RESOLUTION R-23-016-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF TERRACE TOWNHOMES, LLC, PER BRAD TRAUTH (APPLICANT) FOR TERRACE DEVELOPMENT CO., LLC, PER PHIL DREES (OWNER) FOR A ZONING MAP AMENDMENT FROM UNION COMMERCIAL/PLANNED DEVELOPMENT (UC/PD) TO URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD) FOR AN APPROXIMATE 0.5 ACRE AREA LOCATED AT 2011 TERRACE COURT, 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 Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with Conditions, for the Zoning Map Amendment.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with Conditions, this Zoning Map Amendment being a zone change from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Union Commercial/Planned Development (UC/PD) zone is more particularly described in DEED BOOK: 873, PAGE NO. 620, (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 Conditions, for a Zoning Map Amendment request are the Findings of Fact and Conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request

BOONE COUNTY PLANNING COMMISSION RESOLUTION R-23-016-A PAGE TWO

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 Conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with Conditions, for a Zoning Map Amendment for a zone change from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky, shall be forwarded to City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 17TH DAY OF MAY, 2023.

APPROVED:

CHARLIE ROLFSEN

CHAIRMAN

ATTEST:

TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb

EXHIBIT "A"

Request Terrace Townhomes, LLC, per Brad Trauth (applicant) for Terrace Development Co., LLC, per Phil Drees (owner) for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

April 5, 2023

REQUEST

A. The request is for a Zoning Map Amendment for an approximate 0.5 acre area located along the north side of Bowman Way. The proposal is to construct 6 attached single-family residential units.

SITE HISTORY

- On April 7, 2004, the Boone County Planning Commission recommended approval of a proposed Zoning Map Amendment changing the site which is a part of a larger area in question from RS/UTO, UC, and UNO to UR-1/PD and UC/PD (R-04-009-A). On April 21, 2004, Florence City Council adopted Ordinance Number O-16-04, approving the Zoning Map Amendment.
- On March 16, 2005, the Boone County Planning Commission recommended approval of a Change in an Approved Concept Development Plan (R-05-006-A). The proposed change would allow building mounted, drive-through, menu board, and directional signage per section 3412 and 3413 instead of 2580. On May 10, 2005, Florence City Council adopted Ordinance Number O-10-05, approving the amended Concept Development Plan.
- On October 5, 2005, the Boone County Planning Commission recommended approval of a Change in an Approved Concept Development Plan (R-05-006-A). The proposed change would allow a second drive-through facility between two buildings. On December 13, 2005, Florence City Council adopted Ordinance Number O-30-05, approving the amended Concept Development Plan.

APPLICABLE REGULATIONS

- A. Section 308 of the <u>Boone County Zoning Regulations</u> states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
 - 1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question;
 - 2. The existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

- 3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- B. Section 311 of the <u>Boone County Zoning Regulations</u> states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Article 3. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.
- C. Section 1509 of the <u>Boone County Zoning Regulations</u> 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 district. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria 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 district (formerly called a "Utilization of an Underlying District 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.
- D. Section 906 of the <u>Boone County Zoning Regulations</u> states that "The purpose of the Urban Residential One district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low-density attributes to character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to urban activity centers."

EXISTING CONCEPT DEVELOPMENT PLAN

A. This site is located within Lot 5 of the Village Terrace Concept Development Plan, which identifies the site to be developed with a 6,000 square foot commercial/office condo building.

SITE CHARACTERISTICS

A. The approximate half acre (.5 acre) area is located along at the northwest corner of the intersection of Terrace Court with Bowman Way.

- B. The site is currently vacant.
- C. There is a 20' sanitary sewer easement along the western and northern property line and a 15' utility easement along the eastern and southern property line.

ADJACENT LAND USES AND ZONING

North: Attached single-family residential dwellings (UR-1/PD)

South: Torres Steakhouse/Donato's Pizza/Insight Eyecare (UC/PD)

East: Abby's Child Enrichment Center (UC/PD)

West: Substation (RS/UTO)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. <u>Our Boone County Plan 2040</u> designates the site for Commercial uses which is described as Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following <u>Our Boone County Plan 2040</u> Goals and Objectives apply to this application:
 - 1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 - 2. 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).
 - 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 4. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).
 - 5. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - 6. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city

(Demographics Goal B, Objective 1).

- 7. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).
- 8. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses (Demographics Goal B, Objective 6).
- 9. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
- C. The following is an excerpt from Our Boone County Plan 2040:
 - 1. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2040 Future Land Use Map and also affect the Boone County Zoning Regulations. (Land Use, Description and Purpose of Land Use Maps, 20 Union, page 137).
- D. The following is an excerpt from Our Boone County Plan 2040:
 - Developments in Boone County must recognize the potential impacts upon 1. adjoining land uses and incorporate a transition of land uses, building setbacks. and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks

cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

- Developments in Boone County must include landscaping to accompany the 2. proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
- E. Bowman Way is identified as a local street providing for two-way traffic within two driving lanes.

RELATIONSHIP TO THE UNION TOWN PLAN

- A. The 2000 Union Town Land Use Plan Map designates the overall Village Terrace site for three different land uses. The remaining portion of the US 42 frontage area, including Lot 5, is designated for Single-Family Detached and Town Homes. The Union Town Land Use Plan Map illustrates a conceptual connector street in the same general alignment as "Bowman Way," which has been constructed since the plan has been adopted.
- B. The "Town Home" designation is defined as the "first row of units faces Old and New US 42/ Mt. Zion/ Hathaway Road; on this first row of homes aluminum/vinyl siding prohibited on all facades; rear or side entry garages only.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
 - 1. Construction of 6 attached single-family residences.
 - 2. Provision for 12 parking spaces.
 - 3. Provision for landscaping.
 - 4. Provisions for sidewalks along Bowman Way and Terrace Court.
 - 5. Building elevations. The elevations show the buildings will be constructed with brick, vinyl siding, asphalt shingle roofing, and single-car garages in the rear of the property.
- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following (some of these requirements can be adjusted by the Planning Commission and City Council pursuant to the Planned Development (PD) regulations):
 - 1. Section 1506 of the <u>Boone County Zoning Regulations</u> includes a set of criteria that is to be used to evaluate the appropriateness of proposed developments. The following is an analysis of this criteria against the submitted plan:
 - a. Mixed Use Development and Pedestrian Orientation The submitted plan includes residential uses and a sidewalk along Terrace Court.
 - b. Compatibility of Uses The site is part of a larger mixed-use development (Village Terrace) and development of this site is one component of that larger plan.
 - c. Open Space The submitted plan provides for a perimeter buffer yard.
 - d. Multi-Modal Transportation System Not applicable.
 - e. Preservation of Existing Site Features Not applicable.
 - f. Landscaping Landscaping has been provided along the perimeter of the site.
 - g. Architecture The submitted plan indicates that the building will be brick and vinyl siding.
 - h. Historic and Prehistoric Features Not applicable.
 - i. Transportation Connections and Entry Points The submitted plan indicates that access will be from a curb cut onto Bowman Way.
- E. Staff sent out an Agency Memo to the Boone County Building Department, City of Florence, and the Florence Fire Department and received no comment.

STAFF CONCERNS

- A. The following list provides a summary of those requirements that are being requested to be waived/altered using the PD district regulations:
 - 1. The UR-1 front setback buffer is 30'. Approximately 45 linear feet along Terrace Court has a front yard setback of less than 30' and approximately 58' along Bowman Way has a front yard setback of 25'.
 - 2. The landscape buffer B is required on the West side of the property, and the buffer area shown is around 7'.
 - 3. The proposed landscaping is placed in easements around the property. The applicant will need approval from the easement holders to encroach into the easement.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 3 of the Boone County Zoning Regulations, Section 1514 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,

Alaina Hagenseker

Planner, Zoning Services

Anta

AH/ss

Attachments:

*Vicinity Map

*Aerial Map

*Topographical Map

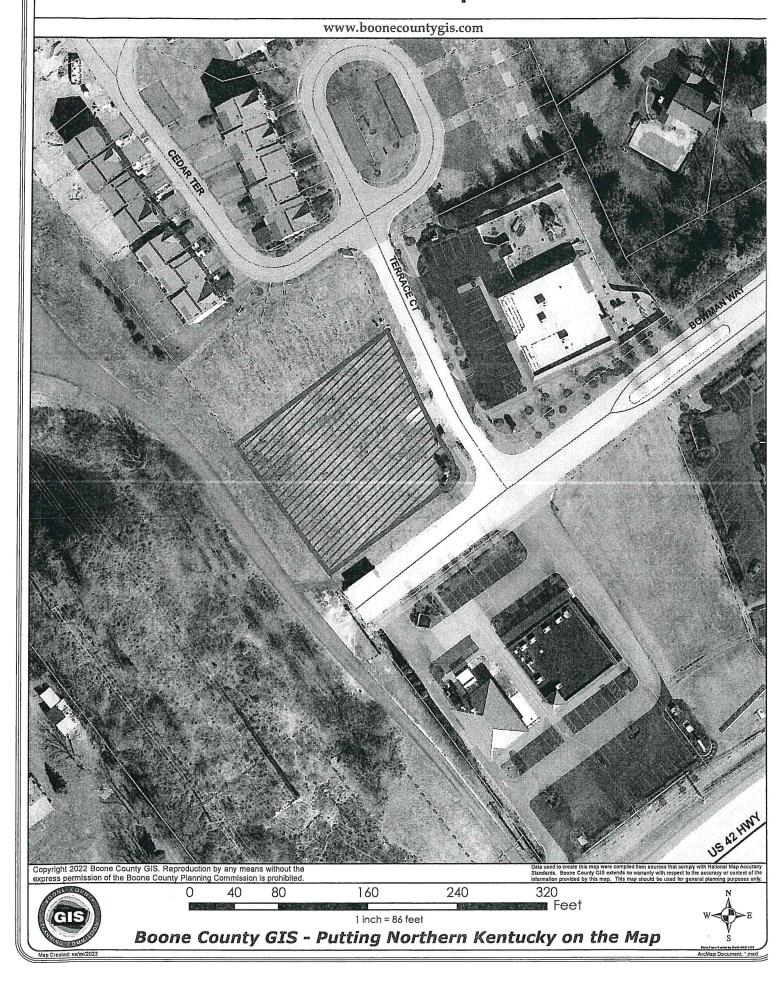
*Zoning Map

*2040 Future Land Use Map

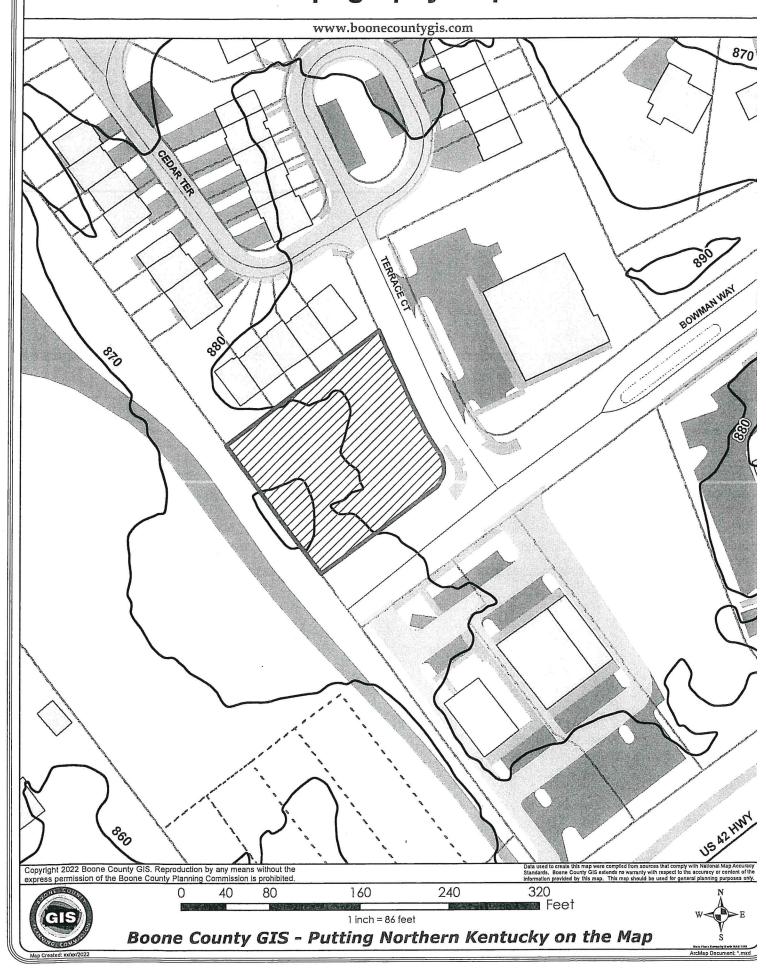
*Application

*Concept Development Plan

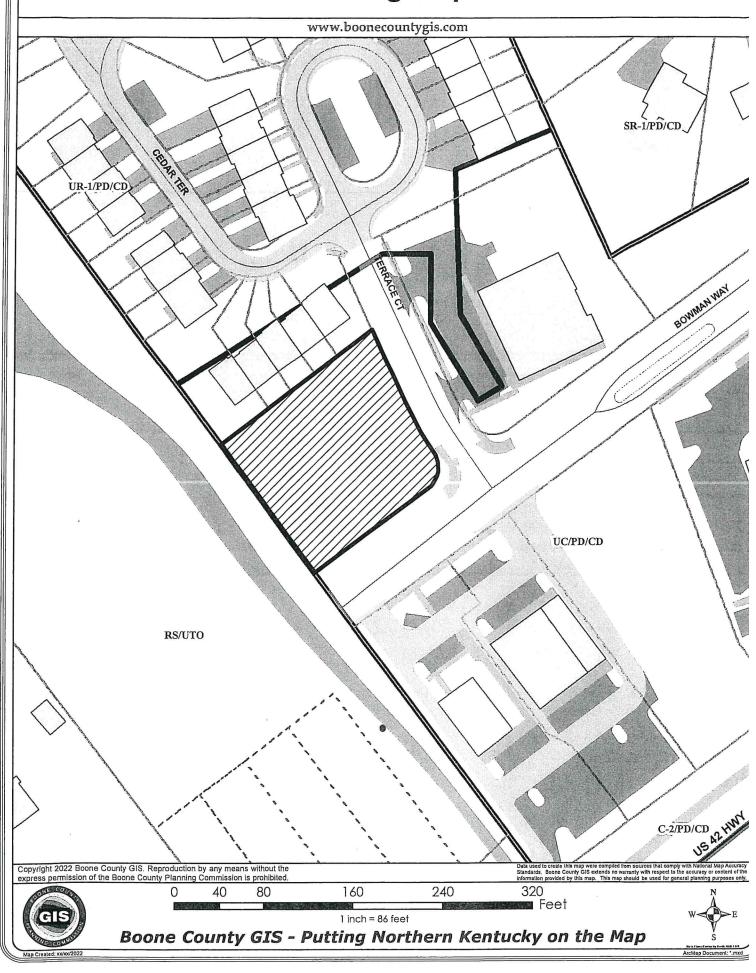
Aerial Map



Topography Map



Zoning Map



20-0 Future Land Use Map

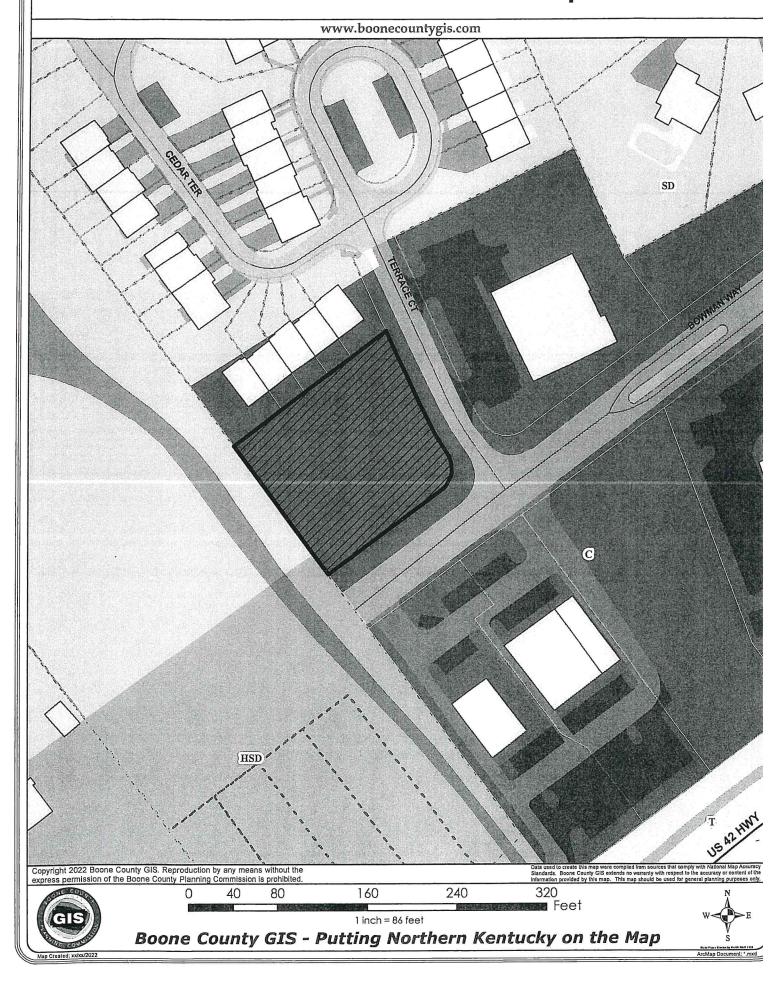


EXHIBIT "B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO:

Boone County Planning Commission

FROM:

Janet Kegley, Chairwoman

DATE:

May 3, 2023

RE:

Request Terrace Townhomes, LLC, per Brad Trauth (applicant) for Terrace Development Co., LLC, per Phil Drees (owner) for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

FINDINGS OF FACT:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions:

- 1. The Committee has concluded that the proposed UR-1/PD district is appropriate and the existing UC/PD district is inappropriate for the following reasons:
 - A. The approved Concept Development Plan from the 2004 Zoning Map Amendment approval shows that a 6,000 square foot commercial or office condominium would be developed on the subject site. The development of the site with a commercial use is not likely because the site is not visible from U.S. 42. An office use is also not likely because of the current market conditions for office uses.
 - B. The proposed 6-unit townhouse is appropriate because other townhouses exist or are being constructed to the north of the site.
- 2. The Committee concluded the request is in agreement with the following Planned Development standards found in Section 1506 of the <u>Boone County Zoning Regulations</u>:
 - A. <u>Mixed Use Development and Pedestrian Orientation</u> Village Terrace is a mixed use which contains commercial and residential uses. Sidewalks conditions have been imposed to improve pedestrian walkability.
 - B. <u>Compatibility of Uses</u> The proposed townhouse building is compatible with the other townhouses to the north, commercial uses to the south, and the daycare to the east.

- C. <u>Landscaping</u> A conceptual landscaping plan was submitted and it shows substantial landscaping will be provided.
- D. <u>Architecture</u> The proposed townhouse building will correlate to the other townhouse buildings in the subdivision.

CONDITIONS:

- 1. The approval shall be based on the submitted Concept Development Plans except as modified by the conditions below. The Zoning Administrator can permit minor changes to the Concept Development Plan.
- 2. A sidewalk shall be provided between the front door of each townhouse and the sidewalks on Terrace Court.
- 3. The applicant shall contact the appropriate utility companies and determine what landscaping can be permitted within their utility easements. The applicant shall provide written documentation of these conversations to the Planning Commission at the time the Major Site Plan application is submitted for review. The Zoning Administrator may allow modifications to the landscaping plan based on the submitted documentation.
- 4. The applicant has also voluntarily agreed to construct an additional sidewalk segment on the west side of Terrace Court. The sidewalk shall be constructed on the adjoining townhouse property to the north to complete the sidewalk system between Bowman Way and Cedar Terrace.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO:

Boone County Planning Commission

FROM:

Janet Kegley, Chairwoman

DATE:

April 19, 2023

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.

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Alaina Hagenseker, Staff

3. Request of Terrace Townhomes, LLC, per Brad Trauth (applicant) for Terrace Development Co., LLC, per Phil Drees (owner) for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

Janet Regiey (Chairwoman)	Gorrin Gunek
For Project Absent Against Project	For Project Absent Against Project Abstain Deferred
Abstain Deferred	Abstain Deferred
Rick Lunnemann	Kathy Clark (Alternate)
For Project Absent Against Project Abstain Deferred	For Project Absent Against Project Abstain Deferred
Steve Harper For Project Absent Against Project Abstain Deferred	Steve Turner (Alternate) For Project Absent Against Project Abstain Deferred
David Hincks For Project Absent	Jackie Steele For Project Absent
Against Project Abstain Deferred	Against Project Abstain
TOTAL: DEFERRED	3 FOR PROJECT ABSENT
AGAINST PROJECT ABSTAIN	

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler

Mrs. Kathy Clark

Mrs. Pamela Goetting

Mr. Steve Harper, Temporary Presiding Officer

Mr. David Hincks

Mrs. Janet Kegley

Mr. Rick Lunnemann

Mr. Eric Richardson

Mr. Bob Schwenke

Mrs. Jackie Steele, Secretary/Treasurer

Mr. Tom Szurlinski

Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick, Vice Chairwoman

Mr. Charlie Rolfsen, Chairman

Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director

Mr. Todd K. Morgan, AICP, Senior Planner

Mrs. Alaina Hagenseker, Planner

Secretary/Treasurer Steele introduced the second item on the Agenda at 8:06 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

2. Request of Terrace Townhomes, LLC, per Brad Trauth (applicant) for Terrace Development Co., LLC, per Phil Drees (owner) for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation (See Staff Report). The site is located at the intersection of Terrace Court and Bowman Way. The site is currently vacant. There is single-family attached housing north of the site, a day care center to the east, retail to the south and a sub-station to the west. The request is to rezone the site to UR-1/PD to allow 6 attached single-family residential units. The 2040 Future Land Use Map designates the site as Commercial (C). The submitted plan shows 12 parking spaces, landscaping and sidewalks. Building elevations have also be submitted. The buildings will be constructed with brick and vinyl siding. Garages will be located in the rear of the units. Ms. Hagenseker showed photographs of the site. The Staff comments are identified on Page 7 of the Staff Report including any waiver of the requirements under the PD request. The applicant is proposing front yard setbacks less than the 30 foot minimum requirement. The applicant is also asking for a landscaping buffer reduction to 7 feet. Also, the landscaping is proposed to be in an easement area, of which the applicant needs permission to do so from the easement holder.

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

Mr. Lee Rickey, a partner with Brad Trauth, stated that he was present to answer any questions.

Secretary/Treasurer Steele asked if any Commissioner had any questions or comments for the applicant.

Seeing none, Secretary/Treasurer Steele asked if anyone in the audience had any comments or questions?

Seeing no further questions or comments, Secretary/Treasurer Steele announced that Committee Meeting for this item will be on April 19, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on May 3, 2023 at 7:00 p.m. in the Fiscal Courtroom. Secretary/Treasurer Steele closed the Public Hearing at 8:11 p.m.

APPROVED:

Jackie Steele

Secretary/Treasurer

Attest:

Kevin P. Costello, AICP

Executive Director