

ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

OCT 8 2000

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE	FLORENCE	WALTON	UNION
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2. Names of Applicant(s)

Applicant	LJB Inc.		
Phone Number	859-426-1600		
Fax No.	859-426-1667		
Applicant's Address	541 Buttermilk Pike Suite 103		
City Crescent Springs	State Kentucky	Zip	41017

3. Name of Property Owner(s)

Owner of Property	See plan		
Owner's Address			
Phone Number			
City	State	Zip	

4. Name of Project

Richwood Development

5. Location of Project

2000' South of 338 and I-75 interchange on the West side of US 25.
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6. Acreage

Acreage Under Review +/- 97 AC.	Acreage of Site +/- 97 AC.
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7. Current Zoning of Site

EP-D and A-Z

EPD + A-2

8. Proposed Zoning (Classification being requested)

I-1

9. Proposed Uses (please specify each use)

Industrial Warehouse.

10. Proposed Building Intensities (please specify)

15,000 s.f. - 19,000 s.f. per acre

11. Are there any existing buildings on the site?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	How many? <input style="width: 80%;" type="text" value="1"/>
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12. Parcel Information

Deed Book <input style="width: 80%;" type="text" value="477, 486"/>	Page No. <input style="width: 80%;" type="text" value="75, 248"/>	Group No <input style="width: 80%;" type="text"/>
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13. Are you also applying for:

Conditional Use Permit <input type="checkbox"/>	Dimensional Variance <input type="checkbox"/>
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14. Have you submitted a Concept Development Plan?

yes <input type="checkbox"/>	no <input type="checkbox"/>
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15. Have you had a pre-application meeting with BCPC Staff?

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

X	Boone County Water and Sewer District
X	Florence Water and Sewer Commission
	Union Light Heat and Power
	Cincinnati Bell
	Owen County Rural Electric
	Boone County Public Works Department
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District

	Local Fire District
	Other

17. Applicant's Signature Shirley C. Stewart (Agent)

Property Owner's Signature

John M. Hoffman Dara Hoffman William Dick
P.O.A.

SECTION B (To be completed by BCPC Staff)

1. Date Received

month	<u>10</u>	day	<u>17</u>	year	<u>00</u>
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2. Fee Received

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
<u>\$12144.00 RA 25809</u>			

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
<u>10</u>	Number of copies of plan received**

4. Is application complete?

yes	<input type="checkbox"/>	no	<input type="checkbox"/>
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5. Staff Reviewer

<u>KEVIN WALL</u>

6. Committee Chairman

<u>TOM CHANEY</u>

7. Scheduled Public Hearing Date 11/15/00

8. Boone County Planning Commission Action: 1/17/01

Approved	<input type="checkbox"/>	Approved with Conditions	<input type="checkbox"/>	Denial	<input checked="" 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

“A”

STAFF REPORT

Request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area located 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

November 15, 2000

REQUEST

This request is for a zone change from A-2 and EPD to I-1 for an approximate 97 acre site that is located at 11363 Dixie Highway and 11475 Dixie Highway. The site spans between Dixie Highway and I-75, with the northeast corner of the site being approximately 1/3 mile south of the Richwood Road/Dixie Highway intersection. The existing EPD zone is on the north part of the site and the existing A-2 zone covers the south part of the site, with the zoning boundary cutting across the two parcels involved in generally an east/west manner.

Two Concept Development Plan proposals have been submitted with this request (option "A" and option "B"). The applicant is seeking approval of both of these plans to allow for flexibility in the final development of the project. Both options show an access point in the approximate middle of the Dixie Highway frontage (with a median feature near the intersection), with a single road running across the site in an east/west manner; it is not stated whether the site will be subdivided into lots and the road will be public or whether the entire site will remain as a single lot under one ownership with the road serving as a private driveway. The two options are differentiated as follows:

Option A:

1. Three large distribution-style buildings are shown (one north of the proposed road, one south of the proposed road, and one along I-75).
2. The buildings range in size from approximately 486,000 square feet to approximately 564,000 square feet for a total of approximately 1,582,000 square feet. This would result in a building intensity of approximately 16,500 square feet per acre.
3. Large truck dock/court areas are located at the front and rear of each building (shown with an average width of 130 feet, although the one facing I-75 is 200 feet in width).
4. An additional access point onto Dixie Highway is illustrated for the northern building, in the northeast corner of the site.

Option B:

1. Nine smaller buildings are shown on the plan (three on the north side of the road, three on the south side of the road, and three along I-75).
2. The buildings range in size from approximately 120,000 square feet to approximately 250,000 square feet for a total of approximately 1,445,000 square feet. This would result in a building intensity of approximately 15,000 square feet per acre.
3. Truck dock/court areas are illustrated on this plan as well, but they tend to be located in the side yard areas versus at the front and rear of the buildings.

The application form states that the proposed uses include "industrial warehouse" and that the building intensities will range between 15,000 and 19,000 square feet per acre. It is assumed that public water and sanitary sewer are proposed, however, this is not stated on the plans. A large storm water detention basin is proposed to be located in the northwest corner of the site. No details have been provided regarding architectural design, signage, or landscaping. A traffic study has been submitted (attached).

SITE HISTORY

The EPD zone which applies to the northern part of the property was enacted through the 1991 Comprehensive Zoning Update.

SITE CHARACTERISTICS

As mentioned above, the site contains two parcels which total approximately 97 acres. The site has approximately 1,600 feet of frontage on Dixie Highway and approximately 2,050 feet of frontage on I-75. The site contains several residences and outbuildings which are generally located near the Dixie Highway frontage. The site is largely pasture area, but has wooded areas and treed fence lines. The site has some flatter plateau areas, but also has some relatively steep valleys. Sanitary sewer is located at the Richwood Road/Dixie Highway intersection to the north. Public water (16" main) is located at the Winning Colors/Dixie Highway intersection further to the north. Two blue line streams are located on the property. Soil types on the site include Faywood silty clay loam (FcC), Faywood silty clay (FdD3), and Nicholson silt loam (NIB, NIC).

ADJACENT LAND USES

The uses and zoning in the immediate vicinity include:

- A. I-75 runs along the western border of the site.
- B. The area to the north comprises pasture and wooded areas (EPD), and a residence along Dixie Highway (A-2). A truck stop is located further to the north in the southeast quadrant of the I-75/Richwood interchange and a vacant area is located at the Richwood Road/Dixie Highway intersection (C-3).
- C. A wooded area is located to the east directly across Dixie Highway, and several mobile homes and single family residences are located further to the east between the rail line and Old Lexington Pike (I-1). Several single family residences are located to the east/southeast along the east side of Dixie Highway (I-1) and several commercial buildings are located south of these residences (C-1 and I-1).
- D. Several residences are located to the south along the west side of Dixie Highway (A-2). These residences are situated on large lots which contain pasture and wooded areas.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan (Future Land Use Map) designates the site for "Business Park" uses. This designation is described by the Comprehensive Plan as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment." The Land Use Element makes the following statements that relate to the area in question (D-6: Richwood Area, pp. 229-230).

- A. The Richwood area should experience continued development pressure due to the extended and improved infrastructure. Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75. The industrial development should primarily occur on the east side of US 25 and south of the existing commercial area, as well as along Old Lexington Pike. Heavy industrial uses for Boone County should be concentrated within this area because of the distance from residential uses and the proximity to rail services. The

proposed extension of I-71 would be a catalyst for increased development pressures in this area. Old Lexington Pike should be upgraded as needed to serve as an access road for these industrial uses. Industrial uses fronting on US 25 should be developed with attention given to adequate aesthetic design and natural vegetation to minimize visual impacts to the residential uses across the highway.

- B. The area east of I-75 and west of US 25, from Richwood Road to Chambers Road, should develop as a Business Park similar to the opposite side of the interstate. This Business Park designation should continue to the ridgeline north of Chambers Road, at which point the land use designation should be Rural Lands. This designation would prevent significant development from continuing within the area where the proposed extension of I-71 would be located. This extension would serve the industrial "Land Bank" property of Boone and Kenton Counties, as well as the area designated Business Park. However, until this roadway is constructed, then the Business Park uses should stop at the ridgelines north (of) Chambers Road, and High Suburban Residential should occur along both sides of Chambers Road while Suburban Residential should occur to the south into Walton.

The Land Use Element provides the following general comments that relate to the proposal.

- A. 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 the County as a whole, rather than leveling an entire site to meet a preconceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 210).
- B. 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 or 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. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 210).

- C. 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. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

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 ("Landscaping," pp. 210 and 211).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 211).

- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).

- D. 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 ("Design, Signs, and Historic Preservation," pg. 211).

The Business Activity Element provides the following comments that relate to the general area in question.

- A. Highway related commercial activity is appropriate at the I-75/Richwood Road interchange. However such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses ("Areas of Future Commercial Activity," pg. 82).
- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridor. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads. The southwest quadrant of the Richwood I-75 interchange has the potential to develop into a business park development with light industrial and office uses. The area between US 25 and the Boone/Kenton County line contains industrial potential due to interstate and rail access. This area is identified as a potential industrial/business use land bank. Development of this area could utilize Old Lexington Pike as a frontage road to limit the number of access points onto Dixie Highway. The realignment of Old Lexington Pike with Richwood Road would make this area more accessible to the interstate. Also, the planned northern extension of I-71 into Kenton and Campbell Counties will further encourage industrial development north of Walton ("Area of Future Industrial and Office Activity," pg. 84).

The site in question is indicated for industrial development on the Future Industrial and Commercial Development map (Figure 5.3) on page 87 of the Business Activity Element.

The site is within the "Walton-Verona Area" section discussed on page 110 of the Housing Element, however, this section does not discuss the specific area in question.

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).

- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- I. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).
- 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," Overall 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 of other regulatory agencies ("Business Activity," Industrial Objective 2).
- N. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- O. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- P. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

STAFF COMMENTS

- 1. The Planning Commission and Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include:
 - A. The area is designated by the Future Land Use map for Business Park uses.
 - B. The Land Use Element states "the Richwood area should experience continued development pressure due to the extended and improved infrastructure," as well as "the area east of I-75 and west of US 25, from Richwood Road to Chambers Road, should develop as a Business Park similar to the opposite side of the interstate."

- C. The Business Activity Element states "the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridor. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads."
- D. The site is indicated for industrial development on the Future Industrial and Commercial Development map provided in the Business Activity Element.

The Planning Commission and Fiscal Court will also need to determine whether the proposal fulfills either of the alternate statutory findings. In this regard, the applicant should explain the appropriateness and inappropriateness of the existing and proposed zones and/or any major changes of an economic, physical, or social nature not anticipated by the Comprehensive Plan that substantially alter the area's character.

- 2. Staff has the following comments relative to the design of the project.
 - A. The Land Use Element states that industrial uses fronting on US 25 should be developed with attention to adequate design and retention of natural vegetation to minimize visual impacts to the residential uses across the highway. The Future Land Use Development guidelines and the "Business Park" designation also stress the importance of street frontage areas. When considering the plan options presented (both type of development and significant amount of grading required) it is difficult to imagine that substantive existing vegetation could be retained. Although the governing bodies will need to determine whether the level of site disturbance proposed is in keeping with the Comprehensive Plan, Staff has the following specific suggestions.
 - I. Both street frontages (Dixie Highway and I-75) should have substantial landscape areas. Along Dixie Highway, Staff contends that the landscape area should be at least as wide as the normal front yard setback area required in the I-1 zone (50') in order to properly relate to the rural highway character of the area. The construction of berms with informal stands of hardwood trees (or regularly spaced canopy trees) would also help further this goal.

Relative to the I-75 frontage, Staff again suggests that a substantial buffer area, such as 100 feet wide with the existing vegetation within the initial 50 feet remaining undisturbed, be provided. The "gaps" between the existing vegetation could be filled with large intermittent berms and groupings of native hardwood and evergreen trees. This is particularly relevant when considering that one of the plan options presented includes a 1,200 foot long building which parallels the freeway. If a substantial buffer along I-75 is not required as suggested, then interior parking lot landscaping for vehicular areas that face the freeway should be considered ("vehicular use area" landscaping as per Article 37 of the Zoning Regulations), and other issues such as lighting and architectural standards take on greater importance.

- II. The existing tree lines and wooded areas along the side property lines of the site at large should be maintained as (or part of) the required buffer areas. As currently indicated on the concept plan options, not all required buffer areas have been met and they would require the removal of this vegetation.

- B. The Business Park designation states that development within these areas should include "constant architectural and signage theme." In short, this designation compels at least a modicum of design quality, thus, assurances regarding an appropriate and consistent design theme should be expected. No architectural or signage concepts have been provided to date. Although it is Staff's preference for the applicant to present vignette drawings or detailed guidelines for consideration by the Zone Change Committee, a condition of approval could be considered which would require the submittal of detailed design guidelines at the Preliminary Plat stage.

- 3. Staff has the following comments regarding access and the street layout.

- A. It is not clear from the concept plan options whether the development is intended to be a formal subdivision with a publically dedicated street or simply one large lot with multiple buildings and a central private driveway. Due to a multitude of reasons, the development should be developed as a formal subdivision with dedicated street(s). Related to this issue is the need for street connections to the adjoining properties (discussed in several places in the Comprehensive Plan). As the adjoining properties to both the north and south are also designated Business Park, the cul-de-sac shown on the plan options could be replaced with a "T" intersection which provided street connections to these other properties. As an informational note, sidewalks are required along these street connections, as well as along the main street and the Dixie Highway frontage.

- B. Concept plan "option A" illustrates two access points on Dixie Highway (the second access point is a driveway access at the northeast corner of the site). When considering the size of the proposed development and the fact that the site will be basically developed from a tabula rasa, it is reasonable to construct one access point for the entire development at the safest/most appropriate location on Dixie Highway.
4. A Traffic Impact Study was submitted with this request. Staff offers the following comments relative to this study.
- A. Although two concept plan options were submitted, the traffic study only considers "option A" (the plan with the three large buildings). When considering that lower traffic generation figures were opted due to the size of the buildings (very large distribution style buildings were found to have lower rates overall per square foot), additional analysis should be provided for "option B" using the standard figures outlined in the ITE Trip Generation Manual.
 - B. The study includes level of service analysis and also includes figures relating to "heavy vehicles" (trucks) on the road network. However, the study does not provide a conclusion as to whether the volume of heavy vehicles (particularly post development figures for this site) has an effect on level of service.
 - C. The study recommends that a signal should be installed on the northbound I-71/75 exit ramp when the Kentucky Transportation Cabinet establishes the need and the signal is warranted. The study does not state whether the applicant is willing to proportionately participate in the construction of the signal, based on the traffic that will be generated by the proposed development.
 - D. The study provides recommendations regarding the design of the site access drives, but does not state whether right and/or left turn/deceleration lanes should be constructed. This issue should be further clarified. Additionally, staff would like to see additional analysis from the applicant's traffic consultant regarding whether an exclusive right turn lane from eastbound Richwood Road onto southbound Dixie Highway is warranted, or whether any other geometric improvements for this same turning movement is in order. As the design phase for improvements to Dixie Highway north of Richwood Road are in the current six year plan, it is reasonable to assume that all turning movements at the Dixie/Richwood Road intersection will be evaluated by the State in the foreseeable future.

5. The proposed I-1 zone includes an expansive list of permitted uses which cross references the text of several other zoning districts. Staff recommends that the Planning Commission review this list and prohibit uses that are either inappropriate for the location or potentially incompatible with the Business Park designation.
6. Phil Trzop of the Boone County Water District has noted that the closest public water source is located at the Winning Colors/Dixie Highway intersection, north of Richwood Road. The developer will need to extend a dedicated, 16 inch ductile iron pipe to the development in order to received public water service.
7. Gary Aman of Sanitation District #1 has commented that sanitary disposal will need to be pumped to the existing sewer at Richwood Road. He also stated that the District will need to evaluate both the quantity and quality of flow, depending on the eventual land uses.
8. The Kentucky Transportation Cabinet, the Kentucky Division of Water, and the Walton Fire District were requested to comment on this proposal, although no comments were provided by the time this report was completed. Comments from these agencies may be provided at either the public hearing or the Zone Change Committee meeting.

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 and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/pr

attachments:

- air photo w/ zoning information
- future land use map excerpt
- site topography
- application materials including Concept Development Plan "Option A" and "Option B"
- Traffic Impact Study (w/o appendixes)

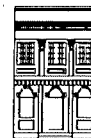


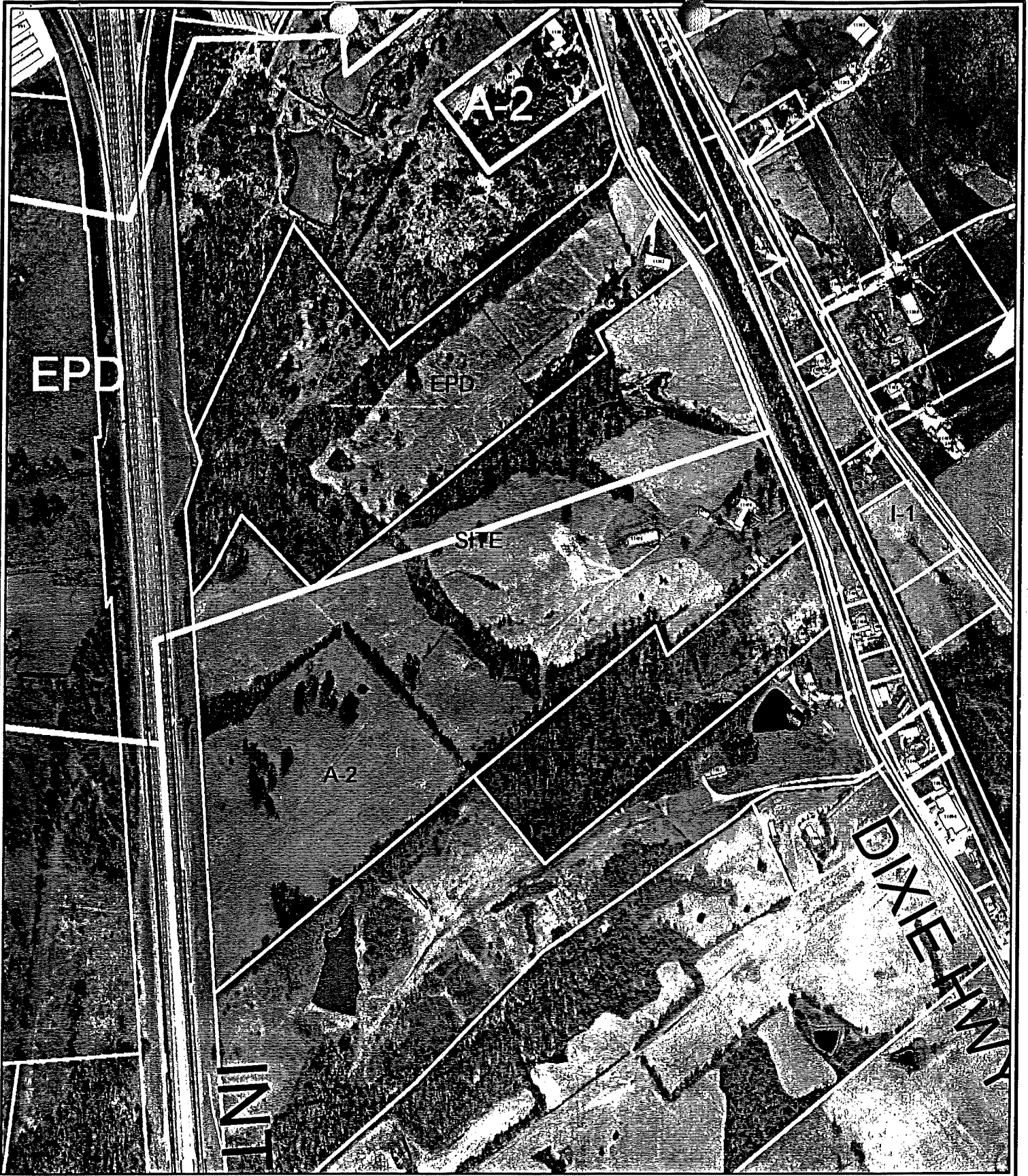
TOPOGRAPHY

500 0 500 Feet



1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 19, 2000

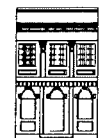


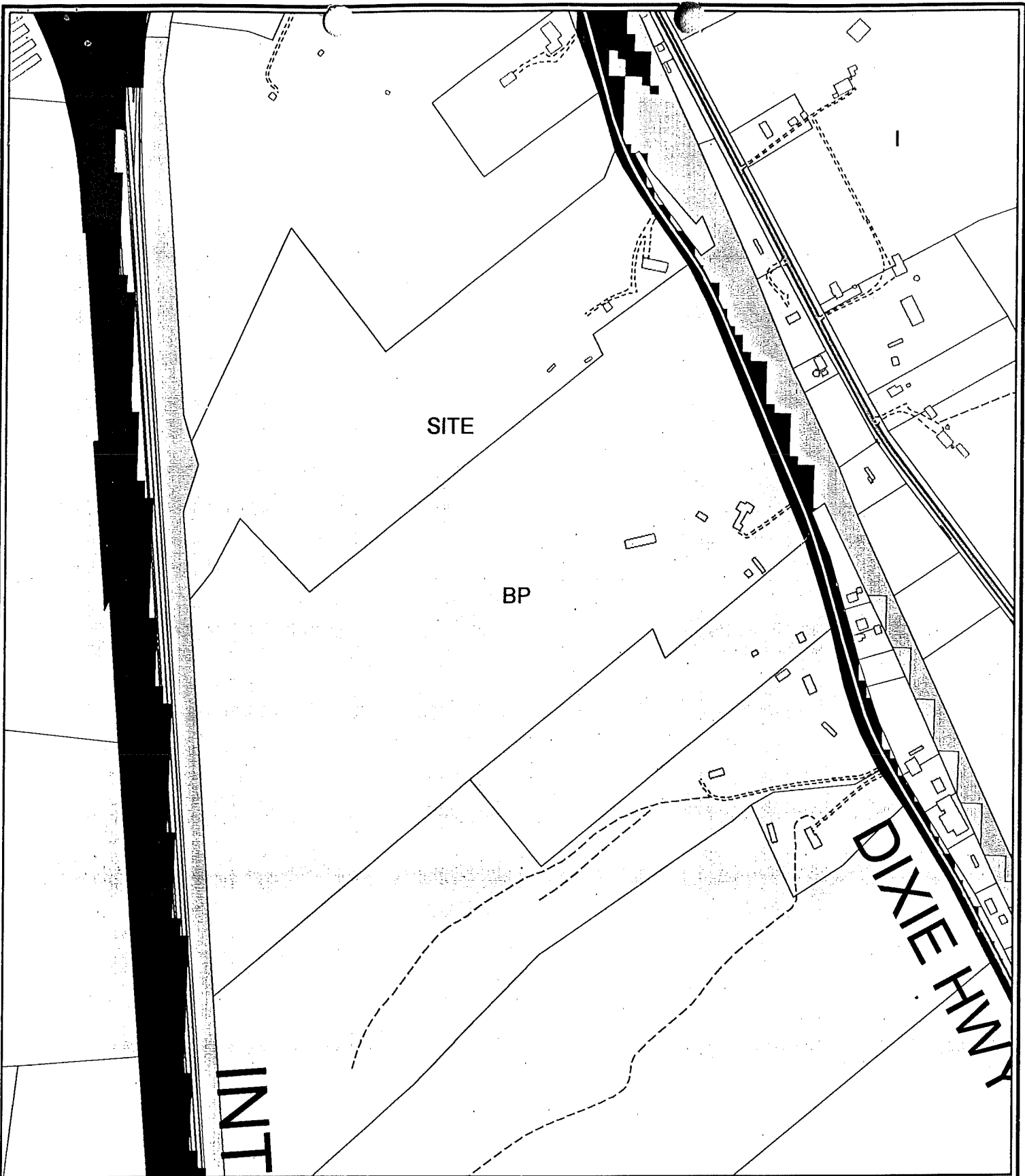


LIB - ZONING

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 19, 2000





FUTURE LAND USE

500 0 500 Feet



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 19, 2000

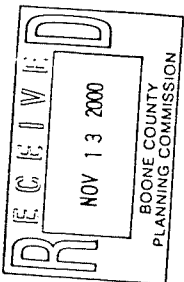
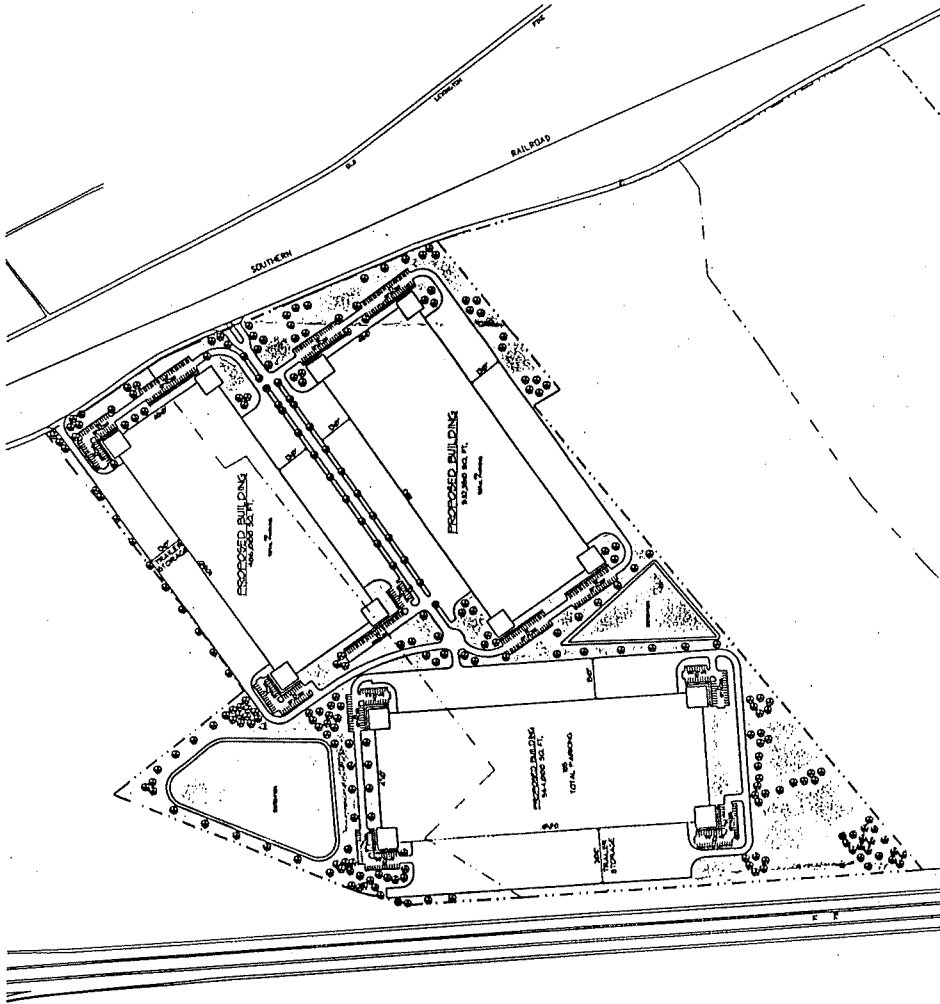


RICHWOOD CONCEPTUAL DEVELOPMENT PLAN # 1

TOTAL SITE AREA:
91.4 ACRES

TOTAL BUILDING AREA:
1,587,350 SF.

DEVELOPMENT PLAN
1" = 200'-0"



DEVELOPERS, CONTRACTORS, ARCHITECTS AND ENGINEERS

NO. 1000 RICHWOOD
PLANNING
COMMISSION
DATE: NOV 13, 2000

RICHWOOD CONCEPTUAL DEVELOPMENT PLAN # 2

RICHWOOD
 NOV 13 2000
 BOONE COUNTY
 PLANNING COMMISSION



TOTAL SITE AREA:
 97.4 ACRES

TOTAL BUILDING AREA:
 1,440,000 SF.

DEVELOPMENT PLAN
 1" = 200'-0"



DEVELOPERS, CONTRACTORS, ARCHITECTS AND ENGINEERS

Prepared By: E1
 Drawn By: E1
 Date: Nov 13, 2000



ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

001 : 8 200

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE	FLORENCE	WALTON	UNION
-------	----------	--------	-------

2. Names of Applicant(s)

Applicant	LJB Inc.		
Phone Number	859-426-1600		
Fax No.	859-426-1667		
Applicant's Address	541 Buttermilk Pike Suite 103		
City Crescent Springs	State Kentucky	Zip 41017	

3. Name of Property Owner(s)

Owner of Property	See plan		
Owner's Address			
Phone Number			
City	State	Zip	

4. Name of Project

Richwood Development

5. Location of Project

2000' South of 338 and I-75 interchange on the West side of US 25.
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6. Acreage

Acreage Under Review +/- 97 AC.	Acreage of Site +/- 97 AC.
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7. Current Zoning of Site

EP-D and A-2 EPD + A-2

8. Proposed Zoning (Classification being requested)

I-1

9. Proposed Uses (please specify each use)

Industrial Warehouse.

10. Proposed Building Intensities (please specify)

15,000 s.f. - 19,000 s.f. per acre

11. Are there any existing buildings on the site?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	How many? <input style="width: 50px;" type="text" value="1"/>
---	-----------------------------	---

12. Parcel Information

Deed Book <input style="width: 80px;" type="text" value="477, 486"/>	Page No. <input style="width: 80px;" type="text" value="75, 248"/>	Group No <input style="width: 100px;" type="text"/>
--	--	---

13. Are you also applying for:

Conditional Use Permit <input type="checkbox"/>	Dimensional Variance <input type="checkbox"/>
---	---

14. Have you submitted a Concept Development Plan?

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

15. Have you had a pre-application meeting with BCPC Staff?

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

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

X	Boone County Water and Sewer District
X	Florence Water and Sewer Commission
	Union Light Heat and Power
	Cincinnati Bell
	Owen County Rural Electric
	Boone County Public Works Department
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District

	Local Fire District
	Other

17. Applicant's Signature *Shirley C. Stewart (Agent)*

Property Owner's Signature

John M. Hoffman *Kara Hoffman* *William Dick*
P.O.A.

SECTION B (To be completed by BCPC Staff)

1. Date Received

month	<i>10</i>	day	<i>17</i>	year	<i>00</i>
-------	-----------	-----	-----------	------	-----------

2. Fee Received

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

\$12144.00 R# 25809

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>10</i>	Number of copies of plan received**

4. Is application complete?

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

5. Staff Reviewer

<i>KEVIN WALL</i>

6. Committee Chairman

<i>TOM CHANEY</i>

7. Scheduled Public Hearing Date *11/15/00*

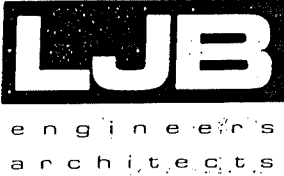
8. Boone County Planning Commission Action:

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

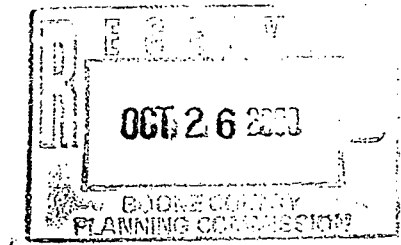
NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.



**RICHWOOD DEVELOPMENT
TRAFFIC STUDY**

Boone County, Kentucky

October 2000



Prepared For

**Al Neyer, Inc.
3940 Olympic Boulevard
400 Olympic Corporate Center
Erlanger, Kentucky 41018**

Prepared By

**LJB, Inc.
3100 Research Boulevard
Dayton, Ohio 45420-0246
(937) 259-5000**

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- Appendix B – ITE Trip Generation Manual Worksheets
- Appendix C – Highway Capacity Software (HCS) Output

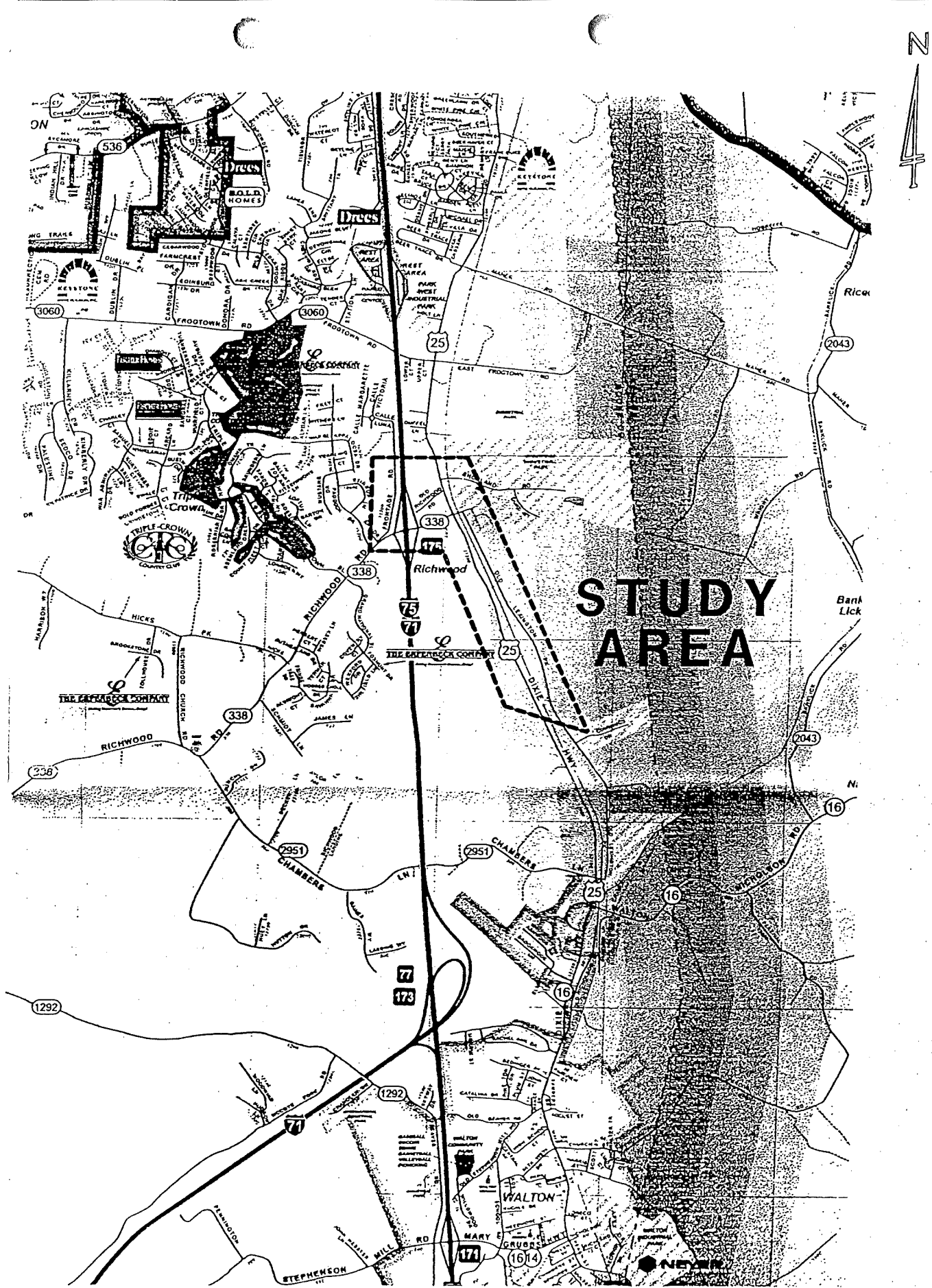


FIGURE 1. STUDY AREA



LOCKWOOD, JONES AND BEALS INC.
 KETTERING OFFICE
 3100 RESEARCH BOULEVARD (837) 258-5000 DAYTON, OH 45420

INTRODUCTION

The purpose of this report is to summarize the results of an engineering study evaluating the traffic impact of a proposed warehouse development on the adjacent roadway system. The site is located on the west side on US 25 south of the KY 338 interchange on I-71/75 in Boone County, Kentucky (Figure 1).

The site plan, shown in Figure 2, consists of warehouse development including 1,582,350 square feet of building space. Site access is shown via two drives along US 25. The site is bordered on the west by I-71/75.

The study addresses the following issues:

- The traffic expected to be generated by the proposed warehouse development.
- The necessary improvements required for efficient traffic flow on the adjacent roadway system after development.
- The operation and geometry of the proposed site access points.

The study area includes the I-71/75 and KY 338 interchange intersections, the KY 338 and US 25 intersection and the access drives to the development. The study analyzes traffic operations in the year 2006, five years after an expected opening in 2001.

PROJECT LOCATION

Existing Roadway Network

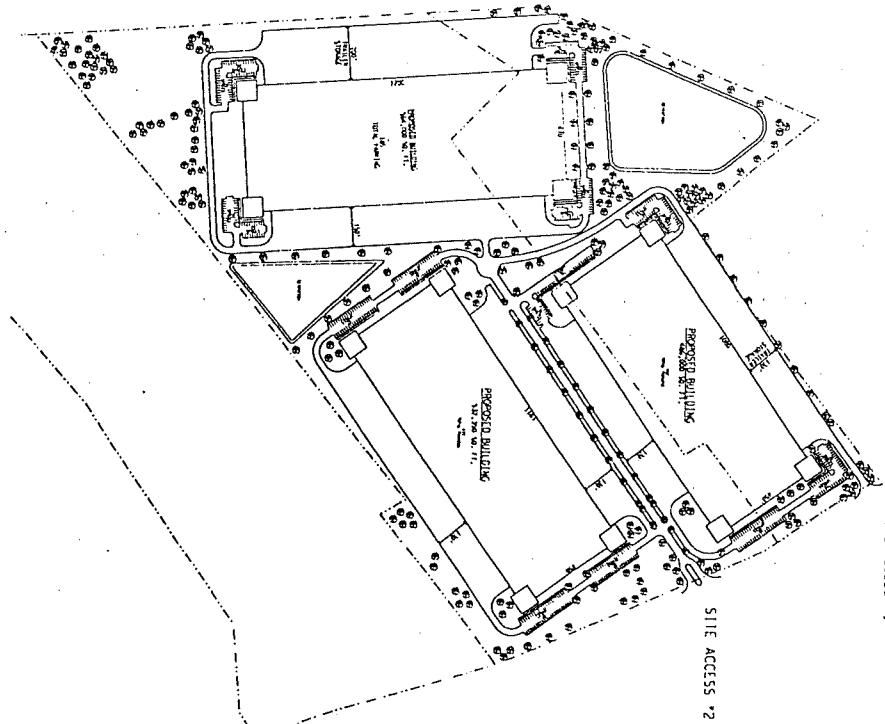
US 25 is a major collector roadway which runs parallel to Interstates 71/75 from the Greater Cincinnati region north of the study area. KY 338 is a major collector roadway providing access to I-71/75 immediately north of the proposed development. The section of US 25 adjacent to the site is a two-lane roadway with a speed limit of 45 mph. KY 338 at the I-71/75 interchange is a two-lane roadway with a continuous left turn lane and a speed limit of 45 mph.

Site Access

Two access drives are proposed the site. Both drives are on US 25 south of KY 338. The northernmost drive, Access Drive 1, will mainly serve the 486,000 square foot building on the north edge of the site. The southern drive, Access Drive 2, will serve as the primary access and service the remaining two buildings consisting of 1,096,350 square feet. The site plan is shown in Figure 2.



MEYER/CADD/P2133-011/191.dgn 10/24/00 10:07:53 AM



RICHWOOD CONCEPTUAL DEVELOPMENT PLAN

TOTAL SITE AREA:
97.4 ACRES

TOTAL BUILDING AREA:
1,582,350 S.F.

DEVELOPMENT PLAN
1" = 200'-0"

MEYER/CADD/P2133-011/191.dgn
10/24/00 10:07:53 AM



Existing Traffic Volumes

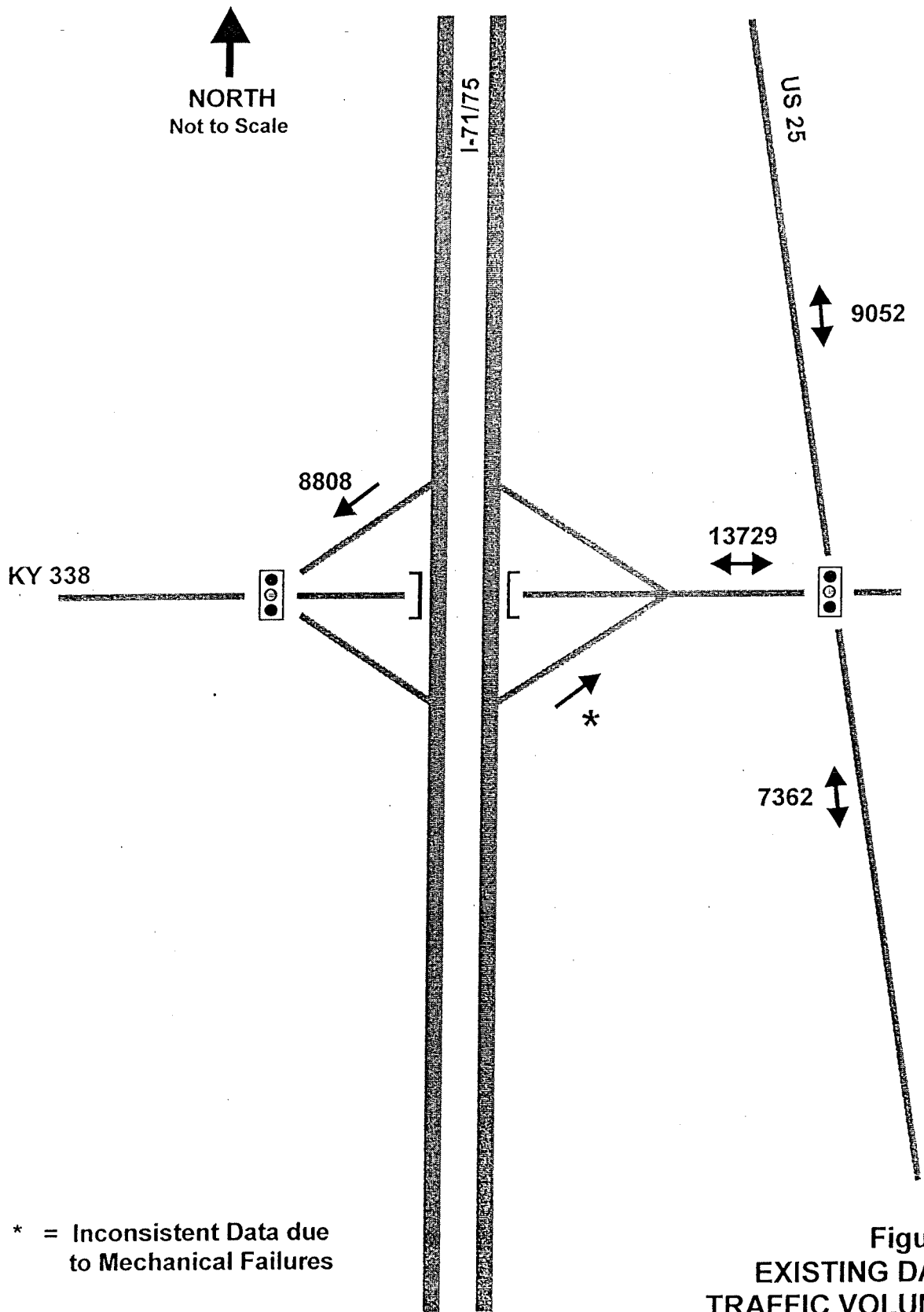
Figure 3 shows the existing weekday daily traffic volumes within the study area. The volumes shown are twenty-four hour mechanical counts collected by LJB, Inc. within the study area during the week of September 13, 2000. Mechanical failure (i.e., loose tube) affected the counter located on the northbound I-71/75 exit ramp. The data from this counter will not be used for this study.

Figure 4 shows the existing AM and PM peak hour volumes collected at the three key intersections during the week of September 13, 2000. The count data is contained in Appendix A.

Heavy vehicles were counted separately during the AM and PM peak hour turn counts. As expected with the number of truck facilities located at the KY 338 and I-71/75 interchange, the proportion of trucks recorded traveling through the study area was relatively high. The high percentage of heavy vehicles on the northbound I-71/75 exit ramp are most likely due to drivers exiting the freeway prior to entering the Northern Kentucky/Cincinnati area during peak hours. These heavy vehicle percentages as shown in Table 1 will be used in the existing and future level of service analysis of the study area intersections.

Table 1. Existing Heavy Vehicle Percentages

Roadway Section	Percent Heavy Vehicles	
	AM Peak Hour	PM Peak Hour
Southbound I-71/75 Exit Ramp	11%	12%
Northbound I-71/75 Exit Ramp	25%	30%
Eastbound KY 338 west of I-71/75	5%	6%
Westbound KY 338 between ramps	15%	15%
Eastbound KY 338 between ramps	6%	12%
Westbound KY 338 east of I-71/75	21%	21%
Eastbound KY 338 east of I-71/75	8%	12%
Northbound US 25 south of KY 338	4%	2%
Southbound US 25 north of KY 338	10%	5%



NORTH
Not to Scale

KY 338

8808

I-71/75

13729

US 25

9052

*

7362

* = Inconsistent Data due to Mechanical Failures

Figure 3
EXISTING DAILY
TRAFFIC VOLUMES
(September 2000)

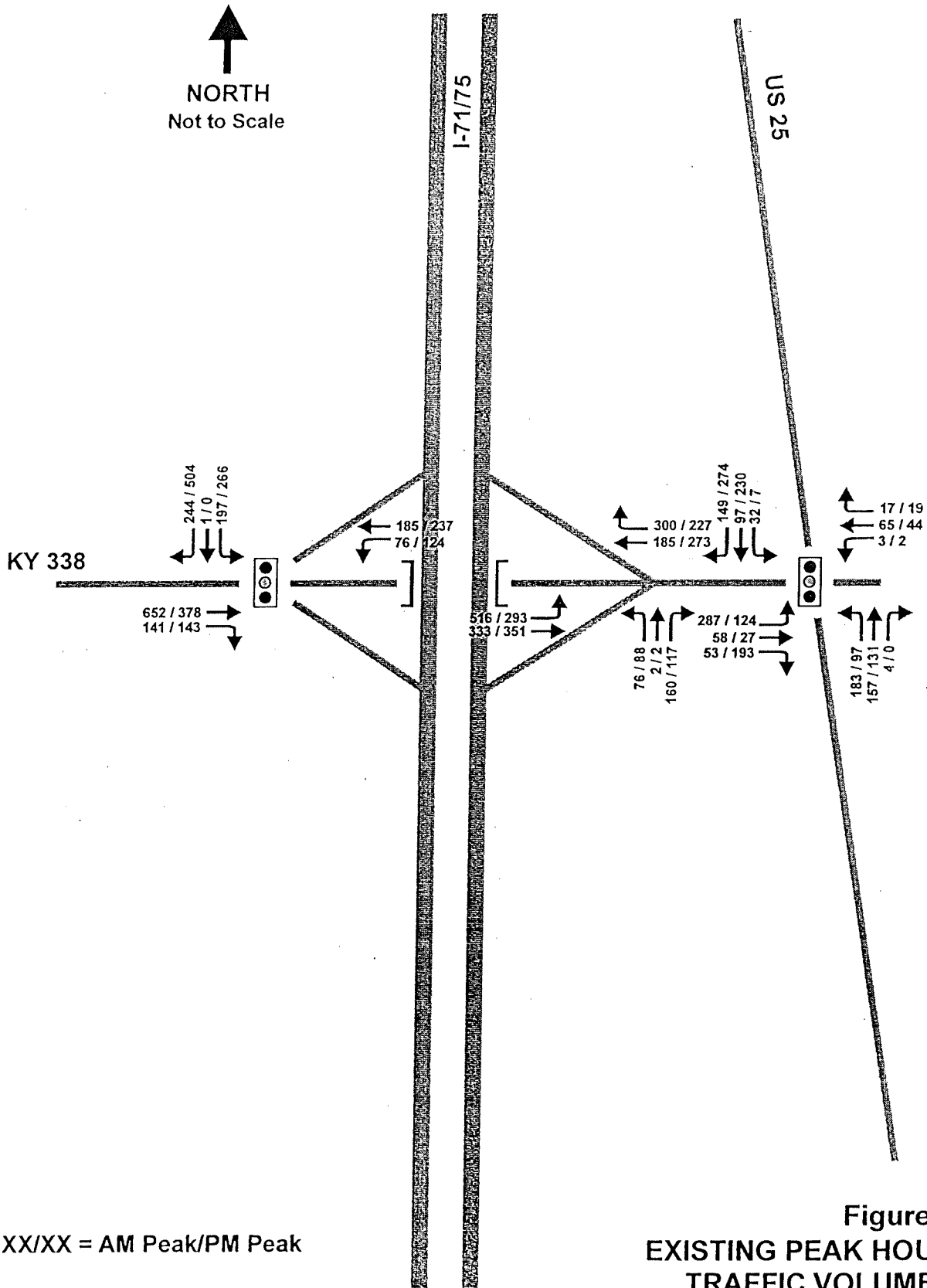


Figure 4
EXISTING PEAK HOUR
TRAFFIC VOLUMES
(September 2000)

TRAFFIC FORECAST

Background Traffic

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) travel model shows a 2.0% annual growth rate along Interstates 71/75 north of KY 338 and a 2.5% annual growth rate for the freeway south of KY 338. These rates are used for the background traffic forecasts on the I-71/75 ramps.

The Kentucky Transportation Cabinet (KTC) and OKI provided historical traffic data for US 25 and KY 338 within the study area. US 25 was last counted in 1996 and KY 338 was counted in 1997. Table 2 shows the comparison of these counts with the traffic volumes recently recorded for this study and the subsequent annual growth rate calculated for each roadway.

Table 2. Historical Traffic Data

Count Location	Year Counted	Count	2000 Count	Annual Growth Rate
KY 338 east of I-71/75	1996(KTC)	5850	13729	33.0%
	1992(OKI)	11172	13729	2.6%
US 25 north of KY 338	1996(KTC)	8010	9052	3.0%
US 25 south of KY 338	1996(KTC)	5380	7362	8.0%
	1990(KTC)	5030	7362	3.9%

Note: The traffic volume (5,850 vehicles) collected on KY 338 east of I-71/75 in 1996 KTC is lower than the counts collected in previous years (8,500 vehicles c.1992) and therefore thrown out.

Most of the traffic growth on KY 338 east of I-71/75 is site traffic from the fast-food restaurants and truck facilities between I-71/I-75 and US 25.

Traffic counts on US 25 south of KY 338 shows growth ranging from 3.9-8.0%. Minimal development south of KY 338 results in an annual growth of 1.1% between years 1990 and 1996. The remaining growth rates range from 2.6-3.9%. A 4.0% annual growth rate therefore was chosen as a conservative representation of background traffic in the study area for Year 2006.

Figure 5 illustrates the forecasted background AM and PM peak hour traffic volumes within the study area in 2006.

Site Traffic

The full build-out building area of the development is 1,582,350 square feet. The 6th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual trip rates for the warehouse (150) land use result in 712 trips in the AM peak hour of the adjacent street and 807 trips in the PM peak hour of the adjacent street. The pages of warehouse land use peak hour trip generation from the ITE Trip Generation Manual are contained in **Appendix B**.

Believing these trip rates were unrealistically high, a trip survey was conducted at an existing local warehouse development in order to document lower trip rates for use in this study. AM and PM weekday peak hour traffic counts were collected in September 2000 at the Park West International Industrial Park located in the northwest quadrant of the KY 238 and I-275 interchange in Boone County. Although the site contains five buildings, only two buildings are currently occupied, the Honeywell and GATX warehouses, totaling 709,550 square feet.

The recorded counts from Park West and resulting trip generation rates are shown in **Table 3**.

Table 3. Park West Traffic Counts and Trip Generation Rates

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Total Vehicles	108	58	166	48	132	180
% Heavy Vehicles	15.7	31	21.1	37.5	12.9	19.4
GFA (1000 Sq. Ft.)			709.55			709.55
Trip Generation Rate			0.23			0.25

The Park West trip generation data were compared to the trip generation rates provided for the warehouse (150) land use in the 6th Edition of the ITE Trip Generation Manual, shown in **Table 4**.

Table 4. Trip Generation Comparison

Source	Trip Generation Rate		AM Peak Entering/Exiting		PM Peak Entering/Exiting	
	AM	PM	In	Out	In	Out
Trip Generation Manual	0.45	0.51	82%	18%	24%	76%
Park West	0.23	0.25	65%	35%	27%	73%

The observed trip rates at Park West are significantly lower than Trip Generation Manual. However, the warehouse sites used in the Trip Generation Manual are primarily buildings of less than 250,000 square feet. Since the Park West warehouse development is a comparable Boone County site located at a freeway interchange with similar building sizes, tenants and construction staging plans, the rates developed from Park West are more appropriate for the proposed Richwood site. Therefore, the observed trip rates from Park West will be used in this study for traffic site volume projection.

The trip generation of the proposed Richwood site, based on the Park West rates, is shown in Table 5.

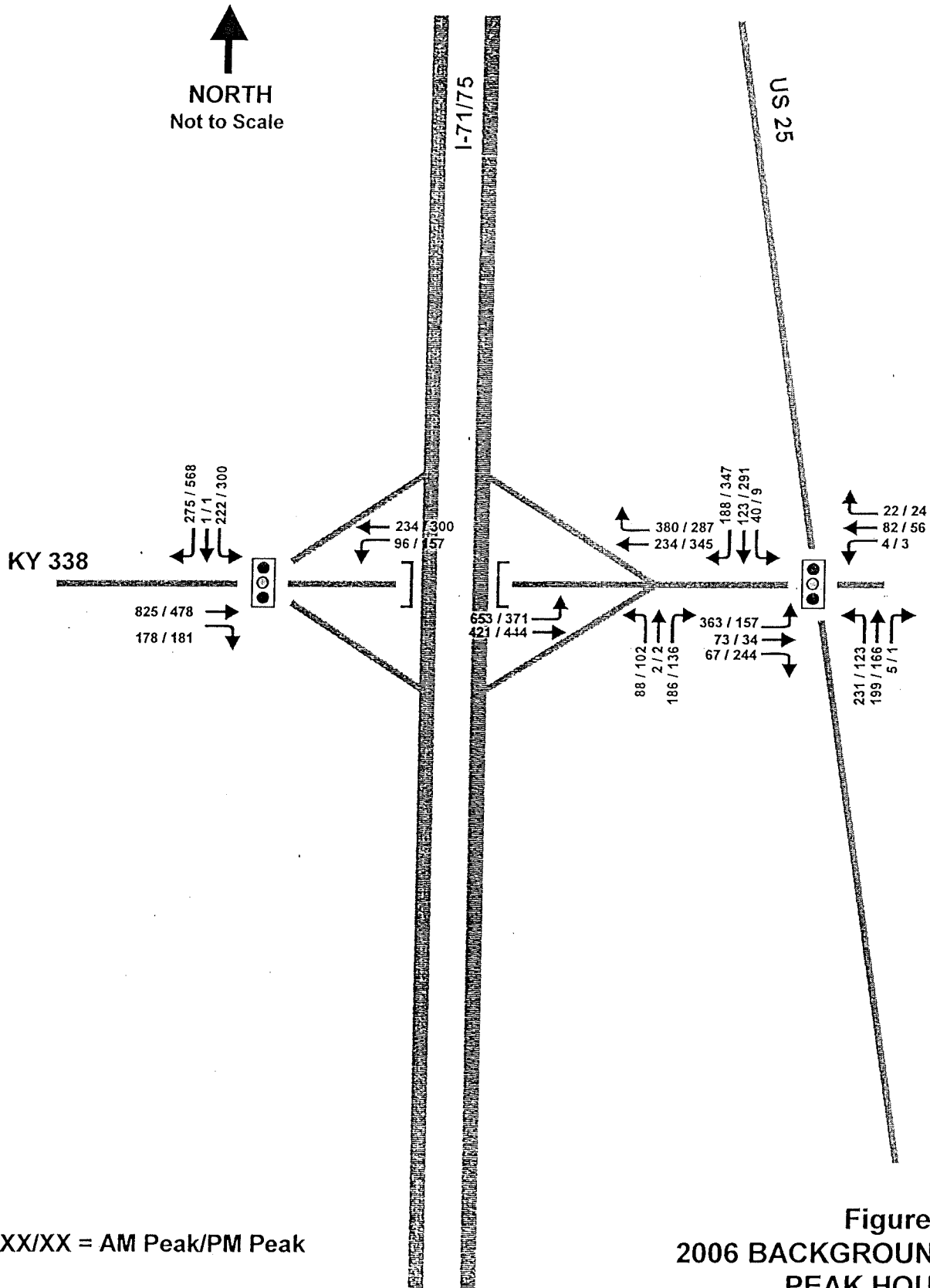
Table 5. Trip Generation of Proposed Site

Building	GFA (1000 Sq. Ft)	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
1	564.00	84	45	130	38	103	141
2	486.00	73	39	112	33	89	122
3	532.35	80	43	122	36	97	133
TOTAL	1582.35	237	127	364	107	289	396

Trip Distribution

Figure 6 illustrates the projected distribution of site-generated traffic within the study area. The site traffic was distributed along the adjacent roadways based on site access drive design, current traffic distributions and the expectation of site traffic to primarily access the KY 338 and I-71/75 interchange. Site generated turning movements during the AM and PM peak hours are shown in Figure 7.

The total traffic volumes after the proposed development, consisting of the combination of site and forecasted background traffic, are shown in Figure 8.



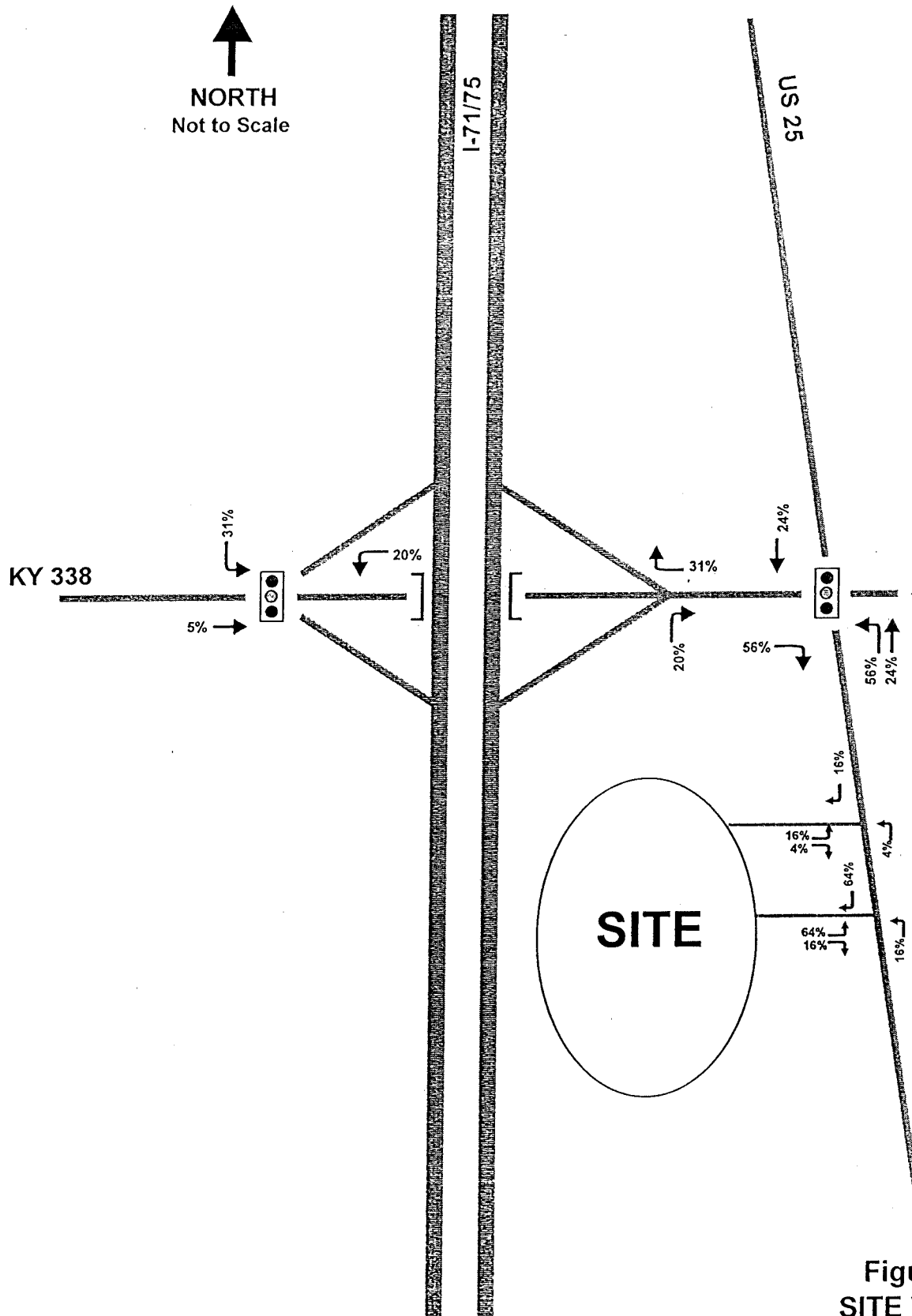
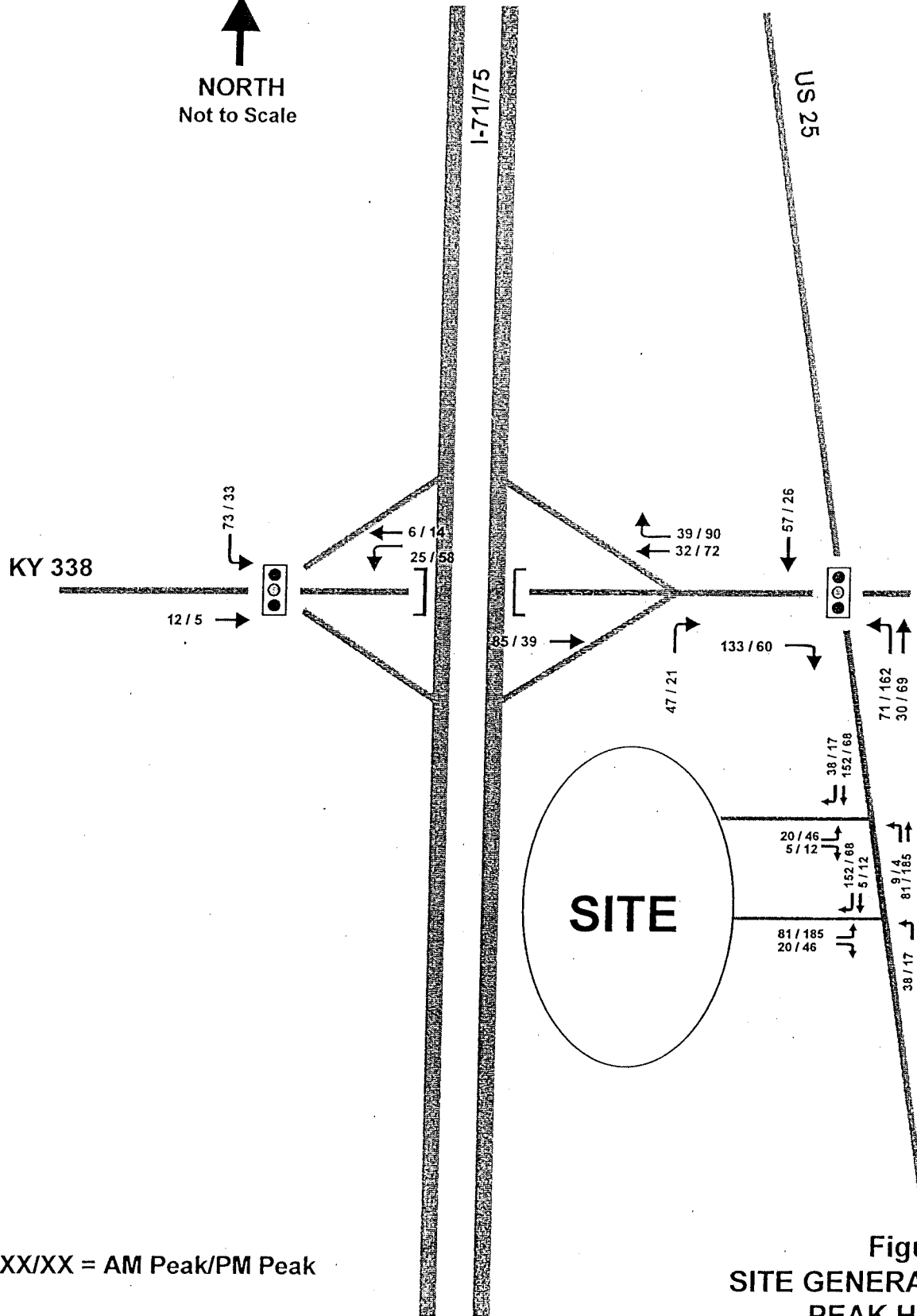


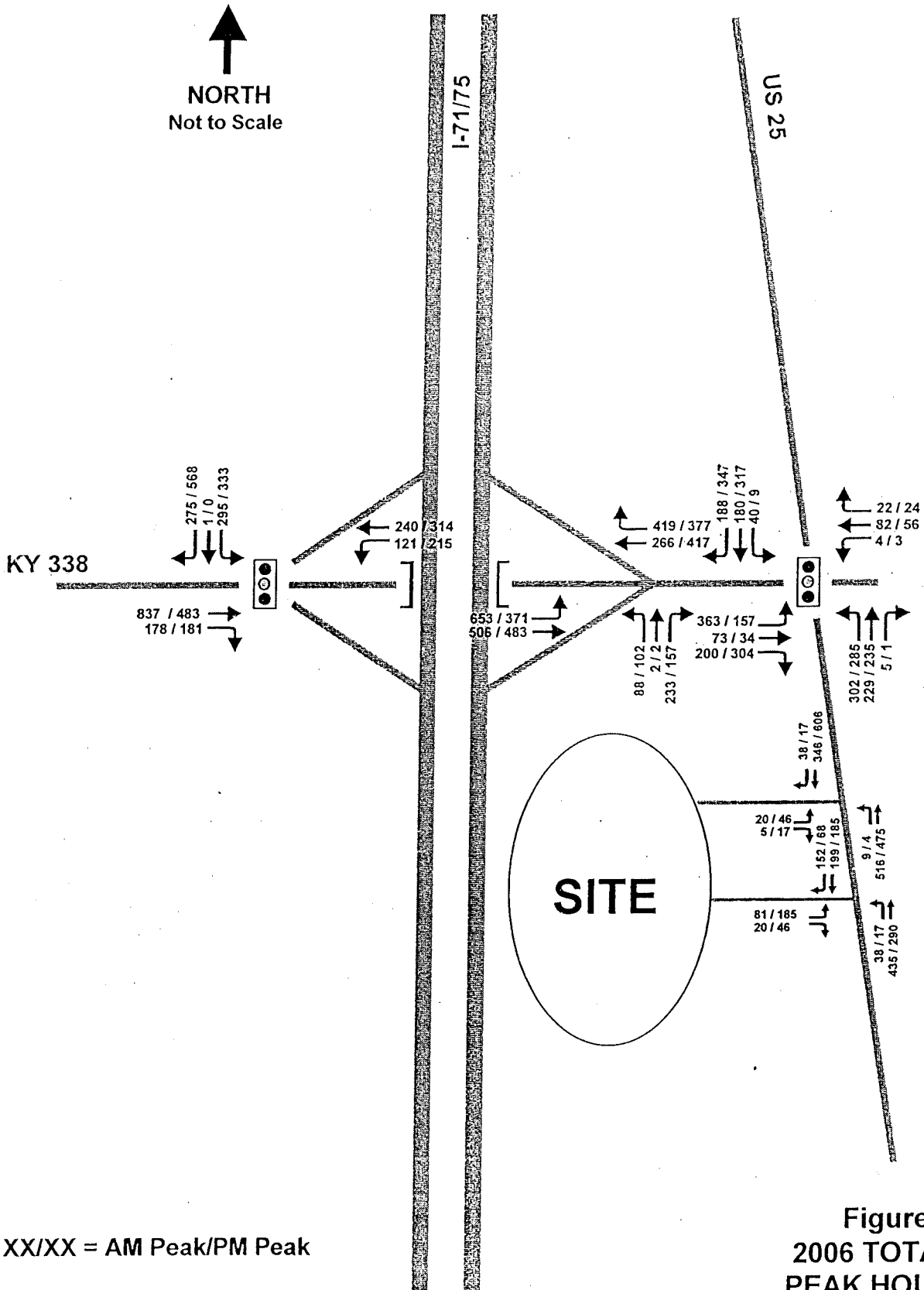
Figure 6
SITE TRIP
DISTRIBUTION

NORTH
Not to Scale



XX/XX = AM Peak/PM Peak

Figure 7
SITE GENERATED
PEAK HOUR
TRAFFIC VOLUMES



XX/XX = AM Peak/PM Peak

Figure 8
2006 TOTAL
PEAK HOUR
TRAFFIC VOLUMES

LEVEL OF SERVICE ANALYSIS

The 1997 Highway Capacity Manual defines the Level of Service (LOS) as a function of the delay encountered by motorists, which is a measure of driver discomfort, frustration, fuel consumption and lost travel time. Levels of service are given in terms of average control delay per vehicle for signalized and unsignalized intersections. Control delay includes initial deceleration delay, queue move-up time, stopped delay and final acceleration delay. The level of service criteria for signalized intersections, as given in the 1997 Highway Capacity Manual and applied by the Highway Capacity Software (HCS) 3.2, is shown in Table 6.

Table 6. Level of Service Criteria

Level of Service (LOS)	Control Delay per Vehicle (sec)
A	<10
B	10 - 20
C	20 - 35
D	35 - 55
E	55 - 80
F	> 80

Table 7 summarizes the results of the analysis at the study area intersections. The HCS output for each intersection is contained in Appendix C.

Table 7. Intersection Level of Service

Intersection	Existing		2006 - Background		2006 - Total	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
SB I-71/75 Ramps & KY 338	C	D	C*	C*	C*	C*
NB I-71/75 Ramps & KY 338 (unsignalized)	F	E	F	F	F	F
NB I-71/75 Ramps & KY 338 (signalized)	-	-	B	C	D	C
US 25 & KY 338	C	D	C	D	C	D
Access Drive 1 & US 25 (EB approach)	-	-	-	-	C	C
Access Drive 2 & US 25 (EB approach)	-	-	-	-	C	D

* Analysis adds EB right turn lane to the existing geometry.

CONCLUSIONS AND RECOMMENDATIONS

The intersection level of service summary in **Table 7** contains 3 separate columns representing 3 different conditions. Improvements for the different conditions are shown as **bold** and underlined.

1. **Existing Conditions.** The existing turning movement volumes for the AM and PM peak periods were analyzed with existing traffic volumes (Year 2000). The signal timing only was optimized to balance delays on all approaches.

The existing unsignalized intersection at KY 338 and northbound I-71/75 ramps operates at LOS F during the AM peak hour and LOS E during the PM peak hour.

2. **Background 2006.** The background growth of 4% per year was compounded resulting in a multiplier of 1.27 and added to the existing traffic volumes. The background traffic represents general growth within the region not specifically attributed to the warehouse development.

- The KY 338 and northbound I-71/75 exit ramp intersection will operate at LOS F during both peak hours only with background traffic in Year 2006. The intersection level of service is equal to LOS C or better if signalized. **A signal should be installed when the Kentucky Transportation Cabinet establishes the need and the signal is warranted based on current count data.**
- Similarly, multiple movements at the KY 338 and southbound I-71/75 ramps intersection will degrade under projected 2006 background traffic volumes to LOS E during the peak hours. **A 300 foot eastbound right turn lane should be constructed to improve the intersection operations to an acceptable LOS D or better.**

3. **Year 2006.** The proposed site traffic using modified trip rates is added to the Background 2006 traffic and to the Existing Conditions traffic. This traffic is directly attributed to the proposed site therefore analyzed separately.

The LOS for the major intersections within the study area is as follows:

- The northbound I-71/75 ramp intersection LOS is equal to an acceptable LOS D during the AM peak of 2006.
- The KY338 and US 25 intersection level of service remains LOS C in the AM peak period and LOS D in the PM peak period for all 3 conditions.

The proposed access drives to US 25 should be unsignalized with stop control on the access drive approach only. **The site access drives should be located to provide adequate intersection sight distance. Clearing and grading the back slopes on the west side of US 25 should also be performed to improve sight distance.**

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
November 15, 2000
7:30 P.M.**

PUBLIC HEARING

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

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:45 P.M. and introduced the item on the Agenda:

1. **Applicant:** **LJB Inc. for
Margaret Vickers and Eliz Gaines Ferguson (owners)**

Request: **Zoning Map Amendment**

The request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall provided the Commissioners with copies of a letter he received from Mr. Danny G. Fore, President of Tri-ED in regard to this request (see Exhibit 1).

The Chairman asked for the applicant's presentation.

Mr. John Stevens representing Al Neyer, Inc. 118 West Fifth Street, Covington, stated that the Concept Plan speaks to what they want to accomplish. They plan an industrial type development but do not have a particular use in mind at this time. He stated that the streets will be dedicated streets. Mr. Stevens offered to answer any questions.

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

Mrs. Thelma Castellini, 11303 Dixie Highway, Richwood, stated that the subject site is one-quarter mile south of her property. She does not feel that enough information has been presented to warrant consideration of a zone change. There has been no specific plan as to what they propose to put on the site. There is not enough information to give them blanket permission for an industrial development. Mrs. Castellini stated that she has lived in this location for sixty years. U. S. 25 today is as good as it gets and was recently patched. Thirty-five years ago, the north/south lanes were increased one foot, but that increase stays consistently cracked off in most areas from her home to Walton. There are a few places on the east side of U.S. 25 where neither the berm nor the last few inches of the road exist. The road is scarcely adequate for the current traffic. The traffic from I-75 detours onto U. S. 25 when there are accidents. When KY 338 was widened to three lanes at the Richwood interchange and a turn lane provided for northbound traffic turning onto U.S. 25, no provision was made for a southbound turn lane. It will take a lot more than a divided island in front of their driveway with a traffic light to accommodate existing traffic and the traffic from this development. She stated that the EPD designation for this property was arrived at after years of study and consideration and it has been there at least fifteen years. She stated that it was determined that the highest and best use of the land east of the railroad tracks in southeast Boone County was industrial and millions and millions of dollars were spent to fund the infrastructure for an industrial site. The water line from Florence was increased for miles to provide the capacity, the water and sewer lines were extended across the railroad tracks, a new grade crossing was installed at Duro Drive, and the old Lexington Pike crossing to the south was upgraded -- we have already funded infrastructure for an area that has been held for industrial use since 1975. We have 1,500 or more acres of undeveloped industrial land east of the railroad tracks with utilities and upgraded crossings -- so where is the wisdom in spending more money to get the necessary infrastructure to a site one-third of a mile away? She stated that EPD is the proper zoning for the land between I-75 and U.S. 25 south of the Richwood interchange. The thinking at the time was to provide a transition area between the heavy interchange commercial at Richwood and the low density residential in the vicinity of Chambers Road. She questioned why this developer cannot design a development to fit within the scope of EPD. The EPD zone is not restrictive and allows for a variety of uses.

The destruction of the hills to flatten out this property is almost unthinkable. She stated that the creek to the south of her property carries all the surface water that accumulates between KY 338 and the U.S. 25 interchange on both sides of the road and the railroad right-of-way and it all flows into the creek that goes eventually to Gunpowder. She is concerned about the appearance of the site because in the past there have been inferior developments. There have been buildings without architectural merit and stands of old trees have been replaced by little bushes. She stated that a specific plan with traffic data, along with input from the Sewer Department and Highway Department, should be submitted before any action is taken on changing the zone. The stands of mature trees along the expressway should be preserved for fifty to one hundred feet. There should be a buffer in the wide area along the expressway where there are no trees to block the view from the expressway. There should be assurance that the flow of water will be uninterrupted and undisturbed. She stated that the EPD gives visual aesthetics to the signage, buildings, and driveways, and the regulations under the industrial zone are not suitable for this location. She stated that the developer should state specifically what is going on this site before the zone change request is considered.

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

Mr. Chaney questioned the Permitted Uses in I-1 versus EPD. Mr. Wall explained that EPD is a performance-based zone. A Concept Plan with a lot of details is submitted and a zoning district is basically written within certain parameters. The EPD deals with performance standards that are not in most of the other zones. The I-1 zone has a list of Principally Permitted and Conditional Uses.

Mr. Chaney questioned what would go in the buildings in Plan #1 vs. Plan #2 that could not be done in the EPD zone. Why are they requesting the zone change? Mr. Stevens responded that nobody knows what the EPD zone means. It is such an ambiguous zone that it is difficult to plan a project with it, particularly for a large tract of land. He has no idea what uses will be on the site, the specific companies, or the specific needs. Mr. Chaney responded that they must have some concept. He questioned what kind of uses they anticipate under Plan #1 with the three large buildings vs. Plan #2 with several smaller buildings. Mr. Stevens responded that for Plan #1 they anticipate a distribution type use with an office component, probably not doing a value added product. A Toyota type facility would be an example. Plan #2 would probably be more suited to smaller owner occupied situations where a company would do a value added process and have a specific need for a building that size. They would probably be light manufacturing uses.

Mr. Chaney asked if the applicant would be willing to narrow the uses permitted in I-1. Mr. Stevens responded "yes".

Mr. Knock noted Mr. Stevens' mention of Toyota and asked if he is referring to distribution of parts as opposed to a manufacturing facility. Mr. Stevens responded that he was referring to the KY 237 Toyota location, which he assumes is a distribution facility. Mr. Knock asked if they have talked to the proper authorities regarding extending water and sewer lines to the site. Mr. Stevens responded that their expectation is that the sewer would be connected through the Steeplechase development. They would go under the expressway and tie in. The water would be brought down from north of Richwood Road. He stated that they would have to extend the required 16" main at their expense.

Mr. Ries stated that he is concerned about the lack of information presented. He is concerned about access to the facility at Steeplechase, which is predominantly residential, and he does not know what the growth will be. The truck traffic at that intersection is a concern. There are three truck stops at that interchange and at times it is a disaster. When there is a function at the speedway, they close the southbound exit on I-71 and exit the traffic on KY 338 to make a U-turn and head south on I-71, which adds to the traffic jams made by the trucks. He stated that the industrial park is about a half mile up the road and there is space available there. He is concerned about spreading out from an industrial park designated for I-1 uses and putting industrial uses half a mile down the road where there are homes and farms. He is concerned about the I-1 uses that could go in this area.

Mr. Zimmer asked if any of the uses the applicant stated are permitted in EPD. Mr. Wall responded "they could be". Mr. Costello explained that the EPD was created as a mixed use zone that allows office, industrial, some commercial uses, and possibly some residential. It is like a planned development. It was placed in the zoning update in 1991 as a result of interest by property owners on the southwest side of Richwood Road and I-75 (the Davis property). At that time, Triple Crown was under construction. The location was right for business and there was a potential for a mix of uses. Since that time, Steeplechase has gone in and is primarily residential. There is some existing EPD on the west side, but it is primarily on the east side. The property on the east side was zoned I-1 in 1986 due to its access to rail. He stated that the applicant's proposed use is strictly industrial. Mr. Zimmer stated that contrary to what the applicant stated, it appears that it would be easier to accomplish an EPD on a larger tract than on a smaller one. Mr. Costello agreed.

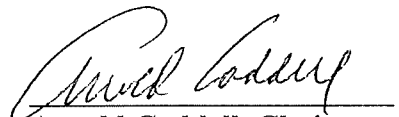
Mr. Zimmer questioned the statutory basis for the zone change. Mr. Stevens responded that the request is consistent with the Comprehensive Plan. He added that the county has undergone a lot of growth and land prices are a problem. They feel that Richwood is getting ready for the industrial uses the county has planned to occur.

In response to a question from Mrs. Wilson, Mr. Stevens stated that they do not have railroad access.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on December 6, 2000 at 4:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 20, 2000 at 6:30 P.M..

The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:

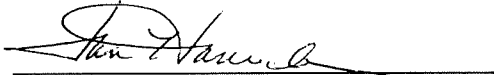
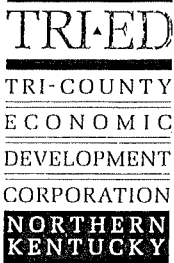
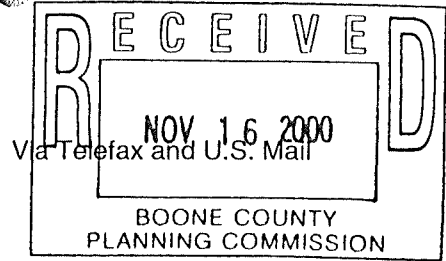

Jan Hancock, Recording Secretary

Exhibit 1 – Letter from Mr. Danny G. Fore, President of Tri-ED.



November 15, 2000

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



RE: U.S. 25, Richwood Area; Al. Neyer Inc. Zone Change Request

Mr. Wall:

Northern Kentucky Tri-ED appreciates the opportunity to review and comment on this request. This comment is based upon TRI-ED staff review only. Neither Tri-ED'S Property Development Committee nor the TRI-ED Board of Directors has reviewed these plans. This comment is provided prior to BCPC's review this evening.

It is our understanding that Al. Neyer Inc. has an option on this 97± acre parcel west of U.S. 25. and east of I-75/71. Neyer seeks to have the property re-zoned from Employment Planning District (EPD) and Agricultural Two to Industrial One (I-1). Tri-ED supports this re-zoning request. This support is based upon the following elements.

- Location of site:** East of and adjacent to I-75/71 and bordered on the east by U.S. 25. This location is optimal for industrial development because of the proximity to I-75, U.S. 25 the Norfolk Southern rail line and current and future industrial development in the immediate vicinity.
- Compatibility:** The Richwood Industrial Park is located less than a mile away north and east of the site. Tri-ED has long been an advocate of large-scale industrial uses in this corridor east of I-75/71.
- Marketability:** A 1993 PHH Fantus Consulting Study, commissioned by Tri-ED on the possible location of a large industrial park, suggested the 1400 acres immediately east of this site. PHH Fantus noted the lack of residential uses, adequate utilities and close proximity of rail and interstate access as positive attributes for a successful industrial park in this area.

Tri-ED trusts that particular design and layout issues will be addressed by the Planning Commission and the Fiscal Court (i.e. viewsheds from the interstate, building aesthetics, landscaping etc.) Tri-ED also notes that Conceptual Plan #2 is favored over Conceptual Plan #1. Tri-ED is not targeting "big box" distribution firms in our recruitment strategy for Northern Kentucky. Please feel free to contact Dan Tobergte with additional comments.

Best regards,

Danny G. Fore,
President

- c. Tri-ED Property Development Committee Members
 - Jim Parsons, Boone County Administrator
 - John Stevens, Al. Neyer Inc.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
January 17, 2001
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. W. Thomas Chaney, Vice Chairman
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the January 3, 2001 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Barlow seconded the motion and it carried unanimously.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the January 3, 2001 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Wilson seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of LBJ Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

Staff Member Kevin Wall stated that there are two Committee Reports. The majority report recommends denial of the request based on the findings of fact (see Committee Report). Mr. Wall inadvertently began presenting the minority report which recommended approval of the request. When the error was called to his attention by the Executive Director, Mr. Wall apologized and presented the majority report (see majority Committee Report).

Mr. Newman asked if the minority report would be read in full. Counselor Wilson advised that if a motion on the majority report fails, then the minority report will be read. Chairman Caddell explained that there was a split recommendation from the Committee, but the majority report (3 to 2) is for denial.

Mr. Hicks moved by resolution to Boone County Fiscal Court to deny the request based on the majority Committee Report. Mr. Zimmer seconded the motion.

Mr. Hicks stated that the Committee worked on this request. He stated that making this an industrial park would set a precedent and would destroy a lot of the current zoning and Comprehensive Plan recommendations for the area. If there was a shortage of industrial land in the area, that would be another matter. He stated that along Old Lexington Pike is large acreage zoned industrial or earmarked for industrial and it would put all the industrial traffic onto KY 338, and not on U. S. 25. He stated that the subject property needs time to turn out right for what the Comprehensive Plan and EPD zoning call for. Mr. Zimmer stated that the Committee spent a lot of time working out extensive conditions, which are in the minority report, to try and make the site appear to be a business

park. In reality, it is an industrial park and does not fit the classification that the Comprehensive Plan has outlined for that area.

Mr. Newman stated that he felt that the reason they spent two meetings going over the conditions in detail was to try to get this development to appear to be a business park. They went to the point of designating trees to be left, vegetation, buffering, etc. and he does not know what a business park is if this is not a business park. He stated that the Comprehensive Plan designates this property for business park. He stated that the intent of the EPD zone was to provide a more flexible and creative zoning procedure and offer a variety of land uses – if they are properly designed and the impacts are addressed, which the Committee has done. He believes the request meets all three criteria for a zone change and should be approved.

Mr. Knock stated that he believes the Commissioners should take time to read the minority report or that it should be read into the record. He stated that the findings of fact to approve should be given the same weight as the reasons to deny. Counselor Wilson responded that there is a motion on the floor, but the Commissioners could take a few minutes on their own to read the minority Committee Report. He stated that the Committee Report for approval is part of the record of this meeting.

Following a short period of time for the Commissioners to read the minority Committee Report, Mr. McMillian asked the Chairman to call for a vote on the motion on the floor. Chairman Caddell stated that a “yes” vote on the motion is a vote to deny the request. A roll call vote on the motion found Mr. Barlow, Mr. McMillian, Mrs. Poston, Mr. White, Mr. Zimmer, Mr. Ries, Mrs. Arnett, Mr. Hicks, and Chairman Caddell in favor. Mr. Newman, Mr. Schwenke, and Mrs. Wilson were opposed. Mr. Knock abstained. The motion carried with 9 votes in favor, 3 opposed, and 1 abstention. Mr. Schwenke was opposed as he did not have time to read the minority Committee Report.

2. **Zoning Map Amendment**

The request of the City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area at 8 Gibbons Street, Florence, Kentucky.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. White moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Hicks seconded the motion and it carried unanimously.

3. **Zoning Map Amendment**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: January 17, 2001

RE: Request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area located 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

REMARKS:

We, the Committee, recommend denial of the above referenced request based on the following findings of fact.

FINDINGS OF FACT

1. As noted in the other Committee Report which recommends conditional approval of this request, both the 1995 Boone County Comprehensive Plan's Land Use Element and the 2020 Land Use Plan (Future Land Use Map) designate the site in question for "Business Park" uses. This designation is described by the Plan as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment."

As the Committee acknowledges that Business Park uses are appropriate for this site pursuant to the adopted Comprehensive Plan, the Committee has concluded that the specific proposal presented, along with the agreed conditions, do not adequately fulfill the Business Park designation as defined by the Comprehensive Plan. Rather than proposing a "clean," park type setting with a predetermined design theme and amenities as sought by the Business Park designation, the proposal at hand is merely an industrial park.

In addition to outlining appropriate land uses, the Business Park designation is quite different from other future land use designations in the respect that it outlines a number of qualitative expectations. While the developer/property owners have agreed to a number of conditions which would help the proposal better correlate to these qualitative expectations, the proposal as a whole does not provide a park like setting with integrated pedestrian and recreation facilities, nor does it provide a constant architectural or signage theme; rather, only a general condition regarding design issues has been agreed to instead of a predetermined design theme with specific architectural and/or stylistic standards. The lack of fulfillment of the Business Park designation's objectives regarding low floor area ratio and extensive landscape areas are also evidenced by the super-scaled, monolithic buildings which average over one half million square feet in size that are proposed in Concept Development Plan option 1, as well as the massive grading which these structures require - the Future Land Use Development Guidelines in the Land Use Element state that site features such as topography should be preserved "rather than leveling an entire site to meet a pre-conceived project design." The Committee also acknowledges that future zone change proposals to the I-1 zone for this site, that truly fulfilled the mandates of the Business Park designation, could be approved under the current Comprehensive Plan for either the developer in question or a future developer.

The Comprehensive Plan does include an "Industrial" designation which is applied to other, usually less conspicuous, parts of the community. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." As is evidenced by this definition, the Industrial designation does not include the qualitative aspects of the Business Park designation. As presented, it is the Committee's conclusion that the current proposal is merely an "Industrial" development as per Comprehensive Plan's definition. The qualitative components that create a "Business Park" development are important to this particular site due to the expansive frontages on, and visibility from, both I-75/71 and Dixie Highway, and proximity to the Richwood interchange and growing residential areas. The Comprehensive Plan's Land Use Element emphasizes part of this argument by stating "industrial uses fronting on US 25 should be developed with attention given to adequate aesthetic design and natural vegetation to minimize visual impacts to the residential uses across the highway."

2. The Committee has not identified any facts which legitimately support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.

3. The Committee has not identified any facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
4. The Committee and the applicant have agreed to a number of conditions which should be applied to the development, should it be approved. These conditions are necessary to mitigate foreseeable impacts and to attempt to achieve some level of compliance with the Business Park designation and the Future Land Use Development Guidelines outlined in the Comprehensive Plan's Land Use Element. These conditions are outlined in the Committee Report which recommends conditional approval of this application. However, the Committee has concluded that the application should be denied, regardless of the potential conditions, because none of the three statutory criteria have been met.

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 Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Committee Chairman

DATE: January 3, 2001

RE: Request of **LJB Inc. (applicant)** for **Margaret Vickers and Eliz Gaines Ferguson (owners)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area located at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development

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
LJB INC/Margaret Vickers & Eliz Gaines Ferguson
January 3, 2001

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

David Zimmer

David Zimmer

For	<input type="checkbox"/>	Against	<input checked="" 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 (Alternate)*

For	<input 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:	<u> </u> DEFERRED	<u> 2 </u> FOR	<u> 3 </u> AGAINST	<u> </u> ABSTAIN
	<u> </u> ABSENT			

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Committee Chairman

DATE: December 6, 2000

RE: Request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area located at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development

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.

W. Thomas Chaney, Chairman

For _____ Against _____
Abstain _____ Absent
Deferred _____

Mark Hicks

For _____ Against _____
Abstain _____ Absent _____
Deferred

Bob Newman

For _____ Against _____
Abstain _____ Absent _____
Deferred

Earl White

For _____ Against _____
Abstain _____ Absent _____
Deferred

David Zimmer

For _____ Against _____
Abstain _____ Absent _____
Deferred

Bob Schwenke (Alternate)*

For _____ Against _____
Abstain _____ Absent _____
Deferred _____

Lisa Wilson (Alternate)*

For _____ Against _____
Abstain _____ Absent _____
Deferred _____

Don McMillian (Alternate)*

For _____ Against _____
Abstain _____ Absent _____
Deferred _____

TOTAL: 4 DEFERRED _____ FOR _____ AGAINST _____ ABSTAIN
1 ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
November 15, 2000
7:30 P.M.

PUBLIC HEARING

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

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:45 P.M. and introduced the item on the Agenda:

1. **Applicant:** LJB Inc. for
 Margaret Vickers and Eliz Gaines Ferguson (owners)

Request: Zoning Map Amendment

The request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall provided the Commissioners with copies of a letter he received from Mr. Danny G. Fore, President of Tri-ED in regard to this request (see Exhibit 1).

The Chairman asked for the applicant's presentation.

Mr. John Stevens representing Al Neyer, Inc. 118 West Fifth Street, Covington, stated that the Concept Plan speaks to what they want to accomplish. They plan an industrial type development but do not have a particular use in mind at this time. He stated that the streets will be dedicated streets. Mr. Stevens offered to answer any questions.

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

Mrs. Thelma Castellini, 11303 Dixie Highway, Richwood, stated that the subject site is one-quarter mile south of her property. She does not feel that enough information has been presented to warrant consideration of a zone change. There has been no specific plan as to what they propose to put on the site. There is not enough information to give them blanket permission for an industrial development. Mrs. Castellini stated that she has lived in this location for sixty years. U. S. 25 today is as good as it gets and was recently patched. Thirty-five years ago, the north/south lanes were increased one foot, but that increase stays consistently cracked off in most areas from her home to Walton. There are a few places on the east side of U.S. 25 where neither the berm nor the last few inches of the road exist. The road is scarcely adequate for the current traffic. The traffic from I-75 detours onto U. S. 25 when there are accidents. When KY 338 was widened to three lanes at the Richwood interchange and a turn lane provided for northbound traffic turning onto U.S. 25, no provision was made for a southbound turn lane. It will take a lot more than a divided island in front of their driveway with a traffic light to accommodate existing traffic and the traffic from this development. She stated that the EPD designation for this property was arrived at after years of study and consideration and it has been there at least fifteen years. She stated that it was determined that the highest and best use of the land east of the railroad tracks in southeast Boone County was industrial and millions and millions of dollars were spent to fund the infrastructure for an industrial site. The water line from Florence was increased for miles to provide the capacity, the water and sewer lines were extended across the railroad tracks, a new grade crossing was installed at Duro Drive, and the old Lexington Pike crossing to the south was upgraded -- we have already funded infrastructure for an area that has been held for industrial use since 1975. We have 1,500 or more acres of undeveloped industrial land east of the railroad tracks with utilities and upgraded crossings -- so where is the wisdom in spending more money to get the necessary infrastructure to a site one-third of a mile away? She stated that EPD is the proper zoning for the land between I-75 and U.S. 25 south of the Richwood interchange. The thinking at the time was to provide a transition area between the heavy interchange commercial at Richwood and the low density residential in the vicinity of Chambers Road. She questioned why this developer cannot design a development to fit within the scope of EPD. The EPD zone is not restrictive and allows for a variety of uses.

The destruction of the hills to flatten out this property is almost unthinkable. She stated that the creek to the south of her property carries all the surface water that accumulates between KY 338 and the U.S. 25 interchange on both sides of the road and the railroad right-of-way and it all flows into the creek that goes eventually to Gunpowder. She is concerned about the appearance of the site because in the past there have been inferior developments. There have been buildings without architectural merit and stands of old trees have been replaced by little bushes. She stated that a specific plan with traffic data, along with input from the Sewer Department and Highway Department, should be submitted before any action is taken on changing the zone. The stands of mature trees along the expressway should be preserved for fifty to one hundred feet. There should be a buffer in the wide area along the expressway where there are no trees to block the view from the expressway. There should be assurance that the flow of water will be uninterrupted and undisturbed. She stated that the EPD gives visual aesthetics to the signage, buildings, and driveways, and the regulations under the industrial zone are not suitable for this location. She stated that the developer should state specifically what is going on this site before the zone change request is considered.

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

Mr. Chaney questioned the Permitted Uses in I-1 versus EPD. Mr. Wall explained that EPD is a performance-based zone. A Concept Plan with a lot of details is submitted and a zoning district is basically written within certain parameters. The EPD deals with performance standards that are not in most of the other zones. The I-1 zone has a list of Principally Permitted and Conditional Uses.

Mr. Chaney questioned what would go in the buildings in Plan #1 vs. Plan #2 that could not be done in the EPD zone. Why are they requesting the zone change? Mr. Stevens responded that nobody knows what the EPD zone means. It is such an ambiguous zone that it is difficult to plan a project with it, particularly for a large tract of land. He has no idea what uses will be on the site, the specific companies, or the specific needs. Mr. Chaney responded that they must have some concept. He questioned what kind of uses they anticipate under Plan #1 with the three large buildings vs. Plan #2 with several smaller buildings. Mr. Stevens responded that for Plan #1 they anticipate a distribution type use with an office component, probably not doing a value added product. A Toyota type facility would be an example. Plan #2 would probably be more suited to smaller owner occupied situations where a company would do a value added process and have a specific need for a building that size. They would probably be light manufacturing uses.

Mr. Chaney asked if the applicant would be willing to narrow the uses permitted in I-1. Mr. Stevens responded "yes".

Mr. Knock noted Mr. Stevens' mention of Toyota and asked if he is referring to distribution of parts as opposed to a manufacturing facility. Mr. Stevens responded that he was referring to the KY 237 Toyota location, which he assumes is a distribution facility. Mr. Knock asked if they have talked to the proper authorities regarding extending water and sewer lines to the site. Mr. Stevens responded that their expectation is that the sewer would be connected through the Steeplechase development. They would go under the expressway and tie in. The water would be brought down from north of Richwood Road. He stated that they would have to extend the required 16" main at their expense.

Mr. Ries stated that he is concerned about the lack of information presented. He is concerned about access to the facility at Steeplechase, which is predominantly residential, and he does not know what the growth will be. The truck traffic at that intersection is a concern. There are three truck stops at that interchange and at times it is a disaster. When there is a function at the speedway, they close the southbound exit on I-71 and exit the traffic on KY 338 to make a U-turn and head south on I-71, which adds to the traffic jams made by the trucks. He stated that the industrial park is about a half mile up the road and there is space available there. He is concerned about spreading out from an industrial park designated for I-1 uses and putting industrial uses half a mile down the road where there are homes and farms. He is concerned about the I-1 uses that could go in this area.

Mr. Zimmer asked if any of the uses the applicant stated are permitted in EPD. Mr. Wall responded "they could be". Mr. Costello explained that the EPD was created as a mixed use zone that allows office, industrial, some commercial uses, and possibly some residential. It is like a planned development. It was placed in the zoning update in 1991 as a result of interest by property owners on the southwest side of Richwood Road and I-75 (the Davis property). At that time, Triple Crown was under construction. The location was right for business and there was a potential for a mix of uses. Since that time, Steeplechase has gone in and is primarily residential. There is some existing EPD on the west side, but it is primarily on the east side. The property on the east side was zoned I-1 in 1986 due to its access to rail. He stated that the applicant's proposed use is strictly industrial. Mr. Zimmer stated that contrary to what the applicant stated, it appears that it would be easier to accomplish an EPD on a larger tract than on a smaller one. Mr. Costello agreed.

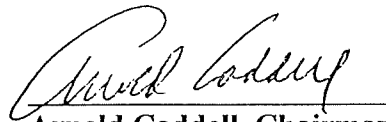
Mr. Zimmer questioned the statutory basis for the zone change. Mr. Stevens responded that the request is consistent with the Comprehensive Plan. He added that the county has undergone a lot of growth and land prices are a problem. They feel that Richwood is getting ready for the industrial uses the county has planned to occur.

In response to a question from Mrs. Wilson, Mr. Stevens stated that they do not have railroad access.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on December 6, 2000 at 4:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 20, 2000 at 6:30 P.M..

The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:

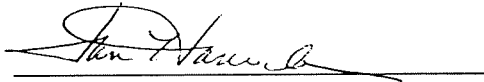
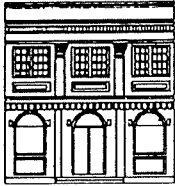

Jan Hancock, Recording Secretary

Exhibit 1 – Letter from Mr. Danny G. Fore, President of Tri-ED.

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

January 5, 2001

Ms. Margaret Vickers and Ms. Eliz Gaines Ferguson
c/o Mr. John Stevens
Al Neyer, Inc.
118 West 5th Street
Covington, KY 41011

FAX: 261-9089

RE: Recommended Conditions of Approval for Zone Change Application from A-2 and EPD to I-1 for 97 Acre Tract Located at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky

Dear Ms. Vickers and Ms. Ferguson:

The following represents the conditions of approval for the above referenced zone change application as agreed by the Planning Commission's Zone Change Committee. If you, as the property owners, agree to these conditions, so indicate by signing in the space provided at the end of this letter. Please return this letter with the original signatures by Friday, January 12, 2001.

CONDITIONS

1. No outside storage or display of any kind shall be permitted within the development. All uses shall be conducted within enclosed buildings.
2. The property owner agrees to the following use restrictions.
 - A. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development.
 - I. Principally Permitted Use #44: Truck stops;
 - II. Principally Permitted Use #45: Recycling centers;
 - III. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;

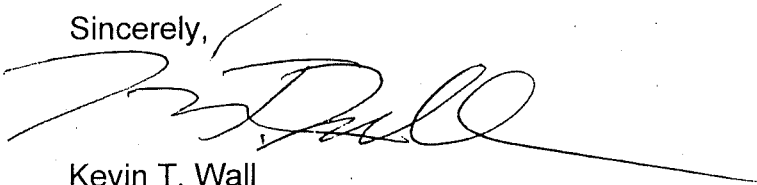
- IV. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals;
 - V. Conditional Use #2: Poultry and small game dressing and packing;
 - VI. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - VII. Conditional Use #5: Gasoline filling stations and auto repair facilities;
 - VIII. Conditional Use #12: Wholesale vehicle sales or auctions;
 - IX. Conditional Use #13: Churches, synagogues, temples and other places of religious assembly for worship.
- B. The following uses categories normally permitted in the I-1 zone shall be restricted in the manners described below.
- I. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage or rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - II. Principally Permitted Use #10: "Soaps and detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - III. Principally Permitted Use #27: "Refrigerated, household goods (mini warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;

- IV. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this use category;
3. One access point is permitted onto Dixie Highway for the entire development. Deceleration/right turn and acceleration lanes shall be constructed as part of this access point.
4. The following shall be provided regarding landscaping and buffering in addition to the normal landscaping requirements outlined in the Zoning Regulations.
 - A. A 50 foot wide landscape area shall be provided across the entire Dixie Highway frontage.
 - B. A 100 foot wide landscape area shall be provided across the entire I-75/71 frontage. The initial 50 feet of the existing hardwood tree clusters shown within lines on Attachment 1 (within the first 50 feet from the I-75/71 right-of-way line eastward - exhibit is attached) shall be retained. The remaining portions of this landscape area shall be planted with the trees required in Buffer Yard C per Article 37 of the Zoning Regulations.
 - C. The existing trees along the north and south boundary/fence lines shall be retained (includes all individual property lines which comprise the overall north and south boundaries of the site). The buffer yard width and the amount of existing and new trees combined shall be commensurate with Buffer Yard C per Article 37 of the Zoning Regulations.
5. The project shall be developed as a formal subdivision with lots and public streets.
6. All structures shall be subject to architectural design review as part of the site plan procedure. All buildings shall have consistent, finished design treatments on all facades and all mechanical equipment shall be screened. All exterior walls of any building or other structure must be finished with architectural masonry units, natural stone, precast concrete, aluminum (lucabond or equivalent) or glass materials or their equivalent. Colors of such exterior walls shall be harmonious and compatible with colors of the natural surroundings and adjacent buildings. Signage shall be evaluated as part of the architectural design review, and all signs must architecturally correlate to the buildings they serve.

Margaret Vickers and Eliz Gaines Ferguson
c/o John Stevens
Al Neyer, Inc.
January 5, 2001
Page 4

7. All loading docks/areas shall be screened so that they are not visible from I-75/71 or Dixie Highway.
8. A public street connection shall be provided to the adjoining property to the south. The location of this street connection shall be determined at the Preliminary Plat stage. This connection may be constructed as part of the final phase of public subdivision improvements.

Sincerely,



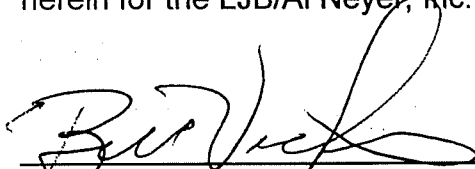
Kevin T. Wall
Director, Zoning Services

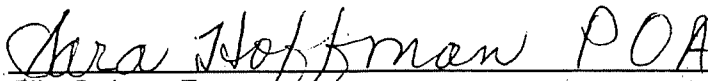
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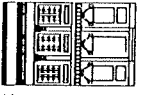
Enclosure

AGREEMENT

We, the owners of the 97 acres of real property noted above, agree to the conditions listed herein for the LJB/Al Neyer, Inc. zone change application from A-2 and EPD to I-1.

 POA _____ 1/17/2001
Margaret Vickers Date

 POA _____ 1-17-01
Eliz Gaines Ferguson Date



1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 4, 2001

Attachment 1

PROPERTY TRANSFER TAX PAID \$94.00 ad n 1/3
BY W. ROUSE, CLERK D. ComGENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: ELIZABETH GAINES FERGUSON, an unremarried widow, also known as Reba Elizabeth Gaines, and JOHN MARVIN HOFFMAN and KATHRYN Y. HOFFMAN, his wife, GRANTORS, of 11475 Dixie Highway, Walton, Kentucky, 41094, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations to the said Grantors paid by ELIZABETH GAINES FERGUSON, also known as Reba Elizabeth Gaines, and JOHN MARVIN HOFFMAN, GRANTEES, receipt of which is hereby acknowledged do hereby bargain, sell and convey to the said Grantees, ELIZABETH GAINES FERGUSON, an unremarried widow, and JOHN MARVIN HOFFMAN, a married man, as Tenants in Common, and not Joint Tenants, without the Right of Survivorship, a one-half undivided interest to each of them, her or his heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky, to-wit:

GROUP NO. 2072

Grantor Mailing Address: 11475 Dixie Highway, Walton, Kentucky 41094

GRANTEE MAILING ADDRESS: 11475 Dixie Highway, Walton, Kentucky

41094

PRESENT STREET ADDRESS: 11475 Dixie Highway, Walton, Kentucky
41094

PARCEL ONE: Lying and being on Boone County, Kentucky beginning at a corner of the Goodridge heirs in the center of the Covington and Lexington Pike; thence with their line S 49-1/4 W 66.5 chains to a stone a corner with said heirs in a line of Robert Cleek; thence with a line of said tract N 5-3/4 E 27.51 chains to a stone a corner with Frank Robinson; thence with his line N 24-1/2 E 30 chains to a stone another corner with Frank Robinson in a line of Lot No. 1; thence with a line of Lot No. 1, S 39 E 17.13 chains to a stone; thence N 51 E 22.40 chains to the center of the aforesaid pike; thence with said pike S 29-1/4 E 13.01 chains; thence S 34-1/2 E 1 chains to the beginning, containing 116 acres. There is included in this boundary 2 acres which belong to the Cincinnati Southern Railway Company. Also 3-3/4 acres conveyed to Carey Carpenter by deed recorded in Deed Book 44, page 112, Boone County records; and also about 1.3 acres conveyed to the Commonwealth of Kentucky for the construction of the State Road. There is also a right of way 32 feet wide for the benefit of the above described land, extending from the farm across the Dixie Highway and the Cincinnati Southern Railway Company to the old Covington and Lexington Pike.

Ray Burgess

PARCEL TWO: Also the following described property: Lying and being in Boone County, Kentucky, beginning at a stake a corner of John Kampman in a line of Paul Bethell former purchase; thence with said line S 52 W 353 feet to an end post; thence with a wire fence N 38 W 528 feet to a stake a corner of the remaining tract; thence with a line of said remaining land N 52 E 361 feet to a stake a corner of John Kampman; thence with his line S 38 E 528 feet to the place of beginning, containing 4.33 acres, more or less.

PARCEL THREE: Lying and being in Boone County, Kentucky, situated near Richwood Station and bounded thus: Beginning at a stake on the west side of the Dixie Highway and in a line of Betty Rosen (formerly T. H. McCaffrey), and running with her line S 49-1/2 W 10.60 chains; thence with J. C. Bedinger S 23-3/4 E 1.89 chains; thence with said Bedinger's line N 49-1/2 E 10.60 chains to a stake in the west line of the right of way of the Dixie Highway; thence along the west side of the said Highway N 23-3/4 W. 1.89 chains to the beginning, containing 2 acres.

PARCEL FOUR: Situated on United States Highway No. 25, three miles north of Walton, Boone County, Kentucky, and described as follows: Beginning at a stone in the southwest right of way line of the Southern Railway, a corner to the Springlake Stud Farm in the same railway right of way; thence South 51 West 888 feet to a point; thence north 38 - 10 West 528 feet to a point a corner with Wolfe and the Springlake Stud Farm; thence with Wolfe's line North 51 East 884 feet to a point 10 feet northwest of a culvert on the north side of United States Highway No. 25; thence with the railway right of way fence south 32 - 30 East 88 feet, South 41 East 270 feet, North 60 East 40 feet, South 23 - 30 East 172 feet to the place of beginning and containing ten and ten hundredths (10.10) acres, after the right of way acreage of the United States Highway 25 has been subtracted.

EXCEPTIONS:

The following parcels were conveyed out of the above described real estate:

1. Deed of Conveyance recorded in Highway Deed Book 4, Page 129, under date of September 12, 1958.
2. Deed of Conveyance recorded in Highway Deed Book 4, Page 131, under date of September 12, 1958.
3. Deed of Conveyance to Stanley P. Kacaba and wife, Virginia F. Kacaba, under date of May 15, 1959; and recorded in Deed Book 137, Page 97.

All of the records are in the Office of the Boone County Court Clerk, Burlington, Kentucky.

Being the same property conveyed to the Grantors herein by Elizabeth Gaines Ferguson, also known as Reba Elizabeth Gaines, et vir., by deed dated the 29th day of March, 1979, as the same appears of record in Deed Book 257, page 108 of the Boone County Clerk's Office, Burlington, Kentucky

The purpose of this deed is to create a Tenancy in Common between the Grantees herein, with each of them owning a fifty (50%) per cent interest in the above described property.

Together with all the privileges and appurtenances to the same belonging, to have and to hold the same to the said Grantees, ELIZABETH GAINES FERGUSON, an unmarried widow, and JOHN MARVIN HOFFMAN, a married man, as Tenants in Common, and not as Joint Tenants, without the Right of Survivorship, a one-half-undivided interest to each of them, his or her heirs and assigns, with covenants of General Warranty.

IN WITNESS WHEREOF, the said Grantors, ELIZABETH GAINES FERGUSON, also known as Reba Elizabeth Gaines, an unmarried widow, and JOHN MARVIN HOFFMAN and KATHRYN Y. HOFFMAN, his wife, have hereunto set their hands on this the 16 day of July, 1992.

Elizabeth Gaines Ferguson
ELIZABETH GAINES FERGUSON, an unmarried widow, also known as Reba Elizabeth Gaines

John Marvin Hoffman
JOHN MARVIN HOFFMAN, a married man

Kathryn Y. Hoffman
KATHRYN Y. HOFFMAN, his wife

We, ELIZABETH GAINES FERGUSON, JOHN MARVIN HOFFMAN, and KATHRYN Y. HOFFMAN, his wife, GRANTORS/ GRANTEES do hereby certify, pursuant to K.R.S. Chapter 382, that the property conveyed is transferred without consideration. We further certify that the full estimated fair cash value of the property herein conveyed is \$281,200.00, and we understand that falsification of the stated full estimated value is a Class D. Felony, subject to one to five

34

Tax Exempt - Husband and Wife
K.R.S. § 142.050

PROPERTY TRANSFER TAX PAID Exempt
JERRY W. ROUSE, CLERK Emitt

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WILLIAM BURNETT VICKERS AND MARGARET VICKERS, husband and wife

whose mailing address: Box 11363 U.S. 25, Walton, Kentucky 41094

for and in consideration of the sum of: \$1.00, love and affection with a Fair Cash Value of \$160,700.00

to them paid by the Grantees herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to:

WILLIAM BURNETT VICKERS AND MARGARET VICKERS, husband and wife, as tenants in common,

their heirs and assigns, forever, the following described real estate located in the County of Boone, Commonwealth of Kentucky to wit:

Present Street Address: Box 11363, U.S. 25, Walton, Kentucky 41094

Grantee Mailing Address: Box 11363, U.S. 25, Walton, Kentucky 41094

GROUP 2072

Situated on U.S. Highway 25, approximately three miles north of Walton, Boone County, Kentucky, the following described property (the north corner of the Spring Lake Stud Farm) belonging to Marvin Gains.

BEGINNING at a corner post and iron pin in the L.G. Davis line; thence S. 82° 49' E., 186.0 feet to a corner fence post; thence S. 85° 13' E., 107.1 feet to a corner fence post; thence N. 37° 31' E., 135.1 feet to a corner fence post; thence N. 26° 10' E., 230.5 feet to a fence post; thence S. 45° 27' E., 392.7 feet to a corner fence (and gate) post; thence N. 50° 05' E., 1454.8 feet to a stake; thence N. 27° 40' W., 86.4 feet to a corner fence post; thence N. 52° 44' E., 580.1 feet to a point in the right of way of the Cincinnati and Southern Railway Company; thence with said right of way N. 23° 30' W., 98.7 feet; S. 60° 00' W., 40.0 feet; N. 41° 00' W., 270.0 feet; N. 32° 30' W., 88.0 feet, to a point 10 feet northwest of a culvert on the north side of

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN
DRAFTED ACCORDING TO THE ABOVE AND ALL LAWS
BY
JERRY W. ROUSE
CLERK & CLERK

U.S. Highway 25; thence across U.S. Highway 25, S. 51° 00' W., 884.0 feet with the line of Edward Metz to a fence post; thence with the Edward Metz line S. 52° 00' W., 361.0 feet; thence with the Metz line N. 39° 00' W., 602.6 feet to a corner fence post, a corner with L.G. Davis; thence S. 24° 30' W., with the Davis line 1561.7 feet to the point of beginning, containing 33.3 acres, more or less, after the right of way acreage of U.S. Highway No. 25 has been subtracted. The above property consists of all of Parcels No. 2, part of Parcel No. 4 and part of Parcel No. 1 of the property conveyed to James H. Brink and Marvin Gaines by Louis Nier and Jocelyn, his wife, by deed, dated April 21, 1948, and recorded in Deed Book No. 89, page 562, of the Boone County Records, at Burlington, Kentucky.

Being the same property conveyed to the grantors herein by deed dated December 3, 1964, recorded in Deed Book 165 at page 160 of the Boone County Clerk's records at Burlington, Kentucky.

EXCEPTION:

There is excepted from the above described property a conveyance to the Commonwealth of Kentucky, Department of Highways, in deed from Marvin Gaines, et al., dated July 12, 1958, and recorded in Highway Deed Book 4, page 129.

Also a conveyance to the Commonwealth of Kentucky, Department of Highways, in deed from Marvin Gaines, et al., dated July 12, 1958, and recorded in Highway Deed Book 4, page 131.

CERTIFICATION

SELLERS STATEMENT

Comes William Burnett Vickers and Margaret Vickers, Husband and Wife, under oath, whose address is Box 11363, U.S. 25, Walton, Kentucky 41094, and states that the full consideration paid by William Burnett Vickers and Margaret Vickers, for real estate located at Box 11363, U.S. 25, Walton, Kentucky 41094 is \$160,700.00.

William Burnett Vickers
William Burnett Vickers, Seller

Margaret Vickers
Margaret Vickers, Seller

STATE OF KENTUCKY

COUNTY OF KENTON

Subscribed and sworn to before me by William Burnett Vickers and Margaret Vickers, Husband and Wife, this 2 day of December, 1991.

Evelyn J. Richard
Notary Public

My Commission Expires:

EVELYN J. RICHARD

Notary Public, Kentucky State at Large
My Commission Expires April 1, 1995

BUYERS STATEMENT

Comes William Burnett Vickers and Margaret Vicker, Husband and Wife, under oath, and states that our mailing address is Box 11363, U.S. 25, Walton, Kentucky 41094 and that the full consideration paid to William Burnett Vickers and Margaret Vickers for real estate located at Box 11363, U.S. 25, Walton, Kentucky 41094 is \$160,700.00.

William Burnett Vickers
William Burnett Vickers, Buyer

Margaret Vickers
Margaret Vickers, Buyer

STATE OF KENTUCKY

COUNTY OF KENTON

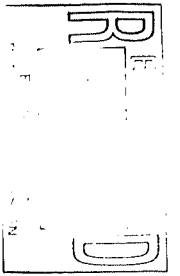
Subscribed and sworn to before me by William Burnett Vickers and Margaret Vickers Husband and Wife this 2 day of December, 1991.

Evelyn J. Richard
Notary Public

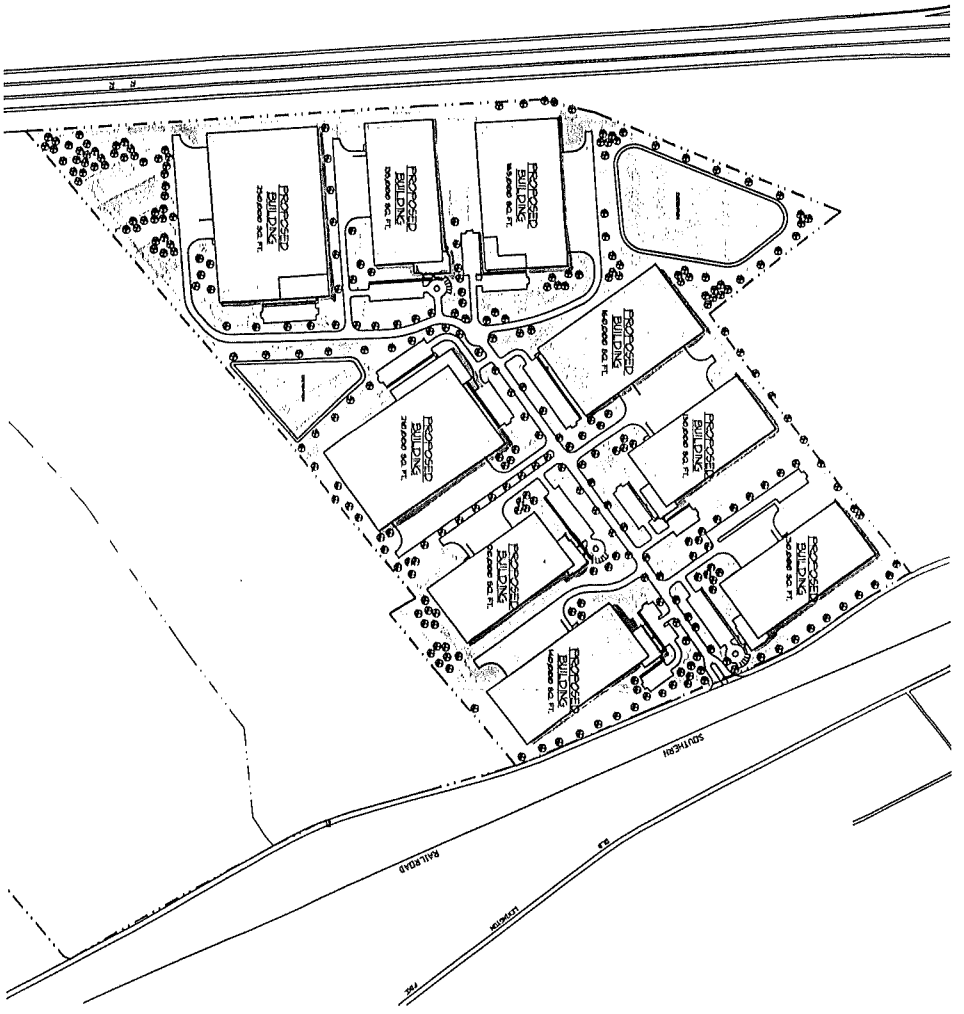
My Commission Expires:

EVELYN J. RICHARD

Notary Public, Kentucky State at Large
My Commission Expires April 1, 1995



RECEIVED
 NOV 13 2000
 BOONE COUNTY
 PLANNING COMMISSION



RICHWOOD CONCEPTUAL DEVELOPMENT PLAN # 2

TOTAL SITE AREA:
 97.4 ACRES
 TOTAL BUILDING AREA:
 1,440,000 SF.

DEVELOPMENT PLAN
 T = 200'-0"



DEVELOPERS, CONTRACTORS, ARCHITECTS AND ENGINEERS

Job Name: RICHWOOD
 Date: 8/14/00
 Drawn By: BTH
 Date: NOV 03, 2000



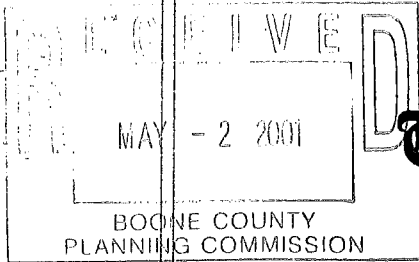
THIS DOCUMENT IS THE PROPERTY OF NEYER AND ASSOCIATES, INC. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF NEYER AND ASSOCIATES, INC. IS STRICTLY PROHIBITED. NEYER AND ASSOCIATES, INC. ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT. NEYER AND ASSOCIATES, INC. IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT.

Ordinance

Of

The Boone County Fiscal Court

Ordinance No. 01-06



AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF LJB INC. (APPLICANT) FOR MARGARET VICKERS AND ELIZ GAINES FERGUSON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) AND EMPLOYMENT PLANNED DEVELOPMENT (EPD) TO INDUSTRIAL ONE (I-1) ON AN APPROXIMATE 97 ACRE SITE LOCATED AT 11363 DIXIE HIGHWAY AND 11475 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

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 Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) on an approximate 97 acre site located at 11363 Dixie Highway and 11475 Dixie Highway, 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 denial for the Zoning Map Amendment.

WHEREAS, the Boone County Fiscal Court believes that the map amendment should be approved.

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 and is hereby approved, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) on an approximate 97 acre site located at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in both an Agricultural Estate (A-2) and Employment Planned Development (EPD) zone is more particularly described in DEED BOOKS 477 and 486, PAGE NOS. 75 and 248, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-06

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact of the Minority Committee Report which were considered by the Boone County Planning Commission, but not adopted, and which are attached hereto and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

In addition to the conditions agreed to by the applicant before the Planning and Zoning Commission, this approval is subject to the additional conditions attached hereto as "Exhibit B".

SECTION III

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

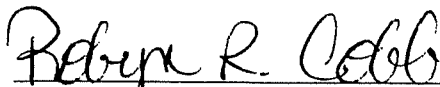
Introduced and given First Reading on the 3rd day of April, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 17th day of April, 2001, 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 J. CRIGLER
BOONE COUNTY ATTORNEY

4-26-01

DATE PUBLISHED

APR. 02 01 (MON) 13:41

BOONE COUNTY PLANNING COMM

TEL: 859 334 2264

P. 002

DRAFT
SUBJECT TO CHANGE

#1

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: January 17, 2001

RE: Request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area located 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 1995 Boone County Comprehensive Plan and the 2000 Boone County Comprehensive Plan Goals and Objectives. Specific facts that support this conclusion include the following.
 - A. The 2020 Land Use Plan (Future Land Use Map) designates the site for "Business Park" uses. This designation is described by the Comprehensive Plan as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment." The Committee has concluded that the request, with the accompanying Concept Development Plan options and agreed conditions outlined below, fulfill both the land use and qualitative expectations of the Business Park designations.
 - B. The Land Use Element (D-6: Richwood Area, pp. 229-230) states "the Richwood area should experience continued development pressure due to the extended and improved infrastructure." This same section of the Land Use Element states "the area east of I-75 and west of US 25, from Richwood Road to Chambers Road, should develop as a Business Park similar to the

COMMITTEE REPORT - LJB/Vickers/Ferguson
January 17, 2001

Page 2

opposite side of the interstate. This Business Park designation should continue to the ridge line north of Chambers Road, at which point the land use designation should be Rural Lands." This Business Park area includes the site in question. As stated above, the Committee has concluded that the proposal in question, with the agreed conditions of approval, complies with the Business Park designation.

The Land Use Element also states that "industrial uses fronting on US 25 should be developed with attention given to adequate aesthetic design and natural vegetation to minimize visual impacts to the residential uses across the highway." The Committee has concluded that the proposal, along with the agreed conditions that relate to landscape areas, buffering, and architectural review, fulfill this policy.

- B. The Business Activity Element states "the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridor. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads." The site is within reasonably close proximity to the Richwood interchange, and when considering the agreed conditions which restrict the permitted uses, the proposal involves industrial uses appropriate for the location. In addition, the site is indicated for industrial development on the Future Industrial and Commercial Development map (Figure 5.3) on page 87 of the Business Activity Element.
- C. Based on the statements outlined in paragraphs A, B, and C above, the Committee has concluded that the type of development proposed, along with the Concept Development Plan options and agreed conditions, was specifically contemplated by the Comprehensive Plan for this site.
- D. The Committee has concluded that the proposal, with the agreed conditions, fulfill the applicable Future Land Use Development Guidelines in the Land Use Element and the applicable 2000 Boone County Comprehensive Plan Goals and Objectives. Specific references the Guidelines and Goals and Objectives are outlined in the staff report for this application. The conditions in question pertain to landscape buffering, retention of existing tree cover, the provision of a street connection to adjoining property, architectural requirements, and access limitations.

COMMITTEE REPORT - LJB/Vickers/Ferguson
January 17, 2001

Page 3

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the Business Park designation, the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan and the 2000 Boone County Comprehensive Plan Goals and Objectives. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. No outside storage or display of any kind shall be permitted within the development. All uses shall be conducted within enclosed buildings.
2. The property owner agrees to the following use restrictions.
 - E. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development.
 - I. Principally Permitted Use #44: Truck stops;
 - II. Principally Permitted Use #45: Recycling centers;
 - III. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
 - IV. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - I. the storage of chemicals;
 - V. Conditional Use #2: Poultry and small game dressing and packing;
 - VI. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - VII. Conditional Use #5: Gasoline filling stations and auto repair facilities;
 - VIII. Conditional Use #12: Wholesale vehicle sales or auctions;
 - IX. Conditional Use #13: Churches, synagogues, temples and other places of religious assembly for worship.

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January 17, 2001

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- B. The following uses categories normally permitted in the I-1 zone shall be restricted in the manners described below.
- I. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage or rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - II. Principally Permitted Use #10: "Soaps and detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - III. Principally Permitted Use #27: "Refrigerated, household goods (mini warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - IV. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this use category;
3. One access point is permitted onto Dixie Highway for the entire development. Deceleration/right turn and acceleration lanes shall be constructed as part of this access point.
4. The following shall be provided regarding landscaping and buffering in addition to the normal landscaping requirements outlined in the Zoning Regulations.
- A. A 50 foot wide landscape area shall be provided across the entire Dixie Highway frontage.
 - B. A 100 foot wide landscape area shall be provided across the entire I-75/71 frontage. The initial 50 feet of the existing hardwood tree clusters shown within lines on Attachment 1 (within the first 50 feet from the I-75/71 right-of-way line eastward - exhibit is attached) shall be retained. The remaining portions of this landscape area shall be planted with the trees required in Buffer Yard C per Article 37 of the Zoning Regulations.
 - C. The existing trees along the north and south boundary/fence lines shall be retained (includes all individual property lines which comprise the overall north and south boundaries of the site). The buffer yard width and the amount of existing and new trees combined shall be commensurate with Buffer Yard C per Article 37 of the Zoning Regulations.

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5. The project shall be developed as a formal subdivision with lots and public streets.
6. All structures shall be subject to architectural design review as part of the site plan procedure. All buildings shall have consistent, finished design treatments on all facades and all mechanical equipment shall be screened. All exterior walls of any building or other structure must be finished with architectural masonry units, natural stone, precast concrete, aluminum (lucabond or equivalent) or glass materials or their equivalent. Colors of such exterior walls shall be harmonious and compatible with colors of the natural surroundings and adjacent buildings. Signage shall be evaluated as part of the architectural design review, and all signs must architecturally correlate to the buildings they serve.
7. All loading docks/areas shall be screened so that they are not visible from I-75/71 or Dixie Highway.
8. A public street connection shall be provided to the adjoining property to the south. The location of this street connection shall be determined at the Preliminary Plat stage. This connection may be constructed as part of the final phase of public subdivision improvements.

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 Committee Vote.



D E V E L O P E R S A N D C O N T R A C T O R S

April 10, 2001

Mr. James E. Parsons
Boone County Administrator
Boone County Administration Building
P.O. Box 900
2950 Washington Square
Burlington, KY 41005

**Re: Zone Change Request from A-2 and EPD to I-1 for 97 acre tract at 11363
Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky**

Dear Mr. Parsons:

For consideration and approval of our Zone Change Request, we agree to the following conditions:

1. No outside storage or display of any kind shall be permitted within the development. All uses shall be conducted within enclosed buildings.
2. The property owner agrees to the following use restrictions.
3. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development .
 - I. Principally Permitted Use #44: Truck stops;
 - II. Principally Permitted Use #45: Recycling centers;
 - III. Accessory Use #8: Outside storage of equipment and materials.
subject to appropriate screening as approved by the Zoning Administrator.
 - IV. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood; .
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals;
 - V. Conditional Use #2: Poultry and small game dressing and packing;
 - VI. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;



- VII. Conditional Use #5: Gasoline filling stations and auto repair facilities;
 - VIII. Conditional Use #12: Wholesale vehicle sales or auctions;
 - IX. Conditional Use #13: Churches, synagogues, temples and other places of religious assembly for worship.
4. The following uses categories normally permitted in the I-1 zone shall be restricted in the manners described below:
- I. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage or rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - II. Principally Permitted Use #10: "Soaps and detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - III. Principally Permitted Use #27: "Refrigerated, household goods (mini warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - IV. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this use category;
5. One access point is permitted onto Dixie Highway for the entire development. Deceleration/right turn and acceleration lanes shall be constructed as part of this access point
6. The following shall be provided regarding landscaping and buffering in addition to the normal landscaping requirements outlined in the Zoning Regulations.
- A. A 50 foot wide landscape area shall be provided across the, entire Dixie Highway frontage.
 - B. A 100 foot wide landscape area shall be provided across the entire I-75/71 frontage. The initial 50 feet of the existing hardwood tree clusters shown within lines on Attachment 1 (within the first 50 feet from the I-75/71 right-of-way line eastward - exhibit is attached) shall be retained. The remaining portions of this landscape area shall be planted with the trees required in Buffer Yard C per Article 37 of the Zoning Regulations.



- C. The existing trees along the north and south boundary/fence lines shall be retained (includes all individual property lines which comprise the overall north and south boundaries of the site). The buffer yard width and the amount of existing and new trees combined shall be commensurate with Buffer Yard C per Article 37 of the Zoning Regulations.
7. The project shall be developed as a formal subdivision with lots and public streets.
 8. All structures shall be subject to architectural design review as part of the site plan procedure. All buildings shall have consistent, finished design treatments on all facades and all mechanical equipment shall be screened. All exterior walls of any building or other structure must be finished with architectural masonry units, natural stone, precast concrete, aluminum (lucabond or equivalent) or glass materials or their equivalent. Colors of such exterior walls shall be harmonious and compatible with colors of the natural surroundings and adjacent buildings. Signage shall be evaluated as part of the architectural design review, and all signs must architecturally correlate to the buildings they serve.
 9. All loading docks/areas shall be screened so that they are not visible from I-75/71 or Dixie Highway.
 10. A public street connection shall be provided to the adjoining property to the south. The location of this street connection shall be determined at the Preliminary Plat stage. This connection may be constructed as part of the final phase of public subdivision improvements.
 11. The vegetation in the stream valley will be left intact where the stream valley is left undisturbed as shown on the Crossroads Business Park Site Plan dated April 10, 2001.
 12. A uniform Streetscape Theme will be maintained along Public Right-of Ways common to the property in addition to normal street frontage landscaping.
 13. Automobile parking will be separated as practical around the building or interrupted with landscaped islands so as to avoid one large expanse of parking. Parking areas will be topographically depressed or screened with low "berming" in order to limit visibility.
 14. A small park/outdoor gathering space will be provided for the user's employees along the stream or lake.
 15. Upgraded architectural facades will be provided for those buildings facing Dixie Highway (i.e. decorative masonry or painted concrete with no metal siding and at least 10% of that elevation will be glass).



16. The project will be developed in general accordance with the Crossroads Business Park Site plan dated April 10, 2001 attached hereto. Site grading will be minimized by staggering the buildings' floor elevations to best balance with the existing topography as shown on said plan. The property will be subdivided in general accordance with said plan as follows:

Lot 1	5.17 acres +/- with up to 51,500 square feet
Lot 2	4.23 acres +/- with up to 56,500 square feet
Lot 3	5.56 acres +/- with up to 64,000 square feet
Lot 4	5.68 acres +/- with up to 58,500 square feet
Lot 5	32.14 acres +/- with one or more buildings up to 410,500 square feet
Lot 6	42.34 acres +/- with one or more buildings up to 830,000 square feet
Street	2.23 +/- acres

Total Development: 97.35 acres

Respectfully submitted,

AL. NEYER, INC.

Handwritten signature of James T. Neyer in black ink.

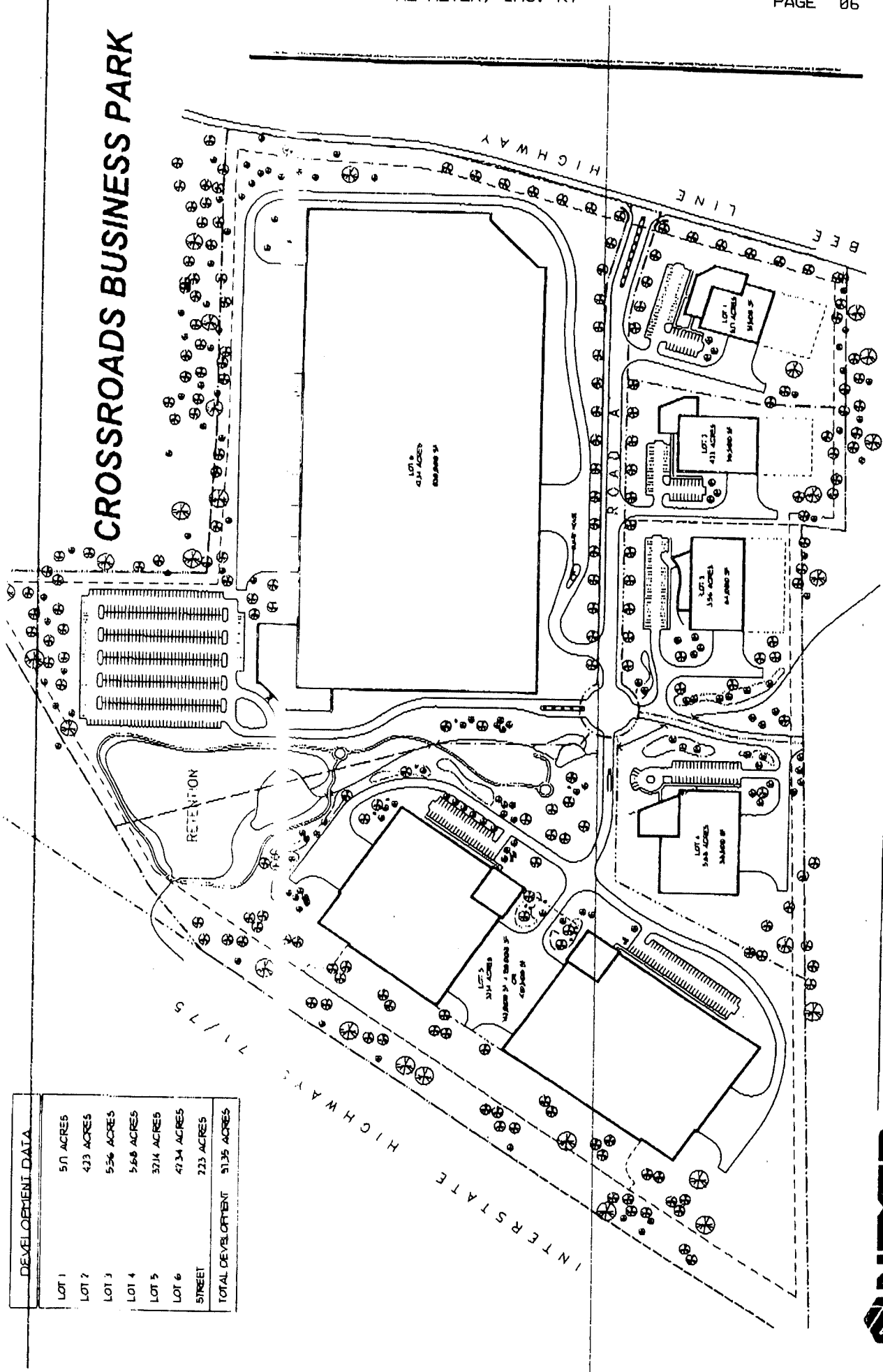
James T. Neyer
Vice President - Real Estate

JTN/vmc

Handwritten signature of Joel Tiberghien in black ink.

Joel Tiberghien
Director of Design/Build Services

CROSSROADS BUSINESS PARK



DEVELOPMENT DATA	
LOT 1	510 ACRES
LOT 2	423 ACRES
LOT 3	556 ACRES
LOT 4	568 ACRES
LOT 5	3214 ACRES
LOT 6	4734 ACRES
STREET	223 ACRES
TOTAL DEVELOPMENT	3125 ACRES



DEVELOPERS, CONTRACTORS, ARCHITECTS AND ENGINEERS

AL NEYER, INC.
 1000 W. STATE ST.
 BOONE COUNTY, KY 40303