

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MAY 4, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:31 p.m. and welcomed the audience to the Planning Commission's May 4, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Mr. David Hincks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN,
Michael Schwartz, Staff

1. Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The first part of the request is to amend the existing Concept Development Plan for Westbrook Estates subdivision. It is 14 acres in area at the end of Westfield Lane. The second part is a zone change request for an 81 acre area located on the north side of Hathaway Road directly across from Meiman Road. The zone change area has roughly 160 feet of road frontage along Hathaway Road. The Change in Concept Development Plan area is located entirely in the City of Union and the majority of the zone change area is located in unincorporated Boone County. Approximately 0.35 acres of the zone change area is located within the City of Union. There is a 150 foot wide overhead electric transmission line easement located on the southwest property line. Mr. Schwartz noted the existing zoning of the entire site as outlined in the Staff Report. The site has 2 district ridges. The 2040 Comprehensive Plan's Future Land Use Map designates this site as Suburban Density Residential (SD), which allows single family housing up to 4 dwelling units per acre. Pages 4-9 of the Staff Report refer to the Comprehensive Plan. The site is located within an approximate 520 acre Agricultural District. He showed photographs of the site.

The Change in Concept Development Plan includes a reduction of 71 lots to 33 lots. The density would drop from 5 dwelling units per acre to 2.33 dwelling units per acre. It also reduces the linear street length from 2,500 feet to 1,700 feet. There is street connectivity to the south and west portion of the site. The zone change area will have 158 single family residential lots with a density of 1.94 dwelling units per acre. Three stormwater detention lots are proposed and a 7.5 acre open space lot. The developer is providing street connectivity to the north and east. The developer submitted samples of the proposed houses. On Page 10 of the Staff Report, there are a list of Staff issues and concerns. The developer is showing the primary road that runs north and south to be a local and not a sub-collector street that would connect to other developments in the area.

The main street in Westbrook Estates subdivision is already a sub-collector street in advance of connecting to other properties in the area.

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

Mr. Bob Schroeder, applicant, explained that originally Arlinghaus Builders was going to build patio homes at a higher density in Westbrook Estates subdivision. But they later decided to continue with single family detached homes in order to make it more uniform. As a result, the overall density of Westbrook Estates will be reduced from 1.9 to 1.6 dwelling units per acre. It also increase the open space from 25 acres to 27.9 acres. The Union Town Plan required 6 or 7 acres of open space. The other request involves a zone change in which they won't exceed 2 dwelling units per acre. He offered to have it as a condition. There will be no attached homes or patio homes. All utilities will meet Boone County and SD1 requirements. They will meet all of the public street requirements and they may have the entire property annexed into the City of Union. They will have to review sub-collector options for the road. Sidewalks will be on both sides of the streets. It will be identical to what is done in Westbrook Estates. They are planning open space near the entrance of the subdivision and in the northwest corner of the property. There is about 7-8 acres of maple trees and the Ferguson family wants that area preserved because Bruce Ferguson tapped the maple trees for syrup. The area will be preserved by the HOA. He noted that they will be building trails in Westbrook Estates subdivision. There will be a future pool built in the subdivision. The zone change is appropriate because it is in agreement with the Comprehensive Plan. The Suburban Density Residential (SD) designation has been in place for years. Chairman Rolfsen asked what was the "build out" plan for the subdivision? Mr. Schroeder replied that they usually build about 15 homes a year.

Mr. Wayne Erpenbeck, project engineer, showed the original plan for Westbrook Estates subdivision, which included patio homes. He gave an update of construction work in the subdivision. They have access to two 12" water lines. There is only one access point planned off Hathaway Road. The two proposed lots will not have access off Hathaway Road. The two houses will face Hathaway Road. They will be required to perform a Traffic Impact Study at the time they submit their encroachment permit.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Bob Ramsey, 2050 Hathaway Road, asked if there were plans to improve Hathaway Road? Mr. Costello responded there is no funded project to widen Hathaway Road. Such a project would have to be included in the Boone County Transportation Plan, the State's 6 Year Plan and the State Budget. There is time to do that since all the development projects along Hathaway Road will be phased. In addition, the Kentucky Transportation Cabinet will require turning lanes. Mr. Ramsey asked if the proposed development is a continuation of Westbrook Estates subdivision or will it have a separate HOA? Mr. Schroeder replied it is a continuation of the existing subdivision

and it will have the same HOA. He expressed a concern about the effect of “Dark Skies” and the effect on the natural habitat. Can the two proposed lots only be for green space and not reserved for houses? The entrance to the subdivision on Hathaway Road could be the same as the entrance on Old Union Road.

Mr. Jim Goodrich, 9756 Spruce Lane, asked if there was any possibility of having a continuous green space along Hathaway Road? Can these areas be connected for wildlife travel?

Mr. Greg Burnett, 9501 Rainbow Terrace, stated that he thought the play areas and pool are limited for the size of the subdivision. He expressed a concern about more traffic going through the subdivision.

Ms. Chris Warren, 2326 Hathaway Road, expressed a concern about water runoff because she gets the water from the field right now. Chairman Rolfsen explained the stormwater requirements post development. Any additional runoff from the project has to be detained on-site. Ms. Warren asked if the existing tree line along the diagonal will be retained/maintained? Mr. Schroeder replied that it will remain because of the power line.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Patton asked if the applicant would address the sub-collector designation at the Committee meeting? Also, is there a possibility of a connection between the larger lake and the maple tree area? Mr. Schroeder responded there will be a sidewalk system that could connect the 2 areas. Again, he showed the proposed trail areas. The trails will be paved but the maple tree area trails will be natural. The provision to allow golf carts in the community is reserved for the HOA to decide.

Chairman Rolfsen asked whether the developer was adamant about putting 2 houses at the entrance of the subdivision off Hathaway Road? Mr. Schroeder replied that the density is low and there is already a lot of green space. Chairman Rolfsen suggested moving the 2 lots elsewhere in the subdivision – making a few lots bigger.

Mr. Harper asked if the developer was proposing to be annexed into Union? Mr. Schroeder responded yes at the conclusion of the zone change. It would make sense to have all of Westbrook Estates in Union. With the proposed addition, the future pool will serve the entire subdivision at build out – 350 lots/units is a very good number. There is a small percentage of people who have their own pool in the subdivision. The pool will be 1,600 square feet. It is a big pool. It won't have life guards. Mr. Schroeder stated that he will address lighting at the Committee meeting. Some people will put in their own lighting. The City of Union requires street lights.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 1, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:19 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Mr. David Hincks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:20 p.m.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Alaina Hagenseker, Staff

2. Request of **Vision Engineering, LLC, per Jihad Hillany (applicant) on behalf of Turfway Gaming and Racing and RNS Properties, LLC (owner)** for a Zoning map Amendment for a Special Sign District for an approximate 2.4 acre site located at 4885 Houston Road, Florence, Kentucky. The request is for an amendment to the Turfway Park Special Sign District to allow an off-site free standing sign in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The proposed sign will be located in an established sign easement at the corner of Turfway Park Access Road and Houston Road. The original sign was approved on February 8, 2022 by the City of Florence. It included a monument sign immediately northeast of the Turfway Park Access Road. The original approval included the following condition, "Any proposal to relocate the sign to another location shall be heard through another Special Sign District application." The original location where the sign was going to be placed cannot occur because the property was sold to another owner. The site is 2.4 acres in size and will be placed on a new site where the Sibcy Cline building is located. The subject site already contains a 70 square foot, 11 foot high multi-tenant monument sign. She showed a drawing of an existing sign easement where the proposed sign will be installed. The proposed sign will be exactly the same in terms of look as noted on the submitted drawings. A series of photographs of adjoining properties were presented. Staff also showed the location of 2 utility easements that may impact the location of the proposed sign. How will the sign fit in the easement area and how will the sign foundation encroach into the utility easements? Will the existing landscaping have to be removed in order to see the sign? Staff further suggests that the following conditions be considered if the Planning Commission recommends approval of the request. First, the sign must be within the easement area. Second, the sign cannot be placed within the limits of any utility easement without the permission of the easement holder. Finally, the sign shall only be used to advertise the activity of the Turfway Racing and Gaming property. The applicant has expressed a willingness to abide by the 3 conditions.

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

Mr. Tom Landon, Vision Engineering, Inc., stated that Mr. Hillany could not attend the meeting. Mr. Landon noted that he agreed to the 3 items or conditions that were previously mentioned. They will either reduce the length of the base or skew the sign to fit the easement area. They would be open to remove a tree for an improved sight line and would replace it elsewhere.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no one, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 1, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:29 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Mr. David Hincks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 8:31 p.m.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

3. Request of **Viox and Viox, Inc., per Michelle Bollman (applicant)** for **Shihasi KY, LLP (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district for an approximate 3.2 acre area located at 7484-7488 Turfway Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to redevelop a portion of the site with an 8,770 square foot commercial building.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The property is the former Tumbleweed/Acapulco restaurant site. The site sits next to 2 hotels – Townplace Suites and Springhill Suites. The proposal is to build an 8,770 square foot shell building with optional patios. There are planned new sidewalk connections to Turfway Road and along Hansel Avenue. The building will include 1-4 tenants. There are 4 doorways now. It could include 2 restaurants but the developer wants the flexibility of all the uses permitted in the C-2 zone. Mr. Morgan showed elevations of the proposed building. It will be 27 feet tall with mostly decorative brick with metal panels and metal canopies/awnings. He reviewed the site history dating back to 2017-18. The former restaurant was approximately 6,849 square feet but burned down. There was also a condition placed upon the former restaurant stating that the existing paint scheme had to be retained. The proposal is a multi-tenant building and a different design. Mr. Morgan showed photographs of the site and adjoining properties. The 2040 Future Land Use Map designates the site for Commercial (C) uses. Other references to the Comprehensive Plan and the Houston-Donaldson Study are referred to in the Staff Report.

In regard to Staff Comments on Page 6, Staff has attached a list of C-2 uses for the Board to consider. He expressed a concern for high parking generator uses. There is shared parking between the existing lot and Springhill Suites. In short, there would only be 111 parking spaces left for the proposed retail building. The applicant is requesting a parking waiver for the proposed building. The parking requirements require a total of 206 parking spaces for the hotel guest rooms and a parking waiver is being sought for one-third of them (68). The developer expects a lot of people to visit the retail center from the hotel and people staying at the hotel may take a taxi or an Uber to and from the airport. How was the 68 figure derived? It seems high. Is the landscaping adequate for a Planned Development (PD)? Will they follow the approved 2019 landscaping plan? A landscaping plan was not submitted with the request. Is the proposed signage compliant with the Houston-Donaldson Study? Comments have been received from outside agencies and are included in the Staff Report. No drive through facilities are being proposed with the development. Mr. Patton noted that if they were proposed, it would affect parking.

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

Ms. Michelle Bollman, Viox & Viox, Inc., stated that Keystone Hotel Group owns both hotels adjacent to the site and 7 other hotels in the region. She reviewed the history of the site. The restaurant building burned down in 2020 and was later torn down in 2021. Currently, they don't have any users. That is why they are asking for all of the C-2 uses. The 3 buildings will be owned by the same owner will share the dumpster locations and parking. They are able to meet the 22% green space requirement. There is a planned 11 foot buffer along Turfway Road and 12 feet along Hansel Avenue. It will be Buffer Yard A. The patios will be optional as it will depend on restaurants. Otherwise, it will be a plaza area. Ms. Bollman explained their parking calculations as indicated in her PowerPoint presentation. They are requesting a 33% reduction or a parking overlap. The owner is comfortable with the parking numbers. The hotels are rarely filled at 100% capacity. The developer doesn't expect to store anything outside but if they do, there is some built in space near the back door of the building. The building will meet all of the HD design requirements. There will be both fabric and metal awnings. They would like to install a garage door that opens to a patio area. She showed a series of building elevations and materials for all 4 sides. All mechanicals will be rooftop units and they will be screened with parapets.

Mr. Costello asked what was the concept for the project since the C-2 zoning district allows over 200 uses? He asked about parking if one user was located on the site like a microbrewery. It would attract others from the area and not just the hotel. Does the owner have a shared parking agreement with Turfway Park? There was one in the past. Mr. Patton mentioned a medical office as a potential use.

Mr. Steve Roberts, architect for the project, stated that the ideal tenant mentioned by the owner would be a tenant serving lunch or dinner and another one serving breakfast only. The parking would be shared by each side. They did a parking study and determined that 1 space per 50 square feet of building would work if both uses were restaurants. Without the shared parking, they would be 1 space per 75 square feet. They are not pursuing any drive thru restaurants at all. The ideal tenant is a sit down restaurant. He did not know about a shared parking agreement and wondered about the walkability of connecting to Turfway Park. The owner is comfortable with 111 parking spaces and it would allow him to have 222 seats in the restaurants without shared parking. The market wouldn't support a medical office or day care use. Mr. Costello asked the applicant to review the C-2 uses to determine what was appropriate at the location.

Mrs. Clark asked if the applicant looked at more outside customers visiting the site due to the area being very busy and with the reopening of Turfway Park? Mr. Roberts stated that perhaps the owner should pursue a shared parking agreement with Turfway Park.

Mrs. Steele asked who owned the overflow parking lot near the site? Could that lot be used? Mr. Morgan responded that people would have to cross Hansel Avenue to get to it and he didn't know who has a legal right to park there. Mr. Roberts also explained that he has looked at peak parking time periods mostly in the evening when the hotel is being used heavily.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 1, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:59 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director