenance of the gate? Insurance? What about people turning around? Who pays for the maintenance of the street? Ms. Noreen Morgan replied that the HOA would pay for a replacement gate. They are currently researching the types of gates – wood material or a break away arm. They will install a "no outlet"

sign. Mr. Costello reminded the Board that it is only reviewing the right turn out/gate proposal and not who is paying for it.

Chairman Rolfsen asked if any of Board members had any questions?

Ms. Gulick asked why the applicant won't consider installing 2 gates considering the amount of traffic generated from the Union Promenade project? Why not make it a full gated community? Chairman Rolfsen explained that the road network to the gated area is convoluted and not direct. Mr. Costello mentioned that the Union Promenade traffic has 3 ways to get to Old Union Road and it is more direct than using Royal Oak Lane. Ms. deSola stated that the radial curve will lead traffic away from Royal Oak Lane.

Mr. Steve Reis, 9072 Royal Oak Lane, explained that his subdivision gets a lot of UPS and FedEx truck traffic and there has to be an easy way out. Two gates would be a problem.

Mr. Szurlinski asked if the HOA could provide the Sheriff's Department with access to the gate opening for safety purposes?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 20, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 3, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 9:23 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
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. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
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, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner
Mr. Tom Chaney, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:24 p.m.

**ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT – Rick Lunnemann, Chairman,
Todd Morgan, Staff**

3. Request of **Jihad Hillany; Vision Engineering, LLC (applicant)** for **City of Florence (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 196.5 acre site located at 7500 Turfway Road, Florence, Kentucky. The request is for amendments to a Special Sign District in a Recreation/Planned Development/Houston Donaldson Study Corridor Overlay (R/PD/HDO) zone to allow alternative signage.

Mr. Todd Morgan, referred to his PowerPoint presentation. The applicant is requesting to modify their 1995 Special Sign District. In 2019, the Planning Commission approved the short review process for the main building and parts of the parking lot. The Staff Report includes 20 pages of sign drawings. Mr. Morgan reviewed all the signs, which included the main entrance sign opposite of Thoroughbred Boulevard. It will be 26' tall and 36' wide monument sign with a 12' x 21' electronic message center. He wasn't sure of the number of lines or graphics that can be shown at one time. The secondary sign is proposed on Houston Road. It is currently being proposed on the Arlington Turfway, LLC property, which is now Tapestry Apartments. This sign is not being considered because Tapestry Apartments didn't sign the application form. Is there an easement for that sign? It could be considered a minor change to the 1995 approval. There are a number of signs proposed to be in the parking lot (see pages 1 & 2 of the sign drawings). Signs 3-6 are 7'-8' tall and 13.46 square feet in size. Signs 7-15 are proposed to be way finding signs. They are 8 feet tall and 8.03 square feet in size. Three building mounted signs are proposed on the front façade. Two 447.22 square foot "Turfway Park Racing and Gaming" signs and a 37.82 square foot "Racing & Event Entrance" sign. There will be 5 illuminated marketing signs on the side of the building. Each sign will be 16.67 square feet in area. In the parking lot (signs 58-111), there will be small identification signs – 3 sided at 7.33 square feet in area. They will be attached to the parking lot light poles. Mr. Morgan showed photographs of the existing signs and previous approvals. He questioned whether the existing Gate 1 sign would remain? Is sign #5 off-premise? It looks like it is located on the Duke Energy property? References to the Comprehensive Plan are noted in the Staff Report. Mr. Morgan reviewed the concerns about display time and number of lines on the electronic message center. He referred to his recommendations in the Staff Report.

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

Mr. Jihad Hillany, Vision Engineering, LLC, stated that sign #2 needs to be moved back onto the sign easement area – Target side. Sign #5 will be relocated to their property and not the Realtor site. The pixel for the sign will be 10 millimeters. The messages will be 8-10 seconds. The number of lines will be per the submitted drawing. The project will open in the Spring 2022 and signage is important to the 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, Chairman Rolfsen asked if any of Board members had any questions? He asked if the stables would be replaced? Mr. Hillany replied yes that his firm is tasked to complete a master plan, which includes the back stretch and storm water in order to separate it from the existing lake.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 20, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 3, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 9:38 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director