

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 2, 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 November 2, 2022 Public Hearings.

COMMISSION MEMBERS PRESENT:

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

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

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda.

CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

1. Request of **Plantation Luxury Flats, LLC (applicant)** for **A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is about four acres and is located along Cavalry Drive directly across from Express Street. The site was rezoned to C-2/PD in 1996. It is in Area 9 of the previously approved Plantation Pointe North Concept Development Plan. Approved uses were commercial uses consistent with the C-2 district. The site is currently vacant. A major tree line exists on the south property line. Adjacent uses include single family residential uses, a bank, a school, an office building and two restaurants. Pages 1-2 of the Staff Report provide those applicable sections of the zoning regulations. The site slopes upward from front to back at an average grade of 6 percent. The 2040 Future Land Use Map designates the site as Commercial (C). Pages 3-5 of the Staff Report contains sections from the Comprehensive Plan. Cavalry Drive is a local street with sidewalks. Mr. Schwartz showed photographs of the site and adjoining properties. The Concept Development Plan shows the construction of a 4 story building with 87,637 square feet with 8,879 square feet in the basement, 22,253 square feet on the first floor (commercial area with offices and service areas), and three floors having 18,835 square feet of residential use. It includes 48 residential units. It will include 36 two bedroom units and 12 one bedroom units. The site will include outside patio seating on each side of the building. A 30' x 60' multi-use court will be built on the bottom right portion of the property. The site will have 2 curb cuts onto Cavalry Drive. There will be 2 trash collection areas on each side of the property. There will be covered and surface parking. The covered parking will be close to the building. There will be two monument signs near each driveway. Stormwater will be detained on-site. A landscaping plan has been submitted along with a cross-section view from the adjoining residences. The site actually sits lower than the houses. Given the existing trees, the neighbors will see very little of the building – perhaps the top of the building only. Building colors and materials have been submitted. The City of Florence is in agreement with the colors and design of the building. The majority of the building will be brick. Two property signs are proposed at each end of the building. Pages 6-7 of the Staff Report gives an analysis of the development in relation to the applicable regulations and the original Concept Development Plan. The submitted plan is in general conformance of the regulations. Pages 7-8 of the Staff Report outlines the Staff Concerns, including modifications under the Planned Development (PD) requirements. One of them is to increase the height of the building from 50 feet to 56 feet. The second modification is to allow the 2 projecting signs. Mr. Schwartz referred

to the Plantation Pointe North Concept Development Plan documents which identifies monument signs not exceed 75 square feet and 20 feet in height. The applicant needs to clarify what they would like to build in terms of sizes. Again, the request is for a Change in Concept Development Plan in a C-2/PD District. It is not a Zoning Map Amendment request.

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

Ms. Michelle Bollman, Viox & Viox, Inc. referred to her PowerPoint presentation. She introduced the developer, Mr. Hemal Soni. He owns multiple retail businesses such as gas stations, restaurants, liquor stores and rental properties in Boone and surrounding counties. She described the site and immediate area surrounding the site. She showed a photograph of the existing tree line and the 1996 Concept Development Plan. The proposed building will be 4 stories in height. The partial basement will provide for an exercise room plus a storage area. Mr. Soni has agreed to remove uses from the list of permitted uses – SOB's, pawn shops, gasoline filling stations and helipads. Ms. Bollman reviewed the submitted Concept Development Plan. Parking for the commercial uses will be in front and on the sides. There will be 48 apartment or condominium units on the top 3 floors (56,505 square feet). Residents will park in the back of the building and enter through the main door. A covered parking structure will be built in the rear of the building. A one-way delivery corridor will be created for retail deliveries. Sidewalks are planned to connect to a sidewalk on Calvary Drive. The dumpsters will be made of brick. Utilities are already located along Cavalry Drive. Two detention ponds are shown – one in ground on the west side and one underground on the east side parking lot. The developer will follow the original 1996 landscaping requirements on the west, south and east sides of the site. On the east side of the site, there is a 36" storm sewer easement so trees were relocated from this area to other areas on the site. In addition, the 6 trees along Cavalry Drive are elsewhere on the site to protect the views for the commercial uses. They would like building mounted signs for the commercial uses. They currently don't have a design ready for the monument signs. She referred to the cross-section drawing as she felt the view was mostly obstructed.

Mr. Steve Starkey, RSL Commercial Architecture, stated that the predominant material would be brick – gray and blue. There will be two different colored EIFs. Stone will be installed on the lower portion of the building for the retail area. The roof will be pitched and have a dark bronze color. The residential units will have 10 foot ceilings. The pitched roof will be consistent with the roofs in the area. There will be balconies on all units on both sides of the building. The blade signs are for the residential units since the entrance will be from the back of the building only. Those signs are 20' – 25' in length and 5' in width. The parking structure will be dark bronze. The multi-use court will be like a tennis court with multiple sport lines (50' x 60'). All the roof top units will be concealed behind the roof line.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Mr. Ricki Behymer, 1830 Waverly Drive, stated that he lived in the southwest corner of the site. He expressed a concern about a 48 unit apartment building. He understands that it would be retail. He lives on a quiet cul-de-sac street. This will add a lot of traffic in his backyard and the smell of the trash from the north winds in the winter. He doesn't like apartments next to single family houses. He is concerned about safety over time. It is a beautiful building. He doesn't value it as an addition to his community.

Mr. Gino Bertagna, 1822 Waverly Drive, questions the view of the site from the single family residences. The cross-section view was taken from his house. This year is the first year that he was unable to see next door. He bought his house in 2016. The proposed building looks like a Marriott hotel from his backyard. There are better purposes or uses for the property in question than a 4 story building adjacent to a neighborhood that is one of the nicest in Florence. There are other places that would be perfect for the proposed building.

Chairman Rolfsen asked if any Commissioners had any questions or comments? He asked if the developer was going to leave any of the existing trees in the back? Ms. Bollman replied that her firm has not done a full survey of the property or trees. A lot of the existing trees are on the adjoining property. They will plant more trees for infill purposes. She offered to plant a wall of evergreen trees to block the 4 story building. Some of the neighbors already have a 3 board fence on the property line. Chairman Rolfsen asked if the roof was metal as well as the awning for the cars? Ms. Bollman replied yes. Mr. Costello reminded the applicant about the recorded design guidelines for the subdivision including the green metal roofs. Mr. Starkey stated that the intent was for them to provide something complementary and not identical. The building will have elevators. Mr. Soni stated that the units will be high rent in response to a question asked by Chairman Rolfsen. He didn't have an exact figure because he doesn't have a final design and cost for the project.

Chairman Rolfsen inquired about examples of projects in Boone County. Mr. Soni replied that he has retail businesses only and the proposed project is the first residential project. He stated that he has a retail convenience store in Verona, Kentucky. Others are in Carroll, Jefferson and Henry counties.

Mr. Hincks asked if any of the parking spaces are going to be reserved for the residents? Will there be enough to avoid parking in the neighborhood? Is it 2 cars per apartment? Ms. Bollman responded that parking was based upon the number of 1-2 bedroom apartments. There is enough parking based upon the uses and the zoning regulations. She said they would look into having reserved parking spaces for the residents with a possible numbering system.

Mr. Patton inquired about the parking structure. He asked if it could be articulated like the building? Could the ends of it have the same material as the building? Mr. Starkey replied that the concern is that it becomes more like a garage rather than a shade structure. Brick or stone could be added as a base. It would break it up. There will be metal on the building – awnings and balconies. The trash area will have brick/stone.

Mrs. Clark asked when the decision will be made about whether the units will be apartments or

condominiums? Apartments have a lot of turnover of residents and it relates to parking. Mr. Soni responded that it won't be made until the design and performance is done. Mrs. Clark stated that if the units are condos, the parking needs to be closer to the building due to weather conditions. Ms. Bollman explained that for fire protection purposes, the drive aisles are two way and they will have 2 entrances off Calvary Drive.

Ms. Gulick asked about the flow of pedestrians especially to the recreation area? Is there a safe route to get to the recreation area? What about deliveries? How would that work? What is the view of the balconies from the adjoining neighbors? There is only 1 view submitted. Is it possible to get views from all the houses that are impacted?

Mr. Szurlinski asked how close is the multi-purpose court area to the nearest residence? Will it be lit at night? Will it be fenced? If there is a basketball court, then it will be a problem due to the proximity of it to the school. What are the hours? Mr. Soni replied that the court will be fenced. Mr. Starkey stated that any lights for the parking lot and multi-purpose court will be below the eyeline of those people living behind the development. A time limit could be established to protect the neighbors. It would be key card controlled. Mr. Harper asked where the store in Verona was located. Mr. Soni replied that it is located on US 42 on the border of Boone/Gallatin County. Chairman Rolfsen suggested that the developer make some decisions on such things as the types of activities on the multi-purpose court. Also, it is recommended that the developer decide if it is going to be apartments or condominiums? It needs to be compatible with the area. What about the views from the nearby homes? Finally, nobody plants a 50 foot high tree. The landscaping plan needs to be realistic.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 16, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:40 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
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
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Mr. Kenny Vaught

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

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 8:41 p.m.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff

2. Request of **Tin Lizzie Cincinnati Two, LLC (applicant)** for **Channel Mark Holdings, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 1.2 acre area located at 4911 Houston Road, Florence, Kentucky. The request is for a Special Sign District to allow projector lights, flood lights, and two non-functional vintage gasoline pumps in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. In late September, the owner received approval of their Design Review application for their building mounted package. It did not include their flood and projector light package and two additional gas pumps. Mr. Morgan showed what the two additional gas pumps would look like if approved. They are 9'7" tall. He showed the location of the flood lights and projector lights. The lights will be red on most days. They may be a different color on special days like green on St. Patrick's Day. There will be 12 projector lights and 10 flood lights. Mr. Morgan showed building elevations that identified where the projector lights and flood light would be located. He showed photographs of the site and adjoining properties. Staff recommends that the projector and flood lights be limited to one color a day and the lighting should be constant with no blinking effects. The request could set a precedent for the area. Staff is unaware of any other examples of this type of lighting in the Houston-Donaldson Study area.

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

Mr. Sam Tancredi, Tin Lizzie Cincinnati Two, LLC, distributed a photograph of the red projector lights and flood lights. The lights are much more subtle (see Exhibit A).

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

Ms. Gulick asked what changed? What is different than what was submitted previously? Mr. Tancredi replied there really was nothing different. It was just a different procedure to follow. Mr. Morgan replied that the applicant wanted to add 2 more gas pumps and change the color of the lights. Mr. Tancredi said the gas pumps and cars are typically at the front door but they will be on the side of the building. It is a garage theme restaurant. It is part of the brand. The projected opening of the restaurant will be December 12th. Even if the lights are approved, they know they won't be installed until after the opening.

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 November 16, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:52 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A – Photograph of exterior lighting