

## STAFF REPORT

### REQUEST OF GBBN ARCHITECTS FOR SCHLEPER INDUSTRIES, LTD. AND H.A.D. ENTERPRISES FOR A ZONING MAP AMENDMENT FOR PROPERTY OWNED BY H. GORDON MARTIN, JIM HUFF, MARK ARNZEN, AND RALPH DREES

August 3, 1988

This is a request of GBBN Architects for a Zoning Map Amendment on a 201.57 acre parcel located at the northeast quadrant of I-275 and KY 237. The request is to rezone the property from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) in order to develop Southpark, a combination industrial, commercial, and apartment development.

#### CHARACTERISTICS OF THE SITE

The 201.57 acre site is composed of two properties and contains a large, fairly level area used for agricultural purposes. The rear portion of the site, however, slopes steeply to Elijah's Creek to the east and the H.A.D. Enterprises property contains a pronounced stream valley. There are several smaller tributary valleys on that portion of the site. Two ponds exist on the site and an overhead electric transmission line forms the current boundary of the C-3 and SR-1 zones. There is an existing, abandoned farm house and pole barn on the H.A.D. Enterprises property.

Current access to the site is by Kilgore Place, a former State Highway service road which has recently been turned over to county maintenance. Kilgore Place is a tar and chip road with a gravel cover and intersects KY 237 approximately 800 feet north of the I-275 westbound exit ramp.

Soils present include Cynthiana flaggy silty clay loam (CyF) usually found on 20 to 50 percent slopes, Jessup Silt Loam (JeD) usually found on 12 to 20 percent slopes, and two types of Rossmoyne Silt Loam (RSB and RSC) usually found on 0 to 12 percent slopes. The CyF soils present a severe hazard of erosion, and the JeD soils present some hazard of erosion. The Kope bedrock formation does occur immediately along Elijah's Creek.

#### SURROUNDING LAND USES AND ZONING

I-275 and its Hebron interchange form much of the southern and western boundaries of the site. Also to the southeast is the land locked Carder-Dolwick Preserve owned by The Hillside Trust. This +37 acre site contains very steep, wooded slopes and is zoned Recreation (R). Between this property and I-275 are several other land locked properties that contain wooded slopes and are zoned Commercial Services (C-3) and Suburban Residential One (SR-1).

To the west, across KY 237 is a large agricultural area zoned Commercial Interchange (C-4) and Suburban Residential One (SR-1). Surrounded on three sides by the site on Kilgore Place are two residential properties zoned Commercial Services (C-3) and Suburban Residential One (SR-1). Across Elijah's Creek to the east are the steep, wooded slopes of the creek valley, which are zoned Agricultural Estate (A-2).

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan depicts the site as future Commercial uses near the interchange and some Medium Density Residential along KY 237 with most of the site being Rural Lands (RL), and the rear portion as Developmentally Sensitive (DS).

Pages B-14, B-15, and B-16 of the Business Activity Element discuss future economic development in the area.

"Commercial development in Hebron will center around new KY 237."

#### "Areas of Future Industrial Activity

The I-275 and KY 237 interchange will experience limited industrial growth to its south although the area north of the interchange should retain its residential character with some commercial activity. Besides offering locational advantages of the two highways, this area is only minutes from the airport. As the northern part of the county experiences manufacturing growth along I-275, the income levels of the work force should rise. This will accompany a continuing decrease in agricultural activity and an increase in nearby residential land use.

To the east of the airport, the Mineola-Circleport-KY 236 area will be an area of great industrial growth in the county. High-tech industry and airport related services should be encouraged at the I-275 interchanges and in the runway clear zones east and north of the airport."

Pages L-12 and L-13 of the Land Use Element address overall development of the area.

"North of I-275 along KY 237, light industrial or highway commercial development should occur only within a few hundred feet of the interstate.

The balance of this area should become a residential area. Both Graves Road and KY 237 will experience medium density residential growth in the form of small scale subdivisions. The western portion of Tanners Road will remain in a medium density residential character."

The Goals and Objectives of the Land Use Element are relevant because of this request's potential impact on the growth patterns of the surrounding area.

"Goal:

To ensure quality development of the county's residential, commercial, industrial, recreational, and agricultural interests that (1) are adequately supported by required public facilities and services, (2) are located and designed according to acceptable standards, and (3) meet the current and future needs of county residents.

Objectives:

1. Future land use shall occur in environmentally suitable areas, or where measures have been taken to eliminate environmental problems.
2. Land use shall occur first where infrastructure systems exist which are suited to accommodate such use would be logically extended or are provided as part of the development.
3. Land use growth shall occur both adjacent to existing centers of development and in the creation of new communities.
4. There shall be a hierarchy of land uses, specialized to create centers of intense use, with less intense use occurring outward from those centers."

Several objectives of the Business Activity Element pertain to this request.

"Goal:

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

Objectives:

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

Commercial

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

Industrial

1. Industries shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to locate near railroads, highways, airports and or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages."

Several objectives of the Public Facilities and Services Element are important to the Hebron-Francisville area.

- "2. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban forms. Such systems shall not be so oversized or otherwise over-built that they may commit an area, consciously or unconsciously, to a development pattern which is not desired or selected.
3. Priorities for growth within any individual infrastructure system shall be as the opportunity allows for funding or construction, provided no one system over-builds or commits excessive urban growth.
4. Individual sewer, water, school, and fire jurisdictions shall be integrated and coordinated on the basis of county-wide cohesive service areas and networks."

The Recreation Goals and Objectives pertain mostly to the eastern one-half of the site.

"Goal:

To ensure that adequate recreation facilities and programs are provided; preserve significant natural features and historic sites; and provide open space for public use.

Objectives:

1. Land acquisition for parks and open space creation shall be used to (1) preserve scenic and natural areas of significant and unique qualities; (2) provide activity centers close to established and developing residential areas."

SOUTHPARK CONCEPT DEVELOPMENT PLAN

The submitted plan indicates 20 industrial lots accessed by SouthPark Drive and three cul-de-sacs off that drive. SouthPark Drive would intersect KY 237 at approximately the location of the existing farmhouse and curve to the east of the Poston property onto the Martin property. A future right-of-way or connection is shown along the power transmission lines to the landlocked properties to the southeast along I-275. Kilgore Place is not to be used for access to this development.

The plan indicates 8 acres of commercial uses at the entrance point on KY 237. A 26 acre area along the north edge of the site is shown as future apartment development. The traffic impact study conducted by Pflum, Klausmeier, & Gehrum Consultants, and submitted by the applicant indicates a total of 44,500 gross square feet of commercial space and a total of 200 apartment units for a maximum density of 8 dwelling units per acre. Approximately 15 acres of industrial lots 'T' and 'S' and part of the requested 26 acre UR-1 zone area are designated as Developmentally Sensitive. The traffic impact study also indicates a buildout period of five to eight years for the entire project.

The applicant has submitted a descriptive letter that is attached to this report, and a set of Protective Covenants which include discussion of design aspects and further definition of proposed land uses for the industrial portion of the development. Also included is written information on Litton Industries and other industrial growth in Northern Kentucky and airport growth. Preliminary geotechnical information as well as written contact with the Hillside Trust has been submitted.

PUBLIC FACILITIES

The Boone County Water District is currently constructing a 12 inch water line to serve residential growth along North Bend Road (KY 237). The site is within the Hebron Fire District. The submitted plan indicates the placement of a sanitary treatment plant on the Developmentally Sensitive portion of Lot 'T'.

STAFF CONCERNS

1. Much of the eastern half of the 201.57 acre site contains a wide variety of vegetation, wildlife, and steep slopes. Industrial lots 'D', 'T', and 'S' need to be reviewed in terms of their suitability for industrial uses, and the impact of their development on adjacent natural areas including The Hillside Trust property. The soils present on this portion of the site also present hazard of erosion upon development. The preliminary geotechnical information supplied by the applicant indicates that the hillsides need to be respected for slope stability reasons.
2. Access by way of public right-of-way should be reviewed for The Hillside Trust property, any areas proposed to be donated to the county by the applicant, and other land-locked parcels along I-275.
3. ACCESS

The staff would like to commend the property owners for working together to combine their access onto KY 237. Should this development be approved, SouthPark Drive would serve both property owners as well as future development in the area. In order to achieve maximum sight distance, the intersection of SouthPark Drive and KY 237 has been determined to be best situated at a point approximately 30 feet north of the existing residential driveway cut (at the top of the rise). Staff has met with Jack Gehrum of Pflum, Klausmeier, & Gehrum and Forrest Rankin of KDOT, to insure that the access point is at the safest location. The site check revealed that the road bank to the north would need to be cut back and cleared to also help provide better site distance.

The applicant has provided a diagram of the proposed intersection, showing the proposed configuration. The illustration shows a short left turning lane for south bound cars on KY 237, and a deceleration lane for vehicles turning right into the development. Staff feels that the storage lane for right turns onto Southpark Drive should be lengthened to 100', with a 100' taper. The applicant has agreed to work with KDOT to provide adequate signage and striping of the intersection.

INTERNAL CIRCULATION

The staff has a few minor concerns regarding the internal circulation of the development. Again, the developer should be commended on the layout of the development, in that only three industrial lots have direct access onto Southpark Drive. However, the driveway on lot A should be aligned with the drive for the planned residential development.

In addition, the commercial development driveways should intersect SouthPark Drive further from KY 237 to allow adequate stacking distance where trucks are present. Staff suggests that 300 feet be considered in place of the 200 feet shown on the submitted plan. A left turn lane should be provided on SouthPark Drive for east bound traffic and at the proposed residential drive. The developer should be encouraged to design a boulevard road from KY 237 and the entrance to the proposed residential development. In addition to providing a landscaping amenity to the development, it would serve to delineate the turning lanes on this section to SouthPark Drive, and help convey the image of a mixed-use development.

Staff has a concern with the extension of SouthPark Drive to the south. Although the Concept Development Plan shows a future roadway alignment, the applicant has not indicated if the right-of-way is to be dedicated or when the road is to be built.

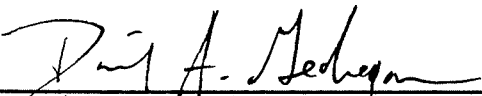
The applicant should be encouraged to continue pursuing the Poston property into the overall plan in order to enable a SouthPark Drive alignment that has less impact on the land. Otherwise the provision of access to the Poston property from SouthPark Drive needs to be considered.

4. The submitted information contains no specific description of the planned commercial uses other than the requested Commercial Two (C-2) zoning district. Staff is assuming that the 44,500 square foot total listed in the traffic impact study is the correct figure for building coverage on the 8 acre requested C-2 zone. The applicant should identify if gasoline sales are planned.
5. The applicant has indicated a total buildout of five to eight years. More specific phasing of the project should be described.
6. Because of the size of the development and the potential number of employees, a pathway system should be considered throughout the development which could substitute in part for sidewalk requirements.
7. The location of the sanitary sewer plant is of concern because of its proposed location on the steep slopes of the Elijah Creek valley. Also, because of the topography, it is questionable whether the apartment development could be served by the proposed plant. The Boone County Water and Sewer Commission is currently having consultants prepare a county-wide sanitary sewerage plan that may impact this area.

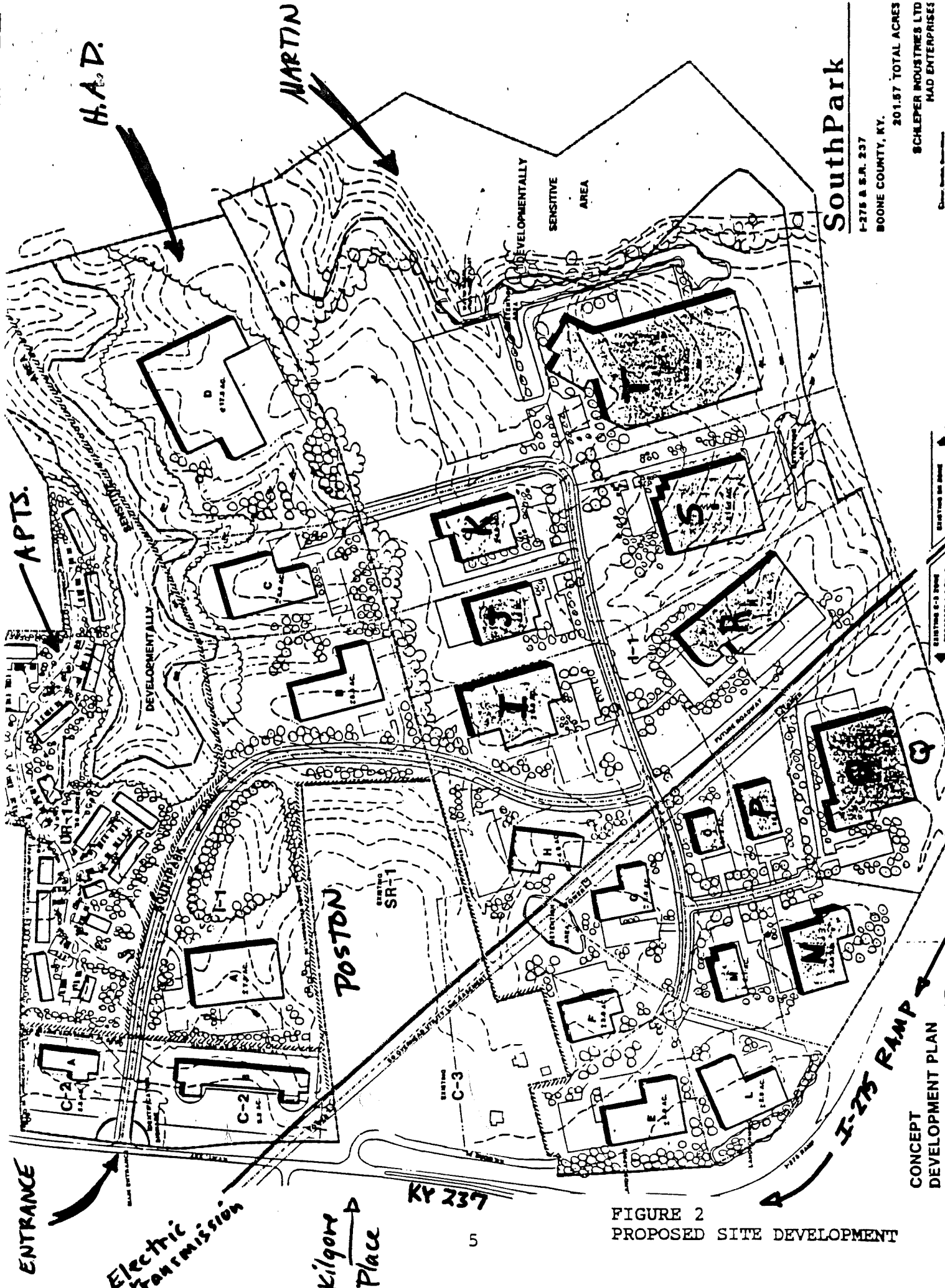
8. Staff suggests that the existing pond on the Martin property be retained to not only provide stormwater retention but potentially for recreation or aesthetic purposes.
9. The rear of industrial lots 'E', 'L', 'N', and 'Q' will be visible from KY 237 and the I-275 westbound exit ramp. In addition to careful landscaping and landforming, increased rear yard setbacks should be considered. The applicant should also specify a design for the commercial area as well as a description of signage plans.
10. Emergency access connections with gates should be considered to lot 'Q' and between lots 'B' & 'C' in order to provide alternate paths to cul-de-sac areas. The applicant needs to specifically describe fire protection needs and whether this can be provided by the Hebron Fire District. The 12 inch water line under construction along KY 237 is in response to residential growth north along KY 237 and was intended primarily to serve that growth. Some industrial uses can potentially use great amounts of water and could impact growth patterns of the area north of I-275, especially with industrial fire flow needs.

CONCLUSION

This Zoning Map Amendment request has a potentially great impact on the Hebron-Francisville area because of future growth characteristics, developmentally sensitive areas, the transportation system, and public facilities for the area. The Boone County Planning Commission and Boone County Fiscal Court need to review this request in terms of the three criteria necessary for a Zoning Map Amendment and the impact of such a development on the future growth of the KY 237 corridor. Should the request be approved, the Future Land Use Map and the text of the Business Activity Element would need to be adjusted.

  
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David A. Geohegan  
Planner/Plans Examiner

DAG:jdh

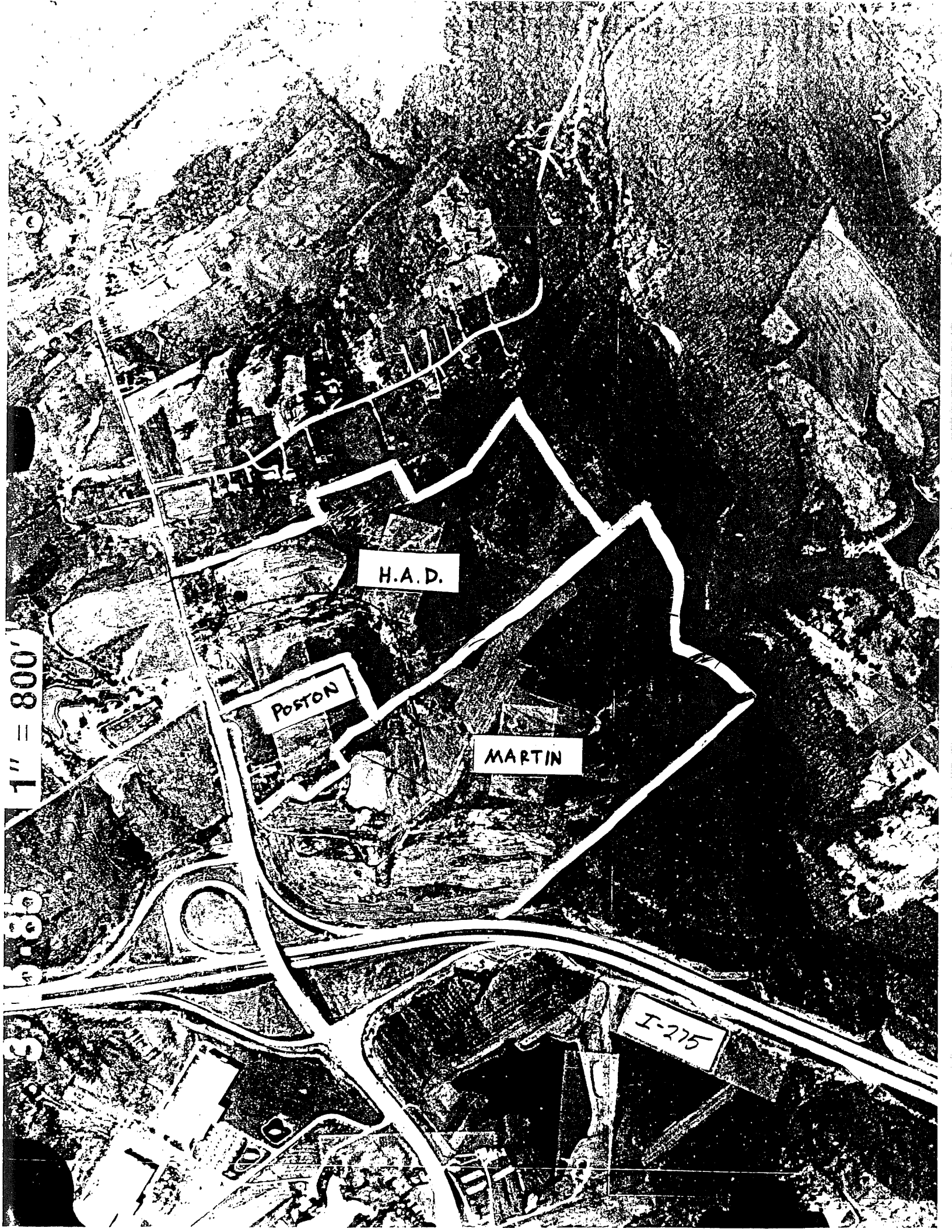


SouthPark

1-275 & S.R. 237  
 BOONE COUNTY, KY.  
 201.57 TOTAL ACRES  
 SCHLEPER INDUSTRIES LTD  
 HAD ENTERPRISES

FIGURE 2  
 PROPOSED SITE DEVELOPMENT

CONCEPT  
 DEVELOPMENT PLAN



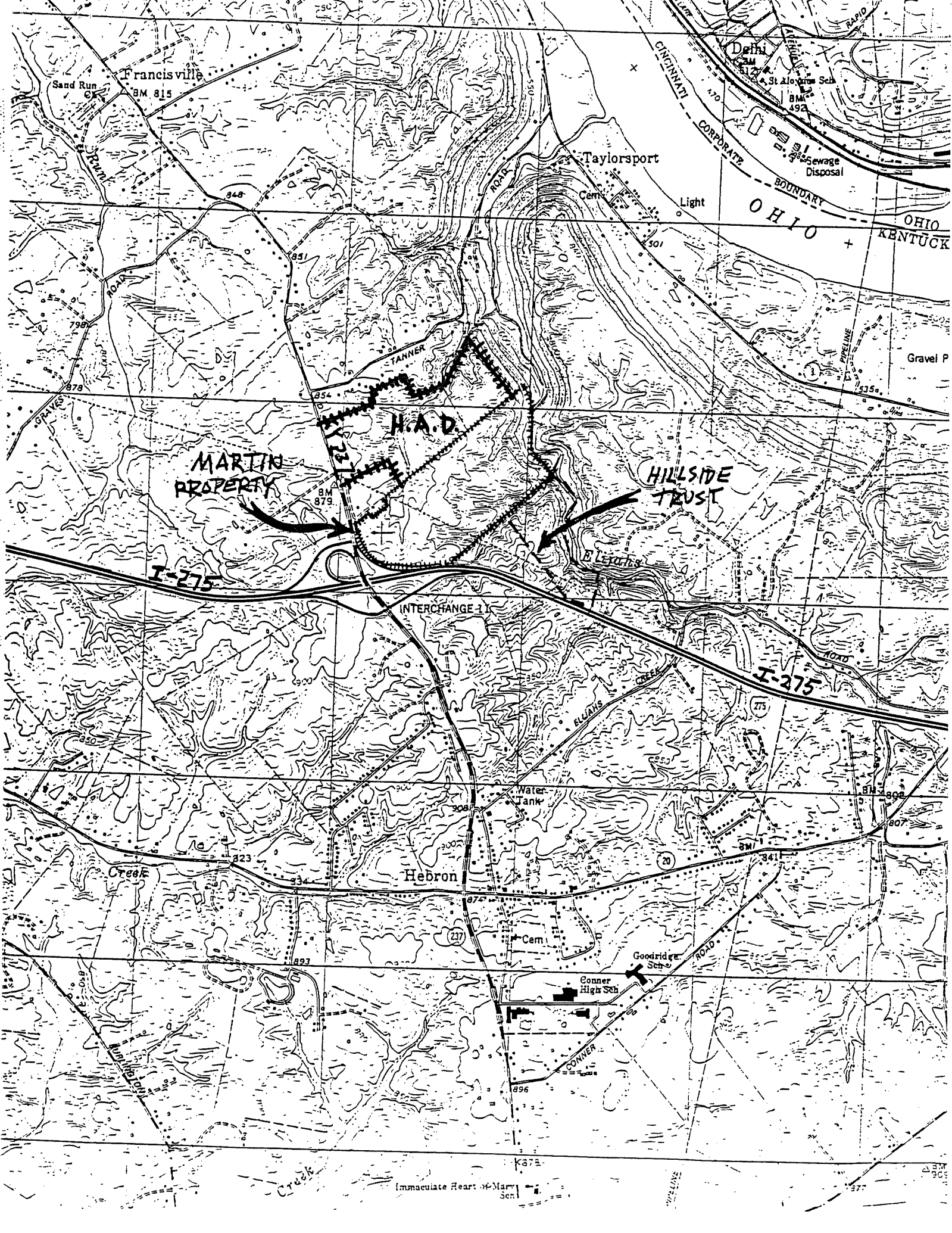
H.A.D.

POSTON

MARTIN

I-275

1" = 800'



Francisville  
BM 815

Taylor'sport

Dehi  
St. Alois Sch  
BM 492

OHIO  
OHIO KENTUCKY

MARTIN  
PROPERTY

H.A.D.

HILLSIDE  
TRUST

I-275

INTERCHANGE 11

I-275

Hebron

Water  
Tank

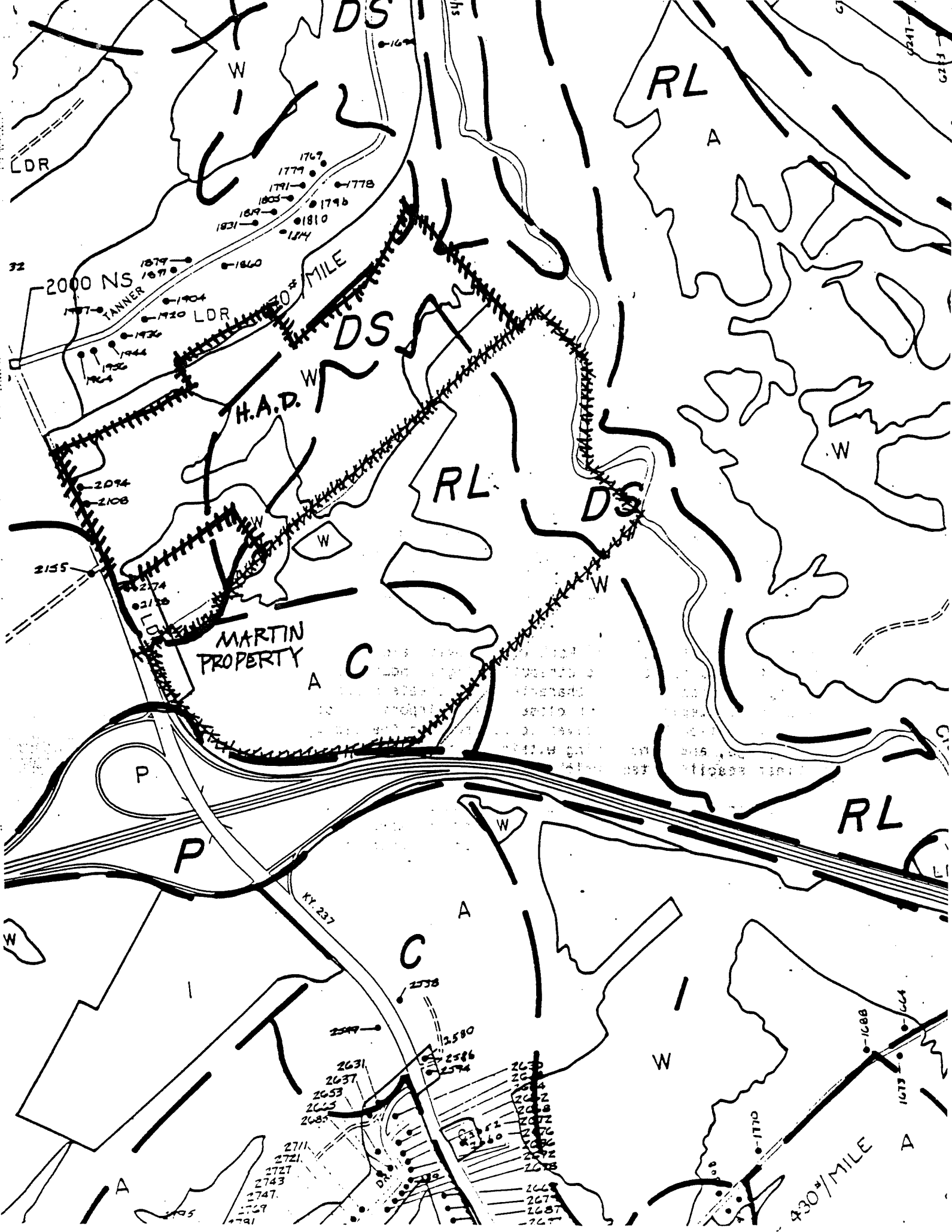
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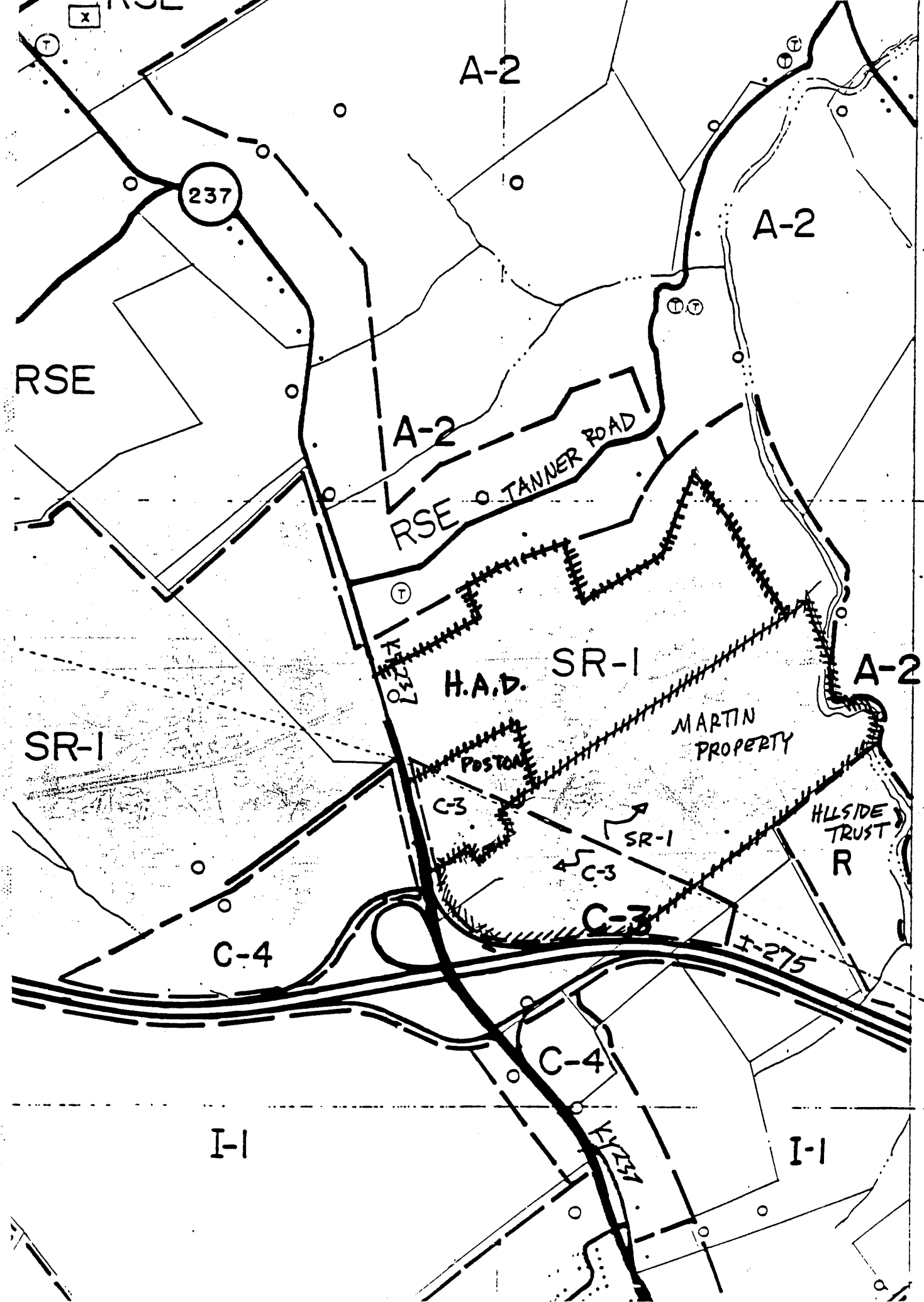
Goodridge  
Sch

Conner  
High Sch

Inmaculate Heart of Mary  
Sch

BM 808





July 29, 1988

Mr. William Vlox  
Chairman  
Boone County Planning Commission  
P.O. Box 697  
Burlington, KY 41005

Re: SouthPark

Dear Chairman Vlox,

We are placing a revised plan for SouthPark before the Boone County Planning Commission (Exhibit 1). SouthPark is the new name selected to replace Southbelt Business Park now that the development has been modified to include the Huff-Arnzen-Drees property located immediately to the north. This plan reflects close cooperation of the Boone County Planning Commission staff, Schleper Industries, Ltd. which represents 125.17 acres and HAD Enterprises representing 76.39 acres of the total 201.56 acre park. The plan proposes a planned mixed use development which includes Industrial I-1, Commercial C-2, and Residential UR-1.

During meetings with the Boone County Planning Commission, the Boone County Planning Commission staff, and adjacent land owners, key issues were identified. Schleper Industries and HAD Enterprises recognizes the importance of these concerns and have authored a plan which addresses the short and long range goals of the community which include:

- Sensitivity to the developable and undevelopable land at the north-east quadrant of KY 237 and I-275. The plan recognizes the limitations of the requested zoning, the developmentally sensitive land, existing properties on Kilgore Place, Tanners Lane and essentially master plans the entire quadrant.
- The proposed entrance to SouthPark is located at the crest of the hill on KY 237 as recommended by the Kentucky Department of Transportation and the Boone County Planning Commission staff. The main access road through the park is located to allow for its future extension to serve potentially developable land to the east. Access and special buffering is also provided to property owned by the Hillside Trust as they requested.

Mr. William Vlox  
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SouthPark provides the logical reorganization of zone lines to reflect the topography, accessibility, and adjacent land use. C-2 Commercial is eliminated from the most southern portion of the site and is relocated along KY 237 for neighborhood retail. Industrial I-1 use is proposed on the developable southern areas of the site adjacent to I-275. Residential UR-1 with a maximum eight units per acre is located at the northern area adjacent to Tanners Lane Residential.

There is a tremendous need for this development and this is an opportunity for the Planning Commission to control and assure the sensitive development of over 200 acres at this interchange. We have attached as an integral part of our presentation supportive data which justifies a zone change at this location. The present zoning classifications are inappropriate and do not reflect recent economic changes or the opportunity to address new planning visions of a far-reaching nature as suggested in the comprehensive plan.

I would, at this time, like to review items of a specific nature which further support our request for a zone change and articulate in greater detail the justification for this request.

1. Findings of fact:

- a. SouthPark is in agreement with the comprehensive plan as referenced in the staff's comments (Exhibit 2). These are clearly identified in the comprehensive plan's goal to provide appropriate locations for industries or businesses compatible with others located in the county.
- b. SouthPark is consistent with the comprehensive plan in that it provides the Planning Commission the opportunity to look at approximately 200 acres in the context of an even larger part of the county. By providing access through SouthPark, the opportunity exists to provide a major access from the interchange to another large tract of developable property in the future.
- c. The existing zoning classifications for the property are inappropriate and the proposed zone classification is appropriate for the following reasons:

1. The existing C-3 zone consists of approximately 36 acres and would provide approximately 392,000 sq.ft. of potential retail space. The remaining SR1 property of 147 acres when combined with this retail would generate approximately 16,077 total ADT (Average Daily Trips) for the present site. The proposed SouthPark will generate 9,948 ADT. The present access to this southern portion of the site via Kilgore Place is incapable of handling even the existing zoning classification (Exhibit 3 P.K.G. letter).
  2. The present zone lines follow the existing power line easement. This is inappropriate in terms of prudent land planning since the C3 zone is accessed only via Kilgore Place. The SouthPark plan reduces the amount of commercial in this quadrant by approximately 25 acres or 250,000 sq.ft. of retail. This will provide a neighborhood shopping environment and protect the interchange in terms of traffic and appearance.
- d. There has been major changes of an economic nature which were not anticipated in the originally adopted or the 1986 amended versions of the comprehensive plan which is altering the character of the area. This is now evidenced in the following manner:
1. The Greater Cincinnati International Airport has in one year increased its total passengers by 2,532,257 or 53.6% increase. During that same time, the freight volume has increased by 12,669,871 pounds or 100% increase since the comprehensive plan was revised. The weekly number of flights has increased by 1,000 departures or approximately 80% since the plan was revised (Exhibit 4).
  2. Since the comprehensive plan was revised in 1986, Comair has added a new \$5 million office complex and a 6800 sf. transfer terminal to Concourse D, also Delta has completed its \$45 million terminal expansion which includes Concourse D, a new 30,000 sf. air cargo facility, and a new 26,000 sf. international facility in Concourse D.
  3. For the airport, 1987 was its greatest period of growth since the construction of two new terminals and rebuilding of an existing terminal in the early 1970's.
  4. The statistics point toward an even greater growth in the near future with the current Delta \$17 million expansion for material handling and additional office space. The airport will also start construction of a new \$15 million parking garage this year. Also, the airport has just recently received F.A.A. approval for construction of new 10,000-foot north-south runway costing approximately \$62 million.

5. The airport's 1987 annual report points out that "throughout its history the airport has been a catalyst for economic development in the area" and "hundreds of businesses and manufacturing companies have located near the airport in Northern Kentucky to take advantage of the expanding level of air service". Also, the expansion by Delta and Comair has opened new markets and business opportunities for local area firms.
6. The comprehensive plan identifies the airport and interchanges as major magnets for light industrial use. This is referenced in the April 27 Staff Report (Exhibit 5). The Kentucky 237 Interchange is the first interchange west of the airport exit. The Circleport and Hooker Developments at Mineola Pike Interchange are being absorbed at a rapid rate. Circleport recently announced seven new users. These developments are the only market place present for light industrial. Light industrial has also proceeded to the west as demonstrated at the Kentucky 237 Interchange in 1987 by Litton's 85,000 sf. Systems Engineering Facility (Exhibit 6).
7. Please find attached a market study prepared by Thomas M. Powers, industrial property specialist with Coldwell Banker (Exhibit 7), which clearly demonstrates the need for this type of business park. As he noted, there would be 3-4 times the amount of selection in the Northern Cincinnati area for this type of property. Mr. M. Winston Johnson, area development representative with CG&E, and Mr. James F. West, executive director of Tri-County Economic Corporation, also support this need (Exhibits 8 and 9).

## 2. The Domino Argument

- a. Domino Argument is inappropriate since SouthPark is surrounded on two sides by interstate and state highways and on the other two sides by heavy topography and existing single family on Tanners Lane. Much of the eastern area of SouthPark consists of slopes in excess of 20%, which is usually termed "out-of-bounds" for development by Boone County Planning Commission Staff. Consequently, these developmentally sensitive eastern areas have been identified as permanent open spaces by the developers. The northerly area of SouthPark is identified for residential use. This 26 acre area is adjacent to the residential area on Tanners Lane and will adequately buffer the existing use and eliminate the domino argument in that direction.
- b. The Helman Farm west of Kentucky 237 consists of over 600 acres with a mile of frontage and access to other roads. This property can also be intelligently master planned to allow for a mixed use development consistent with the comprehensive plan.

- c. Each individual zone change request is required to stand alone on its merits and approval process.

### 3. Traffic

- . Please find attached a complete report prepared by Pflum, Klausmeier and Gerhum. This report (Exhibit 10, P.K.G. Study) analyses the entire SouthPark development and its access with Ky 237 and the Interchange. Mr. Gerhum has met with the staff's transportation planner and the Kentucky Dept. of Highways. All agree that the traffic generated or its intersection with Ky 237 would not adversely affect the community.

### 4. Permitted Uses

- . The developer will include, as an integral part of the deed restrictions for the property, protective covenants (Exhibits 11 and 12). These covenants are more restrictive than what is permitted in the present zoning and include the elimination of the following permitted I-1 principal, accessory and conditional uses:

- . #22P - Laundering, dry-cleaning, and dyeing services including rugs, linen supply and industrial laundry services (this is a high water user).
- . #34P - Public warehousing (this eliminates heavy traffic and unsightly environment).
- . #41P - Truck stops (this eliminates unnecessary heavy truck traffic and unsightly environment).
- . #4A - Marine freight terminals (this eliminates unnecessary heavy truck traffic and unsightly environment).
- . #1C - Blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting; distillation of bones, coal or wood (this eliminates unsightly environment and undesirable emissions).
- . #5C - Gasoline service stations (this eliminates unnecessary heavy traffic and possible unsightly environment).

### 5. Geotechnical Investigation

- . We have attached a preliminary geotechnical investigation prepared by the H.C. Nutting Co. (Exhibit 13) which provides the following conclusions:

- . "It is our opinion that the proposed development can be successfully completed through proper design and construction procedures".
- . "Potential erosion problems and run-off can be controlled on the site by detention basins and proper channel stabilization."

Mr. William Viox

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- "Field reconnaissance and previous borings in the general area indicate favorable site and sub-surface conditions for development of the park."

#### 6. Utilities

- The proposed sanitary treatment plant will be sensitively placed to respect the hillside and slopes. The plant will be owned and operated by the Boone County Sewer and Water District which will assure the plant operation is correct and the effluent acceptable to EPA standards. Uses generating objectionable effluent are not allowed in the I-1 zoning district and are also controlled by the protective covenants.
- The existing 12" water line is adequate to serve this and other property development in the area. Through protective covenant the developer has eliminated those uses generating large amounts of water use.

#### 7. Hebron Fire District

- Attached please find a study of the estimated annual Boone County property and payroll taxes for the proposed SouthPark development (Exhibit 14).
- A total of \$639,886.00 is the total estimated annual Boone County property and payroll tax proceeds. This includes \$40,975.00 estimated annual Hebron fire district proceeds. Thus, adequate tax dollars are generated to assist in providing for new equipment and there is adequate absorption time to plan for this growth.

#### 8. Adjacent Property Owners

- SouthPark provides within its boundaries the natural buffers to separate the proposed land uses. Natural ravines separate the I-1 from the UR-1 residential use, as do the large ravines to the east separates the I-1 from the recreational and SR-1 areas.
- The views of lots E, L, N, and Q from the interchange have been addressed by protective covenants controlling orientation and building materials together with landforming along the exit ramp.
- We have met with Robin Carrothers, Executive Director of the Hillside Trust. The Hillside Trust has approximately 37 acres which adjoins SouthPark. The plan has identified approximately 24.1 acres for permanently dedicated open space, much of which abuts the Hillside Trust property. The total of these two parcels will assure 52 acres of permanent open space in the area of the Carter Dolwick nature preserve. Drainage will be handled so as not to adversely affect the neighbors or environment. The attached conference memo (Exhibit 15) articulates the developer's agreement with the Hillside Trust relative to access, protection, and construction concerns.

Mr. William Viox  
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July 29, 1988

It is our intention to present at public hearing the evening of August 3, 1988, a complete and comprehensive presentation which I trust will enable the Planning Commission to support this project. Should there be any questions following your review of this information please do not hesitate to call.

Very truly yours,

Robert E. Gramann, FAIA  
GBBN Architects

/sw

cc: Schleper Industries  
HAD Enterprises  
H. Gordon Martin

APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: GBBN Architects, Robert E. Gramann, FAIA  Owner

~~XXXXXXXX~~ For: Schleper Industries, Ltd. and H.A.D. Enterprises  Agent

6948 Oakwood Drive, Florence, KY 41042 Telephone: 525-8700 *Ohio 241-8700*

Location: Northeast Quadrant I-275 and Kentucky 237

Name of Property Owner: H. Gordon Martin, Jim Huff, Mark Arnzen & Ralph Drees  
c/o Schleper Industries, Ltd.

Address of Property Owner: 1452 Donaldson Road, Erlanger, KY 41018

Zoning District: Hebron Area in Acres: 201.57 Acres

Deed Book: Parcel 1-368 Page Number: 143 Group Number: 2002  
Parcel 2-203 Page Number: 417 Group Number: 2002

Description of Request: Proposed I-1 Industrial, C-2 Commercial, SR-2

Residential, ~~XXXXXXXXXX~~ for existing C-3 and SR-1 zone. Applicant  
requests special Public Hearing date to be set - required fee has been  
remitted previously. for August 3, 1988.

Applicant's Signature: *[Signature]*

Property Owner's Signature: *[Signature]*

*Change to UZ-1 see letter on file*

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

August 3, 1988

7:00 P.M.

SPECIAL PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. Applicant: GBBN Architects for H. Gordon Martin and H.A.D. Enterprises (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of GBBN Architects (applicant) for H. Gordon Martin and H.A.D. Enterprises (owner) for a Zoning Map Amendment for a 201.57-acre site located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1). A Special Public Hearing is being requested for August 3, 1988 prior to the Business Meeting.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if there was a representative of the applicant present.

Mr. Bob Gramann of GBBN Architects discussed the previous applications in regard to this site. The current application is a revised SouthPark development which now involves approximately 201 acres. They met with the Kentucky Department of Transportation and the Staff in developing this plan. He discussed previous concerns in regard to the master plan, noting that a major concern for both parcels when they were separate was the entryway to the development. He stated that the slide presentation had indicated the access, which is at the crest of the hill. He noted access points shown on previous plans which are not a part of this plan. The current plan affords the opportunity to provide future access to the properties to the east and north of the site, as recommended by the Comprehensive Plan. He stated that there is a desire to connect Elijah Creek Road to the interchange in the

future. The plan allows for the extension of SouthPark Drive through the property. Another area of concern was adjacent land use. He noted that the Hillside Trust has reviewed this plan. The original agreement with them to provide access to the developmentally sensitive area via a 100-foot strip is a part of this plan. Per agreement with the Hillside Trust, areas of 20% slope will remain in their current state. Mr. Gramann stated that the plan also provides for a logical reorganization of the zoning lines to reflect the topography, access, and adjacent land uses. He indicated the location of a power line through the property which is the current zoning line. He indicated on a drawing the areas intended for I-1 use, C-2 use, and UR-1 use. The UR-1 area will be above the developmentally sensitive area and adjacent to the residential area. He stated that the plan offers the opportunity to control this quadrant of the interchange. He stated that SouthPark provides an appropriate location for business and industry as recommended by the Comprehensive Plan at interchanges. He stated that the existing zoning is inappropriate. Mr. Gramann advised that under the current zoning, 392,000 sq. ft. of retail area could be provided which, coupled with the remainder of the SR-1 property, would generate 16,000+ trips per day. The proposed SouthPark plan will generate 9,948 average trips per day. He noted that C-3 zoning is inappropriate for the area based on the traffic generation and the access via Kilgore Place. The current zoning line follows the power line which is inappropriate and arbitrary. He discussed economic changes that have occurred since 1986, including the growth of the airport. There has been a substantial increase in airline passengers and air freight volume has increased 100% since the Comprehensive Plan was revised. He discussed future proposed growth in the area based on recently published articles. He stated that the Comprehensive Plan identifies interchanges as magnets for industrial use. Mr. Gramann noted other successful developments in the area including Circleport, Corporex, Hooker, and Litton. He noted that there is a market study in his brochure. He stated that this plan eliminates the "domino argument". This plan places residential use adjacent to residential use. The Elijah Creek water shed provides a natural barrier. The interstate is to the south of the site and there is also an adjacent 600-acre farm. He indicated a white area on the drawing and stated that yesterday they had reached agreement with these property owners in regard to their cooperation. He stated that SouthPark Drive would be relocated through this white area, also referred to as the Poston property, in consideration of the topography. He discussed the design of the interchange including deceleration lanes and the widening of KY 237. He stated that earlier concerns in regard to the access have been eliminated. There is available a detailed Traffic Report developed by Mr. Gehrum. Many uses identified in the I-1 Zone will be eliminated, which is a part of the protective covenants. Control over orientation and building materials will also be part of the protective covenants. Mr. Gramann advised that the protective covenants are identified in the packet to be distributed. He noted the proposed buffer strips to separate the park from the residential area. He noted that utilities and the fire district are also discussed in the packet.

At the close of his presentation, Mr. Gramann distributed copies of a booklet entitled, "SouthPark Development" to the Commission members, along with a three-page handout entitled, "SouthPark" which is a copy of the written material used during his presentation.

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

Mr. Galen McGlassen stated that his property faces the portion of the site north of the interstate. He advised that he had been a member of the Planning Commission for eight years. Mr. McGlassen stated that he is in favor of the development as it will produce taxes for the county. He stated the additional homes overcrowd the schools.

Ms. Robin Carrothers, Executive Director of the Hillside Trust, which is a private non-profit land agency that works to protect hillsides, indicated the location of their 35-acre area on the drawing. She stated that they have found the SouthPark developers to be cooperative and they have reached an agreement. Ms. Carrothers submitted their Statement of Intentions for the record. She advised that the developer has agreed to a legal agreement if the zone change is granted and will insert deed restrictions to protect the developmentally sensitive area and the buffer zone. Their concerns have been addressed by the developer. Ms. Carrothers stated that there is a concern about the runoff of noxious materials from the industrial park which will be addressed when building permits are issued. She asked to work with officials and future owners in this regard. She noted that continuation of the access road through the McGlassen property and across the Hillside Trust property would be detrimental to the nature preserve.

Chairman Viox asked if there was anyone else present in favor of the request. There being no one, he asked if there was anyone present in opposition to the request or having questions.

Mr. Bill Cassidy, a property owner in the area, stated that he is opposed to the request as it is a direct change to the Comprehensive Plan. He stated that the Commission determined in 1985 that the area was best suited to Urban Residential or farm use. He stated that Mr. Gramann's statements about the traffic were broad and his figures were extreme. He is also concerned about hazardous chemicals. Mr. Cassidy noted that the Hebron Fire Department is a volunteer fire department not equipped to deal with a chemical fire.

Ms. Barb Tuffendsam, a resident of Conway Hills Drive, stated that she is concerned about the traffic. She noted the duties of the Planning Commission in regard to the public health, safety, and welfare. She stated that KY 237 is a paved wagon path with a hump in it and the plans do not address the hazards caused by the hump. She stated that the hump needs to be removed and the road reworked.

Ms. Shirley Millar, a resident of North Bend Road, questioned the location of the turn lane. She noted her concerns about the effect of the children from the 200 apartments on the schools. She is concerned about the truck traffic and noted that the road is difficult to drive in the winter. She asked that the road become a four-lane highway and the crest of the hill be removed. Ms. Millar stated that the Comprehensive Plan indicates that the north side of I-75 and KY 237 are to be residential. She asked if the Commission wants the county to become an industrial county.

Mr. Newton advised that the Comprehensive Plan addresses a 25-year horizon and noted that the reason the applicant is here is that the site is not zoned for industrial development.

Mr. Gramann advised that it will be at least five years before the apartment development is absorbed. They do not see the market place at this time, but feel that this is a logical place for the apartment development. Phasing will allow for portions of the other areas to be developed in the meantime, which will generate a tax base and address the issue of educating the children. They cannot forecast a number of children at this time.

Mr. Jack Gehrum, traffic consultant, stated that KY-237 is being widened to provide for a left turn lane. He added that there is a large turning radius and there are two lanes coming out, one to the left and one to the right, so as not to interrupt the traffic flow. He noted that the traffic does not justify four lanes.

Mr. Tony Rider, a resident of Tanner Road, stated that the distance between his property and the site is about 50 feet. He does not want a subdivision in his back yard. He does not feel that the people in the area are in favor of this proposal. Mr. Rider stated that the road cannot handle the projected traffic.

Mr. Bill Cassidy added that in response to Mr. Gramann's comments regarding major economic changes in the area, the passengers at the airport are just passing through and do not generate additional jobs or economic opportunity.

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

Mr. McMillian questioned whether there would be buffer between the different zones on the property. He also questioned where the dip in the road is in relation to the access drive.

Mr. Gehrum indicated the location of two dips in the roadway on the drawing, noting their relationship to the access drive. Mr. Gramann stated that there will be landscape buffer between the zones.

In response to a question from Mr. Collins, Mr. Gehrum advised that the roadway improvements they described will be paid for by the developer.

Mr. Sharp questioned the possibility of widening the road up to the development and asked if anyone had discussed this with the State.

Mr. Gramann advised that they met at the site with the Staff's Traffic Planner, Doug Powell, and also the Kentucky Department of Transportation in designing the intersection. He noted that this is a State road and if the State determines the change to be necessary, it may happen.

Mr. Barnett asked that the applicant comment on the Staff Concerns, particularly #5, #7, #8, #9, and #10.

In regard to Staff Concern #5, Mr. Gramann stated that the I-1 area is Phase I, which will be absorbed over three to four years. Phase II may overlap Phase I and would involve some Neighborhood Commercial, depending on the need. The last phase would be the apartment development which would be five to eight years out.

In regard to Staff Concern #7, Mr. Gramann stated that the wastewater treatment plant will be sized to accommodate the development and in accordance with the specifications. It will be turned over to the Boone County Water District. He indicated the proposed location of the plant on a drawing.

In regard to Staff Concern #8, Mr. Gramann indicated the location of the existing pond and stated that it will be retained for site water detention. It is not an aesthetic feature.

In regard to Staff Concern #9, Mr. Gramann indicated the subject lots on the drawing and stated that they are protected by the restrictive covenants in regard to the landscaping. He noted that the protective covenants also include the signs and there will be a signage plan for the park.

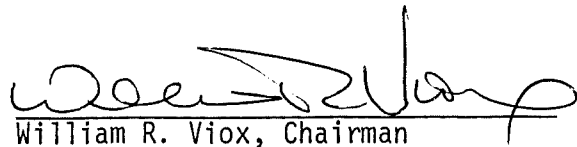
In regard to Staff Concern #10, Mr. Gramann stated that if the road were to be blocked to fire trucks by traffic, then there would be the opportunity to get from one parcel to another through the parking lots. He stated that this is not a problem. He stated that he believed the Staff had talked with the Hebron Fire Department. He advised that water is available and the pressure is adequate. He stated that the amount of room around the buildings for fire fighting is a product of building permits.

In response to questions from Mr. Damstrom regarding Staff Concern #7, Mr. Gramann advised that there is a valley between some portions of the development, such as the apartment complex, and the treatment plant. The only way to serve those portions would be a force main. He stated that Staff feels it may be advisable to move the treatment plant.

Mr. DeLong stated that he would like the applicant to agree to a Fire District and to formally check with the Hebron Fire Department for input.

There being no further comments or questions, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on August 17 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
William R. Viox, Chairman

ATTEST:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 7, 1988 8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of August 17, 1988 and the Public Hearings of August 24, 1988 and asked if there were any comments or corrections.

Mrs. Bushelman noted a correction to Public Hearing Item #2, the request of Raymond Erpenbeck for DBS Corporation and KSK Enterprises. The developer is "Mr. Schreiber", not Mr. Schroeder.

There being no further corrections, Mr. McMillian moved that the Minutes of the Public Hearings be approved as amended and that the Minutes of the Business Meeting be approved. Mrs. Smith seconded the motion and it carried unanimously.

BILLS, Continued . . .	
The Seybold Company (paper)	\$ 452.82
Swallen's (office chair)	152.95
Third Party Computers	1,880.50
Unisys (service contract - Sperry comp/printers)	156.16
Wagner (office supplies)	39.60
United States Post Office (stamps)	50.00
	<hr/>
TOTAL BILLS DUE:	\$ 11,377.49
GRAND TOTAL	<u>\$ 44,368.93</u>

\* denotes paid item

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

#### REPORTS:

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

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

#### BUSINESS MEETING AGENDA

##### UNFINISHED BUSINESS:

##### 1. Zoning Map Amendment

The request of GBBN Architects (applicant) for H. Gordon Martin and H.A.D. Enterprises (owner) for a Zoning Map Amendment for a 201.57-acre site located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1).

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

The Chairman asked if a representative of the applicant was present.

Mr. Bob Gramann of GBBN Architects stated that they are in complete agreement with the conditions.

Chairman Viox asked if there was a representative of the neighborhood present who would like to summarize their position.

Mrs. Shirley Miller that she does not represent the neighborhood, but has questions. She noted that the applicant was unwilling to agree to all of the conditions at the last meeting and there was a recommendation for denial of the request.

Chairman Viox noted that the applicant requested a deferral at the last meeting, which was granted. The Committee has since met and their report was just read.

Mrs. Miller noted that the present report did not refer to a 60-foot wide parcel as indicated in the original report which was to be dedicated to the Fiscal Court as a right-of-way.

Chairman Viox advised that right-of-ways in the county are dedicated to Boone County.

Mrs. Miller asked why the landscaped median at the entrance had been left out of the report.

Mr. Gerald Newton, Director, advised that the county does not want the landscaped median when they accept the property due to trucks running over the landscaping.

Mrs. Miller questioned the landscaped berms along Southpark Drive and Mr. Newton advised that it was not the intent of the Committee to berm the entire area. Mr. Newton quoted from the Committee Report and noted that the areas that will be impacted will be bermed.

Mrs. Miller questioned why there is no longer a condition in regard to the restrictive covenants. Counselor Wilson advised that the covenants would not be enforceable by the Commission.

Mrs. Miller questioned the turning lane going south on KY 237. Mr. Newton quoted the Committee Report in this regard, noting that there will be turning lanes.

Mrs. Miller asked if the impact of the two hundred apartments on the schools had been considered. Chairman Viox advised that the Commission considers all data collected at the Public Hearing.

There being no further comments, Mr. Jones moved by resolution to the Fiscal Court that the request be approved based on the Committee Report, and subject to the conditions. Mr. McMillian seconded the motion.

Mr. Sharp stated that the applicant indicated at the Public Hearing that he was willing to make the protective covenants permanent and not changeable by an 80% majority. Mr. Sharp would like the protective covenants to be permanent.

Mr. Gramann stated that the protective covenants are an integral part of making this a successful development. They are willing that the covenants but a condition; but after the development is complete, if the owners decided to make changes -- such as landscaping -- they could do so.

Mr. Sharp noted that at the end of each chapter of the handout distributed by Mr. Gramann, it says that the protective covenants can be changed by an 80% majority of the property owners. At this time, the developer owns 100% of the property. Therefore, could he not change all of the covenants?

Chairman Viox stated that the Commission cannot enforce protective covenants and they are not typically a condition.

There being no further discussion, Chairman Viox asked for a roll call vote on the motion made by Mr. Jones which found Mr. Barnett, Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mrs. Smith, and Chairman Viox in favor. Mrs. Bushelman, Mr. Collins, and Mr. Sharp were opposed. Mr. DeLong abstained from voting as he is affiliated with one of the owners. The motion carried.

2. Zoning Map Amendment and Conditional Use Permit

The request of Don Conrad (applicant) for Norman H. and Ruth Arlinghaus (owners) for a Zoning Map Amendment to rezone a site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the south-east corner of KY 18 and Ridge Avenue, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). Mr. Newton questioned if there was an error in the report. Following review of the report, Mr. McMillian, Chairman of the Committee, stated that it was correct.

Mr. Barnett, a member of the Committee, disagreed and stated that the matter of the gas pumps was not discussed. Mrs. Smith and Mr. Burch agreed.

Following further discussion, Mr. McMillian stated that the part of the report in regard to the gas pumps should be deleted (see Amended Committee Report).

Chairman Viox asked if the applicant was present.

COMMITTEE REPORT

1

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: ~~August 17~~, <sup>September 7</sup> 1988

RE: Request of GBBN Architects (applicant) for H. Gordon Martin and H.A.D. Enterprises (owner) for a Zoning Map Amendment for a 201.57 acre site located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1).

REMARKS:

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

FINDINGS OF FACT

1. Although the Boone County Comprehensive Plan's Future Land Use Map depicts the site as future commercial, medium density residential, rural lands, and developmentally sensitive, the applicant has sufficiently shown that the request is consistent with several recommendations of the Plan. Specifically, the Business Activity Element recommends that high-tech industry and airport related services be encouraged at I-275 interchanges and the Land Use Element recommends that light industrial or highway commercial occur only within a few hundred feet north of I-275. The Committee believes that the submitted Concept Development Plan, as further clarified by conditions in this report, does respect the overall residential character with some commercial activity recommended by the Land Use Element for the area north of the I-275 and KY 237 interchange by locating industrial uses near the interstate and utilizing natural topography to provide a transition into existing and proposed residential uses.
2. The applicant has sufficiently demonstrated that the existing zoning classifications of Commercial Services (C-3) and Suburban Residential One (SR-1) are inappropriate to enable coordinated development of the two land parcels that comprise the site, because of road access and zoning boundary configurations. The applicant has shown that the proposed zoning classifications of Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) are appropriate through the submitted Concept Development Plan because they

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allow uses that have been arranged to accommodate the natural features and access considerations of the 201.57 acre site. The Committee believes that the request, as represented on the submitted Concept Development Plan, provides a framework for future coordinated development of the overall I-275 and KY 237 interchange area, and provides an industrial park location near the airport that respects the residential growth of northern Boone County by its topographical isolation and layout.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the August 3, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. A 60 foot right-of-way shall be dedicated to Boone County at Lot R, Final Plat review for the future road extension shown at the end of SouthPark Drive. The developer shall grade the future roadway and drainage features at Improvement Plan stage when SouthPark Drive and the cross street are constructed. The right-of-way shall be sufficiently seeded and turned over to the Boone County Road Department for maintenance. OK
2. The re-alignment of SouthPark Drive through the Poston property in the future shall in itself constitute a minor change to the approved Concept Development Plan. Should this occur, however, the number of driveways directly entering SouthPark Drive from this 201.57 acre site shall not be increased.
3. The location of SouthPark Drive at KY 237 shall be approximately 30 feet north of the existing residential driveway and shall be designed at Improvement Plan stage to maximize sight distance. Full left-turn lanes and a northbound deceleration lane will be provided on KY 237 for the entrance, as well as a 60 foot turning radius entering the development from this lane. ~~At such time as 30 percent of the industrial lots or 30 percent of the total industrial building square footage is constructed, whichever comes first, The~~ developer shall construct an additional travel lane on KY 237 from the end of the divided roadway at I-275 northward to SouthPark Drive. All truck traffic shall be directed by signage to exit the development, toward I-275. No

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4. Access to the northern commercial area and the apartment development shall include a left-turn lane on SouthPark Drive. Access to the apartment development and Lot A shall coordinate with each other.
  5. The proposed apartment development shall include a 6 foot landscaped berm within the required 15 foot buffer area to the north. Landscaped berms shall be provided along SouthPark Drive whenever industrial buildings or the apartment development adjoin SouthPark Drive for approximately the same length of the buildings. These berms shall be in addition to landscaping or existing vegetation along the entire length of SouthPark Drive. Screening for Lots E, L, N, and Q along I-275 shall include landscaped berms, and shall have all utility equipment placed on the ground or screened from public view by roof parapets. The overall development shall preserve wherever possible natural features and vegetation of the site. At Improvement Plan and Site Plan stages, detailed existing and proposed topography is known, additional extent of the undisturbed developmentally sensitive area on Lots D and T may be required. This may include not only areas over 20 percent slope, but areas of significant vegetation or drainage features. Should any of these areas be disputed, the developers may request that a recognized local, geotechnical engineering firm perform a study. The findings of such a study shall determine whether the proposed development on these areas is appropriate, and subsequently whether the areas will be developed. The Planning Commission shall have the opportunity to designate the geotechnical engineering firm and to allocate the costs in an appropriate manner to ensure a fair and impartial report. The location of the proposed sanitary treatment plant shall be carefully reviewed when specific plans are submitted. Detailed erosion control shall be included with all plan submittals for the 201.57 acre site.
  6. The developer shall coordinate in the future with the Boone County Sanitary Sewer Master Plan now being prepared. The developer shall also work with the Hebron Fire District to ensure adequate fire protection.
  7. No pole-mounted signage shall be included within the development.
  8. Setbacks between all proposed apartment buildings and the north property lines of the 201 acre site shall be a minimum of 50 feet.

OK  
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OK

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Carol Smith  
Carol Smith, Chairwoman

Larry Barnett  
Larry Barnett

Fred Burch  
Fred Burch

Rector Jones  
Rector Jones

Donald McMillian  
Donald McMillian

Barry Neltner  
Barry Neltner

CS:jdh

## ORDINANCE 920.164

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL ONE (I-1), COMMERCIAL TWO (C-2), AND URBAN RESIDENTIAL ONE (UR-1) FOR A 201.57 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF NORTH BEND ROAD AND NORTH OF I-275, BOONE COUNTY, KENTUCKY, AS REQUESTED BY GBBN ARCHITECTS (APPLICANT) FOR H. GORDON MARTIN AND H.A.D. ENTERPRISES (OWNERS) AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION R-45-88.

WHEREAS, the Boone County Fiscal Court received a request for approval for a zoning map amendment to the Boone County zoning map and such zoning map amendment being a zone change from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1) for a 201.57 acre site generally located on the east side of North Bend Road and north of I-275, Boone County Kentucky, which is more particularly described below and,

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

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

## SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this zoning map amendment being a zone change from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) for a 201.57 acre site generally located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

SECTION II

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

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

Introduced, seconded and given First Reading on the fifth day of October, 19 88.

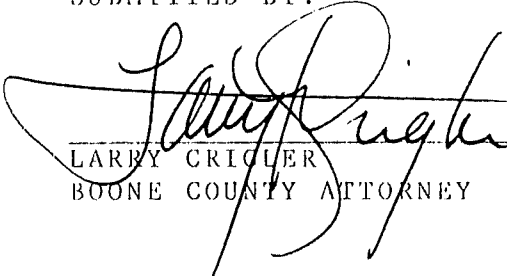
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the eighteenth day of October, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to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

\_\_\_\_\_  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

\_\_\_\_\_  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

  
\_\_\_\_\_  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

\_\_\_\_\_  
DATE PUBLISHED