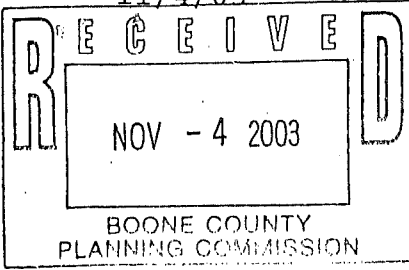


04-2MA-006-A

11/4/03



APPLICATION FORM

**ZONING MAP AMENDMENT**  
**BOONE COUNTY PLANNING COMMISSION**

(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project Electronic Prepress Sales
2. Location of Project Fountain Drive
3. Total Acreage of Site 0.1725 Acres
4. Current Zoning of Site MHP
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use)  
Building Addition and Concrete Drive for Parking Lot
7. Names of Applicant(s) James W. Berling  
Phone Number 331-9191 Fax No. 344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One  
Ft. Wright, Kentucky 41011  
City State Zip
9. Name of Property Owner(s) Crestview Lakes Villa, LLC  
Phone Number 283-9515 Fax No. 282-0312
10. Address of Property Owner(s) 25 Winding Way  
Crestview Hills, Kentucky 41017  
City State Zip
11. Proposed Building Intensities (please specify)
12. Are there any existing buildings on the site? No  
How many?
13. Deed Book 859 Page No. 478 Group No. 2033-A
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of **James W. Berling (applicant)** for **Crestview Lakes Villa, LLC (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639, and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building located at 1401 Fountain Drive, Boone County, Kentucky.

December 3, 2003

### REQUEST

The request is for a zone change from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre site. The property is located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639, and 5643 Hazel Drive, Boone County, Kentucky.

The submitted Concept Development Plan shows that the 0.1725 acre zone change site will be combined with a 1.9 acre site which contains the Electronic Prepress Equipment Warehouse (1401 Fountain Drive). The zone change will allow parking lot improvements and a 4,000 square foot building addition to added onto the existing facility.

### SITE CHARACTERISTICS

The 0.1725 acre site is flat and contains some small evergreen trees along the rear property line. The Concept Development Plan shows that the site is bisected by a sanitary sewer main.

### SITE HISTORY

The 0.1725 acre tract has been zoned Mobile Home Park (MHP) since 1980.

### ADJACENT LAND USES AND ZONING

North: Crestview Lakes Villa Mobile Home Park (MHP)

South: Crestview Lakes Villa Mobile Home Park Maintenance Garage (MHP)

East: Crestview Lakes Villa Mobile Home Park (MHP)

West: Electronic Prepress Equipment Warehouse & Zimmer Warehouse (I-1)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's 2025 Land Use Plan (the "Future Land Use Map") designates the site for "High Suburban Density Residential" uses. This classification is described as "single-family housing and/or attached housing of up to 8 dwelling units per acre.

This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The Land Use Element (Burlington Area, pages 169-171) provides the following statements that relate to the general area:

- A. "Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip. Existing pockets of mature wooded areas should remain intact to provide a visual transition into the industrial uses planned north of KY 18 as indicated on the Future Land Use Map."

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal:

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadway. Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 159).

- C. Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site ("Storm Water Management and Erosion Control," pg. 159).
- D. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

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

- A. Proper design principles shall be applied in development (Overall, Objective 3).
- B. Boone County shall strive to achieve a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public (Overall, Objective 6).
- C. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth (Population, Goal).
- D. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).
- E. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective 4).
- F. Employment opportunities shall be encouraged for the citizens of Boone County (Economy, Objective 1).
- G. Boone County shall seek an overall combination of land uses (residential, commercial, industrial, public, transportation, etc.) that yields a balance between the public revenues generated from those uses and the public expenditures required to support those uses (Economy, Objective 7).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

- I. 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).
- J. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and on Airport owned land. Future industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed (Business Activity, Industrial Objective 1).
- K. Effective site placement, architectural design and landscaping design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise, and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies (Business Activity, Industrial Objective 2).

#### STAFF COMMENTS

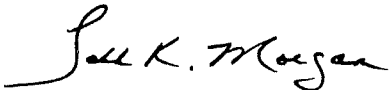
1. The Boone County Comprehensive Plan states that "the Future Land Use Map boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (p. 160)." Staff brings up this point because the subject property is forecasted for High Suburban Density Residential uses but immediately adjoins an area that is forecasted for Industrial uses.
2. Staff would like to note that the Electronic Prepress Warehouse cannot be expanded to the south because the existing 1.9 acre parcel is bisected by Gunpowder Creek.
3. The submitted Concept Plan does not show the mobile homes and sheds to the east. Staff cannot determine if the mobile homes are meeting the 15 foot rear yard setback requirement or if the sheds are meeting the 5 foot accessory structure setback from the proposed property line.
4. The submitted Concept Development Plan indicates that the 4,000 square foot building addition will be placed on a sanitary sewer main. Staff would like the applicant to explain if they have had discussions with Florence Public Services about relocating this main.
5. Staff is concerned that the proposed parking lot and building addition could adversely affect the adjoining mobile home owners. Staff would like the applicant to address the proposed use(s), building materials, and site lighting.
6. To date, Fountain Park Subdivision has not been Final Platted. Electronic Prepress Warehouse and Zimmer Warehouse were allowed to be constructed under the Improvement Plan approval. The Boone County Subdivision Regulations states that a total of two building and zoning permits may be issued in the name of the developer of the subdivision once the Improvement Plan has been approved by the Boone County Planning Commission.

7. Twenty-five foot wide buffers (Buffer Yard C) are required along the northeast and southeast boundaries of the 0.1725 acre tract. This is due to the adjoining property being zoned Mobile Home Park (MHP). The Concept Plan does not show a 25 foot wide buffer area along the southeast property line. This is the property line which immediately adjoins the Crestview Lakes Villa Maintenance Garage. If the Zoning Map Amendment is approved, the applicant could revise the buffer area to meet code, seek a variance from the Board of Adjustment, or seek a Waiver from the Zoning Administrator.

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

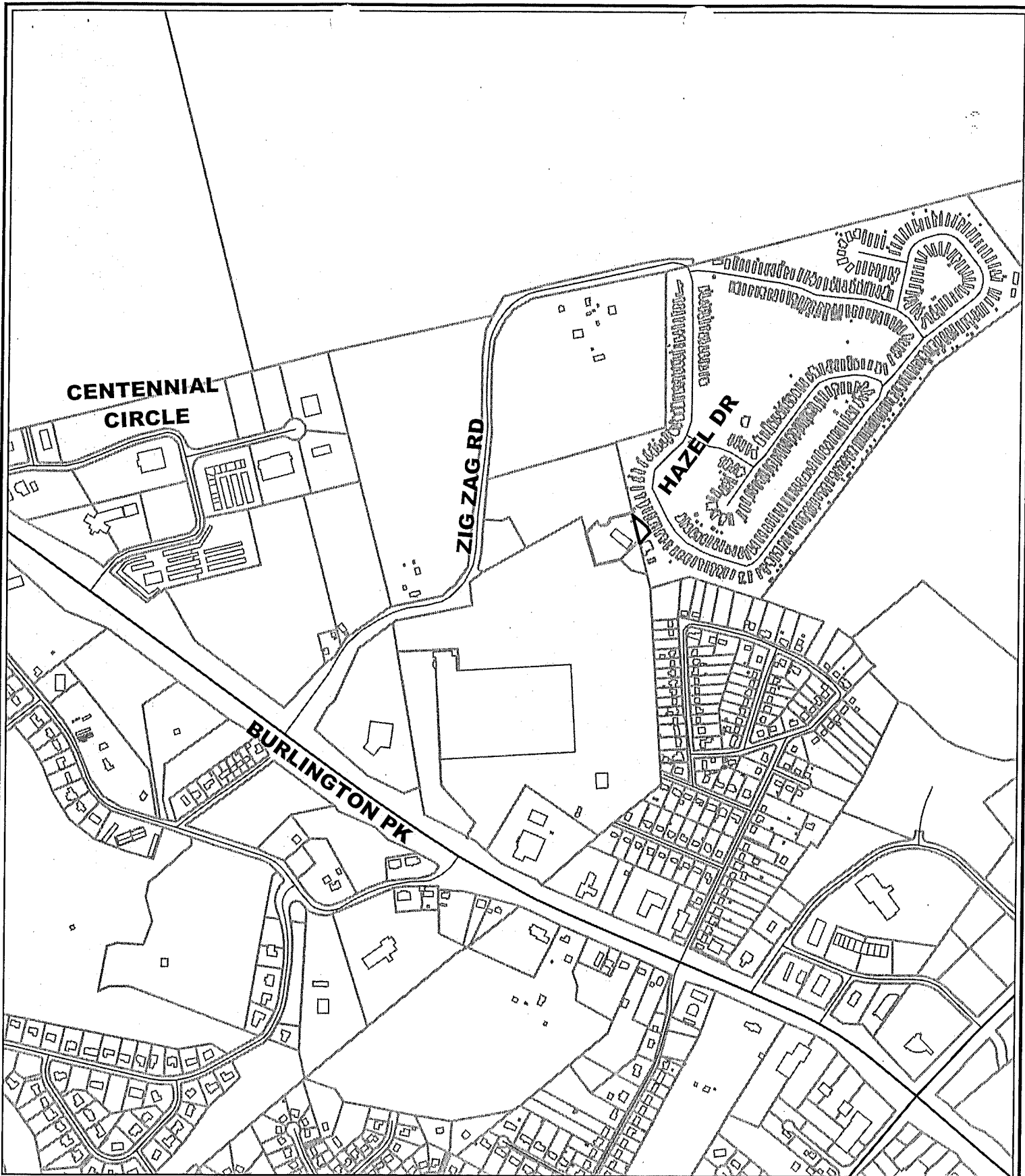


Todd K. Morgan  
Planner, Zoning Services

TKM\pr

attachments:

- Site Vicinity Map
- Concept Plan
- Aerial Map
- Zoning Map
- Future Land Use Map
- Topographical Map
- Application



# Electronic Prepress Site Vicinity Map

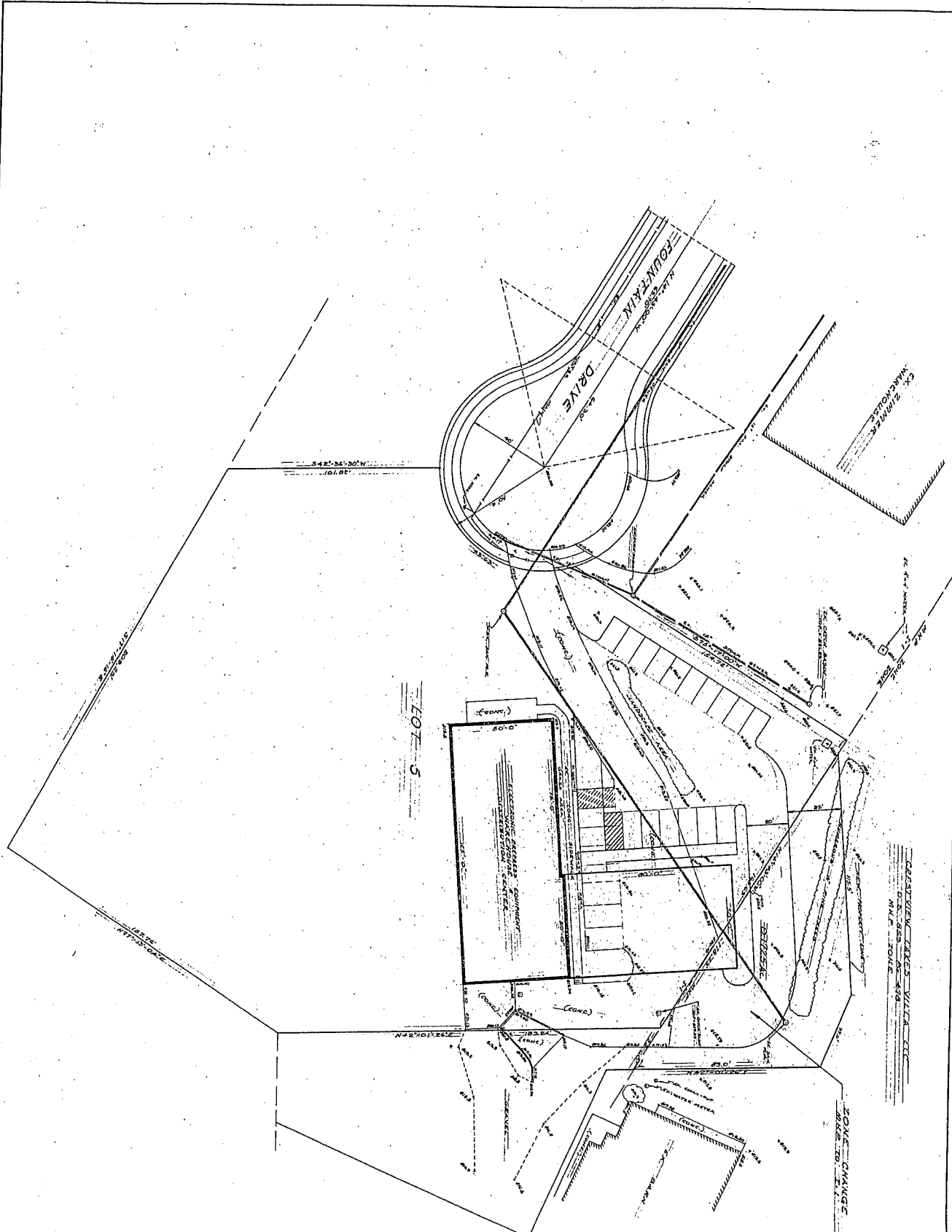
800 0 800 Feet



1 inch equals 800 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 1, 2003



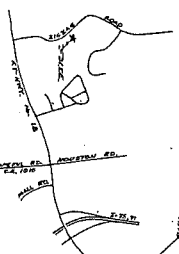


CR. ZONES  
MANICULATED

EASTVIEW LAKES VILLAGE CIRCLE  
D.C. ZONE  
M.H.F. ZONE

ZONE CHANGE  
TO M.H.F. ZONE

LOT 5



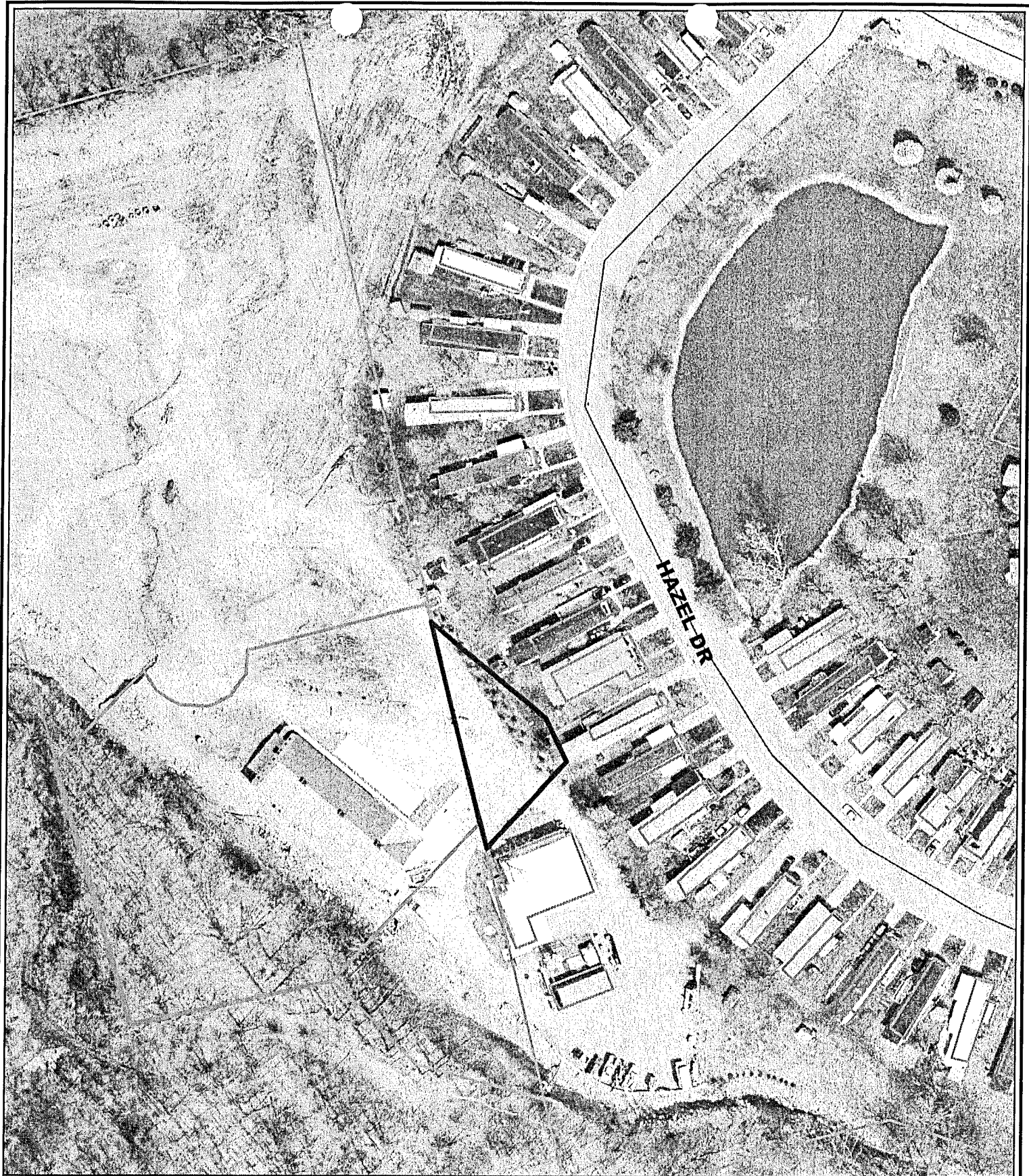
VIQUINT, WARD  
REGISTERED PLANNING

DEVELOPER  
ELECTRONIC SERVICES SALES  
1501 T. MOUNTAIN DRIVE  
ANN ARBOR, MICH. 48106

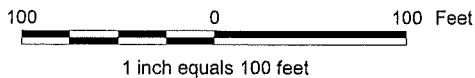
ENGINEER  
JAMES W. BERLING  
1501 PARK RD.  
SOUTH FIELDS, MI.  
ANN ARBOR, MI.  
PH. 333-9191

OWNER  
GREENVIEW LAKES VILLAGE, LTD.  
25 WINDING WAY  
DEERFIELD BEACH, FL. 33447

ZONE CHANGE  
LOT 5 - MOUNTAIN PARK  
ELECTRONIC PREPRESS SALES  
1501 T. MOUNTAIN DRIVE  
ANN ARBOR, MI. 48106  
PH. 333-9191  
JAMES W. BERLING  
REGISTERED PLANNING

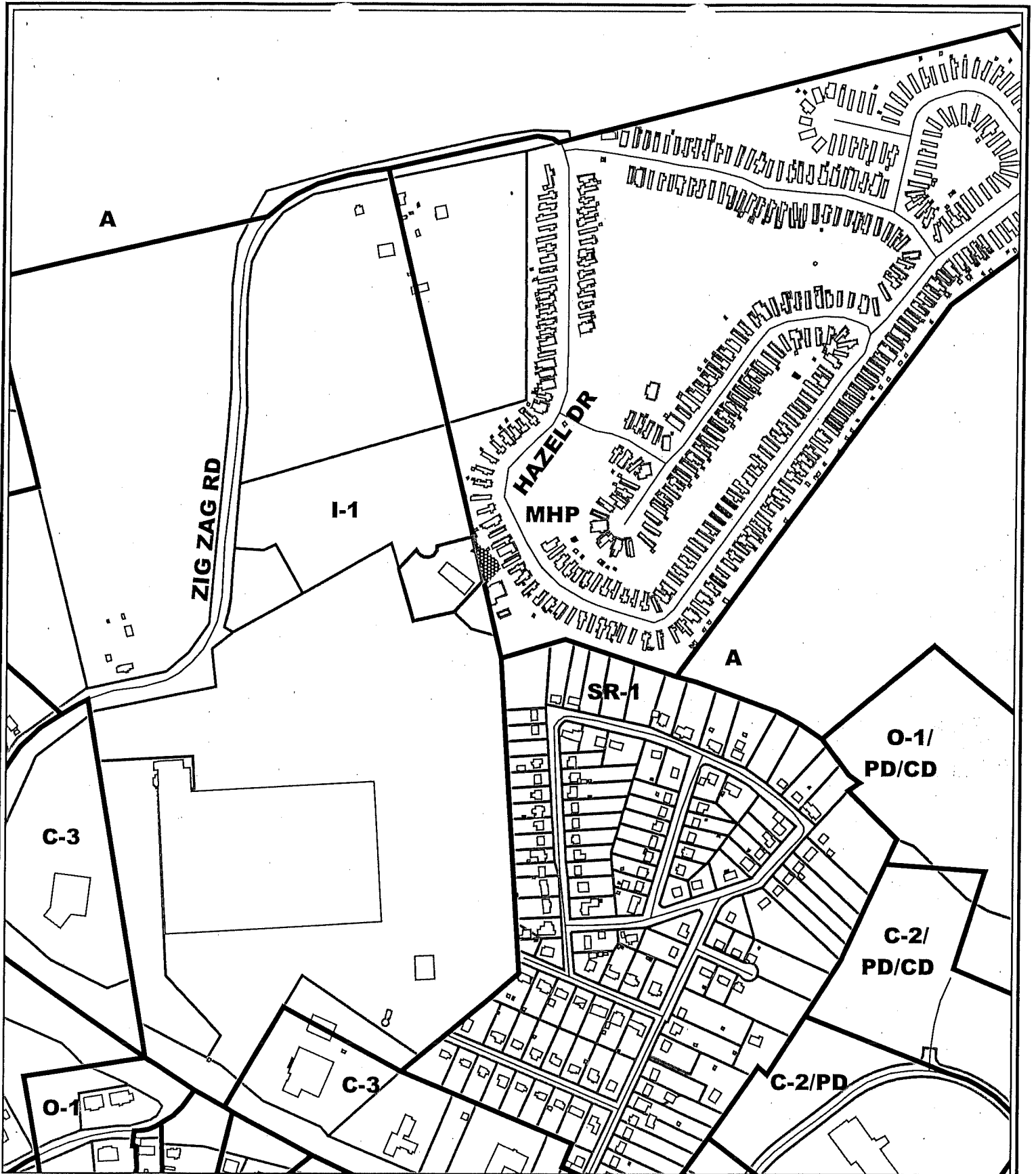


# Electronic Prepress Aerial Map

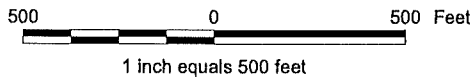


Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 1, 2003



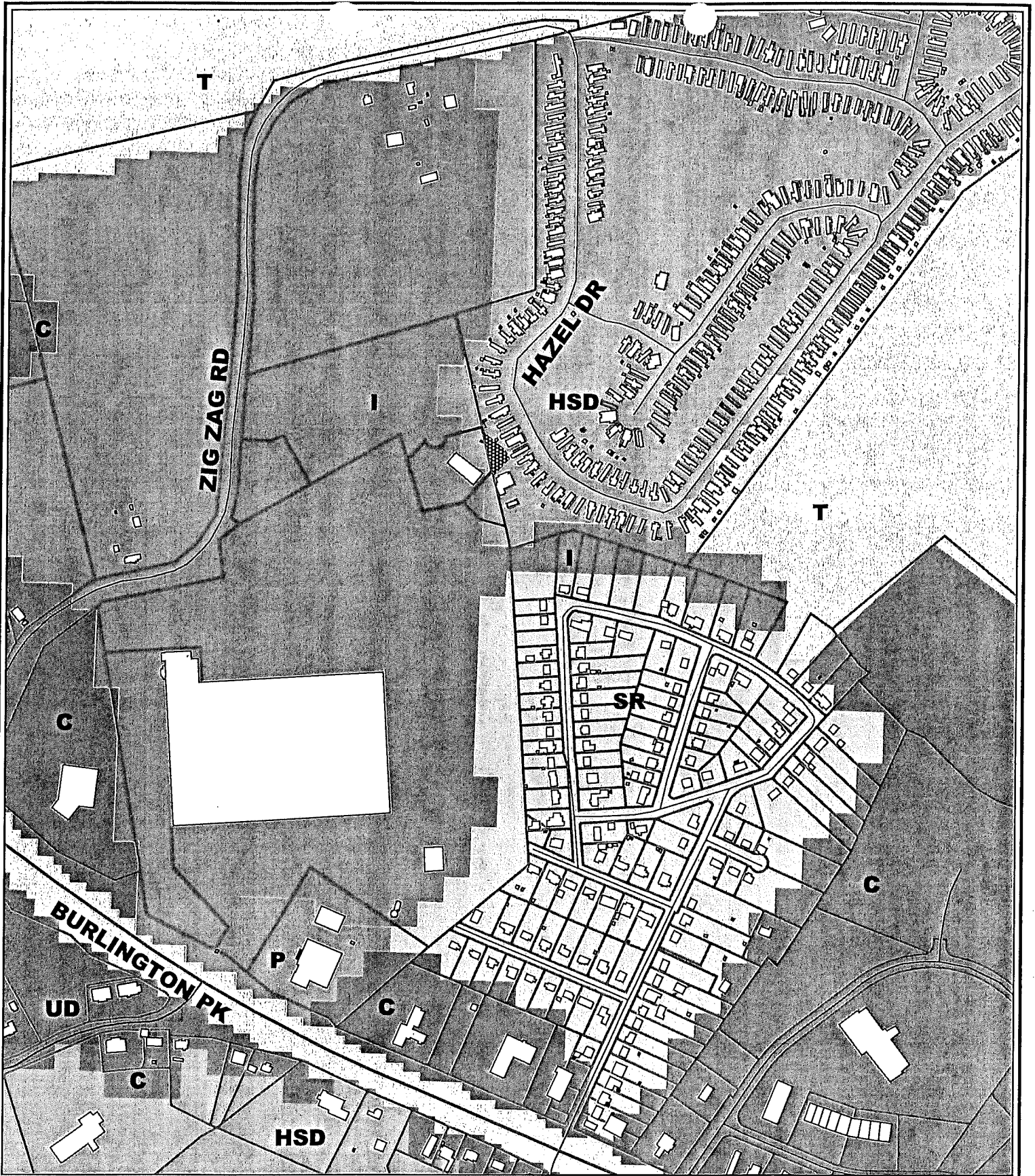


# Electronic Prepress Zoning Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 1, 2003





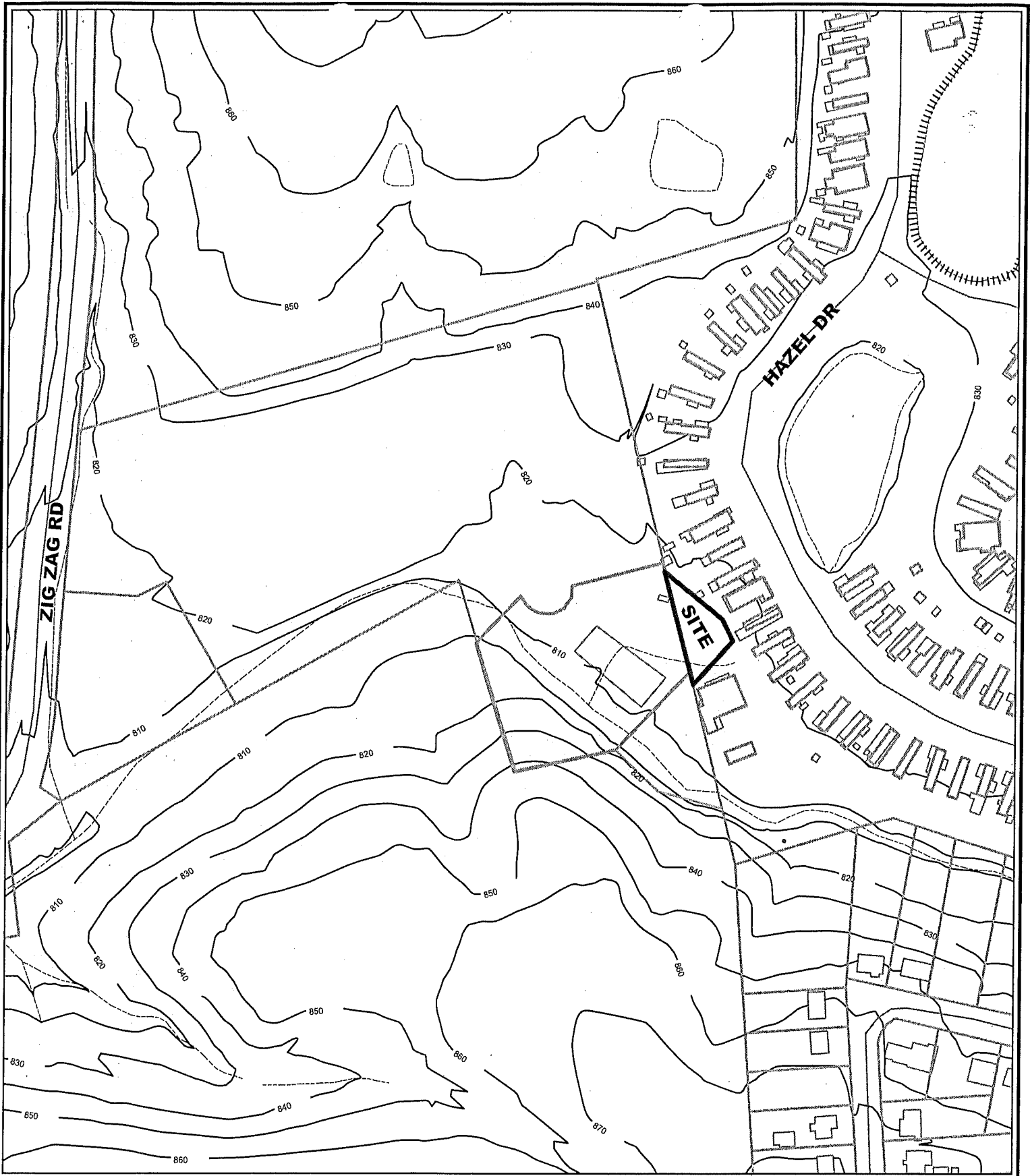
500 0 500 Feet

1 inch equals 500 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 1, 2003



# Electronic Prepress Future Land Use Map



# Electronic Prepress Topographical Map

200 0 200 Feet

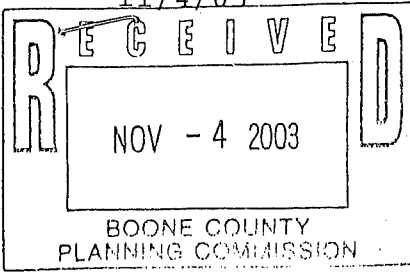


1 inch equals 200 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 1, 2003



11/4/03



APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County  
Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project Electronic Prepress Sales
2. Location of Project Fountain Drive
3. Total Acreage of Site 0.1725 Acres.
4. Current Zoning of Site MHP
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use)  
Building Addition and Concrete Drive for Parking Lot
7. Names of Applicant(s) James W. Berling  
Phone Number 331-9191 Fax No. 344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One  
Ft. Wright, Kentucky 41011  
City State Zip
9. Name of Property Owner(s) Crestview Lakes Villa, LLC  
Phone Number 283-9515 Fax No. 282-0312
10. Address of Property Owner(s) 25 Winding Way  
Crestview Hills, Kentucky 41017  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 859 Page No. 478 Group No. 2033-A
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell - Chairman, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Mr. Todd Morgan, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: James Berling for  
Crestview Lakes Villa, LLC (owner)

Request: Zoning Map Amendment

The request of James W. Berling (applicant) for Crestview Lakes Villa, LLC (owner) for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building at 1401 Fountain Drive, Boone County, Kentucky.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, applicant and engineer for the project, introduced his son Steve Berling, and Mr. Greg Myrechon, owner of Electronic Prepress. He stated that Electronic Prepress did \$2 million in business last year and is looking to do \$3 million – but with the expansion they could do up to \$5 million in business. The operation is mostly warehousing, but they are preparing to run presses and are refurbishing equipment – all of which is electronic. There are eight employees and they have more parking than they need, but they had to meet the code. They cannot expand in the other direction because of the creek. He stated that the improvements are complete for Fountain Park Industrial development and the plat should be recorded in the next two months (it has not been recorded due to a technicality). He stated that they had the right to do what they have done with the two units based on the regulations. He stated that Staff has asked for a 20-foot

drive and a 25-foot buffer adjacent to it – but they are only asking for seventeen hundredths (0.17) of an acre. They might be able to reduce the size of the request and develop a common buffer area with the neighbors. Mr. Myrechon's father owns the trailer park and there is a friendly situation there – so they would like to work with Staff and the owner and overcome the details of the project. This concluded the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak regarding this request.

Ms. Shirley Dalton, 5627 Hazel Drive, stated that this request will affect the residents there. When they moved in, it was wooded back there and it was nice. She and her grandchildren play in her back yard, but now there will be a big building and no fresh air or sunshine. She stated that a lot of the residents are older people and cannot go anywhere else. They will not be able to sit out because of the dust from the work going on there. She is opposed to the request.

Mr. Jack Howell, 5635 Hazel Drive, stated that their backyard is already limited and this will limit it further. The fence will be right up against their back fence. He stated that when they came here, they were told there would never be anything back there. The business owns the property going west, but they want to build east because it is more convenient – but that should not be more important than the people who live there.

Ms. Mary Mitchell McKinley, 5639 Hazel Drive, stated that she was raised in Burlington. She indicated her current residence in close proximity to the proposed expansion area. She has a carport on one side of her residence and room addition on the other and the backyard is fenced. She has asthma and her husband has emphysema. She stated that the business has more land and it goes all the way out to Zig Zag – and if the creek is in the way, they could move down a little. She stated that the slide showed that the building will come right up almost to their trailer, which is not right.

Lucinda Fry, 5643 Hazel Drive, stated that her home is the one the red line on the picture is touching – and the expansion would take her backyard. On May 5, the home next door to her exploded and burned, which was terrifying. That trailer was only seven feet from her property and in looking into that with Planning & Zoning it was okay. She is not comfortable with the expansion against her bedroom wall. Her grandchild comes over several days a week and is on continuous oxygen. She feels that their quality of life will decrease.

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

Mrs. Kegley questioned the green lines shown on the Power Point slide. Mr. Morgan responded that the GIS Department drew in the approximate buildings. The green lines are shown on top of the mobile homes in the aerial photograph and are representations of the mobile homes. Mrs. Kegley commented that in some cases the green lines are smaller than the units. Mr. Morgan agreed and noted that it is a representation – not an exact survey. Mr. Costello asked if what is represented by the green lines is the legal description of the lots. Mr. Morgan responded that the mobile home park is one parcel – the residents own the mobile homes, but not the lots – and the green lines approximately represent the buildings. Mr. Costello commented that old units could have been moved out and new units moved in.

Mr. McMillian questioned the driveway shown in the Power Point presentation. Mr. Morgan responded that it is Fountain Drive, but the aerial photograph does not show the street and it is not in GIS because the subdivision is not final platted. Fountain Drive goes out to Zig Zag Road. He indicated the location of a path that goes back to the maintenance garage. He indicated the driveway for Zimmer Warehouse and for the subject site. A resident stated that Fountain Drive runs from Zig Zag Road to Hazel Drive.

Mr. McMillian stated that this is a very nice mobile home park.

Mrs. Kegley stated that she is concerned about the mobile home that looks like it is on the lot line. She questioned the distance of that unit from the lot line and asked if it meets the setback requirements. Mr. Morgan responded that the mobile home is supposed to meet the 15-foot rear yard setback requirement. The Chairman asked Staff to look into this before the Committee Meeting. Mr. Morgan asked the applicant to provide a drawing to scale.

Mr. Jim Berling reviewed the aerial photograph attached to the Staff Report and stated that they put in thirty pine trees for buffer when they built the first building – there is a 25-foot buffer area beyond the paving that will be undisturbed. The pine trees behind the units will stay.

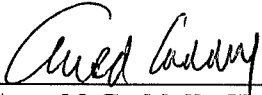
In response to a question from one of the residents regarding how far the expansion will be from the pine trees, Chairman Caddell stated that the residents are invited to attend the Zone Change Committee and the details and their questions can be resolved at that time. The Committee Chair will try to let everyone resolve the issues raised tonight.

Mrs. Poston asked if the current owner of the building who wants this expansion built the original building. Mr. Berling responded “yes”. Mrs. Poston asked if it was always his intention to expand. Mr. Berling responded that the business has been successful, but they did not know at that time if it would be successful.

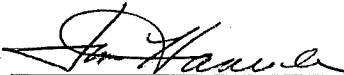
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on January 7, 2004 at 5 PM in this room. This item will be on the Agenda for the Business Meeting on January 21, 2004 at 7:00 PM.

The Chairman closed this Public Hearing at 8:57 PM.

**APPROVED:**

  
\_\_\_\_\_  
**Arnold Caddell, Chairman**

**Attest:**

  
\_\_\_\_\_  
**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
February 4, 2004  
7:00 P.M.**

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Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Greg Breetz  
Mr. Kim Bunger  
Mr. Arnold Caddell, Chairman  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Bob Schwenke  
Mr. Earl White  
Mrs. Lisa Wilson, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mark Hicks  
Mr. Robert Newman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Todd Morgan, AICP, Planner

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Poston seconded the motion. A vote on the motion found all voting members in favor. Mr. Bunger and Mrs. Kegley were not yet present. Mr. Caddell abstained due to his relationship with Heritage Bank. The motion carried.

**ACTION ON PLAN REVIEWS:**

Mr. Bunger and Mrs. Kegley arrived at this time.

1. **Zoning Map Amendment**

The request of James W. Berling (applicant) for Crestview Lakes Villa, LLC (owner) for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building at 1401 Fountain Drive, Boone County, Kentucky.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact (see Committee Report).

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

2. **Zoning Map Amendment**

The request of Grand Communities, Ltd. (applicant) for U.S. Bank Trustee, attn. Linda Holmes (owner) for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Urban Residential One (UR-1) for an approximate 17.5 acre lot on the south side of Boone Aire Road, approximately 75 feet west of the Boone Aire Road/Glen Arbor Drive intersection and approximately 100 feet east of the Boone Aire Road/Zig Zag Road intersection, Boone County, Kentucky. The request is for a zone change to allow condominium dwelling units.

The Chairman stated that Agenda Item #2 is recommended for deferral to the March 3, 2004 Business Meeting at 7:00 PM. The Committee Meeting will be held on February 18, 2004 at 5:00 PM in this room. Mrs. Wilson so moved. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT  
"B"

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Randy Barlow, Chairman

**DATE:** February 4, 2004

**RE:** Request of **James W. Berling (applicant)** for **Crestview Lakes Villa, LLC (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639, and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building located at 1401 Fountain Drive, Boone County, Kentucky.

### REMARKS:

We, the Committee, recommend approval of the above referenced application. This recommendation is based on revised Concept Development Plan that was received by the Boone County Planning on January 20, 2004 (see attachment) and the following findings of fact:

#### Findings of Fact

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:

A. Although the Future Land Use Map forecasts the zone change area for "High Suburban Density Residential" uses, the parcel immediately adjoins a planned industrial subdivision (Fountain Park) and an existing business (Electronic Prepress), which are forecasted for "Industrial" uses. The Boone County Comprehensive Plan states that "the Future Land Use Map boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies"(p. 160).

The Committee determined that the future land use boundary is approximate and conceptual, and that it should be refined to allow the marginal expansion of a light industrial business.

B. The Land Use Element (Burlington Area, pp. 169-171) states that "commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip. Existing pockets of mature wooded areas should remain intact to provide a visual transition into the industrial uses planned north of KY 18 as indicated on the Future Land Use Map."

Although Fountain Park Subdivision adjoins the area mentioned above, the Committee has concluded that the passage applies to Fountain Park Subdivision and the zone change parcel. This conclusion is based on the fact that the Future Land Use Map shows a planned industrial area which is located to the north of KY 18, to the south of Cincinnati/Northern Kentucky International Airport, and to the east and west of Zig Zag Road.

- C. One of The Future Land Use Development Guidelines ("Landscaping," p. 159) states that "developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures..."

The Committee determined that the applicant's revised Concept Development Plan met the intent of this guideline because there is ample area to plant the required Buffer Yards (Buffer Yard C) along the northeast and southeast property lines. The Committee concluded that these buffers would improve the public view of the development.

- D. The Goals and Objectives contain the following statements:

- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

The Committee determined that the project involved the marginal expansion of an existing business and was compatible with the surrounding area.

- 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).

The Committee determined that the revised Concept Development Plan showed that the required buffer yards could be planted between the mobile home park and building expansion area.

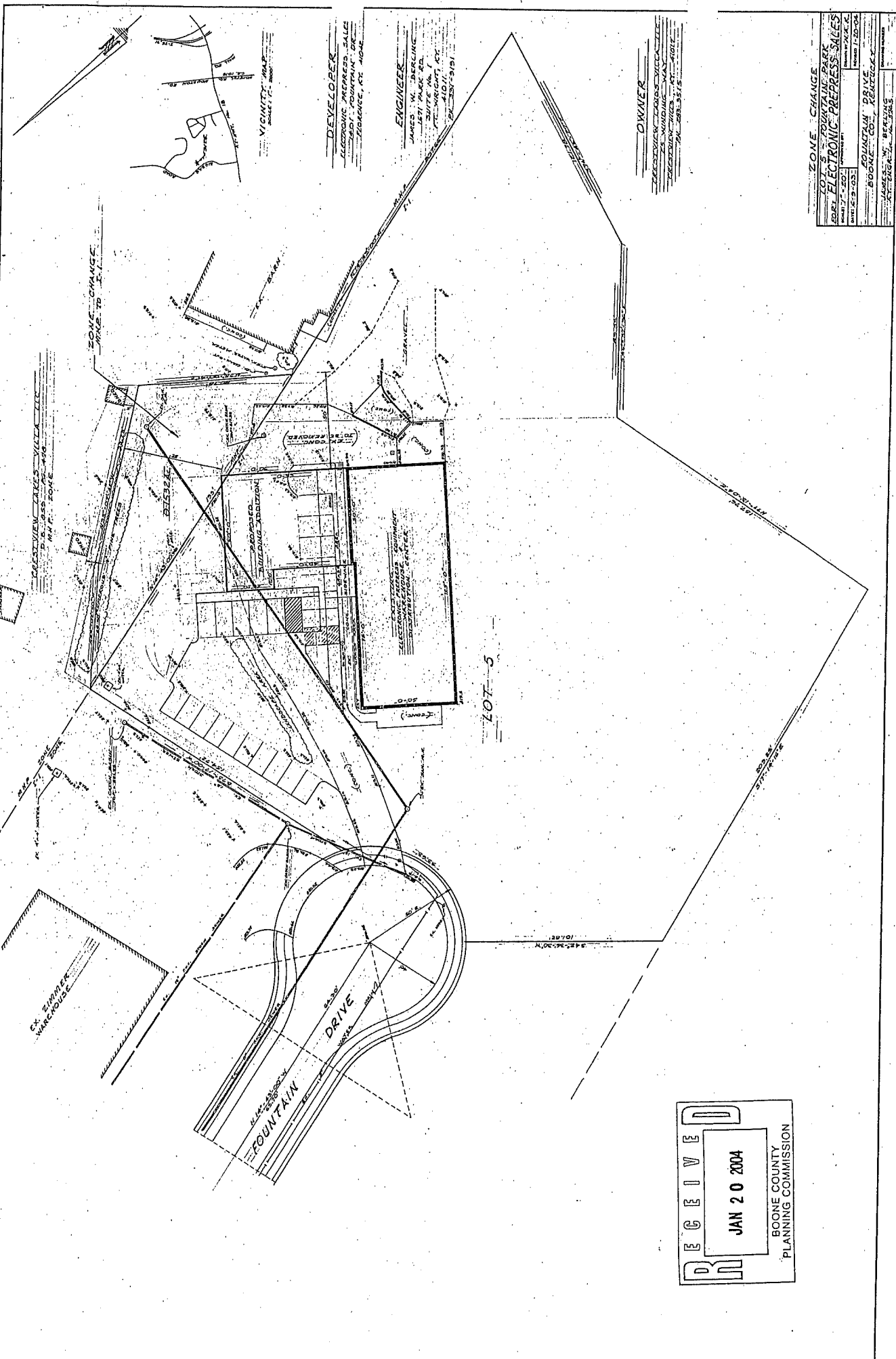
- Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and on Airport owned land. Future industrial development must be located where infrastructure exists or is planned..." (Business Activity, Industrial Objective 1).

The Committee determined that zone change parcel is appropriate for industrial development because it is in close proximity to the Airport and is immediately adjacent to a planned industrial subdivision.

Zone Change/Concept Plan Committee Report  
**James W. Berling/Crestview Lakes Villa, LLC**  
**Fountain Drive**  
February 4, 2004

Page 3

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.



LOT 5

**DEVELOPER**  
 ELECTRONIC PRESS SALES  
 10000 W. WILSON AVE.  
 GREENSBORO, NC 27409

**ENGINEER**  
 JAMES M. BERLINE  
 1571 PARK RD.  
 FARMINGTON, NC 27834  
 (704) 725-5151

**OWNER**  
 ELECTRONIC PRESS SALES  
 10000 W. WILSON AVE.  
 GREENSBORO, NC 27409

<b>ZONE CHANGE</b>	
LOT 5 MOUNTAIN PARK	
FOR ELECTRONIC PRESS SALES	
APPLICANT	JAMES M. BERLINE
DATE	1-20-04
PROJECT	10000 W. WILSON AVE.
APPLICANT ADDRESS	10000 W. WILSON AVE.
APPLICANT CITY	GREENSBORO, NC
APPLICANT STATE	NC
APPLICANT ZIP	27409
APPLICANT PHONE	(704) 725-5151
APPLICANT FAX	
APPLICANT EMAIL	
APPLICANT TITLE	
APPLICANT POSITION	
APPLICANT COMPANY	
APPLICANT ADDRESS	
APPLICANT CITY	
APPLICANT STATE	
APPLICANT ZIP	
APPLICANT PHONE	
APPLICANT FAX	
APPLICANT EMAIL	

**RECEIVED**  
 JAN 20 2004  
 BOONE COUNTY  
 PLANNING COMMISSION

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Mr. Todd Morgan, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: James Berling for  
Crestview Lakes Villa, LLC (owner)

Request: Zoning Map Amendment

The request of James W. Berling (applicant) for Crestview Lakes Villa, LLC (owner) for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building at 1401 Fountain Drive, Boone County, Kentucky.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, applicant and engineer for the project, introduced his son Steve Berling, and Mr. Greg Myrechon, owner of Electronic Prepress. He stated that Electronic Prepress did \$2 million in business last year and is looking to do \$3 million – but with the expansion they could do up to \$5 million in business. The operation is mostly warehousing, but they are preparing to run presses and are refurbishing equipment – all of which is electronic. There are eight employees and they have more parking than they need, but they had to meet the code. They cannot expand in the other direction because of the creek. He stated that the improvements are complete for Fountain Park Industrial development and the plat should be recorded in the next two months (it has not been recorded due to a technicality). He stated that they had the right to do what they have done with the two units based on the regulations. He stated that Staff has asked for a 20-foot

drive and a 25-foot buffer adjacent to it – but they are only asking for seventeen hundredths (0.17) of an acre. They might be able to reduce the size of the request and develop a common buffer area with the neighbors. Mr. Myrechon's father owns the trailer park and there is a friendly situation there – so they would like to work with Staff and the owner and overcome the details of the project. This concluded the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak regarding this request.

Ms. Shirley Dalton, 5627 Hazel Drive, stated that this request will affect the residents there. When they moved in, it was wooded back there and it was nice. She and her grandchildren play in her back yard, but now there will be a big building and no fresh air or sunshine. She stated that a lot of the residents are older people and cannot go anywhere else. They will not be able to sit out because of the dust from the work going on there. She is opposed to the request.

Mr. Jack Howell, 5635 Hazel Drive, stated that their backyard is already limited and this will limit it further. The fence will be right up against their back fence. He stated that when they came here, they were told there would never be anything back there. The business owns the property going west, but they want to build east because it is more convenient – but that should not be more important than the people who live there.

Ms. Mary Mitchell McKinley, 5639 Hazel Drive, stated that she was raised in Burlington. She indicated her current residence in close proximity to the proposed expansion area. She has a carport on one side of her residence and room addition on the other and the backyard is fenced. She has asthma and her husband has emphysema. She stated that the business has more land and it goes all the way out to Zig Zag – and if the creek is in the way, they could move down a little. She stated that the slide showed that the building will come right up almost to their trailer, which is not right.

Lucinda Fry, 5643 Hazel Drive, stated that her home is the one the red line on the picture is touching – and the expansion would take her backyard. On May 5, the home next door to her exploded and burned, which was terrifying. That trailer was only seven feet from her property and in looking into that with Planning & Zoning it was okay. She is not comfortable with the expansion against her bedroom wall. Her grandchild comes over several days a week and is on continuous oxygen. She feels that their quality of life will decrease.

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

Mrs. Kegley questioned the green lines shown on the Power Point slide. Mr. Morgan responded that the GIS Department drew in the approximate buildings. The green lines are shown on top of the mobile homes in the aerial photograph and are representations of the mobile homes. Mrs. Kegley commented that in some cases the green lines are smaller than the units. Mr. Morgan agreed and noted that it is a representation – not an exact survey. Mr. Costello asked if what is represented by the green lines is the legal description of the lots. Mr. Morgan responded that the mobile home park is one parcel – the residents own the mobile homes, but not the lots – and the green lines approximately represent the buildings. Mr. Costello commented that old units could have been moved out and new units moved in.

Mr. McMillian questioned the driveway shown in the Power Point presentation. Mr. Morgan responded that it is Fountain Drive, but the aerial photograph does not show the street and it is not in GIS because the subdivision is not final platted. Fountain Drive goes out to Zig Zag Road. He indicated the location of a path that goes back to the maintenance garage. He indicated the driveway for Zimmer Warehouse and for the subject site. A resident stated that Fountain Drive runs from Zig Zag Road to Hazel Drive.

Mr. McMillian stated that this is a very nice mobile home park.

Mrs. Kegley stated that she is concerned about the mobile home that looks like it is on the lot line. She questioned the distance of that unit from the lot line and asked if it meets the setback requirements. Mr. Morgan responded that the mobile home is supposed to meet the 15-foot rear yard setback requirement. The Chairman asked Staff to look into this before the Committee Meeting. Mr. Morgan asked the applicant to provide a drawing to scale.

Mr. Jim Berling reviewed the aerial photograph attached to the Staff Report and stated that they put in thirty pine trees for buffer when they built the first building – there is a 25-foot buffer area beyond the paving that will be undisturbed. The pine trees behind the units will stay.


In response to a question from one of the residents regarding how far the expansion will be from the pine trees, Chairman Caddell that that the residents are invited to attend the Zone Change Committee and the details and their questions can be resolved at that time. The Committee Chair will try to let everyone resolve the issues raised tonight.

Mrs. Poston asked if the current owner of the building who wants this expansion built the original building. Mr. Berling responded “yes”. Mrs. Poston asked if it was always his intention to expand. Mr. Berling responded that the business has been successful, but they did not know at that time if it would be successful.

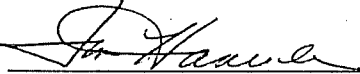
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on January 7, 2004 at 5 PM in this room. This item will be on the Agenda for the Business Meeting on January 21, 2004 at 7:00 PM.

The Chairman closed this Public Hearing at 8:57 PM.

**APPROVED:**

  
\_\_\_\_\_  
**Arnold Caddell, Chairman**

Attest:

  
\_\_\_\_\_  
**Jan Hancock, Recording Secretary**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: January 21, 2004

RE: The request of **James W. Berling (applicant)** for **Crestview Lakes Villa, LLC (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building located at 1401 Fountain Drive, 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.

*Randy Barlow*  
\_\_\_\_\_  
**Randy Barlow, Chairman**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Greg Breetz*  
\_\_\_\_\_  
**Greg Breetz**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Kim Bunger*  
\_\_\_\_\_  
**Kim Bunger**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Janet Kegley**

For Project \_\_\_\_\_ Absent   
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Susan Poston*  
\_\_\_\_\_  
**Susan Poston**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Charlie Reynolds(Alternate)\***

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

TOTAL: \_\_\_\_\_ DEFERRED 4 FOR PROJECT \_\_\_\_\_ ABSENT 1  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: January 7, 2004

RE: The request of **James W. Berling (applicant)** for **Crestview Lakes Villa, LLC (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Industrial One (I-1) for a 0.1725 acre tract located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial building located at 1401 Fountain Drive, 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.

Randy Barlow  
**Randy Barlow**

For Project  Absent   
Against Project   
Abstain  Deferred

Greg Breetz  
**Greg Breetz**

For Project  Absent   
Against Project   
Abstain  Deferred

Kim Bunger  
**Kim Bunger**

For Project  Absent   
Against Project   
Abstain  Deferred

Janet Kegley  
**Janet Kegley**

For Project  Absent   
Against Project   
Abstain  Deferred

Susan Poston  
**Susan Poston**

For Project  Absent   
Against Project   
Abstain  Deferred

Charlie Reynolds(Alternate)\*  
**Charlie Reynolds(Alternate)\***

For Project  Absent   
Against Project   
Abstain  Deferred

TOTAL: 4 DEFERRED  FOR PROJECT  ABSENT   
 AGAINST PROJECT  ABSTAIN

# SUPPORTING INFORMATION

3

DEED

FAIR CASH VALUE \_\_\_\_\_  
TRANSFER TAX \_\_\_\_\_

PIDN: \_\_\_\_\_  
GROUP: 2033-A  
PLAT: \_\_\_\_\_

Know All Men by These Presents: That CRESTVIEW LANDS, LLC, a Kentucky limited liability company, whose mailing address is 25 Winding Way, Crestview Hills, Kentucky, the Grantor, for One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is acknowledged, does hereby grant, bargain, sell and convey unto CRESTVIEW LAKES VILLA, LLC, a Kentucky limited liability company, whose mailing address is 25 Winding Way, Crestview Hills, Kentucky, the Grantee, its successors and assigns forever, the following described real property located in Boone County, Kentucky, to wit:

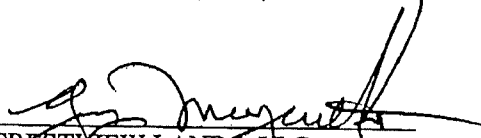
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR THE LEGAL DESCRIPTION OF THE PROPERTIES BEING CONVEYED BY THIS DEED.

Subject to easements and restrictions of record.

Being the same property conveyed to the Grantor by Crestview Lands, Inc., with a deed dated August \_\_\_\_\_, 2003, and recorded in Deed Book 0859, Page 475, in the Office of the Boone County Court Clerk, Burlington, Kentucky.

TO HAVE AND TO HOLD, all of the above-described real property together with all rights, privileges, appurtenances and improvements thereunto belonging unto the Grantee, its successors and assigns forever, with covenants of General Warranty of title.

IN WITNESS WHEREOF, the said Grantor, CRESTVIEW LANDS, LLC, has executed this Deed, this 22<sup>nd</sup> day of August in the year 2003.

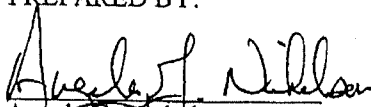
  
\_\_\_\_\_  
CRESTVIEW LANDS, LLC  
By: George C. Meyerratken, President

PROPERTY ADDRESS: Zig Zag Road, Florence, Kentucky, 41042

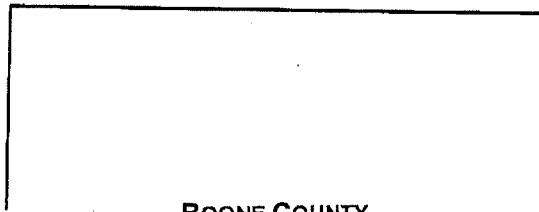
GRANTEE ADDRESS: 25 Winding Way, Crestview Hills, Kentucky 41017

RETURN TO:

PREPARED BY:

  
Angela G. Nicholson, Esq.  
William E. Hesch Law Firm  
3047 Madison Road, Suite 205  
Cincinnati, Ohio 45209

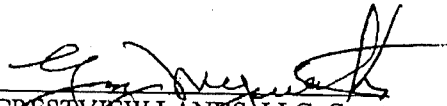
CLERKS USE ONLY

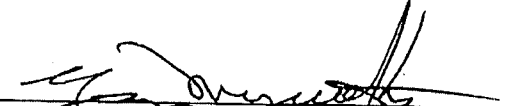


KRS § 382 CERTIFICATE OF CONSIDERATION

The Grantor, CRESTVIEW LANDS, LLC, and the Grantee, CRESTVIEW LAKES VILLA, LLC, having been first duly cautioned and sworn, depose and say under oath that this transfer is for nominal consideration and that Three Million Three Hundred Fifty-seven Thousand Dollars (\$ 3,357,000.00) is the estimated fair cash value of the above described real estate. Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 22<sup>nd</sup> day of August in the year 2003.

  
CRESTVIEW LANDS, LLC, Grantor  
By: George C. Meyerratken, President

  
CRESTVIEW LAKES VILLA, LLC, Grantee  
By: George C. Meyerratken, Manager

EXEMPTION FROM TRANSFER TAX

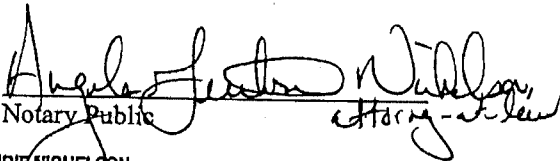
This real estate transfer is exempt from the real estate transfer tax imposed by KRS § 142.050 pursuant to the exemption provided for in KRS § 142.050(7)(i).

State of Ohio

County of Hamilton

The foregoing instrument and certification were acknowledged, subscribed and sworn to before me this 22<sup>nd</sup> day of August, 2003, by CRESTVIEW LANDS, LLC.

~~Commission Expires:~~ \_\_\_\_\_

  
Notary Public Attorney at Law

State of Ohio

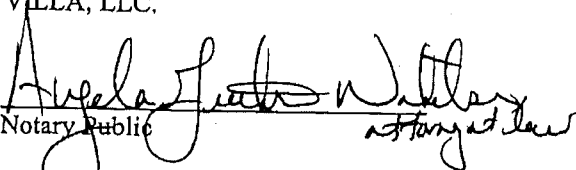
County of Hamilton

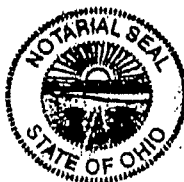


ANGELA GUTHRIE NICHELSON  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

The foregoing instrument and certification were acknowledged, subscribed and sworn to before me this 22<sup>nd</sup> day of August, 2003, by CRESTVIEW LAKES VILLA, LLC.

~~Commission Expires:~~ \_\_\_\_\_

  
Notary Public Attorney at Law



ANGELA GUTHRIE NICHELSON  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

## EXHIBIT A

Situated in Boone County, Kentucky, on the south side of Zig Zag Road, about one mile northeast of Kentucky Highway 18 and being more particularly described as follows:

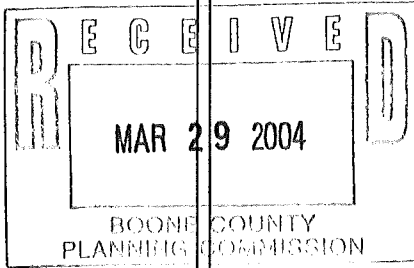
BEGINNING at a stake in the north line of August Dringenburg's 87 ¼ acre tract as described in Deed Book 58 at Page 387 of the Boone County Records, said stake being in Ivan Conrad's south line and a corner to George Boh and August Dringenburg; thence S 74° 46' W along Ivan Conrad's south line 1,418.36 feet to a point at Zig Zag Road; thence S 77° 09' W along the center line of Zig Zag Road 486.93 feet to a point; thence leaving said road S 0° 39' E, 956.13 feet to an iron pipe corner; thence S 73° 24' W, 318.90 feet to an iron pipe corner in the west line of August Dringenburg's 24.37 acre tract as described in Deed Book 58 at Page 387 of the Boone County Records; thence S 14° 43' E along the west line of said 24.37 acre tract, 921.89 feet to an iron pipe corner to Dringenburg and Greenview Subdivision; thence N 75° 47' E 237.70 feet along Greenview Subdivision to a point; thence S 72° 10' E along the rear line of Greenview Subdivision 450.04 feet to a point; thence leaving said subdivision N 36° 03' E along George Boh's west line 1,785.88 feet to an iron pipe corner; thence N 53° 25' E along Boh's line 804.04 feet to a corner post; thence N 38° 11' W along George Boh's southwest line 731.60 feet to the place of beginning, containing 78.457 acres.

DOCUMENT NO: 194797  
RECORDED ON: AUGUST 25, 2003 09:27:55AM  
TOTAL FEES: \$12.00  
GROUP : 2033A  
COUNTY CLERK: MARILYN K ROUSE  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: BARBARA

BOOK D859 PAGES 478 - 488

BOONE COUNTY  
D859 PG 480





**Ordinance  
Of  
The Boone County Fiscal Court**

**Ordinance No. 04-05**

**A ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF JAMES W. BERLING (APPLICANT) FOR CRESTVIEW LAKES VILLA, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM MOBILE HOME PARK (MHP) TO INDUSTRIAL ONE (I-1) ON A 0.1725 ACRE SITE GENERALLY LOCATED IMMEDIATELY TO THE NORTH OF CRESTVIEW LAKES VILLA MAINTENANCE GARAGE, IMMEDIATELY TO THE EAST OF 1401 FOUNTAIN DRIVE, AND IMMEDIATELY TO THE WEST OF 5627, 5631, 5635, 5639 AND 5643 HAZEL DRIVE, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Mobile Home Park (MHP) to Industrial One (I-1) on a 0.1725 acre site generally located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, 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 for the Zoning Map Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, this Zoning Map Amendment being a zone change from Mobile Home Park (MHP) to Industrial One (I-1) on a 0.1725 acre site generally located immediately to the north of Crestview Lakes Villa maintenance garage, immediately to the east of 1401 Fountain Drive, and immediately to the west of 5627, 5631, 5635, 5639 and 5643 Hazel Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Mobile Home Park (MHP) zone is more particularly described in DEED BOOK 859, PAGE NO. 478 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for this approval for the Zoning Map Amendment request are the findings of fact 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 for this request based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**Ordinance  
Of  
The Boone County Fiscal Court**

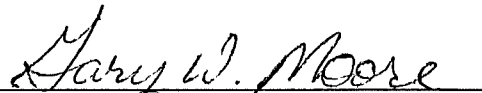
**Ordinance No. 04-05**

**SECTION III**

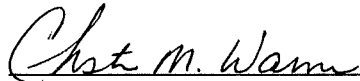
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 2<sup>nd</sup> day of March, 2004.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23<sup>rd</sup> of March, 2004, 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.

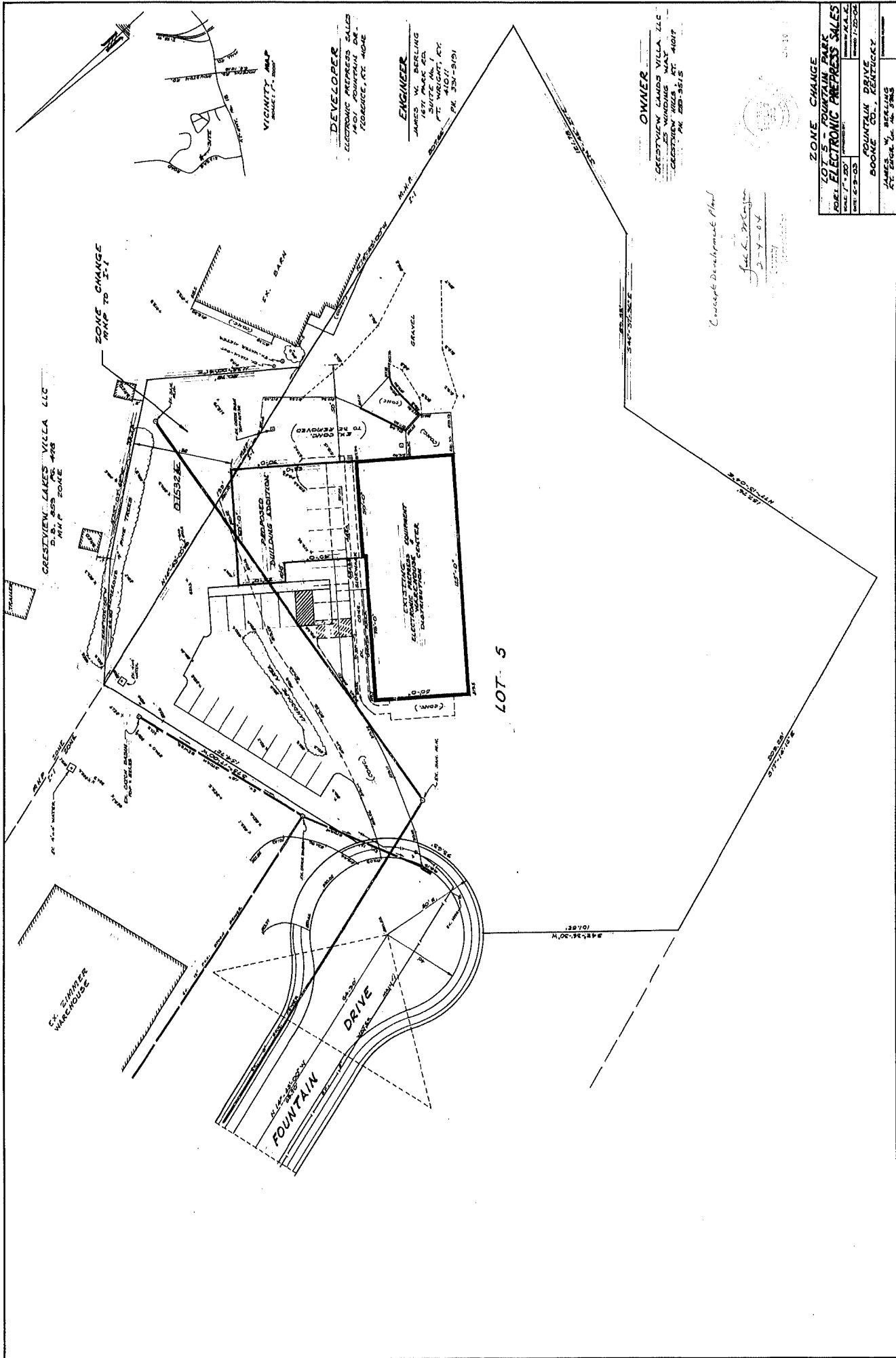
  
GARY W. MOORE  
BOONE COUNTY JUDGE/EXECUTIVE

**ATTEST:**

  
CHRISTINA M. WANNER  
FISCAL COURT CLERK

  
JAMES R. SCHRAND II  
BOONE COUNTY ATTORNEY

\_\_\_\_\_  
**DATE PUBLISHED**



CRESTVIEW LAKES VILLA LLC  
D.B. 859 AC #28  
MHP ZONE

**DEVELOPER**  
ELECTRONIC PRESS SALES  
1401 FOUNTAIN DR.  
FLORENCE, KY 40426

**ENGINEER**  
JAMES W. BERLING  
271 W. MAIN ST.  
SUITE 101  
PT. WRIGHT, KY  
40354  
PK. 354-9191

**OWNER**  
CRESTVIEW VILLA LLC  
271 W. MAIN ST.  
SUITE 101  
PT. WRIGHT, KY 40354  
PK. 354-9191

Concept Development Plan

James W. Berling  
3-14-04

<b>ZONE CHANGE</b>	
<b>LOT 5 - FOUNTAIN PARK</b>	
<b>FOR ELECTRONIC PRESS SALES</b>	
DATE: 6-9-03	PROJECT:
SCALE: 1"=20'	DATE: 1-20-04
BOONETOWN DRIVE	
BOONE CO., KENTUCKY	
JAMES W. BERLING	
P.E. 8432-0001	

LOT 5