

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
PUBLIC HEARINGS
AUGUST 17, 2022
7:30 P.M.**

Secretary/Treasurer Jackie Steele opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's August 17, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Secretary/Treasurer Steele introduced the first item on the Agenda.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

1. Request of **Evans Engineering, for Plaza Street Partners (applicant)** for **Meijer Stores Limited Partnership (owner)** 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 1 acre area located along the south and west sides of Meijer Drive, between Houston Road and Spiral Boulevard, approximately 300 feet southeast of Houston Road, and being part of the property at 4990 Houston Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan for an eating and drinking establishment.

Mr. Kevin P. Costello, AICP, Executive Director, announced that the Public Hearing for Item #3 has been postponed. It will be rescheduled in October.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is approximately 1 acre in area. It is located near Meijer's, Hilton Garden Inn and Best Buy. The site is located in Subarea #4 of the Houston-Donaldson Study, which recommends the site for commercial uses. Pages 5-8 of the Staff Report include the pertinent sections from the Houston-Donaldson Study. Mr. Schwartz showed the original Concept Development Plan of the overall subdivision from 1990, 1993 (Meijer), 2019 (Tesla) and 2020 (Hilton Garden Inn). Mr. Schwartz showed the building elevation of the Hilton Garden Inn as it relates to the building design with correlating structures. The site is currently vacant and has 40 parking spaces. He showed photographs of the site and adjoining properties. The current zoning of the site is O-2/C-2/PD/HDO and eating and drinking establishments are a permitted use in the C-2 underlying zone. The site is flat except for slight berm. The 2040 Future Land Use Map designates the site as Commercial (C). Pages 2-5 of the Staff Report identify sections of the Comprehensive Plan that are pertinent. Meijer Drive is a city owned and maintained street. The site is located in the 55 DNL noise contour. Mr. Schwartz showed a drawing of the original submission. The scale of the building has increased and the applicant has added a second drive-thru lane. The applicant is proposing a 3,027 square foot restaurant with 32 parking spaces and, 2 drive-thru lanes with one pickup window. Access is through the internal Meijer parking lot. Page 8 of the Staff Report provides a summary of the parking requirements. Pages 9-12 of the Staff Report provides an analysis of the Comprehensive Plan, the Zoning Regulations and the requirements of the Houston-Donaldson Study. A separate landscaping plan has been submitted. Page 13 of the Staff Report includes a list of Staff Concerns. It also gives a summary of the modifications that are being requested under the planned development requirements – the location of the drive-thru in the front yard, a reduction of the width of a sidewalk from 6 feet to 5 feet, a reduction of the buffer width from 10 feet to 6 feet and also the amount of plant material. Other issues include the need for access easements and shared parking agreements with neighboring properties. Mr. Schwartz showed a series of building elevations. There is a requirement that the facades be predominantly brick and EIFS should be used as a secondary material or trim. The lighter tan areas are EIFS. It is a significant amount. Mr. Schwartz showed a comparison slide between the proposed building and the Hilton Garden Inn. Striped canopies are being proposed. Are they considered signs?

Secretary/Treasurer Steele asked if the parking on the side is owned by Meijer? Mr. Schwartz showed what would be owned by Freddy's and by Meijer. There is a landscape buffer between the two parking areas. The proposed 32 parking spaces are part of the Freddy's site. Mr. Schwartz stated that he didn't know their seating capacity to see if 32 parking spaces was sufficient or not. That is what the shared parking agreement would offer.

Mrs. Kegley asked if it was a stripe on the awning? Mr. Schwartz responded that he thought it was a stripe.

Secretary/Treasurer Steele asked if the applicant was present and wanted to proceed with their presentation?

Mr. Jonathan Evans, Evans Engineering, stated that he was representing Plaza Street Partners (Applicant). Plaza Street Partners helps franchises with designing and processing development projects. Freddy's has restaurants in Ohio. The restaurant will be owned and operated by DJ Steakburgers. The 1 acre lot would be purchased for the restaurant. The site will have cross access easements. There will not be shared parking agreements. The 32 spaces will be sufficient for the restaurant. They can do a 6 foot wide sidewalk. They can also make the buffer 10 feet wide and put more plant material in it. The site works well in terms of visibility from Houston Road. The pickup window needs to be on the north side of the site or closer to Meijer Drive. The double drive thru lanes will be used during peak time only. One lane will be closed down during off peak times. About 95% of the time, the restaurant operates with a single drive thru lane. The striped awnings are part of their brand. They usually have other items on the building – an ice cream cone and other food items lettering. That has all been removed from the proposed building.

Mrs. Kegley asked the applicant to bring an alternative to EIFS to the Committee meeting. Mr. Evans responded that the alternate is to do all brick, which is expensive. They have done all brick buildings and a mix of stone and brick at other locations.

Mr. Lunnemann agreed with Mrs. Kegley as the project needs a reduction of EIFS material. Again, it could be a mixture of stone and brick.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further questions or comments, Secretary/Treasurer Steele announced that the Committee Meeting for this item will be on August 24, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Secretary/Treasurer Steele closed the Public Hearing at 7:50 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
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Secretary/Treasurer Steele introduced the second item on the Agenda at 7:53p.m.

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, AND
CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

2. Request of **BRG Realty Group LLC, per Robert Croswell (applicant)** for **Hebron Fire Protection District, per Frank Tepe (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Public Facility (PF) district to Commercial Two/Planned Development (C-2/PD) district for an approximate 0.63 acre area located in the southwest portion of the property at 3120 North Bend Road, Boone County, Kentucky and a request of **BRG Realty Group LLC, per Robert Croswell (applicant)** for **Mary Ann Wolfe Trust (owner)** for a Concept Development Plan for an approximate 16 acre area located at the northeast corner of the intersection of North Bend Road with Cougar Path, Boone County, Kentucky. The request is for a zone change/change of concept plan and concept plan to allow 264 apartment units within 11 buildings, commercial outlots, and a new public street between North Bend Road and Limaburg Road.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. He reviewed a map that explained the 3 different requests for one application since there was a history to the Hebron Fire District parcel. Most of the site (16 acres) is currently zoned C-2/PD so the applicant is requesting Concept Development Plan approval. The site is bound by North Bend Road, Cougar Path and Limaburg Road. If approved, the site will be bound by a fourth public street. Mr. Schwartz explained the history of the area, which included the relocation of North Bend Road. The original North Bend Road crossed the site. In 1985, the Hebron Fire Department site was rezoned from C-2 to Public Facilities (PF). In 1986, the site was rezoned to its present C-2/PD designation. In 1988, the former Boone County Public Library site was rezoned from C-2/PD to PF. In 2020, the former library site was rezoned from PF to C-2 to allow a kennel. In 2021, 17 attached single family homes and an approximate 2,400 square foot office building was approved on the kennel site that is located adjacent to the subject site. There are 2 heavily forest tree stands on the subject site -east side and southwest side. Mr. Schwartz described the zoning and land uses of the adjoining properties. Pages 2 & 3 of the Staff Report identify the pertinent zoning regulations applicable to the request. The site slopes downward from east to west. The 2040 Future Land Use Map designates the site for Commercial (C) and Public/Institutional (P). Pages 4-8 of the Staff Report includes of those sections from the Comprehensive Plan that are applicable to the request. Page 111 of the Comprehensive Plan gives the specific wording for the subject site. "The property adjacent to the former Public Library, on the north side of Cougar Path, should develop as various, clustered, public facilities, and/or compatible commercial and office uses, to make use of the easy access to Hebron-Burlington-North Bend Road service areas. North Bend Road is a State maintained arterial street. Cougar Path is a County maintained local street and Limaburg Road is a County maintained collector street. The majority of the site is located in the 55 DNL noise contour. Mr. Schwartz showed photographs of the site and neighboring properties.

The proposal includes the construction of a new public street from Limaburg Road to North Bend Road, 264 apartment units (11 buildings), a clubhouse, 494 parking spaces (42 of which will be

in garages), a 0.4 acre open space area, sidewalks and a 4 acre commercial development area. Approximately 2.4 acres (19%) of the site will be retained as open space on the entire site. Pages 8-10 of the Staff Report provides an analysis of the submitted plan, some of which can be modified through the PD zoning. Insufficient information has been submitted to determine compliance with the maximum intensity of just under 375,000 square feet. The building intensity in the C-2 zone is not by the number of dwelling units but by square footage. We don't know the gross square footage of the submitted proposal. No plan has been submitted for the commercial component of the development. There is no buffer between the residential component and the commercial component. There is a private street but no landscaping. Parallel parking is proposed along the new public street. This is contrary to the subdivision regulations. Sidewalks are shown within and outside the proposed public right-of-way. Pages 10-11 of the Staff Report include comments about the project from public agencies. The applicant is proposing some special signage as part of the request. Pages 9 & 10 of the Staff Report provides what is proposed and what is allowed in terms of signage. Their primary apartment signage meets the regulations but signs proposed on the commercial lot exceed what would be permitted. Mr. Schwartz showed building elevations. The building architecture is very similar to what has been built on Aero Parkway/Burlington Pike, Pages 11 & 12 of the Staff Report describes the Staff concerns including whether the project meets the PD requirements. Is the private street serving the commercial area adequate enough? How does the proposed building type and intensity fit in with the single family area to the east? Again, the request is for a Zoning Map Amendment, a Change in an Approved Concept Development Plan and a new Concept Development Plan.

Mrs. Kegley asked what are the landscaping requirements? Mr. Schwartz replied that it would be a Buffer Yard A between the commercial and residential since it was a private street. The buffer yard would be street frontage landscaping.

Mrs. Goetting asked what was the sign issue? Mr. Schwartz noted that the developer is only allowed development identification signs. They are proposing two. Each commercial lot is allowed one monument sign, not exceeding 100 square feet. The applicant is showing more than 100 square feet.

Mrs. Steele asked whether the units would be 2 and 3 bedroom apartments? Mr. Schwartz replied that they are 1 and 2 bedroom apartments.

Mr. Turner asked what was the distance between the proposed street and the adjoining property to the north? Mr. Schwartz responded that he didn't know exactly. It is at least 10 feet for most of the area.

Mrs. Kegley inquired about the commercial. Do we know anything about the uses? Any uses struck or not allowed? Mr. Schwartz stated that the applicant has not provided any details. He reminded the Board of what they did with the Provision Living project where the applicant must resubmit plans for any commercial development. The same idea could apply to this project. The

Staff has a concern of how traffic will be routed from the commercial area and line up at the intersection. Is there enough room for vehicle stacking?

Secretary/Treasurer Steele asked if the applicant was present and wanted to proceed with their presentation?

Mr. Jim Parsons, Keating, Muething and Klekamp, representing BRG Realty Group LLC, stated that the applicant reached out to the adjoining property owners, the School District, the County and the Hebron Fire District in regard to the proposed project and proposed public road. A lot of leg work went into the project before the application was submitted. The project is about 16 acres and it is mixed use – commercial and residential. The commercial would be located along North Bend Road. It is not defined yet. It will involve secondary applications. The uses and signage could be addressed later on for the commercial area.

Mr. Don Brunner, BRG Realty Group, LLC, stated that the site off Aero Parkway is leasing up very well. BRG is a local owner and manages its own assets. They are a long term owner. He stated that they reached out to the Crane family and to the Baptist Church, Lutheran Church and to the School District. There will be 84 one-bedroom apartments and 182 two-bedroom apartments. At the Parkway development located up the street, they have 164 apartments leased so far and have only 13 minors living in the complex. It could be as high as 21 minors living on the property. They have over 97.5% occupancy for their portfolio. Their residents stay. They have over 68% retention. Usually, it is about 50-55% retention nationwide. They employ 200 people and have facilities in Cincinnati, Dayton, Columbus, Lexington, Louisville and Northern Kentucky.

Mr. Joe Thomas, Metro-Development, is the selected developer and he is currently completing the project on Aero Parkway. The actual square footage for the site is 20,280 square feet per acre. The maximum allowed is 22,500 square feet per acre. They have 452 surface parking spaces and 42 garage spaces. The requirement is 486 parking spaces. Seven garage buildings are being proposed. There is a large public seating area planned for the corner of KY 237 and Cougar Path. There is a new multi-use trail being built in front of the property along North Bend Road. A public sidewalk will be built along Cougar Path and Limaburg Road and the new public road. A trash compactor will be placed on the site. A mail kiosk will be built along with a clubhouse and resort style pool. The PD requirements require a mixed use and a pedestrian orientation and this project has it. Internal sidewalks will connect to external walkways. The commercial area will also have connectivity. Once the final use comes in for each commercial lot, then would be appropriate to install the proposed buffer. Street trees will be planted throughout the community. There will be more landscaping installed on Limaburg Road and by the Crane property. It will be deciduous trees and pine trees. The public street will be a landscaped boulevard. Four sight line drawings were prepared to show the view of the project to adjoining properties. The distance between the Crane residence and the clubhouse is 424 feet. The distance between the Crane's residence to the first building is 300 feet. Existing trees will be preserved along with new ones planted as a buffer. Other sight line drawings were presented showing distances from the Baptist and Lutheran churches.

The clubhouse will be 3,200 square feet with several amenities. The one- bedroom apartment is 678 square feet, while the two-bedroom apartments are 957 square feet in size. Mr. Thomas described the apartment furnishings. He also had actual photos of a completed building and clubhouse indicating what type of materials they would be installing. A Traffic Study has been submitted to the State in August. They will commit to doing any traffic improvements that are required.

Mr. Parsons concluded that he submitted materials show how they are in agreement with the Comprehensive Plan. There are references in the Plan to the area being commercial. There are also other references in the Plan that calls for different types of housing mixes. They also addressed references how they meet all the requirements. Some of the references to the area becoming more Public Facility are irrelevant today because some of the PF zoning and uses have been abandoned like the library. The project is fully compliant with the Comprehensive Plan.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Mike Crane, 3135 Limaburg Road, stated that he is against the request. He submitted a letter that was distributed to each Board member earlier. He has lived off Limaburg Road for 50 years. He is shocked by the three story buildings since Limaburg Road is filled with single-family homes at his end of the street. He has met with the developer and discussed a wish list of items. He expressed a concern for Building #1 being so close to him. Would they consider moving Building #1 to the west? Could the buildings be lower or perhaps two story to fit in better with the single-family homes? What about keeping the old growth trees and preserving the space around them? Perhaps additional trees could be planted or a berm/fence added? He doesn't like the sidewalk on his side of the street/boulevard. It will lead to trespassing. He doesn't like the sidewalk leading up to his property along Limaburg Road because of security problems. He has horses and there is a sidewalk on the other side of Limaburg Road. Finally, he asked about putting up signs for "No Thru Trucks" on Limaburg Road since truck traffic has picked up.

Mr. Mike Ford, Boone County School District, referenced his letter that was included in the Staff Report. He stated that he was not going to say anything negative about the development. His concern is location. There is only one middle school and one high school north of Burlington Pike. Both Connor Middle School and Connor High School are at an over capacity level. The schools are already crowded. They cannot turn kids away. Any further development in the area will cause an infrastructure problem. The submitted comments are similar to ones submitted at other times for other projects in the northern part of the County. The project, if developed out, will cause a strain for that campus. They are looking for land to construct a new school in the area to provide some relief.

At this time, Secretary-Treasurer Steele asked if any Board members had any questions or comments.

Mr. Bob Schwenke asked if the developer could relocate Building #1 to where the clubhouse is planned and then move the clubhouse to where Building #1 was going to be? Mr. Thomas replied yes, as they can analyze it to see if it could work.

Mrs. Goetting asked what was rent for the proposed units? Mr. Thomas responded \$1,100 to \$1,300/month.

Mrs. Clark asked what was the occupancy rate for the Burlington Pike project? Mr. Thomas replied that all the units that have been completed are completely filled at the Parkway Trails project. Most apartment complexes have waiting lists now.

Mr. Schwenke asked about the project build-out. Mr. Thomas replied that it will take about three years when they start the proposed project until the project is fully occupied.

Mr. Szurlinski asked about the type of intersection at the new public street and Limaburg Road? Mr. Thomas responded that it will be full access. Mr. Costello asked for a copy of the Traffic Study to look at possible road improvements to North Bend Road and Limaburg Road. Mr. Thomas stated that he will forward a copy of the Study to Staff.

Mrs. Kegley asked how long does it take to build a new school assuming the School District has the land already?

Mr. Parsons explained that it is a long process since they have to get permission from the State in terms of design and financing. They are mindful of the school issue. The project will have a minimal impact since it is not single-family detached housing which generates more kids than apartments. Mr. Ford's comments are more global. There are probably more homes approved in the area that will have more of an impact than their project. The one and two bedroom apartments don't generate a lot of kids. They specifically did not connect to Cougar Path because they didn't want to directly impact the school traffic. Mr. Costello noted that the School District is in need of a new middle school site. Any new school site has to be included as a priority in the District's Master Facilities Plan. It is a lengthy process to acquire land, design a building, fund the project and construct the school. At least there is some built in time to possibly resolve the issue before the apartment project is completed.

In response to Mrs. Clark, Mr. Thomas noted that the number of children is no more than 10% of the total number of units. It would then be 21 students. There are not a lot of activities for children in the complex. It is mostly adult activities/amenities. There is no playground area. It would be a facility for teachers and fire fighters to live.

Seeing no further questions or comments, Secretary/Treasurer Steele announced that the Committee Meeting for this item will be on August 24, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Secretary/Treasurer closed the Public Hearing at 8:58 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director