

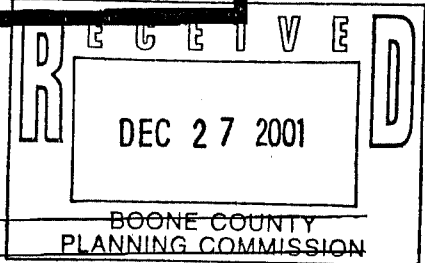
APPLICATION FORM

02-ZMA-008-A

ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION

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



1. Name of Project _____
2. Location of Project Sam Neace Boulevard
3. Total Acreage of Site 28.620 Acres
4. Current Zoning of Site I-2 Heavy Industrial
5. Proposed Zoning (Classification being requested) I-1 Light Industrial
6. Proposed Uses (please specify each use) None at this time
7. Names of Applicant(s) Bill Toeppen
- Phone Number 859-331-1560 Fax No. 859-331-9702
8. Address of Applicant(s) 541 Buttermilk Pike, Suite 104
- Crescent Springs, KY 41017
- City State Zip
9. Name of Property Owner(s) Toeppen LTD.
- Phone Number same Fax No. same
10. Address of Property Owner(s) same
- City State Zip
11. Proposed Building Intensities (please specify) Not Known
12. Are there any existing buildings on the site? NO
- How many? _____
13. Deed Book 340 Page No. 52 Group No. 2049 B
14. Are you also applying for:
- ☐ Conditional Use Permit
- ☐ Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Bill Toeppen (applicant)** for **Toeppen Ltd. (owner)** to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

January 23, 2002

Request/Concept Development Plan

The applicant is requesting a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) to permit Industrial One (I-1) uses. The Principally Permitted Uses in the Industrial One (I-1) zone allow the Principally Permitted Uses in the Office Two (O-2) zone. The Principally Permitted Uses in the Office Two (O-2) zone allow the Principally Permitted Uses in the Office One (O-1) zone. The text for the O-1, O-2, I-1 and I-2 zones are attached for your reference.

The applicant has not submitted a Concept Development Plan. Article 3, Section 303 of the Boone County Zoning Regulations states:

"The Planning Commission, highly recommends that a Concept Development Plan be submitted. However, an applicant does have the option of not submitting a Concept Development Plan for the Planning Commission's review and approval, although such zone change application will be reviewed from the perspective of a "worst case scenario" based upon the requirements and permitted uses of the zone in question."

Surrounding Zoning and Land Uses

North: Property zoned Industrial Two (I-2).

East: Mt. Zion Crossing commercial subdivision zoned Commercial Four (C-4) and property zoned Industrial Two (I-2).

South: Steak-&-Shake, Sunoco and undeveloped property in the Commercial Services (C-3) zone.

West: Property zoned Industrial Two (I-2) that is the proposed site for the Northern Kentucky Community College.

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Industrial (I). This classification is defined in the adopted Comprehensive Plan as:

Industrial: "Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element within the 2000 Boone County Comprehensive Plan only refers to this general area by stating:

"Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks."

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

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- E. ***A public process of visioning, which shall include the selection of specific areas of Boone County, shall be pursued as a means of recommending a theme or character for future land use planning and development design ("Overall," Objective 5).***
- F. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens ("Economy," Goal).
- G. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).
- H. Base industries (agriculture, mining and manufacturing activities) and non-base industries (education, commerce, service, health, government, etc.) Shall be promoted in suitable locations exemplifying how the county is a vital part of a strong regional, metropolitan economy ("Economy," Objective 2).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).

- K. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals or other regulatory agencies ("Business Activity," Industrial Objective 2).

Staff Concerns/Comments

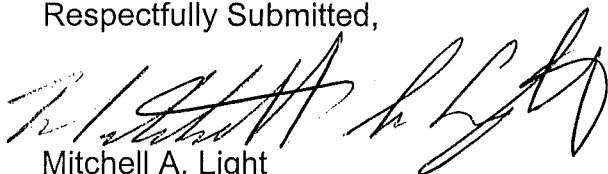
1. Access points were constructed by the Kentucky Transportation Cabinet when Sam Neace Boulevard was constructed. These existing access points into this area are located (1) at the intersection across from Berberich Drive (on the C-3/I-2 boundary), (2) 300 feet north of the above, and (3) Across from the Lang property, approximately 900 feet south of Aristocrat Drive.
2. Staff feels that if, as Section 303 suggests, the "worst case scenario" is used we must first look at what could develop here based on a straight Industrial Two (I-2) zoning designation.
3. If approved, the Future Land Use Map would not need to be adjusted.

Conclusion

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

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

Respectfully Submitted,

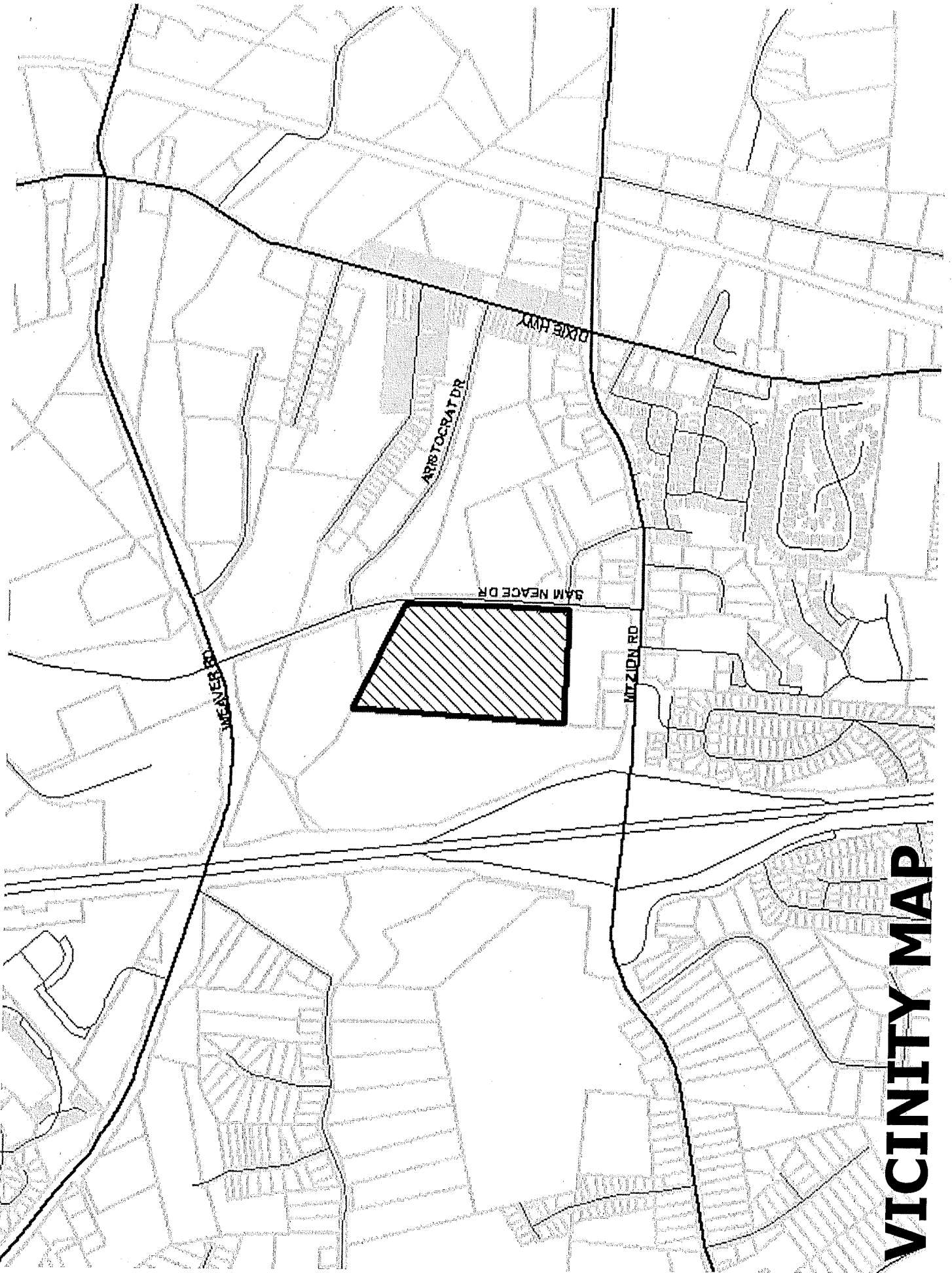


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

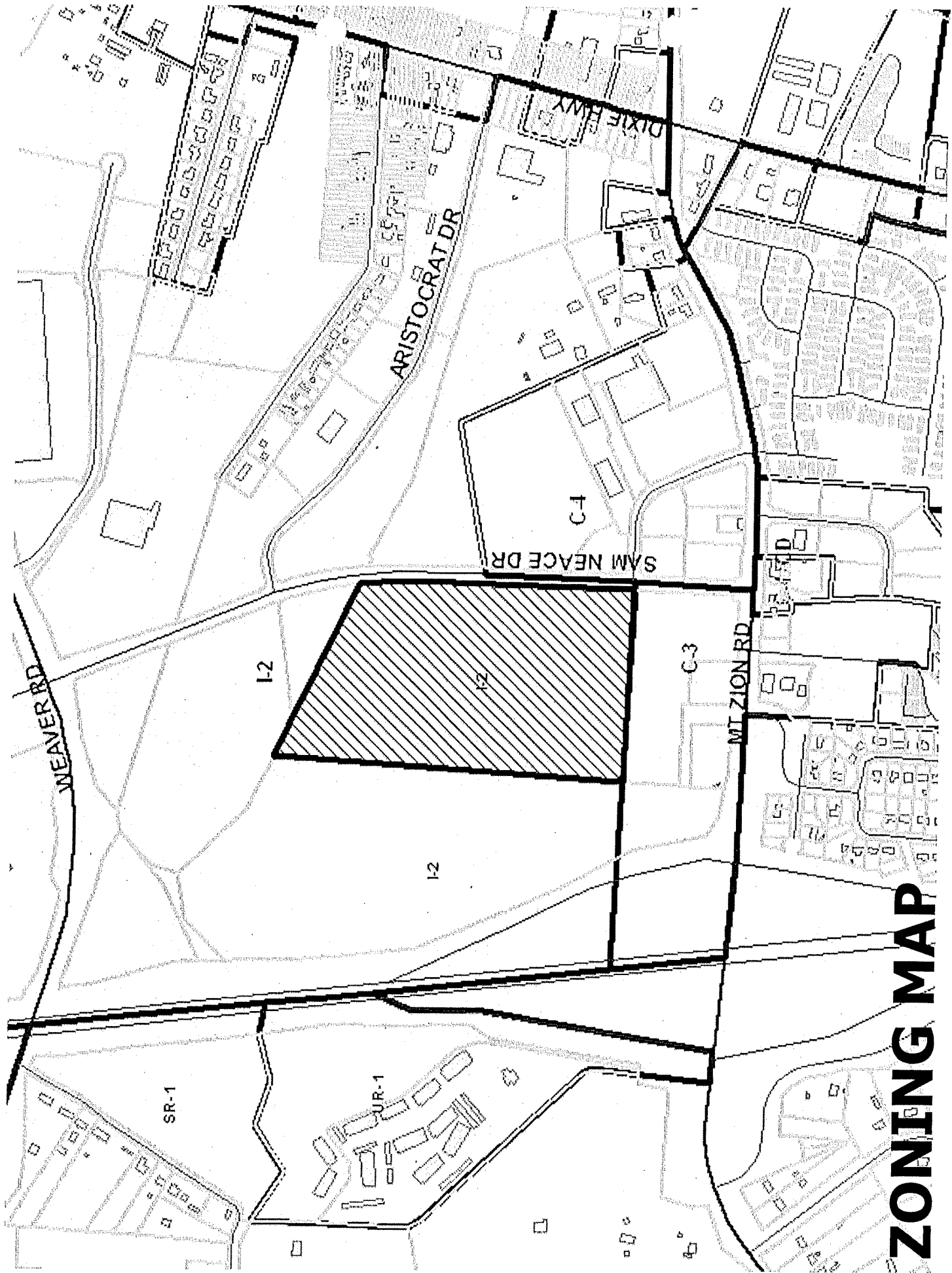
MAL/par

Attachments:

- Vicinity Map
- Zoning Map
- Existing Topography
- Aerial Photograph
- Letter from the Northern Kentucky Community and Technical College
- Application
- Permitted Uses List



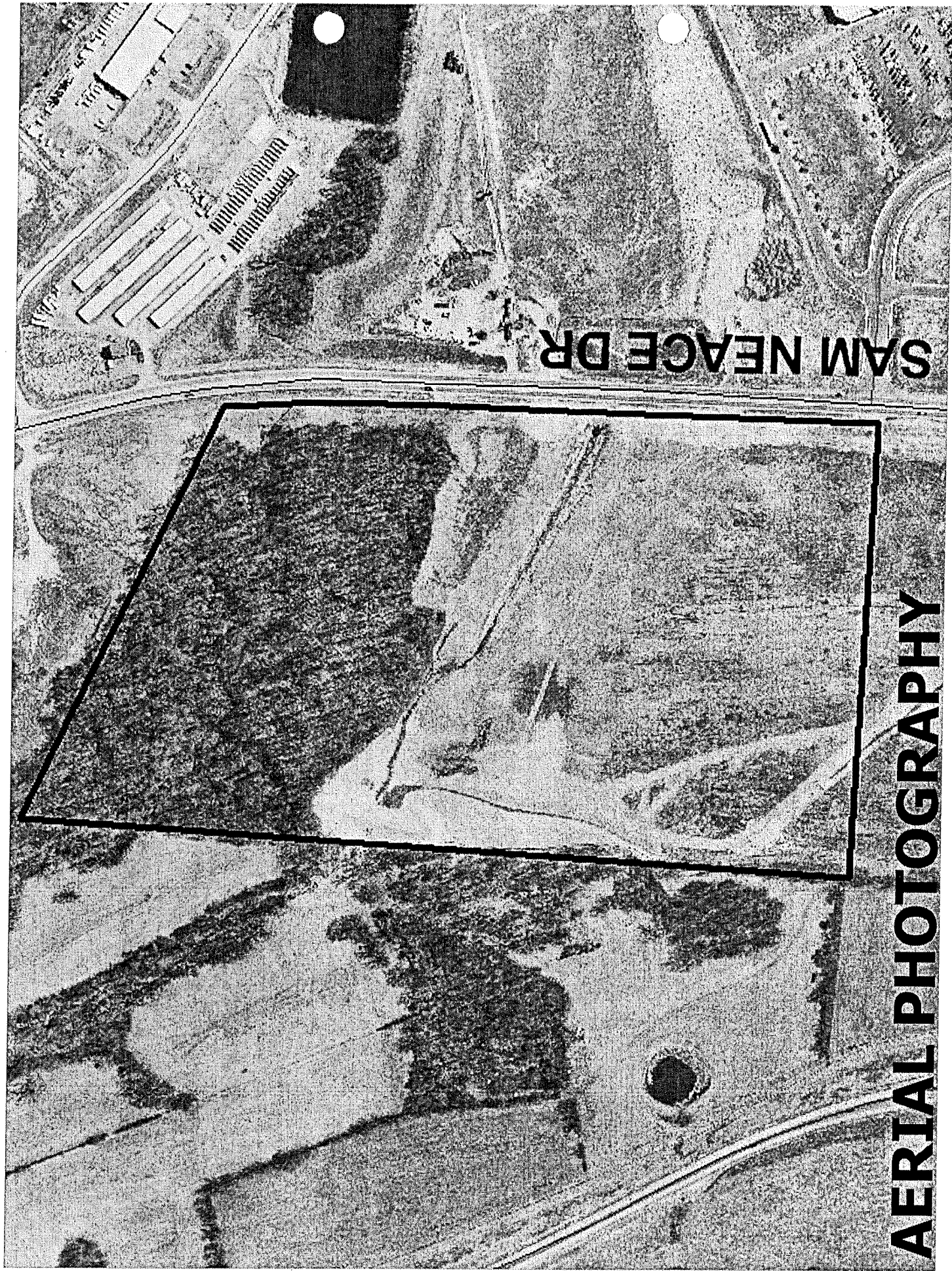
VICINITY MAP



ZONING MAP

SAM NEACE DR

AERIAL PHOTOGRAPHY

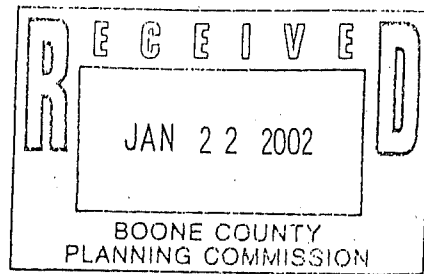


Northern Kentucky

Community and Technical College District

OFFICE OF THE PRESIDENT/CEO

January 17, 2002



Mr. Mitchell A. Light
Assistant Zoning Administrator/Enf. Officer
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Dear Mr. Light:

The Northern Kentucky Community and Technical College District (NKCTCD) strongly supports the request of Bill Toeppen for Toeppen Ltd. to consider an application for a zoning map amendment from Industrial Two (I-2) to Industrial One (I-1). This is for a 28.6 acre site located on the west side of Sam Neace Blvd. approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

We understand the public hearing will occur on January 23, 2002, at 7:00 p.m. It is our desire that a favorable decision regarding the request be rendered.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Hughes", written over a horizontal line.

Dr. G. Edward Hughes,
President/CEO

Geh/lm

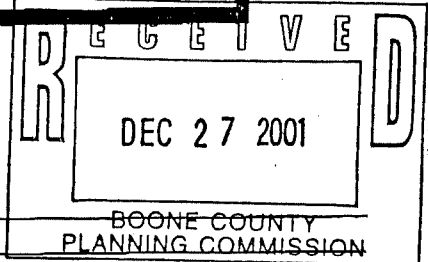


Covington Campus • 1025 Amsterdam Road • Covington, KY 41011 • 859/292-3930 • Fax 859/292-6366
Edgewood Campus • 790 Thomas More Parkway • Edgewood, KY 41017 • 859/341-5200 • Fax 859/341-6859
Highland Heights Campus • 90 Campbell Drive • Highland Heights, KY 41076 • 859/441-2010 • Fax 859/441-4252

NKCTCD is an equal opportunity and education institution



APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

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

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6. Proposed Uses (please specify each use) None at this time
7. Names of Applicant(s) Bill Toebben
Phone Number 859-331-1560 Fax No. 859-331-9702
8. Address of Applicant(s) 541 Buttermilk Pike, Suite 104
Crescent Springs, KY 41017
City State Zip
9. Name of Property Owner(s) Toebben LTD.
Phone Number same Fax No. same
10. Address of Property Owner(s) same
City State Zip
11. Proposed Building Intensities (please specify) Not Known
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 340 Page No. 52 Group No. 2049 B
14. Are you also applying for:
☐ Conditional Use Permit
☐ Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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☐ 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

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**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

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

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

19. Applicant's Signature _____
 Property Owner's Signature _____

SECTION B (To be completed by BCPC Staff)

1. Date Received 12-27-01 - 1-3-02 extra property owners
 2. Review Fee \$1,394.20 \$12.00 - R 30018
 3. Check what has been submitted:
 ☒ Application
 ☒ Fee
 ☒ Legal Description
 ☒ Concept Development Plan
 ☒ Address of Adjoining Property Owners
 4 Number of copies of plan received**
 4. Is application complete? ☒ Yes _____ No
 5. Staff Reviewer MITCH LIGHT
 6. Committee Chairman SUSAN POSTON
 7. Scheduled Public Hearing Date _____
 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@boonecountky.org - E-mail
 www.boonecountky.org - Web Page

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

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
(Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit.

SECTION 1113

Conditional Uses

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 an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers.

SECTION 1114

Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115

Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120

OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Eating and drinking places including alcoholic beverages and with drive-thru facilities; Eating and drinking places including alcoholic beverages and entertainment, but excluding drive-in or franchise style fast food establishments. (CITY OF FLORENCE ONLY);
3. Retail sales of newspapers and magazines, drugs, and proprietary goods;
4. Banking and credit union services, including drive-thru teller services.

SECTION 1122

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;

- e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
- 2. Public transit stations and terminals;
 - 3. Postal travel and transportation ticket or forwarding services;
 - 4. Detective, protective and other police services;
 - 5. Signage (See Article 34);
 - 6. Parking (See Article 33);
 - 7. Automatic teller machines;
 - 8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services.

SECTION 1123

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes 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 accessory uses to be protected in the district:

- 1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
- 2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;

3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Adult and child care centers.

SECTION 1124

Intensity

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125

Minimum Size

The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

SECTION 1130

INDUSTRIAL ONE (I-1)

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amount of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

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

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;

4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
7. Electroplating;
8. Enameling, japanning, or lacquering;
9. Grinding, sandblasting, cutting, washing, or other reduction or waterproofing;
10. Poultry and small game products;
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;
12. Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction;
13. Heavy machinery and transportation vehicles and equipment;
14. Tobacco products;
15. Chemicals and allied products;
16. Petroleum and coal products;
17. Rubber and plastics products;
18. Leather and leather products.

Also permitted are:

19. Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment;
20. Wholesale trade of paints, varnishes, chemicals, and allied products;
21. Railroad and marine craft rights-of-way including switching and marshaling yards;
22. Electric generating plants and regulating substations and water treatment storage, and distribution plants;
23. Asphalt and concrete plants;
24. Commercial stockyards.

SECTION 1142

Accessory Uses

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

1. Recreation 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. Auditorium exhibition halls and other public or miscellaneous assembly;
 - c. Golf courses and tennis courts;
 - d. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - 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;
2. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any related or integral office use or activity of the permitted use;
3. Public transit stations and terminals;
4. Signage (See Article 34);
5. Parking (See Article 33);

SECTION 1143

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 involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law;
2. Refuse and solid waste disposal when conducted incidental and subordinate to a principally permitted use;
3. Gas production plants, natural or manufacture gas storage and distribution points, gas pressure control stations;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts;
5. Gasoline filling stations;

6. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
7. Banking and credit union services;
8. Labor unions and similar labor associations;
9. Nursery and day care centers;
10. Sales and service of new and used motor vehicles including tires, batteries and accessories (see Status of Amendments), automobile repair and auto body services including junkyards, wrecking or other storage.

SECTION 1144

Maximum Intensity

The maximum intensity of uses in an Industrial Two district shall not exceed 22,000 square feet of gross floor area per acre.

SECTION 1145

Minimum Size

The minimum size and extent of an Industrial Two district, including all the contiguous private property so designated, shall not be less than ten (10) acres.

SECTION 1146

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

1. The supplemental, parking and loading, signage regulations of this ordinance;
2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment;
3. Any condition which may be governed by Boone County Health Department;
4. Site plan review required for all permitted uses (See Article 30);
5. See Article 31 for dimensional standards.

SECTION 1150

INDUSTRIAL THREE (I-3)

Surface Mining District

The following regulations shall apply in all Industrial Three (I-3) districts. The intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the third item on the Agenda:

1. **Applicant:** **Bill Toeppen (applicant) for Toeppen Ltd. (owner)**

Request: **Zoning Map Amendment**

The request of Bill Toeppen (applicant) for Toeppen Ltd. (owner) to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Boulevard/Mt. Zion Road intersection, Boone County, Kentucky.

 Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He emphasized that the reason the applicant is requesting the zone change is because of the intensity issues and lot frontage issues. He stated that he is expecting a letter from TRI-Ed in support of the request but it did not arrive in time for this meeting.

 The Chairman asked for the applicant's presentation.

 Mr. Bill Toeppen, President of Toeppen Companies, 541 Buttermilk Pike, Crescent Springs, stated that they did not submit a Concept Plan as they do not know what the concept will be depending on the zoning. He stated that Northern Kentucky Community and Technical College purchased the Davis property directly to the east of their property, which confirmed that the best use of the area might not be I-2. With the location and proximity of the property to I-75, the retail being developed directly to the west, and now the Technical College developing to the east, it is time to get a zone change and go to smaller size lots and smaller uses. He stated that they are currently in discussion with the Technical College and Dr. Hughes about accessory uses to the college and possibly some sharing of utilities, easements, and access from the Technical College site to their site. He stated that they currently do not have access off Sam

Neace Boulevard. He stated that when Sam Neace Boulevard was created, they worked with the adjoining property owner on donating right-of-way and in return KDOT created curb cuts and turn lanes ahead of time. The curb cuts are lined up across from each other. He stated that the allowable coverage in I-2 is 10,000 square feet per acre and in I-1 it is 20,000 square feet per acre. He stated that two drainage swales go through – one at about the middle of the property and one to the north of the property. The swale divides the 28 acres to the point where it could not be a single-user. There is too much water coming through there for it to be a single user. With the topography and adjoining uses, they want to go to smaller lot sizes and smaller users -- more to the I-1 uses or office uses, or a combination of I-1 uses and office uses. This completed the applicant's presentation.

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

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if they have planned for access management. Mr. Toeppen responded that the access points are in and are lined up with the properties on the other side. He stated that they will not know the final users until they know the zoning and what is allowable. Mr. McMillian asked if they were planning on a curb cut for each individual lot. Mr. Toeppen responded "no" and stated that there are three existing curb cuts into the property off Sam Neace Boulevard and their intent right now is that those will be the only curb cuts there.

Mr. Schwenke asked the applicant to go through the list of I-1 uses prior to the Committee Meeting and indicate the uses they would like to have and eliminate the others. Mr. Toeppen agreed to look at the uses.

Mr. Caddell stated looking at rezoning sizable parcels of land without a Concept Development Plan has been a long-standing concern of the Planning Commission. He is not opposed to the change from I-2 to I-1, but is concerned about considering a zone change without a Concept Development Plan. It is important for the Zone Change Committee to have a Concept Development Plan when negotiating a zone change because once the zone is changed without some of those issues before them, it makes the negotiations much more difficult. Chairman Hicks asked if they would have a Concept Development Plan prepared in time for the Committee Meeting. Mr. Toeppen responded that he would not have one ready by that time. Mr. White asked if he could lay out the streets and the lots sizes in time for the Committee meeting. Mr. Toeppen responded that it would be difficult because there are aspects with the Technical College that are not finalized. He explained that they would like to have access onto Sam Neace

Boulevard, but the Technical College has not finished laying out their site. They are trying to cooperate with the Technical College in regard to access and utilities so until the Technical College's plans are finalized, anything they would submit would be a wild guess.

Mr. Costello stated that he worked with TRI-Ed and the Community College in selecting that site. He recommended alternative access to Sam Neace Boulevard knowing that the Community College did not have right-of-way. He encouraged them to meet with Toeppen and come up with alternate access. He stated that they only have access to Mt. Zion Road and with the anticipated traffic from the College, alternate access is important.

Chairman Hicks asked the applicant if he would be willing to talk further with the Zone Change Committee about access through the Community College. Mr. Toeppen responded "yes". He stated that the Community College is working on their Site Plan now and he does not know if it will be ready in time for the Committee Meeting.

Mr. White asked if it would be better to have the Committee Meeting at a later date so that some of these things can be accomplished before the Committee meets. If the applicant does not have these things, he does not know what the Committee can accomplish other than eliminating some of the uses. Mr. Costello suggested that the Committee Meeting be held on February 6, 2002 as scheduled and let the applicant bring what he has. The Committee can met and if there are issues, they can defer the request.

There being no further discussion, the Chairman stated that the Committee Meeting for this item will be on February 6, 2002 4:00 PM. This item will be on the Agenda for the Business Meeting on February 20, 2002 at 7:30 PM.

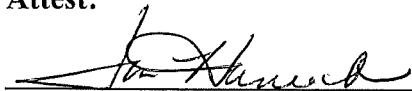
The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
March 6, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:33 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mr. Richard Knock, Temporary Presiding Officer
Mr. Robert Newman

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

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Bill Toeppen (applicant) for Toeppen Ltd. (owner) to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

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

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

Mr. Zimmer, a member of the Committee, explained that Condition #2 is going forward as a recommendation in the Zoning Update to change the zoning of property on which the technical college will be located from I-2 to PF, which is the proper zoning classification. He stated that the proposed zone change from I-2 to I-1 does not make sense without the change to PF and without the technical college locating there. The subject property is the entranceway to the technical college and the concept is to put types of businesses on the Toeppen parcel which would be conducive the technical college and its graduates.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. White and it carried unanimously.

**2. Technical/Design Review: Cardinal Hill of Northern Kentucky
31 Spiral Drive**

Staff Member Patty Bachman provided the Commissioners with packets of information which was considered by the Committee. She stated that the site is on Spiral Drive across from Wal-Mart and is located in the Houston-Donaldson Study area. The applicant is requesting to add a canopy. The packet contains pictures of similar buildings with recessed entrances that are located on Spiral Drive. Also included in the packets are the elevations and façade. She stated that the materials being used are harmonious with the other materials on the building. She stated that there are pictures of the proposed canopy in the packets, along with architectural pictures of the archway. The construction will be dryvet and brick and the canopy will be 24 feet by 24 feet. The existing brick archway will be removed and the canopy structure will go where the beams are now. Ms. Bachman stated that the contractors started work on the project without permission. The Committee voted in favor of the request.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: March 6, 2002

RE: Request of **Bill Toeppen (applicant)** for **Toeppen Ltd. (owner)** to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

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 request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Industrial" uses. This designation is described by the Comprehensive Plan as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("Devon Area" area, pg. 166) as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.
 - C. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

2. The Committee has also concluded that this request is more conducive with the planned institutional use on the adjacent property by the Northern Kentucky Community & Technical College and the Long Range/Comprehensive Plan Committee's proposed change in the current zoning classification of Industrial Two (I-2) to Public Facilities (PF) for the adjacent property through the 2001/02 Zoning Update.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with 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 owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The property owner agrees to permit a road connection from Sam Neace Drive through this property to the Northern Kentucky Community and Technical College property.
2. The owner agrees to limit the Principally Permitted, Accessory and Conditional Uses in the Office One (O-1), Office Two (O-2) and the Industrial One (I-1) zones as follows:

OFFICE ONE (O-1)

Principally Permitted Uses

- ~~1. Convenient stores;~~
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;
11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;

~~13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;~~

~~**(Does not apply to property inside City of Florence limits.)**~~

14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
- ~~31. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

Accessory Uses

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit.

Conditional Uses

1. Child and adult care centers.

OFFICE TWO (O-2)

Principally Permitted Uses

1. All principally permitted uses of an Office One (O-1) District;
- ~~2. Eating and drinking places including alcoholic beverages and with drive-thru facilities;~~
~~Eating and drinking places including alcoholic beverages and entertainment, but~~
~~excluding drive-in or franchise style fast food establishments. (CITY OF FLORENCE~~
~~ONLY);~~
- ~~3. Retail sales of newspapers and magazines, drugs, and proprietary goods;~~
4. Banking and credit union services, including drive-thru teller services.

Accessory Uses

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

- h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
- 2. Public transit stations and terminals;
- 3. Postal travel and transportation ticket or forwarding services;
- 4. Detective, protective and other police services;
- 5. Signage (See Article 34);
- 6. Parking (See Article 33);
- 7. Automatic teller machines;
- 8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services.

Conditional Uses and Criteria

- 1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
- 2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
- 3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

- ~~4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;~~
- 5. Blueprinting and photocopying services;
- 6. Window cleaning, disinfecting and exterminating, dwelling and building services;
- 7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
- 8. Adult and child care centers.

INDUSTRIAL ONE (I-1)

Principally Permitted Uses

- 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;

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

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;~~

March 6, 2002

Toebben Ltd./Sam Neace Boulevard

46. Fire stations or fire related or protective services including rescue services.

Accessory Uses

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.

Conditional Uses and Criteria

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;

March 6, 2002

Toeppen Ltd./Sam Neace Boulevard

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.

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.

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the third item on the Agenda:

1. Applicant: Bill Toebben (applicant) for Toebben Ltd. (owner)

Request: Zoning Map Amendment

The request of Bill Toebben (applicant) for Toebben Ltd. (owner) to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Boulevard/Mt. Zion Road intersection, Boone County, Kentucky.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He emphasized that the reason the applicant is requesting the zone change is because of the intensity issues and lot frontage issues. He stated that he is expecting a letter from TRI-Ed in support of the request but it did not arrive in time for this meeting.

The Chairman asked for the applicant's presentation.

Mr. Bill Toebben, President of Toebben Companies, 541 Buttermilk Pike, Crescent Springs, stated that they did not submit a Concept Plan as they do not know what the concept will be depending on the zoning. He stated that Northern Kentucky Community and Technical College purchased the Davis property directly to the east of their property, which confirmed that the best use of the area might not be I-2. With the location and proximity of the property to I-75, the retail being developed directly to the west, and now the Technical College developing to the east, it is time to get a zone change and go to smaller size lots and smaller uses. He stated that they are currently in discussion with the Technical College and Dr. Hughes about accessory uses to the college and possibly some sharing of utilities, easements, and access from the Technical College site to their site. He stated that they currently do not have access off Sam

Neace Boulevard. He stated that when Sam Neace Boulevard was created, they worked with the adjoining property owner on donating right-of-way and in return KDOT created curb cuts and turn lanes ahead of time. The curb cuts are lined up across from each other. He stated that the allowable coverage in I-2 is 10,000 square feet per acre and in I-1 it is 20,000 square feet per acre. He stated that two drainage swales go through – one at about the middle of the property and one to the north of the property. The swale divides the 28 acres to the point where it could not be a single-user. There is too much water coming through there for it to be a single user. With the topography and adjoining uses, they want to go to smaller lot sizes and smaller users -- more to the I-1 uses or office uses, or a combination of I-1 uses and office uses. This completed the applicant's presentation.

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

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if they have planned for access management. Mr. Toeppen responded that the access points are in and are lined up with the properties on the other side. He stated that they will not know the final users until they know the zoning and what is allowable. Mr. McMillian asked if they were planning on a curb cut for each individual lot. Mr. Toeppen responded "no" and stated that there are three existing curb cuts into the property off Sam Neace Boulevard and their intent right now is that those will be the only curb cuts there.

Mr. Schwenke asked the applicant to go through the list of I-1 uses prior to the Committee Meeting and indicate the uses they would like to have and eliminate the others. Mr. Toeppen agreed to look at the uses.

Mr. Caddell stated looking at rezoning sizable parcels of land without a Concept Development Plan has been a long-standing concern of the Planning Commission. He is not opposed to the change from I-2 to I-1, but is concerned about considering a zone change without a Concept Development Plan. It is important for the Zone Change Committee to have a Concept Development Plan when negotiating a zone change because once the zone is changed without some of those issues before them, it makes the negotiations much more difficult. Chairman Hicks asked if they would have a Concept Development Plan prepared in time for the Committee Meeting. Mr. Toeppen responded that he would not have one ready by that time. Mr. White asked if he could lay out the streets and the lots sizes in time for the Committee meeting. Mr. Toeppen responded that it would be difficult because there are aspects with the Technical College that are not finalized. He explained that they would like to have access onto Sam Neace

Boulevard, but the Technical College has not finished laying out their site. They are trying to cooperate with the Technical College in regard to access and utilities so until the Technical College's plans are finalized, anything they would submit would be a wild guess.

Mr. Costello stated that he worked with TRI-Ed and the Community College in selecting that site. He recommended alternative access to Sam Neace Boulevard knowing that the Community College did not have right-of-way. He encouraged them to meet with Toeppen and come up with alternate access. He stated that they only have access to Mt. Zion Road and with the anticipated traffic from the College, alternate access is important.

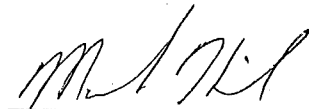
Chairman Hicks asked the applicant if he would be willing to talk further with the Zone Change Committee about access through the Community College. Mr. Toeppen responded "yes". He stated that the Community College is working on their Site Plan now and he does not know if it will be ready in time for the Committee Meeting.

Mr. White asked if it would be better to have the Committee Meeting at a later date so that some of these things can be accomplished before the Committee meets. If the applicant does not have these things, he does not know what the Committee can accomplish other than eliminating some of the uses. Mr. Costello suggested that the Committee Meeting be held on February 6, 2002 as scheduled and let the applicant bring what he has. The Committee can meet and if there are issues, they can defer the request.

There being no further discussion, the Chairman stated that the Committee Meeting for this item will be on February 6, 2002 4:00 PM. This item will be on the Agenda for the Business Meeting on February 20, 2002 at 7:30 PM.

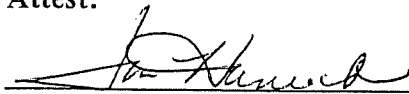
The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Committee Chairwoman

DATE: February 20, 2002

RE Request of **Bill Toebben (applicant)** for **Toebben Ltd. (owner)** to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

REMARKS:

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

PAGE 2

February 20, 2002

Toeppen Ltd./Sam Neace Boulevard

Susan Poston, Chairwoman

For _____ Against _____
 Abstain _____ Absent ☒
 Deferred _____

Bob Newman

For ☒ Against _____
 Abstain _____ Absent _____
 Deferred _____

Earl White

For ☒ Against _____
 Abstain _____ Absent _____
 Deferred _____

Lisa Wilson

For _____ Against _____
 Abstain _____ Absent ☒
 Deferred _____

David Zimmer

For ☒ Against _____
 Abstain _____ Absent _____
 Deferred _____

Randy Barlow (Alternate)*

For ☒ Against _____
 Abstain _____ Absent _____
 Deferred _____

Janet Kegley (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

TOTAL: _____ DEFERRED 4 FOR _____ AGAINST _____ ABSTAIN

2 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Susan Poston, Committee Chairwoman
DATE: February 6, 2002

RE Request of **Bill Toeppen (applicant)** for **Toeppen Ltd. (owner)** to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

REMARKS:

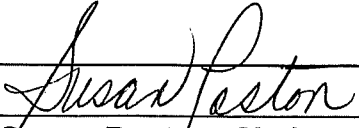
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

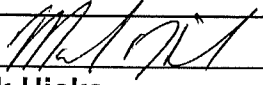
PAGE 2

February 6, 2002

Toeppen Ltd./Sam Neace Boulevard


Susan Poston, Chairwoman

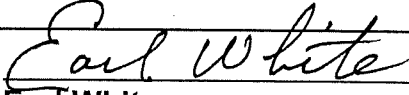
For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	☒		


Mark Hicks

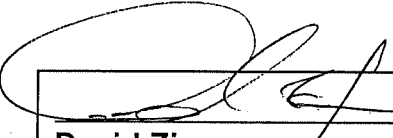
For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	☒		

Bob Newman

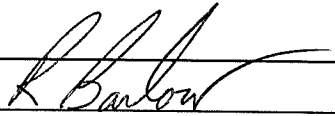
For	_____	Against	_____
Abstain	_____	Absent	☒
Deferred	_____		


Earl White

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	☒		


David Zimmer

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	☒		


Randy Barlow (Alternate)*

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	☒		

Don McMillian (Alternate)*

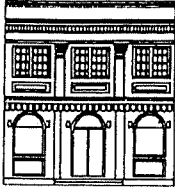
For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		

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

SUPPORTING INFORMATION

RECEIVED FEB 25 2002

BOONE COUNTY PLANNING COMMISSION



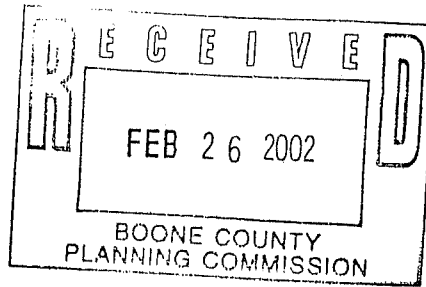
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



February 21, 2002

Mr. Bill Toebben
541 Buttermilk Pike
Suite 104
Crescent Springs, KY 41017

RE: Conditions of Approval for the request of **Bill Toebben (applicant)** for **Toebben Ltd. (owner)** to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.

Dear Mr. Toebben:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their February 6, 2002 meeting. If you, as the authorized representative of the property owner, agree to these conditions, please indicate by signing in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, March 1, 2002.

CONDITIONS

1. The property owner agrees to permit a road connection from Sam Neace Drive through this property to the Northern Kentucky Community and Technical College property.
2. The owner agrees to limit the Principally Permitted, Accessory and Conditional Uses in the Office One (O-1), Office Two (O-2) and the Industrial One (I-1) zones as follows:

OFFICE ONE (O-1)

Principally Permitted Uses

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;

4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;
11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;

~~13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;~~

~~**(Does not apply to property inside City of Florence limits.)**~~

14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
- ~~31. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

Accessory Uses

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit.

Conditional Uses

1. Child and adult care centers.

OFFICE TWO (O-2)

Principally Permitted Uses

1. All principally permitted uses of an Office One (O-1) District;
- ~~2. Eating and drinking places including alcoholic beverages and with drive-thru facilities;~~
~~Eating and drinking places including alcoholic beverages and entertainment, but~~
~~excluding drive-in or franchise style fast food establishments. (CITY OF FLORENCE~~
~~ONLY);~~
- ~~3. Retail sales of newspapers and magazines, drugs, and proprietary goods;~~
4. Banking and credit union services, including drive-thru teller services.

Accessory Uses

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. Public transit stations and terminals;
3. Postal travel and transportation ticket or forwarding services;

4. Detective, protective and other police services;
5. Signage (See Article 34);
6. Parking (See Article 33);
7. Automatic teller machines;
8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services.

Conditional Uses and Criteria

1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
- ~~4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;~~
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Adult and child care centers.

INDUSTRIAL ONE (I-1)

Principally Permitted Uses

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.

Accessory Uses

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.

Conditional Uses and Criteria

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;~~

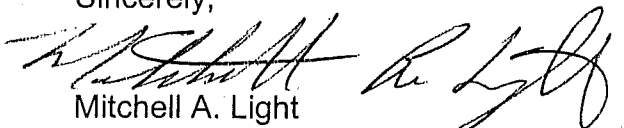
The permission of such uses will be decided on an individual basis;

- ~~2. Poultry and small game dressing and packing;~~

Mr. Bill Toeppen
February 21, 2002
Page 10

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.

Sincerely,


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

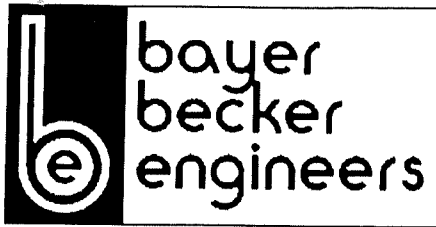
MAL\pr

Agreement

I, Bill Toeppen, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Blvd./Mt. Zion Road intersection, Boone County, Kentucky.


Bill Toeppen (owner)

2-25-02
(date)



engineers
planners
architects
surveyors

14 East Eighth Street
Covington, KY 41011
P. 859.261.1113
F. 859.261.1710
covington@bayerbecker.com

DESCRIPTION: Rezoning 28.620 Acres
LOCATION: Mt. Zion Road & I-71/75
DATE: December 21, 2001

Situated in the County of Boone, Commonwealth of Kentucky, lying on the North side of KY. Hwy. 536 (Mt. Zion Rd.) approximately 850 feet East of the centerline of I-71/75 and being part of the 47 ½ acre tract conveyed in D.B. 340, Pg. 52 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at the centerline intersection of Mt. Zion Road and Sam Neace Blvd., said intersection being at station 68+50.00 (Mt. Zion Road) = station 10+00.00 (Sam Neace), thence with the centerline of Sam Neace Blvd. North 02°35'25" East, 815.06 feet; thence leaving said centerline North 87°24'35" West, 40.00 feet to a point in the West right-of-way of Sam Neace Blvd. and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING and with the new division line through Toebben Limited (D.B. 340 Pg. 52) North 87°24'35" West, 957.27 feet to a point in the West line of Tobben, the same being the East line of James & Thelma Davis (D.B. 156, Pg. 158);

thence with said East line North 04°14'02" East, 1532.51 feet to a point in the North line of Toebben, the same being the South line of Thomas & Elizabeth O'Daniel (D.B. 345, Pg. 180);

thence with said South line South 63°10'00" East, 452.43 feet to a point;

thence with said South line South 64°38'00" East, 518.75 feet to a point in the West right-of-way of Sam Neace Blvd.;

thence with said West right-of-way along a curve to the right with a radius of 1869.86 feet, an arc length of 290.23 feet, a chord bearing South 01°51'23" East, and a chord length of 289.94 feet to a point;

thence with said West right-of-way South 02°35'25" West, 856.22 feet to the TRUE POINT OF BEGINNING.

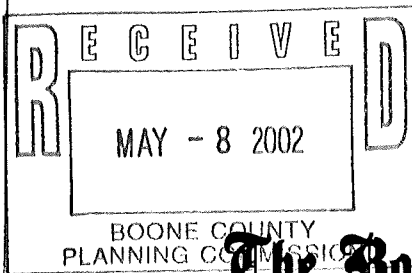
Containing 28.620 acres of land and subject to all easements and rights-of-way of record.

The reference meridian is the centerline of the Mt. Zion Road - KY 842 Connector (Sam Neace Blvd.) as shown on K.D.O.T. Plans SSP 008 8508-070 R, Sheet 3 of 9.

The above description was prepared, for zoning purposes only, from a survey made on January 6, 1999 under the direction of Chris R. Gephart, Registered Land Surveyor #3292 in the Commonwealth of Kentucky. No monuments will be set.

Prior Instrument Reference: Deed Book 340, Page 52.

95k61/953



**Ordinance
Of
The Boone County Fiscal Court**

Ordinance No. 02-04

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF BILL TOEBBEN (APPLICANT) FOR TOEBBEN LTD. (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL TWO (I-2) TO INDUSTRIAL ONE (I-1) ON A 28.6 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF SAM NEACE BOULEVARD, APPROXIMATELY 800 FEET NORTH OF THE SAM NEACE BOULEVARD / MT. ZION ROAD INTERSECTION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-02-008-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Industrial Two (I-2) to Industrial One (I-1) on a 28.6 acre site generally located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Boulevard/Mt. Zion Road intersection, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Industrial Two (I-2) to Industrial One (I-1) on a 28.6 acre site generally located on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Boulevard / Mt. Zion Road intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial Two (I-2) zone is more particularly described in DEED BOOK 340, PAGE NO. 52 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance Of The Boone County Fiscal Court

Ordinance No. 02-04

SECTION II

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

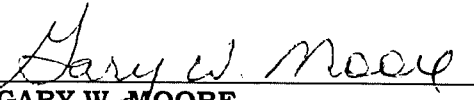
The Committee recommended approval, with conditions, for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

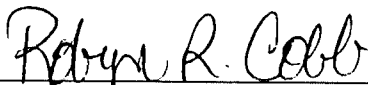
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

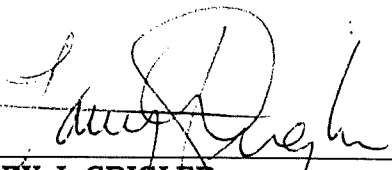
Introduced and given First Reading on the 2nd day of April, 2002.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23rd day of April, 2002, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


ROBYN R. COBB
FISCAL COURT CLERK


LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

5-2-02

DATE PUBLISHED