

RESOLUTION R-22-007-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH A CONDITION, FOR A REQUEST OF CROSSROADS COMMUNITY CHURCH INC. (APPLICANT AND OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD (C-2/PD/MR) DISTRICT FOR AN APPROXIMATE 11.5 ACRE AREA LOCATED AT 828 HEIGHTS BOULEVARD, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with a condition, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with a condition, in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district is more particularly described in DEED BOOK: 900 PAGE NO: 646 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with a condition, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky, findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."


The Committee recommended approval for this request based on the findings of fact and condition as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with a condition, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 6TH DAY OF APRIL, 2022.

APPROVED:


CHARLIE ROLFSEN
CHAIRMAN

ATTEST:


TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb

EXHIBIT

“A”

STAFF REPORT

#2

Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

February 2, 2022

REQUEST

- A. The applicant is requesting a Change In An Approved Concept Plan to modify the paint color of the existing building.

SITE HISTORY

- 1991 On November 26, 1991, the City of Florence adopted Ordinance Number O-44-91, changing the zoning of the site from C-2/PD to C-2 (R-91-019-A).
- 1992 On July 15, 1992, the Boone County Planning Commission approved a Site Plan for a 122,400 square foot building.
- 2011 –
- 2021 Various site plans were approved by the Boone County Planning Commission.
- 2012 On March 13, 2012, the City of Florence adopted the Mall Road District Study and rezoning the site from C-2 to C-2/PD/MR.
- 2014 –
- 2020 Various zoning permits for Crossroads Church were approved by the Boone County Planning Commission.
- 2020 On June 10, 2020, the city's Zoning Administrator made a determination that painting the exterior of the building to the colors of 'Gale Force' (Dark Gray/Black) and 'Navel' (Orange) would not be consistent with the requirements of the Mall Road District Study.
- 2020 On July 14, 2020, the Boone County Planning Commission approved a Minor Site Plan allowing for the painting of the exterior of the building to the colors of 'Gale Force' (Dark Gray/Black), 'Navel' (orange), Debonair' (Light Gray), and 'Waterloo' (Medium Gray).
- 2021 On April 28, 2021, the city's Zoning Administrator made a determination that painting the exterior of the building to the colors of 'Gale Force' (Dark Gray/Black) and 'Navel' (Orange) would not be consistent with the requirements of the Mall Road District Study and that an application for a Change In An Approved Concept Plan would have to be submitted for public hearing and legislative action.

APPLICABLE REGULATIONS

- A. Section 1517 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a AUtilization of an Underlying Zone Within a Planned Development@), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.
- B. Section 1500 of the Boone County Zoning Regulations states that intent of the PD district is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.
- C. Section 1020 of the Boone County Zoning Regulations states that the purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.
- D. Chapter 2, Recommended Development Concepts and Development Review Process, Development Review Process, of the Mall Road District Study states that a "long" review process is available for proposals that do not comply with the Study's recommendations. The "long" review process is to be approved through the Concept development Plan amendment process per Article 3 and/or 15 of the zoning regulations.
- E. Chapter 4, Design Requirements, Architectural Design, Exterior Wall Colors, of the Mall Road District Study states that exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing.

SITE CHARACTERISTICS

- A. The site contains approximately 11.5 acres and is located at the northeast corner of the intersection of Heights Boulevard with Mall Road.
- B. The site has approximately 907 feet of frontage along Heights Boulevard, approximately 302 feet of frontage along Mall Road, and approximately 619 feet of frontage along the I-71/75 on ramp.
- C. The site is currently occupied by an approximate 122,400 square foot building, a large off-street parking area, and a stormwater detention basin.
- D. Access to the site is from two curb cuts onto Heights Boulevard.
- E. Topographically, the developed portion of the site has been graded flat.
- F. The site is within the 60 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- G. The exterior of the building is currently painted with light and medium gray colors with orange trim.

ADJACENT LAND USES AND ZONING

- North: Vacant (C-2/PD/MR)
- South: Planet Fitness, TANK Park and Ride, Menards (C-2/PD/MR)
- East: Costco (C-2/PD/MR)
- West: Pep Boys, La-Z-Boy Furniture (C-2/PD/MR)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 "2040 Future Land Use Plan" designates the site for Public/Institutional and Commercial. The description of these land use designations are as follows:
 - 1. Public/Institutional – Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.
 - 2. Commercial - Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
 - 1. Land uses and zoning decisions shall strive to balance the rights of landowners

with the rights of neighbors and the community (Overall Goal A, Objective 4).

2. The unique characteristics of the legislative units and their different development and infrastructure needs should be recognized and accommodated (Overall Goal A, Objective 5).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
- C. Heights Boulevard is identified as a city maintained local street. The majority of Heights Boulevard provides for two way traffic within three lanes (one lane in each direction and a center left turn lane). Sidewalks are provided on both sides of the street.

RELATIONSHIP TO THE MALL ROAD DISTRICT STUDY

- A. The following Mall Road District Study Objectives apply to this application:
1. Facilitate a mixed-use district which includes a realistic variety of 24 hour functions including retail, service, office, residential, and entertainment uses, while maintaining Mall Road as a local and regional shopping destination. Encourage redevelopment for sites with obsolete projects.
 2. Capitalize on the assets afforded by each of the eight sub-areas, and tailor the land use recommendations to the sub-areas when applicable.
 3. Create architectural standards which will establish high quality design and "timeless" aesthetic attributes to the built environment, and which will be adaptable to changing occupants and tenant needs over time.
 4. Create site design standards which correlate to the recommended architectural standards and the overall Study recommendations.

STAFF COMMENTS

- A. The submitted Concept Development Plan is to repaint the exterior of the structure from its current two color (light gray and medium gray) pattern to a predominantly one color ('Gale Force' (Dark Gray/Black)) pattern with 'Navel' (orange) accents.
- B. Chapter 4, Design Requirements, Architectural Design, Exterior Wall Colors, of the Mall Road District Study states that exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing.

The applicant should address how their proposal meets this requirement.

- C. Staff sent out an Agency Memo to the City of Florence.

Josh Hunt, City of Florence, replied that he was surprised that the applicant decided to move forward with this request, since Kevin Wall (the previous zoning administrator) strongly recommended that they not move forward with anything beyond a two tone color scheme and that the solid dark color is not allowed under the zoning regulations.

STAFF CONCERNS

- A. All other buildings within the vicinity of the site have colors that are predominantly natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, and/or warm gray ranges.

The proposal will create a situation where the existing building will be incompatible with the surrounding area and will look out of place with the other existing buildings.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

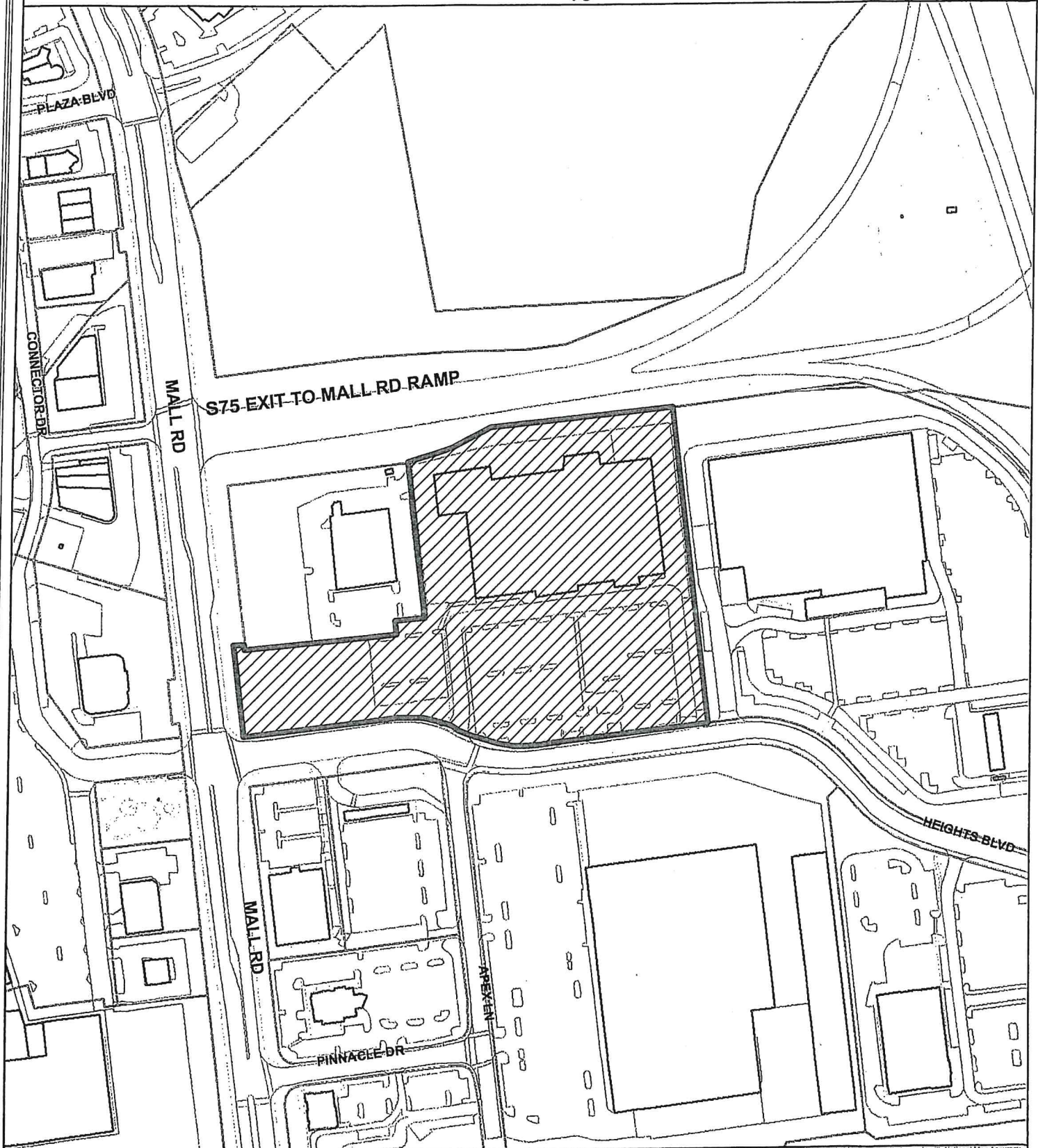
MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Project Narrative
- *Concept Development Plan

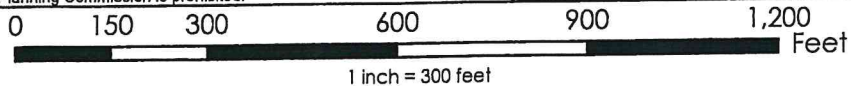
Vicinity Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS

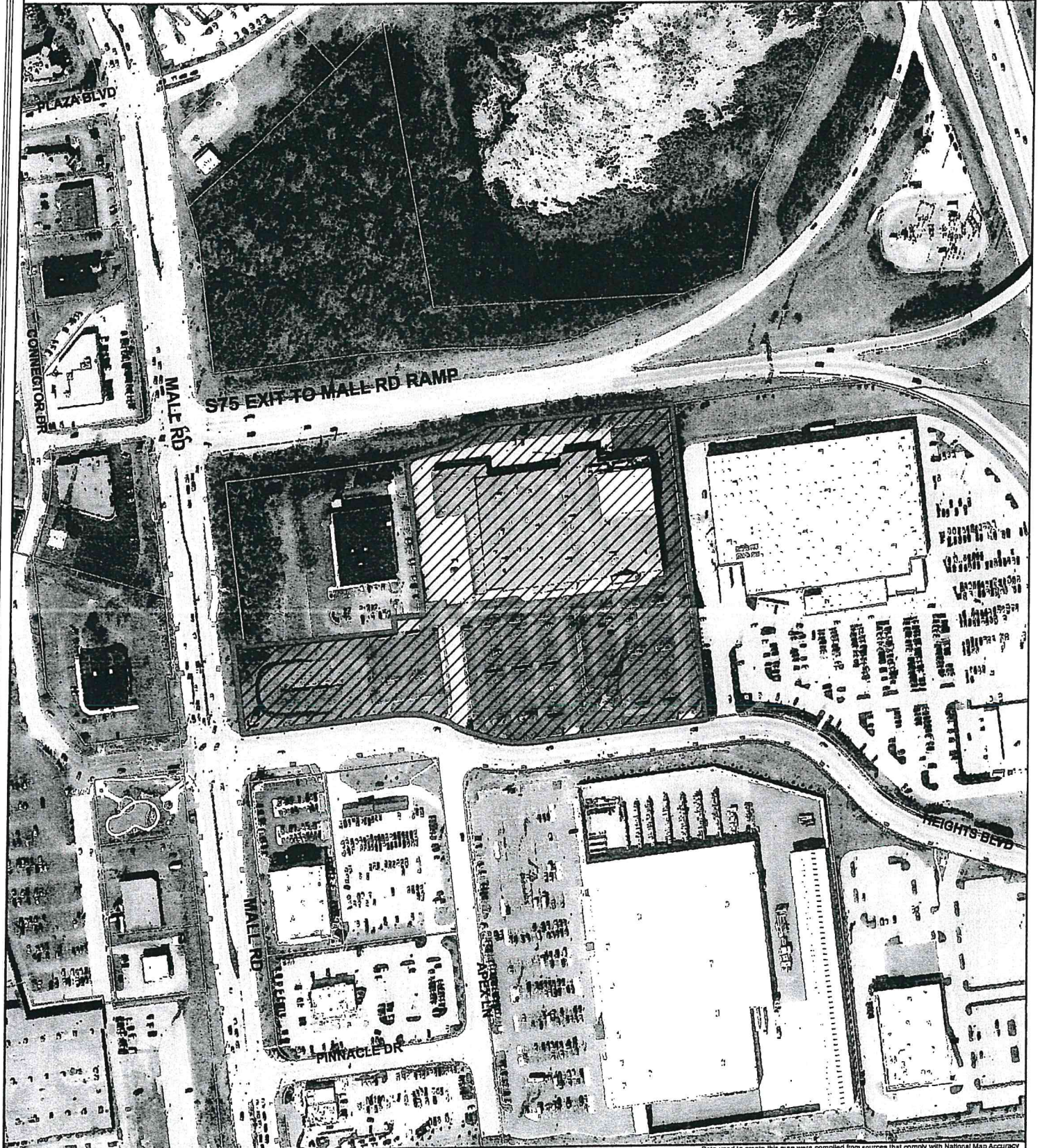


Map Created: 10/02/2021

Map Data: Engineering Source: 10/02/2021
ArcMap Document: *.mxd

Aerial Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 150 300 600 900 1,200 Feet

1 inch = 300 feet

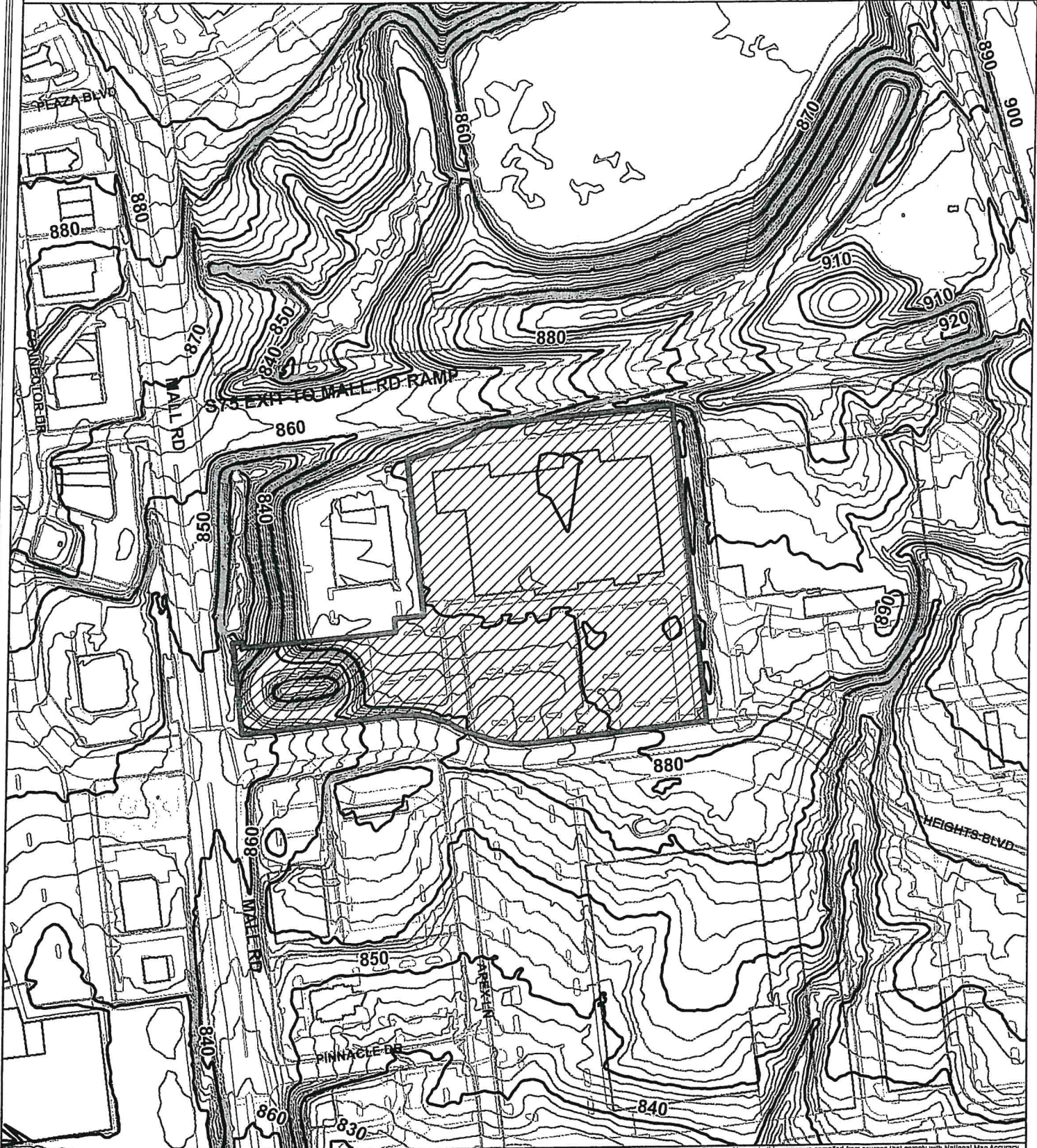
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 10/06/2021
ArchMap Document: *.mxd

Topographical Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 150 300 600 900 1,200 Feet

1 inch = 300 feet

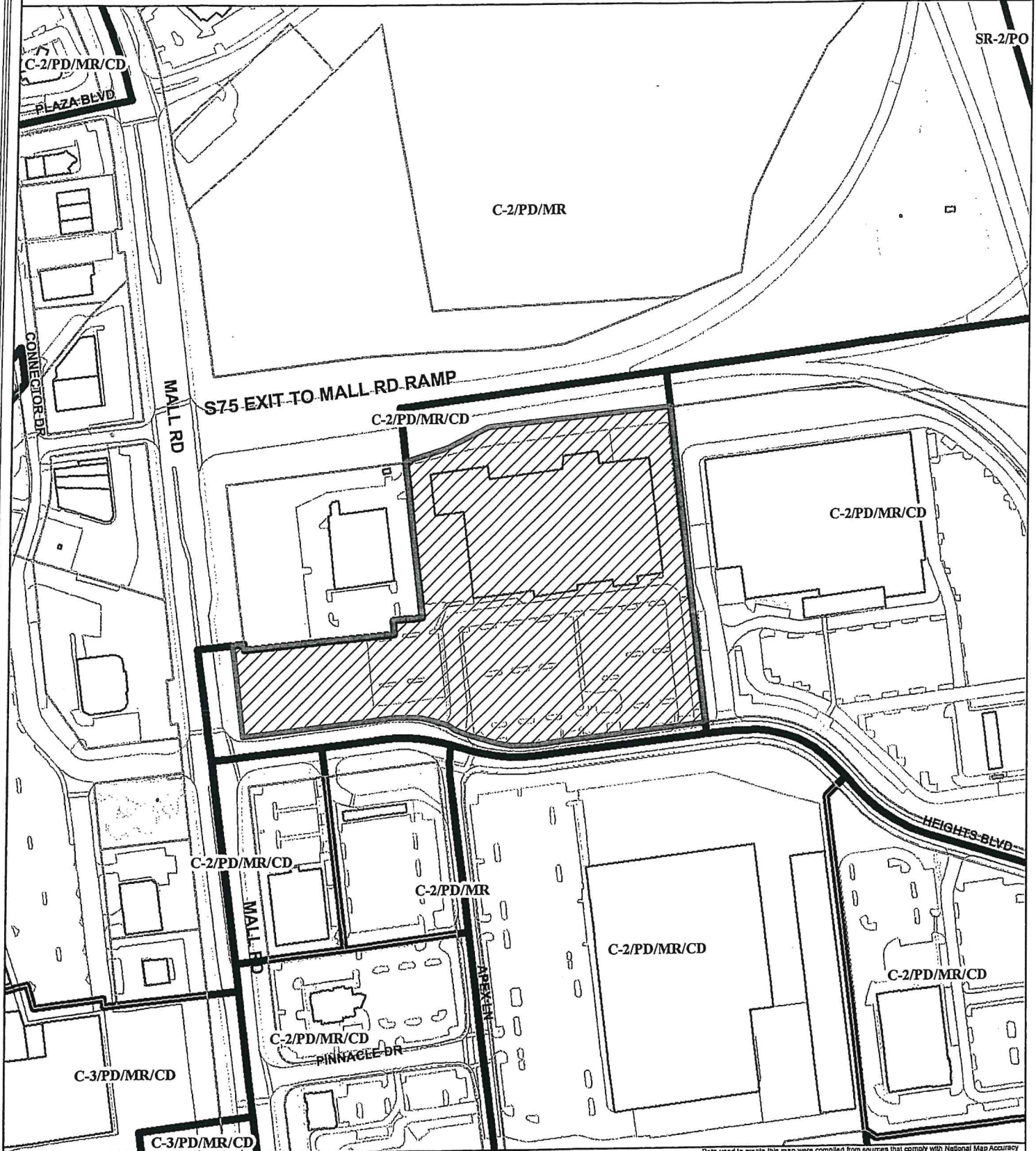
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 10/20/2021
ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 150 300 600 900 1,200 Feet

1 inch = 300 feet

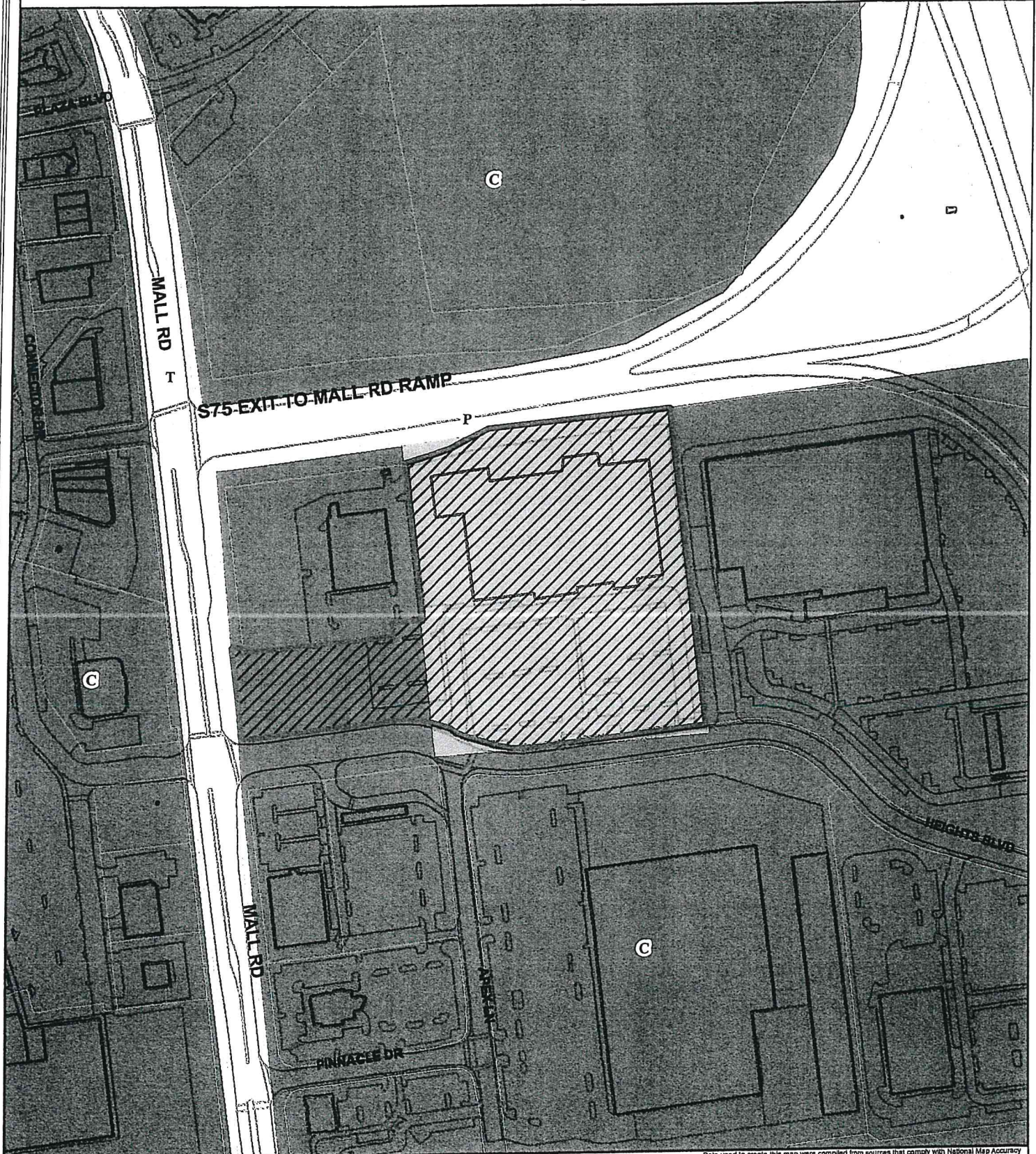
Boone County GIS



Map Created: 10/26/2021
ArcMap Document *.mxd

2040 Future Land Use Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 150 300 600 900 1,200 Feet

1 inch = 300 feet

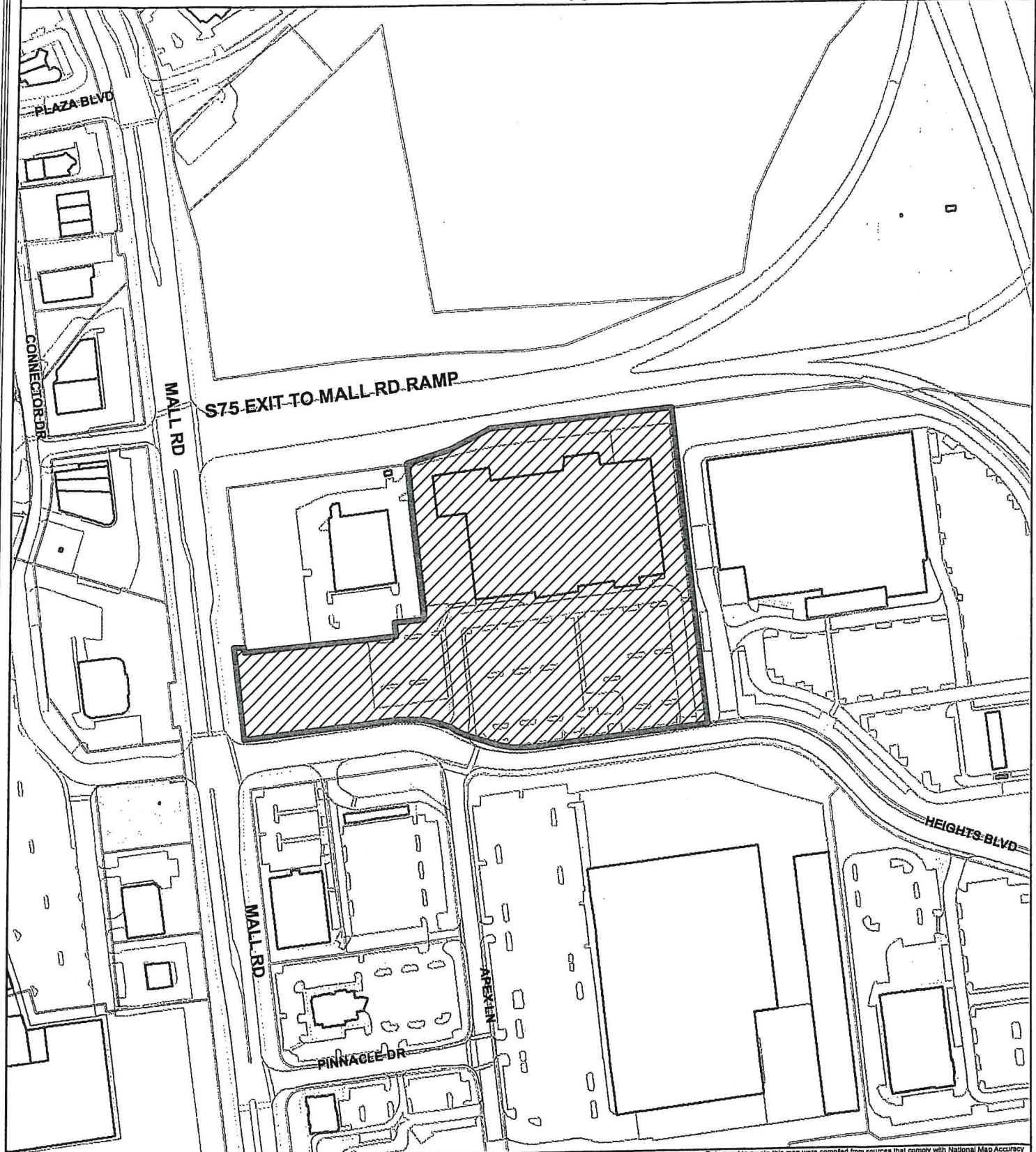
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 09/09/2021
ArcMap Document: *.mxd

Noise Contour Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 150 300 600 900 1,200 Feet

1 inch = 300 feet



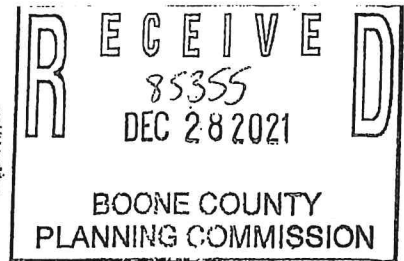
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

Map Created: 10/20/2021

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

An application consists of all fees paid in full, submitted drawings, and a completed application form

SECTION A: (To be completed by applicant)

1. Type of review (check one):
 - ☐ Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - ☒ Change in an Approved Concept Development Plan
 - ☐ Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - ☐ Long Range Planning Committee Review (as stated in the Union Town Plan)
 - ☐ Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
 - ☐ Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
 - ☐ Zoning Administrator Review (as stated in the Mall Road District Study)
 - ☐ Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
2. Name of Project: Crossroads Florence
3. Location of Project: 828 Heights Boulevard, Florence, KY
4. Total Acreage of Project: 11.58 acres
5. Current Zoning of Property: C2/PD/MR
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
R-15001-A; R-91019-A
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission ☒ Yes ☐ No
If yes, indicate the name of the study: Mall Road District Study
8. Proposed Use(s) (specify each use):
Repaint existing building using attached color scheme-see Attachment 1
9. Proposed Building Intensities (specify for each building):
No changes to the Intensities or physical areas of the existing building are requested and no new buildings are being added.
10. Have you submitted a Concept Development Plan: ☒ Yes ☐ No
11. Are you applying for any of the following (check all that apply):
☐ Conditional Use Permit ☐ Variance
12. Current Owner: Crossroads Community Church Inc.
Address: 3500 Madison Road
Cincinnati OH 45209
City State Zip Code
Phone Number: 513.673.9651 Fax Number: _____
Email: season.huff@crossroads.net
13. Applicant: Crossroads Community Church Inc.

Address: 3500 Madison Rd
Cincinnati OH 4509
City State Zip Code
Phone Number: 513.673.3651 Fax Number: _____
Email: season.huff@crossroads.net

14. Are there any existing buildings on the site: ☒ Yes ☐ No
If yes, indicate how many: _____

15. 0900 646 and 649 3260 and 2040B
Deed Book Page Number Group Number

16. Have you had a pre-application meeting with the BCPC staff: ☒ Yes ☐ No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- ☐ Boone County Building Department
☐ Boone County Public Works Department
☐ Boone County Water District
☐ Cincinnati Bell
☐ Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
☐ Duke Energy
☐ Florence Public Services Department
☐ Kentucky Division of Water
☐ Kentucky Transportation Cabinet

- ☐ Local Fire District
☐ Local School District
☐ Northern Kentucky Health Department
☐ Owen Cooperative Electric, Inc.
☐ Sanitation District No. 1
☐ USDA NRCS/Boone County Conservation District
☐ Other: _____

18. Concept Development Plan Jurisdiction/Location (check all that apply):
☐ Unincorporated Boone ☐ Florence ☐ Walton ☐ Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

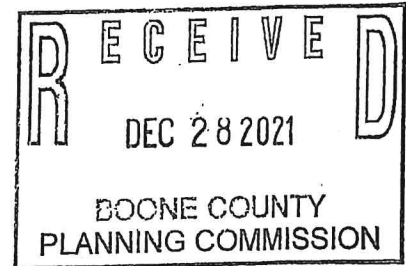
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____

ORIGINAL Property Owner's Signature: Season Huff
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Season Huff
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

December 27, 2021

Todd K. Morgan, AICP
Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, KY 41005
Sent via FedEx Tracking No. 775605701218



**RE: 828 Heights Blvd Change in Approved Concept Development Plan –
Crossroads Community Church, Inc.**

Dear Mr. Morgan:

This firm represents Crossroads Community Church, Inc. ("Crossroads") and is submitting the enclosed request to Change in an Approved Concept Development Plan. Crossroads is the owner of the property identified as 828 Heights Boulevard, Florence, Kentucky ("Subject Property").

Crossroads acquired the Subject Property on March 22, 2011, and spent considerable sums to rehabilitate it for use as a church. Crossroads opened to the community for services at the Subject Property on August 19, 2012 and has continued to operate at the location. The Subject Property was originally developed as an Old Thyme Pottery retail store and had been unused and the general area undeveloped at the time Crossroads acquired the Subject Property. Crossroads was interested in the Subject Property because it is similar to the first Crossroads church location at 3500 Madison Road, Cincinnati, Ohio ("Original Site") as it is a former big box retail location in a suburban community.

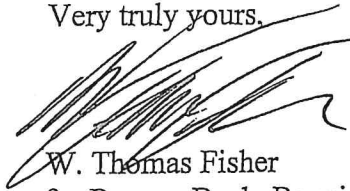
When Crossroads acquired the Subject Property the existing building was upgraded to the current design pursuant to the previous approved development plans noted in the application, but with final approval on November 8, 2011. Such plans were approved prior to the adoption of the current Mall Road District Study. Further, the current design and color scheme of the Subject Property vary from the requirements of the Mall Road District Study in building design, materials and colors. The Subject Property is located in an area where with other retail entities and Crossroads believes that having a distinct color pattern denotes the use of its building on the Subject Property as being different from the adjoining retail uses and that this is critical to its ability to perform its functions as a church.

Crossroads has grown and served the Northern Kentucky community from the Subject Property and repainted the Subject Property in 2019 with the current color schemes. Crossroads is

submitting this application to permit it to repaint the existing buildings on the Subject Property to use the existing color scheme used by Crossroads at all of its other locations, including the Original Site. The Florence location is the only site with a different paint scheme. Crossroads believes that the requested color changes are not inconsistent from the current approved colors and patterns on the building and are merely darker tones.

Enclosed please find the filing fee of \$2,547.60. If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

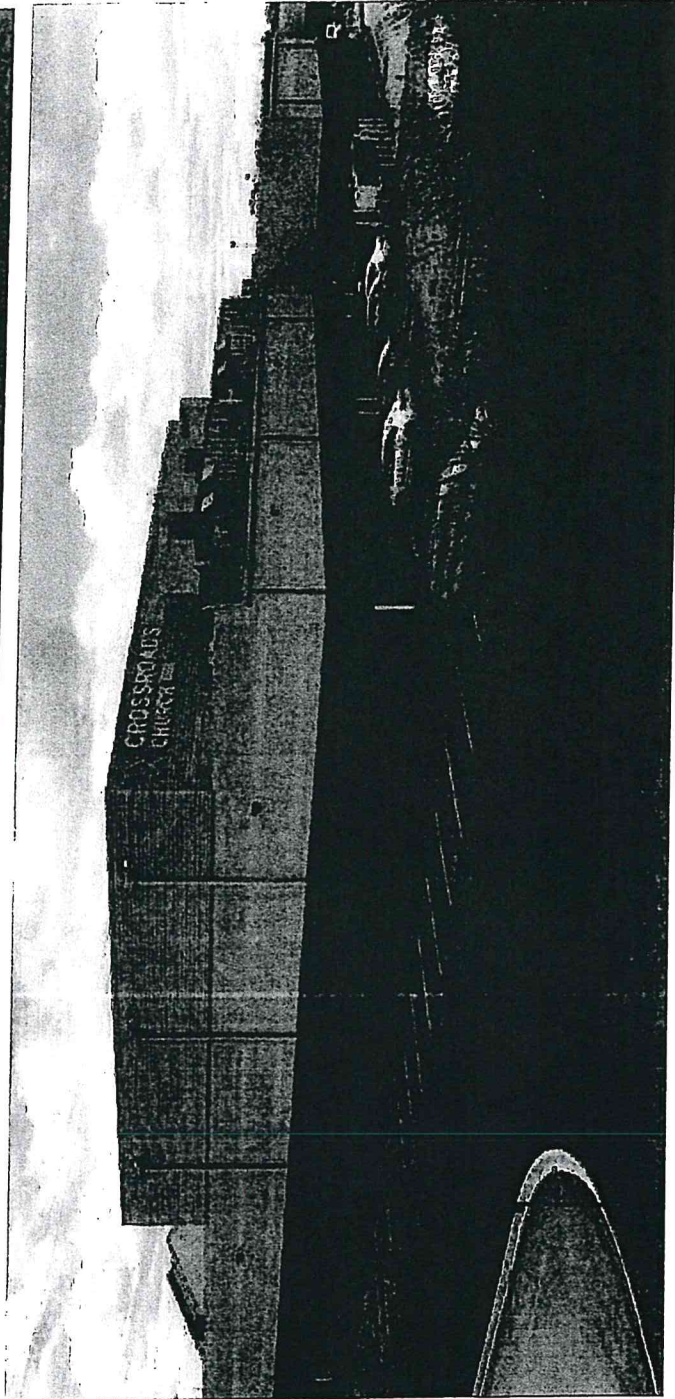
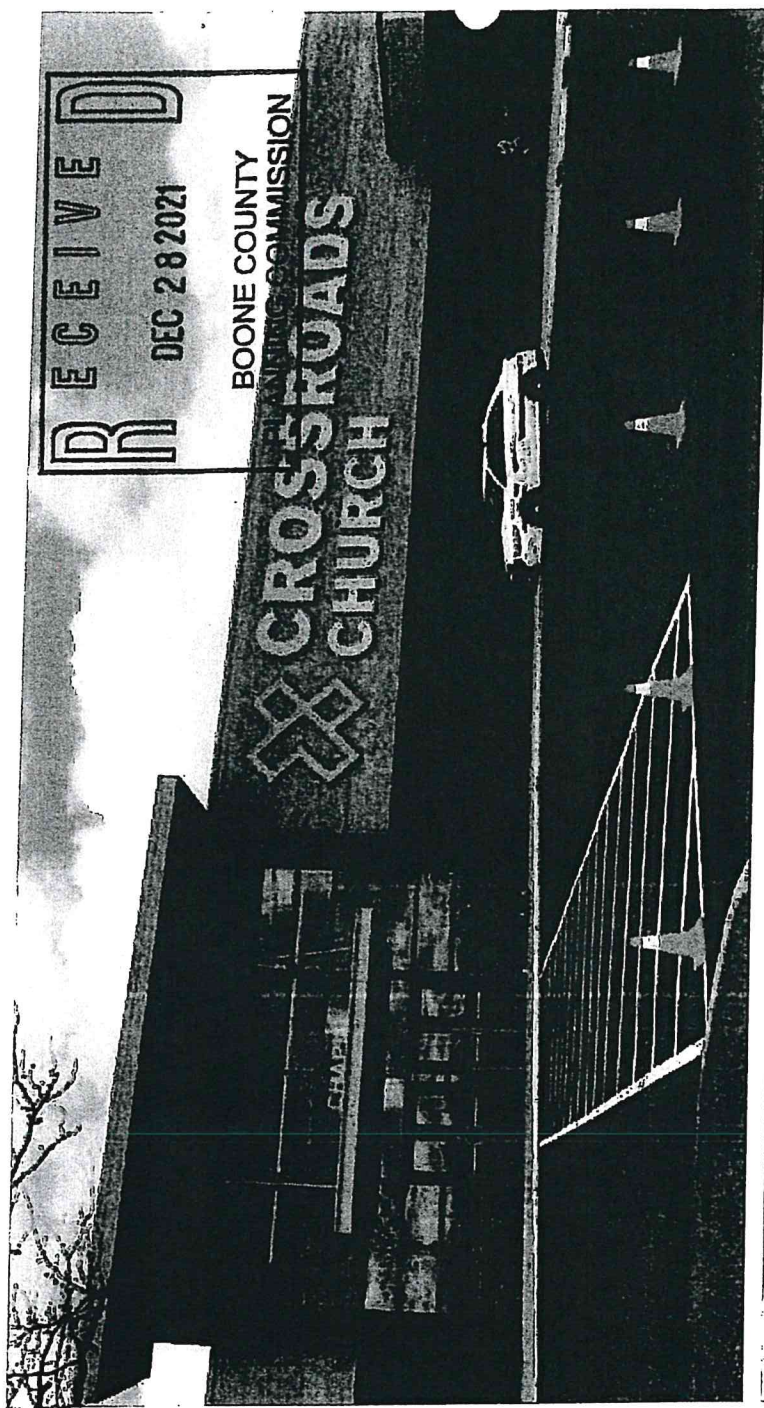
A handwritten signature in black ink, appearing to read 'W. Thomas Fisher', written over a horizontal line.

W. Thomas Fisher
for Barron, Beck, Bennie & Schlemmer

Cc: Season Huff via email



Current
Crossroads
Florence
exterior paint
scheme



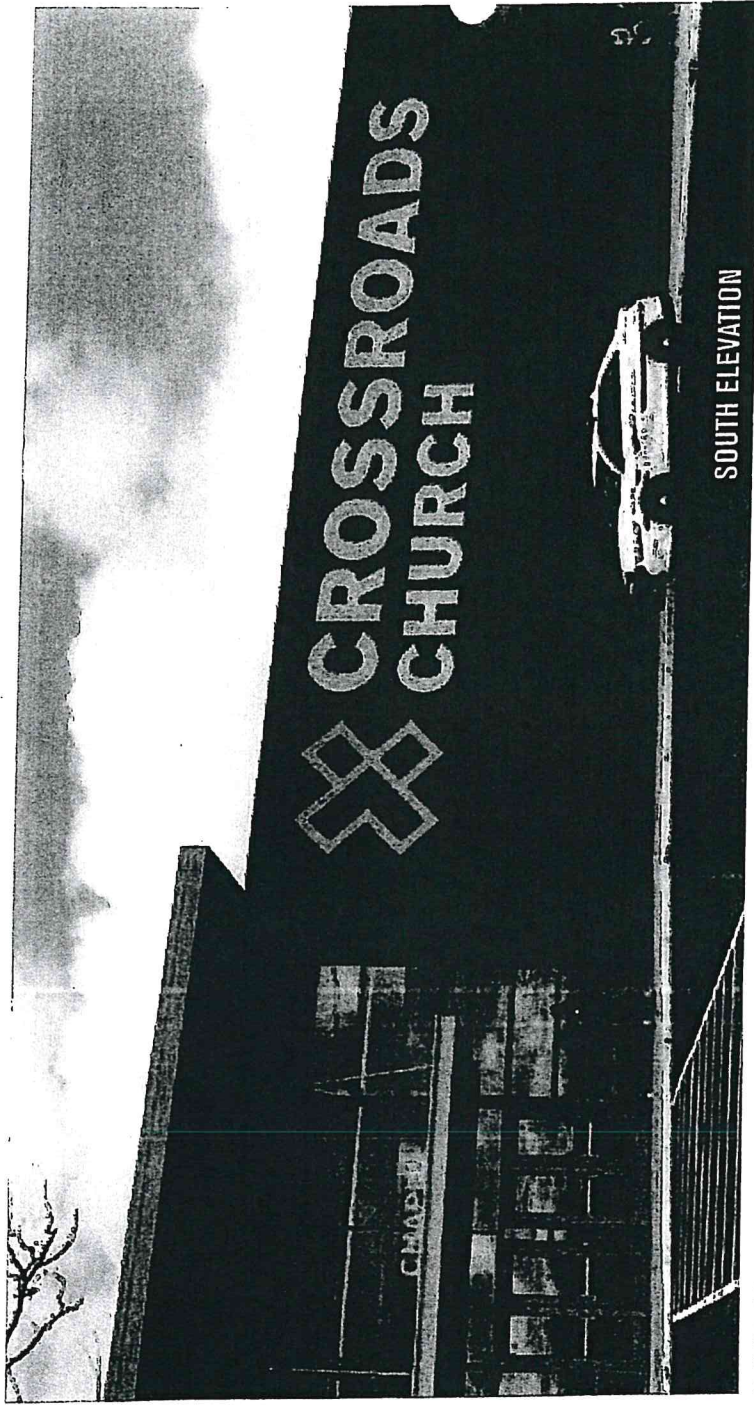


Proposed
Crossroads
Florence
exterior paint
scheme

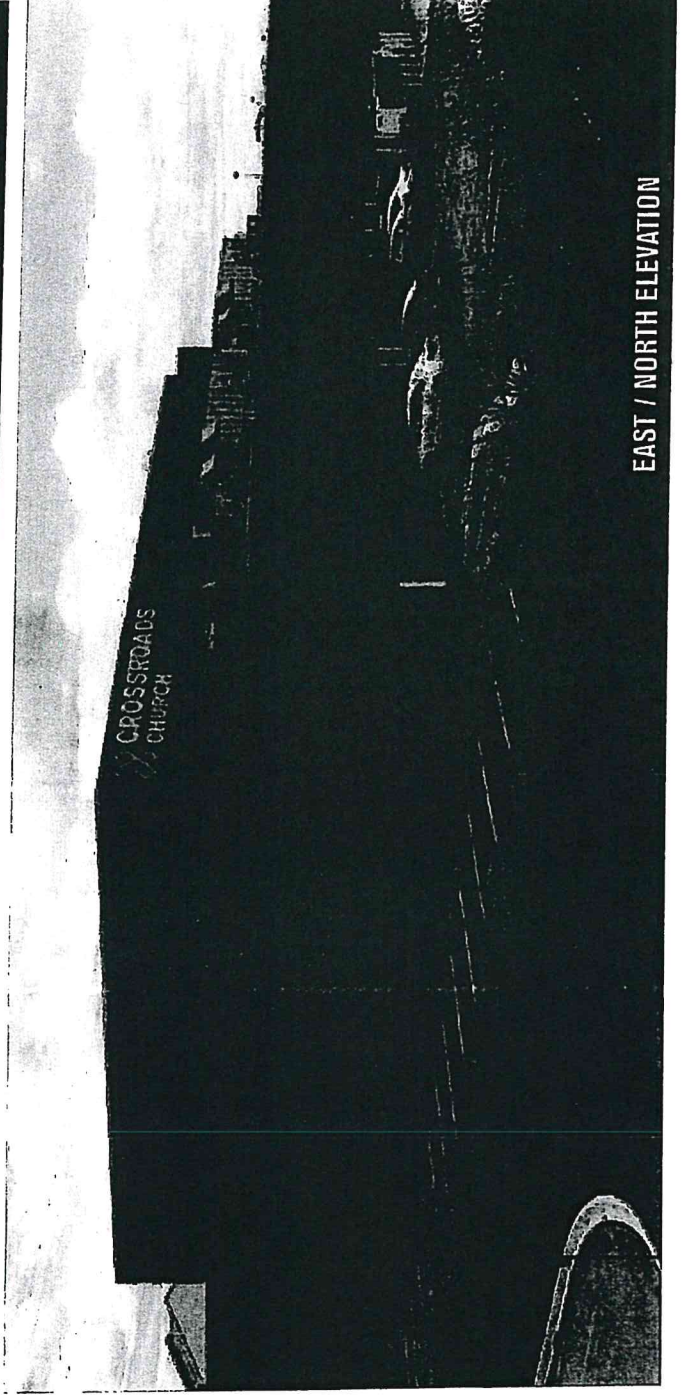
Sherwin
Williams
Colors
Shown:

SW7605
Gale Force

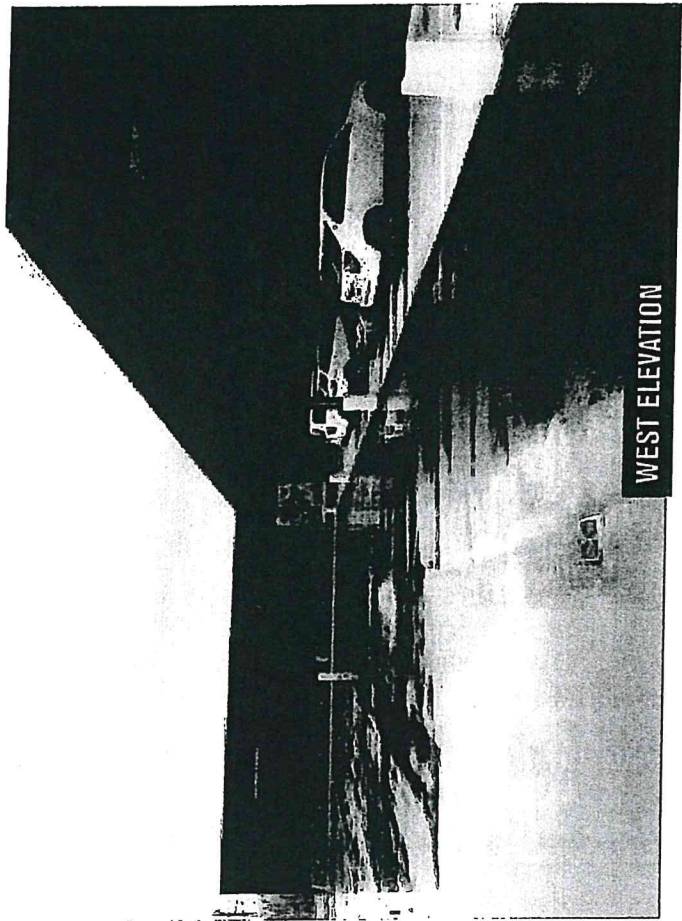
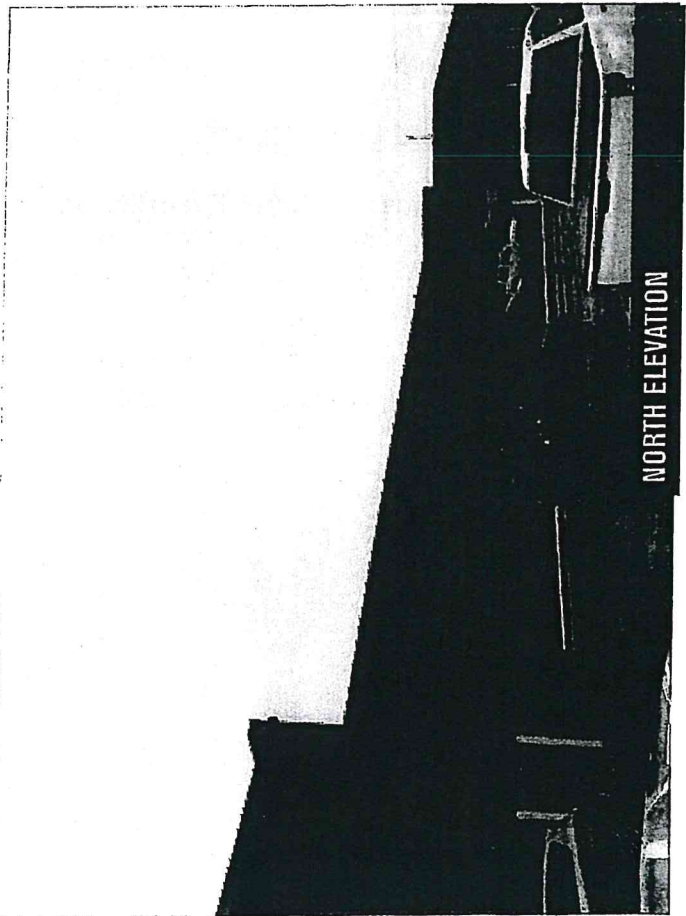
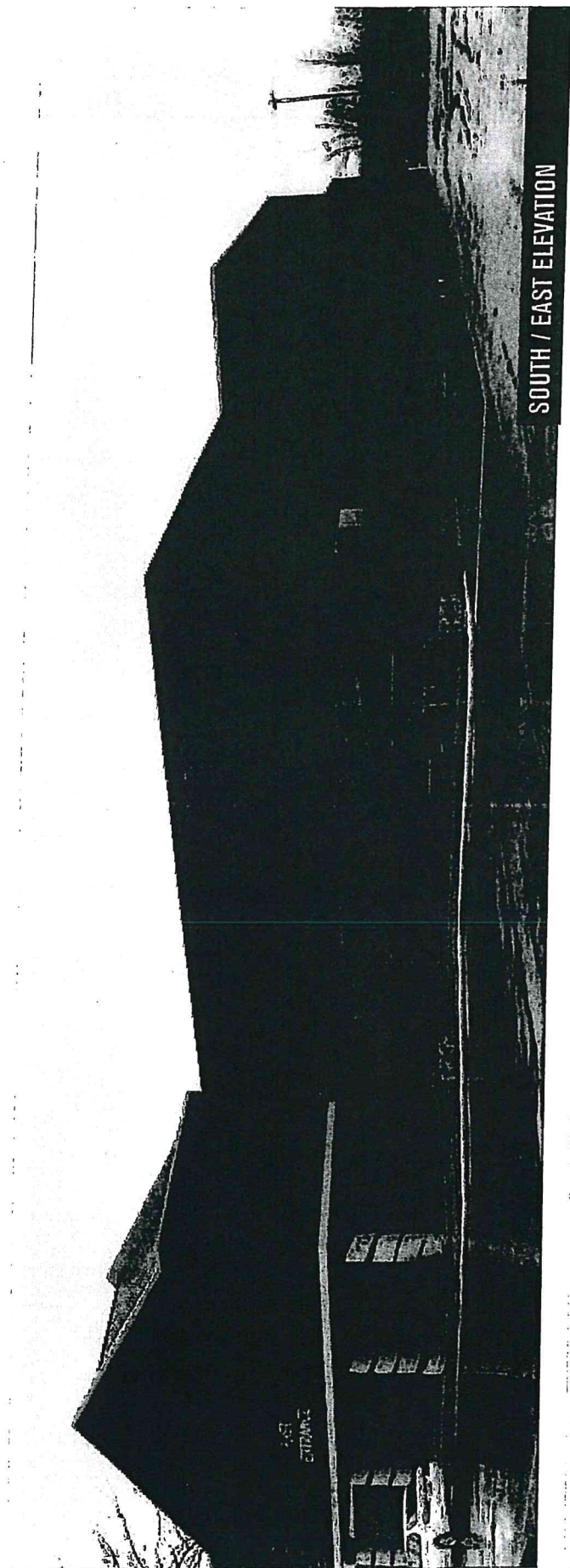
SW6887
Navel



SOUTH ELEVATION



EAST / NORTH ELEVATION



COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

LEGAL COUNSEL NOT 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

Chairman Rolfsen introduced the second item on the Agenda at 8:14 p.m.

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

1. Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is 11.5 acres in size and located off Heights Boulevard next to Costco. He showed aerial photographs of the site. It is zoned C-2/PD/MR as part of the Mall Road District Study in 2012. The Future Land Use Map designates the site for Public/Institutional (P) use because the building is presently used as a church. The site is located in the 60 DNL noise contour. Mr. Schwartz showed a photograph of the current building color scheme approved in 2020. It includes dark gray, naval orange, light gray and medium gray colors. This color scheme was approved by the Zoning Administrator after reviewing the request of the applicant to have all dark colors. The applicant would like to paint the entire building one color – Gale Force Gray with Naval Orange trim. Basically, the applicant would like to go with the color scheme proposed in the past. Mr. Schwartz showed photographs of the existing and proposed colors side by side. The applicant is requesting this change as a result of the Zoning Administrator's 2021 decision again not to allow the change as originally proposed in 2020. It is not consistent with the requirements of the Mall Road District Study. That is why they are requesting a Change in an Approved Concept Development Plan. The requirements of the Mall Road District Study are provided on pages 4 and 5 of the Staff Report. Page 4 of the Staff Report outlines the objectives of the Study. Requirements support the objectives. The primary requirement indicates that the exterior wall colors shall primarily use wall colors with natural tones such as those in the red, red-brown/terra cotta, brown clay, beige/tan/blonde, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing. Mr. Schwartz showed photographs of the existing buildings in the commercial subdivision – Menard's, Chik-fil-A, Costco, Planet Fitness, Pep Boys and Dave & Busters. They all follow the color pattern of the Mall Road District Study. Essentially, the applicant is asking for a change in color scheme different than what is allowed in the Mall Road District Study color scheme.

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

Mr. Tom Fisher, attorney representing Crossroads, stated that the current color scheme was put into place because the building needed to be painted from a maintenance standpoint before the winter. The church did not have the time to go through the process. The proposed color scheme is reflective of all Crossroads buildings in the region. Second, many of the Crossroads members don't like the current color scheme. It doesn't look good. The church sat down with Staff to look at options. Crossroads doesn't want to look like other retailers in the area. The building is not visible from Mall Road. The color scheme reflects the use of the building as a church.

Mr. Terry Phillips, Campus Minister, stated that there is a cost to painting the building. He feels that painting the building makes the building more attractive and appealing. The two-tone approach did not make this building that attractive.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing none, Chairman Rolfsen stated that he didn't like the colors. He explained that if the Planning Commission allowed the building to have the dark color, then anyone could request it and it would be hard to say no the next time. It would open a Pandora's Box.

Mr. Schwartz replied that it is a possibility if the Planning Commission doesn't have strong findings to approve the request then other building owners could come in and latch onto the same argument.

Mr. Fisher remarked that the reason for the request is that the use is a church. Other uses are retail or commercial based on the Land Use Map. It is a use that needs to stand out as it is important to their mission.

Mr. Patton noted that the Board approved the regulations in 2012. He assumed Crossroads saw the regulations a while ago? The Planning Commission just held Menard's foot to the fire in terms of the regulations for signs. If another mission based non-profit comes in with a color, how do we say no?

Mr. Fisher noted that Crossroads bought the property as the Plan was being discussed but not before it was passed.

Chairman Rolfsen understood the need to have the "trademark" color of gray to the other sites. Can it be calmed down so it is not that dark and blends in with the other buildings in the area?

Mr. Lunnemann stated that the color palette in the Mall Road District Study provides for a number of options. To allow a deviation to this extent would be detrimental to the District Study and area.

Mrs. Steele stated that a lot of thought was given to the Mall Road District Study and Crossroads was denied twice. And now they want to double down. That is not a way to get an approval. If they wanted these colors, perhaps they should have looked at other areas where these types of regulations are not in place. The applicant wants approval simply because they are a church.

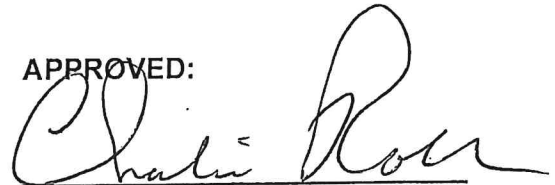
Mrs. Kegley explained that she likes the color the applicant picked but the building is located in the Mall Road District Study. The Study doesn't pin the applicant to a two-tone color scheme but it won't let them use a dark color exclusively.

Mr. Phillips responded that they will mock up some colors that are not as dark and more agreeable to the Planning Commission. The current color scheme may be less appealing than what is proposed in terms of fitting in with other buildings in the area.

Mr. Patton noted that the proposed color can be used as an accent color but not be used as the predominant color. It could be tempered down and still be used for branding purposes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 16, 2022 at 5:00 P.M. via live video teleconference. This item will be on the Agenda for the Business Meeting on March 2, 2022 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:36 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Charlie Rolfsen", written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to read "Kevin P. Costello", written over a horizontal line.

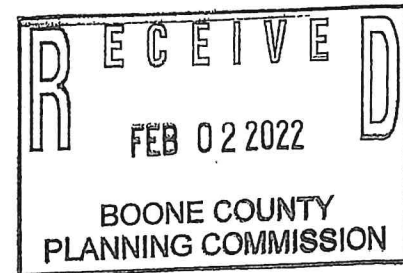
Kevin P. Costello, AICP
Executive Director



3200 Burnet Avenue
Cincinnati, Ohio 45229
513-585-6000
www.uchealth.com

February 2, 2022

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
PO Box 958
Burlington, KY 412005



Dear Boone County Planning Commission Members,

University of Cincinnati Medical Center's Air Care and Mobile Care Department ("UCMC") operates the hangar heliport adjacent to the property proposed for development by Walton Land Development Company, LLC for a 125-unit condominium complex. A Zoning Map Amendment is being requested by Walton Land Development Company, LLC to allow for the development of residential dwellings.

UCMC's heliport facility was opened on May 31, 2018. It is 5,700 SF and houses offices, pilot quarters and medical supplies as well as aircraft maintenance equipment.

The facility has enjoyed rapid growth since opening. In the last year, over 1,000 takeoffs have occurred, each with a corresponding landing. The prevailing flight path brings the aircraft in from the north, with departures also going north. These flight paths will take numerous arrivals and departures within 100 yards of the proposed condominium complex. These takeoffs and landings occur through the day and night and produce approximately 100 decibels of noise within 100 yards.

While UCMC is not opposed to the development, UCMC wants the record to reflect the level of aircraft activity in close proximity to the proposed condominium complex. UCMC anticipates further growth at this helipad consistent with the growth in Boone County, Kentucky. UCMC would not want to have conflicts related to its activities and noise disrupting the quiet enjoyment the condominium occupants expect.

We would be happy to respond to questions.

Sincerely,

A handwritten signature in cursive script that reads 'Robert R. Feldbauer'.

Robert R. Feldbauer
Vice President of Facilities
University of Cincinnati Medical Center

An oval containing the handwritten text 'Public Hearing Exhibit' in a cursive script.

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
MARCH 16, 2022
7:00 P.M.**

Chairman Charlie Rolfsen, opened the Business Meeting at 7:10 p.m. and welcomed the audience to the Planning Commission's March 16, 2022 Business Meeting. The Boone County Planning Commission, pursuant to KRS 61.826, will conduct its regularly scheduled Business Meeting on Wednesday, March 16, 2022 via live video teleconference. This meeting format has been necessitated due to the threats to public health presented by the novel coronavirus (COVID 19) pandemic.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Ms. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Ms. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenneth Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Patton, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the March 2, 2022 Business Meeting and Public Hearings. He asked if there were any other comments or corrections? **Mr. Turner moved to approve the Minutes as presented. Mr. Bessler seconded the motion and it carried unanimously.** Mr. Schwenke had not arrived at the meeting yet.

ACTION ON PLAN REVIEWS:

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

1. Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts (see Committee Report) and one condition. He noted the Committee voted unanimously voting in favor of the request. The property owner has signed the letter agreeing to the condition.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Terry Phillips, Crossroads Community Church, Inc., stated that the church wanted a design more in the line with their other buildings. Instead of using 2 different colors, they found one color more in line with the zoning code. The selected color will look good for them as well as the rest of the other buildings near the site.

Chairman Rolfsen asked if there was a motion to proceed?

Mr. Lunnemann moved to approve the Request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Condition. Mr. Harper seconded the motion and is passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, invited Staff Member Michael Schwartz to give a preview of the first complete draft of the 2020 Zoning Update material and where the information is located on the Planning Commission's website. Mr. Schwartz noted that the public just has to click the 2020 Zoning Update icon. One can view the current set of Zoning Regulations and Subdivision Regulations as well as the proposed regulations. New text is underlined and existing text to be deleted is crossed out. There is a search and a comment function. He showed a matrix of use categories. It is easier to identify the zoning districts which certain businesses are allowed. Mr. Schwartz also noted that the same type of matrix is being used for the sign code. The new code is more readable and easier to understand. A lot of graphics have been added to the Definition section. Mr. Schwartz showed new graphics that define different types of yards. Letters have been sent to various stakeholder groups and the four legislative bodies regarding the review and comments on the proposed zoning text. Meetings have been scheduled with various stakeholder groups. In terms of mapping issues, there are about 130 properties that will be rezoned. The reason is to clean up zoning line work. There are no major zone changes being proposed. Notification letters have gone to property owners. About 40% of the 72 letters sent out resulted in follow up phone calls. None of the property owners had a major concern about the proposed change. The project is currently on schedule. It is anticipated that the Public Hearing for the 2020

Zoning Update will be scheduled at the July Business Meeting for a September/October Public Hearing. Final action would occur in late Fall/early Winter.

At this time, Mr. Schwenke entered the Business Meeting.

Chairman Rolfsen suggested using the words "not permitted" instead of using a dash line on uses not allowed. He stated that the draft is unbelievable and he credited the staff for doing such outstanding work. We are so lucky. Mr. Costello noted that Michael is trained in EnCode Software and Staff is thinking of using the same type of software for the Comprehensive Plan update in 2024.

Mrs. Clark commented the work is user friendly. It is a lot of information at a click away. She appreciated all the hard work performed by the Staff

Mr. Schwenke complimented Mr. Schwartz for his work. His work is better than what we have had in the past. Mrs. Kegley noted that Mr. Schwartz's work is succinct and to the point.

Mr. Costello reminded Board members that the Technical/Design Review Committee would meet immediately following tonight's Public Hearing.

OTHER:

None

There being no further business to come before the Planning Commission, **Mr. Harper moved to adjourn the meeting. Mr. Schwenke seconded the motion. The meeting was adjourned by unanimous consent at 7:32 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: March 2, 2022

RE: Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

REMARKS:

1. We, the Committee, recommend approval of the above referenced concept development plan based on the following findings of fact:

FINDINGS OF FACT:

1. The Committee has concluded that the proposed revised concept plan is generally in agreement with the following Goals and Objectives that are contained within Our Boone County – Plan 2040.
 - a. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 - b. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - c. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

The Committee has concluded that in adopting the Mall Road District Study, it was the intent of the City of Florence to create architectural standards which would establish high quality design and “timeless” aesthetic attributes to the built environment, and which would be adaptable to changing occupants and tenant needs over time and to create site design standards which correlate to the recommended architectural standards and the overall Study recommendations.

The Committee has concluded that the revised grey (Cityscape – SW7067) with orange trim color/dark blue accents scheme aligns to these goals and objectives.

2. The Committee has concluded that the proposed revised concept plan meets the architectural design requirements of the Mall Road District Study.

Chapter 4, Design Requirements, Architectural Design, Exterior Wall Colors, of the Mall Road District Study states that exterior walls shall primarily use colors which are

reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing.

The Committee has concluded that the revised grey (Cityscape – SW7067) with orange trim color/dark blue accents scheme is not exceptionally dark.

3. The revised grey (Cityscape – SW7067) with orange trim color scheme will differentiate the church use from other retail, service, and office uses within the area.
4. The Committee has concluded that the revised grey (Cityscape – SW7067) with orange trim color/dark blue accents scheme will provide consistent branding for the applicant with their other properties.
5. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions

CONDITIONS:

1. Development shall be consistent in all material respects with Option 3 of the graphical presentation made at the March 2, 2022 Committee meeting.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: February 16, 2022

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Rick Lunnemann,
Chairman, Michael Schwartz, Staff**

1. Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Via Live Teleconference

Janet Kegley

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ☒

Via Live Teleconference

Corrin Gulick

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ☒

Via Live Teleconference

Rick Lunnemann (Chairman)

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ☒

Randy Bessler (Alternate)

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ____

Via Live Teleconference

Kim Patton

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ☒

Steve Turner (Alternate)

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ____

Via Live Teleconference

Steve Harper

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ☒

Jackie Steele (Alternate)

For Project ____ Absent ____

Against Project ____

Abstain ____

Recorded by Michael D. Schwartz
Director, Zoning Services

TOTAL: 5 DEFERRED - FOR PROJECT - ABSENT
- AGAINST PROJECT - ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: March 2, 2022

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

1. Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Via Live Teleconference

Janet Kegley

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Via Live Teleconference

Corrin Gulick

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Via Live Teleconference

Rick Lunnemann (Chairman)

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Via Live Teleconference

Kim Patton

For Project _____ Absent ☒
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Via Live Teleconference

Steve Harper

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Jackie Steele (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____

Recorded by Michael D. Schwartz
Director, Zoning Services

TOTAL: _____ DEFERRED 4 FOR PROJECT 1 ABSENT
_____ AGAINST PROJECT 2 ABSTAIN

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

LEGAL COUNSEL NOT 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

Chairman Rolfsen introduced the second item on the Agenda at 8:14 p.m.

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

1. Request of **Crossroads Community Church Inc. (applicant and owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) district for an approximate 11.5 acre area located at 828 Heights Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit alternative building colors.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is 11.5 acres in size and located off Heights Boulevard next to Costco. He showed aerial photographs of the site. It is zoned C-2/PD/MR as part of the Mall Road District Study in 2012. The Future Land Use Map designates the site for Public/Institutional (P) use because the building is presently used as a church. The site is located in the 60 DNL noise contour. Mr. Schwartz showed a photograph of the current building color scheme approved in 2020. It includes dark gray, naval orange, light gray and medium gray colors. This color scheme was approved by the Zoning Administrator after reviewing the request of the applicant to have all dark colors. The applicant would like to paint the entire building one color – Gale Force Gray with Naval Orange trim. Basically, the applicant would like to go with the color scheme proposed in the past. Mr. Schwartz showed photographs of the existing and proposed colors side by side. The applicant is requesting this change as a result of the Zoning Administrator's 2021 decision again not to allow the change as originally proposed in 2020. It is not consistent with the requirements of the Mall Road District Study. That is why they are requesting a Change in an Approved Concept Development Plan. The requirements of the Mall Road District Study are provided on pages 4 and 5 of the Staff Report. Page 4 of the Staff Report outlines the objectives of the Study. Requirements support the objectives. The primary requirement indicates that the exterior wall colors shall primarily use wall colors with natural tones such as those in the red, red-brown/terra cotta, brown clay, beige/tan/blonde, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing. Mr. Schwartz showed photographs of the existing buildings in the commercial subdivision – Menard's, Chik-fil-A, Costco, Planet Fitness, Pep Boys and Dave & Busters. They all follow the color pattern of the Mall Road District Study. Essentially, the applicant is asking for a change in color scheme different than what is allowed in the Mall Road District Study color scheme.

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

Mr. Tom Fisher, attorney representing Crossroads, stated that the current color scheme was put into place because the building needed to be painted from a maintenance standpoint before the winter. The church did not have the time to go through the process. The proposed color scheme is reflective of all Crossroads buildings in the region. Second, many of the Crossroads members don't like the current color scheme. It doesn't look good. The church sat down with Staff to look at options. Crossroads doesn't want to look like other retailers in the area. The building is not visible from Mall Road. The color scheme reflects the use of the building as a church.

Mr. Terry Phillips, Campus Minister, stated that there is a cost to painting the building. He feels that painting the building makes the building more attractive and appealing. The two-tone approach did not make this building that attractive.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing none, Chairman Rolfsen stated that he didn't like the colors. He explained that if the Planning Commission allowed the building to have the dark color, then anyone could request it and it would be hard to say no the next time. It would open a Pandora's Box.

Mr. Schwartz replied that it is a possibility if the Planning Commission doesn't have strong findings to approve the request then other building owners could come in and latch onto the same argument.

Mr. Fisher remarked that the reason for the request is that the use is a church. Other uses are retail or commercial based on the Land Use Map. It is a use that needs to stand out as it is important to their mission.

Mr. Patton noted that the Board approved the regulations in 2012. He assumed Crossroads saw the regulations a while ago? The Planning Commission just held Menard's foot to the fire in terms of the regulations for signs. If another mission based non-profit comes in with a color, how do we say no?

Mr. Fisher noted that Crossroads bought the property as the Plan was being discussed but not before it was passed.

Chairman Rolfsen understood the need to have the "trademark" color of gray to the other sites. Can it be calmed down so it is not that dark and blends in with the other buildings in the area?

Mr. Lunnemann stated that the color palette in the Mall Road District Study provides for a number of options. To allow a deviation to this extent would be detrimental to the District Study and area.

Mrs. Steele stated that a lot of thought was given to the Mall Road District Study and Crossroads was denied twice. And now they want to double down. That is not a way to get an approval. If they wanted these colors, perhaps they should have looked at other areas where these types of regulations are not in place. The applicant wants approval simply because they are a church.

Mrs. Kegley explained that she likes the color the applicant picked but the building is located in the Mall Road District Study. The Study doesn't pin the applicant to a two-tone color scheme but it won't let them use a dark color exclusively.

Mr. Phillips responded that they will mock up some colors that are not as dark and more agreeable to the Planning Commission. The current color scheme may be less appealing than what is proposed in terms of fitting in with other buildings in the area.

Mr. Patton noted that the proposed color can be used as an accent color but not be used as the predominant color. It could be tempered down and still be used for branding purposes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 16, 2022 at 5:00 P.M. via live video teleconference. This item will be on the Agenda for the Business Meeting on March 2, 2022 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:36 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Charlie Rolfsen", written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to read "Kevin P. Costello", written over a horizontal line.

Kevin P. Costello, AICP
Executive Director