

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JULY 6, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:51 p.m. and welcomed the audience to the Planning Commission's July 6, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Kenny Vaught

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.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

1. Request of **KZF Design, per Justin Jones (applicant)** for **Graeters Properties Limited (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 1.8 acre area located along the south and east sides of US 42, between Braxton Drive and Old Union Road, approximately 600 feet southeast of Braxton Drive, and being part of the property at 8905 US 42, Union, Kentucky. The request is for a Change in an Approved Concept Development Plan for an eating and drinking establishment.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The 1.8 acre site is located between Braxton Drive and Old Union Road. It is zone C-2/PD. She described the surrounding land uses and zoning. A 100 foot overhead electric transmission line easement exists in the middle of the site. The Comprehensive Plan's Future Land Use Map identifies the site as Commercial (C). Page 4 of the Staff Report references the Comprehensive Plan and Union Town Plan. The proposal is to construct a 5,950 square foot Graeter's store/restaurant with 77 parking spaces and a drive through. Access will be from the existing Kroger driveway and parking lot. The building will be mostly brick with some EIFs. Signage is also being proposed. The applicant has provided building elevations showing the proposed colors and materials. Ms. Hagenseker showed photographs of the site and adjoining properties. She also identified the issues associated with the request – adhering to the PD requirements as well as a sidewalk along the access road to the proposed store. This will provide direct access to U.S. 42. Staff would like to know whether the access or driveway will have an easement to the vacant adjacent property? In addition, are the awnings signs? Murals are normally not permitted but may be allowed as part of the PD application and regulations.

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

Mr. Eric Farris, attorney with Dinsmore representing Graeter's, noted that a justification statement has been submitted to address the PD requirements. It is in the Staff Report.

Ms. Mallory Hall, BDR Design, stated that the proposed store is patterned after the existing Kenwood Store. The store will have a bakery, ice cream service, a play room and a party room. The drive through has been designed to accommodate several stacking spaces. The building has to be located outside the utility easement area and it is oriented to accommodate another future building. Ms. Hall reviewed the building elevations including the one facing U.S. 42 as well as the drive through elevation. The layout is workable for good traffic flow. They have discussed a future pedestrian connection to the library. A landscaping plan was also submitted, as noted by Mr. Josh Shaw, engineer for the Kleinger's Group. The street plantings are shown on the plan per the code so they screen the U.S. 42 corridor and the drive through areas. The building will primarily be brick with a stone base and some trim being EIFs material. No graphics will be on the awnings.

They have some possible mural locations pending the review by the Planning Commission. The back of the building actually faces U.S. 42 but it will be designed as though it is the front. It will be the play area. The murals would be located near the drive through facility in order to dress up the façade.

Chairman Rolfsen asked whether the applicant was going to install a monument sign? Mr. Shaw replied that a monument sign is planned on the corner of the property facing U.S. 42.

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

Mrs. Clark asked about other access points to the building? Ms. Hall replied that the exterior door near the play area is for emergency access only.

Chairman Rolfsen asked how seniors from StoryPoint would get to the building? Mr. Costello responded that there is a sidewalk in front of the Kroger building. It would be a long walk from the StoryPoint building.

Mr. Richard Graeter stated that the store is built for families and neighborhoods. It is intended to be a destination spot with a play area and a party room.

Ms. Gulick inquired on how much capacity is there for the drive through lane?

Ms. Hall replied that the design is based on other stores. Typically, a storage lane consist of space for 8 cars. In a Covid 19 era, they are looking at 10-12 vehicles. They have included an escape lane for people to go home or go inside. The Kenwood store was designed pre-Covid and the traffic has been significantly more post Covid. It is about 10-12 vehicles now.

Mr. Patton suggested designing space for a second drive through. It may not have to be built at first. Mr. Graeter noted that his team can get people through the drive through quickly. Bakery goods are sold in the morning and ice cream is sold in the afternoon and evening. Ms. Hall has discussed the possibility of a second monitor at the drive through. Mr. Graeter stated that a future building may include a Dewey's Pizza and Braxton's Brewery.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 20 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on August 3, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:15 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
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

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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 8:16 p.m.

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

1. Request of **Arnold Consulting Engineering Services, Inc. (applicant)** for **Kuber Laxmi, LLC/Athena Hospitality Group (owners)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 2.4 acre area located at 370 Meijer Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan for a hotel.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The site is 2.4 acres in size and is located next to Duluth Trading Company on Meijer Drive. The proposed use is a 7 story, 90'8" high hotel. It is 104,321 square feet in area and consists of 124 rooms. There is an agreement with Duluth Trading Company for 13 additional parking spaces. A density bonus is being requested by the applicant under the PD regulations. The standard in the O-2 zone is 30,000 square feet per acre. The maximum they would be allowed would be 90,394 square feet. Under the PD regulations, the applicant would be allowed a maximum of 107,091 square feet. The driveway would be shared with Duluth Trading. Mr. Morgan showed a layout of the proposed hotel and amenities – indoor pool, patio area, fitness room, bar, market and a meeting room as well as building elevations. The building will be 3 brick colors. The indoor pool area is primarily EIFs. The applicant is requesting signage on 3 facades and a little bit larger monument sign. One sign would be 89.14 (façade facing Duluth Trading Company), 128.43 square feet (façade facing Meijer Drive) and 128.43 square feet (façade facing I-71/I-75). The signs would total 346 square feet in size. The proposed monument sign will be 8 feet high and 46.77 square feet. The base of the sign needs to match the material of the building. In 2007, a retail center was approved for the site and construction of the retail center began with steel beams put in place. These steel beams were later demolished. In 2020, a judgement was made on the property dealing with private covenants and height restrictions. There is a 20 foot high height limitation on a portion of the site. The only part of the proposed building that is subject to the 20 foot height restrictions is the pool area. It is being held to the 20 feet. The site is located in the 55 DNL Airport Noise Contours. Mr. Morgan showed photographs of the site and adjoining properties. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C). References to the Comprehensive Plan and the Houston-Donaldson Study are noted in the Staff Report.

In terms of Staff Comments, the applicant is asking for the following as part of their Planned Development request: 1) a building density Bonus; 2) a hotel use; 3) maximum building height of 90'8" instead of the requirement of 70 feet; 4) a 12' street frontage buffer along Meijer Drive; 5) a minimum 5' wide buffer yard behind the building; 6) and special signage. In terms of suggestions in order to meet the PD criteria and the Houston-Donaldson Study, the Staff recommends the following:

Pedestrian Orientation – A sidewalk connection should be provided between the hotel's main entrance and the public sidewalks on Meijer Drive.

Compatibility of Uses – The overall height of the hotel should be analyzed because it's 7 stories high (90'8") in the City of Florence but it hasn't been built yet.

Architecture – Staff has the following comments regarding the architecture of the building:

- What is the 10' x 15' building that is proposed immediately to the northwest of the dumpster?
- The final design of the buildings, dumpster, and site furniture will be reviewed through the Houston-Donaldson Study Design Review application process.
- Will any rooftop mechanicals be visible on the roof?

Transportation Connections and Entry Points – Staff has the following comments:

- Staff would like the applicant to address if they have had any discussions with Duluth Trading Company about the one-way traffic flow on their site.

Landscaping – Staff has the following comments regarding landscaping:

- Substantial landscaping is supposed to be provided with a Planned Development.
- A preliminary landscaping plan was just submitted today and this standard was not fully evaluated (see Exhibit 1).
- The Meijer Drive street frontage buffer area is proposed to be reduced from 20' in width to a minimum of 12' in width. The 12' minimum buffer width does not comply with the 2007 conditions.
- Most of the southeast property line will not be buffered because it contains a shared driveway.
- The buffer yard along the north property line is proposed to be reduced to a minimum of 5' in width so a sidewalk can be constructed behind the hotel. Is any landscaping proposed in this area?
- There are overhead utilities and a gas pipeline near the rear property line which will make installing a landscape buffer a challenge.

Staff sent out an Agency Memo to the City of Florence, Florence Fire Department, Kenton County Airport Board, and Boone County Building Department to make them aware of the request. All comments received have been attached to the Staff Report.

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

Mr. Daniel Whitley, Arnold Consulting Engineering Services, Inc. stated that he doesn't have any issues with adding pedestrian connections. They can work around a couple of landscaping islands and add crosswalks. The dumpster and storage building will be combined into one structure. It

will match the materials on the building. A parapet will be installed on the roof to screen the mechanicals. Duluth Trading is in agreement with a two-way driveway. In return, Duluth Trading will give up 13 parking spaces for the hotel to use. The two uses have different peak times for parking. The applicant stated that the developer will preserve the berm along the interstate in order to avoid the gas line. That is why the parking is held so far off the property line.

Mr. Greg Mayo, architect, stated that the building is 100% brick with 3 distinct colors. The dumpster/storage structure will also be brick and will house lawn care equipment.

Mr. Whitley also noted that detention from the site will be stored underground. The applicant has submitted an application before the FAA for the height of the hotel. No response yet. They may have to install beacons on the building at night.

Chairman Rolfsen asked why build a 7 story hotel? Mr. Devesh Patel, Athena Hospitality Group, replied that due to the one-story height restriction, they have to build 7 stories. The project becomes financially infeasible without 7 floors. The sidewalk in the back connects the lobby to the back of the building. The landscape waiver is due to the challenges of the shape and size of the lot as a result of their footprint. Mr. Morgan responded that other uses in the Houston Lakes Subdivision also had landscaping waivers. Mr. Whitley noted that if they kept the required 20 foot buffer, they would be short additional parking spaces. The 13 parking spaces from Duluth Trading are located in the front of their store.

Mr. Patton confirmed that the proposed size of the hotel of 124 rooms is a standard in the industry considering staffing.

Mr. Patel noted that they built the Holiday Inn Express and the current hotel market is at 80 plus percent occupied. It is more of an extended stay hotel with full kitchens.

Mr. Lunnemann asked what type of amenities the applicant is providing above and beyond in order to obtain a density bonus? Mr. Patel responded each room would have a dishwasher, stove, refrigerator, guest laundry, grill, etc. The pantry is for convenience items. They will also have a bar.

Ms. Gulick asked what was the height restriction based upon? Mr. Morgan replied that it had to do with the visibility of the Meijer store. The hotel will not block the view of the store, according to the applicant. Mr. Morgan noted that the height restriction is usually based on the zoning of the property. The site in question is zoned O-2, which allows a 70 foot high building but with a PD, a higher one is possible. The lawsuit settlement area is zoned C-2/PD which has different height requirements. Mr. Costello explained that it was intended to have higher buildings in the Houston-Donaldson Study area since land would become scarce at some point. The original property line made the driveway aisle for Duluth Trading one way. Mr. Lunnemann asked to have the shared parking agreement in writing.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 20, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on August 3, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:45 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Landscape Plan submitted 7/6/22