

00-2MA-016-A

APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

4/17/00

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

JUN - 6 2000

- 1. Name of Project The W.L. Harper Company (annex)
- 2. Location of Project 1620 Petersburg Road, Boone County
- 3. Total Acreage of Site 4.1
- 4. Current Zoning of Site SR-1
- 5. Proposed Zoning (Classification being requested) I-1
- 6. Proposed Uses (please specify each use) storage

- 7. Names of Applicant(s) Jim Thomas, P.E., L.S., Vice Pres of W.L. Harper Company
Phone Number 586-8890 Fax No. 586-8891

- 8. Address of Applicant(s) 1648 Petersburg Road
Hebron, Kentucky 41048

- 9. Name of Property Owner(s) Shayeson-Huff Properties, LLC, an Ohio LLC *
Phone Number 586-8890 Fax No. 586-8891

- 10. Address of Property Owner(s) 1648 Petersburg Road
Hebron Kentucky 41048
City State Zip

- 11. Proposed Building Intensities (please specify) N/A

- 12. Are there any existing buildings on the site? house, garage and shed to remain
How many? _____

- 13. Deed Book 454 Page No. 193 Group No. 2010

- 14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

~~NOT SUBMITTED w/
ORIGINAL SUBMITTA~~

- 15. Have you submitted a Concept Development Plan? Yes

- 16. Have you had a pre-application meeting with BCPC Staff? No

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

*owner by contract (attached)

EXHIBIT

“A”

STAFF REPORT

Request of Jim Thomas of the W.L. Harper Company (applicant) for Shateson-Huff Properties, LLC (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract located 1620 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow storage.

June 28, 2000

Request

The applicant's proposal is to change the existing zoning classification from Suburban Residential One (SR-1) to Industrial One (I-1) for "storage" related to the W.L. Harper Company which directly adjoins this site to the west.

Site Characteristics

The site is very flat along its road frontage with Petersburg Road (KY 20) gently sloping away to the northeast. Structures on the site consist of the residence, detached garage and an out building.

Surrounding Zoning and Land Uses

- North: Tanner property zoned Suburban Residential One (SR-1) and Industrial One (I-1), and the Ridgefield Subdivision zoned Urban Residential One (UR-1).
- East: Vines and Hafer properties zoned Suburban Residential One (SR-1) and the Laurel Park Subdivision zoned Suburban Residential One (SR-1).
- South: Residential properties across Petersburg Road (KY 20) zoned Suburban Residential One (SR-1).
- West: The existing W. L. Harper Company offices, storage and service facility zoned Industrial One (I-1).

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows this property as Transportation (T) and Industrial (I) defined in the adopted Comprehensive Plan as:

- Transportation: "Airports, major four lane roads, interstates, and interchanges."
- Industrial: "Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element within the 1995 Boone County Comprehensive Plan only refers to this general area by stating:

"In the event that the proposed 3rd north-south runway is not constructed, the Hossman Road area between KY 20 and KY 237 is planned for a Business Park district that should reflect an office campus environment. This development would require reconstruction of the northern end of Hossman Road; at the intersection with KY 20, the roadway would extend southward, eliminating the two existing ninety degree turns and reconnecting with Hossman Road as it borders the airport."

The Business Activity Element within the 1995 Boone County Comprehensive Plan refers to this area in the following:

"Property on the north side of KY 20 and near existing and planned Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities."

The recently adopted 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- E. ***A public process of visioning, which shall include the selection of specific areas of Boone County, shall be pursued as a means of recommending a theme or character for future land use planning and development design ("Overall," Objective 5).***
- F. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens ("Economy," Goal).
- G. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).

- H. Base industries-(agriculture, mining and manufacturing activities) and non-base industries (education, commerce, service, health, government, etc.) Shall be promoted in suitable locations exemplifying how the county is a vital part of a strong regional, metropolitan economy ("Economy," Objective 2).
- I. The benefits of an international airport shall be optimized to promote appropriate economic development ("Economy," Objective 3).
- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- L. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
- M. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals or other regulatory agencies ("Business Activity," Industrial Objective 2).

Staff Concerns/Comments

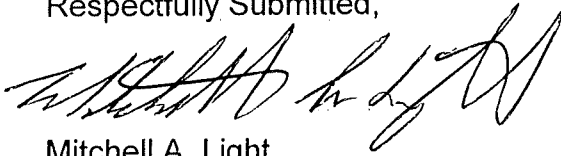
1. Airport expansion directly affects the type and location of development in this part of Boone County.
2. A copy of one runway alternative has been attached for the record. This shows one of the possible north-south runway locations and how it may impact this area.
3. Staff comment, a Buffer Yard "C" (25 foot wide landscape buffer) will be required along the north and east property lines to be shown on the Major Site Plan.
4. With regard to the proximity of this project to the established residential property, staff is concerned about issues such as site lighting, even though the neighboring properties to the east may be purchased by the airport in the near future.
5. If approved, the Future Land Use Map would not need to be altered.

Conclusion

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,



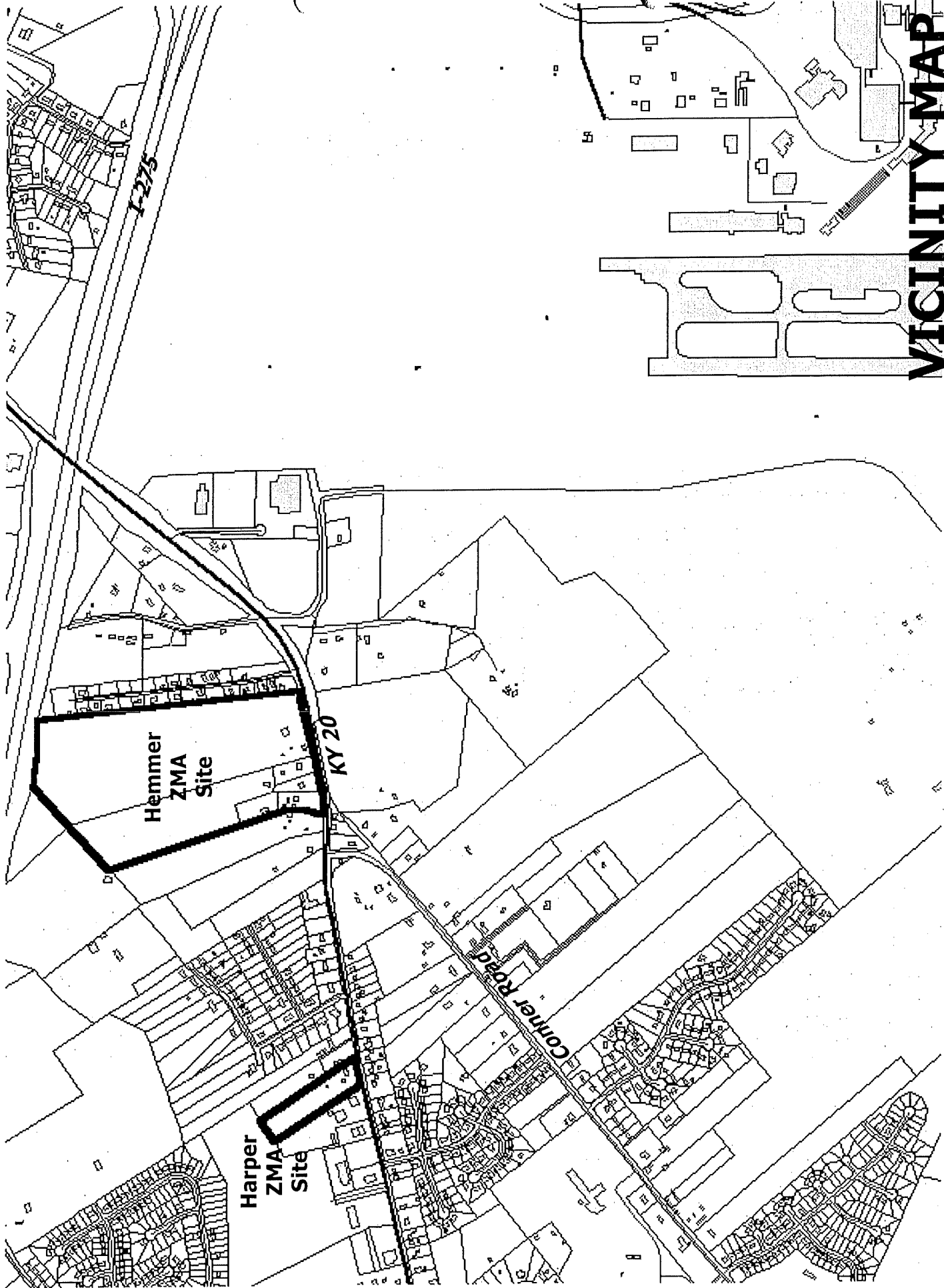
Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

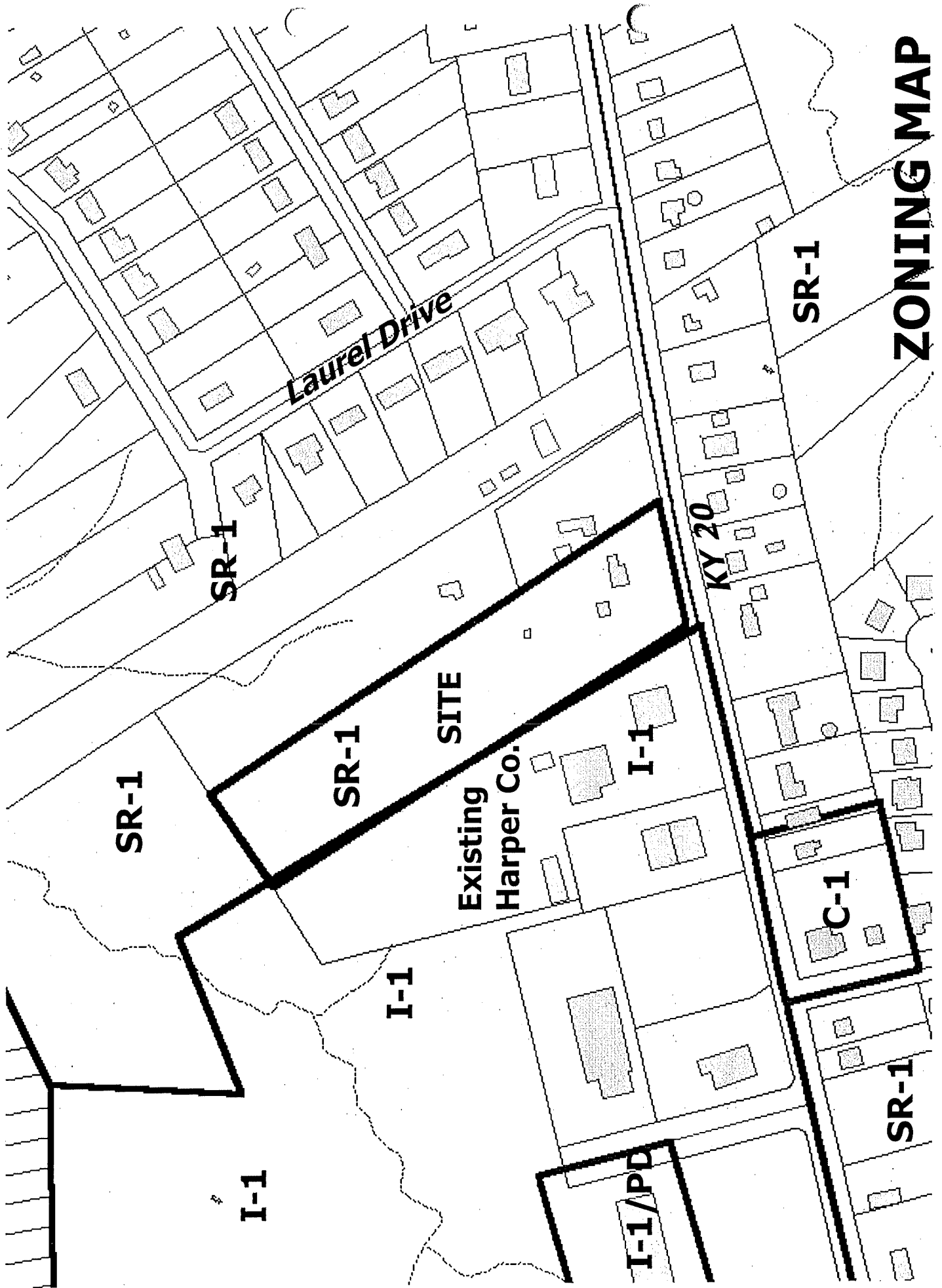
MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Existing Topography
- Concept Development Plan
- Letter from Dale Huber, Deputy Director of Aviation
- Letter from Michael Shayeson, President, W. L. Harper Company
- Runway Alternative
- Application

VICINITY MAP





Laurel Drive

KY 20

SR-1

SR-1

SR-1

SR-1

SITE

Existing
Harper Co.

I-1

I-1

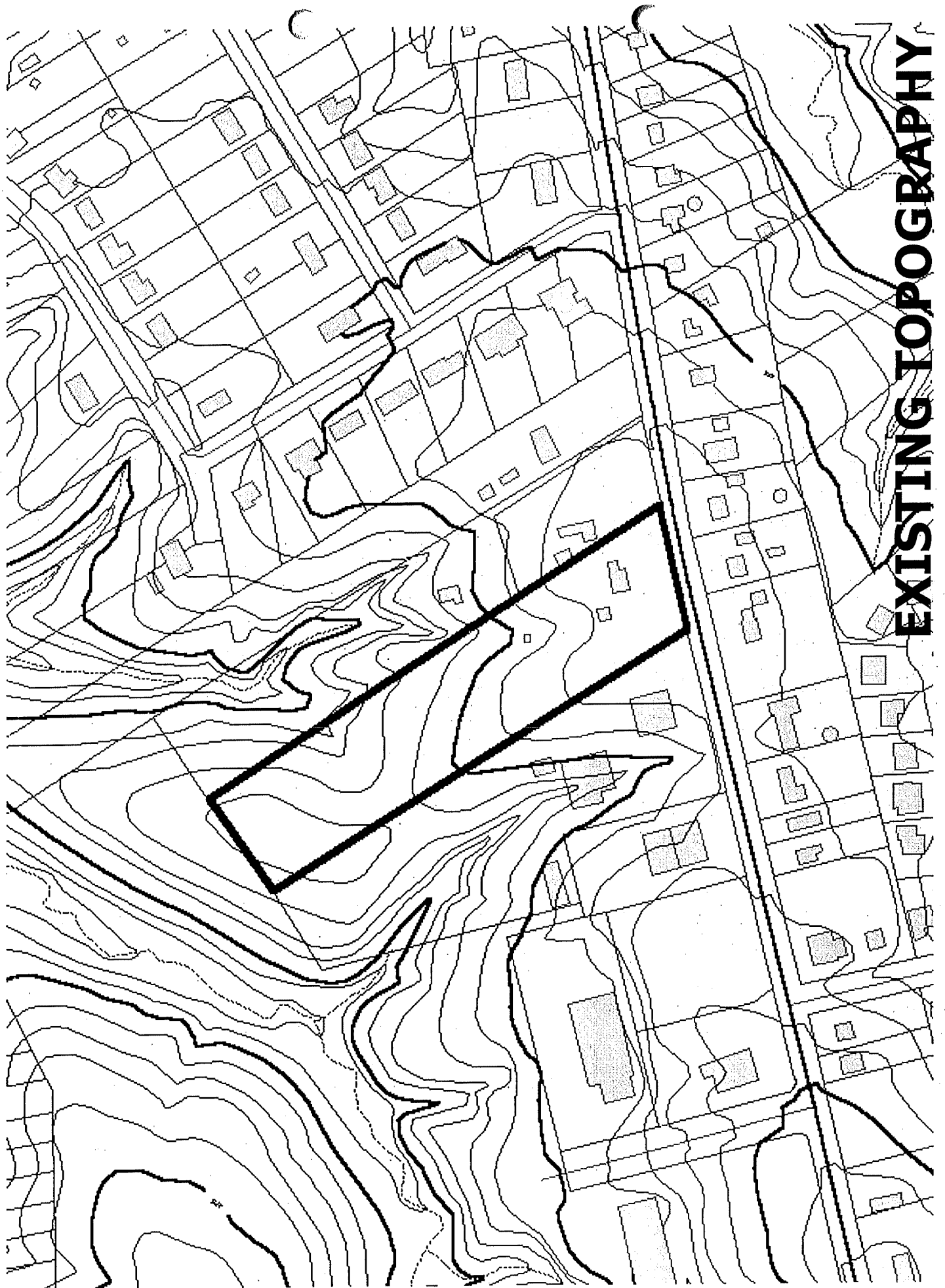
C-1

SR-1

I-1

I-1/PD

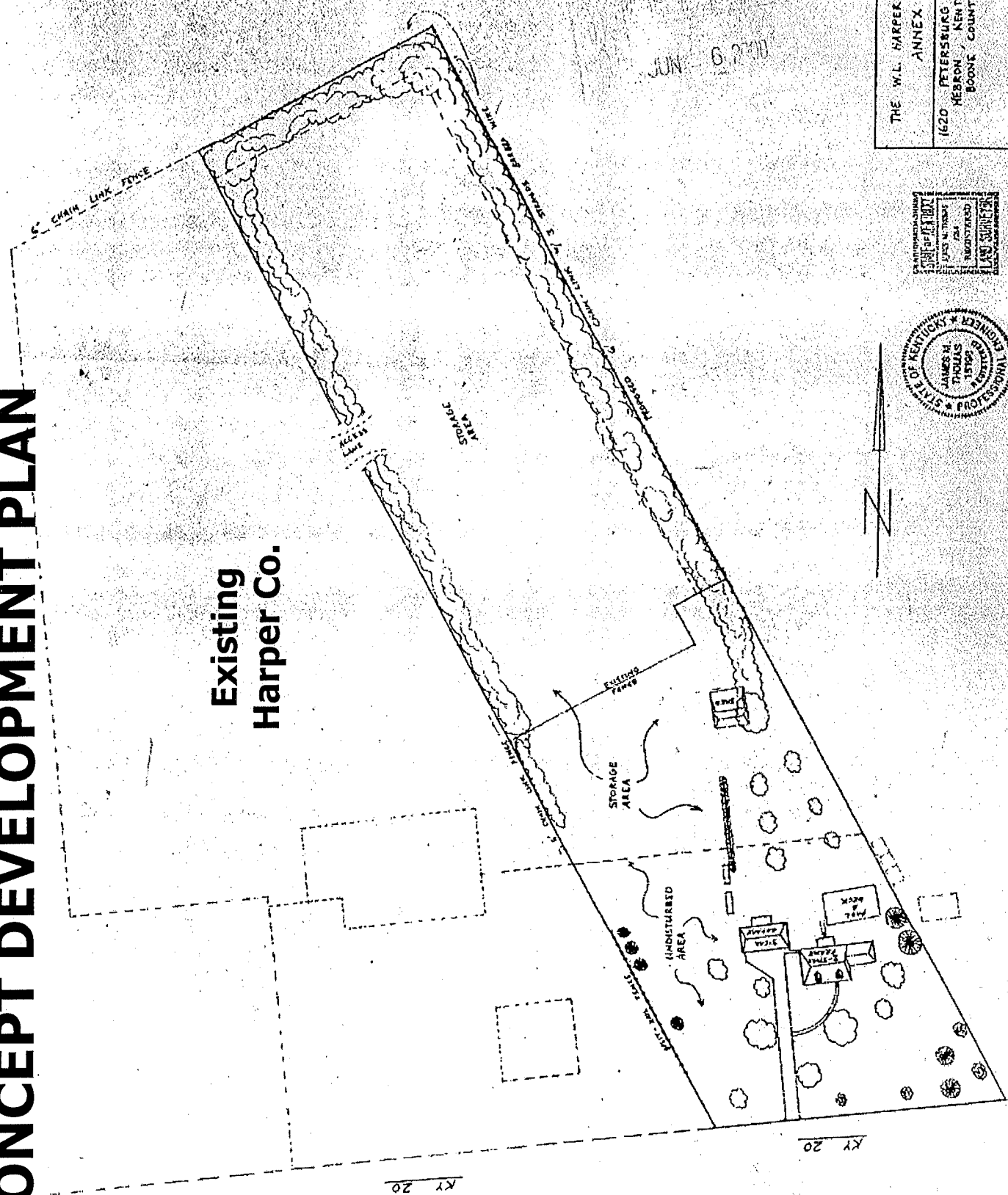
ZONING MAP



EXISTING TOPOGRAPHY

CONCEPT DEVELOPMENT PLAN

Existing
Harper Co.



THE W.L. HARPER COMPANY
ANNEX
1620 PETERSBURG ROAD
HEBRON, KENTUCKY
BOONE COUNTY





CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT

P.O. BOX 752000 CINCINNATI, OH 45275-2000 (606) 767-3151 FAX (606) 767-3080

June 26, 2000

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 3
To <i>Mitchell Light</i>	From <i>Dale Huber</i>	
Co.	Co.	
Dept.	Phone # <i>767-3152</i>	
Fax # <i>334-2264</i>	Fax #	

Mr. Mitchell A. Light
 Asst. Zoning Administrator/Enforcement Officer
 Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005

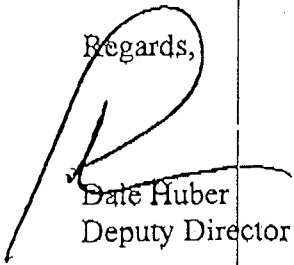
Dear Mr. Light:

Thank you for your recent letter concerning the Zoning Map Amendment request by W. L. Harper Company.

In response to your letter, Mr. Bill Martin, Planning and Development Director, contacted Mr. Mike Shayeson of The Harper Company and secured the attached correspondence. Hopefully, this will be sufficient information for the Planning Commission review of the aforementioned Zoning Map Amendment request.

If you have any questions, please call me at 767-3152.

Regards,



Dale Huber
 Deputy Director of Aviation

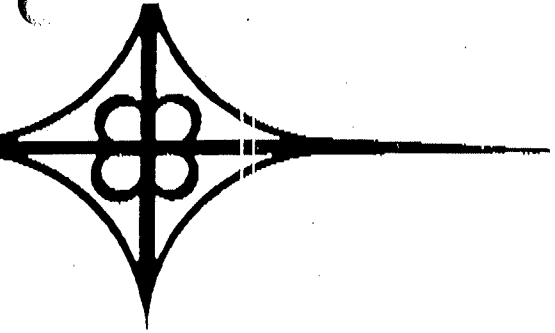
DH/tsd

Attachment

cc: Robert F. Holscher
 William D. Martin

The Harper Company

CONTRACTORS



June 23, 2000

Mr. Bill Martin
Director Planning and Development
Cincinnati Northern Kentucky International Airport
Cincinnati, OH 45275

RE: ZONING CHANGE REQUEST OF DYE PROPERTY

Dear Bill,

Thanks for taking time to stop by and show me how the property we are purchasing and asking the Boone County Planning Commission for a modification in zoning will be potentially impacted by the relocation of KY 20 to accommodate the new runway. From the sketch you showed me, it appears that the new roadway will cross the southeast corner of the property adjacent to the existing house. If we are successful in getting the zone changed to I-1, as we have requested, we intend to complete our deal and purchase this property. We agree not to construct anything in the general area of the proposed right of way, as shown on the attached sketch, pending a final determination of the roadway alignment. Furthermore, if we complete the deal for the purchase of this property we agree to sell that portion of the property to either the Kentucky Transportation Cabinet or the Kenton County Airport Board necessary for the roadway right of way to accommodate the new alignment.

Please feel free to contact me if you have any additional questions or comments regarding this matter. Once again, we thank you for your cooperation in this matter.

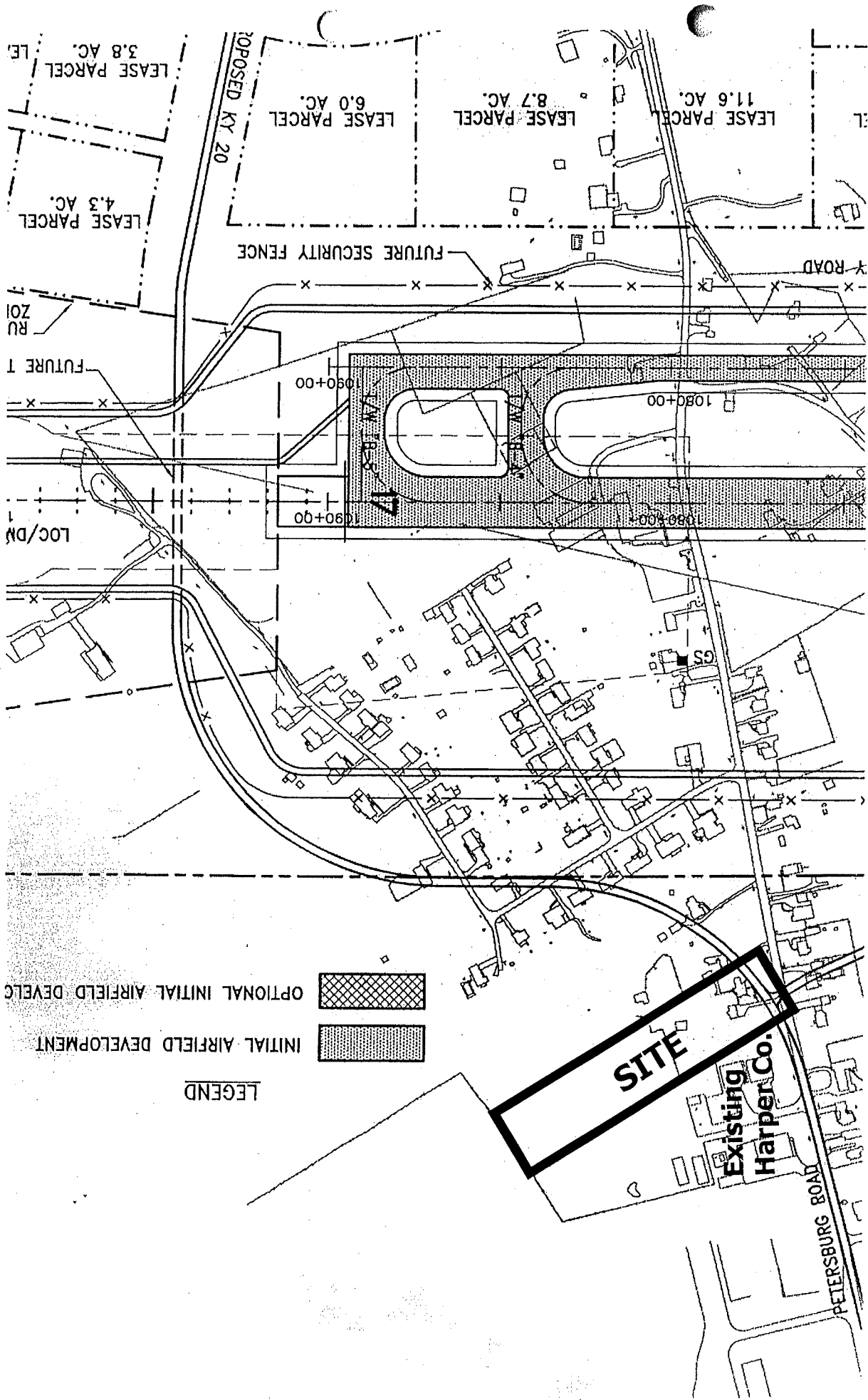
Very truly yours,
THE HARPER COMPANY

Michael Shayeson
President

ATTACHMENT

RECEIVED *amd*
DATE *06-26-00*
PLANNING & DEVELOPMENT DEPARTMENT
CINCINNATI/NORTHERN KENTUCKY
INTERNATIONAL AIRPORT





POSSIBLE RUNWAY ALTERNATIVE

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

4/17/00

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

JUN - 6 2000

- 1. Name of Project The W.L. Harper Company (annex)
- 2. Location of Project 1620 Petersburg Road, Boone County
- 3. Total Acreage of Site 4.1
- 4. Current Zoning of Site SR-1
- 5. Proposed Zoning (Classification being requested) I-1
- 6. Proposed Uses (please specify each use) storage

- 7. Names of Applicant(s) Jim Thomas, P.E., L.S., Vice Pres of W.L. Harper Company
Phone Number 586-8890 Fax No. 586-8891
- 8. Address of Applicant(s) 1648 Petersburg Road
Hebron, Kentucky 41048

- 9. Name of Property Owner(s) Shayeson-Huff Properties, LLC, an Ohio LLC *
Phone Number 586-8890 Fax No. 586-8891
- 10. Address of Property Owner(s) 1648 Petersburg Road
Hebron Kentucky 41048

- 11. Proposed Building Intensities (please specify) N/A

- 12. Are there any existing buildings on the site? house, garage and shed to remain
How many? _____
- 13. Deed Book 454 Page No. 193 Group No. 2010

- 14. Are you also applying for:
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 Dimensional Variance

- 15. Have you submitted a Concept Development Plan? Yes
- 16. Have you had a pre-application meeting with BCPC Staff? No

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

*owner by contract (attached)

NOT SUBMITTED w/
ORIGINAL SUBMITTA

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney – Vice Chairman, Mr. Hicks, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: **Jim Thomas of the W. L. Harper Company for Shayeson-Huff Properties, LLC (owner)**

Request: **Zoning Map Amendment**

The request of **Jim Thomas of the W. L. Harper Company (applicant) for Shayeson-Huff Properties, LLC (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract at 1620 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow storage.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Tom Breidenstein with Coors & Bassett introduced Bruce Huff, Executive Vice President of Shayeson-Huff Properties, and Debby Dye, owner of the property. Jim Thomas with W. L. Harper Company was not able to be present.

Mr. Breidenstein stated that Staff did a good job of summarizing the application, the Comprehensive Plan, and their Concept Development Plan. He emphasized that this portion of the four-acre site is already designated for Industrial development. At least a quarter, and possibly a third, of the back portion is on the plan as Industrial and the remaining portion is Transportation. The Harper Company wants to use the property as an extension of their existing development. There will be no new access on KY 20. There is a connection in the back between the two storage areas. The company is very active and is the current

contractor for the reconstruction of I-275 – so there is a lot of equipment and workers, and this is an opportunity for them to grow. They intend to keep the front portion of the property (house, garage, and pool) and rent it out for residential purposes as long as possible. It is expected that the runway will be in the location shown on the slide, but it is not known when. They intend to keep the area undisturbed until the new runway goes in and KY 20 is relocated. The relocation of the road will probably take out the house. The Harper Company intends to use the rest of the property for I-1 uses. In the interim, they may use the house for offices for the construction business. They intend to keep a large portion of the frontage undisturbed. He noted the difference in grade and stated that the back portion, which they intend to use for storage, is lower than KY 20. There is an existing natural buffer around the perimeter of the four-acre site, which they do not intend to disturb and will supplement where necessary. He requested approval of the application.

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

Doris Jennings, 1615 Petersburg Road, Hebron, stated that this site is directly in front of her property. She questioned how this zone change will hurt the value of the houses across the street.

The Chairman responded that the Planning Commission cannot answer that question.

The Chairman asked if there was anyone else present who wished to speak in opposition. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Zimmer stated that on the slide showing the possible runway alternative, it looks like KY 20 is further to the north than what was shown on the Hemmer parcel to the east. Mr. Light reviewed the Vicinity Map and noted that the Hemmer property is deeper and goes toward the interstate. The current slide was not available when the Hemmer site was reviewed.

Mr. Zimmer stated that the I-1 uses were limited on the Hemmer property. He asked if the applicant would limit the I-1 uses on this parcel at the Committee level. He asked Staff to bring the limitations on the Hemmer parcel to the Committee Meeting. Mr. Light responded that the application is for I-1, but the use requested is “storage” and that is how the application was advertised. He questioned if they would only be allowed “storage” if the application approved.

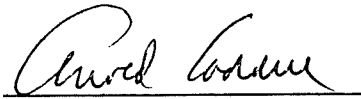
Counselor Wilson stated that there could be a condition in writing that the only use being requested and approved, if that is the case, is storage. The condition

would be in the record at the County Clerk's Office. The Chairman asked, "Is that the intent of the applicant?". Mr. Breidenstein responded that the initial use of the property would be storage as an extension of their storage yard, but they want the flexibility to allow other industrial uses related to their business. They will agree to eliminate the majority of the I-1 uses. The Chairman asked if there is a problem based on the advertising of the application. Mr. Light stated that the letters that go out are generic. The Chairman noted that on the application under "Proposed Uses" states "storage". Counselor Wilson stated that he does not feel that any member of the public has been misled, assuming the caption of the Staff Report was noticed, because I-1 uses are on the table, however, it does simply say "storage". He stated that at the Committee level there is a need to be specific about what is and what is not being approved. Mr. Zimmer asked Staff to bring what was approved for Hemmer to the Committee Meeting. He commented that for the Hemmer zone change, the Planning Commission was sensitive to berming, landscaping, and screening, and he will also discuss those items at the Committee level.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 5, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on July 19, 2000 at 7:30 P.M. in this room.

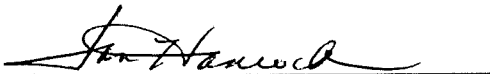
The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
July 19, 2000
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the July 5, 2000 Business Meeting. He asked if there were any comments or corrections. Mr. Costello stated that **Randall Arndt** is misspelled on Pages 6 and 7 and should be **Randall Arendt**. Mr. White moved to approve the Minutes as corrected. Mrs. Wilson seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Mavericks, Inc. (applicant) for James Houston and Phyllis Houston (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Chairman Caddell stated that Agenda Item #1 is recommended for deferral to the August 2, 2000 Business Meeting. Mr. Chaney so moved. Mr. Reynolds seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Jim Thomas of the W. L. Harper Company (applicant) for Shayeson-Huff Properties, LLC (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract at 1620 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow storage.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

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

3. Zoning Map Amendment

The request of Hub & Weber, P.S.C. (applicant) for Ted Richardson (owner) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.2 acre tract located along the west side of KY 237 immediately north of Rightway Nursery and south of Deerfield Subdivision, Boone County, Kentucky. The request is for a zone change to allow an office building.

EXHIBIT
“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: July 19, 2000

RE: Request of Jim Thomas of the W.L. Harper Company (applicant) for Shateson-Huff Properties, LLC (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract located 1620 Petersburg Road, Boone County, Kentucky.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Suburban Residential One (SR-1) is inappropriate and that the proposed zoning classification of Industrial One (I-1) is appropriate.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map.
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. No more than one (1) foot candle of illumination will be permitted to spill over from this property onto any adjoining properties. A Photometric Plan will be required as part of the Major Site Plan.
2. No public address system will be utilized on this 4.1 acre tract.
3. As long as residential uses exist on the properties north and east of this site, the required Buffer Yard "C" will be maintained.
4. The applicant will provide additional landscaping if KY 20 is relocated and/or if the existing residence is razed. This landscaping will be reviewed by Staff informally unless additional improvements warrant the review of a Site Plan.

5. The following use is the only Principally Permitted Industrial One Use (I-1) allowed:
 34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities

All Accessory Uses in the Industrial One (I-1) zone are permitted.

6. All Conditional Uses in the Industrial One (I-1) zone have been eliminated.

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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Committee Chairman

DATE: July 5, 2000

RE: Request of **Jim Thomas of the W.L. Harper Company (applicant)** for **Shayeson-Huff Properties, LLC (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract located at 1620 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow storage.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
July 5, 2000

Thomas/Harper Co.
Petersburg Road

W. T. Chaney
W. Thomas Chaney, Chairman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Mark Hicks
Mark Hicks

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Bob Newman
Bob Newman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Earl White
Earl White

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

David Zimmer
David Zimmer

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Bob Schwenke (Alternate)*

For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Lisa Wilson
Lisa Wilson (Alternate)*

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Don McMillian (Alternate)*

For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

TOTAL: 0 DEFERRED 6 FOR 0 AGAINST 0 ABSTAIN
0 ABSENT

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney – Vice Chairman, Mr. Hicks, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: **Jim Thomas of the W. L. Harper Company for Shayeson-Huff Properties, LLC (owner)**

Request: **Zoning Map Amendment**

The request of **Jim Thomas of the W. L. Harper Company (applicant) for Shayeson-Huff Properties, LLC (owner)** to consider a **Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1)** for a 4.1 acre tract at 1620 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow storage.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Tom Breidenstein with Coors & Bassett introduced Bruce Huff, Executive Vice President of Shayeson-Huff Properties, and Debby Dye, owner of the property. Jim Thomas with W. L. Harper Company was not able to be present.

Mr. Breidenstein stated that Staff did a good job of summarizing the application, the Comprehensive Plan, and their Concept Development Plan. He emphasized that this portion of the four-acre site is already designated for Industrial development. At least a quarter, and possibly a third, of the back portion is on the plan as Industrial and the remaining portion is Transportation. The Harper Company wants to use the property as an extension of their existing development. There will be no new access on KY 20. There is a connection in the back between the two storage areas. The company is very active and is the current

contractor for the reconstruction of I-275 – so there is a lot of equipment and workers, and this is an opportunity for them to grow. They intend to keep the front portion of the property (house, garage, and pool) and rent it out for residential purposes as long as possible. It is expected that the runway will be in the location shown on the slide, but it is not known when. They intend to keep the area undisturbed until the new runway goes in and KY 20 is relocated. The relocation of the road will probably take out the house. The Harper Company intends to use the rest of the property for I-1 uses. In the interim, they may use the house for offices for the construction business. They intend to keep a large portion of the frontage undisturbed. He noted the difference in grade and stated that the back portion, which they intend to use for storage, is lower than KY 20. There is an existing natural buffer around the perimeter of the four-acre site, which they do not intend to disturb and will supplement where necessary. He requested approval of the application.

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

Doris Jennings, 1615 Petersburg Road, Hebron, stated that this site is directly in front of her property. She questioned how this zone change will hurt the value of the houses across the street.

The Chairman responded that the Planning Commission cannot answer that question.

The Chairman asked if there was anyone else present who wished to speak in opposition. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Zimmer stated that on the slide showing the possible runway alternative, it looks like KY 20 is further to the north than what was shown on the Hemmer parcel to the east. Mr. Light reviewed the Vicinity Map and noted that the Hemmer property is deeper and goes toward the interstate. The current slide was not available when the Hemmer site was reviewed.

Mr. Zimmer stated that the I-1 uses were limited on the Hemmer property. He asked if the applicant would limit the I-1 uses on this parcel at the Committee level. He asked Staff to bring the limitations on the Hemmer parcel to the Committee Meeting. Mr. Light responded that the application is for I-1, but the use requested is “storage” and that is how the application was advertised. He questioned if they would only be allowed “storage” if the application approved.

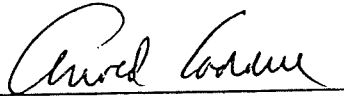
Counselor Wilson stated that there could be a condition in writing that the only use being requested and approved, if that is the case, is storage. The condition

would be in the record at the County Clerk's Office. The Chairman asked, "Is that the intent of the applicant?". Mr. Breidenstein responded that the initial use of the property would be storage as an extension of their storage yard, but they want the flexibility to allow other industrial uses related to their business. They will agree to eliminate the majority of the I-1 uses. The Chairman asked if there is a problem based on the advertising of the application. Mr. Light stated that the letters that go out are generic. The Chairman noted that on the application under "Proposed Uses" states "storage". Counselor Wilson stated that he does not feel that any member of the public has been misled, assuming the caption of the Staff Report was noticed, because I-1 uses are on the table, however, it does simply say "storage". He stated that at the Committee level there is a need to be specific about what is and what is not being approved. Mr. Zimmer asked Staff to bring what was approved for Hemmer to the Committee Meeting. He commented that for the Hemmer zone change, the Planning Commission was sensitive to berming, landscaping, and screening, and he will also discuss those items at the Committee level.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 5, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on July 19, 2000 at 7:30 P.M. in this room.

The Chairman closed this Public Hearing.

APPROVED:

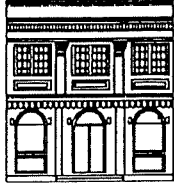

Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

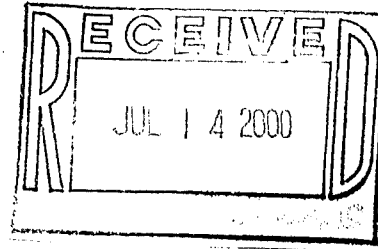
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

July 12, 2000



Mr. Jim Thomas & Mr. Bruce Huff
W.L. Harper Company
1648 Petersburg Road
Hebron, KY 41048

RE: Conditions of Approval for the request of **Jim Thomas of the W.L. Harper Company (applicant)** for **Shayeson-Huff Properties, LLC (owners)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract located 1620 Petersburg Road, Boone County, Kentucky.

Dear Mr. Thomas & Mr. Huff:

The following represents the conditions of approval for the above referenced application as agreed by the Boone County Planning Commission's Zone Change/Concept Plan Committee. If you agree to these conditions, please indicate so by providing the signature of the property owner on the agreement stated at the end of this letter.

Conditions

1. No more than one (1) foot candle of illumination will be permitted to spill over from this property onto any adjoining properties. A Photometric Plan will be required as part of the Major Site Plan.
2. No public address system will be utilized on this 4.1 acre tract.
3. As long as residential uses exist on the properties north and east of this site, the required Buffer Yard "C" will be maintained.
4. The applicant will provide additional landscaping if KY 20 is relocated and/or if the existing residence is razed. This landscaping will be reviewed by Staff informally unless additional improvements warrant the review of a Site Plan.

Mr. Jim Thomas & Mr. Bruce Huff
W.L. Harper Company
July 12, 2000
Page 2

5. The following use is the only Principally Permitted Industrial One Use (I-1) allowed:
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities

All Accessory Uses in the Industrial One (I-1) zone are permitted.

6. All Conditional Uses in the Industrial One (I-1) zone have been eliminated.

Sincerely,

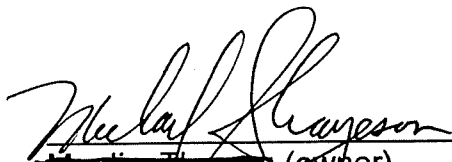


Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer


MAL/pr

Agreement

I, Michael Shayeson, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract located at 1620 Petersburg Road, Boone County, Kentucky.



Mike Shayeson (owner) 7-17-00
(date)



Jim Thomas (Applicant) 7-17-00
(date)



Mr. Bruce Huff (owner) 7-17-00
(date)

KNOW ALL MEN BY THESE PRESENTS: That

BARBARA DYE, an unremarried widow, GRANTOR,

for and in consideration of transfer of title from parent to child

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said

MICHAEL RAY DYE AND DEBBIE L. DYE, husband and wife, GRANTEES, for and during their joint lives with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

Grantee Mailing Address 1620 Petersburg Rd., Hebron, KY 41048 Group No. 2010
Present Street Address 1620 Petersburg Rd., Hebron, KY 41048 Plat No. _____

Lying and being in Boone County, Kentucky, about one fourth mile east of Hebron, on State Road No. 20. A parcel of land two hundred feet in width, running back from said road, 170 feet from, and parallel with, the line of Thomas, formerly the W. A. Bullock farm.

Beginning at the edge of the right of way of Highway No. 20, thence in a northerly direction 923 feet to a stone, thence in a westerly direction 200 feet to a stone, thence in a southerly direction 843 feet to the right of way of said Highway, thence with said right of way to the place of beginning, containing 4-1/10 acres, more or less.

Being all of the same property conveyed to Oliver Henry Dye and Barbara Dye, his wife, with the right of survivorship, by Oliver Henry Dye, Executor for the estate of John Dye, deceased, and Oliver Henry Dye, individually, and Barbara Dye, his wife, by deed dated the 15th day of July, 1985 and recorded in Deed Book 332, page 314, Boone County Clerk's records at Burlington, Kentucky.

Oliver Henry Dye, a Boone County, Kentucky resident, died on July 12, 1986, and by operation of the survivorship provision in the source deed, fee simple title to the above described property is now vested in Barbara Dye, an unremarried widow, Grantor herein.

~~Being the same property conveyed to the Grantor by deed dated of and recorded in deed book page in the Boone County Clerk's records at Burlington, Kentucky~~

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

MICHAEL RAY DYE AND DEBBIE L. DYE, husband and wife, GRANTEES, for and during their joint lives with the remainder in fee simple to the survivor of them, his or her

RETURN TO: *Jerry Edwards*

Concept Development Plan

APPROVED

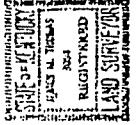
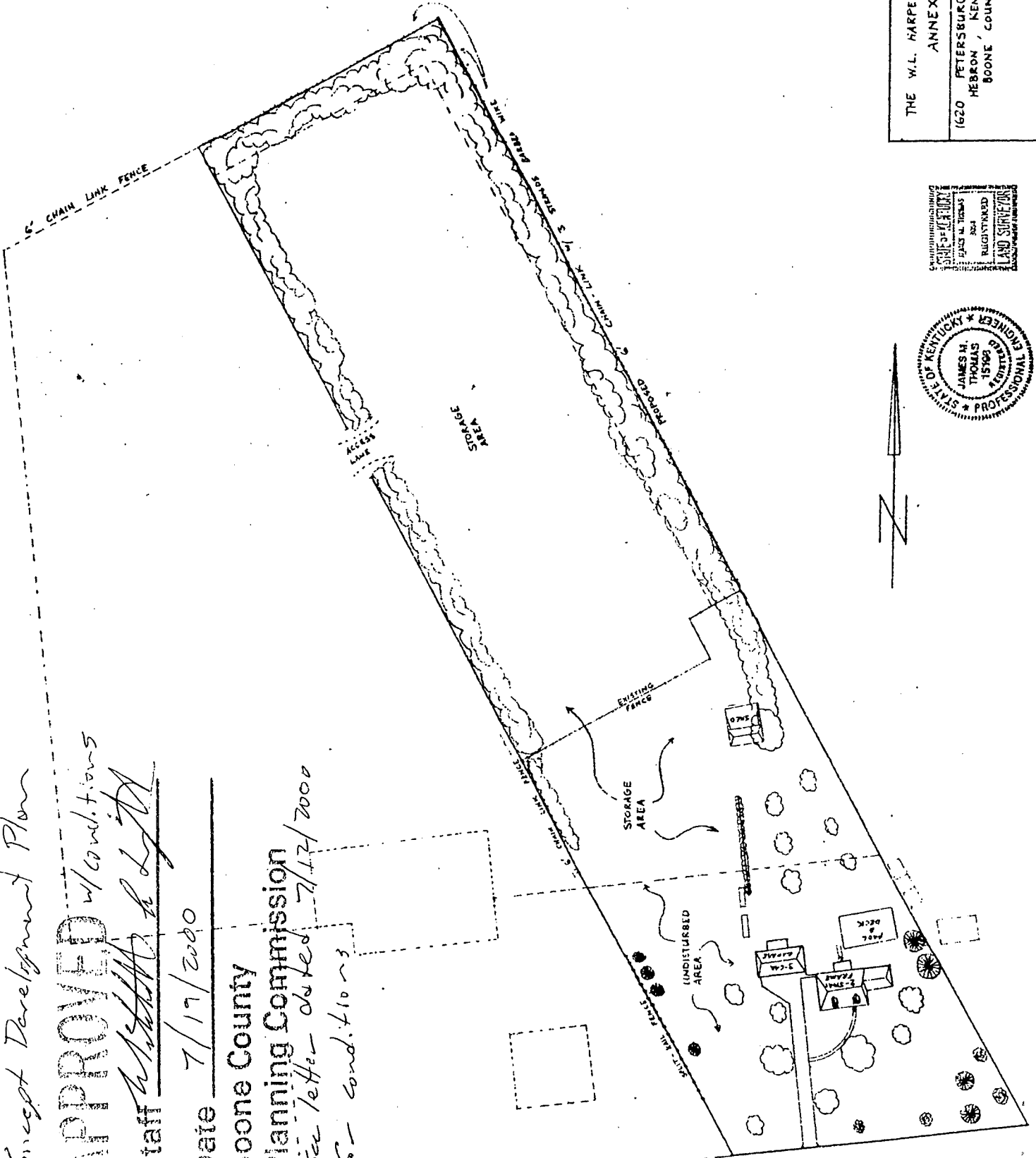
w/conditions

Staff *[Signature]*

Date 7/17/2000

Boone County
Planning Commission

See letter dated 7/17/2000
for conditions



THE W.L. HARPER COMPANY
ANNEX
1620 PETERSBURG ROAD
HEBRON, KENTUCKY
BOONE COUNTY

KY 20

KY 20

RECEIVED
OCT 2 2000
BOONE COUNTY
PLANNING COMMISSION

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-24

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JIM THOMAS OF THE W.L. HARPER COMPANY (APPLICANT) FOR SHAYESON-HUFF PROPERTIES, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL ONE (I-1) ON A 4.1 ACRE SITE LOCATED AT 1620 PETERSBURG ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-00-016-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Industrial One (I-1) on a 4.1 acre site located at 1620 Petersburg Road, Boone County Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Industrial One (I-1) on a 4.1 acre site located at 1620 Petersburg Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 454; PAGE NO. 193 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A".

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-24

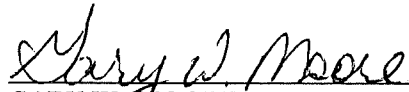
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

SECTION III

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

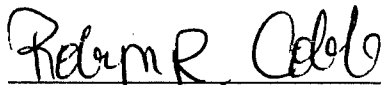
Introduced and given First Reading on the 15th day of August, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 19th day of September, 2000, and on the same occasion signed in open session by the County Judge-Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

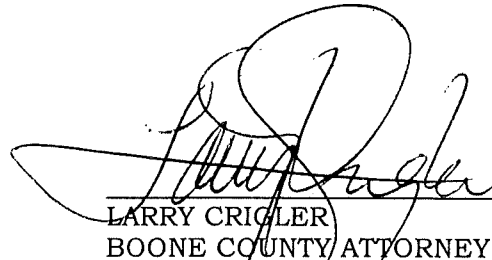


GARY W. MOORE
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY CRIGLER
BOONE COUNTY ATTORNEY

9-28-00

DATE PUBLISHED