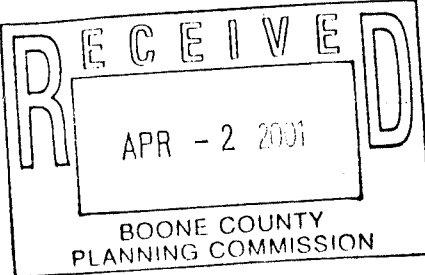


01-2MA-015-D

APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

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

1. Name of Project AIRPARK WEST
2. Location of Project SR. 237 & SR 20 HEBRON, KY
3. Total Acreage of Site 103 AC
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) I-1 (INDUSTRIAL)
6. Proposed Uses (please specify each use)
OFFICE / DISTRIBUTION, WAREHOUSE, LIGHT MANUFACTURING
7. Names of Applicant(s) PAUL HENNER DEVELOPMENT COMPANY III
- Phone Number 341-8300 Fax No. 341-6817
8. Address of Applicant(s) 250 GRANDVIEW DR. (P.O. BOX 17310)
- FT. MITCHELL KY 41017
- City State Zip
9. Name of Property Owner(s) BY OPTION: PAUL HENNER DEVELOPMENT Co., III
- Phone Number _____ Fax No. _____
10. Address of Property Owner(s) _____
- City State Zip
11. Proposed Building Intensities (please specify) 17,000 SF/ACRE (39%)
- NOTE: I-1 ZONE ALLOWS 25,000 SF/ACRE (57%)
12. Are there any existing buildings on the site? YES
- How many? 7 RESIDENTIAL STRUCTURES + SEVERAL MISC. FARM BUILDINGS
13. Deed Book * Page No. _____ Group No. _____
14. Are you also applying for:
NO Conditional Use Permit
Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

SUPPORTING INFORMATION



VIOX & VIOX, INC.

Engineers • Surveyors • Landscape Architects

March 23, 2001

PARCEL TO BE REZONED
FROM RSE TO I-1
103.00 ACRES +/-

•Planning

Located in Boone County, Kentucky, lying at the terminus of Bullock Lane approximately 0.2 miles east of Bullittsville Road and is more particularly described as follows:

•Design

Beginning at a point in the southerly line of Paul Hemmer Development Co. III (Deed Book 724, Page 08) at the most northerly common corner of Raymond Thiessen (Deed Book 556, Page 277) and Elmer Jacobs (Deed Book 559, Page 317); thence S 13-13-30 E 634.64 feet to a point; thence S 82-36-59 W 528.34 feet to a point; thence N 86-49-01 W 188.50 feet to a point; thence S 75-00-34 W 506.18 feet to a point; thence S 27-13-41 E 361.96 feet to a point; thence N 78-38-46 W 1761.69 feet to a point; thence N 23-41-08 E 571.53 feet to a point; thence N 07-10-33 W 351.81 feet to a point; thence S 86-59-58 W 360.00 feet to a point; thence N 24-21-15 E 211.02 feet to a point; thence N 73-57-06 W 267.21 feet to a point; thence S 75-12-33 W 230.92 feet to a point; thence N 33-32-26 W 122.25 feet to a point; thence S 56-27-33 W 225.17 feet to a point; thence N 33-32-25 W 85.87 feet to a point; thence N 10-17-29 E 1137.36 feet to a point; thence S 66-31-07 E 2588.54 feet to a point; thence S 65-49-03 E 568.22 feet to a point; thence S 64-52-49 E 432.24 feet to the point of beginning containing 103.00 acres +/-.

•Surveying

EXHIBIT

“A”

STAFF REPORT

Request of Paul Hemmer Development Company III (applicant) for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane, and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

April 25, 2001

REQUEST

This application is for a zone change from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at the south end of Bullock Lane and to the north and northeast of the Fawn Drive area (Peel Subdivision). The zone change area is comprised of seven tracts with the Escue and Beard tracts making up the major portions of the site. The smaller tracts are located in the eastern section of the site, along the southern "dog leg" section of Bullock Lane which dead ends; this "dog leg" section of Bullock Lane is proposed to be closed and the north-south section of Bullock Lane would dead end at the Escue property. The zone change would enlarge the developing Airpark West industrial park which is located along the west side of KY 237. The application form states that the proposed uses include office, distribution, warehousing, and light manufacturing.

A Concept Development Plan has been submitted with this request. This plan shows the zone change area being accessed from the extension of "Langley Drive" from the east. Langley Drive is currently under construction in the approved section of Airpark West and intersects with KY 237 at Cougar Path. Langley Drive would run along the north property line of the zone change area and terminate near the proposed dead end of the north-south section Bullock Lane (near the existing entrance to the Escue property).

Four buildings are shown on the Concept Development Plan. The total building area shown on the plan is approximately 1,725,000 square feet with an approximate intensity of 17,000 square feet of building area per acre (this 17,000 square foot figure also corresponds to the intensity stated on the application form). The four buildings include:

Building A: 125,000 square feet and located at the east end of the site.

Building B: 135,000 square feet and located at the east end of the site, just west of Building A.

Building C: 804,300 square feet with an additional 217,500 square foot expansion area, this building is located along the northern property line in the central and western portions of the site.

Building D: 441,600 square feet and located in the southern section of the site.

All buildings include parking and truck court areas on various sides. Additional open space areas have been shown in the western section of the site adjoining Building C and in the southern section of the site adjoining Building D. Examples of typical buildings designs have been submitted (attached as part of the application materials). Public water and sewer are proposed. Traffic data has not been submitted to date but the applicant has stated that warrants will likely be met to signalize the Langley/KY 237/Cougar Path intersection.

SITE HISTORY

- 1994 The Escue property was part of a zone change request from RSE to SR-1 for a larger tract (104 acres) to allow a subdivision for single family residences. The Planning Commission recommended conditional approval of the application, however, the request was denied by the Fiscal Court.
- 1996 The Escue property was again part of a zone change request for a larger tract from RSE to SR-1 (total area included in this request was slightly different from the 1994 application). The Planning Commission recommended conditional approval of the request, but the application was withdrawn by the applicant before second reading by the Fiscal Court.
- 1998 A zone change from RSE, SR-1, SR-2, C-2/PD, and I-1/PD to I-1 was conditionally approved on September 29, 1998 for the original 210 acre section of Airpark West along the west side of KY 237 (Committee Report is attached).

A zone change from RSE to I-1 was approved for 44 acres of the eastern-most part of the Escue property on December 22, 1998 (Committee Report is attached). This property is located at the dead end of the "dog leg" section of Bullock Lane and is an addition to the original 210 acre Airpark West development.

SITE CHARACTERISTICS

As noted above, the site contains seven tracts and approximately 103 acres. The site includes the southern "dog leg" section of Bullock Lane. The site contains several residential structures and several farm structures. There is also a graveled driveway from Fawn Lane to a cleared area in the western part of the southern section of the site. A horse track exists in the central part of the site. There are several lakes/ponds on the property, and the USGS map illustrates a blue line stream running from the large, central lake on the Escue tract toward the southeast corner of the site. Tree lines exist along much of the site's perimeter, and a large part of the southern section of the site is wooded.

ADJACENT LAND USES

The uses and zoning in the immediate vicinity include:

- A. A residential subdivision is located to the north along the north-south section of Bullock Lane and single family residences on estate style lots are located between the subject site and KY 20 (SR-1).
- B. A largely vacant area is located to the west (RSE).
- C. A residential subdivision (Peel Subdivision along Fawn Drive), single family residences on estate style lots which are along Bullittsville Road, and agricultural uses are located to the south (RSE).
- D. The developing Airpark West industrial park is located to the east, northeast, and southeast (I-1).

RELATIONSHIP TO AIRPORT

The site is not within any noise contours according to the Draft Environmental Impact Statement for the Greater Cincinnati/Northern Kentucky International Airport dated February 2001, nor is it within the 65 LDN contour for the year 2005 shown on the Future Land Use Map.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's 2025 Future Land Use Map designates the east part of the site for Business Park uses and the west part of the site for Suburban Density Residential uses. The Plan describes the Business Park designation 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. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." The Suburban Density Residential designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." The Land Use Element makes the following statements that relate to the area ("Hebron Area," pp. 173 and 174).

- A. Subdivision activity should continue around Bullitsville and along Bullittsville Road, with High Density Suburban Residential and local commercial uses designed to reinforce the small town character.
- B. The Hebron area will be dramatically affected by a planned 3rd north-south airport runway. This runway is described in detail in the Airport Master Plan and is shown on the Future Land Use Map. Construction of this runway will displace existing residential land uses, impact public land uses, and relocate or close roadways.
- C. Industrial developments should be designed to direct truck traffic to collector roads and away from KY 20.
- D. The existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development.
- E. High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237.
- F. The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development.

- G. Small roads in the area, such as Bullock Lane, are not suitable for serving subdivision or industrial traffic and must be upgraded or bypassed in such development.

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 pre-conceived 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. 158).
- 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. 159).
- 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 uses ("Landscaping," pg. 159).

- D. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided ("Stormwater Management and Erosion Control," pg. 159).
- E. 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 travel 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. 159).
- F. Developments in Boone County should give consideration to the overall design of the area. 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 ("Designs, Signs, and Historic Preservation," pg. 160).

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

- A. The Hebron area will experience additional commercial development along KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the Southpark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road ("Areas of Future Commercial Activity," pg. 72).

- B. Property on the north side of KY 20 and near existing and planned Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities. This examination can be performed by using the Cincinnati/Northern Kentucky International Airport Master Plan and by conducting an Off-Airport Land Use and Zoning Study ("Areas of Future Industrial and Office Activity," pg. 73).

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

- A. The new north-south airport runway will eliminate several existing subdivisions from the KY 20 corridor, east of Hebron. These include the Laurel Drive area, the part of Hickory Glen Subdivision south of Conner Road, Sycamore Drive, and Ada Lane. As shown on the Residential Growth Map, the growth along KY 20 in the Bullittsville area will continue ("Hebron-Idlewild Area," pg. 87).

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 eastern part of the site is designated for Business Park uses and the western part of the site is designated for Suburban Density Residential uses. In addition to considering the conceptual nature of the map as it relates to specific parcels, the governing bodies will also need to evaluate whether the "qualitative" aspects of the Business Park designation have been fulfilled by this proposal (i.e., architectural and signage theme, extensive landscaping, amenities, et al).
 - B. The Land Use and Housing Elements both discuss continued residential subdivision activity in the Bullittsville area.
 - C. The Land Use Element states that industrial developments should be designed to direct truck traffic to collector roads and away from KY 20 and the small roads in the area, such as Bullock Lane, are not suitable for serving subdivision or industrial traffic and must be upgraded or bypassed in such development. The Land Use Element also discusses several times that the KY 20/KY 237 intersection area should contain a variety of commercial uses.

The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character. When evaluating these issues, the governing bodies should keep in mind that: the proposal is an expansion of an approved 254 acre development; the site is to some degree an "infill" site that is surrounded by residential development and/or zoning; two previous attempts to rezone a large part of the site for a residential subdivision have been unsuccessful; and, although the site is not within any noise contour per the Draft EIS or the Future Land Use Map, the site is relatively near the 65 LDN contour and does experience aircraft noise.

2. Adequate buffering needs to be provided for the proposal where the subject tract abuts the adjoining residentially zoned properties. Article 37 of the Zoning Regulations specifies Buffer Yard C in these instances (25' wide buffer area with specified plantings - this requirement has not been met where the proposed road extension abuts the area along the north-south section of Bullock Lane in the northeast section of the project site). The Comprehensive Plan also suggests that existing vegetation be retained within developments. Therefore, should the proposal be approved, Staff recommends that the existing vegetation in the open space areas shown on the Concept Development Plan around the south and west ends of Buildings C and D be largely retained in addition to the provision of the Buffer Yard C plantings. Staff also recommends that the tree line along the north property line be retained (where it exists) in addition to the provision of the Buffer Yard C plantings (for example, the initial 10' from the property line could remain undisturbed, and the new plantings are planted in the remaining 15 feet).

In order to help provide a better visual barrier of the development from the adjoining residentially zoned properties, Staff suggests that the new buffer yard plantings mentioned above be installed on earth berms (where space and grades permit) which would be constructed behind the existing vegetation that is retained around the site's perimeter. Additionally, site lighting in the areas between the buildings and the adjoining residentially zoned areas should be directed downward and inward, with a limited mast height, such as 15 feet.

3. The application form states that the intended uses within the zone change area include office, distribution, warehouse, and light manufacturing uses. Because the site is basically encircled by residential areas, Staff suggests that the governing bodies consider a condition which limits the use of this site to either the general categories mentioned on the application form, or a condition that prohibits specific use categories from the I-1 zone text that are potentially injurious to the residential neighbors.

4. The initial two zone changes for Airpark West are subject to a number of conditions, several of which can be reasonably applied to the current proposal and which would help the project conform to the Comprehensive Plan, and several others which would become moot if the current request were approved. These include the following.

8/19/98 Committee Report/210 Acre Zone Change

Condition #8: This condition requires design review approval for the individual projects within the overall development. In order to maintain the aesthetic integrity of the proposed structures as viewed from the adjoining residentially zoned properties and the public street extension, the same or similar condition should be considered for this request (as noted previously, typical building designs are attached to this report).

11/18/98 Committee Report/44 Acre Zone Change

Condition #1: This condition requires a vehicular connection and access easement between the initial Escue I-1 zone change area and the remaining area that is the subject of the current request. This condition will become moot if the current request is approved.

Condition #2: This condition required the applicant to file a disclosure for three houses owned by the applicant adjoining the initial Escue zone change area which notified any potential buyer that those properties adjoined an area that was zoned I-1 and intended for industrial/office purposes. This condition has been fulfilled, although, because the three houses mentioned in the condition are within the boundaries of the current zone change proposal, this condition will become moot if the current request is approved.

Condition #3: This condition states that "the development shall not use Bullock Lane for vehicular access." Because the north-south section of Bullock Lane will dead end into the subject site, this condition is especially relevant to the current proposal and will help fulfill the Comprehensive Plan's objective regarding industrial or subdivision traffic on Bullock Lane. Related to this topic, Greg Sketch, P.E., PLS, Boone County Engineer, has noted that the new dead end at the southern end of the north-south section of Bullock Lane will need to be terminated with a T-turnaround. Thus, the original condition #3 should be expanded to require the applicant to construct this T-turnaround. In order to help the project conform to the Comprehensive Plan's objectives regarding pedestrian access and the Business Park designation, a sidewalk connection between the Bullock Lane T-turnaround and the Langley Drive cul-de-sac could be considered.

Mr. Sketch has also noted that at least a portion of the Bullock Lane "dog leg" appears to be a County Road. If this is the case, the affected section Bullock Lane will need to be vacated before the Concept Development Plan proposal can be executed as shown.

Condition #4C: This condition is the same as condition #8 in the 8/19/98 Committee Report.

5. The applicant has verbally stated that a traffic signal will be constructed at the KY 237/Langley/Cougar Path intersection if supported by a warrant analysis. The applicant should explain this possible signal to the Planning Commission (or to the Zone Change Committee if necessary) and specify whether they will commit to construct the signal at their expense as a condition of zone change approval.
6. As an informational note, the Langley Drive extension will need to be terminated with a standard industrial cul-de-sac. Additionally, to avoid future problems, Staff recommends that the project be developed as a subdivision with each building on its own lot versus multiple buildings on a single lot.

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 need to be amended if this request is approved.

Respectfully submitted,

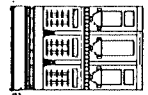
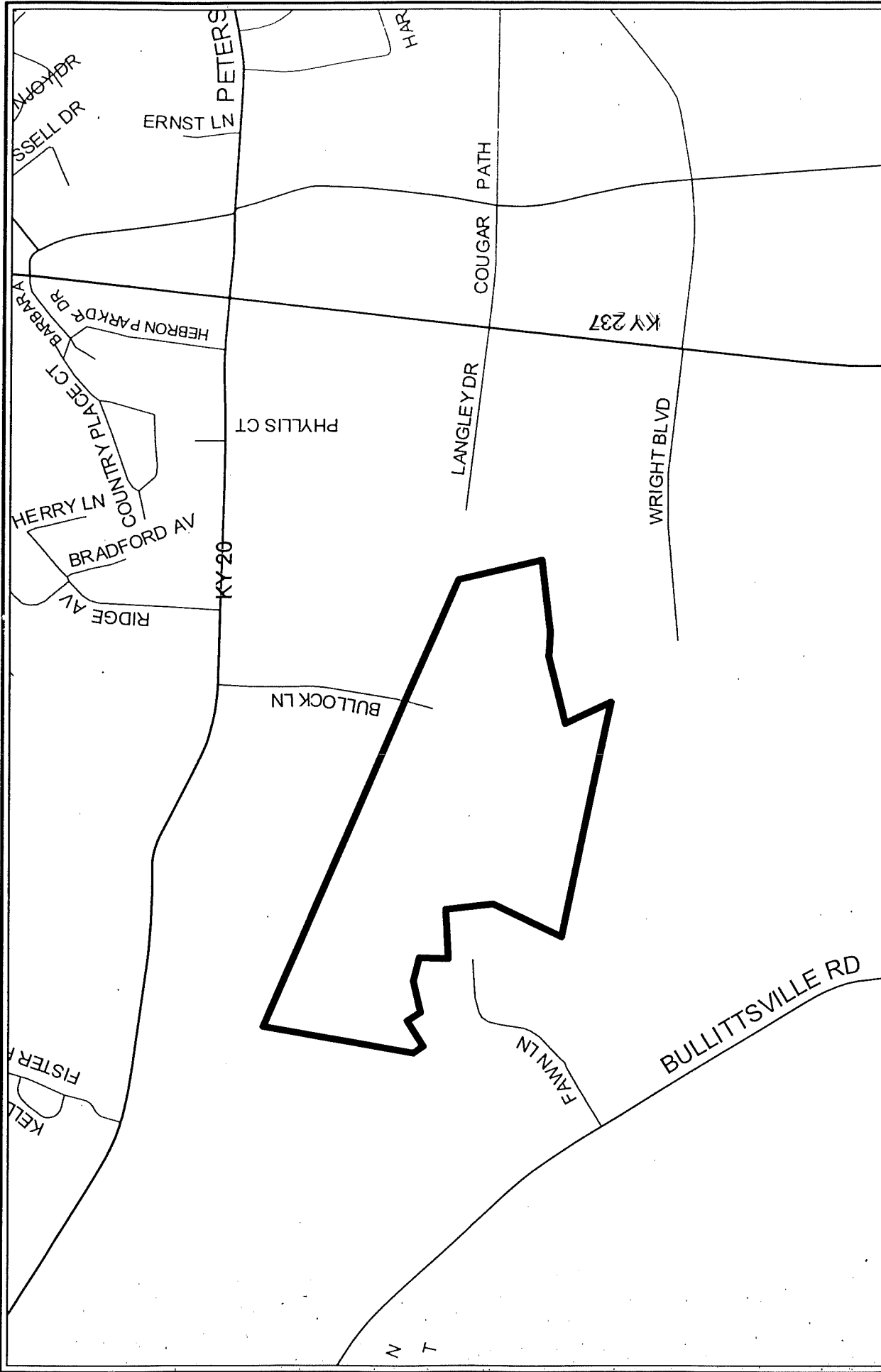


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/pr

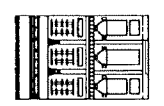
Attachments:

- location map
- aerial photo w/zoning information
- topographic map
- Future Land Use Map excerpt
- Committee Report dated 8/19/98 for previous 210 acre Hemmer zone change
- Committee Report dated 11/18/98 for previous 44 acre Hemmer zone change
- application materials including Concept Development Plan



1 inch equals 1000 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 9, 2001

Location

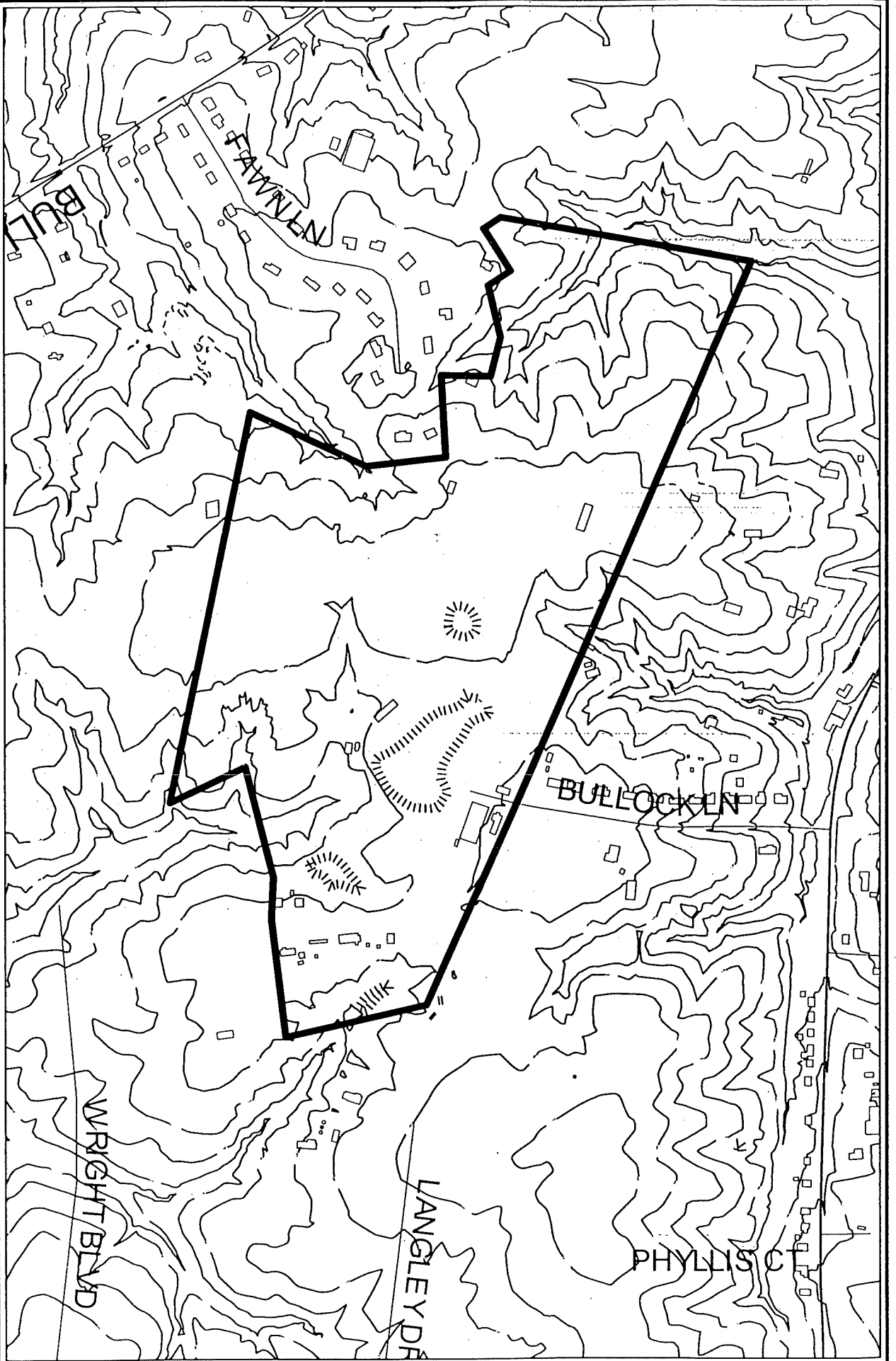


600 Feet
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1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 9, 2001

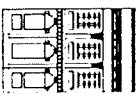
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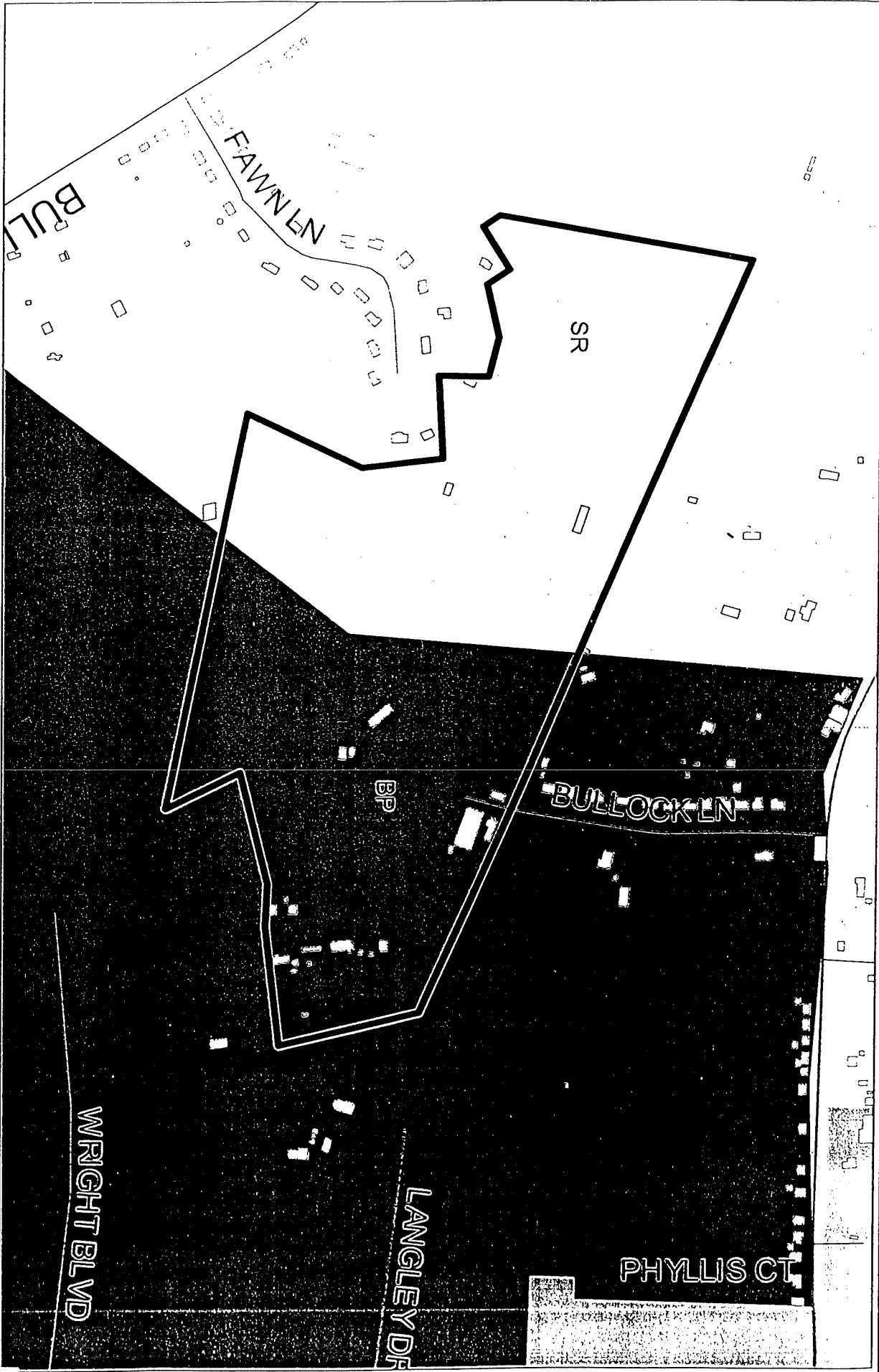
Topography



1 inch equals 600 feet

Produced by the
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April 9, 2001

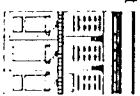




Future Land Use



Produced by the
Boone County Planning Commission
GIS Services Division
April 10, 2001



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 19, 1998

RE: Request of Wm. M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Remarks:

We, the Committee, recommend that the request of Mike Hargis on behalf of Paul Hemmer Development Company for a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) be approved by the Boone County Planning Commission. The Committee's recommendation to approve this request is based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee has determined that the applicant has adequately demonstrated that the proposed Industrial One (I-1) zoning classification is the most appropriate zoning classification for the 210 acre site. The applicant has also demonstrated that the proposed use of the property for industrial development is the most appropriate use of the site. The applicant has demonstrated that the proposed uses within the Industrial One (I-1) zoning classification, along with a concept development plan, produce a cohesive and coordinated development of several separately owned properties, which would otherwise be difficult to develop individually.

The Committee's decision is also based on the 1995 Boone County Comprehensive Plan, the Comprehensive Plan's Future Land Use Map, the existing site conditions, the site's proximity with KY 20 and KY 237, and the site's proximity with the Greater Cincinnati International Airport, in particular, with that of the east/west runway.

The Committee has concluded that the following conditions shall apply in order to ensure that the applicant's request satisfies the goals, objectives, and the intent of the Boone County Comprehensive Plan.

The applicant has signed a letter of agreement with these conditions and understands that the revised concept development plan, submitted to the Committee along with these conditions, serves as the basis for this recommendation.

Conditions

1. The site's main entrance will be located at the KY 237-Conner Road intersection as indicated on the revised concept development plan. This entrance shall contain a main roadway through the development that will eventually connect with the adjoining property to the west. This will ensure that the property west of the proposed development has access to KY 237 and not onto KY 20 as is specified within the Boone County Comprehensive Plan.
2. The southernmost proposed entrance along KY 237 will be eliminated.
3. The entrance located across KY 237 from the Levi Strauss building will remain. This entrance shall contain a road connection with the main entrance road.
4. The entrance located across KY 237 from Cougar Path will remain and shall also connect with the main entrance road. This connection will occur during the initial phase of construction of either the Jacobs property or the Escue property, whichever develops first. This connection will complete an internal roadway system for the entire development.
5. Access will be provided between the site and the property at the southwest corner of KY 20 and KY 237. This connection will occur during the initial phase of construction of either of the two sites that are adjacent with the access road.
6. The northernmost access along KY 237 shall provide an access easement for the adjacent property at the southwest corner of KY 20 and KY 237. This access will eliminate the need for any additional curb cuts onto KY 237, when the corner lot develops.
7. A landscaping master plan that includes extensive landscaping and earth berms along KY 237 and the entrance road shall be provided. This landscaping plan shall be submitted as part of the improvement plan review.

8. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights of way, particularly toward KY 237 and the entrance road.

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.

<i>Phil Damstrom</i>	
Phil Damstrom, Chairman	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

<i>Arnold Caddell</i>	
Arnold Caddell	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

<i>Barry Jeltner</i>	
Barry Jeltner	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

<i>Earl White</i>	
Earl White	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

TOTAL: <u>4</u> FOR <u>-</u> AGAINST <u>-</u> ABSTAIN <u>-</u> ABSENT

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: November 18, 1998

RE: Request of William M. Hargis/Paul Hemmer Development Company III (applicant) for R. Frazier Escue and Dorothy B. Escue (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre tract that is located near the southwest corner of the KY 237/KY 20 intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

REMARKS:

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

Findings of Fact:

1. The Committee has determined that the applicant has adequately demonstrated that the proposed Industrial One (I-1) classification is the most appropriate zoning for the 44 acre site and the applicant has demonstrated that the proposed use of the property for light industrial development is the most appropriate use of the site. The applicant has also demonstrated that the proposed uses within the I-1 zoning classification, along with the proposed Concept Development Plan, produce a cohesive and coordinated development with the adjoining 210 acre site to the east and west that was recently rezoned to Industrial One.
2. The Committee has concluded that the request is in agreement with the text of the 1995 Boone County Comprehensive Plan due to the following reasons:
 - A. The Land Use Element (pg. 219) states "industrial development should be designed to direct truck traffic to collector roads and away from KY 20" and "small roads in the area, such as Bullock Lane, are not suitable for serving subdivision traffic and must be upgraded or bypassed in such developments." The proposal will use the main road from the adjoining 210 acre site that is zoned I-1 for access; this road intersects with KY 237. In addition, the applicant has agreed to a condition that prohibits the development from using Bullock Lane for access.

- B. The Business Activity Element (pg. 84) states "the area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities." The Goals and Objectives (Business Activity, Objective 1) state "industrial development shall be encouraged to locate near railroad lines, highways, the Ohio river, the Airport and on Airport owned lands." The site is within proximity to the Airport and Airport owned property, and will have direct access to KY 237 through real property that is zoned I-1.
3. Based on findings of fact numbered 1 and 2 above, the fact that the southern part of the tract is within the 65 Ldn contour on the "Official 1997 Noise Exposure Map," and the fact that past attempts to rezone the site for suburban style residential development have been unsuccessful, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
 4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan. 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. If the vehicular connection that is shown on the Concept Development Plan along the west property line between the main road in the development and the remaining Escue property to the northwest is not a publicly dedicated street, the applicant will provide an access easement to permit the remaining Escue property the right to use this vehicular connection.
2. The applicant shall file an appropriate document with the Boone County Clerk which discloses to any future buyers of the three houses at the end of Bullock Lane that are owned by the applicant that said properties adjoin or are in close proximity to real property that is zoned Industrial One (I-1) and that the property is intended to be used for office, warehouse, manufacturing, and distribution center uses. This document shall explicitly state or illustrate the location and extent of the 44 acre tract in question relative to these three residential structures.

3. The development shall not use Bullock Lane for vehicular access.
4. The development shall be subject to the following conditions that were also conditions of zone change approval for the adjoining 210 acre tract.
 - A. The entrance located across KY 237 from Cougar Path will remain and shall also connect with the main entrance road. This connection will occur during the initial phase of construction of either the Jacobs property or the Escue property, whichever develops first. This connection will complete an internal roadway system for the entire development (condition #4).
 - B. A landscaping master plan that includes extensive landscaping and earth berms along KY 237 and the entrance road shall be provided. This landscaping plan shall be submitted as part of the improvement plan review (condition #7).
 - C. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights-of-way, particularly KY 237 and the entrance road (condition #8).

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.

<i>Phil Damstrom</i>	
Phil Damstrom, Chairman	
For <input checked="" type="checkbox"/>	Against _____
Abstain _____	Absent _____

<i>Arnold Caddell</i>	
Arnold Caddell	
For <input checked="" type="checkbox"/>	Against _____
Abstain _____	Absent _____

Barry Neltner
Barry Neltner

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

William Viox
William Viox

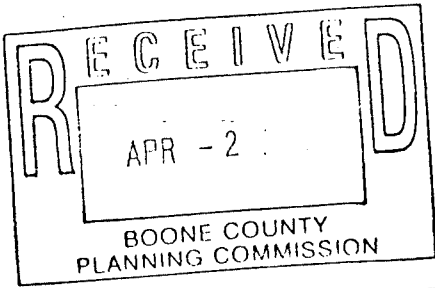
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Abstain	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>

Earl White
Earl White

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

TOTAL:	<u>4</u>	FOR	<u>1</u>	AGAINST	<u>1</u>	ABSTAIN	<u>0</u>	ABSENT
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APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

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

1. Name of Project AIRDARK WEST
2. Location of Project SR. 237 E SR 20 HEBRON, KY
3. Total Acreage of Site 103 AT
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) I-1 (INDUSTRIAL)
6. Proposed Uses (please specify each use)
OFFICE / DISTRIBUTION, WAREHOUSE, LIGHT MANUFACTURING
7. Names of Applicant(s) PAUL HEINER DEVELOPMENT COMPANY III
8. Phone Number 341-8300 Fax No. 341-6817
9. Address of Applicant(s) 250 GRANDVIEW DR. (P.O. BOX 17310)
FT. MICHIEL KY 41017
City State Zip
10. Name of Property Owner(s) BY OPTION: PAUL HEINER DEVELOPMENT Co. III
11. Phone Number _____ Fax No. _____
12. Address of Property Owner(s) _____
City State Zip
13. Proposed Building Intensities (please specify) 17,000 SF/ACRE (39%)
NOTE: I-1 ZONE ALLOWS 25,000 SF/ACRE (57%)
14. Are there any existing buildings on the site? YES
15. How many? 7 RESIDENTIAL STRUCTURES + SEVERAL MISC. FARM BUILDINGS
16. Deed Book * Page No. _____ Group No. _____
17. Are you also applying for: SEE DRAWING 1 FOR INFORMATION
18. NO Conditional Use Permit
19. NO Dimensional Variance
20. Have you submitted a Concept Development Plan? YES
21. Have you had a pre-application meeting with BCPC Staff? YES
22. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County _____ Walton Union
_____ Florence _____

19. Applicant's Signature Wm. Michael King's
Property Owner's Signature Wm. Michael King's FOR PAUL HEMMER DEVELOPMENT CO., III

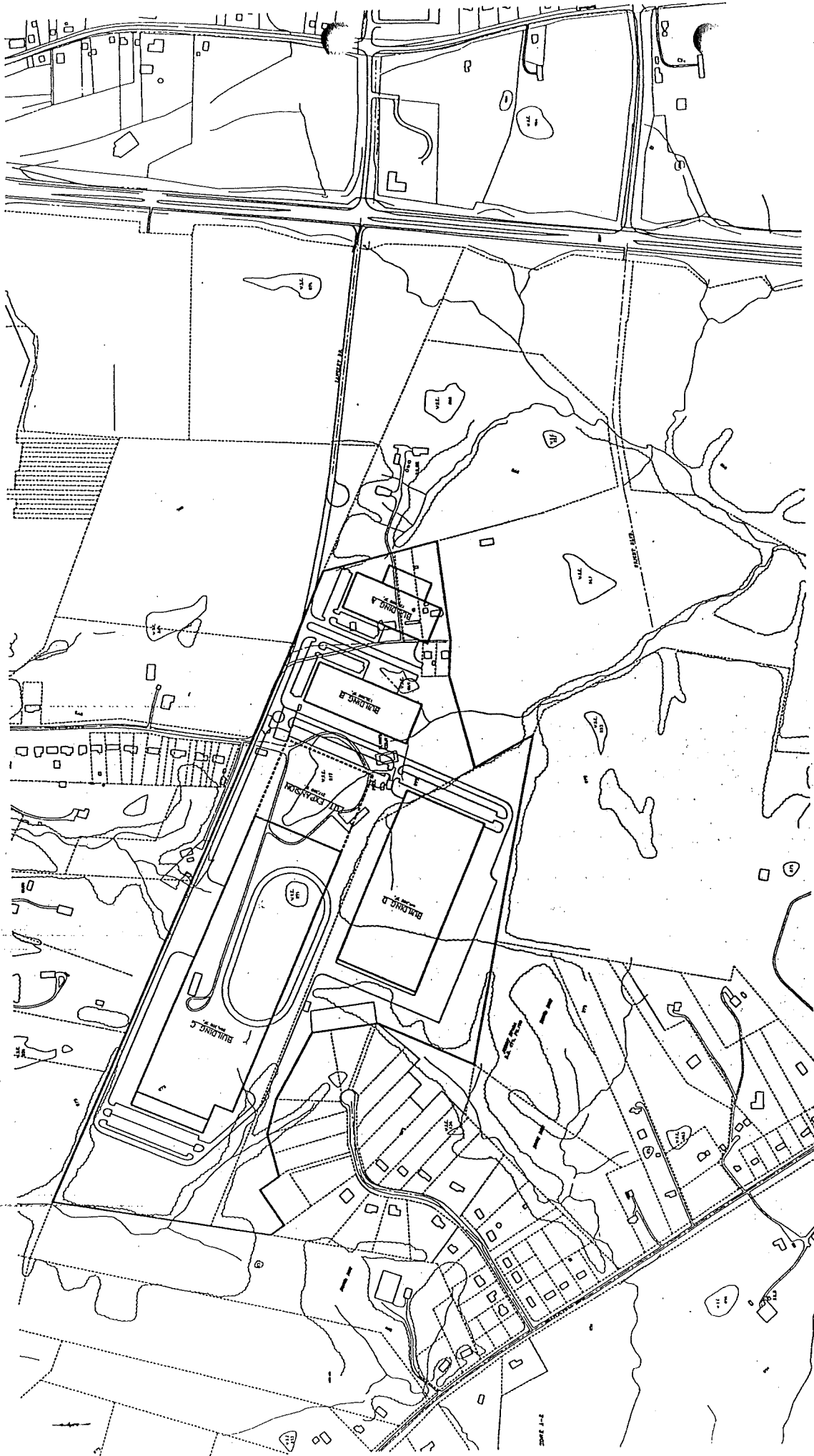
SECTION B (To be completed by BCPC Staff)

1. Date Received 4-2-01
2. Review Fee \$2,257.00 RA# 27273
3. Check what has been submitted:
 Application
 Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
 5 Number of copies of plan received**
4. Is application complete? Yes _____ No
5. Staff Reviewer KEVIN WALL
6. Committee Chairman DAVID ZIMMER
7. Scheduled Public Hearing Date 4/25/01
8. Boone County Planning Commission Action:
_____ Approval
_____ Approval with Conditions
_____ Denial
9. Other: _____

** Five (5) Copies Are Required

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Webb Page

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



SITE DEVELOPMENT
STUDY
17-2007-07

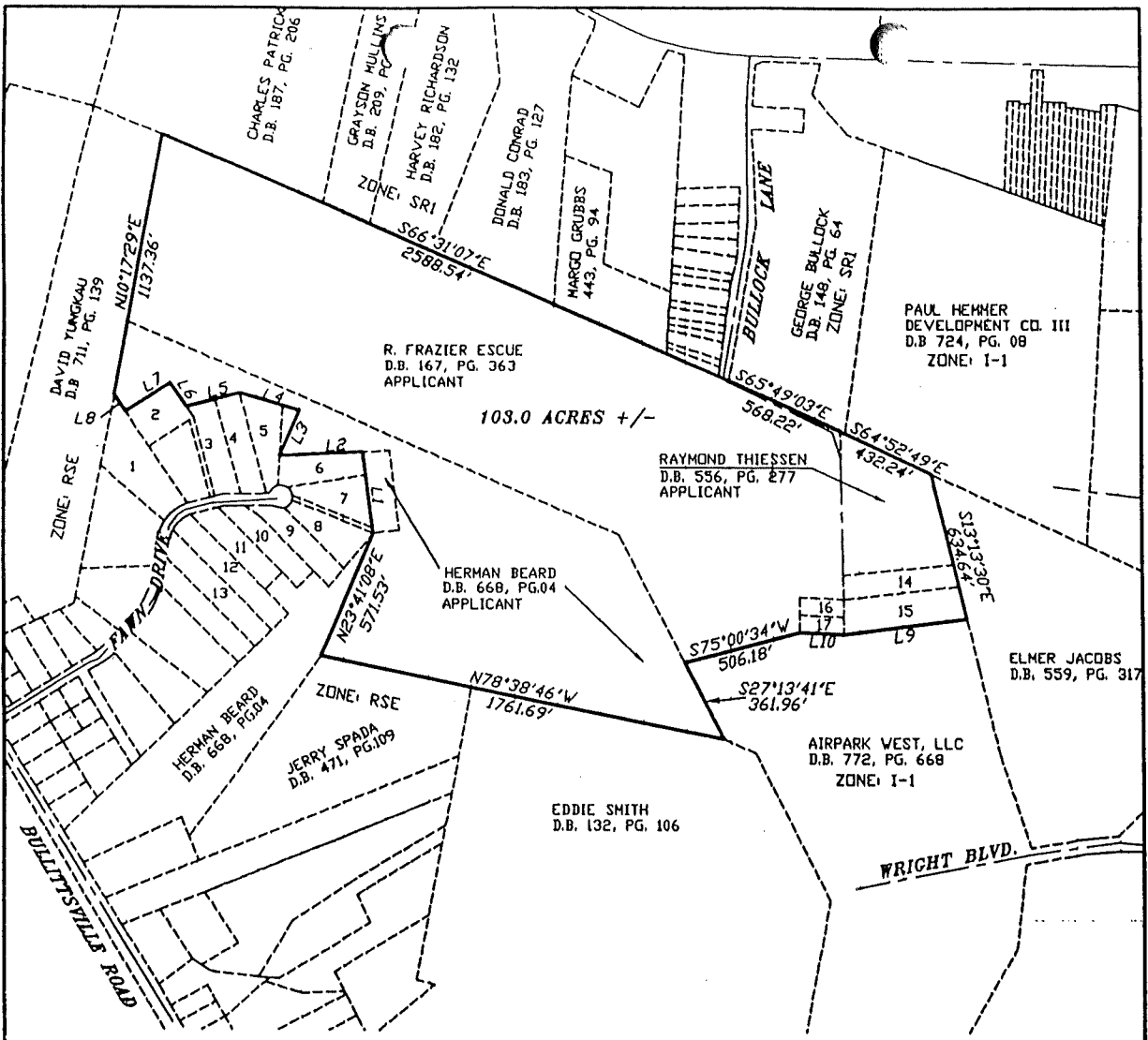
HEMME
PAUL HEMME COMPANY
Construction & Real Estate

SITE DEVELOPMENT STUDY

AIRPARK WEST EXPANSION

LANGLEY DRIVE

17-2007-07



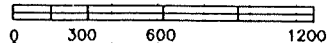
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LINE	LENGTH	BEARING
L1	351.81'	N07°10'33"W
L2	360.00'	S86°59'38"W
L3	211.02'	N24°21'15"E
L4	267.21'	N73°57'06"W
L5	230.92'	S75°12'33"W
L6	122.25'	N33°32'26"W
L7	225.17'	S56°27'33"W
L8	85.87'	N33°32'25"W
L9	528.34'	S82°36'59"W
L10	188.50'	N86°49'01"W

1. MICHAEL WILLOUGHBY D.B. 376, PG. 110
2. GARY CURLEY D.B. 498, PG. 292
3. ANTHONY CRINFIELD D.B. 728, PG. 160
4. PETER PAPUCCI D.B. 740, PG. 174
5. SHIRLEY ROBINSON & LINDA SCARBERRY D.B. 642, PG. 43
6. SHAWN FRAKES D.B. 620, PG. 333
7. WILLIAM HOLT D.B. 624, PG. 313
8. HERMAN BEARD D.B. 668, PG. 4
9. DOBLE HASSON D.B. 554, PG. 211
10. JACK WESSNER D.B. 557, PG. 179
11. VERNON WILEY D.B. 545, PG. 280
12. ANTHONY TRIMBLE D.B. 433, PG. 82
13. STEVEN NOLL D.B. 459, PG. 34
14. ELMER JACOBS D.B. 559, PG.317 - APPLICANT
15. PAUL HEMMER DEVELOPMENT CO. III D.B. 762, PG. 175 - APPLICANT
16. PAUL HEMMER DEVELOPMENT CO. III D.B. 762, PG. 178 - APPLICANT
17. PAUL HEMMER DEVELOPMENT CO. III D.B. 762, PG. 181 - APPLICANT

PARCEL TO BE REZONED
 FROM RSE TO I-1
 BOONE COUNTY KENTUCKY
 EAST OF BULLITTSVILLE ROAD
 TERMINUS OF BULLOCK LANE

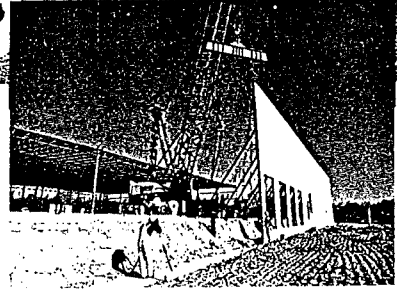
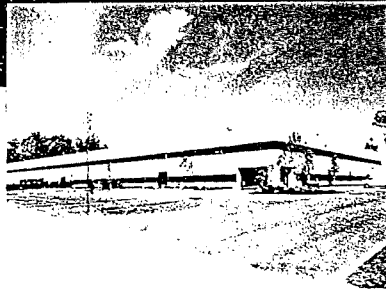
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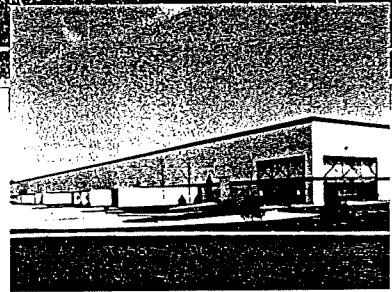
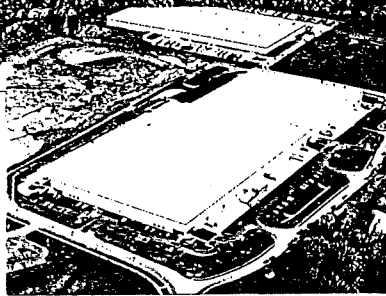
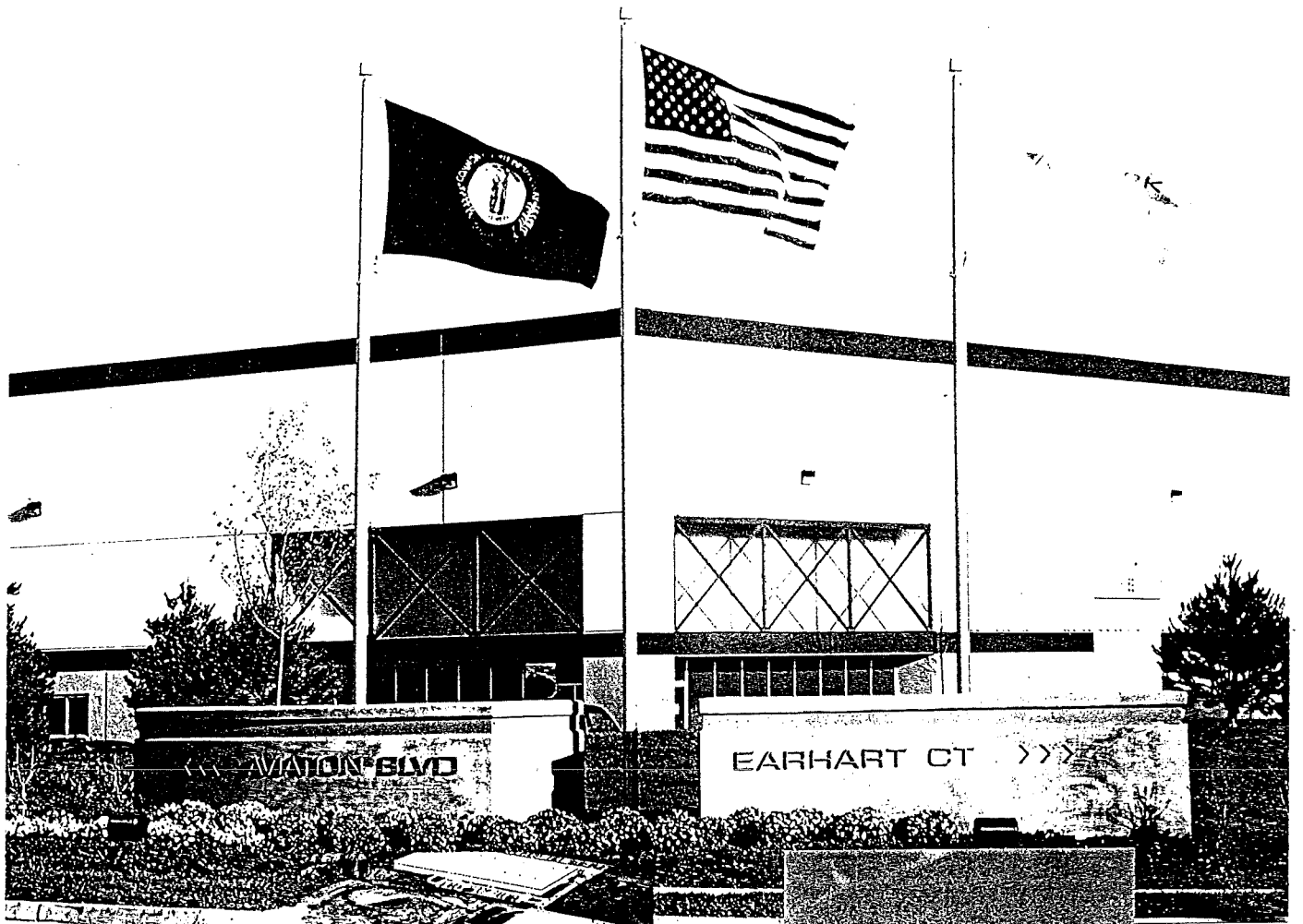

VIOX & VIOX INC.
 CONSULTING ENGINEERS & SURVEYORS
 466 ERLANGER ROAD
 ERLANGER, KENTUCKY 41018
 PHONE: (606) 727-3293





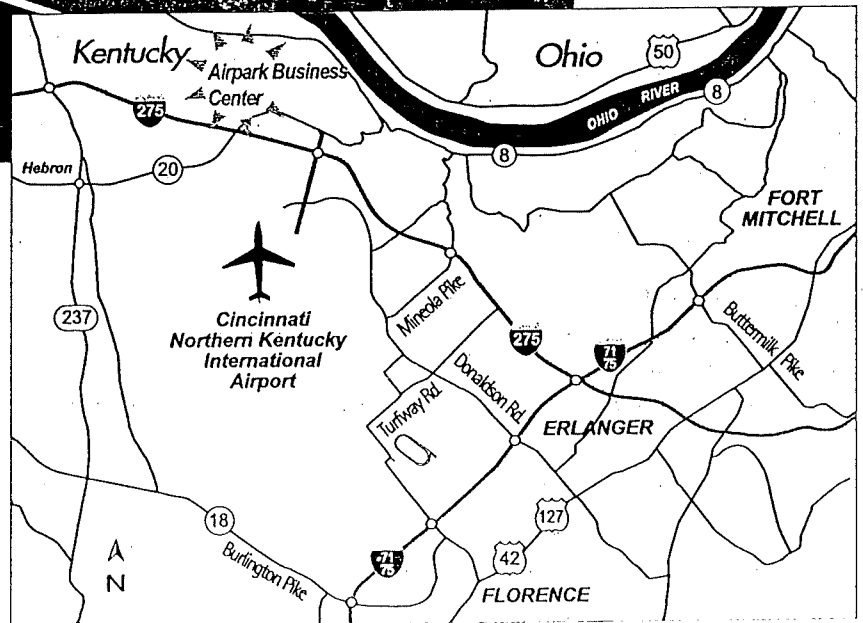
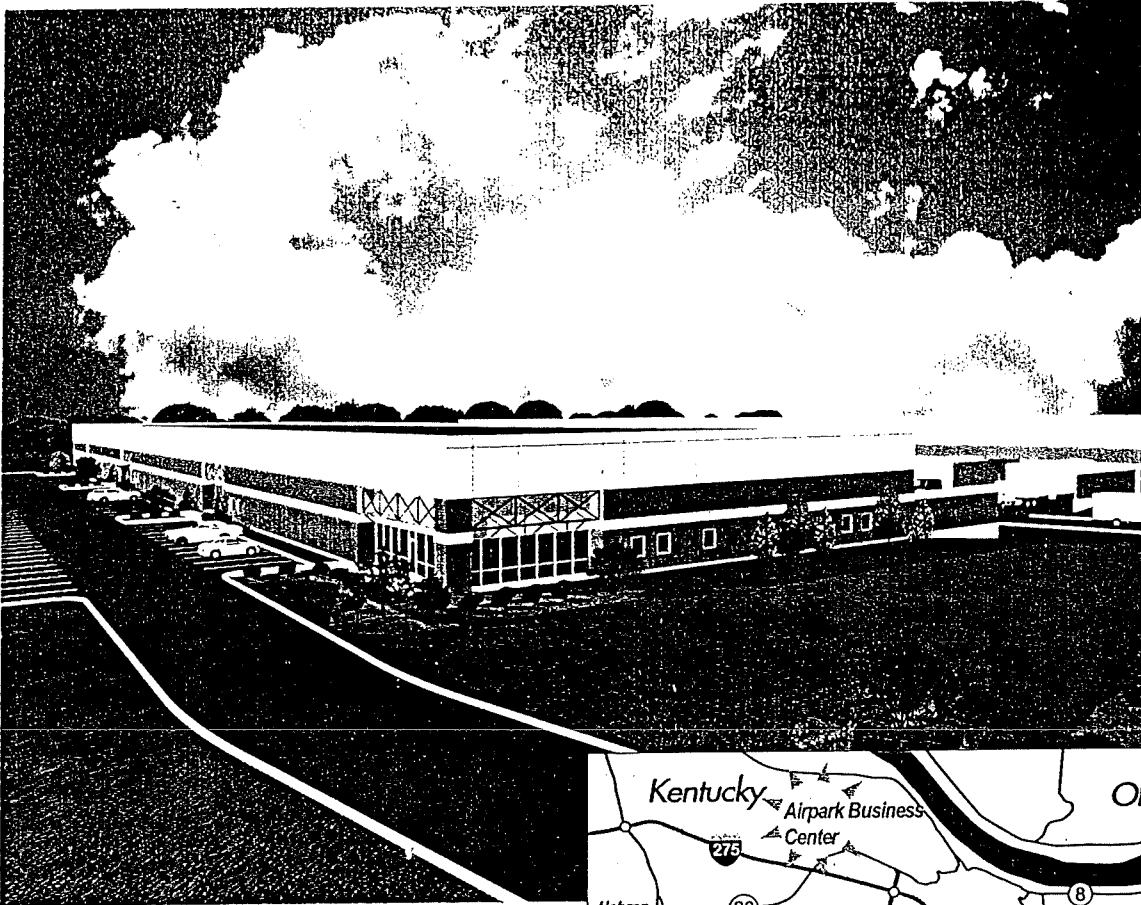






Site Available for Build-to-Suit or Lease

Airpark Business Center Phase II, Building C



Location:

Airpark Business Center is conveniently located off I-275 and just minutes from the Cincinnati/Northern Kentucky International Airport.

Features:

Phase II, Building C is a pregraded site available for construction of a 110,000 square foot office/warehouse, distribution and light manufacturing complex. Available in sizes from 30,000 to 110,000 square feet.



Project

Air-Tite Window Company

Contractor

Paul Hemmer Companies

Location

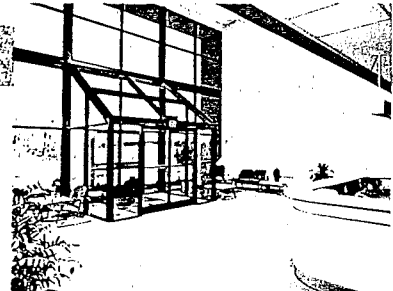
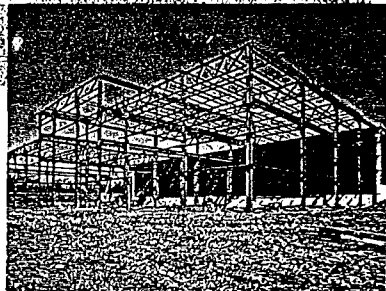
Enterprise, Ala.
 Raleigh, N.C.

Description

Office and Manufacturing Facility
 96,000 Sq. Ft.

For more information contact: Paul Hemmer Companies, 4168 99th St., S.W., Atlanta, Ga. 30341

03/80/00



BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A

April 25, 2001
7 P.M.

PUBLIC HEARING

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

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:03 P.M. and introduced the item on the Agenda:

1. **Applicant:** Paul Hemmer Development Company III for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners)

Request: Zoning Map Amendment Zoning

The request of Paul Hemmer Development Company III (applicant) for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103-acre area at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane, and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

Staff Member Kevin Wall presented the Staff Report (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis, architect and Vice President of Paul Hemmer Development Company, presented and reviewed the Site Plan. He stated that the project involves five separate property owners and 103 acres of land immediately adjacent to Airpark West Industrial Park. The property will be served by the new industrial road, which is Langley Drive. He indicated a 260-acre tract along KY 237 which is currently zoned Industrial. Reviewing the exhibit, he explained that Airpark West is currently served by Wright Boulevard and Langley Drive, which would be extended to the industrial cul-de-sac in the location shown. He stated that they have shown four buildings on the subject property. Approximately 80% of the site would be developed by another company. Hemmer would design and construct the property and would retain property up front along the existing Bullock Lane ("the dogleg") for a potential Hemmer project. That property was designated Business Park in February, but when they started the process four years ago with the original 260 acres, there was no such designation. Two attempts to rezone the subject property Residential were turned down. The Business Park zone requires a mixture of industrial/commercial/office, but there is no regulation requiring all those elements to occur on a given parcel. They do not have to provide the mix of uses on this 103 acres because along KY 237 there are other areas in that designation that provide for commercial (i.e., gas stations, restaurants, etc.). Their contribution to the Business Park zone will be the continuation of the industrial development and there will be the mix along KY 237 from the I-275 interchange. They do not plan office buildings, restaurants, or any other commercial uses in the Business Park zone on this site. He stated that if this project were straight Industrial, he would be permitted 25,000 square feet of building per acre, which would allow 2,575,000 square feet on this site (57.4% coverage), but they are proposing 1,750,000 square feet, which is 17,000 square feet per acre (a reduction of 39% in the allowable build area). Referring to the exhibit, Mr. Hargis reviewed the proposed screening of the site. They propose a 25-foot buffer on the north property line, per the regulations. He indicated where 250 evergreens and 120 trees would be required to be planted as a buffer, which they will do in compliance with the ordinance. Reviewing the setbacks, he noted a minimum of 25 feet from the undeveloped area to the south increasing to approximately 200 feet, and stated that they will maintain the green areas. He indicated the southern corner of the site where there would be a minimum 50-foot setback to the end of the pavement. The distance from the paved area to the property lines ranges from 50 feet to 220 feet, which is a substantial increase beyond the requirements. Access to the site is intended to be along Langley Drive (see sketch attached to the Staff Report). He stated that the easement will be retained so that Mr. Escue will have access to his property. He indicated on the exhibit how they would loop the road internally. He stated that as part of the initial zoning request they talked about connecting Langley Drive to Wright Boulevard along the front, but they are now showing the connection in the larger loop to cover more area. A Traffic Study done by Pflum, Klausmeier & Gehrum (see Exhibit 1) indicated that a traffic signal would be warranted at the intersection of Langley Drive and KY 237 and they will submit an application to the state through Fiscal Court to put a traffic signal there to help facilitate a

lefthand movement back to I-275 from this site. Mr. Hargis reviewed the T-intersection at Bullock Lane and stated that there would be no physical connection of the industrial park roadways to any of the residential streets. They will connect the sidewalk system along Langley Drive close to the T-intersection as recommended by Staff. Utilities of adequate size and capacity are available to serve the project. All of the utilities should be able to be extended down the new Langley Drive to serve the back parcel. Mr. Hargis stated that they will be ultimately responsible for the traffic signal, but they reserve the right to talk to other authorities that might help financially. He stated that the Business Park zone talks about recreational use, but the only recreational use they could come up with in an industrial park is a walking path/sidewalk system, which they agree to provide. They are in agreement in regard to the signage and architectural design and will provide the signage package and coordinated signage/architectural review as part of Site Plan Review, as they have done on the 260-acre parcel in the front. They are in full agreement regarding the lighting and will cut off the foot candle level at the property line or buffer, whichever is agreed upon. There will be no foot candles bleeding over onto other properties. He stated that on the front 260 acres, they agreed to limit the uses on a voluntary basis and have eliminated six Permitted Uses and eight Conditional Uses (see Exhibit 2). These are the same uses that were voluntarily eliminated at the time of the Escue zone change and the original Airpark West zone change and can be discussed further at the Committee Meeting. He stated that the site is not a high-visibility site. There is a ridge line and it is a "pocket" or "filler" site. It is the site of the horse training track and the barns. He stated that this project will not cause additional trucks or automobiles on Bullock Lane, Fawn Drive, Bullittsville Road, or KY 20. This completed the applicant's presentation.

The Chairman was if there was anyone else present who wished to speak in favor of the proposal.

Mr. Ray Thiessen, 3322 Bullock Lane, stated that he believes this is the best use of the property and it is much better than some of the past residential proposals.

There being no one else present who wished to speak in favor of the request, the Chairman asked if there was anyone present in opposition.

Lucy Cable, 3107 Bullock Lane, stated that she bought her home a month ago. Her property is adjoining, except for the driveway in between. She stated that there is now a lake on the property with a flock of geese. Her house was advertised as being in a park setting, which will be gone and her view will be destroyed.. She feels that this was supposed to be farmland. She did not receive notification of the Public Hearing:

Mr. William Holt, 2888 Fawn Drive, questioned how the zone change would affect his property. He feels that this is a heavy industrial use and that they could build battleships in some of the buildings. He questioned what "light industrial"

means. He questioned the visual affect of this development on his property. He asked if the Escue property includes the Beard property. Mr. Hargis responded that it includes some of the Beard property. Mr. Wall indicated the location of the Holt house on the Power Point presentation and Mr. Hargis reviewed the exhibit with Mr. Holt.

In response to a question from Mr. Ries, Mr. Wall indicated the location of the Cable house and noted the driveway of a flag lot that runs between the Cable property and the subject property.

Chairman Caddell questioned the height of the proposed buildings. Mr. Hargis responded that normally they are about 32 feet clear height and will end up being about 38 feet high. He stated that the I-1 zone permits the buildings to be 50 feet high.

Mr. Holt questioned when construction would start. Mr. Hargis responded that they would not hold the property very long before developing it and that construction could start in six to eight months. Mr. Holt questioned the buffer. Mr. Hargis responded that there would be a landscape berm with trees and evergreens. He indicated on the exhibit where they would be required to have almost five hundred trees and stated that they are required to have twelve trees per hundred feet. Mr. Holt stated that the information is helpful, but he does not feel that this is "light industrial". Mr. Hargis responded that "light industrial" refers to the process, not the size of the operation. He stated that these buildings will be more for warehousing and distribution than manufacturing.

Chairman Caddell explained to the public that if the Zone Change Committee believes that certain uses would not be suitable for this property because of the surrounding properties, they can discuss the possible elimination of certain uses even though they are approved in the zone. He advised the public that they are permitted to attend the Committee Meeting. The Chairman requested a summary of the Permitted Uses in the I-1 zone. Mr. Wall reviewed the I-1 uses noting that included are the list of uses in the Office Two (O-2) zone, wholesale distribution, storage, manufacturing and assembly of industrial products, and also including uses such as metal shops and printing shops. Heavy industrial uses that include a lot of chemicals and smoke stacks are not permitted. Junkyards are not permitted in the I-1 zone.

The Chairman asked if there was anyone else present who wished to speak in opposition to the request.

Mr. Charles Patrick, 3423 Petersburg Road, stated that he prefers the industrial zone to houses and is not for or against the request. He asked if any wetlands are set aside. He questioned residential uses.

Chairman Caddell responded that there would be no residential use as part of this request. Mr. Hargis stated that there are no wetlands on the property, but there is a blue line stream.

Mr. Ken Robinson, 3065 Bullock Lane, questioned "blue line stream" and questioned there being no wetlands on the property. Mr. Wall responded that a blue line stream is designated by the USGS (United States Geological Survey) on their quadrangle maps. A blue line stream is expected to have water running through it all year. He indicated the location of the blue line stream. Mr. Hargis stated that the industrial use stops short of the pond and there are no significant environmental issues on the property. There are some areas that are regulated and a permit is required -- such as the area below the lake. He stated that they are allowed to disturb a certain number of linear feet of a blue line stream with a permit and they are allowed to vacate a farm pond as long as it is less than one acre under a national permit. He indicated the areas they will preserve to help buffer the area on Fawn Drive.

Mr. Robinson asked if they are to assume that the pond and everything will be taken out. Mr. Hargis responded "yes".

Mr. Robinson questioned traffic on Bullock Lane. Chairman Caddell responded that Bullock Lane will not be connected to this development. Mr. Robinson questioned the T-intersection. Mr. Hargis responded that it forms a "T" so that people can turn around. Mr. Robinson stated that the T-intersection is about two-thirds of the way before the end of the street. Mr. Hargis responded that they have to service the lady's driveway and this is a logical solution. Mr. Robinson questioned the properties at the end of the road. Mr. Hargis responded that they are part of the zone change and will be purchased by Hemmer. Mr. Robinson asked if those homes will be removed. Mr. Hargis responded that they will be removed at some point in time.

Chairman Caddell stated that how the T-intersection evolves will have to be approved by the County Engineer.

Mr. Robinson asked if the applicant plans to use Bullock Lane at all. Mr. Hargis responded "no" and stated that all the traffic will come off KY 237 and go down Langley Drive into the Escue property. Chairman Caddell asked Mr. Hargis review the exhibit with Mr. Robinson in response to his questions.

Mr. Elmer Jacobs, 3232 Bullock Lane, stated that his property is zoned Industrial, but he is not ready to move out of his residence. He questioned how he would access his property, how he will get mail delivery, and how he will get garbage pick up.

Mr. Wall indicated the Jacobs house on the Power Point presentation and stated that he did not know Mr. Jacobs still lived there. He stated that the Jacobs

property was part of the 210-acre zone change. Mr. Wall stated that arrangements will have to be made to ensure Mr. Jacobs has services. Mr. Hargis stated that he will have to work with Mr. Jacobs and create a driveway that goes out onto Langley Drive.

Mr. Jacobs questioned water service. He stated that there is an 8" line under the road. Mr. Hargis stated that the intent is that Mr. Jacobs will be able to stay at his residence and they will do whatever is necessary to provide the driveway and utilities. Chairman Caddell asked if the applicant has the Jacobs property under contract to purchase at some point. Mr. Hargis responded "no". Mr. Jacobs stated that he has twenty-seven acres.

Counselor Wilson asked if Mr. Jacobs is an applicant to the zone change request. Mr. Hargis responded "yes" and stated that that is because of the little piece of property with the trailer that is on the "dogleg". The rest of the Jacobs property has already been rezoned. Chairman Caddell questioned how Mr. Jacobs gets in and out now. Mr. Jacobs responded that his driveway goes to Bullock Lane. Mr. Hargis stated that there will be a driveway on a temporary basis that goes to Langley Drive. He stated that he is not familiar with the water issue.

Chairman Caddell questioned if the applicant is asking the county to abandon part of Bullock Lane. Mr. Hargis responded that his information was that the dogleg of Bullock Lane is not a public road and is on the Escue property, but Greg Sketch then indicated that it was a public right-of-way and they would have to have it abandoned by purchasing the houses and rerouting the traffic.

Chairman Caddell stated that the Zone Change Committee will need to have a comfort level that these issues are resolved to meet Mr. Jacobs' concerns. Mr. Hargis agreed. Mr. Zimmer questioned if Mr. Jacobs owns out to KY 237. Mr. Jacobs responded "no". Mr. Hargis stated that he has access onto their industrial road because of the common property line. Chairman Caddell recommended to Mr. Jacobs that he attend the Committee Meeting.

The Chairman asked if there was anyone else present who wished to speak.

Mr. John Pelley, 2976 Fawn Drive, stated that there is a water meeting about Fawn Drive tonight and also this meeting. He questioned how they can be in two places at once. He questioned if Hemmer will bring the water line up Fawn Drive and back across the Beard property. Chairman Caddell responded that public water is not in the Planning Commission's venue, but that he would ask Mr. Hargis to share their plans with the residents. Mr. Hargis stated that their water will come off the extension from KY 237 and they have no plans to cross the Beard property. Mr. Pelley questioned the applicant's plans for the right-of-way between Lots 7 and 8 on Fawn Drive that goes back to the property they are buying. Mr. Hargis responded that it is not a public right-of-way. Mr. Pelley then determined that it is a flag lot. Mr. Pelley stated that on the paperwork they got

from Viox there is a dotted line showing the property that is staying with Beard and the property that is staying with Hemmer. Mr. Hargis responded that the dotted line is the limitations of the Beard property – Beard retains everything to the west of the line and is selling everything to the east of the line. It is a dashed line off the GIS map. He stated that there will be no access to their property from Fawn Drive. Mr. Pelley questioned how they will get rid of the easement. Mr. Pelley, Mr. Beard, and Mr. Hargis reviewed the plan. Chairman Caddell asked that comments be addressed to the Chair so that they can be part of the record. Mr. Beard stated that he will be building a house there.

Mr. Pelley restated his concern that there are two meetings about Fawn Drive at the same time. Chairman Caddell advised that the Planning Commission has no way of knowing when the Water Department schedules a hearing.

Mr. Tim Heile, 2927 Fawn Drive, questioned a dotted line on the map that is not on the Viox map. He indicated the dotted line he is referring to on the exhibit that runs east/west and goes behind Parcels 11 and 12 on Fawn Drive. Mr. Hargis stated that all of the lines came from the GIS map. Mr. Beard, Mr. Heile, and Mr. Hargis reviewed the exhibit.

Chairman Caddell asked if there was anyone else present who wished to speak in opposition to the request.

Mr. Harvey Richardson, 2377 Petersburg Road, stated that between the huge building shown on the exhibit and his property line is a truck court. He questioned what a truck court is. Mr. Hargis responded that it is the loading docks -- shipping will be on the south side of the building and receiving will be on the north side. He noted that the Richardson house is about 400 feet from the property line. Mr. Richardson questioned the buffer between his property and the truck court. Mr. Hargis responded that the buffer is an approximate six-foot high earthen berm with trees on top. He added that they can widen the berm and put some trees on the Richardson property. Mr. Richardson asked if the berm could be closer to the property line and higher. Mr. Wall stated that this can be addressed at Committee. Mr. Richardson stated that he is concerned about the buffering of noise. He is concerned about diesel trucks running all day and all night. He would like a high berm with evergreen trees on top to keep the lights from shining in his windows. He stated that his neighbor (Conrad) wants to know if Hemmer would be interested in purchasing his property. Chairman Caddell stated that that is not a matter before the Planning Commission. Mr. Richardson stated that he wants the berm and trees maintained to perpetuity so that there are no lights shining on his property. He questioned future expansion of the development.

Mr. Greyson Mullins stated that he lives next door to the Richardsons. He asked if the berm will keep the water from running down and the ground being muddy, especially during construction. He stated that he has a pristine lake, which he

indicated. Mr. Costello asked Mr. Hargis to address siltation of the lake. Mr. Hargis responded that they would have erosion control methods so that the topsoil and graded materials do not go offsite. He noted that the control methods are part of the Site Plan approval process.

Mr. Jerry Spada, 4663 Bullittsville Road, stated that his property is next to the Beard property. He did not receive notification of this hearing until last Saturday. He questioned how close the 38-foot building would be to him. He stated that he will be building a house on his property in the future. Mr. Hargis indicated the Spada property, which is about 400 feet away from their buildings and about 150 feet away from any paving. He stated that the property line will require landscape berm and additional trees. Mr. Hargis reviewed the proposed buildings and traffic flow with Mr. Spada.

Mr. Ken Robinson stated that the subject property is higher than the residences and questioned if there will be retention ponds on the property. Mr. Hargis responded that retention ponds are required and are designated on the exhibit. Mr. Robinson stated that following the Code is not always enough. He is worried about runoff on the residences. He questioned noise abatement. He questioned 24-hour truck courts. He stated that there are residences just a few feet from the truck court. Mr. Hargis responded that he does not know – the truck court could be 24-hours a day. Mr. Robinson questioned lighting. Mr. Hargis responded that they will be able to cut off the foot candle levels at the property line. Mr. Robinson stated that if the truck court has lighting 24 hours a day, that will be a problem for the homeowners. He stated that he is concerned about runoff retention, noise abatement, and lighting.

Ms. Mary Miles, 3093 Bullock Lane, stated that she is concerned about runoff. She stated that when it rains, the water runs down into the pond on the Escue property. She is concerned that if they have to take the driveway that belongs to Margo Grubbs, then the property will be up against her property. She lives in the second house going down the hill. She questioned the buffer along the Grubbs property line and Bullock Lane so that they do not see the lights from the trucks. She stated that she can see Toyota now since the trees Toyota planted are not grown. The existing trees on the Escue property are mature trees and it is a quiet area – but it will not be a quiet neighborhood with the construction and industrial development.

Mr. Wall advised that the Code requires Buffer Yard C, which has to be a minimum of twenty-five feet wide from the property line and it needs to include eight evergreens trees and four deciduous trees per one hundred linear feet. If there is three hundred linear feet along there, then there would be thirty-six trees. He stated that he recommended in the Staff Report, and Mr. Hargis appeared open to it, that there be earthen berms where possible in addition to the trees. Equally important is keeping the existing vegetation around the property lines with the

earthen berms behind them and the Buffer Yard C plantings on and around the bermed areas.

Mr. Richard Hoagland, 3085 Bullock Lane, stated that when Escue tried to rezone this property, the Committee said there had to be two separate entrances per the fire regulations. Mr. Wall responded that his understanding from the developer is that they will be looking at a cross connection at some point in time. He stated that the plan was reviewed by the Fire Department and they did not raise any issues with it. Mr. Costello stated that Airpark West has two curb cuts, which will be connected, and there is the potential of extending the loop. Chairman Caddell stated that they are not connected now, but possibly in the rezoning process they might be requesting that the street going back create a loop instead of the cross connection being closer to KY 237. They are required under the approval for Airpark West to connect those streets together. Mr. Hargis agreed. Mr. Hoagland disagreed and stated that the Committee said that there have to be two separate and distinct access and these accesses will meet. Mr. Hargis explained that per the original rezoning of the property, they are required to connect Langley Drive with Wright Boulevard – but at that time they did not have the Escue property or the other property and it was decided by the Zone Change Committee and the Planning Commission that they should connect them parallel to KY 237. However, the connection did not have to be made until the Jacobs property was developed or the Escue property (33 acres) was developed and neither of those properties are developed – so the connection is not required. He stated that with this zone change and this development, they will be able to make application for a traffic light and then they will ask to move the connection from up front to the back so that there is a loop. Mr. Hargis reviewed the exhibit with Mr. Hoagland in regard to his questions.

Ms. Cable asked if there could be greater than a 25-foot buffer since the residents will be looking at trucks all night long and right now it is a country atmosphere. Her bedrooms are at that end of the house and thirty-five feet from her house will be trucks all night long. Chairman Caddell responded that additional buffer can be addressed at the Zone Change Committee meeting.

Mr. Thiessen asked if this is an entire package or if the Planning Commission will look at each individual property. Chairman Caddell responded that the application is for all the properties together. Mr. Thiessen stated that over the years three sides of his property have been rezoned.

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

Mr. Hicks asked if the driveway between Lot 7 and Lot 8 is part of the application. Mr. Beard responded “no”. Mr. Hicks questioned his plans for that piece of property. Mr. Beard responded that he sold one of the lots and a house

will be built on it. Lot 8 will also be sold and a house built on it. Mr. Hicks asked if he was doing away with the flag lot easement. Mr. Beard responded "yes". Mr. Hicks asked if there will be one property line between Lots 7 and 8. Mr. Beard responded "that's correct".

Mr. McMillian questioned a wetland on Wright Boulevard. He stated that a curb cut could not go over a blue line stream. He questioned three curb cuts on KY 237. In regard to the curb cuts, Mr. Hargis stated that there is Toyota, Wright Boulevard, and Langley. He stated that they are allowed to do crossings over a blue line stream on their property and Wright Boulevard crosses. Mr. Costello stated that there was something that prohibited them from extending either road. Mr. Hargis responded that they do not have the land behind there. He noted that Wright Boulevard can be connected all the way to the west property line.

Mr. McMillian asked if the Escue house will stay. Mr. John Curtin with Paul Hemmer Development Company stated that Mr. Escue has up to six months after notice to relocate his home. They do not know for certain that Mr. Escue will move the house, but if he does he will be given six months notice. He may elect to let the house be demolished.

Mr. Zimmer asked that the Committee be provided with copies of the Public Hearing minutes and Committee Reports from the previous zone changes approved for Airpark West and the denials for the residential applications for this property.

Mr. Zimmer noted a comment by Mr. Spada that his property is contiguous and he was not notified until Saturday. He questioned the normal notification process. Mr. Wall stated that the notices go out about three weeks in advance and, with normal delivery, they arrive about two weeks in advance. He stated that Mr. Spada's reply card was returned on Monday or Tuesday. Mr. Zimmer asked Staff to follow up on the notice delivery.

Mr. Zimmer noted that the Concept Development Plan for Airpark West is attached to the August 19, 1998 Committee Report and questioned if it is current. If not, he requests that the latest Development Plans for the parcel contiguous to KY 237 and on both sides of Langley Drive be brought to the Committee meeting. Mr. Hargis stated that the only building there now is Toyota. He stated that he can tell the Commissioners what will be built on a couple of the properties, but construction has not started. Mr. Zimmer asked if the plan showing development on both sides of Langley Drive is a Concept Development Plan. Mr. Wall responded that it is, but the approval is not so specific that they cannot do a different number of buildings. Mr. Zimmer asked if there are any plans currently for buildings along Langley Drive. Mr. Hargis responded "yes". Mr. Zimmer stated that he wants to get an idea of what is going on in that area and asked that the plans be brought to the Committee Meeting.

In regard to the notification issue, Mr. Costello stated that the letters went out to adjoining property owners on April 9, 2001 and the card came back from Mr. Spada on April 23, 2001.

Mr. Zimmer asked Mr. Wall to check with Boone County Water & Sewer in regard to the water connection. He stated that it is not like them not to want a loop. He stated that if there are plans to go up Fawn Drive, he questions if they plan to go through this property and connect to the Hemmer line. Mr. Wall will check with Boone County Water & Sewer in this regard. He noted that they did not comment on the proposal. Mr. Zimmer asked Mr. Wall to ask them this specific question.

Mr. Zimmer questioned making Bullock Lane a cul-de-sac. Mr. Wall responded that the County Engineer was satisfied with the T-intersection.

Mr. Zimmer asked who the 80% owner of the property is. Mr. Hargis responded that the end user is confidential, but the owner is Prologis Real Estate and Industrial Developers and it would be their end user.

Mr. Reynolds noted the earlier questions regarding dotted lines that appear on some maps and not on others and asked that the Committee receive an updated version of the map with the dotted lines shown and explained. Chairman Caddell asked Mr. Wall to provide this information to the Zone Change Committee. The Chairman reviewed the map with Mr. Wall in regard to the locations of the dotted lines. Mr. Wall stated that he was not able to hear all of the discussions between various people about the dotted lines. Mr. Reynolds questioned the dotted lines on the Beard property. Mr. Hargis responded that the property was purchased at different points in time. Mr. Reynolds stated that he would like to know what the discussions were about the dotted lines and whom they affect. The Chairman stated that Mr. Wall will do the best he can to provide the information to the Committee.

In regard to Mr. Reynolds request, Mr. Heile indicated the dashed line on the exhibit which is not on the survey sheet. Mr. Wall stated that it is a line that goes from the southeast corner of the zone change area by Building #4 and across in an east/west direction over to a lot behind Fawn Drive between Lots 12 and 13. Mr. Reynolds asked that the line be identified.

Mrs. Poston questioned the distance between Langley Drive and Wright Boulevard. Mr. Hargis responded that it is about 1,600 feet. Mrs. Poston then questioned the distance to the next line on the exhibit. Mr. Hargis explained that when the Highway Department constructed KY 237, they put evenly spaced curb cuts from KY 20 past the Toyota property and they are all approximately 1,600 feet apart.

Mr. McMillian noted that Ms. Cable did not get notified and questioned how up-to-date the list of adjoining property owners is. Chairman Caddell responded that Ms. Cable is not an adjoining property owner and notices only go out to adjoining property owners. Ms. Cable stated that there is a driveway between her property and the subject property. Mr. Wall stated that it is the driveway of the Grubbs flag lot. Mr. Costello stated that the Public Hearing was also advertised in the Boone County Recorder and there is a sign on the property.

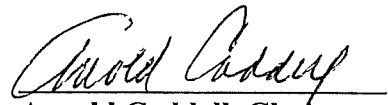
Mr. Barlow noted Mr. Hargis' comment regarding truck loading on one side of the large building on the north side of the property and unloading on the other side – but the drawing does not show that. Mr. Hargis stated that it is not their building and they are indicating on the drawing what they were told the client would need. The owners of the tract (Prologis) indicated to them that in the future, if these tenants move out, they may need additional docks, which are indicated as “future truck docks”. Mr. Barlow stated that there could be docks on both sides of the building. Mr. Hargis agreed.

Mr. Zimmer asked Mr. Hargis if he would be able to speak for the potential owner if the Zone Change Committee wants to make modifications. Mr. Hargis stated that the owners will be at the Zone Change Committee Meeting.

The Chairman asked if there is adequate provision to protect the Smith and Spada parcels with additional berming as those areas do not appear to have natural vegetation. Mr. Hargis stated that the buffer is shown as twenty-five feet, which is the requirement. He reviewed the exhibit in regard to the buffer areas.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 2, 2001 at 4 P.M. in the Fiscal Courtroom and the public is welcome to attend, but the level of participation is up to the Committee Chairman. This item will be on the Agenda for the Business Meeting on May 16, 2001 at 7:30 P.M.. The Chairman closed this Public Hearing at 9:05 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits -

1. Traffic Study by Pflum, Klausmeier & Gehrum
2. Principally Permitted Uses and Conditional Uses in the I-1 zone eliminated by the applicant on the 260-acre tract.

 Pflum,
Klausmeier & Gehrum
Consultants, Inc.

5533 Fair Lane
Cincinnati, Ohio
45227

APR 24 2001

Tel: 513.272.5533
Fax: 513.272.5522
Web: <http://www.pkgconsult.com>

20 April 2001

Mr. Mike Hargas
Paul Hemmer Companies
250 Grandview Road, Suite 408
Ft. Mitchell, Kentucky 41017

Engineering
Planning
Landscape Architecture

Dear Mr. Hargas:

The purpose of this letter is to document our analysis of the need for signalization at the intersection of KY 237 (North Bend Road) and Cougar Path/Langley Drive. The possible need for signal control results from the expansion of the Airpark West development north and northwest of the present development areas.

The proposed expansion will provide for 1,750,000 square feet of Industrial Park use and 840,000 square feet of warehousing use. According to the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 6th Edition, the following trip ends could be generated during the AM and PM peak periods.

	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>		
	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Industrial Park	934	205	1139	252	947	1199
Warehousing	<u>302</u>	<u>66</u>	<u>368</u>	<u>88</u>	<u>278</u>	<u>366</u>
Total Trips	1236	271	1507	340	1225	1565

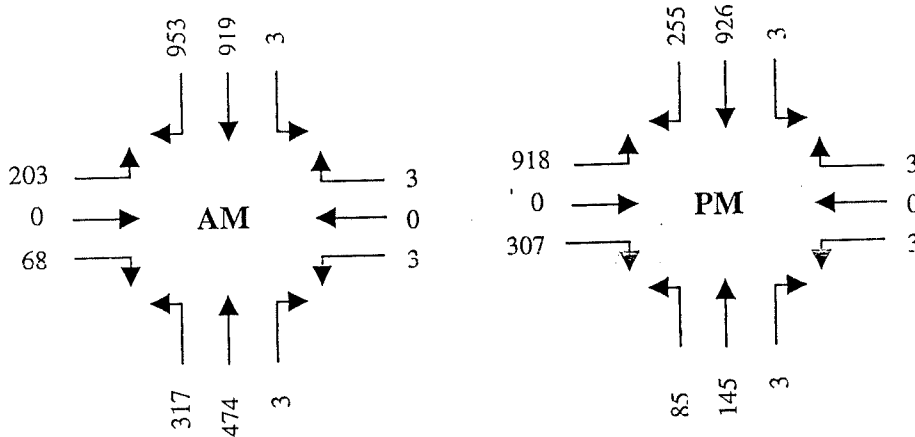
The assignment of these trips to the intersection of KY 237 and Langley Drive/Cougar Path assumes the same travel patterns as the previous traffic studies that the majority of trips will be oriented to and from the I-275 corridor. For purposes of analysis, these trips were assigned to the intersection at the AM and PM peak hour periods using the existing KY 237 volumes.

Offices:
Cincinnati, OH
Indianapolis, IN
Hudson, OH
Glasgow, Scotland
Charleston, WV



Pflum,
Klausmeier & Gehrum
Consultants, Inc.

Mr. Mike Hargas
20 April 2001
Page Two



Analysis of the potential AM and PM intersection traffic with unsignalized operation indicates that the eastbound left-turn movements will encounter very long delays in accessing KY 237 due to the lack of adequate gaps in traffic and the 55 mph speeds. A copy of the level of service analysis is provided as an attachment to this letter.

According to the signal warrant requirements from the Manual on Uniform Traffic Control Devices, the Peak Hour Volume Warrant would be met during both the AM and PM peak hours.

At the present time, a traffic signal is in operation at the intersection of KY 237 and Wright Boulevard/Conner Road to the south. Comparison of the volumes of traffic generated by the development on Wright Boulevard, the proposed site expansion of Airpark West on Longley Drive will likely produce the equivalent volumes of traffic and travel patterns that justifies that signal.

Based upon anticipated site development of Airpark West expansion, it is our recommendation that the intersection of KY 237 and Longley Drive/Cougar Path be signalized to maintain acceptable levels of service and assure public safety at this location.

Sincerely,

PFLUM, KLAUSMEIER & GEHRUM CONSULTANTS, INC.

John E. Gehrum, Vice President

JEG/sdn
I-3412
Attachment

TWO-WAY STOP CONTROL SUMMARY

Analyst: JEG
 Agency/Co.: PKG
 Date Performed: 4/20/01
 Analysis Time Period: PM Peak Hour
 Intersection: KY 237 & Langley/Cougar Path
 Jurisdiction: Boone County
 Analysis Year: 2001
 Project ID: Airpark West expansion
 East/West Street: KY 237
 North/South Street: Langley Dr. / Cougar Path

Intersection Orientation: NS Study period (hrs): 0.25

		Vehicle Volumes and Adjustments					
Major Street:	Approach Movement	Northbound			Southbound		
		1 L	2 T	3 R	4 L	5 T	6 R
Volume		85	1452	3	3	926	255
Peak-Hour Factor, PHF		1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR		85	1452	3	3	926	255
Percent Heavy Vehicles		0	--	--	0	--	--
Median Type	Undivided						
RT Channelized?							
Lanes		1	2	0	1	2	0
Configuration		L	T	TR	L	T	TR
Upstream Signal?		No			No		

Minor Street:	Approach Movement	Westbound			Eastbound		
		7 L	8 T	9 R	10 L	11 T	12 R
Volume		3	0	3	918	0	307
Peak Hour Factor, PHF		1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR		3	0	3	918	0	307
Percent Heavy Vehicles		0	0	0	0	0	0
Percent Grade (%)		0			0		
Median Storage							
Flared Approach: Storage	Exists?	No			No		
RT Channelized?							
Lanes		0	1	0	1	1	0
Configuration		LTR			L	TR	

		Delay, Queue Length, and Level of Service						
Approach Movement	Lane Config	NB	SB	Westbound			Eastbound	
		1 L	4 L	7 L	8 LTR	9 L	10 L	11 L
v (vph)		85	3	6			918	307
C(m) (vph)		599	471	18			34	456
v/c		0.14	0.01	0.33			27.00	0.67
95% queue length		0.49	0.02	0.93			113.53	4.89
Control Delay		12.0	12.7	284.1				27.7
LOS		B	B	F			F	D
Approach Delay								
Approach LOS					F			F

TWO-WAY STOP CONTROL SUMMARY

Analyst: JEG
 Agency/Co.: PKG
 Date Performed: 4/20/01
 Analysis Time Period: AM Peak Hour
 Intersection: KY 237 & Langley/Cougar Path
 Jurisdiction: Boone County
 Analysis Year: 2001
 Project ID: Airpark West expansion
 East/West Street: KY 237
 North/South Street: Langley Dr. / Cougar Path

Intersection Orientation: NS Study period (hrs): 0.25

Vehicle Volumes and Adjustments							
Major Street: Approach Movement	Northbound				Southbound		
	1 L	2 T	3 R	4 L	5 T	6 R	
Volume	317	474	3	3	953		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR	317	474	3	3	953		
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized?							
Lanes	1	2	0		1	2	
Configuration	L	T	TR		L	T	
Upstream Signal?		No				No	

Minor Street: Approach Movement	Westbound				Eastbound		
	7 L	8 T	9 R	10 L	11 T	12 R	
Volume	3	0	3	203	0	68	
Peak Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	
Hourly Flow Rate, HFR	3	0	3	203	0	68	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)		0			0		
Median Storage							
Flared Approach: Exists? Storage		No				No	
RT Channelized?							
Lanes	0	1	0		1	1	0
Configuration		LTR			L		TR

Delay, Queue Length, and Level of Service								
Approach Movement Lane Config	NB	SB	Westbound			Eastbound		
	1 L	4 L	7 L	8 LTR	9 L	10 L	11 L	12 TR
v (vph)	317	3		6		203		68
C(m) (vph)	729	1096		80		32		541
v/c	0.43	0.00		0.08		6.34		0.13
95% queue length	2.21	0.01		0.24		24.48		0.43
Control Delay	13.7	8.3		53.6				12.6
LOS	B	A		F		F		B
Approach Delay				53.6				
Approach LOS				F				F

6 USES ELIMINATED

SECTION 1131

Principally Permitted Uses

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
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 of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Technology and research centers including medical and hospital research establishments;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;

20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Research, development and testing services;
29. Detective and protective services;
30. Photo finishing and other photographic laboratories;
31. Electrical repair and armature rewinding services;
32. Reupholstery and furniture repairing and refinishing services;
33. Scientific research services and laboratories;
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
35. Postal services and related storage, distribution and transfer activities;
36. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
38. Freight forwarding, packing and crating services;
39. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
40. Equipment rental and leasing services including automobiles and trucks;
41. Wholesale trade of containerized paints, varnishes, chemicals and allied products;

42. Manufacture of plastic products but not the primary manufacture of plastics;
43. Welding shops for the repair of industrial machinery and heavy equipment;
44. Truck stops;
45. Recycling centers;
46. Fire stations or fire related or protective services including rescue services.

SECTION 1132
Accessory Uses

(8 USES ELIMINATED)

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Historic sites, structures, monuments and other exhibits available public viewing;
 - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - d. Golf course and tennis courts;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
 - h. Recreation/Health centers.
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
4. Marine freight terminals;
5. Employment services;
6. Signage (See Article 34);
7. Parking (See Article 33);
8. Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
9. Food service for office, manufacturing or distribution uses.

SECTION 1133

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

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;

The permission of such uses will be decided on an individual basis;

2. Poultry and small game dressing and packing;
3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and auto repair facilities;
6. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
7. Banking and credit union services (including drive-thru facilities);
8. Labor unions and similar labor associations;
9. Nursery and child care centers;
10. Hotels and motels;

11. Commercial recreation such as recreational centers, gymnasium, bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
12. Wholesale vehicle sales or auctions;
13. Churches, synagogues, temples and other places of religious assembly for worship.

SECTION 1134

Intensity

The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

SECTION 1135

Minimum Size

The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 1136

Performance Standards

Each development in the Industrial One district shall meet the following applicable performance standards pertaining to noise, vibration, air pollution, dust control, heat, lighting and landscaping (See Article 31):

General: No land or structure in an I-1 district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition which may affect any other property, including, but not limited to a) noise, b) vibration or shock, c) air pollution, d) dust control, e) heat, f) lighting, g) landscaping & buffering.

SECTION 1140

INDUSTRIAL TWO (I-2)

The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

SECTION 1141

Principally Permitted Uses

The following uses are permitted:

1. Any principally permitted use of an Industrial One (I-1) district.

Also permitted are uses which involve the manufacture, assembly, processing, treatment, or storage of the following:

2. Acids, creosote, or petroleum products;
3. Bag cleaning;

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
July 18, 2001
7:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Charlie Reynolds
Mr. Robert Ries

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

The Recording Secretary advised the Commissioners of the Bills to be Paid and the Salaries and Benefits for 7/1/01 – 7/3/01:

SALARIES AND BENEFITS:

Recording Clerk Fees	\$ 1,450.00
Engineering/Surveying Fees	2,791.66
FICA - BCPC Portion	888.37
Retirement-BCPC Portion	8,419.94
Salaries - Admin Svcs Staff	1,289.47
Salaries - GIS Staff	1,328.48
Salaries - Planning Staff	2,411.95
Salaries - Zoning Staff	2,525.88
Salaries BCPC & BOA	1,731.78
Salary Withhold/Taxes	2,506.95
Workers Comp Insurance	3,841.20

TOTAL: \$29,185.68

EXPENSES:

Accounting Fees	\$ 370.00
Advertisements/Recruitment	203.00
Attorney Fees	7,467.50
Auto Expenses	1,304.35
Filing Fees (CLURs)	207.00
Miscellaneous Expenses	206.14
Office Equip/Depreciation	258.52
Professional Development	3.04
Printing/PubDuesSubscrip	2,182.94
Prof.Services/Consultants	9,915.97
Refunds	260.50
Office & Board Mtg. Supplies	967.05

TOTAL: \$23,346.01

GRAND TOTAL: \$98,367.72

Mr. McMillian moved to approve the salaries, benefits, and bills which have been paid. Mr. Chaney seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. **Zoning Map Amendment**

The request of **Paul Hemmer Development Company III (applicant) for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103-acre area at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane, and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

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

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

Mr. Zimmer stated that although exceptional effort was made by the Zone Change Committee and the applicant to craft a plan that would suit all parties, he recommends that the request be denied on the basis that the 2000 Comprehensive Plan Land Use Map shows half the area of the request to be Business Park. The Business Park designation includes a mix of office warehouse/research/office and light industrial uses in a parklike setting with large building setbacks, low floor area ratio, integrated pedestrian/recreational facilities, extensive landscape areas, and attractive entrance treatments. He stated that Business Park is recommended for transitional areas between industrial and residential uses. He stated that the request is for the I-1 Zone and most of the western portion of the project is covered with 38-foot high, large floor area buildings of tilt-up concrete, with minimal landscaping, and outside storage. The intended use is truck distribution. The size, orientation, and footprints of these buildings, along with the lack of internal landscaping and pedestrian/recreational paths, cannot meet the intent of the Business Park designation. The reasoning for the Business Park designation on the west side of KY 237 going west on KY 20 is to isolate the truck/distribution facilities adjacent to the I-275 exchange and the four-lane sections on KY 237 and keep industrial traffic off the residential streets. The Business Park designation was applied going west along KY 20 and along the south side of I-275 to provide an excellent transition to residential land use. He stated that 38-foot high concrete walls can only appeal to trucks. Approving this application will begin an inappropriate and unplanned march down KY 20 with I-1 uses. He stated that there are still large tracts of residential land that would be adjacent to this parcel and contiguous to KY 20, which could be potential I-1 connections back to KY 20. Approving this application would place the existing residential tracts adjacent to this proposal directly against I-1 without proper or planned transition. He stated that the applicant argued that they are not required to be the sole supplier of Business Park amenities in this area and could be the I-1 uses of a larger business park – but that does not fit the reasoning of transitional Business Park usage. Where is the rest of the business park and will we ever see it? He stated that the Committee Report points out two failed previous applications for residential zoning as reason for approving this application, which is not an appropriate reason for a zone change. There are three criteria for approval of a zone change and he does not believe any have been met.

Mr. Knock asked that Condition #3 of the Committee Report be amended to include the word “above” when referring to Condition #2 as there are a lot of numbers in the report. He referred to Condition #9B and questioned why

“assembly” is eliminated since it goes along with distribution and storage. Mr. Wall responded that the applicant agreed to all of the conditions.

Mrs. Posten stated that she was on the Committee and voted for approval of the Committee Report, but she has since changed her position due to the issue of transition to the adjoining residential areas. She apologized for her vote in Committee and stated that she will vote to deny the request.

Mr. Hicks stated that half of the development is Business Park, and industrial fits in Business Park somewhat. He stated that it is hard to get the look Mr. Zimmer wants in a Business Park when you are driving through an industrial park to get to the site. He stated that in the Comprehensive Plan, half of the property is Business Park and the other half is SR and the lines in the Comprehensive Plan are not absolute definitive boundaries. This is one piece of property and it is reasonable to consider the whole tract as Business Park. He stated the residential was argued -- a lot of people showed up -- and Fiscal Court overturned it once. This time there was only one really negative comment from a resident and her property looked over the Business Park area already -- she just thought she bought next to a park, but it is not her property. He stated that the intensity is 17,000 square feet, which is a 32% reduction, and the height of the buildings at 38 feet is a 24% reduction from the fifty-foot high buildings. He stated that there is plenty of green space adjacent to Fawn Drive and the residents were happy with that. The residents were against extending their road out and so were the people on Bullittsville. There was one person on Bullittsville who objected and Mr. Hargis moved the big building away from that side to give more buffering.

The Chairman asked if there were any further comments. There being no response, he asked for a vote on the motion made by Mr. Hicks which found Mr. Knock, Mr. Newman, Mr. White, Mrs. Wilson, and Mr. Hicks in favor. Mr. Barlow, Mr. McMillian, Mrs. Poston, Mr. Schwenke, Mr. Zimmer, Mr. Chaney, and Chairman Caddell were opposed. Mrs. Kegley passed. Counselor Wilson advised that a pass vote goes with the majority. With 5 votes in favor, 7 opposed, and 1 pass, the motion did not carry. The official vote was 5 votes in favor and 8 opposed to the motion. Counselor Wilson stated that because a motion to approve failed, that does not automatically deny the request. A motion with findings would be required to deny the request.

Mr. Zimmer moved by resolution to Boone County Fiscal Court that the request be denied based on the findings of fact. Mr. Costello presented the Findings of Fact (see Exhibit 1 - Findings for Denial). Mr. Chaney seconded the motion.

There being no discussion, the Chairman asked for a vote on the motion made by Mr. Zimmer which found Mr. Barlow, Mr. McMillian, Mrs. Poston, Mr. Schwenke, Mr. Zimmer, Mr. Chaney, and Chairman Caddell in favor. Mr. Knock, Mr. Newman, Mr. White, Mrs. Wilson, and Mr. Hicks were opposed. Mrs. Kegley passed. The motion carried with 7 votes in favor, 5 opposed, and 1 pass. The official vote was 8 votes in favor and 5 opposed to the motion to deny the request.

FINDINGS FOR DENIAL

HEMMER, ESCUE, BEARD, JACOBS, AND THIESSEN ZONE CHANGE

July 18, 2001

The requested zone change from RSE to I-1 for 103 acres located at the west end of Langley Drive and the south end of Bullock Lane should be denied for the following reasons.

1. The request is not in agreement with the adopted Comprehensive Plan. The Plan designates approximately 53 acres of the west part of the site for Suburban Density Residential uses and the remaining east part of the site for Business Park uses. A light industrial and office park is proposed for the entire 103 acres, and not just the portion of the site that is within the Business Park area. Of particular importance is the fact that a building which is over 2,000 feet long and over one million square feet in size is proposed in the western part of the site - a building of this size and scale will have substantial impacts on the adjoining residential properties. The Suburban Density Residential and Business Park designations were placed on the site to provide a meaningful transition between the developing light industrial park and the adjoining residential uses - the definition of "Business Park" even emphasizes this fact. However, the proposal basically provides no real transition between the light industrial and office uses and the adjoining residential uses, regardless of landscape buffering, installation of trees, berming, etc., because the dominance of such a mega-scaled building and the activity that it generates simply can not be overcome by such means. A revised Concept Development Plan that included smaller, less dominating, buildings could possibly provide an appropriate transition as intended by the Comprehensive Plan.

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. The Comprehensive Plan does include an "Industrial" designation. 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, 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 to insure a proper relationship with the adjoining residential areas.

2. No facts which legitimately support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate have been identified.
3. No facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the recently adopted comprehensive plan that substantially alter the area's character have been identified.

EXHIBIT
"B"

**READ AND ADOPTED AT THE
JULY 18, 2001 BUSINESS MEETING**

FINDINGS FOR DENIAL

**HEMMER, ESCUE, BEARD, JACOBS, AND THIESSEN
ZONE CHANGE**

July 18, 2001

The requested zone change from RSE to I-1 for 103 acres located at the west end of Langley Drive and the south end of Bullock Lane should be denied for the following reasons.

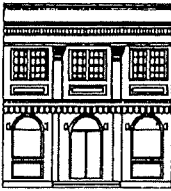
1. The request is not in agreement with the adopted Comprehensive Plan. The Plan designates approximately 53 acres of the west part of the site for Suburban Density Residential uses and the remaining east part of the site for Business Park uses. A light industrial and office park is proposed for the entire 103 acres, and not just the portion of the site that is within the Business Park area. Of particular importance is the fact that a building which is over 2,000 feet long and over one million square feet in size is proposed in the western part of the site - a building of this size and scale will have substantial impacts on the adjoining residential properties. The Suburban Density Residential and Business Park designations were placed on the site to provide a meaningful transition between the developing light industrial park and the adjoining residential uses - the definition of "Business Park" even emphasizes this fact. However, the proposal basically provides no real transition between the light industrial and office uses and the adjoining residential uses, regardless of landscape buffering, installation of trees, berming, etc., because the dominance of such a mega-scaled building and the activity that it generates simply can not be overcome by such means. A revised Concept Development Plan that included smaller, less dominating, buildings could possibly provide an appropriate transition as intended by the Comprehensive Plan.

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. The Comprehensive Plan does include an "Industrial" designation. 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, 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 to insure a proper relationship with the adjoining residential areas.

Findings for Denial
July 18, 2001
Page 2

2. No facts which legitimately support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate have been identified.
3. No facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the recently adopted comprehensive plan that substantially alter the area's character have been identified.

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

FAX TRANSMITTAL

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

TO: RODNEY

COMPANY: _____

FAX # _____

FROM: KEVIN W.
BOONE COUNTY PLANNING COMMISSION

PH. # (859) 334-2196

FAX # (859) 334-2264

RE: ESCUE/HEMMER

NO. PAGES 7
(Including Cover Page)

DATE: _____

TIME: _____

You are being sent the following:

Copy of Letter

For Your Approval

Copy of Report/Drawing

For Your Use

Other:

As Requested

For Review & Comment

Hard Copy to Follow via U.S Mail: Yes No (Circle One)

COMMENTS:

If information is not complete, please contact us immediately at (859) 334-2196. Thank you.

***This Committee Report was read but not adopted.
Findings for denial were presented at the Business Meeting.***

#1

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Zimmer, Chairman

DATE: July 18, 2001

RE: Request of **Paul Hemmer Development Company III (applicant)** for **Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane, and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

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 2000 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the eastern part of 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. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." It is the Committee's conclusion that the proposed Concept Development Plan with the agreed conditions outlined below, fulfill the Business Park definition, especially when considering that

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
Paul Hemmer/Escue/Jacobs/Beard/Thiessen/Bullock Lane
July 18, 2001
Page 2

the proposal is for a light industrial and office development which serves as a transition to adjoining residential areas. The western part of the site is designated for Suburban Density Residential uses on the Future Land Use Map, however, the Committee has concluded that the entire tract should be interpreted for Business Park uses when considering the conceptual nature of the Map and when considering that the larger Escue tract is bisected by the Business Park/Suburban Density Residential boundary. A strict, "mechanical" reading of the Map would result in a landlocked remainder tract at the west end of the overall site which would be hindered for residential development.

- B. The Land Use Element states that "industrial developments should be designed to direct truck traffic to collector roads and away from KY 20" and "small roads in the area, such as Bullock Lane, are not suitable for serving subdivision or industrial traffic and must be upgraded or bypassed in such development." The Concept Development Plan and agreed conditions of approval require that vehicular access be provided only from the existing Airpark West development to the east, which connects directly to KY 237. Truck traffic is directed away from KY 20 and will not affect nearby Bullock Lane or Fawn Drive.
- C. The Housing Element states "property on the north side of KY 20 and near existing and planned Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses." The project site is near existing and planned Airport runways and the development will include light industrial and office uses. Based on the Concept Development Plan and the agreed conditions, the Committee has concluded that the development will be properly buffered from adjoining uses.
- D. The Goals and Objectives state "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" and "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." The proposed light industrial

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
Paul Hemmer/Escue/Jacobs/Beard/Thiessen/Bullock Lane

July 18, 2001

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and office development provides an efficient development pattern which directly accesses KY 237. As noted above, the Committee has concluded that appropriate buffering will be provided. Additionally, much of the adjoining area is currently undeveloped, thus, the landscape buffer areas will be maturing when these adjoining areas are developed.

- E. 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 Goals and Objectives. Specific references to the Guidelines and Goals and Objectives are outlined in the staff report for this application. The conditions in question pertain to landscape buffering, architectural requirements, lighting requirements, use limitations, and access restrictions.
2. The Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate due to the following reasons.
- A. The property has been the subject of two failed rezoning attempts for residential development. These attempts were unsuccessful largely due to access problems which could not be successfully resolved and incompatibility with the adjoining areas.
 - B. The only reasonable vehicular access to the property is through the developing Airpark West industrial park to the immediate east. As mentioned previously, the site is essentially landlocked otherwise, especially since the Comprehensive Plan appropriately dictates that smaller streets such as Bullock Lane and Fawn Drive are not suitable for subdivision traffic. Additionally, vehicular access between this site and the original Hemmer/Escue zone change site, which is now part of the I-1 zoned Airpark West, was required as a condition of approval of that zone change. Thus, when considering the strong interrelationship between the two properties, and the lack of an interrelationship with the other adjoining properties, the Committee has concluded that the proposed zoning classification is appropriate.

1. The Committee has concluded that the attached conditions are necessary to achieve consistency with the Business Park designation and the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. 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 property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. A standard residential cul-de-sac shall be constructed at the proposed dead end at the south end of Bullock Lane, at the developer's expense.
2. Buffering shall be provided around the perimeter of the site in accordance with the revised Concept Development Plan drawings received by the Planning Commission on May 23, 2001 and the applicable requirements of the Zoning Regulations. The buffer along the north property line and area adjacent to Fawn Drive shall include undulating and/or meandering berms which are from 0 feet to at least 8 feet higher than the adjoining property line; and the buffer shall include natural appearing groves and clusters of trees, versus a single continuous berm with repetitious plantings. The initial 10 feet adjoining the property lines in the buffer areas adjoining residential areas shall remain undisturbed. The residential sides of the bermed buffer areas shall be seeded with a natural appearing ground cover which includes trees and/or pasture grasses, and the side facing the interior of the development shall be covered with a grass turf.
3. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing any public road except for Bullock Lane, and screened in accordance with condition #2. Additionally, to reduce the appearance of the mass and scale of the buildings as seen from the adjoining residential areas, the roof lines of the buildings shall be staggered, and landscape islands shall be provided along the facades of the buildings to create three dimensional breaks and spaces along the exterior walls. Trees which will grow to at least the height of the specific building in question shall be planted within the spaces created by the landscape islands along the facades.
4. The development shall not use Bullock Lane or Fawn Drive for vehicular access.

5. The north-south vehicular connection between Langley Drive and Wright Boulevard shall be constructed in the alignment generally depicted by the hatched line on the revised Concept Development Plan drawing received by the Planning Commission on May 23, 2001. This connection is required by the zone change approval for the original 210 acre section of Airpark West, although a specific alignment had not been previously required.
6. Driveway connections shall be provided between the various lots within the development to insure that there are at least two vehicular routes to and from each building. The driveway connections shall eventually connect each building site to Langley Drive and the north-south connection described in Condition #5.
7. All freestanding light fixtures shall be limited to 15 feet in height and shall be downlit. Wall pack fixtures shall be shielded so that the luminaries are not visible from adjoining properties. Lighting shall be controlled so that there is no measurable light (less than one footcandle) at the interior edges of the landscape buffers that are required around the perimeter of the site.
8. Outside storage must be screened and located so that it adjoins a building facade within the development, and any outside storage area shall not extend more than 50 feet from the facade which it adjoins. Outside storage cannot be visible from any point from the residential properties adjoining or near this development.
9. 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 #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 of rawhides or skins;
 - II. Principally Permitted Use #44: Truck stops;
 - III. Principally Permitted Use #45: Recycling centers;
 - IV. Accessory Use #3: Railroad right-of-way including switching and marshaling trackage and freight terminals;
 - V. Accessory Use #4: Marine freight terminals;
 - VI. Conditional Use #1, "a" through "h": 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;
 - VII. Conditional Use #2: Poultry and small game dressing and packing;
 - VIII. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - IX. Conditional Use #5: Gasoline filling stations and auto repair facilities;
 - X. Conditional Use #6: Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
 - XI. Conditional Use #10: Hotels and motels.
- B. The following uses categories normally permitted in the I-1 zone shall be restricted in the manners described below.
- I. Principally Permitted Use #10: "Soaps and detergents"; uses involving these products shall be limited to wholesale distribution and storage only, and shall not involve manufacture or assembly;
 - II. Principally Permitted Use #33: "Scientific research services and laboratories"; this use category shall not include the cremation or disposal of lab animals on the property.
 - III. Principally Permitted Use #40: "Equipment rental and leasing services including automobiles and trucks"; automobiles and trucks shall be excluded from this use category;

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.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
April 25, 2001
7 P.M.

PUBLIC HEARING

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

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:03 P.M. and introduced the item on the Agenda:

1. Applicant: Paul Hemmer Development Company III for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners)

Request: Zoning Map Amendment Zoning

The request of Paul Hemmer Development Company III (applicant) for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103-acre area at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane, and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

Staff Member Kevin Wall presented the Staff Report (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis, architect and Vice President of Paul Hemmer Development Company, presented and reviewed the Site Plan. He stated that the project involves five separate property owners and 103 acres of land immediately adjacent to Airpark West Industrial Park. The property will be served by the new industrial road, which is Langley Drive. He indicated a 260-acre tract along KY 237 which is currently zoned Industrial. Reviewing the exhibit, he explained that Airpark West is currently served by Wright Boulevard and Langley Drive, which would be extended to the industrial cul-de-sac in the location shown. He stated that they have shown four buildings on the subject property. Approximately 80% of the site would be developed by another company. Hemmer would design and construct the property and would retain property up front along the existing Bullock Lane ("the dogleg") for a potential Hemmer project. That property was designated Business Park in February, but when they started the process four years ago with the original 260 acres, there was no such designation. Two attempts to rezone the subject property Residential were turned down. The Business Park zone requires a mixture of industrial/commercial/office, but there is no regulation requiring all those elements to occur on a given parcel. They do not have to provide the mix of uses on this 103 acres because along KY 237 there are other areas in that designation that provide for commercial (i.e., gas stations, restaurants, etc.). Their contribution to the Business Park zone will be the continuation of the industrial development and there will be the mix along KY 237 from the I-275 interchange. They do not plan office buildings, restaurants, or any other commercial uses in the Business Park zone on this site. He stated that if this project were straight Industrial, he would be permitted 25,000 square feet of building per acre, which would allow 2,575,000 square feet on this site (57.4% coverage), but they are proposing 1,750,000 square feet, which is 17,000 square feet per acre (a reduction of 39% in the allowable build area). Referring to the exhibit, Mr. Hargis reviewed the proposed screening of the site. They propose a 25-foot buffer on the north property line, per the regulations. He indicated where 250 evergreens and 120 trees would be required to be planted as a buffer, which they will do in compliance with the ordinance. Reviewing the setbacks, he noted a minimum of 25 feet from the undeveloped area to the south increasing to approximately 200 feet, and stated that they will maintain the green areas. He indicated the southern corner of the site where there would be a minimum 50-foot setback to the end of the pavement. The distance from the paved area to the property lines ranges from 50 feet to 220 feet, which is a substantial increase beyond the requirements. Access to the site is intended to be along Langley Drive (see sketch attached to the Staff Report). He stated that the easement will be retained so that Mr. Escue will have access to his property. He indicated on the exhibit how they would loop the road internally. He stated that as part of the initial zoning request they talked about connecting Langley Drive to Wright Boulevard along the front, but they are now showing the connection in the larger loop to cover more area. A Traffic Study done by Pflum, Klausmeier & Gehrum (see Exhibit 1) indicated that a traffic signal would be warranted at the intersection of Langley Drive and KY 237 and they will submit an application to the state through Fiscal Court to put a traffic signal there to help facilitate a

left-hand movement back to I-275 from this site. Mr. Hargis reviewed the T-intersection at Bullock Lane and stated that there would be no physical connection of the industrial park roadways to any of the residential streets. They will connect the sidewalk system along Langley Drive close to the T-intersection as recommended by Staff. Utilities of adequate size and capacity are available to serve the project. All of the utilities should be able to be extended down the new Langley Drive to serve the back parcel. Mr. Hargis stated that they will be ultimately responsible for the traffic signal, but they reserve the right to talk to other authorities that might help financially. He stated that the Business Park zone talks about recreational use, but the only recreational use they could come up with in an industrial park is a walking path/sidewalk system, which they agree to provide. They are in agreement in regard to the signage and architectural design and will provide the signage package and coordinated signage/architectural review as part of Site Plan Review, as they have done on the 260-acre parcel in the front. They are in full agreement regarding the lighting and will cut off the foot candle level at the property line or buffer, whichever is agreed upon. There will be no foot candles bleeding over onto other properties. He stated that on the front 260 acres, they agreed to limit the uses on a voluntary basis and have eliminated six Permitted Uses and eight Conditional Uses (see Exhibit 2). These are the same uses that were voluntarily eliminated at the time of the Escue zone change and the original Airpark West zone change and can be discussed further at the Committee Meeting. He stated that the site is not a high-visibility site. There is a ridge line and it is a "pocket" or "filler" site. It is the site of the horse training track and the barns. He stated that this project will not cause additional trucks or automobiles on Bullock Lane, Fawn Drive, Bullittsville Road, or KY 20. This completed the applicant's presentation.

The Chairman was if there was anyone else present who wished to speak in favor of the proposal.

Mr. Ray Thiessen, 3322 Bullock Lane, stated that he believes this is the best use of the property and it is much better than some of the past residential proposals.

There being no one else present who wished to speak in favor of the request, the Chairman asked if there was anyone present in opposition.

Lucy Cable, 3107 Bullock Lane, stated that she bought her home a month ago. Her property is adjoining, except for the driveway in between. She stated that there is now a lake on the property with a flock of geese. Her house was advertised as being in a park setting, which will be gone and her view will be destroyed. She feels that this was supposed to be farmland. She did not receive notification of the Public Hearing.

Mr. William Holt, 2888 Fawn Drive, questioned how the zone change would affect his property. He feels that this is a heavy industrial use and that they could build battleships in some of the buildings. He questioned what "light industrial"

means. He questioned the visual affect of this development on his property. He asked if the Escue property includes the Beard property. Mr. Hargis responded that it includes some of the Beard property. Mr. Wall indicated the location of the Holt house on the Power Point presentation and Mr. Hargis reviewed the exhibit with Mr. Holt.

In response to a question from Mr. Ries, Mr. Wall indicated the location of the Cable house and noted the driveway of a flag lot that runs between the Cable property and the subject property.

Chairman Caddell questioned the height of the proposed buildings. Mr. Hargis responded that normally they are about 32 feet clear height and will end up being about 38 feet high. He stated that the I-1 zone permits the buildings to be 50 feet high.

Mr. Holt questioned when construction would start. Mr. Hargis responded that they would not hold the property very long before developing it and that construction could start in six to eight months. Mr. Holt questioned the buffer. Mr. Hargis responded that there would be a landscape berm with trees and evergreens. He indicated on the exhibit where they would be required to have almost five hundred trees and stated that they are required to have twelve trees per hundred feet. Mr. Holt stated that the information is helpful, but he does not feel that this is "light industrial". Mr. Hargis responded that "light industrial" refers to the process, not the size of the operation. He stated that these buildings will be more for warehousing and distribution than manufacturing.

Chairman Caddell explained to the public that if the Zone Change Committee believes that certain uses would not be suitable for this property because of the surrounding properties, they can discuss the possible elimination of certain uses even though they are approved in the zone. He advised the public that they are permitted to attend the Committee Meeting. The Chairman requested a summary of the Permitted Uses in the I-1 zone. Mr. Wall reviewed the I-1 uses noting that included are the list of uses in the Office Two (O-2) zone, wholesale distribution, storage, manufacturing and assembly of industrial products, and also including uses such as metal shops and printing shops. Heavy industrial uses that include a lot of chemicals and smoke stacks are not permitted. Junkyards are not permitted in the I-1 zone.

The Chairman asked if there was anyone else present who wished to speak in opposition to the request.

Mr. Charles Patrick, 3423 Petersburg Road, stated that he prefers the industrial zone to houses and is not for or against the request. He asked if any wetlands are set aside. He questioned residential uses.

Chairman Caddell responded that there would be no residential use as part of this request. Mr. Hargis stated that there are no wetlands on the property, but there is a blue line stream.

Mr. Ken Robinson, 3065 Bullock Lane, questioned "blue line stream" and questioned there being no wetlands on the property. Mr. Wall responded that a blue line stream is designated by the USGS (United States Geological Survey) on their quadrangle maps. A blue line stream is expected to have water running through it all year. He indicated the location of the blue line stream. Mr. Hargis stated that the industrial use stops short of the pond and there are no significant environmental issues on the property. There are some areas that are regulated and a permit is required -- such as the area below the lake. He stated that they are allowed to disturb a certain number of linear feet of a blue line stream with a permit and they are allowed to vacate a farm pond as long as it is less than one acre under a national permit. He indicated the areas they will preserve to help buffer the area on Fawn Drive.

Mr. Robinson asked if they are to assume that the pond and everything will be taken out. Mr. Hargis responded "yes".

Mr. Robinson questioned traffic on Bullock Lane. Chairman Caddell responded that Bullock Lane will not be connected to this development. Mr. Robinson questioned the T-intersection. Mr. Hargis responded that it forms a "T" so that people can turn around. Mr. Robinson stated that the T-intersection is about two-thirds of the way before the end of the street. Mr. Hargis responded that they have to service the lady's driveway and this is a logical solution. Mr. Robinson questioned the properties at the end of the road. Mr. Hargis responded that they are part of the zone change and will be purchased by Hemmer. Mr. Robinson asked if those homes will be removed. Mr. Hargis responded that they will be removed at some point in time.

Chairman Caddell stated that how the T-intersection evolves will have to be approved by the County Engineer.

Mr. Robinson asked if the applicant plans to use Bullock Lane at all. Mr. Hargis responded "no" and stated that all the traffic will come off KY 237 and go down Langley Drive into the Escue property. Chairman Caddell asked Mr. Hargis review the exhibit with Mr. Robinson in response to his questions.

Mr. Elmer Jacobs, 3232 Bullock Lane, stated that his property is zoned Industrial, but he is not ready to move out of his residence. He questioned how he would access his property, how he will get mail delivery, and how he will get garbage pick up.

Mr. Wall indicated the Jacobs house on the Power Point presentation and stated that he did not know Mr. Jacobs still lived there. He stated that the Jacobs

property was part of the 210-acre zone change. Mr. Wall stated that arrangements will have to be made to ensure Mr. Jacobs has services. Mr. Hargis stated that he will have to work with Mr. Jacobs and create a driveway that goes out onto Langley Drive.

Mr. Jacobs questioned water service. He stated that there is an 8" line under the road. Mr. Hargis stated that the intent is that Mr. Jacobs will be able to stay at his residence and they will do whatever is necessary to provide the driveway and utilities. Chairman Caddell asked if the applicant has the Jacobs property under contract to purchase at some point. Mr. Hargis responded "no". Mr. Jacobs stated that he has twenty-seven acres.

Counselor Wilson asked if Mr. Jacobs is an applicant to the zone change request. Mr. Hargis responded "yes" and stated that that is because of the little piece of property with the trailer that is on the "dogleg". The rest of the Jacobs property has already been rezoned. Chairman Caddell questioned how Mr. Jacobs gets in and out now. Mr. Jacobs responded that his driveway goes to Bullock Lane. Mr. Hargis stated that there will be a driveway on a temporary basis that goes to Langley Drive. He stated that he is not familiar with the water issue.

Chairman Caddell questioned if the applicant is asking the county to abandon part of Bullock Lane. Mr. Hargis responded that his information was that the dogleg of Bullock Lane is not a public road and is on the Escue property, but Greg Sketch then indicated that it was a public right-of-way and they would have to have it abandoned by purchasing the houses and rerouting the traffic.

Chairman Caddell stated that the Zone Change Committee will need to have a comfort level that these issues are resolved to meet Mr. Jacobs' concerns. Mr. Hargis agreed. Mr. Zimmer questioned if Mr. Jacobs owns out to KY 237. Mr. Jacobs responded "no". Mr. Hargis stated that he has access onto their industrial road because of the common property line. Chairman Caddell recommended to Mr. Jacobs that he attend the Committee Meeting.

The Chairman asked if there was anyone else present who wished to speak.

Mr. John Pelley, 2976 Fawn Drive, stated that there is a water meeting about Fawn Drive tonight and also this meeting. He questioned how they can be in two places at once. He questioned if Hemmer will bring the water line up Fawn Drive and back across the Beard property. Chairman Caddell responded that public water is not in the Planning Commission's venue, but that he would ask Mr. Hargis to share their plans with the residents. Mr. Hargis stated that their water will come off the extension from KY 237 and they have no plans to cross the Beard property. Mr. Pelley questioned the applicant's plans for the right-of-way between Lots 7 and 8 on Fawn Drive that goes back to the property they are buying. Mr. Hargis responded that it is not a public right-of-way. Mr. Pelley then determined that it is a flag lot. Mr. Pelley stated that on the paperwork they got

from Viox there is a dotted line showing the property that is staying with Beard and the property that is staying with Hemmer. Mr. Hargis responded that the dotted line is the limitations of the Beard property – Beard retains everything to the west of the line and is selling everything to the east of the line. It is a dashed line off the GIS map. He stated that there will be no access to their property from Fawn Drive. Mr. Pelley questioned how they will get rid of the easement. Mr. Pelley, Mr. Beard, and Mr. Hargis reviewed the plan. Chairman Caddell asked that comments be addressed to the Chair so that they can be part of the record. Mr. Beard stated that he will be building a house there.

Mr. Pelley restated his concern that there are two meetings about Fawn Drive at the same time. Chairman Caddell advised that the Planning Commission has no way of knowing when the Water Department schedules a hearing.

Mr. Tim Heile, 2927 Fawn Drive, questioned a dotted line on the map that is not on the Viox map. He indicated the dotted line he is referring to on the exhibit that runs east/west and goes behind Parcels 11 and 12 on Fawn Drive. Mr. Hargis stated that all of the lines came from the GIS map. Mr. Beard, Mr. Heile, and Mr. Hargis reviewed the exhibit.

Chairman Caddell asked if there was anyone else present who wished to speak in opposition to the request.

Mr. Harvey Richardson, 2377 Petersburg Road, stated that between the huge building shown on the exhibit and his property line is a truck court. He questioned what a truck court is. Mr. Hargis responded that it is the loading docks -- shipping will be on the south side of the building and receiving will be on the north side. He noted that the Richardson house is about 400 feet from the property line. Mr. Richardson questioned the buffer between his property and the truck court. Mr. Hargis responded that the buffer is an approximate six-foot high earthen berm with trees on top. He added that they can widen the berm and put some trees on the Richardson property. Mr. Richardson asked if the berm could be closer to the property line and higher. Mr. Wall stated that this can be addressed at Committee. Mr. Richardson stated that he is concerned about the buffering of noise. He is concerned about diesel trucks running all day and all night. He would like a high berm with evergreen trees on top to keep the lights from shining in his windows. He stated that his neighbor (Conrad) wants to know if Hemmer would be interested in purchasing his property. Chairman Caddell stated that that is not a matter before the Planning Commission. Mr. Richardson stated that he wants the berm and trees maintained to perpetuity so that there are no lights shining on his property. He questioned future expansion of the development.

Mr. Greyson Mullins stated that he lives next door to the Richardsons. He asked if the berm will keep the water from running down and the ground being muddy, especially during construction. He stated that he has a pristine lake, which he

indicated. Mr. Costello asked Mr. Hargis to address siltation of the lake. Mr. Hargis responded that they would have erosion control methods so that the topsoil and graded materials do not go offsite. He noted that the control methods are part of the Site Plan approval process.

Mr. Jerry Spada, 4663 Bullittsville Road, stated that his property is next to the Beard property. He did not receive notification of this hearing until last Saturday. He questioned how close the 38-foot building would be to him. He stated that he will be building a house on his property in the future. Mr. Hargis indicated the Spada property, which is about 400 feet away from their buildings and about 150 feet away from any paving. He stated that the property line will require landscape berm and additional trees. Mr. Hargis reviewed the proposed buildings and traffic flow with Mr. Spada.

Mr. Ken Robinson stated that the subject property is higher than the residences and questioned if there will be retention ponds on the property. Mr. Hargis responded that retention ponds are required and are designated on the exhibit. Mr. Robinson stated that following the Code is not always enough. He is worried about runoff on the residences. He questioned noise abatement. He questioned 24-hour truck courts. He stated that there are residences just a few feet from the truck court. Mr. Hargis responded that he does not know – the truck court could be 24-hours a day. Mr. Robinson questioned lighting. Mr. Hargis responded that they will be able to cut off the foot candle levels at the property line. Mr. Robinson stated that if the truck court has lighting 24 hours a day, that will be a problem for the homeowners. He stated that he is concerned about runoff retention, noise abatement, and lighting.

Ms. Mary Miles, 3093 Bullock Lane, stated that she is concerned about runoff. She stated that when it rains, the water runs down into the pond on the Escue property. She is concerned that if they have to take the driveway that belongs to Margo Grubbs, then the property will be up against her property. She lives in the second house going down the hill. She questioned the buffer along the Grubbs property line and Bullock Lane so that they do not see the lights from the trucks. She stated that she can see Toyota now since the trees Toyota planted are not grown. The existing trees on the Escue property are mature trees and it is a quiet area – but it will not be a quiet neighborhood with the construction and industrial development.

Mr. Wall advised that the Code requires Buffer Yard C, which has to be a minimum of twenty-five feet wide from the property line and it needs to include eight evergreens trees and four deciduous trees per one hundred linear feet. If there is three hundred linear feet along there, then there would be thirty-six trees. He stated that he recommended in the Staff Report. and Mr. Hargis appeared open to it, that there be earthen berms where possible in addition to the trees. Equally important is keeping the existing vegetation around the property lines with the

earthen berms behind them and the Buffer Yard C plantings on and around the bermed areas.

Mr. Richard Hoagland, 3085 Bullock Lane, stated that when Escue tried to rezone this property, the Committee said there had to be two separate entrances per the fire regulations. Mr. Wall responded that his understanding from the developer is that they will be looking at a cross connection at some point in time. He stated that the plan was reviewed by the Fire Department and they did not raise any issues with it. Mr. Costello stated that Airpark West has two curb cuts, which will be connected, and there is the potential of extending the loop. Chairman Caddell stated that they are not connected now, but possibly in the rezoning process they might be requesting that the street going back create a loop instead of the cross connection being closer to KY 237. They are required under the approval for Airpark West to connect those streets together. Mr. Hargis agreed. Mr. Hoagland disagreed and stated that the Committee said that there have to be two separate and distinct access and these accesses will meet. Mr. Hargis explained that per the original rezoning of the property, they are required to connect Langley Drive with Wright Boulevard – but at that time they did not have the Escue property or the other property and it was decided by the Zone Change Committee and the Planning Commission that they should connect them parallel to KY 237. However, the connection did not have to be made until the Jacobs property was developed or the Escue property (33 acres) was developed and neither of those properties are developed – so the connection is not required. He stated that with this zone change and this development, they will be able to make application for a traffic light and then they will ask to move the connection from up front to the back so that there is a loop. Mr. Hargis reviewed the exhibit with Mr. Hoagland in regard to his questions.

Ms. Cable asked if there could be greater than a 25-foot buffer since the residents will be looking at trucks all night long and right now it is a country atmosphere. Her bedrooms are at that end of the house and thirty-five feet from her house will be trucks all night long. Chairman Caddell responded that additional buffer can be addressed at the Zone Change Committee meeting.

Mr. Thiessen asked if this is an entire package or if the Planning Commission will look at each individual property. Chairman Caddell responded that the application is for all the properties together. Mr. Thiessen stated that over the years three sides of his property have been rezoned.

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

Mr. Hicks asked if the driveway between Lot 7 and Lot 8 is part of the application. Mr. Beard responded “no”. Mr. Hicks questioned his plans for that piece of property. Mr. Beard responded that he sold one of the lots and a house

will be built on it. Lot 8 will also be sold and a house built on it. Mr. Hicks asked if he was doing away with the flag lot easement. Mr. Beard responded "yes". Mr. Hicks asked if there will be one property line between Lots 7 and 8. Mr. Beard responded "that's correct".

Mr. McMillian questioned a wetland on Wright Boulevard. He stated that a curb cut could not go over a blue line stream. He questioned three curb cuts on KY 237. In regard to the curb cuts, Mr. Hargis stated that there is Toyota, Wright Boulevard, and Langley. He stated that they are allowed to do crossings over a blue line stream on their property and Wright Boulevard crosses. Mr. Costello stated that there was something that prohibited them from extending either road. Mr. Hargis responded that they do not have the land behind there. He noted that Wright Boulevard can be connected all the way to the west property line.

Mr. McMillian asked if the Escue house will stay. Mr. John Curtin with Paul Hemmer Development Company stated that Mr. Escue has up to six months after notice to relocate his home. They do not know for certain that Mr. Escue will move the house, but if he does he will be given six months notice. He may elect to let the house be demolished.

Mr. Zimmer asked that the Committee be provided with copies of the Public Hearing minutes and Committee Reports from the previous zone changes approved for Airpark West and the denials for the residential applications for this property.

Mr. Zimmer noted a comment by Mr. Spada that his property is contiguous and he was not notified until Saturday. He questioned the normal notification process. Mr. Wall stated that the notices go out about three weeks in advance and, with normal delivery, they arrive about two weeks in advance. He stated that Mr. Spada's reply card was returned on Monday or Tuesday. Mr. Zimmer asked Staff to follow up on the notice delivery.

Mr. Zimmer noted that the Concept Development Plan for Airpark West is attached to the August 19, 1998 Committee Report and questioned if it is current. If not, he requests that the latest Development Plans for the parcel contiguous to KY 237 and on both sides of Langley Drive be brought to the Committee meeting. Mr. Hargis stated that the only building there now is Toyota. He stated that he can tell the Commissioners what will be built on a couple of the properties, but construction has not started. Mr. Zimmer asked if the plan showing development on both sides of Langley Drive is a Concept Development Plan. Mr. Wall responded that it is, but the approval is not so specific that they cannot do a different number of buildings. Mr. Zimmer asked if there are any plans currently for buildings along Langley Drive. Mr. Hargis responded "yes". Mr. Zimmer stated that he wants to get an idea of what is going on in that area and asked that the plans be brought to the Committee Meeting.

In regard to the notification issue, Mr. Costello stated that the letters went out to adjoining property owners on April 9, 2001 and the card came back from Mr. Spada on April 23, 2001.

Mr. Zimmer asked Mr. Wall to check with Boone County Water & Sewer in regard to the water connection. He stated that it is not like them not to want a loop. He stated that if there are plans to go up Fawn Drive, he questions if they plan to go through this property and connect to the Hemmer line. Mr. Wall will check with Boone County Water & Sewer in this regard. He noted that they did not comment on the proposal. Mr. Zimmer asked Mr. Wall to ask them this specific question.

Mr. Zimmer questioned making Bullock Lane a cul-de-sac. Mr. Wall responded that the County Engineer was satisfied with the T-intersection.

Mr. Zimmer asked who the 80% owner of the property is. Mr. Hargis responded that the end user is confidential, but the owner is Prologis Real Estate and Industrial Developers and it would be their end user.

Mr. Reynolds noted the earlier questions regarding dotted lines that appear on some maps and not on others and asked that the Committee receive an updated version of the map with the dotted lines shown and explained. Chairman Caddell asked Mr. Wall to provide this information to the Zone Change Committee. The Chairman reviewed the map with Mr. Wall in regard to the locations of the dotted lines. Mr. Wall stated that he was not able to hear all of the discussions between various people about the dotted lines. Mr. Reynolds questioned the dotted lines on the Beard property. Mr. Hargis responded that the property was purchased at different points in time. Mr. Reynolds stated that he would like to know what the discussions were about the dotted lines and whom they affect. The Chairman stated that Mr. Wall will do the best he can to provide the information to the Committee.

In regard to Mr. Reynolds request, Mr. Heile indicated the dashed line on the exhibit which is not on the survey sheet. Mr. Wall stated that it is a line that goes from the southeast corner of the zone change area by Building #4 and across in an east/west direction over to a lot behind Fawn Drive between Lots 12 and 13. Mr. Reynolds asked that the line be identified.

Mrs. Poston questioned the distance between Langley Drive and Wright Boulevard. Mr. Hargis responded that it is about 1,600 feet. Mrs. Poston then questioned the distance to the next line on the exhibit. Mr. Hargis explained that when the Highway Department constructed KY 237, they put evenly spaced curb cuts from KY 20 past the Toyota property and they are all approximately 1,600 feet apart.

Mr. McMillian noted that Ms. Cable did not get notified and questioned how up-to-date the list of adjoining property owners is. Chairman Caddell responded that Ms. Cable is not an adjoining property owner and notices only go out to adjoining property owners. Ms. Cable stated that there is a driveway between her property and the subject property. Mr. Wall stated that it is the driveway of the Grubbs flag lot. Mr. Costello stated that the Public Hearing was also advertised in the Boone County Recorder and there is a sign on the property.


Mr. Barlow noted Mr. Hargis' comment regarding truck loading on one side of the large building on the north side of the property and unloading on the other side – but the drawing does not show that. Mr. Hargis stated that it is not their building and they are indicating on the drawing what they were told the client would need. The owners of the tract (Prologis) indicated to them that in the future, if these tenants move out, they may need additional docks, which are indicated as “future truck docks”. Mr. Barlow stated that there could be docks on both sides of the building. Mr. Hargis agreed.

Mr. Zimmer asked Mr. Hargis if he would be able to speak for the potential owner if the Zone Change Committee wants to make modifications. Mr. Hargis stated that the owners will be at the Zone Change Committee Meeting.

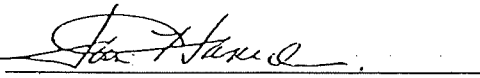
The Chairman asked if there is adequate provision to protect the Smith and Spada parcels with additional berming as those areas do not appear to have natural vegetation. Mr. Hargis stated that the buffer is shown as twenty-five feet, which is the requirement. He reviewed the exhibit in regard to the buffer areas.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 2, 2001 at 4 P.M. in the Fiscal Courtroom and the public is welcome to attend, but the level of participation is up to the Committee Chairman. This item will be on the Agenda for the Business Meeting on May 16, 2001 at 7:30 P.M.. The Chairman closed this Public Hearing at 9:05 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits -

1. Traffic Study by Pflum, Klausmeier & Gehrum
2. Principally Permitted Uses and Conditional Uses in the I-1 zone eliminated by the applicant on the 260-acre tract.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: June 27, 2001

RE: Request of Paul Hemmer Development Company III (applicant) for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

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.

June 27, 2001

Paul Hemmer/Escue/Jacobs/Beard/Thiessen/Bullock Lane

[Signature]

David Zimmer, Chairman

For _____ Against

Abstain _____ Absent _____

Deferred _____

[Signature]

Mark Hicks

For Against _____

Abstain _____ Absent _____

Deferred _____

Bob Newman

For _____ Against _____

Abstain _____ Absent

Deferred _____

Susan Poston

For _____ Against _____

Abstain _____ Absent

Deferred _____

[Signature]

Earl White

For Against _____

Abstain _____ Absent _____

Deferred _____

Randy Barlow (Alternate)*

For _____ Against _____

Abstain _____ Absent

Deferred _____

Don McMillian (Alternate)*

For _____ Against _____

Abstain _____ Absent

Deferred _____

TOTAL: — DEFERRED 2 FOR 1 AGAINST — ABSTAIN

4 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: May 23, 2001

RE: Request of **Paul Hemmer Development Company III (applicant)** for **Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

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.

May 23, 2001

Paul Hemmer/Escue/Jacobs/Beard/Thiessen/Bullock Lane

[Signature]

David Zimmer, Chairman

For Against

Abstain Absent

Deferred

[Signature]

Mark Hicks

For Against

Abstain Absent

Deferred

[Signature]

Bob Newman

For Against

Abstain Absent

Deferred

[Signature]

Susan Poston

For Against

Abstain Absent

Deferred

Earl White

For Against

Abstain Absent

Deferred

Randy Barlow (Alternate)*

For Against

Abstain Absent

Deferred

Don McMillian (Alternate)*

For Against

Abstain Absent

Deferred

TOTAL: 1 DEFERRED 3 FOR 1 AGAINST 1 ABSTAIN

1 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: May 16, 2001

RE: Request of Paul Hemmer Development Company III (applicant) for Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

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.

May 16, 2000

Paul Hemmer/Escue/Jacobs/Beard/Thiessen/Bullock Lane

David Zimmer

David Zimmer, Chairman

For Against
 Abstain Absent
 Deferred

Mark Hicks

Mark Hicks

For Against
 Abstain Absent
 Deferred

Bob Newman

For Against
 Abstain Absent
 Deferred

Susan Poston

For Against
 Abstain Absent
 Deferred

Earl White

For Against
 Abstain Absent
 Deferred

Randy Barlow

Randy Barlow (Alternate)*

For Against
 Abstain Absent
 Deferred

Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: 3 DEFERRED — FOR — AGAINST — ABSTAIN
4 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: May 2, 2001

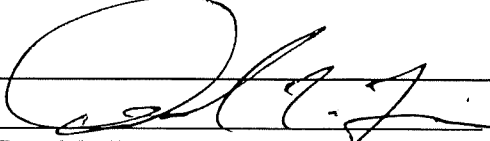
RE: Request of **Paul Hemmer Development Company III (applicant)** for **Paul Hemmer Development Company III, R. Frazier Escue, Dorothy B. Escue, Elmer L. Jacobs, Helen C. Jacobs, Herman W. Beard, Mary Sue Beard, and Raymond Thiessen (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 103 acre area located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3242 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane and 3255 Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

REMARKS:

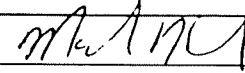
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

~~October 4, 2000~~ May 2, 2001

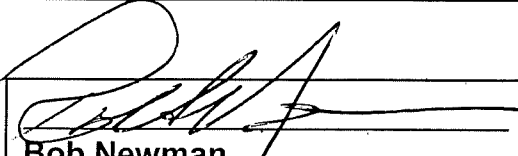
Paul Hemmer/Escue/Jacobs/Beard/Thiessen/Bullock Lane


David Zimmer, Chairman

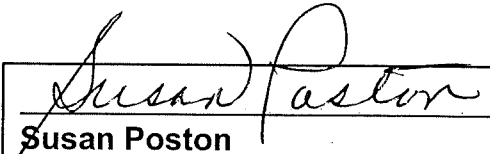
For _____ Against _____
 Abstain _____ Absent _____
 Deferred


Mark Hicks

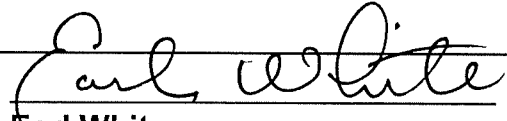
For _____ Against _____
 Abstain _____ Absent _____
 Deferred


Bob Newman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred


Susan Poston

For _____ Against _____
 Abstain _____ Absent _____
 Deferred


Earl White

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

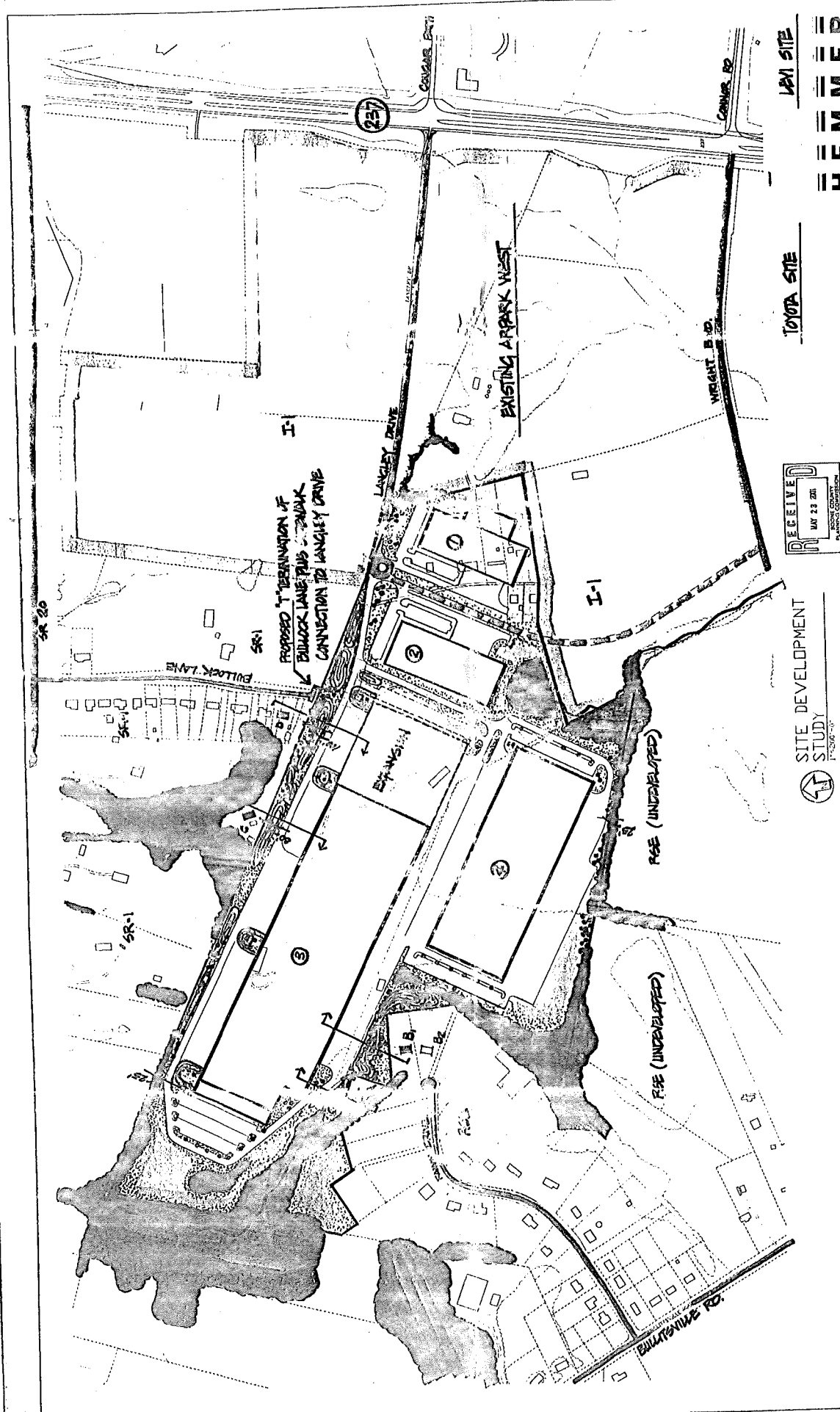
Randy Barlow (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Don McMillian (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

TOTAL: 5 DEFERRED — FOR — AGAINST — ABSTAIN
— ABSENT



PROPOSED TERMINATION OF
PULLOCK LANE THIS TRACK
CONNECTION TO LANGLEY DRIVE

14M SITE
H E M M E R

TOYOTA SITE



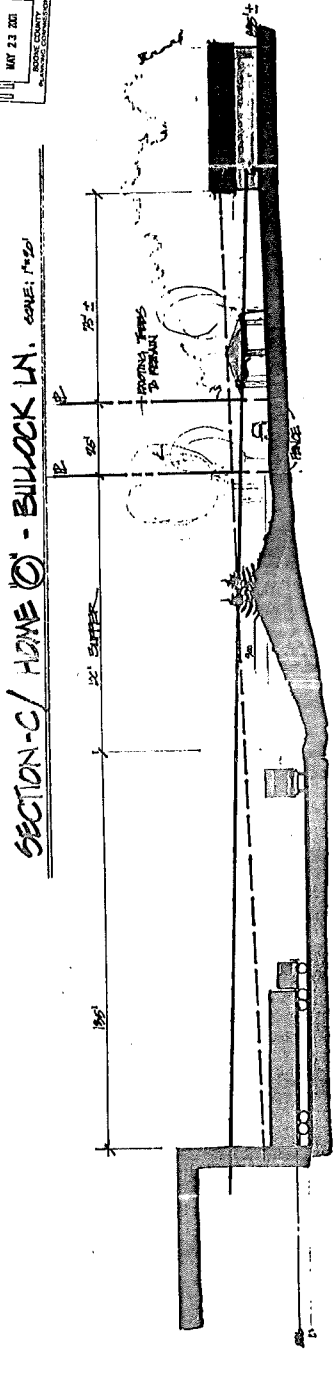
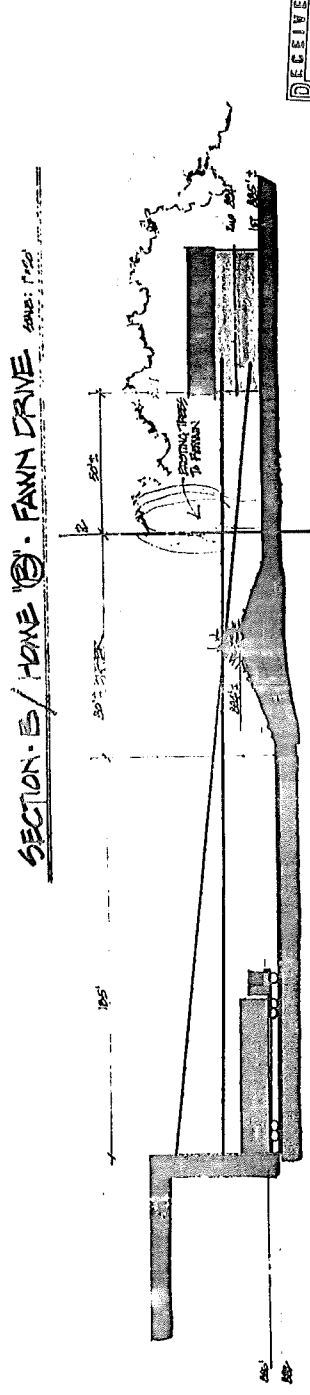
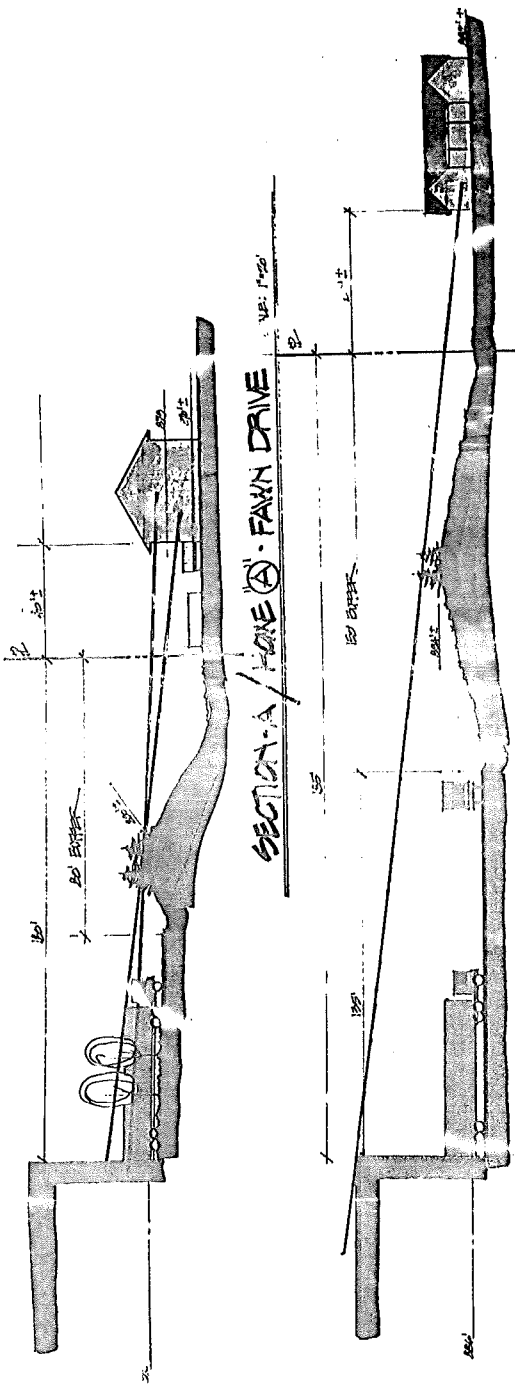
SITE DEVELOPMENT
STUDY
PROJECT

SITE DEVELOPMENT STUDY

AIRPARK WEST EXPANSION
LANGLEY DRIVE

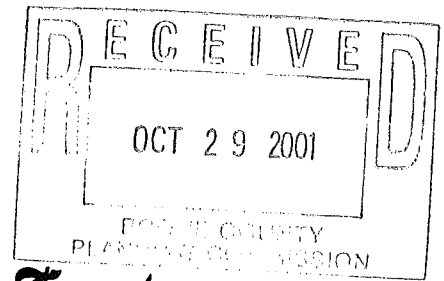
PLANNING DEPARTMENT

PL 060512



RECEIVED
MAY 23 2001
SHERMAN COUNTY, OREGON

**Ordinance
Of
The Boone County Fiscal Court**



Ordinance No. 01-22

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF PAUL HEMMER DEVELOPMENT COMPANY III (APPLICANT) FOR PAUL HEMMER DEVELOPMENT III, R. FRAZIER ESCUE, DOROTHY B. ESCUE, ELMER L. JACOBS, HELEN C. JACOBS, HERMAN W. BEARD, MARY SUE BEARD AND RAYMOND THIESSEN (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO INDUSTRIAL ONE (I-1) ON AN APPROXIMATE 103 ACRE SITE LOCATED AT 3145 BULLOCK LANE, A VACANT AREA IMMEDIATELY SOUTH OF 3145 BULLOCK LANE, 3222 BULLOCK LANE, 3242 BULLOCK LANE, 3247 BULLOCK LANE, 3250 BULLOCK LANE AND 3255 BULLOCK LANE, 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 Rural Suburban Estates (RSE) to Industrial One (I-1) on an approximate 103 acre site located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3342 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane and 3255 Bullock Lane, 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 shall be and is hereby approved, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Industrial One (I-1) on an approximate 103 acre site located at 3145 Bullock Lane, a vacant area immediately south of 3145 Bullock Lane, 3222 Bullock Lane, 3342 Bullock Lane, 3247 Bullock Lane, 3250 Bullock Lane and 3255 Bullock Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOKS 167, 668, 762, 762, 559 & 556, PAGE NOS. 363, 04, 178, 181, 175, 317 & 277, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-22

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact of the 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", and an additional condition agreed to at the Fiscal Court meeting regarding diminution in value for the Lucille and Calvin Caple property, 3107 Bullock Lane, Hebron, Kentucky.

SECTION III

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


Introduced and given first Reading on the 2nd day of October, 2001.

Adopted by the Fiscal Court of Boone County at a regular meeting on the 16th day of October, 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.

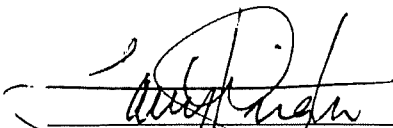


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY J. ORIGLER
BOONE COUNTY ATTORNEY

10/25/01

PUBLISHED DATE



MEMMER COMPANIES

Construction & Real Estate

Exhibit "B"

P.O. Box 17310
250 Grandview Drive
Fort Mitchell, KY 41017-0310
859-341-8700
859-341-8817 Fax
www.millmemer.com
Email: info@millmemer.com

October 12, 2001

Mr. James Parsons
County Administrator
Boone County Fiscal Court
P. O. Box 900
Burlington, KY 41005

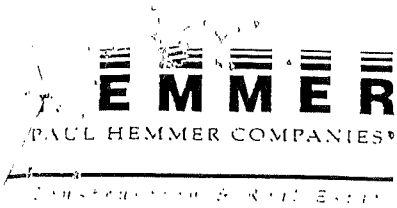
RE: Airpark West Expansion Zoning

Dear Mr. Parsons:

I am writing in response to our review meeting on October 11, 2001 in which we discussed several issues relevant to the subject zoning action. We hereby agree to the following items:

1. The maximum building height for any building located on this property will be 40' above finish floor level.
2. The proposed buildings will be constructed using architectural masonry or decorative tilt-up concrete wall panels. Metal building panels will not be used except for temporary expansion walls.
3. No building will be located closer than 200' from property located within the Fawn Drive residential subdivision.

Driveways and truck dock paving is permitted to be located within this 200' buffer area.
4. There will be no parking permitted on the west side of Building E as shown on the proposed development plan. This parking will be relocated to the south or east of the building as required.
5. The total square footage of the building will be in accordance with the revised Site Development Plan dated October 12, 2001.
6. No building will be larger than Building D which will be limited to a total of 750,000 square feet.



Mr. James Parsons
County Administrator
Boone County Fiscal Court
October 12, 2001
Page 2

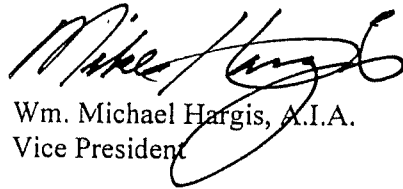
I trust that our agreement with the proceeding items will meet your main concerns regarding our rezoning application.

If you have additional comments or questions, please contact my office prior to the Fiscal Court meeting on October 16, 2001.

Thank you for your assistance and consideration of this matter.

Sincerely,

PAUL HEMMER COMPANIES



Wm. Michael Hargis, A.I.A.
Vice President

WMH:klm

