

OTHER SUPPORTING INFORMATION

STAFF REPORT
DECEMBER 16, 1987

REQUEST OF WILLIAM D. HILLMAN/GARRET P. BRODHEAD (APPLICANTS)
FOR BANKLICK CORPORATION (OWNER) FOR A ZONING MAP AMENDMENT
FROM RECREATION (R) AND SUBURBAN RESIDENTIAL ONE (SR-1)
TO RURAL SUBURBAN (RS), COMMERCIAL TWO/PLANNED DEVELOPMENT
(C-2/PD), URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD),
OFFICE TWO/PLANNED DEVELOPMENT (O-2/PD), AND
INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD)

This request is a Zoning Map Amendment on an approximately 130 acre site located on both sides of the new US 25/42 Connector Road, east of Evergreen Drive, and west of I-75, Boone County, Kentucky. The request is to rezone the site from Recreation (R) and Suburban Residential One (SR-1) to Rural Suburban (RS), Commercial Two/Planned Development (C-2/PD), Urban Residential One/Planned Development (UR-1/PD), Office Two/Planned Development (O-2/PD), and Industrial One/Planned Development (I-1/PD). The site is presently the Kentucky Raceway property with the majority of the land being used for recreational purposes.

SURROUNDING LAND USES AND ZONING

The surrounding land uses near the 130 acre site consist of single-family residential to the north and west. South of the site is vacant/agricultural property. Directly east of the site is Interstate 75 and industrial land uses in the Northern Kentucky Industrial Park. Since the March 10, 1985 aerial photograph was taken, this area has experienced an increase in residential growth. Evergreen Farms Subdivision has expanded along Tamarack Drive, and Eagles Landing Subdivision continues to develop. Two other subdivisions exist north of the site (i.e. Dilcrest Subdivision and Shamrock Subdivision). There is also the potential that Mary's Court could be extended south to develop more residential lots to the property abutting the north side of the racetrack property. In addition, the surrounding zoning includes Suburban Residential One (SR-1) and Residential One Family (R1F) to the north; Suburban Residential One (SR-1) to the south; Industrial Two (I-2) to the east; and, Suburban Residential One (SR-1) and Urban Residential One (UR-1) to the west.

FEATURES OF THE SITE

There are a variety of natural features for the 132 acre site. Two natural drainage areas exist and are located on the northwest and northeast sides of the site. In these areas, there is a twenty percent slope on some of the hillsides. Two lakes exist on the property of which one is located in the center of the racetrack. Soil types include two types of Rossmoyne Silt Loam (RsB) (RsC), usually found on 0 - 12 percent slopes and Jessup Silt Loam (JeD) and Faywood Silty Clay Loam (FcD) (FdD3), which are usually located on 12 - 20 percent slopes. Some of these soil types have erosion capability.

The US 25/42 Connector Road has been constructed through the property during 1987. The site is comprised of approximately 11.6 acres west of the road and 118.5 acres east of the road. The Connector Road has been paved from US 42 to I-75 and graded to US 25. The bridge over I-75 has been completed.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Zoning Map Amendment request is being examined in relation to the Boone County Comprehensive Plan to determine whether it is consistent with the Plan's objectives and recommendations. The general area is referred to in a number of ways.

The 1986 Future Land Use Map shows ultimate development of this property and all adjoining lands as Medium Density Residential which a general classification for residential developments ranging from three to eight units per acre. (See attached map.)

In addition, the text describes the following in reference to the area surrounding the site.

- A. Pages L-19 and L-20 refer to industrial development on the west side of I-75 and north of Mt. Zion Road.

The southern portion of this section contains the Industrial Park. Expansion and continued growth of this employment center is expected to continue over the study period. The residential areas to its north prohibit any expansion in that direction. The short term movement of industries will be along Industrial Road into Kenton County, and north on Industrial Road with very light industries which are primarily consumer oriented. The park should be encouraged to expand to the south, along US 25 and the proposed new road and near the railways. Large tracts of developable land exist in the area and development hinges only on an improved road networking system.

The growth of this area will be impacted in several ways. The major influences will be the Northern Kentucky Industrial Park to the north, the proposed Mt. Zion interchange on I-75, the Hopeful Road connection to the Industrial Park, development pressures along US 25, and the Southern Railroad Line. Because of the development pressure, all necessary types of infrastructure will increase in scale.

The Industrial Park should expand southward onto the lightly developed, level land, but no further than Mt. Zion Road (on the west side of US 25). To the east of US 25 only light manufacturing should occur and southward expansion should be tempered by locational factors including the interchange access and association to the existing industrial park.

- B. Page L-19 describes the US 42/US 25 Connector Road and other future public improvements.

With the opening of Mt. Zion Road Interchange and road widening to US 25, and the reliever loop from Hopeful Road, truck and car

traffic (respectively) will be substantially reduced off of US 42. Truck traffic should not utilize the proposed loop road connecting Hopeful Road to US 25.

C. Page L-19 and Page L-20 also refer to residential uses in the area.

Residential development within this study area will continue but be moderate. There are only a few pockets of residential land still undeveloped within this area. Infilling of these areas and individual lots within established subdivisions should coordinate and agree with the developments or subdivisions surrounding these buildable areas and lots.

Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development within the city.

The Mt. Zion Interchange will have the single largest impact on this area. The west side of the interchange will develop rapidly with the new accessibility but must do so in a manner so as not to disrupt much of the existing residential development. As outlined in the Housing Element, the west side of the interchange would be an ideal location for higher density residential development. This is compatible with the residential character of the area besides providing housing opportunities for employees of the Florence urban area, and would provide a limit to over expansion of commercial activity towards Union.

D. Page G-4 notes the objective of properly siting industrial land uses.

1. Industries shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to locate near railroads, highways, airports and/or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages.
3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor should be controlled.

E. Pages G-5 and G-6 suggest the purpose in designing a land use plan based upon transportation improvements.

1. New transportation networks shall be designed and constructed so as to direct future development consistent with the land use plan.

2. Freeways, major streets and arterials should avoid penetrating viable neighborhoods and in most instances these roadways should form neighborhood boundaries.

F. In the 1986 Boone County Comprehensive Plan and the Zoning Map Update, a considerable amount of property was rezoned Industrial One (I-1) and Industrial Two (I-2). These areas include the following:

1. South of the Northern Kentucky Industrial Park (I-2).
2. East of US 25 and south of Mt. Zion Road near the Southern Railroad line (I-2).
3. North and south of Richwood Industrial Park and east of Southern Railroad line (I-1).
4. South of the intersection of I-71 and I-75 near Walton (I-1).
5. Directly north of the KY 20/Airport Interchange (I-1).
6. South of I-275 and east of KY 237 (I-1).
7. West side of KY 237 and under the Airport Clear zone.

Overall, approximately 1,100 acres were rezoned industrial in the Update. In addition, there are three large existing industrial parks (Richwood Industrial Park, Turfway Business Park and Circleport Business Center). The industrially zoned land was properly located based upon the expansion of existing industrial parks, planned public transportation improvements, direct access to rail, high airport noise levels and the ability to locate industrial property far from highly developed residential areas.

Pages H-17 and H-18 discusses types of housing for the future in Boone County:

"Multi-family construction will take place increasingly in the Florence-Burlington-Hebron area because of easy access (KY 18, KY 237, and I-275) and the spread of urbanization. High density developments should be close to the thoroughfares to achieve a gradation of densities outlined in the land use plan."

"Multi-family housing should have convenient access to commercial districts. The developments should be designed to offer the shortest trips to the most people."

Pages H-18 and H-19 discuss various densities of housing development in the county:

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips."

Several objectives of the Housing Element also describe future high density residential development:

10. High density development shall occur in locations with immediate or convenient access both to major streets or highways and to shopping and public facilities.

11. Progression of intensities shall be encouraged. Where traditional progressions of high density to low density development cannot be followed, adequate buffering must accompany high density usage.

Page G-3 contains a goal and several objectives for commercial development in Boone County.

BUSINESS ACTIVITY

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

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

Commercial

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.

3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.

4. Highway services shall be located in close proximity to major highway interchanges for maximum convenience and economy to the motoring public. (However, they should not be located so close to interchanges that they congest the traffic movements at these points of access).

In summary, the Boone County Comprehensive Plan recommends medium density residential near the 132 acre site. Any planned industrial in the vicinity would be directly south of the existing Northern Kentucky Industrial Park and east of I-75. Both of the planned areas were based on impact reviews, planning principles and full knowledge of the road connection between US 25 and US 42.

EVERGREEN CENTER

The submitted Concept Development Plan includes information as to the uses and intensities proposed for the 130 acre site. The following table provides a summary of the wide variety of uses.

<u>Requested Zoning</u>	<u>Section of Development</u>	<u>Intensity</u>
A. UR-1/PD	Residential Condos	355 units (29.6 acres)
B. RS	Single-family residential	10 lots (6.18 acres)
C. C-2/PD	Plant nursery	15,000 s.f. building (3.94 acres)
	Commercial Center with a gas station	68,000 s.f. building area (11.2 acres)
D. I-1/PD	High Tech Industrial (Mid-Com Technical Center)	471,507 s.f. initially 731,823 s.f. total with expansion
E. C-2/PD	Child Care Facility	(1.5 acres)
F. O-2/PD	Low Rise Office Campus	52,000 s.f. building (5.85 acres)
G. UR-1/PD	Multi-family Residential	276 units (23.0 acres)

The applicant has submitted written information further detailing proposed uses and presenting findings of fact to support the requested map amendment. The letter is attached to this report. The applicant has indicated, as well, that no distribution type uses are foreseen for the industrial portion. The proposed uses are high-tech manufacturing and associated warehousing. The small building shown in the C #2 area has been indicated by the applicant as a gas station. Architectural information for the commercial portion of the development has been discussed by the applicant as well as restrictive covenants for the industrial portion.

Water and sanitary sewer utilities exist immediately north of the site. These include a six (6) inch water line and a 12 inch sanitary sewer line that serve adjacent residential areas. The applicant has indicated a willingness to preserve a potential road connection to property to the north between sections A and F. The adjacent parcel is zoned Suburban Residential One (SR-1) and is under separate ownership.

STAFF CONCERNS

1. Industrial Zoning - The Boone County Comprehensive Plan has recommended Medium Density Residential for this area with the idea that I-75 serves as a significant man-made barrier or buffer from the existing Northern Kentucky Industrial Park. The general area is currently being developed as single-family residential and has the momentum to continue to do so. The scale of this development and as well as other surrounding vacant parcels has the potential to disrupt the pattern of single-family residential development and influence the future uses of nearby parcels. Industrial zoning should be properly placed and should be based upon the factors used in the rezoning of property in the 1986 Comprehensive Plan Update.

The Concept Development Plan, as submitted, to some extent takes into consideration retaining the residential character of the area through proposed architectural styles and a transition of land uses. Still, the Boone County Planning Commission will have to determine whether the area should largely remain as residential or if a mixture of compatible uses can occur on the 130 acre site.

2. State Transportation Improvements - A number of state transportation improvements are planned in the future which affect this site. These improvements include the following:

- A. Hopeful Road relocation
- B. Mt. Zion Road Interchange
- C. US 42 widening from Farmview Subdivision to Mall Road
- D. A connector road from Empire Drive to Mt. Zion Road
- E. Widening Mt. Zion Road from I-75 to US 25
- F. A connector road from US 42 to US 25 crossing I-75 to Richardson Road.

The US 42/US 25 Connector Road has been constructed from US 42 to the new bridge over I-75. The portion east of I-75 has been graded. A portion of the road between Tamarack Drive and Ridgeview Drive is now open to serve local traffic. This phase of the Connector Road construction includes a connection to Empire Drive. With the actual construction of the Connector Road, the area had radically changed. The road, with its approximately 150 foot right-of-way, has separated a majority of this parcel and the proposed development from the existing single-family residential uses both south and west of the site.

The Mt. Zion Road Interchange, the widening of Mt. Zion Road, the connector road from the US 42/US 25 Connector Road, and the Hopeful Road relocation will be constructed, but have been postponed. Consequently, if the improvements are not made at a future date, the staff is concerned about truck traffic entering and exiting the 130 acre site. Traffic from the proposed Evergreen Center will either have to travel to US 42 through a highly developed and sometimes congested commercial area in order to get to

I-75 or will have to travel the Connector Road to US 25 or Industrial Road in order to get to an interchange. For these reasons, staff feels that industrial uses that generate much truck traffic would create a severe burden on the existing and planned road network.

The purpose of the US 42/US 25 Connector Road was to ease traffic problems in the Northern Kentucky Industrial Park. It is generally thought that the Connector Road would serve residents living in Boone County and would be a better "home to work" transportation network for area workers. The road will serve residents now, and in the future, who live in the Union, Florence (Farmview), and Burlington areas.

3. Turning Lanes and a Traffic Signal - Because the US 42/US 25 Connector Road is a two-lane road, there will be a need to provide proper turning lanes and possibly a traffic signal at the main entrance of the Kentucky Raceway Commerce Center. These improvements can be coordinated with the Kentucky Transportation Cabinet and can be submitted at a later date or subsequent review. The applicant is submitting traffic generation data at the public hearing to aid in these reviews.
4. Topography - There are significant natural drainage patterns and areas of vegetation that should be considered in developing the site. The submitted plan indicates the retention of some natural vegetation in the condominium area, and a 25 foot landscaped buffer area north of the proposed industrial area, adjacent to residentially zoned land. There has also been a significant change in topography at the corner of the site in Section G when the Connector Road was constructed. This may have a profound impact on the layout of that proposed multi-family area.
5. Land Use Barriers and Transition - The concept of utilizing natural and man-made barriers, such as I-75, is important to the Comprehensive Plan. This Concept Development Plan proposes industrial uses west of I-75, however, it also attempts to use this existing barrier and achieve a gradation of uses between the major industrial and transportation land uses and the continuing residential development of the area. Staff is concerned about the impact of this project on the adjacent undeveloped parcels, especially north and south of the site. Consideration should be given to a road connection to the Hudson tract south of the site, since its future use would unlikely be residential.
6. Recreation Zoning and Uses - Almost all of the 130 acre site is currently zoned Recreation and, therefore, represents potential public or private recreation land opportunity although the price of the land may discourage that. The Boone County Comprehensive Plan contains data on the amount of recreation land in use in 1984. At that time, there were 750 acres of publicly owned and operated parks in Boone County, and a total of 526 acres on semi-public recreational properties. The Kentucky Raceway Property was treated as a private property and, therefore, it is not reflected in these

numbers. Staff is concerned, however, that the need may be present for some recreational facilities in conjunction with the amount and concentration of residential uses proposed in this development. A copy of a map from the draft copy of the Boone County Open Space Master Plan is attached to this report. It shows Neighborhood and Community Park Land Priority as a result of the numerous factors considered in drafting that document.

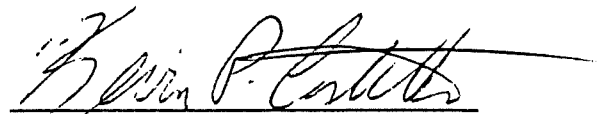
7. Phasing - The phasing of such a large and varied development is very important. Whether the residential, commercial, or industrial portion is constructed first will have a major impact on how well the proposed development fits in with the existing and developing residential character of the area.

CONCLUSION

This request contains a wide range of uses unique in a Planned Development approach or setting and, therefore, raises many land use considerations for an important area of Boone County. In conclusion, the Planning Commission should evaluate this request based upon the Comprehensive Plan, existing land uses and the criteria for granting a zone change. If the Planning Commission and the Boone County Fiscal Court approve this request, the Zoning Map, Zoning Text, and Land Use Map would need to be changed.



David A. Geohegan
Planner/Plans Examiner



Kevin P. Costello
Asst. Director/Sr. Planner

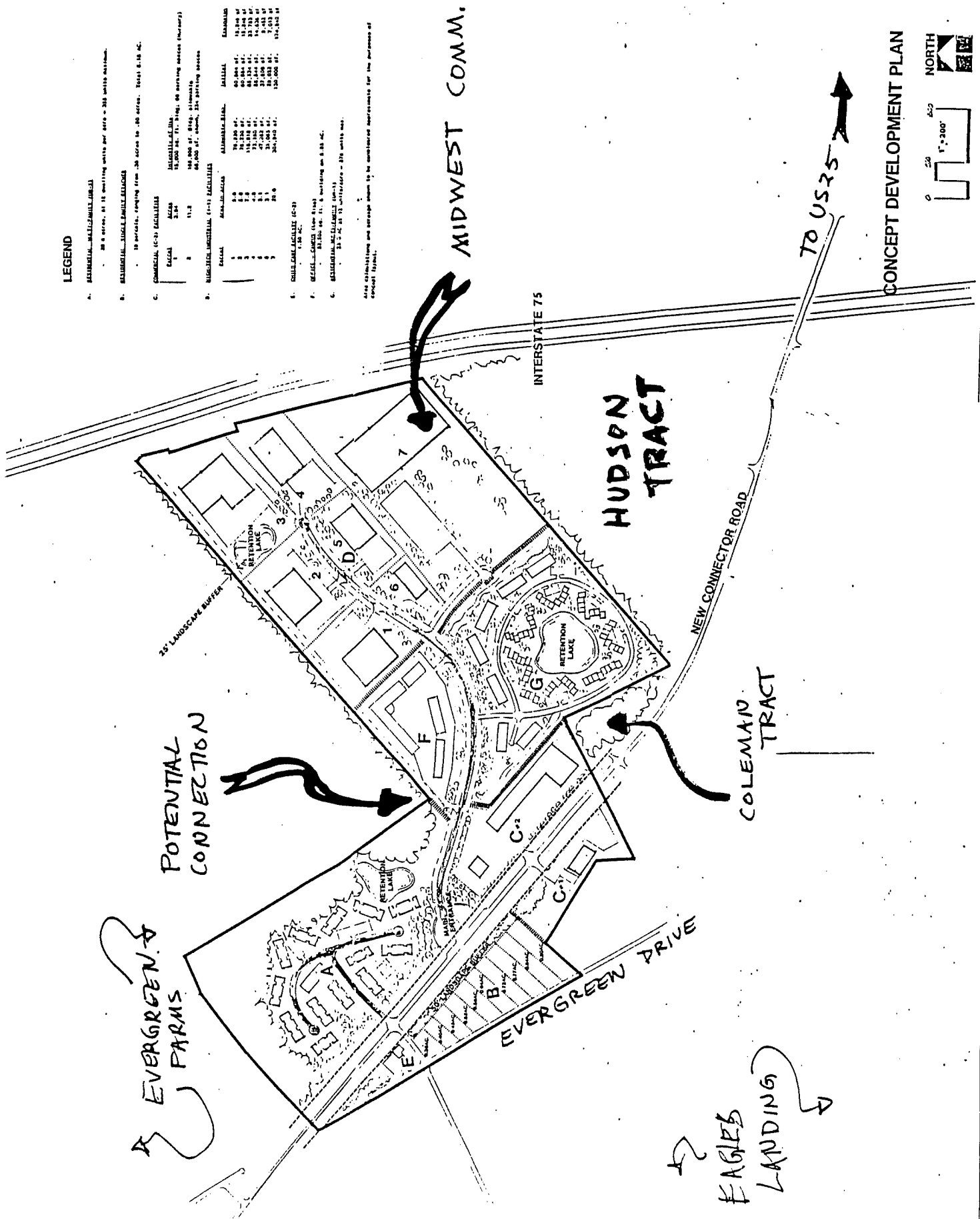
DAG/KPC/jdh

David A. Geohegan 12/16/87

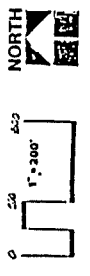
LEGEND

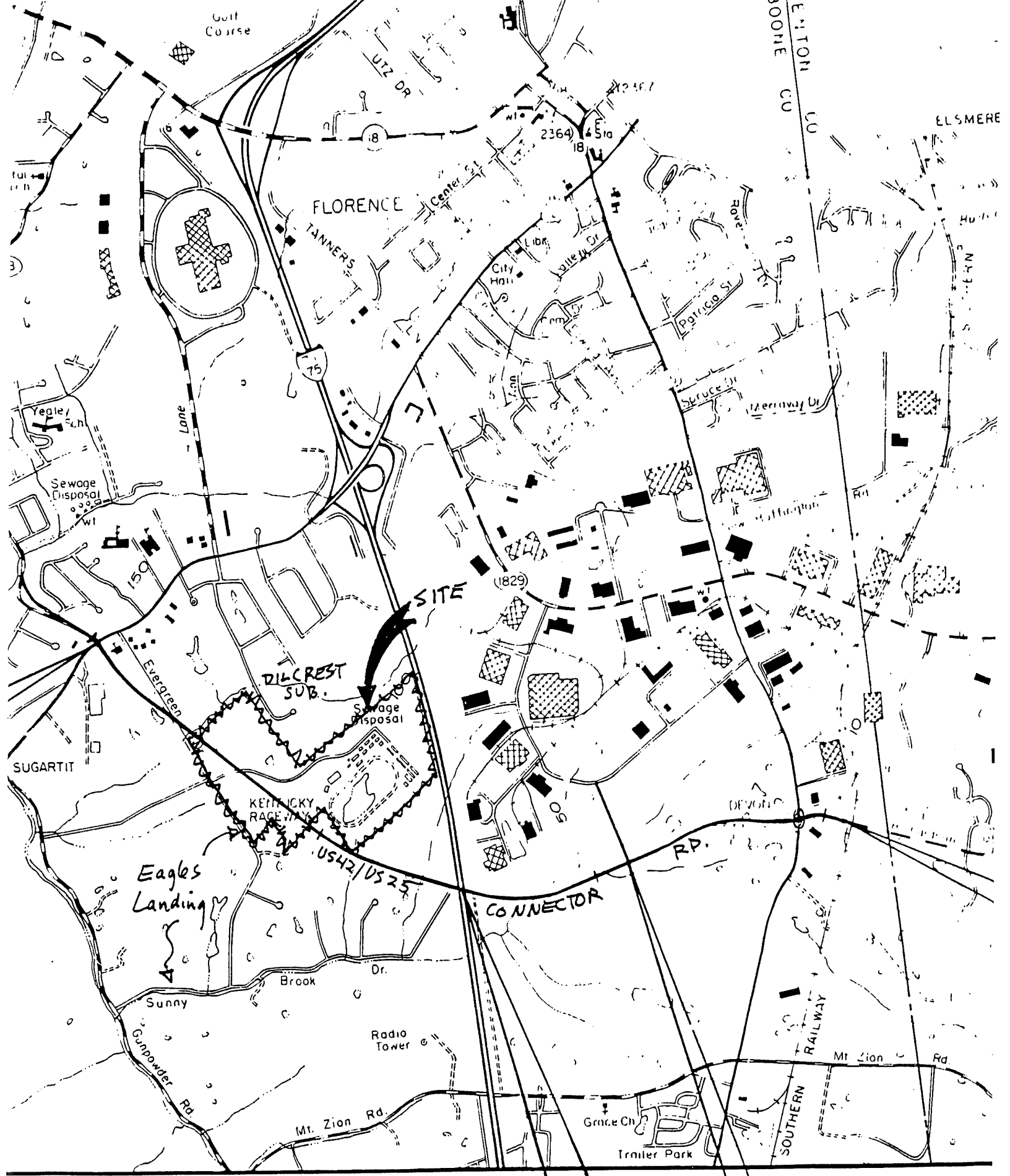
- A. **RESIDENTIAL - MULTIFAMILY UNITS**
28 units, 210 parking units, net area = 282,000 sq. ft.
- B. **RESIDENTIAL - SINGLE FAMILY HOUSES**
10 houses, ranging from 30 acres to 40 acres. Total 6.18 ac.
- C. **COMMERCIAL (C-1) FACILITIES**
OFFICE BLDG. 15,000 sq. ft. (10,000 sq. ft. net, 5,000 sq. ft. parking garage (shared))
RETAIL 10,000 sq. ft. (5,000 sq. ft. net, 5,000 sq. ft. parking garage)
TOTAL 25,000 sq. ft. (15,000 sq. ft. net, 10,000 sq. ft. parking garage)
- D. **NEIGHBORHOOD COMMERCIAL (C-2) FACILITIES**
OFFICE BLDG. 10,000 sq. ft. (5,000 sq. ft. net, 5,000 sq. ft. parking garage)
RETAIL 10,000 sq. ft. (5,000 sq. ft. net, 5,000 sq. ft. parking garage)
TOTAL 20,000 sq. ft. (10,000 sq. ft. net, 10,000 sq. ft. parking garage)
- E. **CHILD-CARE FACILITY (C-3)**
1,000 sq. ft.
- F. **OFFICE - LARGED (C-4)**
100,000 sq. ft. (50,000 sq. ft. net, 50,000 sq. ft. parking garage)
- G. **RECREATION - COMMUNITY CENTER**
100,000 sq. ft. (50,000 sq. ft. net, 50,000 sq. ft. parking garage)

Area allocations are average shown to be maintained measurements for the purposes of conceptual planning.



CONCEPT DEVELOPMENT PLAN





STA. 73+27.51
 CONST. 50'-107'-107'-50'
 PC.I.B. @ 24°15'50" LT.

EMPIRE DRIN
 CONNECTOR



Garret P. Brodhead
William D. Hillmann
8100 Burlington Pike
Suite 443
Florence, KY 41042

RECEIVED

DEC 14 1987

Findings of Fact

TO : Boone County Planning Commission

FROM: Garret P. Brodhead and William D. Hillmann

DATE: December 14, 1987

RE : Request of William D. Hillmann/Garret P. Brodhead for Banklick Corporation (owner) for a zone map amendment on a 132 acre site (currently The Kentucky Raceway property) located west of I-75 and east of Evergreen Drive, Boone County, Kentucky. This request is to rezone the site from recreational (R) and suburban residential one (SR-1) to:

PD, UR-1, C-2, I-1, O-2, SR-1

I. Map Amendment

- a. The applicants submit that this request is in agreement with land use called for in the Comprehensive Plan, and that the planned development (PD) approach to implementing a "gradation of uses" provides for compact, efficient development patterns while maintaining buffer space.
- b. The present zoning is not appropriate:
 1. The land has been unable to sustain or otherwise provide the community with recreational uses for over 20 years.
 2. Area development around this parcel during it's inactive use (industrial, commercial, new highway, residential) has rendered it less desirable for recreational use.
 3. The new U.S. 25 / U.S. 42 Connector Road presents better opportunities for uses that establish the urban to rural transition called for in the Comprehensive Plan.
- c. The new map amendment called for is appropriate:
 1. There is nothing inherently incompatiable between the various broad catagories of land use. Residential, commercial and industrial uses can coexist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity.

II. Existing Plan

- a. Continuity of visual and aesthetic images will be established and maintained throughout by set backs, buffers, signage restrictions, architectural themes, landscape, use of existing topography, underground utilities and restrictive use covenants.
- b. The high-tech Industrial Park will take advantage of I-71/75 frontage while remaining isolated from present SR zoning, and represents a logical step down to non-interstate frontage uses.
- c. The office portion will be low rise and of residential design. It will fill a need for local business owners desiring to expand. There is presently almost no new Class "A" space available in Florence.
- d. The multi-family surrounding the existing lake will be designed and priced for the upper end of the market and fill an existing need (current vacancy factor 3%) for professional families new to Boone County.
- e. The multi-family contiguous to Dillcrest and Evergreen Farms will be owner occupied condominiums. Existing topography, trees and natural amenities will be preserved to the largest extent possible.
- f. The 1.5 acre tract created by the northern terminus of Evergreen Drive, the new Connector Road and the Ridgeview Road access drive will be used for a childrens Day Care Center. Residential architecture will blend this structure into it's surroundings. The dead end street provides safe drop-off, pick-up via and through traffic road.
- g. The 10 single family lots on Evergreen Drive contribute significantly to the Comprehensive Plan's residential goals for this area. They establish a pattern in an area which matured prior to regulation and will set the stage for the western boundry of the site.
- h. Fronting on Connector Road's west side is planned for a Florist. This low density, low traffic single user application represents a visually pleasing continuation of the "green space" theme for the western side of the connector road.
- i. A neighborhood commercial center along a portion of the eastern Connector Road will establish the "thoroughbred" theme designed to reflect residential architecture throughout this development. Evergreen Center will provide services to "work to home" commuters such as food, banking, auto, clothing and related needs.

III. Economic, Social and Physical considerations of this map amendment:

- a. The new U.S. 25 / U.S. 42 Connector Road has created new land use options for the area.
- b. The generation of employment and property tax revenue will be broad based and favorable to the community.
- c. Utilization of existing infrastructure requiring no capital expense to the county.
- d. The portion of the site bordering the interstate is visually and acoustically undesirable for residential use, yet highly desirable for high-tech industrial use..

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
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VICE CHAIRMAN


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SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

M E M O R A N D U M

TO: ZONE CHANGE COMMITTEE MEMBERS

FROM: David A. Geohegan, Planner/Plans Examiner 

DATE: January 14, 1988

RE: Information on the impact of the Hillman/Brodhead request.

Enclosed is the information the Committee requested concerning the impact of the Hillman/Broadhead request. Please call the office if you have any questions before the Committee meets again.

DAG:mcb

Enc.

cc: Kevin Costello

ZONE CHANGE COMMITTEE
IMPACT OF HILLMAN/BRODHEAD REQUEST

WATER AND SANITARY SEWER SERVICE

The site lies within the Florence Water District service area (Mall Road, Tower) except for Sections B (single family lots) and E (child care center) which would be served by Boone County Water District. Existing service to the site (private 6 inch line) would not be adequate. Service would probably require a 12 inch water line as opposed to an 8 inch line if the area was developed as medium density residential. Although single family residential uses would create greater daily water usage, the proposed mixed use development would require greater water pressure for fire protection. Service could be provided, but would probably have to be extended from U.S. 42 by way of the new Connector Road or through the McEvoy property. Water lines should be looped together through the McEvoy property, the existing private line location, and the Boone County Water District line at Evergreen. Adjacent subdivisions have smaller lines (Dilcrest and Shamrock - 6 inch; Evergreen Farms - 8 inch). In conclusion, adequate water service for the proposed development would require water line installation off the site, as well as on the site.

Sanitary sewer service within the development would require an 8, 10, or 12 inch sewer and could easily connect to an existing 12 inch line immediately north of the site. This Florence sewer line proceeds to Gunpowder Creek/Fowler's Creek.

Because of a past agreement with the Boone County Water and Sewer District, the immediate area of the site will be served by Florence Water and Sewer regardless of whether it is in the city or not. The city can ask the developer to annex, but cannot require annexation in order for the development to receive water and sanitary sewer service.

Fire Protection

The site is within the Florence Fire District, which also includes the Eagles Landing and Sunnybrook Drive areas. The Fire Department is considering a possible future firehouse on U.S. 42 towards Union. This site will also be better served by the existing firehouse on Industrial Road upon the opening of the U.S. 42/U.S. 25 Connector Road. The proposed plan would require more fire protection than 130 acres of primarily single family residential. Although high-tech industrial is generally a low fire risk land use when compared to residential, the potential extent of an office or industrial fire is greater. Water pressure needs are much greater for fire protection of the 130 acres of proposed uses than for 130 acres of single family residential.

Education System

The site is within the most crucial area in the Boone County School District because the area schools are at capacity and because of the residential growth in the area. The site would be served by Yealey Elementary and R.A. Jones Jr. High until future schools are constructed off U.S. 42 toward Union. The education system normally receives about 1.4 children per single family house. Low-priced single family subdivisions generally contribute more children than that average; while higher-priced subdivisions contribute less. Typically, low-rent apartment complexes have the greatest impact of residential uses (more school age children); while condominiums or high-rent apartments contribute very few children to the school system, but still contribute tax support. Industrial uses, on the other hand, typically do not contribute tax benefits for some years because of tax incentives, etc. In conclusion, the proposed development would probably have less impact on the education system than would single family residential or medium density mixed residential as projected for the site in the Boone County Comprehensive Plan.

DAG:mcb
1/14/88

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: William D. Hillman/Garret P. Brodhead Owner Agent

Address: 525 West 5th Street
Covington, KY 41011 Telephone: (606) 261-5000 283-0040

Location: _____

Name of Property Owner: Banklick Corporation

Address of Property Owner: 7262 Walton-Nicholson Road, Ind. KY 41051

Zoning District: Recreational Area in Acres: 132

Deed Book: 236/7 Page Number: _____ Group Number: _____

Description of Request: 132 acres planned Development Encompassing

RS, C-2 PD, UR-1 PD, I-1 PD, O-2 PD CONCEPT DEVELOPMENT PLAN
TO BE SUBMITTED BY 11-12-87, LEGAL DESCRIPTION AND
ADJOINING PROPERTY OWNERS ON FILE FROM PREVIOUS APPLICATION

Applicant's Signature: [Signature]

Property Owner's Signature: Banklick Corporation/ R.C. Durr - President [Signature]

Application Fee: \$933.00 FOR PLANNING COMMISSION USE ONLY Date Received: 11/4/87 BY: K. Castello

Referred To: Dave + Kevin Meeting Date: 12/10/87 Public Hearing

Action Taken: Recommended For Denial Date of Action: 1/20/88

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

December 16, 1987

PUBLIC HEARINGS

Mr. William Viox called the meeting to order at 7:05 P.M. and introduced the first item on the agenda:

1. Applicants: William D. Hillman and Garret P. Brodhead for Banklick Corporation (owner)
Request: Zoning Map Amendment

This was a Public Hearing on the request of William D. Hillman and Garret P. Brodhead (applicants) for Banklick Corporation (owner) for a Zoning Map Amendment on a 132-acre site located east of the U.S. 42/25 Connector and west of I-75 or, more specifically, the Kentucky Raceway site. The request is to rezone the property from Recreation (R) and Suburban Residential One (SR-1) to Rural Suburban (RS), Commercial Two/Planned Development (C-2/PD), Urban Residential One/Planned Development (UR-1/PD), Office Two/Planned Development (O-2/PD) and Industrial One/Planned Development (I-1/PD).

Staff Member, Dave Geohegan, presented slides of the site.

Mr. Viox asked the applicant for his comments.

Mr. Garret Brodhead had copies of the reduced Concept Development Plan distributed to the Commission. He stated that this was a new plan based on input by the public to their previous request, meetings with the Staff, and in consideration of the new road. He discussed each section of the proposed development. Section A is approximately 30 acres and will be developed as condominiums. It is under contract with Hills Corporation of Cincinnati and Mr. Brodhead displayed an artist's rendering of the type of condominiums built by this company. The architectural theme within the development will be "horses". It will be called Evergreen Tract, with Section A to be called the Village of Evergreen. Section B will be ten single-family lots for residential development. He referred to Section C and Section E, noting that Section E is about 1 1/2 acres to be used for a day care facility with residential architecture. Section C-1, a four-acre parcel, is proposed to be a florist shop with parking and a plant growing area. Section C-2 will be a neighborhood shopping center with residential-type architecture. The density will be below what is allowed. He presented an artist's rendering of the main entrance of the site and noted its location. They will widen the entrance and provide lanes for acceleration and deceleration. The entrance will have a "thoroughbred" theme. Section G is proposed for

apartments, similar to the condominiums proposed for Section A. He noted green space which would be retained in and around the various sections. Section F is a six-acre tract for low-rise office use with residential-type architecture, similar to Edgewood Square. Mr. Brodhead stated that there was a need for office space in Florence. Sections G and F back to I-75 are proposed for the Mid-Tech Center, named for Midwest Communications of Northern Kentucky. They will use the site for their corporate headquarters and video assembly facility. The remaining 28 acres are proposed as an extension of the high-tech industrial park. Mr. Brodhead discussed the restrictive covenants of the site which prevent such items as odor, noise, dust, hazardous materials, etc.. He added that there will be no outside buildings or storage and that there will also be sign regulations.

Mr. Dusing commented on the density of the project and identified a 50' landscape buffer. He stated that the proposed houses on the residential lots would face Evergreen Drive. He noted that the shopping area will serve the surrounding neighborhood and also the employees at the site, which will keep employees off the busy intersections. The center will have access from the new road and the connector road. No additional curb cuts are requested. He added that the restrictive covenants eliminate most of the Allowable Uses in the I-1 Zone, which is not an issue with Midwest Communications. The covenants are perpetual and run with the land.

Mr. Viox asked the Staff for their presentation at this time.

Staff Members, Dave Geohegan and Kevin Costello, presented the Staff Report (see Staff Report).

Mr. Viox asked if there was anyone present who wished to speak in behalf of the request. There being no response, he asked if there was anyone present in opposition to the request or who had questions.

Mr. Norb Alif, speaking for Mrs. Greshen, a resident of Evergreen Drive, questioned Mr. Brodhead regarding the topography of the site. Mr. Brodhead provided clarification for him.

Mr. John McNab, a resident of Evergreen Farms, asked if tenants or operators had been determined for the day care center, the florist shop, and the shopping center. He also questioned the plans for the McAvoy and Hudson parcels. He questioned the buffer to be provided at the rear of the Midwest Communications site.

Mr. Brodhead responded to his questions, advising that a national company called "La Petite" is interested in the day care center. There is interest in the florist shop and interested tenants for the shopping center. Contracts have not been signed and he declined to be more specific. They have no plans to acquire the McAvoy or Hudson properties. He reviewed the location of the Midwest Communications building.

Mr. Jim Bray questioned the effect of this development on the utilities and the infrastructure. Mr. Geohegan advised that there is a 12" sanitary sewer line to the north of the property and a 6" water line to the site. Mr. Brodhead noted that there is a 4" high pressure gas main along Evergreen Drive, and indicated the location of the gas main and the 12" water line.

Mr. Jim Huffman, a resident of Dilcrest Subdivision, read a letter he had written regarding his feelings about zoning and zone changes. He stated that their property values would decline as a result of this development. He added that the developer is motivated by greed and that the zone change should not be allowed.

Mr. Viox asked if there were any comments or questions from the Commission.

Mr. Moore noted that the Future Land Use Plan was adopted in 1986 and that the adoption of the Plan was made in consideration of the connector road. He asked what changes had occurred since that time to justify this request.

Mr. Dusing stated that the primary physical change that has occurred is that the road is now a reality and was mentioned in the Plan as a planned future feature that was not a priority. He added that the market for this site for high-tech industrial use is very strong.


Mr. Barnett noted existing examples of Industrial land uses in the county. He stated that there is sufficient industrial property in the county and that this side of the interstate should not be used for industrial purposes.

Mr. Viox asked if there were any other comments or questions.

Mr. John McNab stated that the high density of this development is a result of the Banklick Corporation's need to profit. The development is not consistent with existing land use in the area. The applicant is using the connector road as an excuse for this development. The connector road was built to relieve already congested routes, not to support this development. He added that a plant can shut down quickly and cut off tax revenues. He asked that the residents' interests be kept in mind.

Hearing no further comments or questions, Mr. Viox advised that this request will be on the Agenda for the January 6, 1988 Business Meeting at 8 P.M. and closed this Public Hearing.

APPROVED:



William Viox

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

January 20, 1988 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
Mr. Rector Jones
Mr. Floyd Sharp

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of January 6, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that the Minutes of the Business Meeting of January 6, 1988 be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

COMMUNICATIONS:

The Chairman advised that the following communications had been received and would be discussed as appropriate during the meeting:

1. Letter from Betty Jo Harmes.
2. Letter from Susan Graybow.
3. Letter from John R. McNab.
4. Correspondence from the City of Florence.
5. Correspondence from HUD.
6. Correspondence from the Transportation Cabinet.

REPORTS:

The Chairman noted that the Zoning Enforcement Officer's Report and the Building Inspector's Report 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. Zoning Map Amendment

A request of William D. Hillman/Garret P. Brodhead (applicants) for Banklick Corporation (owner) for a Zoning Map Amendment on a 132-acre site located east of the U.S. 42/25 Connector and west of I-75 or, more specifically, the Kentucky Raceway site. The request is to rezone the property from Recreation (R) and Suburban Residential One (SR-1) to Rural Suburban (RS), Commercial Two/Planned Development (C-2/PD), Urban Residential One/Planned Development (UR-1/PD), Office Two/Planned Development (O-2/PD) and Industrial One/Planned Development (I-1/PD).

Chairman Viox stated that a Public Hearing was held in regard to this request on December 16, 1987. At the Public Hearing, land use data was collected from the applicant, the Staff, the Commission, and other interested parties. He advised that the Commission will make a recommendation to the Fiscal Court in regard to this request.

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

Mr. Viox asked the applicant if he wished to comment. Mr. Jerry Dusing, attorney, asked to reserve the right to respond to comments made in opposition to the request.

Chairman Viox stated that a petition had been received from the residents of Eagle's Landing and asked that a spokesperson for that group summarize their position.

Mr. Jim Gray stated that the petition is self-explanatory and they have no other comments to make.

Chairman Viox asked if there were any comments or questions from the Commission.

Mr. Dusing asked if Mr. Hillman, one of the applicants, could speak at this time.

Mr. Hillman stated that 98% of this project has passed the Staff and Committee reviews. He reviewed the Concept Development Plan and stated that the US 25/42 Connector is a physical change to the area which justifies a land use map amendment. He discussed the proposed areas of the project, indicating that there are no problems with the majority of the areas. He indicated an area to the north end of the property, which will most likely be developed into single-family use. The Committee indicated that a buffer had not been properly submitted for this portion of the site. He stated that this is the 2% which has not been approved and the other 98% has been reviewed, discussed, and approved. He indicated that the Staff and Committee review of this project was hindered by Mr. Jones being unable to participate, Mr. Viox disqualifying himself from the second and subsequent reports due to his Chairmanship, and Mr. DeLong being absent from the Public Hearing and the first and second Committee meetings. He stated that the Committee recommendation is the product of only two members -- Mr. Barnett and Mr. Burch. He noted that Mr. Burch was absent from this meeting. He added that there had been input from Mr. Viox and that Mr. Moore had attended the Committee meetings and given input. Mr. Hillman stated that Mr. Gartner, who developed these plans, was not present at the Committee meetings due to an oversight. He added that Mr. Barnett has been opposed to the project since the Public Hearing and had made his feelings known before he knew the facts of the project. He stated that Mr. Barnett's opposition is not based on the merits of this proposal. He urged that the Commission consider the merits of the 98% of the project which had been approved.

Mr. Jerry Dusing stated that their original plan was modified to address concerns regarding the east to west blending of the project with existing single-family development. Yesterday was the first time they had heard concerns regarding the north to south impact of the project. They believe the project has no significant north to south impact on the Comprehensive Plan. He stated that the Hudsons, property owners to the south of the project, are not opposed to the development, nor is Mr. McAvoy. Mr. Dusing stated that the proposed uses indicated for the development can be rotated and that a buffer zone of as much as 125 feet can be provided. He added that the restrictive covenants would be enforceable and would limit the land usage to 35%. He stated that the new roadway was a major change in the

area of a physical nature. Therefore, major changes of a social and economic nature are not needed to meet the criteria. Mr. Dusing questioned how the permitted uses in the Recreational Zone would impact the area from north to south. He asked that the request be approved, subject to buffering to the north and south and a rotation of uses. He asked that the uses and density be approved.

Mr. Viox asked if there were any comments or questions from the Commission.

Mr. DeLong moved that the request be denied based on the findings of fact contained in the Committee Report. Mr. Barnett seconded the motion.

Mr. Barnett disagreed with the comments made by Mr. Hillman. He stated that he had fairly reviewed this request and that he did not feel that the applicant had met the criteria for a zone change. He added that the roadway was an anticipated major change that is now a reality. He stated that the current zoning is appropriate.

Counselor Wilson stated that Mr. Hillman had indicated that 98% of the project had been approved. He stated that the Committee and Staff do not have the authority to approve a project and may simply have made favorable comments.

Mr. Moore stated that he had attended the Committee Meetings. He agreed with Mr. Barnett that the roadway was anticipated when the Comprehensive Plan was adopted and that he has not seen any significant changes which would make an industrial use in this area appropriate.

Chairman Viox stated that representation by GBBN was missing throughout the process and he would like to have had questions answered by them.

Mr. John McNab stated that he had submitted a letter with an attached petition signed by 283 residents.

Chairman Viox acknowledged receipt of the letter and the petition, which are on file in the Staff Office.

Chairman Viox asked if there was any further discussion. There being none, he asked for a roll call vote on the motion and it carried unanimously.

2. Site Plan Review

A request of Allright Cincinnati, OH (applicant) for Allright Auto Parks, Inc. (owner) for Site Plan Review to expand an existing parking lot. The 17.89-acre site is located near KY 20 and Ridgedale Drive, Boone County, Kentucky and is currently zoned Commercial Services (C-3).

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: January 20, 1988

RE: Request of William D. Hillman/Garret P. Brodhead (applicants) and Banklick Corporation (owner) for a Zoning Map Amendment on a 132 acre site located east of the U.S. 42/25 Connector and west of I-75 or more specifically, the Kentucky Raceway site. The request is to rezone the property from Recreation (R) and Suburban Residential One (SR-1) to Rural Suburban (RS), Commercial Two/Planned Development (C-2/PD), Urban Residential One/Planned Development (UR-1/PD), Office Two/Planned Development (O-2/PD), and Industrial One/Planned Development (I-1/PD).

REMARKS:

We, the Committee, recommend denial of the request. Although the Committee realizes that some or all of the requested uses may be suitable for the site, the Committee recommends that the application as submitted be denied based upon the following findings of fact.

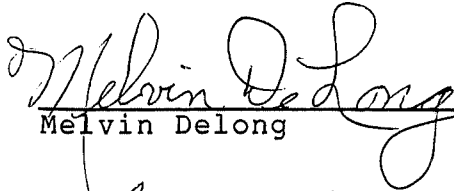
Findings of Fact

The application, as presented through the submitted Concept Development Plan, does not properly address the potential impacts of industrial land uses on adjacent residentially zoned property. The Committee believes that, in particular, the intensity, location, and arrangement of the industrial uses within the Concept Development Plan would adversely impact planned residential development on property to the north, known as the McEvoy property. The Committee recognizes that the future land uses on the Hudson tract and other adjacent parcels would also be greatly affected by this request. Although the Committee believes that the applicant has addressed the transition of land uses from east to west and the suitability of some high tech industrial uses on the site, the submitted Concept Development Plan does not properly address transition of land uses from north to south. For the above reasons, the Committee is of the opinion that the proposed zoning classifications are not appropriate. In addition, the applicant has failed to show that the existing zoning classification of Recreation is inappropriate. The applicant has indicated that the previous race track use has been discontinued, but has not demonstrated that other permitted recreation uses would not be suitable at this location.

Committee Report - Hillman/Brodhead
January 20, 1988
Page Two

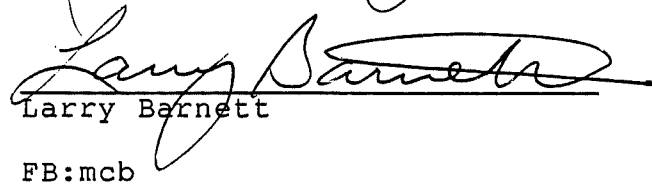
Fred Burch, Chairman

Rector Jones



Melvin DeLong

~~William Fox~~



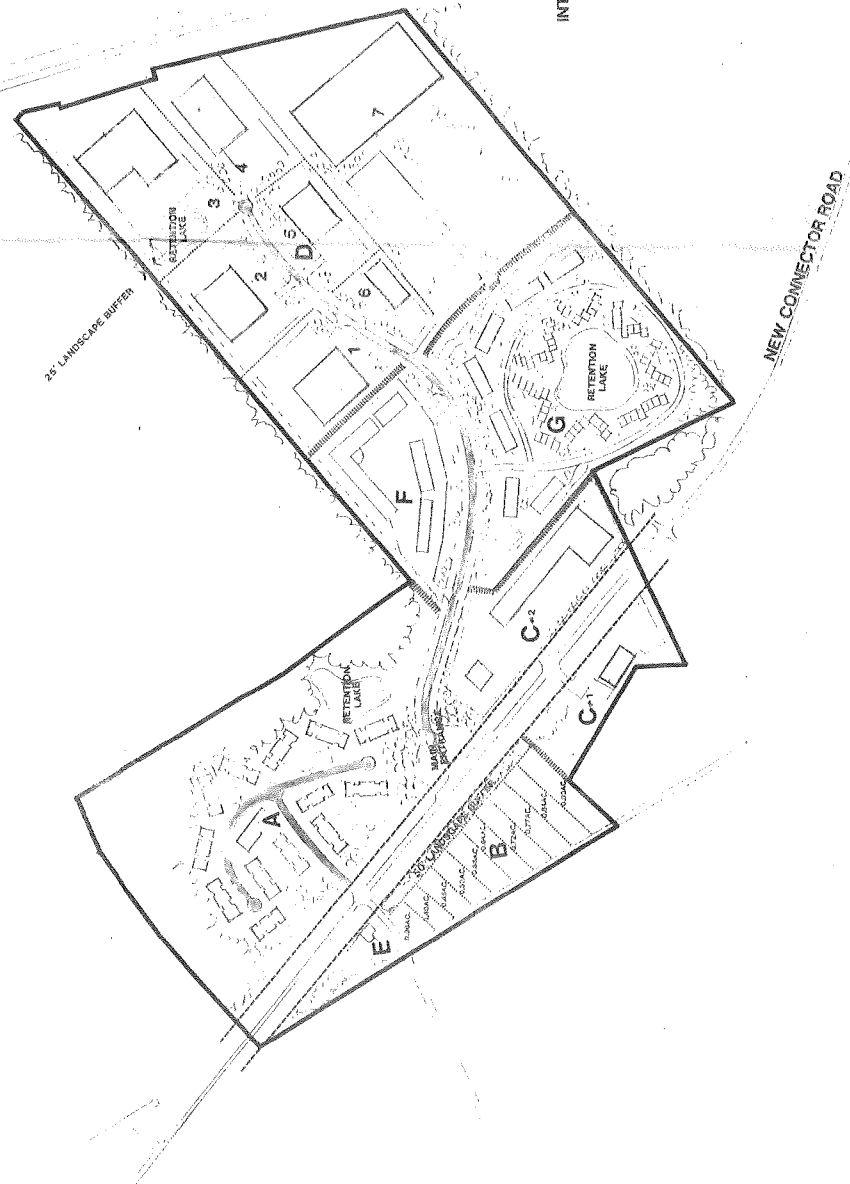
Larry Barnett

FB:mcb

LEGEND

- A. RESIDENTIAL - MULTIFAMILY HOUSING
20.0 ACRES, AT 75 UNITS PER ACRE = 1500 UNITS APPROX.
- B. RESIDENTIAL - SINGLE-FAMILY HOUSING - DETACHED
10 ACRES, VARYING FROM 20 UNITS TO 40 UNITS. TOTAL 6 TO 10 AC.
- C. COMMERCIAL (2-3) BUILDINGS
3.24 ACRES
100,000 SF BLDG. APPROX.
50,000 SF. SHOP. 250 WORKING SPACES.
- D. COMMERCIAL (2-3) BUILDINGS
1.00 ACRES
10,000 SF. BLDG. APPROX.
5,000 SF. SHOP. 250 WORKING SPACES.
- E. COMMERCIAL (2-3) BUILDINGS
1.00 ACRES
10,000 SF. BLDG. APPROX.
5,000 SF. SHOP. 250 WORKING SPACES.
- F. COMMERCIAL (2-3) BUILDINGS
1.00 ACRES
10,000 SF. BLDG. APPROX.
5,000 SF. SHOP. 250 WORKING SPACES.
- G. COMMERCIAL (2-3) BUILDINGS
1.00 ACRES
10,000 SF. BLDG. APPROX.
5,000 SF. SHOP. 250 WORKING SPACES.

AREA DESIGNATIONS AND APPROXIMATE TOTAL AREA DESIGNATIONS FOR THE PURPOSES OF
CONCEPT REPORT.



CONCEPT DEVELOPMENT PLAN



LAW OFFICES
OSBORNE, HILLMANN & TRUSTY

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JAMES G. OSBORNE
WILLIAM D. HILLMANN, P.S.C.
FRANK TRUSTY, II

OF COUNSEL:
J. FRANK DRANE
LOUISVILLE, KENTUCKY

DAVID R. STEELE

February 11, 1988

I court report

Bruce Ferguson
JUDGE/EXECUTIVE
Boone County Fiscal Court
Burlington, Kentucky 41005


RE: Kentucky Raceway Zoning Change Application

Dear Judge Ferguson:

Garret Brodhead and I wish to advise you that we are withdrawing our application for the rezoning of the Kentucky Raceway property. We appreciate all the efforts of the Boone County Planning and Zoning Commission staff in their efforts to assist us in the preparation of our application.

We thank you and the other members of the fiscal court for all the considerations given to us.

Respectfully,


WILLIAM D. HILLMANN
OSBORNE, HILLMANN & TRUSTY

pjs