

**BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION**

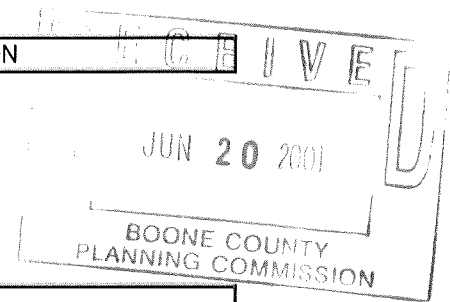
See Boone County Zoning Regulations  
SECTION A (To be completed by applicant)

1. Jurisdiction (Check One)

BOONE	<input checked="" type="checkbox"/>	FLORENCE	<input type="checkbox"/>	WALTON	<input type="checkbox"/>	UNION	<input type="checkbox"/>
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2. Type (Check One)

Conditional Use Permit	<input type="checkbox"/>
Variance	<input type="checkbox"/>
Appeal	<input checked="" type="checkbox"/>
Change in Non-Conforming Use	<input type="checkbox"/>



3. Applicant Information

Applicant's Name	PBS&J
Phone Number	(859) 371-9051
Fax No.	(859) 371-5980
Applicant's Address	1895 Airport Exchange Blvd., Suite 234

City Erlanger	State KY	Zip 41018
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4. Description of Request

To allow commercial uses on the property fronting KY 237 south of Worldwide Blvd., with the same restrictions as outlined in Condition #5 in the Committee Report dated 11/1/89.

5. Name of Development

Park West International Lot 12

6. Location of Development

Southwest corner of KY 237 and Worldwide Blvd.

7. Acreage

Acreage Under Review	11.142 Acres
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8. Lot Information

Lot Number 12	Name of Subdivision Park West International
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9. Owner Information

Owner of Property	Industrial Developments International
Phone Number	(859) 431-1444
Fax No.	(859) 431-2888
Applicant's Address	100 Rivercenter Blvd., Suite 420

City Covington	State KY	Zip 41011
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10. Proposed Use(s) on Site

Bank, fast food restaurant and other uses permitted within the c-4 zone

11. Total Square Footage of Existing and/or Proposed Buildings

As permitted in C-4 zone

12. Zoning

→ Current Zoning on Property I-1

13. Parcel Information

Deed Book 579	Page No. 309	Group No.
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14. Is the site subject to a zone change?

No	Yes	If yes, give date of approval
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15. Have you submitted a Site Plan with this request?

No  Yes

16. Have you submitted a list of adjoining property owners with this request?

No  Yes

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: *Dwight H. Coates (78543)*  
Property Owner's Signature: *Kevin Smith For IDI, Inc.*

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received Fee Received

Month 6 Day 20 Year 01

2. Fee Received

No  Yes  \$786.00 R#29157

3. Is application complete?

No  Yes

4. Staff Reviewer

KEVIN WALL

5. Scheduled Board Action Date

Month 7 Day 11 Year 01

6. Board Action: 7/11/01

Approved  Approved with Conditions (See #6)  Denial (See #7)

7. Conditions of Approval:

8. Reasons for Denial:

ZA DECISION WITHHELD, REFER TO MINUTES FOR FINDINGS

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

**Send Application To:**

## STAFF REPORT

ISSUE: APPEAL OF ZONING ADMINISTRATOR'S INTERPRETATION OF A ZONE CHANGE CONDITION OF APPROVAL AS IT RELATES TO PERMISSIBILITY OF COMMERCIAL USES

APPELLANT: PBS&J FOR INDUSTRIAL DEVELOPMENTS INTERNATIONAL

LOCATION: WEST SIDE OF NORTH BEND ROAD BETWEEN WORLDWIDE BOULEVARD AND I-275, PARK WEST INTERNATIONAL SUBDIVISION, BOONE COUNTY, KENTUCKY

ZONE: INDUSTRIAL ONE (I-1)

DATE: JULY 11, 2001

### REQUEST

In accordance with sections 201, 220, 230, 240, 245, 253, and 254 of the Boone County Zoning Regulations, an Appeal of the Zoning Administrator's interpretation of the Zoning Regulations has been filed before the Boone County Board of Adjustment and Zoning Appeals. Specifically, PBS&J on behalf of Industrial Developments International has filed an Appeal of the Zoning Administrator's interpretation of condition #5 of the zone change approval from 1989 for the 350 acre Heimann property (now Park West International), which is located between North Bend Road and Graves Road, along the north side of I-275 (5/31/01 letter from Kevin Wall to Bill Northcut is attached as Exhibit 1). This determination was made in response to an inquiry from a developer regarding the permissibility of constructing a bank and drive-through restaurant in the 11.142 acre area located on the west side of North Bend Road, between Worldwide Boulevard and I-275 (5/29/01 letter and attachments from Bill Northcut to Kevin Wall are attached as Exhibit 2).

In the letter attached as Exhibit 1, the Zoning Administrator determined that condition #5 of the zone change approval from RSE, SR-1, and C-4 to I-1, as agreed by the property owners at the time, does not permit commercial uses at the specific location desired by the current property owners (on North Bend Road between I-275 and Worldwide Boulevard - refer to 11/1/89 Committee Report attached as Exhibit 3). Condition #5 permitted some commercial uses to be located on North Bend Road between the planned extensions of SouthPark Drive and Tanner Road, known now as Worldwide Boulevard and Global Way (vicinity map is attached as Exhibit 4). However, the current property owner has recently

constructed an office/warehouse building on that site (Park West "Building T," Major Site Plan was approved by the Planning Commission on 7/18/00). The Zoning Administrator advised that commercial uses could be sought for the site in question through the submission of Change in Concept Development Plan and Conditional Use Permit applications, or the submission of a zone change application for an appropriate commercial zone. For informational purposes, the second and third sentences of condition #5 pertain to prohibited I-1 uses in the overall development and do not pertain to the matter at hand.

### DUTIES OF ZONING ADMINISTRATOR AND BOARD OF ADJUSTMENT AND ZONING APPEALS

Section 201 of the Boone County Zoning Regulations describes the authority of the Zoning Administrator. One of the roles of the Zoning Administrator is to determine the classification of any use of land, buildings or structures as a principally permitted, accessory, or conditional use in a specific zoning district, as well as determine whether uses are illegal or have pre-existing, nonconforming status, based on an interpretation of the stated and implied requirements of the zoning regulations. This includes the classification of new uses or uses not specifically identified in the regulations, determination of how applicable development standards are applied in different circumstances, interpretation of zone change and BOA conditions, and the interpretation of the regulations in instances where there is not a precise "fit" between the regulations and existing site conditions or development objectives.

In addition, one of the Board's duties is to hear and decide Appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant or refusal made by the Zoning Administrator.

### HISTORY OF REQUEST/ISSUE

1989           The Boone County Fiscal Court conditionally approved the previously mentioned zone change for the property in question on December 19<sup>th</sup>. The conditions of approval are outlined in the previously referenced Committee Report identified as Exhibit 3 (the Committee Report outlines the Planning Commission's recommendation to the Fiscal Court, which was subsequently adopted by the Fiscal Court as their decision on the matter). Bob and Ed Heimann were the property owners at that time.

1996           A Preliminary Plat was approved by the Planning Commission for "Park West International Subdivision." This plan was submitted by Industrial Developments International and it encompassed the entire Heimann zone

change area. The area in question is part of "Lot 5" as indicated on the Preliminary Plat - this was originally approved as a larger industrial style lot which has since been partially developed with a distribution style structure (Preliminary Plat will be available for review at the Public Hearing).

2001 The Zoning Administrator received an inquiry from Bill Northcut (Exhibit 2) regarding the permissibility of a bank and a drive-through restaurant on May 30. The issue had been discussed several times previously with different parties involved with the project. The Zoning Administrator responded with his determination on May 31. The Appellant submitted an application to the Planning Commission to change the zoning of the site from I-1 to C-4 on June 4 (application form is Exhibit 5). This appeal was filed on June 20.

#### ADJOINING LAND USES AND ZONING

The Park West International industrial park is located to both the north and west (I-1). Various commercial uses (bank, fast food restaurant, two convenience stores with gas sales, and miniwarehouses) and a few remaining single family residences are located to the east across North Bend Road and along Kilgore and Northside Drive (C-2 and C-3). The SouthPark industrial subdivision is located further to the east (I-1). I-275 is located to the south.

#### DECISION AND BASIS FOR DECISION

The decision in question, and the basis for the decision, are described in the previously mentioned letter dated May 31, 2001 from Kevin Wall to Bill Northcut (Exhibit 1).

#### CONCLUSION

As provided in Article 2 of the Boone County Zoning Regulations, an Appeal of the Zoning Administrator's decision may be granted by the Board of Adjustment and Zoning Appeals when it has been demonstrated that the decision is in error. Issues of particular relevance to this matter from the Zoning Administrator's perspective include:

- A. Condition #5 is very explicit regarding the appropriate location of commercial uses on the overall 350 acre site - the wording is not ambiguous and leaves nothing to the imagination. In fact, Dave Geohegan, Director of Planning Services for the Planning Commission, who was also the planner who reviewed the Heimann zone change in 1989 and who drafted the conditions of approval, concurred with the Zoning Administrator's interpretation of this condition. The Appellant states on the application form that the purpose of the appeal is "to allow commercial uses on the property fronting KY 237 south of Worldwide Blvd., with the same restrictions as outlined in Condition #5 in the Committee Report dated 11/1/89." However, the restrictions relating to commercial uses in condition #5 pertain almost exclusively to a certain location, thus, the Appellant has basically requested that this part of condition #5 be made void through the Appeal procedure, versus the appropriate legislative procedure.

The Appellant's narrative states that "our interpretation of the 1989 zone change does not specifically exclude commercial from any other area in the park." If the applicable part of condition #5 does not restrict the location of commercial uses within the overall development, then it is merely superfluous rhetoric and serves no tangible purpose at all. This is particularly relevant when considering that the first phrase of condition #5 states "the development of the site shall be of a light industrial/office park nature." Under the rationale purported by the applicant, commercial uses would be permitted anywhere (or everywhere) in the park, and the "light industrial/office park nature" portion of the condition would also have no real meaning or effect. This is also true regarding the last phrase of the condition which states that "these commercial uses should front on KY 237 for a depth of approximately 400 feet and have access to both the Tanner Road extension (now Global Way) and SouthPark Drive extension (now Worldwide Boulevard)." The commercial uses obviously cannot have access to both Global Way and Worldwide Boulevard if these uses are not located between the two streets in question.

- B. The Appellant's narrative also states that they have consistently shown the area in question to the County as future commercial lots. While this is a factual statement, representatives of the Appellant have also been informed by the Zoning Administrator on several occasions in the past that it was his understanding that the Heimann zone change did not permit commercial uses in this specific area, and that a new Public Hearing application through the Planning Commission and Fiscal Court to modify the 1989 approval would be in order for such a proposal.

- C. The Appellant has recently submitted an application to change the zoning of the tract to C-4 and the Appeal application form states that the proposed uses include "bank, fast food restaurant and other uses permitted within the C-4 zone." While the Zoning Administrator agrees that a zone change is a correct course of action for the proposal, the I-1 zone does not permit all of the commercial uses permitted by the C-4 zone. Thus, when considering the Appellant's stated intent in light of the literal wording and meaning of the condition, any approval of this proposal through the quasi-judicial Appeal procedure would have the effect of circumventing the zone change process, which is an appropriate legislative procedure for evaluating this proposal.
- D. The Appellant's narrative notes that the Comprehensive Plan's Future Land Use Map shows the site in question for future commercial uses. This is a correct statement (the commercial site identified by condition #5 between Worldwide Boulevard and Global Way is also shown on the Future Land Use Map for future commercial uses). However, this is a fact to be considered by the Planning Commission and Fiscal Court through the zone change or change in Concept Development Plan procedure versus through an Appeal of an administrative interpretation of a standing zone change condition.

Respectfully submitted,



Kevin T. Wall, AICP CDT  
Zoning Administrator  
Boone County Fiscal Court

KTW/pr

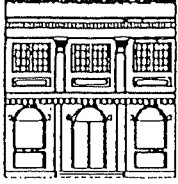
attachments:

- Exhibit 1 - 5/31/01 letter from Kevin Wall to Bill Northcut
- Exhibit 2 - 5/29/01 letter and attachments from Bill Northcut to Kevin Wall
- Exhibit 3 - 11/1/89 Committee Report for Heimann property zone change
- Exhibit 4 - vicinity map
- Exhibit 5 - IDI zone change application from I-1 to C-4 for subject site
- Exhibit 6 - Appeal application materials

# EXHIBIT 1

## BOONE COUNTY PLANNING COMMISSION

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2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

May 31, 2001

Mr. Bill Northcut  
Roth Development  
1999B Brownsboro Road  
Louisville, KY 40206-2170

RE: Proposed Bank and Drive-Through/Fast Food Restaurant on KY 237 Between Worldwide Boulevard and I-275, Park West International Subdivision, Boone County, Kentucky.

Dear Mr. Roth:

In response to your letter, I am providing the following information.

First, the site in question is within an Industrial One (I-1) zone. This zone resulted from a zone change that was conditionally approved in 1989. The owners at the time (Bob and Ed Heimann) agreed to a number of conditions that apply to the development (refer to enclosed "Committee Report" dated 11/1/89). These conditions run with the land and apply to any current proposals.

Second, Condition #5 restricts the permitted uses on the property beyond the normal I-1 zone requirements. This condition states in part "the development of the site shall be of a light industrial/office park nature, and shall be identifiable as a single entity." The condition concludes by stating "after the development of some light industrial uses on the property, commercial services at a local scale may be appropriate between Tanner Road and SouthPark Drive. These commercial uses should front on KY 237 for a depth of approximately 400 feet and have access to both the Tanner Road extension and SouthPark Drive extension." Based on the Preliminary Plat for the overall Park West Development, the subdivision was originally designed as a single entity as mandated in the first line of the condition (the site you asked about is shown as part of a larger lot labeled as "Lot 5").

The latter part of the condition states that a certain type of commercial uses are permissible under this zone change approval at a specific location. This location (between what is now Global Way and Worldwide Boulevard) is to the north of the site that you inquired about, thus, the current zone change approval does not permit the fast food restaurant and bank proposal that you provided. The permissible commercial area outlined in the condition has since been developed with an office/warehouse building. The basic rationale behind the permitted location of the commercial uses was appropriate traffic

Mr. Bill Northcut  
May 31, 2001  
Page 2

management in the immediate interchange area and to avoid interchange style commercial development in a growing residential corridor. I discussed your proposal with Dave Geohegan, Director of Planning Services (Dave reviewed the original Heimann zone change in 1989), who agreed with this interpretation of Condition #5.

You can apply for a Change in Concept Development in an effort to modify or remove this condition. This is a Public Hearing process that takes between four and six months to complete (process is similar to a zone change). I suggest that you discuss this option with the owner and if other commercial uses are intended on the adjoining lots, I recommend that the entire area in question be submitted under one application. For your information, a Conditional Use Permit is also necessary in addition to the Change in Concept Development Plan. Alternatively, a zone change to an appropriate commercial zone can be requested. Please call me if you have any questions or need any clarifications.

Sincerely,



Kevin T. Wall  
Zoning Administrator  
Boone County Fiscal Court

KTW/vlm

Enclosure

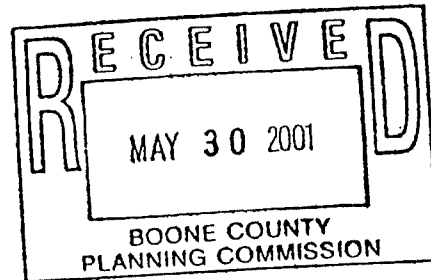
# EXHIBIT 2

## ROTH DEVELOPMENT

1999B Brownsboro Road • Louisville, KY 40206-2170  
(502) 895-4880

May 29, 2001

Mr. Kevin Wall  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005



Re; Proposed Development  
Ky. Hwy. 237 and Worldwide Blvd.  
Hebron, Kentucky

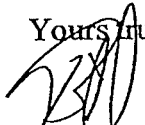
Dear Mr. Wall,

Enclosed is a proposed development plan showing a financial institution and a restaurant that we are proposing to develop on Hwy. 237 and Worldwide Blvd. in Hebron, Ky. I talked to you last week and you requested that we send to you a plan showing our intended use of the property.

Our building will house both uses and will contain drive thru services for the restaurant and financial institution. The frontage road and curb cuts on Hwy 237 will be installed by the property owner with the rest of the improvements to be made by Roth Development. I would like to have the opportunity to talk to you in detail about proceeding with this development and arriving at the permit stage for construction. My number is 502-550-6157 or call Jimmy Roth at 502-895-4880.

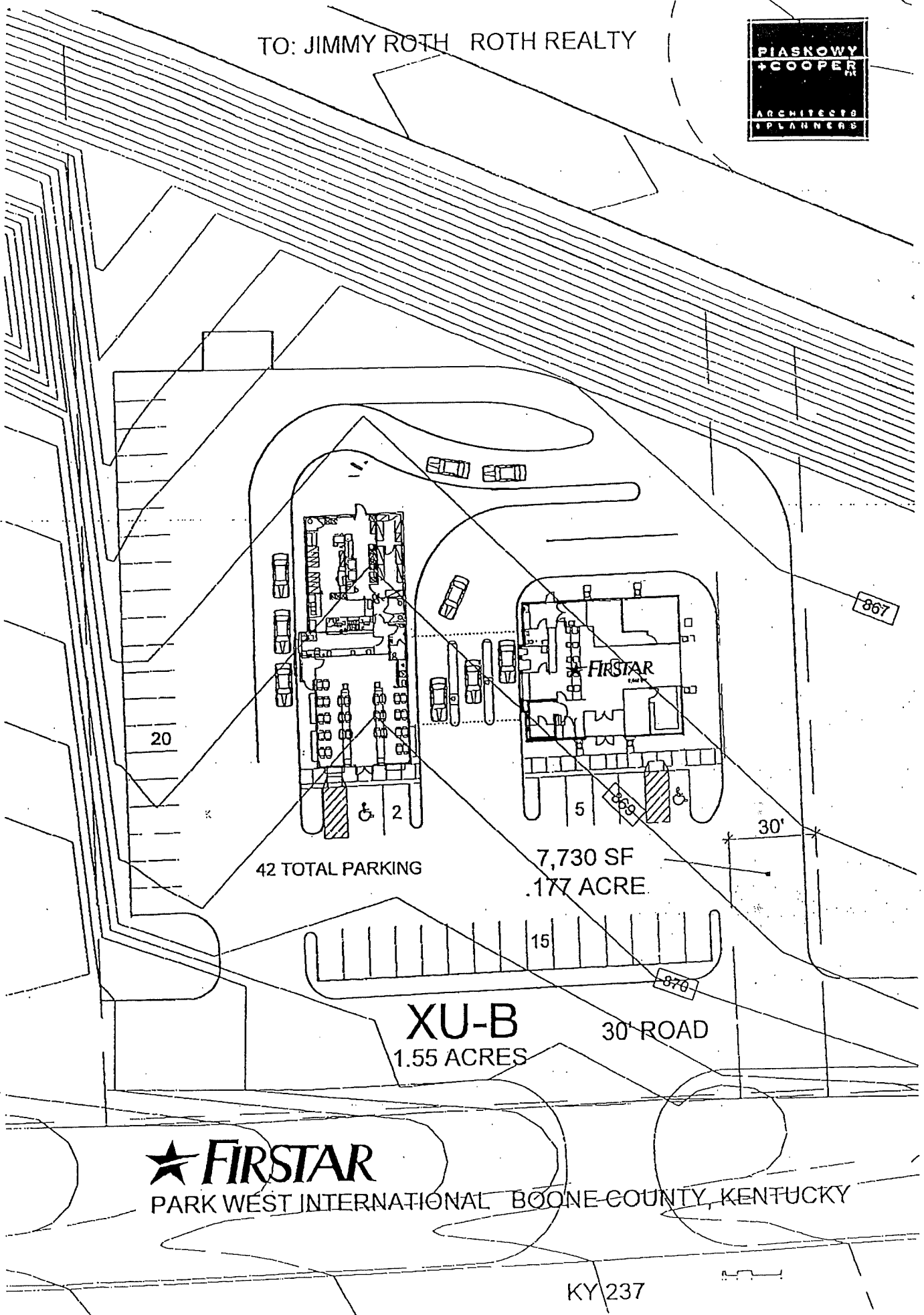
I will be contacting your office later in the week to see when you can schedule a meeting. Thanking you in advance for your consideration, I remain

Yours truly,



Bill Northcut

TO: JIMMY ROTH ROTH REALTY

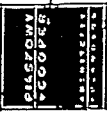
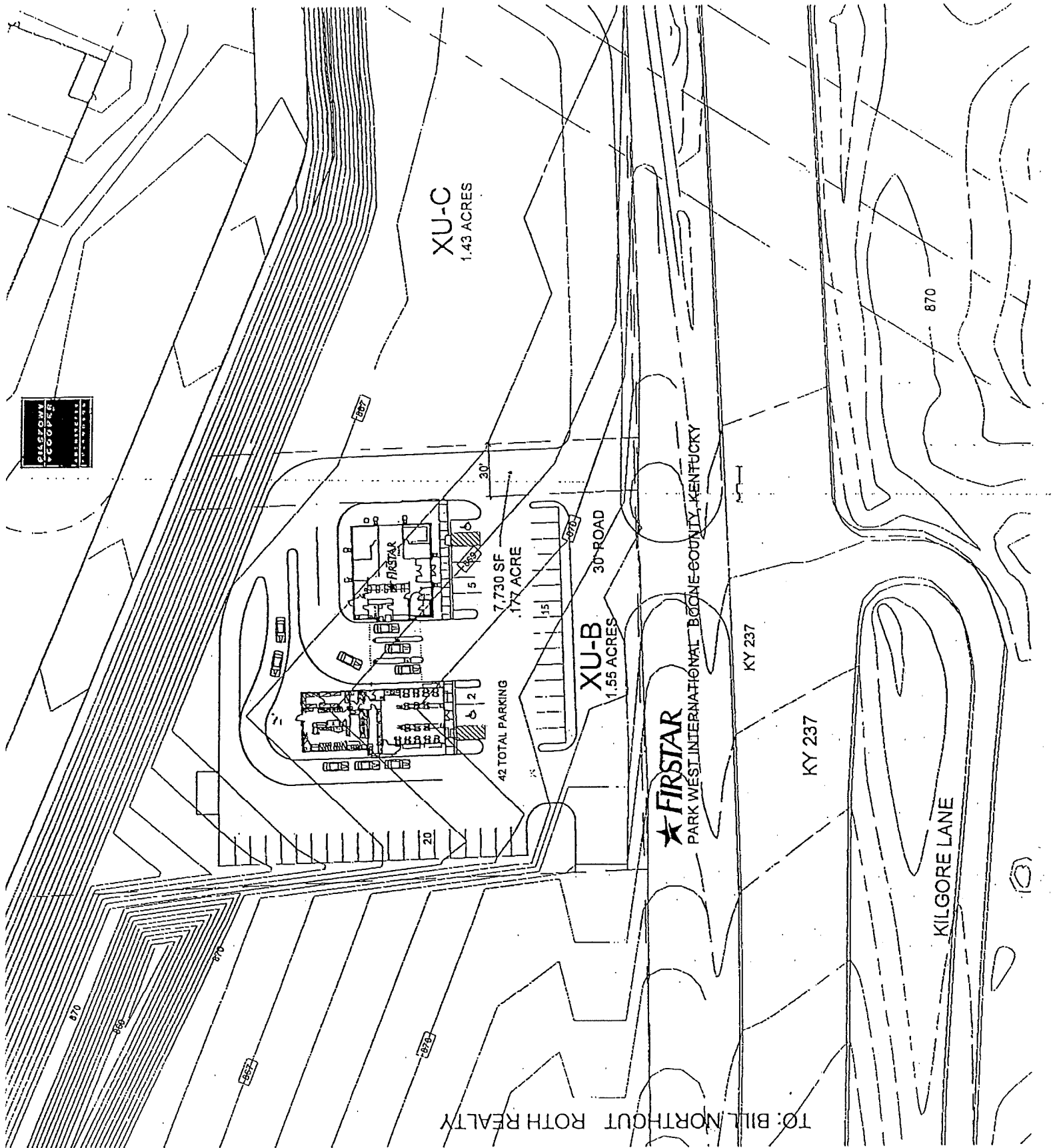


**★ FIRSTAR**

PARK WEST INTERNATIONAL BOONE COUNTY, KENTUCKY

KY 237

TO: BILL NORTHOUT ROTH REALTY



**FIRSTAR**  
 PARK WEST INTERNATIONAL BOONE COUNTY, KENTUCKY

XU-C  
 1.43 ACRES

XU-B  
 1.55 ACRES

7,730 SF  
 .177 ACRE

42 TOTAL PARKING

30' ROAD

KILGORE LANE

KY 237

KY 237

870

(10)



# EXHIBIT 3

DRAFT 11/29  
3:00

## COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Carol Smith, Committee Chairwoman

DATE: November 1, 1989

RE: Request of Boone County Fiscal Court to consider rezoning a ± 350 acre site owned by Bob and Ed Heimann. The property is located north of I-275 and west of KY 237 (North Bend Rd.), Boone County, Kentucky. The Zoning Map Amendment request is to change the current zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1) and Rural Suburban Estates (RSE) to Industrial One (I-1).

### REMARKS:

We, the Committee, based on the statements made and facts gathered at the October 25, 1989 Public Hearing, recommend that the zoning of the ± 350 acre Heimann property be changed to I-1. The Zoning Map Amendment is based upon the following findings of fact, and subject to the following conditions. These conditions agreed upon by the property owner insure that the property will develop in a orderly manner and not adversely impact the surrounding area.

### Findings of Fact

1. The existing zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1) and Rural Suburban Estates (RSE) is inappropriate due to the following reasons: The C-4 zone is situated close to the interchange, not having adequate frontage along KY 237 to provide for safe access. The only option would be to have access to the commercial developments through a residential district. Development of the SR-1 zone would create a substantial impact upon public water, sanitary sewer, fire protection and local schools, without providing for the tax base to provide for these necessary services. Developing this property as residential, would preclude further employment development north of I-275. The SR-1 and RSE zoning areas are also inadequate for residential development due to the combination of the noise impact of I-275, and a major electrical transmission line running through the property.

The I-1 zoning is appropriate for the site due to the following reasons: Industrial development of this ± 350 acre site will enable planned improvements to public infrastructure in the area. Major public water and sanitary sewer improvements, as discussed at the October 25, 1989 Public Hearing, will occur as the result of industrial development of this property. These improvements will not only serve this site, but will benefit the surrounding area. The industrial development of this property will provide needed tax revenue for local emergency services, which again will benefit the surrounding area. The roadway improvements scheduled for KY 237 will be expanded to Tanner Road, providing a better roadway to serve the north river area of Boone County.

2. There have been major changes to the area not foreseen in the 1986 Boone County Comprehensive Plan. The property located across KY 237 is being developed as a mixed use park, the majority of the uses being industrial. The Southpark Development will change the nature of the area from residential and highway oriented commercial to industrial, consistent with overall growth patterns in Boone County and nearby airport. The Business Activity Element encourages 'high-tech industry and airport related services' to be developed at the I-275 interchanges. In addition, the roadway will be upgraded, the rise will be reduced enabling industrial traffic to safely enter and exit the site.
3. In general the north river area of Boone County has experienced more development and different types of development than anticipated in the 1986 Boone County Comprehensive Plan. The Rivershore Farms, Tree Top and Parlor Grove developments exemplifies the significant residential interest for this area, at densities and scales not foreseen. The Committee believes that the increase in residential development in the north river area should be balanced by business development that provides for new employment and increased revenues. In addition, this request provides the opportunity to establish an appropriate limit of non-residential development north of I-275 given the following conditions:


The property owner is being asked to agree to the following conditions to provide general guidelines for the appropriate development of the  $\pm$  350 acre site. As a matter of clarification, these conditions are placed on the property regardless of ownership or ultimate development of the property.

1. Access to the site will be limited to three curb cuts onto KY 237 across from, Tanner Rd., Southpark Dr. and approximately Kilgore Pl. The major entrance to the property will be at the Southpark Dr. intersection, that will be upgraded to provide for a dual left-turn lanes at the northbound approach. At the other two entrances, single left turn-lanes will also need to be provided. Right-turn deceleration lanes will be installed at all entrances along KY 237.
2. The developer of the property will be required to submit a detailed traffic study as part of approval of the Preliminary Development Plat. The intent is to insure that traffic using the entrance across from Kilgore Place will not adversely impact the level of service of KY 237. In order to meet this objective, the amount of land and/or type and number of uses for the property directly served by this access point will be limited.
3. A connector roadway shall be constructed through the property, beginning at the intersection of KY 237 and Southpark Dr. and ending at Graves Road. This roadway will be two lanes in width, widening at major intersections, and will have restricted curb cuts and no parking. The design of the roadway will include earthen berms parallel to parking and building areas. This roadway shall be extended to Graves Road when the development of the property reaches Sand Run Creek. However, the developer of the property may construct the roadway any time prior to that stage.

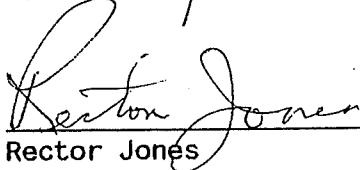
4. The developer shall provide an access right-of-way to the property to the north, along KY 237. The intent is to provide for access to future development to the north, regardless of the type of land use that eventually occurs on that property.
5. The development of the site shall be of a light industrial/office park nature, and shall be identifiable as a single entity. Some Industrial-1 uses are not consistent with the light industrial/office character, and would increase the potential traffic impacts on KY 237. The following I-1 classifications shall not be permitted on this site: #34. Motor freight terminals, public warehousing (self storage), freight garaging and equipment maintenance; #37. Equipment rental and leasing services including automobiles and trucks; #41. Truck stops. After the development of some industrial uses on the property, commercial services at a local scale may be appropriate between Tanner Road and SouthPark Drive. These commercial uses should front on KY 237 for a depth of approximately 400 feet and have access to both the Tanner Road extension and SouthPark Drive extension.
6. Buffering of the industrial uses proposed for the site shall include the existing tree stands exhibited in the 10/25/89 Staff Report. In addition, a 100 foot visual barrier shall be constructed between the industrial uses and the residential areas; as long as those areas remain residentially zoned. If earthen berms are utilized along Graves Rd. and KY 237, the 100 foot width requirement may be varied where appropriate. Specifically, the northeast corner of the property should be buffered in accordance to the exhibit contained in the Staff Report, due to the potential visual impact of the development to the residential areas along KY 237. The staff exhibit on buffering is incorporated into this Committee report.
7. All signs within the development shall be building-mounted or monument type. All roof equipment and loading dock areas shall be sufficiently screened from public view; particular care should be taken in areas visible from KY 237 and I-275. *ALL STRUCTURES DEVELOPED ON THE 1350 ACRE SITE SHALL UNDERGO DESIGN REVIEW AT SITE PLAN REVIEW STAGE*
8. Development of the site shall occur only after agreement is reached with the Boone County Water and Sewer District to provide adequate public sanitary sewerage for the property. In addition, industrial development must be accompanied by new water line improvements at I-275, as discussed in the 10/25/89 Public Hearing. *AA 11-1-8*
9. The existing cemetery located on the site shall be adequately protected or appropriately removed prior to any development of the property.
10. A pedestrian travel network shall be designed throughout the development where appropriate, and should especially provide access in and out of any commercial or office areas.
11. Passive recreation opportunities shall occur in some of the remaining wooded areas on the western portion of the site. This shall be accomplished through dedication of property to Boone County or private construction of pathway facilities.

12. At such time that the connector road (Condition 2) is completed through to Graves Road, the property owner will cooperate with the local fire district to determine the need for a satellite fire station. If it is determined that such a facility is needed and will be build in a defined time frame, the property owner in conjunction with the Planning Commission shall locate and dedicate a one-acre parcel for such use.


In conclusion, the Committee believes that development of the site in accordance with this report will provides a suitable land use, that will not adversely impact the surrounding area.


  
\_\_\_\_\_  
Carol Smith, Committee Chairwoman

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

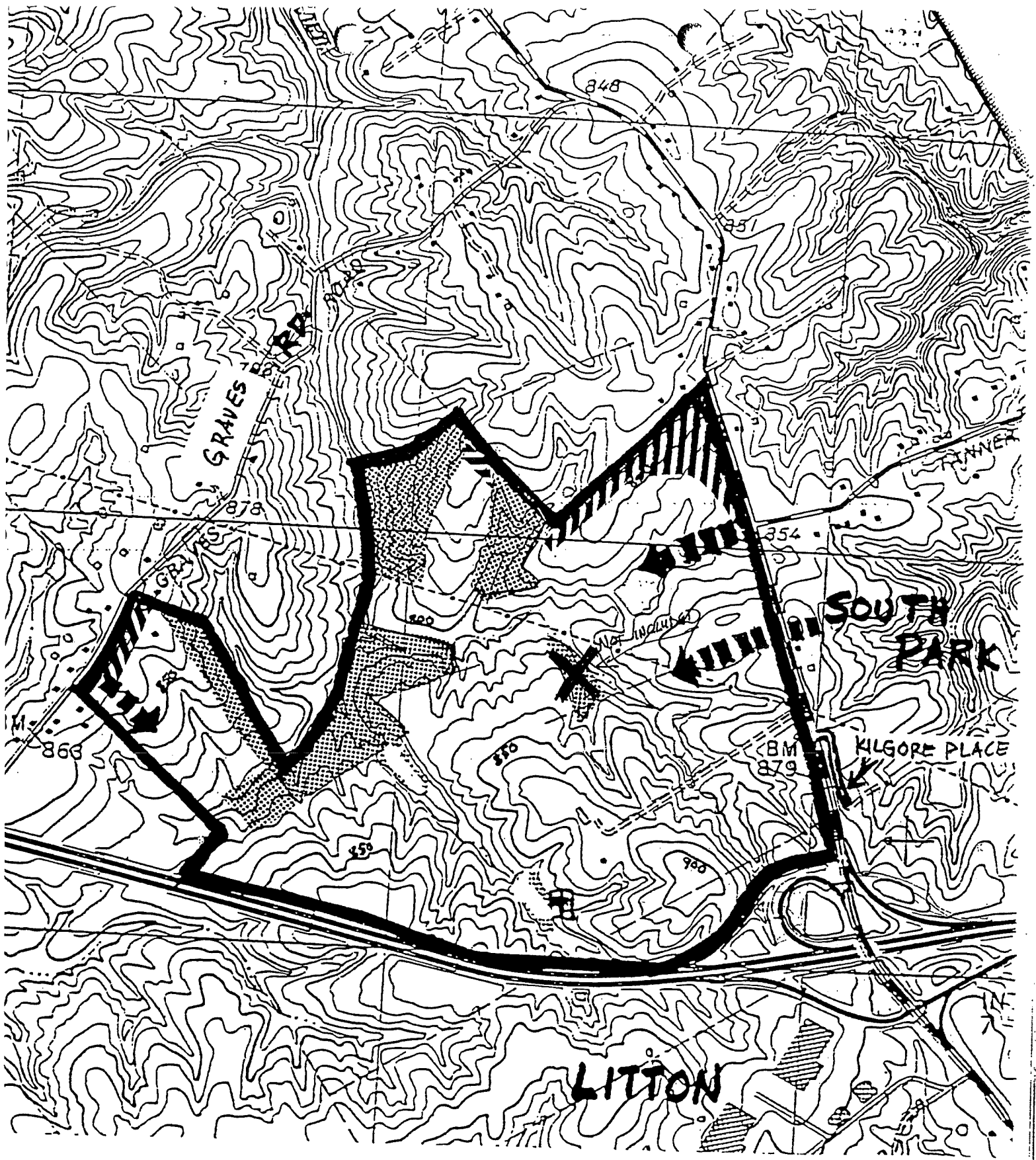
  
\_\_\_\_\_  
Rector Jones

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Larry Barnett



  
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Phil Damstrom

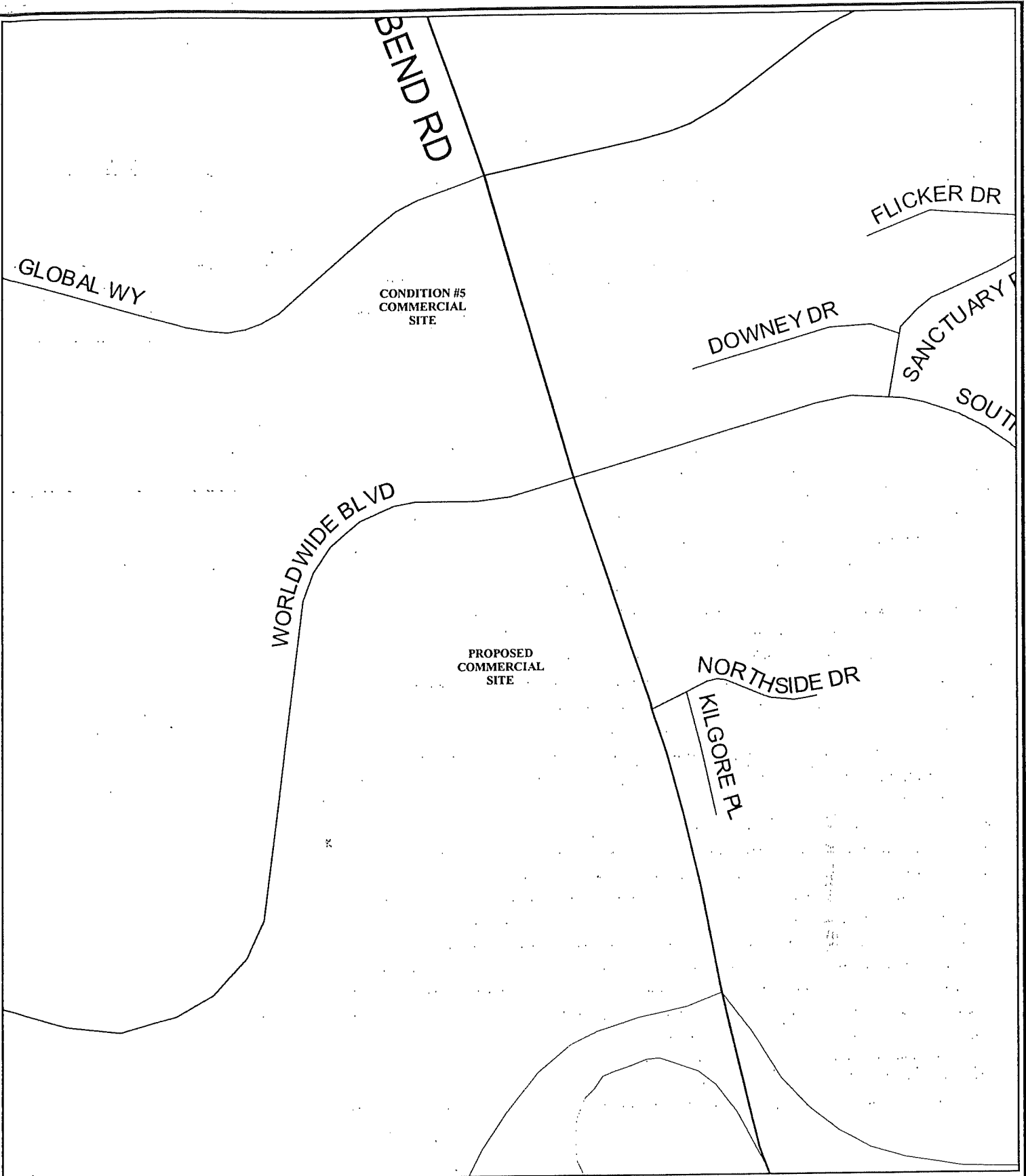
\_\_\_\_\_  
Barry Neltner



**SUGGESTED BUFFER FOR POTENTIAL INDUSTRIAL DEVELOPMENT**

SCALE  
 1 inch = approx. 900ft. 

-  EXISTING WOODLAND TO BREAK UP VISUAL IMPACT - DELETE AREA MARKED WITH "X" FOR COMMITTEE REPORT PURPOSES
-  CONVENTIONAL BUFFER INCLUDING NEW PLANTINGS AND/OR BERRIS



# Exhibit 4



1 inch equals 400 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 June 21, 2001



# EXHIBIT 5

## ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE <input checked="" type="checkbox"/>	FLORENCE	WALTON	UNION	PLANNING
---	----------	--------	-------	----------

2. Names of Applicant(s)	
Applicant	PBS&J
Phone Number	859-371-9051
Fax No.	859-371-5980
Applicant's Address	1895 Airport Exchange, Suite 234

City Erlanger	State KY	Zip 41018
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3. Name of Property Owner(s)	
Owner of Property	Industrial Developments International
Owner's Address	100 RiverCenter Blvd., Suite 420
Phone Number	859-431-1444

City Covington	State KY	Zip 41011
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4. Name of Project	Park West International - Lot 12
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5. Location of Project	Worldwide Blvd. and KY 237
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6. Acreage	Acreage Under Review 11.142	Acreage of Site 11.142
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7. Current Zoning of Site	I-1
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8. Proposed Zoning (Classification being requested)	C-4
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9. Proposed Uses (please specify each use)	Bank, Fast food restaurant, & other uses as permitted within the C-4 zone with the exception of Mini-warehouses
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10. Proposed Building Intensities (please specify)	As permitted in C-4 zone
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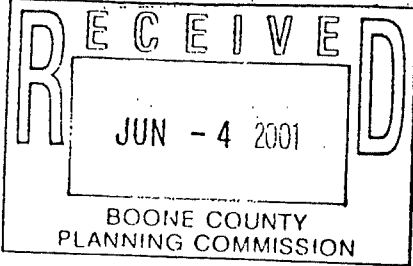
11. Are there any existing buildings on the site?	yes	no <input checked="" type="checkbox"/>	How many?
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12. Parcel Information	Deed Book 579	Page No. 309	Group No
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13. Are you also applying for:	Conditional Use Permit No	Dimensional Variance No
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14. Have you submitted a Concept Development Plan?	yes <input checked="" type="checkbox"/>	no
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15. Have you had a pre-application meeting with BCPC Staff?	yes	no <input checked="" type="checkbox"/>
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16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

<input type="checkbox"/>	Boone County Water and Sewer District
<input type="checkbox"/>	Florence Water and Sewer Commission
<input type="checkbox"/>	Union Light Heat and Power
<input type="checkbox"/>	Cincinnati Bell
<input type="checkbox"/>	Owen County Rural Electric
<input type="checkbox"/>	Boone County Public Works Department
<input type="checkbox"/>	Kentucky Transportation Department
<input type="checkbox"/>	City of Florence, Public Services Department
<input type="checkbox"/>	Boone County Building Department
<input type="checkbox"/>	Northern Kentucky Health Department
<input type="checkbox"/>	U.S. Soil Conservation Service
<input type="checkbox"/>	Local School District
<input type="checkbox"/>	Local Fire District
<input type="checkbox"/>	Other

17. Applicant's Signature *Dwight H. Clayton, P.E. for PBS+J*

Property Owner's Signature *XW Smith for IDI, Inc.*

SECTION B (To be completed by BCPC Staff)

1. Date Received

month <i>June</i>	day <i>4</i>	year <i>2001</i>
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2. Fee Received *R# 2997. R# 29987 \$1,297.42*

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
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3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Discription
<input checked="" type="checkbox"/>	Concept Development Plan
<input checked="" type="checkbox"/>	Address of Adjoining Property Owners
<i>5</i>	Number of copies of plan received**

4. Is application complete?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

5. Staff Reviewer

*FITCH LEANT*

6. Committee Chairman

*DAVE ZIMMER*

7. Scheduled Public Hearing Date

8. Boone County Planning Commission Action:

Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>
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9. Other:


\*\* Five (5) Copies Are Required

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

# EXHIBIT 6

## BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

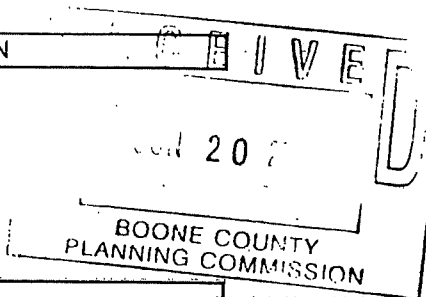
See Boone County Zoning Regulations  
SECTION A (To be completed by applicant)

1. Jurisdiction (Check One)

BOONE  FLORENCE  WALTON  UNION

2. Type (Check One)

Conditional Use Permit	<input type="checkbox"/>
Variance	<input type="checkbox"/>
Appeal	<input checked="" type="checkbox"/>
Change in Non-Conforming Use	<input type="checkbox"/>



3. Applicant Information

Applicant's Name	PBS&J
Phone Number	(859) 371-9051
Fax No.	(859) 371-5980
Applicant's Address	1895 Airport Exchange Blvd., Suite 234

City Erlanger	State KY	Zip 41018
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4. Description of Request

To allow commercial uses on the property fronting KY 237 south of Worldwide Blvd., with the same restrictions as outlined in Condition #5 in the Committee Report dated 11/1/89.

5. Name of Development

Park West International Lot 12

6. Location of Development

Southwest corner of KY 237 and Worldwide Blvd.

7. Acreage

Acreage Under Review	11.142 Acres
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8. Lot Information

Lot Number 12	Name of Subdivision Park West International
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9. Owner Information

Owner of Property	Industrial Developments International
Phone Number	(859) 431-1444
Fax No.	(859) 431-2888
Applicant's Address	100 Rivercenter Blvd., Suite 420

City Covington	State KY	Zip 41011
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10. Proposed Use(s) on Site

Bank, fast food restaurant and other uses permitted within the c-4 zone

11. Total Square Footage of Existing and/or Proposed Buildings

As permitted in C-4 zone

12. Zoning

→ Current Zoning on Property I-1

13. Parcel Information

Deed Book 579	Page No. 309	Group No.
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14. Is the site subject to a zone change?

No	Yes	If yes, give date of approval
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15. Have you submitted a Site Plan with this request?

No  Yes

16. Have you submitted a list of adjoining property owners with this request?

No  Yes

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: *David H. Smith* (FBS 13)  
Property Owner's Signature: *David H. Smith* For IDI, Inc.

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received Fee Received

Month 6 Day 20 Year 01

2. Fee Received

No  Yes  \$786.00 R# 29157

3. Is application complete?

No  Yes

4. Staff Reviewer

KEVIN WALL

5. Scheduled Board Action Date

Month 7 Day 11 Year 01

6. Board Action:

Approved  Approved with Conditions (See #6)  Denial (See #7)

7. Conditions of Approval:

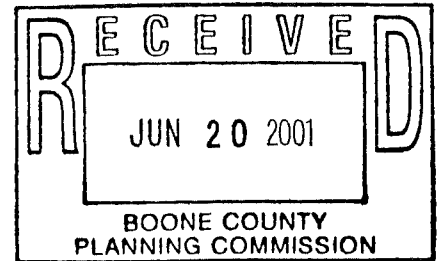
8. Reasons for Denial:

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.  
Site Plan Review is not granted by the appropriate Board of Adjustment.  
An application consists of all fees paid in full, submitted drawings and a completed application form.  
Send Application To:



Wednesday, June 20, 2001

Board of Adjustment  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Ky. 41005



**RE: Park West International Subdivision Lot 12 Board of Adjustments Appeal**

Ladies and Gentlemen:

We are hereby submitting an appeal to the rejection by the Boone County Planning Staff of our request for a conditional use permit for all or part of Lot 12 to allow for commercial uses in an I-1 zone. As you know, we have been actively developing Park West for almost five years. Throughout that time period we have consistently shown Lot 12 as future commercial lots to the county and the market in general and have been marketing as such. Recent conversations with Kevin Wall have resulted in an interpretation of the 1989 zone change that the commercial area was to only occur between Tanner and Southpark Drive. Our interpretation of the 1989 zone change does not specifically exclude commercial from any other area in the park. The comprehensive land use map shows Lot 12 as commercial.

Therefore we respectfully request a grant of conditional use permit to allow for commercial development to occur on Lot 12.

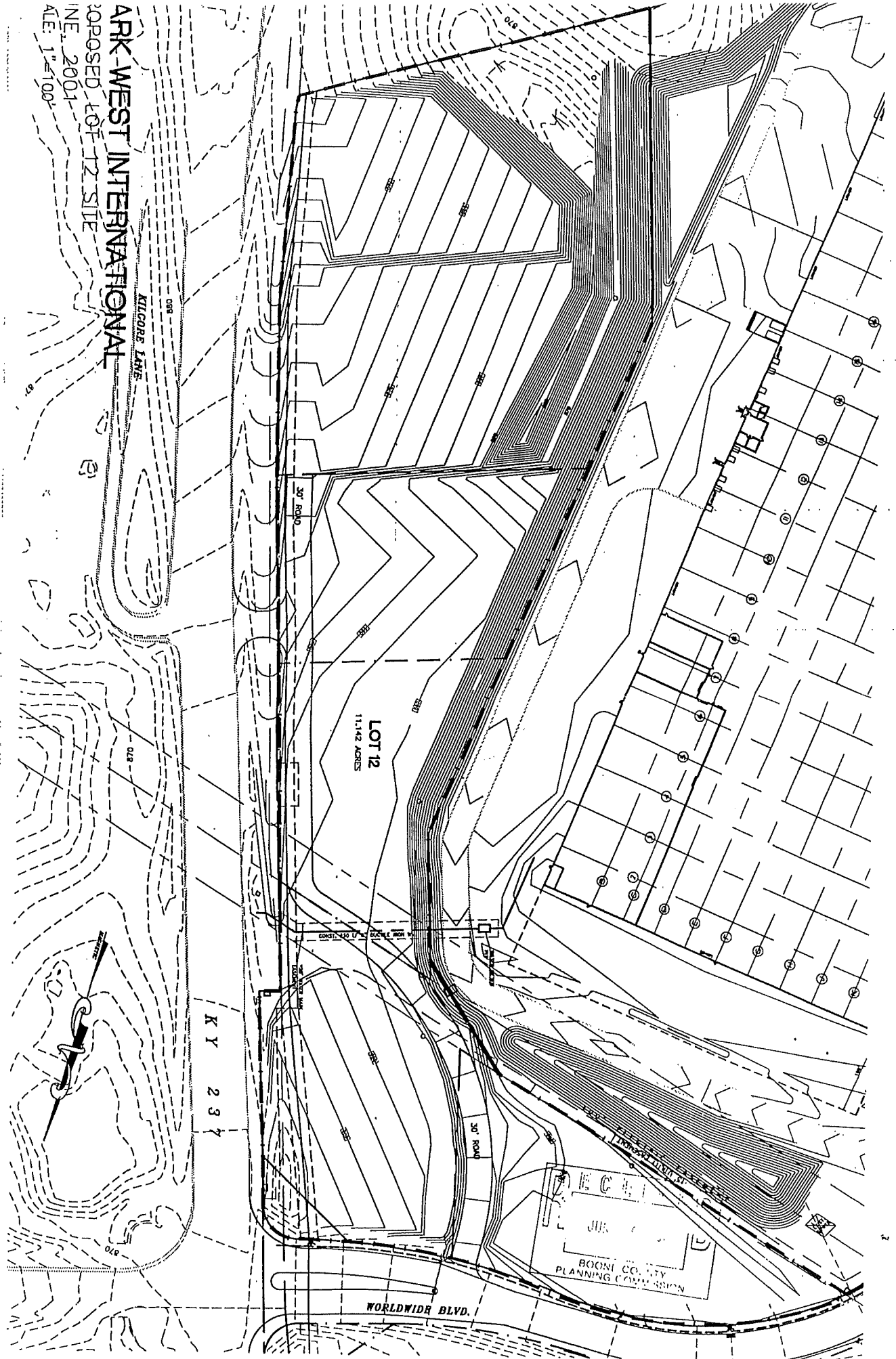
INDUSTRIAL DEVELOPMENTS INTERNATIONAL

A handwritten signature in cursive script, appearing to read "Doug Armbruster".

Douglas A. Armbruster  
Vice President of Leasing

DAA/

\\CINCINNATI\\Data\\PROPOSAL\\PW\\OUTLOT\\zonlot.doc



ARK WEST INTERNATIONAL  
PROPOSED LOT 12 SITE  
SCALE: 1"=100'

LOT 12  
11.42 ACRES

WORLDWIDE BLVD.

K Y 237

BOONE COUNTY  
PLANNING COMMISSION

