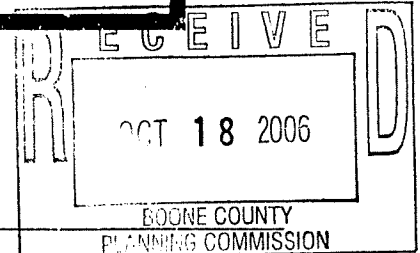


APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)



1. Name of Project Park South at Richmond
2. Location of Project Dixie Hwy. (US 25)
3. Total Acreage of Site 5.00 ac.
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) Office/Warehouse, Distribution
7. Names of Applicant(s) IDI (Ken Smith)
Phone Number 859.663.2880 Fax No. 859.663.2890
8. Address of Applicant(s) 100 East Rivercenter Blvd., Ste 550
Covington KY 41011
City State Zip
9. Name of Property Owner(s) William & Betty Chipman
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) 11685 US Hwy 25
Walford KY 41094
City State Zip
11. Proposed Building Intensities (please specify) 15,000 to 19,000 sq ft/Acre (average)
12. Are there any existing buildings on the site? Yes
How many? 4 to be demolished
13. Deed Book BT Page No. 379 Group No. 2072
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? included w/ this submittal
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 District
- ☒ Florence Public Services Dept.
- ☒ Duke Energy
- ☒ Sanitation District #1
- ☒ Cincinnati Bell
- ☒ Owen Electric Cooperative, Inc.
- ☒ Boone County Public Works Department
- ☒ Kentucky Transportation Cabinet
- ☒ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of IDI (applicant) for William Chipman and Betty Chipman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 5 acre tract located at 11685 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial park (Park South at Richwood).

December 6, 2006

PROPOSAL

This request is for a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for the five (5) acre tract located at 11685 Dixie Highway, Boone County, which currently contains a residence. The proposal is to allow for an expansion of the Park South industrial park at its southeast corner. A flag lot panhandle that served as the driveway access for one of the Park South parent tracts runs along the south boundary of the site - this panhandle is part of the IDI ownership and the driveway will be removed as part of the industrial park improvements. The developing Park South industrial park was the result of a zone change for a 180 acre area that immediately adjoins the subject site in 2004, and a second zone change for 52 additional acres north of the original site in 2005. Both of these zone changes were from A-2 to I-1 (Committee Reports including Concept Development Plans and Ordinances for both of these zone changes are attached).

A Concept Development Plan and narrative were submitted with this request. The Concept Development Plan shows that "Building B" will be expanded onto the current zone change area. The size of the building is proposed to be 563,963 square feet. This one structure replaces "Building B" and "Building C" as shown they are on the Concept Development Plan for the second zone change approved in 2005. These buildings ranged in size from 325,000 to 375,000 square feet, and 180,000 to 210,000 square feet respectively, for a total area that ranged between 505,000 and 585,000 square feet. In short, the current proposal is to allow the two approved, smaller buildings to be combined into one larger building that is comparable to (or less than) the amount of building area already permitted.

Building B will be located at the end of an internal cul-de-sac street called "Freeport Circle." An auto parking lot is proposed along the west side of the building with its own access point from the cul-de-sac, and truck courts and parking areas are proposed along the north and south sides of the building and would be accessed from truck drives shared with the adjoining buildings. A supplemental parking area is also shown at the northeast corner of the building along Dixie Highway. A buffer yard along the south boundary of the Building B site is proposed to vary in width from 25 feet, to 50 feet, then to 100 feet. A 50 foot landscape area is also shown along the Dixie Highway frontage. A "possible detention basin" is shown in the southwest part of the Building B site between the truck court drive and the buffer yard. Public water and sanitary sewer will be provided to this site.

SITE CHARACTERISTICS

The site contains 5 acres and has 425 feet of frontage along Dixie Highway. The site contains a residence, barn, and another out building. Aside from the buildings, the lot is basically open lawn or pasture. There is an existing tree line along the flag lot driveway panhandle that adjoins the south boundary of the site. The high point of the site is in the northwest part of the lot at approximately el 944, and the topography of the site slopes towards the south and east property lines with the low point being at approximately el 920 at the southeast corner of the lot. Soil types on the site include Faywood silty clay loam (FcC, FcD) and Nicholson silt loam (NiB). Public water and sanitary sewer are currently being constructed in the adjoining Park South development.

ADJACENT LAND USES

The land uses and zoning in the immediate site include:

- A. The developing Park South industrial park is located to the north and west (I-1).
- B. The aforementioned driveway panhandle that is part of the Park South property runs along the south boundary of the site (I-1), and a combination of single family residences, and wooded and pasture areas are located to the south and southwest (A-2).
- C. A undeveloped area is located to the east, between Dixie Highway and the rail line (I-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Industrial" (I) uses. The Industrial classification is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining and terminal uses." The 2000 Boone County Comprehensive Plan's Future Land Use Map designated the general area, including the two prior IDI zone change sites, for "Business Park." The two previous zone changes were reviewed under the 2000 Plan.

The Land Use Element text makes the following statements that relate to the overall area.

- A. The growth of this section will be impacted in several ways. There are several major influences behind the anticipated growth, including the Northern Kentucky Industrial Park to the north, the Mt. Zion interchange, Weaver Road, development pressures

along U.S. 25, the extension of public sanitary sewer service, and the Southern Railroad Line. Because of the development pressure all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road.

- 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. The industrial development should primarily occur on the east side of U.S. 25, and south of the existing commercial area, as well as along Old Lexington Pike. Any heavy industrial uses proposed for Boone County should be directed to this area because of the distance from residential uses and the proximity to rail services. Old Lexington Pike should be upgraded as needed to serve as an access road for these industrial uses. Industrial uses fronting on U.S. 25 should be developed with attention given to adequate aesthetic design and landscaping to minimize visual impacts to the residential uses across I-75.
- C. The area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park. A buffer should be provided along Chambers Road to residential uses to the south, and no business park access should occur on Chambers Road. New industrial or business parks are planned in this area, and Dixie Highway will have to be improved south of KY 338. All developments should be interconnected by roadways to provide a parallel system to U.S. 25 ("8. Richwood Area," pp. 148 and 149).

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. 140).

- 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. . .

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- 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 between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- D. 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 . . . ("Design, Signs, and Historic Preservation," pg. 142).

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 ("Recommended Areas of Commercial Activity," pp. 62 and 63).
- 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 area between U.S. 25 and the Boone/Kenton County line contains industrial potential due to interstate and rail access. Development of this area should utilize Old Lexington Pike as a frontage road to limit the number of access points onto Dixie Highway. The realignment of Old Lexington Pike with Richwood Road has made this area more accessible to the interstate . . . ("Recommended Areas of Industrial and Office Activity," pg. 65).

The site is not discussed in the Housing Element's "Geographic Housing Issues" section (pp. 78-80). Also, the site is within OKI traffic zone 884 as outlined in the Population Element, however, the zone is geographically too large for its data to provide any reasonable inferences regarding population change, housing, or traffic issues for the site in question.

The 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 and supported through incentives ("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. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).

- M. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies ("Business Activity," Industrial Objective 2).
- N. Provisions shall be made for proper control of industrial uses, which have processes or make products that could be hazardous to human life and property. (Examples of such products are explosives and flammable or corrosive chemicals). New and existing industrial uses shall comply with federal and state air and water pollution regulations ("Business Activity," Industrial 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. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 6-1 (pg. 6-2) illustrates and lists recommended project 28 which involves Dixie adjoining the subject site. This project is described as "widen to 4 lanes from KY 338 to Walton." The text on page 6-9 states that "the recommendation is to widen Dixie Highway to four lanes all the way to Walton in order to achieve a satisfactory level of service." Exhibit 6-13 (pg. 6-20) lists this as a medium priority project to be completed within 11 to 20 years. Exhibit 6-14 (pg. 6-22) illustrates a "controlled access connector" which connects to Dixie Highway near the intersection with Richwood Road, runs parallel to I-75 through the Hemmer (originally Neyer) site, Park South, and through the site to the south to Chambers Road. Schematically, the configuration of this connector road matches the basic street layout approved to date for the Hemmer and Park South developments and is located to the west of the current 5 acre zone change site.

STAFF COMMENTS

1. The Planning Commission and Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include:

- A. The current Future Land Use Map designates the area for Industrial uses. This is somewhat different from the previous IDI zone changes under the 2000 Comprehensive Plan when the area was designated for Business Park uses. Because the supplemental standards in Section 1137 "Supplemental Zoning Map Amendment Standards" (which reference Section 1609) are tied to the Future Land Use Map per se, they do not currently apply to the site.
- B. The Land Use Element states "because of the development pressure all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road."
- C. The Land Use Element states "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. The industrial development should primarily occur on the east side of U.S. 25, and south of the existing commercial area, as well as along Old Lexington Pike." It continues by stating "industrial uses fronting on U.S. 25 should be developed with attention given to adequate aesthetic design and landscaping to minimize visual impacts to the residential uses across I-75."
- D. The Land Use Element states specifically about this area "the area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park. A buffer should be provided along Chambers Road to residential uses to the south, and no business park access should occur on Chambers Road. New industrial or business parks are planned in this area, and Dixie Highway will have to be improved south of KY 338. All developments should be interconnected by roadways to provide a parallel system to U.S. 25." This passage is somewhat different from the Future Land Use Map, which designates the site for Industrial uses as already mentioned versus Business Park as stated in this text.
- E. The Business Activity states "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 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.

2. As stated previously, the developing portions of the site are subject to two previous conditional zone change approvals. A discussion of the previous sets of conditions follows. The submitted narrative states that the applicant will agree to the prior conditions for the current zone change as well. Although the supplemental standards in Section 1137/1609 do not currently apply due to a change in the Future Land Use Map, the conditions were intended to meet these standards.

9/15/04 Committee Report (Planning Commission) Conditions for IDI/Whitaker/MC Properties Zone Change

Condition #1: This condition requires the development to follow the revised Concept Development Plan that was presented to the Zone Change Committee. A comparable condition would be in order for the current application. This basic condition was included as condition #1 in the 2/16/05 Committee Report for the second zone change (IDI/Lyons/Donagan) as well.

Condition #2: This condition requires turn lanes to be constructed at the new intersection with Dixie Highway as part of the initial subdivision improvements. Because there is no additional access point with the current proposal, it does not apply to the expansion area.

Conditions #3 and 4: These two conditions either prohibit or restrict specified I-1 uses and can be applied to the current proposal. These same conditions were incorporated into the 2/16/05 Committee Report for the second zone change as conditions #2 and 3.

Condition #5: This condition requires certain buffering improvements along the southern boundary of the original zone change area adjoining A-2 zoned properties and includes several exhibits that are attached to the Committee Report. Staff recommends that the buffer concept for this area be redesigned to correlate to the new project boundary and presented to the Zone Change Committee. As this part of the site adjoins an A-2 zoned area that includes several residences, effective buffering is a key to the success of the project from a land use perspective. A "staggered" buffer yard is noted on the plan which steps from noted widths of 25 feet, 50 feet, and 100 feet, although the actual yard areas illustrated on the plan vary from approximately 60 feet to approximately 100 feet. Staff's recommendation is for the whole yard area along the south property line to be filled with an evergreen tree/berm combination comparable to the scheme approved in the original condition (and include the few existing trees along the southern property lines), and that these improvements wrap around the southeast corner of the building to include at least

the southern part of the site's Dixie Highway frontage to provide a very definitive break from the adjoining A-2 zoned area. As the submittal materials already commit to a 50 foot wide bermed landscape area along Dixie Highway with trees from Buffer Yard C, this approach really just entails designing these two landscape areas as one integral improvement versus two.

Condition #6: This condition requires specified street tree plantings along the public streets. Because there are no additional streets in the limited zone change area, it does not apply to the current proposal. This same condition is stated as condition #5 in the 2/16/05 Committee Report for the second zone change.

Condition #7: This condition outlines landscape and berming requirements for the areas along Dixie Highway and I-75. For the Dixie Highway frontage, it requires a 50 foot wide landscape area that includes berming and trees from Buffer Yard C on the street side of the berm(s). The application materials commit to following this condition for the zone change area. The same basic condition is stated as condition #6 in the 2/16/05 Committee Report for the second zone change. Staff recommends that this condition be modified somewhat to accommodate the buffer improvements discussed under condition #5 above.

Condition #8: This condition pertains to truck idling for a building that adjoins A-2 zoned properties and should be applied to the zone change area as well.

Condition #9: This condition prohibits storm water from any hard surface from draining into the lakes on the Tagher properties that are to the south. A modified version that should be considered in any approval of the current application is listed as condition #7 in the 2/16/05 Committee Report for the second zone change.

Condition #10: This condition requires the provision of public water and sanitary sewer systems, and is applicable to the expansion area. It is also listed as condition #8 in the 2/16/05 Committee Report for the second zone change.

Condition #11: This is an informational condition which notes that the cul-de-sac shown at the south end of the site on the original Concept Development Plan will need to be extended to the south property line - it does not apply to the expansion area.

Ordinance 04-17 (Fiscal Court) Conditions for IDI/Whitaker/MC Properties Zone Change

Storm Water Master Plan Condition: This condition requires a storm water master plan for the entire development and requires the evaluation of the effect of all individual storm water detention systems functioning simultaneously. A comparable condition that can be directly applied to the current proposal is listed as condition #9 in the 2/16/05 Committee Report for the second zone change.

Entrance/Intersection Lighting: This condition requires overhead street lighting at the new intersection on Dixie Highway and does not directly apply to the current application.

Landscaping Enhancement Condition: This condition requires certain landscaping along the I-75 frontage and does not apply to the current application.

The 2/16/06 Committee Report for the second zone change includes an additional condition (#10) regarding a consistent, integral architectural and signage scheme. To help insure compatibility with the neighboring properties and within the park itself, this condition should also be applied to the current zone change area.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

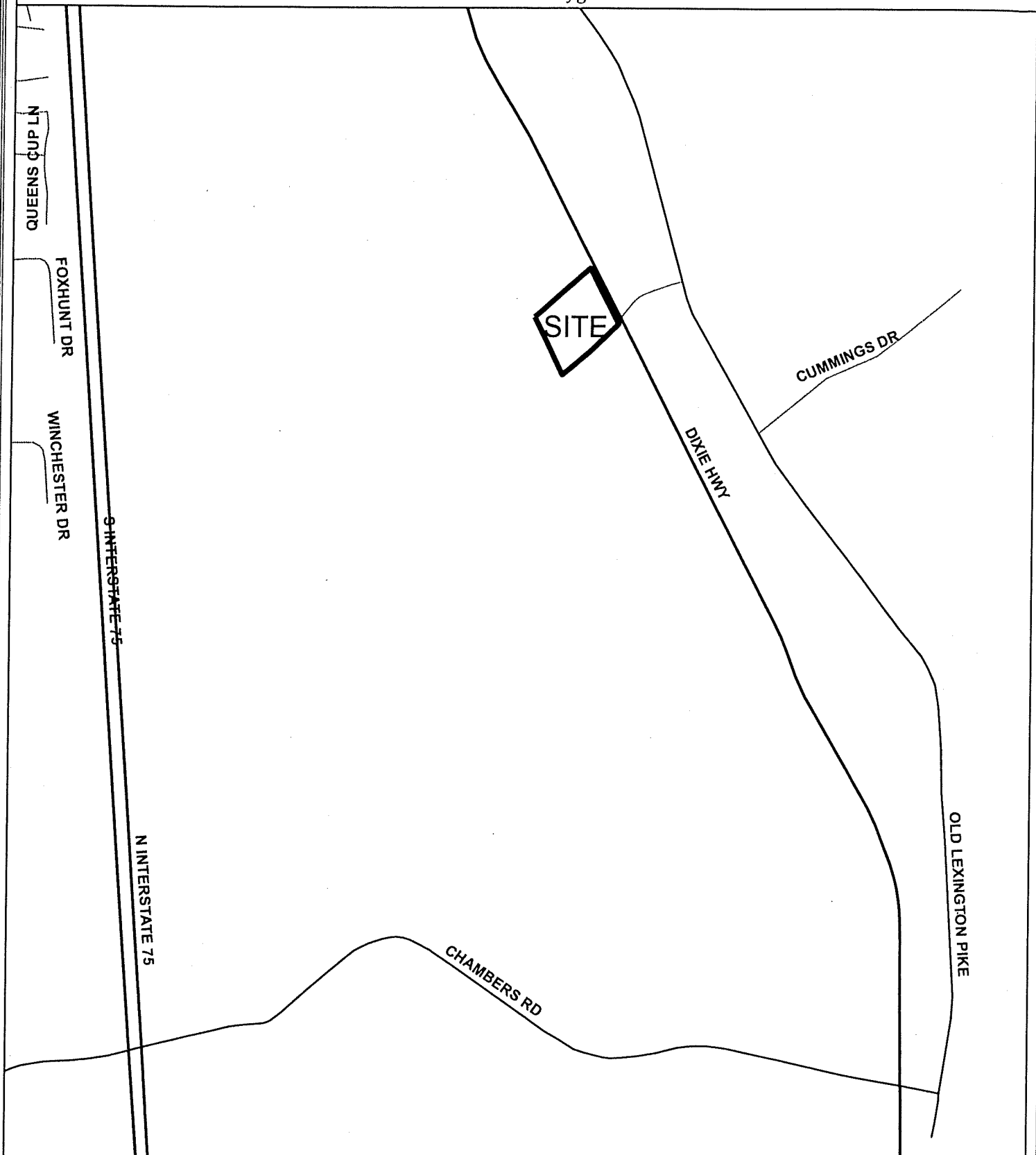
KTW/pr

attachments:

- location map
- aerial photo w/zoning
- Future Land Use Map excerpt
- topographic map
- 9/15/04 Committee Report for IDI/Whitacker/MC Properties zone change including Concept Development Plan
- ordinance 04-17 for IDI/Whitacker/MC Properties zone change
- 2/16/05 Committee Report for IDI/Lyons/Donegan zone change including Concept Development Plan
- ordinance 05-04 for IDI/Lyons/Donegan zone change
- application materials including Concept Development Plan

Location

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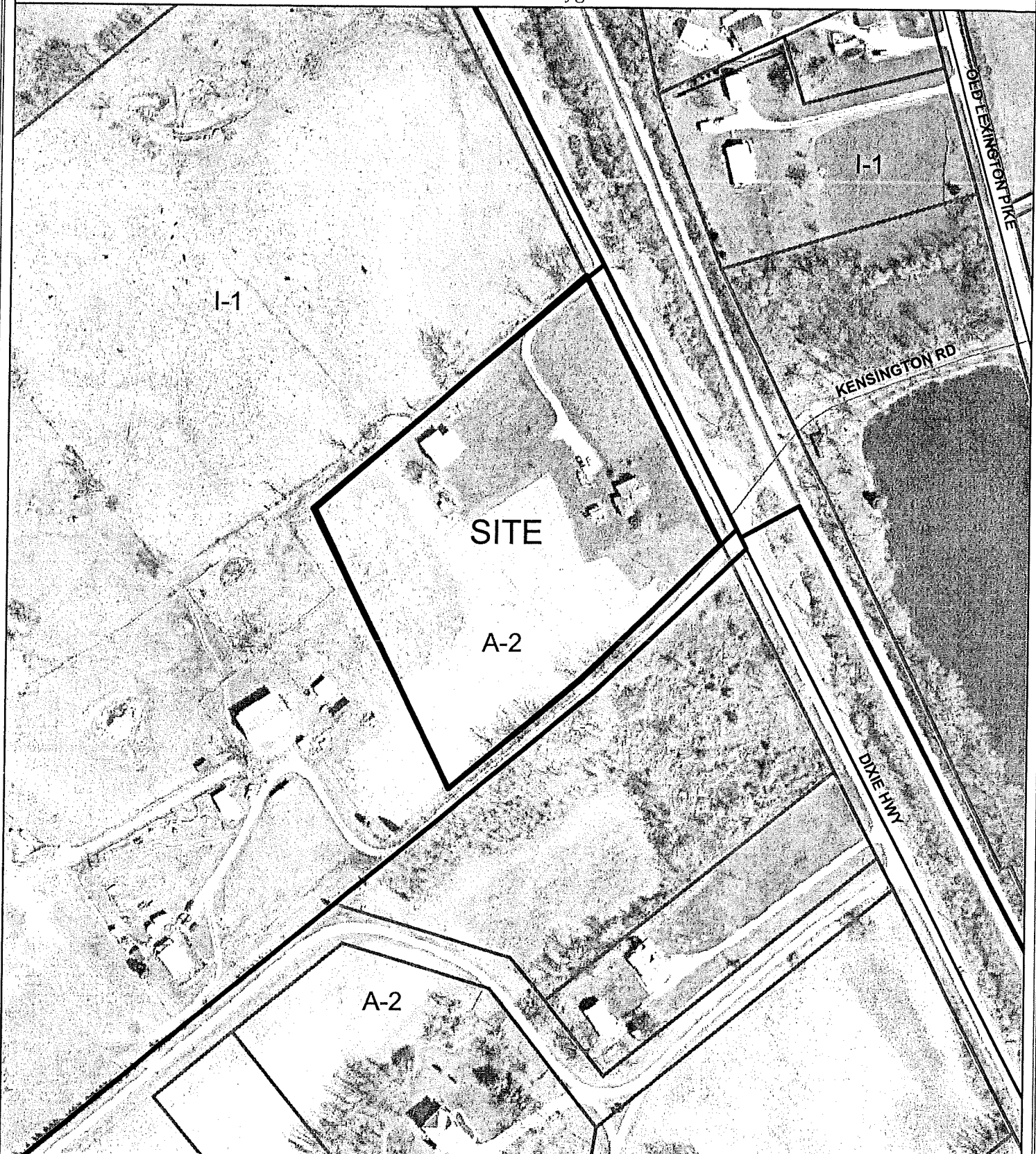
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Doc 2 from 2006/10/18/2006
ArcMap Document: BooneMap ArcTools.mxd

Zoning

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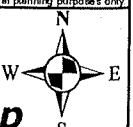
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Boone County GIS - Putting Northern Kentucky on the Map

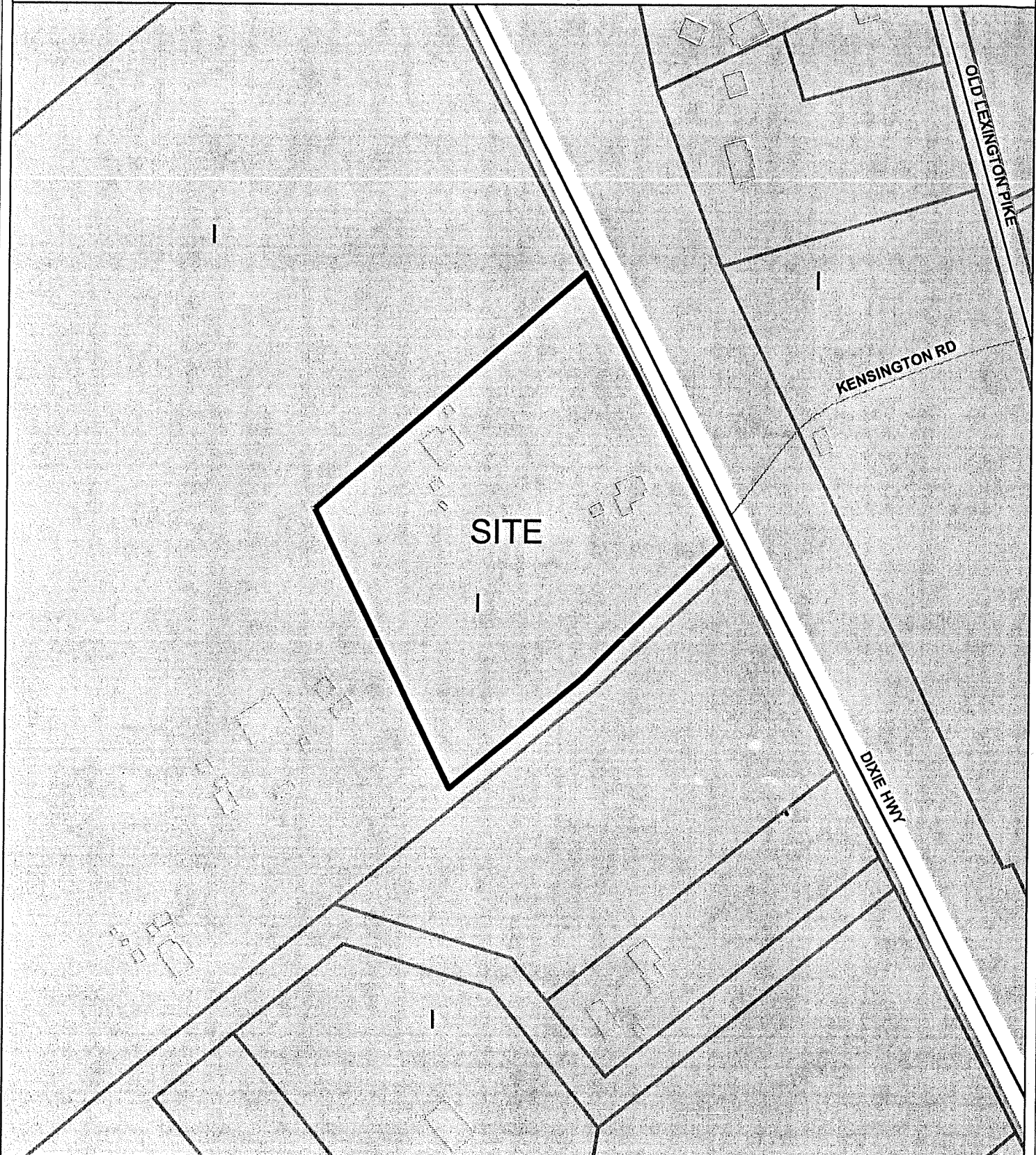


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Future Land Use

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1 inch equals 189 feet



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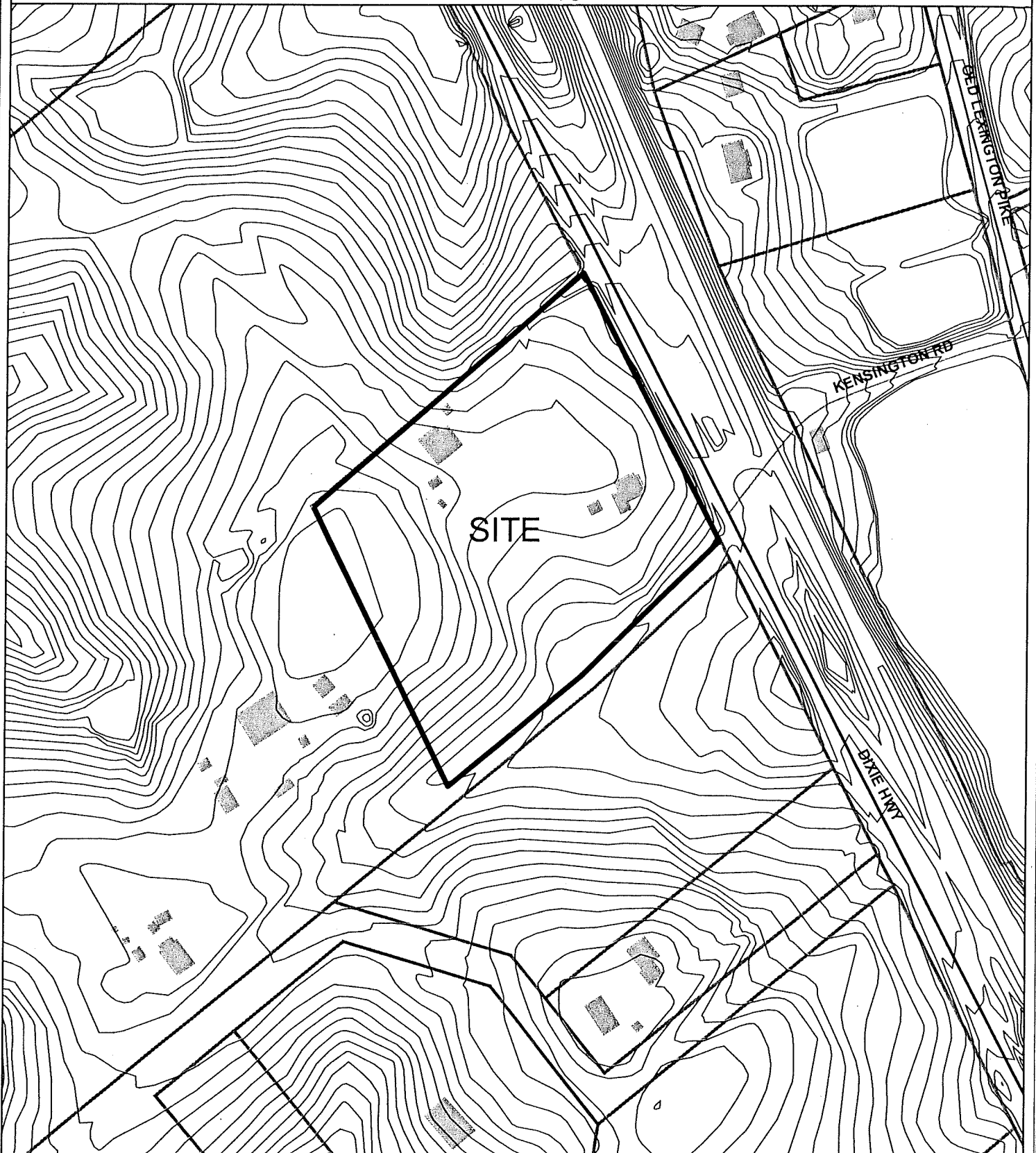
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Map Document: BooneMap ArcTools.mxd



Topography

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1 inch equals 189 feet



Boone County GIS - Putting Northern Kentucky on the Map

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ArchMap Document: BooneMap ArcTools.mxd

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: February 16, 2005

RE: Request of IDI (Kenneth W. Smith) (applicant) for George D. Lyons, Helen Lyons, and Norbert Donegan (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 52 acre area located at 11507 and 11525 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 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 is in agreement with the 2000 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Business Park" uses. The Business Park classification is described as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." The Concept Development Plan is for a lower traffic generating distribution/light industrial park with substantial landscape and buffer areas, which per the applicant's representations and agreed conditions, will have a consistent design scheme. Based on the proposed uses and design commitments, the Committee has concluded that the development will be an appropriate addition to the approved Business Park uses to the north and south.

The Business Park designation for this site is reinforced by the Land Use Element which states "the area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park. A buffer should be provided along Chambers Road to residential uses to the

south, and no business park access should occur on Chambers Road" ("Richwood Area," pg. 168). The site in question is within the "interior" of this overall Business Park area, which has an approved I-1 zoned phase to the immediate south and is developing with a similar I-1 zoned project to the north along Dixie Highway. Neither the subject site or these adjoining sites will use Chambers Road for access.

- B. The Land Use Element ("Richwood Area," pg. 167) states that "this area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is considering a major widening of U.S. 25 south to the Richwood area." The site is located between U.S. 25 and I-75 within reasonable proximity of the Richwood interchange. Site access will be from a previously approved intersection on U.S. 25, "an ideal transportation connector;" the development of this site as an extension of the approved I-1 zoned development to the south eliminates one potential curb cut onto Dixie Highway. Additionally, the forthcoming improvements to Dixie Highway to the north, which will include turn lane improvements to the Dixie Highway/Richwood Road intersection, will further accommodate Business Park growth in the area, including this site. The applicant has provided updated traffic data which demonstrates that the traffic impacts created by this additional development will not be unreasonable.

Due to the same basic reason mentioned above regarding the proximity of the site to the interchange, the request is in agreement with the Business Activity Element which notes that "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" ("Areas of Future Industrial and Office Activity," pg. 73).

- C. The Land Use Element ("Richwood Area," pg. 167) also states "industrial uses fronting on U.S. 25 should be developed with attention given to adequate aesthetic design and natural vegetation to minimize visual impacts to the residential uses across the highway." The applicant has committed through the revised Concept Development Plan and agreed conditions to provide a 50 foot wide landscape area along Dixie Highway which contains berming and the landscaping from Buffer Yard C supplemented with

additional plantings, versus the 10 foot wide minimum street frontage landscape area with Buffer Yard A plantings that is normally required.

- D. Based on the Concept Development Plan and the agreed conditions outlined below, the Committee has concluded that the proposal is in general agreement with the "Future Land Use Development Guidelines" on pages 158 to 160 of the Land Use Element, the Comprehensive Plan Goals and Objectives, and Section 1137 "Supplemental Zoning Map Amendment Standards" of the Boone County Zoning Regulations (by reference to Section 1609) which apply to Zoning Map Amendment applications which request the I-1 zone within areas designated as Business Park by the Future Land Use Map, and which are intended to implement the qualitative expectations of the Business Park designation.

The Comprehensive Plan's Business Activity Goals and Objectives are of particular relevance, which include:

- i. "Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage" ("Business Activity," Objective). Substantial landscape areas in terms of size and screening materials will be provided along both existing road frontages.
- ii. "Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed" ("Business Activity," Industrial Objective 1). The site's access is from the previously approved point on Dixie Highway, which is acknowledged by the Land Use Element as an "ideal transportation connector" that will serve industrial development, and the site is within reasonable proximity to the Richwood interchange.
- iii. "Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies" ("Business Activity," Industrial Objective 2). A range of potential impacts that could be created by the development were evaluated by the Committee. In consideration of the Concept Development Plan, agreed conditions, and the fact that the Committee has concluded that the request fulfills the detailed standards in Section 1137 of the zoning regulations, the request is in agreement with this objective.

2. The Committee has concluded that: because the site is adjoined by I-1 zoned properties on three sides, and the two sides which are not separated by Dixie Highway are to be developed with substantive Business Park type developments; because the proposal will basically function as an infill development; and, the fact that the site is adjoined by I-75 on the fourth side and is in reasonably close proximity to the Richwood interchange, the existing A-2 zoning classification is inappropriate and the proposed I-1 zoning classification with the conditions noted herein 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 Section 1137 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

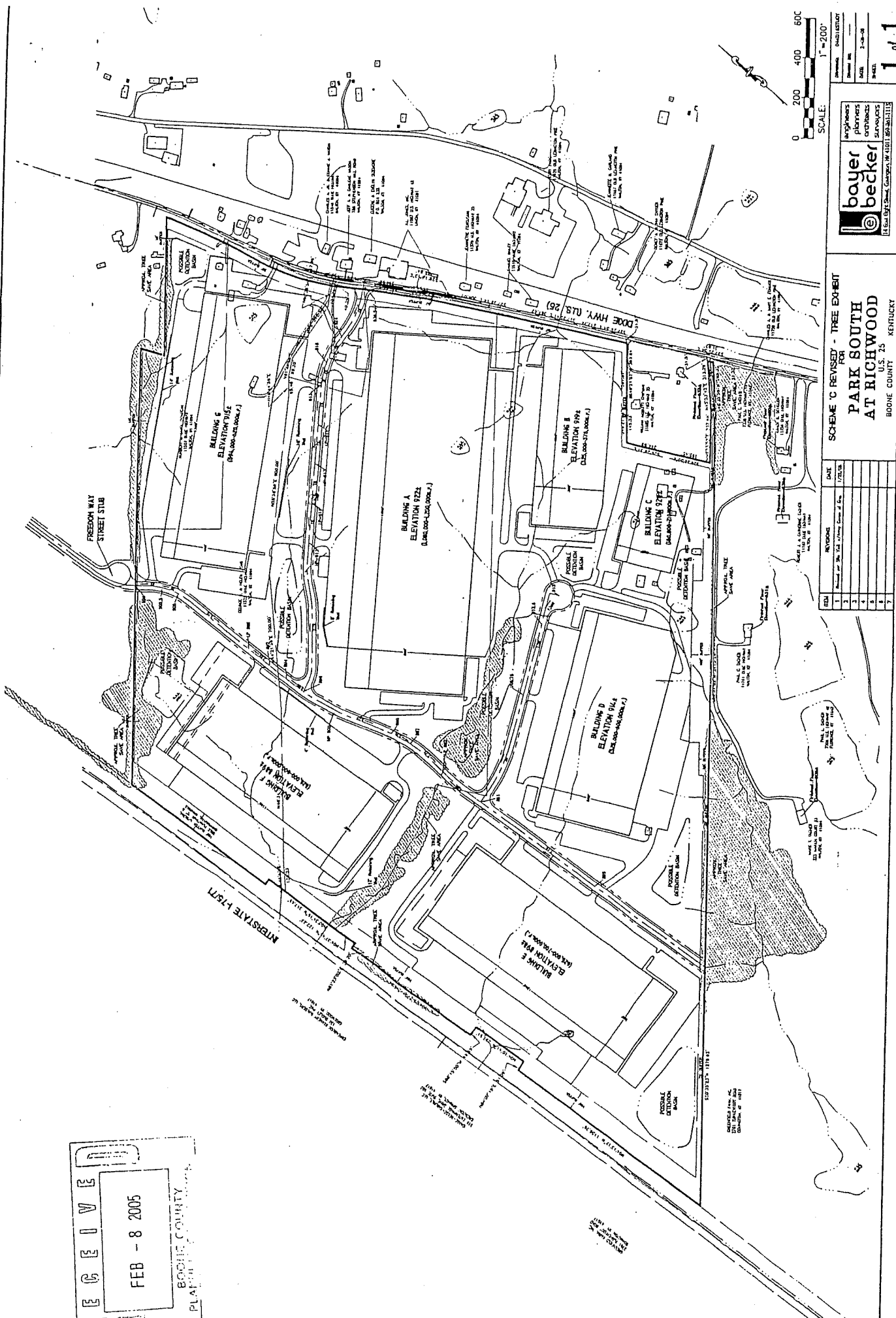
CONDITIONS

1. The development shall follow the Concept Development Plan that was presented at the January 19, 2005 Public Hearing and attached to the staff report for this request.
2. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development.
 - i. Principally Permitted Use #44: Truck stops;
 - ii. Principally Permitted Use #45: Recycling centers;
 - iii. Principally Permitted Use #47: Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
 - iv. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
 - v. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals (this prohibition applies to bulk or non-containerized chemicals and does not apply to containerized chemicals);

- vi. Conditional Use #2: Poultry and small game dressing and packing;
 - vii. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - viii. Conditional Use #5: Gasoline filling stations and wash services;
 - ix. Conditional Use #11: Wholesale vehicle sales or auctions;
 - x. Conditional Use #12: Churches, synagogues, temples and other places of religious assembly for worship.
3. The following use categories normally permitted in the I-1 zone shall be restricted in the manners described below.
- i. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - ii. Principally Permitted Use #10: "Soaps and other detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - iii. Principally Permitted Use #27: "Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - iv. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this category.
4. The areas noted as "approx. tree save area" on the attachment labeled "Scheme C Revised - Tree Exhibit for Park South at Richwood" shall remain undisturbed with the existing tree cover retained.
5. Street tree plantings shall be provided along both sides of the public street within the development in addition to any other required landscaping. The quantity of street trees provided shall be based on an average spacing of forty feet (40') to fifty feet (50') on center.
6. The landscape area along Dixie Highway, which has a noted width of fifty feet (50') on the Concept Development Plan, will contain berming which is as high as practical based on the topography and good engineering practices, and the trees from Buffer Yard C of Article 37 of the zoning regulations shall be placed on the street facing side of the berming. The landscape area along I-75, which has a width that varies from approximately seventy feet (70') to a noted width of one hundred (100') on the Concept Development Plan, shall contain the trees from Buffer Yard C. The entire length of the landscape area that parallels I-75 (for both the initial, approved phase to the south and the current zone change area combined) shall be further enhanced with tall ornamental grasses planted intermittently between the required trees to provide greater initial screening of the buildings.

7. Storm water collected from any hard surface shall not drain into the lakes on the Tagher properties. Said storm water shall be piped so that the outflow bypasses the lakes, and so that the buffering/screening qualities of the berming and landscaping required by condition #5 of the original zone change approval are maintained.
8. Public water and sanitary sewer systems shall be provided by the developer to the proposed subdivision.
9. Storm water control for the entire development (for both the initial, approved phase to the south and the current zone change area combined) will adhere to the current County storm water management specifications for each building site. A storm water master plan shall be developed for the entire proposed industrial park (both the initial, approved phase and the current zone change area combined) to evaluate the effect of all individual storm water detention systems functioning simultaneously. The master plan shall be designed so that post-development peak flows at each stream exit from the subject property do not exceed pre-development peak flows.
10. A consistent, integral architectural and signage scheme shall be used for the entire development (both the initial, approved phase to the south and the current zone change area combined), and shall conform to the representations made in the zone change application materials for the initial phase.

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.



RECEIVED
FEB - 8 2005
BOONE COUNTY
PLANT

bayer becker
 architects
 planners
 engineers
 500 VICTORY
 14 East 14th Street, Chicago, IL 60611 857-2411115

SCALE: 1" = 200'

Project: 04-21187-001
 Drawn: BLS
 Date: 2-28-08
 3'-0/1

SCHEME 'C' REVISED - TREE EXHIBIT
FOR
**PARK SOUTH
AT RICHWOOD**
U.S. 25
BOONE COUNTY KENTUCKY

ITEM	REVISIONS	DATE
1	Revised per Site Visit & Army Corps of Eng.	1/22/08
2		
3		
4		
5		
6		
7		

ORDINANCE 05-04

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF IDI (KENNETH W. SMITH) (APPLICANT) FOR GEORGE D. LYONS, HELEN LYONS AND NORBERT DONEGAN (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 52 ACRE SITE LOCATED AT 11507 AND 11525 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 52 acre site located at 11507 and 11525 Dixie Highway, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 52 acre site located at 11507 and 11525 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOKS 192 & 637, PAGE NOS. 394 & 292, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

ORDINANCE 05-SECTION II

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

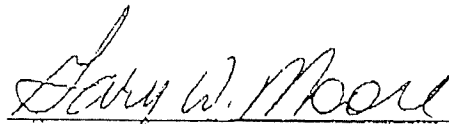
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

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

Introduced and given First Reading on the 15th day of March, 2005.

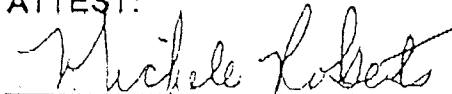
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 2nd of April, 2005, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the Boone County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE

BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



MICHELE ROBERTS

FISCAL COURT CLERK



JAMES R. SCHRAND II

BOONE COUNTY ATTORNEY

May 5, 2005
DATE PUBLISHED

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 15, 2004

RE: Request of IDI (applicant) for Betty Whitaker and MC Properties (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 180 acre area located at 11551 and 11727 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 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

The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2000 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.

- A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Business Park" uses. The Business Park classification is described as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." The Concept Development Plan, which was revised in response to issues raised at the Public Hearing, is for a lower traffic generating distribution/light industrial park with substantial landscape and buffer areas, which per the applicant's submitted narrative, will have a consistent design scheme. Based on the proposed uses and design commitments, the Committee has concluded that the development will be an appropriate transition to the residential and agricultural/open spaces uses to the north and south, all of which are also designated for Business Park uses.

The Business Park designation for this site is reinforced by the Land Use Element which states "the area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park. A buffer should be provided along Chambers Road to residential uses to the south, and no business park access should occur on Chambers Road" ("Richwood Area," pg. 168). The site in question is within the "interior" of this overall Business Park area, which is already

beginning to develop with a similar development to the north along Dixie Highway, and which does not access Chambers Road.

- B. The Land Use Element ("Richwood Area," pg. 167) states that "this area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is considering a major widening of U.S. 25 south to the Richwood area." The site is located between U.S. 25 and I-75 within reasonable proximity of the Richwood interchange. Site access will be from U.S. 25, "an ideal transportation connector," and will consist of a single intersection at a location on Dixie Highway that was demonstrated to the Committee to fulfill reasonable access management expectations. Additionally, the forthcoming improvements to Dixie Highway to the north, which will include turn lane improvements to the Dixie Highway/Richwood Road intersection, will further accommodate Business Park growth in the area, including this site.

Due to the same basic reason mentioned above regarding the proximity of the site to the interchange, the request is in agreement with the Business Activity Element which notes that "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" ("Areas of Future Industrial and Office Activity," pg. 73).

- C. The Land Use Element ("Richwood Area," pg. 167) also states "industrial uses fronting on U.S. 25 should be developed with attention given to adequate aesthetic design and natural vegetation to minimize visual impacts to the residential uses across the highway." The applicant has committed through the revised Concept Development Plan and agreed conditions to provide a 50 foot wide landscape area along Dixie Highway which contains berming and the landscaping from Buffer Yard C, versus the 10 foot wide minimum street frontage landscape area with Buffer Yard A plantings that is normally required.
- D. Based on the Concept Development Plan and the agreed conditions outlined below, the Committee has concluded that the proposal is in general agreement with the "Future Land Use Development Guidelines" on pages 158 to 160 of the Land Use Element, the Comprehensive Plan Goals and Objectives, and Section 1137 "Supplemental Zoning Map Amendment Standards" of the Boone County Zoning Regulations (by reference to Section 1609) which apply to Zoning Map Amendment applications which request the I-1 zone within areas designated as Business Park by the Future Land Use Map, and which are intended to implement the qualitative expectations of the Business Park designation.

The Comprehensive Plan's Business Activity Goals and Objectives are of particular relevance, which include:

- I. "Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage" ("Business Activity," Objective). Substantial buffers in terms of size and screening materials will be provided around the perimeter of the development.
 - ii. "Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed" ("Business Activity," Industrial Objective 1). The site's access is on Dixie Highway, which is acknowledged by the Land Use Element as an "ideal transportation connector" that will serve industrial development, and the site is within reasonable proximity to the Richwood interchange.
 - iii. "Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies" ("Business Activity," Industrial Objective 2). A multitude of potential impacts that could be created by the development were evaluated by the Committee. In consideration of the revised Concept Development Plan, agreed conditions, and the fact that the Committee has concluded that the request fulfills the detailed standards in Section 1137 of the zoning regulations, the request is in agreement with this objective.
- E. 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 Section 1137 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the revised Concept Development Plan that was presented at the August 25, 2004 Zone Change Committee meeting (attached plan identified as "Concept Plan 1B").

2. Full right and left turn lanes with tapers shall be provided on Dixie Highway at the new intersection in accordance with the requirements of the Kentucky Transportation Cabinet, and shall be constructed as part of the initial subdivision improvements.
3. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development.
 - i. Principally Permitted Use #44: Truck stops;
 - ii. Principally Permitted Use #45: Recycling centers;
 - iii. Principally Permitted Use #47: Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
 - iv. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
 - v. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals (this prohibition applies to bulk or non-containerized chemicals and does not apply to containerized chemicals);
 - vi. Conditional Use #2: Poultry and small game dressing and packing;
 - vii. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - viii. Conditional Use #5: Gasoline filling stations and wash services;
 - ix. Conditional Use #11: Wholesale vehicle sales or auctions;
 - x. Conditional Use #12: Churches, synagogues, temples and other places of religious assembly for worship.
4. The following use categories normally permitted in the I-1 zone shall be restricted in the manners described below.
 - i. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins" - manufacturing and processing shall be excluded from this use category;

- ii. Principally Permitted Use #10: "Soaps and other detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - iii. Principally Permitted Use #27: "Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - iv. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this category.
5. Buffering around the perimeter of the site shall follow the conceptual buffer sections presented at the August 25, 2004 Zone Change Committee meeting relative to the buffer layout and building elevations (buffer plans and cross sections are attached). Vertical berms with trees per Buffer Yard C of Article 37 of the zoning regulations placed on top of said berms shall be provided along the boundaries that adjoin the Tagher properties and the Chipman property; all healthy, existing trees along these boundaries shall be retained in addition to the Buffer Yard C plantings. The evergreen trees within all buffer areas shall have an eight foot (8') minimum installation size.
6. Street tree plantings shall be provided along both sides of the public streets within the development in addition to any other required landscaping. The quantity of street trees provided shall be based on an average spacing of forty feet (40') to fifty feet (50') on center.
7. The landscape area along Dixie Highway, which has a noted width of fifty feet (50') on the Concept Development Plan, will contain berming which is as high as practical based on the topography and good engineering practices, and the trees from Buffer Yard C of Article 37 of the zoning regulations shall be placed on the street facing side of the berming. The landscape area along I-75, which has a noted width that varies from fifty feet (50') to one hundred (100') on the Concept Development Plan, shall contain the trees from Buffer Yard C..
8. The restrictive covenants for the development shall prohibit trucks from being left idling in the vehicular area(s) on the south side of Building D' as shown on the Concept Development Plan.
9. Storm water collected from any hard surface shall not drain into the lakes on the Tagher properties. Said storm water shall be piped so that the outflow bypasses the lakes, and so that the buffering/screening qualities of the berming and landscaping required by condition #5 are maintained.
10. Public water and sanitary sewer systems shall be provided by the developer to the proposed subdivision.

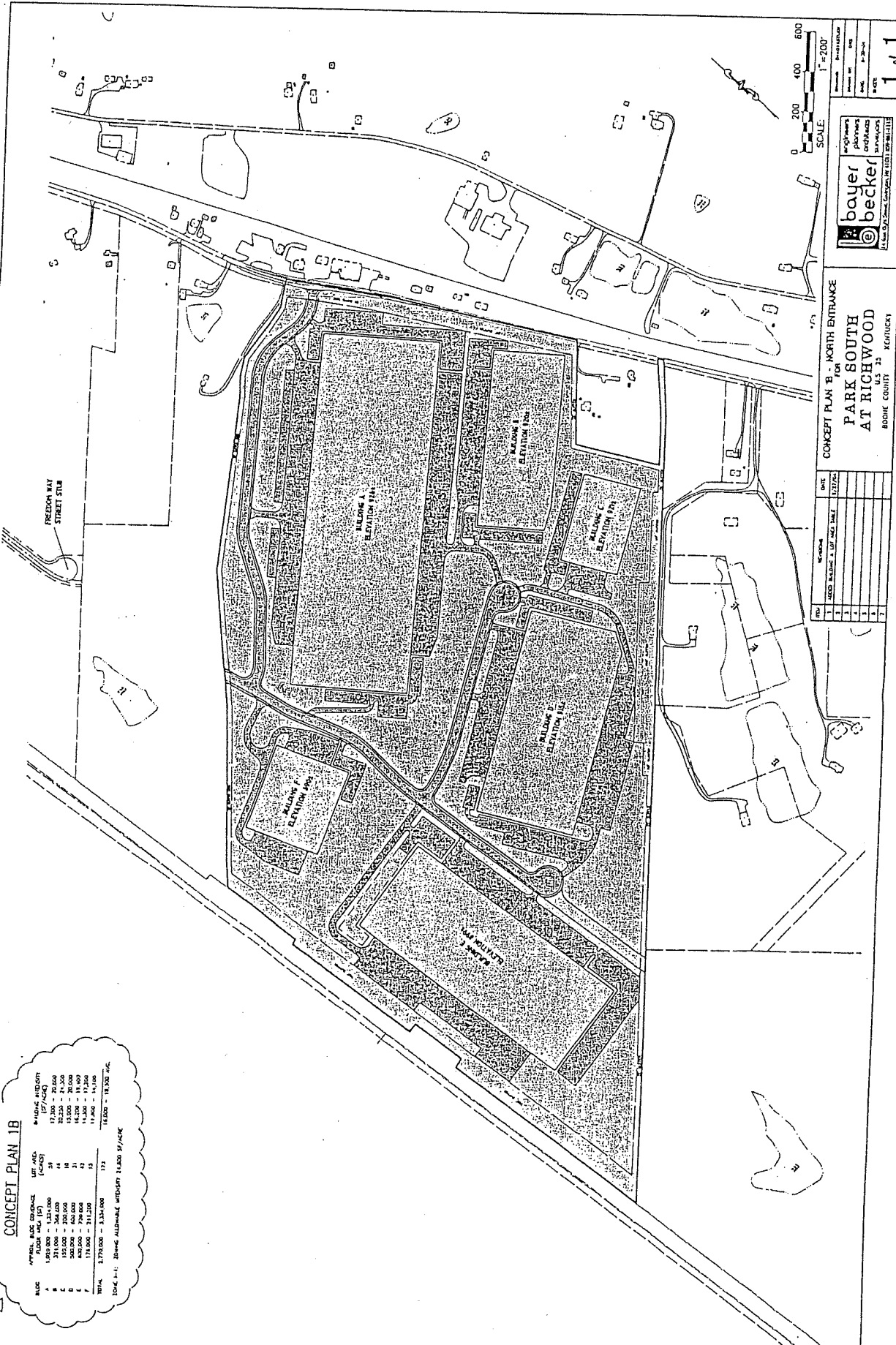
11. It is understood that the Boone County Subdivision Regulations require the cul-de-sac street shown in the southwest part of the site on the Concept Development Plan to be extended to the southern property line at the developer's expense when the applicable phase of the subdivision is developed.

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.

CONCEPT PLAN 1B			
NAME	APPROX. BUDGET (CASH)	UT. A/C	EST. BUDGET (CASH)
a	17,300	10	17,300
b	21,300	14	21,300
c	25,300	18	25,300
d	29,300	22	29,300
e	33,300	26	33,300
f	37,300	30	37,300
g	41,300	34	41,300
h	45,300	38	45,300
i	49,300	42	49,300
j	53,300	46	53,300
k	57,300	50	57,300
l	61,300	54	61,300
m	65,300	58	65,300
n	69,300	62	69,300
o	73,300	66	73,300
p	77,300	70	77,300
q	81,300	74	81,300
r	85,300	78	85,300
s	89,300	82	89,300
t	93,300	86	93,300
u	97,300	90	97,300
v	101,300	94	101,300
w	105,300	98	105,300
x	109,300	102	109,300
y	113,300	106	113,300
z	117,300	110	117,300
aa	121,300	114	121,300
ab	125,300	118	125,300
ac	129,300	122	129,300
ad	133,300	126	133,300
ae	137,300	130	137,300
af	141,300	134	141,300
ag	145,300	138	145,300
ah	149,300	142	149,300
ai	153,300	146	153,300
aj	157,300	150	157,300
ak	161,300	154	161,300
al	165,300	158	165,300
am	169,300	162	169,300
an	173,300	166	173,300
ao	177,300	170	177,300
ap	181,300	174	181,300
aq	185,300	178	185,300
ar	189,300	182	189,300
as	193,300	186	193,300
at	197,300	190	197,300
au	201,300	194	201,300
av	205,300	198	205,300
aw	209,300	202	209,300
ax	213,300	206	213,300
ay	217,300	210	217,300
az	221,300	214	221,300
ba	225,300	218	225,300
bb	229,300	222	229,300
bc	233,300	226	233,300
bd	237,300	230	237,300
be	241,300	234	241,300
bf	245,300	238	245,300
bg	249,300	242	249,300
bh	253,300	246	253,300
bi	257,300	250	257,300
bj	261,300	254	261,300
bk	265,300	258	265,300
bl	269,300	262	269,300
bm	273,300	266	273,300
bn	277,300	270	277,300
bo	281,300	274	281,300
bp	285,300	278	285,300
bq	289,300	282	289,300
br	293,300	286	293,300
bs	297,300	290	297,300
bt	301,300	294	301,300
bu	305,300	298	305,300
bv	309,300	302	309,300
bw	313,300	306	313,300
bx	317,300	310	317,300
by	321,300	314	321,300
bz	325,300	318	325,300
ca	329,300	322	329,300
cb	333,300	326	333,300
cc	337,300	330	337,300
cd	341,300	334	341,300
ce	345,300	338	345,300
cf	349,300	342	349,300
cg	353,300	346	353,300
ch	357,300	350	357,300
ci	361,300	354	361,300
cj	365,300	358	365,300
ck	369,300	362	369,300
cl	373,300	366	373,300
cm	377,300	370	377,300
cn	381,300	374	381,300

BLOOD	APPROX. BLOOD CONCENTRATION	URIC ACID (μ MOL/L)	APPROX. BLOOD ACTIVITY (10^3 BQ/L)
A	1,010,000 - 1,234,000	31	17,300 - 20,600
B	311,000 - 368,000	31	22,250 - 24,500
C	155,000 - 200,000	10	13,000 - 20,000
D	365,000 - 630,000	31	14,500 - 18,400
E	428,000 - 728,000	47	14,500 - 18,400
F	171,000 - 311,000	15	17,800 - 24,100
TOTAL	2,770,000 - 3,334,000	112	16,500 - 18,350 μ Ci

LONG 1-1: ZONE-6 ALLOWABLE WTD+STRTY 24,000 SF/AC/AC



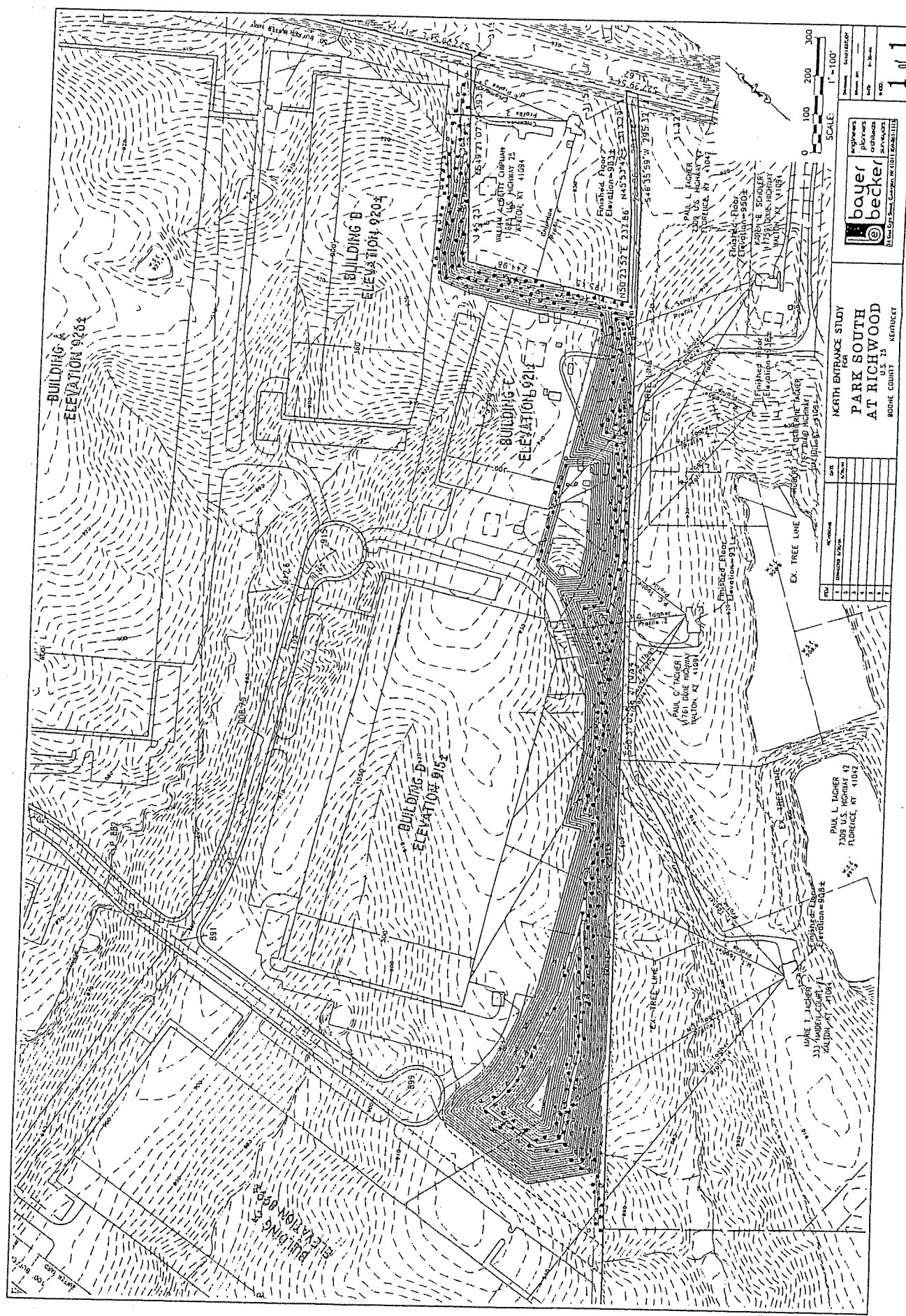
CONCEPT PLAN B - NORTH ENTRANCE
FOR
**PARK SOUTH
AT RICHWOOD**
U.S. 25
BOONE COUNTY KENTUCKY

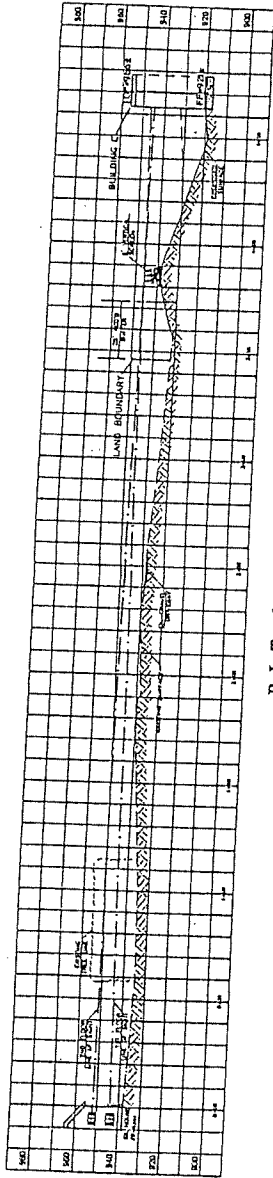
**bayer
becker**

engineers
planners
architects
surveyors

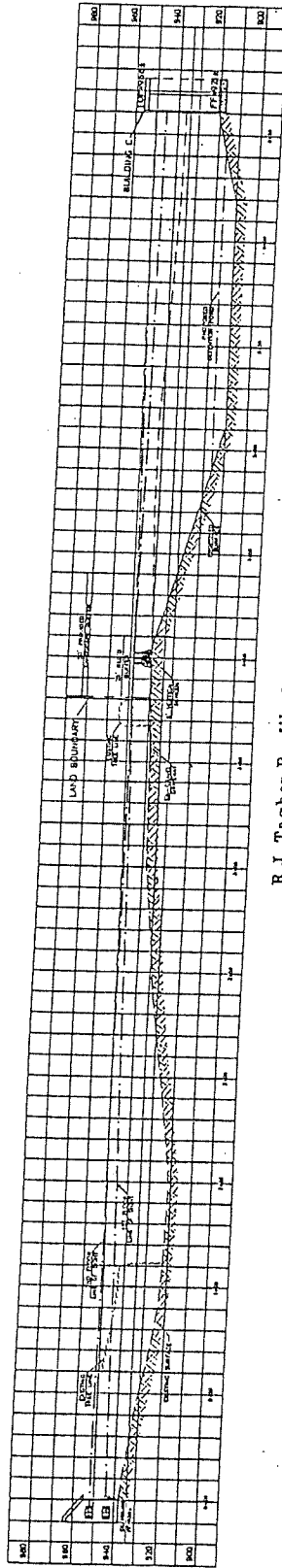
14 Glen Oaks Square, Cambridge, MA 02141 617/451-1113

111

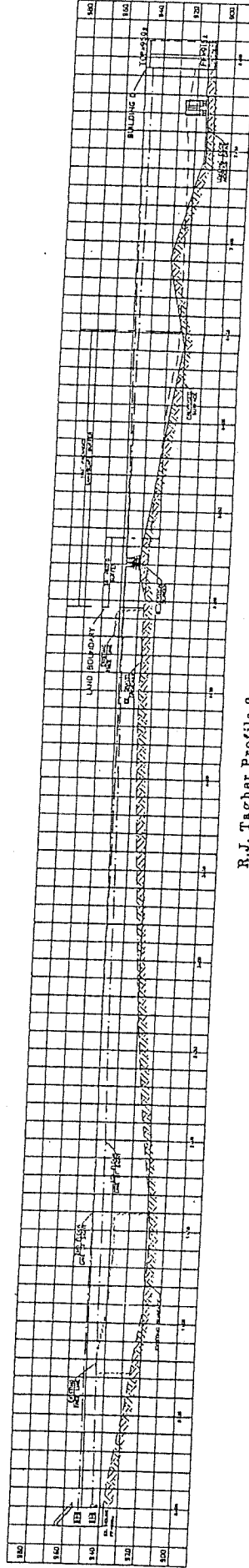




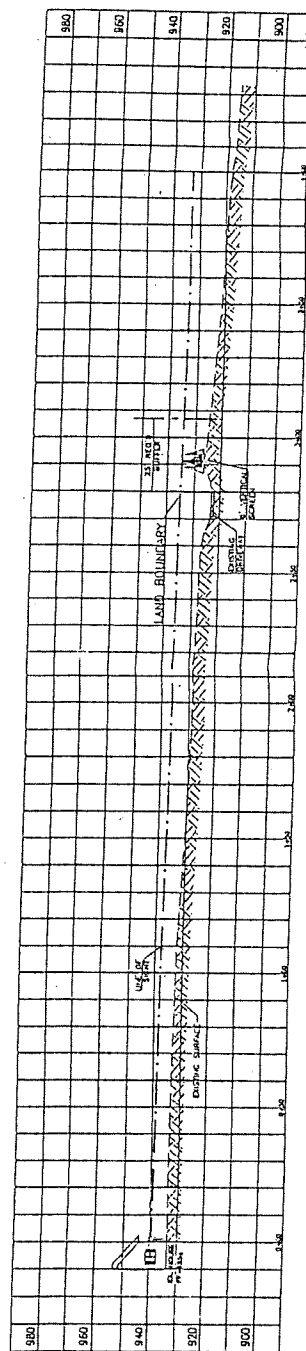
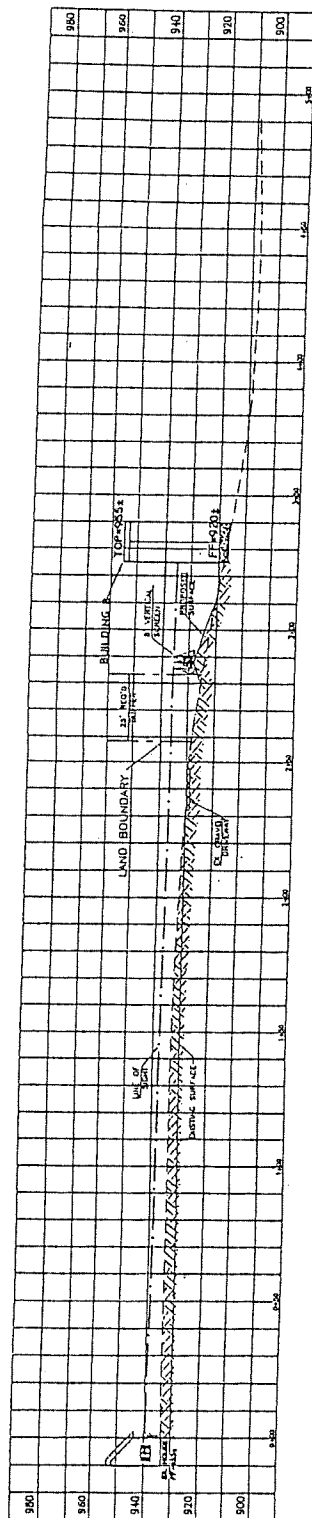
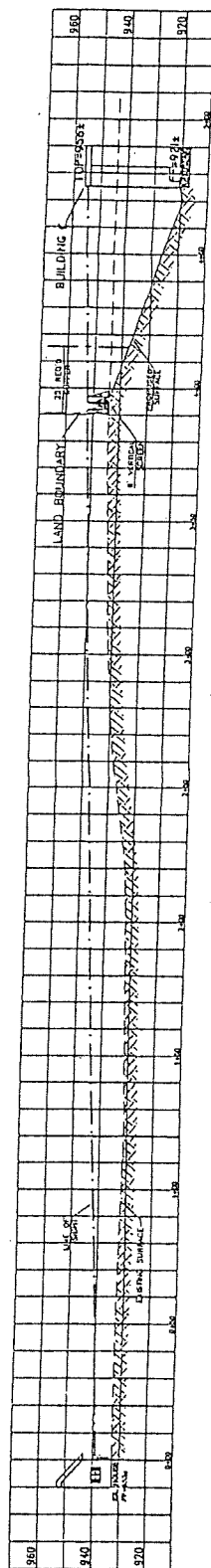
R.J. Tagher Profile 1



R.J. Tagher Profile 2



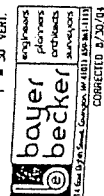
R.J. Tagher Profile 3

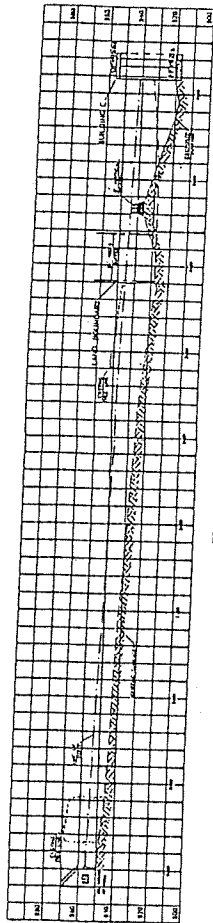


SCALES:
1" = 30' HORIZ.
1" = 30' VERT.

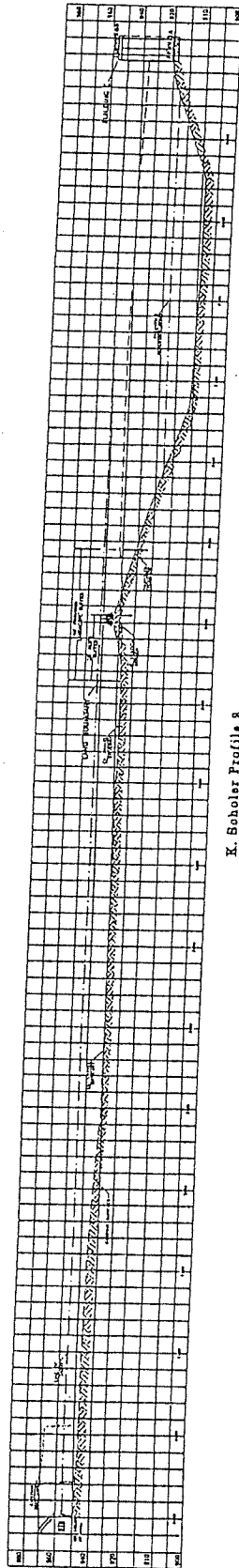
SPRINGER.

1. 20 HURZ
1. 20 MEY

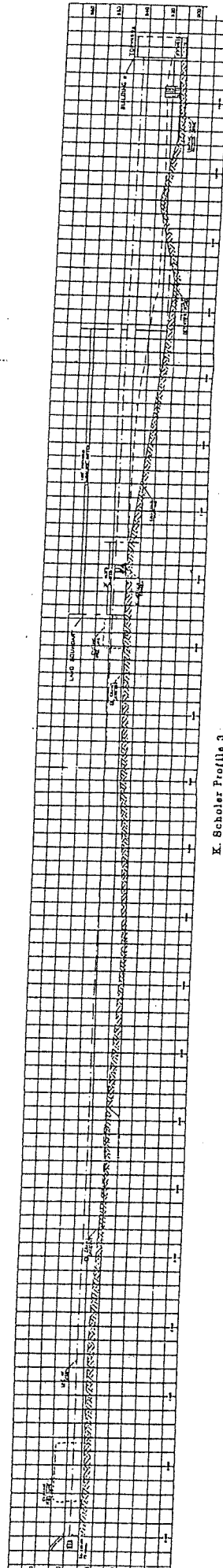




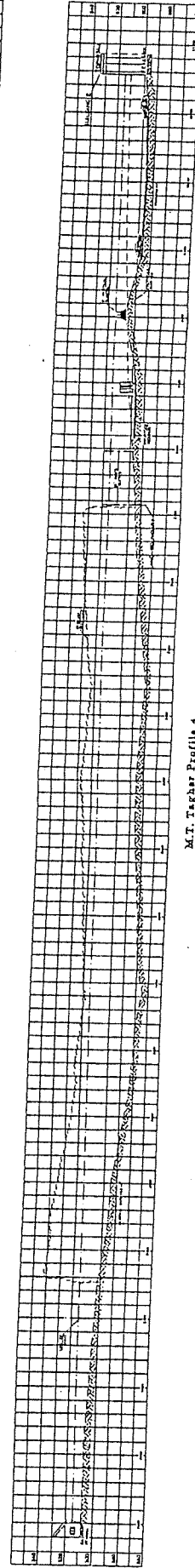
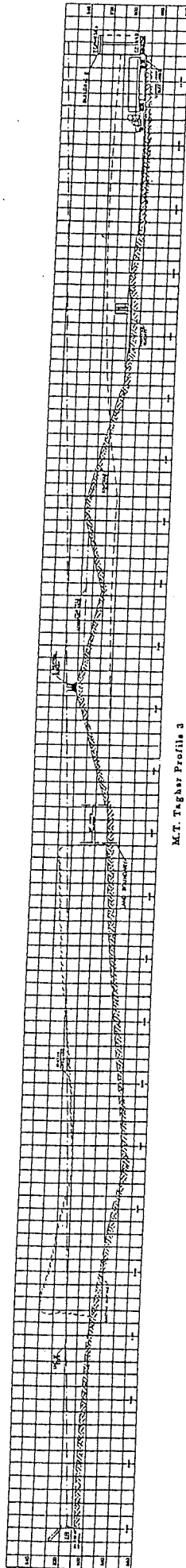
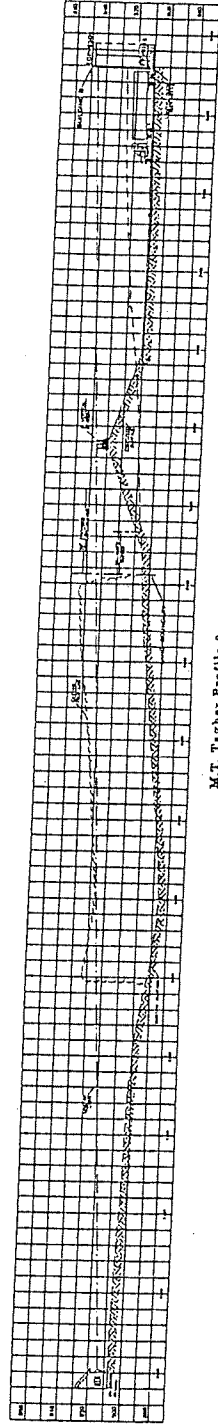
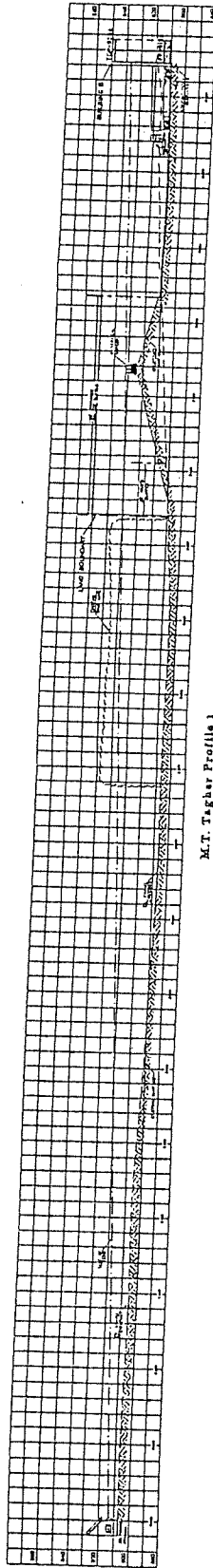
K. Scholer Profile 1

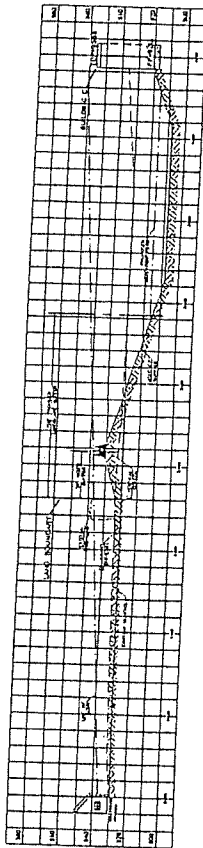


K. Scholer Profile 2

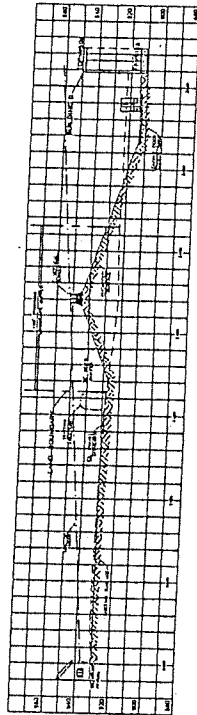


K. Scholer Profile 3

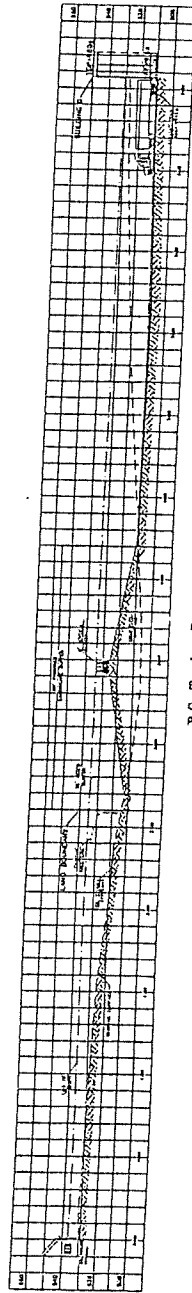




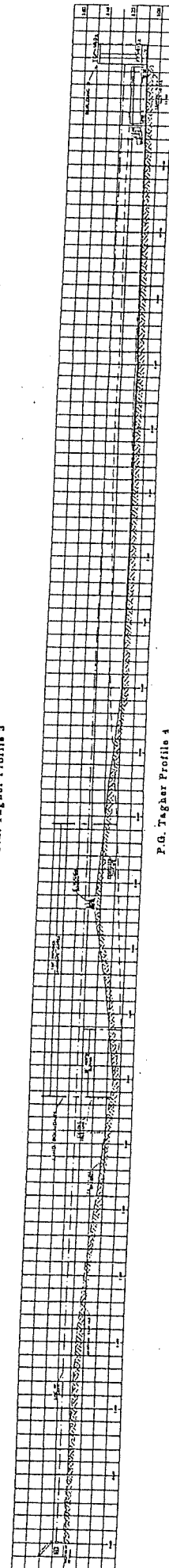
P.G. Taghar Profile 1



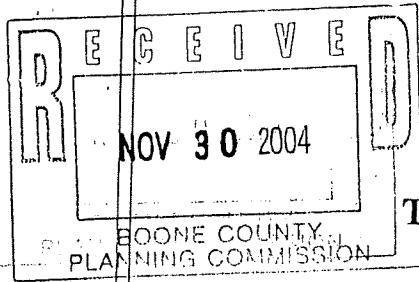
P.G. Taghar Profile 2



P.G. Taghar Profile 3



P.G. Taghar Profile 4



**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

Ordinance No. 04-17

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF IDI (APPLICANT) FOR BETTY WHITAKER AND MC PROPERTIES (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 180 ACRE SITE LOCATED AT 11551 AND 11727 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 180 acre site located at 11551 and 11727 Dixie Highway, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 180 acre site located at 11551 and 11727 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOKS 368, 368 & 809, PAGE NOS. 89, 93 & 6, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

Ordinance No. 04-17

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

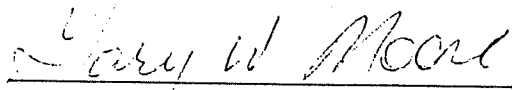
This approval is subject to the additional conditions as provided in Exhibit C to this ordinance.

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 19th day of October, 2004.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23rd of November, 2004, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



**GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE**

ATTEST:



**MICHELE ROBERTS
FISCAL COURT CLERK**



**JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY**

**December 2, 2004
DATE PUBLISHED**

EXHIBIT C ADDITIONAL CONDITIONS FOR ZONE CHANGE

Proposed Storm Water Master Plan - Zoning Condition

Storm water control for the proposed project will adhere to the current County storm water management specifications for each building site. A storm water master plan shall be developed for the entire proposed industrial park to evaluate the effect of all individual storm water detention systems functioning simultaneously. The master plan shall be designed so that post-development peak flows at each stream exit from the subject property do not exceed pre-development peak flows.

Proposed Lighting Requirement - Zoning Condition

Applicant will provide and maintain overhead street lighting at the entrance to US 25 to enhance safe entrance and egress out of the business park.

Proposed Landscaping Enhancement - Zoning Condition

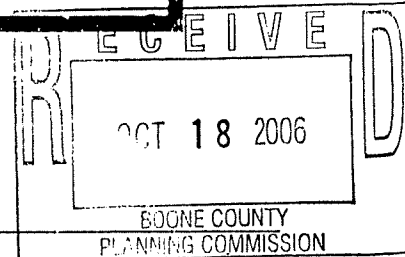
In the buffer yard adjoining Building E on the property parallel to I-75, developer shall enhance plantings required in buffer yard C with tall ornamental grasses planted intermittently between required trees to provide greater initial screening of buildings.

APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)



1. Name of Project Park South at Richmond
2. Location of Project Drue Hwy. (US25)
3. Total Acreage of Site 5.00 ac.
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) Office/Warehouse, Distribution
7. Names of Applicant(s) IDI (Ken Smith)
8. Phone Number 859-663-3380 Fax No. 859-663-2890
9. Address of Applicant(s) 100 East Rivercenter Blvd., Ste. 550
Covington KY 41011
City State Zip
10. Name of Property Owner(s) William & Betty Chipman
11. Phone Number _____ Fax No. _____
12. Address of Property Owner(s) 11655 US Hwy 25
Walton KY 41094
City State Zip
13. Proposed Building Intensities (please specify) 15,000 to 19,000 sq/acre (average)
14. Are there any existing buildings on the site? Yes
15. How many? to be demolished
16. Deed Book PT Page No. 379 Group No. 2072
17. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
18. Have you submitted a Concept Development Plan? Included w/ this submittal
19. Have you had a pre-application meeting with BCPC Staff? Yes
20. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- ☒ Boone County Water District
- ☒ Florence Public Services Dept.
- ☒ Duke Energy
- ☒ Sanitation District #1
- ☒ Cincinnati Bell
- ☒ Owen Electric Cooperative, Inc.
- ☒ Boone County Public Works Department
- ☒ Kentucky Transportation Cabinet
- ☒ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

N/A Boone County Building Department
N/A Northern Kentucky Health District
N/A USDA NRCS/Boone County Conservation District
NA KY Division of Water
NA Local School District
NA Local Fire District
 Other: _____

18. Project Jurisdiction/Location

X Unincorporated Boone County _____ Walton Union
 _____ Florence

19. Applicant's Signature

X Property Owner's Signature

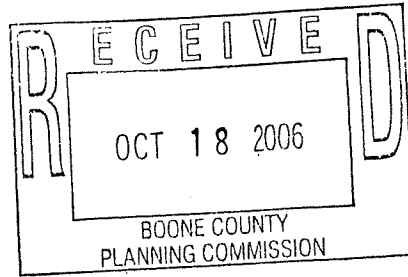
SECTION B (To be completed by BCPC Staff)

1. Date Received 10-18-06
2. Review Fee \$1721.00 RA 51243
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 KENTWALL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 12/6/06
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

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

Boone County Planning Commission
 Boone County Administration Building
 2950 Washington Street, Room 317
 P.O. Box 958
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountky.org - E-mail
 www.boonecountky.org - Web Page

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



October 16, 2006

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: Proposed Zoning Map Amendment adjacent to Park South at Richwood

Ladies and Gentlemen:

This Request for a Zoning Map Amendment is hereby submitted by IDI, as applicant, for a parcel of land of 5 acres located in southern Boone County, Kentucky. The parcel lies along Dixie Highway approximately one mile south of the interchange at Highway 338 (Richwood Road) and the parcel number is 076.00-00-032.01, owned by William and Betty Chipman. This proposed Zoning Amendment would create an additional 5 acres of I-1 District to create a seamless, integrated approximately 236 acre I-1 zoning tract, because this parcel lies adjacent to the west Right of Way of Dixie Highway and is surrounded on the other three sides by the existing approximately 231 acre, I-1 zoned Park South at Richwood development.

The proposed parcel is currently zoned A-2. IDI, as Applicant, is requesting a Zoning Map Amendment to change this designation to an Employment District Category, I-1. The site is intended to be developed as an extension of the existing Park South development for use for distribution centers, office/ warehouse uses and other uses allowed in I-1 zoning adjacent.

The Request for Zoning Map Amendment is based on the fact that the site is more suited for the uses indicated in I-1. The current Boone County Land Use Plan shows this site has long been intended to be converted from A-2 to other business type uses. The site is west of the railroad tracks, Dixie Highway and several large tracts of I-1 land across Dixie Highway and Old Lexington Road already slated for future industrial. In addition, the proposed tract is currently a rather small remaining parcel of land lying essentially within the recently rezoned 231 acre IDI Park South at Richwood.

Industrial use land near the Airport and within the Florence Industrial Park area is becoming increasingly less available. Therefore, it is important that this available land south along Dixie Highway, close to I-75/I-71 and near the I-71 split, be rezoned and opened to allow further job producing industrial development within the County. The current zoning of agricultural use is not compatible with the long range development of this southern sector of the County.

1. This Map Amendment is in agreement with the Boone County Comprehensive Plan, currently showing that this site should not be in agricultural uses in the long range land use planning.



Boone County Planning Commission
October 16, 2006
Page 2

The Plan states that "Employment opportunities shall be encouraged for the citizens of Boone County" and that Industrial uses should be in the area along US 25..... near Richwood.

2. The existing zoning classification of A-2 for this tract is inappropriate and the proposed zoning classification of I-1 is more appropriate. The agricultural uses no longer apply well within this rather narrow area of land between the Railroad/Dixie Highway and the I-75/I-71 freeway and surrounded by the existing adjacent I-1 industrial park.

I-71/I-75 forms a natural boundary between the developing industrial land uses to the east of the freeway and the developing residential base to the west of the freeway. The extension of the industrial uses already in existence north of this Richwood interchange is also a natural evolvement for this land just south of the interchange.

Further, it is a very obvious natural extension of the existing zoning in the area to rezone this connecting parcel of land the same as the I-1 uses bordering its' north, south and west sides.

This proposed extension of the Park South development by IDI would be planned and executed with the same high-quality of design and construction as the existing Park South and Park West International, which is one exit west of the Airport on I-275. Park West has been highly lauded nationally as a Commonwealth of Kentucky industrial development of the highest quality and success. Park South is off to a great start to continue that recognition for Boone County. This proposed parcel would be developed with the same elements as both Park South and Park West. This would include aesthetically pleasing industrial buildings in a business-park-like setting characterized by landscaped entrances, boulevard-width main street, large green spaces, consistent architectural and signage themes and a proposed building density that averages approximately 20 to 25% less than the 25,000 SF/acre allowed by the zoning code in an I-1 District in Boone County.

The design standards for the proposed development will be substantially in-line with the Section 1609 Design Standards utilized by the County for Employment Planned Development Districts.

Height and placement of buildings will continue to be well thought out within the park. Architectural style and building design will be unified and of high-quality industrial construction similar to Park South and Park West. Elevations of buildings will be studied and planned to minimize cut/fill work and be presentable from public ways. Paved areas will meet all appropriate Boone County standards and will have landscaped islands, trees and shrubs around



Boone County Planning Commission
October 16, 2006
Page 3

the buildings and especially near their entrances. The existing Park South undulating landscaped berm along Dixie Highway on the east perimeter will be continued south along this parcel to lessen any impact from offsite viewing from the existing public road. A bermed, treed Buffer C planting is proposed along the Dixie Highway right-of-way as an extension to the one recently approved for Park South. Landscaping throughout will be of high-quality and will be reflective of Park South themes. The use of street trees, irrigation and possible street lighting will be considered where applicable. The primary entrance will continue to be the current lighted main intersection with US 25. Signage will be designed to protect the visual order of the site and allow this site to integrate well with adjacent similar uses in Park South. Utilities will be fed as economically and physically possible by underground methods similar to Park South. Storm water protection will be designed per current storm water regulations of the County for both this individual site and the overall park that will result. Transportation and vehicular access will be designed to encourage smooth traffic flow and connections to the adjacent tracts. The design and the future construction of such connecting roads will result in an integrated system of North-South roadway parallel to I-71/I-75.

In conclusion, IDI intends that the proposed 5 acre extension to the existing Park South development to be located on the parcel requested for rezone will continue the high-quality evidenced in Park South and we are firmly convinced that this development will be one which meets Boone County needs. IDI anticipates that they will be asked to abide by, and will agree to abide by, the same set of Rezone Conditions for this Zoning Amendment as were agreed to for the recently rezoned, adjacent IDI Park South at Richwood.

Yours truly,

IDI

A handwritten signature in black ink, reading 'Kenneth W. Smith'.

Kenneth W. Smith
VP/Regional Development Officer

KWS:hlp

Attachments

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bunger, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **IDI for William Chipman and Betty Chipman (owners)**

Request: **Zoning Map Amendment**

The request of **IDI (applicant) for William Chipman and Betty Chipman (owners)** for a **Zoning Map Amendment** from Agricultural Estate (A-2) to Industrial One (I-1) for a 5-acre tract located at 11685 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial park (Park South at Richwood).

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff presentation.

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

Mrs. Poston asked for the applicant's presentation.

Mr. Gerry Dusing, attorney with law offices in Florence and Covington, was present on behalf of the applicant IDI. He stated that the proposal is in conformity with the Comprehensive Plan, both map and text, and meets the primary criteria for a zone change. He stated that when they came before the Planning Commission to rezone the first tracts and then the approximate 50 acres to put together the 230 acre development, buffering and protecting the Chipman property from stormwater runoff, truck traffic noise, etc. was a considerable issue. A lot was done with that plan in regard to landscaping, line-of-sight studies, etc. and the proposed zone change resolves all of those issues and makes a lot of the conditions moot. He stated the buffer and line-of-sight concerns will be around the perimeter. The concerns for the Tagher property to the south are basically the

same and they will mitigate those concerns with the same rigorous conditions that were imposed earlier.

Mr. Ken Smith with IDI at 100 East RiverCenter Boulevard, Covington, Kentucky, stated that they are required to meet one of the three primary criteria to justify a zoning map amendment and this request meets two of the criteria. The request is in total agreement with the Comprehensive Plan Land Use Plan and I-1 zoning is more appropriate for this property than A-2 zoning. Reviewing the Power Point slide, he stated that the site is entirely surrounded by I-1 zoning (three sides on the west side of U.S. 25 and across U.S. 25 to the east is also zoned I-1). The Chipman property is like a "doughnut hole" zoned A-2 that is surrounded by I-1 zoning. He stated that they have met all of the requirements for the first two phases of Park South at Richwood. This is a five-acre addition to a 231-232 acre park, which is an addition of about 2% to the land area of the park. He offered to answer any questions. This concluded the applicant's presentation.

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

Mr. Paul G. Tagher, 11761 Dixie Highway, Walton, was present on behalf of four other Tagher family members who live on property adjacent to the development. He read a statement from the Tagher family stating that the proposed development does not meet the Comprehensive Plan, the buffer requirements established for the current project have not been enforced, and their concerns for the proposed development are the same as they were previously - (1) U.S. 25 is not adequate or safe for the increased traffic, (2) I-75 off ramps are not adequate, (3) required buffer zones have not been established, and (4) the proposed project will impact the surrounding properties with noise, lighting, dust, etc. He urged the Commissioners to visit the subject site and surrounding areas and to view the attached photographs (see Exhibit 1). He added that they were told there would be an eight-foot high mound with deciduous and evergreen trees in the buffer zone on their side of the property, but no trees have been planted on the south side of the subject property. There are trees planted along Dixie Highway/U.S. 25 and the mound ranges in height from one or two feet to eight feet. Since the height of the mound varies, in several instances there is clear visibility of the developing property. He stated that his house is adjacent to the 100-foot buffer zone and there is constant noise in their house from the "beep-beep-beep" sound of trucks in reverse. If the buffer zone was built in accordance with the recommendation, they might hear less noise. He stated that the sides of U.S. 25 are deteriorating and it is almost a sinkhole in some places. The road, stoplights and interchanges need to be repaired before the Planning Commission continues to allow development. He stated that when they built their houses there, they were told that the property would be A-2 in the long term development plan, but that changed in 2005 when the plan was revised and now they are stuck with all of

their houses back there. Mr. Paul G. Tagher also submitted a letter from Robert Tagher (see Exhibit 2).

In response to questions from Mr. Knock, Mr. Wall stated that the current Future Land Use Map shows the site as industrial, including the Tagher property and extending to the south. In the previous Comprehensive Plan, those areas were shown as Business Park. As stated in the Staff Report, Business Park includes clean warehousing, distribution, and office uses. He noted that there is a part of the text of the Comprehensive Plan that says Business Park, but the map shows Industrial. In the 2000 Comprehensive Plan, the Future Land Use Map showed the area as Business Park.

Mr. Knock stated that keeping the property zoned A-2 was the subject of a dispute or lawsuit with the PVA. Mr. Wall responded that he has heard that but did not have more information. Mr. Knock asked if there were any objections raised by the property owners (Chipman and/or Tagher family) when the Future Land Use Map was updated in 2000 and 2005. Mr. Paul Tagher did not recall if he specifically attended those meetings and raised objections. He has attended two or three meetings. Mr. Wall will check the records.

Mr. Reynolds asked if Mr. Tagher's understanding was that the buffer should have been completed by now. Mr. Tagher responded that there is no buffer now. They were told a year or two ago that side of the property might not be developed for up to ten years, but the border of his property is being developed now. He stated that if there was a buffer there he might hear less noise and see less of the development. He questioned when the buffer will be there.

Mrs. Poston asked Mr. Smith to address the buffer area. Mr. Smith responded that when they came in for the rezoning, they were asked where they would develop first. He indicated on the Power Point slide the area where they would be developing first and stated that they told the Planning Commission they were not sure how long it would take to develop that area – it could take four or five years, or it could be as long as ten or eleven years. He stated that the market has been good. He indicated the locations of the projects currently under construction. He stated that they are currently working on the underpinnings for the buffer area adjacent to the Tagher property. He indicated the buffer area and the location of a berm and how it will come up and drop back down in height. They are removing clay dirt from the buffer area and bringing in topsoil. Currently there is a trench there that has been excavated and the better topsoil is being brought over. He stated that they never said they would build the buffer area early in the phases, but it is under construction. It is not currently a positive aboveground buffer – it is the underpinnings. There is currently a hole there that has been excavated. He agreed that they are working in that area and there are trucks and bulldozers there and Mr. Tagher is hearing the backup beepers.

Mrs. Poston questioned when they anticipate being able to provide a buffer for Mr. Tagher's property. Mr. Smith responded that they will probably not continue the construction until after the winter and spring rains are over. They will start that area of construction again in spring/summer 2007. After consulting with Mr. Schwen, Vice President of Construction, IDI, Mr. Smith stated that the rough grade will be completed in spring 2007.

Mr. Costello asked Staff if the approved plan for the area parallel to the Tagher property showed that the buffer would be installed. Mr. Wall responded that buffer areas are done when the adjoining areas are developed. Mr. Costello questioned the limit of the approved plan. Mr. Wall indicated the areas of the Site Plan on the Power Point slide. He noted that, based on the original conditions, the tangible buffer area stops at the end of the Tagher property. There is no construction plan approved for the buffer per the condition. Mr. Costello asked Mr. Wall to bring to the Committee Meeting the Improvement Plan and any information that affects the Tagher property line so that the Committee has a full understanding of what is approved and what has been reviewed. Mr. Knock asked Staff to research the records of the hearings as to whether any objections were made to the Zoning Map amendment. Mr. Wall will bring the information to the Committee Meeting.

Mr. Reynolds asked for clarification of what is meant by "rough grade". Mr. Schwen responded that they have a mass Grading Permit for the area and are performing the earthwork per the mass Grading Permit. He stated that "rough grade" means to get the ground close to building pad elevation. They started in the fall, but the weather has been wet. Mr. Reynolds questioned the final elevation of the berm. Will the berm be eight feet tall for the entire length of the property? Mr. Schwen responded that they have sight lines drawings from prior meetings that show lines of sight from several locations and from the houses indicated on the Power Point slide. He stated that the cross sections show the heights of the berms and that information was presented to the Committee for the last zone change request. He does not recall the numbers at this time.

Mrs. Poston asked if there were any further questions or comments.

Mr. Paul L. Tagher stated that he was not notified about the meeting to change the zoning to Industrial and he was not notified about the meeting this evening. His son told him about the meeting this evening. Mr. Costello responded that the law is that the adjoining property owners are notified. The list of adjoining property owners was provided by the applicant. He stated that a sign was posted on the property and there was legal notification in The Boone County Recorder. Mr. Wall stated that IDI owns the adjoining properties, including the property to the south which is part of the parent tract for Park South at Richwood. Mr. Costello stated that none of the Tagher family members were notified of the Public Hearing because they are not adjoining property owners. He stated that there is no requirement to notify property owners when the Comprehensive Plan is

updated. There is advertising and there are workshops, but notification is not required. He stated that the Future Land Use Plan is a 25-year projection and the zoning is updated every five years. Staff will check the records in regard to the 2000 and 2005 Updates to see if the Tagher family attended. Mr. Paul L. Tagher responded that he would have been against the change.

Mr. Paul G. Tagher stated that the berm along U.S. 25 varies in height. He is concerned that there will be an eight-foot berm between his house and the adjoining property and then there will be a building on top of the berm. He asked if IDI is allowed to build on top of the buffer. Mrs. Kegley stated that Mr. Tagher is confusing "buffer" and "berm". A buffer is a distance of property between the Tagher property line and the building. There can be a buffer without a berm. A berm is built up. Mr. Wall explained that they cannot put a building on top of the berm if it is part of the buffer area that is to be maintained. The buffer area is to separate the industrial uses from the residential neighbors. Mr. Poe questioned how close the building will be to the Tagher property line. Mr. Paul G. Tagher stated that he knows where the building is going to be and questioned where the buffer starts and ends. Mr. Knock questioned the topography and whether the building would be at the same elevation as the top of the berm or if it would be below the height of the berm. Mr. Smith responded that when they originally came in for the zone change, the Committee and the Planning Commission asked for line-of-sight information all the way along the property line, which they provided. He indicated the Paul G. Tagher house. He believes some of the Tagher property is at about elevation 30 and then the berm varies in height at about 8 feet, and the building floor is at 20 feet. The land comes across, goes up for the berm, and back down for the building. Mr. Knock questioned the height of the building. Mr. Smith responded that it would be about 40 feet. He stated that one of the criteria for the line-of-sight study that was done and presented to the Committee was that the sight line would go higher than the dock doors on the building when looking across the berm and the trees on top of the berm from various locations on the Tagher property. He stated that the grading has not been done and the grade levels will be lower.

Mr. Knock stated that Mr. Tagher raised a good point that should be addressed at the Committee level so there is no misunderstanding in regard to the berm and buffer area. Mr. Smith agreed with Mrs. Kegley's explanation that a buffer is a horizontal area that cannot be used for A-2 or I-1 structures. Mr. Knock asked if the word "berm" was used in the original concept. Mr. Smith responded "yes" and stated that it is a bermed buffer and the sight line studies showed where the trees would be and what kind of trees they would be. Mr. Knock stated that he believes that the Tagher's would be less concerned if they were assured that there would be an effective buffer zone and berm. Mr. Smith responded that the Taghers were participants in the Committee Meetings when they looked at the sight line studies and it was determined that they met the criteria.

Mrs. Poston recommended that the construction of the buffer be accelerated. Mr. Smith responded "we can do that".

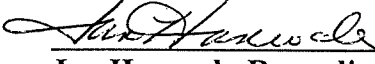
Mr. Paul G. Tagher stated that the minutes reflect that it was said there would be an eight-foot berm or buffer with deciduous or evergreen trees on top, but he does not recall that the berm was to change in elevation from 8 feet to zero. He is concerned that when driving along U.S. 25/Dixie Highway there are 8-foot tall mounds but right next to them is an area with no berming. He stated that the Taghers are technically not the adjoining property owners because they do not own the 10' – 15' strip of property there, but he asked that the area be considered for a larger buffer as requested by Staff.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on December 20, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 3, 2007 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:35 PM.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

1. Letter with six pages of photographs attached submitted by Paul G. Tagher on behalf of Tagher family members
2. Letter written by Robert Tagher and submitted by Paul G. Tagher

December 6, 2006

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Re: IDI Development Concerns

To whom it may concern:

Attached please find photos taken from property adjacent to the Park South IDI Development, specifically U.S. 25 and the Tagher property. It remains our viewpoint that the development(s) proposed for distribution sites do not fall into the Boone County Comprehensive Plan for Business Park.

We recognize that the project has been approved by the Planning Commission and that construction is underway. Buffer requirements were established for that project and do not appear to be enforced.

The concerns remain the same for the current IDI development proposal for the Chipman property. Specifically:

1. U.S. 25 is not adequately structured or safe for the increase in traffic the development would create.
2. I-75 off ramps heading both south and north are not adequate for the increase in traffic for the proposed development. At the development meeting prior to approval of the IDI development project a traffic study was presented comparing the number of trucks vs. cars passing through a traffic light. The study (not specific to this interchange) stated that trucks equated to a certain number of cars (I believe approximately 1.5, ie. 1 truck is able to pass through a traffic light in the same amount of time 1.5 cars is able to).

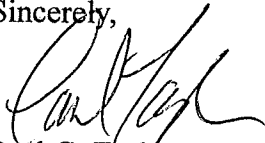
Because of the acute angle between the I-75 off ramp and Richwood Road trucks turning left take substantial more time than that of a car. Trucks turning left onto Richwood Road from the off ramp often utilize more than a single lane and will cross into the emergency lane. Because of the length of time it takes the trucks to turn left it is often the fact that both the cars and trucks will run red lights at this interchange. It is recommended that a specific study be taken or referenced with regards to the safety of increasing the traffic flow through this interchange.

3. Adequate required buffer zones are not established with regards to height, type and number of trees, and establishment date.
4. The proposed project presents an objectionable condition that will affect the surrounding properties including noise level, lighting, dust, etc.

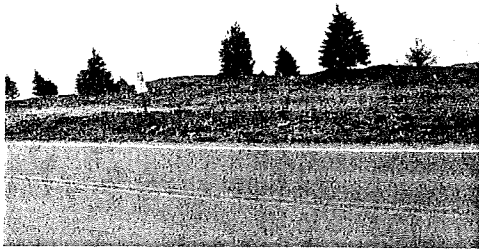
5. The Long Term Use Development Plan in place at the time of construction of three adjacent residences (Paul L. Tagher, Paul Tagher, and Marie Tagher) stipulate zoning as A-2. It was at that point that the Tagher's decided to develop the farm as A-2 residential use.

Often plans are approved without visiting the sites requesting zoning change. We urge you to visit the areas discussed and photos are attached for your reference. It is for the reasons above, and speaking on behalf of the families of Paul G. Tagher, Paul L. Tagher, Marie Tagher, Marc Tagher, and Robert Tagher, that at the present time and circumstances that further development should not be allowed.

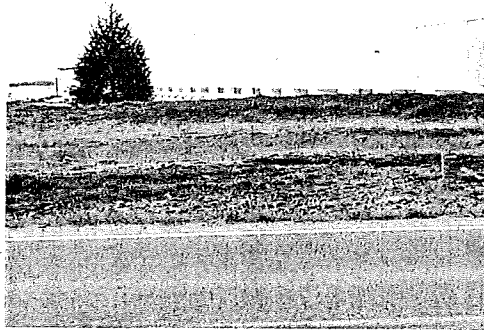
Sincerely,

A handwritten signature in black ink, appearing to read 'Paul G. Tagher', written over the printed name.

Paul G. Tagher
11761 Dixie Highway
Walton, KY 41094
(859)802-7997



View from U.S. 25
Evergreen trees planted.
No deciduous trees in view.



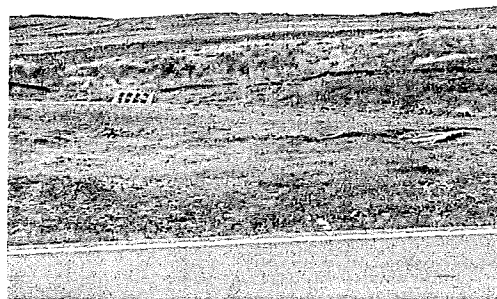
View from U.S. 25
Sparsely planted Evergreen trees.
No deciduous trees in view.



View from U.S. 25
8 foot buffer mound and trees not present.



View from U.S. 25
8 foot buffer mound and trees not present.



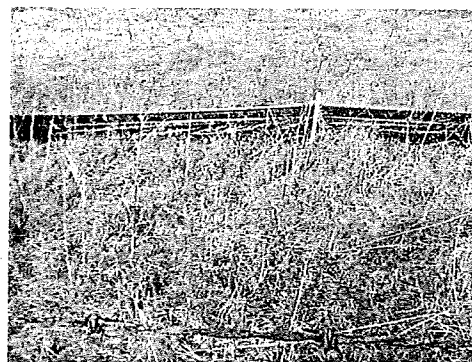
View from U.S. 25
8 foot buffer mound and trees not present.



View from Tagher Residence driveway.
8 foot buffer mound and trees not present.
Downed buildings in view for several months.



View from Tagher Residence driveway.
8 foot buffer mound and trees not present.



View from Tagher Residence driveway showing fenced property line.
8 foot buffer mound and trees not present.



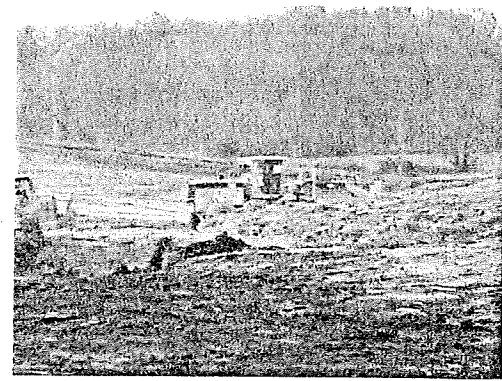
View from Paul Tagher Residence, 11761 Dixie Highway
8 foot buffer mounds and trees not present.
Clear view and sound of construction.



View from Paul Tagher Residence, 11761 Dixie Highway
8 foot buffer mounds and trees not present.
Clear view and sound of construction.



View from Paul Tagher Residence (driveway/property line), 11761 Dixie Highway
8 foot buffer mounds and trees not present. This is the first structure on the adjacent IDI development as viewed from the Tagher driveway. As you can see, even though the structures will be built over a period of years, construction is clearly visible.



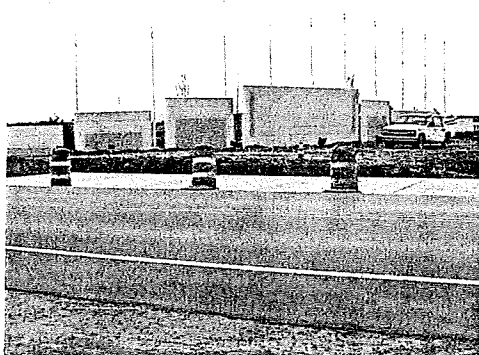
View from front yard of Paul Tagher residence, 11761 Dixie Highway



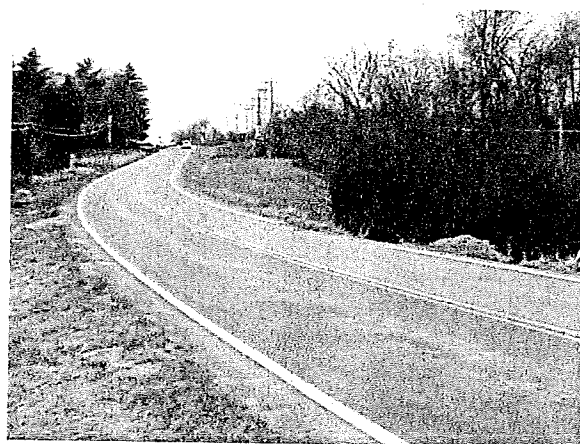
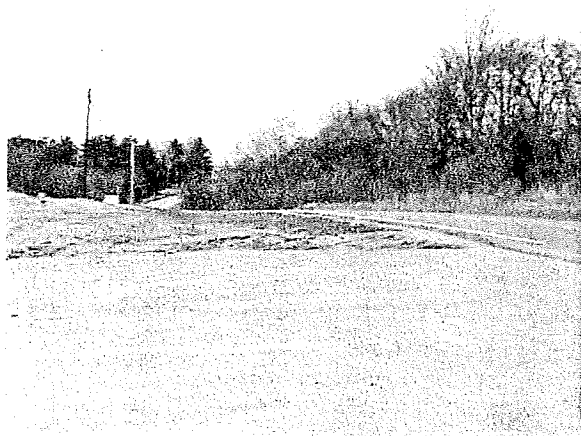
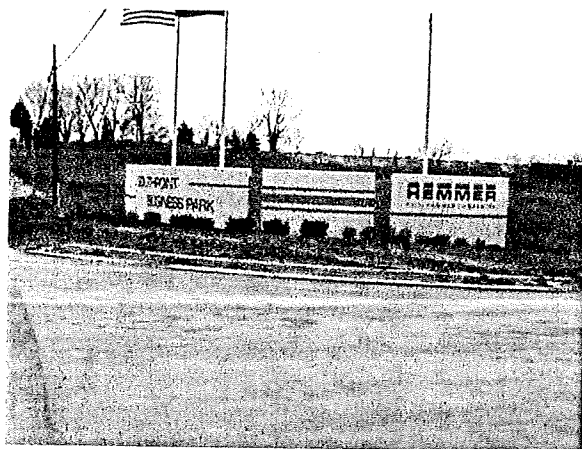
View from front yard of Paul Tagher residence, 11761 Dixie Highway



View from front door of Paul Tagher residence, 11761 Dixie Highway



Although the entrance to IDI is widened on the north side of U.S. 25 for approximately 50 feet traffic flow and safety at the entrance remains a concern.



Nearby approved Hemmer Development. Please note no additional turn lane constructed at either the north or south side of entrance. Third turning lane on U.S. 25 also not constructed. Berms alongside U.S. 25 deteriorated with steep drop-offs present.



Paul Tagher residence, 11761 Dixie Highway



Marc Tagher residence, 11755 Dixie Highway



Mimi Tagher residence, 11763 Dixie Highway





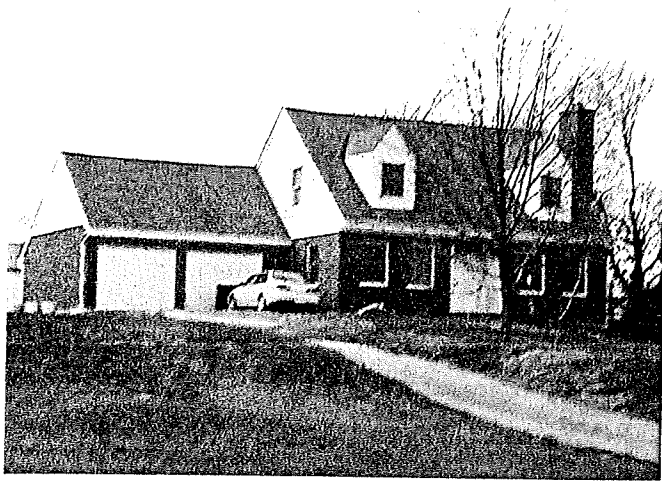
Paul L. Tagher residence, 11765 Dixie Highway



Robert Tagher residence, 11767 Dixie Highway



Views from Robert Tagher residence



Residence, 11759 Dixie Highway

December 6, 2006

To Whom It May Concern:

I regret not being able to attend the December 6th meeting due to another obligation. However, I did want to mention some factors to take into consideration.

First, I want you to recall the decision of the Planning and Zoning Committee six years ago when the first zone change along Dixie Highway just south of Richwood Road was proposed. I attended Planning Commission meetings when I was looking to build a house close by. Specifically, I attended the meeting in which the Planning Commission recommended denial of a zoning change at the property now owned by Hemmer (formerly Neyer). Comments from two Commission members I remember well are as follows:

"...a project like this will be a footprint in the sand, and if this goes through, I don't want to be looking at industrial sites on my drive home each day [toward Walton]..."

"...if they want to develop a project like this they don't need a zone change, they can go right across the railroad tracks..."

After a brief period of discussion, the zone change was denied and the meeting was adjourned. Unfortunately, the Fiscal Court ultimately approved the zoning request. However, I believe the original recommendation of the Planning Commission was very significant and should be remembered as proposed zoning changes continue along Dixie Highway.

Second, I want committee members to realize what the surrounding property is actually like. My past experience is that the property surrounding development along Dixie Highway is presented as desolate farmland containing only dilapidated barns. I assure you this is not the case. Adjacent properties contain green space with lakes, custom built homes, and families with toddlers through high school age children.

I believe six years ago the Planning Commission had the county's residents' best interests at heart when they recommended denial of the zone change along Dixie Highway. As development progresses I think it is important remember the foresight of the Commission six years ago and continue to do what is best for the county's current residents.

Thanks for taking the above into consideration. Please do not hesitate to call me with questions or if you would like to visit my property.

Sincerely,

Robert Tagher

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

**January 3, 2007
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of IDI (applicant) for William Chipman and Betty Chipman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 5-acre tract located at 11685 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial park (Park South at Richwood).

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owners have signed the letter agreeing to the conditions.

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Ken Smith with IDI, 100 East RiverCenter Boulevard, Covington, stated that the request is for a five-acre parcel to be added to an existing 230-acre park, which represents an approximate 2% increase in the area of the park and less than a 1.5% increase in the I-1 zoned land which surrounds the parcel on four sides. The request meets the Comprehensive Plan. The request combines a couple of buildings into one and slightly decreases the density of the construction in the park.

The Chairman asked if there was anyone present who wished to make a summary statement on behalf of the opposition. Mr. Tagher stated that he wanted to ask a question and was recognized by the Chairman.

Mr. Paul Tagher, an adjoining property owner at 11761 Dixie Highway, speaking for himself and four other family members, asked for clarification of Finding of Fact #1.C. on Page 2 of the Committee Report in regard to buffering of the adjoining residential area. Mr. Wall responded that Finding of Fact #1.C. relates to Condition #4 on Page 5. He reviewed Condition #4. Mr. Tagher asked if there is a height requirement for the berm. Mr. Wall responded that buffering was reviewed in great detail by the applicant's engineer at the Committee Meeting and the height of the berm will be as shown in the detailed drawings. He noted that the applicant's engineer was present. In response to a question from the Chairman, Mr. Tagher stated that he attended the Public Hearing but not the Committee Meeting. He stated that he submitted photographs at the Public Hearing which show that buildings on the site are visible from the Tagher property and from U.S. 25. He stated that buildings were demolished and left on the site for them to look at on a daily basis. He questioned the applicant's intent regarding removal of those buildings. Mr. Smith responded that most of the buildings are currently being

demolished. He stated that the farmer asked to take one of the barns and he has been slow in dismantling it. They can speak to him about speeding up the process. Until recently, the farmer was using some of the barns to store equipment. He stated that eventually all of the barns will be dismantled. Chairman Caddell asked Mr. Smith to commit a more specific date. Mr. Smith responded that it will be done when the weather allows and after the spring rains, which would be June. Mr. Tagher stated that it is not a satisfactory answer. He stated that there are requirements that garbage cannot be left in the front yard in easy view of a neighbor and a street. He stated that the buildings have been demolished for several months. They are an eyesore and could be removed. He stated that the new buildings will be even closer to their house and to U.S. 25. Chairman Caddell stated that the Enforcement Officer will take a look to see if there is a violation and, if not, Mr. Tagher can count on the buildings being removed in the spring as stated by Mr. Smith.

There being no further discussion, **Mr. Bunger moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mrs. Poston seconded the motion and it carried unanimously.**

**2. Technical Design Review - Northern Kentucky Children's Advocacy Center
Houston Road**

Staff Member Kevin Wall presented the Design Review request for Northern Kentucky Children's Advocacy Center, which is a human resources and medical facility on the northern part of St. Luke's property, next to Ashley Suites on Houston Road. It is an 8,400 square foot building that faces towards the interior of the St. Luke's site. He reviewed the packet and passed around the elevations. The location of the building is shown on Page 1 of the packet. The building is brick with a standing seam metal roof. It is multi-level, but it looks like a one-story building from the front and the grade drops down in the back for a walkout basement. There is masonry detailing and raised tile on the front façade. The Technical Design Committee reviewed the request and recommends approval with the condition that if there is a garbage dumpster (one is not shown on the Site Plan) it is to be located on the east side of the circular drive away from Houston Road and the enclosure is to be tall enough to screen the dumpster when the lid is open.

There being no discussion, **Mr. Reynolds moved that the request be approved based on the Committee Report with the condition. Mr. Barlow seconded the motion and it carried unanimously.**

**3. Technical Design Review - St. Luke Hospital
7380 Turfway Road**

Staff Member Mitch Light presented the Design Review request for St. Luke Hospital, West. He reviewed the packet. The site layout is shown on Page 1. The

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunker, Chairman

DATE: January 3, 2007

RE: Request of IDI (applicant) for William Chipman and Betty Chipman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 5 acre tract located at 11685 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial park (Park South at Richwood).

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2005 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
 - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Industrial" uses. The Industrial classification is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining and terminal uses." The Future Land Use Map is reinforced by the Land Use Element (pg. 149) which states "the area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park." The proposal is for a minor land area expansion for a lower traffic generating distribution/light industrial park with substantial landscape and buffer areas, which per the applicant's representations and agreed conditions, will have a consistent design scheme. The zone change does not represent an increase in the amount of building area already approved for the park, but merely allows two approved buildings to be combined into one.
 - B. The Land Use Element (pg. 148) states that "this area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-

oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road."

The site is located between U.S. 25 and I-75 within reasonable proximity of the Richwood interchange. Site access will be from a previously approved intersection on U.S. 25, "an ideal transportation connector." The development of this site as a small extension of the approved I-1 zoned development to the north and west eliminates one potential curb cut onto Dixie Highway.

- C. The Land Use Element (pg. 148) also states "industrial uses fronting on U.S. 25 should be developed with attention given to adequate aesthetic design and landscaping to minimize visual impacts to the residential uses across I-75." The applicant has committed through the submitted Concept Development Plan materials and agreed conditions to provide a 50 foot wide landscape area along Dixie Highway which contains berming and the landscaping from Buffer Yard C, versus the 10 foot wide minimum street frontage landscape area with Buffer Yard A plantings that is normally required, and a substantive buffer adjoining the residential area along the south property line that will wrap around the southeast corner of the site along the Dixie Highway frontage. The development also includes a consistent architectural and signage program.
- D. The Business Activity Element (pg. 65) states "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 Element (pp. 63 and 64) also discusses "future planned industrial development along U.S. Highway 25." The site is in proximity to the interchange and as stated above, is for a minor expansion of an existing industrial park. Because no additional building area has been requested over the previously approved Concept Development Plans, additional traffic impacts should not be experienced.
- E. Based on the Concept Development Plan and the agreed conditions outlined below, the Committee has concluded that the proposal is in general agreement with the "Future Land Use Development Guidelines" on pages 140 to 142 of the Land Use Element and the Comprehensive Plan Goals and Objectives.

The Comprehensive Plan's Business Activity Goals and Objectives are of particular relevance, which include:

- i. "Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage" ("Business Activity," Overall Objective). Substantial landscape areas in terms of size and screening materials will be provided along the south property line and the Dixie Highway frontage.
 - ii. "Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed" ("Business Activity," Industrial Objective 1). The site's access is from the previously approved point on Dixie Highway, which is acknowledged by the Land Use Element as an "ideal transportation connector" that will serve industrial development, and the site is within reasonable proximity to the Richwood interchange.
 - iii. "Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies " ("Business Activity," Industrial Objective 2). A range of potential impacts that could be created by the development are addressed by the agreed conditions. In consideration of the Concept Development Plan and these agreed conditions, the request is in agreement with this objective.
2. The Committee has concluded that: because the site is adjoined by I-1 zoned properties on four sides (including to the south when considering the existing flag lot panhandle); because the proposal will basically function as an infill development; and, because of it's small size and location the site is not readily conducive to other types of development that is compatible with the existing and planned industrial uses and zoning in the area, the existing A-2 zoning classification is inappropriate and the proposed I-1 zoning classification with the conditions noted herein 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 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the Concept Development Plan that was presented at the December 6, 2006 Public Hearing and attached to the staff report for this request.
2. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development (the same as previously approved for the initial two phases of Park South).
 - I. Principally Permitted Use #44: Truck stops;
 - ii. Principally Permitted Use #45: Recycling centers;
 - iii. Principally Permitted Use #47: Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
 - iv. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
 - v. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals (this prohibition applies to bulk or non-containerized chemicals and does not apply to containerized chemicals);
 - vi. Conditional Use #2: Poultry and small game dressing and packing;
 - vii. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - viii. Conditional Use #5: Gasoline filling stations and wash services;
 - ix. Conditional Use #11: Wholesale vehicle sales or auctions;
 - x. Conditional Use #12: Churches, synagogues, temples and other places of religious assembly for worship.
3. The following use categories normally permitted in the I-1 zone shall be restricted in the manners described below (the same as previously approved for the initial two phases of Park South).
 - I. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins" - manufacturing and processing shall be excluded from this use category;

- ii. Principally Permitted Use #10: "Soaps and other detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - iii. Principally Permitted Use #27: "Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - iv. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this category.
4. Buffering along the south boundary of the site and along Dixie Highway from the approximate midpoint of Building B to the southeast corner of the site, shall follow the conceptual buffer sections presented at the December 20, 2006 Zone Change Committee meeting relative to the buffer layout and building elevations (buffer plan and cross sections are attached). Vertical berms with trees per Buffer Yard C of Article 37 of the zoning regulations placed on top of said berms shall be provided in these areas; all healthy, existing trees along the south boundary shall be retained in addition to the Buffer Yard C plantings. The evergreen trees within all buffer areas shall have an eight foot (8') minimum installation size. An opening through the berming may be permitted for an emergency access drive if it is required by the Walton Fire District. Such an opening shall be angled through the berming to diffuse the view from Dixie Highway and adjoining properties.
5. The landscape area along Dixie Highway north of the approximate midpoint of Building B as discussed in condition #4, which has a noted width of fifty feet (50') on the Concept Development Plan, will contain berming which is as high as practical based on the topography and good engineering practices, and the trees from Buffer Yard C of Article 37 of the zoning regulations shall be placed on the street facing side of the berming.
6. Storm water collected from any hard surface shall not drain into the lakes on the Tagher properties. Said storm water shall be piped so that the outflow bypasses the lakes, and so that the buffering/screening qualities of the berming and landscaping required by condition #5 of the original 2004 zone change approval are maintained.
7. Storm water control for the entire development (for both the initial two zone change areas and the current zone change area combined) will adhere to the current County storm water management specifications for each building site. A storm water master plan shall be developed for the entire proposed industrial park (for both the initial two zone change areas and the current zone change area combined) to evaluate the effect of all individual storm water detention systems functioning simultaneously. The master plan shall be designed so that post-development peak flows at each stream exit from the subject property do not exceed pre-development peak flows.

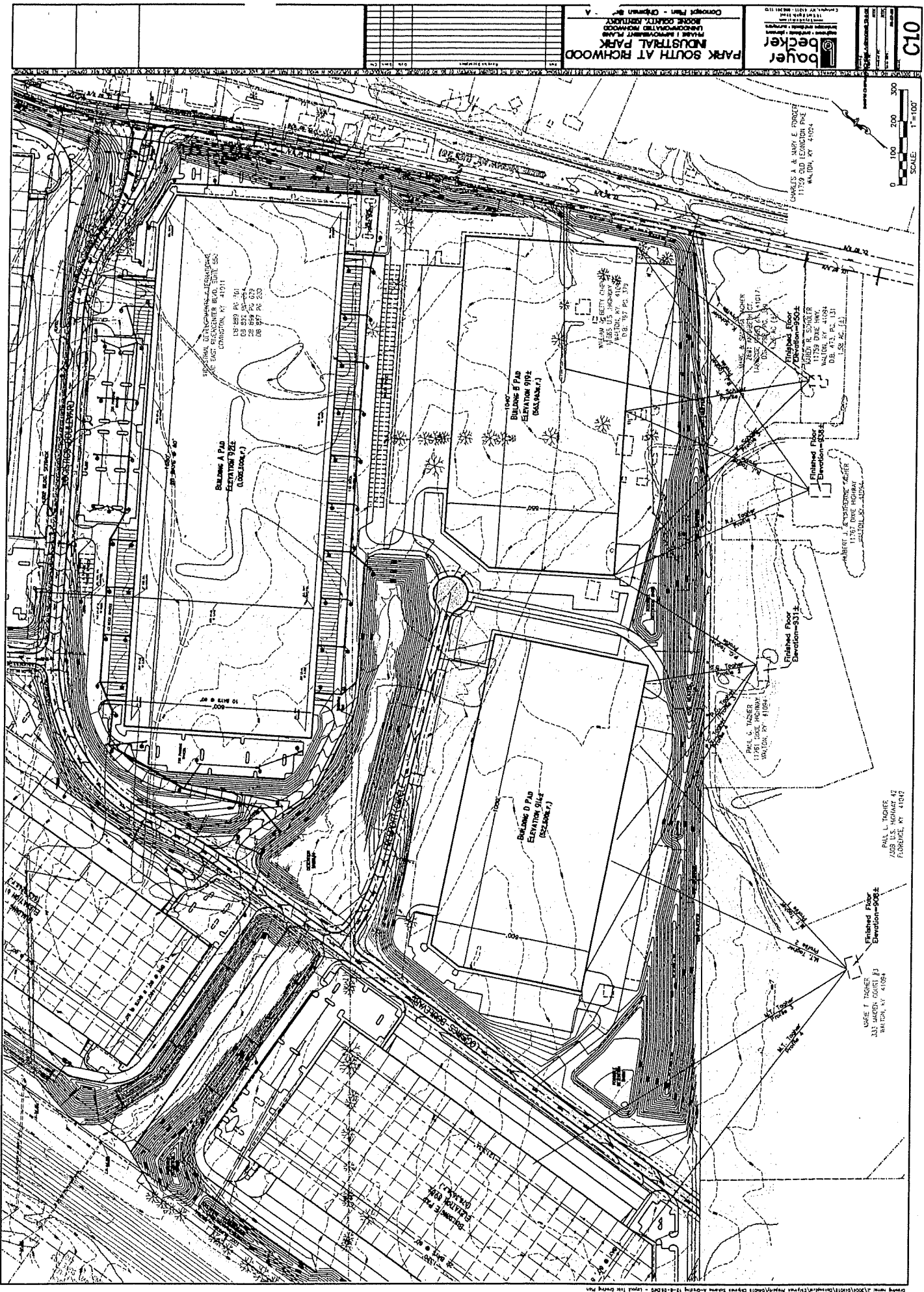
8. Public water and sanitary sewer systems shall be provided by the developer to the proposed subdivision.
9. The restrictive covenants for the development shall prohibit trucks from being left idling in the vehicular area(s) on the south side of Building B as shown on the Concept Development Plan.
10. A consistent, integral architectural and signage scheme shall be used for the entire development (for both the initial two zone change areas and the current zone change area combined), and shall conform to the representations made in the zone change application materials for the initial phase.

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.



boyer
INCORPORATED
1111 1st Street
Walton, NY 41084
Tel: 516-338-1111
Fax: 516-338-1112
www.boyerinc.com

PARK SOUTH AT RICHWOOD
PHASE I DEVELOPMENT PLAN
LANDSCAPE ARCHITECTURE
ROCK QUALITY PARTIAL
CONCEPT PLAN - DESIGN 2007



PAUL L. TORRES
2008 U.S. HIGHWAY 42
ROCHESTER, NY 41084

USDA, F. TORRES
233 HARTEN COURT #1
ROCHESTER, NY 41084

PAUL L. TORRES
11751 OLD HIGHWAY
ROCHESTER, NY 41084

PAUL L. TORRES
11757 OLD HIGHWAY
ROCHESTER, NY 41084

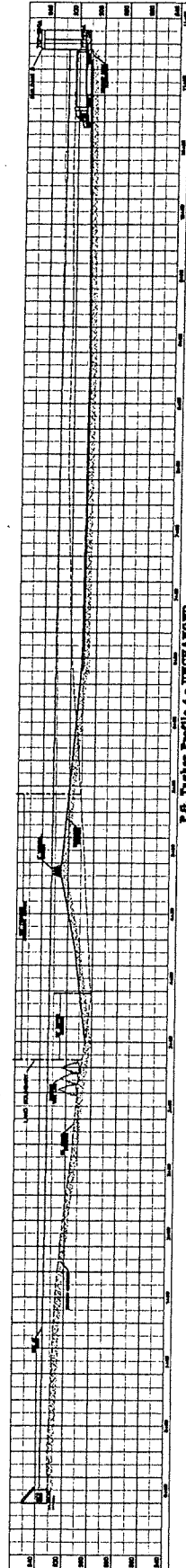
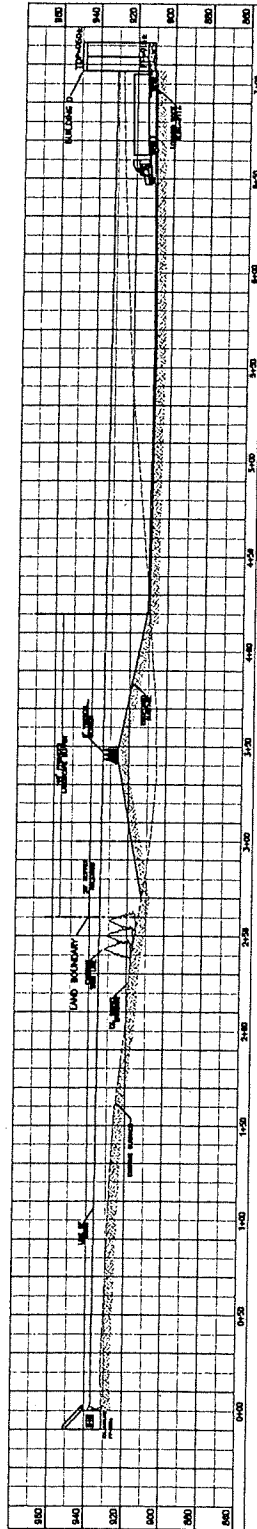
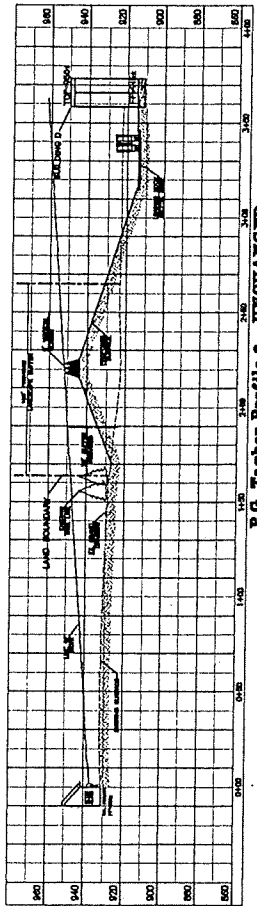
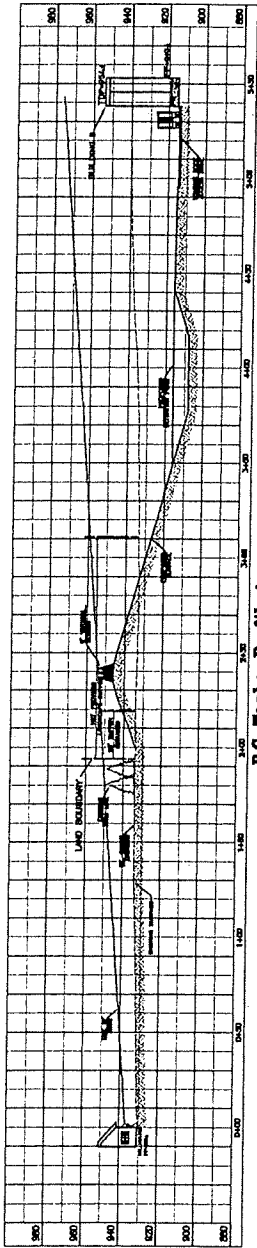
PAUL L. TORRES
11759 OLD HIGHWAY
ROCHESTER, NY 41084

PAUL L. TORRES
11751 OLD HIGHWAY
ROCHESTER, NY 41084

PAUL L. TORRES
11757 OLD HIGHWAY
ROCHESTER, NY 41084

PAUL L. TORRES
11759 OLD HIGHWAY
ROCHESTER, NY 41084

PAUL L. TORRES
11751 OLD HIGHWAY
ROCHESTER, NY 41084



DEVELOPER:

Richwood Park

100 East Main Street
Richwood, KY 40441
Phone: 606-482-2000

OWNER:

Park South at Richwood Industrial Park

Phase I Improvement Plans
Unincorporated Richwood
Boone County, Kentucky

DATE: 04/20/2006

TIME: 11:13 AM

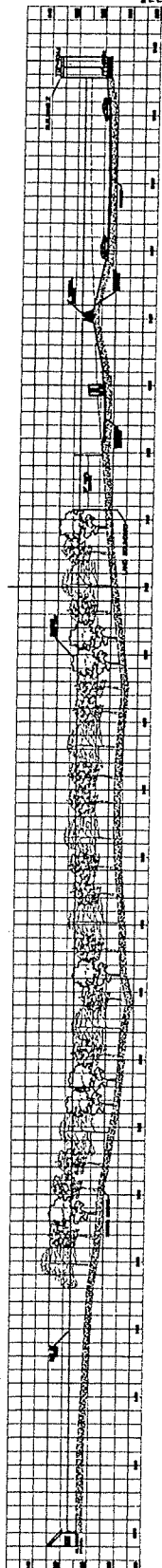
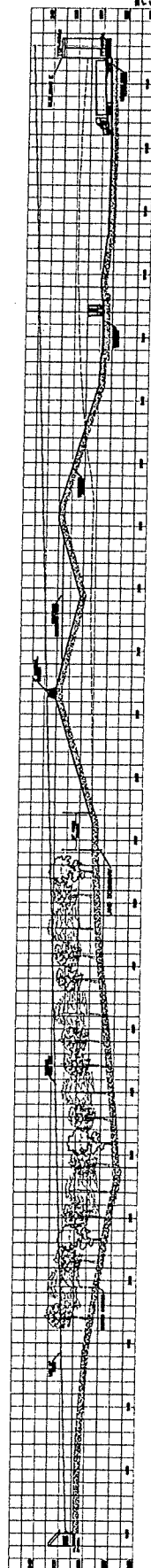
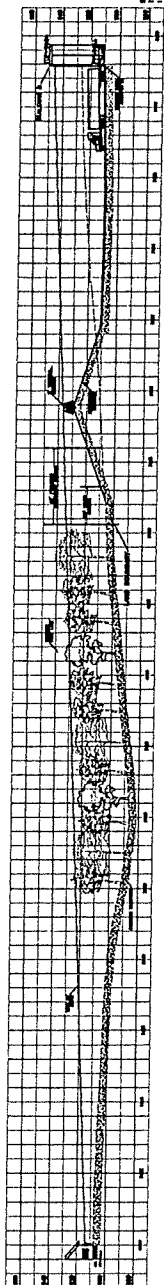
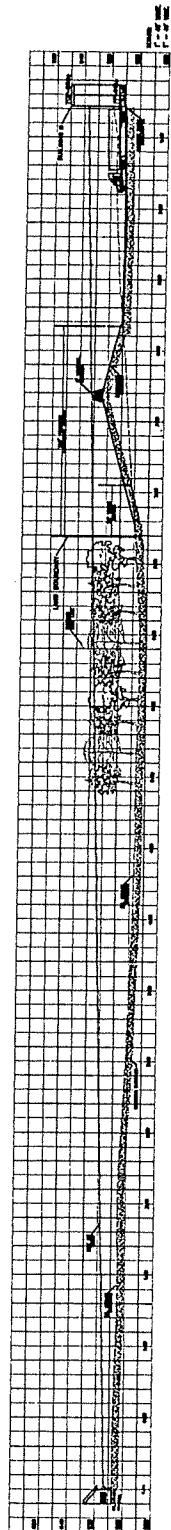
PROJECT: 04/20/2006 - 11:13 AM

SCALE: 1" = 30' HORIZ
1" = 3' VERT

bayer becker

111 East Main Street
Cincinnati, OH 45202
Phone: 513-561-1113

3 of 4



DEVELOPED BY:

DR. J. B. BERRY, JR.

180 East New Castle Road
 Cambridge, NY 14811
 Phone: 716/661-1111
 Fax: 716/661-1112

DATE: 08/20/2008
TIME: 10:00 AM
PROJECT: PARK SOUTH AT RICHWOOD INDUSTRIAL PARK
 UNINCORPORATED RICHWOOD
 BOONE COUNTY, KENTUCKY

DATE: 08/20/2008
TIME: 10:00 AM
PROJECT: PARK SOUTH AT RICHWOOD INDUSTRIAL PARK
 UNINCORPORATED RICHWOOD
 BOONE COUNTY, KENTUCKY

DATE: 08/20/2008
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 BOONE COUNTY, KENTUCKY

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 UNINCORPORATED RICHWOOD
 BOONE COUNTY, KENTUCKY

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 UNINCORPORATED RICHWOOD
 BOONE COUNTY, KENTUCKY

DATE: 08/20/2008
TIME: 10:00 AM
PROJECT: PARK SOUTH AT RICHWOOD INDUSTRIAL PARK
 UNINCORPORATED RICHWOOD
 BOONE COUNTY, KENTUCKY

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bungler, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **IDI for William Chipman and Betty Chipman (owners)**

Request: **Zoning Map Amendment**

The request of **IDI (applicant) for William Chipman and Betty Chipman (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 5-acre tract located at 11685 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial park (Park South at Richwood).

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff presentation.

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

Mrs. Poston asked for the applicant's presentation.

Mr. Gerry Dusing, attorney with law offices in Florence and Covington, was present on behalf of the applicant IDI. He stated that the proposal is in conformity with the Comprehensive Plan, both map and text, and meets the primary criteria for a zone change. He stated that when they came before the Planning Commission to rezone the first tracts and then the approximate 50 acres to put together the 230 acre development, buffering and protecting the Chipman property from stormwater runoff, truck traffic noise, etc. was a considerable issue. A lot was done with that plan in regard to landscaping, line-of-sight studies, etc. and the proposed zone change resolves all of those issues and makes a lot of the conditions moot. He stated the buffer and line-of-sight concerns will be around the perimeter. The concerns for the Tagher property to the south are basically the

same and they will mitigate those concerns with the same rigorous conditions that were imposed earlier.

Mr. Ken Smith with IDI at 100 East RiverCenter Boulevard, Covington, Kentucky, stated that they are required to meet one of the three primary criteria to justify a zoning map amendment and this request meets two of the criteria. The request is in total agreement with the Comprehensive Plan Land Use Plan and I-1 zoning is more appropriate for this property than A-2 zoning. Reviewing the Power Point slide, he stated that the site is entirely surrounded by I-1 zoning (three sides on the west side of U.S. 25 and across U.S. 25 to the east is also zoned I-1). The Chipman property is like a "doughnut hole" zoned A-2 that is surrounded by I-1 zoning. He stated that they have met all of the requirements for the first two phases of Park South at Richwood. This is a five-acre addition to a 231-232 acre park, which is an addition of about 2% to the land area of the park. He offered to answer any questions. This concluded the applicant's presentation.

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

Mr. Paul G. Tagher, 11761 Dixie Highway, Walton, was present on behalf of four other Tagher family members who live on property adjacent to the development. He read a statement from the Tagher family stating that the proposed development does not meet the Comprehensive Plan, the buffer requirements established for the current project have not been enforced, and their concerns for the proposed development are the same as they were previously - (1) U.S. 25 is not adequate or safe for the increased traffic, (2) I-75 off ramps are not adequate, (3) required buffer zones have not been established, and (4) the proposed project will impact the surrounding properties with noise, lighting, dust, etc. He urged the Commissioners to visit the subject site and surrounding areas and to view the attached photographs (see Exhibit 1). He added that they were told there would be an eight-foot high mound with deciduous and evergreen trees in the buffer zone on their side of the property, but no trees have been planted on the south side of the subject property. There are trees planted along Dixie Highway/U.S. 25 and the mound ranges in height from one or two feet to eight feet. Since the height of the mound varies, in several instances there is clear visibility of the developing property. He stated that his house is adjacent to the 100-foot buffer zone and there is constant noise in their house from the "beep-beep-beep" sound of trucks in reverse. If the buffer zone was built in accordance with the recommendation, they might hear less noise. He stated that the sides of U.S. 25 are deteriorating and it is almost a sinkhole in some places. The road, stoplights and interchanges need to be repaired before the Planning Commission continues to allow development. He stated that when they built their houses there, they were told that the property would be A-2 in the long term development plan, but that changed in 2005 when the plan was revised and now they are stuck with all of

their houses back there. Mr. Paul G. Tagher also submitted a letter from Robert Tagher (see Exhibit 2).

In response to questions from Mr. Knock, Mr. Wall stated that the current Future Land Use Map shows the site as industrial, including the Tagher property and extending to the south. In the previous Comprehensive Plan, those areas were shown as Business Park. As stated in the Staff Report, Business Park includes clean warehousing, distribution, and office uses. He noted that there is a part of the text of the Comprehensive Plan that says Business Park, but the map shows Industrial. In the 2000 Comprehensive Plan, the Future Land Use Map showed the area as Business Park.

Mr. Knock stated that keeping the property zoned A-2 was the subject of a dispute or lawsuit with the PVA. Mr. Wall responded that he has heard that but did not have more information. Mr. Knock asked if there were any objections raised by the property owners (Chipman and/or Tagher family) when the Future Land Use Map was updated in 2000 and 2005. Mr. Paul Tagher did not recall if he specifically attended those meetings and raised objections. He has attended two or three meetings. Mr. Wall will check the records.

Mr. Reynolds asked if Mr. Tagher's understanding was that the buffer should have been completed by now. Mr. Tagher responded that there is no buffer now. They were told a year or two ago that side of the property might not be developed for up to ten years, but the border of his property is being developed now. He stated that if there was a buffer there he might hear less noise and see less of the development. He questioned when the buffer will be there.

Mrs. Poston asked Mr. Smith to address the buffer area. Mr. Smith responded that when they came in for the rezoning, they were asked where they would develop first. He indicated on the Power Point slide the area where they would be developing first and stated that they told the Planning Commission they were not sure how long it would take to develop that area – it could take four or five years, or it could be as long as ten or eleven years. He stated that the market has been good. He indicated the locations of the projects currently under construction. He stated that they are currently working on the underpinnings for the buffer area adjacent to the Tagher property. He indicated the buffer area and the location of a berm and how it will come up and drop back down in height. They are removing clay dirt from the buffer area and bringing in topsoil. Currently there is a trench there that has been excavated and the better topsoil is being brought over. He stated that they never said they would build the buffer area early in the phases, but it is under construction. It is not currently a positive aboveground buffer – it is the underpinnings. There is currently a hole there that has been excavated. He agreed that they are working in that area and there are trucks and bulldozers there and Mr. Tagher is hearing the backup beepers.

Mrs. Poston questioned when they anticipate being able to provide a buffer for Mr. Tagher's property. Mr. Smith responded that they will probably not continue the construction until after the winter and spring rains are over. They will start that area of construction again in spring/summer 2007. After consulting with Mr. Schwen, Vice President of Construction, IDI, Mr. Smith stated that the rough grade will be completed in spring 2007.

Mr. Costello asked Staff if the approved plan for the area parallel to the Tagher property showed that the buffer would be installed. Mr. Wall responded that buffer areas are done when the adjoining areas are developed. Mr. Costello questioned the limit of the approved plan. Mr. Wall indicated the areas of the Site Plan on the Power Point slide. He noted that, based on the original conditions, the tangible buffer area stops at the end of the Tagher property. There is no construction plan approved for the buffer per the condition. Mr. Costello asked Mr. Wall to bring to the Committee Meeting the Improvement Plan and any information that affects the Tagher property line so that the Committee has a full understanding of what is approved and what has been reviewed. Mr. Knock asked Staff to research the records of the hearings as to whether any objections were made to the Zoning Map amendment. Mr. Wall will bring the information to the Committee Meeting.

Mr. Reynolds asked for clarification of what is meant by "rough grade". Mr. Schwen responded that they have a mass Grading Permit for the area and are performing the earthwork per the mass Grading Permit. He stated that "rough grade" means to get the ground close to building pad elevation. They started in the fall, but the weather has been wet. Mr. Reynolds questioned the final elevation of the berm. Will the berm be eight feet tall for the entire length of the property? Mr. Schwen responded that they have sight lines drawings from prior meetings that show lines of sight from several locations and from the houses indicated on the Power Point slide. He stated that the cross sections show the heights of the berms and that information was presented to the Committee for the last zone change request. He does not recall the numbers at this time.

Mrs. Poston asked if there were any further questions or comments.

Mr. Paul L. Tagher stated that he was not notified about the meeting to change the zoning to Industrial and he was not notified about the meeting this evening. His son told him about the meeting this evening. Mr. Costello responded that the law is that the adjoining property owners are notified. The list of adjoining property owners was provided by the applicant. He stated that a sign was posted on the property and there was legal notification in The Boone County Recorder. Mr. Wall stated that IDI owns the adjoining properties, including the property to the south which is part of the parent tract for Park South at Richwood. Mr. Costello stated that none of the Tagher family members were notified of the Public Hearing because they are not adjoining property owners. He stated that there is no requirement to notify property owners when the Comprehensive Plan is

updated. There is advertising and there are workshops, but notification is not required. He stated that the Future Land Use Plan is a 25-year projection and the zoning is updated every five years. Staff will check the records in regard to the 2000 and 2005 Updates to see if the Tagher family attended. Mr. Paul L. Tagher responded that he would have been against the change.

Mr. Paul G. Tagher stated that the berm along U.S. 25 varies in height. He is concerned that there will be an eight-foot berm between his house and the adjoining property and then there will be a building on top of the berm. He asked if IDI is allowed to build on top of the buffer. Mrs. Kegley stated that Mr. Tagher is confusing "buffer" and "berm". A buffer is a distance of property between the Tagher property line and the building. There can be a buffer without a berm. A berm is built up. Mr. Wall explained that they cannot put a building on top of the berm if it is part of the buffer area that is to be maintained. The buffer area is to separate the industrial uses from the residential neighbors. Mr. Poe questioned how close the building will be to the Tagher property line. Mr. Paul G. Tagher stated that he knows where the building is going to be and questioned where the buffer starts and ends. Mr. Knock questioned the topography and whether the building would be at the same elevation as the top of the berm or if it would be below the height of the berm. Mr. Smith responded that when they originally came in for the zone change, the Committee and the Planning Commission asked for line-of-sight information all the way along the property line, which they provided. He indicated the Paul G. Tagher house. He believes some of the Tagher property is at about elevation 30 and then the berm varies in height at about 8 feet, and the building floor is at 20 feet. The land comes across, goes up for the berm, and back down for the building. Mr. Knock questioned the height of the building. Mr. Smith responded that it would be about 40 feet. He stated that one of the criteria for the line-of-sight study that was done and presented to the Committee was that the sight line would go higher than the dock doors on the building when looking across the berm and the trees on top of the berm from various locations on the Tagher property. He stated that the grading has not been done and the grade levels will be lower.

Mr. Knock stated that Mr. Tagher raised a good point that should be addressed at the Committee level so there is no misunderstanding in regard to the berm and buffer area. Mr. Smith agreed with Mrs. Kegley's explanation that a buffer is a horizontal area that cannot be used for A-2 or I-1 structures. Mr. Knock asked if the word "berm" was used in the original concept. Mr. Smith responded "yes" and stated that it is a bermed buffer and the sight line studies showed where the trees would be and what kind of trees they would be. Mr. Knock stated that he believes that the Tagher's would be less concerned if they were assured that there would be an effective buffer zone and berm. Mr. Smith responded that the Taghers were participants in the Committee Meetings when they looked at the sight line studies and it was determined that they met the criteria.

Mrs. Poston recommended that the construction of the buffer be accelerated. Mr. Smith responded "we can do that".

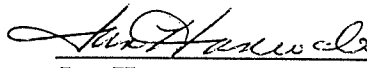
Mr. Paul G. Tagher stated that the minutes reflect that it was said there would be an eight-foot berm or buffer with deciduous or evergreen trees on top, but he does not recall that the berm was to change in elevation from 8 feet to zero. He is concerned that when driving along U.S. 25/Dixie Highway there are 8-foot tall mounds but right next to them is an area with no berming. He stated that the Taghers are technically not the adjoining property owners because they do not own the 10' – 15' strip of property there, but he asked that the area be considered for a larger buffer as requested by Staff.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on December 20, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 3, 2007 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:35 PM.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

1. Letter with six pages of photographs attached submitted by Paul G. Tagher on behalf of Tagher family members
2. Letter written by Robert Tagher and submitted by Paul G. Tagher

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: December 20, 2006

RE: Request of IDI (applicant) for William Chipman and Betty Chipman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 5 acre tract located at 11685 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing industrial park (Park South at Richwood).

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.

IDI/Chipman

December 20, 2006

Kim Bunger
Kim Bunger, Chairman

For Project ☒ Absent ☐
 Against Project ☐
 Abstain ☐ Deferred ☐

Judy Arnett
Judy Arnett

For Project ☐ Absent ☒
 Against Project ☐
 Abstain ☐ Deferred ☐

Greg Breetz
Greg Breetz

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 ☐

Jim Carmichael (Alternate)
Jim Carmichael (Alternate)

For Project ☐ Absent ☐
 Against Project ☐
 Abstain ☐ Deferred ☐

Charlie Reynolds (Alternate)
Charlie Reynolds (Alternate)

For Project ☐ Absent ☐
 Against Project ☐
 Abstain ☐ Deferred ☐

Bob Schwenke (Alternate)
Bob Schwenke (Alternate)

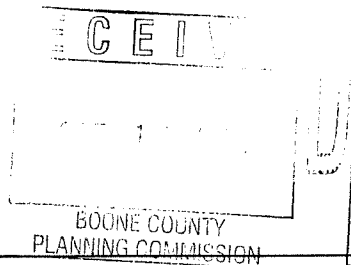
For Project ☐ Absent ☐
 Against Project ☐
 Abstain ☐ Deferred ☐

Lisa Wilson (Alternate)
Lisa Wilson (Alternate)

For Project ☐ Absent ☐
 Against Project ☐
 Abstain ☐ Deferred ☐

TOTAL: ☐ DEFERRED 3 FOR PROJECT 2 ABSENT
☐ AGAINST PROJECT ☐ ABSTAIN

SUPPORTING INFORMATION



INTEGRITY QUALITY SERVICE CONTINUOUS IMPROVEMENT

DESCRIPTION: William T. and Betty Chipman Rezone Parcel

LOCATION: U.S. 25 (Dixie Highway)

DATE: October 17, 2006

Situated in the County of Boone, Commonwealth of Kentucky, located on the West side of U.S. 25 and being all of a 5.0000 acre tract conveyed to William T. and Betty Chipman in D.B. 797, Pg. 379 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at the Northeast corner of the above mentioned 5.0000 acre tract, said point being referenced by a found 5/8" iron pin (LS #1989) South 0.15', East, 0.35', said corner also being on the existing West right-of-way line of U.S. 25 (30' from centerline) approximately 5950 feet South of the centerline intersection of U.S. 25 and Ky. Hwy. 338 (Richwood Road) and the TRUE POINT OF BEGINNING:

thence from the TRUE POINT OF BEGINNING with the existing West right-of-way line of U.S. 25 South 27°29'54" East, 425.45 feet to a Southeast corner of a 69.180 acre tract conveyed to Industrial Developments International, Inc. in D.B. 889, Pg. 761;

thence leaving the existing West right-of-way line of U.S. 25, and with a North line of said 69.180 acre tract, South 45°58'06" West, 281.14 feet to a found 5/8" iron pin (LS# 1989);

thence continuing with the 69.180 acre tract, South 50°28'16" West, 237.86 feet to a found 5/8" iron pin (LS#1989);

thence North 26°24'07" West, 440.43 feet;

thence North 49°25'30" East, 145.23 feet to South line of a 28.129 acre tract conveyed to Industrial Developments International, Inc. in D.B. 889, Pg. 761;

thence leaving said 69.180 acre tract and with said 28.129 acre tract, North 49°25'31" East, 361.64 feet to the TRUE POINT OF BEGINNING.

Containing 5.000 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. Monuments will not be set.

Prior Instrument Reference: Deed Book 797, Page 379.



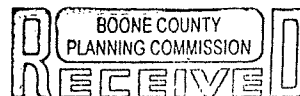
BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

December 27, 2006



Mr. William Chipman
Mrs. Betty Chipman
c/o Mr. Ken Smith
IDI
100 East Rivercenter Blvd.
Suite 550
Covington, KY 41011

JAN 3 2007

FAX: 663-2890

RE: Recommended Conditions of Approval for Zone Change Application from A-2 to I-1 for 5 acre site located at 11685 Dixie Highway, Boone County, Kentucky

Dear Mr. and Mrs. Chipman:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 12/20/06 meeting. If you, as the property owners, 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 Tuesday, January 2, 2007.

CONDITIONS

1. The development shall follow the Concept Development Plan that was presented at the December 6, 2006 Public Hearing and attached to the staff report for this request.
2. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development (the same as previously approved for the initial two phases of Park South).
 - I. Principally Permitted Use #44: Truck stops;
 - ii. Principally Permitted Use #45: Recycling centers;
 - iii. Principally Permitted Use #47: Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
 - iv. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;

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- v. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals (this prohibition applies to bulk or non-containerized chemicals and does not apply to containerized chemicals);
 - vi. Conditional Use #2: Poultry and small game dressing and packing;
 - vii. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - viii. Conditional Use #5: Gasoline filling stations and wash services;
 - ix. Conditional Use #11: Wholesale vehicle sales or auctions;
 - x. Conditional Use #12: Churches, synagogues, temples and other places of religious assembly for worship.
3. The following use categories normally permitted in the I-1 zone shall be restricted in the manners described below (the same as previously approved for the initial two phases of Park South).
- i. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - ii. Principally Permitted Use #10: "Soaps and other detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - iii. Principally Permitted Use #27: "Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - iv. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this category.

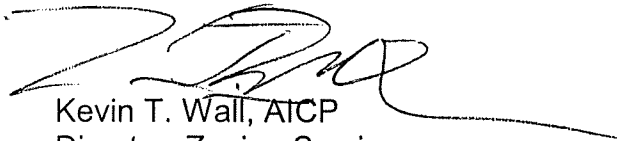
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4. Buffering along the south boundary of the site and along Dixie Highway from the approximate midpoint of Building B to the southeast corner of the site, shall follow the conceptual buffer sections presented at the December 20, 2006 Zone Change Committee meeting relative to the buffer layout and building elevations (buffer plan and cross sections are attached). Vertical berms with trees per Buffer Yard C of Article 37 of the zoning regulations placed on top of said berms shall be provided in these areas; all healthy, existing trees along the south boundary shall be retained in addition to the Buffer Yard C plantings. The evergreen trees within all buffer areas shall have an eight foot (8') minimum installation size. An opening through the berming may be permitted for an emergency access drive if it is required by the Walton Fire District. Such an opening shall be angled through the berming to diffuse the view from Dixie Highway and adjoining properties.
5. The landscape area along Dixie Highway north of the approximate midpoint of Building B as discussed in condition #4, which has a noted width of fifty feet (50') on the Concept Development Plan, will contain berming which is as high as practical based on the topography and good engineering practices, and the trees from Buffer Yard C of Article 37 of the zoning regulations shall be placed on the street facing side of the berming.
6. Storm water collected from any hard surface shall not drain into the lakes on the Tagher properties. Said storm water shall be piped so that the outflow bypasses the lakes, and so that the buffering/screening qualities of the berming and landscaping required by condition #5 of the original 2004 zone change approval are maintained.
7. Storm water control for the entire development (for both the initial two zone change areas and the current zone change area combined) will adhere to the current County storm water management specifications for each building site. A storm water master plan shall be developed for the entire proposed industrial park (for both the initial two zone change areas and the current zone change area combined) to evaluate the effect of all individual storm water detention systems functioning simultaneously. The master plan shall be designed so that post-development peak flows at each stream exit from the subject property do not exceed pre-development peak flows.
8. Public water and sanitary sewer systems shall be provided by the developer to the proposed subdivision.
9. The restrictive covenants for the development shall prohibit trucks from being left idling in the vehicular area(s) on the south side of Building B as shown on the Concept Development Plan.

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10. A consistent, integral architectural and signage scheme shall be used for the entire development (for both the initial two zone change areas and the current zone change area combined), and shall conform to the representations made in the zone change application materials for the initial phase.

Sincerely,



Kevin T. Wall, ATCP
Director, Zoning Services

KTW/pr

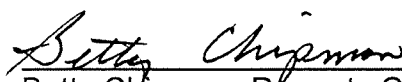
enclosure

AGREEMENT

We, the property owners of the real estate located at 11685 Dixie Highway, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.


William Chipman, Property Owner

1-3-07
Date


Betty Chipman, Property Owner

1-3-07
Date



ORDINANCE 07-07

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF INDUSTRIAL DEVELOPMENTS INTERNATIONAL (APPLICANT) FOR WILLIAM AND BETTY CHIPMAN (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR A 5 ACRE SITE LOCATED AT 11685 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

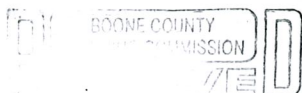
WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for a 5 acre site located at 11685 Dixie Highway, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for a 5 acre site located at 11685 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOK 797, PAGE NO. 379 (as supplied by the applicant) as recorded in the Boone County Clerk's office.



MAR 21 2007

SECTION II

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

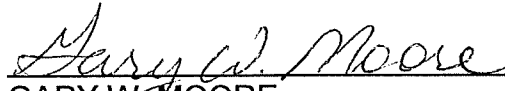
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

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

Introduced and given First Reading on the 13th day of February, 2007.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the ~~29~~¹³ day of March 2007, 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:


LOUIS KELLY
FISCAL COURT CLERK


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

3-22-07
DATE PUBLISHED

