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REQUEST OF ERPENBECK COMMERCIAL ENTERPRISES, INC. (APPLICANT)
FOR THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

NOVEMBER 29, 1989 8:00 P.M.

I. REQUEST

The request is from Erpenbeck Commercial Enterprises, Inc. (applicant) for Enterprise VI or Dennis Vesper and Alicia Vesper (owners) for the Utilization of an Underlying Zone in Planned Development on a 43.45 acre site. The site is part of a larger tract (a total of ±250 acres) owned by the Vespers and is located north of KY 18 and east of Limaburg Creek Road, Boone County, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD). Boone Crossing, a retail center, is being proposed. The Staff report also reflects an analysis of property located outside the designated 43.45 acre tract. Specifically, property used as a means for ingress and egress for the retail center is also being examined in terms of impact on the surrounding land uses and zoning.

HISTORY OF SITE

The site under review was rezoned from Industrial One (I-1) to Commercial Two/Planned Development (C-2/PD) because of the adoption of the 1986 Boone County Comprehensive Plan. As a result of the county-wide update requirement as specified in K.R.S. 100, the Boone County Planning Commission and the Boone County Fiscal Court changed the zoning for this 43.45 acre parcel. The Commercial Two/Planned Development (C-2/PD) zoning line is located between 870 feet and 1,050 feet from the centerline of KY 18. This location has been determined by the Zoning Administrator. On November 8, 1989, the Boone County Board of Adjustment and Zoning Appeals heard an appeal of the Zoning Administrator's decision on the location of the zoning line from Mr. Raymond Erpenbeck or part owner of Erpenbeck Commercial Enterprises, Inc. A decision regarding Mr. Erpenbeck's appeal has not been made as the Board of Adjustment has continued its hearing to December 13, 1989.

II. SURROUNDING LAND USES AND ZONING

The 43.45 acre site is actually part of the much larger 250 acre Vesper farm containing approximately 2,400 feet of road frontage on KY 18 and extending back to the airport property. KY 18 is currently a transition area from densely developed Florence and I-75 corridor to the rural and suburban Burlington area. The Greater Cincinnati Airport immediately north of the Vesper farm, has affected the land use of the KY 18 corridor by creating a physical barrier to the spread of urbanization from the Erlanger/Florence area, and by creating noise impacts which can discourage residential development. The airport has also been a physical barrier to road connections north of KY 18.

Because of the scale and potential impacts of this request, the land uses and zoning of the entire KY 18 corridor are important to consider. Currently, KY 18 supports a mixture of local and relatively small in scale commercial uses and

Low to medium density residential uses west of the Houston Road intersection. Regional retail operations are concentrated in the Mall Road Area where access and visibility to interstate traffic is provided. The KY 18 corridor, west of Houston Road contains primarily convenience commercial, neighborhood-scale commercial, and automobile dealerships. Several additional dealerships have been approved, including three on the Heritage Hill development immediately to the east of the proposed Bigg's location.

Residential development along KY 18 consists primarily of single-family subdivisions that include Greenview, Ridge Road, Boone Aire, and Oakbrook subdivisions. In addition, higher density residential exists off KY 18 in terms of the Boone Aire condominiums, Oakbrook condominiums and apartments, the several apartment developments along Limaburg Road, and the approved townhouses at the old Boone Aire Club site. In addition, some urban residential zoning exists at the east end of Boone Aire Road and several prominent churches have located along KY 18 to service the growing residential Florence-Burlington area.

Because of this variety of land uses and the relatively sparse development of KY 18 at the current time, large, or high impact land uses can change the entire character of the corridor. The Fifth Third Bank building at Houston Road provides an example of a visual impact in the direction of an office character of KY 18. The Square D warehouse facility, however, is an example of how one user can have a profound negative impact, in this case traffic conflicts. The Planning Commission and entire community have expressed concern over the future development along KY 18 because of the corridor's importance as the entryway to Boone County's seat.

The proposed Boone Crossing site is visible from KY 237 on the west and Ridge Road on the east; a two and one-half mile length of KY 18. The proposed development would significantly alter both the visual character of KY 18 and the future growth patterns of the corridor so that rapid regionally oriented commercial growth would appear to be encouraged, even if not consistent with the Comprehensive Plan and Zoning Ordinance, before a balanced mix of land uses could evolve.

The immediate surrounding land uses and zoning (Exhibit A) include the following:

West and

North: The remainder of the Vesper farm which is zoned Commercial Two / Planned Development (C-2/PD) along KY 18 and Industrial One (I-1) toward the adjacent airport property.

East: Along KY 18 is the Heritage Hill Industrial Center, part of which is currently under request for a Change in Concept Development Plan. The zoning on that site is Commercial Two/Planned Development (C-2/PD) and Commercial Services / Planned Development (C-3/PD). The entire site is subject to an approved Concept Development Plan.

South: Across KY 18 are single-family residential uses along Boone Aire Drive, Kenner Drive, Rustic Lane, sections of Oakbrook, and the Boone County Golf Course. Respectively, these areas contain zoning of Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Suburban Residential One / Planned Development (SR-1/PD), and Recreation (R).

TOPOGRAPHY, VEGETATION, AND SOILS

The request site contains some rough topography. The 43.45 acre site contains a grade difference of approximately 90 feet and drains primarily to the west toward a branch of the Gunpowder Creek. Approximately one-fourth of the site also drains onto the Heritage Hill site. The western two-thirds of the site slopes away from KY 18 and has very limited visibility from the immediate portion of KY 18. The visibility limitation is aggravated by the fact that the roadway is sloped away from the property because of the curve in KY 18. The eastern portion of the site is highly visible to KY 18 and to residential / recreation land uses across KY 18. The rear portion of the site contains mature woodland which currently is highly visible from KY 18. The absence of this wooded area would, in itself, change the visual character of the KY 18 corridor.

Soils present on the site include Jessup Silt Loam (JeD) usually found on slopes of 12-20 percent and two types of Rossmoyne Silt Loam (RsB and RsC) usually found on slopes of 0-12 percent. These soils present some hazard of erosion. The northwest portion of the site would have to contain approximately 60 feet of fill over the JeD soils to enable the Concept Development Plan to be constructed as proposed. In addition, a considerable cut will be needed for the eastern portion of the site which could result in proposed building roof tops being visible from KY 18. The soils on the 43.45 acre site are very similar to those originally present on the Heritage Hill site. Evidence of their potential for erosion is readily visible on that site.

III. UTILITIES

The 43.45 acre site is adjacent to both water and sanitary sewer service. There is an existing 12 inch Boone County Water main on the opposite side of KY 18. The submitted Concept Development Plan also indicates a proposed 16 inch water main to continue from the Heritage Hill site on the north side of KY 18 for the entire frontage of the 43.45 acre Boone Crossing site. The Boone County Water and Sewer District has indicated that water flow is adequate for the proposed uses.

An eight inch Boone County gravity sanitary sewer exists along the north side of KY 18. This line proceeds to the Oakbrook treatment systems. The Heritage Hill development is connected to this line by an eight inch force main. Correspondence received from the Boone County Water and Sewer District indicates that the Oakbrook treatment plant has adequate capacity to handle the development, however, the eight inch line is at capacity now and must be upsized significantly. This letter is attached to the report and includes required line sizes and cost estimates (Exhibit F).

Gas and electric supply are readily available along KY 18. Stormwater detention is proposed on the western edge of the Vesper farm, off of this 43.5 acre site. This detention area would discharge into a branch of the Gunpowder Creek. As discussed above, a portion of the site would flow onto the Heritage Hill development. An existing retention pond on that site could also serve part of Boone Crossing.

IV. EXISTING TRANSPORTATION SYSTEM

The site is located directly on KY 18, a four lane arterial roadway. Exhibit I shows the location of the property and identifies the existing roadway network surrounding the site. The proposed development will impact the existing traffic patterns not only on KY 18, but at least through the intersections shown in Exhibit J. The development is expected to draw traffic from both I-75 and I-275, due to the regional draw of the stores. The majority of the traffic from the development is expected to be either traveling to or from these two expressways. Exhibit K identifies those roadways and intersections that are expected to be most severely impacted.

The only access to the site at present is along KY 18, a farm lane at the eastern edge of the property. Another farm lane is located on the Vesper farm, next to the western boundary of the 43.45 acres. The Vesper property also borders Limaburg Creek Road, which does intersect KY 18 across from Oakbrook Drive.

KY 18 is a state maintained roadway, comprised of two through lanes in each direction separated by a grass median. The 1986 Boone County Zoning Regulations classify the roadway as a Class I Arterial. The current traffic volume of the road is approximately 17,287 trips per day, measured in the summer of 1989 by Woolpert Consultants.

V. RELATIONSHIP TO THE BOONE COUNTY COMPREHENSIVE PLAN

In order to assess the impact of the proposed project on the surrounding land uses and zoning, the proposed uses should be evaluated in relation to the Boone County Comprehensive Plan. Specifically, the recently adopted Goals and Objectives of the 1989-1990 Boone County Comprehensive Plan stress the need for utilizing proper design principles to benefit a site's physical assets. This need is emphasized in the overall objective of the Comprehensive Plan and the goal and objectives of the Environment Element.

Overall

Objective:

"There is nothing inherently incompatible between the various broad categories of land uses when properly developed. Residential, commercial, industrial, and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity. The application of proper design

principles among land uses will maximize the long term quality of life of Boone County residents. The future growth and the redevelopment of areas shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained to prevent potential deterioration."

Environment

Goal:

"New development or redevelopment of areas in Boone County are designed and implemented in such a way that the quality of the existing physical and social environment of Boone County is protected and enhanced."

Objective:

"New development or redevelopment should be designed to utilize existing topography and preserve existing stands of vegetation. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially."

"The integrity of Boone County's natural or ecological system, such as wildlife habitats, air, and water, shall be protected by implementing regulations which affect the location, timing, and method of development, but which still permit an equitable economic return from the land (as determined by the natural constraints of the land and current market forces)."

Other references to the Goals and Objectives of the 1989-1990 Comprehensive Plan relate to the Business Activity and Transportation Elements. .

Business Activity

Goal:

"Appropriate locations for industries or businesses compatible with others located in Boone County are provided."

Objectives:

"Compact, efficient development patterns shall be encouraged for commercial and industrial development with adequate and maintained buffer spaces established between the business use and other land usage."

Commercial

1. "Commercial uses shall be limited to strategic locations relative to their trade areas with direct access and ample parking space."
2. "Future commercial development shall be encourage, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design."
3. "The large scale mixing of commercial and non-commercial uses shall occur in planned developments and replanned older areas where consideration can be given to assure compatibility with surrounding land uses. Small scale mixing of commercial and office uses in residential areas shall be carefully assessed and located so as to enhance the neighborhood."

Transportation

Goal:

"The level of service of the transportation system is maintained and improved, thus enhancing safety, addressing and resolving identified deficiencies, and promoting and responding to regional growth."

Objectives

1. "New roadways shall be developed where needed and feasible."
2. "Proper access to adjoining property should be provided and/or retained when a property develops or redevelops."
3. "Intersection improvements, signal system enhancements, and other types of operational improvements shall be made where appropriate."
4. "Roadway capacity shall be preserved by enforcement of the access management policies and guidelines."
5. "Right-of-way along roadways which are likely to require future widening, or along corridors which may be needed for new facilities, shall be reserved."

Goal:

"The utilization of the existing transportation system is maximized by reducing the peak period vehicular demand on the system."

Goal:

"The efficiency and quality of the transportation system is maintained and improved in cost-effective manner."

Goal:

"Desirable social and economic impacts of transportation facilities and service are promoted, and undesirable social and economic impacts are minimized."

Objectives:

1. "The displacement of people, the relocation of businesses and community facilities, and the disruption of communities should be minimized."
2. "The accessibility to jobs and services for all citizens of Boone County should be increased."
3. "Transportation facilities and service shall support opportunities for economic development."
4. "Transportation facilities and service shall promote equitable levels of service to transportation disadvantaged and transit dependent people."
5. "High gross density development shall be located with proper access to major streets and highways."

In the Business Activity Element of the 1986 Boone County Comprehensive Plan, a section describes areas of future commercial activity. The City of Florence commercial base is used as an example for the adverse impact of commercial development. Specifically, commercial uses in the Limaburg/KY 18 area should not be similar in nature and scale as to the type located on Mall Road.

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and US 42. Along KY 18 in the I-75/Mall Road/Houston Road area, there are many traffic problems that can be worsened by adding commercial access points. The land surrounding the US 42

area, south of Florence, will experience additional growth towards the City of Union. Any commercial developments in these areas should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence."

On page T-7 of the Transportation Element, there is a discussion pertaining to a proposed airport road connecting Mineola Pike to Burlington Pike.

"The airport proposed road connecting Mineola Pike to Burlington Pike near Zig Zag Road will likely change traffic flow around the airport and spur additional development near the airport."

Page T-8 of the Transportation Element also discusses the importance of access management.

"One final aspect of the transportation element is traffic control or access management. In most cases major developments within the county need to be evaluated for trip generation, flow, patterns, and access points. New development needs to be designed so as to promote effective and efficient use of highway facilities while sustaining reasonable economic development of land. Traffic controls and evaluations should vary according to the functional classification of the roadway. Obviously, high traffic roadways need stricter control of access and frontage roads than low traffic roadways."

The Burlington/KY 18 area and the area under review is described in the Land Use Element text of the Comprehensive Plan.

"This section will be one of the fastest growing areas in the County. Generally, subdivision growth will occur around all roads radiating from Burlington except to the east. This phenomenon is known as rururbia and will eventually occur in Union, Hebron, and other small communities of the County. KY 18 will become a corridor with a planned mixture of all types of development. KY 237 will emerge as a development center for residential, commercial and warehouse development. The airport growth as an international center will continue to cause this area to develop while at the same time containing residential development to specific areas. Limaburg Road will continue its transformation into a small scale manufacturing area."

"Again, it is imperative that alternative transportation routes be available in order to prevent bottlenecking at intersections. . . Land on the north side of KY 18 between Zig Zag Road and KY 237 should be commercially developed in clustered fashions with particular concern on the airports noise impacts. . . Land to the east of Limaburg Road should continue to develop in light industrial land uses. Industrial development should move from KY 18 towards Conner Road on Limaburg Road. . . Land directly under the clear zone should develop in light industries while land to the north becomes commercial."

"Most of the growth in this area will be the result of a new school complex near the intersection of KY 18 and KY 237. Development of this site as a learning center should integrate with the neighboring county park. With proper design this intersection could become a key focal center between the employment centers and residential developments."

The Comprehensive Plan stresses the importance of a proper mixture of land uses and the design of the KY 18 and KY 237 intersection.

Finally, the Land Use Element discusses in detail the proposed road originating from Mineola Pike to KY 18 and the placement of "regionally oriented commercial uses" in Boone County.

"The possible new road originating from the Mineola Pike and Donaldson Road intersection, through the airport property and terminating of KY 18 at Zig Zag Road will need to be carefully examined before being constructed. This possible road would greatly alter traffic patterns in the area while at the same time creating an alternative route of travel. If such a road is developed within this time period access to the clustered commercial developments on the north side of KY 18 should occur from this road."

"Regionally oriented commercial development should be retained to the Mall Road area." "The Mall Road area will continue to grow as a regional shopping area and its spillover onto U.S. 42, KY 18 and Houston Road will be evident, thus, needs to be substantially controlled."

In conclusion, the Land Use Map, a 25 year projection, also recommends commercial and industrial land uses for subject area (Exhibit B).

In conclusion, the Boone County Planning Commission in 1986 rezoned a portion of the Burlington-Florence (KY 18) corridor Commercial Two/Planned Development (C-2/PD) on the north side of KY 18 for the following reasons.

1. The commercial zoning (C-2/PD) and land use was appropriate due to the presence of the airport and the type of road system. Further, the C-2/PD zoning district established a finer gradation of traditionally non-compatible land uses.
2. The commercial zoning (C-2/PD) was warranted because of the concern for appropriate commercial uses located in the area based upon their impact on the community. Commercial uses are appropriate only if the traffic, utility and visual impacts are fully addressed.
3. The commercial zoning (C-2/PD) was consistent with the then and still current zoning on the east side of the subject site.
4. The C-2/PD zoning district along KY 18 was established in 1986 because it was and still is a type of zoning district intended to protect the adverse land use impacts of commercial development along the Florence-Burlington (KY 18) corridor. The Planned Development designation allows for a maximum choice of building types and a reduction in dimensional requirements at this site and along other portions of KY 18. The Planned Development designation also takes in consideration a more useful pattern of open space and a development pattern which preserves and utilizes the natural topography. The Planned Development district was placed on the site because of the site's natural features.
5. The C-2/PD zoning district along KY 18 was established in 1986 to provide a type of retail use and/or office related service use that would serve Burlington, the Oakbrook subdivision, and future population along the KY 18 corridor. This zoning district would also protect the corridor from incompatible land uses and densities that would affect the public travelling from Florence to the County Seat of Burlington.

VI. BOONE CROSSINGS CONCEPT DEVELOPMENT PLAN

The applicant is proposing to construct a 417,600 square foot retail center on a 43.45 acre site. The Boone Crossings Concept Development Plan includes the following.

TABLE 1

BUILDING USES (RETAIL)

Site A	22,500 s.f.
Site B (Bigg's)	228,500 s.f.
Site C	15,000 s.f.
Site D	26,000 s.f.
Site E	45,000 s.f.
Site F	43,600 s.f. (+ 30,000 s.f. concourse)
Site G (Bigg's Outside Garden Sales)	15,000 s.f.
Bigg's Admin. Offices	<u>22,000 s.f.</u>
 NET SQUARE FOOTAGE	 417,600 s.f.

Source: "Traffic Impact and Access Study of
 Boone Crossing". Wilbur Smith
 Associates. November 1989.

In addition, the applicant has indicated that there are four outparcels that will be development as part of Boone Crossings. Although the ultimate development of the outparcels would necessitate a Public Hearing and change in Concept Development Plan, the TIA states that the uses will be for convenience commercial. Such uses would be fast food restaurants, convenience stores and drive-thru banking facilities.

TABLE 2

SITE CHARACTERISTICS AND DATA

	<u>Existing</u>	<u>Proposed</u>
Zoning	C-2/PD & I-1	C-2/PD & I-1
Site	43.45 Acres	43.45 Acres
	<u>Permitted/Required</u>	<u>Proposed</u>
Intensity	18,888 s.f.+ 50 % or 1,173,150 s.f.	9,266 s.f./acre or 402,600 s.f. 34 % of permitted
Building Ht.	50 feet	40 feet
Setback	75 feet	310 feet
Parking	1,610 spaces	2,113 spaces

Source: "Traffic Impact and Access Study of
 Boone Crossing". Wilbur Smith
 Associates. November 1989.

In addition, the applicant has submitted a drawing indicating site characteristics and topography, drainage patterns, adjacent land uses and adjacent property owners. These drawings along with the Concept Development Plan appear in the rear portion of this Staff Report (see Exhibits C, D, E, & F). The applicant is also requesting that all parking spaces for the proposed project be 9' x 19' instead of the normal requirement of 10' x 20'. The applicant is also requesting the review and approval of all Commercial Two (C-2) uses for the proposed building.

TRAFFIC IMPACT ANALYSIS

The applicant has submitted as part of the application a Traffic Impact Analysis (TIA), prepared by Wilbur Smith Associates. The TIA analyses the impact the proposed development will have upon the surrounding roadways. Briefly, the methodology for a TIA should be as follows;

1. measure current traffic
2. estimate trip generation
3. determine trip distribution
4. calculate level of service (LOS)

The final step being to review roadway and intersection improvements that could improve the level of service. The process is much more complicated, and assumptions are made at each stage of the analysis. Also, the conclusion of a TIA is not a yes or no answer; all new development will impact the existing roadways, the major traffic question is to what degree is acceptable.

The submitted TIA divides the Boone Crossing into two development phases; the first consists of the Biggs Store and concourse shops, the second phase is the remaining retail and the remainder of the Vesper property that is zoned Industrial One (I-1). It should be noted however, that the present application is only for the 43.45 acres. The uses and building intensities shown on the Concept Development Plan and used in the TIA are indicated in Table 1.

The site will not have direct access to KY 18, but will have driveways on two roadways that border the east and west boundaries of the 43.45 acre site. The eastern road will be a continuation of Centennial Drive (Heritage Hill Development), and will align with Boone Aire Road to the south. The Concept Development Plan shows the main travel way looping directly into the Boone Crossing Development, allowing for cars uninterrupted access to the site. There is also a secondary road off of Centennial that will serve the rear portion of the site.

The second access point will be off a new road perpendicular to KY 18, as shown in the Concept Development Plan. Two driveways are located along this roadway to provide access to the front and rear of the property. The new roadway is shown to extend back into the Industrial One (I-1) property to the rear of the site.

TRANSPORTATION IMPROVEMENTS AND ACCESS

The TIA discusses several transportation improvements that would need to be made if the development is approved. The Concept Development Plan shows improvements to KY 18 at the two intersections, and the text discusses the need to have dual left turns into the two access points. Also, the analysis was made assuming that the KY 18 intersection improvements described in the Woolpert KY 18 Study have been made. These improvements basically involve providing additional lanes at several intersections as well as new timing.

The one important improvement that is discussed in the TIA is the completion of the Airport Road to Houston Road. The document states that the final alignment of the roadway has not been determined, but would be needed for the complete build out of the development. The analysis also assumes that the Houston Road extension is completed and that improvements to the Houston Road intersections are made.

The TIA also concludes that the KY 18 signals from KY 237 to Centennial need to be coordinated for phase I development. In Phase II, the signals on KY 18 from I-75 to the development would be warranted.

The basic conclusion of the TIA is that the development of Phase I can be adequately handled by the existing roadway system, given some improvements to KY 18. The existing level of service for affected intersections is shown in Exhibit J. The LOS resulting in the completion of the Mall Road Ramps and the development of Phase I is shown in Exhibit K. The LOS for the most part does not change, but actually improves on several intersections due to the new ramps. The one decrease is at KY 237 and KY 18 where the LOS goes from 'B' to 'C'.

The analysis for the ultimate build out of Boone Crossing is not as optimistic. The TIA shows that at full development of the site, the traffic impact on existing roadways is significant, especially in the Houston/Turfway Road area. (Exhibit L) The LOS for intersections for existing conditions, Phase I conditions and Phase II conditions, as taken from the TIA, is compared in Table 2.

The table shows that even with the opening of the Mall Road Ramps and the construction of a Airport Road, Phase II will severely impact several local intersections. This analysis also used information from the Houston-Donaldson Study to provide trip generation for currently undeveloped land parcels in the Study area.

TABLE 2
 INTERSECTION LEVEL OF SERVICE

<u>Intersection</u>	<u>Existing</u>	<u>Phase 1</u>	<u>Phase 2</u>
KY 18 at			
I-75 NB Ramps	F	F	D
I-75 SB Ramps	D	C	D
Mall Road	F	F	F
Houston/Hopeful	E	D	D
Ridge/Greenviue	B	B	B
Boone Aire	-	C	D
Centennial Circle	-	C	C
Oakbrook	-	-	D
Limaburg	B	B/C	C
KY 237	B	C	D
Houston Road at			
I-75 Ramp	C	C	F
Turfway	A/B	A/B	F
Turfway at I-75 NB			
Ramps	B	A/B	F

Source: "Traffic Impact and Access Study of Boone Crossing". Wilbur Smith Associates. November 1989.

STAFF TRAFFIC ANALYSIS

The traffic consulting firm of Pflum, Klausmeier & Gehrum was retained to assist the Staff in review of the submitted TIA. In meetings with Jack Gehrum, it was decided to not just check the TIA, but proceed with an independent analysis of the traffic impact. The concern was determining the impact of the development at full buildout, without the Airport Road.

Trip generations for the development were estimated using data from the TIA and the ITE Trip Generation Manual, 4th Edition. (Table 3) These volumes were assigned to KY 18 in the same percentages as those used in the TIA for Phase I development.

TABLE 3
TRIP GENERATION

PROPOSED DEVELOPMENT	SQ FOOT	ADT	PM PEAK	
			IN	OUT
Biggs	331,600	13,425	714	744
Shopping Center	86,000	6,737	273	284
Fast Food Rest. (2)	9,000	4,520	152	146
Service Station	2,000	1,596	23	21
Drive-in Bank	3,000	892	64	67
Industrial Park	500,000	3,241	51	376
TOTAL	931,600	30,411	1,277	1,637

The LOS analysis of the intersections of the two access roadways with KY 18 concluded that the development of Boone Crossing would produce an overall service rating of 'C'. However, the important movement of through traffic moving west bound through the eastern intersection is shown to be at a LOS of 'D'. The LOS analysis completed by the Staff is listed in Exhibit M.

The analysis also showed that to reach this level, each intersection would require dual left turns coming from the site. Finally, the LOS analysis for the KY 18 intersections of Mall Road and Houston Road would be at 'F'. The LOS for these two intersections being in general agreement with the TIA analysis as shown in Table 2.

VII. STAFF CONCERNS

1. Compatibility of Project with Surrounding Land Uses and Zoning
The Planning Commission should evaluate the request in relation to the surrounding land uses and zoning. Existing residences and a residential zoning district are located south of the site, while commercial zoning and uses exist on the east side of the site. Does the proposed retail use fit the current and proposed development pattern along the Burlington-Florence corridor? Is the type and scale of retail use planned for the site similar in nature to other existing retail uses located along KY 18? Does the proposed retail use, regional in scope, fit the intent of the C-2/PD zoning line where lot depths were limited to assure small local scale uses?
2. Consistent with the Intent of Commercial Two (C-2) Underlying Zone and Planned Development (PD) Overlay Zone
The Planning Commission shall evaluate the submitted request to determine whether it is consistent with the intent of the Commercial Two (C-2) zoning district and the Planned Development (PD) zoning district. The purpose of the Commercial Two (C-2) zoning district is to "provide

comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchasing opportunities." These districts are normally located on suitable lands central to community or regional trade areas and provide direct access from expressways or arterial roads. Does the overall layout of the project demonstrate a development pattern which "preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruptions of natural drainage patterns?" Because of the existing drainage swales, the proposed project could require that almost the entire site be graded. In addition, the Concept Development Plan indicates that the site will be completely covered by either parking and circulation areas or building. No provision has been made to soften the visual impact of the development from the motoring public on KY 18 and the residences on the south side of KY 18.

3. Visual Impact of Project

The submitted Concept Development Plan does not sufficiently address the visual impact of the project upon the community. The site is located within the most heavily travelled state road in the County (KY 18). The site is highly visible as the public travels the Florence-Burlington corridor daily. Landscaping features for a project of this size are minuscule and the impact is tremendous in terms of the visual appearance of a 2,113 space parking lot. Also, due to the different elevations of KY 18, existing residences on the south side of KY 18 may look down on the proposed retail center or at its roof equipment. The presented design of the retail center has not taken into consideration the site's physical and natural assets.

4. Off-Site Improvements

Due to the nature and scale of the proposed project, there is a tremendous need to make off-site improvements to possibly make the project feasible. These off-site improvements relate to improvements not located on the 43.45 parcel but rather elsewhere. Specifically, access to the site involves the construction of two roadways located on property not formally under review. The eastern curb cut will affect the proposed uses on the former Westbourne Insurance Agency property since this entrance will be the primary entrance for people travelling from the Florence area. Second, the detention/retention for the site is being addressed with a proposed system located northwest of the 43.45 acre parcel. Third, sanitary sewer improvements will be necessary to existing eight inch (8") service lines running to the Oakbrook treatment plant.

5. Relationship to the Comprehensive Plan

The submitted Concept Development Plan should be evaluated in relation to the Goals and Objectives of the 1989-1990 Boone County Comprehensive Plan and the various Elements of the 1986 Boone County Comprehensive Plan. Both plans recognize the economic value associated with new retail development with an ever growing population. However, both plans also address the land use impacts of large retail developments in terms of utilities, scale of use, type of retail use, traffic and the natural topography.

6. Roadway Improvements

The LOS Analysis assumed that improvements to KY 18, as detailed in Woolpert Study are made. The TIA discusses the responsibility of the applicant to provide improvements to the two entrance point, but dose not detail who, or when other improvements will be made. The most troubling is the Airport Road that may or not be constructed. Further, as the Airport Road alignment is shown, the roadway would run through the Airport Exchange Business Park development. The Staff is concerned about the termination of a collector roadway in this area due to the existing traffic problems and its impact. Finally, the applicant has not committed to tie the phasing of the development with roadway improvements.

7. Airport Road

The Airport Road is a concern due to its alignment and impact on existing traffic patterns. Further, it is a question if the roadway will even be constructed given correspondence from the FAA. If the roadway is built and open to the public, additional property would become open for development thus increasing the traffic impact of the roadway (Exhibit H).

The TIA assumed that 39 per cent (full buildout) of the traffic will use the Airport Road. The assignment of traffic onto the Airport Road decreases the impact on KY 18, but the analysis shows that the Houston Road area will be congested. The alignment of the roadway as it intersects Houston Road is a concern, and the Staff questions if it can be accomplished given the existing development.

8. Regional Nature of Traffic

The Staff is concerned due to Boone Crossings being regional in scope. The TIA described considered the development "... to be a regional attraction, rather than just a neighborhood shopping center, due to the size and type of the development," (page 10). Additionally, there is a concern that this request will cause additional, regional commercial development that will result in a more significant traffic impact.

Using the information supplied in the TIA, the PM Peak traffic on KY 18 along the site would be 2,340 vehicles per hour. At the same time, the amount of traffic entering and exiting the site is 1,495 vehicles per hour. Comparing the two, sixty percent of the present traffic on KY 18 would need to use the development to meet the assumptions made in the TIA.

9. Access Roads

The proposed roadways providing access as show on the Concept Development Plan is also a concern of the Staff. Both roadways are outside of the 43.45 acre site, but do provide the only access for the development. The western roadway is shown extending to industrially zoned property. The traffic impact on KY 18 could be significant, and immediate after the construction of the road to provide access.

The second roadway, Centennial Circle, is also a concern due to its design. The road loops around providing vehicles direct access to the Boone Crossing Development. This design does not work given intersecting driveways and roads. The Staff believes that this roadway design will cause serious problems and should be redesigned.

10. Phasing of Project

The applicant has not indicated the phasing of the proposed project and the construction of public improvements, which are critical to assessing the short term and long term impact of the proposed project. In particular, the roadway improvements have not been tied to any phasing of the project. The TIA was undertaken with phasing of the project, and concludes that the roadway improvements will need to be in place for Phase II to occur.

11. Outparcels

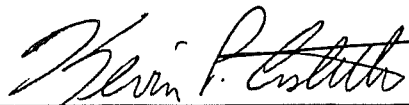
Uncertainty in terms of land use impact exists with the outparcels as specified in the applicant's traffic report but not on the submitted Concept Development Plan.

12. Aylor Cemetery

It is unclear whether the Aylor Cemetery is located on the 43.45 acre site or the remaining portion of the Vesper farm. This cemetery could be impacted if the site is developed to accommodate this proposed project.

VIII. CONCLUSION

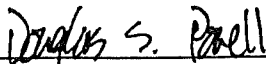
In conclusion, the Planning Commission should evaluate this request closely to determine the land use impacts associated with the proposed retail project. Is the request innovative or provide a substantial value to the community different than conventional zoning? Does it meet the requirements of Articles 3 and 15 of the Boone County Zoning Regulations? The Planning Commission shall determine the compatibility of the proposed project with its 25 year master plan.



Kevin P. Costello, AICP
Assistant Director/Senior Planner



David A. Geohegan
Planner/Plans Examiner III



Douglas S. Powell
Transportation Planner

APPENDICES

EXHIBIT A

1986 Boone County
Comprehensive
Plan Land Use
MAP

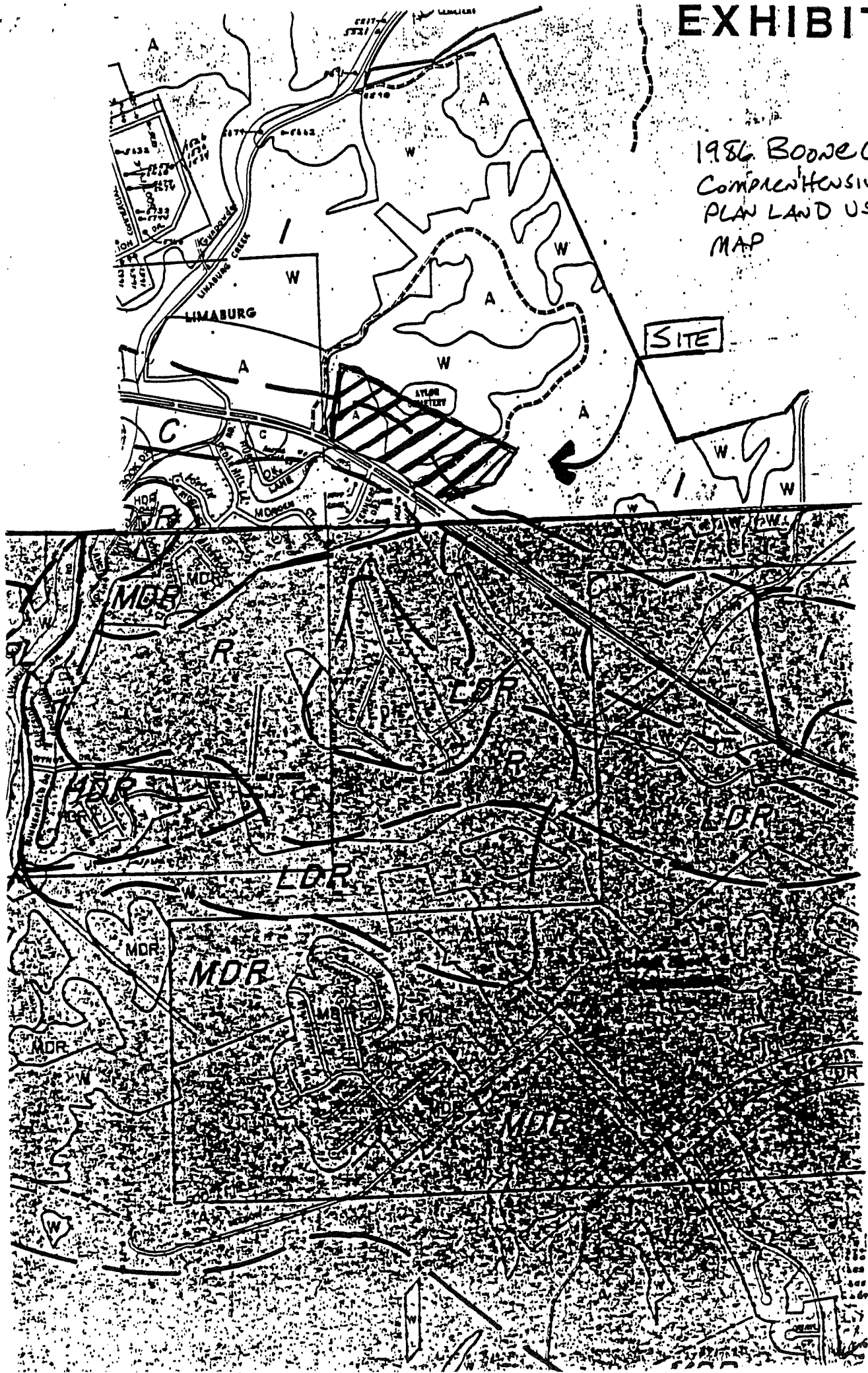
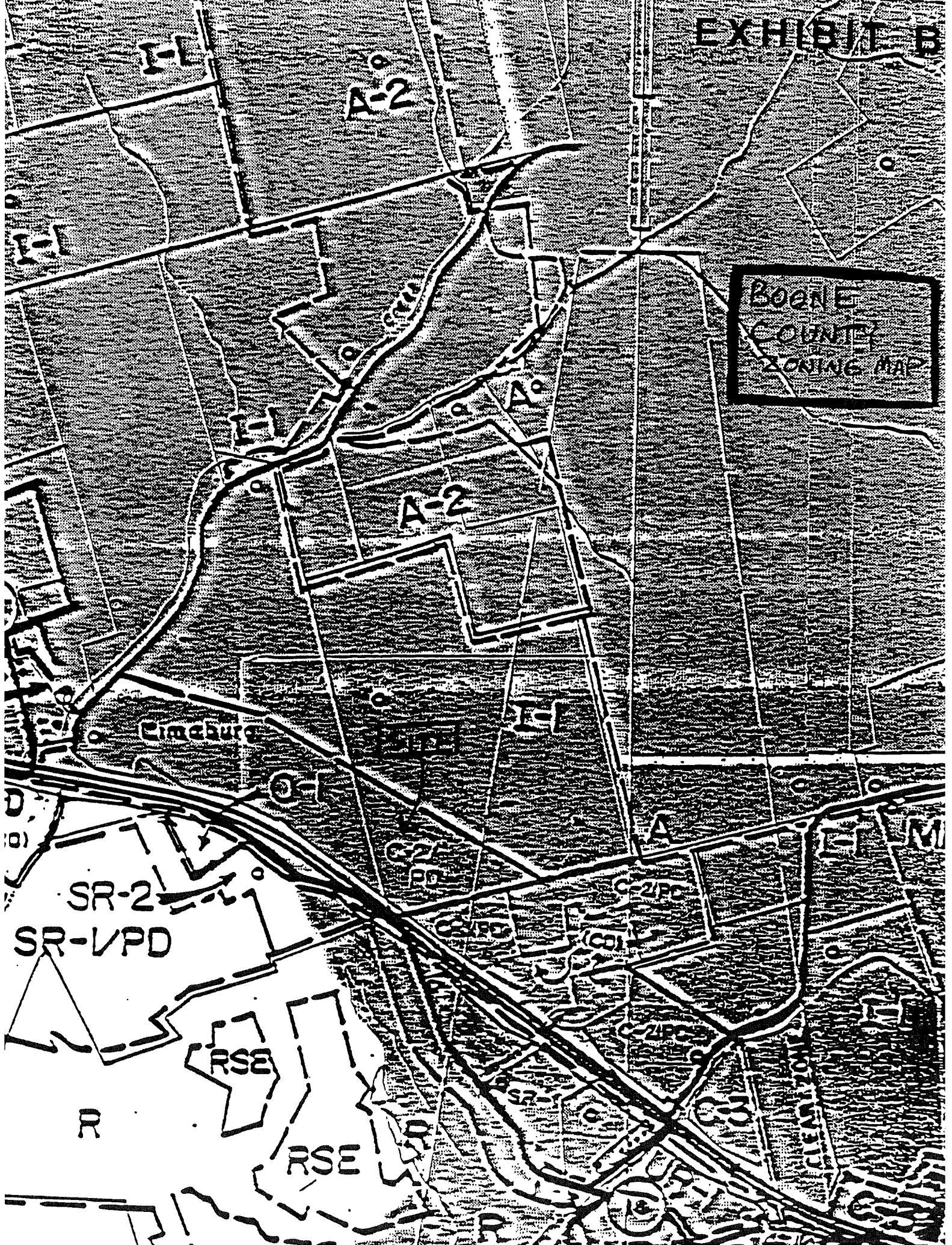


EXHIBIT B



BOONE COUNTY ZONING MAP

A-2

A-2

Eminburg

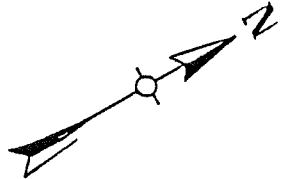
SR-2
SR-LPD

RSE

RSE

C-2/PC

CLEARING



BOONE CROSSING
DRAINAGE PATTERNS
11/29/89

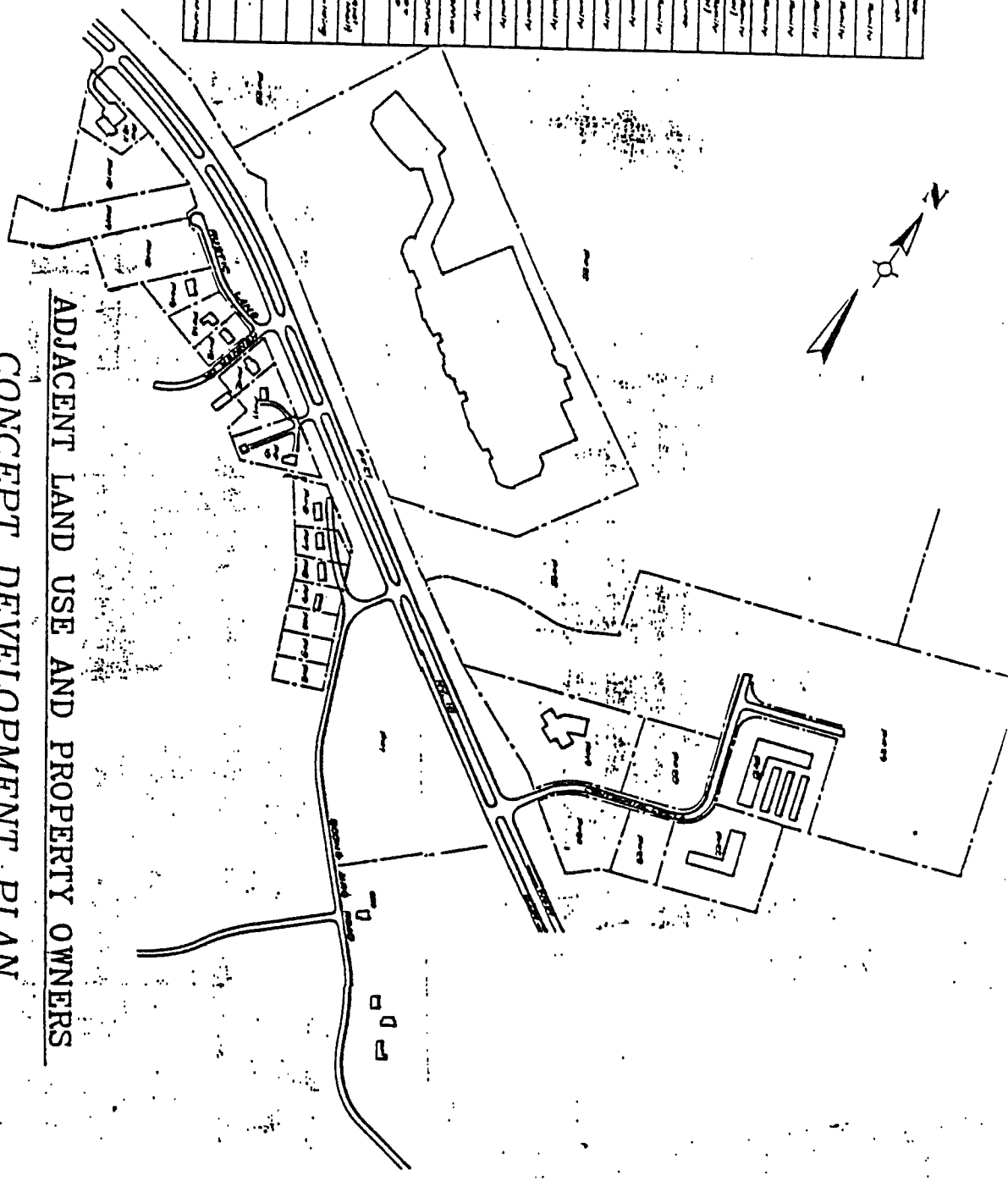


GENERAL DRAINAGE PATTERNS
CONCEPT DEVELOPMENT PLAN
BOONE CROSSING

EXHIBIT F

EXISTING LAND USE

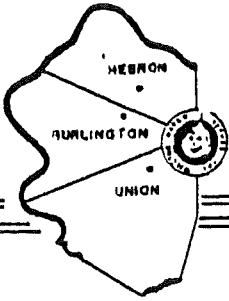
Parcel	Address	Area	Use
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ADJACENT LAND USE AND PROPERTY OWNERS
CONCEPT DEVELOPMENT PLAN
BOONE CROSSING

— EPPENDORF COMMERCIAL ENTERPRISES, INC.
 — General Engineering, Planning, and Design
 — 1129 1/2 West 10th Street
 — Des Moines, Iowa 50319
 — Phone 319-281-1111

1 BOONE CROSSING
 ADJACENT LAND USE & PROPERTY OWNERS
 11/29/89



BOONE COUNTY WATER AND SEWER DISTRICT

5825 BULLITTSVILLE ROAD
 BURLINGTON, KY 41005
 606 / 586-6155

COMMISSIONERS

JACK E. TORLINE
 ROBERT E. BELL
 DWIGHT C. BRAY

November 27, 1989

Mr. Raymond Erpenbeck, P.E.
 4205 Dixie Highway
 Erlanger, Kentucky 41017

Dear Mr. Erpenbeck:

re: Proposed Biggs Site

In response to your request for water and sanitary sewer service to the proposed Bigg's site on the north side of KY18, east of Limaburg Road, the following is provided.

A twelve inch water line serves KY18 on both the north and south sides near the site. The north side line is located approximately between Boone Aire Road (Old KY18) and the entrance to Heritage Hill (Sweeney Hyundai). Flows should be more than adequate to meet your stipulated need of 15,000 gallons per day.

Sanitary Sewage would be treated at the District's Oakbrook Wastewater Treatment Plant located on the Limaburg branch of Gunpowder Creek. The plant has just recently been reconstructed to allow for added usage. The plant currently is treating some 250,000 to 270,000 gallons of sewage per day. Reconstruction and improvements have added an additional 200,000 gallons per day to existing capacity. Your requirement of 15,000 gallons per day could be treated at this facility.

A problem does exist with line capacity upstream from the plant. The entire Oakbrook system is connected to the wastewater treatment plant through an 8 inch line along Oakbrook Drive. This line is at capacity.

As you are aware, the District Master Plan calls for the construction of a new sewage treatment plant on Gunpowder Creek, downstream from the existing Oakbrook plant within the next three years. Incorporated within that plan are trunk lines to meet the requirements of upstream activity. A recent revision to the Plan has downsized some lines and indicates the segment of sewer from the existing Oakbrook plant north to the junction with the existing easterly flowing sewer from Boone Woods is to be of 30 inch diameter. The sewer to the north from this junction is to be 21 inch in diameter.

Page 2


Mr. Raymond Erpenbeck, P.E.
Biggs Proposed Site

In terms of your request for service, this translates into 3700 feet of 30 inch line and 1200 feet of 21 inch line. Estimated cost for a 30 inch line is \$200 per foot and a 21 inch line at \$130 per foot. In addition a lift station would be necessary for flows to be temporarily treated at the Oakbrook plant; this cost estimated at \$65,000. Total estimated cost of line improvements therefor is Nine Hundred Sixty One Thousand Dollars (961,000.00).

The District has maintained a policy of adherence to the Master Plan since its adoption in January of this year. Any improvements within the scope of the Plan would therefor be made in accordance with the implementation plan contained therein.

I trust this to be the information you seek.

Sincerely,


Paul E. Kroger
District Manager

PEK:uad

cc: Boone County Water District Commission
Boone County Planning Commission
file: BCWD Master Plan/Trunks & Interceptors.

Greater Cincinnati International Airport

Robert F. Holscher

Director of Aviation

John L. Brockett

Director of Finance

Ted J. Bushelman

Director of Communications

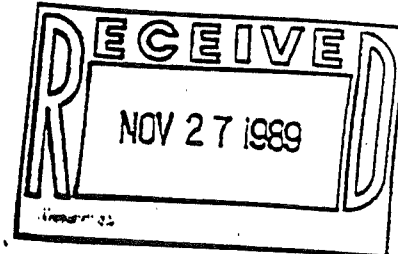
Robert A. Keefe

Director of Planning and Development

Dale M. Keith

Director of Operations

November 27, 1989



Mr. William R. Viox, Chairman
Boone County Planning Commission
Boone County Administration Building
P. O. Box 697
2950 Washington Street
Burlington, Kentucky 41005

Dear Mr. Viox and Members of the
Boone County Planning Commission:

In response to the letter of November 9, 1989, received from Mr. Kevin P. Costello, the Kenton County Airport Board has reviewed the request of Erpenbeck Commercial Enterprises, Inc., (applicant) for Enterprise VI, Dennis Vesper and Alicia Vesper (owners) for the Utilization of an Underlying Zone in Planned Development on a 43.15 acre site located on the north side of Kentucky 18 and east of Limaburg Creek Road, Boone County, Kentucky. This site is part of a larger tract containing approximately 265 acres.

Our understanding of the proposed development is that the 43.15 acre site is for a Biggs store as well as other commercial services. This development is generally referred to as Phase I. It is also our understanding that traffic studies filed with your Commission for Phase I indicate that the anticipated traffic levels can be accommodated by the existing highway system and therefore no additional access roads are contemplated for Phase I.

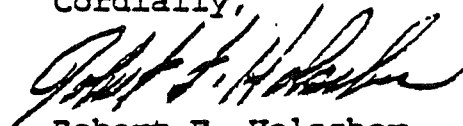
The remaining portion of the large tract, generally referred to as Phase II, is proposed for industrial uses requiring the installation of a road connecting Kentucky 18 and Mineola Pike passing through property of the Airport. Although the development of the remaining portion of the 265 acre tract and of the construction of a new roadway is not before you at this point, the

Mr. William R. Viox and
Members of the Boone County Planning Commission
November 27, 1989
Page 2

fact that the new road may never be built may be a matter for you to consider in determining the amount of traffic generation tolerable on the 43.15 acre site in relation to the development of the entire area.

The idea of constructing a public use road across the south side of the Airport property has been submitted by the Kenton County Airport Board to the Federal Aviation Administration. A substantial portion of the funds used to acquire the land upon which the new road would be constructed were provided by the federal government. The answer received from the Federal Aviation Administration is set forth in the attached letter from Mr. John M. Dempsey, Manager, Federal Aviation Administration, Memphis District. The letter is self-explanatory. In view of this letter and, recognizing that the airlines serving the Airport are not likely to approve funding for payment by the Airport Board for the installation of a public use road, any new public use road through the Airport property is unlikely.

Cordially,



Robert F. Holscher
Director of Aviation

RFH:jns

Hand delivered to addressee on November 27, 1989.



U.S. Department
of Transportation
**Federal Aviation
Administration**

AIRPORTS DISTRICT OFFICE
3973 Knight Arnold Road; #105
Memphis, TN 38118-3004
901/521-3495 (FAX No: 521-4243)

NOV 15 1989

Mr. Robert A. Keefe
Director of Planning and Development
Greater Cincinnati International Airport
P. O. Box 752000
Cincinnati, Ohio 45275-2000

Dear Mr. Keefe:

Proposed Roadway
Greater Cincinnati International Airport

We reviewed the submittal of two proposals to construct a public use road across the south side of airport property. The construction of a public road for purposes other than aviation related requires a release of land.

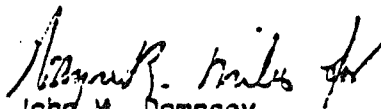
In order for us to consider a release to title of airport land, it must be shown that the parcel is no longer needed to support any present or future aviation needs.

The release of airport land is subject to receipt of current fair market value for the parcel's highest and best use. Funds received from a release must be reimbursed to the government at the ratio of Federal funds used in its acquisition. The approved Airport Layout Plan indicates proposed extension to Runway 18L-36R. The ALP does not address a public road in the vicinity.

It is our determination that future aviation development could be severely restricted if a release of land is permitted.

At this time, we cannot concur with the proposal to construct a public use road on airport property. Let us know if you have further questions.

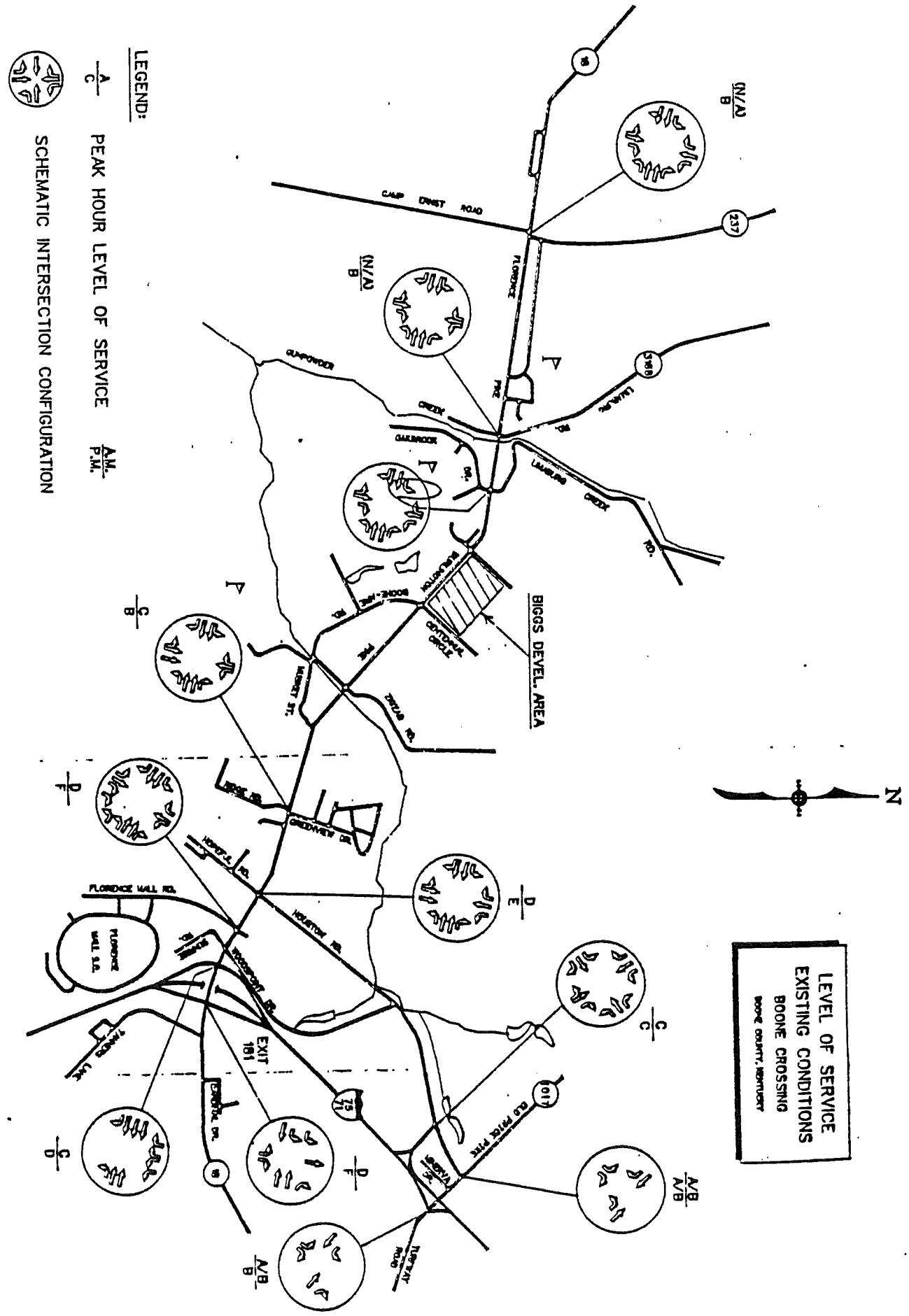
Sincerely,


John M. Dempsey
Manager

RECEIVED _____
DATE 11-17-89
PLANNING & DEVELOPMENT DEPT.
GREATER CINCINNATI AIRPORT

"PARTNERS IN CREATING TOMORROW'S AIRPORTS"

②



LEGEND:

$\frac{A}{C}$ PEAK HOUR LEVEL OF SERVICE

$\frac{A/M}{P/M}$

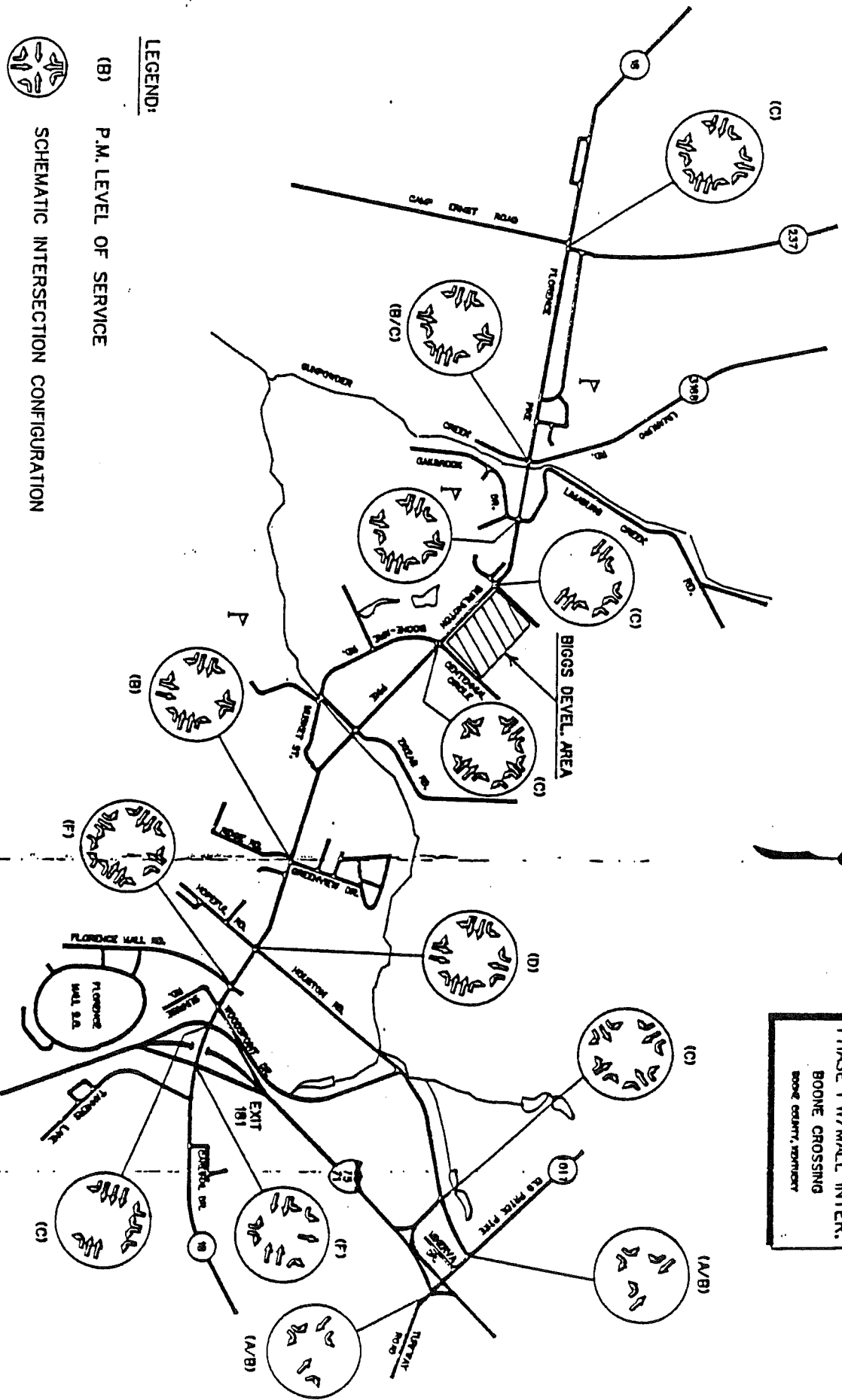


SCHEMATIC INTERSECTION CONFIGURATION

NOTE: NOT TO SCALE

FIGURE 7

EXHIBIT K



LEVEL OF SERVICE
 PHASE I W/MALL INTER.
 BOONE CROSSING
 BOONE COUNTY, KENTUCKY

NOTE: NOT TO SCALE

SCHEMATIC INTERSECTION CONFIGURATION

(B) P.M. LEVEL OF SERVICE

LEGEND:



FIGURE 21

EXHIBIT L

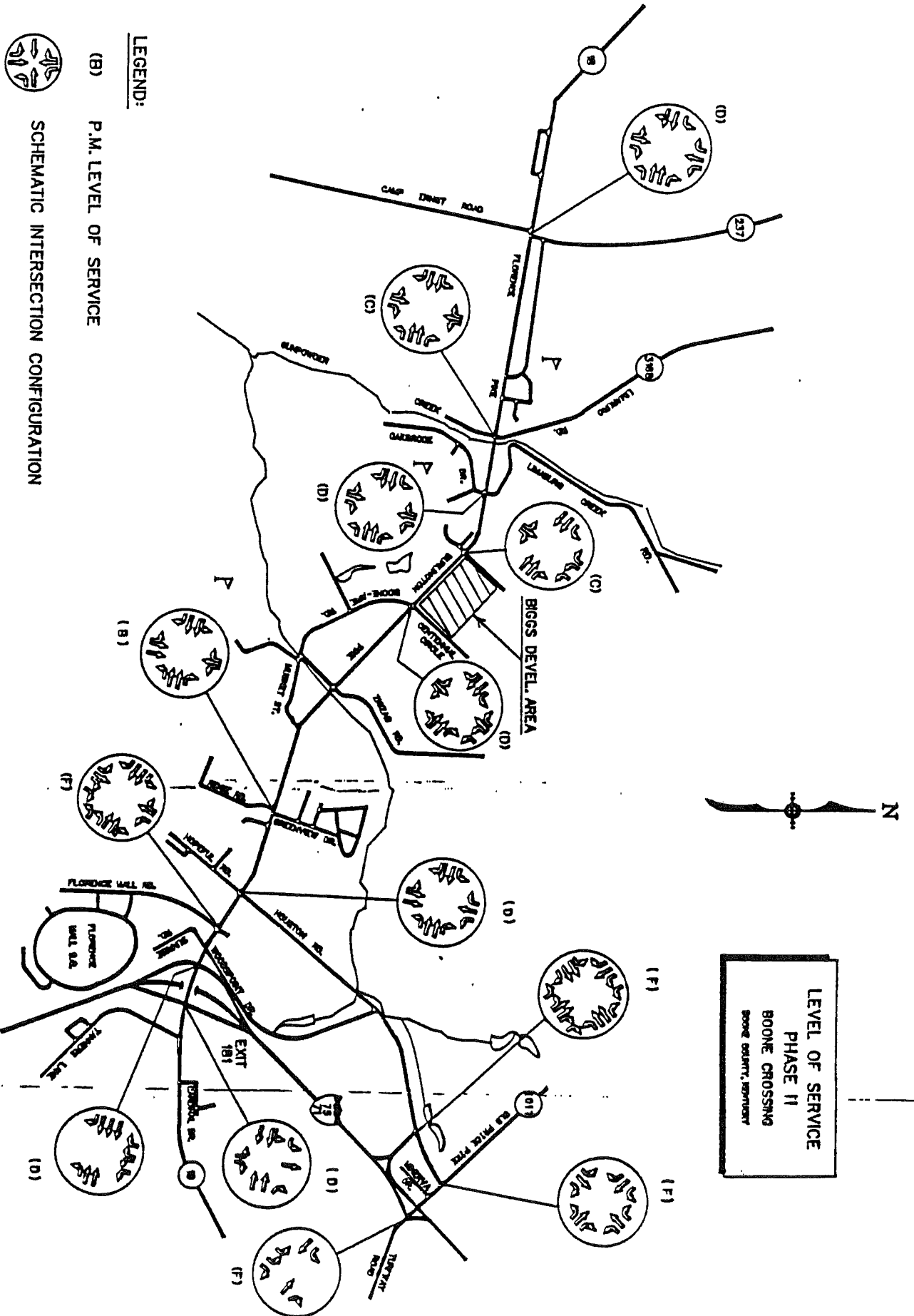


FIGURE 32

EXHIBIT M

WEEKDAY

LAND USE	ADT 24 HOUR	AM PEAK IN	AM PEAK OUT	PM PEAK IN	PM PEAK OUT
BIGGS (based on Eastgate) 331,600 GSF	13,425	443	334	714	744
[820] SHOPPING CENTER (less than 200,000 GSF) 86,000 GSF	6,737	112	48	273	284
[834] FAST FOOD RESTAURANT (with drive-through) 4,500 GSF	2,260	121	121	76	73
[834] FAST FOOD RESTAURANT (with drive-through) 4,500 GSF	2,260	121	121	76	73
[844] SERVICE STATION 12 PUMPS	1,596	12	9	23	21
[912] DRIVE-IN BANK 3,000 GSF	892	12	9	64	67
[130] INDUSTRIAL PARK 500,000 GSF	3,241	369	81	51	376
TOTAL 929,600 GSF	30,411	1,190	724	1,277	1,637

A Retail Anchor	22,500 GSF
B Biggs	228,500 GSF
C Retail Anchor	15,000 GSF
D Retail Shops	26,000 GSF
E Retail Anchor	45,000 GSF
F Concourse Retail	43,600 GSF
G Garden Sales	15,000 GSF
H Admin. Offices	22,000 GSF

Restaurants (2)	9,000 GSF
Gas Station	2,000 GSF
Bank	3,000 GSF

Industrial 500,000 GSF

TOTAL 931,600 GSF

DESTINATION	PERCENT	ENTER 1277	PERCENT	EXIT 1637
W - KY 18	24 %	302	34 %	560
E - KY 18	75 %	957	66 %	1077
S - Boone Aire	1 %	17	0 %	0
	<u>100 %</u>	<u>1277</u>	<u>100 %</u>	<u>1637</u>

DRIVEWAY VOLUMES

NO 1		NO 2	
ENTER	EXIT	ENTER	EXIT
80 % = 242	80 % = 448	20 % = 60	20 % = 112
20 % = 191	24 % = 259	80 % = 766	76 % = 819
0 % = 0	0 % = 0	100 % = 17	0 % = 0
<u>433</u>	<u>706</u>	<u>844</u>	<u>931</u>

ENTER	EXIT
1277	1637

EXHIBIT N

1985 HCM: SIGNALIZED INTERSECTIONS

SUMMARY REPORT

 INTERSECTION..KY 18/Proposed Site (Airport)
 AREA TYPE.....OTHER
 ANALYST.....JEG
 DATE.....11/22/89
 TIME.....PM Peak Hour
 COMMENT.....BIGGS Phase2 w/industrial file:biggs04.sig

VOLUMES				GEOMETRY						
	EB	WB	NB	SB		EB	WB	NB	SB	
LT	191	0	0	448	L	12.0	12.0	12.0	12.0	
TH	1109	1408	0	0	T	12.0	12.0	12.0	12.0	
RT	0	242	0	259	R	12.0	12.0	12.0	12.0	
RR	0	95	0	0		12.0	12.0	12.0	12.0	
						12.0	12.0	12.0	12.0	

ADJUSTMENT FACTORS										
	GRADE (%)	HV (%)	ADJ Y/N	PKG Nm	BUSES Nb	PHF	PEDS	PED. Y/N	BUT. min T	ARR. TYPE
EB	0.00	2.00	N	0	0	0.90	0	N	11.5	3
WB	0.00	2.00	N	0	0	0.90	0	N	11.5	3
NB	0.00	2.00	N	0	0	0.90	0	N	20.5	3
SB	0.00	2.00	N	0	0	0.90	0	N	20.5	3

SIGNAL SETTINGS						CYCLE LENGTH = 120.0				
		PH-1	PH-2	PH-3	PH-4		PH-1	PH-2	PH-3	PH-4
EB	LT	X	X			NB	LT			
	TH	X	X				TH			
	RT						RT			
	PD						PD			
WB	LT					SB	LT	X		
	TH		X				TH			
	RT		X				RT	X		
	PD						PD			
GREEN		11.0	57.0	0.0	0.0	GREEN	41.0	0.0	0.0	0.0
YELLOW		3.0	4.0	0.0	0.0	YELLOW	4.0	0.0	0.0	0.0

LEVEL OF SERVICE						APP. DELAY	APP. LOS
	LANE	GRP.	V/C	G/C	DELAY	LOS	
EB	L		0.771	0.600	24.9	C	13.7
	F		0.605	0.600	11.8	B	
WB	F		0.954	0.483	31.8	D	30.2
	R		0.222	0.483	13.7	B	
SB	L		0.559	0.350	24.5	C	24.6
	R		0.543	0.350	24.7	C	

INTERSECTION: Delay = 23.0 (sec/veh) V/C = 0.786 LOS = C

1985 HCM: SIGNALIZED INTERSECTIONS

SUMMARY REPORT

INTERSECTION..KY 18/Centennial Cr / Boone Aire

AREA TYPE.....OTHER

ANALYST.....JEG

DATE.....11/22/89

TIME.....PM Peak Hour

COMMENT.....BIGGS Phase 2 w/industrial file:biggs03.sig

	VOLUMES				:	GEOMETRY							
	EB	WB	NB	SB		L	EB	WB	NB	SB	L	TR	
LT	60	1	11	819	:	L	12.0	LT	12.0	LTR	12.0	L	12.0
TH	1544	1333	18	1	:	T	12.0	T	12.0		12.0	L	12.0
RT	1	766	11	112	:	TR	12.0	R	12.0		12.0	TR	12.0
RR	1	303	0	0	:		12.0		12.0		12.0		12.0
					:		12.0		12.0		12.0		12.0
					:		12.0		12.0		12.0		12.0

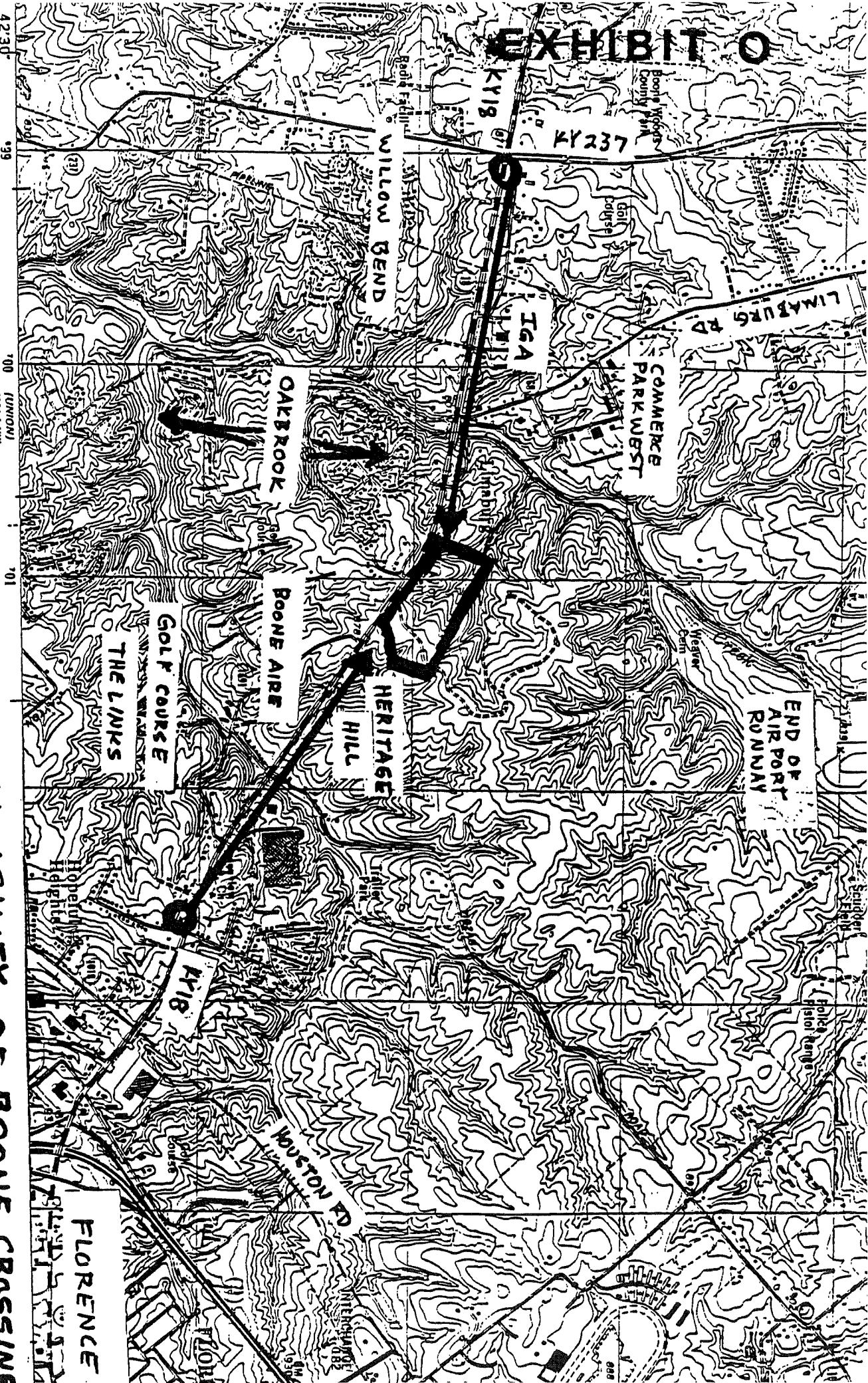
ADJUSTMENT FACTORS										
	GRADE (%)	HV (%)	ADJ Y/N	PKG Nm	BUSES Nb	PHF	PEDS	PED. Y/N	BUT. min T	ARR. TYPE
EB	0.00	2.00	N	0	0	0.90	0	N	19.8	3
WB	0.00	2.00	N	0	0	0.90	0	N	19.8	3
NB	0.00	2.00	N	0	0	0.90	0	N	25.8	3
SB	0.00	2.00	N	0	0	0.90	0	N	25.8	3

SIGNAL SETTINGS						CYCLE LENGTH = 120.0				
		PH-1	PH-2	PH-3	PH-4		PH-1	PH-2	PH-3	PH-4
EB	LT	X	X			NB	LT	X		
	TH		X				TH	X		
	RT		X				RT	X		
	PD						PD			
WB	LT	X	X			SB	LT	X		
	TH		X				TH	X		
	RT		X				RT	X		
	PD						PD			
GREEN		4.0	64.0	0.0	0.0	GREEN	41.0	0.0	0.0	0.0
YELLOW		3.0	4.0	0.0	0.0	YELLOW	4.0	0.0	0.0	0.0

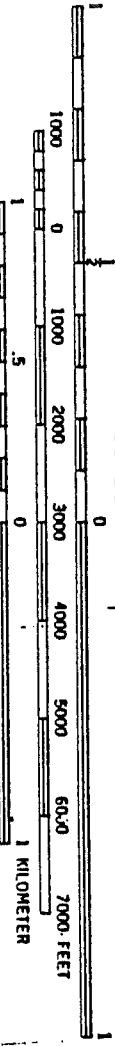
LEVEL OF SERVICE							
	LANE GRP.	V/C	G/C	DELAY	LOS	APP. DELAY	APP. LOS
EB	L	0.101	0.600	7.8	B	25.3	D
	TR	0.933	0.542	25.9	D		
WB	LT	0.809	0.542	19.0	C	18.1	C
	R	0.627	0.542	15.6	C		
NB	LTR	0.091	0.350	19.9	C	19.9	C
SB	L	0.924	0.350	38.1	D	36.1	D
	TR	0.236	0.350	21.0	C		

INTERSECTION: Delay = 24.6 (sec/veh) V/C = 0.879 LOS = C

EXHIBIT O



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

VISIBILITY OF BOONE CROSSING

THE SITE IS VISIBLE ALONG A
TWO AND ONE HALF MILE
LENGTH OF KY 18

BOONE COUNTY PLANNING COMMISSION

Public Hearing

December 6, 1989
8:00 P.M.

Mr. William Viox, Chairman, reconvened the meeting of November 29, 1989 at 8:10 P.M. on December 6, 1989 in the auditorium of the Boone County High School in regard to the following item:

Applicant: Erpenbeck Commercial Enterprises, Inc. for
Dennis Vesper and Albert Vesper, III (owners)
Request: Utilization of an Underlying Zone

The request of Erpenbeck Commercial Enterprises, Inc. (applicant)
for Dennis Vesper and Albert Vesper, III (owners) for the Utilization of an Underlying Zone in Planned Development on a 43.45-acre site located on the north side of KY 18, east of Limaburg Creek Road, Boone County, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD). Approximately 417,600 sq. ft. of retail use is being proposed.

Chairman Viox thanked the Boone County Board of Education, the Boone County High School, and their principal, Mr. Baker, for the use of the facility. He also thanked those present for coming and showing their interest in Boone County.

Chairman Viox asked the Commissioners and Staff to identify themselves, and the following persons were present:

Mr. Ralph Rush - Boone County
Mr. Don McMillian - Walton
Mr. R. N. Greene - City of Florence
Mr. Rector Jones - City of Florence
Mrs. Carol Smith - Boone County Fiscal Court
Mr. Fred Burch - Boone County
Mr. Dale Wilson - attorney
Mr. Gerald Newton - Director
Mr. William Viox - Boone County
Mr. Barry Neltner - City of Florence
Mr. Phil Damstrom - Union
Mr. Larry Barnett - City of Florence
Mr. Melvin DeLong - Florence
Mr. Larry Collins - City of Florence
Mr. Charles Moore - Boone County Fiscal Court

Mrs. Rita Bushelman - Boone County
Mr. Floyd Sharp - Walton
Mr. Doug Powell - Transportation Planner
Mr. Dave Geohegan - Planner
Mr. Kevin Costello - Assistant Director

Chairman Viox noted that Mr. Don Davis, Commissioner, Boone County Fiscal Court, was present. He asked if there were any other Commissioners present and there was no response.

Chairman Viox stated that those who wish to speak had filled out cards and would be called on later in the hearing. He advised that anyone who needed a card should hold up their hand and one would be provided for them.

Counselor Wilson advised that this is a recessed session from the Public Hearing opened on Wednesday, November 29, 1989. It is not a new hearing, but a reopening. Counselor Wilson stated that the record for this application will be made this evening and the Commission will make a recommendation to the Fiscal Court based on the findings made. He emphasized that there will be not another Public Hearing for the purpose of developing a record.

Mr. Gerald Newton, Director, stated that the Staff Report would be presented by Mr. Kevin Costello, primary planner for this review, and two other planners -- Mr. Doug Powell, Transportation Planner, and Mr. Dave Geohegan, Senior Planner. He advised that Mr. Jack Gehrum of Pflum, Klausmeier & Gehrum, had assisted the Staff in regard to traffic analysis.

Mr. Newton advised that the presentation boards to be used by the applicant would be available for review after the meeting for anyone having difficulty seeing them.

Mr. Kevin Costello began his presentation of the Staff Report, which is divided into eight sections (see Staff Report). He noted that the Boone County Board of Adjustment has not yet ruled on the zoning line which is the subject of an appeal at this time.

Mr. Dave Geohegan began the presentation of the Staff Report, which included a slide presentation (see Staff Report). He noted that a letter had been received from the Airport indicating that they do not support a road through their property at this time and, therefore, KY 18 is the only viable connection between Florence and Burlington, the county seat.

Mr. Costello presented and reviewed a slide of the Boone County Comprehensive Plan - Goals and Objectives and a slide of the reasons for the Commercial Two/Planned Development zoning designation.

Mr. Doug Powell reviewed the applicant's Traffic Impact Analysis (TIA) and reviewed a slide of the Concept Development Plan which was submitted as part of this request. He reviewed the Staff's Concerns in regard to Traffic (see Staff Report). Mr. Powell noted that the Staff had been assisted by Mr. Jack Gehrum of Pflum, Klausmeier & Gehrum, in this review.

At this time, Mr. Costello completed the Staff Report noting the history and purposes of Burlington Pike (KY 18) and the existing uses along that roadway including a Convenient Food Mart, nursery, insurance office, etc., which do not serve regional traffic. Mr. Costello presented a drawing indicating the existing topography and vegetation of the site with an overlay of the Concept Development Plan. He stated that 99.9% of the Concept Development Plan is either building or pavement, with no consideration for softening the impact. He noted that the driveway to the east is poorly designed to handle the amount of projected traffic and questioned traffic signals at the access points. Mr. Costello discussed the Staff's Concerns and presented the conclusion of the Staff Report (see Staff Report).

At this time, Chairman Viox asked for the applicant's presentation.

Mr. Tom Nienaber, attorney, stated that he represents the applicant and introduced the members of their group:

Mr. Gene Allison - Space Design International
Mr. William Leak - Wilbur Smith & Associates
Mr. Mark McIntosh - Wilbur Smith & Associates
Mr. Ray Erpenbeck - Erpenbeck Commercial Enterprises
Mr. Ron Erpenbeck - Erpenbeck Commercial Enterprises
Mr. Ed Parrish - President, Clermont County Chamber of Commerce
Mr. Bob Kelley - Real Estate Representative

Mr. Nienaber stated that Mr. Parish volunteered to speak in support of their application and will submit a written statement. He asked that Mr. Parish's letter of several days ago also be a part of the record.

Mr. Ed Parish stated that Clermont County was the first Bigg's location in the USA. His relationship with Bigg's goes back to 1982. He has always been impressed with their management and their concern for interrelating with the people in the area to be sure that they are good neighbors. He stated that Bigg's opened at US 32 and I-75 in 1984 and they have proven to be a good neighbor. Their buildings are clean with ample, clean parking lots. Their security is first class and their overall housekeeping enhances the area. Bigg's has cooperated with the police in areas of security, shoplifting, bad checks, etc., and with fire protection in areas of trash problems and control. Bigg's is cooperative in allowing the police and fire departments to do public demonstrations in their parking facilities. Bigg's supports the local community by substantial contributions to local charities. They allow the use of their mall for community events and participate in community affairs.

Mr. Parish stated that the traffic flow in the area has increased, but with the cooperation of Bigg's, a major "cloverleaf" road was begun in 1984. With Bigg's innovative design, the flow of traffic in the area has dramatically improved. He added that real estate values have continued to increase in the area surrounding Bigg's. In his opinion, Bigg's has had, and will continue to have, a positive effect on Clermont County.

Mr. Nienaber asked that the Chairman request the audience show them the same respect and courtesy extended to the Staff.

Mr. Nienaber submitted a copy of Mr. Parish's letter to the Commission.

Mr. Nienaber stated that this is an application for utilization of an underlying zone in planned development. He stated that they are dealing with uses principally permitted in a C-2 Zone and are only dealing with Phase I -- the 43.45 acres outlined on the board and displayed during the presentation. He stated that they are not here for approval of Phase II development or the outparcels.

Mr. Ray Erpenbeck, engineer and one of the developers, reviewed an aerial map noting the location of the site and the roadways in the area. He indicated the boundaries of the airport and the existing north/south runway on the map. He stated that the site lies at the end of the runway in the "clear zone". He indicated the location of the new north/south runway currently under construction and the internal highways built by the airport as part of that project. He placed an overlay over the map showing the existing zoning in the area. He noted an area shown in yellow that is zoned I-1 and is in excess of 1,000 acres. He stated that industrial zoning is regional. He indicated areas shown in blue along KY 18 which are a combination of C-2 and C-3 zoning and in excess of 200 acres.

Mr. Ray Erpenbeck stated that under the current zoning, without the Planned Development Overlay, 3 - 4 million square feet of commercial development would be permitted, and with the P/D, 6 million square feet of commercial development would be permitted. He stated that it could not be assumed that 6 million square feet of commercial development would be local uses. He stated that Square D, the buick dealer, the honda dealer, and the Sweeney development are all regional. He indicated an area in green of office zoning, which is proposed for regional development. He indicated the location of the proposed Boone Crossing in the middle of the approved commercial zoning, which fits in with what has developed in the area. He noted that four or five automobile dealerships are permitted adjacent to the site. He presented an overlay showing the uses permitted in the area.

Mr. Ray Erpenbeck presented a drawing of the Concept Plan, which had been shown on the screen earlier by Mr. Costello. He noted that the building is setback the greatest amount possible. They have made every attempt to make the development as compatible as possible. They propose 380,600 sq. ft. of leasable space. The development is at an intensity of 8,760 sq. ft. per acre and C-2 zoning permits 18,000 sq. ft. per acre. They are at 49% of what is permissible. He added that with the P/D zoning, they are permitted 1.6 million square feet and they would be at 32% of that figure. They propose a minimum of 2,113 parking spaces of 9' x 19', which exceeds the zoning requirements of four spaces per thousand square feet, and they are in excess of 5 spaces per thousand square feet.

In regard to access roads, Mr. Ray Erpenbeck stated that they are proposing a four-lane access into the site on the east via Centennial Circle with adequate right and left turn lanes, built in accord with the traffic report. A traffic

light will be installed on the west side. There will be a four-lane drive off the access road with right and left hand turn lanes. There will be acceleration lanes at both intersections for traffic leaving the site.

Mr. Ray Erpenbeck presented a drawing showing the topography and soils. He stated that G. J. Thelen did an analysis of the soils and found them to be more than adequate and suitable for the development. He stated that there are no soil problems. He stated that the mature vegetation is located entirely within the bottom of the ravines. Immature vegetation has grown up in some areas that were pasture and farm land until the last few years. These are small trees and sapplings and there is no mature vegetation in those areas. He stated that in order to develop the site with any project, due to the topography, there will be no choice but to fill the ravines and flatten the hillsides. He noted the location of the Heritage Hill development and stated that this site has been graded with in excess of 250,000 yards of dirt. They anticipate excavating the ridges and filling the ravines with the floor about 15 feet below KY 18 and he indicated this area on the drawing.

Mr. Ray Erpenbeck continued his presentation indicating the three access points for the Vesper property. He stated that they will not use and will abandon the middle access point. One of the remaining access points is Centennial Drive and the other basically lines up with the ravine which must be filled in order to use this access point.

Mr. Ray Erpenbeck presented an exhibit of the drainage pattern. He indicated the location of Gunpowder Creek and a major drainage swale that fans out into a series of ravines feeding into the one swale. They propose a stormwater management system requiring the construction of a retention or detention pond just above Gunpowder Creek to enable them to control the stormwater coming off the entire area. The system will be designed in accord with the specifications.

Mr. Ray Erpenbeck presented an exhibit of the adjacent land uses, identifying the current landowners, zoning, and use of the properties (see Exhibit).

On an aerial map, Mr. Ray Erpenbeck indicated the location of their site (outlined in red and white tape) and the western limit of the "clear zone". He identified the adjacent land uses, including the industrial development of Limaburg Creek Road. He noted the drainage pattern on the aerial map. He indicated the location of the mature vegetation at the bottom of the ravines, as well as the locations of the immature trees and sapplings. He stated that they will move approximately 400,000 yards of dirt which, per acre, is not out of the ordinary.

Adding another overlay, Mr. Ray Erpenbeck indicated the area in yellow to be the Heritage Hill development. He indicated the Sweeney automobile dealership, which currently exists, and stated that four automobile dealerships are approved to the east of the site. He stated that automobile dealerships are regional. He stated that the Toyota dealership approved for Hopeful Road is regional. He noted that there could be another automobile dealership in the area approved for C-3 uses. He noted an approved 60,000 sq. ft. furniture dealership which

is regional in nature. He noted that area where a Hardee's restaurant has been approved. He stated that there are 132,000 sq. ft. of commercial approved on the 15 acres, which is approximately 8,400 sq. ft. per acre. They are asking for 8,700 sq. ft. per acre, which is almost equal in intensity, and will be designed in accord with everything in the neighborhood. He added an overlay of the Concept Plan for the Boone Crossing development, which connects with the Heritage Hill Development, meeting the requirements for connection between the two developments.

Mr. Ray Erpenbeck stated that the site is visible because God made it that way and whatever is put there will be visible. It is on top of the hill. The site will be visible to three homes on Rustic Lane and a couple of houses on Kenner Drive. Oakbrooke will not be visible due to the hills and vegetation. Boone Aire Road has built up in houses and their orientation is to the auto mall. They already have visibility of that area.

Mr. Nienaber introduced the representatives from Wilbur Smith and Associates. He held up their traffic study and stated that they had prepared a brief statement addressing some of the Staff's concerns in regard to traffic, which he asked be made a part of the record. He noted that Mr. Newton had a copy of the Traffic Network Analysis, and that he would submit the Summary Report and Addendum. He also asked that the brochure used by Wilbur Smith and Associates be made a part of the record.

Mr. William Leak, Associate in Charge of Wilbur Smith and Associates in Kentucky, a consulting firm in traffic, stated that they have been in business for 37 years and have done traffic studies worldwide. Their qualifications are on record with the Transportation Cabinet. The document presented to the Staff is factual and true. They have made no false statements to the Commission or their client. They have gone to the Bigg's store in Batavia and this development is above the national norm for a development of this type, which is reflected in the Traffic Impact Study. He introduced Mr. Mark McIntosh, a Traffic Specialist in the Lexington Office of Wilbur Smith and Associates.

Mr. McIntosh stated that their traffic impact and analysis study analyzed KY 18 from Tanners Lane west to KY 237 and looked at a network of intersections, both signalized and unsignalized. He stated that they are considering only Phase I tonight, but considered Phase II also in the traffic study. They found this site to be similar to the Bigg's project in Batavia, Ohio. Traffic counts were performed for five days in July beginning on a Wednesday and they indicated a 15% increase in the weekday afternoon peak hour over the national standard trip rate found in the Institute of Traffic Engineers Traffic Information Handbook for a comparable shopping center. The weekday peak for Bigg's was found to be Friday evening from 8 P.M. to 9 P.M.. The KY 18 afternoon weekday peak was 5 P.M. to 6 P.M., passed on counts performed east of Oakbrooke Drive on KY 18 from Thursday through Monday. The trade area for the Boone County site was defined as Dearborn County, Indiana to the west, I-74 to downtown Cincinnati to the north, the Licking River to the east, and the southern portions of Boone and Kenton Counties. Distribution was determined by determining logical routes to the site. He stated that improvements to KY 18 will include

exclusive and right turn lanes entering to remove conflict with through movements on KY 18. Dual left-turn lanes exiting the site will provide for good progression on KY 18. Two signals will be needed on KY 18 spaced 1,800 feet apart at Centennial Circle and the westernmost access for Boone Crossing. KDOT will allow three accesses on KY 18 to serve Boone Crossing, but only two will be used and meet the spacing requirements. Driveways will also provide for approaches to Centennial Circle and Boone Crossing Drive. He stated that a level of service is defined which is a measure of driving conditions, delays, driver discomfort, etc. for the intersections with ratings going from "A" (excellent) to "F" (failure). A worst case scenario was created by using traffic counts from the Friday evening peak hour at the Batavia store and applying it to the weekday peak on KY 18 between 5 P.M. and 6 P.M.. No significant changes in levels of service were found. He added that improvements to Boone Crossing provide for ease of access into the site with little interruption on KY 18.

Mr. Nienaber introduced the representatives of Space Design International, Mr. Gene Allison and Brett Kretzel. He noted Mr. Costello's comments that they did nothing to lessen the visual impact in the area and stated that their presentation would be impressive.

Mr. Gene Allison stated that they are the architects and designers of the project. He displayed a colored drawing of the Site Plan. He indicated the location of KY 18 and the main Bigg's building toward the rear of the site. He noted the access into the site and the community center to the west, as well as the open center. They are beginning to look at areas where vegetation can be maintained and screening can be provided for the parking lot. On another drawing, he indicated the two main entry points and the food court with approximately 400 seats and eight national food retailers. He noted the location of the grocery area, hard line area, and soft line area. He stated that these areas will be similar to Fairfield and Eastgate. He presented panels indicating the elevation of the project and stated that with the grading of the site, the floor elevation will be approximately level with KY 18 at the east end. There will be 40-foot high canopies, with a Bigg's sign in the center section. There will be masonry construction on the food court with three textures being used. The average height of the buildings is approximately 24 feet. The front wall of the building serves to hide mechanical equipment and the cart storage areas. He presented drawings to show the lighting qualities in the evening hours. He displayed the sign package, including a highway pylon sign. He presented a drawing indicating the relationship of the highway to the building.

Mr. Nienaber read a statement from Mr. Allison regarding the project and the credentials of Mr. Allison and Brett Kretzel. He also submitted a copy of the soils analysis for the record.

Mr. Nienaber submitted a letter from Boone County Water and Sewer indicating that there are sufficient water and sewer services in the area to serve this development. He also submitted letters from Cincinnati Bell and Union Heat, Light & Power Company indicating sufficient gas, electric, and telephone services are available. Mr. Nienaber also submitted a letter from the Burlington Fire District indicating that they could serve the project.

Mr. Nienaber also submitted a map of the area showing the noise levels from the airport with the site highlighted in blue.

Mr. Nienaber stated that this Bigg's Store is being designed to serve the Northern Kentucky area, exclusive of Campbell County, which is closer to Eastgate. The market for this store is Boone and Kenton Counties, some of the rural counties, and the Lawrenceburg area. Mr. Nienaber quoted from the Goals and Objectives of the Comprehensive Plan in regard to compatible development. He stated that there is more than ample parking for the project. He stated that there is innovative design planned for the development. In regard to Transportation Goals, he stated that the level of service is to be maintained or improved. He stated that there has been no evidence that the level of service in the intersections on KY 18 from I-75 to KY 237 will be appreciably affected by this development. He stated that they have provided proper access to adjoining properties. They have made a commitment to signalization. They have met the Access Management policies and guidelines. They have met the objective in regard to roadway capacity. He stated that in regard to the Business Activity Element and the Land Use Element of the Comprehensive Plan, the Staff has determined that regional development for this particular area has been excluded, but he does not agree. He quoted from the Business Activity Element and noted that it speaks in terms of "ideally". He noted that the Land Use Element provides that the section of KY 18 between KY 237 and Limaburg Road shall be limited to local use for retail, but it does not say that from Limaburg Road to Zig Zag. He stated that the question to be addressed is, "Has the Comprehensive Plan excluded regional development", and he does not think it has. He stated that there are about 200 acres of commercially developable property along the corridor which is equivalent to commercial development equal to three Florence Malls. He stated that if it was intended to be for local use only, it should have been zoned C-1. He quoted from the purposes of the C-1 and C-2 zoning districts. He stated that a C-2 Zone by its nature allows for regional development. He noted that the property zoning line off KY 18 is between 870 feet to 1,050 feet and questioned if a depth of 875 feet was necessary for local uses. He stated that local uses would need only a maximum of 400 feet. Mr. Nienaber stated that there is a need to look at what has happened in the past along the KY 18 corridor at the Ralph Drees Development and the Heritage Hill Mall to the east of the site. He noted that there are four approved auto dealerships and probably a fifth. He noted 6,000 sq. ft. of office, retail, and restaurant uses, as well as 61,000 sq. ft. of mini-warehouse and retail sales. He noted the visual impact of four or five auto dealerships along KY 18. He stated that car dealerships are regional.

Mr. Nienaber stated that they have taken numerous steps to lessen their visual impact on the KY 18 area. They have taken every step to keep the development as low as possible and at one point it is 15 feet below road level. He stated that the site is best described as a "big hole" as the Staff indicated in a newspaper article. They have tried to set the development back from KY 18 to minimize the visual impact. They have reduced the intensity of the development. They have three curb cuts approved by KDOT and have eliminated one of them. They have designed an internal road network to get cars off the road and into the parking spaces as quickly and safely as possible. They will work with the Staff in regard to their concerns about the access road off KY 18. They have designed the building using techniques to minimize the visual impact. They are maintaining constant natural drainage.

Mr. Nienaber stated that they have prepared a response to the Staff Report which he submitted for the record.

Mr. Bob Kelley, a real estate representative in Clermont County, distributed kits he had prepared indicating his qualifications as an appraiser. He stated that there is a question about what would happen to property values in Oakbrooke. They did a computer study of residential streets one-half mile from the Bigg's mall. They chose twenty properties and the documentation shows normal increases in value from 1984 to 1989. He stated that he could assure those present that there would be no decrease in value. He stated that there is a similarity between the two areas and that Rte. 32 is similar to KY 18. He stated that in the packet was a zoning map for the area surrounding Bigg's Mall and the Eastgate area. There has been no decrease in property values. Mr. Kelley reviewed the items contained in the kit, which is available in the Staff Office. He stated that directly opposite Eastgate Boulevard was 70 acres of vacant land that has now developed into 223 apartment units that rent from \$425 to \$750 a month. On Rumpke Road, Zicka sells homes from \$125,000 to \$150,000. He stated that a condominium project two blocks from Bigg's is selling from \$65,000 to \$80,000. He stated that this development can increase residential value.

Chairman Viox noted that the applicant had completed the presentation and questioned if they were applying for Phase I and Phase II.

Mr. Nienaber stated that they are only applying for Phase I.

At this time, the Chairman asked for a ten-minute recess.

Following the recess, the Chairman stated that participation from the audience would begin at this time. He noted that those persons wishing to speak had filled out cards and their names would all be called. All of the names were called, and all of the cards are available in the Staff Office, but only the following persons took the opportunity to speak:

Mr. Ralph Drees stated that he was present in behalf of Oakbrooke. He stated that he thought the Staff had indicated there was adequate sewer for the development. He stated that there was a written agreement when they turned the sewer over to Boone County Water and Sewer. There was extra capacity, but Jon Vote1 paid for sewer taps and the capacity has been used. He stated that this development will draw from a three-state area and needs to be on an expressway. He stated that this situation is not the same as the Bigg's in Clermont County or Forest Park as they are right off the expressway system on a four-lane road. They also have a better intersection into the four-lane road than KY 18 has. He noted that they are full cloverleaves, but this development would be a few miles down the road. Mr. Drees stated that a member of the Airport Board told him that the FAA turned down any road going through the airport as the traffic should not be that close to the planes. He was told there would never be a road through the airport. He stated that this is not a compatible use with Oakbrooke. Regional-type service is not needed by the people in Oakbrooke and the surrounding area. He noted the areas of Oakbrooke kept natural for the people to enjoy and stated that the creek would not be kept on this project. In regard to the strip center where Arlene Jones owns the land, the uses would be for the people in the general

vicinity as they are all neighborhood-type services. He stated that property values in Clermont County declined in 1981, 1982, and 1983, and have since rebounded. However, they cannot say that Bigg's did this. He stated that this development should not be built unless it is closer to the road system with the infrastructure in place.

Mr. Bob Tucker stated that he is on the Board of Oakbrooke, but is speaking as an individual. He questioned if the road figures were applicable without Phase II. He stated that he contacted the state of Kentucky for a five-year report on accidents on KY 18. In the last five years, from Burlington to I-75, there were 1,174 accidents, which is two accidents every three days, and this development would put another 14,000 trips per day on KY 18. He stated that from KY 237 to Kenner Drive there were 158 accidents in five years, which is 3.6 accidents per million vehicle miles and the statewide average is 1.64. KY 18 has more than twice the accidents of the rest of the roads in Kentucky on the average. Mr. Tucker stated that there is a letter that says the 8" line is at capacity, but long-term planning is that the line will be 30" to an east/west connector and then 21" to the line on the north side of KY 18 where Bigg's would connect at a cost of \$961,000. The plant at Oakbrooke has just been increased in capacity 200,000 gallon per day and is scheduled to be closed in about three years. If Bigg's goes in, it will represent 7.5% of the \$200,000 expenditure that went into the plant. He questioned if they can use the plant for five more years. He questioned who would pay the \$961,000 to increase the line. He stated that the only expense Bigg's will have is a tap-in fee of \$37,500, and they have indicated that they could walk away from that kind of money. He stated that in the Phase II Plan they indicated that a road will be built across the airport property and there is a letter from the FAA and Bob Hauser saying that property will not be available. He submitted a map showing the airport property and its relationship to the subject site. He stated that a road from this site to the airport would be cutting through almost all private land. He also submitted the five-year traffic study from the state of Kentucky. He noted that 39% of the traffic from this project will be back on KY 18. He noted the two exit roads with double left-turn lanes, which are like the lanes at the mall, and stated that he would like their feasibility studied further. He noted that they propose 9' x 19' parking spaces when the standard is 10' x 20'. He stated that Florence Mall should be used to its capacity and there is a lot of land there now. Mr. Tucker stated that he wants Bigg's in Boone County, but not on this site.

Mr. Woltermann, attorney with Adams, Brooking and Stepner, stated that he is representing the Flick family, owner of Flick's IGA on KY 18. He stated that he represented the applicant for the 31 acres zoned for commercial use to the east of the Bigg's site and when their Concept Development Plan was presented, the major concern was traffic on KY 18. Their presentation was for automobile dealerships because, even though they draw from regional areas, they do not place much traffic on KY 18. They were required to show that the development would be in keeping with the Concept Development Plan and the intensity of the traffic would be compatible with KY 18. The access road on the east side of

the Bigg's development will go through their Concept Development Plan, which was sensitive to the traffic on KY 18, requiring a revision of that Concept Development Plan and a new Public Hearing. He stated that this plan presumes that the I-1 Zone to the north can be used as an adjunct to a commercial zone, but there are receiving, parking, and shipping areas and it is not proper to use an I-1 Zone as an adjunct to a commercial operation. He stated that parking is an acceptable use in an Industrial Zone, but it is acceptable in almost any zone. In order for the parking to be used, it must be used compatibly for an Industrial Zone. He stated that he does not see how the traffic planners can come to the conclusion they do from the facts provided. He stated that a percentage of the traffic coming out of Bigg's would go east on KY 18 and would have to run into Houston Road, which is an "E" rating now and at capacity. The traffic will also go through Mall Road and KY 18 to I-75, which is an "F" rating. The reason the rating is not changed is that it can't go lower than an "F". He stated that eventually an access road from KY 18 to Pleasant Valley Road will occur. A good amount of traffic will come from south of Florence and the easiest way to get to Bigg's will be via Oakbrook. He stated that there would be a major problem in regard to traffic.

Mr. Edward Kiffmeyer stated that he is from Hebron, but was formerly from Clermont County. He goes through the present Bigg's about 135 times a year. There are a lot of cars but he does not consider the traffic to be a major problem.

Miss Stepner quoted from the Comprehensive Plan that regionally oriented commercial development should be retained to the Mall Road area.

Mr. Salyers stated that he came to the Planning Commission three years ago wanting to build real estate and make things happen. He got permission to do so along KY 18 in the Heritage Hill Development. He has sat for two years behind piles of dirt. He went with every restriction, such as landscaping and vegetation, in a first class manner. He stated that there is an approximate 50,000 sq. ft. office building with the foundation in that will add to the Bigg's development. He stated that there is a need to do something that will keep the beauty of the county in line. He stated that they are proposing traffic lights which will decrease the accidents. Bigg's will help the auto dealerships. He stated that Oakbrooke can use alternative routes and does not have to use this avenue if they do not want to see Bigg's. He added that the taxpayers spent a lot of money for a highway to go to Burlington and it is eventually to be six-lanes. He stated that there is no better place in Boone County for the traffic.

Mr. Crouch, a resident of Oakbrook, stated that this is the wrong development in the wrong place at the wrong time. He has talked to city officials in two other cities that have Bigg's stores. Larry Frank, City of Forest Park, told him that they are now researching their original agreements with Bigg's to prevent Bigg's from being open 24 hours a day. Their public safety officials are concerned and want to stop this. Bigg's has been very uncooperative in this matter. He also talked to the Union Township Administrator, Louis McKnight, and the Union Township Chief of Planning, Mary Lou Evans. When the Bigg's proposal was made, they were led to believe it would be a high class regional mall, but most of the original tenants have moved out and the mall has a somewhat junky, unkept, half-vacant appearance. There have been complaints from the neighbors about litter blowing onto their properties. In place of many of the shops that have closed,

Bigg's has placed game rooms, temporary craft shops, and kiosks. Bigg's came to them with a proposal to put a gas station in front of their food court and they had no legal basis to stop it. Last summer, without notice or permission, Bigg's set up a carnival for three days. They were told Bigg's clientele would be an economic mix with upper income from the east, but mostly they have a draw from the south and west of lower income people.

Mr. Paul Tipton, a resident of Oakbrook, stated that he opposes the structure based on storm drainage. He stated that a lake or pond in a residential area with children could be a disastrous safety issue.

Mr. Larry Hicks, representing Don Poynter, owner of World of Sports, stated that the Planning Commission turned down the Bigg's proposal a year ago based on there being too much traffic coming off I-75 and there is certainly too much traffic to come down KY 18. He stated that the issue has already been decided -- there is too much traffic.

Mr. Paul Dusing, a two-year resident of Boone County, questioned why the rest of the county has to shop within a four mile square area. Why can't the burden or pleasure of expansion be shared? He cannot think of anything that has changed since last year -- the traffic is still the same. He noted that at the last hearing all of the people fit into the courthouse and questioned where all of these people were then. He stated that if he hoped to make a living as a contractor or sub being hired by Mr. Erpenbeck, he would also be here with a white hat and Bigg's tee shirt on. He would be interested in seeing a list of the addresses of the attendees. He stated that what you save on groceries, you will spend back in gas at the lights. He stated that Bigg's has been in Ohio for five years and he has been there once and that was enough. He questioned when this issue will be decided.

Chairman Viox advised that it is scheduled for January 3, 1990.

Mr. Paul Dusing questioned if any of the faces on the Board (Commission) would change by then and if any of the people who could take their places were present this evening.

Chairman Viox stated that he did not know and the Commission had not been notified.

Counselor Wilson advised that Kentucky law would allow people who were not present as members to review the record made this evening and vote on a motion based on findings coming from the record.

Mr. Paul Dusing asked if those people would have an opportunity to view the findings and Counselor Wilson advised that they would.

Mr. Paul Dusing stated that there was an extremely important issue in regard to elevation on Route 20. There was a 40-foot discrepancy in elevation. The two types of soils have a problem supporting the structure and are susceptible to erosion, which concerned him. He questioned where all of the trees would go in Phases I and II. He stated that the buffers and vegetation will be gone. He stated that he is not against Bigg's being in Boone County, but the problem is with the location.

Mr. William G. Smith, a resident of Oakbrook, stated that he talked with Chief Roberts of the City of Florence Fire Department. They were concerned enough about one of the initial sites that they were asking Bigg's to donate part of the land to build a fire station. He questioned if a volunteer Fire Department or semi-volunteer Fire Department could handle what Florence could not handle.

Mary Ann McKinney, a resident of Oakbrook, submitted petitions signed by residents of Boone County in opposition which contain over 1,000 signatures. She noted that 3,563 votes were cast in the Judge/Executive election this past year. She questioned the effect of the construction on the community's atmosphere and the neighborhood's environment.

Ms. Arlene Frye, speaking for Barb Roth, stated that Oakbrook Drive already carries commercial traffic to the golf course. It has many blind curves and half-hidden entrances. There are families and homes in the back of Oakbrook with children and there could be tragedies. She stated that she has been to Forest Fair and at least one person has been killed trying to get back out on I-275.

Ms. Kathy Flaig, speaking for her neighborhood, stated that the Bigg's presentation was too long and she could not comprehend it. She stated that there will not be four new dealerships on KY 18, but Sweeney wants to sell four types of cars. She does not live in Oakbrook, but her neighborhood does not need or want another place to shop for food or clothing.

Mr. Jay Noechel, a resident of Oakbrook, stated that he does not work for Bigg's and is not being paid to be here. He feels that property values will go down. He noted that the parking lot lights were missing on the drawing and questioned their height. He challenged Mr. Erpenbeck to tell him that he would not see the Bigg's store from his street. He stated that he lives in the first subdivision of Oakbrook and the entire subdivision will see the lights and the front of the subdivision will see the store. He stated that in five years this development would look like U.S. 32 surrounding the Bigg's store with fast food stores abounding. He questioned what the ratings of the intersections will be with the fast food stores. He noted that two miles east of this site you can buy anything you want and questioned why another store is needed. He noted that in Clermont County the area of Bigg's was farmland and then the residents started to move in, which is a different scenario than Boone County. He stated that U.S. 32 is limited access and KY 18 is not and there is a big difference. He noted the locations of Conner Junior High, Senior High, and elementary schools and that the buses from Oakbrook would pass through the Limaburg Road intersection twice a day. He questioned if the traffic studies included the trips the employees of the mall would make. Mr. Noechel stated that his is one of 4,000 Oakbrook residents that will not shop there. They will try to fight this in Fiscal Court if they have to. He asked that the store be built elsewhere or not at all.

Mrs. Linda Luther stated that she is a new member of the community and her husband works for an airline. They decided to live in Oakbrook because the environment was left as natural as possible. They moved in three months ago and Cincinnati Bell told them they would have to wait at least two weeks for a phone because there were not enough trunk lines in the area. She stated that Bigg's is not compatible with their neighborhood and they would like the property rezoned for

residential. He added that a lot of other airline employees will also be coming and will look for quality of life. She fears for the safety of her teenage son on KY 18 and Limaburg Road. They do not need a business that will markedly increase the traffic in their neighborhood.

Mr. Charles Scroggins, a resident of Oakbrook, noted the footcandles of light, especially if the mall is open 24 hours a day. He can already see lights from the auto dealership. The lights will shine off the parking lots and into the faces of people in traffic.

Mr. Paul Kahmann, a resident of Florence, stated that he is in favor of the project. This is a perfect location for the mall. The county has to improve and grow and have places like Bigg's. The tax dollars are needed to improve the sewers, the schools, and the standard of living.

Mr. Richard Vice, a 35-year resident, stated that he is heartsick over where Bigg's is going. The lights at Turfway and Mall Road are already bad. The added traffic from Bigg's will cause solid red lights from Mall Road to Bigg's.

Mr. Ron Hildebrand stated that he is offended by Mr. Nienaber asking the Chairman to admonish the people not in favor of Bigg's and his reference to "his people" and how well they behave themselves. He stated that they are only people that live here and were not hired, trained, recruited, or outfitted with Bigg's attire. They are concerned about their community. He stated that if this Phase I is approved, there will be Phase II and Phase III and they will end up with the traffic problems. If Boone County residents want to shop at Bigg's, it is only 30 minutes away. He stated that he had not heard any benefits of Bigg's coming to Boone County expressed. He is a resident of Oakbrook and has no problem spending all of his money at Florence and in Boone County. He noted that the Boone County unemployment rate is only 2.7% and questioned where they would get all of their employees. He questioned how many people would quit good jobs to work for minimum wage.

Ms. Ginny Salyers from Boone County stated that she would rather travel KY 18 than I-75 and that Bigg's looks like the future to her.

Mr. Ed Neiman, a business owner on Mall Road, stated that he is not sure their road can handle another store like Bigg's. He stated that it is not a question of where Bigg's goes, but if the Commission will let them get into Boone County.

Mr. Robert Bergmeier stated that there could be a compromise worked out in regard to traffic. He stated that Bigg's wants to invest money in Kentucky and provide jobs and tax dollars. He stated that Kentucky is almost dead bottom on the educational schedule and high on the mortality rate. Corporations wanting to help Kentucky are needed. Kentucky needs the tax dollars drastically.

Mr. John McNab would like to see Bigg's in Boone County as he currently drives about 50 miles to shop at Bigg's. He stated that the Florence stores cannot match Bigg's prices and believes the competition would be good. He stated that Florence stores like to gouge the public. He stated that there is a zone on

the Comprehensive Plan that will not support the type of commercial development defined in writing. He stated that there is an opportunity here for planned development that the Commission can restrict, or it can allow little developments that look like Dixie Highway going through Elsmere. Commercial development along KY 18 is inevitable. He questioned if it is better to have a development with a limited number of curb cuts than small developments with numerous curb cuts. He believes that the proposed stop lights will reduce the number of accidents on KY 18. The tax rates in Boone County are low and are kept low by the commercial and industrial taxes. He believes Bigg's will help the property values. It would be less expensive to serve a single complex like Bigg's with utilities than several different commercial installations. He questioned why the Commission has approved development on some of the worst roads in the county when two of the best roads in the county -- KY 18 and KY 237 -- are virgin territory. He stated that Bigg's belongs in Boone County.

Mr. Jerry Coldiron a resident of Oakbrook, stated that he is not speaking in behalf of the golf course where he is superintendent. He stated that he has two small children and has seen what Gunpowder Creek looks like with the sewage treatment today.

Mr. Steven Scott stated that the statistics based on Phase I only represent traffic exceeding capacity. The area west of Florence to Burlington is a well-planned, carefully growing, residential community and you must consider the longer term effect over the short term gain.

Mr. Mike Parker, a resident of Oakbrook, and also a realtor, asked that the Commission pay attention to what the planners said. He stated that Oakbrook is a world-known subdivision and the Russian delegation came through this year to see how the housing was done. He stated that the Burlington Fire Department is a volunteer fire department and cannot take care of Bigg's. He questioned the police protection and if it would only be Boone County.

Chairman Viox advised that this was correct.

Mr. Parker stated that he does not believe the Boone County police department has the power. He questioned the ambulance service. He stated that the outlying areas are beginning to develop and this would affect that area. He stated that people go to Boone County for the 7.08 tax rate and that they can get in and out fairly quickly. He questioned if the taxes would be raised to pay for the sewers. He stated that the county has a major investment in the golf course and this development would hurt the golf course. Bigg's being open 24 hours a day from October to January would bring a lot of element into the area they do not want. He questioned the number of break-ins during the day. He stated that there has been a commitment to small shops in the area. He stated that buyers and sellers determine value and that no appreciation is a decrease.

Mr. Morin Meadows stated that he grew up in Clermont County and moved to Northern Kentucky. He stated that Bigg's was a mistake in Clermont County.

Mr. Alan Hale stated that the second category considered in the 1990 Land Use Plan was that developments were compatible with the environment. He stated that the Bigg's development with earthmoving and fill of 60 ft. to 90 ft. close to the drainage of Gunpowder Creek represents a problem of subsequent sedimentation into Gunpowder Creek and water degradation from the standpoint of non-point source pollution. He stated that there would be a need to acquire a Corps of Engineers Permit. He noted that there had not been studies of wildlife habitat and there are two federally protected endangered species on this portion of the range of their habitat.

There being no further comments from the audience, the Chairman asked if there were any comments from the Commission.

Mr. Ray Erpenbeck stated that several people had questioned where the people in white hats and Bigg's tee shirts and the petitions signed by 2,500 come from -- they are all Boone Countians and that is where they came from.

Mr. Moore noted that the applicant indicated this to be a Principally Permitted Use in the C-2 Zone.

Mr. Nienaber agreed and stated, in response to additional questions from Mr. Moore, that the use is retail -- department store, variety store, supermarket. The related uses will also be Principally Permitted Uses but they do not have tenants at this time and cannot give exact uses.

Mr. Moore stated that he did not think the C-1 or C-2 zones anticipated a use of this magnitude in their classification and that the C-3 classification was designed to encompass a use such as this. He added that he does not think it is the intent of the Planned Development concept to permit the zone to be altered to the extent that it loses all touch with the underlying zone which in this case is C-2. He stated that there is no question that the proposal is a regional draw.

Mr. Nienaber stated that he believes Florence Mall is zoned C-2, as well as the majority of commercial space on the other side of Mall Road. He stated that they are trying to develop this site with uses permitted under C-2.

Mr. Moore stated that Florence Mall is C-2/PD, but is located along I-75.

Mr. Neltner noted that the outparcels are shaded in green and add to the look of green space, but the applicant has indicated that they will be developed.

Mr. Nienaber stated that the outparcels are not part of this application. He added that the developer will make a substantial commitment to landscaping on this project.

Mr. Neltner stated that he was concerned about the downsizing of the parking spaces and questioned if there would be less landscaping at the standard size.

Mr. Ray Erpenbeck advised that their numbers are based on 10' x 20' spaces. The sizes of parking spaces have been reduced in a number of developments to 9' x 19' as cars are much smaller today.

Mr. McMillian stated that this is the first Public Hearing where he has not heard that the development will overcrowd the schools.

Mr. Nienaber stated that they will take their drawings with them and have them photographed. They will be available in their original state on a four-hour notice. He added that all of the documents, renderings, and exhibits are a part of the record. He stated that he also had a prepared list of the documents that are part of the record.

Counselor Wilson advised that it is necessary to make arrangements for duplicate copies to be on file in the Staff Office.

There being no further discussion, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on January 3, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

January 3, 1990 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. R. N. Greene
Mr. Robert Kirby
Mr. Rector Jones
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom
Mr. Melvin DeLong

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Public Hearing and the Business Meeting of December 20, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Jones moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of the bills which have been paid. Mrs. Smith seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, and the Record of Conveyance Plats had been distributed for the Commission members to review.

There being no discussion of the reports, Chairman Viox proceeded to the items on the Agenda:

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Utilization of an Underlying Zone

The request of Erpenbeck Commercial Enterprises, Inc. (applicant) for Dennis Vesper and Albert Vesper, III (owners) for the Utilization of an Underlying Zone in Planned Development on a 43.45-acre site located on the north side of KY 18 and east of Limaburg Creek Road, Boone County, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD). Approximately 447,600 sq. ft. of retail use is being proposed.

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the statements made and the findings of fact (see Committee Report).

Mr. Neltner moved that the Committee Report be forwarded to the Boone County Fiscal Court in the form of a resolution. Mrs. Smith seconded the motion.

Counselor Wilson advised that any action taken by this body is a recommendation to the Fiscal Court and they will have the final action.

Mr. Kirby questioned what the members were being asked to vote on and Counselor Wilson advised that the Commission would be adopting the Committee Report and recommending to the Fiscal Court that the proposed use not be allowed. He also advised Mr. Kirby that he could choose to pass his vote as he is a new member.

Mr. Owens stated that he attended the Public Hearing on December 6, 1989 and is familiar with the issues. He has reviewed the study sent to him by the Erpenbecks and feels confident in acting in regard to this request.

Chairman Viox asked if there were any further comments; there being none, he asked for a vote on the motion made by Mr. Neltner which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Greene, Mr. Jones, Mr. Neltner, Mr. Owens, Mr. Rush, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. Kirby and Mr. McMillian were opposed. The motion carried by a vote of 11 to 2.

2. Change in Concept Development Plan

The request of Jake Sweeney Kentucky Realty (applicant) for Amerex, Inc. (owner) for a change in a previously approved Concept Development Plan for a 5.79-acre site located in Heritage Hill Industrial Center off KY 18, Boone County, Kentucky.

Mr. Gerald Newton, Director, advised that Mr. Mike Kelsey, Vice President and General Manager of Jake Sweeney, had today withdrawn the request due to a question in regard to legal ownership of the property and the Purchase Contract has been voided.

Chairman Viox stated that the withdrawal has been accepted and no action is needed.

3. Zoning Map Amendment

The request of GBBN (applicant) for Northern Kentucky Association for the Retarded, Inc. (owner) for a Zoning Map Amendment on a 58-acre site located one-half mile east of Easton Lane off Idlewild Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) and Agriculture (A-1) to Public Facilities/Recreation/Planned Development (PF/R/PD). The proposed use is a residence/retreat/recreational center.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Barnett moved that the request be approved based on the Committee Report by resolution to the Boone County Fiscal Court. Mr. Jones seconded the motion and it carried unanimously.

4. Site Plan Review

The request of John Elberg (applicant) for B. P. Oil Company (owner) for Site Plan Review to redevelop the existing Gulf service station site located at the southeast quadrant of U.S. 42 and I-75, Florence, Kentucky. The 1.1-acre site is zoned Commercial Services (C-2). The proposed use is a mini-warehouse center.

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: January 3, 1990

RE: Request of Erpenbeck Commercial Enterprises, Inc. (applicant) for Enterprise VI or Dennis Vesper and Alicia Vesper (owners) for the Utilization of an Underlying Zone in Planned Development on a 43.45 acre site located on the north side of KY 18 and east of Limaburg Creek Road, Boone County, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD). Boone Crossing, a 447,600 square foot retail center, is being proposed.

REMARKS:

We, the Committee, recommend denial of the request based upon the following statements and findings of fact.

FINDINGS OF FACT

CONCEPT DEVELOPMENT PLAN

1. The proposed uses and building density as stated on the submitted Concept Development is not consistent with Article 15 of the Boone County Zoning Regulations and the criteria used to evaluate Planned Development (PD) requests under the applicable regulations.

- a. The submitted Concept Development Plan, proposed uses and design are not innovative nor do they offer a mixed-use of a substantial value than would be normally allowed under conventional zoning requirements as stated in the Boone County Zoning Regulations.

The proposed uses and scale of development are not appropriate given the nature of the adjoining residential and small scale commercial land uses and zoning either existing or planned for the Florence-Burlington (KY 18) corridor. The proposed type and scale of commercial uses are not presently located along KY 18 from Houston Road to Burlington (the governmental center) nor are they proposed or planned for the future.

- b. As stated in the Boone County Zoning Regulations, the Commercial Two (C-2) underlying zoning district serves as a reference point to determine permitted uses if the other requirements of Planned Development (PD) are met. The submitted plan and proposed uses and their intensities do not meet the other requirements stated in Article 15. These requirements include but are not limited to building dimensional standards, a more useful pattern of open space,

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a development pattern which utilizes the natural topography, a more efficient use of the land and a development pattern in harmony with land use densities, transportation facilities, community facilities and the objectives of the Comprehensive Plan.

- c. The submitted Concept Development Plan does not demonstrate a development pattern which preserves and utilizes the natural topography, scenic vistas (KY 18 corridor), trees and prevents the disruption of natural drainage patterns as required in Planned Development (PD). The Plan is over 90 percent impervious cover, either building or pavement from parking, circulation or loading areas. The submitted Concept Development Plan shows no landscaping features, or the retention of existing vegetation, to soften the tremendous visual impact of the paved parking area from public view (KY 18). To further illustrate this point, the submitted Concept Development Plan indicates only a 10 foot non-paved area between the KY 18 right-of-way and the interior ring road to screen the extremely large parking area located in front of the proposed retail center. In addition, due to the scale or size of the project and existing topography of the site, massive earthwork will be required to cut and fill the site. Consequently, the natural drainage system of the site will be disrupted and will be relocated off the site.

The proposed uses and location of the uses severely impact the site's physical assets. No attempt was made to rearrange the proposed uses to preserve the existing heavily wooded area on the site. The submitted request did not take into consideration the visual impact of the loss of this wooded area or the public view of the large parking areas in front of the retail center.

- d. The proposed uses and submitted Plan do not fit the development pattern in harmony with land use density, transportation facilities, community facilities and objectives of the Comprehensive Plan. The applicant has indicated that the building intensity of the proposed project is 9,266 square feet per acre. This intensity was derived by combining the acreage of the C-2/PD zoned property and the I-1 zoned property. The correct building intensity is approximately 12,862 square feet per acre or 447,600 total square footage located on approximately 34.8 acres zoned C-2/PD. This figure is considered to be very intense in terms of the adjoining commercial uses. The Heritage Hill Industrial Center Subdivision was approved at an intensity of 6,447 square feet per acre.
- e. The proposed development will have a tremendous impact on the existing roadway network (KY 18 and KY 237) extending from I-75 and I-275. The existing traffic volume on KY 18 at the site location is approximately 2,342 vehicles per hour at the P.M. Peak Hour. (from applicant's TIA, Figure 5) The total amount of traffic estimated to be generated by the development at full build out (again from the

applicant's TIA, Table 3) is 2,929 trips. The amount of traffic generated by the proposed development compared to the existing traffic volume of KY 18 is significant. The traffic generated by the proposed development has the potential to double the existing amount of traffic on KY 18 during the most heavily traveled hours. This would greatly decrease the capacity of KY 18 which is needed for future development of Boone County. The intent of the Access Management Regulations is to "...permit reasonable speeds and economy of travel while maintaining the capacity of the roadway...". Overall, the submitted Concept Development does not demonstrate the combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area to justify the deviation from standard district regulations.

BOONE COUNTY COMPREHENSIVE PLAN

2. The proposed uses and submitted Plan are not in agreement with the 1989-1990 Goals and Objectives of the Boone County Comprehensive Plan.

Overall Objective

"Residential, commercial, industrial and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity."

"The future growth and the redevelopment of areas shall be accompanied by adequate infrastructure and services."

Because of its scale and its expected impact on the community, the proposed development would require significant road and utility improvements in order to support the retail portion of this site. The applicant has failed to provide the assurance that these improvements will be made.

Environment

The project as proposed contradicts one of the Environment objectives of the Comprehensive Plan.

"New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially."

Due to the scale of the project, the site's assets (e.g. trees, drainage swales, and existing topography) will have to be completely removed including the possible presence of endangered species such as the Indiana Bat, the Silvery Salamander and the Running Buffalo Clover.

Business Activity

"Appropriate locations for industries or businesses compatible with others located in Boone County are provided."

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The scale of the proposed use conflicts with adjoining smaller scale and less intense commercial uses and existing businesses located along KY 18. The Committee believes there are other more appropriate locations in Boone County for the proposed regional development as stated in the Comprehensive Plan.

The proposed project also conflicts with a commercial objective of the Business Activity Element. Large scale mixing of commercial and non-commercial uses shall occur in Planned Developments only when consideration can be given to assure compatibility with surrounding land uses. The proposed design of the commercial center suggests only large scale retail uses instead of providing professional office and service related uses needed for the nearby residential population and the eventual industrial development located directly north of the site.

Transportation

The applicant has not adequately addressed the traffic impact the proposed project will have on the existing transportation network in Boone County. Specifically, the transportation concerns raised at the Public Hearing relating to a increase in the number of traffic accidents along KY 18, and a decrease in the level of service at intersections have not been resolved. The Comprehensive Plan discusses the need for access management and to protect the traffic capacity of major roads like KY 18 in Boone County.

3. The proposed uses and submitted Plan are not in agreement with the 1986 Boone County Comprehensive Plan.
 - a. The Comprehensive Plan describes areas of future commercial activity. The primary focus of commercial activity is and will remain in the future in Florence. The City of Florence, because its location to the interstate road system and access is well suited for the expansion and the retention of commercial businesses with a regional draw. Page B-14 of the Land Use Element describes this type of activity.

"Since the immediate Florence area figures so prominently in the County's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and US 42. Along KY 18 in the I-75/Mall Road/Houston Road area, there are many traffic problems that can be worsened by adding commercial access points. The land surrounding the U.S. 42 area south of Florence, will experience additional growth towards the City of Union. Any commercial developments in these areas

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should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence."

Specifically, commercial uses in the Limaburg/KY 18 area or the project area should not be similar in nature and scale as to the type located on Mall Road.

- b. In the Transportation Element of the Comprehensive Plan, there is a reference to the construction a road across Airport property to connect Mineola Pike with KY 18. Such a road would alleviate existing and potential traffic problems by providing alternate transportation routes for the public. As stated at the Public Hearing and in a letter from the Kenton County Airport Board and the Federal Aviation Administration (see attached letters), this road is not constructed nor is it planned to be constructed in the future. It is obvious that the "effective and efficient use of highway facilities" will not occur without the construction of the road.
- c. The text of the Land Use Element of the Comprehensive Plan suggests that the "KY 18 corridor will be a mixture of all types of development." In addition, the proposed scale of the project and regional focus contradicts the text of the Land Use Element, which stresses that the "Mall Road area will continue to grow as a regional shopping area and its spill over onto US 42, KY 18 and Houston Road will be evident, thus, needs to be substantially controlled." Consequently, the design and location of the KY 18/I-75 Interchange, US 42/I-75 Interchange, and the new Mall Road/I-75 Interchange encourages the location of large scale retail regionally focused development to be confined to the Mall Road area. The Comprehensive Plan discusses the importance of limiting regional retail development to select areas. The Comprehensive Plan states that "regionally oriented commercial development, should be retained to the Mall Road area." The basis for this statement is the current trend of this type of commercial development occurring there now and the introduction of the I-75/Mall Road Interchange to serve this type of development. This is well documented in the Comprehensive Plan. The Comprehensive Plan also notes the existing and potential traffic problems on KY 18 and recognizes that these problems can be worsened if regionally oriented commercial or retail uses similar to the existing retail businesses along Mall Road are built along KY 18. In addition, KY 18 is the main artery to Burlington and the

existing and future planned growth of Boone County. Even though the I-75/Mall Road Interchange is planned to reduce some of the existing traffic congestion problems on KY 18 and Mall Road, it was not designed to alleviate future trips related to growth along KY 18 towards Burlington.

LAND USE COMPATIBILITY

4. The proposed project and its regional orientation at this location as stated, and depicted graphically in the applicant's traffic study is not appropriate given the site's location from I-75 (approximately 2 miles) and from I-275 (approximately 5 miles). Also, the scale of the proposed project is not compatible with the scale and impact upon the community compared with the existing businesses located along KY 18 from Houston Road to the governmental center of Burlington.
5. The proposed project and its expected traffic impact doesn't meet the design and purpose of Burlington Pike or KY 18. The proposed project would severely impact the movement of traffic from Florence to Burlington or the County's governmental center. This road primarily serves the local population of Burlington and Oakbrook Subdivision and is not intended to predominantly serve regional traffic from I-75 and I-275 that the proposed project would draw from if the retail center were constructed.
6. The applicant has failed to determine the full impact of the project since the applicant's traffic study did not include a thorough analysis of projected residential growth and business expansion adjacent to the site and along the KY 18 corridor. This growth includes but is not limited to the existing population counts and projections of Oakbrook Subdivision, the increase in residential population in Burlington, the adjoining commercial uses in the Heritage Hill Industrial Center Subdivision and the remaining industrially zoned property located to the north. Also, with the opening of Oakbrook Road from KY 18 to Pleasant Valley Road, the traffic analysis did not take into account the anticipated traffic from the new residential development along Pleasant Valley Road.
7. The scale or size of this development requires a significant amount of off-site improvements in order to accommodate the proposed development on the 43.45 acre site. These off-site improvements include but are not limited to sanitary sewer line improvements to the Oakbrook Treatment Plant, the construction of two major access roads, and the development of a detention/retention system northwest of the 43.45 acre parcel. The development of such a detention/retention system would drastically disrupt the natural drainage pattern as specified in the Planned Development criteria. In addition this development as proposed would require the paving of a large loading/unloading and parking area on industrially zoned property located directly behind the retail center.
8. The proposed uses and the large scale of the regionally focused retail center are not compatible with the large amount of employment or industrial zoning (e.g. 250-300 acres) that is located to the north of this site. First, the development would result in an enormous traffic

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impact in terms of increased traffic volume on surrounding roadways and the concern of mixing of industrial and retail traffic traveling onto KY 18. Second, there is a concern for utilizing an entrance designed for major retail use and at the same time serving a large industrial park.

9. The proposed project is not compatible with the adjoining properties to the south and east. Located to the south is a large residential community (Oakbrook - approximately 1,800 dwelling units and over 6,000 residents at full build out) within 500 feet of this project. Located to the east are approved automotive related uses. These uses were adopted as part of a zone change request prior to the adoption of the 1986 Comprehensive Plan. Unlike the applicant's submitted Concept Development Plan, these uses are not predominately regional draws and they are not developed with the same intensity as the project site. Therefore, they are compatible with the adjoining residential land uses. Automotive related use traffic is usually more dispersed during a 24 hour period, and obviously the scale of these individual uses are different in terms of community impact than the applicant's proposed project.
10. The uses that are proposed by the applicant are generally located near an interstate with an adequate road system in place to handle anticipated traffic. In addition, the underlying zone or the C-2 zoning district allows other retail and offices uses that are not normally high traffic generators. Those type of uses are presently located along the KY 18 corridor from Florence to Burlington. These uses serve the local population as intended and are indicated in the Comprehensive Plan. The submitted Concept Development Plan and proposed uses do not address the Comprehensive Plan's desire to encourage the retail, office and service related needs of the Oakbrook and Burlington populations, but rather the predominant needs of a regional population.

TRAFFIC

11. The applicant's traffic study does not fully address the development's impact on the existing roadway system.
 - a. The applicant's study failed to evaluate the impact of the additional retail space in the proposed center and the out-lots, which would include an additional 240,000 square feet as stated in the applicant's Traffic Impact Analysis planned for the site. The study's conclusions were based upon Phase I of the development or just 337,000 square feet of retail use.
 - b. The applicant's study does not evaluate the associated traffic from other developments in the area such as the expansion of Oakbrook Subdivision and Heritage Hill Industrial Center and other developments than have been approved. These future developments should be included in order to make the complete analysis of the traffic impact on the community.
 - c. The applicant's study includes in Phase II traffic generated from 500,000 square feet of industrial use on the industrially zoned property to the north. This figure may be under estimated given

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the potential development of 250-300 acres under the current zoning regulations would allow up to 6,250,000 square feet of industrial use.

- d. The applicant assumes that 50-60 percent of all traffic at the KY 18/I-75 interchange will use the new interchange for Mall Road. The conclusion of OKI, who prepared the study for the new ramps, is that a 30 percent reduction of traffic on KY 18 is expected. Further, the concern is that any increase in the capacity of KY 18 is protected for future growth of Boone County.
- e. The applicant assumed the proposed airport road would handle 39 percent of the traffic generated by the proposed development. However, the applicant does not give an alternative if the airport road is not built, or where the 39 percent of the traffic will be routed. The Committee believes that KY 18 will be main road system for this proposed development and thus be most impacted.

The TIA analysis presented by the applicant therefore has not significantly analyzed the potential impact of the development on area roadways.

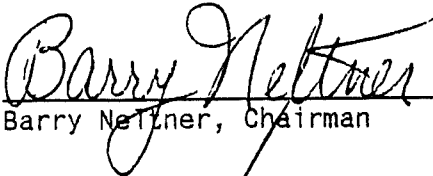
- 12. The applicant's Phase I conclusions of their traffic study were incomplete in terms of evaluating the impact of the entire retail development. By adding Phase II traffic, the applicant's traffic study showed that the development will reduce the LOS (level of service) of intersections to unacceptable levels, as shown in Table 2. (see attached table) Further, these LOS calculations do not take account the additional future traffic generated by surrounding developments as discussed on Item 11.
- 13. The proposed design of the eastern access driveway (located off site or outside the 43.45 acre parcel) will not adequately handle the anticipated commercial traffic from the Boone Crossing development and future industrial traffic from the property immediately north of 43.45 acre parcel and Heritage Hill Industrial Center Subdivision.
- 14. The type of development being proposed should be located within close proximity of an interstate system and on an adequate transportation network with limited access in order to move a large amount of local and regional traffic efficiently. If this type of development was located at this site the traffic associated with this regional retail center would greatly affect the efficiency of the major thoroughfare from Florence to Burlington (KY 18) and KY 237 from the Camp Ernst area to Hebron.

CONCLUSION

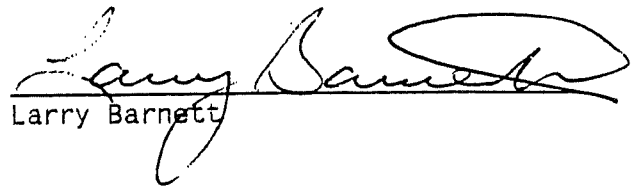
The Committee would like to state that the Boone Crossings Concept Development Plan project was evaluated from a land use standpoint, which is the role of a Planning Commission. We recognize that this project would have a large economic impact on the community but then any project of this magnitude will have a large economic impact in terms of the number of jobs created and the taxes generated. The Boone County Planning Commission is charged with reviewing land use considerations, such as compatibility of the project with adjoining land uses, adequacy of roads, access, utilities, signage, and public visibility for it is the land use impact which is ultimately felt by the community.

=====

This site has many development possibilities, however, we do not believe that this is an appropriate use based on the information stated and for the reasons listed above. Further, we are of the opinion that this use could occur in Boone County if properly located.



Barry Nettner, Chairman

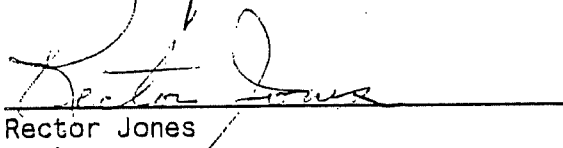


Larry Barnett

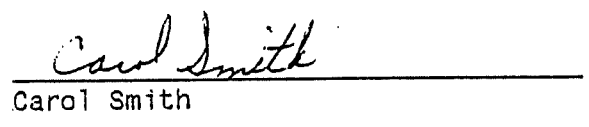


Fred Burch

Phil Damstrom



Rector Jones

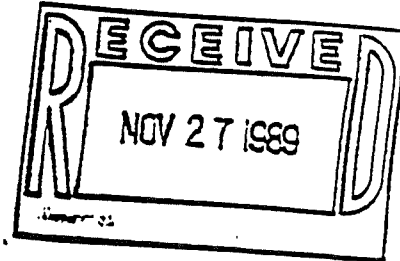


Carol Smith

BN:kat

Greater Cincinnati International Airport

November 27, 1989

Robert F. Holscher
*Director of Aviation*John L. Brockert
*Director of Finance*Ted J. Bushelman
*Director of Communications*Robert A. Koefe
*Director of Planning and Development*Dale M. Keith
Director of Operations

Mr. William R. Viox, Chairman
Boone County Planning Commission
Boone County Administration Building
P. O. Box 697
2950 Washington Street
Burlington, Kentucky 41005

Dear Mr. Viox and Members of the
Boone County Planning Commission:

In response to the letter of November 9, 1989, received from Mr. Kevin P. Costello, the Kenton County Airport Board has reviewed the request of Erpenbeck Commercial Enterprises, Inc., (applicant) for Enterprise VI, Dennis Vesper and Alicia Vesper (owners) for the Utilization of an Underlying Zone in Planned Development on a 43.15 acre site located on the north side of Kentucky 18 and east of Limaburg Creek Road, Boone County, Kentucky. This site is part of a larger tract containing approximately 265 acres.

Our understanding of the proposed development is that the 43.15 acre site is for a Biggs store as well as other commercial services. This development is generally referred to as Phase I. It is also our understanding that traffic studies filed with your Commission for Phase I indicate that the anticipated traffic levels can be accommodated by the existing highway system and therefore no additional access roads are contemplated for Phase I.

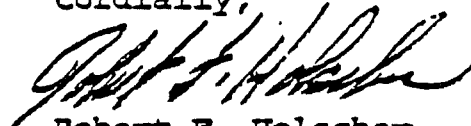
The remaining portion of the large tract, generally referred to as Phase II, is proposed for industrial uses requiring the installation of a road connecting Kentucky 18 and Mineola Pike passing through property of the Airport. Although the development of the remaining portion of the 265 acre tract and of the construction of a new roadway is not before you at this point, the

Mr. William R. Viox and
Members of the Boone County Planning Commission
November 27, 1989
Page 2

fact that the new road may never be built may be a matter for you to consider in determining the amount of traffic generation tolerable on the 43.15 acre site in relation to the development of the entire area.

The idea of constructing a public use road across the south side of the Airport property has been submitted by the Kenton County Airport Board to the Federal Aviation Administration. A substantial portion of the funds used to acquire the land upon which the new road would be constructed were provided by the federal government. The answer received from the Federal Aviation Administration is set forth in the attached letter from Mr. John M. Dempsey, Manager, Federal Aviation Administration, Memphis District. The letter is self-explanatory. In view of this letter and, recognizing that the airlines serving the Airport are not likely to approve funding for payment by the Airport Board for the installation of a public use road, any new public use road through the Airport property is unlikely.

Cordially,



Robert F. Holscher
Director of Aviation

RFH:jns

Hand delivered to addressee on November 27, 1989.



U.S. Department
of Transportation
Federal Aviation
Administration

AIRPORTS DISTRICT OFFICE
3973 Knight Arnold Road; #105
Memphis, TN 38118-3004
901/521-3495 (FAX No: 521-4243)

NOV 15 1989

Mr. Robert A. Keefe
Director of Planning and Development
Greater Cincinnati International Airport
P. O. Box 752000
Cincinnati, Ohio 45275-2000

Dear Mr. Keefe:

Proposed Roadway
Greater Cincinnati International Airport

We reviewed the submittal of two proposals to construct a public use road across the south side of airport property. The construction of a public road for purposes other than aviation related requires a release of land.


In order for us to consider a release to title of airport land, it must be shown that the parcel is no longer needed to support any present or future aviation needs.

The release of airport land is subject to receipt of current fair market value for the parcel's highest and best use. Funds received from a release must be reimbursed to the government at the ratio of Federal funds used in its acquisition. The approved Airport Layout Plan indicates proposed extension to Runway 18L-36R. The ALP does not address a public road in the vicinity.

It is our determination that future aviation development could be severely restricted if a release of land is permitted.

At this time, we cannot concur with the proposal to construct a public use road on airport property. Let us know if you have further questions.

Sincerely,


John M. Dempsey
Manager

RECEIVED
DATE 11-17-89
PLANNING & DEVELOPMENT DEPT.
GREATER CINCINNATI AIRPORT

TABLE 2
INTERSECTION LEVEL OF SERVICE

<u>Intersection</u>	<u>Existing</u>	<u>Phase 1</u>	<u>Phase 2</u>
KY 18 at			
I-75 NB Ramps	F	F	D
I-75 SB Ramps	D	C	D
Mall Road	F	F	F
Houston/Hopeful	E	D	D
Ridge/Greenview	B	B	B
Boone Aire	-	C	D
Centennial Circle	-	C	C
Oakbrook	-	-	D
Limaburg	B	B/C	C
KY 237	B	C	D
Houston Road at			
I-75 Ramp	C	C	F
Turfway	A/B	A/B	F
Turfway at I-75 NB Ramps	B	A/B	F

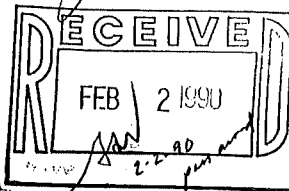
Source: "Traffic Impact and Access Study of
Boone Crossing". Wilbur Smith
Associates. November 1989.

STAFF TRAFFIC ANALYSIS

The traffic consulting firm of Pflum, Klausmeier & Gehrum was retained to assist the Staff in review of the submitted TIA. In meetings with Jack Gehrum, it was decided to not just check the TIA, but proceed with an independent analysis of the traffic impact. The concern was determining the impact of the development at full buildout, without the Airport Road.

Trip generations for the development were estimated using data from the TIA and the ITE Trip Generation Manual, 4th Edition. (Table 3) These volumes were assigned to KY 18 in the same percentages as those used in the TIA for Phase I development.

AGENDA
BOONE COUNTY FISCAL COURT
REGULAR MEETING
FEBRUARY 6, 1990
10:00 A.M.



ITEM I.

CALL TO ORDER

- A. Call to Order.....Judge Bruce Ferguson
- B. Invocation & Pledge.....Commissioner Shirley Meihaus

ITEM II.

APPROVAL OF MINUTES

- A. Approval of Minutes of Meeting Held January 16, 1990
- B. Approval of Minutes of Special Meeting January 27, 1990
(Action Requested)

ITEM III.

DELEGATIONS

- A. Carol Marek, re: Tax Committee Recommendations
- B. Ralph Wolfe & Joe Kearnes, re: Rural Secondary Roads
- C. Arch or Susan Archambault, re: Maintaining Alley #2
in McVille
- D. Rebecca Lette, re: Gazebo Landscaping
- E. Chief Ernie Biddle, re: Fire Department Request

ITEM IV.

JUDGE'S REPORT

- A. Comments from Judge Bruce Ferguson

ITEM V.

ORDINANCES & RESOLUTIONS

A. Resolution No. R-02-06-90-02 - a resolution adopting and approving the execution of a contract between the Fiscal Court of said county acting for the Unincorporated Urban Place and the Department of Rural and Municipal Aid, Commonwealth of Kentucky, for the fiscal year beginning July 1, 1990, as provided in the Kentucky Revised Statutes and accepting all of the roads referred to therein as being urban road which are a part of the Unincorporated Urban Place. (Action Requested)

✓ B. Resolution No. R-02-06-90-01 - a resolution of the Boone County Fiscal court recommending denial of a request of Erpenbeck Commercial Enterprises, Inc. (Applicant) for Dennis Vesper and Albert Vesper III (Owners) for the utilization of an underlying zone, that zone being Commercial Two/Planned Development (C-2PD) on a 43.45 acre site generally located on the north side of Kentucky 18 and East of Limaburg Creek Road, Boone County, Kentucky as recommended for denial by the Boone County Planning Commission via Resolution R-01-90. - Withdrawn at Request of Applicant (Action Requested)

OK
C. Resolution No. R-01-16-90-01 - a resolution of the Boone County Fiscal Court recommending denial for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by AL Neyer, Inc. (Applicant) for Harold W. and Janet R. Bowlin (Owners) and such map amendment being a zone change from Suburban Residential One (SR-1) to Industrial One (I-1) for a 15.47 acre site located at 3132 Hossman Road, Boone County, Kentucky as recommended for denial by the Planning & Zoning Commission via Resolution R-47-89. (Action requested)

✓ D. First Reading Ordinance 920.193 - An ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by GBBN (Applicant) for Northern Kentucky Association for the Retarded, Inc. (Owner) and such map amendment being a zone change from Agriculture (A-1) and