

# EXHIBIT

“A”

## STAFF REPORT

Request of **James W. Berling (applicant)** for **DMC Trucking, Inc. (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site located on the north/east side of Frogtown Connector Road and south of the property at 329 Frogtown Road, Boone County, Kentucky. The request is for two zone changes to allow a hotel and other uses permitted in the C-3 zone.

September 7, 2005

### REQUEST

This request is for two zone changes. The first is for a change from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre tract located on the west side of Frogtown Connector Road, and to the north and east of Richwood Villa Mobile Home Park. The SR-1 area in the first zone change is a small part of the site, comprising approximately 7,300 square feet or 0.17 acres according to GIS data. The second zone change is from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre tract located across Frogtown Connector Road and to the north of the first request, and along the west side of I-75. The total acreage of the zone changes stated on the application form is 11.13 acres, which is based on the size of the parent tract before right-of-way was dedicated for Frogtown Connector Road.

A Concept Development Plan has been submitted for a portion of the site. This plan proposes a hotel in the southern part of the southern site, and will be on a 3 acre lot according to the applicant's statements. The plan shows the hotel structure in the approximate center of the lot, with the "broad" side of the structure facing the road (footprint is approximately 245' x 55'). Parking areas are illustrated at both the front and rear of the structure, and access points are shown at each end of the site along Frogtown Connector Road. A landscape perimeter around this lot is also shown. The square footage or height of the hotel structure is not stated on the plan, and no architectural or landscaping concepts were submitted with the application.

A specific development scheme has not been indicated for the remaining areas. The Concept Development Plan states that these areas are for "uses permitted in the C-3 zone." The application form states that the proposed uses overall include "hotel and other uses permitted in the C-3 zone." Public water and sanitary sewer service are proposed.

### SITE CHARACTERISTICS

As stated above, the request includes two tracts that are located on both sides of Frogtown Connector Road. The southern tract has approximately 1,330 feet of frontage along Frogtown Connector Road and has some existing tree cover, notably along the west property line adjoining the mobile home park and in the southern section of the site. The

topography of this site is gently rolling, with the elevation changing from approximately el. 914 at the north end of the site to approximately el. 940 at the south end of the site near the mobile home park entrance.

The northern tract has approximately 255 feet of frontage on Frogtown Connector Road, and approximately 380 feet of frontage along I-75. With the exception of the immediate frontage area along Frogtown Connector Road, there is tree cover over virtually the entire site. The site is a valley with both the north and south (Frogtown Connector Road side) boundaries being at approximately el. 908, and the center of the site at approximately el. 888. An intermittent blue line stream is illustrated on the USGS map in this valley. There are no structures on either site. Public water and sanitary sewer service exists in the general vicinity. Soil types on the sites include Faywood silty clay loam (FcD) and Rossmoyne silt loam (RsB, RsC).

#### ADJACENT LAND USES

The land uses and zoning adjoining the southern site include:

- A. The Richwood Villa Mobile Home Park is located to the south and west of the southern part of the site (MHP). A vacant site is located further to south along Frogtown Connector Road (C-4). A vacant area is located to the west and northwest of the northern part of the site (MHP, SR-1, and SR-2).
- B. A vacant area is located to the north across Frogtown Connector Road (SR-1, area includes the "northern site" that is part of this request). A single family residence on an estate lot that fronts on Frogtown Road is located further to the north (SR-1).
- C. Frogtown Connector Road and I-75 are located to the east.

The land uses and zoning adjoining the northern site include:

- A. The "southern site" that is part of this request is located to the south (MHP and SR-1).
- B. A vacant site is located to the immediate west (SR-1) and a vacant area is located further to the west across Frogtown Connector Road (SR-1). A large lot that contains a residence on the southwest corner of the Frogtown Road/Frogtown Connector Road intersection is located further to the west and northwest (SR-2).
- C. The above mentioned single family residence on an estate lot that fronts on Frogtown Road is located to the north (SR-1).
- D. I-75 is located to the east.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the approximate southern two thirds (2/3) of the southern site for "Commercial" (C) uses and all of the remaining areas for "High Suburban Density Residential" (HSD) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The High Suburban Density Residential classification is described as "single-family 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 text makes the following statements that relate to the overall area.

- A. Triple Crown Subdivision provides an important road connection between Richwood Road and Frogtown Road. Other connections between Richwood Road and Frogtown Road need to occur. The southwest quadrant of I-75 and Frogtown Road, adjacent to the new Frogtown- Richwood Connector Road, should develop as High Suburban Density residential to provide a logical transition of density and a buffer between the major roadways and single family development to the west. However, this area should not include a continuation of the existing mobile home park. Any attached housing in this area must be designed to complement adjacent single-family residential ("Richwood West," pp. 166-167).
  
- B. Improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75 ("Richwood Area," pg. 167).
  
- C. Commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange. The commercial development northwest of the interchange will expand and extend along the interstate. This expansion can occur with the completion of the connector road to Frogtown Road. The commercial areas need to be adequately buffered from the existing residential areas, and should not include uses which require outside display of products. The area to the north of the interstate commercial area and south of the existing mobile home park should develop as commercial uses that are consistent in design and serve the single family residential developments in this area. Care must be taken to mitigate any of the adverse impact of commercial development, due to the proximity of the interstate and residential uses ("Richwood Area," pg. 167).

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).

- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view . . .

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Designs, Signs, and Historic Preservation," pg. 160).

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

- A. Highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area ("Areas of Future Commercial Activity," pg. 71).
- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads. The southwest quadrant of the Richwood I-75 Interchange has the potential to develop into a business park development with office uses ("Areas of Future Industrial and Office Activity," pg. 73).

This specific area is not discussed in the Housing Element's "Geographic Housing Issues" section (pp. 87-88). Also, The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (887) is expected to increase from 5,973 in 2000 to 8,402 in 2010, and to 9,459 in 2020 (pp. 27-30).

The adopted 2005 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued ("Overall," Objective 9).
- F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- I. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).

- L. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial {Retail and Office} Objective 1).
- M. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial {Retail and Office} Objective 2).
- N. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial {Retail and Office} Objective 3).
- O. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

#### STAFF COMMENTS

1. The governing bodies will need to determine whether the proposed changes are in agreement with the Comprehensive Plan. The Future Land Use Map designates the approximate southern two thirds (2/3) of the southern site for "Commercial" (C) uses and all of the remaining areas for "High Suburban Density Residential" (HSD) uses. The Land Use Element states "the southwest quadrant of I-75 and Frogtown Road, adjacent to the new Frogtown-Richwood Connector Road, should develop as High Suburban Density residential to provide a logical transition of density and a buffer between the major roadways and single family development to the west. However, this area should not include a continuation of the existing mobile home park. Any attached housing in this area must be designed to complement adjacent single-family residential." In short, the Land Use Element text reinforces, but qualifies, the HSD designation on the Future Land Use Map.

The Land Use Element also states that improvements are needed to increase capacity to Richwood Road and the interchange, and that "commercial development northwest of the interchange will expand and extend along the interstate. This expansion can occur with the completion of the connector road to Frogtown Road. The commercial areas need to be adequately buffered from the existing residential areas, and should not include uses which require outside display of products." Again, the Land Use Element text reinforces and qualifies the Commercial designation on the Future Land Use Map with the critical question being where the specific boundary between the two designations belongs at implementation.

As the current proposal is for a hotel and all C-3 uses, the last quotation would exclude some of the uses permitted from said zone, such as lumber yards, mobile home sales, RV sales, etc. Therefore, the list of permitted C-3 uses should be examined relative to compatibility with the nearby residential areas and visual impacts from the freeway, in addition to those uses which may have an interchange-type character or unreasonable traffic generation at peak hours in light of the interchange capacity issue noted. This point is further reinforced with the Land Use Element's statement that "intrusive highway related services should not impact the low density residential uses on the west," and by various comments in the Business Activity Element noted previously in the body of this report.

The governing bodies will also need to determine whether the proposal fulfills either of the alternate statutory findings. In this regard, the applicant should explain the appropriateness and inappropriateness of the existing and proposed zones and/or any major changes of an economic, physical, or social nature not anticipated by the Comprehensive Plan that substantially alter the area's character. Relative to the "appropriate/inappropriate" criteria, the governing bodies should consider that the northern site is a small lot bound by a freeway and a collector style road, which could have an unusual character if developed in and of itself for HSD uses.

2. Staff has the following comments regarding access and traffic issues.
  - A. First, although Frogtown Connector Road is not yet listed as a collector road in Article 32 of the zoning regulations, it basically functions as such with currently lower volumes. Due to this point, Staff recommends that the spacing standards between driveways and street intersections for collector roads be followed by this development, and that access points within the development be shared along common property lines. Driveway interconnections between the various lots should also be coordinated with the shared access points. Sharing a common access between the northern site and the adjoining "Richwood Villa LLC" (remainder) tract that is not part of this request is especially important as the frontages for these two lots are located between two horizontal curves, and both lots are relatively small. Additionally, two access points are illustrated on the Concept Development Plan for the proposed hotel; based on the width of the lot (approximately 385'), only one access point is permitted.

- B. No traffic impact study was submitted with this request. This point, coupled with the fact that the proposed hotel is the only use specifically identified, makes it impossible to determine traffic impacts with the information available. Although hotels don't tend to have substantive peak hours that coincide with the peak hours of the road system, the unknown uses for the remainder of the development could have a substantial impact on the Richwood Road/Frogtown Connector Road intersection and/or the interchange. If a traffic study is not provided, a more concrete use list as mentioned in staff comment #1 above could help to determine (and avoid) some of the potential traffic impacts. However, staff recommends that a traffic analysis that makes some assumptions about end users be minimally provided for the AM and PM peak hours for the two areas noted.
  - C. The Kentucky Transportation Cabinet expressed no concerns regarding this request (see attached 7/26/05 e-mail from Jim Brannon).
  - D. For the applicant's information, sidewalks are required to be constructed along the road frontages of both sites through the site plan process, in accordance with the development standards outlined in the subdivision regulations.
3. No design concepts have been provided to date. When considering the visibility of the site from the freeway, the fact that the entire site will present itself as one "unit" regardless of the number of eventual lots within it, and the residential adjacency, Staff advocates the use of common theming elements within the development, including:
- A. The design of the structures should correlate to one another based on design methods which will work when the structures are viewed from both Frogtown Connector Road and the freeway. Consistent materials which have a "solid" appearance (notably masonry and concrete products), a defined color palette which emphasizes deeper, natural colors, and basic facade composition standards which require three dimensional relief to avoid completely "flat" facade planes would help to accomplish this purpose. Based on the Comprehensive Plan's statements regarding highway service type uses, the design of the structures should avoid stereotypical franchise style design. A signage package that is part of the architectural standards should also be considered, with an emphasis on building mounted signs. Because the development is a "commercial subdivision," freestanding signs for the individual lots must be monument style with limited size and height.

- B. Regularly or semi-regularly arranged street trees in or along the road right-of-way, such as between the required sidewalk and road, are recommended in addition to the normal street frontage planting requirements. This would involve the creation of a tree species list and a spacing standard or arrangement concept. Also related to streetscape issues, the applicant should explain whether the utilities are planned to be located underground.
  - C. The zone changes, if granted, will both adjoin residential areas. Relative to the southern site specifically, the applicant should explain the proposed height of the hotel structure relative to the adjoining residential uses and future buffer. Regarding both sites, the existing, healthy tree cover should be retained along the residential adjacencies per the Comprehensive Plan's direction (such tree cover exists along only a portion of the southern site's west boundary). Additionally, substantial landscaping should be provided so that a completely opaque buffer is provided between the uses when viewed from either side of it. Staff's initial recommendation is to provide Buffer Yard C (25' wide buffer with specified plantings) in addition to the retained vegetation. The normal buffer requirement to the adjoining MHP zone is Buffer Yard B (20' w/ specified plantings) when the developing site is 3 acres or larger and Buffer Yard A (10' w/ specified planting) if the site is less than 3 acres. The normal buffer requirement to the adjoining SR-1 zone is Buffer Yard C, which is increased to Buffer Yard D (50' w/ specified plantings) if the building area on the developing site is larger than 50,000 square feet. For the applicant's information, the southern buffer area for the hotel site does not meet the normal buffer yard requirement as currently drawn on the Concept Development Plan (Buffer Yard B is required, yard width scales to approximately 5').
4. The northern site is relatively small and has steep topography. The applicant should explain or depict the intended grading for the site so that its utility for commercial development and its relationship to the neighboring properties can be evaluated.
  5. The Boone County Engineer, Boone County Water District, and Sanitation District #1 were requested to comment on the proposal relative to their policies and/or service abilities. No written comments have been received to date. Any comments received will be forwarded to the Zone Change Committee.

CONCLUSION

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

Respectfully submitted,

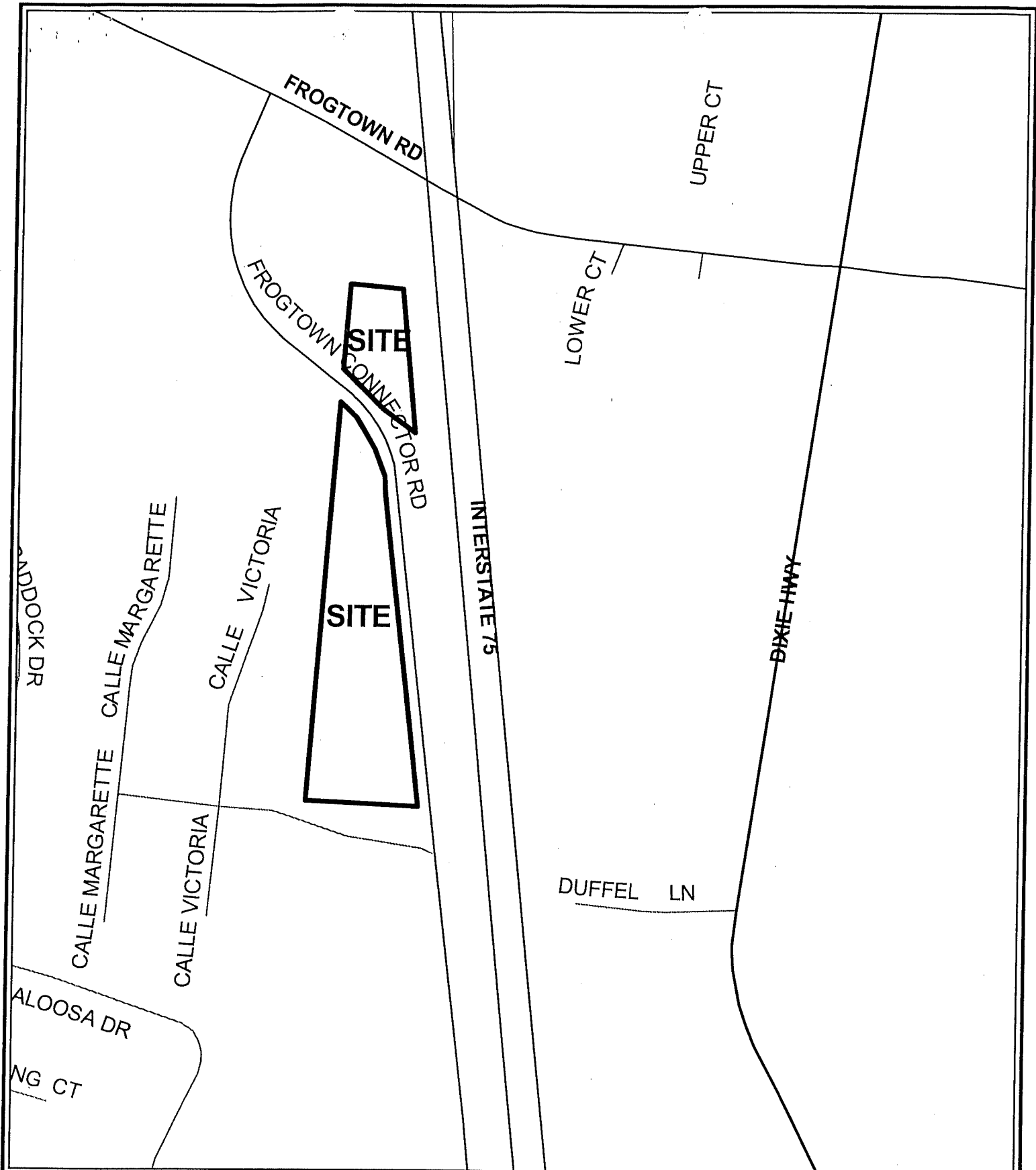


Kevin T. Wall, AICP  
Director, Zoning Services

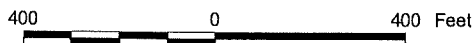
KTW/pr

attachments:

- location map
- aerial photo w/zoning
- Future Land Use Map excerpt
- topographic map
- 7/26/05 e-mail from Jim Brannon, Kentucky Transportation Cabinet, District 6
- application materials including Concept Development Plan/boundary map

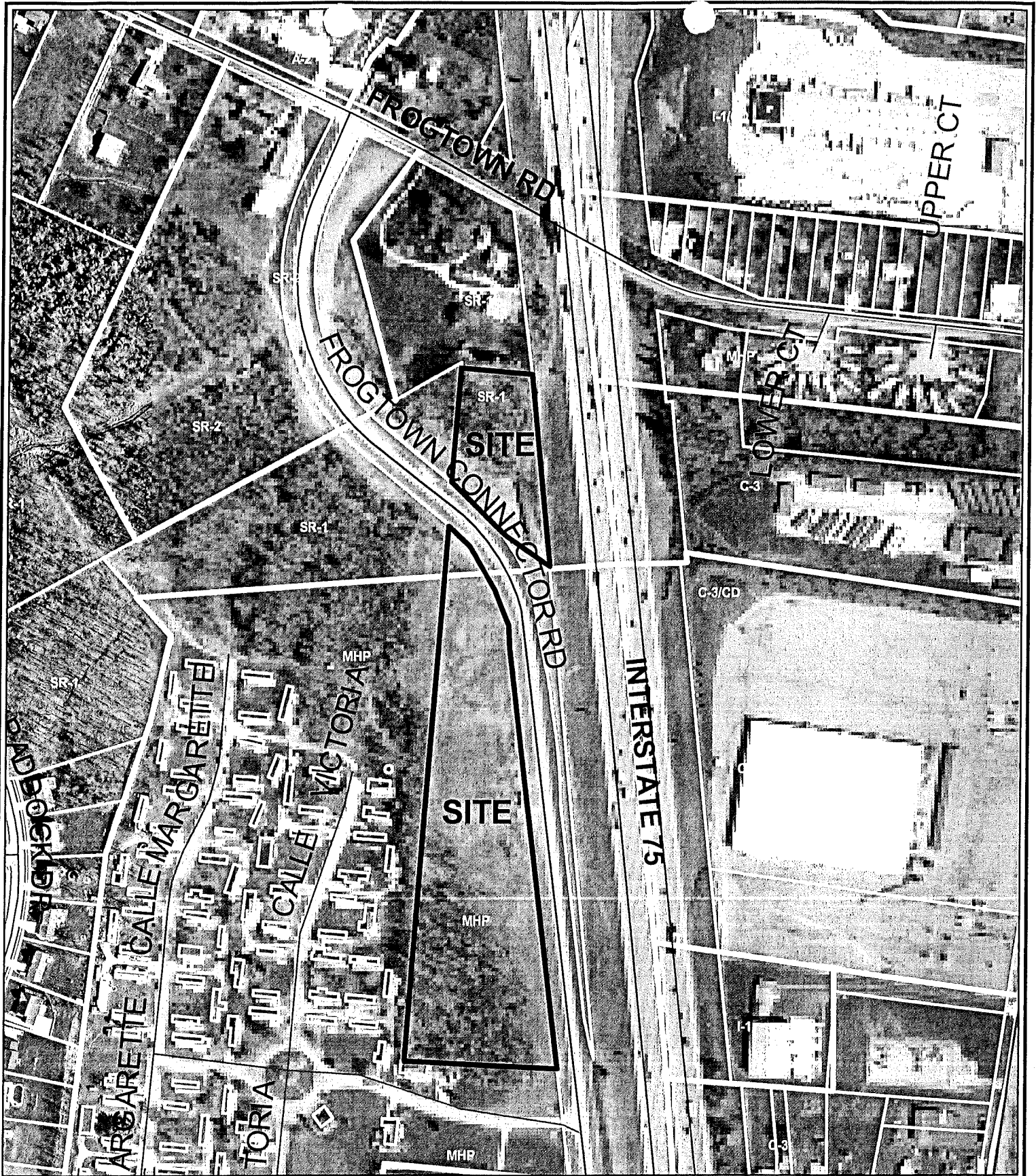


# Location

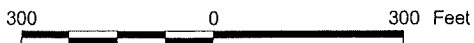


1 Inch equals 400 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 July 20, 2005



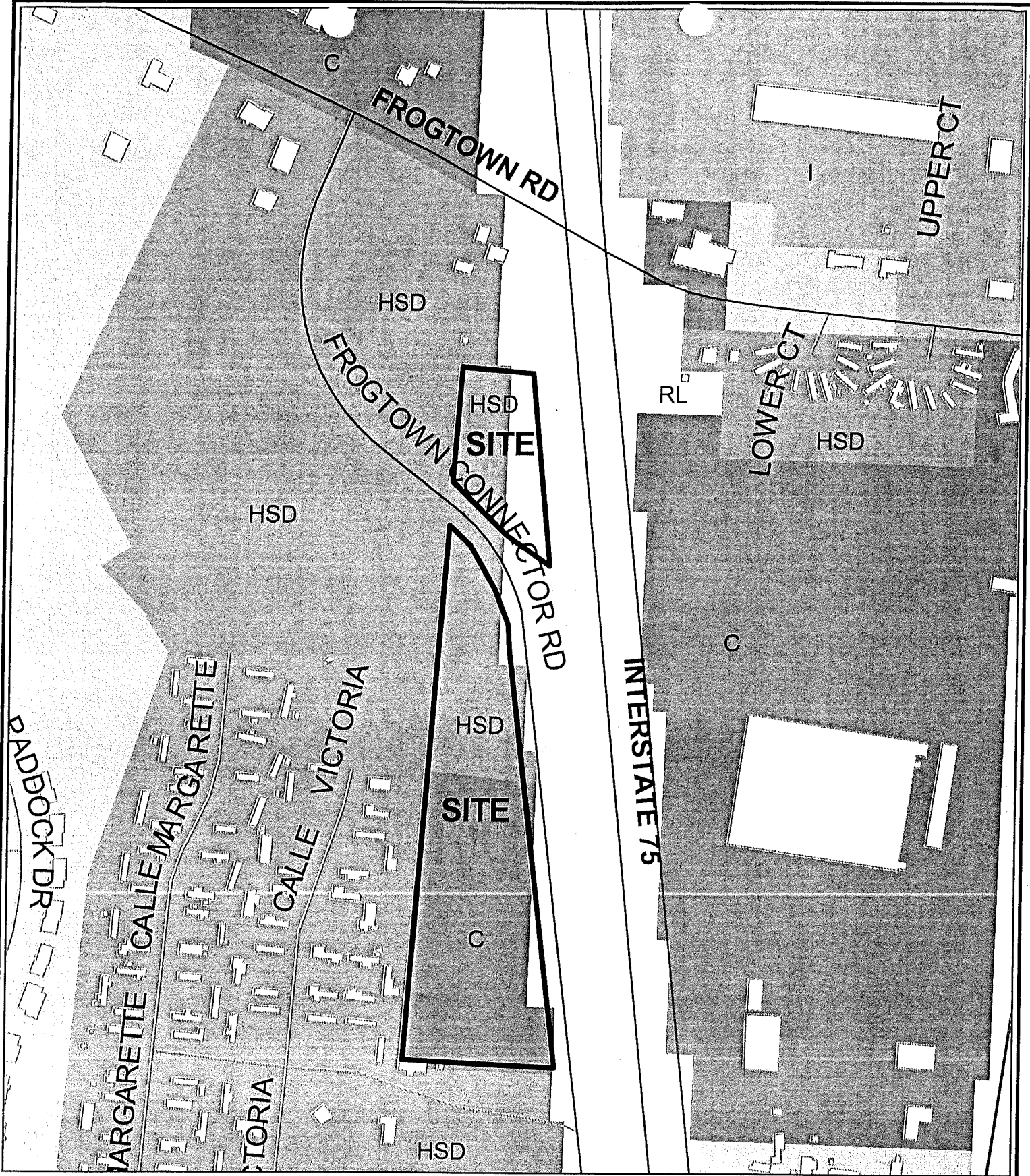


# Zoning

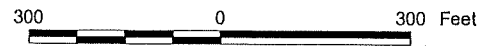


1 inch equals 300 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 July 20, 2005

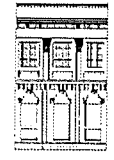


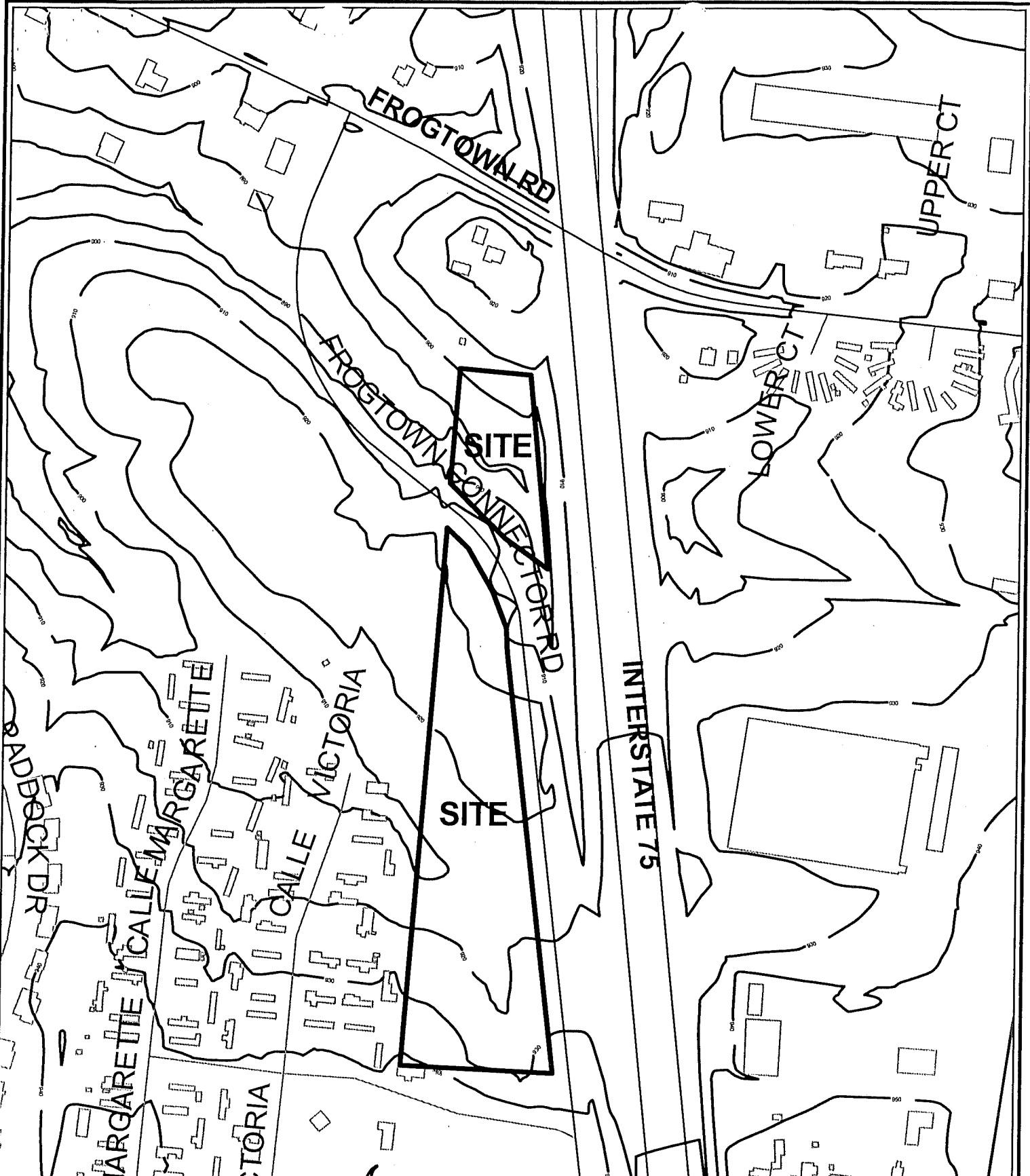


# Future Land Use

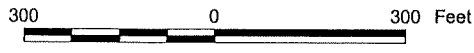


1 inch equals 300 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 July 20, 2005

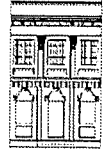




# Topography



1 inch equals 300 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 July 20, 2005



## Kevin Wall

---

**From:** Brannon, Jim (KYTC-D06) [Jim.Brannon@ky.gov]  
**Sent:** Tuesday, July 26, 2005 8:55 AM  
**To:** Kevin Wall  
**Subject:** Zone Change Request on Frogtown Connector

Kevin,

We have no concerns regarding the proposed zone change.

David Jones is no longer our District Engineer. Please send future correspondance to Tom Schomaker, Chief District Engineer.

Thanks.

7/18/05

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

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

JUL 19 2005

1. Name of Project DMC Trucking, Inc.
2. Location of Project Frogtown Connector Road
3. Total Acreage of Site 11.13 Acres
4. Current Zoning of Site MHP and SR-1
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use)  
Hotel and other uses permitted in the C-3 zone
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) DMC Trucking, Inc.  
Phone Number 283-2260 Fax No. 283-2265
10. Address of Property Owner(s) 8800 Bankers Street  
Florence, Kentucky 41042  
City State Zip
11. Proposed Building Intensities (please specify)
12. Are there any existing buildings on the site? No  
How many?
13. Deed Book 504 Page No. 175 Group No. 2064
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)

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  
xxx Unincorporated Boone County \_\_\_\_\_ Walton  
\_\_\_\_\_ Florence \_\_\_\_\_ Union

19. Applicant's Signature \_\_\_\_\_  
Property Owner's Signature DAC TRUCKING, Inc.  
BY: RICHARD D. CRIST, OWNER

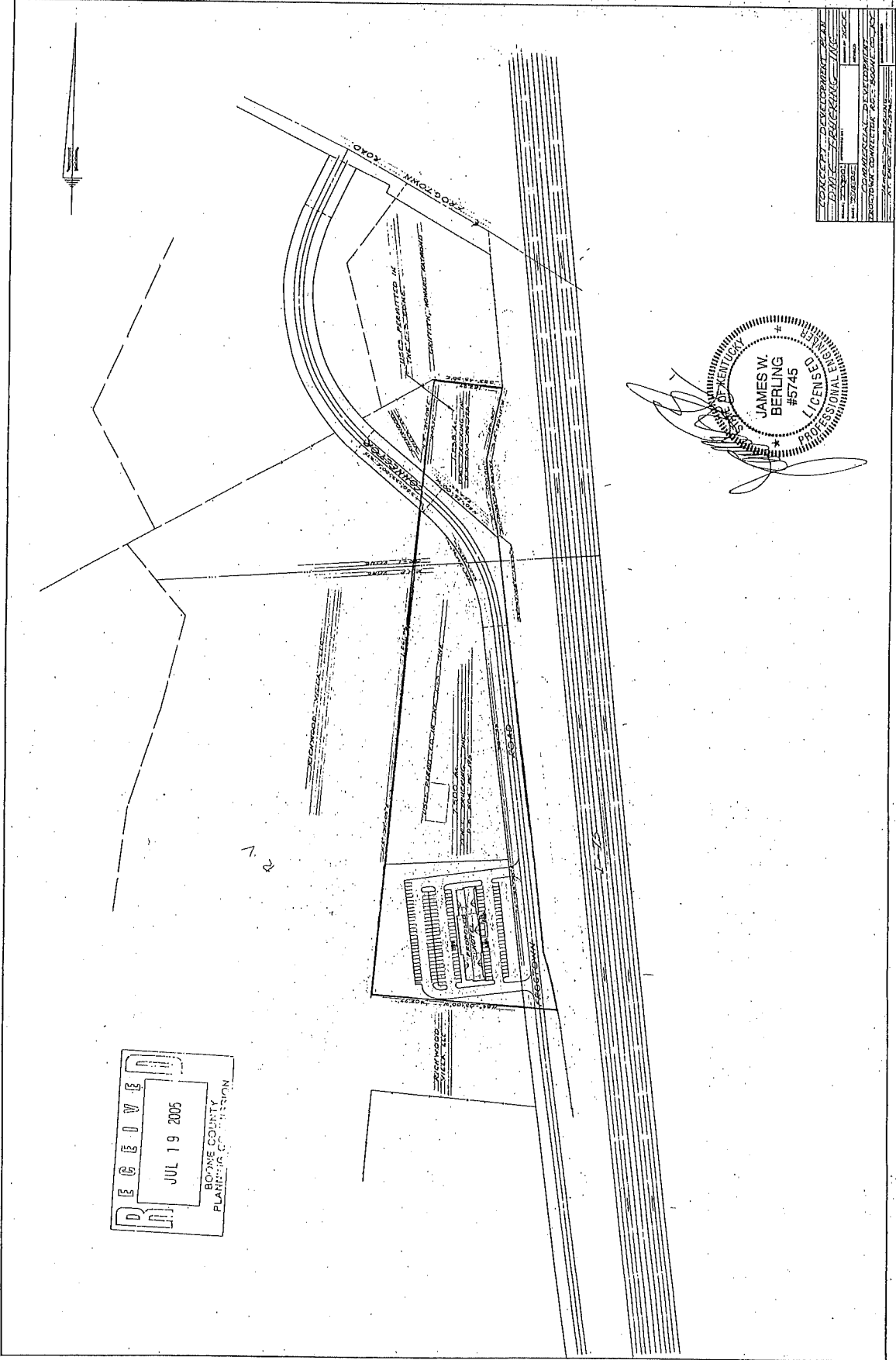
**SECTION B** (To be completed by BCPC Staff)

1. Date Received 7-19-05
2. Review Fee \$1448.30 ~~43134~~
3. Check what has been submitted:  
 Application  
 Fee  
 Legal Description  
 Concept Development Plan  
 Address of Adjoining Property Owners  
5 Number of copies of plan received\*\*
4. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
5. Staff Reviewer Kellin W. ...
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date 9/7/05
8. Boone County Planning Commission Action:  
\_\_\_\_\_ Approval  
\_\_\_\_\_ Approval with Conditions  
\_\_\_\_\_ Denial
9. Other: \_\_\_\_\_

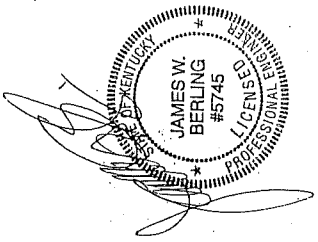
**\*\* Five (5) Copies Are Required**

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

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



PROJECT NO.	DATE	SCALE
DESIGNED BY	CHECKED BY	DATE
DRAWN BY	DATE	SCALE
COMMERCIAL DEVELOPMENT		
BOONE COUNTY, MISSOURI		



**RECEIVED**  
 JUL 19 2005  
 BOONE COUNTY  
 PLANNING COMMISSION

**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Carmichael, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

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

**Legal Counsel Present:** Mr. Dale Wilson

2.     **Applicant:**     James W. Berling for  
                              DMC Trucking, Inc. (owner)

**Request:**         Zoning Map Amendment

The request of James W. Berling (applicant) for DMC Trucking, Inc. (owner) for a Zoning Map Amendment from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site located on the north/east side of Frogtown Connector Road and south of the property at 329 Frogtown Road, Boone County, Kentucky. The request is for two zone changes to allow a hotel and other uses permitted in the C-3 zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that Mr. Crist has owned this property through his corporation since 1992. The property has excellent visibility from the highway, but it also has all the noise and is not conducive to residential development. It is a particularly good site for a hotel because of the visibility, and the mass of the hotel will help to buffer the residential area to the west from the noise. He stated that they can maintain the large stand of approximately 100-year old trees along the property line. He stated that Staff pointed out that hotels do not have a peak hour in the morning and in the evening as residential does. He stated that something needs to be done with the interchange. He stated that the site is adjacent to commercial zoning and the land use designation for that area is commercial. They do not have users for the rest of

the property. He stated that C-3 includes all the uses in O-1 (Office One) and all the uses in C-1 (Commercial One). They will go through the list of Permitted Uses and identify those that would be compatible and those which would not be compatible because they are high traffic generators. He stated that they do not want to increase the truck traffic in the area. He stated that the hotel is a more appropriate use on the site than high-density residential because for high-density residential, something would have to be done about the continuous noise from the interstate. He has spoken with the Traffic Engineer, Jack Gehrum, and he has not had time to complete a Traffic Analysis. For the Committee Meeting, they need to identify what the uses might be on the site and do a Traffic Analysis on that basis. He reviewed the map and stated that there will be a residential street connecting in the center of the curve coming off Frogtown Road. That street is a northern connector and will go all the way to Triple Crown. The Preliminary Plat has been drawn. He stated that this is a good location for Neighborhood Commercial to serve the people in the area. The residents are begging for stores. He stated that rather than being Highway Commercial, this site would be more Neighborhood Commercial, other than the hotel. He stated that there will be direct access onto this road for residential traffic coming from the other developments.

Attorney Gerry Dusing, representing the developer, stated that Page 167 of the Land Use Element of the Comprehensive Plan (which is quoted on Page 3 of the Staff Report) identifies the northwest quadrant of the Richwood interchange for commercial development migrating along the Frogtown Connector Road – and that is exactly what they are requesting. He stated that during the Committee process individual uses that are inappropriate for this location can be struck. He has lived in Richwood for six years and a day does not go by that he and his wife do not regret that there is no meaningful Neighborhood Commercial to serve the fast growing area of Steeplechase, Triple Crown, and other developments further west. He goes to the Kroger's in Union and to Walgreen's and knows that this area desperately needs bakeries, pharmacies, restaurants, and those types of uses. He stated that the inappropriateness of the high-density residential on the north side of the road is justified because the Frogtown Connector Road bisected this property and it is more desirable to have it develop compatibly and with the same theme as the other portion of the eleven acres. Two-thirds of it is compatible with the Comprehensive Plan, both map and text, and it behooves the Planning Commission to consider that it makes more sense for the separated piece to coordinate with what is right across the street. He stated that the zone change is appropriate.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request.

Mr. Fred Burch, 924 Keeneland Green Drive, Union, stated that he is a property owner to the south. He presented a map showing the residential areas that could be served by this commercial area. He stated that there are over 4,500 parcels that

come out best at the Richwood exit. He stated that commercial areas there will not add more traffic to the area – the traffic is already there now. He stated that commercial services are needed in this area. In 1992, a Kroger store was going into this general area but a few people opposed it and filed a lawsuit and the Kroger store ended up on U.S. 42 in Union. There have been no services on that site since. He stated that all of the people represented on the map have to drive to Florence for commercial services. He stated that the Comprehensive Plan for decades has called for commercial services in this area. He submitted the map (see Exhibit 1) and asked that it be considered by the Committee.

Mrs. Poston asked if there was anyone else present in favor of the request. There being no response, she asked if there was anyone present in opposition to the request.

Mr. Mike Larson, 12207 Gaines Way, Walton, stated that he does not particularly oppose the zone change but he opposes the timing of it. He stated that the Richwood turn off is a very congested intersection and suggesting that further development there will not add traffic is ludicrous. Hotels and shops will draw cars onto Richwood Road and to the congested area. He sees the need for commercial development there, but believes that it should not happen until the Richwood intersection is improved. He stated that hotel traffic coincides with peak hours – people check out in the morning and check in in the evening – and that is particularly true for a hotel on the interstate. He stated that it is incredulous that the Kentucky Transportation Cabinet does not express concerns about zone changes that would add traffic to a congested interchange – which may speak to why there is so much congestion.

Attorney Tim Theissen with offices at RiverCentre in Covington, was present representing the owners of Richwood Villa LLC . He stated that they are the owners of the adjacent property, which is the trailer park. He stated that Richwood Villa is a high quality mobile home park. The lots tend to be larger and it is a healthy, vibrant park that is almost full. There are long-term residents there. The owner has every intention of continuing to operate the park long term. It is a quiet park that has the benefit of a huge, healthy tree buffer between it and I-75 which they would like protected. The trees are a noise buffer and a visual benefit. He indicated on the map where the access road into the park is located and the areas where trailers are not currently located – but those areas are available for trailers and zoned for that use. He stated that the drive aisle in the parking lot is almost right on the property line and they would like to protect the buffer on that side also. He stated that there was discussion of the back of the hotel where it is adjacent to the park and that area is critical. He indicated on the Power Point slide the location of the mobile home park and the healthy tree buffer that goes out close to the connector road that they would like to protect. He stated that the uses are more intense as you go from C-1 to C-2 to C-3. C-1 would be the best commercial use adjacent to a residential neighborhood, and C-2 would be less favorable, and C-3 is less favorable than C-2 or C-1. He stated that the

applicant has asked for C-3, which is the most intensive use, but says that they are looking for neighborhood commercial uses and talked about a grocery store, which is allowed in C-1. He stated that they are asking for C-3 but selling the Planning Commission on uses that are C-1. He stated that C-2 allows hotels and motels and might be the appropriate commercial zoning. He stated that there are many problematic uses in C-3 because it includes uses that have outdoor display, outdoor storage, and outdoor activities with lights such as car sales and mobile home sales, farm equipment sales, auto rental, and flea markets. People are milling around outside as opposed to uses where the activity is inside. There are some uses in the C-2 zone which are also problematic which can be talked about in Committee, including restaurants and bars that are open late at night with residences right next door. He reviewed the other uses in the C-2 zone which should be looked at, including gas stations many of which have bright lights and speakers and they want to avoid them. He stated that Richwood Road is planned to be improved. He stated that this request will add more traffic to Richwood Road. A hotel is not the type of use that will pull existing traffic. He stated that they are not just uses for the existing traffic and would bring in new traffic to the area. He stated that the timing is bad. He stated that there is a precedent with North Bend Woods on North Bend Road where the Planning Commission allowed the zone change but they cannot build until the road is done, or the precedent of Steeplechase where at the same interchange the Planning Commission did not allow development and wanted to wait to see what the road looks like. He stated that the Staff Report is thorough and makes a good point. He indicated the remnant parcel and stated that the Staff Report mentions that there should be controls and limitations of the number of access points along the road. The Staff Report also mentions that it is a good idea that when they have an access point in the location indicated that it provides access into the property indicated so that in the event the property develops there would be access into that area from the existing development. He asked that at the Committee level they look at things they need to do to protect the residential neighborhood from noise and light pollution and protect the tree buffers (including the one on the south end next to the hotel). He stated that the interstate lights do not affect this neighborhood because the tree line is tall and thick. He asked that the lights be directed away from the residential property and that the dumpster be kept as far away from the trailer park as possible due to odors.

Mr. Harold Jetter, 12269 Gaines Way, agreed with Mr. Theissen and Mr. Larson. He is not against quality hotels or Kroger's in the area, but the key is the timing of the zone change. He stated that on May 24, 2005 Fiscal Court spoke to this issue when they decided against a development that would have brought a lot more traffic to the Richwood interchange. They felt that no development should occur out there that might add traffic until the interchange is corrected and the infrastructure is there. He stated that about a thousand homes have been approved in Triple Crown that have not been built yet and they will add a lot of traffic to the interchange. He stated that this development is probably good quality, but the timing is not what it should be.

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

Mr. Barlow questioned what the Future Land Use Plan says about the property bounded by the Richwood Connector Road that is shown as HSD (not the property in question). Mr. Wall stated that the text mirrors the map. The text talks about that area being a buffer to the single-family to the west and the mobile home park should not be expanded. Mr. Barlow stated that that property would continue to be HSD. Mr. Wall agreed.

Mr. Carmichael questioned the density requirement of C-3 versus C-2. Mr. Wall responded that in C-2 it depends on the size of the district. The cut off point is four acres and then it goes up to 15,000 square feet gross floor area per acre (under four acres it is 12,000 square feet gross floor area per gross acre). For C-3 it is 18,000 feet gross floor area per acre.

Mr. Carmichael questioned the distance from the closest entrance of the proposed hotel to the entrance of the mobile home park. Mr. Wall responded that he did not know, but it is irrespective because under the Code the only get one access point. He stated that Frogtown Connector Road is not listed as an arterial collector. It opened when the current Code was being revised and that is why he recommended that it be looked at in regard to the driveway spacing. It does not have the volume on it now, but it functions like a collector road.

Mr. Carmichael questioned the number of rooms and stories proposed for the hotel. Mr. Berling responded that there would be approximately 120 rooms and four stories. Mr. Carmichael questioned how they would meet the density requirement. Mr. Berling responded that it is 53,000 square feet. Mr. Wall stated that they are just under the permitted intensity based on 18,000 square feet per acre.

Mrs. Wilson asked that the applicant bring to Committee a colored rendering showing the buffer area, the entrance to the property, and the view of the property from the park. She asked Staff to get comments from the County Engineer or Fiscal Court regarding the update of the Richwood exit. Mr. Costello stated that Staff needs to get the latest update on the third lane on Richwood Road. Mr. Wall stated that it was to be done this fall. Mr. Costello asked Staff to get a firm date. He stated that his understanding was that there would be an additional lane that would provide capacity to go southbound on I-75. He would like to know the status of that project and what is going on with the engineering study for the improvement of Richwood Road. It was his understanding that the third lane would be provided this year, but he has not seen it yet. It was his understanding that the county would do it. The community needs to know when it is going to be improved including the CMAC lane.

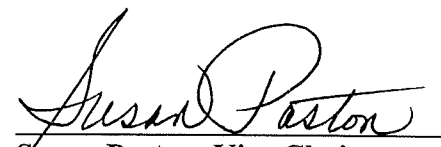
Mrs. Wilson stated that if there are still a couple of lots in the trailer park near the property line that could have homes on them, she would like the applicant to bring to Committee a rendering showing where the homes might be located.

Mr. Berling responded that they started Heritage Trails in 1977 and the entrance looked just like it does now. He had no idea that they were going to put other trailers at the entrance to the park. He stated that he could anticipate and draw lot lines, but platting lots there is a surprise to him. He stated that people may think that when you get C-3 you also get C-2 uses, but you do not – when you get C-3, you get O-1 and C-1 uses. C-2 is the big retail sales zone and a lot of the uses in C-2 are not permitted.

Mr. McMillian asked if the tree buffer referred to by Mr. Theissen is on any of the property owned by the mobile home park. Mr. Berling responded that the big trees are right on the fencerow and most of them are on the applicant's property. He stated that they have run the property line through and they have aerial photography. He will try to be prepared to answer this question at the Committee Meeting.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on September 21, 2005 at 5:00 PM. Mr. Berling stated that Mr. Crist will be out of town at that time and asked for an alternate date. Following discussion, it was agreed that the Committee Meeting will be on October 5, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on October 19, 2005 at 7:00 PM. Mr. Wall stated that the applicant will need to fax Staff a letter extending the time limitations as the application was submitted on July 19, 2005. Mr. Berling will fax the letter to Staff. Mrs. Poston closed this Public Hearing at 8:58 PM.

**APPROVED:**

  
\_\_\_\_\_  
Susan Poston, Vice Chairperson

**Attest:**

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

**Exhibit 1 - Richwood Commons Market Area map submitted by Fred Burch**

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: October 19, 2005

RE: Request of **James W. Berling (applicant)** for **DMC Trucking, Inc. (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site located on the north/east side of Frogtown Connector Road and south of the property at 329 Frogtown Road, Boone County, Kentucky. The request is for two zone changes to allow a hotel and other uses permitted in the C-3 zone.

### REMARKS:

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

### FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Comprehensive Plan due to the following reasons.
  - A. The Future Land Use Map designates the approximate southern two thirds (2/3) of the southern site for "Commercial" (C) uses and the remaining areas for "High Suburban Density Residential" (HSD) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Due to the conceptual nature of the Future Land Use Map and the fact that the remaining areas have substantial exposure to both Frogtown Connector Road and I-75, are not conducive to residential development, and can not be reasonably segregated from the southern part of the southern site for development purposes as the entire area was one single tract prior to the construction of Frogtown Connector Road, the Committee has concluded that the entire zone change area can be reasonably interpreted as lying within the Commercial area. This interpretation does not eliminate or

diminish the potential on adjoining sites for the High Suburban Density Residential uses which are shown on the Future Land Use Map and discussed in the Land Use Element.

The point regarding commercial development in this area is reinforced by the Land Use Element ("Richwood Area," pg. 167) which states "the commercial development northwest of the interchange will expand and extend along the interstate. This expansion can occur with the completion of the connector road to Frogtown Road. The commercial areas need to be adequately buffered from the existing residential areas, and should not include uses which require outside display of products." The entire site in question is within the area to the northwest of the interchange mentioned and the proposal involves the expansion and extension of commercial development along Frogtown Connector Road, which has been completed for several years. Adequate buffering and other compatibility controls will be provided through the agreed conditions and normal requirements of the zoning regulations. Additionally, the agreed conditions include use restrictions and require any limited, remaining outside storage to be conducted within a walled enclosure structure.

This same section of the Land Use Element states "intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75." The intrusive highway related services mentioned in the text will be prohibited in the development due to the agreed use restrictions.

- B. The Business Activity Element ("Areas of Future Commercial Activity," pg. 71) states "highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area."

As noted above, adequate buffering and other compatibility controls will be provided for this development. Also, due to the agreed use restrictions, these commercial uses will be oriented to local residents versus highway travelers which could cause substantive impacts on Richwood Road and the interchange. The proposed hotel is the one use that is oriented towards travelers, but this use should not have tangible peak hour impacts on the road system - this point and the fact that the other proposed uses in general shouldn't have substantive impacts on Richwood Road or the interchange were reinforced by the applicant's traffic expert who discussed the proposal with the Committee. The proposal does not include any "truck oriented uses" as mentioned in the text.

- C. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. Due to the expansive frontage of both sites on Frogtown Connector Road and I-75, and the fact that the sites are not conducive to, or desirable for, residential uses as they do not readily "integrate" with the adjoining areas, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
  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 and the 2005 Boone County Comprehensive Plan Goals and Objectives. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The minimum spacing for access points within the development shall be 230 feet, as measured from centerline to centerline.

2. The following principally permitted uses normally allowed in the C-3 zone shall be prohibited within this development.

#3: Commercial parking facilities and commercial recreational vehicle parking facilities;

#5: Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

#9: Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;

#13: Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;

#14: Sale of satellite dishes;

#23: Flea markets.

The following O-1 zone principally permitted use normally allowed in the C-3 zone by reference shall be prohibited within this development.

#20: 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.

The following principally permitted uses normally allowed in the C-3 zone shall be restricted within this development as modified below. Any outside storage that is accessory to these uses must be conducted within a masonry walled enclosure.

#10: Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles. The permitted uses in this category shall be limited to garden and landscape sales only, with no bulk storage of materials such as topsoil or mulch.

#12: Equipment (light), automobile, truck rental and leasing services. The permitted uses in this category shall be limited to light equipment only.

Any outside storage for the following accessory uses permitted in the C-3 zone must be conducted within a masonry walled enclosure.

#6: Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

#7: The rental of trucks and trailers.

3. All uses shall be conducted completely indoors, except the outside storage which is expressly permitted within a masonry walled enclosure by condition 2.
4. Street trees installed in or along the road right-of-way shall be installed as each site develops, in addition to any other required landscaping. The tree species and spacing shall be determined at the site plan stage.
5. A consistent architectural theme shall be provided throughout the development as it is viewed from I-75. The architectural theme for the buildings shall use consistent materials, colors, and architectural elements. The architectural design of each structure shall be reviewed by Staff through the site plan process. A common signage theme which correlates to the architectural designs shall also be provided.
6. Lighting at the rear of the buildings shall be directed away from the adjoining residential uses and properties. All fixtures shall be downlit to avoid ambient glare.
7. No outdoor PA systems are permitted in the development.
8. All existing trees within 10 feet of the common property lines with Richwood Villa Mobile Home Park shall be retained. All buffer yards shall otherwise meet the requirements of the zoning regulations.

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. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Carmichael, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: James W. Berling for  
DMC Trucking, Inc. (owner)

Request: Zoning Map Amendment

The request of James W. Berling (applicant) for DMC Trucking, Inc. (owner) for a Zoning Map Amendment from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site located on the north/east side of Frogtown Connector Road and south of the property at 329 Frogtown Road, Boone County, Kentucky. The request is for two zone changes to allow a hotel and other uses permitted in the C-3 zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that Mr. Crist has owned this property through his corporation since 1992. The property has excellent visibility from the highway, but it also has all the noise and is not conducive to residential development. It is a particularly good site for a hotel because of the visibility, and the mass of the hotel will help to buffer the residential area to the west from the noise. He stated that they can maintain the large stand of approximately 100-year old trees along the property line. He stated that Staff pointed out that hotels do not have a peak hour in the morning and in the evening as residential does. He stated that something needs to be done with the interchange. He stated that the site is adjacent to commercial zoning and the land use designation for that area is commercial. They do not have users for the rest of

the property. He stated that C-3 includes all the uses in O-1 (Office One) and all the uses in C-1 (Commercial One). They will go through the list of Permitted Uses and identify those that would be compatible and those which would not be compatible because they are high traffic generators. He stated that they do not want to increase the truck traffic in the area. He stated that the hotel is a more appropriate use on the site than high-density residential because for high-density residential, something would have to be done about the continuous noise from the interstate. He has spoken with the Traffic Engineer, Jack Gehrum, and he has not had time to complete a Traffic Analysis. For the Committee Meeting, they need to identify what the uses might be on the site and do a Traffic Analysis on that basis. He reviewed the map and stated that there will be a residential street connecting in the center of the curve coming off Frogtown Road. That street is a northern connector and will go all the way to Triple Crown. The Preliminary Plat has been drawn. He stated that this is a good location for Neighborhood Commercial to serve the people in the area. The residents are begging for stores. He stated that rather than being Highway Commercial, this site would be more Neighborhood Commercial, other than the hotel. He stated that there will be direct access onto this road for residential traffic coming from the other developments.

Attorney Gerry Dusing, representing the developer, stated that Page 167 of the Land Use Element of the Comprehensive Plan (which is quoted on Page 3 of the Staff Report) identifies the northwest quadrant of the Richwood interchange for commercial development migrating along the Frogtown Connector Road – and that is exactly what they are requesting. He stated that during the Committee process individual uses that are inappropriate for this location can be struck. He has lived in Richwood for six years and a day does not go by that he and his wife do not regret that there is no meaningful Neighborhood Commercial to serve the fast growing area of Steeplechase, Triple Crown, and other developments further west. He goes to the Kroger's in Union and to Walgreen's and knows that this area desperately needs bakeries, pharmacies, restaurants, and those types of uses. He stated that the inappropriateness of the high-density residential on the north side of the road is justified because the Frogtown Connector Road bisected this property and it is more desirable to have it develop compatibly and with the same theme as the other portion of the eleven acres. Two-thirds of it is compatible with the Comprehensive Plan, both map and text, and it behooves the Planning Commission to consider that it makes more sense for the separated piece to coordinate with what is right across the street. He stated that the zone change is appropriate.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request.

Mr. Fred Burch, 924 Keeneland Green Drive, Union, stated that he is a property owner to the south. He presented a map showing the residential areas that could be served by this commercial area. He stated that there are over 4,500 parcels that

come out best at the Richwood exit. He stated that commercial areas there will not add more traffic to the area – the traffic is already there now. He stated that commercial services are needed in this area. In 1992, a Kroger store was going into this general area but a few people opposed it and filed a lawsuit and the Kroger store ended up on U.S. 42 in Union. There have been no services on that site since. He stated that all of the people represented on the map have to drive to Florence for commercial services. He stated that the Comprehensive Plan for decades has called for commercial services in this area. He submitted the map (see Exhibit 1) and asked that it be considered by the Committee.

Mrs. Poston asked if there was anyone else present in favor of the request. There being no response, she asked if there was anyone present in opposition to the request.

Mr. Mike Larson, 12207 Gaines Way, Walton, stated that he does not particularly oppose the zone change but he opposes the timing of it. He stated that the Richwood turn off is a very congested intersection and suggesting that further development there will not add traffic is ludicrous. Hotels and shops will draw cars onto Richwood Road and to the congested area. He sees the need for commercial development there, but believes that it should not happen until the Richwood intersection is improved. He stated that hotel traffic coincides with peak hours – people check out in the morning and check in in the evening – and that is particularly true for a hotel on the interstate. He stated that it is incredulous that the Kentucky Transportation Cabinet does not express concerns about zone changes that would add traffic to a congested interchange – which may speak to why there is so much congestion.

Attorney Tim Theissen with offices at RiverCentre in Covington, was present representing the owners of Richwood Villa LLC . He stated that they are the owners of the adjacent property, which is the trailer park. He stated that Richwood Villa is a high quality mobile home park. The lots tend to be larger and it is a healthy, vibrant park that is almost full. There are long-term residents there. The owner has every intention of continuing to operate the park long term. It is a quiet park that has the benefit of a huge, healthy tree buffer between it and I-75 which they would like protected. The trees are a noise buffer and a visual benefit. He indicated on the map where the access road into the park is located and the areas where trailers are not currently located – but those areas are available for trailers and zoned for that use. He stated that the drive aisle in the parking lot is almost right on the property line and they would like to protect the buffer on that side also. He stated that there was discussion of the back of the hotel where it is adjacent to the park and that area is critical. He indicated on the Power Point slide the location of the mobile home park and the healthy tree buffer that goes out close to the connector road that they would like to protect. He stated that the uses are more intense as you go from C-1 to C-2 to C-3. C-1 would be the best commercial use adjacent to a residential neighborhood, and C-2 would be less favorable, and C-3 is less favorable than C-2 or C-1. He stated that the

applicant has asked for C-3, which is the most intensive use, but says that they are looking for neighborhood commercial uses and talked about a grocery store, which is allowed in C-1. He stated that they are asking for C-3 but selling the Planning Commission on uses that are C-1. He stated that C-2 allows hotels and motels and might be the appropriate commercial zoning. He stated that there are many problematic uses in C-3 because it includes uses that have outdoor display, outdoor storage, and outdoor activities with lights such as car sales and mobile home sales, farm equipment sales, auto rental, and flea markets. People are milling around outside as opposed to uses where the activity is inside. There are some uses in the C-2 zone which are also problematic which can be talked about in Committee, including restaurants and bars that are open late at night with residences right next door. He reviewed the other uses in the C-2 zone which should be looked at, including gas stations many of which have bright lights and speakers and they want to avoid them. He stated that Richwood Road is planned to be improved. He stated that this request will add more traffic to Richwood Road. A hotel is not the type of use that will pull existing traffic. He stated that they are not just uses for the existing traffic and would bring in new traffic to the area. He stated that the timing is bad. He stated that there is a precedent with North Bend Woods on North Bend Road where the Planning Commission allowed the zone change but they cannot build until the road is done, or the precedent of Steeplechase where at the same interchange the Planning Commission did not allow development and wanted to wait to see what the road looks like. He stated that the Staff Report is thorough and makes a good point. He indicated the remnant parcel and stated that the Staff Report mentions that there should be controls and limitations of the number of access points along the road. The Staff Report also mentions that it is a good idea that when they have an access point in the location indicated that it provides access into the property indicated so that in the event the property develops there would be access into that area from the existing development. He asked that at the Committee level they look at things they need to do to protect the residential neighborhood from noise and light pollution and protect the tree buffers (including the one on the south end next to the hotel). He stated that the interstate lights do not affect this neighborhood because the tree line is tall and thick. He asked that the lights be directed away from the residential property and that the dumpster be kept as far away from the trailer park as possible due to odors.

Mr. Harold Jetter, 12269 Gaines Way, agreed with Mr. Theissen and Mr. Larson. He is not against quality hotels or Kroger's in the area, but the key is the timing of the zone change. He stated that on May 24, 2005 Fiscal Court spoke to this issue when they decided against a development that would have brought a lot more traffic to the Richwood interchange. They felt that no development should occur out there that might add traffic until the interchange is corrected and the infrastructure is there. He stated that about a thousand homes have been approved in Triple Crown that have not been built yet and they will add a lot of traffic to the interchange. He stated that this development is probably good quality, but the timing is not what it should be.

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

Mr. Barlow questioned what the Future Land Use Plan says about the property bounded by the Richwood Connector Road that is shown as HSD (not the property in question). Mr. Wall stated that the text mirrors the map. The text talks about that area being a buffer to the single-family to the west and the mobile home park should not be expanded. Mr. Barlow stated that that property would continue to be HSD. Mr. Wall agreed.

Mr. Carmichael questioned the density requirement of C-3 versus C-2. Mr. Wall responded that in C-2 it depends on the size of the district. The cut off point is four acres and then it goes up to 15,000 square feet gross floor area per acre (under four acres it is 12,000 square feet gross floor area per gross acre). For C-3 it is 18,000 feet gross floor area per acre.

Mr. Carmichael questioned the distance from the closest entrance of the proposed hotel to the entrance of the mobile home park. Mr. Wall responded that he did not know, but it is irrespective because under the Code the only get one access point. He stated that Frogtown Connector Road is not listed as an arterial collector. It opened when the current Code was being revised and that is why he recommended that it be looked at in regard to the driveway spacing. It does not have the volume on it now, but it functions like a collector road.

Mr. Carmichael questioned the number of rooms and stories proposed for the hotel. Mr. Berling responded that there would be approximately 120 rooms and four stories. Mr. Carmichael questioned how they would meet the density requirement. Mr. Berling responded that it is 53,000 square feet. Mr. Wall stated that they are just under the permitted intensity based on 18,000 square feet per acre.

Mrs. Wilson asked that the applicant bring to Committee a colored rendering showing the buffer area, the entrance to the property, and the view of the property from the park. She asked Staff to get comments from the County Engineer or Fiscal Court regarding the update of the Richwood exit. Mr. Costello stated that Staff needs to get the latest update on the third lane on Richwood Road. Mr. Wall stated that it was to be done this fall. Mr. Costello asked Staff to get a firm date. He stated that his understanding was that there would be an additional lane that would provide capacity to go southbound on I-75. He would like to know the status of that project and what is going on with the engineering study for the improvement of Richwood Road. It was his understanding that the third lane would be provided this year, but he has not seen it yet. It was his understanding that the county would do it. The community needs to know when it is going to be improved including the CMAC lane.

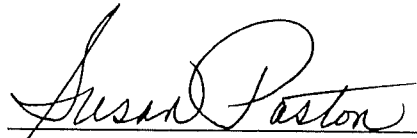
Mrs. Wilson stated that if there are still a couple of lots in the trailer park near the property line that could have homes on them, she would like the applicant to bring to Committee a rendering showing where the homes might be located.

Mr. Berling responded that they started Heritage Trails in 1977 and the entrance looked just like it does now. He had no idea that they were going to put other trailers at the entrance to the park. He stated that he could anticipate and draw lot lines, but platting lots there is a surprise to him. He stated that people may think that when you get C-3 you also get C-2 uses, but you do not – when you get C-3, you get O-1 and C-1 uses. C-2 is the big retail sales zone and a lot of the uses in C-2 are not permitted.

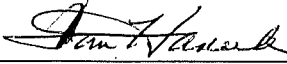
Mr. McMillian asked if the tree buffer referred to by Mr. Theissen is on any of the property owned by the mobile home park. Mr. Berling responded that the big trees are right on the fencerow and most of them are on the applicant's property. He stated that they have run the property line through and they have aerial photography. He will try to be prepared to answer this question at the Committee Meeting.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on September 21, 2005 at 5:00 PM. Mr. Berling stated that Mr. Crist will be out of town at that time and asked for an alternate date. Following discussion, it was agreed that the Committee Meeting will be on October 5, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on October 19, 2005 at 7:00 PM. Mr. Wall stated that the applicant will need to fax Staff a letter extending the time limitations as the application was submitted on July 19, 2005. Mr. Berling will fax the letter to Staff. Mrs. Poston closed this Public Hearing at 8:58 PM.

**APPROVED:**

  
\_\_\_\_\_  
Susan Poston, Vice Chairperson

**Attest:**

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

**Exhibit 1 - Richwood Commons Market Area map submitted by Fred Burch**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: October 5, 2005

RE: Request of **James W. Berling (applicant)** for **DMC Trucking, Inc. (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site located on the north/east side of Frogtown Connector Road and south of the property at 329 Frogtown Road, Boone County, Kentucky. The request is for two zone changes to allow a hotel and other uses permitted in the C-3 zone.

### 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.

*Greg Breetz*  
\_\_\_\_\_  
**Greg Breetz, Chairman**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Randy Barlow*  
\_\_\_\_\_  
**Randy Barlow**  
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)**  
For Project \_\_\_\_\_ Absent   
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

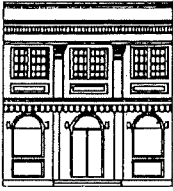
\_\_\_\_\_  
**Earl White (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Lisa Wilson (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED 5 FOR PROJECT \_\_\_\_\_ ABSENT  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN

# **SUPPORTING INFORMATION**

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

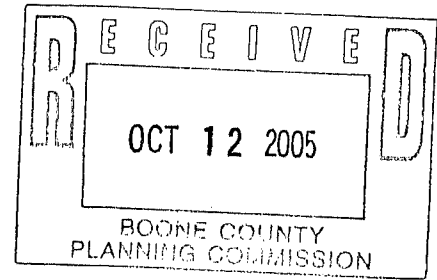
Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

October 7, 2005

Mr. Richard D. Crist  
DMC Trucking, Inc.  
8800 Bankers Street  
Florence, KY 41042



FAX: 283-2265

RE: Recommended Conditions of Approval for Requested Zone Change from MHP and SR-1 to C-3, DMC Trucking, Inc. Tracts, Frogtown Connector Road, Boone County, Kentucky

Dear Mr. Crist:

The following represents the conditions of approval for the above referenced application as agreed by the Planning Commission's Zone Change Committee at their October 5, 2005 meeting. If you, as the property owner, agree to these conditions, please so 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 Monday, October 17, 2005.

## CONDITIONS

1. The minimum spacing for access points within the development shall be 230 feet, as measured from centerline to centerline.
2. The following principally permitted uses normally allowed in the C-3 zone shall be prohibited within this development.
  - #3: Commercial parking facilities and commercial recreational vehicle parking facilities;
  - #5: Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;
  - #9: Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;
  - #13: Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;
  - #14: Sale of satellite dishes;
  - #23: Flea markets.

The following O-1 zone principally permitted use normally allowed in the C-3 zone by reference shall be prohibited within this development.

#20: 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.

The following principally permitted uses normally allowed in the C-3 zone shall be restricted within this development as modified below. Any outside storage that is accessory to these uses must be conducted within a masonry walled enclosure.

#10: Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles. The permitted uses in this category shall be limited to garden and landscape sales only, with no bulk storage of materials such as topsoil or mulch.

#12: Equipment (light), automobile, truck rental and leasing services. The permitted uses in this category shall be limited to light equipment only.

Any outside storage for the following accessory uses permitted in the C-3 zone must be conducted within a masonry walled enclosure.

#6: Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

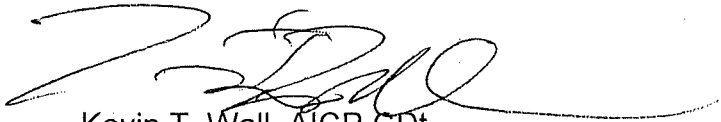
#7: The rental of trucks and trailers.

3. All uses shall be conducted completely indoors, except the outside storage which is expressly permitted within a masonry walled enclosure by Condition 2.
4. Street trees installed in or along the road right-of-way shall be installed as each site develops, in addition to any other required landscaping. The tree species and spacing shall be determined at the site plan stage.
5. A consistent architectural theme shall be provided throughout the development as it is viewed from I-75. The architectural theme for the buildings shall use consistent materials, colors, and architectural elements. The architectural design of each structure shall be reviewed by Staff through the site plan process. A common signage theme which correlates to the architectural designs shall also be provided.
6. Lighting at the rear of the buildings shall be directed away from the adjoining residential uses and properties. All fixtures shall be downlit to avoid ambient glare.
7. No outdoor PA systems are permitted in the development.

Mr. Richard D. Crist  
October 7, 2005  
Page 3

8. All existing trees within 10 feet of the common property lines with Richwood Villa Mobile Home Park shall be retained. All buffer yards shall otherwise meet the requirements of the zoning regulations.

Sincerely,

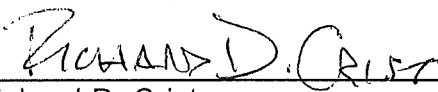


Kevin T. Wall, AICP Cdt  
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the owner of the DCM Trucking, Inc. tracts located on Frogtown Connector, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.

  
Richard D. Crist, owner  
DMC Trucking, Inc.

10-10-05  
Date



# JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY Registration No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor Registration KY 206

October 28, 2005

## LEGAL DESCRIPTION

### DMC TRUCKING, INC.

#### PARCEL NO. 1

Beginning at a point in the west line of the Frogtown Connector Road, said point being the southeast corner of DMC Trucking, Inc.; thence N 86° 09' 00" W along the south line of DMC Trucking, Inc. (Deed Book 504, Page 175) 402.77 feet to a corner; thence N 5° 31' 09" E along the west line of DMC Trucking, Inc. and the east line of Richwood Villa (Deed Book 233, Page 199) 1,261.74 feet to an iron pin set in the southwest line of the Frogtown Connector Road; thence in a southeasterly direction along the southwest right of way line of Frogtown Connector Road as it curves to the right with a radius of 452.75 feet, an arc distance of 344.92 feet to a point; thence along the west right of way line of Frogtown Connector Road S 6° 35' 33" E 986.53 feet to an iron pin and the place of beginning.

Containing 7.500 Acres

#### PARCEL NO. 2

Beginning at a point in the west right of way line of Highway I-75, said point being the intersection of same with the northeast right of way line of the Frogtown Connector Road; thence N 50° 25' 00" W along the northeast right of way line of Frogtown Connector Road 254.64 feet to a point; thence N 5° 31' 09" E along the west line of DMC Trucking, Inc. (Deed Book 504, Page 175) 247.76 feet to a point; thence S 83° 45' 30" E along the north line of DMC Trucking, Inc. and the south line of Howard Griffith (Deed Book 199, Page 225) 182.27 feet to a point in the west right of way line of Highway I-75; thence along the west right of way line of Highway I-75 S 12° 29' 11" W 189.80 feet, S 6° 38' 43" E 100.80 feet, S 11° 59' 38" E 90.47 feet, and S 6° 47' 25" E 15.23 feet to the place of beginning.

Containing 1.238 Acres

**ORDINANCE 05-18**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF JAMES W. BERLING (APPLICANT) FOR DMC TRUCKING, INC. (OWNER) FOR A ZONING MAP AMENDMENT REQUEST FROM MOBILE HOME PARK (MHP) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A 7.5 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF FROGTOWN CONNECTOR ROAD AND NORTH OF THE BUILDING AT 540 CALLE LUNA, BOONE COUNTY, KENTUCKY; AND FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A 1.238 ACRE SITE GENERALLY LOCATED ON THE NORTH/EAST SIDE OF FROGTOWN CONNECTOR ROAD, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for two Zoning Map Amendments to the Boone County Zoning Map and such Zoning Map Amendments being a zone change from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site generally located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site generally located on the north/east side of Frogtown Connector Road, Boone County, Kentucky, which is more particularly described below; and,

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

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

**SECTION I**

That the request for two Zoning Map Amendments for the real estate which is more particularly described below shall be and is hereby approved, with conditions, these Zoning Map Amendments being a zone change from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site generally located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky, and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site generally located on the north/east side of Frogtown Connector Road, Boone County, Kentucky. The real estate which is the subject of this request for two Zoning Map Amendments in both a Mobile Home Park (MHP) and Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 504, PAGE NO. 175 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

ORDINANCE 05-18

**SECTION II**

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

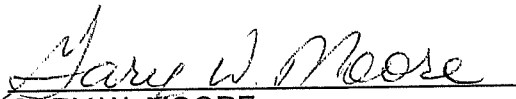
The Committee recommended approval for these requests based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**SECTION III**

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

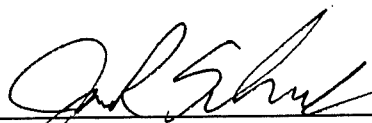
Introduced and given First Reading on the 8<sup>th</sup> day of November, 2005.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20<sup>th</sup> day of December, 2005, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

  
GARY W. MOORE  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
MICHELE ROBERTS  
FISCAL COURT CLERK

  
JAMES R. SCHRAND II  
BOONE COUNTY ATTORNEY

December 29, 2005  
DATE PUBLISHED

