

# CHANGE IN CONCEPT DEVELOPMENT PLAN OR UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

(Concept Development Plan)  
BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Check One:  
 Change in Concept Development Plan  
 Utilization of An Underlying Zone in Planned Development  
 a) Public Hearing Submittal (Concept Dev. Plan) \_\_\_\_\_  
 b) Long Range Planning Committee Review \_\_\_\_\_  
 (As stated in the Houston-Donaldson Study)
2. Name of Project CirclePort I, Lot 9 Partial
3. Location of Project Southeast corner of CirclePort and Olympic Blvd.
4. Total Acreage of Site 4.8 acres
5. Current Zoning I-1-PD Office/Research
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) Fiscal Court approval 10/21/86
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
8. Proposed Uses (please specify each use) I-1-PD Hotel
9. Proposed Building Intensities (please specify) 150 units in 3-story buildings (107,884 SF). Building's foot print is 40,418 SF and covers about 20 percent of site.
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
12. Name of Applicant(s) Corporex Parks of Kentucky, Inc.  
 Phone Number (606) 292-5500 Fax No. (606) 292-5599
13. Address of Applicant(s) 50 E. RiverCenter Boulevard, Suite 1200  
Covington, Kentucky 41011-1674  
City State Zip
14. Name of Property Owner(s) Same  
 Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
15. Address of Property Owner(s) \_\_\_\_\_  
City State Zip
16. Are there any existing buildings on the site? No  
 How many? \_\_\_\_\_
17. Deed Book Plat 19 Page No. 14 Group No. 2022
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

**EXHIBIT "A"**

# STAFF REPORT

Request of Corporex Parks of Kentucky, Inc. (owner) for a Change in Concept Development Plan for Lot 9, Circleport I, Boone County, Kentucky. The request is to allow a hotel on a 4.8 acre site in a Industrial One/Planned Development (I-1/PD) District.

May 31, 1995

## REQUEST

The following request is for a Change in Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zoning district to allow an "extended stay" hotel on a 4.8 acre lot. The lot is located on the southwest corner of the intersection of Olympic Boulevard and Circleport Drive. The current Concept Development Plan, approved in 1986 for the northern 32.5 acres of Circleport I to change the zoning from I-1 to I-1/PD, designates the use of the subject site as multi-level office, including the provision of multi-level parking structures (see attached).

The Concept Development Plan illustrates two hotel structures that are proposed to be completed over two phases and that consist of a total of 150 hotel suites and a "gatehouse" building. The hotel is proposed to include studio, one bedroom, and two bedroom suites. The hotel structures are proposed to be three stories high (approximately 51') and the gatehouse is proposed to be a one story structure.

Several "scattered" parking areas are proposed with a total of 185 parking stalls. A curbcut that has a landscaped median is proposed along Circleport Drive and an additional curbcut is proposed near the western end of Olympic Boulevard (currently unimproved). A driveway connection between the parking areas for the two phases is illustrated near the Olympic Boulevard curbcut. Two "ground signs" are proposed along with at least one building mounted sign.

Landscaped areas are proposed along the perimeters of the site as well as around the proposed buildings, including a berm that wraps around the corner of the Olympic/Circleport intersection and along Olympic Boulevard. Amenities for guests include an outdoor swimming pool and spa, and an outdoor sport court that includes a basketball goal and a volleyball net. The applicant has stated that the developer does not wish to improve Olympic Boulevard at this time.

## SITE HISTORY

- 1981** A Zoning Map Amendment was approved for the entire 75 acre Circleport I site from SR-1 to I-1.
- 1982** The applicant requested a Change in Concept Development Plan. Action was postponed at the request of the applicant pending completion of the final drawings for the Mineola Interchange.

1986 The above mentioned Change in Concept Development Plan was conditionally approved by the Planning Commission and the Boone County Fiscal Court. In addition, the previously mentioned change from I-1 to I-1/PD was approved for the northern 32.5 acres of the site. The uses approved in the Concept Development Plan include office, retail (including restaurants and a bank), and two hotel sites near the interchange. The plan was proposed to be completed over five phases. A wide boulevard and assorted water features are prevalent components of this plan.

#### ADJACENT LAND USES AND ZONING

The uses and zoning adjacent to the site include the following.

- A. "Clean" industrial and "back office" uses to the south/southwest along Circleport Drive, in the I-1 zoned portion of Circleport I.
- B. A large vacant tract to the west (Gallenstein tract) and a post war era single family subdivision (Rolling Green Acres) that is currently subject to an airport buy-out (both are zoned I-1).
- C. A multi-story office building (Citicorp) is located to the north across Olympic Boulevard; a vacant site is located between the subject site and the Citicorp building (both are zoned I-1/PD). Another vacant area is located to the northeast between the Citicorp facility and Mineola Pike (I-1/PD). I-275 is located further to the north.
- D. A vacant area is located to the east, between Circleport Drive and Mineola Pike, to the south of Olympic Boulevard (I-1/PD). A 0.491 acre out parcel that is located near the southwest corner of the Olympic/Mineola intersection is zoned I-1.

#### SITE CHARACTERISTICS

As mentioned previously, the site contains approximately 4.8 acres. The lot is basically rectangular in shape and has approximately 460 feet of frontage on Circleport Drive (improved) and approximately 445 feet of frontage along Olympic Boulevard (unimproved). The site is largely wooded and shows evidence of standing water and limited aquatic vegetation (SCS Soil Survey shows a water course in the vicinity of the site, although this map pre-dates the development of Circleport I). Public water and sewer are available to the site. Soil types on the site include Avonburg Silt Loam (Av) and Rossmoyne Silt Loam (RsC).

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Business Park" (application was submitted prior to Planning Commission approval of 1995 Comprehensive Plan). The document describes this designation as:

integrated office campus and/or industrial/warehouse developments with a park-like setting characterized by landscaped entrances, boulevard streets, large amount of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This land use classification is typified by business developments located around suburban interchanges, such as the Mineola and I-275 Interchange. A low ratio of impervious cover to open space, should be implemented to achieve this type of development. Also very important to this type of development is architecture that employs materials and designs indicative of a corporate office setting as opposed to an industrial setting.

As a comparison, the 1995 Boone County Comprehensive Plan also designates the site as "Business Park."

Further, the text of the Land Use Element (Area D3, pp. 219 and 220) states the following:

Major developments within this section include the Airport Exchange Business Park, Circleport I and III, the Mineola Industrial Park, and Turfway Race Track. This section of the County should experience a wide variety of substantial growth. To the north, the Mineola Interchange area has experienced, and should continue to experience, significant Business Park development. The Airport Exchange Business Park and Circleport Industrial Parks should continue to develop. As a result of this growth, the residential uses along Mineola Pike and Booneland Trail should eventually be redeveloped in a business park manner, similar to the adjoining uses. Rolling Green Acres should likewise eventually redevelop as industrial uses.

The Business Activity and Land Use elements contained in the 1990 Boone County Comprehensive Plan provide the following statements that are pertinent to the proposal.

- A. Additional commercial growth based upon the expansion of the airport, and subsequent industrial growth, will be located at the Mineola/I-275 Interchange. The developers of both the Airport Exchange Business Park and the Circleport Industrial Park have approved plans for hotels and limited commercial uses (Business Activity Element, "Areas of Future Commercial Activity," pg. 95).
- B. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and county as a whole, rather than levelling an entire site to meet a pre-conceived project design (Land Use Element, "Utilization of Existing Vegetation and Topography," pg. 201).
- C. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise, vibrations, odors, dust, smoke, and light.

Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments (Land Use Element, "Buffering," pg. 201).

- D. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use Element, "Landscaping," pg 201).

- E. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curbcuts, adequate corner clearance and site distance for access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way (Land Use Element, "Access Management," pp. 201 and 202).
- F. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor (Land Use Element, "Design, Signs, and Historic Preservation," pg. 202).

The 1995 Boone County Comprehensive Plan's Goals and Objectives provides the following statements that are pertinent to the proposal.

- A. Proper design principles shall be applied in development ("Overall," Objective #3).
- B. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective #6).
- C. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment [Social]," Objective #4).
- D. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Commercial [Retail and Office]," Objective #1).

- E. The efficient coordination of sanitary sewer, storm sewer, water, school and fire jurisdictions shall be promoted ("Public Services and Facilities," Objective #4).

STAFF CONCERNS

1. Although Staff is not opposed to the provision of a hotel in the general vicinity, Staff does question the placement of "sleeping quarters" immediately adjacent to an I-1 zone (to the west) whose uses are yet to be determined, particularly when considering that there are already two approved hotel sites within the I-1/PD portion of Circleport I. When considering this issue the Commission will need to consider the fact that the proposal is for an "extended stay" hotel that is targeted primarily for business people. Thus, a high exposure location, such as the two already approved for this development, is not as critical for this proposal as it is for other hotels.
2. Staff is concerned with the construction of the unimproved portion of Olympic Boulevard, as the applicant has stated that they do not intend to build the road at this time, and due to the fact that the street would serve Phase II of this project and the property to the west (i.e., Gallenstein tract). In addition, based upon the County Clerk's records, the Olympic Boulevard right-of-way, and the curvilinear portion of Circleport Drive immediately adjacent to the subject lot, have not been dedicated (i.e., are within easements). Thus, these rights-of-way should be dedicated and the roads accepted prior to the initiation of the proposal at hand, at least for the portions of these roads that are already constructed. Further, the Commission will need to determine whether or not the applicant should be required to extend public water and sewer to the property to the west within the Olympic Boulevard easement/right-of-way (currently terminates at the Circleport Drive/Olympic Boulevard intersection).
3. Because the site is currently wooded, consideration should be given to retaining the existing vegetation along the south and west boundaries of the site, providing groups of large trees along the street frontages, and to providing additional large trees within the interior of the site to help maintain the wooded character of the site from adjoining sites. Further, as a minimum, all landscaping requirements provided in Article 31 of the Boone County Zoning Regulations should apply to this development so that the intent of the Planned Development Overlay is met. In addition, the stamped pavement that was used for the curbcut for the Citicorp site should be considered for the proposed curbcuts so that consistency is maintained throughout the development.
4. The architectural design of the proposed structures should be compatible with the nearby Citicorp building (i.e., only existing structure within the I-1/PD portion of the development) by way of materials, colors, architectural forms, and detailing, and with a corporate campus environment in general. As such, brick or other characteristic masonry materials and deeper, natural colors should be considered, and the architectural treatments should be consistent on all facades to maintain the intent of the Planned Development Overlay. The overall architectural design(s) (including the garbage enclosure) should be subject to review and approval by the Planning Commission, through the Site Plan procedure, based upon specific design requirements established by the Commission.

5. Staff is concerned with the intended signage for the proposal as it has not been defined except for the provision two freestanding signs (one permitted under Article 34 of the Zoning Regulations) and (probably) one building mounted sign. To maintain consistency with both Article 34 of the Zoning Regulations and the remainder of Circleport I, one monument style freestanding sign should be permitted. This sign should use colors, materials, and detailing that are compatible with the proposed structures and should be externally illuminated. In addition, any building mounted sign(s) should be minimal in nature (i.e., merely for identification purposes only) and should not use a single plexi-faced sign can.
6. Site lighting for the proposal has not been specified. In order to avoid light pollution and to maintain the campus environment, all site lighting should use "cut off" shields and the height of the freestanding fixtures should be limited, preferably to no higher than 20 feet.
7. The applicable conditions (#4 and #7) for the prior zone change for the northern portion of Circleport I to I-1/PD should be reiterated with any approval of this application (see attached Committee Report). In addition, the Commission should review condition #6, which discusses the desire for vertical parking structures so that larger open space areas are created.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations, the intent of Article 15, "Planned Development Overlay" of the Zoning Regulations, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map would not need to be amended if the Planning Commission and Fiscal Court approve this request.

Respectfully submitted,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW\par

attachments:

- air photo of area
- Future Land Use Map excerpt
- Zoning Map excerpt
- application materials
- currently approved Concept Development Plan (1986)
- Committee Report for prior zone change to I-1/PD (1986)
- addendum letter submitted by applicant on 5/30/95

27-94 00 BOONE CO.

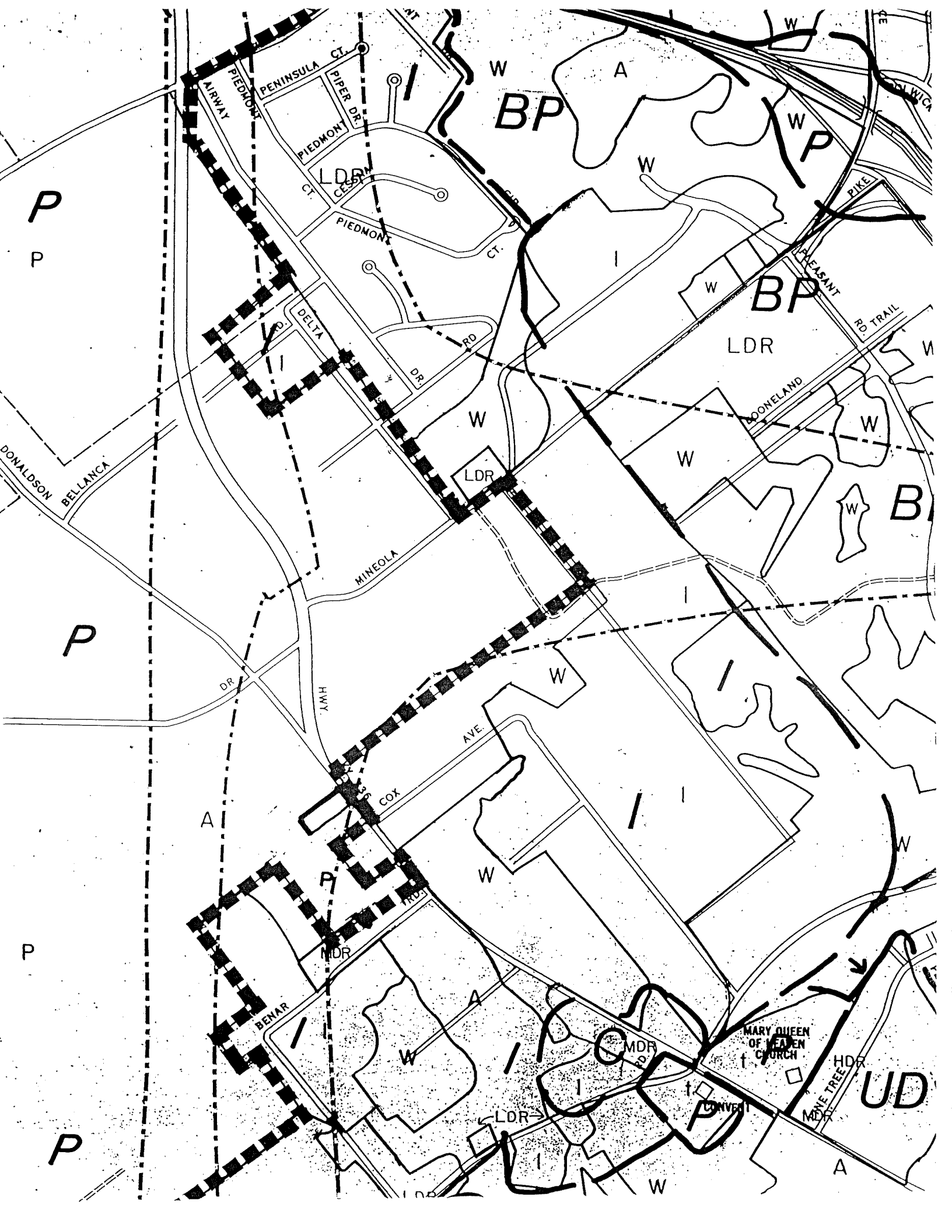
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10-24









## CHANGE IN CONCEPT DEVELOPMENT PLAN

OR

THE UTILIZATION OF AN UNDERLYING ZONE  
IN PLANNED DEVELOPMENT

(Concept Development Plan)

BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

## SECTION A (To be completed by applicant)

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- Change in Concept Development Plan  
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 b) Long Range Planning Committee Review \_\_\_\_\_  
 (As stated in the Houston-Donaldson Study)

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 3. Location of Project Southeast corner of CirclePort and Olympic Blvd.  
 4. Total Acreage of Site 4.8 acres  
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 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) Fiscal Court approval 10/21/86  
 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No  
 8. Proposed Uses (please specify each use) I-1-PD Hotel  
 9. Proposed Building Intensities (please specify).  
150 units in 3-story buildings (107,884 SF). Building's foot print is 40,418 SF and covers about 20 percent of site.  
 10. Have you submitted a Concept Development Plan? Yes  
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 Conditional Use Permit  
 Dimensional Variance  
 12. Name of Applicant(s) Corporex Parks of Kentucky, Inc.  
 Phone Number (606) 292-5500 Fax No. (606) 292-5599  
 13. Address of Applicant(s) 50 E. RiverCenter Boulevard, Suite 1200  
Covington, Kentucky 41011-1674  
 City State Zip  
 14. Name of Property Owner(s) Same  
 Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_  
 15. Address of Property Owner(s) \_\_\_\_\_  
 \_\_\_\_\_  
 City State Zip  
 16. Are there any existing buildings on the site? No  
 How many? \_\_\_\_\_  
 17. Deed Book Plat 19 Page No. 14 Group No. \_\_\_\_\_  
 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)





April 28, 1995

Kevin Wall  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

RE: Application for Change in Concept Development Plan in  
Circleport One

Dear Kevin:

Attached is our application for a Change in Concept from I-1-PD office/research to I-1-PD hotel. The hotel will consist of a Gatehouse for check in, plus three (3) story buildings for extended stay guest units.

The adjoining properties land uses are office, retail, and hotel to the north and east, light industrial to the south, and vacant land to the west.

The three property owners within 200' are listed on an attached sheet. (not including the applicants adjoining properties)

The fee was calculated from information received from your office:

Flat Fee	365.00
Publication	75.00
Acres - 4.8 x 10.00	48.00
Adjoining properties 3 x 5.00	<u>15.00</u>
Total	503.00

-The location of the approximately 4.8AC site is approximately 800 ft west of Mineola Pike at the southwest corner of Circleport Dr and Olympic Blvd. Further described as the remainder of Lot 9 of section No. 1 of Circleport One subdivision. (Plat book 19, page 14)

-All utililites such as gas, electric, and water are near the site. The storm system that drains this site to the large detention lakes in Circleport III is presently in place.

-This site presently has a temporary mound of dirt which will be removed. The site will be gently sloping to relatively level.

-Based on the previous Concept Plan, traffic will not be impacted since the change in land use will create a reduction in the number of cars utilizing this site, based on the previous Concept Plan.

Page 2

Application for Change in Concept Development Plan in Circleport

-The previous Concept Plan had an public hearing on 08-27-86 with Commission approved on 09-17-86 and Fiscal Court approved 10-21-86.

-Attached are the following items for your use in reviewing and processing this change.

1. Application Form - Change in Concept Development Plan
2. Fee - \$503.00
3. 5 copies of ....
  - Previous Concept Plan with new use superimposed.
  - Schematic plan showing the layout and land use as a hotel.
4. List of three adjoining property owners. Please note that Lee Gallenstein is an elderly person and a copy of notice needs to be sent to her son John Terlau.

If you have any questions, please call.

Sincerely,



James E. Klein

cc:

Tom Banta  
Bill Butler

CHANGE IN CONCEPT DEVELOPMENT PLAN  
CIRCLEPORT I, LOT 9 PARTIAL

Adjoining Property Owners

Garnetta Propst  
A. Camacho Inc.  
2791 Circleport Dr.  
Burlington, KY 41018  
606-371-1166

Lee Gallenstein  
3845 Turfway Road  
Florence, KY 41042  
606-371-6918

-send copy to-  
son

John Terlau  
1090 Stallion Way  
Union, KY 41091  
(son)

Tom G. Schleper  
Schleper Airport Associates  
c/o Schleper Development Corp.  
1452 Donaldson Highway  
Erlanger, KY 41018  
606-525-8585



**KEY COUNT AND MIX:**

PHASE ONE  
 STUDIO 18 (20%)  
 ONE BEDROOM 60 (60%)  
 TWO BEDROOM 18 (20%)  
 96 INITIAL UNITS

PHASE TWO  
 STUDIO 12 (22%)  
 ONE BEDROOM 30 (56%)  
 TWO BEDROOM 12 (22%)  
 54 ADDITIONAL UNITS

PHASE ONE & PHASE TWO  
 STUDIO 30 (20%)  
 ONE BEDROOM 90 (60%)  
 TWO BEDROOM 30 (20%)  
 150 TOTAL UNITS

**BUILDING AREA (GSF)**

PHASE ONE:  
 GROUND FLOOR 28,042 SF  
 (GARAGEHOUSE 4,700 SF  
 CUL-DE-SAC 21,342 SF)  
 SECOND FLOOR 21,103 SF  
 THIRD FLOOR 21,103 SF  
 TOTAL (GSF) 70,248 SF

PHASE TWO:  
 GROUND FLOOR 12,280 SF  
 SECOND FLOOR 12,280 SF  
 THIRD FLOOR 12,280 SF  
 TOTAL (GSF) 36,864 SF

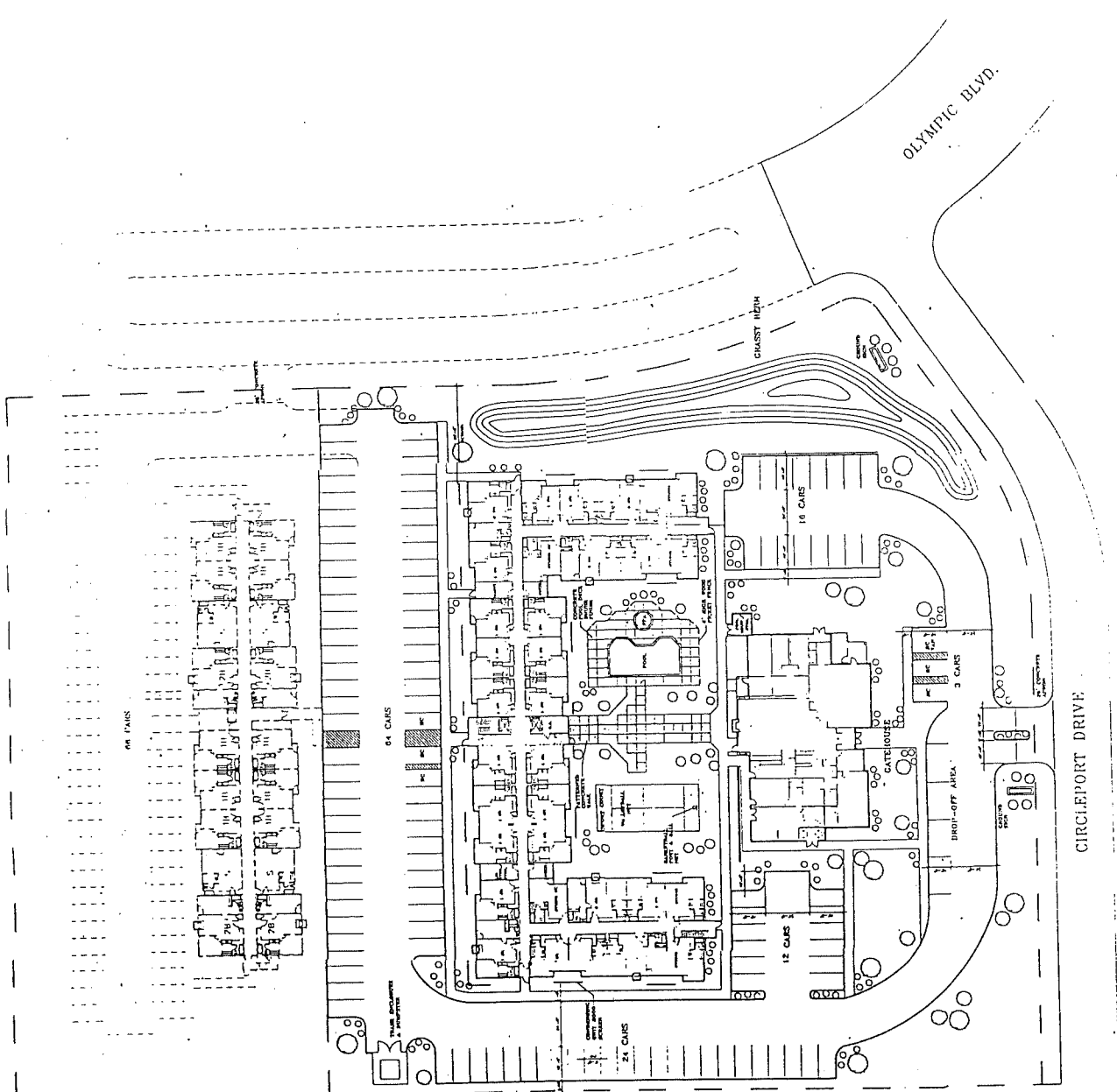
PHASE ONE & PHASE TWO:  
 TOTAL (GSF) 107,112 SF

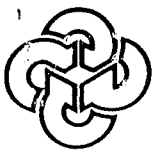
**LEGEND**

- 1B - 1 BEDROOM UNITS
- S - STUDIO UNITS
- 2B - 2 BEDROOM UNITS

**PRELIMINARY SITE PLAN**

SCALE: 1" = 30'-0"





**CORPOREX**  
DEVELOPMENT SERVICES, INC.

May 26, 1995

Mr. Kevin T. Wall  
Director of Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

RE: Application for change in concept development plan in  
CirclePort I

Dear Kevin:

As per our meeting on May 25, 1995 I am submitting some additional information for the change in concept development plan.

The height of the tallest roof ridge line would be just under 56 feet high. This highest ridge line would be at the ends of the building. The highest ridge line in the center portion of the building would be under 45 feet. The structure is a three story building with a peaked roof.


The finishes on the exterior of the buildings will be brick and stucco or brick and siding for the walls and asphalt shingles for the roof. Both the one story gate house and the three story guest house will have the same finishes on the exterior of the buildings.

The sign on the front of the guest house building will be no greater than 200 square feet. The signage on the gate house will be a small sign no greater than 30 square feet. Also the plan shows two ground signs. The ground signs will be no greater than 50 square feet each. The sign area does not include base.

The information mentioned above is shown on the attached plans.

If you have any questions before the public hearing, please give me a call.

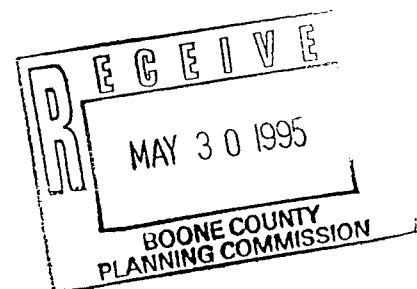
Sincerely,

  
James E. Klein  
Director-Development,  
Design, and Construction

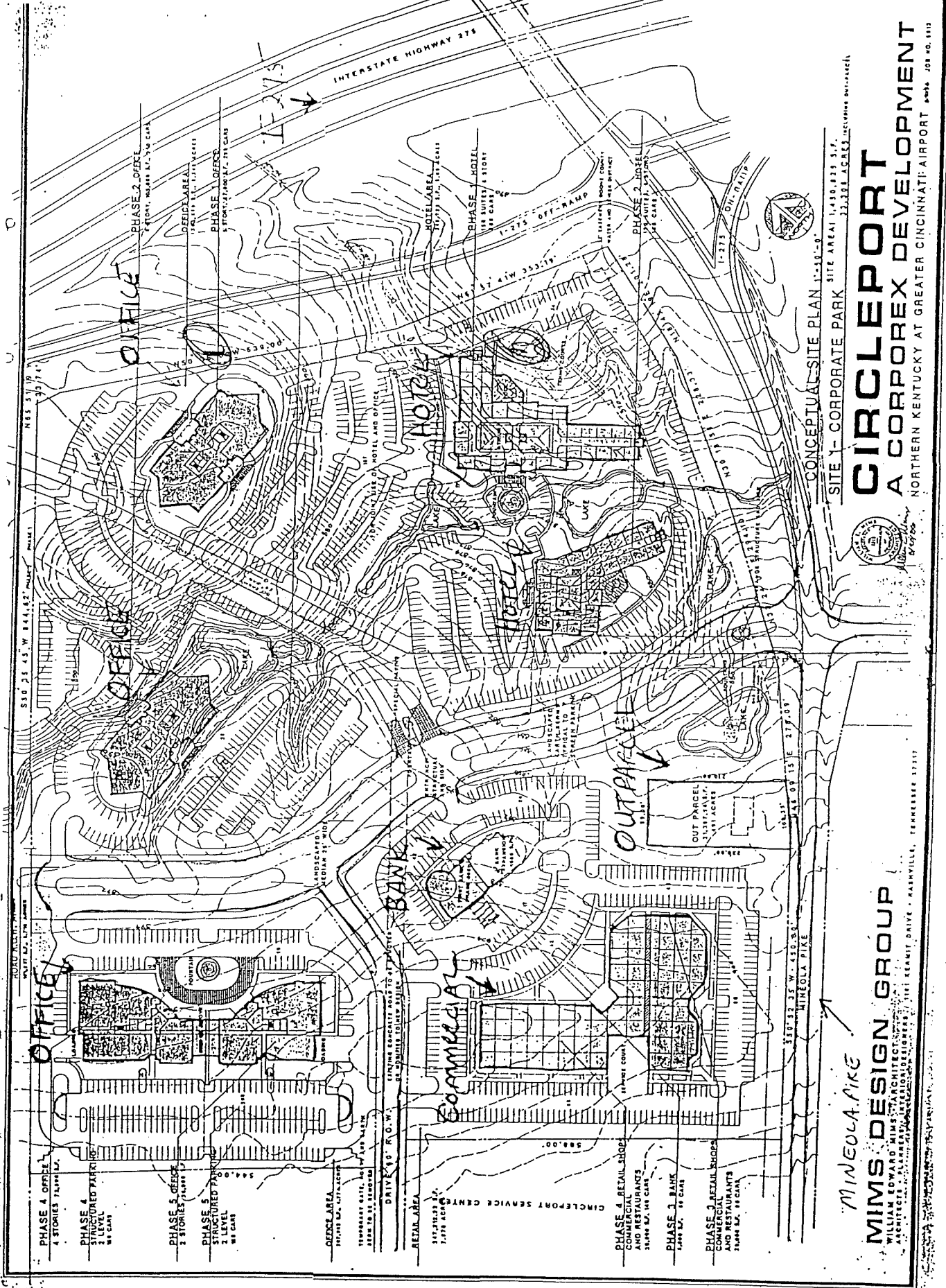
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Enclosure

cc: Tom Banta

P.O. Box 75020  
Cincinnati, Ohio 45275  
50 E. RiverCenter Boulevard  
Covington, Kentucky 41011  
606/292-5500 Fax 606/292-5599



Cincleport I Concept Development Plan  
8/27/86



MINEOLA PIKE  
**MIMS DESIGN GROUP**  
 WILLIAM EDWARD MIMS ARCHITECT  
 1000 W. WASHINGTON ST. SUITE 100  
 NASHVILLE, TENNESSEE 37203

CONCEPTUAL SITE PLAN 11-30-86  
 SITE 1 - CORPORATE PARK SITE AREA 1,430,039 S.F.  
 22,281 ACRES (APPROXIMATE)

**CIRCLEPORT**  
 A CORPorex DEVELOPMENT  
 NORTHERN KENTUCKY AT GREATER CINCINNATI AIRPORT

Peaceful Lane

Committee Report

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: September 17, 1986

RE: Request of Corporex Parks of Kentucky, Inc. (owner) for a Zoning Map Amendment for a 32.505 acre site. The property located west of Mineola Pike, north of Donaldson Road and south of I-275 is presently zoned Industrial One, I-1 and is being proposed to be zoned Industrial One/Planned development Overlay, I-1/PD Overlay.

REMARKS:

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

Findings of Fact

- 1) The proposed zoning map amendment is in agreement with the adopted Comprehensive Plan (the Land Use Element of the 1980 Comprehensive Plan, the first 9 Elements of the 1986 Comprehensive Plan and the Goals and Objectives of the 1986 Comprehensive Plan).

Reference to the 1980 and the 1986 Comprehensive Plan are made in the staff report. The proposed zoning map amendment is consistent with the Land Use Element of the Business Activity Element (p. B-15) and the Goals and Objectives section (p. G-3) of the 1986 Comprehensive Plan.

- 2) In summary, the proposed zoning map amendment and submitted Concept Development Plan demonstrates a unique approach to mixing both industrial and commercial land uses in Planned Development in order to provide related services such as two lodging facilities, a bank, restaurants, and a retail center. The office space also adds a different dimension to the project.

Conditions

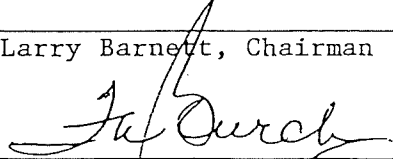
- 1) The applicant shall be required to develop the 32.505 acre site according to submitted Concept Development Plan. The types of land use and the total building square footage indicated on the Concept Development Plan are regarded as maximum intensities for development of the site.
- 2) The applicant shall not be granted permission to build any drive-thru restaurants on the site.
- 3) The applicant shall be required to dedicate land or provide a 35 foot easement for road widening from the southwest lot line along Mineola Pike to the main entrance of the site. At the appropriate time, the applicant shall be required to provide a traffic signal at the intersection of Mineola Pike and both entrances for Circleport I and Circleport III (Circleport Distribution Park).

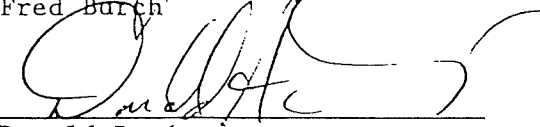
- 4) The applicant shall be required to develop the proper storm water runoff system for the site. Storm water shall be detained for 20 minutes. Storm water runoff shall be controlled so that peak flows from the development site shall not exceed peak flow from the undeveloped site.
- 5) The applicant shall be required to provide an adequate landscaped buffer for the area located between the commercial building parking lot and Mineola Pike. This buffer should include types of trees sufficient in size at planting to serve as a screen between the proposed development and the residences along Mineola Pike. The buffer should be dense and may include the utilization of existing vegetation and the creation of a berm. If the applicant does not obtain the out parcel in the area, a dense buffer should be created or maintained surrounding the lot lines of the site and the out parcel.
- 6) The Committee prefers that the applicant combine driveway aisles and parking lots, and provide vertical parking structures where appropriate in order to create larger buffer and landscaped open space area. The Committee would also recommend that there may be a need to expand the main entrance to the commercial/office park in order to allow better turning movement both in and out of the development. This entrance is the only permitted entrance on Mineola Pike and it should be carefully aligned with Pleasant Drive across Mineola Pike.
- 7) Any change in the Concept Development Plan shall be reviewed by the Zone Change Request Committee or the Technical Committee to decide whether it is a major or minor change. Any change that is determined to be major shall require a new application and public hearing.

Conclusion

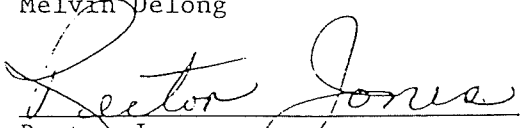
In conclusion, the submitted Concept Development Plan demonstrates an innovative design for a 32.5 acre site and offers a variety of support services to an existing industrial center. The proposed zone change is consistent with the intent of the Comprehensive Plan and with the spirit of Planned Development. If approved by Boone County Fiscal Court, the future land use map would not have to be changed.

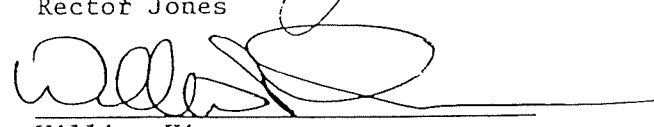
\_\_\_\_\_  
Larry Barnett, Chairman

  
\_\_\_\_\_  
Fred Burch

  
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Donald Davis

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Melvin Delong

  
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Rector Jones

  
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William Viox

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
May 31, 1995  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, and Mrs. Schaffer.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 7:05 P.M.. Following an explanation of the Public Hearing process by Counselor Wilson, Mr. Burch introduced the first item on the Agenda:

1. Applicant: Corporex Parks of Kentucky, Inc. (owner)

Request: Change in Concept Development Plan

The request of Corporex Parks of Kentucky, Inc. (owner) for a Change in Concept Development Plan for Lot 9, Circleport I, Boone County, Kentucky. The request is to allow a hotel on a 4.8-acre site in an Industrial One/Planned Development (I-1/PD) District.

Staff Member Kevin Wall presented the Staff Report, which included a slide presentation (see Staff Report).

Mr. Burch asked for the applicant's presentation.

Mr. Jim Klein, Corporex, and Mr. Bill Butler, President of Corporex, were present.

Mr. Klein presented an exhibit and reviewed the location of the site. He indicated the location of a five-story building, a hotel site, an office building site, retail site, and another office building site. He stated that the application is in regard to Lot 9, which they are proposing not to be office, but to be an extended stay hotel. Using a second exhibit, he reviewed the history of the site. The site was in two phases with an entrance and parking in front but, as shown on the next exhibit, they realized that they wanted to move the parking toward the back for the first phase and have the parking for the second phase building behind it. There was one central entrance. He stated that they are not addressing a pylon sign at this time. There would be a sign on the end of the main guest house building, a small sign on the gatehouse, and two ground signs. He presented additional exhibits with the locations of the signs shown in blue. He stated that the structure will be brick and stucco. He stated that Circleport Drive is not a dedicated street and indicated the location of the easement. The storm sewer system is in place and has been extended

to this site. The other utilities have been taken care of for the site. He stated that they have one main entrance and indicated its location on an exhibit. Hotel operators in the company prefer one entrance for security reasons and even Phase II would come thru the one entrance. Using the exhibit, he stated that the lot is on a dedicated street and the other street is an easement. He stated that the ground signs are about 50 square feet. The other signs are a maximum of 30 feet and 200 feet. He stated that the zoning says one ground sign that could be 100 square feet, but they are proposing two ground signs that are 50 square feet each. He stated that the structures are three stories and the maximum height of the larger building would be 56 feet. The other building is 28 feet. The site will be landscaped. The property behind the site is I-1. He stated that they comply with all the covenants for the park.

Mr. Butler reserved the right to speak after comments by those who may be opposed.

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 who wished to speak in opposition to the request or to ask questions.

Tom Breidenstein, attorney, stated that he and Jim Dressman are representing the adjoining property owner, M. Lee Gallenstein. Her daughter Judy Terlau was present with her husband, John Terlau.

Mr. Breidenstein stated that his client is in favor of the extended stay motel, but is concerned with how the hotel will be developed. He submitted their Position Statement to the Commission. He reviewed the Position Statement. He stated that the current Concept Development Plan contained in the Staff Report calls for the completion of the right-of-way to the Gallenstein line. The Committee Report (dated September 17, 1986) attached to the Staff Report confirms this. The completion of the right-of-way also comes from good planning principles. The 1995 Comprehensive Plan was not in effect when the application was made, but good planning principles should apply. He quoted from Page 14 in regard to proper access to adjoining properties that "proper access to adjoining property should be provided and/or retained when a property develops or redevelops". He noted that the Plan also makes numerous references to utilities to the adjoining property line. The Airport Master Plan calls for a frontage road parallel to I-275 from Mineola Pike to relocated KY 20, and Olympic Boulevard would in a sense be that frontage road. Airport Exchange Business Park is across I-275 and was at one time owned by the Gallenstein's. He reviewed the conditions of approval for that property (see page 3). He stated that the conditions were designed to facilitate the orderly growth of properties on the other side of Point Pleasant Road and they request the same considerations.

Mr. Breidenstein stated that in addition to good planning principles, there are legal principles. Attempting to landlock property by denying access to developing streets is contrary to the public interest and public policy. He reviewed the high court's ruling in regard to the Lotze vs. Garrene Realty case. Using an exhibit, a reduction of which is in the Position Statement, he noted that at the end of Olympic Boulevard is a

curved space with no dedicated use, clearly to cut off the Gallenstein property from the extension of Olympic Boulevard. The current plan has the approximate 10-foot devil strip removed, but the new plan shows Olympic Boulevard in a dashed line -- indicating that that portion of the road will not be constructed, and comments made this evening affirm this. They want to preclude a devil strip from occurring in this case. He noted that also included in the Position Statement is a letter from Mr. Butler to the Terlaus indicating the intent to landlock them. He quoted from the letter that Corporex has "exclusive control over the access and a right to the increased value of the Gallenstein property". He added that also attached to the Position Statement is a reduced copy of a plan submitted to the Gallensteins, which he doubts was ever made available to the Planning Commission or the Staff. That plan indicates an intent to block any development beyond Olympic Boulevard, which Corporex plans to do with a four-story parking garage.

Mr. Breidenstein asked that consideration be given to the extension of Olympic Boulevard, utilities, the pavement, and the phasing. He stated that they are in favor of the project, but ask that it be done following the example set by Mrs. Gallenstein on the other side of the road.

Mr. Burch asked if there were any questions from the Commission.

Mr. McKinney stated that the preliminary Site Plan indicates that there is one entrance in and one entrance out of the project. He questioned emergency access if that access would be blocked.

Mr. Klein agreed that there is one access and stated that all of the sites along there have one entrance and an emergency could happen on any piece of property. Mr. McKinney asked if they have any other way to get people on and off the premises if the entrance on Circleport Drive were to be blocked by an emergency. Mr. Klein stated that there would only be the one entrance and all the lots along there only have one entrance.

Mr. McKinney stated that he is concerned over the applicant's reluctance to extend Olympic Boulevard, which seems to be an attempt to punish the adjoining landowners for not selling to Corporex.

Mr. Bill Butler, President and owner of Corporex, stated that he has been a developer of Circleport beginning almost 15 years ago. They do not have any problem with a second entranceway, but are not here for Site Plan approval at this time. They are here in regard to the Concept Plan. He stated that it may be good to have more than one entrance and that can be dealt with. They will be able to deal with the landscaping when they deal with the Site Plan approval. He stated that it should be clear from the slides that it has been a well planned park and they have spent a lot of money -- almost \$1 million -- in putting the entrance on Circleport I and Circleport III for this to be a high class business park.

Mr. Butler stated that the Gallenstein parcel of land was taken by KDOT years ago. KDOT compensated the Gallenstein family for the land, but allowed them to keep the title. They have already been paid the fair market value of the land once. He stated that they have had an interest in the possibility of expanding Circleport through the years, potentially

by acquiring the Gallenstein parcel. They have never had a commitment with the Planning Commission or anyone else to extend a road to the Gallenstein parcel. They have indicated it on conceptual plans as a possibility. They built the roads as they did because they did not know for certain if they could ever develop that piece of land and add it to Circleport. If it had ever been an agreement with the Planning Commission that they have a requirement to extend that road, it would have been a dedicated easement or right-of-way already. He stated that his business position was put in a letter to the Gallensteins and the letter gives them one more opportunity to act responsibly and fairly in regard to their land, which they have tried to outprice greater than its fair market value. Whatever they have now in the way of an asset has already been enhanced significantly by Circleport and there can be no punishment administered by someone who created that kind of enhancement. His company at its own expense ran the sewers that service the various properties, put the lift station in on Circleport I and across the road, put in all the road systems to create this, and made Circleport and this type of development happen in that marketplace. He stated that the issues brought up by Mr. Breidenstein are legal issues and they are not issues in front of the Planning Commission at this time. The letter he wrote the Gallensteins (included with the Position Statement) speaks for itself.

Mr. Butler stated that they may have some office opportunities and would like to expand the office complex where Citicorp is housed. They have developed several plans to do that and some of those plans have encompassed the Gallenstein property. There is a significant need for parking to service this tenant. He stated that the exhibit shows the first conceptual plan before they had any success. They need parking. They need to expand the parking into the Gallenstein property, if it can be acquired at a reasonable price -- or they need to build a parking structure, which is a recommendation of the new Comprehensive Plan and ordinances. They have been unable to come to agreement with the Gallensteins on any reasonable basis and, therefore, there is a possibility that the only way they will be able to expand the office building for Citicorp is on the existing land they have.

Mr. Butler stated that they are not here to talk about road extensions and are asking for approval of a first class development. They are asking for a change of use on a piece of property to allow the construction of a residence inn hotel. The business issue between them and the Gallensteins is between them. He did not come with legal counsel. He stated that they have no intention to extend the road at this time and they may have to use that area to expand the office building as the only way they can do it in Circleport.

Mr. Ries stated that he does not think the Fiscal Court or the Planning Commission has authority to force access to a landlocked piece of property.

Mr. Costello stated that from a planning standpoint, they try to have interconnecting parking lots/streets in all different kinds of developments -- whether residential or commercial. He was involved when Circleport I and Circleport III came before the Commission in 1986 and all the streets were supposed to be publicly dedicated and accepted for

maintenance. In regard to the road going up to the Gallenstein tract, his impression was that it was to be publicly dedicated and accepted by the county for maintenance. He will check the file in this regard. He stated that Rolling Green Acres is being bought out by the airport and there is potential for connection to Point Pleasant Road and this property could benefit from that. People arriving from the airport and taking Donaldson Road to Point Pleasant Road could come in the back way to this development if there is a future development and road system on the Gallenstein tract. The Gallensteins own access to some lots in Rolling Green Acres and there could be an industrial park and road system out to Point Pleasant Road. From a planning standpoint, they try to look at cross connections. It makes sense from a planning standpoint to connect Mineola Pike to Point Pleasant Road.

Counselor Wilson explained that Mr. Costello's point is that, aside from any dispute that may exist between the Gallenstein tract and the subject tract, there are some legitimate planning reasons to look at an extension. He stated that this proceeding is changing a Concept Development Plan of a previous zone change in 1986 and any conditions to be imposed require the agreement of the applicant. If the change in concept should not be granted if there is not agreement on a particular point, is something for the Commission to determine. If there is not agreement, the Commission will have to weigh whether the request should be granted without it.

Mr. Costello stated that if there is a fire in Rolling Green Acres, the Point Pleasant Fire Department could take the relocated Turfway connector and cross over Mineola Pike to fight the fire instead of going all the way around.

Mr. Butler stated that the first plans that were approved for subdivision of the property were not these plans. He stated that they had no anticipation at that time of going back through there.

Mr. Costello stated that the road is still not accepted by the county. Counselor Wilson advised that it would become an issue in this request if they are asking that it be changed. If they are asking that it be changed, they are making it an issue. Mr. Butler stated that they are asking for a use change.

Mr. McKinney stated that they are here by application, not by invitation. It looks like the premise they proposed several years ago was for Olympic Boulevard to go the full length and the application now deviates from that.

Mr. Klein stated that it was mentioned that the Gallenstein property was landlocked -- but it has access out the other side towards Airport Road.

Counselor Wilson stated that by the time this gets to Committee, the currently approved plan can be looked at and the Committee can get into whether these are changes being proposed.

Mrs. Schaffer stated that there are two hotel sites near the interchange. Mr. Wall advised that they are not developed and reviewed the locations with Mrs. Schaffer. Mrs. Schaffer questioned why they cannot use those

sites, which are indicated for hotels, and leave the office site. She noted that the applicant made the comment that they need more office space.

Mr. Klein stated that there is really one hotel site, not two -- and the intention for that site was much different than what they are proposing. Mr. Butler stated that they developed different plans in 1990, but the recession prevented them from building the hotel. He stated that the plan was for a high-quality, high rise or mid-rise, full service hotel with an executive conference center over a body of water. They intend in the future to develop that site with a full service hotel. The type of hotel they are proposing to build now is a limited service hotel and they can get it financed today.

Mrs. Schaffer noted that the plan says "150 units, four-story hotel" and they are asking for 150 units and a three story hotel.

Mr. McMillian stated that the Commission is strictly for access management and likes to get from one piece of property to another the most feasible way. He believes access management will come up in Committee. He stated that they need another entrance/exit.

Mr. Burch stated that the original proposal was to have all dedicated streets within the park and they are not yet dedicated. He questioned the reason for this. Mr. Butler stated that he did not know. Mr. Costello stated that his guess is that they have not petitioned Fiscal Court to accept them. He believes Olympic Boulevard from Turfway to Mineola has been accepted. He stated that Corporex must be plowing the snow and putting down the salt and questioned why. Mr. Butler stated that he did not know.

Mr. Butler stated that he has been generally cooperative. He would like that land opened up. If he is going to open it up, it is the law that he should be compensated for it. He stated that under the right conditions, all of these issues will be resolved. It would not be appropriate for the Planning Commission to force him to condemn his property for that purpose and that would end up in court.

Mr. Costello stated that there is a Final Plat that recorded the right-of-way for Circleport II and his understanding is that the county has accepted and maintained the street, but this portion of Olympic Boulevard has not been platted. He questioned why. Mr. Butler stated that he did not know. He stated that it may not be finished.

Mr. Burch stated that he did not know that any of the streets in Circleport had been dedicated. Mr. Costello stated that Gap Way, Atlantic Avenue, Olympic Boulevard, and a portion of Circleport Drive have been dedicated and accepted, but not all of Circleport Drive and Olympic Way have been accepted by the county.

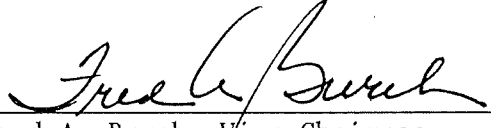
Mr. Butler stated that he will get an answer for Mr. Costello's question. He stated that he could have sold all the property for industrial. He can sell it at auction tomorrow and it will all go industrial, but their position has been that it is the front door to the community -- both

Northern Kentucky and Cincinnati. Their dream has been that Circleport would be more of an office/high tech development. Since 1990 there has not been any money for development. Now things are beginning to happen, but they are not happening so much in the office sector. He stated that he brought international people there and they did not look. They even put them in helicopters, but they ended up in the northeastern part of Cincinnati because the people in New York did not go for Northern Kentucky. Some people felt that they did not have services. They tried to get Fidelity Investments, but they felt that Circleport was too far out. If they can get a hotel, he thinks he might be able to get some food services and amenities that will help them get office buildings. He believes the answer about the roads is that the development is still in a state of flux.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on June 12, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on June 21, 1995 at 8 P.M..

Mr. Burch closed this Public Hearing.

APPROVED:

  
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Fred A. Burch, Vice Chairman

Attest:

  
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Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BUSINESS MEETING  
July 19, 1995  
8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:35 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Robert Kirby, Jr.  
Mr. Mike McKinney  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Ms. Susan Cabot, Historic Preservation Planner  
Mr. Ed Coleman  
Ms. Jan Hancock, Secretary  
Mr. Dan Richards, GIS  
Mr. Kevin Wall, AICP

A roll call vote on the motion found Mrs. Arnett, Mr. Bailey, Mr. Kirby, Mr. McKinney, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. White in favor. Mr. Burch, Mr. McMillian, Mr. Millay, and Mr. Neltner were opposed. The motion carried by a vote of 8 to 4.

2. Change in Concept Development Plan

The request of Corporex Parks of Kentucky, Inc. (owner) for a Change in Concept Development Plan for Lot 9, Circleport I, Boone County, Kentucky. The request is to allow a hotel on a 4.8-acre site in an Industrial One/Planned Development (I-1/PD) District.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition. The approved 1986 Concept Development Plan was not attached to the Committee Report and was distributed at this time. The applicant has signed the letter agreeing to the condition.

Mr. Millay moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Bailey seconded the motion.

Mr. Ries questioned the resolution of the issue of access to the Gallenstein property. Mr. Burch referred to the Site Plan and stated that the Commission is approving the use inside the colored area for the specific site and the rest of the Site Plan is exactly the way it was approved before this request.

Mrs. Schaffer questioned the issue of dedicated streets. Mr. Wall advised that part of the existing streets are not within platted right-of-ways and under the Subdivision Regulations, unless they get specific approval thru the Concept Development Plan, which they did not do in 1986, they must have public streets within the subdivision. He advised that this issue is readily resolvable and will get cleared up if they get final approval from the Fiscal Court.

Mr. Rush questioned the definition of an "extended stay hotel". A representative from Corporex advised that people normally stay there for a week or a month and there are kitchen facilities.

Mr. Costello advised that the approved plan will be stamped to show the road right-of-way to ensure that there is no confusion.

There being no further comments, Mr. Burch asked for a vote on the motion made by Mr. Millay and it carried unanimously.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Millay, Chairman

DATE: July 19, 1995

RE: Request of Corporex Parks of Kentucky, Inc. (owner) for a Change in Concept Development Plan for Lot 9, Circleport I, Boone County, Kentucky. The request is to allow an "extended stay hotel" on a 4.8 acre site in a Industrial One/Planned Development (I-1/PD) District.

### REMARKS:

We, the Committee, recommend approval of the requested Change in Concept Development to allow an "extended stay hotel" on Lot 9 as shown on the Concept Development Plan received by the Planning Commission on July 10, 1995. This Change in Concept Development Plan is limited to changing the use for Lot 9 from its prior approved use as part of the 1986 zone change and its approved Concept Development Plan for the approximate 32.5 acre Circleport I development. This recommended Change in Concept Development Plan being so limited to a change in use for Lot 9 does not alter, change, modify, remove or otherwise affect the 1986 approved zone change or its development plan, with the addition of the condition noted herein. In all other respects the 1986 approved Concept Development Plan for Circleport I comprising 32.5 acres remains in full force and effect in its entirety.

For clarity, the Change in Concept Development Plan Committee recommends for approval is superimposed on a duplicate of the approved 1986 Concept Development Plan and is attached to this Committee Report. This recommendation is based on the following findings and with the following condition:

### FINDINGS OF FACT


1. The proposed change in use for Lot 9 to an "extended stay hotel" is consistent with and does not change the character or nature of the development approved in the 1986 zone change for Circleport I as shown on its accompanying 1986 Concept Development Plan approved as part of that zone change, particularly when considering that other hotels were part of the original approval.
2. This proposed change in use for Lot 9 affects only a 4.8 acre part of the approved 1986 Circleport I Concept Development plan which totals 32.5 acres.
3. Except for the mere change in use for Lot 9, the Circleport I 1986 Concept Development Plan approved as part of the zone change then occurring remains in full force and effect in its entirety, with the addition of the condition noted herein.


4. The proposal is in agreement with the Boone County Comprehensive Plan which designates the site as "Business Park."
5. The attached condition is necessary to achieve consistency with the Boone County Comprehensive Plan, Article 15 "Planned Development District" of the Boone County Zoning Regulations, and to mitigate foreseeable community impacts that would be created by the proposal that would affect the uses on the project site and the varying uses adjacent to the project site. The applicant has signed a letter agreeing to this condition.

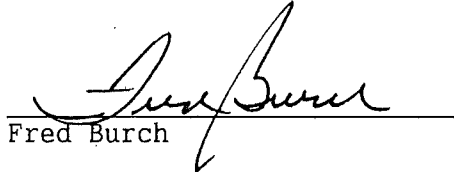
CONDITION

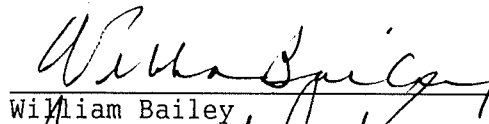
1. To help maintain the wooded character of the site, the existing vegetation shall be maintained along the south and west property lines of the site. Further, groups of large trees shall be provided along the street frontage(s) and a variety of large trees shall be provided within the interior of the site. In addition, the proposal shall be subject to all landscaping requirements provided in Article 31 of the Boone County Zoning Regulations.

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.

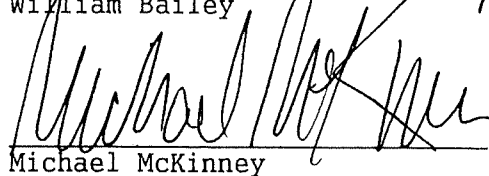
  
\_\_\_\_\_  
Robert Millay, Chairman

  
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Donald McMillian

  
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Fred Burch

  
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William Bailey

  
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Barry Neftner

  
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Michael McKinney

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Phil Damstrom

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING

May 31, 1995  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, and Mrs. Schaffer.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 7:05 P.M.. Following an explanation of the Public Hearing process by Counselor Wilson, Mr. Burch introduced the first item on the Agenda:

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Mr. Breidenstein asked that consideration be given to the extension of Olympic Boulevard, utilities, the pavement, and the phasing. He stated that they are in favor of the project, but ask that it be done following the example set by Mrs. Gallenstein on the other side of the road.

Mr. Burch asked if there were any questions from the Commission.

Mr. McKinney stated that the preliminary Site Plan indicates that there is one entrance in and one entrance out of the project. He questioned emergency access if that access would be blocked.

Mr. Klein agreed that there is one access and stated that all of the sites along there have one entrance and an emergency could happen on any piece of property. Mr. McKinney asked if they have any other way to get people on and off the premises if the entrance on Circleport Drive were to be blocked by an emergency. Mr. Klein stated that there would only be the one entrance and all the lots along there only have one entrance.

Mr. McKinney stated that he is concerned over the applicant's reluctance to extend Olympic Boulevard, which seems to be an attempt to punish the adjoining landowners for not selling to Corporex.

Mr. Bill Butler, President and owner of Corporex, stated that he has been a developer of Circleport beginning almost 15 years ago. They do not have any problem with a second entranceway, but are not here for Site Plan approval at this time. They are here in regard to the Concept Plan. He stated that it may be good to have more than one entrance and that can be dealt with. They will be able to deal with the landscaping when they deal with the Site Plan approval. He stated that it should be clear from the slides that it has been a well planned park and they have spent a lot of money -- almost \$1 million -- in putting the entrance on Circleport I and Circleport III for this to be a high class business park.

Mr. Butler stated that the Gallenstein parcel of land was taken by KDOT years ago. KDOT compensated the Gallenstein family for the land, but allowed them to keep the title. They have already been paid the fair market value of the land once. He stated that they have had an interest in the possibility of expanding Circleport through the years, potentially

by acquiring the Gallenstein parcel. They have never had a commitment with the Planning Commission or anyone else to extend a road to the Gallenstein parcel. They have indicated it on conceptual plans as a possibility. They built the roads as they did because they did not know for certain if they could ever develop that piece of land and add it to Circleport. If it had ever been an agreement with the Planning Commission that they have a requirement to extend that road, it would have been a dedicated easement or right-of-way already. He stated that his business position was put in a letter to the Gallensteins and the letter gives them one more opportunity to act responsibly and fairly in regard to their land, which they have tried to outprice greater than its fair market value. Whatever they have now in the way of an asset has already been enhanced significantly by Circleport and there can be no punishment administered by someone who created that kind of enhancement. His company at its own expense ran the sewers that service the various properties, put the lift station in on Circleport I and across the road, put in all the road systems to create this, and made Circleport and this type of development happen in that marketplace. He stated that the issues brought up by Mr. Breidenstein are legal issues and they are not issues in front of the Planning Commission at this time. The letter he wrote the Gallensteins (included with the Position Statement) speaks for itself.

Mr. Butler stated that they may have some office opportunities and would like to expand the office complex where Citicorp is housed. They have developed several plans to do that and some of those plans have encompassed the Gallenstein property. There is a significant need for parking to service this tenant. He stated that the exhibit shows the first conceptual plan before they had any success. They need parking. They need to expand the parking into the Gallenstein property, if it can be acquired at a reasonable price -- or they need to build a parking structure, which is a recommendation of the new Comprehensive Plan and ordinances. They have been unable to come to agreement with the Gallensteins on any reasonable basis and, therefore, there is a possibility that the only way they will be able to expand the office building for Citicorp is on the existing land they have.

Mr. Butler stated that they are not here to talk about road extensions and are asking for approval of a first class development. They are asking for a change of use on a piece of property to allow the construction of a residence inn hotel. The business issue between them and the Gallensteins is between them. He did not come with legal counsel. He stated that they have no intention to extend the road at this time and they may have to use that area to expand the office building as the only way they can do it in Circleport.

Mr. Ries stated that he does not think the Fiscal Court or the Planning Commission has authority to force access to a landlocked piece of property.

Mr. Costello stated that from a planning standpoint, they try to have interconnecting parking lots/streets in all different kinds of developments -- whether residential or commercial. He was involved when Circleport I and Circleport III came before the Commission in 1986 and all the streets were supposed to be publicly dedicated and accepted for

maintenance. In regard to the road going up to the Gallenstein tract, his impression was that it was to be publicly dedicated and accepted by the county for maintenance. He will check the file in this regard. He stated that Rolling Green Acres is being bought out by the airport and there is potential for connection to Point Pleasant Road and this property could benefit from that. People arriving from the airport and taking Donaldson Road to Point Pleasant Road could come in the back way to this development if there is a future development and road system on the Gallenstein tract. The Gallensteins own access to some lots in Rolling Green Acres and there could be an industrial park and road system out to Point Pleasant Road. From a planning standpoint, they try to look at cross connections. It makes sense from a planning standpoint to connect Mineola Pike to Point Pleasant Road.

Counselor Wilson explained that Mr. Costello's point is that, aside from any dispute that may exist between the Gallenstein tract and the subject tract, there are some legitimate planning reasons to look at an extension. He stated that this proceeding is changing a Concept Development Plan of a previous zone change in 1986 and any conditions to be imposed require the agreement of the applicant. If the change in concept should not be granted if there is not agreement on a particular point, is something for the Commission to determine. If there is not agreement, the Commission will have to weigh whether the request should be granted without it.

Mr. Costello stated that if there is a fire in Rolling Green Acres, the Point Pleasant Fire Department could take the relocated Turfway connector and cross over Mineola Pike to fight the fire instead of going all the way around.

Mr. Butler stated that the first plans that were approved for subdivision of the property were not these plans. He stated that they had no anticipation at that time of going back through there.

Mr. Costello stated that the road is still not accepted by the county. Counselor Wilson advised that it would become an issue in this request if they are asking that it be changed. If they are asking that it be changed, they are making it an issue. Mr. Butler stated that they are asking for a use change.

Mr. McKinney stated that they are here by application, not by invitation. It looks like the premise they proposed several years ago was for Olympic Boulevard to go the full length and the application now deviates from that.

Mr. Klein stated that it was mentioned that the Gallenstein property was landlocked -- but it has access out the other side towards Airport Road.

Counselor Wilson stated that by the time this gets to Committee, the currently approved plan can be looked at and the Committee can get into whether these are changes being proposed.

Mrs. Schaffer stated that there are two hotel sites near the interchange. Mr. Wall advised that they are not developed and reviewed the locations with Mrs. Schaffer. Mrs. Schaffer questioned why they cannot use those

sites, which are indicated for hotels, and leave the office site. She noted that the applicant made the comment that they need more office space.

Mr. Klein stated that there is really one hotel site, not two -- and the intention for that site was much different than what they are proposing. Mr. Butler stated that they developed different plans in 1990, but the recession prevented them from building the hotel. He stated that the plan was for a high-quality, high rise or mid-rise, full service hotel with an executive conference center over a body of water. They intend in the future to develop that site with a full service hotel. The type of hotel they are proposing to build now is a limited service hotel and they can get it financed today.

Mrs. Schaffer noted that the plan says "150 units, four-story hotel" and they are asking for 150 units and a three story hotel.

Mr. McMillian stated that the Commission is strictly for access management and likes to get from one piece of property to another the most feasible way. He believes access management will come up in Committee. He stated that they need another entrance/exit.

Mr. Burch stated that the original proposal was to have all dedicated streets within the park and they are not yet dedicated. He questioned the reason for this. Mr. Butler stated that he did not know. Mr. Costello stated that his guess is that they have not petitioned Fiscal Court to accept them. He believes Olympic Boulevard from Turfway to Mineola has been accepted. He stated that Corporex must be plowing the snow and putting down the salt and questioned why. Mr. Butler stated that he did not know.

Mr. Butler stated that he has been generally cooperative. He would like that land opened up. If he is going to open it up, it is the law that he should be compensated for it. He stated that under the right conditions, all of these issues will be resolved. It would not be appropriate for the Planning Commission to force him to condemn his property for that purpose and that would end up in court.

Mr. Costello stated that there is a Final Plat that recorded the right-of-way for Circleport II and his understanding is that the county has accepted and maintained the street, but this portion of Olympic Boulevard has not been platted. He questioned why. Mr. Butler stated that he did not know. He stated that it may not be finished.

Mr. Burch stated that he did not know that any of the streets in Circleport had been dedicated. Mr. Costello stated that Gap Way, Atlantic Avenue, Olympic Boulevard, and a portion of Circleport Drive have been dedicated and accepted, but not all of Circleport Drive and Olympic Way have been accepted by the county.

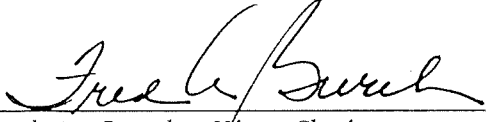
Mr. Butler stated that he will get an answer for Mr. Costello's question. He stated that he could have sold all the property for industrial. He can sell it at auction tomorrow and it will all go industrial, but their position has been that it is the front door to the community -- both

Northern Kentucky and Cincinnati. Their dream has been that Circleport would be more of an office/high tech development. Since 1990 there has not been any money for development. Now things are beginning to happen, but they are not happening so much in the office sector. He stated that he brought international people there and they did not look. They even put them in helicopters, but they ended up in the northeastern part of Cincinnati because the people in New York did not go for Northern Kentucky. Some people felt that they did not have services. They tried to get Fidelity Investments, but they felt that Circleport was too far out. If they can get a hotel, he thinks he might be able to get some food services and amenities that will help them get office buildings. He believes the answer about the roads is that the development is still in a state of flux.

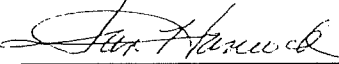
There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on June 12, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on June 21, 1995 at 8 P.M..

Mr. Burch closed this Public Hearing.

APPROVED:

  
Fred A. Burch, Vice Chairman

Attest:

  
Jan Hancock, Recording Secretary

## SUPPORTING INFORMATION

## BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

July 12, 1995

Mr. William Butler  
Corporex Parks of Kentucky, Inc.  
c/o Marty Butler, Esq.  
Strauss & Troy

FAX: 629-9444

RE: Recommended Condition of Approval for Change in Concept  
Development Plan to Allow "Extended Stay Hotel" - Lot 9,  
Circleport I, Boone County, Kentucky

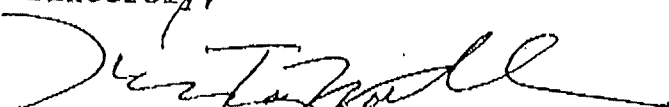
Dear Mr. Butler:

The following represents the condition of approval as agreed by the Boone County Planning Commission's Zone Change Committee for the above referenced request. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 5:00 p.m., Tuesday, July 18, 1995.

Condition of Approval

1. To help maintain the wooded character of the site, the existing vegetation shall be maintained along the south and west property lines of the site. Further, groups of large trees shall be provided along the street frontage(s) and a variety of large trees shall be provided within the interior of the site. In addition, the proposal shall be subject to all landscaping requirements provided in Article 31 of the Boone County Zoning Regulations.

Sincerely,

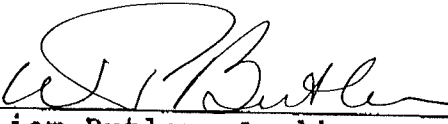
  
Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

Mr. William Butler  
c/o Marty Butler, Esq.  
July 12, 1995  
Page 2

**Agreement**

I, the applicant, agree to the above listed conditions of approval for the requested Change in Concept Development Plan to allow an extended stay hotel on Lot 9, Circleport I, Boone County, Kentucky.

 *President*

William Butler, Applicant  
Corporex Parks of Kentucky, Inc.

7/13/95  
Date

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**August 29, 1995**  
**5:30 P.M.**

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 620.11, an ordinance relating to the regulations and issuance of right-of-way encroachment permits and repealing Ordinance Numbers 620.3 and 620.3A. Exhibit "F"

**ORDINANCE NO. 620.12 STEEL TRACKED VEHICLES**

Judge Lucas read a summary of Ordinance No. 620.12 and declared a Public Hearing open at 5:57 p.m. Hearing no objection, Judge Lucas declared the Public Hearing closed at 5:58 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 620.12, an ordinance prohibiting the use of steel tracked vehicles upon county roads and repealing Ordinance No. 620.08. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

**ORDINANCE NO. 920.317 - CORPOREX**

Judge Lucas read a summary of Ordinance No. 920.317 and declared a Public Hearing open at 5:59 p.m. Hearing no objection, Judge Lucas declared the Public Hearing closed at 6:00 p.m.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920.317, an ordinance of the Boone County Fiscal Court approving the request of Corporex Parks Of Kentucky, Inc. (Owner) for a change in an approved Concept Development Plan, with one condition, in an Industrial One/Planned Development (I-1/PD) zone for Lot 9, Circle Port I, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-029-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

**ORDINANCE NO. 920.318 - ERPENBECK CONSULTING ENGINEERS/AVERBECK**

Judge Lucas read a summary of Ordinance No. 920.318 and declared a Public Hearing open at 6:01 p.m. Subsequent to a very brief discussion, Judge Lucas declared the Public Hearing closed at 6:04 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading (with the condition that the lots are limited to two per acre) Ordinance No. 920.318, an ordinance of the Boone County Fiscal Court approving the request of Raymond Erpenbeck Consulting Engineers (Applicant) for Terry and Mary Theresa Averbek (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) FOR an approximate 66 acre site generally located on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 Interchange, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission