

EXHIBIT "A"

**REQUEST OF GBBN (APPLICANT) FOR Gary, Nancy and Marie Moore (OWNERS)
FOR A ZONING MAP AMENDMENT**

April 25, 1990

This request is for a Zoning Map Amendment on a 42 acre site located on the north side of KY 18 and west of Houston Road, Boone County, Kentucky. The property is located between the Ridgeview Subdivision and the Fuller Square Development (Fifth/Third Bank). The request is to change the existing zoning of Urban Residential One / Industrial One / Planned Development (UR-1/I-1/PD) to Commercial Two / Industrial Two / Planned Development (C-2/I-1/PD) to allow for a commercial and industrial development. The site is currently vacant open field and woodland. The site is located within the Houston-Donaldson Study boundary; identified as zones 29 and 10.

Surrounding Land Uses and Zoning

The existing land uses and zoning surrounding the site is as follows:

Land Uses & Zoning

- North - I-1 / PD; undeveloped property
- South - C-3, C-2 & SR-1; vacant property and residential uses
- East - C-2 / PD; office uses
- West - C-1 & SR-1; commercial and residential uses

The property is located next to the Fuller Square Development, which is predominately an office use, although a sit-down restaurant was approved as part of the Concept Development Plan. The western boundary of the property abuts the Greenview Subdivision and Ameristop convenience store. Across KY 18, to the south, are several residential homes and vacant property. Two of the commercial zoned lots were approved as car dealerships, although they have not been developed.

History of the Site

The existing zoning on the property was the result of passage of the Houston-Donaldson Study, adopted by the Planning Commission on July 1, 1987. The Boone County Fiscal Court adopted the Study on July 19, 1988, placing the existing zoning on the property. In 1988, Prior to the passage of the Study by Fiscal Court, a Zone Change Request was heard by the Planning Commission. American Tectonics submitted a request to change the zoning from Urban Residential One / Office Two / Planned Development (UR-1/O-2/PD) to Commercial Services / Urban Residential One / Planned Development (C-3/UR-1/PD). The proposal was to construct a retail strip along KY 18, with apartments on the rear portion of the site. (Figure 1) On April 20, 1988 the request was denied by the Planning Commission and subsequently the Fiscal Court. The Committee Report is attached.

Natural Features of the Site

The site is currently unused, but has been used for cattle grazing in the near past. The property is vacant except for a barn and shed that are located near KY 18. Several stands of mature trees are located on the site, primarily located within existing drainage swales. Two lakes are located at near the center of the site towards the eastern property line. They feed into a stream that forms the boarder of the site next to the residential area. A larger stream also forms the northern property line, the property sloping substantially at this point. In the middle of the property there are two major fingers of land that are defined by swales, sloping towards the northern property line. The front of the property slopes away from KY 18 to the swale that is defined by the lakes.

Concept Development Plan

The proposed development of the site is illustrated by the Concept Development Plan, Figure 2. The plan shows commercial uses on the front portion of the site, with industrial uses to the rear. The size of the proposed buildings is listed in Table 1. The commercial areas bordering along KY-18 are outlots developed as a bank, gas station and two restaurants. The major commercial strip is composed of a central anchor space of approximately 80,000 square feet, with 'B' shops on either side. The other retail use is a 15,000 square foot building located on the west property line, along the border with Geenvew. None of the retail uses have been described by the applicant at this time.

TABLE 1

LAND USE

Retail Uses	
Retail Center	115,000 square feet
Restaurants	10,000 square feet
Gas Station	2,500 square feet
Bank	3,500 square feet
Specialty Retail	<u>15,000 square feet</u>
Sub-Total	146,000 square feet
Industrial Uses	
(A) Office Research	30,000 square feet
(B) Office Research	30,000 square feet
(C) Industrial	43,000 square feet
(D) Industrial	21,500 square feet
(E) Industrial	29,000 square feet
(F) Industrial	45,000 square feet
(G) Industrial	<u>50,000 square feet</u>
Sub-Total	248,500 square feet
TOTAL	394,500 square feet

Source: Concept Development Plan, GBBN
Architects, April 11, 1990.

The rear portion of the site is divided into office research and industrial uses. Backing up to the retail strip in the center of the property are two office research buildings (A & B). The remaining five buildings on the Concept Development Plan (C thru G) are industrial buildings, proposed for light industry.

The majority of the space is developed, with little open space retained. The two open areas are primarily lakes for storm water retention. The plan as shown would necessitate the grading of most of the property and the elimination of most of the existing trees.

The Concept Development Plan shows a roadway that will connect Houston Road and KY-18 as recommended in the Houston-Donaldson Study. This roadway is not located entirely on the applicant's site, but does allow for the future connection. The collector roadway intersects KY-18 approximately 500 feet from Greenview Drive. A second entrance off KY-18 is located approximately 400 feet further west of the connector roadway. The Staff believes that this new intersection should be signalized, with the connector roadway extending south to Cayton Road. When the new connector roadway is constructed, the existing signal at Greenview/Ridge Road should be removed.

The Plan also shows that access will be taken from the existing Fuller Square curb cut onto KY-18. The Staff has had discussions with the applicant regarding access to property abutting to the west, and additional connections to the Fuller Square property.

A Traffic Impact Analysis (TIA) was submitted for the proposed development, but Staff has not had sufficient time to review the document prior to the Public Hearing.

Relationship to Boone County Comprehensive Plan and the Houston-Donaldson Study

The request for a Zoning Map Amendment is reviewed in relation to the Boone County Comprehensive Plan and the Houston-Donaldson Study to determine whether it is consistent with the objectives and recommendations of those documents (Figure 3).

The 1986 Future Land Use Map of the Boone County Comprehensive Plan, indicates industrial development on the northern portion of the site and commercial development on the southern portion. The plan discusses the importance of the limiting regional commercial uses from expanding down KY-18.

In addition, the text in the Land Use Element of the Comprehensive Plan also refers to the area:

Land Use Element (pg L-19, L-20 & L-15)

"Undeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists. Where no commercial development has yet occurred, provisions for access control must be made for future development. This includes the above mentioned as well as the use of frontage roads.

Regionally oriented commercial development should be retained to the Mall Road areas.

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."

Business Activity Element (pg G-3)

"Overall Objective:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial Objectives:

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.
2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design."

The Houston-Donaldson Study makes very specific recommendations on each site within the Study Area, representing ideal development scenarios. Development plans not consistent with the recommendations of the study need to be judged on their own merits through the public hearing process and approval of a Concept Development Plan. Houston-Donaldson Study calls for this land to be developed for high density residential and industrial uses. (Table 2) A set of development guidelines for each site are also provided to insure a coordinated/unified development reflecting the recommendations.

TABLE 2

HOUSTON-DONALDSON LAND USE

Residential	20.7 acres
Light Industrial	17.1 acres
Industrial/Office	4.3 acres
<hr/>	
Total	42.1 acres

Source: Houston-Donaldson Study, 1987
Boone County Planning Commission.

The land use envisioned for the site is described as part of the PHASE TWO SUGGESTED LAND USES Section (page 26-27):

"The UR-1 zoning west of Houston Road on KY 18, referred to later as Zone [29], is a suitable location for multi-family development for several reasons. Under the Housing Element Goals and Objective of the Comprehensive Plan, the need for high density development to "occur in locations with immediate or convenient access both to major streets or highways and to shopping and public facilities." Besides creating a logical progression of land uses from Houston Road to the Greenview Subdivision, this represents the only site in the Houston road area that is outside of the 65 LDN noise contours for the proposed airport north-south runway. It also represents a very sensitive location in terms of traffic and access onto KY 18. multi-family development could occur here in conjunction with a connector road between Houston Road and KY 18. ...This Would help avoid a commercial strip leading out of Florence, and help minimize the strain on existent and potential intersections in the area - especially the Houston Road and KY 18 intersection. Upon substantial development of the Study Area, however, some neighborhood-scale commercial development may be appropriate compliment the urban residential on this site.

North of the Ur-1 zoning district and west of Houston Road is a large area,...The topography of this site varies with extensive natural vegetation. This site is important to storm sewerage of the Study Area because it contains the creek valley that most of the Houston/Turfway Region drains into. This also means that the site is important for gravity sanitary sewerage of the region.

The adjacent airport property also means that the area has limited directions of access. The area is recommended for a mix of approximately eighty percent industrial and twenty percent office development with an underlying zone of I-1.

Concerns for development include the fact that this area is close to the very sensitive KY 18/Houston intersection. The development that occurs here must not generate much truck traffic in order to avoid delays at this already congested intersection. Industrial uses that occur here should be small-scale distribution and assembly activities with an office/warehouse orientation and a high-tech nature."

The SPECIFIC DEVELOPMENT GUIDELINES Section, describes the recommended uses on the site. In addition to the following passage, this section contains very specific recommendations on development guidelines for the site. These recommendations are intended to be a guideline for the development within the Study Area (pages 58 & 69):

Zone #29 - UR-1

Principal Uses

"This site should contain apartment and/or townhouse units designed to provide housing for the nearby employment districts. The development of this site needs to contain its portion of the through-connection between

KY 18 and Houston Road. The intersection with KY 18 should occur towards the western portion of the site to provide adequate distance between it and the Houston Road/Ky 18 intersection. No other access should occur onto KY 18 at this site.

Topography and Vegetation

Suitable mature trees should be incorporated into the landscaping plans. Buffering is important along both KY 18 and the new connector road."

Zone #10 - I-1

Principal Uses

"This site is well-suited for light industrial activity of an office/research variety. The location is not recommended for industrial uses that utilize significant numbers of large trucks because of the potential intersection problems nearby. It is also not recommended for obnoxious or unsightly industrial operations because of its high visibility location in Boone County. Office/Warehouse development of a high-tech nature and with subdued transportation function should occur at this site. Individual establishments should have their office functions in front with the distribution functions at the rear and well screened."

Topography and vegetation

Because of the office/research type of development envisioned for the site, many opportunities exist for creative site design. The major drainage swale of the site ... should retain suitable natural vegetation with most of the development clustered on the higher portions of the site. Wherever possible, mature trees on the site should be utilized in landscaping."

In summary, the Boone County comprehensive Plan and the Houston-Donaldson Study express concern for the proper development of this site. The property occupies a highly visible location, both from KY-18 and Houston Road. The development of this property raises concerns that can be found in both documents, relating to the type of development, the visibility and accessibility of the site, and the traffic impact on the existing transportation network. While it has already been established that the property is not consistent with the Houston-Donaldson Study, and therefore this public hearing, it is important to assess the proposed land use and its impact in relation to the recommendations of the Houston-Donaldson Study. It is important that this site develop with an appropriate mixture of uses that is compatible with nearby land uses and that infrastructure improvement be made in accordance with the Boone County Comprehensive Plan and the Houston-Donaldson Study.

Airport Impact

The new north-south runway at the Greater Cincinnati International Airport, does impact the site. As shown in Figure 4, the noise contours representing the 65 LDN does bisect the property. This contour is based upon the latest documents from the Airport, as part of the Part 150 Study. The map shows the most of the property zoned for residential uses lies outside the 65 LDN contour. Further,

the noise impact within the 65 LDN does not make it unsuitable for residential use. In conclusion, the noise contours in this area have changed due to the Part 150 study; prior to the study, the impact on the property was greater.

STAFF CONCERNS

1. Proposed Uses

The proposed development and associated expansion of commercial usage along KY-18 could significantly alter the future character of the area. Currently, the retail uses have been limited to Mall Road, and have not expanded down KY 18.

The applicant has not fully specified what the retail uses will be, especially the retail anchor use. The concern is that the retail uses will have a regional customer base, and will generate additional traffic on KY 18. These uses would not interact with office environments nor be stores that support the employment uses envisioned for the Houston-Donaldson Study area.

The industrial uses also should be specified to insure the eventual development is consistent with the proposal. Staff would recommend that the uses reflect to those recommended in the Houston-Donaldson Study.

2. Design

The current zoning and the requested change incorporate the Planned Development (PD) designation. The PD Overlay Zone is to allow "some variety among land uses and densities in return for imaginative designs." The PD zone is intended to encourage:

"A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

A development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the comprehensive plan.

A signage package in harmony with the objectives of the Planned Development."

In short, the use of a PD should correspond to an innovative design. The Concept Development Plan as proposed, does not use any of the existing features of the site. Specifically, the mature tree stands and rolling topography that will be removed in development. The Staff does not believe that the landscaping of the site will make up for the lost natural features. The leveling the site will result in a less creative design, and one that will be highly visible from both KY-18 and Houston Road.

The staff also believes that the existing creeks bordering the site on the north and west should be protected. The creeks should not be altered or

disturbed by development and be used as green-belts separating uses. These areas should eventually be used for passive recreation including hike-bike trails.

3. Buffering

As stated above, the site should be buffered from roadways and the existing residential subdivision. The applicant has indicated a willingness to provide screening and buffering, as well as landscaping throughout the development. The Staff believes that it is important to define areas, the type of material and methods to be used as part of the Concept Development Plan.

4. Traffic/Transportation

The Staff has several traffic concerns and comments regarding the proposed development. Foremost is the generation of additional traffic on KY 18, resulting from commercial uses drawing traffic from the I-75 and Mall Road area. The TIA needs to be thoroughly examined to assess the impact of the development on existing roadways.

The Staff is concerned with the access point shown between the two restaurants. The first version of the Concept Development Plan showed the driveway to be limited to right-turn-in and right-turn-out only. Also of concern is the frontage road as shown. The road is located too close to KY-18 creating conflict points at the entrance driveways.

The applicant has indicated a willingness to provide a connection to property to the west of the site. This connection would eventually allow for access to the Greenview Subdivision. Connection to the east is indicated and additional connections have been discussed.

In conclusion, the application has not indicated any improvements to KY-18. A deceleration lane should be considered, as well as the signalization of the connector road/KY-18 intersection.

5. Outlots

The Staff is concerned with the number and design of the outlots fronting onto KY-18. The sites are highly visible, and could be a detriment to the visual character of the development and KY-18. The Staff is concerned that the sites have enough land to provide for needed parking and landscaping/buffer areas. Also, the development of each site should be uniform in terms of architecture, building material, signage, etc.

6. Phasing

The applicant has not addressed the phasing for developing the site. The phasing can be very important in terms of the traffic and the establishment of buffer areas.

CONCLUSION

This request could have a significant impact on a very important area of development in Boone County and Florence. The Commission needs to carefully consider the future character of KY 18 and Houston Road and review the request in light of the Boone County Comprehensive Plan and the Houston-Donaldson Study. This request should also be reviewed in terms of Article 15 of the Boone County Zoning Regulations Planned Development. Should the request be approved, the Houston-Donaldson Study & Zoning Map would need to be amended.

Douglas S. Powell

Douglas S. Powell
Transportation Planner

DSP/GVS:kat

FIGURE 2
CONCEPT DEVELOPMENT PLAN

Commercial, C-2	
Retail Center	110,000 sf.
Bank	5,000 sf.
Gas Station & pumps	3,500 sf.
Bank	3,500 sf.
Specialty Retail	18,000 sf.
TOTAL	140,000 sf.

Industrial, I-1	
A. Office Research	20,000 sf.
B. Office Research	3,350 sf.
C. Industrial	42,000 sf.
D. Industrial	28,000 sf.
E. Industrial	48,000 sf.
F. Industrial	40,000 sf.
TOTAL	251,000 sf.

18.70 acres
3.9 acres
30.40 acres

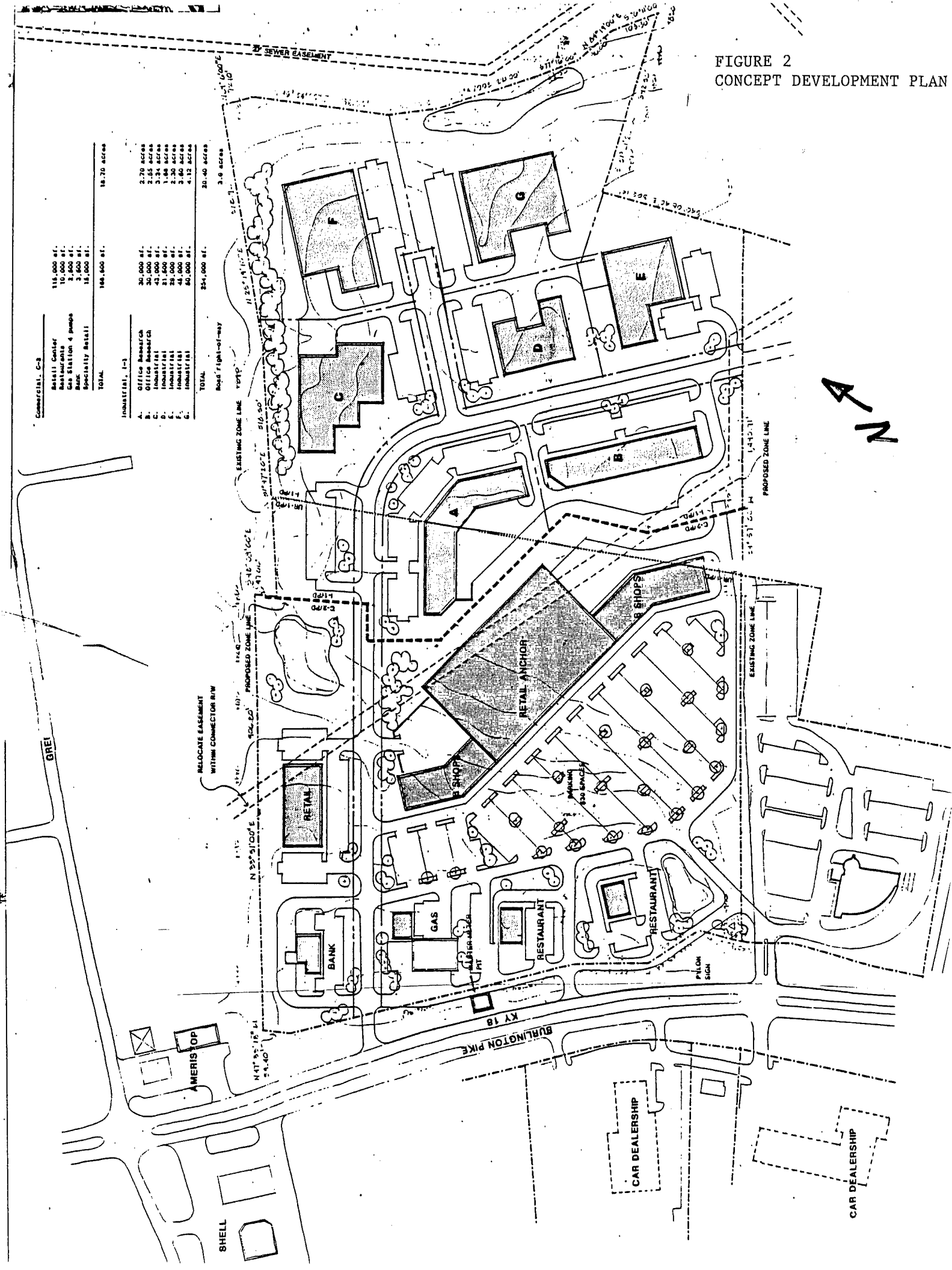
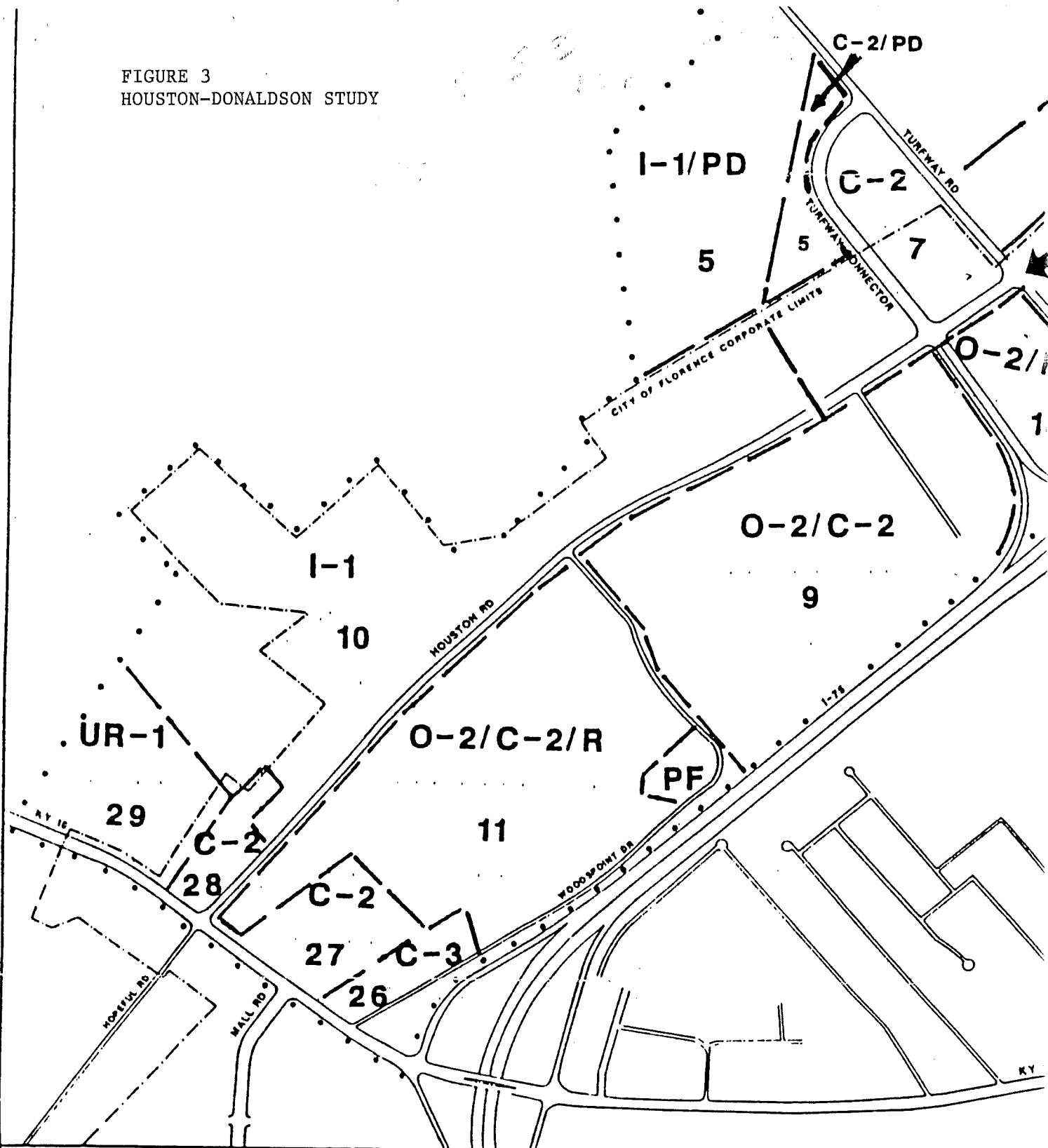


FIGURE 3
HOUSTON-DONALDSON STUDY



FINAL RECOMMENDED ZONING FOR STUDY AREA
HOUSTON - DONALDSON STUDY

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY, KENTUCKY

1987



FIGURE 4
AIRPORT NOISE
CONTOUR

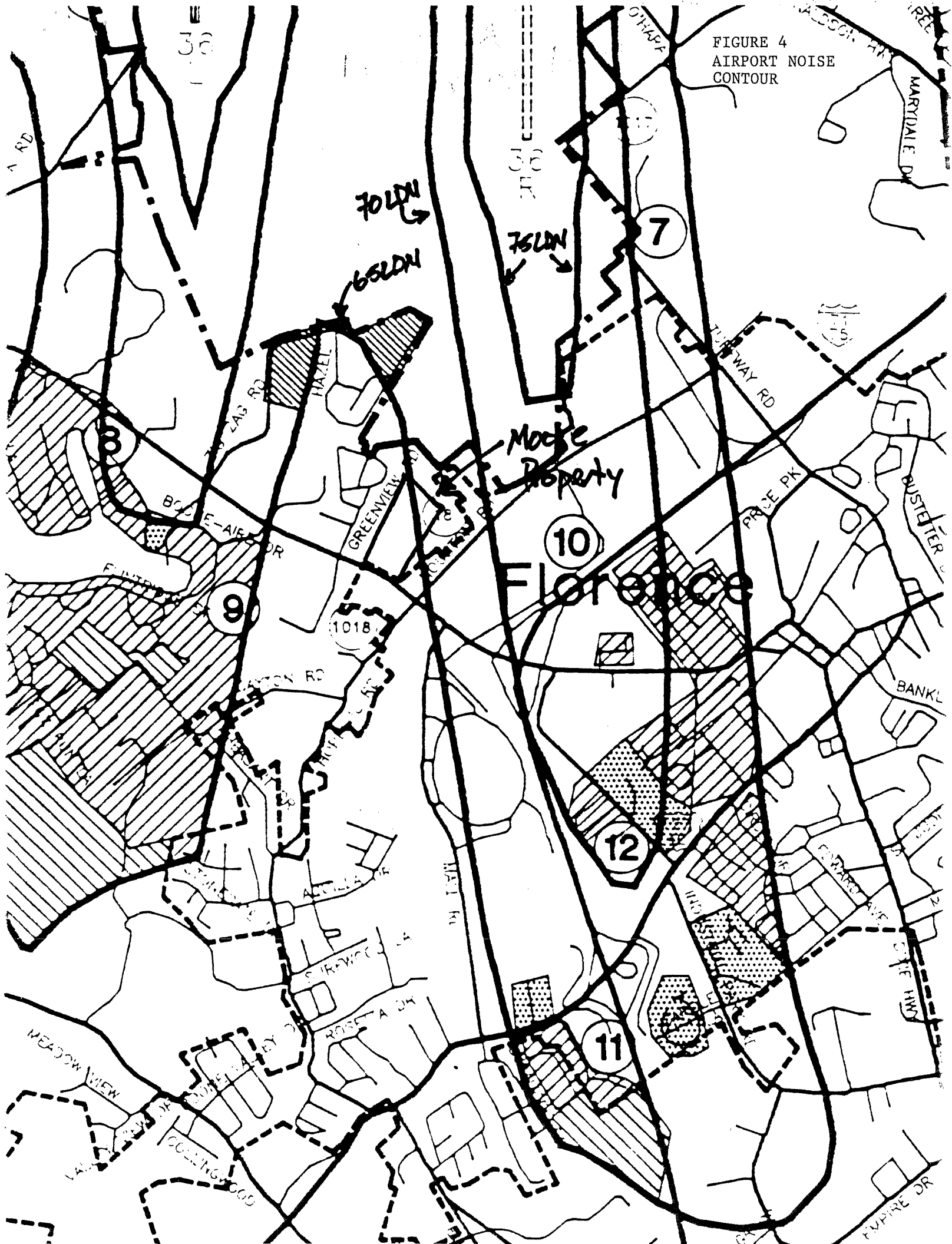


EXHIBIT "B"

18C

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Fred Burch, Committee Chairman

DATE: August 1, 1990

RE: Request of GBBN Architects (applicant) for Gary, Nancy and Marie Moore (owners) for a Zoning Map Amendment on a 42 acre site located on the north side of KY 18 and west of Houston Road, Boone County, Kentucky. The request is to rezone the site from Urban Residential One/Planned Development (UR-1/PD) and Industrial One/Planned Development (I-1/PD) and Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the April 25, 1990 Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following Conditions:

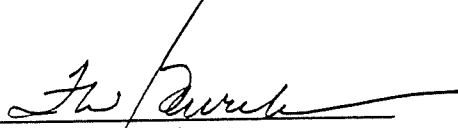
Finding of Fact

1. The Committee believes that the current zoning of UR-1/PD is inappropriate due to factors not detailed in the Houston-Donaldson Study. High Density residential development is inappropriate given the need to provide for a connector roadway through this property. This connector road from KY 18 to eventually Houston Road is critical to alleviating traffic problems at the KY 18 and Houston Road intersection. Further, the Committee believes that the commercial uses, as limited by Condition 1, meet the intent of the Houston-Donaldson Study. The commercial uses as limited, do not extend or expand the regional commercial district centered around Mall Road.
2. The Committee believes that some impacts of the proposed development will be controlled due to Article 15, Planned Development of the 1986 Boone County Zoning Regulations and the Design Review and Special Sign Regulations of the Houston-Donaldson Study. These regulations and reviews, in addition to the following Conditions, will insure that this development will not have a negative visual impact on the KY 18 corridor or surrounding community.

The applicants are being asked to include the following conditions as part of the revised Concept Development Plan (presented to the Planning Committee July 16, 1990) in order to address concerns and clarify questions raised at the April 25, 1990 Public Hearing.

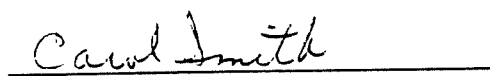
Conditions

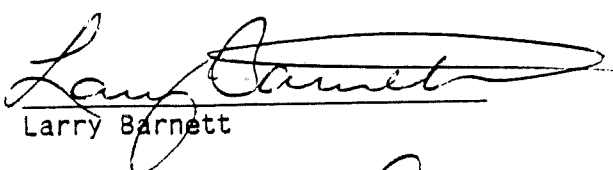
1. The Committee prefers that the retail anchor not be a regionally oriented business that would have a major negative impact on adjacent properties and traffic. The most desirable uses for this site would be those uses intended to serve the residential area west of Florence.
2. The applicant agrees to work with the Planning Commission to provide appropriate access to adjacent properties.
3. A disturb limit along the north and western property lines will be established at the Preliminary Development Plan to limit the adverse impact on the existing areas. In addition, the location of the detention ponds will be reviewed to limit their impact on the creeks.
4. Deceleration lanes will need to be constructed at both entrances along KY-18. The applicant agrees to work with Staff and KDOT on the final design of the two entrances.
5. The amount of landscaping area required for this development must equal or exceed that shown on the Concept Development Plan.
6. The applicant is aware that the property will be reviewed under the "Design Review" procedure outlined in the Houston-Donaldson Study. Items such as building design, building materials, signage, landscaping, etc. will be reviewed to insure compliance with the Design Guidelines of the Houston-Donaldson Study and the 1986 Boone County Zoning Regulations.

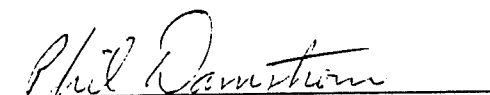

Fred Burch, Chairman

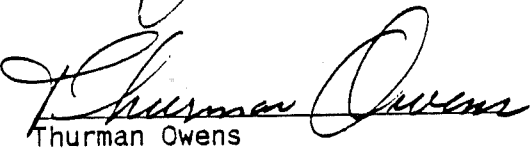

Barry Nelmer


Rector Jones


Carol Smith


Larry Barnett


Phil Damstrom


Thurman Owens

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Committee Chairman

DATE: April 20, 1988

RE: Request of American Tectonics (applicant) for Marie Moore, Gary R. Moore, and Nancy J. Moore (owners) for a Zoning Map Amendment from Urban Residential One (UR-1) and Office Two/Planned Development (O-2/PD) to Commercial Services (C-3) and Urban Residential One/Planned Development (UR-1/PD). The 42.3 acre parcel is located north of KY 18 and west of Houston Road, Boone County, Kentucky.

REMARKS:

We, the Committee, recommend denial of the request based upon the following findings of fact. Although the Committee realizes that urban residential and commercial land uses can be suitable for the site if properly developed, it is the Committee's recommendation that the request be denied for the following reasons.

Findings of Fact

1. In the Committee's opinion, the requested Zoning Map Amendment and submitted Concept Development Plan are not in conformance with the Boone County Comprehensive Plan or the Houston-Donaldson Study, which represents an official document of the Boone County Planning Commission. The Comprehensive Plan recommends against extending Mall Road area commercial development west along KY 18 in strip development fashion. Although the Future Land Use Map depicts a 25 year projection of commercial uses on the site, the Committee believes that the proposed type of commercial development in this request does not represent the appropriate form of development for the site. In the Committee's opinion, the applicant's indication of the commercial layout and types of uses anticipated for the site do not represent the neighborhood-scale commercial activities recommended by the Comprehensive Plan to accompany large residential developments. Further, the Commercial classification of the 1986 Boone County Comprehensive Land Use Map includes "nonbase land uses such as Retail, Wholesale, Services, Finance, Insurance, and Real Estate and other office uses." The Committee does not agree with the applicant's contention that 62,000 square feet of retail development represents land development consistent with the Comprehensive Plan. The Land Use Element recommends that large scale retail development be contained to Mall Road.


The Committee believes that the submitted Concept Development Plan does not adequately address several important concerns discussed in the Comprehensive Plan and the Planning Commission's Houston-Donaldson Study.

In the Committee's opinion, the submitted Concept Development Plan attempts to provide for future public roadway connection between KY 18 and Houston Road, as called for in the Houston-Donaldson Study; however, the proposed function and location are inappropriate. The proposed alignment immediately adjoins an existing single-family subdivision. Because of the site's unique topography and vegetation, it is entirely feasible to incorporate a public roadway into development of the site in a location that would have less impact on not only the existing single-family residential uses, but on the proposed apartment uses as well.


In addition, the layout of the submitted Concept Development Plan does not provide for adequate emergency access to large portions of the development. This could be remedied by constructing a public street to both serve the development and provide a future access to Houston Road, as opposed to dismissing the roadway's right-of-way to a developmentally undesirable edge of the site.

2. The applicant has not sufficiently shown that the existing Office Two/Planned Development zoning district is inappropriate and that the proposed Urban Residential One/Planned Development (UR-1/PD) zone is appropriate for the rear portion of the site. The existing office zoning was placed upon that part of the site during the 1986 update of the Boone County Comprehensive Plan and Zoning Regulations in response to (1) the topography which divides it from the existing Urban Residential zoning along KY 18, (2) anticipation of its development in conjunction with Houston Road parcels, (3) the otherwise awkward shapes of the Seligmann and Moore properties for development purposes under different zones, and (4) potential impact of the proposed north-south airport runway.

In addition, the applicant has not shown how the proposed Urban Residential One/Planned Development (UR-1/PD) zone would interact with development of the Seligmann property to the north in terms of compatibility of uses, topography, and access.



Donald McMillian, Chairman



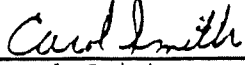
Larry Barnett



Fred Burch



Rector Jones



Carol Smith

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #5
April 25, 1990

Page 1

Following a short recess, the Chairman introduced the last item on the Agenda:

5. Applicant: GBBN Architects for Gary, Nancy, and Marie Moore (owners)
Request: Zoning Map Amendment

The request of GBBN Architects (applicant) for Gary, Nancy, and Marie Moore (owners) for a Zoning Map Amendment on a 42-acre site located on the north side of KY 18, west of Houston Road, Boone County, Kentucky. The request is to rezone the site from Urban Residential One/Planned Development (UR-1/PD) and Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD).

Mr. Doug Powell, Transportation Planner, stated that there is a typographical error in the Staff Report. In Paragraph 1, line 6, "Industrial Two" should be "Industrial One".

Mr. Powell presented the Staff Report, noting its attachments, and including a slide presentation (see Staff Report).

Mr. Jack Gardner of GBBN stated that this is not a Bigg's. It is a mixed use development. Using a drawing, he reviewed the layout of the site and indicated the adjacent roadways. He stated that half of the site is zoned I-1 and the other half is UR-1. They are asking that the site be considered, under the Houston-Donaldson Study, for a mixed use of industrial, research, and retail with four outlots in the front for restaurants, gas, and a bank. The retail, which is an unidentified major user, will serve the people within the area and not be a regional draw. It will serve the Burlington and west area served by KY 18. There will be 115,000 sq. ft. of gross retail area and parking for 500+ cars. The area to the rear is proposed for industrial and they are asking that all of it be part of the Concept Development Plan incorporating the special uses of this development. He stated that the site is a challenge to develop due to the topography and requires imagination and creativity. The site slopes to the north and they are suggesting that the area to the front at KY 18 be graded down at slopes of about 8% to 10% with a transition slope to a research and development area. He stated that if the rear of the property were developed as it is currently zoned, there would be substantial movement of earth. He stated that the area is buffered by a treeline to the west and they are suggesting that it be retained and reinforced with buffering. The drainage swale to the north of the site will be retained. He stated that they have indicated retention and detention lakes. They have developed a water emphasis at the entrance to the development.

Mr. Gardner stated that the current zoning of UR-1 is inappropriate due to the change that has taken place at the airport, including the new runway with the flight patterns going across this area, making residential use questionable.

Mr. Gardner stated that there has been a concern for the extension of commercial into the area west of the Houston Road area and they think this is a logical use of the area. He stated that immediately across from the site is C-2 and C-3, with adjacent areas being commercial and retail. He added that continuing to the west there is Ameristop, automotive centers, and Hardee's restaurant. They suggest that the front portion of the site be retail. They have a hard time finding any UR-1 zoning immediately adjacent to the site. If they wanted to zone it UR-1, it would be spot zoning. They believe this development will serve the community and not a region.

Mr. Gardner stated that a by-pass road has been discussed which would by-pass the intersection and allow the traffic to flow around, but they do not control that property. He indicated the location of the entrance road to the bank and stated that there is preliminary agreement that they will consider moving the road further to the west and creating a different kind of intersection, which is not shown on the plan, but is being looked at with the owners of the bank. There is already a service drive across the front. He stated that they presented the Staff yesterday some suggestions in regard to traffic concerns, deceleration lanes, a light, and left turn lanes. This is under review. He stated that the site principally enters from the service road. The connector road will eventually connect to the Houston Road portion of the site and they think this is logical.

Mr. Gardner stated that he believes the Comprehensive Plan is being reviewed as to what this area will become. They do not think UR-1 zoning is appropriate and that retail/commercial is a logical use.

Mr. Tom Banta of Corporex noted that there are five primary concerns listed in the Staff Report. In response to the first concern, the property is partially affected by the runway. The Part 150 Study has not been approved. The plan sent to them by the Airport shows the property to be entirely affected by the runway. They do not think the property is appropriate for residential use. He stated that the Houston-Donaldson Study discouraged regional commercial from expanding off of Mall Road and going down KY 18. He stated that this is not regional retail -- which is either a mall or a major anchor. They have only an 80,000 foot anchor. They are proposing a solution to the traffic situation that currently exists at Houston Road and KY 18. The loop connector road was proposed in the Houston-Donaldson Study and they have done everything they can in the design to accommodate the Study. The access on Houston Road was moved following discussion with the Staff. In the American Tectonics Plan that was turned down, one of their problems was the road. He stated that the looped road is not consistent with a residential use which is why American Tectonics came in with a road going around. He stated that the connector road and the residential use do not go together.

Mr. Banta stated that in regard to design, Planned Development call for the creative use of the land. They are proposing the PD because the Houston-Donaldson Study requires it. The densities are less than what the Houston-Donaldson Study would allow for C-2 and I-1 zoning. The topography of the site is difficult. The small ravine changes 50+ feet from top to bottom. He stated that maintaining

the trees in the center of the property is not possible. They will maintain the trees around the perimeter, along the creek lines, and in the back areas. They intend to adequately buffer the residential per the requirements. They are well known for doing this with their other developments. They will leave the creeks in their natural state as natural buffer. He stated that the houses are a good distance back and the creek is a good divider.

In regard to traffic, Mr. Banta stated that the new connector road will improve this much more than the commercial aspect will hurt the traffic situation, and the new traffic study given to the Staff bears this out. He added that they have a letter from the state approving the curb cuts as shown on Burlington Pike. In regard to the impact of the outlots on KY 18, he stated that they have a history of doing things nicely and they have no intention of having junky outlots. He stated that they are known for their architectural controls and will maintain these controls over the outlots to make KY 18 attractive.

In regard to phasing, Mr. Banta stated that their plan is to build the infrastructure initially as shown on the plan. The outlots are spoken for, but they do not have a retail anchor at this time and the retail center may follow after the outlots. The industrial will be built as the market dictates.

Mr. Bill Butler, President of Corporex, stated that they are widely known for their office and industrial developments. This would be their first retail undertaking. He stated that they worked hard for their reputation for setting good design standards and the Commission can rely on what they do to be an addition to the environment. He noted the money spent on the entrance at Circleport. He stated that they have worked closely with the Staff and the plan is representative of collective ideas. He stated that there were initially five outlots, and now there are four, which is \$400,000 less income for the project, but in response to Staff's concerns. He stated that everybody wants the looped road, and there is a great deal of engineering involved. He stated that the economics and underlying costs will require that the uses be of a high order. He stated that the property is surrounded by C-2 and C-3 zoning and they ask for a zone change to make the property conform to its neighbors. He stated that they will put the usual covenants on the the development that the put on their industrial developments -- such as high level architecture. They promise high levels of quality. He stated that this is 20% as large as the Bigg's development.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Ray Bolling stated that this is a wonderful project as the airport says there is too much noise for residential. He indicated on the map the location of an acre of ground that he owns. He stated that he will sell them the property so that they will have a stop light to use to get out.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments from the Commission.

Mr. McMillian asked if the road in the industrial area would be continued to the property line in case of future development.

Mr. Powell stated that they should not go over the creek at that point. They want to protect the creek and believe there can be alternate access. He stated that you would be able to travel from property to property without getting back on Houston Road.

Mr. DeLong asked if they would be willing to put all of the infrastructure in in the first phase.

Mr. Banta stated that they planned to hold off on the roads as they may not be necessary. Mr. Butler stated that putting the road in in the first phase will depend on the financial arrangement and they will work with the Staff in this regard and enter into agreements.

Mr. Gardner stated that if the area to the east is to be used, the road and infrastructure would have to go in.

Mr. Kirby questioned the easement going through two of the buildings and Mr. Butler advised that it is a gas line to be relocated.

Mr. Powell stated that they received a Traffic Impact Analysis from the applicant and have reviewed it briefly. There is a concern reflected in the study as to how much traffic will be captured from existing traffic on KY 18, and will there be people drawn in.

Mr. Banta stated that assuming the retail use is soft goods, it will serve the residents there. He added that 43% of the traffic in and out will be people already on KY 18.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on May 2, 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

August 1, 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. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Thurman Owens
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of July 18, 1990 and the Public Hearings of July 18 and July 25, 1990. He 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.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of GBBN Architects (applicant) for Gary, Nancy, and Marie Moore (owners) for a Zoning Map Amendment on a 42-acre site located on the north side of KY 18, west of Houston Road, Boone County, Kentucky. The request is to rezone the site from Urban Residential One/Planned Development (UR-1/PD) and Industrial One/Planned Development (I-1/PD) and Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD).

Mr. Kevin Costello, Interim Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The Committee Report included a summary of findings for the contrary recommendation. The applicant has signed the letter agreeing to the conditions and a copy is included in the packet.

There being no discussion, Mr. McMillian moved by resolution to the legislative bodies that the request be approved based on the Committee Report, including the conditions. Mr. Jones seconded the motion and it carried unanimously.

2. Zoning Map Amendment and Conditional Use Permit

The request of Pilot Oil Corporation (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 9.688-acre site located at the northwest corner of KY 338 and U.S. 25, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) and to receive a Conditional Use Permit to expand the existing parking lot for the Pilot Oil truck stop.

Mr. Costello read the Committee Report which recommended deferral of the request until the August 15, 1990 Business Meeting (see Committee Report).

There being no discussion, Mr. McMillian moved that the request be deferred until the August 15, 1990 Business Meeting based on the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of A. D. Malley for PFP Inc. (owners) for a Zoning Map Amendment with a Conditional Use Permit on a 1.0-acre site located on KY 18 and known as the Little Red School House. The request is to rezone the site from Suburban Residential Two (SR-2) to Office One (O-1) with a Conditional Use Permit to allow a Nursery School.

OTHER SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

July 30, 1990

Mr. Tom Banta
Corporex Companies Inc.
P.O. Box 75020
Cincinnati, Ohio 45275

RE: Conditions of approval for the request of GBBN Architects (applicants) for Gary, Nancy and Marie Moore (owners) for a Zoning Map Amendment on a 42 acre site located on the north side of KY 18 and west of Houston Road, Boone County, Kentucky. The request is to rezone the property from Urban Residential/Planned Development (UR-1/PD) and Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD).

Dear Mr. Banta:

The following represents the conditions being considered by the Zone Change Committee as additions to your submitted Concept Development Plan. The property owners, or owners by contract of the property, and will need to sign this form if the conditions are acceptable.

We ask that this form be returned to our office no later than noon, Wednesday, August 1, 1990. The request is on the agenda to be acted upon by the Boone County Planning Commission at their Wednesday night meeting, which you should plan to attend. Please contact me if you have any questions.

Conditions

1. The Committee prefers that the retail anchor not be a regionally oriented business that would have a major negative impact on adjacent properties and traffic. The most desirable uses for this site would be those uses intended to serve the residential area west of Florence.
2. The applicant agrees to work with the Planning Commission to provide appropriate access to adjacent properties.
3. A disturb limit along the north and western property lines will be established at the Preliminary Development Plan to limit the adverse impact on the existing areas. In addition, the location of the detention ponds will be reviewed to limit their impact on the creeks.
4. Deceleration lanes will need to be constructed at both entrances along KY-18. The applicant agrees to work with Staff and KDOT on the final design of the two entrances.
5. The amount of landscaping area required for this development must equal or exceed that shown on the Concept Development Plan.

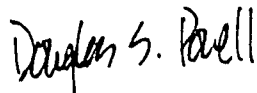
Mr. Tom Banta - Corporex Companies, Inc.

Page Two

July 30, 1990

6. The applicant is aware that the property will be reviewed under the "Design Review" procedure outlined in the Houston-Donaldson Study. Items such as building design, building materials, signage, landscaping, etc. will be reviewed to insure compliance with the Design Guidelines of the Houston-Donaldson Study and the 1986 Boone County Zoning Regulations.

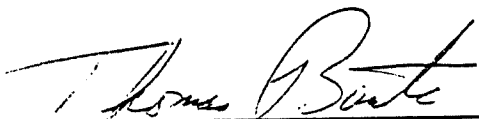
Sincerely,



Douglas S. Powell,
Transportation Planner

DAP:mcb

I, Tom Banta, on behalf of Corporex Companies, Inc., property owner by contract, agree to the above listed conditions for approval of the request for a Zoning Map Amendment.



Tom Banta, For Corporex Companies, Inc.

Summary of Findings for Contrary Recommendation

1. The proposed development is not consistent with the Houston-Donaldson Study in the amount or scale of commercial uses. The applicant has not shown reason for the Planning Commission to deviate from the approved Houston-Donaldson Study. The Houston-Donaldson Study was established as the framework of development for the Study Area, and is the official Comprehensive Plan for the area. The applicant has not agreed to conditions proposed by the Committee to insure that the development of the site, as indicated by the Concept Development Plan, would not negatively and adversely alter traffic movement and future land use patterns of the Houston-Donaldson Study Area, and the KY 18 corridor.
2. The Concept Development Plan, as submitted, would allow a large square footage retail use of a potentially regional draw. The Committee believes that this is not consistent with the objectives of the Houston-Donaldson Study, as referenced in the April 25, 1990, Staff Report. Without the conditions proposed by the Committee and discussed with the applicant, there is no assurance that this anchor store would not be regional in nature or attract significant new traffic into the area.

Boone County Recorder
09-05-90

Ordinance No. 920.210
Resolution No. R-26-90

Gary, Nancy and
Marie Moore

LEGAL NOTICE
ORDINANCE NO. 920.210

The Boone County Fiscal Court at its meeting to be held Tuesday, September 11th, 1990, at 5:30 P.M., third floor courtroom, Administration Building, Burlington, Kentucky, will hold a Public Hearing and give consideration to the Second Reading and adoption of the following ordinance.

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 ARCHITECTS (APPLICANT) FOR GARY, NANCY AND MARIE MOORE (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR/1/PD) AND INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD) FOR A 42 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF KY 18 AND WEST OF HOUSTON ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED ON A UNANIMOUS VOTE BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-26-90.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance, all exhibits, appendages and fiscal court minutes are on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 33364

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY