

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 MURKIN USA
- 2. Location of Project 8299 DIXIE HWY FLORENCE, KY 41042
- 3. Total Acreage of Site 10 7.06 under review
- 4. Current Zoning of Site C-3
- 5. Proposed Zoning (Classification being requested) I-2
- 6. Proposed Uses (please specify each use) NEW MANUFACTURING BUILDING

- 7. Names of Applicant(s) DANIEL RICH
- Phone Number (859) 727-2800 Fax No. (859) 727-2544

- 8. Address of Applicant(s) 3140 CRESCENT AVE
- ERLANGER KENTUCKY 41018
- City State Zip

- 9. Name of Property Owner(s) 84 Financial, L.P.
- Phone Number 724-228-3636 Fax No. 877-333-2291

- 10. Address of Property Owner(s) Bld #5, 1019 Route 519
- Egghy Four PA 15330
- City State Zip

- 11. Proposed Building Intensities (please specify) _____

- 12. Are there any existing buildings on the site? YES
- How many? 4 1 ENCLOSED BUILDING 3 OPEN STORAGE CANOPIES

- 13. Deed Book 958 Page No. 579 Group No. 2050

- 14. Are you also applying for:
- _____ Conditional Use Permit
- _____ Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES

- 16. Have you had a pre-application meeting with BCPC Staff? YES

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water 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 Daniel Rich (applicant) for 84 Financial, LP (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.

November 3, 2010

REQUEST

This application is for a zone change from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres at the former 84 Lumber site at 8299 Dixie Highway, Boone County. The zone change area is part of an approximate 10 acre tract. The remaining approximately 3 acres to the rear (east side) of the site along the rail line is already zoned I-2. The proposal is to redevelop the site with a plant that will manufacture metal products used in the production of automobile parts (see attached narrative).

A Concept Development Plan was submitted with this application (attached). This plan shows a manufacturing building with an initial plant phase that is 105,339 square feet (493' X 213' 8"), plus a two level office wing at the front near the Richardson Road frontage that has a 5,500 square foot footprint. Two future phases are shown at the front and back of the initial plant building. The front future phase is 52,650 square feet (362' 6" X 145') and the rear future phase is 52,258 square feet (493' X 106').

The height of the plant building is 54 feet and the height of the office wing is 32 feet. The facades are proposed to have a 8 foot high CMU knee wall with the remaining wall area being constructed with metal panels. The facades include horizontal bands of windows in the CMU portion of the wall, and horizontal bands of louvers at the approximate midpoint of the plant walls. A two story glass curtain wall system is shown at the main entry for the office wing, and an overhead door is shown on each side of the plant's front facade. The exterior wall materials are lighter tan/beige.

A multi-tier parking area with landscape islands is proposed at the front of the site along Dixie Highway, and an additional parking area is shown along a driveway at the rear of the building. One access point is proposed at the northwest corner of the site along Dixie Highway (the farthest point from the Dixie Highway/Richardson Road intersection). A driveway loop around the building and through the parking areas is shown on the plan.

A detention basin is conceptually shown at the rear of the site. A rail spur into the building is proposed from the adjoining rail line. Landscaping per Buffer Yard B is labeled along the property line at the southeast corner of the site which adjoins a neighboring business that fronts on Richardson Road. Buffer Yard A is labeled along the remaining interior property lines and both street frontages.

SITE CHARACTERISTICS

As stated above, the entire site contains approximately 10 acres. It is currently developed with a 25,600 square foot wood and metal building and several storage structures. Existing pavement around the developed parts of the site includes a combination of asphalt and gravel. The site has one access point on Dixie Highway near the northwest corner of the site. The developed area of the site is enclosed with a chain link fence. There is a rail spur into the site from the adjoining rail line. The rear portion of the site and part of the Richardson Road frontage have existing tree cover. The majority of the site's topography is relatively level, and the undeveloped northeast part of the site is rolling. The high point of the site is at the southwest corner adjoining the Dixie Highway/Richardson Road intersection at approximately el 948, and the low point is at the opposing northeast corner of the site at approximately el 918. Public water lines adjoin the site. Sanitary sewer is available in the area but does not immediately adjoin this site. Soil types on the site include Rossmoyne silt loam (RsB and RsC) and Jessup silt loam (JeD).

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include the following.

- A. An industrial facility is located to the north (I-2).
- B. A remodeling business is located to the southeast along Richardson Road and the rail line (I-2), the rail line is located to the east, and an industrial facility that is within both Boone and Kenton counties is located further to the east (Boone County portion is I-1).
- C. A plumbing/electrical supply business is located to the south across Richardson Road (C-3), and a building supply business is located further to the south along the east side of Dixie Highway (I-2).
- D. The Bi-County Coop is located to the west across Dixie Highway (C-2), and several industrial facilities and a water tower are located to the northwest along the west side of Dixie Highway (I-2). A restaurant is located to the southwest across the Dixie Highway/Weaver Road intersection (C-2), and a pay fishing lake and a small motel are located further to the south along the west side of Dixie Highway (I-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's 2030 Future Land Use Map designates the majority of the site as "Industrial." This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." The west part of the site along both street frontages is designated as "Commercial." This designation is applied to several properties in a circumference around the Dixie Highway/Weaver Road/Richardson Road intersection. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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

- A. This section contains the Northern Kentucky Industrial Park, which is the largest park in the metropolitan region. Expansion and continued development of this employment center has slowed some, but is expected to continue over the study period of this Plan. The residential areas to the north of the Park prohibit any expansion in that direction, and industrial expansion should not occur west of the interstate. Development should occur along the east side of the interstate, however, this development should retain the existing tree line to buffer the uses from residential development on the west side of the interstate and to hide the outside storage and parking areas from public view from the interstate. Industries should continue to locate and expand along Industrial Road into Kenton County, and along the length of Empire Drive. The Park should be encouraged to expand to the south along the Empire Road Connector, and the proposed Weaver Road to Sam Neace Boulevard. In addition, development should continue along U.S. 25 and Weaver Road, and near the railways. Tracts of developable land exist in the area and development depends only upon public utility expansion and an improved road network, including upgraded railroad crossings. The Park is now old and is experiencing building vacancies and other signs of being dated, however, the planned Industrial Road widening and reconstruction will give the area new life.

Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. The presence of the new Gateway Technical College will encourage development of this area. Street and parking lot connections are critical in this area. To the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks ("Devon Area," pg. 147).

The Land Use Element's "Future Land Use Development Guidelines" make the following comments which relate to this 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 ("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 must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access

points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element makes the following general comments.

- A. Other types of projected commercial activity include the eventual restoration and redevelopment of older commercial areas, developments and corridors. This includes sites along Dixie Highway, U.S. 42 (in Florence), KY 18 (in Florence), Dream Street, downtown Burlington, and Union ("Recommended Areas of Commercial Activity," pg. 64).
- B. A critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2030, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas. In general, areas planned for nonextractive industrial uses should not be changed to allow other land uses to develop. The Tri-County Economic Development Corporation has identified a need for industrial building sites that have the necessary infrastructure and zoning and are ready to develop.

Existing sites should also be examined to enable adaptive re-use or redevelopment of buildings. There are numerous older vacant industrial buildings and sites or under utilized commercial sites that provide redevelopment opportunities. These areas are often referred to as grayfields or brownfields because they have older structures or pavement that are not functioning as an effective business use.

Recent expansion and renewal of existing businesses that has occurred in the Northern Kentucky Industrial Park should continue to be encouraged for all industrial and office areas. Existing businesses can be supported through appropriate incentives or infrastructure improvements, just as new businesses often receive incentives for locating in the community. The planned improvements to Industrial Road are an example. Tax Increment Financing and similar mechanisms can facilitate business corridors, and the Gateway Technical College should be an impetus for redevelopment in this area. Any vacant property that does occur, should be maintained properly to help the property be sold or leased.

The Northern Kentucky Industrial Park has the potential to expand along its southern boundary. The location of the county's population involved in manufacturing correlates well with this concentration of industry. The area southward to Mt. Zion Road should be reserved for the expansion of the Northern Kentucky Industrial Park ("Recommended Areas of Industrial and Office Activity, pg. 65).

The Housing Element makes the following comments regarding the general area.

- A. South of Florence to Mt. Zion Road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominant ("Florence, U.S. 25 Corridor," pg. 79).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone where the site is located (818) is expected to decrease from 602 in the year 2000, to 542 in 2010, and to 460 in 2020 (pp. 24 and 25).

The "KY Transportation Cabinet Six-Year Plan" section of the Transportation Element (pg. 129) lists an improvement in the overall area described as the "reconstruction of U.S. 25 from KY 1829 (Industrial Rd.) to KY 338 (Richwood Rd.) - R.O.W. 2010." The "Proposed Trail Network" exhibit (Figure 11.4, pg. 131) illustrates a planned trail lane along the section of Dixie Highway which adjoins the subject site.

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. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- K. 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).

- L. 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).
- M. Priority shall be given towards maintaining, protecting and improving the capacity and safety of the existing road system ("Transportation," 1st Goal, Objective 11).
- N. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

- A. Exhibit 5-2 "Operational Improvement Plan Project Locations" (pg. 5-4) illustrates the section of Dixie Highway between Industrial Road and Richwood Road as a Six Year Highway Plan Project. This project is further described on page 6-9.
- B. Exhibit 6-10 "Year 2030 Recommended Transportation Plan Levels of Service - Two Lane State Routes" (pg. 6-16) lists the segment of Dixie Highway between Weaver Road and Industrial Road as LOS C, and the segment between Mt. Zion Road and Weaver Road as LOS D.
- C. Exhibit 6-11 "Year 2030 Recommended Transportation Plan Levels of Service - Two Lane Local Routes" (pg. 6-17) lists Richardson Road as LOS E.
- D. Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a planned trail alignment along the section of Dixie Highway which adjoins the subject site.

STAFF COMMENTS

1. The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates the majority of the site as "Industrial." This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." A smaller part of the site along both road frontages, and the entire area around the Dixie Highway/Weaver Road/Richardson Road intersection including several unrelated tracts, is designated as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Comprehensive Plan's text does not discuss this particular site, but it does discuss the overall area. The Land Use Element states "industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25" and "to the east of U.S. 25 manufacturing and distribution uses should occur" ("Devon Area," pg. 147). Similarly, the Housing Element states "south of Florence to Mt. Zion Road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominant" ("Florence, U.S. 25 Corridor," pg. 79).

The Land Use Element also states that "development should continue along U.S. 25 and Weaver Road, and near the railways" ("Devon Area," pg. 147). The Goals and Objectives encourage industrial development to locate near "railroad lines" and "highways" ("Business Activity," Industrial Objective 1).

In light of these statements, the site's proximity to the Northern Kentucky Industrial Park, Dixie Highway, Weaver Road, and the rail line should be evaluated. The proposal should also be evaluated relative to whether it is an industrial use that is "similar in nature to the Northern Kentucky Industrial Park."

The Business Activity Element discusses "the eventual restoration and redevelopment of older commercial areas, developments and corridors," including Dixie Highway ("Recommended Areas of Commercial Activity," pg. 64). This Element additionally states that "existing sites should also be examined to enable adaptive re-use or redevelopment of buildings. There are numerous older vacant industrial buildings and sites or under utilized commercial sites that provide redevelopment opportunities" ("Recommended Areas of Industrial and Office Activity," pg. 65).

The planned widening of Dixie Highway is mentioned in the Land Use Element several times. In this regard, the Element states "the planned reconstruction and widening of U.S. 25 will create the potential for redevelopment in much of this corridor" ("Devon Area," pg. 147), and "the Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road" ("Richwood Area," pg. 148). Both the Transportation Element and the Boone County Transportation Plan 2030 list the reconstruction of Dixie Highway between Industrial Road and Richwood Road as a Six Year Plan project.

The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. Based on the extensive use lists in the I-2 zone text (includes O-1, O-2, and I-1 Principally Permitted Uses by reference), Staff recommends that the Zone Change Committee review these lists and consider eliminating any uses which are deemed incompatible or inappropriate for this location (I-2 zone text is attached).

As a point of reference, the 2007 zone change approval for the nearby Dudley Industrial Park can be considered. The Dudley site is located to the immediate south of Chap's Fishing Lake on the opposite side of Dixie Highway. This application was for a zone change from I-2 to I-1, a Conditional Use Permit to allow a convenient store with gas sales, and a Variance for driveway spacing. Condition #1 of this approval states "all Industrial One (I-1) uses shall be permitted with the exception of truck stops" (7/18/07 One Eleven/Arlinghaus Committee Report and Concept Development Plan are attached).

3. Staff has the following comments on specific design related issues.
 - A. As stated above, the height of the plant building is 54 feet and the height of the office wing is 32 feet. The facades are proposed to have a 8 foot high CMU knee wall with the remaining wall area being constructed with metal panels. Although the proposed structure is very similar to the two facilities across Dixie Highway that are operated by the same occupant, these structures were constructed in an earlier era under a different Comprehensive Plan. Staff's basic concern with the design of the structure is the large expanses of metal paneling (46' high from the top of the CMU base) creating a utilitarian aesthetic on the corner of a busy intersection.

This issue could be addressed in several ways. The height of the CMU base along the street facing facades could be raised. A contrasting face and/or color could be used on the additional CMU and some level of simple masonry detailing could be added. Also, an alternate material could be used for the metal panels on all facades of the office wing (such as brick, a different CMU face and/or color, or EIFS).

Again as a point of reference, the Dudley Industrial Park zone change approval (condition #5) states "the proposed buildings on lots 1 & 5 shall consist of at least 60% of masonry materials (e.g. brick, decorative block, etc.). The applicant will be required to submit architectural drawings to staff at the Site Plan Review submittal process." Lots 1 and 5 directly front on Dixie Highway. In consideration of the 60 percent figure stated, the potential

buildings on either of these two Dudley lots would be substantially smaller than the manufacturing facility proposed under the current application. Staff is not concerned with a specific percentage of masonry for the current proposal, but rather that the expanses of metal panels will not be so vast in the final facade design.

- B. A grading concept was included with the Concept Development Plan, and there is existing vegetation at the rear of the site and along the Richardson Road frontage. Based on the Comprehensive Plan's direction, Staff recommends that the existing tree cover that is outside of the project's disturb limits be retained. The retained tree cover can be credited towards the landscaping requirements in Article 36 of the zoning regulations.
- C. It is Staff's understanding that there will be no outside storage or loading at the proposed facility. The applicant should clarify whether this understanding is correct. If outside storage or loading is intended, the Zone Change Committee should evaluate this aspect of the proposal as Section 3154 of the zoning regulations allows "outside storage, display, and loading areas" to be in front and corner side yards in Industrial zones. Screening would be required per Section 3635 of the zoning regulations.
- D. The proposed access point is approximately 65 feet from the access for the adjoining tract to the north as measured along the right-of-way line (from edge of pavement to edge of pavement). Table 32.1 of the zoning regulations requires a minimum spacing of 275 feet along arterial roadways such as Dixie Highway. Due to stacking and congestion issues at the Dixie Highway/Weaver Road/Richardson Road intersection, Staff is not opposed to the proposed placement of the access point.

The Kentucky Transportation Cabinet, District 6 has commented that they have not identified any reason for concern with the proposed zone change as it would not change the design of the proposed Dixie Highway improvements (five lane curb/gutter road with sidewalks; no construction time frame has been established). The District also stated "we would not oppose the construction of turn lanes as a requirement for this zone change, but no traffic data was presented" (10/26/10 e-mail from Mike Bezold, P.E., Planning Supervisor with KTC, District 6 is attached). Relative to potential turn lanes, the applicant should provide estimates for the number of passenger vehicles and trucks which would use the facility, and a turning radii exhibit for truck movements in and out of the site, for the Zone Change Committee to evaluate.

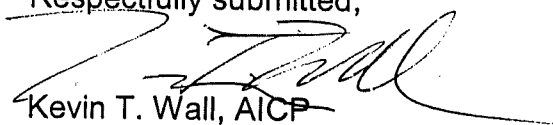
The Boone County Engineer has noted that he has no comments on the proposal because the site's sole access point is on Dixie Highway, a State maintained road (10/13/10 memo from Greg Sketch, PE, PLS, Boone County Engineer, is attached).

4. The submitted Concept Development Plan is a two dimensional plan which has not been extensively engineered. For the applicant's information, all of the applicable detailed site design standards in the zoning regulations will need to be followed at the site plan stage.
5. John Scheben of the Northern Kentucky Water District has stated that there should be no issue with water service for the proposed facility. The District will need to evaluate water demand when a detailed design is provided.
6. Sanitation District #1 has commented that "currently there is not sanitary sewer availability at the 84 Lumber site. The nearest manhole is approximately 400' to the North, running parallel to Dixie Highway. Also Mubea would have to provide us the wastewater amounts they anticipate on generating from their steel products manufacturing for us to determine if there is sufficient capacity in our system" (10/19/10 e-mail from Joe Verst, P.E., Project Engineer with Sanitation District #1, is attached).
7. Staff has requested comments on the proposal from the Florence Fire Department. Such comments have not been received as of this writing. Any written comments received from this agency will be forwarded to the Zone Change Committee for review.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the proposed zone change 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. The Future Land Use Map should be amended to reflect Industrial uses on the entire tract if this request is approved.

Respectfully submitted,


Kevin T. Wall, AICP
Director, Zoning Services

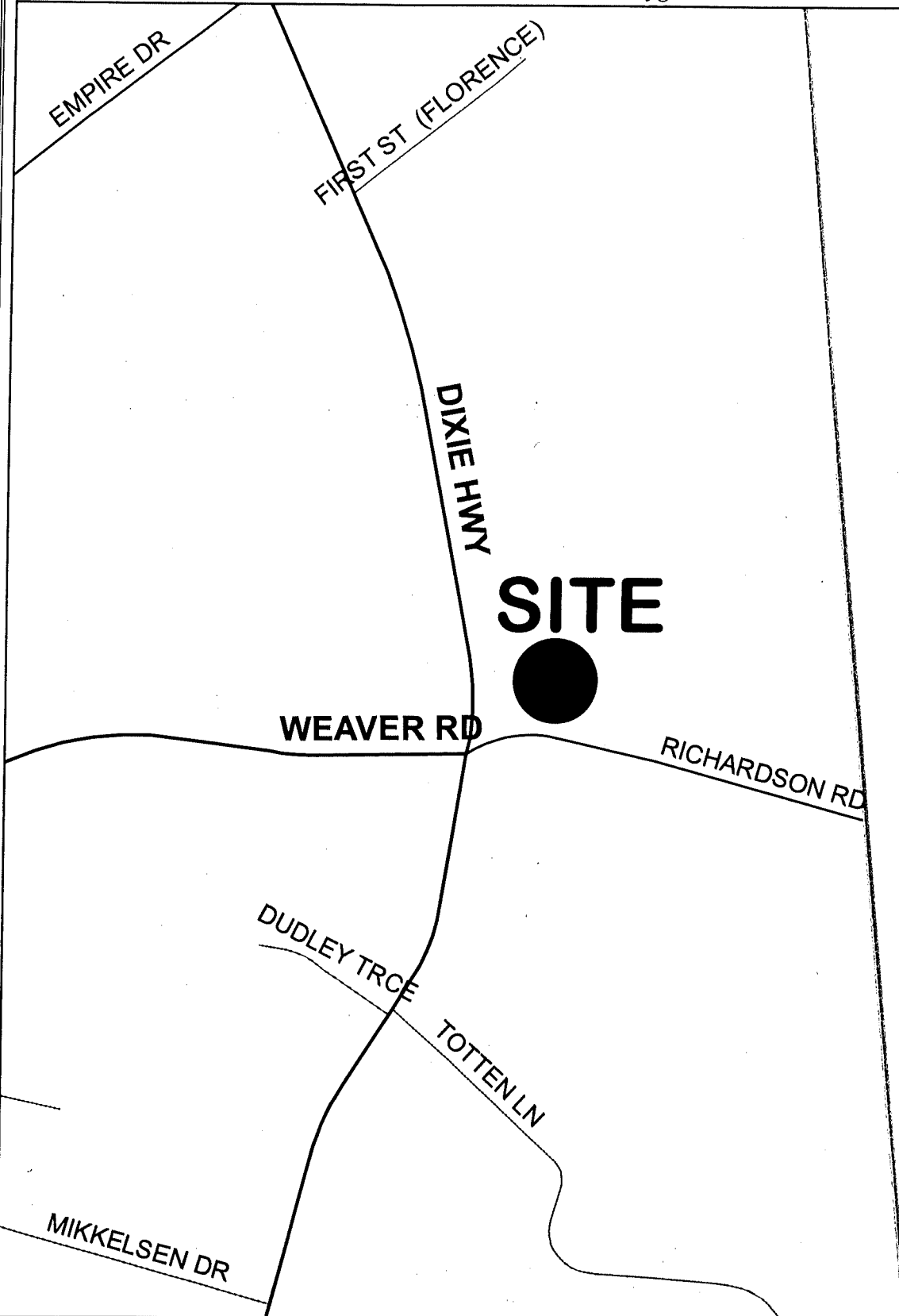
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attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- topographic map
- I-2 zone text
- 7/18/07 One Eleven/Arlinghaus (Dudley Industrial Park) Committee Report and Concept Development Plan
- 10/26/10 e-mail from Mike Bezold, P.E., Planning Supervisor with KTC, District 6
- 10/13/10 memo from Greg Sketch, PE, PLS, Boone County Engineer
- 10/19/10 e-mail from Joe Verst, P.E., Project Engineer with Sanitation District #1
- application materials including Concept Development Plan

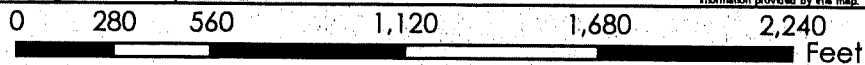
Location

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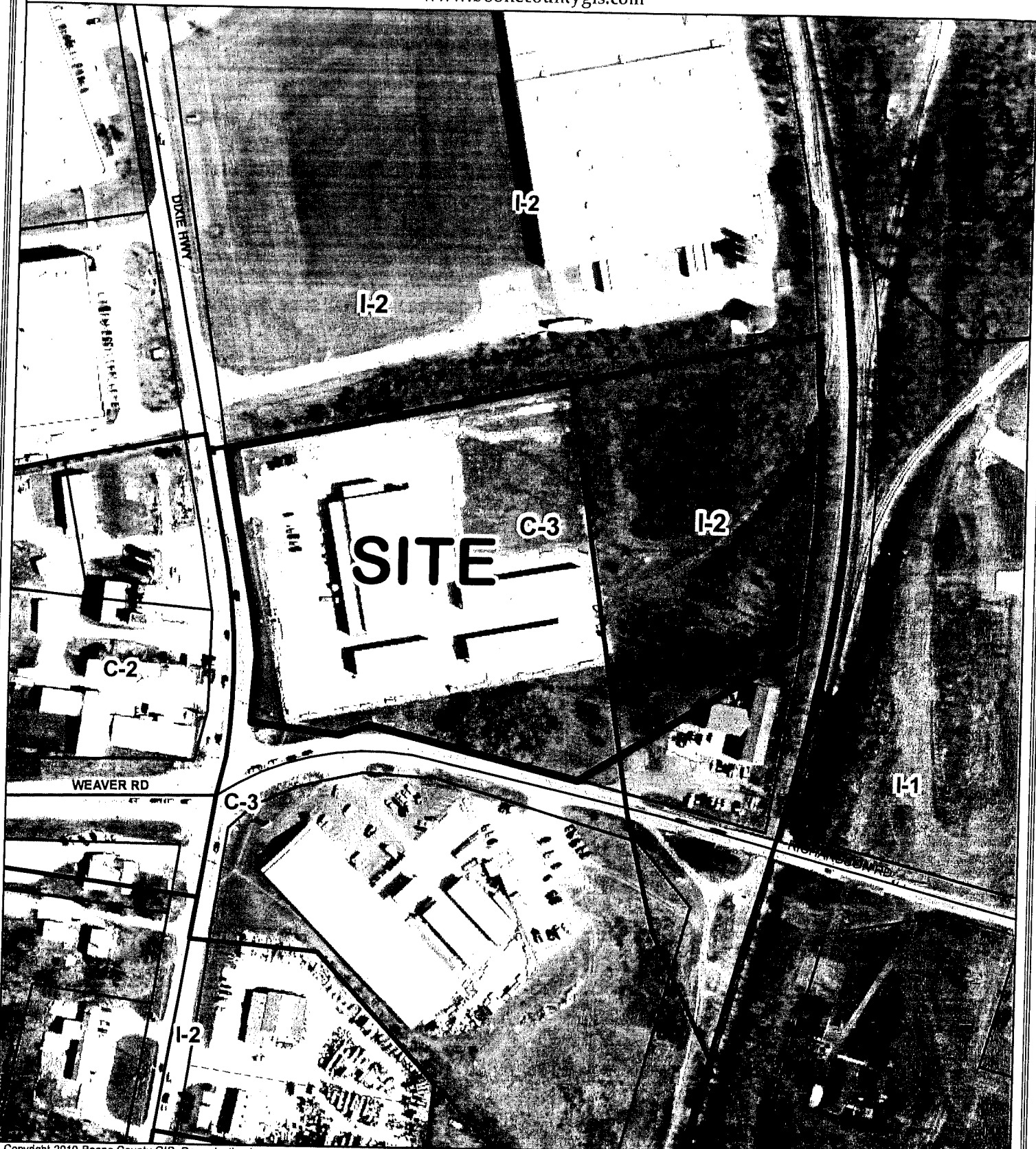
1 Inch = 551 feet



Boone County GIS - Putting Northern Kentucky on the Map

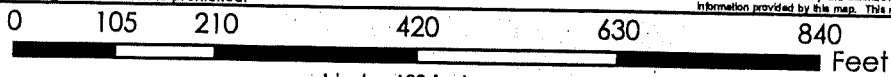
Zoning

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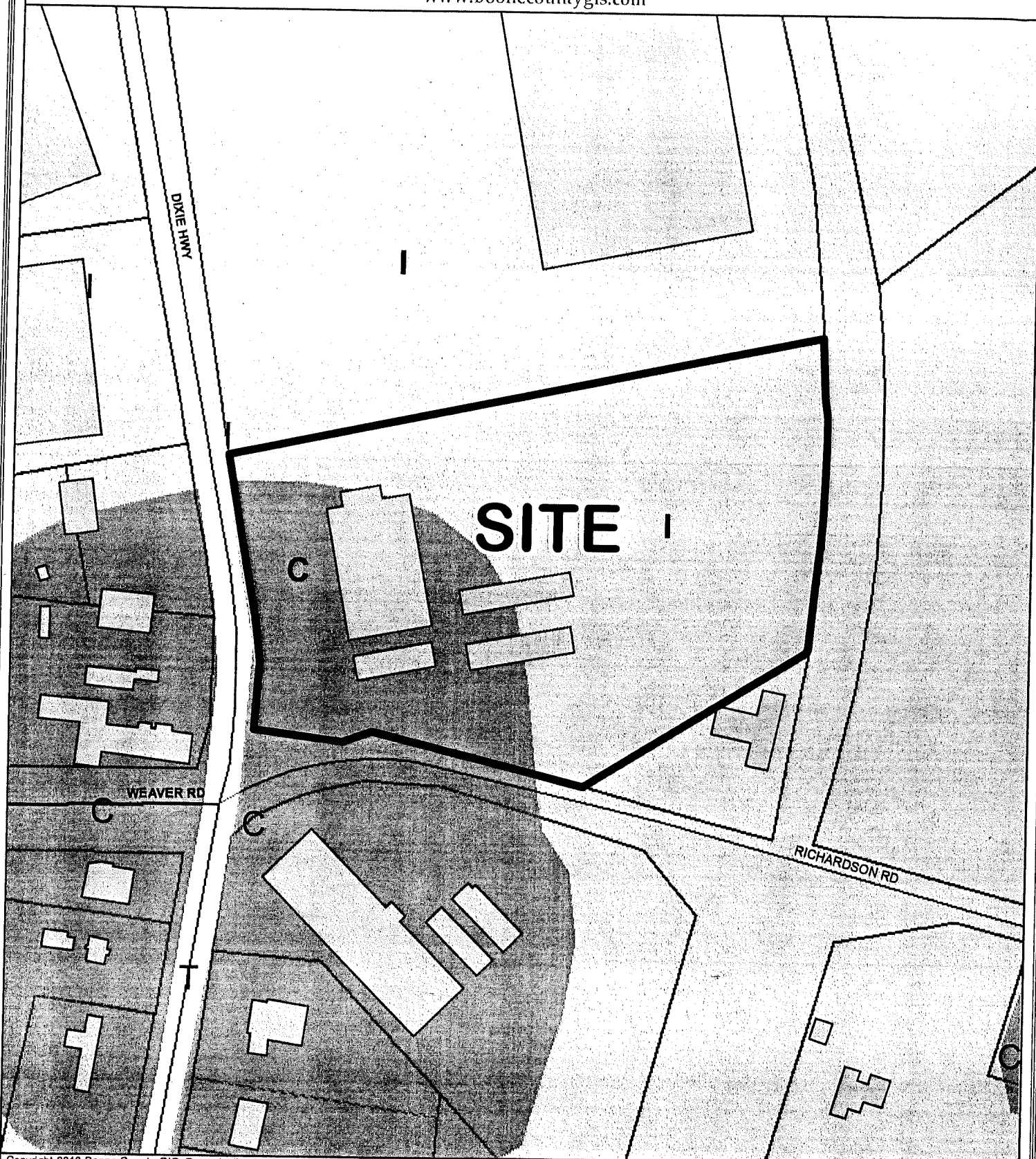
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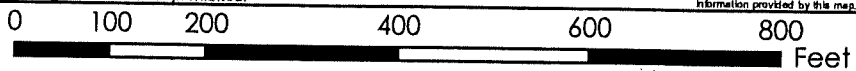
Future Land Use

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Boone County GIS - Putting Northern Kentucky on the Map

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (O-1)

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

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112

Accessory Uses

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

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

SECTION 1120

OFFICE TWO (O-2)

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

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-through teller services.
4. Convenient stores;
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.
9. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1122

Accessory Uses

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

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

8. Adult and child care centers;
9. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1124

Intensity

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

SECTION 1125

Minimum Size

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

SECTION 1126

Minimum Standards

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

SECTION 1130

INDUSTRIAL ONE (I-1)

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

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

SECTION 1131

Principally Permitted Uses

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

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;

5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Technology and research centers including medical and hospital research establishments;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;

28. Research, development and testing services;
29. Detective and protective services;
30. Photo finishing and other photographic laboratories;
31. Electrical repair and armature rewinding services;
32. Reupholstery and furniture repairing and refinishing services;
33. Scientific research services and laboratories;
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
35. Postal services and related storage, distribution and transfer activities;
36. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
38. Freight forwarding, packing and crating services;
39. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
40. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
41. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
42. Manufacture of plastic products but not the primary manufacture of plastics;
43. Welding shops for the repair of industrial machinery and heavy equipment;
44. Truck stops;
45. Recycling centers;
46. Fire stations or fire related or protective services including rescue services;
47. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
48. Commercial parking facilities and commercial recreational vehicle parking facilities;
49. Landscape contracting and wholesale nurseries;
50. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
51. Crematoriums.

SECTION 1132

Accessory Uses

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

SECTION 1136

Performance Standards

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

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

SECTION 1137

Supplemental Zoning Map Amendment Standards

Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

SECTION 1140

INDUSTRIAL TWO (I-2)

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

SECTION 1141

Principally Permitted Uses

The following uses are permitted:

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

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

2. Acids, creosote, or petroleum products;
3. Bag cleaning;
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
7. Electroplating;
8. Enameling, japanning, or lacquering;
9. Grinding, sandblasting, cutting, washing, or other reduction or waterproofing;
10. Poultry and small game products;
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;

12. Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction;
13. Heavy machinery, transportation vehicles and equipment (heavy);
14. Tobacco products;
15. Chemicals and allied products;
16. Petroleum and coal products;
17. Rubber and plastics products;
18. Leather and leather products.

Also permitted are:

19. Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment;
20. Wholesale trade of paints, varnishes, chemicals, and allied products;
21. Railroad and marine craft rights-of-way including switching and marshaling yards;
22. Electric generating plants and regulating substations and water treatment storage, and distribution plants;
23. Asphalt and concrete plants;
24. Commercial stockyards;
25. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
26. Kennels for household pets; "City of Florence only - kennels for household pets only when not adjoining a residential zoned property."

SECTION 1142

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Auditorium exhibition halls and other public or miscellaneous assembly;
 - c. Golf courses and tennis courts;
 - d. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

2. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any related or integral office use or activity of the permitted use;
3. Public transit stations and terminals;
4. Signage (See Article 34);
5. Parking (See Article 33);
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
8. Recycling collection containers.

SECTION 1143

Conditional Uses and Criteria

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

1. Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law;
2. Refuse and solid waste disposal when conducted incidental and subordinate to a principally permitted use;
3. Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Nursery and day care centers;
8. Retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage.
9. Wholesale vehicle sales or auctions;
10. Concentrated animal feeding operations;
11. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
12. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1144

Maximum Intensity

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

SECTION 1145

Minimum Size

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

SECTION 1146

Minimum Standards

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

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

SECTION 1147

Supplemental Zoning Map Amendment Standards

Zoning Map Amendment applications which request the I-2 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

SECTION 1150

INDUSTRIAL THREE (I-3)

Surface Mining District

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

SECTION 1151

Principally Permitted Uses

The following uses are permitted:

1. Any customary agricultural use or structure, excluding dwellings;
2. Essential services and public utilities in accordance with applicable regulations of the Public Service Commission, Department of Transportation, or Federal Power Commission;
3. Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission;

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: July 18, 2007

RE: Request of One Eleven Engineering and Surveying PLLC (applicant) for Arlinghaus Builders Inc. (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1), a Conditional Use Permit and a Variance, for a 5.83 acre site located directly across from the Dixie Hwy./Totten Lane intersection and immediately south of the property at 8318 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone, a Conditional Use Permit to allow a convenient store with gas sales, and a Variance to reduce the 275 foot spacing requirement between adjacent driveways on Dixie Highway.

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 Zoning Map Amendment request is in general agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."
 - B. The proposal is in general agreement with the following passage from the Land Use Element:

Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. The presence of the new Gateway Technical College will encourage development of this area. Street and parking lot connections are critical in this area. To the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks (Devon Area, pp. 147-148).

The Committee determined that the proposed industrial subdivision is located in the area referenced above and adjoins other industrial uses. The subject property is located within close proximity of the Mt. Zion interchange.

- C. The proposal is in general agreement with the following passage from the Business Activity Element:

The Northern Kentucky Industrial Park has the potential to expand along its southern boundary. The location of the county's population involved in manufacturing correlates well with this concentration of industry. The area southward to Mt. Zion Road should be reserved for the expansion of the Northern Kentucky Industrial Park (Recommended Areas of Industrial and Office Activity," pg. 65).

- D. The project is in agreement with the following 2005 Goals and Objectives:

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

The proposed subdivision fronts on Dixie Highway and is located within close proximity of the Mt. Zion interchange. The property adjoins Bluegrass Paving, Len Riegler Blacktop, Moraine Materials, and other industrial uses.

- Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system (Transportation, Objective).

A condition was attached on the approval which requires a southbound deceleration lane at the subdivision's main entrance.

2. The Committee has concluded that the requested Conditional Use Permit fulfills the applicable findings, standards, and criteria outlined in KRS 100.237, which includes the findings outlined in Sections 262 and 1133 of the Boone County Zoning Regulations. Specifically, the proposed convenience store/gasoline station will support and obtain its trade from the employees of the district and will be subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district.
3. The Committee has concluded that the requested Variance should be granted in the event that joint access (shared right-in/right-out curb cut) cannot be worked out between the owner and the adjoining property owner to the north (Morgan's Frontier Inn). The Committee determined the 275 foot driveway spacing requirement will create an unnecessary hardship if the shared right-in/right-out curb cut cannot be worked out.
4. 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 owner has signed a letter demonstrating agreement with the conditions.

ZONING MAP AMENDMENT CONDITIONS

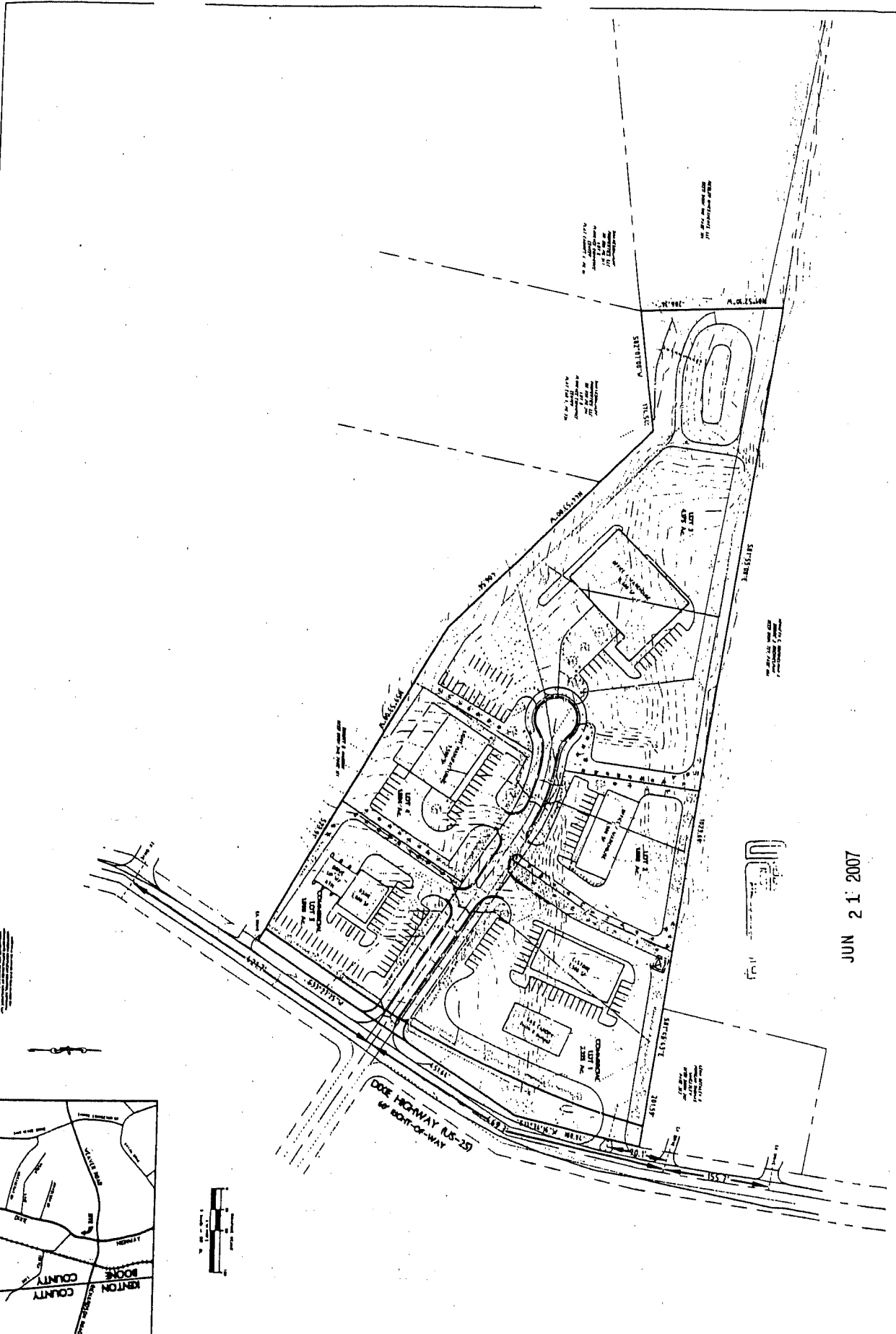
1. All Industrial One (I-1) uses shall be permitted with the exception of truck stops.
2. The applicant shall be required to install a southbound deceleration lane at the main entrance to the subdivision subject to the design requirements of the Kentucky Transportation Cabinet.
3. The applicant shall provide joint access in the form of an easement to the property owner north of the subject site and construct pavement to the property line. The applicant shall also pursue joint access (e.g. right turn in and out) for both properties based upon the eventual widening of Dixie Highway and review by the Kentucky Transportation Cabinet.
4. All outside storage of materials and equipment for the subdivision is subject to the current zoning regulations.
5. The proposed buildings on lots 1 & 5 shall consist of at least 60% of masonry materials (e.g. brick, decorative block, etc.). The applicant will be required to submit architectural drawings to staff at the Site Plan Review submittal process.
6. The applicant shall provide easement documentation for the extension of public sanitary sewer service.

CONDITIONAL USE PERMIT CONDITION*

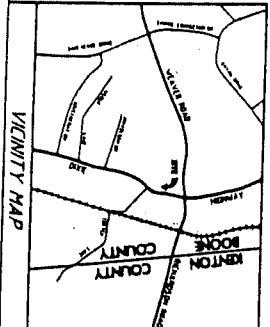
1. The layout for the proposed convenience store and fuel pumps shall be redesigned to accommodate gasoline tankers.

*KRS 100.203 (6) (b) states that Conditional Use Permit and Variance applications which are submitted with a Zoning Map Amendment shall be heard and decided by the Planning Commission. Property owner agreement is not required for the prescribed condition that is listed above.

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 Concept Development Plan Committee Vote.



JUN 21 2007



PPLAT PRELIMINARY PLAT	 ELEVEN ENGINEERING 1294 Patton Pike Independence, KY 40341 Tel: 502-361-2000 Fax: 502-361-2005	PRELIMINARY PLAT 8404 DIXIE HIGHWAY CITY OF FLORENCE BOONE COUNTY, KENTUCKY	DWG NO. _____ SHEET NO. _____ DATE _____	REVISIONS													
				<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION										
NO.	DATE	DESCRIPTION															

Kevin Wall

From: Bezold, Mike (KYTC-D06) [Mike.Bezold@ky.gov]
Sent: Tuesday, October 26, 2010 10:19 AM
To: Hans, Robert (KYTC-D06)
Cc: Kevin Wall
Subject: RE: 8299 Dixie Highway redevelopment

I looked over it and did not see any reason KYTC would have concerns with a zone change for commercial to industrial for this site. There are plans for KYTC to reconstruct US 25 in this area, but no firm time frame for construction has been established. The proposed site change would not change the proposed design of the proposed improvements. KYTC is proposing a five lane typical section with curb gutter and sidewalks along US 25 in this area when right of way and construction funds are approved. We would not oppose the construction of turn lanes as a requirement for this zone change, but no traffic data was presented.

Mike Bezold, P.E.
Planning Supervisor
District 6 Covington

From: Hans, Robert (KYTC-D06)
Sent: Tuesday, October 26, 2010 10:10 AM
To: Bezold, Mike (KYTC-D06)
Subject: FW: 8299 Dixie Highway redevelopment

Mike,

Did you get a chance to review this one?

Thanks,

Rob Hans, P.E.
Chief District Engineer
Kentucky Department of Highways, D-6
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2707, ext. 256

From: Kevin Wall [mailto:KWall@boonecountky.org]
Sent: Tuesday, October 26, 2010 10:05 AM
To: Hans, Robert (KYTC-D06)
Subject: 8299 Dixie Highway redevelopment

Rob:

On 10/6/10 I sent a package of information to you which outlines a zone change proposal for the redevelopment of the 84 Lumber site on Dixie Highway for a manufacturing facility. Will your office have any comments on this proposal? I am particularly interested in feedback on the access point placement, the need for any turn lanes, and any plans for sidewalks along Dixie Highway.

Thanks,

Kevin Wall

GARY W. MOORE
County Judge-Executive

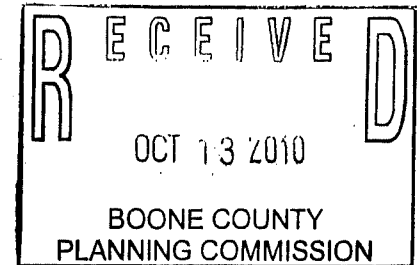


GREGORY V. SKETCH, PE, PLS
County Engineer

JEFFREY S. EARLYWINE
County Administrator

PUBLIC WORKS DEPARTMENT

www.BooneCountyKy.org
5645 Idlewild Road
Burlington, KY 41005
(859) 334-3600
Fax (859) 334-3598



MEMORANDUM

TO: Kevin Wall, Director, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Proposed Zone Change for Mubea, USA Located at 8299
Dixie Highway (US 25)

DATE: October 13, 2010

This is in response to your request for input concerning the request for the approval of a zone change by Mubea, USA located at 8299 Dixie Highway. The request is to change the current zone of Commercial Three (C-3) to Industrial One (I-1).

Because the current access to this site is from Dixie Highway (US 25), a Kentucky Transportation Cabinet maintained road, and there is no access being proposed to Richardson Road, a Boone County maintained road, I do not have any comments on this proposal.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator

Kevin Wall

From: Verst, Joe [jverst@sd1.org]
Sent: Tuesday, October 19, 2010 11:11 AM
To: Kevin Wall
Cc: Sean Blake; Vatter, Brandon
Subject: Mubea

Kevin,

We have a couple of comments regarding the proposed Mubea production building.

Currently there is not sanitary sewer availability at the 84 Lumber site. The nearest manhole is approximately 400' to the North, running parallel to Dixie Highway. Also Mubea would have to provide us the wastewater amounts they anticipate on generating from their steel products manufacturing for us to determine if there is sufficient capacity in our system.

Regards,

--

Joe Verst, P.E.
Project Engineer
Plan Review and Development Group
SD1
1045 Eaton Drive
Ft. Wright, KY 41017
Telephone: 859-578-7467
Fax: 859-578-6897
Email: jverst@sd1.org



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 MURBA USA
2. Location of Project 8299 DIXIE HWY FLORENCE, KY 41047
3. Total Acreage of Site 10 7.06 under review
4. Current Zoning of Site C-3
5. Proposed Zoning (Classification being requested) I-2
6. Proposed Uses (please specify each use) NEW MANUFACTURING BUILDING
7. Names of Applicant(s) DANIEL RICH
8. Address of Applicant(s) 3140 CRESCENT AVE
9. Name of Property Owner(s) 84 Financial, L.P.
10. Address of Property Owner(s) Bld #5, 1019 Route 519
11. Proposed Building Intensities (please specify)
12. Are there any existing buildings on the site? YES
13. Deed Book 958 Page No. 579 Group No.
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water 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)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: FISCAL COURT

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

19. ORIGINAL Property Owner's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature Daniel Rich
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 10/4/10
2. Review Fee \$2423.00 R# 61660
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer KEVIN WILL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 11/3/10
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@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

**Zoning Amendment
8299 Dixie Highway
Florence, Kentucky 41042**

Description of Proposed Zone Change

On behalf of Mubea USA, we are requesting a zone change from C-3 to I-2 for the property located at 8299 Dixie Highway in Florence, Kentucky. We are requesting this change in order to construct a new manufacturing facility that will produce "state of the art" metals used in the production of automobile parts.

The property is actually split zoned with C-3 along Dixie Highway and I-2 in the rear. The I-2 zone also runs along the property line on the north. If the zone change is granted, it would merely extend the existing zone on the rear of this property to the front. This would not result in "spot zoning" since the site is contiguous with the I-2 zone on two sides. According to the 2030 Future Land Use Map, this site is situated in a large industrial area. Furthermore, most of the buildings near this site are manufacturing buildings so the fabric of the area would not be compromised.

The current property is occupied by 84 Lumber. There are 4 existing structures on the site: a 25,600 s.f. wood and steel structure and 3 storage sheds ranging from 4,000 s.f. to 6,500 s.f. The site is also served by a rail spur. The proposed plans include removing the existing structures and constructing a new 105,339 s.f. steel structure. The building will use the same materials and color scheme as the existing Mubea buildings across the street.

The proposed facility will not increase traffic on Dixie Highway due to the fact that there is an existing rail spur on site that will be used to eliminate much of the truck traffic for coil stock delivery.

**Zoning Amendment
8299 Dixie Highway
Florence, Kentucky 41042**

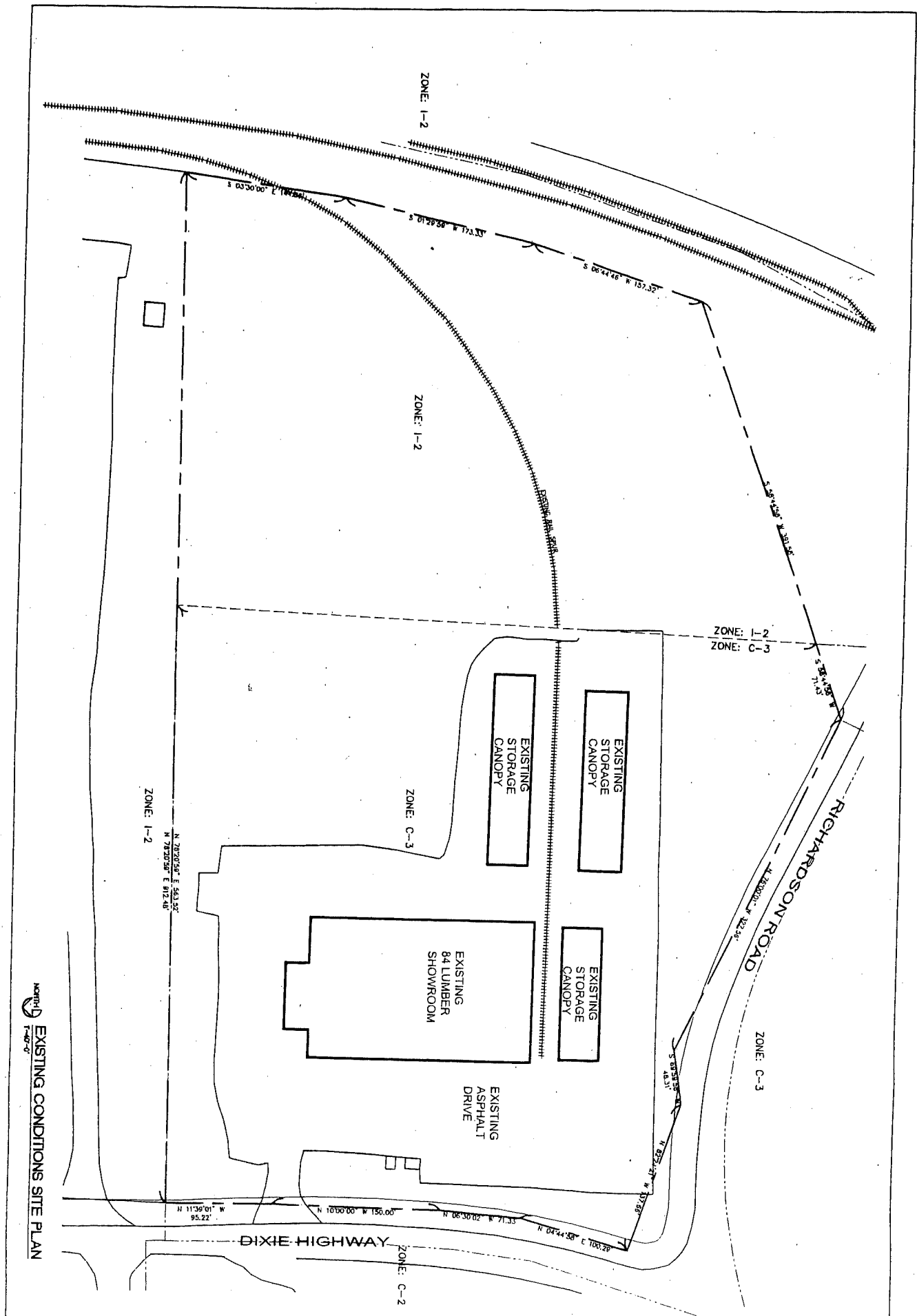
Narrative

Mubea is a leading supplier of highly technical components to the automotive industry. Mubea's North American facility in Florence, KY was opened in 1982 and currently employs over 600 people.

Mubea continues to develop new products and technologies for the automotive industry that reduce vehicle weight and / or improve fuel economy. In this regard, Mubea has developed an innovative process for flexible cold rolling of material in order to reduce vehicle weight and improve vehicle crash test performance. Automotive products produced at this facility will include blanks for structural parts such as A and B - Pillars, formed parts such as tunnel reinforcements, and tubes for instrument panel beams. No painting will be done at this facility.

Mubea intends to install the 1st cold rolling mill of this type in North America in 2012. This will be the only mill of its kind in North America and will allow Mubea to offer state of the art technology to the automotive industry with a local production. The new flexible cold rolling facility will have over 100,000 sq.ft. of production and office space. The total investment will be in excess of 20 Million dollars and will eventually employ close to 100 full time workers.

If Northern Kentucky is chosen as the U.S, site for this project, the building construction will consist of a steel roof structure and sheet metal walls with a block base. The colors and general appearance will mirror those of the existing Mubea facilities located on Dixie Highway.



EXISTING CONDITIONS SITE PLAN

EX.	DATE	BY
	ISSUE DATES	
PROPOSED FACILITY	MUBEA USA	
8290 DIXIE HWY. BOONE COUNTY KY.		

PROPOSED FACILITY
MUBEA USA
 8290 DIXIE HWY. BOONE COUNTY KY.

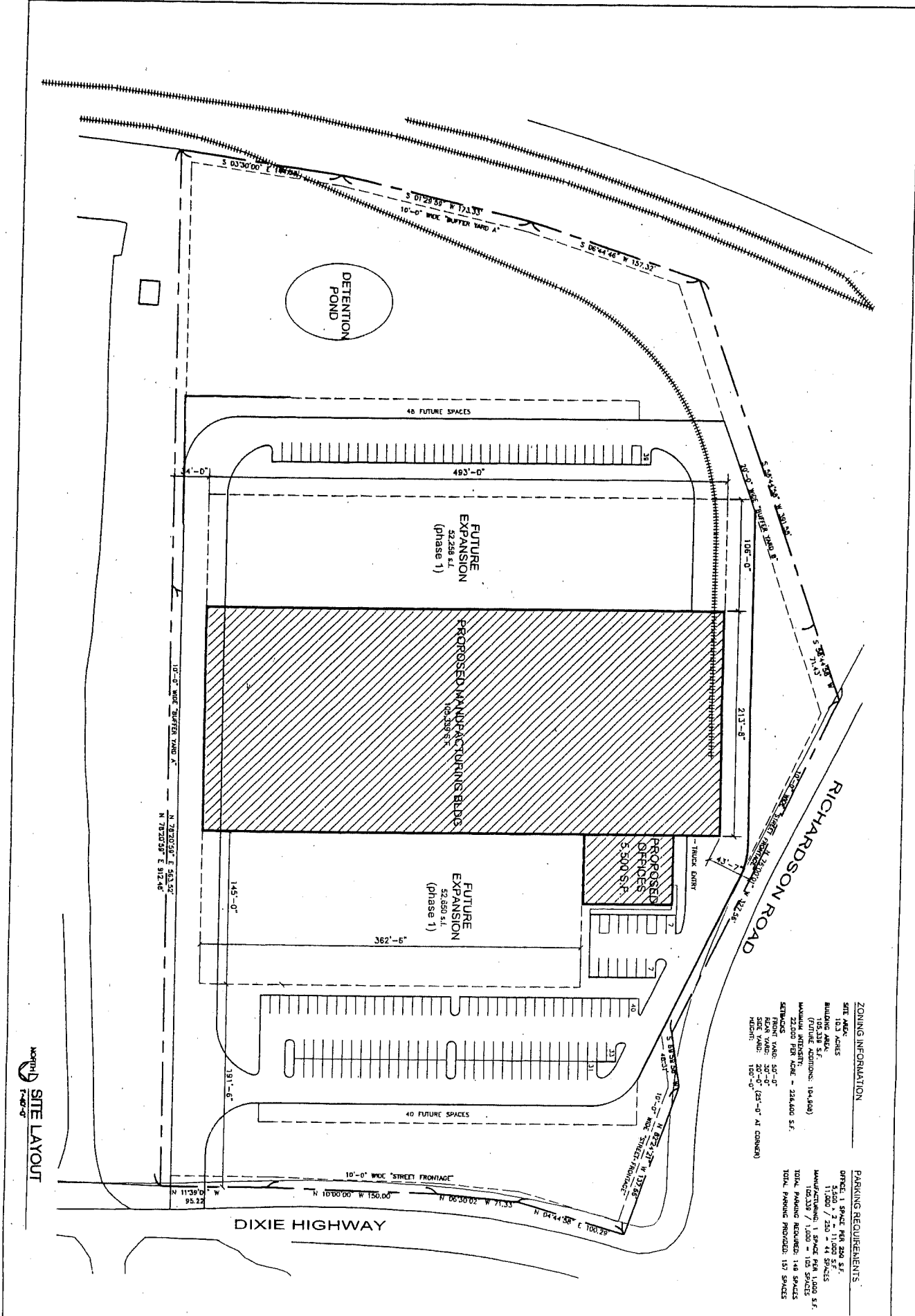
D Daniel L. Rich
 Architect
 3140 Crestall Ave. Erlanger, Kentucky 41013
 Phone: (609) 727-2800 Fax: (609) 727-2541
 Mobile Phone: (609) 912-3242

This document, and the plans and design incorporated herein, are the property of Daniel L. Rich Architect, Inc. and shall not be used, in whole or in part, for any other project without the written consent of Daniel L. Rich Architect, Inc.

B.L. SPILLE
CONSTRUCTION, INC.
 GENERAL CONTRACTOR / CONSTRUCTION MANAGER

3140 Crestall Avenue, P.O. Box 18657
 Erlanger, Kentucky 41015
 609-727-2800 Fax: 609-727-2541





Normal SITE LAYOUT

ZONING INFORMATION		PARKING REQUIREMENTS	
SITE AREA:	10.3 ACRES	OFFICE SPACE PER 200 S.F.	11 SPACES
BUILDING AREA:	105,248 S.F.	MANUFACTURING SPACE PER 1,000 S.F.	146 SPACES
NET BUILDING AREA:	105,248 S.F.	TOTAL PARKING REQUIRED:	146 SPACES
MANUFACTURING:	105,248 S.F.	TOTAL PARKING PROVIDED:	157 SPACES
FRONT YARD:	50'-0"		
REAR YARD:	20'-0"		
SIDE YARD:	10'-0"		
HEIGHT:	35'-0" (25'-0" AT CORNER)		

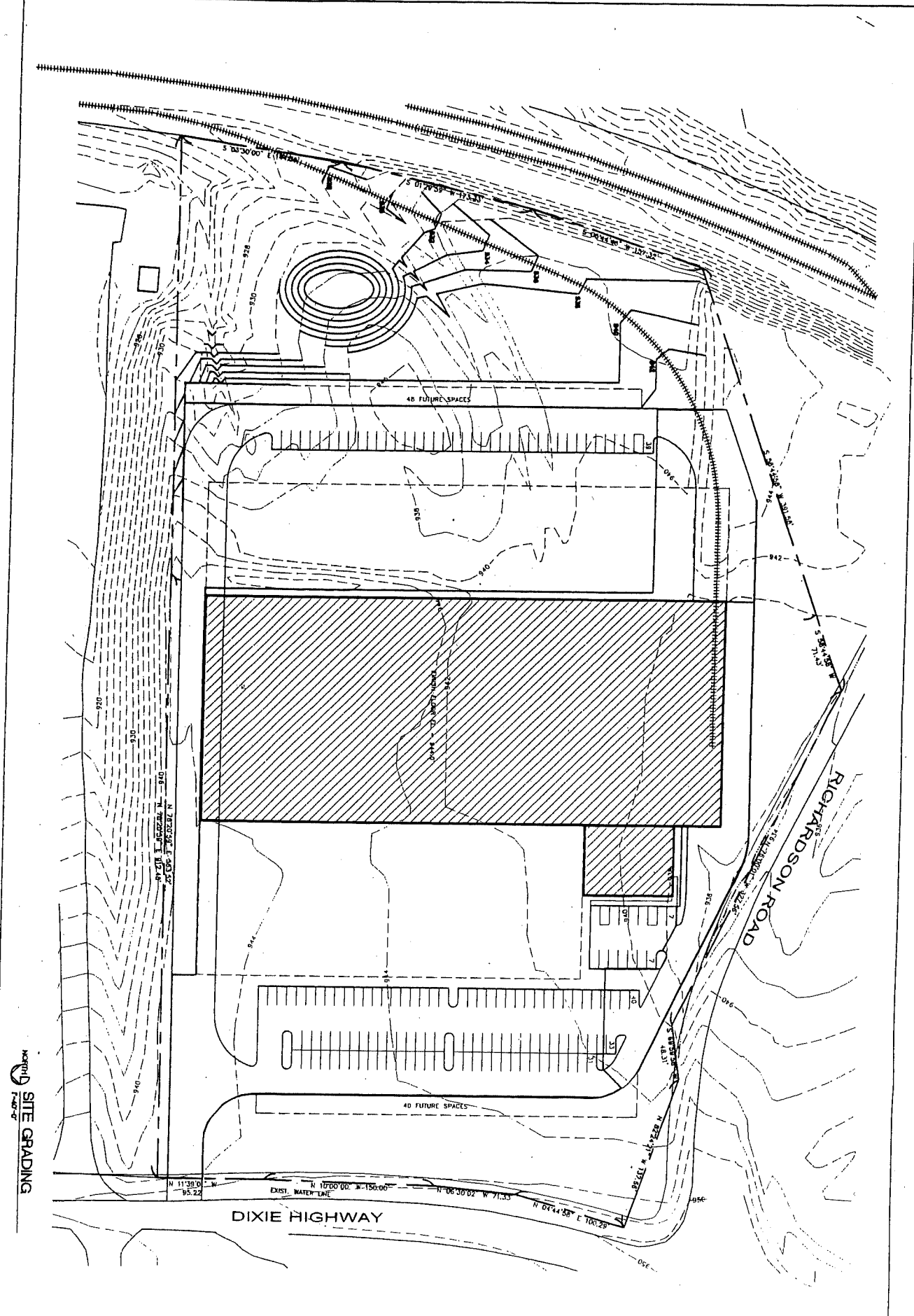
C-1	PROPOSED SITE LAYOUT
	DATE:
	SCALE:
	BY:
	CHECKED:


PROPOSED FACILITY
MUBEA USA
 8290 DIXIE HWY. BOONE COUNTY KY.

Daniel L. Rich
 Architect
 3140 Chestnut Ave.
 Memphis, Tennessee 38103
 Phone: (901) 721-7360
 Mobile: (615) 932-3365

B.L. SPILLE
 CONSTRUCTION, INC.
 GENERAL CONTRACTORS / CONSTRUCTION MANAGEMENT
 3140 Chestnut Avenue, P.O. Box 18800
 Memphis, Tennessee 38103
 859-721-7660, Fax: 859-721-2544








 NORTH ARROW
 SITE GRADING
 1/2" = 10'

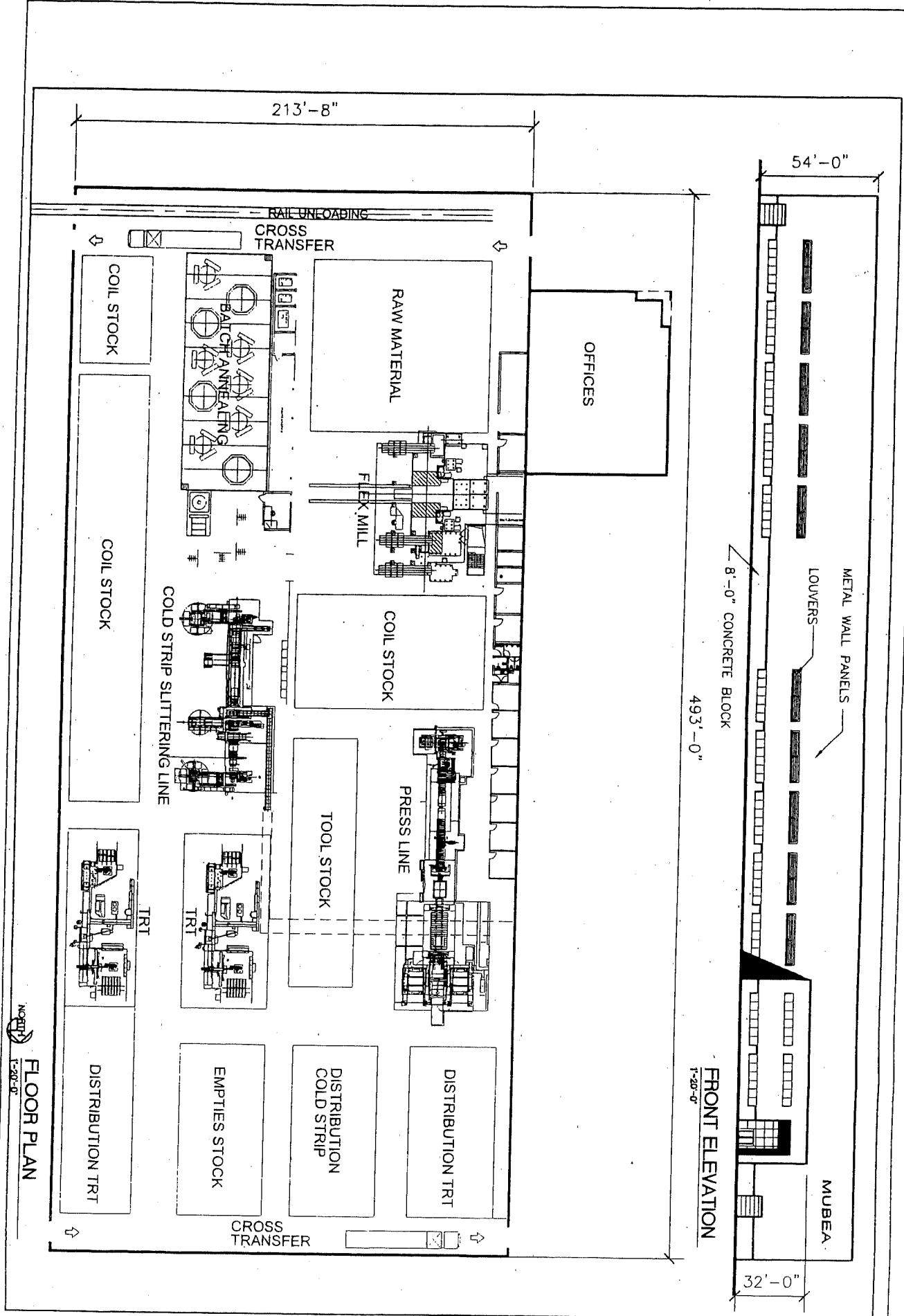
C-2	PROPOSED GRADING PLAN	DATE	10/15/00
		BY	DLR
		DATE	10/15/00
		BY	DLR

ISSUE DATES
PROPOSED FACILITY
MUBEA USA
 8290 DIXIE HWY., BOONE COUNTY KY.


Daniel L. Rich
 Architect
 3140 Crestview Ave. Erlanger, Kentucky 41013
 Phone: (502) 727-2200 Fax: (502) 727-2242
 Mobile Phone: (502) 922-3262
This document, and the ideas and designs it represents, are the property of Daniel L. Rich Architect. It is to be used only for the project and site for which it was prepared. No other use or reproduction is permitted without the written consent of Daniel L. Rich Architect.

B.L. SPILLE
CONSTRUCTION, INC.
GENERAL CONTRACTORS / CONSTRUCTION MANAGER
 3140 Crestview Avenue, Erlanger, KY 41013
 858-727-2800 Fax 858-727-2541





FLOOR PLAN
1-200'-0"

FRONT ELEVATION
1-200'-0"

A-1
FLOOR PLAN
ELEVATIONS

DATE	BY	REVISION

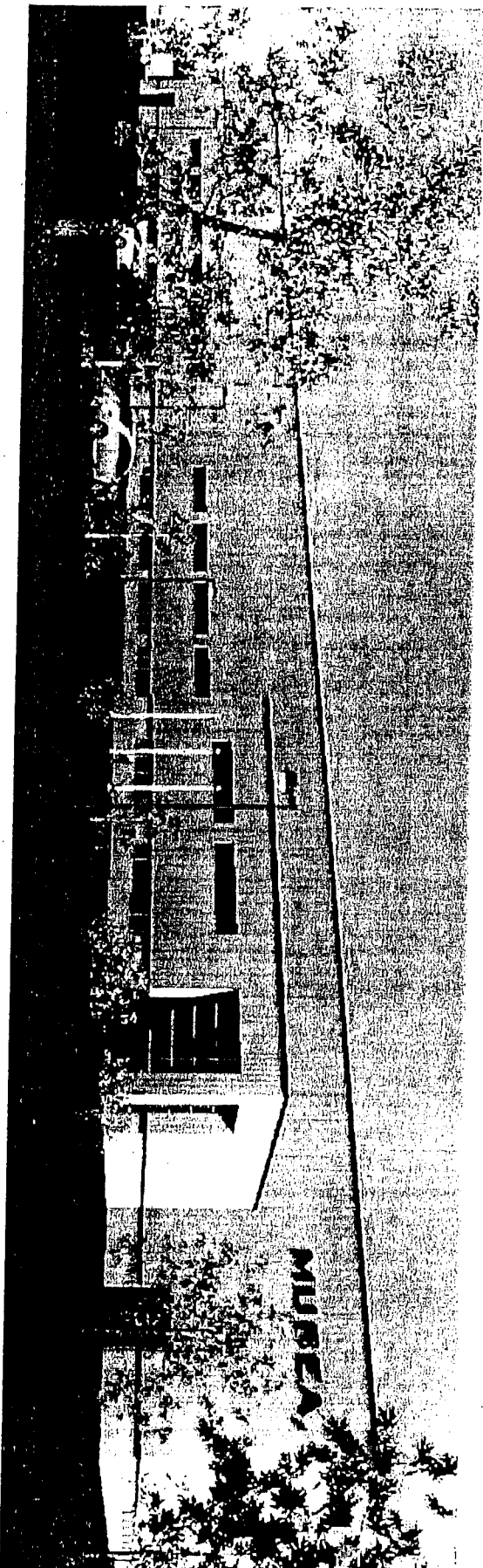
PROPOSED FACILITY
MUBEA USA
8299 DIXIE HWY. BOONE COUNTY KY.

Daniel L. Rich
Architect
2140 Chestnut Ave. Evansville, Kentucky 47917
Phone: (812) 737-2400 Fax: (812) 737-2341
Mobile Phone: (812) 511-7242

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Evansville, Kentucky 47916
858-721-2800 Fax: 858-721-2844



RECEIVED
OCT - 4 2010
BOONE COUNTY
PLANNING COMMISSION



MURBEA USA

8299 DIXIE HIGHWAY FLORENCE, KENTUCKY



COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford, Vice Chairman
Mrs. Linda Herald
Mr. Charlie Reynolds
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/Enf. Officer

Mr. Rolfsen, Chairman, called the meeting to order at 8:41 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT

3. **Request of Daniel Rich (applicant) for 84 Financial, LP (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.**

Staff Member, Kevin Wall presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The overall site is about 10 acres and the area subject to the zone change is about 7 acres. The rear portion of the site next to the railroad line is already zoned Industrial Two (I-2). It involves the existing 84 Lumber site. The Comprehensive Plan Future Land Use Map recommends Industrial (I) for most of the site with some Commercial (C) near the intersection of Dixie Highway and Richardson Road. The applicant would like to build a plant to manufacture metal products used in the production of automobile parts (see narrative in Staff Report). The submitted Concept Development Plan shows an initial plant wing of 105,000 square feet plus a two level office wing of 11,000 square feet and two future phases that will bring the total square footage of the facility to 220,000 square feet. The plant building is 54 feet in height and the office wing is 32 feet in height. Mr. Wall showed photos of the proposed building elevations and surrounding land uses and buildings. First, in terms of Staff Comments, the Comprehensive Plan's text states that "development should continue along U.S. 25 and Weaver Road and near the railways." The Land Use Element states "industrial uses similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25 and to the east of U.S. 25, manufacturing and distribution uses should occur." Similarly, the Housing Element states "south of Florence to Mt. Zion road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominate." Second, the Staff recommends that the Planning Commission review the permitted uses in the Industrial Two (I-2) zoning district and consider eliminating any uses which are deemed incompatible or inappropriate for this location. He noted that this was done with the Dudley Industrial Park project nearby. Third, Mr. Wall explained the height differences of the proposed building. The concern is the design of the structure consists of large expanses of metal paneling creating a utilitarian aesthetic on a corner of a busy intersection. This concern can be addressed in several ways as outlined in the Staff Report including how the Dudley Industrial Park project addressed this issue. Fourth, the Staff recommends that the existing tree cover be retained and be credited toward their landscaping requirements. If outside storage or loading is included, the Planning Commission should evaluate this based upon the current zoning requirements. The proposed access point is approximately 65 feet from the access to the adjoining tract to the north. The zoning requirements require a minimum spacing of 275 feet along arterial roads like Dixie Highway. Due to stacking and congestion issues at the Dixie Highway/Weaver Road/Richardson Road intersection, Staff is not opposed to the proposed access point. The Kentucky Transportation Cabinet commented that they have not identified any reason for concern with the proposed zone change as it would not change the design of the proposed Dixie Highway improvements (five lane curb/gutter road with sidewalks; no construction time frame has been established). The District also stated that they would not oppose the construction of turn lanes as a requirement for this zone change, but no traffic data was presented. Relative to potential turn lanes, the Staff recommends that the applicant provide estimates for the number of passenger vehicles and trucks which would

use the facility, and a turning radii exhibit for truck movements in and out of the site for the Zone Change Committee to evaluate. In addition, there is a sanitation sewer issue as there is no service currently at the site. The nearest manhole is about 400 feet from the site and capacity will have to be explored based on the amount of wastewater generated.

Mr. Dan Rich, BL Spille Construction, stated that he is representing Mubea seeking the Zone Change request. Mubea is a leading supplier of highly technical components to the automobile industry. Their North American facility in Florence opened in 1982 and currently employs 600 employees. Mubea continues to develop new products and technologies for the automobile industry to reduce vehicle weight and improve fuel economy. They have developed an innovative process for flexible coil rolling of material. It will improve vehicle crash performance. If the zone change is granted, it will allow Mubea to install the first coil rolling mill of its type in North America. It will allow Mubea to offer state of the art technology to the automotive industry with local production. The new flexible coil rolling facility will have over 100,000 square feet. The total investment will be in excess of 20 million dollars and with a potential to employ 100 full time workers. Mr. Rich stated that half of the site is already zoned Industrial Two (I-2) and the site is surrounded by Industrial land uses identified in the Comprehensive Plan. This is not spot zoning. The proposed use is not anything different than what is already in the area. Most of Dixie Highway is currently industrial. This project will not radically change the area. In terms of material, it is up in the air. Initially, they thought about mimicking the existing Mubea building - block, metal panels and glass. They offered to work with the Planning Commission. The zone change offers a lot of benefit to the community. Not only do you have a state of the art mill, but also the creation of new jobs. It is a great potential and a win-win for the community.

Mr. George Taylor, representing Mubea, stated that proposed project is a long term investment for Mubea. The latest figures for the project includes a 40 million dollar investment and hiring 130 employees. The location of the project is ideal because of the administrative cost savings from the existing Mubea facility.

Mr. Rich stated that the existing rail spur is beneficial to the project. It will reduce the amount of truck traffic. Mubea will be able to use the rail spur for shipping and receiving. Mr. Rich stated that he could provide some figures.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one present, Chairman Rolfsen asked whether the Board members had any questions or comments?

Mr. McMillian inquired about the rail spur. Mr. Rich responded that the Cincinnati/Southern Railway is adjacent to the site and the rail spur location may shift based upon the final building location.

Mr. Hicks asked about a possible access point off Richardson Road? Mr. Rich answered no because of the difference in elevation. The configuration of building may change a little based upon the plant design.

Mr. Bunger asked about noise and product discharges from the operation of the proposed plant, the use of raw materials and truck traffic.

Mr. Taylor answered that the operation would be a 3 shift, 5 days per week, 24 hour operation. In regard to noise, it would be similar to the existing Mubea facility. There is no major discharge of wastewater. It is a relatively clean process. The hot rolled coil will be transported by rail versus by truck. This is an advantage since the presence of rail service. This is ideal from a material handling or flow standpoint.

Chairman Rolfsen stated that the average daily shift is 40 employees. Perhaps the issue about turning lanes is not critical giving the number of employees and the use of rail. Mr. Taylor stated that all raw materials will be received by rail and products will be shipped by truck and by rail. The majority of the shipping will occur during the day. All material will be stored inside the building.

Mr. Brandstetter asked if the applicant could bring the traffic figures to the Zone Change Committee meeting? Mr. Rich responded yes.

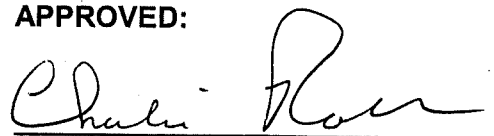
Mr. McMillian asked what Mubea manufactured? Mr. Taylor answered that Mubea currently manufactures suspension springs, stabilizer bars, transmission springs, engine valve springs and spring band hose clamps. The majority of it is used in the automotive industry. The proposed facility will be producing steel for body structures for vehicles. It is cutting edge technology. It is the same type of raw material used at their other facility (8252 Dixie Highway). The new facility will provide raw material to the existing facility across the street.

Mr. Breetz inquired about the building materials and percent of masonry and metal. As outlined in the Staff Report, Mr. Rich explained that Mubea has not finalized the type of building materials because it is early in the process. Their original idea was to mimic the existing building because it is consistent with the buildings already there. They are open looking at options. Mr. Taylor mentioned that they have a similar looking facility in Germany. It is located in a very scenic area. It is the flagship facility for global operations.

Mr. Brandstetter asked if the applicant could provide traffic information about transporting raw materials from the proposed facility to the facility across the street. Mr. Taylor agreed to provide this information to the Zone Change Committee.

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on November 17, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 1, 2010 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 9:09 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to read "Kevin P. Costello", is written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
FEBRUARY 2, 2011
7:00 P.M.**

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Ms. Janet Kegley
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director of Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/Zoning Enf. Officer
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the January 5, 2011 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Reynolds moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously. Mr. Hicks and Mr. McMillian were not yet present.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT

1. Request of Daniel Rich (applicant) for 84 Financial, LP (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Wall noted that the Committee voted unanimously for the project with Mrs. Kegley, Mr. Breetz and Mr. Brandstetter voting in favor of the request. Mr. McMillian entered the meeting room.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit. Mr. Hicks entered the meeting room.

Mr. Dan Rich, BL Spille Construction, stated that he concurred with the conditions. About half of the property is already zoned Industrial Two (I-2). The project consists of manufacturing. It will be a state-of-the-art mill. It will produce blanks of metals that will be shipped to automotive manufacturers. It is a light weight material used for fuel mileage and for crash testing. The project will add 100 jobs to the community. They have no problems with the conditions.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak against the request. Seeing no one, Mr. Brandstetter moved that the request be approved with conditions by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mr. Reynolds seconded the motion and it passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of James W. Berling (applicant) for LPF Corporation (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.

Mr. Hicks announced that he would abstain from voting on this request due to his business relationship with the applicant. Mr. Hicks left the meeting room.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: February 2, 2011

RE: Request of **Daniel Rich (applicant)** for **84 Financial, LP (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.

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 Comprehensive Plan due to the following reasons.
 - A. The Comprehensive Plan's Future Land Use Map designates the majority of the site as "Industrial." This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." A smaller part of the site along both road frontages, and the entire area around the Dixie Highway/Weaver Road/Richardson Road intersection including several unrelated tracts, are designated as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposal is for a manufacturing facility and related offices which are consistent with these designations.
 - B. Several sections of the Comprehensive Plan's text advocate Industrial uses for the overall area, including the subject site. The Land Use Element states "industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25" and "to the east of U.S. 25 manufacturing and distribution uses should occur" ("Devon Area," pg. 147).

The proposal is for a manufacturing facility that is comparable to several existing facilities that are in the Northern Kentucky Industrial Park and in the immediate vicinity. The proposal has a "similar" use, scale, facility design, and traffic characteristics as the comparable existing facilities. The site is within the area that is "southward to Mt. Zion Road" and "east of U.S. 25" mentioned by the text for manufacturing and distribution uses. Industrial development in this general area is also recommended by the Housing Element ("Florence, U.S. 25 Corridor," pg. 79).

The Land Use Element also states that "development should continue along U.S. 25 and Weaver Road, and near the railways" ("Devon Area," pg. 147). The Goals and Objectives encourage industrial development to locate near "railroad lines" and "highways" ("Business Activity," Industrial Objective 1). The site is located at the Dixie Highway/Weaver Road/Richardson Road intersection and the sole access point is proposed along Dixie Highway. The site adjoins an existing rail line, and a proposed rail spur from this line into the facility will reduce over the road traffic.

The Business Activity Element discusses "the eventual restoration and redevelopment of older commercial areas, developments and corridors," including Dixie Highway ("Recommended Areas of Commercial Activity," pg. 64). This Element additionally states that "existing sites should also be examined to enable adaptive re-use or redevelopment of buildings. There are numerous older vacant industrial buildings and sites or under utilized commercial sites that provide redevelopment opportunities" ("Recommended Areas of Industrial and Office Activity," pg. 65). The proposal involves the complete redevelopment of an "older" lumber sales site into a manufacturing plant per the direction of the Comprehensive Plan as discussed above.

2. 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 owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. Use of the site shall be limited to manufacturing and office uses as requested, and customary accessory uses.
2. The building design shall be modified to reduce the broad expanses of metal panels on the facade facing Dixie Highway. Examples of how this could be accomplished include raising the height of the CMU base, providing an alternate face and/or color for the additional masonry, adding design details, providing an alternate material for all facades of the office wing, and/or other solutions which may be proposed at the Site Plan stage. Rotating the building as shown on the revised Concept Development Plan (attached) provided by the applicant at the 11/17/10 Zone Change Committee meeting in response to issues raised at the Public Hearing shall partly fulfill this condition.
3. There shall be no outside storage or outside loading/unloading of materials.
4. The applicant shall provide a right turn lane warrant analysis per the Kentucky Transportation Cabinet standards and approval. If warranted, a right turn lane into the site shall be constructed on Dixie Highway.

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.

ORIGINAL

Lot Size: 10.3 Acres
Building Area:
 Current: 110,839 s.f.
 Future: 104,908 s.f.
 Total: 215,747 s.f.
Maximum Intensity: 226,600 s.f.
Total Parking Provided: 157 spaces

REVISED

Lot Size: 9.639 Acres
Building Area:
 Current: 115,757 s.f.
 Future: 88,544 s.f.
 Total: 204,301 s.f.
Maximum Intensity: 212,058 s.f.
Total Parking Provided: 166 spaces

u/17/10

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford, Vice Chairman
Mrs. Linda Herald
Mr. Charlie Reynolds
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/Enf. Officer

Mr. Rolfsen, Chairman, called the meeting to order at 8:41 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT

3. **Request of Daniel Rich (applicant) for 84 Financial, LP (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.**

Staff Member, Kevin Wall presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The overall site is about 10 acres and the area subject to the zone change is about 7 acres. The rear portion of the site next to the railroad line is already zoned Industrial Two (I-2). It involves the existing 84 Lumber site. The Comprehensive Plan Future Land Use Map recommends Industrial (I) for most of the site with some Commercial (C) near the intersection of Dixie Highway and Richardson Road. The applicant would like to build a plant to manufacture metal products used in the production of automobile parts (see narrative in Staff Report). The submitted Concept Development Plan shows an initial plant wing of 105,000 square feet plus a two level office wing of 11,000 square feet and two future phases that will bring the total square footage of the facility to 220,000 square feet. The plant building is 54 feet in height and the office wing is 32 feet in height. Mr. Wall showed photos of the proposed building elevations and surrounding land uses and buildings. First, in terms of Staff Comments, the Comprehensive Plan's text states that "development should continue along U.S. 25 and Weaver Road and near the railways." The Land Use Element states "industrial uses similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25 and to the east of U.S. 25, manufacturing and distribution uses should occur." Similarly, the Housing Element states "south of Florence to Mt. Zion road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominate." Second, the Staff recommends that the Planning Commission review the permitted uses in the Industrial Two (I-2) zoning district and consider eliminating any uses which are deemed incompatible or inappropriate for this location. He noted that this was done with the Dudley Industrial Park project nearby. Third, Mr. Wall explained the height differences of the proposed building. The concern is the design of the structure consists of large expanses of metal paneling creating a utilitarian aesthetic on a corner of a busy intersection. This concern can be addressed in several ways as outlined in the Staff Report including how the Dudley Industrial Park project addressed this issue. Fourth, the Staff recommends that the existing tree cover be retained and be credited toward their landscaping requirements. If outside storage or loading is included, the Planning Commission should evaluate this based upon the current zoning requirements. The proposed access point is approximately 65 feet from the access to the adjoining tract to the north. The zoning requirements require a minimum spacing of 275 feet along arterial roads like Dixie Highway. Due to stacking and congestion issues at the Dixie Highway/Weaver Road/Richardson Road intersection, Staff is not opposed to the proposed access point. The Kentucky Transportation Cabinet commented that they have not identified any reason for concern with the proposed zone change as it would not change the design of the proposed Dixie Highway improvements (five lane curb/gutter road with sidewalks; no construction time frame has been established). The District also stated that they would not oppose the construction of turn lanes as a requirement for this zone change, but no traffic data was presented. Relative to potential turn lanes, the Staff recommends that the applicant provide estimates for the number of passenger vehicles and trucks which would

use the facility, and a turning radii exhibit for truck movements in and out of the site for the Zone Change Committee to evaluate. In addition, there is a sanitation sewer issue as there is no service currently at the site. The nearest manhole is about 400 feet from the site and capacity will have to be explored based on the amount of wastewater generated.

Mr. Dan Rich, BL Spille Construction, stated that he is representing Mubea seeking the Zone Change request. Mubea is a leading supplier of highly technical components to the automobile industry. Their North American facility in Florence opened in 1982 and currently employs 600 employees. Mubea continues to develop new products and technologies for the automobile industry to reduce vehicle weight and improve fuel economy. They have developed an innovative process for flexible coil rolling of material. It will improve vehicle crash performance. If the zone change is granted, it will allow Mubea to install the first coil rolling mill of its type in North America. It will allow Mubea to offer state of the art technology to the automotive industry with local production. The new flexible coil rolling facility will have over 100,000 square feet. The total investment will be in excess of 20 million dollars and with a potential to employ 100 full time workers. Mr. Rich stated that half of the site is already zoned Industrial Two (I-2) and the site is surrounded by Industrial land uses identified in the Comprehensive Plan. This is not spot zoning. The proposed use is not anything different than what is already in the area. Most of Dixie Highway is currently industrial. This project will not radically change the area. In terms of material, it is up in the air. Initially, they thought about mimicking the existing Mubea building - block, metal panels and glass. They offered to work with the Planning Commission. The zone change offers a lot of benefit to the community. Not only do you have a state of the art mill, but also the creation of new jobs. It is a great potential and a win-win for the community.

Mr. George Taylor, representing Mubea, stated that proposed project is a long term investment for Mubea. The latest figures for the project includes a 40 million dollar investment and hiring 130 employees. The location of the project is ideal because of the administrative cost savings from the existing Mubea facility.

Mr. Rich stated that the existing rail spur is beneficial to the project. It will reduce the amount of truck traffic. Mubea will be able to use the rail spur for shipping and receiving. Mr. Rich stated that he could provide some figures.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one present, Chairman Rolfsen asked whether the Board members had any questions or comments?

Mr. McMillian inquired about the rail spur. Mr. Rich responded that the Cincinnati/Southern Railway is adjacent to the site and the rail spur location may shift based upon the final building location.

Mr. Hicks asked about a possible access point off Richardson Road? Mr. Rich answered no because of the difference in elevation. The configuration of building may change a little based upon the plant design.

Mr. Bunger asked about noise and product discharges from the operation of the proposed plant, the use of raw materials and truck traffic.

Mr. Taylor answered that the operation would be a 3 shift, 5 days per week, 24 hour operation. In regard to noise, it would be similar to the existing Mubea facility. There is no major discharge of wastewater. It is a relatively clean process. The hot rolled coil will be transported by rail versus by truck. This is an advantage since the presence of rail service. This is ideal from a material handling or flow standpoint.

Chairman Rolfsen stated that the average daily shift is 40 employees. Perhaps the issue about turning lanes is not critical giving the number of employees and the use of rail. Mr. Taylor stated that all raw materials will be received by rail and products will be shipped by truck and by rail. The majority of the shipping will occur during the day. All material will be stored inside the building.

Mr. Brandstetter asked if the applicant could bring the traffic figures to the Zone Change Committee meeting? Mr. Rich responded yes.

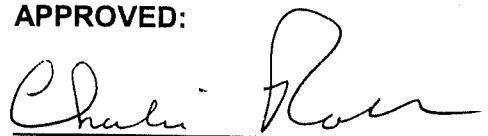
Mr. McMillian asked what Mubea manufactured? Mr. Taylor answered that Mubea currently manufactures suspension springs, stabilizer bars, transmission springs, engine valve springs and spring band hose clamps. The majority of it is used in the automotive industry. The proposed facility will be producing steel for body structures for vehicles. It is cutting edge technology. It is the same type of raw material used at their other facility (8252 Dixie Highway). The new facility will provide raw material to the existing facility across the street.

Mr. Breetz inquired about the building materials and percent of masonry and metal. As outlined in the Staff Report, Mr. Rich explained that Mubea has not finalized the type of building materials because it is early in the process. Their original idea was to mimic the existing building because it is consistent with the buildings already there. They are open looking at options. Mr. Taylor mentioned that they have a similar looking facility in Germany. It is located in a very scenic area. It is the flagship facility for global operations.

Mr. Brandstetter asked if the applicant could provide traffic information about transporting raw materials from the proposed facility to the facility across the street. Mr. Taylor agreed to provide this information to the Zone Change Committee.

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on November 17, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 1, 2010 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 9:09 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to read "Kevin P. Costello", written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: November 17, 2010

RE: Request of **Daniel Rich (applicant)** for **84 Financial, LP (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.

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.

84 Financial, LP/Daniel Rich

November 17, 2010

Janet Kegley

Janet Kegley, Chairwoman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Ben Brandstetter

Ben Brandstetter

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Kim Bunger

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Linda Herald (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 3 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



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

November 22, 2010

Ms. Christine M. Doffi, Corporate Attorney
84 Financial, L.P.
c/o Mr. Daniel Rich
B.L. Spille Construction, Inc.
3140 Crescent Avenue
Erlanger, KY 41018

FAX: 727-2544

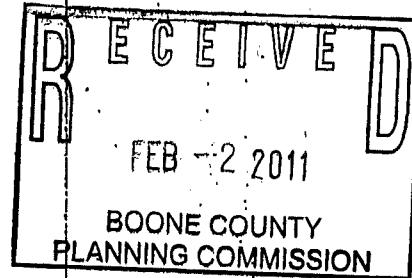
RE: Recommended Conditions of Approval for Daniel Rich/84 Financial, L.P. Zoning Map Amendment from C-3 to I-2 at 8299 Dixie Highway, Boone County, Kentucky

Dear Ms. Doffi:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 11/17/10 meeting. If you, as the property owner's authorized representative agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Monday, November 29, 2010.

CONDITIONS

1. Use of the site shall be limited to manufacturing and office uses as requested, and customary accessory uses.
2. The building design shall be modified to reduce the broad expanses of metal panels on the facade facing Dixie Highway. Examples of how this could be accomplished include raising the height of the CMU base, providing an alternate face and/or color for the additional masonry; adding design details, providing an alternate material for all facades of the office wing, and/or other solutions which may be proposed at the Site Plan stage. Rotating the building as shown on the revised Concept Development Plan (attached) provided by the applicant at the 11/17/10 Zone Change Committee meeting in response to issues raised at the Public Hearing shall partly fulfill this condition.



Ms. Christine M. Dolfi, Corporate Attorney
84 Financial, L.P.
c/o Mr. Daniel Rich
B.L. Spille Construction, Inc.
November 22, 2010
Page 2

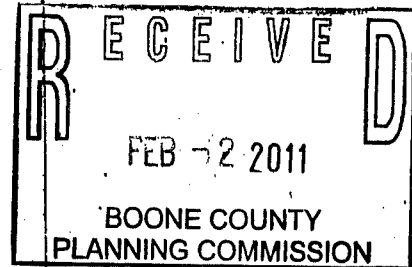
- 3. There shall be no outside storage or outside loading/unloading of materials.
- 4. The applicant shall provide a right turn lane warrant analysis per the Kentucky Transportation Cabinet standards and approval. If warranted, a right turn lane into the site shall be constructed on Dixie Highway.

Sincerely,



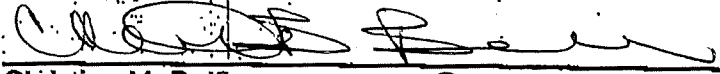
Kevin T. Wall, AICP
Director, Zoning Services

KTW/pr



AGREEMENT

I, the property owner's authorized representative for the approximate 10 acre site located at 8299 Dixie Highway, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.



Christine M. Dolfi
Corporate Attorney

Chris B. Bower

1-14-11

Date

ORIGINAL

Lot Size: 10.3 Acres
Building Area:
Current: 110,839 s.f.
Future: 104,908 s.f.
Total: 215,747 s.f.
Maximum Intensity: 226,600 s.f.
Total Parking Provided: 157 spaces

REVISED

Lot Size: 9.639 Acres
Building Area:
Current: 115,757 s.f.
Future: 88,544 s.f.
Total: 204,301 s.f.
Maximum Intensity: 212,058 s.f.
Total Parking Provided: 166 spaces

R E C E I V E D
FEB 12 2011
BOONE COUNTY
PLANNING COMMISSION

11/17/10

Parcel to be re-zoned from C-3 to I-2
Area = 7.06 acres

Lying south of the City of Florence, Boone County, Kentucky, at the northeast intersection of Dixie Highway (U.S. 25) and Richardson Road and being part of the property conveyed to Hardy Credit Company in Deed Book 958 Page 529, more particularly described as follows:

Beginning at the intersection of the centerline of Dixie Highway and Richardson Road;

Thence with the centerline of Dixie Highway for four (4) calls:

North $05^{\circ}41'00''$ East a distance of 208.14 feet to a point;
North $03^{\circ}29'02''$ West a distance of 69.94 feet to a point;
North $08^{\circ}06'19''$ West a distance of 81.56 feet to a point;
North $11^{\circ}33'09''$ West a distance of 175.21 feet to a point in the westerly extension of the north line of said Hardy Credit Company;

Thence with the northerly line of Hardy Credit Company, North $78^{\circ}20'59''$ East a distance of 563.52 feet to a point in the existing C-3 and I-2 Zone Line;

Thence with said existing C-3 and I-2 Zone Line, South $08^{\circ}44'43''$ East a distance of 569.32 feet to a point in the north line of LMC Enterprises, LLC (D.B. 849 P.G. 187);

Thence with the north line of said LMC Enterprises, LLC, South $58^{\circ}44'58''$ West a distance of 71.43 feet to a point in the existing north right of way of Richardson Road;

Thence South $14^{\circ}17'01''$ West a distance of 32.29 feet to a point in the existing centerline of Richardson Road;

Thence with the center of Richardson Road for three (3) calls:

North $75^{\circ}42'59''$ West a distance of 175.18 feet to a point;
Along a curve to the left with a radius of 480.00 feet ($\Delta=42^{\circ}51'48''$, Chord Bearing = South $82^{\circ}51'07''$ West a chord distance of 350.78') an arc distance of 359.09 feet to a point;
South $61^{\circ}25'13''$ West a distance of 24.37 feet to the POINT OF BEGINNING.

Said parcel contains 7.06 acres.

ORDINANCE 11-04

AN ORDINANCE RELATING TO THE APPROVAL, WITH CONDITIONS, FOR A REQUEST OF DANIEL RICH (APPLICANT) FOR 84 FINANCIAL, LP (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO INDUSTRIAL TWO (I-2) FOR 7.06 ACRES LOCATED AT 8299 DIXIE HIGHWAY, BOONE COUNTY.

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 Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 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 FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

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 Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial

Services (C-3) zone is more particularly described in DEED BOOK 958, PAGE NO. 529
(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 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 herein and are marked as "Exhibit A."

The report, findings of fact and conditions of the Boone County Planning Commission Committee that recommended approval for this request shall be and are hereby incorporated herein and are 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 22nd day of March, 2011.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 5th day of April, 2011 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


DAPHNE KORNBLUM
FISCAL COURT CLERK

PROPOSED
GRADING PLAN

SITE GRADING PLAN
11-14-07

FILE NAME : MUBEA
JOB # : 07-001
DRAWN : J.C.
CHECKED : J.C.
DATE : 11-14-07

BRIEF DATES

PROPOSED FACILITY
MUBEA USA
8299 DIXIE HWY. BOONE COUNTY KY.

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800-797-8800 FAX 800-797-8844

