

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development Carroll Properties, Inc. Development
2. Location of Development Turfway and Houston Roads
3. Total Acreage of Site 123.1 +
4. Current Zoning 0-2 PD, SR-2 PD, REC, PF/PD
5. Proposed Zoning (classification being requested) C-2 PD
6. Proposed Uses (please specify each use) Hotel, restaurant, commercial, retail and convention.
7. Name of Applicant(s) Carroll Properties, Inc.
Phone Number(s) 371-8118
8. Address of Applicant(s) 7300 Turfway Road, Suite 510
Florence Kentucky 41042
City State Zip
9. Name of Property Owner(s) Turfway Park Racing Association, Inc.
Phone Number(s) 371-8118
10. Address of Property Owner(s) 7300 Turfway Road, Suite 510
Florence Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) See accompanying concept plan.

12. Are there any existing buildings on the site? Yes
How many? 10 barns and 6 tack buildings (to be demolished)
13. Deed Book 344 Page No. 11 Group No. _____
14. Have you had a pre-application meeting with BCPC staff? yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

STAFF REPORT

#2

Request of Carroll Properties, Inc. (applicant) for Turfway Park Racing Association, Inc. (owner) for a Zoning Map Amendment on a ±123.1 acre site located off both sides of the Houston Road Extension, both in Florence and in unincorporated Boone County, Kentucky.

August 22, 1990

This is a Zoning Map Amendment request by Carroll Properties, Inc. (applicant) for Turfway park Racing Association, Inc. (owner) to rezone a ±123.1 acre site located north of Turfway Road, west of I-75 and on both sides of the Houston Road Extension, and located both within the City of Florence and unincorporated Boone County. The request is to rezone the site from Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Recreation/Planned Development (R/PD), and Public Facilities/Planned Development (PF/PD) to Commercial Two/Planned Development (C-2/PD). The proposed use is a mixed office/commercial development with an entertainment/mini-convention center facility. The site is divided into two parcels: Parcel A is approximately 72.8 acres (located adjacent to I-75), and Parcel B is approximately 50.3 acres (located adjacent to Turfway Park).

HISTORY OF SITE

On December 18, 1985, the Boone County Planning Commission approved a Zoning Map Amendment request and a Concept Development Plan (Exhibit 1) for the 128.66 acre Kentucky Jockey Club site. The Boone County Fiscal Court approved this request on February 18, 1986. On March 5, 1986, the Boone County Planning Commission again took action on a portion of the site (Exhibit 2). The Kentucky Jockey Club submitted a Zoning Map Amendment request for a ±9.5 acre parcel located toward Turfway Road in order to accommodate a courtyard hotel, two restaurants, and some retail space which was planned to be compatible with the potential office uses and racetrack use. The Boone County Fiscal Court approved this Zoning Map Amendment on April 23, 1986. On July 1, 1987, the Boone County Planning Commission adopted the Houston-Donaldson Study, which reaffirmed the uses and zoning previously approved by the Planning Commission in 1985 and 1986. The Boone County Fiscal Court adopted the Houston-Donaldson Study on July 19, 1988.

SURROUNDING LAND USES AND ZONING

The surrounding land uses near the ±123.1 acre site recreational, agricultural, and office (Turfway Park, Camp Marydale, and Diocese of Covington) to the north and west; agriculture to the south; and public/institutional to the east (St. Luke Hospital West and I-75). The existing zoning which surrounds the site consists of the following:

North: Public Facilities/Planned Development (PF/PD) and Office Two/Planned Development (O-2/PD).

South: Commercial Two/Planned Development (C-2/PD) and Public Facilities/Planned Development (PF/PD).

East: Public Facilities/Planned Development (PF/PD) and
Suburban Residential Two (SR-2).

West: Recreation/Planned Development (R/PD).

FEATURES OF THE SITE

The northern extension to Houston Road will provide the majority of the access to the site. The roadway extension is almost complete to the Marydale property line. The property is within the Houston-Donaldson Study area, undertaken and based upon the importance of the roadway network in this area of Boone County. The majority of the proposed development will have direct access only to Houston Road, with parcel B having a single curb cut onto Turfway Road.

Houston Road when finished will be a five lane roadway, maintained by the Kentucky Transportation Cabinet (KDOT). Extension of the roadway through to Donaldson Road, is expected to begin in 1991. The access points along this portion of the roadway were determined based upon the initial construction design. The majority of this project will only have a direct impact upon Houston Road, but will also directly impact the transportation network of the surrounding area.

The site features include four drainage swales. Two of these drainage swales cross the property and end at I-75; whereas, the other two swales are located at the northern end of the property and on the west side of the site or towards the racetrack property. According to the 1973 Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky, there are several different types of soil located on the site. These include Jessup Silt Loam (JeD), Rossmoyne Silt Loam (RsB) and Rossmoyne Silt Loam (RsC). These soil types require erosion controls to slow surface runoff and reduce soil loss. In general, they also appear in sloping areas and have a moderate to severe shrink-swell potential.

RELATIONSHIP TO THE 1990 BOONE COUNTY COMPREHENSIVE PLAN

In general, the Future Land Use Map, a 25 year projection of the 1990 Boone County Comprehensive Plan, suggests that the subject site be developed for commercial uses. The commercial future land use classification also includes office uses. The text of the Land Use Element suggests that Turfway Park Racetrack remain and that property to the east along I-75 should develop in a mixed office and commercial manner compatible with the racetrack. The text continues to state that the land uses planned for the Houston-Donaldson Study area should reflect an employment district and be sensitive to the traffic limitation of the Turfway Interchange area. As recommended in the Study, major improvements will be necessary to the road system within the Study area.

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

The Houston-Donaldson Study is the overall guide or blueprint for the development of a 1,600 acre area bounded by Donaldson Road, Turfway Road, I-75, KY 18 and Houston Road. It is designed to fulfill the Goals and Objectives of the Boone

County Comprehensive Plan. The Study has four primary goals which should be used in evaluating development projects proposed in the 1,600 acre area.

- GOALS:
1. To allow the Study Area to develop a rational pattern of land uses that is both well planned and economically feasible.
 2. To allow the area to develop with an efficient traffic circulation system and a minimum of congestion.
 3. To provide a definitive guide for efficient and adequate water and sewer services based on the development of the Study Area.
 4. To ensure that the recommended land uses and the types of development occur in conjunction with appropriate exterior appearances to the general public. (This goal includes the visibility of projects from major public thoroughfares and the preservation of the natural terrain and vegetation.)

The Houston-Donaldson Study suggests some uses for the ±123.1 acre site. The Study primarily discusses the previously approved uses of commercial, office and residential and the need to have a cohesive design. The Study states:

"The Turfway/Donaldson Region of the Study Area contains large areas of land that do not share the same locational advantages for commercial or office development that exist along the Houston/Turfway Region. Because of existing residential and public facilities uses in the region, residential developments will dominate except for some commercial and office activity near the I-75/Erlanger Interchange..."

The Houston-Donaldson Study also takes into account the affect of adjoining future land uses on the Marydale property:

"...along I-75 an area of office development, zoned Office Two (O-2), is suggested to provide a transition between the commercial activity and residential uses planned in the Turfway Park development. The high interstate visibility and thick woodland vegetation lend the site to corporate office development."

The text goes on to state that the extension of Houston Road would provide access of the office developments to either Turfway or Donaldson Roads. The specific land use guidelines also describe the proper type of signage needed for the proposed office buildings and for the entire site.

As stated previously, the Houston-Donaldson Study was designed to coordinate development with the necessary infrastructure. This coordination includes future office, commercial and industrial uses in the Study Area. The recommended intensity of development in the Study is intended to serve as a threshold whereby developments of a lesser intensity could be expected to have a normal impact on the infrastructure and require normal improvements, while developments of a greater intensity could be expected to have a greater impact on the infrastructure than anticipated in the Study. The recommended development intensity in the Study Area for a designated Commercial Two (C-2) zoning district is 9,000 gross square feet per acre. The proposed commercial building intensity

for this request is approximately 7,701 gross square feet per acre depending on the amount of actual office use.

In the Phase Two Analysis of the Houston-Donaldson Study, the Turfway/Donaldson region is described based upon the approved Carroll Properties plan, which includes office, retail, and residential land uses even though the location of the Houston Road Extension known to be changed. The Phase Two Analysis determined the traffic impact for a sixty percent and a forty percent level of permitted zoning intensity based on the study of existing developments in 1987. The final Phase Two and Phase Three Analysis were based upon the area developing at a forty percent intensity. The specified roadway improvements recommended are illustrated in Exhibit 5, of which included are:

- Houston Road improvements between KY 18 and Donaldson Road to include: extension to Donaldson Road, four travel lanes and a 12 foot center median and controlled access points located approximately 1600 feet apart.
- A series of frontage roads to serve new developments along Houston Road and its extension.
- Improved access for north bound traffic onto I-75 from Houston Road.
- Construction of the KY 18/Houston Road Connector
- Intersection improvements at the Houston Road intersections of Turfway and I-75 ramps.

The analysis also concluded that "even with these extensive improvements, the intersection operations at KY 18 with Houston/Hopeful and Mall Roads will operate as very congested during peak hours periods." Also, traffic traveling northbound during peak hours will be congested at the intersection of Houston and Turfway with the I-75 ramps.

The Study goes on to recommend that in the event of full development of the area, the following improvements would be necessary:

- Reconstruction of the Turfway Road, I-75 underpass for northbound access or the construction of a new northbound I-5 access ramp that begins at some point on Houston Road/Houston Extension and crosses over I-75.
- Reconstruction of the Mall Road, Houston Road, and Ky 18 intersection area. As determined by specific engineering and cost-benefit studies, this could be in the form of a Mall Road extension; a bridge over KY 18; a Hopeful and Mall Road Connector; a realignment of Mall Road, Houston Road, or both; of grade separated ramps for turning movements.

It should be noted that these improvements may be needed in the immediate future, sooner than estimated in the Houston-Donaldson Study. This is due to the increase in through traffic, and additional understanding how the area transportation network operates.

CARROLL PROPERTIES, INC. CONCEPT DEVELOPMENT PLAN

The applicant would like to rezone the ±123.1 acre site in order to construct a mixed use office/commercial development and an entertainment/mini-convention center facility. The previously approved uses for the site include the following:

<u>Use (1985 & 1986)</u>	<u>No. of Units/Square Footage</u>
Courtyard Hotel	146
Restaurant	10,000
Restaurant	3,500
Retail Building	56,500
Convention Hotel	400
Office	465,000
Condominiums	400

The proposed uses at this time are mentioned below. The ±123.1 acre site is divided into two parcels. Parcel A is located adjacent to I-75 and Parcel B is located adjacent to Turfway Park (Exhibit 3). A letter has been received by one of the adjoining property owners, the Diocese of Covington, regarding this request (Exhibit 4).

CARROLL PROPERTIES, INC. CONCEPT DEVELOPMENT PLAN

PARCEL A (ADJOINING I-75)

<u>Site</u>	<u>Use</u>	<u>Acreage</u>	<u>Building Sq. Ft.</u>	<u>Number of Parking Spaces</u>
A-1	Commercial	37.8	325,000	1,915
A-2	Commercial	7.0	150,000	416
A-3	Commercial	4.3	25,000	345
A-4	Restaurant (Drive-Thru)	1.8	5,000	46
A-5	Bank	1.7	10,000	41
A-6	Bank	1.4	10,000	44
A-7	Office/Commercial	2.6	20,000	57
A-8	Restaurant (Drive-Thru)	1.4	5,000	64
A-9	Restaurant (Drive-Thru)	1.3	5,000	49
A-10	Office/Commercial	2.6	20,000	62
A-11	Bank	1.2	10,000	41
A-12	Restaurant	1.9	8,000	64
A-13	Restaurant	2.0	8,000	60
A-14	Office/Commercial	4.0	18,000	142
	Detention Pond	1.8		
TOTAL AREA:		72.8	619,000	3,346

PARCEL B (ADJOINING TURFWAY PARK)

<u>Site</u>	<u>Use</u>	<u>Acreage</u>	<u>Building Sq. Ft.</u>	<u>Number of Parking Spaces</u>
B-1	Commercial	2.9	20,000	120
B-2	Restaurant	1.9	8,000	56
B-3	Courtyard Hotel	5.6	-----	110
B-4	Retail	15.7	120,000	673
B-5	Bank	1.2	6,000	24
B-6	Bank/Commercial	1.4	10,000	50
B-7	Entertainment/Mini- Convention Center	18.0	165,000	840
	Parkway Area	2.0		
	Detention Pond	1.6		
TOTAL AREA:		50.3	329,000	1,873

The principal point of access to the proposed development is off the newly constructed Houston Road Extension. This five lane road bisects the property and is a limited access road. One access point is indicated along Turfway road, approximately 550 feet west of Houston Road. Along Houston Road, the Concept Development shows six (6) intersection locations, serving the site. The spacing is approximately 600 feet, center-line to center-line, except the northernmost curb-cut, which is 550 feet. Of these intersections, three are expected to be signalized; the one shared with St. Luke West, and the two serving Biggs.

The submitted Concept Development Plan indicates several large retail users on the east side of the Houston Road Extension along with some potential office or service uses such as a bank. There are, however, several outlots planned along the Houston Road Extension with no direct access to the existing five lane road. On the other side of the Houston Road Extension, a 165,000 square foot entertainment and mini-convention center facility is being proposed along with additional commercial uses such as several retail buildings, a courtyard hotel, and several banks or restaurants. One important feature, which pertains to the west side of the proposed development is a street connection to Turfway Park. This connection will allow patrons of the racetrack to use the I-75/Donaldson Road Interchange once the Houston Road Extension is built.

Utilities to the site would involve the extension of existing service. A 36 inch County sanitary sewer line exists on the west side of I-75. A 12 inch water line runs along Turfway Road in front of St. Luke Hospital West. A 24 inch water line is also located on the property and will have to be relocated if the proposed uses are approved and built. Stormwater management features include a series of detention ponds located on the northwest and northeast portion of the site.

TRAFFIC IMPACT ANALYSIS

As part of this application, a Traffic Impact Analysis (TIA) was submitted by the applicant for review. The TIA was prepared by Barton-Aschman Associates, Inc. of Columbus, Ohio. The following information is taken from the TIA and the

Houston-Donaldson Study. Trip generation analysis reflecting the original Concept Development Plan and contained in the Houston-Donaldson Study, is compared to the current plan (Table 1). The result is that the proposed Houston Lakes development, as shown on the Concept Development Plan will generate more average daily traffic for the 101 acre site than foreseen in the Houston-Donaldson Study. More importantly, the PM Peak estimates for the development as proposed are substantially higher than recommended by the Study.

TABLE 1
 TRIP GENERATION

TIA LAND USE	SQ FOOT	ADT	AM PEAK		PM PEAK	
			IN	OUT	IN	OUT
Hyper Market	215,000				715	745
Shopping Center	285,000				320	365
Outlots	120,000				140	145
Restaurant	8,000				35	30
Commercial	140,000				260	265
Bank (drive-in)	6,000				65	65
Bank (walk-in)	10,000				55	30
Hotel - rooms	150				55	25
Mini-Convention Center	* see note 1 *				-	-
TOTAL					1,625	1,670

H/D LAND USE	SQ FEET	ADT	AM PEAK		PM PEAK	
			IN	OUT	IN	OUT
Office	465,000	5,985	783	92	184	737
Retail	56,500	1,863	14	5	78	73
Residential Condo	400 du	1,685	23	120	120	58
Hotel - rooms	400	3,780	209	104	130	133
Hotel - rooms	146	1,380	76	38	47	49
Restaurant	10,000	607	7	4	22	14
Restaurant	3,500	212	3	2	8	5
TOTAL		15,512	1,115	365	589	1,069

DIFFERENCE					1,036	601
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Note: 1. the convention center will be event oriented. The TIA assumed hat the center is not active under design conditions.

Source: Site Access and Roadnet Analysis, Barton-Aschman Assoc., Inc., 1990; Houston-Donaldson Study, Boone County Planning Commission, 1987.

Exhibit 6 shows the distribution of the estimated traffic on the area roadways. The assumptions being that Houston Road will be completed through to Donaldson Road, and the Donaldson interchange is reconfigured. This diagram shows the estimated routes that vehicles will travel to enter/exit the site. For the purpose of the TIA, traffic was broken down into local and regional traffic as defined:

"Local Traffic: This distribution applies to residential, restaurant, bank and neighborhood retail land uses.

Regional Traffic: This distribution applies to hypermarket, regional retail, hotel, office, and industrial land uses."

To best estimate the traffic impact of this application on the surrounding roadway system, a design year of 1995 was used in the TIA. In the five years, it is estimated that existing traffic will grow, and Turfway Business Park will continue to develop. Another assumption was that the proposed Houston Lakes development will be constructed. Taken together, this traffic is described as 'background' traffic, or that volume not generated by the Biggs development. The background traffic, plus that estimated for this development constitutes the projected total traffic. Exhibit 6 also shows the total estimated traffic for the PM Peak Hour.

The Level-of-Service (LOS) analysis for intersections along Houston Road and I-75 ramps was performed for the Friday PM Peak Hour. This time period was determined to be the most crucial in terms of traffic impact of the site on the existing roadway system. The LOS and the delay estimated for the background traffic only, and without the extension of Houston Road is listed in Table 2. Using the background traffic only with the existing lane configurations, can be thought of as the existing LOS for the analyzed intersections (Exhibit 7). The LOS calculations for intersections including the extension of Houston Road, the upgrading of the Donaldson Ramps, and site generated traffic is shown on Table 2. (Exhibit 7)

TABLE 2

	Background Only		Background plus Biggs	
	LOS	Delay	LOS	Delay
Houston and				
Thoroughbred	F	105.4	D	32.9
Turfway	F	98.3	D	33.6
S site entrance			C	17.6
N site entrance			C	15.9
Donaldson			C	20.7
NB I-75 @ Turfway	F	113.8	F	125.8
SB I-75 @ Donaldson			C	16.5

Source: Site Access and Roadnet Analysis, Barton-Aschman Assoc., Inc., 1990.

STAFF CONCERNS

1. Mix of Retail/Office Use - The Planning Commission should evaluate the mixture of retail and office use when considering this request. The amount of retail use has increased substantially in comparison to the previous Zoning Map Amendment request, while at the same time the amount of office use has decreased substantially. The applicant must show that significant changes have occurred in the area that warrant a change in land use that is dominated by commercial development in place of the previously approved residential and office uses. The land uses and zoning approved for adjacent properties through the Houston-Donaldson Study (1988) were based on the assumption that the 1985 Concept Development Plan for this site was going to be developed. The Houston-Donaldson Study refers to this site and the Marydale property as constituting a significant future residential area of Boone County.
2. Definition of Large Retail Uses - The Planning Commission should consider the land use impact of the two large regional retail users in considering this application in conjunction with the construction of the 325,000 square foot building on Parcel A. Several retail establishments of this magnitude may affect the future development character of nearby properties and cause a departure from the recommended land use pattern of a large part of the Houston-Donaldson Study Area.
3. Phasing - Commitments to phasing the amount of retail development at one time should be considered in order to minimize any potential adverse impact upon the community.
4. Visual - It is extremely important that the visual appearance of both parcels be compatible. Continuity in architecture is vital to the success of any retail development. Additional buffering should be required to protect this retail project from adjoining uses such as St. Luke Hospital West and the Marydale Center property. The rear portion of the 325,000 square foot building can be seen from I-75. This service area should be heavily screened and certain additional features could be used to avoid looking at the back of a building from I-75. In addition, more landscaping islands or the retention of existing tree stands are needed in the large parking area for Parcel A. The visual appearance also pertains to signs.
5. Utilities - If the proposed project is approved, then the existing 24 inch County water line and existing 36 inch sanitary sewer line near I-75 will have to be relocated. These utility lines and the provision of adequate buffering discussed in Concern No. 4 could be accommodated by relocating the proposed commercial buildings.
6. Traffic - This project should be analyzed in relation to other existing and potential projects in the Houston-Donaldson Study area. Both short-term and long-term road improvements will have to be completed in order to build the proposed development, while at the same time allowing other development to occur in the area. It is paramount that trip generation and traffic circulation be given top priority due to the existence of a hospital adjacent to this site.

- a. The overall concern is that the ability of the existing roadway system to effectively handle the traffic that will be generated. At present, the level of service the intersections in the Houston-Donaldson Study area are operating at is a concern. As stated, a purpose of the Houston-Donaldson Study was to "evaluate potential development in terms of ...traffic... in order to avoid overloading [the] infrastructure." The goals and objectives further addressed the traffic concerns that were a basis for undertaking the study:

GOAL II: "To allow the area to develop with an efficient traffic circulation system and a minimum of congestion.

OBJECTIVES:

- A. To correlate the land use pattern and recommended intensities of development with the opportunities and limitations of traffic system improvements.
- B. To determine the best traffic alternatives in terms of handling both development-related and through-traffic, and in terms of feasibility."

Development of this site will generate significant levels of traffic. In addition to the volume, there is concern with the type of traffic this development will generate. The proposed retail uses, as stated in the TIA, are intended to serve a regional trade area. The expansion of large retail uses on the northern end of Houston Road will inevitably increase the number of vehicles traveling to and from the Mall Road area. The Staff is concerned with changes to existing traffic patterns due to an increase in the amount of traffic traveling through the intersections along KY 18 to reach Houston Road.

The extension of Houston Road to Donaldson Highway will help alleviate existing traffic problems in the area. The concern is that the improvement associated with the extension of Houston Road will be offset by development of regional retail centers. The situation to be avoided is to use the capacity of area roadways for regional traffic.

- b. As with any TIAs that are submitted, the conclusions are only as valid as the assumptions used. There are several areas in the analysis that, by using different assumptions would cause the estimated impact of this development to be far greater. For example, the trip generation estimates are not documented as to the methodology used, or the percentage of pass-by and multi-use trips assumed. Also, the TIA did not take into account, nor mention the increase in traffic due to the Marydale property, or the large tract of vacant property in Erlanger.
- c. A conclusion of the submitted TIA states that the roadways in the area "... can be improved to accommodate the projected total traffic volumes at acceptable levels of service." Staff believes that LOS of 'D' and 'F' are not acceptable service level for these intersections. This is especially a concern because the ultimate traffic in the area will probably be higher

than that estimated in the TIA. Also, the roadway and intersection improvements have not been fully defined as to who will pay, or will they will be completed.

- d. The location and number of access points is a concern. The Houston-Donaldson Study recommends intersections be 1,600 feet apart, and connected with parallel access drives. Six intersections are shown in 3,700 feet of the first phase of the Houston Road extension. Of these intersections, three are expected to be signalized. Staff believes that additional turning lanes will need to be provided. The access point on Turfway is a concern due to the distance to the intersection, and not properly allowing for access to property on the south side of the roadway. Also, access to adjacent properties has not been provided for, nor is there an adequate parallel internal roadway system.
- e. There are several places where the internal circulation design is cause for some concern. Such items as adequate stacking distance, additional lanes at intersections, and parking lot layouts should be further studied and refined.

CONCLUSION

The Boone County Planning Commission should evaluate this request or the proposed uses in relationship to the Houston-Donaldson Study and the 1990 Boone County Comprehensive Plan and the criteria used in evaluating such a request, which involves Article 3 of the Boone County Zoning Regulations. The proposed project should also be evaluated in terms of meeting the requirements of Planned Development or Article 15 of the Boone County Zoning Regulations. The Planned Development zone is intended to encourage:

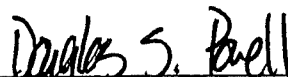
- A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements;
- A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
- A development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the Comprehensive Plan.
- A signage package in harmony with the objectives of the Planned Development.

The Houston Road Extension to Donaldson Highway is critical to the proposed project. Equally important is the current condition of the I-75/Turfway Road underpass and the I-75 southbound exit ramp. Improvements to these road networks are significant measures in alleviating existing and future transportation problems. If approved, both the text of the Houston-Donaldson Study and the Zoning Map of the Study would need to be amended.

Respectfully submitted,



Kevin P. Costello, AICP
Interim Director

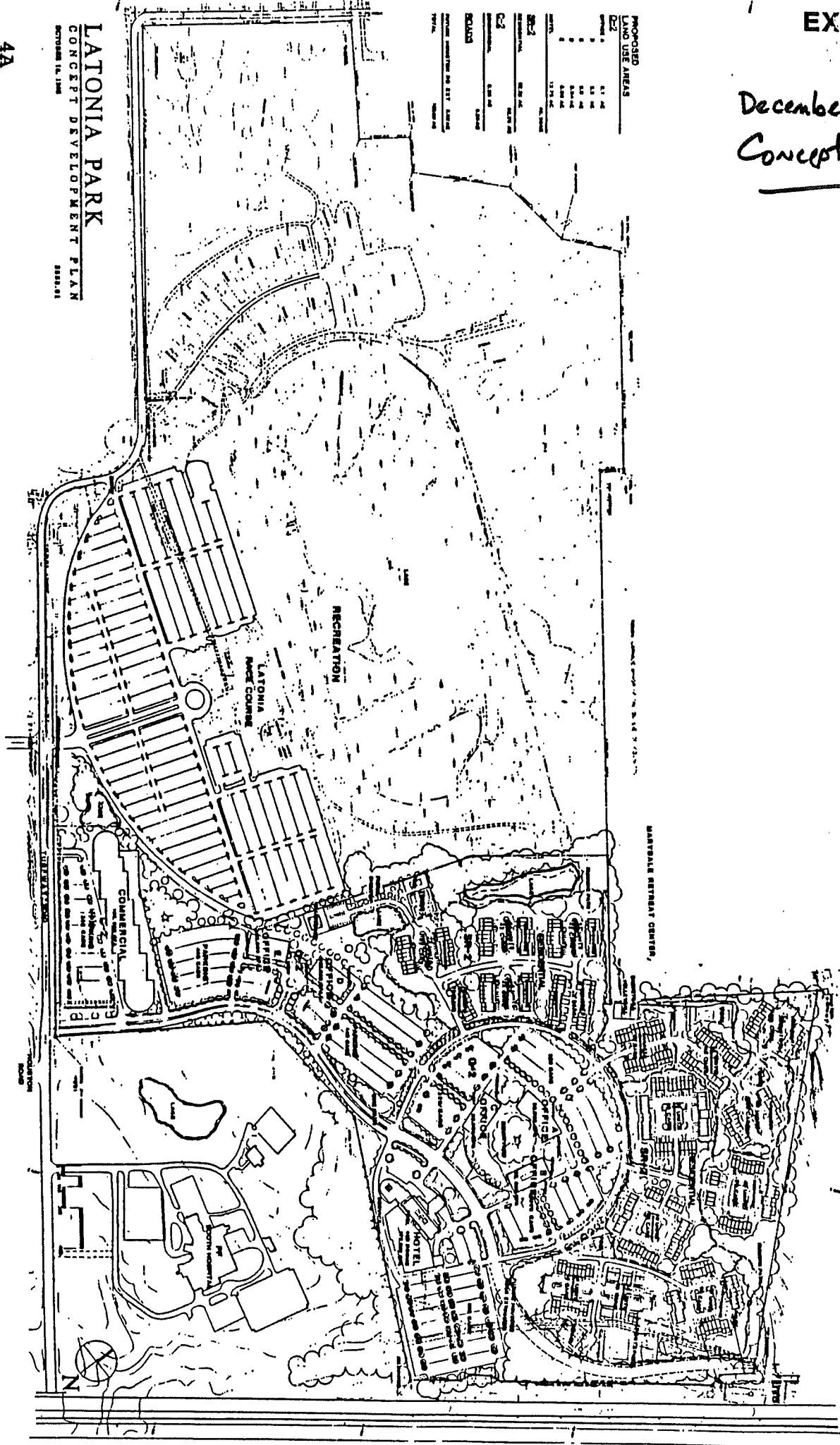


Douglas S. Powell,
Transportation Planner

KPC/DSP:mcb

EXHIBITS

December 18, 1985
Concept Plan

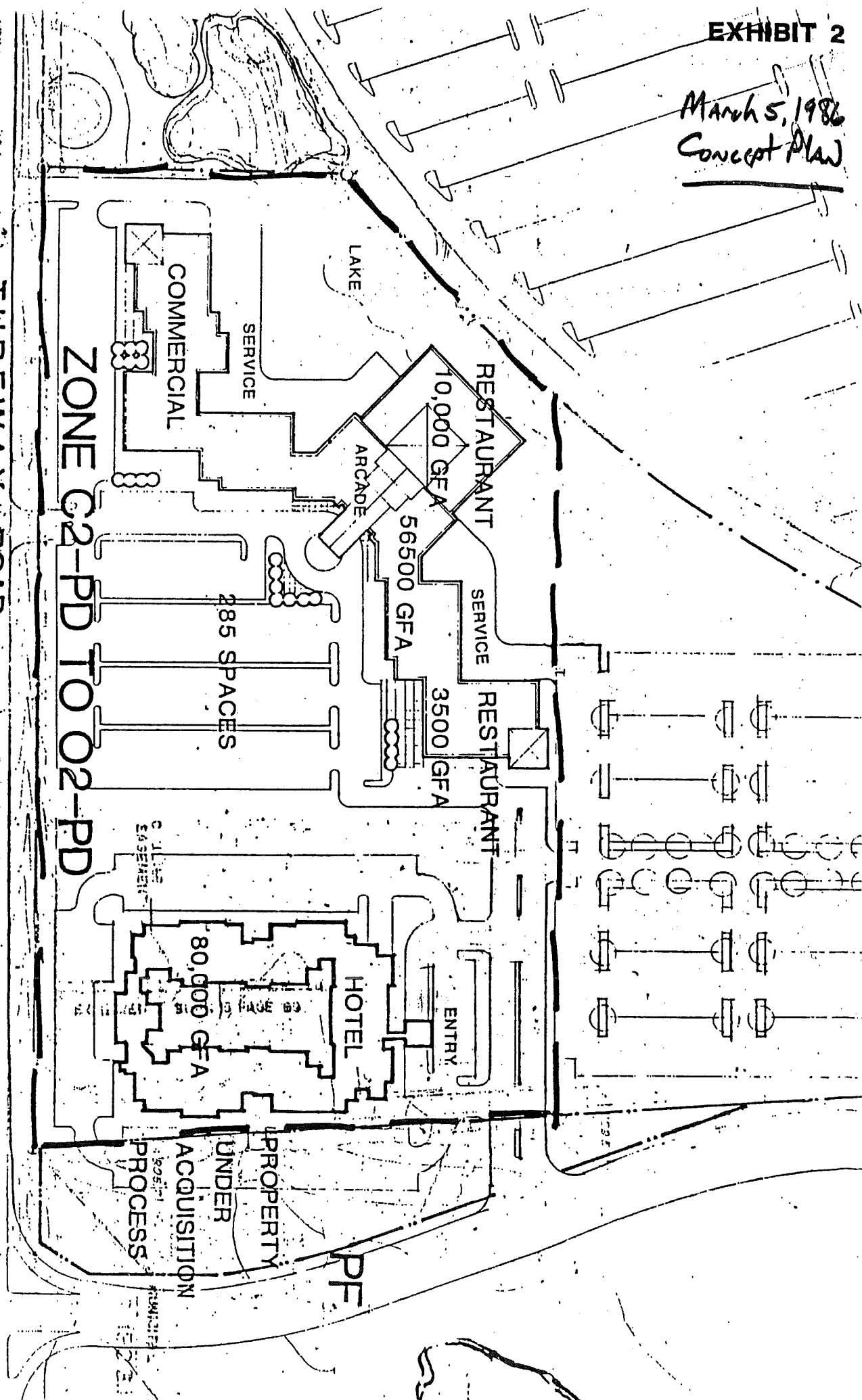


LATONIA PARK
CONCEPT DEVELOPMENT PLAN
DECEMBER 18, 1985
8888.01

March 5, 1986
Concept Plan

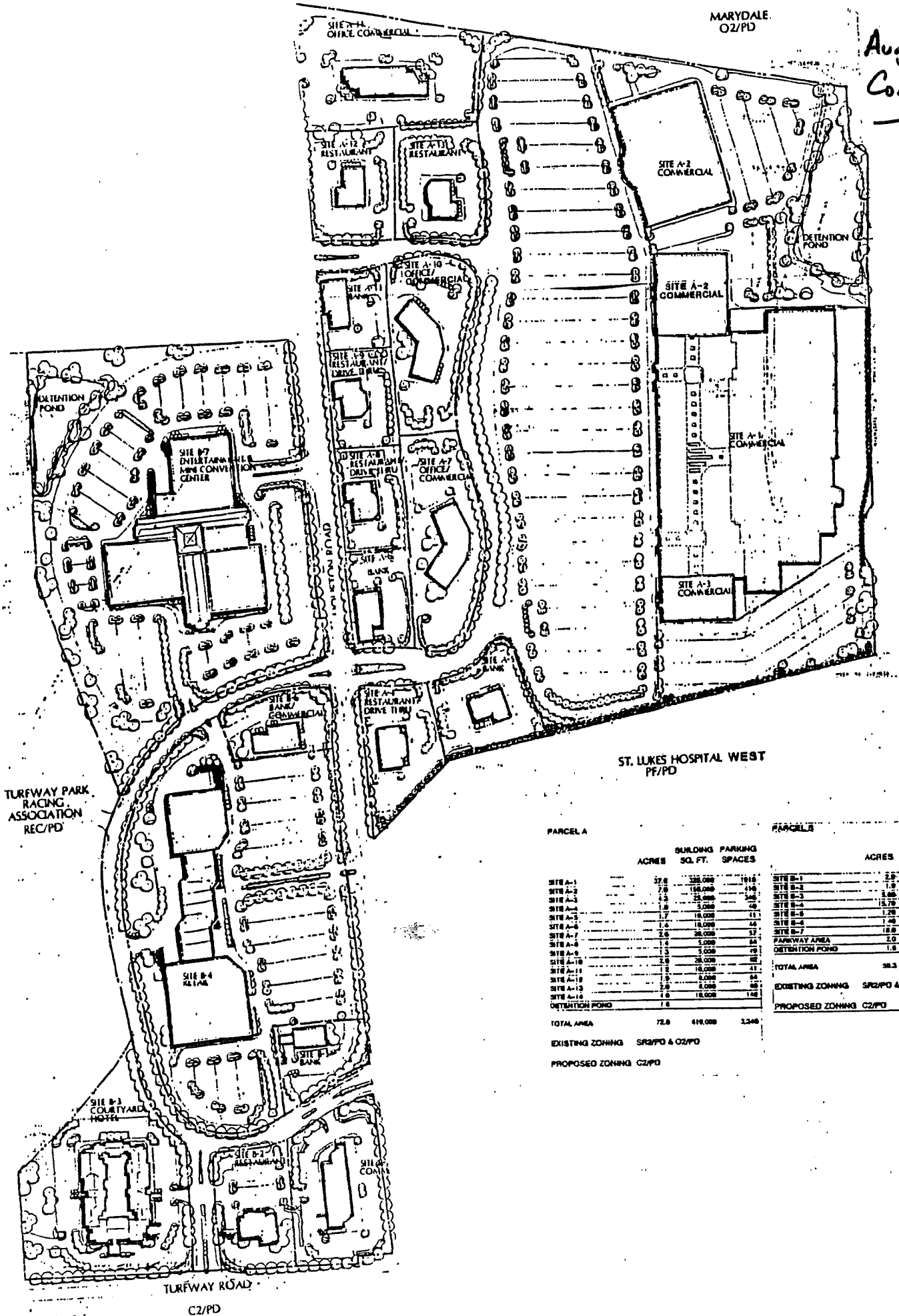
TURFREWAY ROAD

ZONE C2-PD TO O2-PD



MARYDALE
O2/PD

August 22, 1999
Concept Plan



PARCEL A

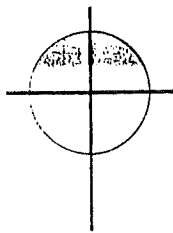
	ACRES	BUILDING SQ. FT.	PARKING SPACES
SITE A-1	27.8	220,000	1916
SITE A-2	7.8	150,000	414
SITE A-3	1.3	25,000	54
SITE A-4	1.8	5,000	48
SITE A-5	1.7	18,000	11
SITE A-6	1.4	18,000	44
SITE A-7	2.8	20,000	57
SITE A-8	1.4	5,000	64
SITE A-9	1.3	5,000	49
SITE A-10	2.8	28,000	82
SITE A-11	1.2	18,000	21
SITE A-12	1.9	2,000	45
SITE A-13	2.8	8,000	68
SITE A-14	1.6	18,000	142
DETENTION POND	1.6		
TOTAL AREA	72.8	418,000	3,248

EXISTING ZONING SR2/PD & O2/PD
PROPOSED ZONING C2/PD

PARCELS B

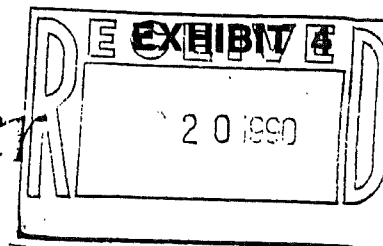
	ACRES	BUILDING SQ. FT.	PARKING SPACES
SITE B-1	2.8	28,000	128
SITE B-2	1.8	8,000	58
SITE B-3	1.8	12,000	118
SITE B-4	1.2	128,000	472
SITE B-5	1.2	8,000	24
SITE B-6	1.4	18,000	58
SITE B-7	18.8	188,000	848
PARKWAY AREA	2.0		
DETENTION POND	1.8		
TOTAL AREA	38.3	228,000	1,872

EXISTING ZONING SR2/PD & O2/PD & REC & PF
PROPOSED ZONING C2/PD



The Catholic Center

Diocese of Covington



Chancery Office

(606) 283-6210

August 16, 1990

Mr. William Viox, Chairman
Boone County Planning Commission
c/o Kevin Costello, Interim Director
P.O. Box 697
2950 Washington Street
Burlington, KY 41005

Dear Mr. Viox:

I am writing with regard to the Boone County Planning Commission public hearing to be held on August 22, 1990. As a major property owner in the area, we would like to comment on development activity in the region, and within the Houston-Donaldson study area in particular.

As evidenced by our close working relationship with the Boone County Planning Commission staff and our discussions regarding the Marydale property and its development potential, we are concerned about the impacts of development in the Houston-Donaldson area on the county as a whole, as well as adjacent areas in Kenton County. We advocate a comprehensive approach to development in the area, to take full advantage of the potential benefits that can be achieved in light of the regional significance of the study area.

Given the number of projects planned within the Houston-Donaldson study area, and the development potential of the Marydale property, we feel the area ought to be planned comprehensively to encourage a rational pattern of land uses that is economically feasible and promotes efficient use of existing and planned infrastructure improvements.

We support the need to evaluate the impacts of various development projects in the Houston-Donaldson area, with particular emphasis on traffic, water and sewer conditions, the quality and image of projects, and the development potential of all properties in the area.

We look forward to a continued working relationship with the Planning Commission and its staff. Thank you for this opportunity to comment.

Sincerely yours,

Roger Kriege

(Rev.) Roger L. Kriege
Chancellor

RLK:dd

cc: Mr. William Bowdy
N.K.P.C. - K.C., M.P. and Z.C.

Mark Simendinger

Carroll and Associates

✓ *Mr. Castillo*

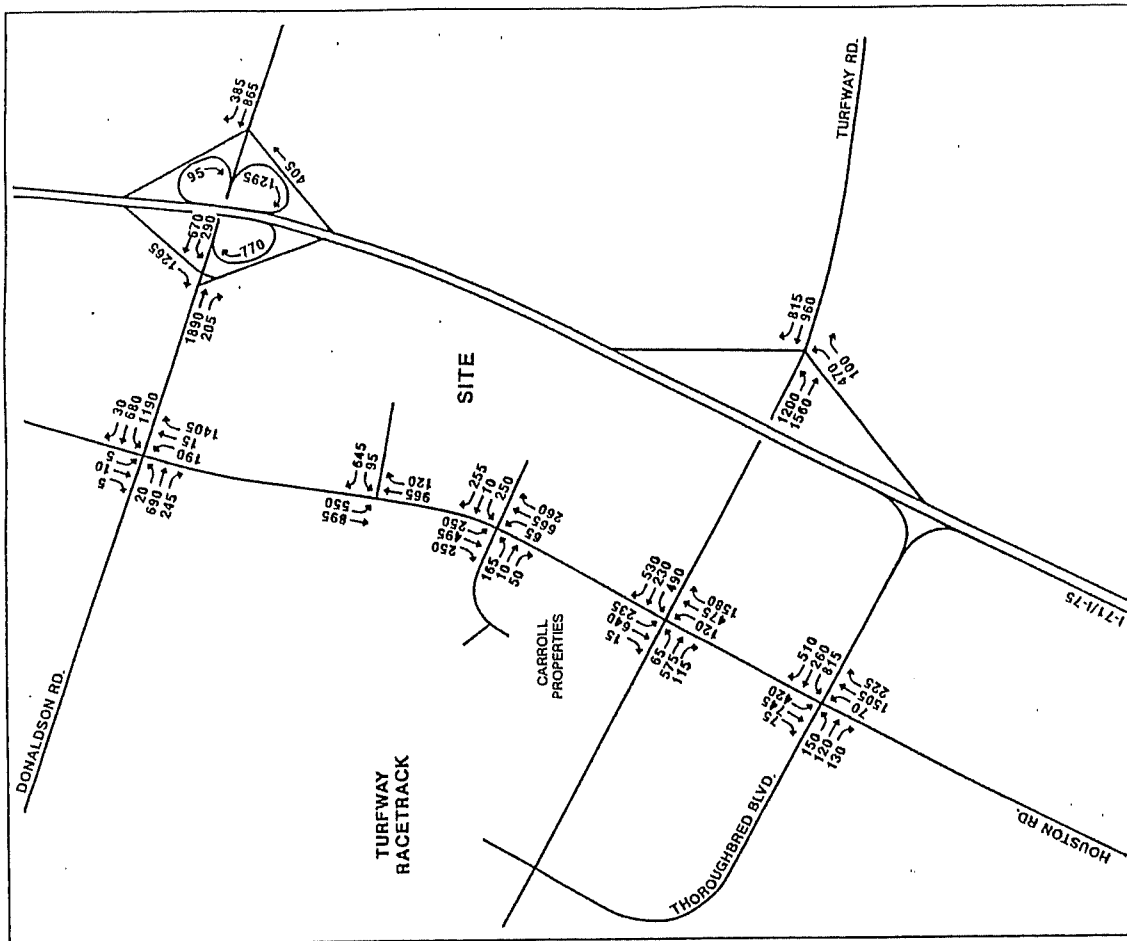


Barton-Aschman Associates, Inc.
of Ohio



BIGG'S TURFWAY GALLERIA
BOONE COUNTY, KENTUCKY

Figure 8
PROJECTED TOTAL TRAFFIC VOLUMES (Friday, 5-6 P.M.)



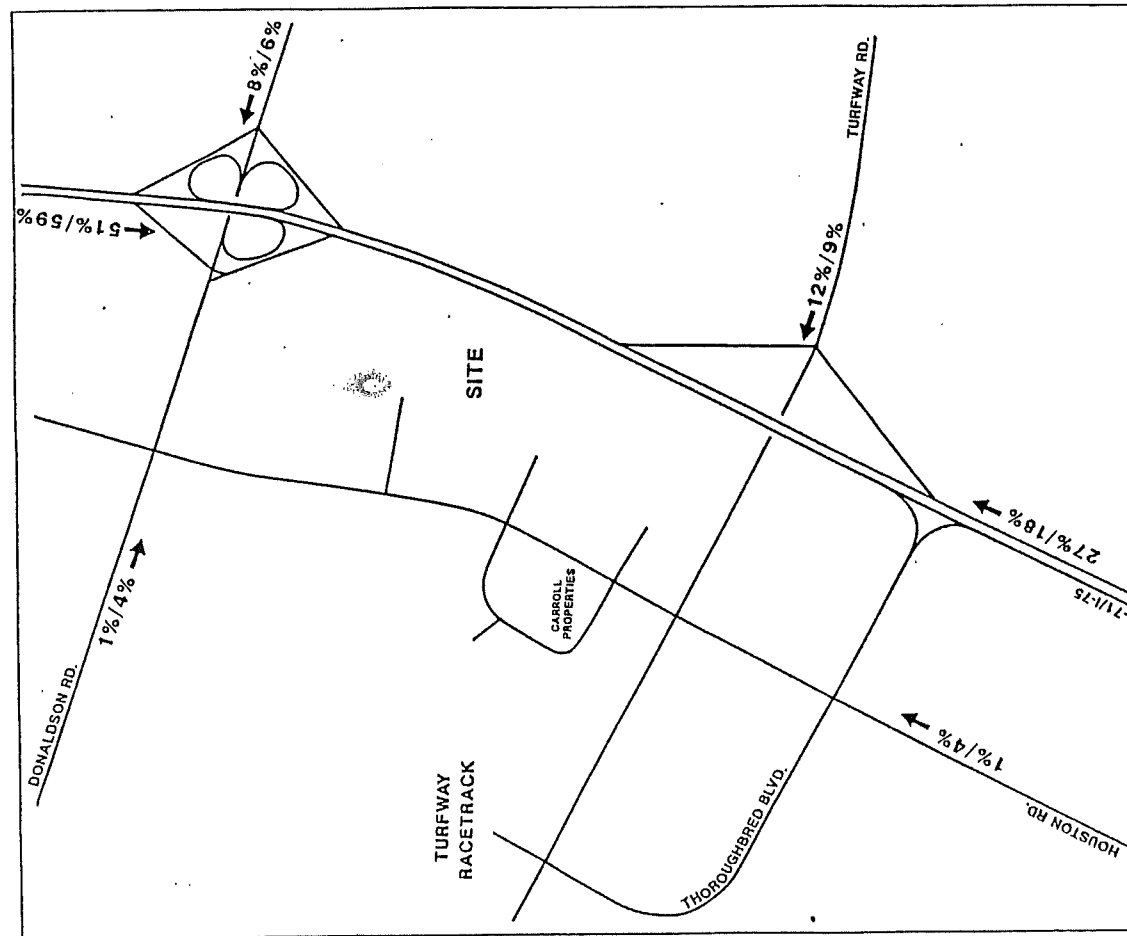
Barton-Aschman Associates, Inc.
of Ohio



LOCAL/REGIONAL

BIGG'S TURFWAY GALLERIA
BOONE COUNTY, KENTUCKY

Figure 6
DIRECTIONAL DISTRIBUTION OF DEVELOPMENT GENERATED TRAFFIC



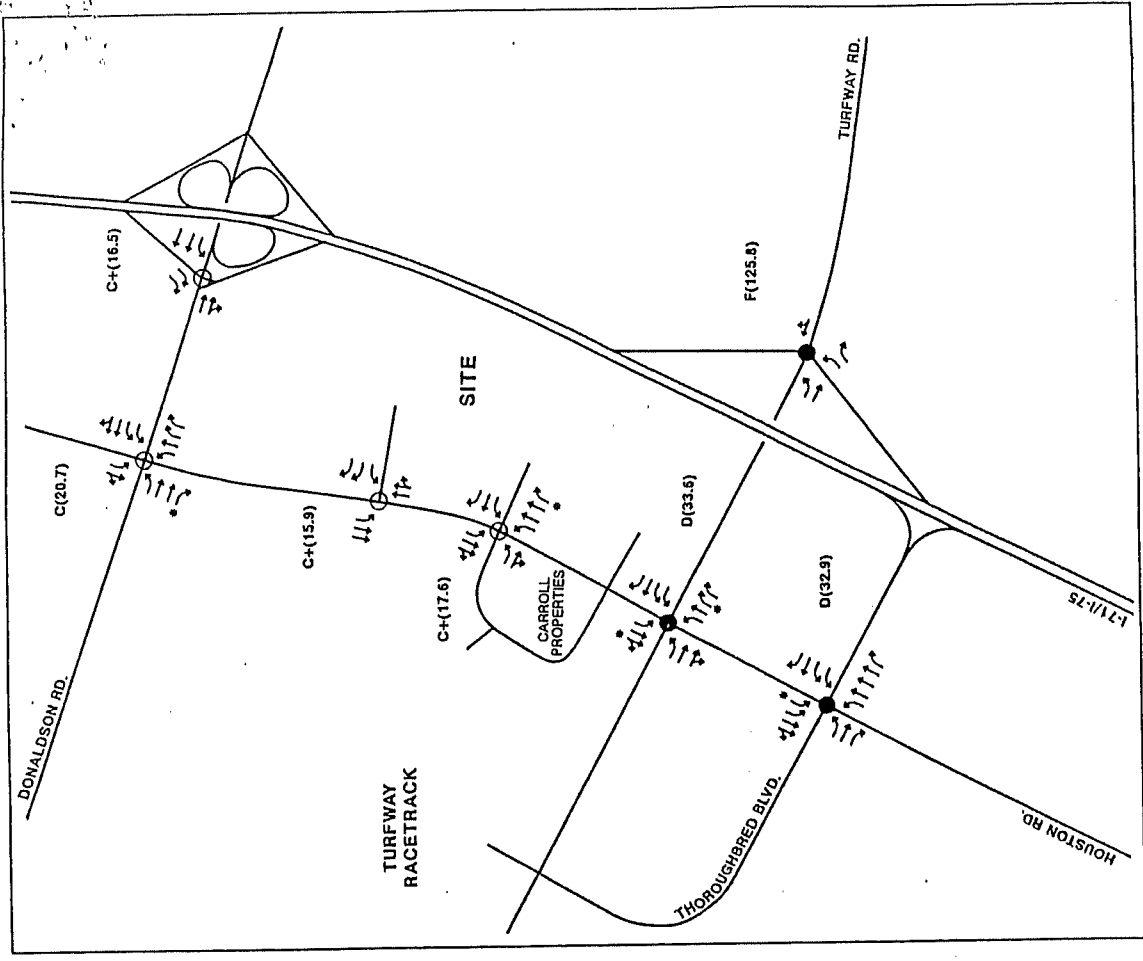


Figure 11
 RECOMMENDED AREA ROADNET SYSTEM AND RESULTING LEVELS OF SERVICE
 (Friday, 5-6 P.M.)

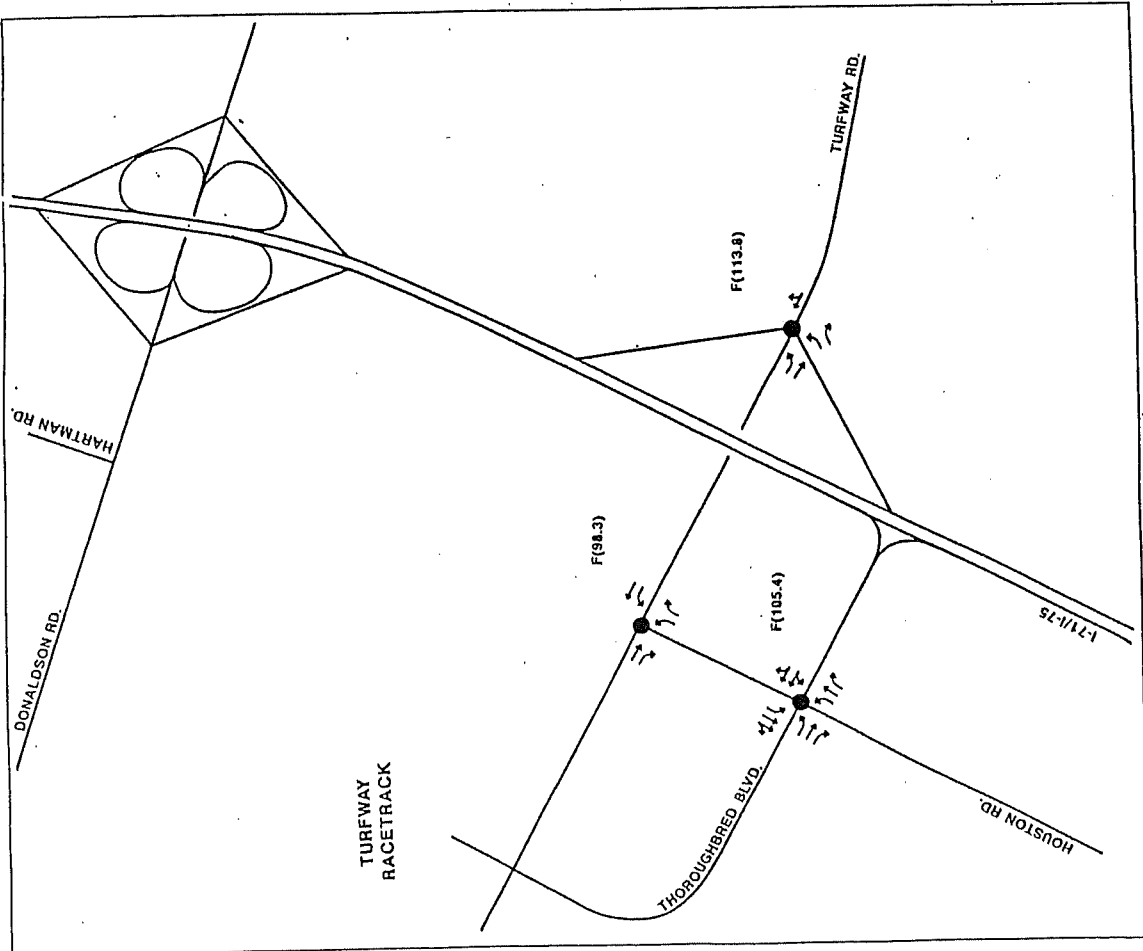


Figure 9
 LEVELS OF SERVICE ASSOCIATED WITH BACKGROUND TRAFFIC LEVELS
 AND EXISTING LANE USAGES (Friday, 5-6 P.M.)

Baron-Aschman Associates, Inc.
 of Ohio

Baron-Aschman Associates, Inc.
 of Ohio

Legend:
 ○ FUTURE TRAFFIC SIGNAL
 ● EXISTING TRAFFIC SIGNAL
 → A(0.00) ← AVERAGE VEHICULAR DELAY (Seconds)
 * DENOTES LANE ADDITION/MODIFICATION

Legend:
 ○ FUTURE TRAFFIC SIGNAL
 ● EXISTING TRAFFIC SIGNAL
 → A(0.00) ← AVERAGE VEHICULAR DELAY (Seconds)

Legend:
 ○ FUTURE TRAFFIC SIGNAL
 ● EXISTING TRAFFIC SIGNAL
 → A(0.00) ← AVERAGE VEHICULAR DELAY (Seconds)



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KENTUCKY 40622

MILO D. BRYANT
SECRETARY
AND
COMMISSIONER OF HIGHWAYS

WALLACE G. WILKINSON
GOVERNOR

August 22, 1990

Mr. Doug Powell
Transportation Planner
Boone County Planning Commission
P. O. Box 697
Burlington, Ky. 41005

SUBJECT: Boone County Proposal for Biggs
on Houston Road (Carroll Property)

Dear Mr. Powell:

The staff of the Kentucky Highway Department has reviewed the proposal for the Biggs Shopping Center on the proposed Carroll Properties Development and also the Traffic Report prepared by Barton-Aschman Associates. We have the following comments.

1. It does not appear that the Traffic Study prepared by Barton-Aschman has assigned any significant amount of traffic to the Marydale property and in particular to the area served by Hartman Road. Previous studies by other consultants, namely, Pflum, Klausmier and Gehrum have indicated that both of these areas would generate a significant amount of traffic. It would, therefore, appear that the traffic on the Donaldson end of the Houston-Donaldson Connector could be substantially under-estimated.
2. We feel it would be desirable to provide right turn lanes at the developer's proposed signalized intersections on the Houston-Donaldson Connector or other major movement locations.
3. The traffic projections as prepared by Barton-Aschman indicate that single left turn lanes will be adequate. Based on their traffic projections, we would agree. However, we feel that the traffic projections are probably low and would, therefore, like to request that a provision be made that if problems develop with left turns, that the developer be responsible for the widening of Houston Road to allow for the dual turns. These dual turn lanes would be accomplished by adding an additional lane with proper tapers rather than eliminating a through lane of the proposed five lane roadway.

4. The minimum spacing for entrances along the Houston-Donaldson Connector is 600 feet and the project is designated as a partial access control highway with access specifically as indicated on the plans. If the developer wishes to move entrances and the result is an entrance being eliminated and the spacing not becoming less than 600 feet, it is our opinion that the Department would agree to the relocation of the entrances. We would encourage the Planning Commission and the Developer to work with St. Luke West concerning the possibility of shifting the first entrance away from Turfway Road, because of the potential for signalization that would exist at this entrance.
5. The Barton-Aschman Study recommends dual turn lanes at the Houston-Turfway intersection to make the intersection work; however, it does not appear to us that this is likely to happen, because of the substantial improvement to Turfway Road that would be required.
6. At this point, we do not feel that dual turns onto I-75 northbound from the Turfway interchange will be permitted. Therefore, this intersection's capacity is limited to a single turn lane and whatever through lanes can be obtained. The improvement of Turfway Road is not contained in the Department's Six Year Plan.

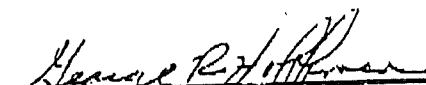
The staff recognizes that the Boone County Planning Commission has a very difficult task ahead of them in trying to match development with the existing and anticipated road network and trying to predict what will happen. While nothing is impossible given enough money, we do feel that the basic roadway system to serve this area is in place and with the exception of spot improvements, it is about all that can be anticipated in the future.

We appreciate the opportunity to review the proposal and provide these comments and would be willing to discuss them as you feel necessary.

Very truly yours,

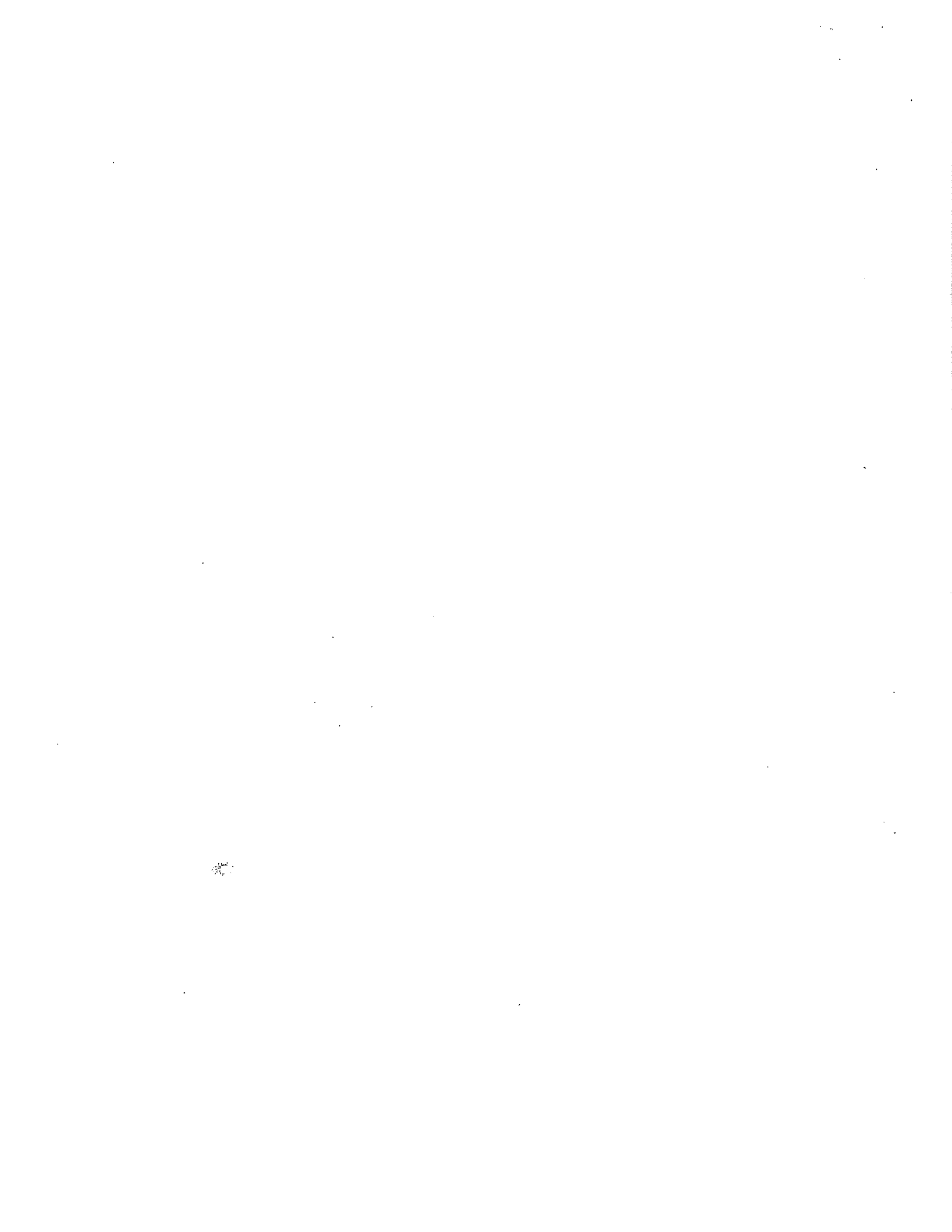
J. E. Kearnes,
Chief District Engineer

By:


George R. Hoffman,
TEBM for Pre-Construction

JEK:GRH:ns

cc: Ralph Wolff
D. J. Shea



BOONE COUNTY PLANNING COMMISSION

August 22, 1990
Page 1

Public Hearing Item #2

Following a short recess, Mr. Burch introduced the second item on the Agenda:

2. Applicant: Carroll Properties, Inc. for
Turfway Park Racing Association, Inc. (owner)
Request: Zoning Map Amendment

The request of Carroll Properties, Inc. (applicant) for Turfway Park Racing Association, Inc. (owner) for a Zoning Map Amendment on a 123.1-acre site located off both sides of the Houston Road Extension, in Florence and in Unincorporated Boone County, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Public Facilities/Planned Development (PF/PD) and Recreation/Planned Development (R/PD) to Commercial Two/Planned Development (C-2/PD) in order to allow a mixed use office/commercial development and an entertainment and exhibition facility.

Mr. Costello began the presentation of the Staff Report which included the attached Exhibits and letter from the Transportation Cabinet, as well as a large aerial photograph of the site and a slide presentation (see Staff Report).

Mr. Burch asked for the applicant's comments at this time.

Mr. Carroll reviewed the history of his developments in the area back to 1985 when he first came here with the dream of building an office park. At that time, Northern Kentucky was not that popular for office development. They started with Turfway Ridge Office Park and they built high-quality office space which leased well. It also won landscaping awards. In 1986, he looked at Latonia, which was not a good community project. They bought Latonia, spent over \$12 million on it, and it was voted the most improved race track in 1988. He stated that they will be running for over \$150,000 a day in September, which is higher than Arlington Park in Chicago. In 1987, following their example, other quality developments were being built. They decided that the necessity was there to do something about a road. They had a lot of things to do to get the Houston Road extension started -- including buying property at a cost of \$840,000 -- and then giving it back to the state. In 1988, they started their second building, which does not have a tenant. He noted that in 1989, the Mason Dixon Steeplechase was lost to this community and Carroll Properties put up its own money to keep that event. He stated that they have been a community player and have lived up to everything they said they were going to do. He stated that it is now 1990 and time for a change. There is an office building crunch, the boom has gone away. He stated that they do not want vacant office space, foreclosed buildings, and incomplete projects, and have to adjust to the times and the marketplace. They want to adjust the zoning of their property to what they can make it work.

Mr. Carroll presented and reviewed their original plan which included two-lane road, retail, office buildings, a circular drive, and a hotel. The development was surrounded by residential. At that time, there was appropriate zoning for the residential.

Mr. Carroll stated that the Houston Road Connector is a five-lane road with sidewalks. The residential zoning is inappropriate with the highway. The marketplace does not allow them to market office space. He added that they have a tenant that will take 72 acres and start moving on their own. There is a potential for immediate growth in the area where growth is needed. He noted that growth is not happening across the country.

Mr. Carroll stated that they cannot make something happen without a team, and he introduced his team -- their architects are Cooper, Cary from Atlanta; Space Design International, which works for Biggs Corporation; their traffic consultant is Barton Eshman Associates from Columbus, the developers are himself, along with HS Real Estate Company and Mike Phillips; their attorneys are Deters, Benzinger and LaVelle; and their entertainment man.

Mr. Mark Hanter of Barton Eshman Associates presented their traffic study. Using an aerial photograph, he stated that they studied the interchange at Donaldson Road and at both locations on Turfway to assess the geometric requirements for the road extension. They started with existing traffic volumes based on counts taken in June of 1990. They tried to project what the future traffic levels might be based on traffic generated by this site, Houston Lakes, Turfway Business Park, and the Wal-Mart development. They assessed the roadway conditions and tried to identify some of the improvements that might be necessary and to recommend additional improvements which might be beneficial. He stated that the Houston Road extension will be built and will extend from Turfway Road to Donaldson Road. There will be two lanes added to the ramp to allow movements into the site from the north. They expect 60% of the traffic to come from the north on I-75, and 15% to 20% from the east on Donaldson Road and Turfway Road. They feel that the interchange will work well under future conditions. He noted on the aerial photograph a loop ramp that will be reconstructed. He stated that there will be a signalized intersection with dual turn lanes off the interstate onto Donaldson Road to let traffic from the north enter the intersection. He indicated on the aerial photograph how the traffic would use the system and proceed south. They feel that the roadway system will be able to handle the projected traffic levels.

Ms. Helen Hatch with Cooper, Cary in Atlanta stated that she has worked on several of Mr. Carroll's projects. She presented slides to show the quality of development that Mr. Carroll puts into all of his projects. She presented slides to show the quality of retail development that is intended for the proposed development. Ms. Hatch displayed a drawing to indicate a mini convention center related to the race track renovation. She stated that the architecture will be compatible with what has been done at the race track. She presented a drawing to show the architecture.

Mr. Gene Allison of Space Design International in Cincinnati stated that they have been working with HS Real Estate for their part of the project. He presented slides in regard to their credentials.

Mr. Allison displayed a concept sketch for their part of the development. He displayed a drawing showing the 72 acres to the east and stated that there will be a Bigg's with an enclosed mall. There will be 100,000 square feet of GLA with a food court as a center point. There will be two main entries. There will be a retention pond. He indicated the location of the parking area and the out parcels to develop along Houston Road to the west. He indicated ring roads and two curb cuts. He noted the traffic circulation pattern and stated that the curb cut will align with the property across the street. He stated that they have broken down the overall length of the building which he indicated on the drawing. He noted that there is concern for the rear of the building. He stated that they are developing materials and elevation treatments to make it pleasant from the interstate. They are also considering a detention pond. He presented a drawing indicating the retention pond to be a water feature with signage. He stated that there will be coloration or animation of the rear of the building so that it is not blank. They will also berm along the rear of the building and introduce screen walls and landscaping. Indicating the front of the project, Mr. Allison noted the curve of the building to tailor the design to the site. He stated that they will continue to review the issues of signage and landscaping with the Commission and planning groups.

Mr. Mike Phillips discussed his background in developing regional shopping centers throughout the United States with his most recent project being the Columbus City Center. He stated that he brought Marshall Fields to downtown Columbus. They also did the Montgomery Mall renovation. He stated that he deals with upscale projects that bring quality and prestige to the surrounding areas.

Mr. Phillips stated that Bigg's started in the United States in 1984 on the east side of Cincinnati with a 350,000 square foot development. They are currently adding an eight-screen theater and renovating the mall. They were associated with L. J. Hooker Company and expanded to Forest Fair Mall in 1988. Last year, they expanded to Denver. He stated that all of their last few projects were associated with L. J. Hooker which did not allow them to effectively transfer the European concept to the United States. Last year, he and Bigg's formed the H. S. Real Estate Company to do the Middletown Station Mall in Louisville, Kentucky. This project has received international attention and been written up in The Wall Street Journal. He stated that it is significant and unique -- it is a true minimum price discount store with complementary full-price retailing. He added that they would like to be a corporate citizen in good standing in this community and bring the jobs and sales tax base into the area. They would like to spur growth in the area and be part of the community. Given the opportunity, they can provide a quality development. He stated that they have been working with the Staff and trying to provide as much information as possible.

Mr. Jim Dressman with Deters, Benzinger, and LaVelle, attorneys, stated that the fundamental legal issue is whether there have been sufficient major changes in the location of their development to justify the change of zone that they request. He stated that the existing Development Plan is inappropriate because the five-lane road would go through much of the development, including the residential. He stated that it should be obvious to everyone, and it is obvious to the Staff, that there is some zone change needed. He stated that they have shown what they think is the best use of the property under existing conditions. He noted that Mr. Carroll had described the major changes in the market that make the original office Concept Development Plan inappropriate. He noted that the Houston-Donaldson Study is very clear to indicate that it is intended to be very flexible and stresses that we have to look at the development along the corridor in terms of the fast pace of change that was anticipated. He stated that their proposal is not necessarily a drastic change from the Houston-Donaldson Study, but was anticipated by the study as being a natural consequence of the changing conditions that we knew would occur. He stated that there is a directive that the study be reevaluated every few years as we knew that things would change. He stated that things have changed and the proposed project is the appropriate project for the area as it now exists.

Mr. Dressman stated that all of the people who spoke are available to answer questions. Mr. Carroll stated that this completed his presentation.

Mr. Dressman asked that the exhibits be part of the record, along with the application and the traffic study. Mr. Burch stated that the items presented would be part of the record.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mr. Larry Hicks stated that he was present in behalf of Mr. Don Pointer. He questioned how this request is any better than Mr. Pointer's property along Houston Drive and Woodspoint Drive since all of the accesses and additional accesses were available, and the same changes that are anticipated now were anticipated then. He stated that the view of the Commission and the Fiscal Court was that the traffic that would be brought in would overload the highways. He noted that Mr. Carroll indicated that he has been a good citizen of the community, and Mr. Pointer has been the same. Mr. Pointer also gave land to the county when he developed his golf course.

Mr. Bill Rice asked when the traffic survey was done and if it included traffic from the race track when it is letting in and out.

Mr. Hanter advised that he considered the race track traffic that would be there on a typical day, which is Christmas season Friday afternoon from 5 P.M. to 6 P.M., which is a time when a race track will not be generating a lot of activity.

Mr. Carroll stated that he could not respond to Mr. Hicks' comments. They cannot speak for another property.

Ms. Debbie Byrd questioned why more stores are needed in the Florence area. She noted that there are many shops at the mall, with many being vacant, and Zayre's going out of business. She stated that we cannot keep the stores we have in business or keep people in the shops to run them. Also, there is a new exit off the expressway into Mall Road to serve the stores. She questioned the purpose of the new exit if all of the traffic and business is going to be lost from the mall area to this area.

Counselor Wilson commented that this is not the Commission's proposal, it is the applicant's.

Mr. Mike Phillips stated that they do a thorough market research study on the food component in the market and the study shows that there is a need for a food store here and a need to be more competitive on food prices. He added that they will employ 600 people and they will impact the food prices. He stated that groceries will be 20% to 25% less than what people are currently paying.

Mr. Jim Weamus, Chief Operating Officer, St. Luke Hospital West, stated that they are aware of the quality of Mr. Carroll's development but are concerned about the project in regard to traffic congestion and control. The existing interchange at Turfway and Houston Road is congested and has interfered with emergency vehicle access. He stated that delaying an ambulance can cause loss of life. He stated that relocating the access for the project would ease the problem for Turfway Road, but it creates other problems. He stated that the hospital had no discussions with the state Highway Department on the new entrance as it was done by the previous owner. He noted that the hospital has over 350 physicians, over 900 employees, as well as many visitors and vendors delivering during the year. He is concerned about the ability of vehicles to exit on Houston Road southbound as they will have to cross traffic lanes. They have been informed that there will not be a traffic light. Also, traffic from the west will have to enter Houston Road at that point and this will result in numerous traffic accidents. He asked that Houston Road at Donaldson be one-way northbound to reduce traffic and address safety concerns. If this is not possible, they suggest a divider so that all development on the east side of Houston Road will be required to turn right and those on the west side would be required to turn to the south. He stated that they wish to maintain a quiet environment for their patients. The atmosphere the hospital wants to maintain could be affected by the massive parking at Bigg's. They ask that a buffer zone be established to reduce noise and confusion between the two properties, and to maintain a quieter and more aesthetic appearance.

Mr. Weamus stated that there is also a bottleneck eastbound on Turfway to the northbound ramp for I-75. There is a tremendous amount of traffic entering the interstate and holding up eastbound traffic. Additional studies are needed in regard to more storage lanes.

Mr. Weamus stated that St. Luke's is a non-profit, acute care hospital dedicated to serving Boone County and the adjacent area. Their location is the only viable location for a medical complex in the county. He stated that the hospital was there first and the citizens and life squads must have an easy and safe access. The traffic must be addressed before this development can proceed.

A gentleman in the audience questioned that should this project go in, would there be no other development there as the traffic will be beyond the capacity of the road.

Mr. Hanter stated that they looked at future development and future conditions. They agree that the traffic system is not built at this time to accommodate the long-term traffic based on a twenty-year horizon. They have identified improvements that could be made to make the system work. Their studies show that with the developments that they are committed to, their impact will be fully mitigated. He stated that the Houston Road and ramp improvements at the interchange will take care of their impact on the road system. They cannot solve the problems for other developers that come in in the future.

Mr. Carroll stated that he wants a compatible and working relationship with St. Luke's. He stated that they were aware that the road was going in before they bought Booth Hospital. He stated that they have had numerous meetings with St. Luke to explain their situation and gave them the opportunity to purchase land from them for expansion. He stated that he was surprised by their comments today.

There being no further comments from the audience, Mr. Burch asked if there were any comments or questions from the Commission.

Mr. McMillian noted that Mr. Phillips had indicated that he had dealings with Marshall Field in Columbus and that an anchor for Bigg's Eastgate was Marshall's. Mr. McMillian stated that he believes these are two separate entities.

Mr. Phillips agreed that they are two distinct businesses, the one at Bigg's Eastgate being a 27,000 sq. ft. discount department store. The one in Columbus is a full line department store. They do not contemplate either store at this project.

Mr. Sharp noted that there are eleven outparcels and questioned the uses that would go on them.

Mr. Phillips stated that they bought between 80 and 100 acres to control the other developments. The sites would be used for banks, small offices, sit down restaurants and fast food restaurants. Their concern is to make sure that the outparcels develop harmoniously with what they are doing.

Mr. Collins asked if the property will be annexed into the City of Florence.

Mr. Carroll advised that if the Commission wants it and it will benefit everyone, they will annex the 148 acres, but they will not annex the racetrack.

Mr. Neltner questioned if they would maintain ownership of this property.

Mr. Carroll advised that they will not maintain ownership, but will have requirements that the developer has to meet. He stated that it will be purchased by H. S. Properties, and they will maintain ownership on the west side of the

street. He stated that the Bigg's group is as interested in their new image and quality as they are. He stated that the conditions will be that they design and develop and keep the high level.

Mr. Dressman stated that there are no complete documents at this time, and the conditions have to be adopted, but Mr. Carroll has given the idea of what is contemplated.

Mr. Phillips stated that they will purchase the properties on the west side of the lot. They will maintain control and develop it similar to what they did in Louisville. He stated that there is a restrictive easement and maintenance agreement. The signage and architectural requirements are identified and compatible with the design intended for the total development.

Mr. Neltner noted the service area for Bigg's and stated that there will be a number of trucks and bays for unloading merchandies which will front the expressway. He asked what would happen in that area.

Mr. Phillips stated that the highest percentage of traffic is coming from the north. He indicated the loading facilities on the drawing and stated that there will be screen walls and landscaping to provide a visual barrier when coming from the north. You will not see the loading and unloading until you reach a point substantially down through the development. He noted that the retention pond has a landscaped area and water feature which will screen the loading that occurs in that area.

Mr. Neltner questioned the timing for the completion of the roadway.

Mr. Mark Simendinger, President of Carroll Properties, stated that there are letters which are part of the record from Mike O'Bryant and Joe Kearnes indicating the status of development and when the road will be completed. He noted that the letter from Commissioner O'Bryant indicates that the road is funded and every opinion is that it will be completed in 1991. He stated that the letter from Mr. Kearnes and Mr. Hoffman gives the status of the acquisition of the right-of-way and says the contract will be let in March, 1991 for the Donaldson ramp reconfiguration. The ramp should be completed in 1992. He noted that the secretary is saying that every effort will be made to complete the work in 1991, but it may take until 1992. He added that the Bigg's project will not open until Houston Road is completed.

Mr. DeLong asked if they were will to commit to the stores not being opened until the road is completed. Mr. Phillips stated that they have committed to this.

Mr. DeLong noted that the detailed sketch presented at this meeting has a different design than the one of August 22.

Mr. Allison stated that the plan presented this evening is the most current plan for Bigg's.

Mr. DeLong questioned if this is the last plan that will be presented and Mr. Allison stated that it is.

Mr. Carroll advised that the square footage is the same, but instead of a squared-off look, then asked for more of a center to the building to break it up and give something a little different.

Mr. DeLong questioned the need for acceleration and deceleration lanes.

Mr. Hanter stated that they recommend a deceleration lane at the southern driveway to turn into the Bigg's development. They do not recommend any modifications for the planned Houston Road for the opposite direction.

Mr. DeLong noted the entertainment center and asked how much traffic is required for this type of development, and if there is a need for additional signalization for that type of development.

Mr. Hanter stated that the legal requirements for a traffic signal on a public road are based on average day conditions. The convention center would be event-oriented and would generate traffic in spurts. When there is excessive traffic on Houston Road, the convention center traffic would be able to use the circular roadway to the traffic signal. He indicated on the drawing how the southbound traffic could use the circular roadway and exit the site.

Mr. DeLong questioned the buffer on the St. Luke side. He questioned the signage, noting that this is a sign district. He questioned the lighting noting that it must not be dangerous to the traffic. He stated that these concerns need to be looked into if the request is approved. He added that he is hesitant about moving away from the Houston-Donaldson Study at this rapid a pace.

Mr. Neltner stated that the report indicates 1,900 parking spaces designated for Bigg's. He asked if this amount is in excess of the regulations. He noted that there are only a few trees along the perimeter and a mass of parking spaces. He asked if all of the parking spaces are needed, or if there could be extra landscaping.

Mr. Allison stated that the requirement would be 1,600 parking spaces. They anticipate working with the Staff to understand the requirements for landscaping within the parking area.

Mr. Neltner asked if they have a plan to encourage use of either exit. He noted his concern for the hospital and the need not to bog down the interchange closest to the hospital.

Mr. Hanter stated that the traffic existing on Houston Road will go either north or south. The majority of the traffic will be going north and will gravitate to the traffic signal. He noted that it is easier to turn left with a traffic signal. He indicated on the drawing how the southbound traffic would make a right-hand turning movement.

Mr. Neltner noted that people traveling south on I-75 will have their choice of the Houston Road or the Donaldson Road exit. He asked if they will do anything to encourage the traffic to use Donaldson Road.

Mr. Hanter described how traffic from the north could use Turfway Road, which would be a hard traffic path. He stated that it would be more logical to take the Erlanger exit and make a right turn into the development.

Mr. DeLong asked if the applicant would be agreeable to access management allowing Marydale an entryway from their property to this property.

Mr. Carroll advised that the road continues on through to Marydale and there is an exit. He stated that they will work with them in regard to access management.

Mr. DeLong noted that Mr. Hanter suggested that the Erlanger exit will be the best. He stated that the state will have to make major changes in the exit as it is very tight with the amount of traffic flowing through there now and there are problems.

Mr. Hanter stated that Mr. DeLong is referring to the way the traffic weaves back into the Erlanger exit. It would be difficult for someone southbound on I-71 and I-75 to weave back into the traffic. He stated that they think it is still more desirable for someone to find their way over and get off at that exit. He stated that they expect a great deal of traffic to be oriented from the west since there is the Eastgate Bigg's. He noted that some people will come to this development and some people will continue to go to Eastgate.

Mr. Damstrom questioned if there were percentages available regarding the northbound and southbound traffic.

Mr. Hanter advised that these figures are in the traffic study, Figure 4 or 5.

Mayor Rolfes stated that Mr. Carroll has done some impressive things in the area, but he is concerned about the comments from the hospital regarding the ingress and egress from the road. He asked that they look at and address ingress and egress to the hospital, possibly with a connector, or that they try to convince the state Highway Department to put another signal in. It is extremely important to address the ingress and egress to the hospital in a positive manner.

Mr. Carroll stated that the biggest concern they have is St. Luke's and they will do whatever it takes to right the situation.

Mr. John Hoyle, President of St. Luke Hospital, stated that there are top quality people working on the project and Mr. Carroll is good for his word. The hospital is not opposed to the project, but only expressing their concern for ingress and egress to the hospital and the overall traffic. They are willing to work on this and know that the state has made exceptions for other developments.

Mr. Collins stated that he believes that when the sign change request for St. Luke Hospital came through this was not to be an emergency entrance to the hospital, the entrance was to be for visitors. The emergency entrance was to stay where it was.

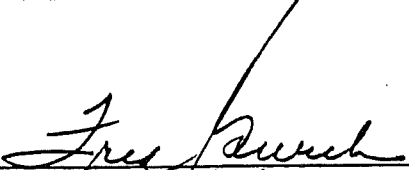
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Mr. Doug Powell, Transportation Planner, presented the Staff's concerns in regard to traffic (see Pages 9 to 11 of the Staff Report). He noted that enough information has not been given to determine if this development will impact the road system as indicated or if the impact will be greater.

Mr. Costello presented the Conclusion of the Staff Report.

There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on September 19, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



Fred Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

August 22, 1990
Page 1

Public Hearing Item #2

Following a short recess, Mr. Burch introduced the second item on the Agenda:

2. Applicant: Carroll Properties, Inc. for
Turfway Park Racing Association, Inc. (owner)
Request: Zoning Map Amendment

The request of Carroll Properties, Inc. (applicant) for Turfway Park Racing Association, Inc. (owner) for a Zoning Map Amendment on a 123.1-acre site located off both sides of the Houston Road Extension, in Florence and in Unincorporated Boone County, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Public Facilities/Planned Development (PF/PD) and Recreation/Planned Development (R/PD) to Commercial Two/Planned Development (C-2/PD) in order to allow a mixed use office/commercial development and an entertainment and exhibition facility.

Mr. Costello began the presentation of the Staff Report which included the attached Exhibits and letter from the Transportation Cabinet, as well as a large aerial photograph of the site and a slide presentation (see Staff Report).

Mr. Burch asked for the applicant's comments at this time.

Mr. Carroll reviewed the history of his developments in the area back to 1985 when he first came here with the dream of building an office park. At that time, Northern Kentucky was not that popular for office development. They started with Turfway Ridge Office Park and they built high-quality office space which leased well. It also won landscaping awards. In 1986, he looked at Latonia, which was not a good community project. They bought Latonia, spent over \$12 million on it, and it was voted the most improved race track in 1988. He stated that they will be running for over \$150,000 a day in September, which is higher than Arlington Park in Chicago. In 1987, following their example, other quality developments were being built. They decided that the necessity was there to do something about a road. They had a lot of things to do to get the Houston Road extension started -- including buying property at a cost of \$840,000 -- and then giving it back to the state. In 1988, they started their second building, which does not have a tenant. He noted that in 1989, the Mason Dixon Steeplechase was lost to this community and Carroll Properties put up its own money to keep that event. He stated that they have been a community player and have lived up to everything they said they were going to do. He stated that it is now 1990 and time for a change. There is an office building crunch, the boom has gone away. He stated that they do not want vacant office space, foreclosed buildings, and incomplete projects, and have to adjust to the times and the marketplace. They want to adjust the zoning of their property to what they can make it work.

Mr. Carroll presented and reviewed their original plan which included two-lane road, retail, office buildings, a circular drive, and a hotel. The development was surrounded by residential. At that time, there was appropriate zoning for the residential.

Mr. Carroll stated that the Houston Road Connector is a five-lane road with sidewalks. The residential zoning is inappropriate with the highway. The marketplace does not allow them to market office space. He added that they have a tenant that will take 72 acres and start moving on their own. There is a potential for immediate growth in the area where growth is needed. He noted that growth is not happening across the country.

Mr. Carroll stated that they cannot make something happen without a team, and he introduced his team -- their architects are Cooper, Cary from Atlanta; Space Design International, which works for Biggs Corporation; their traffic consultant is Barton Eshman Associates from Columbus, the developers are himself, along with HS Real Estate Company and Mike Phillips; their attorneys are Deters, Benzinger and LaVelle; and their entertainment man.

Mr. Mark Hanter of Barton Eshman Associates presented their traffic study. Using an aerial photograph, he stated that they studied the interchange at Donaldson Road and at both locations on Turfway to assess the geometric requirements for the road extension. They started with existing traffic volumes based on counts taken in June of 1990. They tried to project what the future traffic levels might be based on traffic generated by this site, Houston Lakes, Turfway Business Park, and the Wal-Mart development. They assessed the roadway conditions and tried to identify some of the improvements that might be necessary and to recommend additional improvements which might be beneficial. He stated that the Houston Road extension will be built and will extend from Turfway Road to Donaldson Road. There will be two lanes added to the ramp to allow movements into the site from the north. They expect 60% of the traffic to come from the north on I-75, and 15% to 20% from the east on Donaldson Road and Turfway Road. They feel that the interchange will work well under future conditions. He noted on the aerial photograph a loop ramp that will be reconstructed. He stated that there will be a signalized intersection with dual turn lanes off the interstate onto Donaldson Road to let traffic from the north enter the intersection. He indicated on the aerial photograph how the traffic would use the system and proceed south. They feel that the roadway system will be able to handle the projected traffic levels.

Ms. Helen Hatch with Cooper, Cary in Atlanta stated that she has worked on several of Mr. Carroll's projects. She presented slides to show the quality of development that Mr. Carroll puts into all of his projects. She presented slides to show the quality of retail development that is intended for the proposed development. Ms. Hatch displayed a drawing to indicate a mini convention center related to the race track renovation. She stated that the architecture will be compatible with what has been done at the race track. She presented a drawing to show the architecture.

Mr. Gene Allison of Space Design International in Cincinnati stated that they have been working with HS Real Estate for their part of the project. He presented slides in regard to their credentials.

Mr. Allison displayed a concept sketch for their part of the development. He displayed a drawing showing the 72 acres to the east and stated that there will be a Bigg's with an enclosed mall. There will be 100,000 square feet of GLA with a food court as a center point. There will be two main entries. There will be a retention pond. He indicated the location of the parking area and the out parcels to develop along Houston Road to the west. He indicated ring roads and two curb cuts. He noted the traffic circulation pattern and stated that the curb cut will align with the property across the street. He stated that they have broken down the overall length of the building which he indicated on the drawing. He noted that there is concern for the rear of the building. He stated that they are developing materials and elevation treatments to make it pleasant from the interstate. They are also considering a detention pond. He presented a drawing indicating the retention pond to be a water feature with signage. He stated that there will be coloration or animation of the rear of the building so that it is not blank. They will also berm along the rear of the building and introduce screen walls and landscaping. Indicating the front of the project, Mr. Allison noted the curve of the building to tailor the design to the site. He stated that they will continue to review the issues of signage and landscaping with the Commission and planning groups.

Mr. Mike Phillips discussed his background in developing regional shopping centers throughout the United States with his most recent project being the Columbus City Center. He stated that he brought Marshall Fields to downtown Columbus. They also did the Montgomery Mall renovation. He stated that he deals with upscale projects that bring quality and prestige to the surrounding areas.

Mr. Phillips stated that Bigg's started in the United States in 1984 on the east side of Cincinnati with a 350,000 square foot development. They are currently adding an eight-screen theater and renovating the mall. They were associated with L. J. Hooker Company and expanded to Forest Fair Mall in 1988. Last year, they expanded to Denver. He stated that all of their last few projects were associated with L. J. Hooker which did not allow them to effectively transfer the European concept to the United States. Last year, he and Bigg's formed the H. S. Real Estate Company to do the Middletown Station Mall in Louisville, Kentucky. This project has received international attention and been written up in The Wall Street Journal. He stated that it is significant and unique -- it is a true minimum price discount store with complementary full-price retailing. He added that they would like to be a corporate citizen in good standing in this community and bring the jobs and sales tax base into the area. They would like to spur growth in the area and be part of the community. Given the opportunity, they can provide a quality development. He stated that they have been working with the Staff and trying to provide as much information as possible.

Mr. Jim Dressman with Deters, Benzinger, and LaVelle, attorneys, stated that the fundamental legal issue is whether there have been sufficient major changes in the location of their development to justify the change of zone that they request. He stated that the existing Development Plan is inappropriate because the five-lane road would go through much of the development, including the residential. He stated that it should be obvious to everyone, and it is obvious to the Staff, that there is some zone change needed. He stated that they have shown what they think is the best use of the property under existing conditions. He noted that Mr. Carroll had described the major changes in the market that make the original office Concept Development Plan inappropriate. He noted that the Houston-Donaldson Study is very clear to indicate that it is intended to be very flexible and stresses that we have to look at the development along the corridor in terms of the fast pace of change that was anticipated. He stated that their proposal is not necessarily a drastic change from the Houston-Donaldson Study, but was anticipated by the study as being a natural consequence of the changing conditions that we knew would occur. He stated that there is a directive that the study be reevaluated every few years as we knew that things would change. He stated that things have changed and the proposed project is the appropriate project for the area as it now exists.

Mr. Dressman stated that all of the people who spoke are available to answer questions. Mr. Carroll stated that this completed his presentation.

Mr. Dressman asked that the exhibits be part of the record, along with the application and the traffic study. Mr. Burch stated that the items presented would be part of the record.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mr. Larry Hicks stated that he was present in behalf of Mr. Don Pointer. He questioned how this request is any better than Mr. Pointer's property along Houston Drive and Woodspoint Drive since all of the accesses and additional accesses were available, and the same changes that are anticipated now were anticipated then. He stated that the view of the Commission and the Fiscal Court was that the traffic that would be brought in would overload the highways. He noted that Mr. Carroll indicated that he has been a good citizen of the community, and Mr. Pointer has been the same. Mr. Pointer also gave land to the county when he developed his golf course.

Mr. Bill Rice asked when the traffic survey was done and if it included traffic from the race track when it is letting in and out.

Mr. Hanter advised that he considered the race track traffic that would be there on a typical day, which is Christmas season Friday afternoon from 5 P.M. to 6 P.M., which is a time when a race track will not be generating a lot of activity.

Mr. Carroll stated that he could not respond to Mr. Hicks' comments. They cannot speak for another property.

Ms. Debbie Byrd questioned why more stores are needed in the Florence area. She noted that there are many shops at the mall, with many being vacant, and Zayre's going out of business. She stated that we cannot keep the stores we have in business or keep people in the shops to run them. Also, there is a new exit off the expressway into Mall Road to serve the stores. She questioned the purpose of the new exit if all of the traffic and business is going to be lost from the mall area to this area.

Counselor Wilson commented that this is not the Commission's proposal, it is the applicant's.

Mr. Mike Phillips stated that they do a thorough market research study on the food component in the market and the study shows that there is a need for a food store here and a need to be more competitive on food prices. He added that they will employ 600 people and they will impact the food prices. He stated that groceries will be 20% to 25% less than what people are currently paying.

Mr. Jim Weamus, Chief Operating Officer, St. Luke Hospital West, stated that they are aware of the quality of Mr. Carroll's development but are concerned about the project in regard to traffic congestion and control. The existing interchange at Turfway and Houston Road is congested and has interfered with emergency vehicle access. He stated that delaying an ambulance can cause loss of life. He stated that relocating the access for the project would ease the problem for Turfway Road, but it creates other problems. He stated that the hospital had no discussions with the state Highway Department on the new entrance as it was done by the previous owner. He noted that the hospital has over 350 physicians, over 900 employees, as well as many visitors and vendors delivering during the year. He is concerned about the ability of vehicles to exit on Houston Road southbound as they will have to cross traffic lanes. They have been informed that there will not be a traffic light. Also, traffic from the west will have to enter Houston Road at that point and this will result in numerous traffic accidents. He asked that Houston Road at Donaldson be one-way northbound to reduce traffic and address safety concerns. If this is not possible, they suggest a divider so that all development on the east side of Houston Road will be required to turn right and those on the west side would be required to turn to the south. He stated that they wish to maintain a quiet environment for their patients. The atmosphere the hospital wants to maintain could be affected by the massive parking at Bigg's. They ask that a buffer zone be established to reduce noise and confusion between the two properties, and to maintain a quieter and more aesthetic appearance.

Mr. Weamus stated that there is also a bottleneck eastbound on Turfway to the northbound ramp for I-75. There is a tremendous amount of traffic entering the interstate and holding up eastbound traffic. Additional studies are needed in regard to more storage lanes.

Mr. Weamus stated that St. Luke's is a non-profit, acute care hospital dedicated to serving Boone County and the adjacent area. Their location is the only viable location for a medical complex in the county. He stated that the hospital was there first and the citizens and life squads must have an easy and safe access. The traffic must be addressed before this development can proceed.

A gentleman in the audience questioned that should this project go in, would there be no other development there as the traffic will be beyond the capacity of the road.

Mr. Hanter stated that they looked at future development and future conditions. They agree that the traffic system is not built at this time to accommodate the long-term traffic based on a twenty-year horizon. They have identified improvements that could be made to make the system work. Their studies show that with the developments that they are committed to, their impact will be fully mitigated. He stated that the Houston Road and ramp improvements at the interchange will take care of their impact on the road system. They cannot solve the problems for other developers that come in in the future.

Mr. Carroll stated that he wants a compatible and working relationship with St. Luke's. He stated that they were aware that the road was going in before they bought Booth Hospital. He stated that they have had numerous meetings with St. Luke to explain their situation and gave them the opportunity to purchase land from them for expansion. He stated that he was surprised by their comments today.

There being no further comments from the audience, Mr. Burch asked if there were any comments or questions from the Commission.

Mr. McMillian noted that Mr. Phillips had indicated that he had dealings with Marshall Field in Columbus and that an anchor for Bigg's Eastgate was Marshall's. Mr. McMillian stated that he believes these are two separate entities.

Mr. Phillips agreed that they are two distinct businesses, the one at Bigg's Eastgate being a 27,000 sq. ft. discount department store. The one in Columbus is a full line department store. They do not contemplate either store at this project.

Mr. Sharp noted that there are eleven outparcels and questioned the uses that would go on them.

Mr. Phillips stated that they bought between 80 and 100 acres to control the other developments. The sites would be used for banks, small offices, sit down restaurants and fast food restaurants. Their concern is to make sure that the outparcels develop harmoniously with what they are doing.

Mr. Collins asked if the property will be annexed into the City of Florence.

Mr. Carroll advised that if the Commission wants it and it will benefit everyone, they will annex the 148 acres, but they will not annex the racetrack.

Mr. Neltner questioned if they would maintain ownership of this property.

Mr. Carroll advised that they will not maintain ownership, but will have requirements that the developer has to meet. He stated that it will be purchased by H. S. Properties, and they will maintain ownership on the west side of the

street. He stated that the Bigg's group is as interested in their new image and quality as they are. He stated that the conditions will be that they design and develop and keep the high level.

Mr. Dressman stated that there are no complete documents at this time, and the conditions have to be adopted, but Mr. Carroll has given the idea of what is contemplated.

Mr. Phillips stated that they will purchase the properties on the west side of the lot. They will maintain control and develop it similar to what they did in Louisville. He stated that there is a restrictive easement and maintenance agreement. The signage and architectural requirements are identified and compatible with the design intended for the total development.

Mr. Neltner noted the service area for Bigg's and stated that there will be a number of trucks and bays for unloading merchandies which will front the expressway. He asked what would happen in that area.

Mr. Phillips stated that the highest percentage of traffic is coming from the north. He indicated the loading facilities on the drawing and stated that there will be screen walls and landscaping to provide a visual barrier when coming from the north. You will not see the loading and unloading until you reach a point substantially down through the development. He noted that the retention pond has a landscaped area and water feature which will screen the loading that occurs in that area.

Mr. Neltner questioned the timing for the completion of the roadway.

Mr. Mark Simendinger, President of Carroll Properties, stated that there are letters which are part of the record from Mike O'Bryant and Joe Kearnes indicating the status of development and when the road will be completed. He noted that the letter from Commissioner O'Bryant indicates that the road is funded and every opinion is that it will be completed in 1991. He stated that the letter from Mr. Kearnes and Mr. Hoffman gives the status of the acquisition of the right-of-way and says the contract will be let in March, 1991 for the Donaldson ramp reconfiguration. The ramp should be completed in 1992. He noted that the secretary is saying that every effort will be made to complete the work in 1991, but it may take until 1992. He added that the Bigg's project will not open until Houston Road is completed.

Mr. DeLong asked if they were will to commit to the stores not being opened until the road is completed. Mr. Phillips stated that they have committed to this.

Mr. DeLong noted that the detailed sketch presented at this meeting has a different design than the one of August 22.

Mr. Allison stated that the plan presented this evening is the most current plan for Bigg's.

Mr. DeLong questioned if this is the last plan that will be presented and Mr. Allison stated that it is.

Mr. Carroll advised that the square footage is the same, but instead of a squared-off look, then asked for more of a center to the building to break it up and give something a little different.

Mr. DeLong questioned the need for acceleration and deceleration lanes.

Mr. Hanter stated that they recommend a deceleration lane at the southern driveway to turn into the Bigg's development. They do not recommend any modifications for the planned Houston Road for the opposite direction.

Mr. DeLong noted the entertainment center and asked how much traffic is required for this type of development, and if there is a need for additional signalization for that type of development.

Mr. Hanter stated that the legal requirements for a traffic signal on a public road are based on average day conditions. The convention center would be event-oriented and would generate traffic in spurts. When there is excessive traffic on Houston Road, the convention center traffic would be able to use the circular roadway to the traffic signal. He indicated on the drawing how the southbound traffic could use the circular roadway and exit the site.

Mr. DeLong questioned the buffer on the St. Luke side. He questioned the signage, noting that this is a sign district. He questioned the lighting noting that it must not be dangerous to the traffic. He stated that these concerns need to be looked into if the request is approved. He added that he is hesitant about moving away from the Houston-Donaldson Study at this rapid a pace.

Mr. Neltner stated that the report indicates 1,900 parking spaces designated for Bigg's. He asked if this amount is in excess of the regulations. He noted that there are only a few trees along the perimeter and a mass of parking spaces. He asked if all of the parking spaces are needed, or if there could be extra landscaping.

Mr. Allison stated that the requirement would be 1,600 parking spaces. They anticipate working with the Staff to understand the requirements for landscaping within the parking area.

Mr. Neltner asked if they have a plan to encourage use of either exit. He noted his concern for the hospital and the need not to bog down the interchange closest to the hospital.

Mr. Hanter stated that the traffic existing on Houston Road will go either north or south. The majority of the traffic will be going north and will gravitate to the traffic signal. He noted that it is easier to turn left with a traffic signal. He indicated on the drawing how the southbound traffic would make a right-hand turning movement.

Mr. Neltner noted that people traveling south on I-75 will have their choice of the Houston Road or the Donaldson Road exit. He asked if they will do anything to encourage the traffic to use Donaldson Road.

Mr. Hanter described how traffic from the north could use Turfway Road, which would be a hard traffic path. He stated that it would be more logical to take the Erlanger exit and make a right turn into the development.

Mr. DeLong asked if the applicant would be agreeable to access management allowing Marydale an entryway from their property to this property.

Mr. Carroll advised that the road continues on through to Marydale and there is an exit. He stated that they will work with them in regard to access management.

Mr. DeLong noted that Mr. Hanter suggested that the Erlanger exit will be the best. He stated that the state will have to make major changes in the exit as it is very tight with the amount of traffic flowing through there now and there are problems.

Mr. Hanter stated that Mr. DeLong is referring to the way the traffic weaves back into the Erlanger exit. It would be difficult for someone southbound on I-71 and I-75 to weave back into the traffic. He stated that they think it is still more desirable for someone to find their way over and get off at that exit. He stated that they expect a great deal of traffic to be oriented from the west since there is the Eastgate Bigg's. He noted that some people will come to this development and some people will continue to go to Eastgate.

Mr. Damstrom questioned if there were percentages available regarding the northbound and southbound traffic.

Mr. Hanter advised that these figures are in the traffic study, Figure 4 or 5.

Mayor Rolfes stated that Mr. Carroll has done some impressive things in the area, but he is concerned about the comments from the hospital regarding the ingress and egress from the road. He asked that they look at and address ingress and egress to the hospital, possibly with a connector, or that they try to convince the state Highway Department to put another signal in. It is extremely important to address the ingress and egress to the hospital in a positive manner.

Mr. Carroll stated that the biggest concern they have is St. Luke's and they will do whatever it takes to right the situation.

Mr. John Hoyle, President of St. Luke Hospital, stated that there are top quality people working on the project and Mr. Carroll is good for his word. The hospital is not opposed to the project, but only expressing their concern for ingress and egress to the hospital and the overall traffic. They are willing to work on this and know that the state has made exceptions for other developments.

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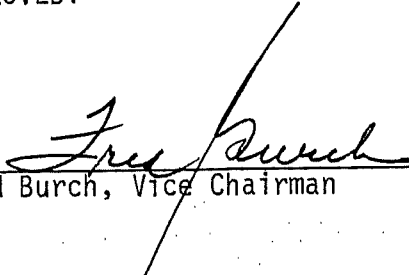
At this time, Mr. Costello completed the Staff Report in regard to Staff's concerns. He noted that there is a small portion of the property inside the city of Florence -- about 99% of the property is in the unincorporated area. The recommendation would go to both legislative units. He noted that there are two letters in the packet, one from the state Highway Department and one from the Diocese of Covington.

Mr. Doug Powell, Transportation Planner, presented the Staff's concerns in regard to traffic (see Pages 9 to 11 of the Staff Report). He noted that enough information has not been given to determine if this development will impact the road system as indicated or if the impact will be greater.

Mr. Costello presented the Conclusion of the Staff Report.


There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on September 19, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



Fred Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

October 3, 1990

8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Lawrence Collins
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received copies of the Minutes of the Business Meeting of September 19, 1990 and the Public Hearings on September 26, 1990. He asked if there were any comments or corrections.

Mr. DeLong stated that for Public Hearing Item #2 on Page 2, Paragraph 7, the Houston-Donaldson Study should be the Parkway Corridor Study.

Mr. McMillian moved that the Minutes of the Business Meeting of September 19, 1990 be approved as mailed and that the Minutes of the Public Hearings of September 26, 1990 be approved as amended. Mrs. Smith seconded the motion and it carried unanimously.

REPORTS:

Mr. Burch stated that the Zoning Enforcement Officer's Report, the Report of Zoning Permits, the Report of Building Permits, the Record of Conveyance Plats, and the Accountant's Report had been distributed for the Commission members to review.

In regard to the first Outstanding Complaint (Haines Oil, violation of Article 3), Mr. Neltner asked if a Criminal Complaint will be filed. Mr. Costello stated that he will discuss this as Zoning Administrator with Counselor Wilson and the Zoning Enforcement Officer. He stated that he feels confident that a Complaint will be filed, but there is a question as to under which section of the Ordinance it will be filed. He added that Haines Oil has notified the Staff that they are not interested in solving the problem.

HOLIDAY SCHEDULE:

Mr. Burch advised that the following Holiday meeting schedule has been proposed in a memorandum from Mr. Fromm which is included in the packets:

<u>Date</u>		<u>Time</u>
November 7, 1990	Business Meeting	8:00 P.M.
November 28, 1990	Public Hearings	7:00 P.M.
" " "	Business Meeting	8:00 P.M.
December 5, 1990	Business Meeting	8:00 P.M.
December 19, 1990	Public Hearings	7:00 P.M.
" " "	Business Meeting	8:00 P.M.
January 2, 1991	Business Meeting	8:00 P.M.
January 16, 1991	Business Meeting	8:00 P.M.
January 23, 1991	Public Hearings	7:00 P.M.

Mr. McMillian moved that the proposed meeting schedule be approved. Mr. Jones seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Turfway Park Racing Association, Inc. (owner) for Carroll Properties, Inc. (applicant) for a Zoning Map Amendment on a +123.1-acre site located off both sides of the Houston Road Extension in Florence and in unincorporated Boone County, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Public Facilities/Planned Development (PF/PD) and Recreation/Planned Development (R/PD) to Commercial Two/Planned Development (C-2/PD) to allow a mixed use office/commercial development and an entertainment/exhibition facility.

there are people who do not want the changes at the Fort Mitchell exit as they would lose the church and there is now a proposal to add those funds to the improvement budget for the Donaldson Road improvement. Counselor Wilson stated that there are comments from Mr. Hanter on Page 2 of the Minutes in this regard.

Mr. DeLong asked if the new ratio included consideration of what will happen in Kenton County on the new five-lane road. Mr. Powell advised that a growth factor was allowed for existing traffic, but it did not include potential traffic from the undeveloped land in Kenton County.

Mr. Greene stated that there is no question that traffic will be a problem. It is a good project for the county. When there is traffic congestion to the point being considered, then roads will be provided. There will be more money to build roads because this development will bring more money to the county and to the city. The project has economic value to the community.

Mr. Kirby noted comments in the Public Hearing Minutes about weaving action on I-75 South through the I-275 traffic and stated that the congestion is more of a hazard than just an exit off Turfway Road. He noted that when the Buchanan proposal was considered, there was concern that they maintain an office atmosphere -- so much so that they had to set aside 31 acres. He does not see that commitment on the Carroll property, and it is the same stretch of road served by the same interchange. There was also concern that the Buchanan proposal cater to the local public and not be of a regional nature, and he does not see the same concern here. He noted that it was 1½ months ago that Buchanan had to set aside the acreage and market it nationally.

Mr. Neltner advised that Mr. Buchanan came in with a set plan with so many square feet of office space. He added that Mr. Carroll owns this site and also the Turfway Ridge Office Development and there is not a market for office development now.

Mr. Kirby questioned if Mr. Buchanan would have been listened to if he had said there was no market for office development. Counselor Wilson advised that Mr. Buchanan did say that and the matter is pending in Florence. Mr. Burch emphasized that the Committee did not create the Buchanan Plan or this plan.

Counselor Wilson stated that it appears that the Committee found justification for distinguishing this quadrant from the section south of Turfway since that property must be predominantly served by KY 18 and Turfway interchanges, and this site can be served by Donaldson Road Extension.

Mr. Owens questioned if Bigg's were to be completed and the road was not completed, is the Commission saying that they will be not able to occupy the building. Mr. Burch noted that the applicant has agreed to this.

Mr. Kevin Costello, Assistant Director, advised that in the packets there is a draft copy of the Committee Report and a letter signed by the applicant agreeing to the conditions. The Committee Report has since been amended. Mr. Costello read the amended version of the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Neltner moved by resolution to the Boone County Fiscal Court and the City of Florence that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Damstrom seconded the motion.

Mr. Neltner noted that Condition #13 had been amended and asked if the applicant was aware of the change and in agreement.

Mr. Simendinger, President of Carroll Properties, stated that they are in agreement with the condition.

Mr. Burch asked if the Houston-Donaldson Study was in place at the time of the Houston Road Extension. Mr. Costello advised that the extension was contemplated, but its exact location was not known.

Mr. Sharp referred to Condition #2 and questioned the "necessary road improvements". Mr. Doug Powell, Transportation Planner, advised that the condition refers to a letter received from the Highway Department saying that Turfway Associates would participate in providing a dual right turn lane coming off the ramps (I-75 South), which would be the widening of the ramps to Houston Road. In response to questions from Mr. Sharp, Mr. Powell added that there is nothing planned for I-75 North off of Turfway.

Mr. Sharp questioned the meaning of Condition #15. Mr. Costello advised that it is the same type of condition that was placed on the Buchanan proposal. There has been one meeting in which the underpass was addressed. A committee has been formed and the applicant is on the committee. They will be working on a feasibility study to determine alternatives and it will be taken to Frankfort for recommendations. This is a limited design interchange and the such improvements will be costly and one property owner cannot pay for all improvements. There is not an established timetable at this time.

Mr. Owens noted that a Bigg's proposal was turned down at the golf course area. He questioned the difference in the traffic problems then and now.

Mr. Burch advised that the biggest difference is that the Houston Road Extension is going from Turfway Road to Donaldson Road. One of the conditions is that the extension be open to the public. The studies showed that the bulk of the traffic will come from the north, using the Donaldson Road exit and the extension. If Bigg's were to go on the golf course, the traffic could get off the expressway at KY 18 and that exit is already Graded "F", and the Bigg's traffic would be mixed with the mall traffic. The Houston Road extension is a five lane road with no traffic today.

Mr. Owens asked if there were any plans for the Donaldson/I-75 interchange. Mr. Burch advised that there is a commitment for considerable change, and there is a plan underway for changes at the Fort Mitchell exit. However,

Mr. Simendinger stated that they will not close on the property until the contract has been let for the remainder of the road.

Mr. Burch noted that other roads have been started and not completed; but to assure the road being there, it is in the Committee Report that until the road is open to the public, the store cannot open. The developer has agreed to this.

Mr. Kirby noted that only four members of the Committee signed the report. Mr. Costello agreed and advised that Mr. Barnett and Mr. Collins were not here to sign the report. Mr. Jones was present but did not sign the report.

At this time, Mr. Burch asked for a roll call vote on the motion made by Mr. Neltner which found Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Neltner, Mr. Rush, Mrs. Smith and Mr. Owens in favor. Mr. DeLong, Mr. Kirby, and Mr. Sharp were opposed. The motion carried by a vote of 9 to 3.

2. Zoning Map Amendment

The request of Akin & Miller Land Developers (owners) for a Zoning Map Amendment on a 67.9-acre site located west of Tanner Road and adjacent to Parlor Grove Subdivision, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS) in order to develop Brentwood Estates Subdivision.

Mr. Costello read the Committee Report which recommended deferral of the request until the October 17, 1990 Business Meeting (see Committee Report).

Mr. McMillian moved that the request be deferred until the October 17, 1990 Business Meeting based on the Committee Report. Mr. Neltner seconded the motion.

Mr. Jones stated that he would abstain from voting in regard to this request as he is related to the developer.

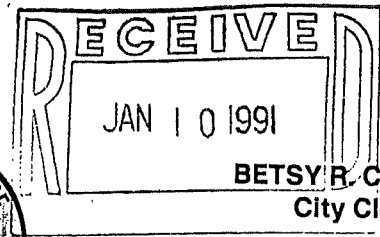
A vote on the motion found all voting members in favor. Mr. Jones abstained. The motion carried.

3. Utilization of an Underlying Zone in Planned Development

The request of Erpenbeck Engineers (applicant) for Monohan Development Company, Inc. (owner) for the Utilization of the Underlying Zone in Planned Development for a 4.9-acre site located off Tanners Lane and Dream Street, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) as recommended in the Parkway Corridor Study.

Mr. Costello read the Committee Report which recommended deferral of the request until the October 17, 1990 Business Meeting (see Committee Report).

City of Florence



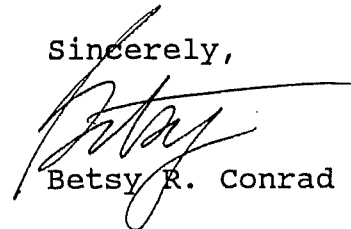
January 8, 1991

Mr. William R. Viox, Chairman
Boone County Planning Commission
P. O. Box 596
Burlington, KY 41005

Dear Mr. Viox:

Please be advised that Florence City Council declined to take action on the Planning Commission's recommendation regarding the request of Turfway Park Racing Association, Inc. (owners) for Carroll Properties, Inc. (applicant), through your Resolution R-37-90. It is our understanding that the zoning map amendment stands approved as recommended in this instance.

Sincerely,



Betsy R. Conrad

Copy: Bruce Janken, City Coordinator

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: October 3, 1990

RE: Request of Turfway Park Racing Association, Inc. (Owner) for Carroll Properties, Inc. (applicant) for a Zoning Map Amendment on a ±123.1 acre site located off both sides of the Houston Road Extension, both in Florence and in unincorporated Boone County, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Public Facilities/Planned Development (PF/PD) and Recreation/Planned Development (R/PD), to Commercial Two/Planned Development (C-2/PD) in order to allow a mixed use office/commercial development and an entertainment and exhibition facility.

REMARKS:

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

FINDINGS OF FACT

1. The existing zoning classification of the site, Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Public Facilities/Planned Development (PF/PD), and Recreation/Planned Development (R/PD), is inappropriate and the proposed zoning classification, Commercial Two/Planned Development (C-2/PD), is more appropriate due to the fact that the existing Houston Road Extension divides the site and, therefore, makes it less conducive for significant residential and office development as previously approved. Also, part of the Houston Road Extension is completed and represents a physical improvement already in place since the adoption of the Houston-Donaldson Study. In addition, some of the uses proposed, for example, the hotel use and the entertainment/mini-convention center use, are compatible with adjoining land uses and appropriate due to the presence of Turfway Park, a major recreational facility in Boone County and in Northern Kentucky.
2. The proposed ^{KPC} uses as described on the submitted Concept Development Plan and subject to the conditions listed below generally meet the goals and objectives of Planned Development (as stated in Article 15 of the Boone County Zoning Regulations). In addition, some of the proposed uses will help maintain the employment character of the areas as outlined in the Houston-Donaldson Study. These uses are service related and are designated to protect the employment character of the area.
3. The proposed uses and zoning are appropriate since the applicant has agreed to make significant roadway and utility improvements on and off the site and has agreed to phase the development. Also, the applicant has agreed to work with other property owners in the area, the Boone County

Planning Commission, the City of Florence, and the Boone County Fiscal Court to help remedy the existing and forecasted traffic congestion around the I-75/Turfway Road Interchange. These actions are in accordance with the Houston-Donaldson Study, which was designed to correlate Study area development with infrastructure improvements.

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 as presented at the August 22, 1990, Business Meeting. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

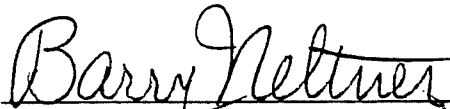
1. The applicant shall agree not to take occupancy of the proposed Bigg's building and enclosed mall until the construction of the Houston Road Extension to Donaldson Highway is completed and open to the public. The three proposed uses along Turfway Road can be constructed prior to the completion of the Houston Road Extension to Donaldson Highway. The applicant shall further agree not to take occupancy of any other new building until the construction of the Houston Road Extension is substantially underway.
2. The applicant shall make the necessary road improvements to the I-75 southbound exit ramp and Houston Road Extension as stated in the applicant's traffic study, application and the correspondence from the Kentucky Transportation Cabinet (dated August 22, 1990).
3. If deemed appropriate by the Boone County Planning Commission, the Kentucky Transportation Cabinet, and St. Luke West Hospital, the southern access to Parcel B shall be relocated north on the Houston Road Extension in order to move it further away from the Houston Road and Turfway intersection. Such access should be located opposite from a new St. Luke West Hospital entrance.
4. The applicant will be required to share access from Parcel A to the adjoining properties to the north and south. Due to the planned shared access, the proposed ring road shall be designed to accommodate future traffic from the adjoining properties.
5. The proposed curb cut off Turfway Road serving Parcel B shall be limited to right turn in and out.
6. The proposed curb cut off the Houston Road Extension serving the major retail center on Parcel B shall be eliminated.
7. The proposed curb cut off the Houston Road Extension serving Parcel A and located closest to the northern property line shall be eliminated.
8. The applicant shall be required to negotiate with city/county officials to relocate all necessary utilities and to provide all necessary easements.
9. The applicant shall be required to pursue development of the proposed Entertainment/Mini-Convention Center facility in the first phase of development.

10. The applicant shall be required to build the proposed uses in accordance with the submitted Concept Development Plan presented at the August 22, 1990, Public Hearing with the exception of the proposed outlots on Parcel A. The outlot area shall be restricted to a maximum number of nine outlots with a total building square footage not to exceed 120,000 square feet. The proposed mix of office and commercial use will be 50% office and 50% commercial use for the outlot area.
11. The proposed Bigg's building and other associated anchor stores shall be moved approximately 50 feet northwest from the proposed location on the Concept Development Plan in order to expand the visual buffer from I-75. Consequently, the proposed buildings will be at a minimum 150 feet from the I-75 property line.
12. All proposed buildings shall be subject to the design review procedure and standards as stated in the Houston-Donaldson Study. In addition, all roof equipment and loading areas from the proposed retail building along I-75 shall be sufficiently screened from public view (I-75) with the use of preserving existing trees, new landscaping plant material, decorative building materials, and decorative retaining walls. Water features shall be required along I-75 and the Houston Road Extension as part of this development. All building design shall be consistent and in harmony with the Houston-Donaldson Study.
13. Generally, ^{all} the existing trees ^{stand} located ^{within} ~~approximately~~ 75 feet from the eastern property line shall not be removed. On the northern and southern property lines, all existing vegetation shall remain at a minimum 50 feet from each property line. Additional vegetation may be required to be preserved adjacent to the St. Luke West property at subsequent reviews. All trees to be removed on the site shall be identified on a subsequent development plan and reviewed and approved by the Boone County Planning Commission prior to any removal. The undisturbed areas shall be marked in the field and inspected by the Boone County Planning Commission.
14. The proposed development shall have at a minimum 22% green space. Each phase of the development submitted for review shall include calculations of green space area. In general, landscaping plans for the project shall include the following:
 - a) Provide planting islands between every 10 to 15 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate planting area. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet. For code required parking, one tree and three shrubs are to be utilized per 15 spaces.
 - b) Provide eight-foot wide landscape strips for every four rows of parking, or large planting islands at the ends of parking rows.

- c) In addition, canopy tree plantings along the Houston Road Extension and other public streets of the proposed development shall be planted along with earthen berms as part of the application.
15. The applicant agrees to work with the City of Florence, Boone County, and area property owners and developers in arriving at a solution to the existing and forecasted traffic congestion at the Turfway Road/I-75 Interchange.
16. The applicant agrees to pay for the traffic signals which will be used to enter and exit the Bigg's site. The applicant shall negotiate with the Kentucky Transportation Cabinet and St. Luke West Hospital to place a traffic signal at the first entrance of the development off the Houston Road Extension.

This Committee recommendation upon approval by the Boone County Planning Commission is recommended to be forwarded to the City of Florence and the Boone County Fiscal Court. In addition, the Committee is recommending that the text of the Houston-Donaldson Study and the 1990 Boone County Comprehensive Plan be amended accordingly.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

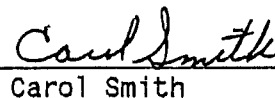


Barry Neltner, Chairman

Rector Jones

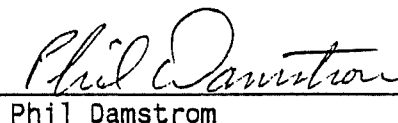


Fred Burch



Carol Smith

Larry Barnett



Phil Damstrom

Lawrence Collins

BN:mcb

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. WILLIAM D. FROMM, AICP
DIRECTOR

MR. DALE T. WILSON
ATTORNEY

October 3, 1990

Mr. Mark F. Simendinger
President
Carroll Properties, Inc.
7300 Turfway Road, Suite 150
Florence, Kentucky 41042

RE: Request of Turfway Park Racing Association, Inc., (owner) for Carroll Properties, Inc. (applicant) for a Zoning Map Amendment on a ±123.1 acre site located off both sides of the Houston Road Extension, both in Florence and in unincorporated Boone County, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD), Suburban Residential Two/Planned Development (SR-2/PD), Public Facilities/Planned Development (PF/PD) and Recreation/Planned Development (R/PD), to Commercial Two/Planned Development (C-2/PD) in order to allow a mixed use office/commercial development and an entertainment and exhibition facility.

Dear Mr. Simendinger:

The following represents potential conditions being considered by the Boone County Planning Commission Zone Change Committee as additions to your submitted Concept Development Plan, if approved. This letter is being faxed to you as the project applicant and owner.

If you are in agreement with these potential conditions listed below, please sign this letter where indicated. We ask that this letter be returned to our office no later than 3:00 p.m. today. Your request is on the agenda to be acted upon by the Boone County Planning Commission at tonight's Business Meeting. Please call me if you have any questions.

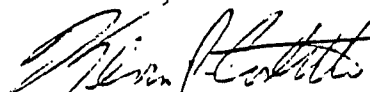
POTENTIAL CONDITIONS

1. The applicant shall agree not to take occupancy of the proposed Bigg's building and enclosed mall until the construction of the Houston Road Extension to Donaldson Highway is completed and open to the public. The three proposed uses along Turfway Road can be constructed prior to the completion of the Houston Road Extension to Donaldson Highway. The applicant shall further agree not to take occupancy of any other new building until the construction of the Houston Road Extension is substantially underway.
2. The applicant shall make the necessary road improvements to the I-75 southbound exit ramp and Houston Road Extension as stated in the applicant's traffic study, application and the correspondence from the Kentucky Transportation Cabinet (dated August 22, 1990).

3. If deemed appropriate by the Boone County Planning Commission, the Kentucky Transportation Cabinet, and St. Luke West Hospital, the southern access to Parcel B shall be relocated north on the Houston Road Extension in order to move it further away from the Houston Road and Turfway intersection. Such access should be located opposite from a new St. Luke West Hospital entrance.
4. The applicant will be required to share access from Parcel A to the adjoining properties to the north and south. Due to the planned shared access, the proposed ring road shall be designed to accommodate future traffic from the adjoining properties.
5. The proposed curb cut off Turfway Road serving Parcel B shall be limited to right turn in and out.
6. The proposed curb cut off the Houston Road Extension serving the major retail center on Parcel B shall be eliminated.
7. The proposed curb cut off the Houston Road Extension serving Parcel A and located closest to the northern property line shall be eliminated.
8. The applicant shall be required to negotiate with city/county officials to relocate all necessary utilities and to provide all necessary easements.
9. The applicant shall be required to pursue development of the proposed Entertainment/Mini-Convention Center facility in the first phase of development.
10. The applicant shall be required to build the proposed uses in accordance with the submitted Concept Development Plan presented at the August 22, 1990, Public Hearing with the exception of the proposed outlots on Parcel A. The outlot area shall be restricted to a maximum number of nine outlots with a total building square footage not to exceed 120,000 square feet. The proposed mix of office and commercial use will be 50% office and 50% commercial use for the outlot area.
11. The proposed Bigg's building and other associated anchor stores shall be moved approximately 50 feet northwest from the proposed location on the Concept Development Plan in order to expand the visual buffer from I-75. Consequently, the proposed buildings will be at a minimum 150 feet from the I-75 property line.
12. All proposed buildings shall be subject to the design review procedure and standards as stated in the Houston-Donaldson Study. In addition, all roof equipment and loading areas from the proposed retail building along I-75 shall be sufficiently screened from public view (I-75) with the use of preserving existing trees, new landscaping plant material, decorative building materials, and decorative retaining walls. Water features shall be required along I-75 and the Houston Road Extension as part of this development. All building design shall be consistent and in harmony with the Houston-Donaldson Study.

13. Generally, the existing trees located approximately 75 feet from the eastern property line shall not be removed. On the northern and southern property lines, all existing vegetation shall remain at a minimum 50 feet from each property line. Additional vegetation may be required to be preserved adjacent to the St. Luke West property at subsequent reviews. All trees to be removed on the site shall be identified on a subsequent development plan and reviewed and approved by the Boone County Planning Commission prior to any removal. The undisturbed areas shall be marked in the field and inspected by the Boone County Planning Commission.
14. The proposed development shall have at a minimum 22% green space. Each phase of the development submitted for review shall include calculations of green space area. In general, landscaping plans for the project shall include the following:
 - a) Provide planting islands between every 10 to 15 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate planting area. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet. For code required parking, one tree and three shrubs are to be utilized per 15 spaces.
 - b) Provide eight-foot wide landscape strips for every four rows of parking, or large planting islands at the ends of parking rows.
 - c) In addition, canopy tree plantings along the Houston Road Extension and other public streets of the proposed development shall be planted along with earthen berms as part of the application.
15. The applicant agrees to work with the City of Florence, Boone County, and area property owners and developers in arriving at a solution to the existing and forecasted traffic congestion at the Turfway Road/I-75 Interchange.
16. The applicant agrees to pay for the traffic signals which will be used to enter and exit the Bigg's site. The applicant shall negotiate with the Kentucky Transportation Cabinet and St. Luke West Hospital to place a traffic signal at the first entrance of the development off the Houston Road Extension.

Sincerely,



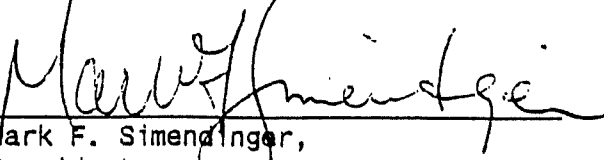
Kevin P. Costello, AICP
Assistant Director

KPC:mcb

Mr. Mark F. Simendinger
October 3, 1990

Page 4

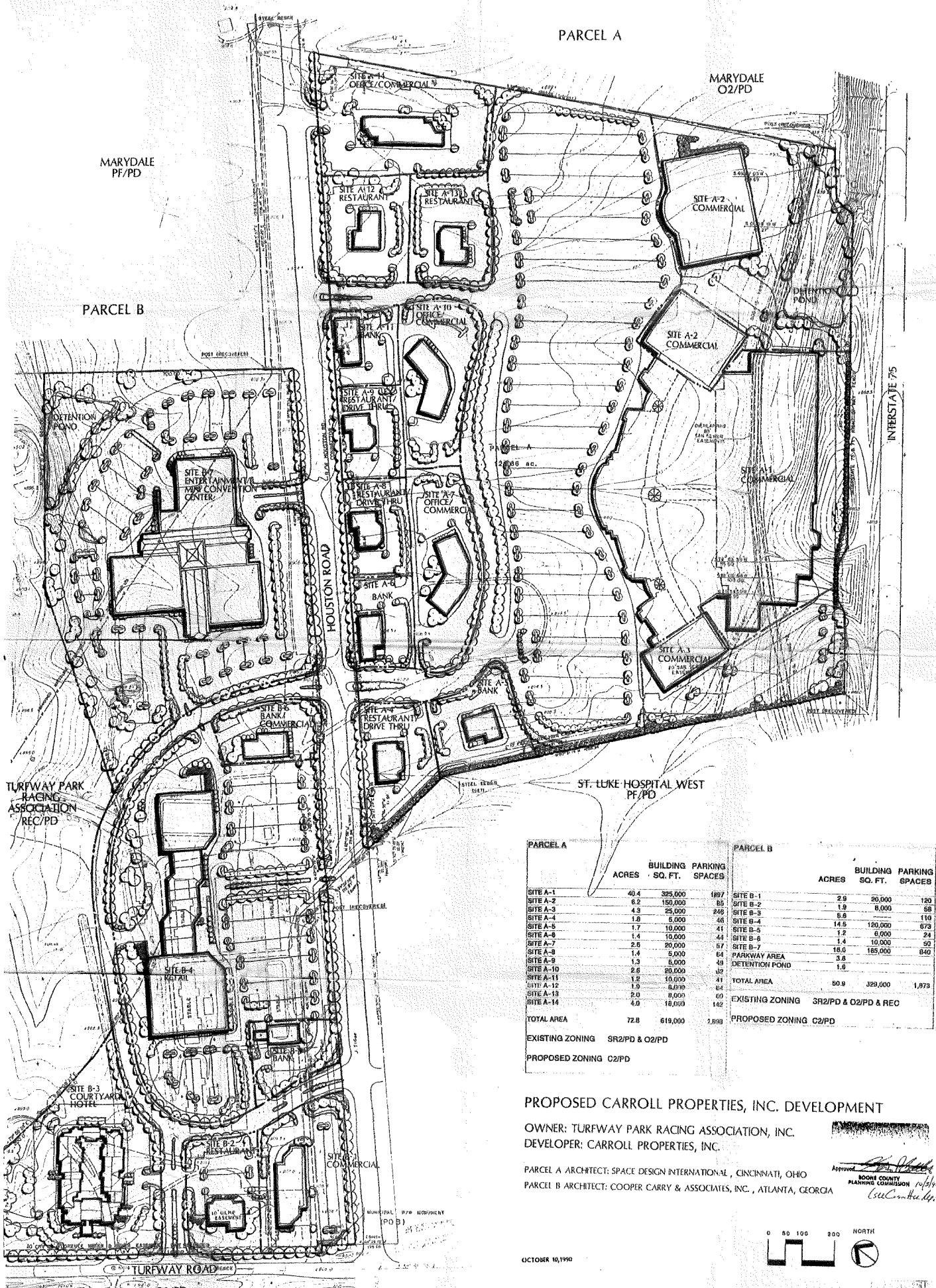
I, as applicant, agree to the above listed conditions for approval of the request of a Zoning Map Amendment.



Mark F. Simendinger,
President
Carroll Properties, Inc.

10 / 3 / 90

Date



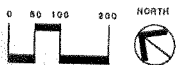
PARCEL A				PARCEL B			
	ACRES	BUILDING SQ. FT.	PARKING SPACES		ACRES	BUILDING SQ. FT.	PARKING SPACES
SITE A-1	40.4	325,000	1897	SITE B-1	2.9	20,000	120
SITE A-2	8.2	150,000	85	SITE B-2	1.9	8,000	58
SITE A-3	4.5	25,000	246	SITE B-3	8.6		110
SITE A-4	1.8	5,000	106	SITE B-4	14.5	120,000	673
SITE A-5	1.7	10,000	41	SITE B-5	1.2	6,000	24
SITE A-6	1.4	10,000	44	SITE B-6	1.4	10,000	50
SITE A-7	2.5	20,000	67	SITE B-7	18.0		840
SITE A-8	1.4	5,000	64	PARKWAY AREA	3.8		
SITE A-9	1.2	5,000	49	DETECTION POND	1.6		
SITE A-10	2.6	20,000	107				
SITE A-11	1.2	10,000	41	TOTAL AREA	50.9	329,000	1,973
SITE A-12	1.9	8,000	64	EXISTING ZONING	SR2/PD & O2/PD & REC		
SITE A-13	2.0	9,000	60	PROPOSED ZONING	C2/PD		
SITE A-14	4.8	18,000	142				
TOTAL AREA	72.8	619,000	2,899				

PROPOSED CARROLL PROPERTIES, INC. DEVELOPMENT

OWNER: TURFWAY PARK RACING ASSOCIATION, INC.
 DEVELOPER: CARROLL PROPERTIES, INC.

PARCEL A ARCHITECT: SPACE DESIGN INTERNATIONAL, CINCINNATI, OHIO
 PARCEL B ARCHITECT: COOPER CARRY & ASSOCIATES, INC., ATLANTA, GEORGIA

Approved: *[Signature]*
 BOONE COUNTY PLANNING COMMISSION
[Signature]



OCTOBER 10, 1990



MINUTES
BOONE COUNTY FISCAL COURT
NOVEMBER 20, 1990
5:30 P.M.

Attorney Crigler advised there were several changes to be made and it was also brought to the court's attention that Ordinance 840.2F would probably need to be revised as well.

It was the consensus of the court to defer this matter to the meeting of November 27th.

ORDINANCE 920.217 - TURFWAY PARK/CARROLL PROPERTIES

Judge Ferguson declared a public hearing in session at 8:00 P.M. to give consideration for second reading of Ordinance 920.217, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by Turfway Park Racing Association, Inc. (Owner) for Carroll Properties, Inc. (Applicant).

Judge Ferguson referred to the Kentucky Transportation Cabinet's Strategic Highway Plan for six years relative to the completion of the Houston/Donaldson Connector which includes turn lanes and advised the state's commitment in dollars for right of ways funding for FY 90 would be \$1,750,000, utility removal/relocation for FY 90 would be \$132,000.00 and the construction for FY 91 would be \$2,278,000.00.

Judge Ferguson recognized Mr. Gary Schneider, Vice President with Marketing & Planning of St. Luke Hospital. Mr. Schneider said that he was not opposed to Biggs, but expressed concerns regarding the potential for increased traffic, the distance between the hospital and the development, and the need for a traffic light.

Commissioner Melhaus advised that she had spoken with Mr. Joe Kearnes and he advised that a traffic light will be installed in the area in question.

Mr. John Bales questioned the economics of the development, questioning what Biggs would be bringing to the area that we did not already have and also noting there were several vacant buildings on Mall Road at the present time.

Mr. Bill Fromm, Director of the Boone County Planning Commission, said that, historically, marketing has never been done by a planning commission, however, the project is always scrutinized very closely as it comes through the planning commission. Mr. Fromm stated that marketing is usually done through agencies such as the Economic Development Department and the planning commission does work hand in hand with them. He further stated that a store as large as Biggs usually does it's own marketing analysis.

After a lengthy discussion relative to the need for a marketing analysis of the area, Judge Ferguson declared the public hearing closed at 8:20 P.M.

Commissioner Davis moved, seconded by Commissioner Patrick, to approve on second reading Ordinance 920.217, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY TURFWAY PARK RACING ASSOCIATION, INC. (OWNER) FOR CARROLL PROPERTIES, INC. (APPLICANT) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM OFFICE TWO/PLANNED DEVELOPMENT (O-2/PD), SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD), PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD), AND RECREATION/PLANNED DEVELOPMENT (R/PD) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) FOR 123.1 ACRE SITE GENERALLY LOCATED OFF BOTH SIDES OF THE HOUSTON ROAD EXTENSION, BOTH IN FLORENCE AND IN UNINCORPORATED BOONE COUNTY, KENTUCKY, 2.185 ACRES IN THE CITY OF FLORENCE), AS RECOMMENDED ON A VOTE OF 9-3 BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-37-90.

MINUTES
BOONE COUNTY FISCAL COURT
NOVEMBER 20, 1990
5:30 P.M.

Commissioner Meihaus stated that she had real reservations about the retail proposed within the development because the retail was too intense for the area and said that was stated in the Houston/Donaldson Road Study. Commissioner Meihaus also referred to a letter written by an engineer with the Kentucky Highway Department which stated that the traffic reported prepared by TIA substantially under estimated the traffic impact on the area as it did not include Marydale and what type of development they will have and what type of traffic they will generate, not did it include the area served by Hartman Road.

Commissioner Meihaus referred to another quote from the Highway Department: "While nothing is impossible given enough money, we do feel that the basic roadway system to serve this area is in place and with the exception of spot improvements, it is about all that can be anticipated in the future."

Commissioner Meihaus said there were three major areas of concern as far as bottleneck traffic that would be created. 1) She said the area coming off I-75 onto Houston Road will be addressed as there is a monetary commitment from Mr. Carroll of Turfway to work with the state to create two additional lanes to get the traffic off the interchange. 2) Commissioner Meihaus said that she did believe that Biggs will not open until the extension has been put through and 3) Commissioner Meihaus emphasized that the major sore spot of the traffic situation is Turfway Road where there is no indication that there will be any improvements for Turfway Road.

Commissioner Meihaus said that she feels Turfway road is already oversaturated and even one more car on the road would create additional problems. She further said her concern goes to St. Luke Hospital and in accommodating emergency vehicles safety wise if another 200 - 500 vehicles are added per day.

Commissioner Meihaus said that with no road improvements projected for Turfway in the six year plan, the court can only try to minimize the traffic impact by not allowing retail with a regional draw develop in the Houston Road corridor, as more than sixty percent of the traffic that Biggs will draw will be from out of this region. Commissioner Meihaus said that she was not against Biggs in Boone County and many of the residents would welcome competitive shopping, however, she said the location in question is not the appropriate site to handle retail of this magnitude as Turfway Road is a weak link in the road system.

Commissioner Meihaus said that the Houston/Donaldson Study developed by the Boone County Planning Commission received the 1988 highest award from the Kentucky Chapter of the American Planning Association and the purpose of the awards program is to recognize outstanding achievements in planning in Kentucky. She said the Houston/Donaldson Study developed strong and innovative land use controls to guide development in this corridor which is experiencing rapid growth and the study recommends employment district for this area with emphasis on office developments and high technology industrial uses. Commissioner Meihaus further stated that with Delta expanding its activities at the airport, 2800 jobs will be created and more companies will look to this area as a viable location for regional or corporate offices.

Commissioner Meihaus said that both the Comprehensive Plan and the Houston/Donaldson Study state that retail should stay within the Mall Road perimeter and there are now two new ramps to accommodate the traffic.

Commissioner Meihaus stated that Boone County can be a role model for orderly and innovative growth and that she commends Mr. Carroll for his Turfway Race Course improvements and his office complexes as they are first class assets to Boone County and his projected developments (hotel, convention center and entertainment facilities) on the Houston/Donaldson extension are

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really exciting, however, she said she can only fault the regional retail proposal as it is entirely too intense for the area and the traffic it will generate will certainly effect the safety, health and welfare of Boone Countians.

Following further discussion, Judge Ferguson called for a vote on the motion, Commissioner Patrick voted AYE, Commissioner Meihaus voted NO, Commissioner Davis voted AYE, and Judge Ferguson voted AYE, Motion Carried. Exhibit "D"

920.218 - ARTICLE 9A

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve on second reading Ordinance 920.218, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL TO ADOPT AN AMENDMENT TO THE BOONE COUNTY ZONING REGULATIONS AND SUCH AMENDMENT BEING A CHANGE TO ARTICLE 9a ALLOWING TEMPORARY COMMERCIAL DISPLAYS IN A RECREATION ZONING DISTRICT AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION ON A 11-1 VOTE VIA RESOLUTION R-38-90. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "E"

ORDINANCE NO. BO-11-06-90-01

Commissioner Meihaus moved, seconded by Commissioner Davis, to approve on second reading Bond Ordinance No. BO-11-06-90-01, an ordinance authorizing certain amendments to the \$7,500,000 Industrial Building Revenue Bonds (Bemis Company, Inc. Project) of the County of Boone, Kentucky issued December 21, 1981, the proceeds of which were loaned to Bemis Company, Inc. to finance the acquisition, construction, installation and equipping of an industrial building facility for use as an industrial facility, authorizing a First Supplemental Loan Agreement, a First Supplemental Bond Purchase Agreement and a Substitute Bond and authorizing such other actions as may be necessary in connection with the amendments to such bonds. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "F"

ORDINANCE 920.219 - AKIN & MILLER

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve on first reading Ordinance 920.219, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY AKIN & MILLER LAND DEVELOPERS (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN (RS) FOR A 67.9 ACRE SITE GENERALLY LOCATED WEST OF TANNER ROAD AND ADJACENT TO PARLOR GROVE SUBDIVISION, BOONE COUNTY, KENTUCKY AS RECOMMENDED A 10-2 VOTE BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-39-90. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Patrick requested to be excused at 8:50 P.M.

Attorney Crigler requested that the court enter Executive Session to discuss pending litigation. Commissioner Meihaus moved, seconded by Commissioner Davis, to enter Executive Session at 8:50 P.M. All present voting AYE.

Commissioner Davis moved, seconded by Commissioner Meihaus, to reconvene in Open Session at 10:05 P.M. All present voting AYE.

Judge Ferguson advised there was no action to be taken as a result of Executive Session.

Commissioner Patrick returned to court during Executive Session.