

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2021- 05

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF JAMES R. WRIGHT, MICHAEL A. BROWN, LEE ANN BROWN, MEGAN LEE RUDOLPH and PHILLIP ANDREW RUDOLPH FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR A 11.9101 ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF THE US 42/CALLIE WAY INTERSECTION, THE SOUTHEAST CORNER OF THE FROGTOWN ROAD/CALLIE WAY INTERSECTION, ALONG THE SOUTH AND EAST SIDES OF CALLIE WAY, AND INCLUDING THE PROPERTIES AT 2054, 2058, 2066, AND 2070 CHRIS COURT AND THE PROPERTIES AT 10320 AND 10324 LEA WAY, UNION, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW DUPLEXES AND PATIO HOMES.

WHEREAS, the City of Union, Kentucky is a member of the county-wide planning unit, having a county-wide planning commission know as the Boone County Planning Commission; and

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 for a for an approximate 11.9101 acre site located on The Southeast Corner Of The Us 42/Callie Way Intersection, The Southeast Corner Of The Frogtown Road/Callie Way Intersection, Along The South And East Sides Of Callie Way, And Including The Properties At 2054, 2058, 2066, And 2070 Chris Court And The Properties At 10320 And 10324 Lea Way, Union, Kentucky.

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-21-002-A

recommended approval of the rezoning described above, with conditions; and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

WHEREAS, the Union City Commission desires to affirm and approve the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action and grant the application of the Zoning Map Amendment, with conditions.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY as follows:

SECTION I

That the request for a change in the Zoning Map Amendment being a Zone Change for an approximate 11.9101 acre site located on The Southeast Corner Of The Us 42/Callie Way Intersection, The Southeast Corner Of The Frogtown Road/Callie Way Intersection, Along The South And East Sides Of Callie Way, And Including The Properties At 2054, 2058, 2066, And 2070 Chris Court And The Properties At 10320 And 10324 Lea Way, Union, Kentucky. The Request Is For A Zone Change To Allow Duplexes And Patio Homes shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution R-21-002-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked Exhibit "A" and incorporated herein by reference.

SECTION II

If approval for Zoning Map Amendment shall be held invalid, in whole or in part, by any

court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

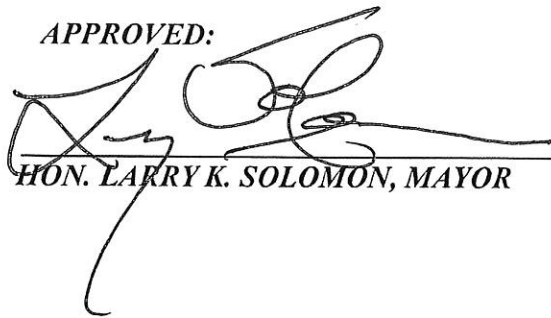
SECTION III

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

PASSED AND APPROVED ON FIRST READING this the 1st day of February, 2021.

PASSED AND APPROVED ON SECOND READING this the 1 day of March, 2021.

APPROVED:



HON. LARRY K. SOLOMON, MAYOR

ATTEST:



CHRISTY EVERMAN
CITY CLERK/TREASURER

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR THE REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR JAMES R. WRIGHT, MICHAEL A. BROWN, LEE ANN BROWN, MEGAN LEE RUDOLPH AND PHILLIP ANDREW RUDOLPH (OWNERS) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR A 11.9101 ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF THE U.S. 42/CALLIE WAY INTERSECTION, THE SOUTHEAST CORNER OF THE FROGTOWN ROAD/CALLIE WAY INTERSECTION, ALONG THE SOUTH AND EAST SIDES OF CALLIE WAY, AND INCLUDING THE PROPERTIES AT 2054, 2058, 2066 AND 2070 CHRIST COURT AND THE PROPERTIES AT 10320 AND 10324 LEA, UNION, KENTUCKY, AND PROVIDING THAT THE RECOMMENDATION BE FORWARDED TO THE CITY OF UNION, UNION, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from a Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the U.S. 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066 and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the U.S. 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066 and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky.

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, in a Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the U.S. 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066 and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two (SR-2) zone is more particularly described in DEED BOOKS/PAGE NOS. 1095/908, 1067/544, 940/56 and 981/578 respectively (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 in a Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the U.S. 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066 and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, 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 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 in a Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the U.S. 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066 and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky, shall be forwarded to the City of Union, Union, Kentucky having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 20TH DAY OF JANUARY, 2021.

APPROVED:


CHARLIE ROLFSEN
CHAIRMAN

ATTEST:


TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb

Exhibit A

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: January 6, 2021

RE: Request of Viox & Viox, Inc. (applicant) for James R. Wright, Michael A. Brown, Lee Ann Brown, Megan Lee Rudolph, and Phillip Andrew Rudolph (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the US 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066, and 2070 Chris Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky. The request is for a zone change to allow duplexes and patio homes.

REMARKS:

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

FINDINGS OF FACT:

1. The application is in agreement with Our Boone County Plan 2040 for the following reasons:
 - A. The 2040 future land use plan designates the majority of the site for "High Suburban Density Residential" uses. This future land use designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."
 - B. The proposal is in agreement with the following Goals and Objectives:
 - "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" (Demographics, Goal B, Objective 1).
 - "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).

- "Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical" (Environment, Objective 7).
 - "Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions" ("Transportation," Goal A, Objective 1).
- C. The proposal is in agreement with the following passages from the Demographics Element:
- "New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of different income levels" (Housing Types and Locations, pg. 19).
 - "Established single-family housing areas should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided to ease the transition. Duplexes are often more successful than multi-family housing in blending in with single-family residential surroundings. Therefore, when buffering is minimal between single-family housing areas and proposed multi-family units, an appropriate transitional area of duplexes may be designed" (Housing Types and Locations, pg. 20).
2. The application is in general agreement with the following text from the 2000 Union Town Plan:
- "As the Comprehensive Plan recommends in several elements, high density development should occur adjacent to major arterial corridors such as U.S. 42, with a transition of densities outward. The *Union Town Plan* accomplishes this objective also with the Town Center development area being centered around the intersection of new future arterial roadways, U.S. 42 and Mt. Zion Road" (Relationship to Boone County Comprehensive Plan, pg. 3).
3. The application is in general agreement the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations:

The Committee concluded the proposed Zoning Map Amendment is in agreement with the three findings above based on the following:

- A. The development has a proposed building intensity of 4.45 dwelling units per acre.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Viox & Viox, Inc./Wright, Brown, and Rudolph

January 6, 2021

Page 3

- B. The patio homes and duplexes are desired housing types by empty nesters and young working professionals.
 - C. The proposal will help finish off a dormant residential development and will have a low impact on existing infrastructure.
 - D. The development will be well buffered from US 42, Frogtown Road, Callie Way, and adjoining residential properties.
 - E. The subdivision is a mixed use development with compatible uses and a pedestrian orientation. The subject lot will contain useable open space and substantial landscaping.
 - F. The building elevations for high impact sites have been upgraded since the public hearing and additional masonry is being shown on these buildings.
 - G. A condition is being imposed which requires the sight distance for the proposed access point to be analyzed by the City Engineer before construction takes place.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County Plan 2040 and Article 3 "Amendment" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS:

- 1. The approval is based on the revised PowerPoint presentation that was submitted by the applicant at the 12/16/20 Zone Change Committee Meeting. The presentation included a revised landscaping plan, a second amenity area, revised building elevations, and house pictures.
- 2. Sight distance from the proposed access point on Callie Way shall be reviewed by the City of Union Engineer to determine that it is adequate. This review shall take place when the Major Site Plan application is submitted for review. The location of the proposed access point may be shifted slightly if it improves the sight distance.

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: Kim Bunger, Chairman
DATE: December 16, 2020

ZONING MAP AMENDMENT – Kim Bunger, Chairman, Todd Morgan, Staff

1. Request of Viox & Viox, Inc. (applicant) for James R. Wright, Michael A. Brown, Lee Ann Brown, Megan Lee Rudolph, and Phillip Andrew Rudolph (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the US 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066, and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky. The request is for a zone change to allow duplexes and patio homes.

REMARKS:

We, the Committee Members were present via live video teleconference 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.

Kim Bunger (Chairman)

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Lori Heilman (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Janet Kegley

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Steve Turner (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Rick Lunnemann

For Project ☐ Absent ☒
Against Project ☐
Abstain ☐ Deferred ☐

Randy Bessler (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Kim Patton

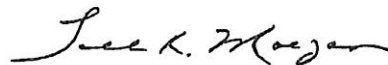
For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Katie Nolan (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Brad Shipe

For Project ☐ Absent ☒
Against Project ☐
Abstain ☐ Deferred ☐



Recorded Vote by Todd
Morgan, AICP, Senior Planner

TOTAL: _____ DEFERRED 3 FOR PROJECT 2 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Hellman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the second item on the Agenda at 8:35 p.m.

ZONING MAP AMENDMENT – Todd Morgan, Staff

Request of Viox & Viox, Inc. (applicant) for James R. Wright, Michael A. Brown, Lee Ann Brown, Megan Lee Rudolph, and Phillip Andrew Rudolph (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the US 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066, and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky. The request is for a zone change to allow duplexes and patio homes.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is 11.91 acres in size. It is Lot 5 of Union Pointe Centre Subdivision and is located in the City of Union. Mr. Morgan described the location of the site and adjoining properties. The site is accessed from Callie Way. Six duplex units have been built on the site along with the driveway network. Two sections of the existing private street network will be removed so that the new development can occur. The six existing duplex units will remain and 47 new units are proposed. There are 5 patio homes proposed and 42 attached duplex units. A new access point is proposed on Callie Way. All the streets will be publicly maintained with 26' wide right of ways and 25' pavement widths. The existing sidewalk system will remain and new sidewalks are shown on one side of the new streets. Forty-three guest/overflow parking stalls are shown on the HOA parcels. A patio area with picnic tables and benches is shown on the submitted plan near the retention lake. A large retaining wall is proposed north of lot 47 and the Chris Court cul-de-sac. What is the height of it and what will be the construction materials? Mr. Morgan showed photographs of the proposed residences purposed by Fischer Homes. A landscape plan was submitted with the request. The street frontage landscaping will be continued. The applicant wants to follow the original proposal along the Cool Springs property lines but since then, the landscaping requirements have increased. On Page 2 of the Staff Report, there is a listing of waivers being requested by the applicant under the Planned Development (PD) requirements. Mr. Morgan reviewed these waivers.

First, Section 941 of the Boone County Zoning Regulations principally permits patio homes with clusters of 20 more contiguous units, detached single-family landminiums with clusters of 20 or more contiguous units, and duplex units with garages in SR-2 zones. The maximum intensity is 8 dwelling units per acre.

The development doesn't contain 20 contiguous single-family patio homes and each patio home and duplex unit will be on its own lot of record as part of a landminium.

Mr. Morgan referred to the chart in the Staff Report that summarizes the proposed changes to the SR-2 single family patio home standards – lot sizes, road frontage and building setbacks. A chart summarizing the proposed change to SR-2 duplex standards was also presented as noted in the Staff Report – lot size, road frontage and building setbacks. In addition, some of the existing duplexes don't meet the proposed building setbacks because the existing private driveways are being converted to public streets. Thus, the applicant is requesting variances. The applicant

normally would have to meet the requirements of Buffer Yard B but they would like to keep the previously approved buffer yard of 10 feet and fewer trees. Finally, the applicant would like to deviate from the current street frontage requirements and plant 1 large tree per 40 linear feet along Callie Way and the street frontage buffering in front of the new units be based on the housing model. Additional landscaping would be added in those areas which are marked as high impact sites.

Mr. Morgan reviewed the site history dating back to 2005/2006. Originally, 38 duplex units and 1 patio home were approved. The original building intensity was 3.26 dwelling units per acre. That was one of the conditions. The proposed intensity is 4.45 dwelling units per acre. In addition, the applicant submitted building elevations of the proposed residential buildings. The units were Colonial style to match the office buildings.

The site slopes down towards the existing retention pond along U.S. 42 and the creek along Frogtown Road. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site as High Suburban Density (HSD), up to 8 dwelling units per acre either attached or detached. The parcel is located in the Union Town Plan and the Union Town Plan Map does not reflect the approved zone change in 2005/2006.

In terms of Staff Comments, the zone change application to SR-2/PD was submitted for the following reasons: The 2005/2006 Zone Change approval limited the building intensity of the residential lot to 3.26 dwelling units per acre. The proposed building intensity is 4.45 dwelling units per acre. The 2005/2006 approved building elevations showed the ranch duplexes would be Colonial in style, constructed predominately with brick, and have similar detailing as the office/commercial buildings. The proposed patio homes and duplexes don't comply with the approved elevations. The SR-2 zone principally permits detached single-family landminiums. It does not permit individual duplex units to be platted as part of a landminium. The applicant can seek this change as part of a Planned Development. Finally, variances are being sought to the SR-2 patio home and duplex standards (see pages 2-4 of the Staff Report). These Variances can be sought as part of the Planned Development.

The governing bodies need to determine whether the proposal is in agreement with the Our Boone County Plan 2040 (the adopted Comprehensive Plan) and the Union Town Plan. Staff has the following comments: The subject property was rezoned to Suburban Residential Two (SR-2) in 2005/2006. One of the findings found in the December 7, 2005 Zone Change Committee Report was the request was in general agreement with the Boone County Comprehensive Plan. One of the conclusions provided was the Colonial/ranch duplexes presented by the applicant were consistent with a single-family vision when considering the residential area has been limited to 3.26 dwelling units per acre and that all but one of the Union Town Plan's residential design criteria were being incorporated into the plan. The 2040 Future Land Use Map designates the majority of the site for "High Suburban Density Residential" uses based on the 2005/2006 zone change. The Demographics Element includes the following section which pertains to mixed-use and high density residential development. "New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment

to ensure that it fits in with existing surrounding development through proper buffering and design."

The project must also be evaluated by the Planned Development Overlay Standards. In regard to open space, Staff recommends that a second park plaza or seating area be provided in the HOA area between units 21 and 35. A Planned Development should also have substantial landscaping. Is the existing condition regarding landscaping sufficient enough or should it be upgraded to meet the current requirements? In Planned Developments, it is recommended that materials be largely masonry. Staff is concerned that the proposed patio homes and duplexes do not relate to the current architectural theme and that the predominate material appears to be siding. Staff would like the applicant's team to address the following: The submitted housing brochures show the front facades of the Winthrop and Maxwell units can have optional stone or brick. Is there a minimum masonry percentage on the front facades of all buildings (Winthrop, Maxwell, Hudson and Wembley)? Based on the elevations, the sides and rear of the buildings appear to be all horizontal siding. Is the siding vinyl or composite? Is the proposed roofing 3 dimensional asphalt shingles? A large retaining wall is shown to the north of unit 47. How tall is this wall? What are the proposed building materials? In addition, the second access point off Callie Way is being proposed to be located near a radial curve. Staff would like the applicant to analyze the sight distance to make sure it's adequate.

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

Mr. RJ Riegler, RJR Development Company, referred to his PowerPoint presentation. He gave an overview of RJR Development Company, LLC. He has a working relationship with all of the developers in the area and his wife is a realtor with ReMax Affiliates. His most recent development is Mary Lou Estates off Big Bone Road. This site has been sitting for 13 years. The HOA for the subdivision is up to date and in good standing. The site has been closely studied in order to make it successful. Mr. Riegler stated that they are asking for 4 things. First is a request for public roadways since it started with private streets. HOAs usually don't have the money to repave private streets. His company is willing to spend the money upfront. They are requesting variances in order to have professionally maintained areas. A second change is to switch from condominiums to landominiums in order to obtain financing more easily. Third, his company is requesting to build a different product than what was previously approved. The residential portion of the development has sat dormant for 13 years. Six condominiums were originally built by the developer. Four of the six are still owned by the developer. They are difficult to sell. As a result, they chose Fischer Homes because they know the market and have the experience to turn around dormant properties. Fischer Homes turned around Tanners Cove and Whitestone Links. The proposed increase in building intensity is still lower than what is allowed up to 12 dwelling units per acre. They have purposely left some of the existing buffer to help screen the development. About 45% of the acreage will be green or open space. They have assembled a good team to finish the site.

Ms. Michelle Bollman, Viox & Viox, Inc. stated that the current zoning is SR-2/CD and they are requesting SR-2/PD/CD. The Future Land Use Map designates the site as HSD – residential uses up to 8 dwelling units per acre. They are not going to disturb the creek area along Frogtown Road. Ms. Bollman showed the previously approved Concept Development Plan that depicted 39 units and private streets. The developer will install a fountain in the existing retention lake. In addition, they will add lettering for a sign on the existing stone walls/monuments. The existing trail around the lake will be resurfaced along with an existing trail located along Callie Way. Forty-seven new residential units are proposed on the site. This is an ideal location for this type of housing because it is located along a major transportation corridor in close proximity to local schools and other office and commercial uses. The HOA will maintain all landscaping and recreational open spaces as well as pedestrian connections. Along with the 47 new homes will be the 6 existing residential units. A Buffer Yard is shown around the perimeter of the site. A retaining wall is planned at the end of Chris Court. The maximum height of it will be 6 feet and it will be 150 feet long. Depending on the final grades, the retaining wall may go away. It will be a block wall. Due to the small number of additional residential units, it didn't necessitate a traffic impact study. Because Lea Way and Chris Court are being planned as public streets, they will need building setback variances. It would be front and side yard setback variances. The 10 foot rear yard setback variance is being requested in order to have a larger landscaping buffer. The landscaping and open space wraps the site. They will also add the same type street lights to the streets. Ms. Bollman summarized why she thought the project met all of the Planned Development Guidelines. The project meets the mixed use component since it is a part of a larger development with office and retail. Lot 5 will include many pedestrian connections. Lot 5 will have 5.4 acres of open space – green lawns, landscaping, pond, walking trail and bench seating. Lettering will be added to the existing entry monument. Street lights will be installed throughout the new area. Finally, landscaping will include existing mature trees and new additional buffer per the original zone change conditions (Condition D).

Ms. Tanya Gaynor, Viox & Viox, Inc., showed the existing landscape buffer on the site. The layout of the homes match the existing topography and graded conditions. They have agreed to provide more landscaping to the buffer yards facing Cool Springs Subdivision Condition D as noted on the December 7, 2005 Committee Report. Some of the existing vegetation might be slightly impacted from the grading of the site. On the southern property line, the existing fence will remain. Some of the existing trees will remain. She showed a layout of the street trees and a landscaping package around the units and the high impact areas. Ms. Gaynor also showed a layout of the seating area and the area also includes a walking trail. A fountain will be reinstalled in the lake. The seating area will include benches and tables.

Mr. John Haas, Fischer Homes stated that his Company has had success in turning 2 mothballed communities around. By completing a development, it will allow others in the area to sell their homes. The existing homes are based on 15 year old designs. All brick exteriors promote monotony throughout the community. There is no differentiation of colors. Today, homeowners want a more architectural variety. He showed a variety of patio homes – American and Coastal Classic. The customer can select either brick or stone wrap. There is a variety of gables, dormers, siding and colors. The Wembley design can be built with a slab or with a walkout basement between 1,200 – 2,200 square feet. The Hudson is a 2 story house. There are 5 color packages for each building. There is only 12 feet between buildings so the side of a building really cannot be seen. There has been a lot of changes in architecture and materials in the last 15 years.

Fischer homes is very excited about this community. The proposed layout fits in with neighborhood surroundings.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

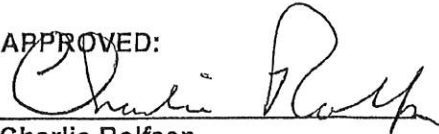
Seeing no one, Chairman Rolfsen asked if any Board Members had questions or comments? He stated that he didn't know if all brick homes were monotonous. Cool Springs Subdivision is mostly brick. How does the Fischer Home product fit in? The Wembley has a garage door as its front. What percentages of the homes will be a Wembley? Ms. Bollman replied 32 out of the 47 homes will be the Wembley type. The Maxwell and Winstrop are okay in terms of design as noted by Chairman Rolfsen. Mr. McMillian agreed with Chairman Rolfsen. Chairman Rolfsen asked what is the chance of a number of Wembley type units being tweaked? Mr. Riegler replied that they Wembley type units are paired patio units. Some of the other type can't fit of the other lots due to the fact they are walk out units. He leans on the builders to determine what the market is saying and what is selling. The paired patio homes are selling quickly. Chairman Rolfsen noted that the project is connecting to pre-existing homes that are in a high end community. How could it blend in more? Mr. Riegler noted that the homes in Cool Springs are not all brick. Some are only brick wrap with exposed foundations. Mr. Riegler thought the landscape buffer would help screen the differences. Houses in the Union area have now more siding than brick. Harmony Subdivision is an example.

Mrs. Kegley thought a picture of the rear elevations would be helpful. That is what Cool Springs residents will see not the front or garage doors. What would you see along U.S. 42 and Callie Way?

Mr. Bunger asked if there would be an HOA that would control what would be built in the back like sheds? Mr. Riegler responded that the back area will be an HOA maintained area. There will be deed restrictions for this 20 foot area. Mr. Haas responded that they don't allow any sheds or additions. Mr. Riegler stated that they originally had 6 more units but they removed them to allow more open space/buffer. Mr. Bunger asked if the project will be phased? Mr. Riegler replied that the first phase will include completing Lucille Lane loop. A second phase would be to extend the road to the Chris Court cul-de-sac. Mr. Harper asked what would be the price range of these homes? Mr. Haas responded from \$200,000 - \$300,000 with options.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 16, 2020 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on January 2, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 9:50 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director