

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: TOWNE LAND Co., (MATTHEW J. BRENNAN)  Owner

Address: 1055 ST. PAUL PLACE  Agent

CINCINNATI, OHIO 45202 Telephone: (513) 381-8696

Location: NEW EVERGREEN DRIVE, BOONE CTY, KENTUCKY

Name of Property Owner: BANKLICK CORPORATION

Address of Property Owner: 1262 Walton-Nichelson Pike Ind., KY 41051

Zoning District: SR-1/R Area in Acres: APPROX. 130 ±

Deed Book: 324 Page Number: 52 Group Number: \_\_\_\_\_

Description of Request: Zoning Map Amendment to permit residential development per the Boone County Comprehensive Plan. Application for zoning action Request to rezone site from SR-1 and R to C-2 and SR-2/PD

Applicant's Signature: TOWNE LAND Co. by Matthew Brennan

Property Owner's Signature: Banklick Corp. by R. E. John Bren.

FOR PLANNING COMMISSION USE ONLY

Application Fee: \_\_\_\_\_ Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Referred To: DAG. Meeting Date: \_\_\_\_\_

Action Taken: Approved w/ conditions Date of Action: 7/6/38

OTHER SUPPORTING INFORMATION

REQUEST OF TOWNE LAND CO. FOR BANKLICK CORPORATION (OWNER)  
FOR A ZONING MAP AMENDMENT FROM RECREATION (R) AND  
SUBURBAN RESIDENTIAL ONE (SR-1) TO  
SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) AND COMMERCIAL TWO (C-2)

JUNE 22, 1988

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 Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2). 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 130 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, however, the road is currently open only between US 42 and the site's main entrance.

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 (i.e. development in the year 2010) of this property and all adjoining lands as Medium Density Residential which is 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.

Page L-20 refers to general development along I-75 and north of Mt. Zion Road.

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.

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.

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.

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.

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

"A variety of housing opportunities within the established urban areas would encourage some of the wealthier residents to reside there and thus lessen the isolation of different segments of society. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural areas. Established single-family housing areas in urban settings should not experience an influx of multifamily or duplex construction, however, unless proper and adequate buffering can be provided. Large, left-over parcels in urban service areas are well suited for high density residential uses."

"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.

The Recreation Element contains the following discussion on page R-13.

While it is important to preserve the wooded areas in the less developed western part of the county, it is even more imperative to

protect the scattered vegetation remaining in the urbanized portions of the eastern uplands for both functional and aesthetic reasons.

As development continues at a high rate within the county, public access to streams, farmlands, and woodland decreases. While undeveloped open space appears plentiful today, open space is decreasing, and planning for its preservation for the future is necessary now.

#### TOWNE LAND CO. CONCEPT DEVELOPMENT PLAN

The proposed development covers all of the approximately 130 acre site except for the two (2) acre triangular parcel between old Evergreen Drive and the US 25/42 Connector Road, and north of Ridgeview Drive Connector. The 118.5 acre portion east of the Connector Road is shown as mixed residential development with detached single family around the main entrance and along the McEvoy property, single-family attached (townhouses) around the lake area, and apartments along I-75 and in the northern corner along US 25/42 Connector Road. Number of units, locations, and densities are shown on the plan. The overall density of the residential portion of the development is 6.7 units per acre.

A public street of a boulevard type is planned at the current racetrack entrance to serve all but the apartments in Section D. A future connection to the McEvoy property is shown on the plan. The cul-de-sac streets serving the single-family detached areas will be publicly-dedicated while all streets serving the apartments and single-family attached areas will be private. Section D apartments will have their own entrance off the Connector Road.

The submitted plans indicate potential utility layouts as well as the expansion of several lakes for detention and aesthetic purposes. The applicant has indicated plans for walking paths throughout the development as well as significant landscaping and earthen berms.


The approximately 12 acres between the US 25/42 Connector Road and Evergreen Drive are requested to be zoned Commercial Two (C-2) to allow a neighborhood commercial center, one office building, and a drive-thru bank. All access will be onto the Connector Road via existing curb cuts or onto the Ridgeview Drive Connector.

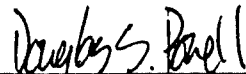
#### SPECIAL CONCERNS

##### 1. Traffic -

The developer has indicated that a traffic impact analysis will be presented for the site, however, staff has not had the opportunity to review the information prior to preparation of this Staff Report. The overall traffic plan is well designed, and should adequately serve the proposed uses. There are, however, a few preliminary staff concerns.

Court need to view the proposal in terms of the three criteria necessary for granting a zone change as well as the developments impact on future development in the immediate area. Should the request be approved, the Boone County Comprehensive Plan would not need to be adjusted.

  
\_\_\_\_\_  
David A. Geohegan  
Planner/Plans Examiner

  
\_\_\_\_\_  
Douglas S. Powell  
Transportation Planner

DAG/DSP:jdh

The primary traffic concern is the amount of traffic turning left into the development; both onto Saddlebrook Lane and into the commercial area. A left turning lane would be appropriate for this intersection and may be considered at Ridgeview Drive. The developer should also be required to build acceleration and deceleration lanes at Saddlebrook Lane and Ridgeview Drive intersections.

The proposed access will be on the newly constructed connector road that extends from KY 42 to KY 25. The roadway is open up to the I-75 overpass; the remainder is near completion. Access to adjoining property to the southeast has not been made, which is understandable given topographical constraints. Trotter's Way will provide a connection to undeveloped property to the northeast of the site (McEvoy property).

The development has used existing access points onto the connector road, for both the residential and commercial sections. The driveways are evenly spaced, at approximately 650'. The developer has stated that the drive from the commercial area onto Ridgeview Drive will be moved further west. Also, the revised plan is to show that the drive into the commercial area will align with proposed Saddlebrook Lane.

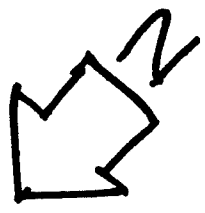
The concept of designing Saddlebrook Lane as a boulevard, with no lots facing on it should be encouraged. The major concern with the internal circulation, is the amount of traffic that will eventually use Trotter's Way from the adjoining McEvoy property if developed. Depending on the projected traffic generated, the intersection with Saddlebrook Lane will have to be carefully reviewed as well as the width of Trotter's Way.

2. The applicant has indicated that architectural renderings of the proposed commercial center will be presented for the June 22, 1988 Public Hearing. These should also apply to the proposed bank and office building.
3. Section D of the Concept Development Plan (proposed apartments) is planned on a site that contains extensive mature woodland and some steep slopes. The eastern portion of Section D (adjacent to Dilcrest Subdivision) needs to be closely examined, and the development of the entire section should retain clusters of mature trees as opposed to individual trees.
4. As the submitted plan indicates, some of the sanitary sewerage of the development will require force mains. These, and the lift stations, may need to be privately owned and maintained.
5. The applicant should provide concise information on the types of recreation facilities proposed.

#### CONCLUSION

This request represents a major mixed residential development with supporting commercial and office uses in a rapidly developing area that contains a new Connector Road. The Boone County Planning Commission and Boone County Fiscal

MAIN RESIDENTIAL DEVELOPMENT

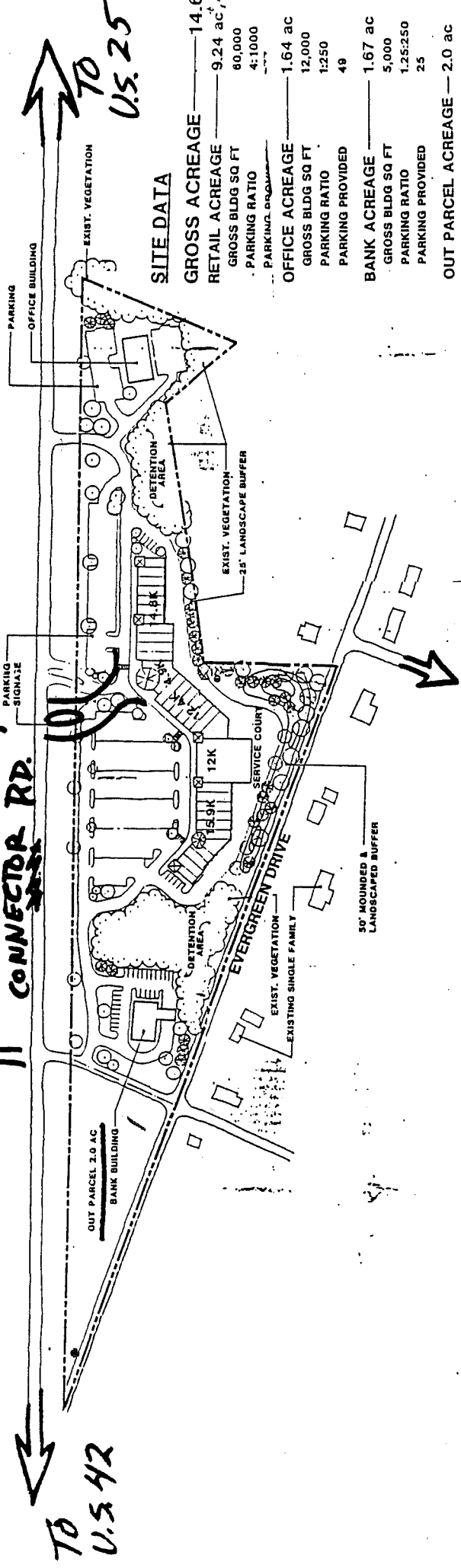


TO ALIGN WITH A SADDLE BROOK DRIVE

SECTION D



CONNECTOR RD.



SITE DATA

GROSS ACREAGE	14.6
RETAIL ACREAGE	9.24 ac.
GROSS BLDG SQ FT	60,000
PARKING RATIO	4:1000
PARKING PROVIDED	49
OFFICE ACREAGE	1.64 ac
GROSS BLDG SQ FT	12,000
PARKING RATIO	1:250
PARKING PROVIDED	49
BANK ACREAGE	1.67 ac
GROSS BLDG SQ FT	5,000
PARKING RATIO	1.25:250
PARKING PROVIDED	25
OUT PARCEL ACREAGE	2.0 ac

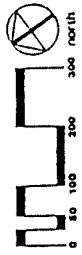
Böhm-NBBJ

250 Wilderness Blvd  
Boone, KY 40305  
606/324-1145  
Architects  
Planning  
Landscape Architecture

SADDLEBROOK CENTER

Towne Land Company  
Boone County, Kentucky

date 6/8/88 proj 89050.00  
rev. \_\_\_\_\_ dwg. \_\_\_\_\_

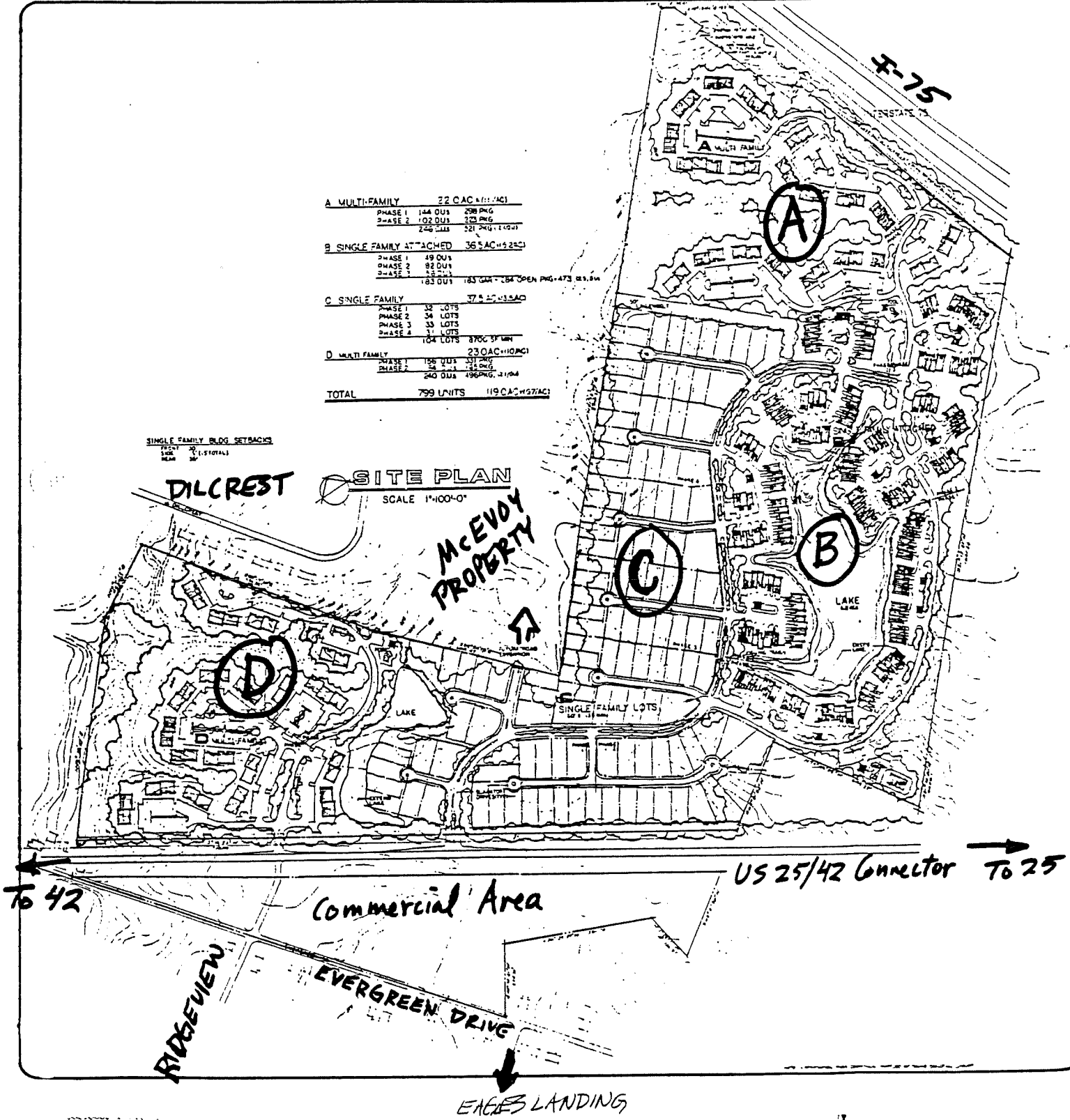


<b>A MULTI-FAMILY</b>	22 CAC (11.7AC)
PHASE 1	144 UNITS 228 PKG
PHASE 2	102 UNITS 223 PKG
	246 UNITS 521 PKG (11.0UN)
<b>B SINGLE FAMILY ATTACHED</b>	36 SAC (15.25C)
PHASE 1	49 UNITS
PHASE 2	82 UNITS
PHASE 3	15 UNITS
	146 UNITS 183 GAR - 184 OPEN PKG - 473 BS. RM.
<b>C SINGLE FAMILY</b>	37.5 AC (15.5AC)
PHASE 1	12 LOTS
PHASE 2	34 LOTS
PHASE 3	33 LOTS
PHASE 4	11 LOTS
	104 LOTS 3700 SF UNIT
<b>D MULTI FAMILY</b>	230 CAC (110.0AC)
PHASE 1	156 UNITS 331 PKG
PHASE 2	74 UNITS 148 PKG
	240 UNITS 486 PKG, 31/04
<b>TOTAL</b>	799 UNITS 119 CAC (57.7AC)

SINGLE FAMILY BLDG SETBACKS  
 FRONT 10'  
 SIDE 5'  
 REAR 10'  
 (1. TOTAL)

**SITE PLAN**

SCALE 1"=100'-0"



**DILCREST**

**MCEVOY PROPERTY**

SINGLE FAMILY LOTS

LAKE

US 25/42 Connector TO 25

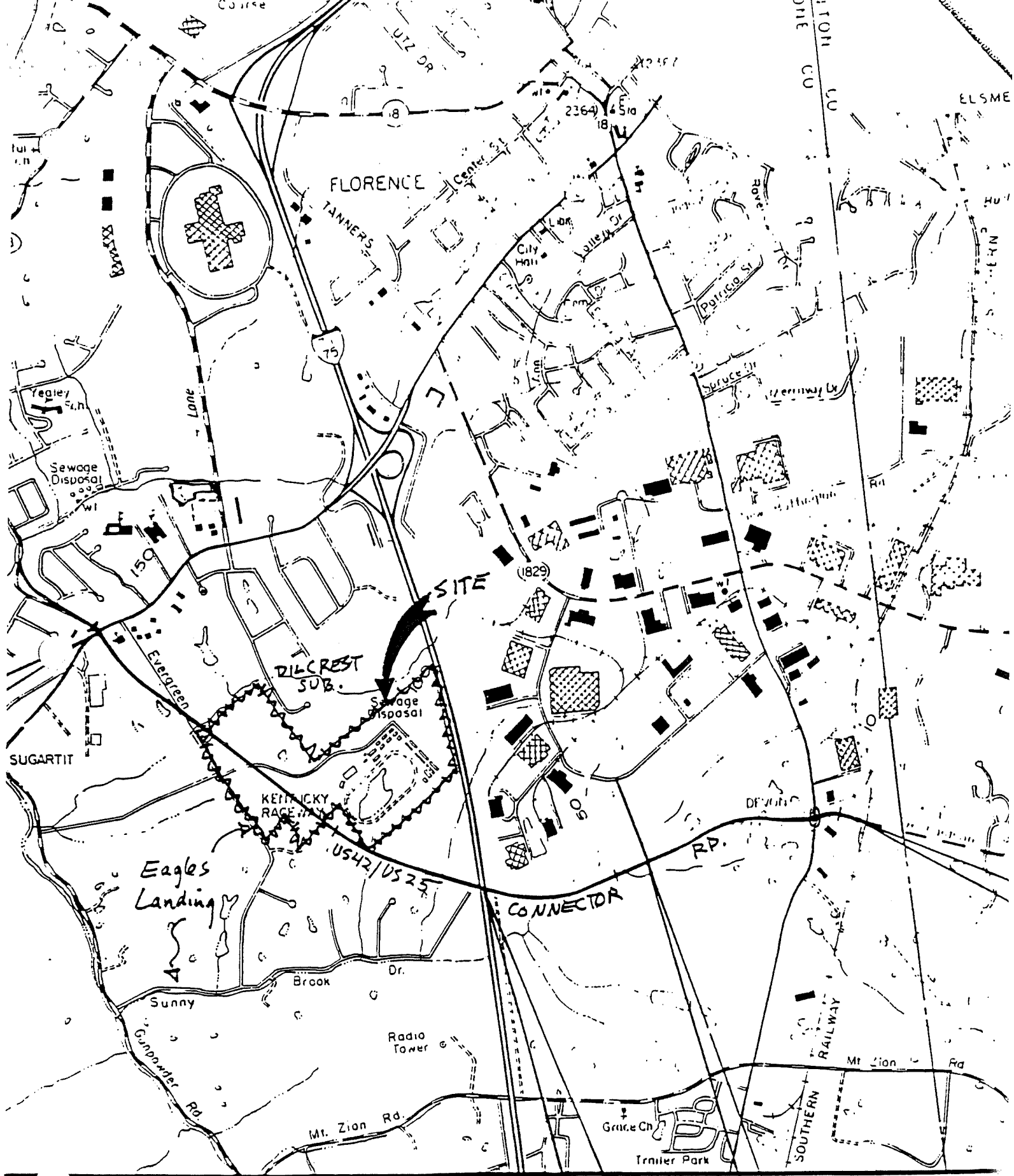
Commercial Area

**RIDGEVIEW**

**EVERGREEN DRIVE**

**EAGLES LANDING**

TO 42



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

EMPIRE DRIVE  
 CONNECTOR





EXHIBIT "A"

November 30, 1984

LEGAL DESCRIPTION  
FOR R. C. DURR RACE TRACT PROPERTY  
BOONE COUNTY, KENTUCKY

Situated along the northeast side of Evergreen Drive and along the west side of I-75 and 4,000 feet south of U.S. Highway No. 42, Boone County, Kentucky, and being more particularly described as follows:

Beginning at a spike in the center line of Evergreen Drive, said spike being N 27°-40'-44"W 542.00 feet from the common corner of A. W. Fullerton Jr. and Reed Turner (deed book 99, page 244), said spike also being the common corner of Marie Browning (deed book 305, page 317) and Solar Sportsystems, Inc. (deed book 236, page 7); thence with the center line of Evergreen Drive N 29°-56'-13"W 163.09 feet, N 30°-40'-28"W 267.41 feet, N 29°-08'-21"W 381.16 feet, N 27°-33'-32"W 158.84 feet, N 28°-33'-06"W 336.31 feet and N 29°-56'-16"W 408.29 feet to a spike in the center of said drive, said spike being the south corner of James E. Ahlfeld (deed book 172, page 51); thence leaving said drive and with the common lines of James E. Ahlfeld, Berling Construction Company and Solar Sportsystems, Inc. N 49°-29'-09"E 594.40 feet to a post; thence N 55°-11'-17"E 453.20 feet to a post; thence N 68°-46'-30"E 221.86 feet to an iron pin at a post, said pin being in the rear lot line of Lot No. 75 of Dilcrest Subdivision, Section 5-A (plat book 10, page 5); thence with the rear lines of Lot Nos 75 through 91 of said section S 28°-17'-10"E 986.22 feet to an iron pin at the south corner of said section and Lot No. 91; thence with the common lines of Solar Sportsystems, Inc. and William P. McEvoy (deed book 136, page 375 and deed book 176, page 501), S 32°-54'-22"E 664.47 feet to a post; thence N 51°-13'-39"E 2,513.70 feet to an iron pin; thence S 39°-21'-21"E 32.41 feet to an iron pin in the northwest right of way line of I-75; thence with said right of way line S 15°-13'-41"E 127.14 feet to an iron pin; thence S 74°-46'-19"W 30.00 feet to an iron pin; thence S 15°-13'-41"E 39.20 feet to an iron pin at a point 200.00 feet left or west of the P. T. Station 674+10.80; thence with the arc of a curve to the right or southeast having a radius of 11,259.12 feet, an arc distance of 403.63 feet and a long chord at S 14°-12'-04"E 403.58 feet to an iron pin at the end of said curve; thence N 76°-49'-33"E 50.00 feet to an iron pin at a point 150.00 feet left or west of Station 670+00.00 of I-75; thence with the arc of a curve to the right or southeast having a radius of 11,309.12 feet, an arc distance of 1,032.36 feet and a long chord at S 10°-33'-34"E 1,032.00 feet to an iron pin in said curved right of way 150 feet left of center line; thence leaving said right of way and with the southerly lines of Solar Sportsystems, Inc. S 51°-17'-22"W 1,681.84 feet to a found iron pin a corner to Mabel Hudson and Donald S. Fullerton (deed book 292, page 151); thence with Fullerton's line S 51°-38'-50"W 407.01 feet to a found iron pin a corner to William G. Hudson; thence with the common lines of Solar Sportsystems, Inc. and William P. Coleman III (deed book 286, page 53 and deed book 234, page 202), N 24°-09'-53"W 644.52 feet to a found iron pin; thence S 65°-41'-30"W 864.50 feet to a post a corner to Marie Browning (deed book 305, page 317); thence with the northerly lines of Marie Browning N2°-29'-27"W 186.90 feet to a post; thence N 56°-54'-37"W 561.70 feet to an iron pin; thence S 43°-04'-41"W 274.73 feet to the place of beginning. CONTAINING 141.827 ACRES.

PROPERTY TRANSFER TAX PAID \$ 36.00  
DEED JERRY W. ROUSE, CLERK JR.

KNOW ALL MEN BY THESE PRESENTS:

That BANKLICK CORPORATION, a Kentucky Corporation

for and in consideration of --\$ 35,875.00 and other good and valuable considerations to them paid by the Grantee herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to:

KENTUCKY RACEWAY TRAINING CENTER, INC., a Kentucky Corporation, its successors

and assigns forever, the following described real estate,

in the City of Florence, County of Boone and

Commonwealth of Kentucky, to-wit:

GROUP NUMBER 2048-B

PLAT NUMBER \_\_\_\_\_

Present Street Address Evergreen Drive  
Mailing Address 7262 Walton Nicholson Road, Independence, KY  
41015

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

KENTUCKY RACEWAY TRAINING CENTER, INC., a Kentucky Corporation, its successors

and assigns forever, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

19 86

19 86

at this  
WIFE,

M.  
office.  
ear 19 86  
Clerk  
D. C.

411 Garrard St., Covington, Ky. 41013  
and  
7115 U.S. 41, Florence, Ky. 41041

IN WITNESS WHEREOF, the said Grantor, BANKLICK CORPORATION, a Kentucky Corporation, by and through R.C. DURR, its President, pursuant to Resolution of its Board of Directors, has

hereunto set its hand, this 31<sup>st</sup> day of October, 1986.

BANKLICK CORPORATION, a  
Kentucky Corporation

BY: R.C. Durr  
R.C. DURR, President

STATE OF KENTUCKY

COUNTY OF KENTON

The foregoing instrument was acknowledged before me  
this 31<sup>st</sup> day of October, 1986 by BANKLICK  
CORPORATION, a Kentucky Corporation, by and through R.C. DURR,  
its President, pursuant to Resolution of its Board of Directors.

Jerry W. Rouse  
NOTARY PUBLIC

My Commission Expires:

5/20/90

COMMONWEALTH OF KENTUCKY )  
COUNTY OF BOONE ) SCT.

I, JERRY W. ROUSE, Clerk of the County Court, for the  
aforesaid, do hereby certify that this instrument of writing  
from

BANKLICK CORPORATION, a Kentucky Corporation  
to KENTUCKY RACEWAY TRAINING CENTER, a Kentucky Corporation  
was this day presented to me in my office,

certified as above, and this day left  
for record at .M. Whereupon the same, the foregoing  
certificate, and this certificate were duly recorded in my  
office. Given under my hand this day of  
19

\_\_\_\_\_, CLERK

BY: \_\_\_\_\_  
D.C.

This Instrument Prepared By:

James G. Woltermann  
JAMES G. WOLTERMANN  
Attorney-at-Law  
421 Garrard Street  
P.O. Box 861  
Covington, Kentucky 41011

EXHIBIT "A"

A certain tract or tracts of land lying on the Lt. & Rt. side of U. S. 25 U.S. 42 Conn. Centerline approximately 650 feet East of Evergreen Rd. - Tammark Dr. Intersection and more particularly described as follows:

BEGINNING at a point in the Control of Access and Right of Way line 69.97 feet left of U.S. 25 U.S. 42 Connector station 103+24.07 thence with the Control of Access and Right of Way line N 52° 17' 05" W, 176.00 feet to a point 75.00 feet left of U.S. 25 U.S. 42 Connector station 105+00.00; thence with the Control of Access and Right of Way line N 50° 38' 53" W, 700.00 feet to a point 75.00 feet left of U.S. 25 U.S. 42 Connector station 112+00.00; thence with the Control of Access and Right of Way line N 44° 56' 15" 150.75 feet to a point 60.00 feet left of U.S. 25 U.S. 42 Connector station 113+50.00; thence with the Control of Access and Right of Way line N 49° 49' 47" W, 350.05 feet to a point 55.00 feet left of U.S. 25 U.S. 42 Connector station 117+00.00; thence with the Control of Access and Right of Way line N 58° 37' 04" W, 252.44 feet to a point 90.00 feet left of U.S. 25 U.S. 42 Connector station 119+50.00; thence with the Control of Access and Right of Way line N 49° 00' 41" W, 175.07 feet to a point 85.00 feet left of U.S. 25 U.S. 42 Connector station 121+25.00; thence with the Control of Access and Right of Way line N 46° 33' 45" W, 350.89 feet to a point 60.00 feet left of U.S. 25 U.S. 42 Connector station 124+75.00; thence with the Control of Access and Right of Way line N 73° 50' 48" W, 77.31 feet to a point in Existing Right of Way of Evergreen Drive 90.45 feet left of U.S. 25 U.S. 42 Connector station 125+46.06; thence with the Existing Right of Way line N 31° 43' 51" W, 114.21 feet to a point 53.43 feet left of U.S. 25 U.S. 42 Connector station 126+54.10; thence with the Existing Right of Way line N 31° 07' 36" W, 126.77 feet to a point in the West Property line 11.06 feet left of U.S. 25 U.S. 42 Connector station 127+73.58; thence with the West Property line and crossing centerline at Sta. 127+72.18, N 46° 34' 29" E, 157.19 feet to a point Control of Access and Right of Way line 144.88 feet right of U.S. 25 U.S. 42 Connector station 127+53.82; thence with the Control of Access and Right of Way line S 45° 27' 53" E, 54.04 feet to a point 140.00 feet right of U.S. 25 U.S. 42 Connector station 127+00.00; thence with the Control of Access and Right of Way line S 32° 12' 47" E, 158.11 feet to a point 90.00 feet right of U.S. 25 U.S. 42 Connector station 125+50.00; thence with the Control of Access and Right of Way line S 44° 56' 15" E, 251.25 feet to a point 65.00 feet right of U.S. 25 U.S. 42 Connector station 123+00.00; thence with the Control of Access and Right of Way line S 54° 27' 44"

E, 300.67 feet to a point 85.00 feet right of U.S. 25 U.S. 42 Connector station 120+00.00; thence with the Control of Access and Right of Way line S 49° 22' 30" E, 450.11 feet to a point 75.00 feet right of U.S. 25 U.S. 42 Connector station 115+50.00; thence with the Control of Access and Right of Way line S 52° 17' 05" E, 350.14 feet to a point 85.00 feet right of U.S. 25 U.S. 42 Connector station 112+00; thence with the Control of Access and Right of Way line S 49° 49' 47" E, 700.07 feet to a point 75.00 feet right of U.S. 25 U.S. 42 Connector station 105+00.00; thence with the Control of Access and Right of Way line S 51° 41' 23" E, 244.47 feet to a point in the East Property line 79.44 feet right of U.S. 25 U.S. 42 Connector station 102+55.57; thence with the East Property line and crossing centerline at Sta. 102+92.00, S 63° 59' 00" W, 164.37 feet to the point of beginning.

The property described above contains 8.677 acres or 377950 square feet.

ALSO CONVEYED:

BEGINNING at a point in the Control of Access and Right of Way line 90.00 feet left of U.S. 25 U.S. 42 Connector station 119+50.00; thence with the Proposed Right of Way line S 57° 22' 41" W, 200.64 feet to a point in the Existing Right of Way of Evergreen Drive 280.79 feet left of U.S. 25 U.S. 42 Connector station 120+12.09; thence with the Existing Right of Way line N 30° 06' 19" W, 160.27 feet to a point in the Proposed Right of Way line 224.55 feet left of U.S. 25 U.S. 42 Connector station 121+62.17; thence with the Proposed Right of Way line N 54° 16' 00" E, 144.42 feet to a point in the Control of Access and Right of Way line 85.00 feet left of U.S. 25 U.S. 42 Connector station 121+25.00; thence with the Control of Access and Right of Way line S 49° 00' 41" E, 175.07 feet to the point of beginning.

The property described above contains .651 acres or 28367 square feet.

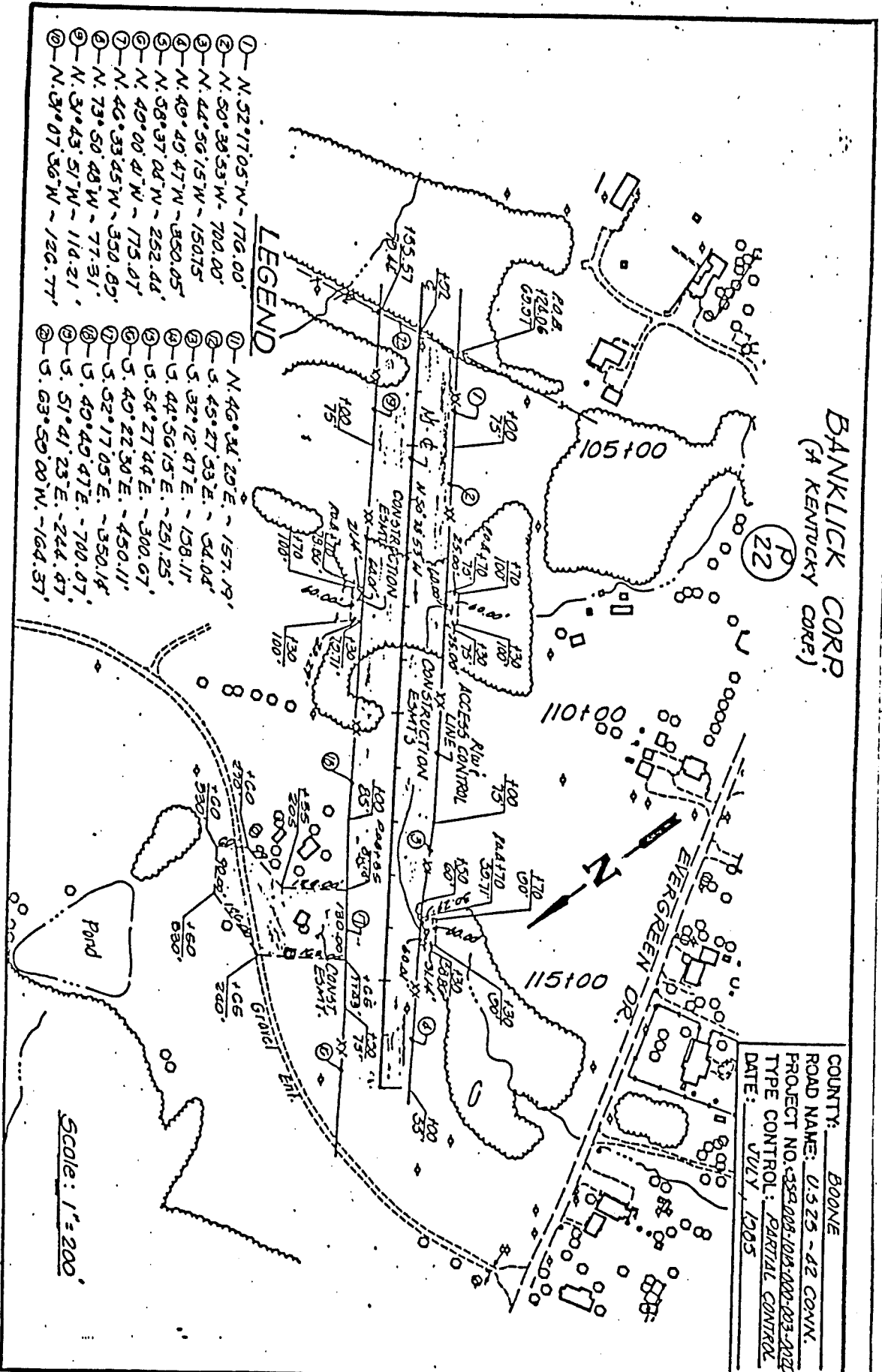
A plat of the conveyed premises is attached hereto.

BEING a part of the same property conveyed to Grantor herein by Deed recorded in Deed Book 324, Page 52 of the Boone County Clerk's records at Burlington, Kentucky.

BANKLICK CORP.  
(A KENTUCKY CORP.)

(P) 22

COUNTY: BOONE  
ROAD NAME: U.S. 25 - 42 CONN.  
PROJECT NO: 85R-005-1015-000-03-002D  
TYPE CONTROL: PARTIAL CONTROL  
DATE: JULY 1985



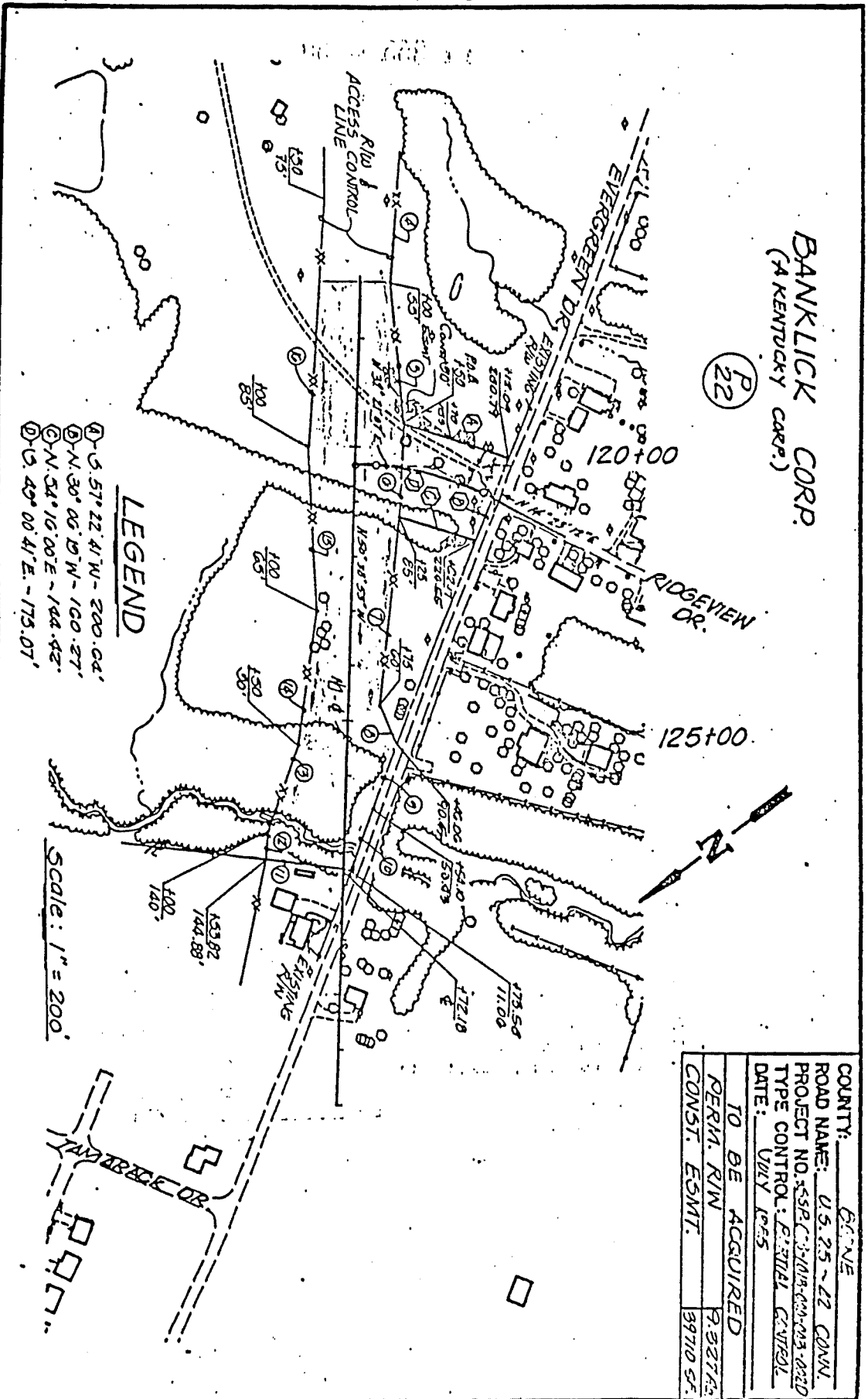
LEGEND

- ① - N. 52° 17' 05" W. - 176.00'
- ② - N. 50° 38' 53" W. - 700.00'
- ③ - N. 44° 56' 15" W. - 1501.75'
- ④ - N. 49° 40' 47" W. - 350.05'
- ⑤ - N. 58° 37' 04" W. - 252.44'
- ⑥ - N. 49° 00' 41" W. - 175.47'
- ⑦ - N. 46° 35' 45" W. - 350.89'
- ⑧ - N. 73° 50' 48" W. - 77.31'
- ⑨ - N. 34° 43' 51" W. - 114.21'
- ⑩ - N. 37° 07' 36" W. - 126.77'
- ⑪ - N. 46° 34' 20" E. - 157.19'
- ⑫ - S. 45° 27' 53" E. - 54.04'
- ⑬ - S. 32° 12' 47" E. - 158.11'
- ⑭ - S. 44° 56' 15" E. - 251.25'
- ⑮ - S. 54° 27' 44" E. - 300.07'
- ⑯ - S. 40° 22' 30" E. - 450.11'
- ⑰ - S. 52° 17' 05" E. - 350.14'
- ⑱ - S. 40° 40' 47" E. - 700.07'
- ⑲ - S. 51° 41' 23" E. - 244.47'
- ⑳ - S. 63° 50' 00" W. - 164.37'

Scale: 1" = 200'

BANKLICK CORP.  
(A KENTUCKY CORP.)

(P2)



LEGEND

- ① S 57° 22' 41" W - 200.04'
- ② N 30° 06' 00" W - 100.87'
- ③ N 54° 16' 00" E - 144.42'
- ④ S 49° 00' 41" E - 175.01'

Scale: 1" = 200'

COUNTY:	GUYNE	
ROAD NAME:	U.S. 25 - 22 CONV.	
PROJECT NO.:	SSB.C.3708-00-03-0020	
TYPE CONTROL:	E. STATE CONTROL	
DATE:	MAY 1985	
TO BE ACQUIRED		
PERM. R/W	9.32724	
CONST. ESMT.	3970 SF.	

BOOK 355 PAGE 39

RECEIVED

1986 OCT 31 AM 9:18

JERRY W. ROUSE  
BOONE COUNTY CLERK

FILED \_\_\_\_\_ DAY OF \_\_\_\_\_  
AT \_\_\_\_\_ M

RECORDED IN Book  
NO. 355 PAGE 33 BOOK

*Jerry W. Rouse*  
15:00 pm

STATE OF KENTUCKY, }  
COUNTY OF BOONE, } Sct.  
I, JERRY W. ROUSE, Clerk of the County Court in and for the  
county and state aforesaid, do hereby certify that the foregoing in-  
strument of writing was, on the 31 day of October  
19 86, at 9:18 A. M. lodged in my office for record, where-  
upon the same, the foregoing, and this certificate have been duly  
recorded in my office.

Given under my hand, this the 31 day of Oct., 19 86

JERRY W. ROUSE, Clerk  
By [Signature], D. C.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
June 22, 1988

Page 1

Mr. Barnett opened the Public Hearing for the second item on the Agenda:

2. Applicant: Towne Land Company for Banklick Corporation (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Towne Land Company (applicant) for Banklick Corporation (owner) for a Zoning Map Amendment for a 130-acre (approx.) site located on both sides of the U.S. 42/25 Connector and west of I-75 (former Kentucky Raceway site), Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2).

Staff Member, Dave Geohegan, presented slides of the site and adjacent areas.

Mr. Dave Schneider, an attorney with Ziegler & Schneider, representing Towne Properties, stated that he lives on Pleasant Valley Road and is pleased by this development. He reserved the right of rebuttal.

Mr. Phillip Montanas, owner and partner in Towne Properties, presented slides regarding the company and the developments they have built and managed. He emphasized that they own 99% of the properties they have built in the last twenty-five years.

Mr. Matt Brennan of Towne Properties, stated that he is Project Manager for this development. He presented the Site Plan and stated that the site had been broken down into four different parcels. He stated that to the rear of the site in consideration of the topography, existing vegetation, and exposure to I-71, there will be 246 apartments. For the apartment community, there will be a pool, clubhouse with public room and fire place, tennis courts, and volleyball. The second part of the development will be the townhomes where they will expand the existing lake to provide water views. There will be 183 units with garages and guest parking. The townhomes will have their own pool and recreational facilities. There will be a fitness trail around the lake. There will be a homeowners' association to maintain the facilities. The third section will be the single-family area with approximately 130 lots on each cul-de-sac. The boulevards will have islands and be well-landscaped. The fourth part of the development is an apartment site at the left front of the site with 240 units. He stated that they will use the knolls and construct the buildings on them to provide walk-out basements and views. They will maintain as much existing vegetation as possible. He discussed the interior design of the units and stated that the decks will be at the rear. He stated that they are famous for their landscaping designs. He stated that the density is 6.7 units per acre and complies with the Comprehensive Plan.

Mr. Al Berthold stated that he was the architectural person responsible for the retail portion, and that Mr. Jim Hauck was responsible for the land planning.

Mr. Jim Hauck stated that the area in question is 14.6 acres and the area for development of the retail center is 9.6 acres in order to preserve major areas of existing vegetation, which he indicated on a slide. He indicated the proposed location for an office building and an outparcel to be used for a bank. He discussed the buffer areas and stated that a 50-foot buffer zone along Old Evergreen Drive will be maintained with a five-foot mound and landscaping. He stated that they will plant evergreens, deciduous, and ornamental vegetation.

Mr. Berthold stated that the retail building was broken into links for character and variety. It will have a sloping roof and special entrance features. He noted the location of the office building and stated that it would be residential in character. The bank will tie into the overall look of the buildings. He stated that they will use cut-off lighting fixtures to prevent the spillover of lighting. He indicated the landscaping proposed along the connector roadway.

Mr. Hauck added that the proposed retail facilities involve approximately 60,000 sq. ft. on 9.24 acres.

Mr. Montanas advised that they call the connector road "New Evergreen Drive".

Mr. Jack Gehrum reviewed the Traffic Impact Study and stated that key elements were consideration of the capacity of the new road as related to this project and traffic generation. He stated that the project will be phased and the analysis was done based on the project being completely built. He stated that the commercial uses are oriented to the residential area, as opposed to attracting traffic. He noted that there is no real traffic on the road now, but they have used an assumed figure forecast for the year 2000. He noted the spacing of the driveways and stated that the alignments make good intersections. He stated that there would be a two-lane approach to each driveway and provision for right and left turns could be made. There is a median of approximately 10 feet. He stated that acceleration and deceleration lanes are shown for the residential area and are recommended to help prevent interruption of traffic. He stated that the office complex is remote from the rest of the complex and is treated as an existing driveway and poses no problem to the rest of the complex due to the spacing.

Mr. Schneider stated that the Traffic Study would be introduced for the record.

Mr. Jim Viox, engineer for the project, stated that the plan utilizes the topography. He stated that the sanitary sewer exists and discussed how it flowed to the pump station. He stated that if the development is served by Florence, the 12" water main on U.S. 42 will be extended to the site. He noted the location of the two lakes which will be expanded for detention, as well as attractive development. He noted how the runoff would be directed to the lakes. Mr. Viox stated that the heavy vegetation in the commercial area would be preserved. He stated that storm water detention will be

provided for and the sanitary sewer will be along New Evergreen Drive. He stated that all the curb cuts along New Evergreen Drive have been lined up, which he indicated on a drawing.

Mr. Schneider stated that they are in compliance with the Comprehensive Plan and submitted his written report giving the legal basis for the zone change.

At this time, Mr. Geohegan completed the Staff Report (see Staff Report).

Mr. Doug Powell presented the Transportation Report noting that the applicant's Transportation Analysis had been submitted today and not yet reviewed in detail. (See Staff Report, Special Concerns - Traffic.)

Mr. Barnett asked if there were any questions or comments.

Mr. John McNab, a resident of an adjacent subdivision, questioned the boundaries of the project as related to existing developments, the number and types of stores, and the types of office uses as well as the square footage of the office building.

Mr. Bob Harter asked if U.S. 42 could handle the traffic from this development and other developments in the area. He stated that the applicant had addressed the traffic in the immediate area.

Mr. Ernest Hahn, a resident of Dilcrest and owner of two acres adjacent to the commercial space, questioned the number of retail stores and how close the retail space would be to Old Evergreen Drive. He asked if the parking lot would be paved. He stated that there would be 800 families in the development and noted his concerns about the traffic.

Mr. Jim Huffman, a resident of Dilcrest, questioned how much existing vegetation would remain on the site and how his view would be changed.

Mr. Norman Hautman questioned the types of commercial businesses permitted in the C-2 Zone.

Mr. Jerry Mark, a resident of Dilcrest, stated that the McAvoy property adjoins this property and asked if consideration had been given to the development of the McAvoy property and the effect of that development on traffic, schools, water and sewer.

Mr. Tom Claybourn asked what the plans are for the two-acre area zoned C-2.

Mr. Ray Geier asked how long it would take to develop the site.

Mr. Montanas stated that he could not answer the question in regard to the two-acre parcel. He stated the people to the rear of this development would be looking at the front of the units, which is the least traffic area. He stated that the existing buffer will stay as it is and, if necessary, they will add buffer to it. He stated that their residents also do not want to look at the adjoining properties. Mr. Montanas stated that if vegetation is lost during the development process, they will replace it. The retail

space is 60,000 sq. ft. and is a one-story building. It is designed to handle the needs of the neighborhood, and would not involve a Kroger-type use. The office building will be 12,000 sq. ft. with two stories. They anticipate doctors or real estate-type uses. He added that the traffic will come in off of New Evergreen Drive for the retail uses. He stated that they would not be developing the project if they thought the problems with U.S. 42 would continue. Mr. Montanas added that this is a 25-year plan, but the project will probably build out in three to five years. There are only 130 single-family residences, which limits the amount of traffic on a per-unit basis. He stated that people in the townhouse and apartment units tend to go out in the morning and return in the evening and generate less trips per day.

Mr. Brennan stated that Towne Properties is a "dirt-intensive company". They consider the current topography of a site, what can be used for buffer, whether there is existing vegetation, and whether dirt can be moved to provide buffer. He added that the State of Kentucky added to the buffer when they built New Evergreen Drive and took a 50-foot right-of-way. He stated that within that right-of-way there is a 50-foot setback line from the property line which adds to the buffer. They will buffer the front with mounding and landscaping. There is a 50-foot buffer at the rear and an eleven-foot mound, which they would like to be 25' with 14' pine trees. He stated that these determinations are made by their engineer, Jim Viox, who knows their philosophy. He added that they are cost-conscious and keep the vegetation that is there. Mr. Drennan stated that the two-acre parcel is primarily fill dirt and may be used for a park. He stated that there will not be a McDonald's or a Photo Mat booth.

Mr. Berthold stated that the retail space is a one-story building and the office building is two stories. He stated that for the retail building, the height of the first verticle eave would be 14' to 15' above the sidewalk and there will be a 6-12 pitch of the roof. He described the construction of the retail space noting that there will be a hip roof and a canopy in front of the shops. The signage for the shops would be integrated into the band, which is part of the canopy, and will be in compliance with the ordinances and restrictions. They do not have retail tenants at this time. Mr. Berthold stated that a large supermarket, such as Krogers, would take up the entire development and would not be feasible.

Following questions and discussion regarding the Traffic Study, Mr. Drennan stated that the development would be built over a three to five-year period and that there will be clusters of cul-de-sacs. He stated that some of the clusters could be omitted or individual streets omitted. He stated that the single-family development will be completed in four phases with about 30 to 35 lots per phase. They will have a Drees-type builder. The townhomes development is planned for three phases with sixty units in each phase. The apartments will build out in about two years.

Mr. Neltner asked if Mr. Schneider could summarize the legal basis for the zone change as indicated in his letter.

Mr. Schneider stated that the current Recreational Zoning was designed for the raceway and is inappropriate. The proposed zoning is more appropriate.

Mrs. Bushelman asked for clarification regarding a "Drees-type builder" and the maintenance of the jogging trails and lakes.

Mr. Drennan stated that this is a zone change with a Planned Development Overlay and they have put together a Design Review Board to ensure their image. He stated that they do not have a builder for the site at this time, but are referring to a "Drees-type" being a top quality builder. They require the builder to submit a plot plan showing where the house will be on the lot; the building plans, which must meet their minimum design standards; a color scheme; a driveway plan; and a landscaping plan. Any changes must be approved by the Design Review Board. The homeowner must apply to the Design Review Board if he wants to make changes in his property such as fencing, a satellite dish, etc.. The Homeowners' Association funds the maintenance and there is a deed restriction in this regard.

Mr. Norbert Alf stated that the surrounding area is residential and the zone should be changed to Residential, without the Commercial.

Mrs. Laurie Bloomfield stated that she is concerned about the water.

Mr. Jim Viox stated that the plan is to extend the 12" water main on U.S. 42 to serve the entire area, as well as make available future extensions to serve the McAvoy property. He stated that the current water shortage in Northern Kentucky is due to the production and treatment of the water. Mr. Viox explained how the water is supplied and noted that a 30" transmission line was brought to the Boone County line on Donaldson Road for extension. The City of Florence and Boone County anticipate improvements that will increase the flow of water.

Mrs. Edith Hahn questioned the possibility of the site being annexed to the city.

Mr. Schneider stated that they have had preliminary discussions with the city and consider annexation to be a possibility.

Mr. Barnett asked if there was any further discussion. There being none, he stated that this item will be on the Agenda for the Business Meeting on July 6, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
Larry Barnett, Vice Chairman

ATTEST:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 6, 1988

8:00 P.M.

---

---

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Barnett noted that each member had received a copy of the Minutes of the Business Meeting of June 15, 1988 and the Public Hearings of June 22, 1988 and June 29, 1988 and asked if there were any comments or corrections.

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

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Regency Properties, Inc. (applicant) for Cardinal Industries (owner) for a Zoning Map Amendment on a 13.5-acre site located east of Hopeful Road and behind Florence Square Shopping Center, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1).

Mr. Kevin Costello, Assistant Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Barnett asked if there was a representative of the applicant present.

Mr. Bloomfield, representing the applicant, stated that they are in agreement with the conditions.

Mr. Barnett asked if there was anyone else present who wished to comment in regard to this request.

Norma Raebourn, who owns property across Hopeful Road, asked that the record show that Mr. Bloomfield had agreed at the Public Hearing that they would meet with her after the development if she wanted a buffer of trees.

Mr. Bloomfield agreed that he had indicated to Mrs. Raebourn that they would meet with her and accommodate her property. He stated that they will submit a letter to the Staff indicating that they have met with Mrs. Raebourn after their meeting.

There being no further discussion, Mr. Moore moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, subject to the conditions indicated. Mr. Greene seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Towne Land Company (applicant) for Banklick Corporation (owner) for a Zoning Map Amendment for a 130-acre (approx.) site located on both sides of the U.S. 42/25 Connector and west of I-75 (former Kentucky Raceway site), Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2).

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Dave Schneider, attorney for the applicant, stated that the conditions are acceptable to the applicant.

Mr. Barnett asked if there were any comments or questions regarding this request.

There being no discussion, Mr. McMillian moved by resolution to the Boone County Fiscal Court that the request be approved based on the findings of fact, but subject to the conditions indicated in the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Jack Lillie (owner) for a Zoning Map Amendment on a 2-acre site located at 5009 Petersburg Road (KY 20), Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H). The intended use involves the renovation of an octagonal barn for an office.

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to five conditions (see Committee Report).

Mr. Jack Lillie stated that he is in agreement with the conditions.

Mr. Barnett asked if there were any comments or questions regarding this request.

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

4. Annexation Request

The request of the City of Florence to annex a 4.96-acre site located north of KY 18 and west of Houston Road, Boone County, Kentucky. The site is currently owned by Florence Commercial and is zoned Commercial Two (C-2). A Public Hearing is being requested to determine the impact of annexation upon the current zoning.

Mr. Kevin Costello read the Committee Report which recommended that the zoning of the site be changed upon annexation into the city (see Committee Report).

EXHIBIT "C"

COMMITTEE REPORT

2

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: July 6, 1988

RE: Request of Towne Land Company (applicant) for Banklick Corporation (owner) for a Zoning Map Amendment for a +130 acre site located on both sides of the U.S. 42/25 Connector and west of I-75 (former Kentucky Raceway site), Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Recreation (R) to Suburban Residential Two / Planned Development (SR-2/PD) and Commercial Two (C-2).

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The requested zoning map amendment is in conformance with the Boone County Comprehensive Plan. The Future Land Use Map indicates medium density residential for the entire site. The applicant has shown that the residential portion of the development falls within that medium density designation and accomplishes the progression of intensities, buffering, and variety of housing opportunities recommended within established urban areas.

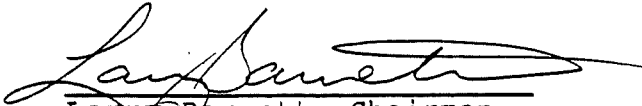
The commercial portion of the development is also in conformance with recommendations of the Boone County Comprehensive Plan. Although the Future Land Use Map does not recommend commercial uses for the specific location they are proposed, the Committee believes that the Goals and Objectives of the Business Activity Element support this portion of the proposed development. Specifically, the Business Activity Element recommends compact, integrated shopping center designs with strategic locations relative to trade areas as well as the mixing of commercial and non-commercial uses in planned developments. References to the Comprehensive Plan are made in the June 22, 1988 Staff Report.

2. The applicant has demonstrated that the existing Recreation (R) zoning is inappropriate to reflect its intended race track usage in a rapidly developing residential area. In addition, the applicant has shown that the requested zoning of Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2) achieve a realistic and well designed approach to developing a site while respecting the existing topography vegetation and existing and planned adjacent land uses.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the June 22, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. In order to achieve safe turning movements on the new US 25/42 Connector Road, the developer shall construct full left-hand turn lanes on the Connector Road at both the main entrance drive and at Ridgeview Drive. At these two intersections, the developer shall also construct deceleration lanes for all approaches, as well as an east bound deceleration lane at the proposed office site. The design and construction of such road improvements shall be phased at the early stages of this development and at subsequent reviews.
2. The location of the proposed entrance drive on Ridgeview Drive shall be moved 100 feet to the west to allow sufficient stacking distances and driver reaction times at the adjacent intersections.
3. Any future Commercial Two (C-2) use proposed for the 2.0 acre outparcel north of Ridgeview Drive shall be required to undergo Concept Development Plan review since no use or site layout are proposed at this time. If for some reason, a legislative body acquires this parcel from the applicant or property owner for public purposes, then the only review deemed necessary would be as required by KRS 100. The applicant is submitting a letter excluding some C-2 uses from the overall commercial area south of Ridgeview Drive. The Committee intends to incorporate this letter into this Committee Report.
4. Section D apartments needs to be developed so as to retain significant stands of mature trees.
5. Recreation facilities proposed for each section of the development shall be constructed as part of the first phase of their respective section.



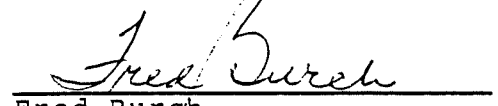
Larry Barnett, Chairman



Rector Jones



Carol Smith



Fred Burch



Donald McMillian

ZIEGLER & SCHNEIDER, P.S.C.

ATTORNEYS AT LAW

200 COVINGTON MUTUAL BUILDING

629 MADISON AVENUE

COVINGTON, KENTUCKY 41011

TELEPHONE (606) 581-4553

505 TURFWAY RIDGE OFFICE PARK

7300 TURFWAY ROAD

FLORENCE, KENTUCKY 41042

TELEPHONE (606) 525-7797

GREGORY W. HUGHES  
1898-1958

ANDREW W. CLARK  
1914-1967

D. COLLINS LEE  
1888-1949

WILBERT L. ZIEGLER  
DAVID A. SCHNEIDER  
T.J. BRANDT  
WILLIAM J. DEUPREE, III  
JOSEPH L. BAKER  
BERNIE BECK  
ROBERT D. MONFORT  
KAREN BURRIS BAKER  
MICHAEL A. DUNCAN  
LORI JEAN FIELDS-LEE

REPLY TO: FLORENCE

July 6, 1988

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

RE: Towne Properties Zone Change Application

Dear Mr. Viox:

At the public hearing on June 22, 1988 relative to the zoning map amendment by the above applicant, it was stated that Towne Properties would submit a list of C-1 and C-2 zone uses that would not be utilized in the development if approved. The applicant has authorized me to submit the attached list to the Commission as part of its application and proposal. The pages are photocopied from the Boone County zoning ordinance. Those permitted uses which the applicant agrees not to use are lined through and initialed by an officer of Towne Properties. Should you have any questions in relation to the attached list, the applicant will be glad to meet with members of the Commission or its staff at anytime.

Respectfully yours,



David A. Schneider  
For ZIEGLER & SCHNEIDER, P.S.C.  
Attorneys for Towne Properties

DAS:JMc

Enclosure

## ARTICLE 9

### COMMERCIAL DISTRICTS

#### Section 900

##### Intent

The intent of this article is to create: a) the necessary selection of goods and services required by urban neighborhoods, communities and regions; b) in order to prevent excessive commercialization from wasting or blighting public and private facilities and land; c) at sites capable of centrally serving trade area populations; c) able to be appropriately supported and related to infrastructure capabilities--circulation, in particular; e) implementing of an overall identifiable, cohesive urban form of; f) compact and efficient plans and designs which make multi-purpose use of parking, transit utility, open space and other physical characteristics of the land and improvements.

#### Section 910

##### Commercial One - C1

The purpose of the commercial one district is to provide the convenience good and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area provided direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians within the district's facilities and major shopping spaces.

#### Section 911

##### Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. ~~Eating and drinking places including alcoholic beverages, but excluding drive-in and franchise food chains;~~
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores;
6. Bakeries, candy, nut and confectionary stores;
7. Convenience stores;
8. ~~Liquor~~, beverage, drug and proprietary stores;
9. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
10. Insurance carriers and agents;

11. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services;
14. Physician, dental, optical goods and services;
15. Veterinary services and pet grooming services but not including the boarding of animals.
16. Beauty and barber services and tanning salons;
17. Nursery and child care centers;
18. Laundering, dry cleaning and dyeing services-including self-service;
19. Pressing, alteration, garment repair and custom tailoring;
20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry;
23. ~~Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;~~
24. Art, craft and hobby supplies and products, gifts and novelties;
25. ~~Antiques and used merchandise;~~
26. Books, stationery, newspapers and magazines;
27. Cigars and cigarettes;
28. Florists excluding greenhouses;
29. Sporting goods including bicycles;
30. Draperies, curtains, upholstery and floor coverings;
31. Paint, glass and wallpaper stores;
32. Painting, paper hanging and decorative services;
33. Photo finishing services;

Section 914

Intensity

The intensity of use in a commercial one district of under two (2) acres shall not exceed 12,000 square feet of gross floor area per acre of land.

The intensity of use in a commercial one district larger than two (2) acres shall not exceed 15,000 square feet of gross floor area per acres of land.

Section 915

Minimum Size

There is no minimum size or extent required of a Commercial One district.

Section 916

Minimum Standards

See Table 1 for dimensional standards. (Site Plan Review required for all permitted uses. See Article 14.)

Section 920

Commercial Two - C2

The purpose of the commercial two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands central to community or regional trade areas and provided direct access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians with in the district's facilities and major shopping spaces.

Section 921

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking places including alcoholic beverages and entertainment, but excluding drive-in and franchise fast food chains;
4. ~~Limited price variety or discount stores, toy stores;~~
5. General dry goods and merchandise stores;
6. ~~Department stores, mail order houses, direct retail selling organizations of general merchandise;~~
7. Furniture, home furnishings including specialty and floor coverings;
8. Specialized upholstery and furniture repair or refinishing services;
9. Apparel, including furriers;
10. Household appliances, china, glassware and metal ware;

11. Radio, t.v., watch, clock, and jewelry repair;
12. Drive-thru photographic, stenographic and other duplicating and mailing services;
13. Legal services, engineering and architectural services;
14. Security brokers, dealers and floatation services;
15. Commodity contracts, bankers and dealer services;
16. Security and commodity exchanges;
17. Title abstracting services;
18. Holding and investment services;
19. Advertising services including direct mail;
20. Business and management consulting services;
21. Employment services;
22. Consumer and mercantile credit reporting, adjustment and collection services;
23. Travel arranging, transportation ticket and public event or promotional booking agencies;
- WJP ~~24. Radio and television broadcasting studios excluding transmitting stations and towers;~~
25. Art, music and dancing schools;
26. Medical and dental laboratory services;
27. Medical clinics - out-patient services;
- WJP ~~28. Welfare and charitable services;~~
29. Business associations and professional membership organizations;
30. Civic, social and fraternal organizations;
- WJP ~~31. Attached upper story dwelling units of up to three stories provided the building was originally designed for residential use and existing at the time of adoption of this ordinance, including:
  - a. Private garage and parking;
  - b. Structures such as fences and walls;
  - c. Buildings such as storage sheds;
  - d. The Keeping an use of appropriate household pets;~~

R-35-88

SECTION 920.158

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND RECREATION (R) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) AND COMMERCIAL TWO (C-2) FOR A 130 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF THE U.S. 42/25 CONNECTOR AND WEST OF I-75 (FORMER KENTUCKY RACEWAY SITE), BOONE COUNTY KENTUCKY AS REQUESTED BY TOWNE LAND COMPANY (APPLICANT) FOR BANKLICK CORPORATION (OWNER) AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION R-35-88.

WHEREAS, the Boone County Planning Commission received a request for approval for a zoning Map Amendment to the Boone County zoning map and such Zoning Map amendment being a zone change from Suburban Residential One (Sr-1) and Recreation (R) to Suburban Residential Two/Planned Development (Sr-2/PD) and Commercial Two (C-2) for a 130 acre site generally located on both sides of the U.S. 42/25 Connector and west of I-75 (former Kentucky Raceway site), Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval with conditions for the zoning map amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval with conditions, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2) for a 130 acre site generally located on both sides of the U.S. Connector and west of I-75 (former Kentucky Raceway site), Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval with conditions is more particularly described in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - Exhibits "B" and "C".)

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the second day of August, 19 88.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the ninth day of September, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the the County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

R. Scott Kimmich  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY  
Larry Crigler  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

September 28, 1988  
DATE PUBLISHED



**BRUCE FERGUSON**  
County Judge — Executive  
(606) 334-2240

**R. SCOTT KIMMICH**  
Executive Assistant  
(606) 334-2242

**ROBERT C. MARTIN**  
Director of Administration  
(606) 334-2200

**MARILYN K. YOUNG**  
Director of Personnel  
(606) 334-2243

OFFICES OF THE FISCAL COURT

P.O. Box 900  
Burlington, KY 41005

**PATRICK J. RAVERTY**  
Commissioner  
District 1

**RONALD ROBINSON**  
Commissioner  
District 2

**DON DAVIS**  
Commissioner  
District 3

**LARRY J. CRIGLER**  
County Attorney  
(606) 586-9950

September 7, 1988

Mr. Matthew J. Brennan, Agent  
Towne Land Co.  
1055 St. Paul Place  
Cincinnati, Ohio 45202

Dear Mr. Brennan,

Please be advised that your request for a zone change has been approved by the Boone County Fiscal Court with the following conditions having been added to those of the planning Commission.

- (1) A homeowner's association must be formed and that this association shall be responsible for all common ground in the development, which is not privately held.
- (2) That condition four (4) of the planning and zoning commission require the express written consent of the planning commission before any tree can be removed and that a fee of \$500.00 be levied for the illegal removal of same.

Attached you will find a copy of the ordinance approved and a full listing of the conditions applied by the planning commission and the Fiscal Court.

If you have any questions regarding this matter, please feel free to contact my office.

With kindest regards, I remain

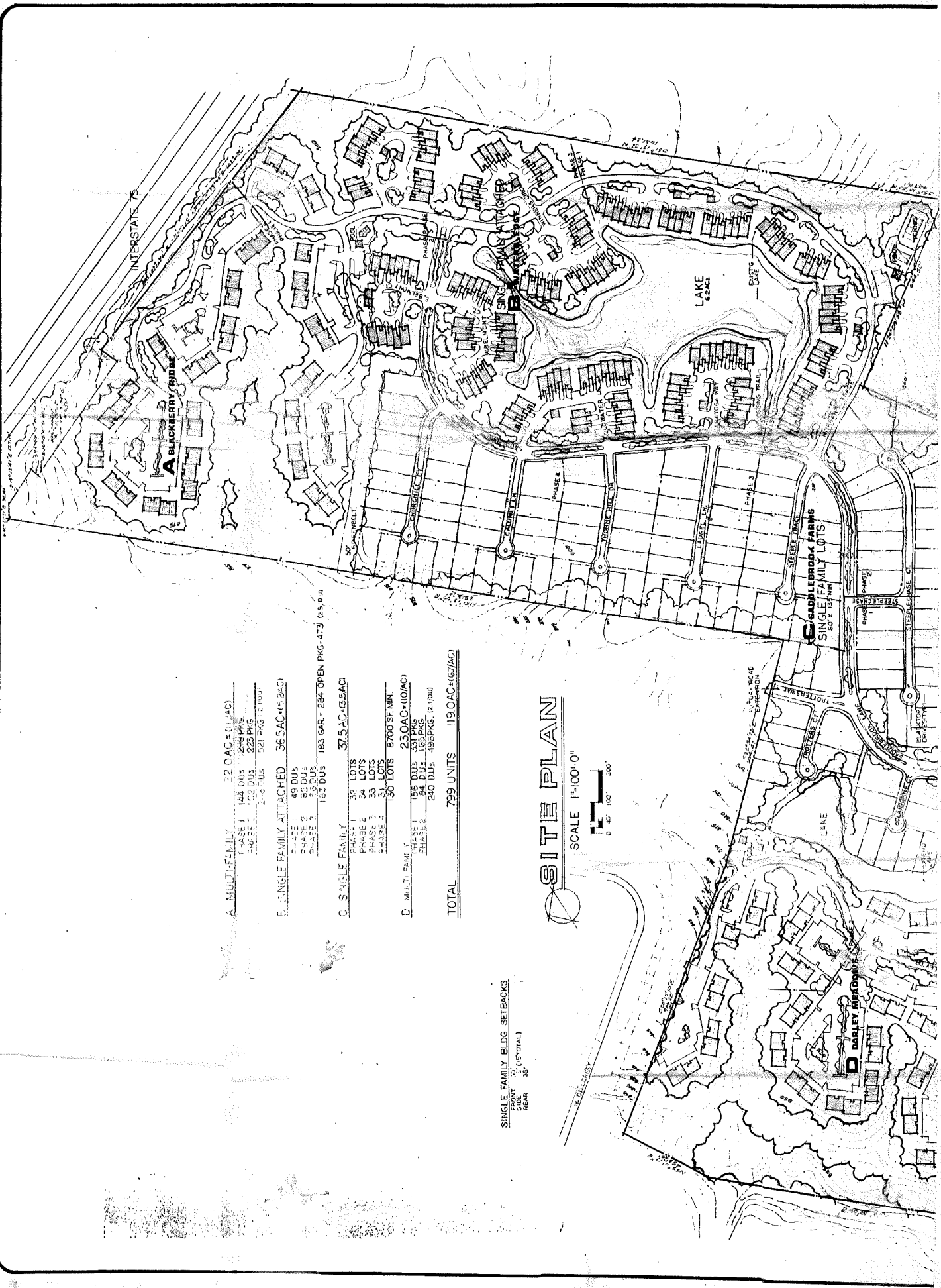
Sincerely yours,

Bruce Ferguson  
County Judge/Executive

BF:rs

3 enclosures

cc: Gerald Newton, P & Z Director



<b>A. MULTIFAMILY</b> 22.0 AC ± (67.7 AC)	
PHASE 1	144 DUS 244 PKG
PHASE 2	103 DUS 223 PKG
PHASE 3	216 DUS 521 PKG (2,100)
<b>E. SINGLE FAMILY ATTACHED</b> 36.5 AC ± (15.2 AC)	
PHASE 1	49 DUS
PHASE 2	92 DUS
PHASE 3	55 DUS
PHASE 4	183 DUS 183 GAR ± 264 OPEN PKG ± 473 (25,000)
<b>C. SINGLE FAMILY</b> 37.5 AC ± (35.5 AC)	
PHASE 1	32 LOTS
PHASE 2	34 LOTS
PHASE 3	33 LOTS
PHASE 4	31 LOTS
PHASE 5	130 LOTS 8700 SF MIN.
<b>D. MULTIFAMILY</b> 25.0 AC ± (10.0 AC)	
PHASE 1	156 DUS 328 PKG
PHASE 2	240 DUS 498 PKG (2,170)
<b>TOTAL</b> 799 UNITS 119.0 AC ± (67.7 AC)	

SINGLE FAMILY BLDG SETBACKS  
FRONT 30' (5' TOTAL)  
REAR 35'

**SITE PLAN**  
SCALE 1"=100'-0"  
0 40' 100' 200'

