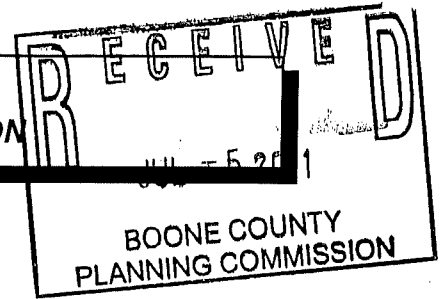


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

2. Name of Project Verst Group
3. Location of Project 2200 Gateway Blvd, Boone County, Ky
4. Total Acreage of Site 6.00
5. Current Zoning I-1/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
8. Proposed Uses (please specify each use) site improvements,
9. Proposed Building Intensities (please specify) N/A
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
12. Name of Applicant(s) Jay Bayer, Bayer Becker
- Phone Number 859-261-1113 Fax No. 261-1710
13. Address of Applicant(s) 209 Grandview Drive
Fort Mitchell, Ky 41017
City State Zip
14. Name of Property Owner(s) Dry Ridge Capital
- Phone Number _____ Fax No. _____
15. Address of Property Owner(s) 300 Sheraland Drive, Walton
Ky 41094
City State Zip
16. Are there any existing buildings on the site? No
How many? _____
17. Deed Book 993 Page No. 958 Group No. 2019
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Jay Bayer, Bayer Becker Engineers (applicant) for Dry Ridge Capital (owner) for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements.

August 3, 2011

REQUEST

This request is for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site that is immediately to the north of the existing development at 2200 Gateway Boulevard (Verst Group). The existing Verst site is approximately 20 acres. The 6 acre tract was recently acquired from the Kenton County Airport Board so that the Verst facility could construct a loop driveway and additional truck/trailer parking. This 6 acre tract is outside of the original Concept Development Plan area for the Gateway Business Park subdivision that was approved in 1996.

The Concept Development Plan illustrates a 30 foot wide driveway that loops around the north side of the existing Verst building and connects the truck court areas on the east and west sides of the building. A new detention basin is proposed in the southwest part of the 6 acre expansion site.

"Future" truck/trailer parking that is surfaced with heavy duty concrete is shown along both sides of the east/west running portion of the driveway. A single tier of spaces is shown along the south side of the drive and a double tier of spaces is shown along the north side of the drive. 112 total truck/trailer spaces are illustrated. The truck/trailer parking is located approximately 125 feet from the existing building, and it may be constructed as a separate phase(s) from the remainder of the improvements.

SITE HISTORY

1996 A Zoning Map Amendment from SR-2/PD to I-1/PD for 56.4 acres, and a Utilization of an Underlying Zone (Concept Development Plan) in an I-1/PD zone for 71.6 acres, was conditionally approved for the original 128 acre Gateway Business Park development (David E. Estes Engineering/Mary Ann Boh request) which includes the initial Verst site (Concept Development Plan alternatives, 7/17/96 Committee Report, and 8/27/96 Boone County Fiscal Court minutes are attached).

1997 A Major Site Plan was approved by the Planning Commission on 8/12/97 for the construction of the Verst facility at 2200 Gateway Boulevard. Two 201,600 square

foot building phases (403,200 sf total) and related site improvements were approved on this plan.

2011 A Major Site Plan was approved by the Planning Commission on 5/27/11 for modifications to some of the previously approved phase 2 site improvements for the Verst facility. The phase 2 improvements are currently under construction.

SITE CHARACTERISTICS

The site is currently undeveloped pasture. A small area of existing tree cover in the southwest corner of the site is shown on the 2009 aerial photography. The topography of the site is gently sloping with a low swale that runs from the northeast to southwest corners. The high points are along the north property line and the southeast corner at approximately el 870, and the low point is near the southwest corner at approximately el 850. Soil types on the site include Avonburg silt loam (Av) and Rossmoyne silt loam (RsB and RsC).

ADJACENT LAND USES AND ZONING

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

- A. A vacant area owned by the Kenton County Airport Board is located to the north and northeast (I-1/PD).
- B. A light industrial facility is located to the east along Gateway Boulevard (I-1/PD).
- C. A vacant area approved for future development in Gateway Business Park is located to the south across Gateway Boulevard (I-1/PD). A vacant tract that fronts on Conrad Lane and Bullittsville Road that is owned by the Commonwealth of Kentucky is located to the southwest (SR-1).
- D. Agricultural uses including several detached single family residences are located to the west (A-2 and SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's 2030 Future Land Use Map designates the site as "Business Park." This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities,

constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses.”

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

- A. Due to the impacts of noise, industrial uses are recommended on the east side of Limaburg Road. A substantial land area is located in the east-west flight path, extending west of KY 237 to Bullittsville Road, and is suitable for Business Park development. No industrial access should occur to Bullittsville Road. The north side of Conrad Lane, shown as Business Park, should contain an extensive buffer area to protect the developing residential subdivisions to the south. Planned Business Park development on Conrad Lane east of KY 237 should be accessed through industrial development to the north and not contain access to Conrad Lane, unless Conrad Lane is connected in the future to the South Airfield Road to the east. Due to the existing aesthetic qualities of this area, including rolling topography and stands of mature trees, the industrial development of this area should incorporate these features into planned site designs. In particular, existing areas of mature woods should remain intact to retain the character of the Ky 237 corridor and provide a transition into adjoining residential areas (“14. Airport Area,” pg. 153).

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 . . . ("Landscaping," pg. 141).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. 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. 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. ("Recommended Areas of Industrial and Office Activity," pg. 65).
- B. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities. This examination can be performed by using the Cincinnati/Northern Kentucky International Airport Master Plan and by conducting an Off-Airport Land Use and Zoning Study ("Recommended Areas of Industrial and Office Activity," pg. 66).

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

- A. Hebron-Idlewild Area - The new north-south airport runway has eliminated several existing subdivisions from the KY 20 corridor, east of Hebron. These include the Laurel Drive area, the part of Hickory Glen Subdivision south of Conner Road, Sycamore Drive, and Ada Lane. As shown on the Residential Growth Map, the growth along KY 20 in the Bullittsville area will continue. As demonstrated in

Burlington where many Ethan's Glen residents relocated to subdivisions in that area, some Laurel Subdivision and Hickory Glen Subdivision residents may have relocated to new subdivisions west along KY 20 (Geographic Housing Issues, 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 (824) is expected to increase from 4,116 in the year 2000, to 5,789 in 2010, and to 7000 in 2020 (pp. 24 and 25).

The "Summary of the 2005 Boone County Transportation Plan Recommendations" section of the Transportation Element list projects in the area described as "KY 237 and Gateway Blvd. signal study" and "KY 237 and Conrad Ln lane improvements" (pg. 129). The "Street Connections" section lists a project described as "South Airfield Road to KY 237 at Conrad Lane" (pg. 130).

The adopted 2010 Goals and Objectives include the following pertinent statements.

- A. Proper design principles shall be applied in development ("Overall," Objective 3).
- B. 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).
- C. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- D. Innovative development design methods shall continue to be pursued and supported through incentives ("Overall," Objective 9).
- E. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- G. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).

- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well-maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- J. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future industrial development must be located where infrastructure exists or is planned. Future industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
- K. Effective site placement, architectural design and 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).

BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 5-2 "Operational Improvement Plan Project Locations" (pg. 5-4) designates the following three "capacity/congestion" improvements in the vicinity. The descriptions and recommendations for these improvements are outlined in Exhibit 5-3 "Operational Improvement Plan Project List."

Map ID 28 - KY 237 North Bend Road at Gateway Boulevard: Perform study to develop optimized signal timing plans that minimize delay (pg. 5-11).

Map ID 29 - KY 237 North Bend Road at Conrad Lane: Install full right turn lanes on northbound and southbound approaches (pg. 5-12).

Map ID 44 - New Road: New connector road across from Gateway Business Park between KY 237 North Bend Road and KY 3168 Limaburg Road (pg. 5-16).

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 this site as "Business Park." This designation is described as "a mix of office warehouse,

research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

The Comprehensive Plan also discusses the provision of Business Park uses in this vicinity. The Land Use Element (pg. 153) states "a substantial land area is located in the east-west flight path, extending west of KY 237 to Bullittsville Road, and is suitable for Business Park development. No industrial access should occur to Bullittsville Road. The north side of Conrad Lane, shown as Business Park, should contain an extensive buffer area to protect the developing residential subdivisions to the south." Substantial buffering was installed along Conrad Lane with the initial subdivision improvements, and certain height and setback standards are required for development in the south part of the Gateway Business Park Subdivision in respect to the residential subdivisions across Conrad Lane. These are outlined in the 1996 conditions of approval. The subject 6 acre site for this application is on the opposite side of the subdivision.

Similarly, the Business Activity Element (pg. 66) states "the area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities. This examination can be performed by using the Cincinnati/Northern Kentucky International Airport Master Plan and by conducting an Off-Airport Land Use and Zoning Study." This is reinforced by the Business Activity, Industrial Objective 1 which states in part "industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land." The Business Activity Element (pg. 65) also states in a generic sense that "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."

2. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations. The introductory paragraph of this section states "the Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal." When considering that the proposal is for a relatively small "utility" expansion at the rear of a larger development, and that the subject site adjoins several hundred vacant acres to the north and east owned by the Kenton County Airport Board, Staff has only the following comments based on subsection #2 "Compatibility of Uses" and

#6 "Landscaping." Relative to subsection #11 "Conformance with Comprehensive Plan," the Comprehensive Plan is discussed above.

Perimeter Buffer Yards: "Buffer Yard A" (10' wide area w/ specified plantings) is required along the north and east boundaries of the subject 6 acre site. Buffer Yard A is also required along most of the west boundary. A smaller area at the southern end of west boundary (approximately 90') adjoins an A-2 zone which requires the provision of Buffer Yard D (80' wide area w/ specified plantings or 40' wide area w/ specified plantings and 6' berm, wall, or fence).

The width of the proposed buffer area at the southern end of the west boundary scales to approximately 35 feet on the Concept Development Plan. Staff is not opposed to the reduction shown for this buffer yard when considering it adjoins a wooded area that scales to approximately 230 feet wide at the southeast corner of the subject lot, and the closest building on the tract to the west is approximately 1,200 feet away. Additionally, the width of this buffer area is largely set by the placement of the truck court on the west side of the building, which was approved on a Major Site Plan in 1997 under a different set of landscape requirements (version from 1991 zoning regulations). Per Section 1500 of the zoning regulations, requirements such as buffer yards may be varied in the PD overlay zone through the Concept Development Plan approval process.

Based on the fact that the adjoining sites are either undeveloped or agricultural, Staff recommends that the buffer area plantings consist of a hardwood and evergreen tree combination to create a vegetative buffer that at least partially mimics natural vegetation. Seed/seedling plantings could be part of the landscape scheme to help naturalize the buffer's appearance over time. Based on the location of the site relative to active uses, small ornamental plantings including shrubs would be of little value. As part of this recommendation, the combination of nursery stock and seed/seedling mix would be reasonably commensurate with the plant quantities normally required for each buffer yard type.

Additionally, any healthy, mature existing vegetation that may still be existing in the southwest corner of the site can be credited toward the landscape requirements if it is retained. Retention of such existing vegetation is advocated by both Section 1514 (subsections #5 and #6) and the Comprehensive Plan.

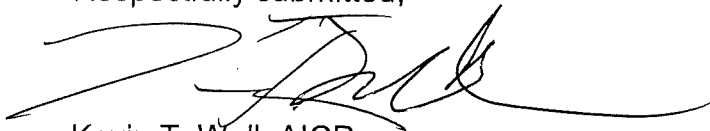
Lighting: Condition #6 in the original 1996 approval states "freestanding site lighting fixtures shall not exceed 15 feet in height and shall be downlit." To avoid light spilling onto adjoining properties and lessen the potential for a light "dome" to occur over the site, Staff recommends that either the same or a similar condition be applied to the 6 acre expansion site as well.

3. Greg Sketch, P.E., PLS, Boone County Engineer, has reviewed the Concept Development Plan and has no comments on the proposal at this point.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the proposed Concept Development Plan in terms of the requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Future Land Use Map will not need be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services


KTW/dw

attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- topographic map
- 1996 Estes/Boh Concept Development Plan alternatives 1 and 2, 7/17/96 Committee Report, and 8/27/96 Boone County Fiscal Court minutes
- application materials including Concept Development Plan

Location

www.boonecountygis.com


**SUBJECT
SITE**

GATEWAY BLVD

LIMBURG RD

ANDOVER CT

REGAL RIDGE DR

VENETIAN WAY
FERDINAND DR

ELKWOOD DR

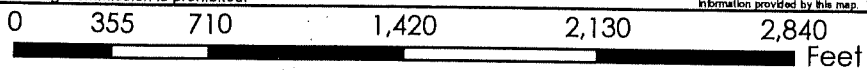
NORTH BEND RD

CORNELL DR

CONRAD LN

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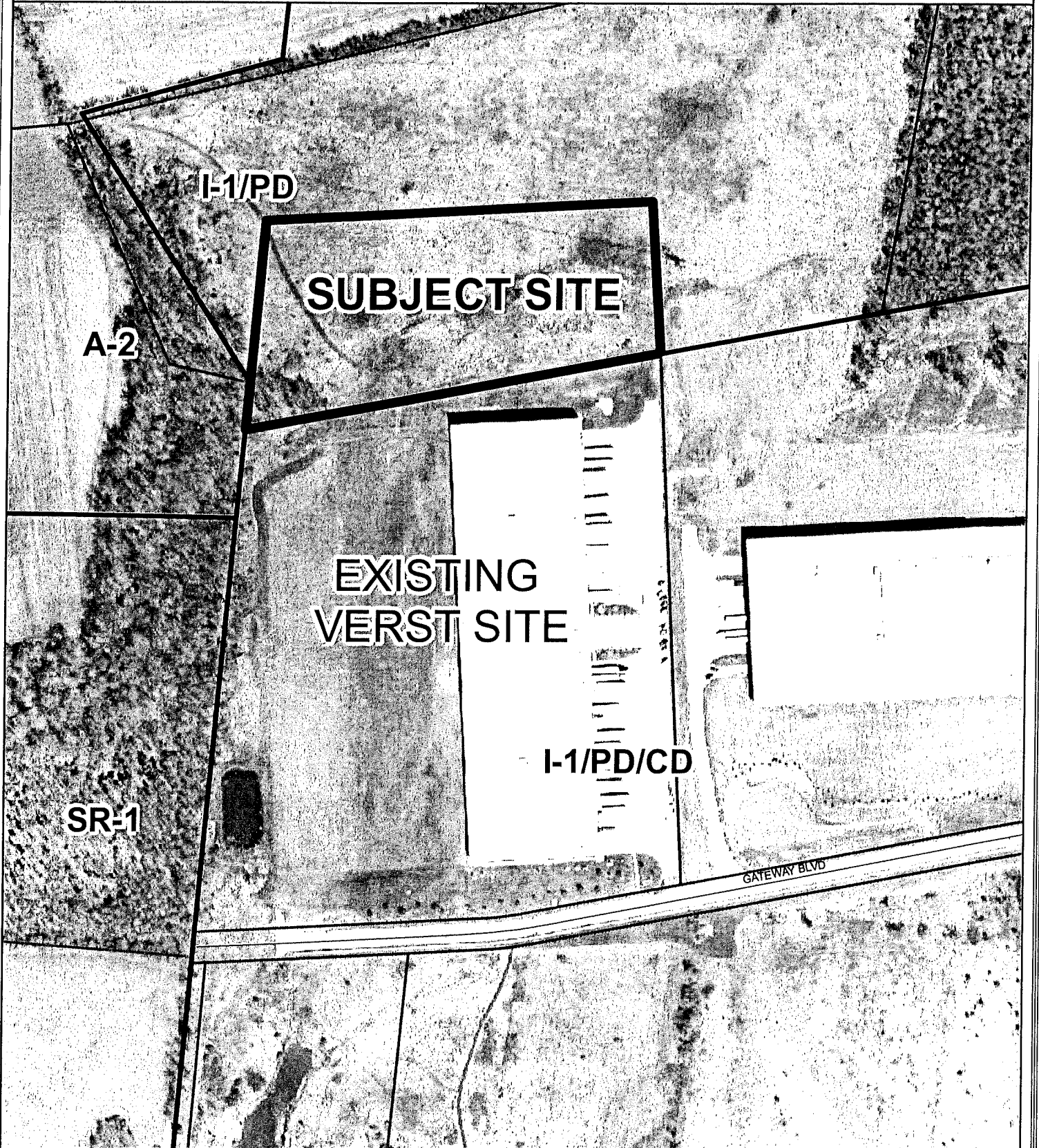
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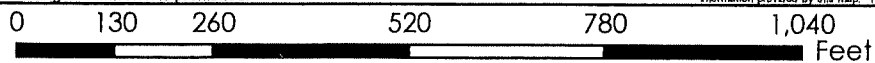
Zoning

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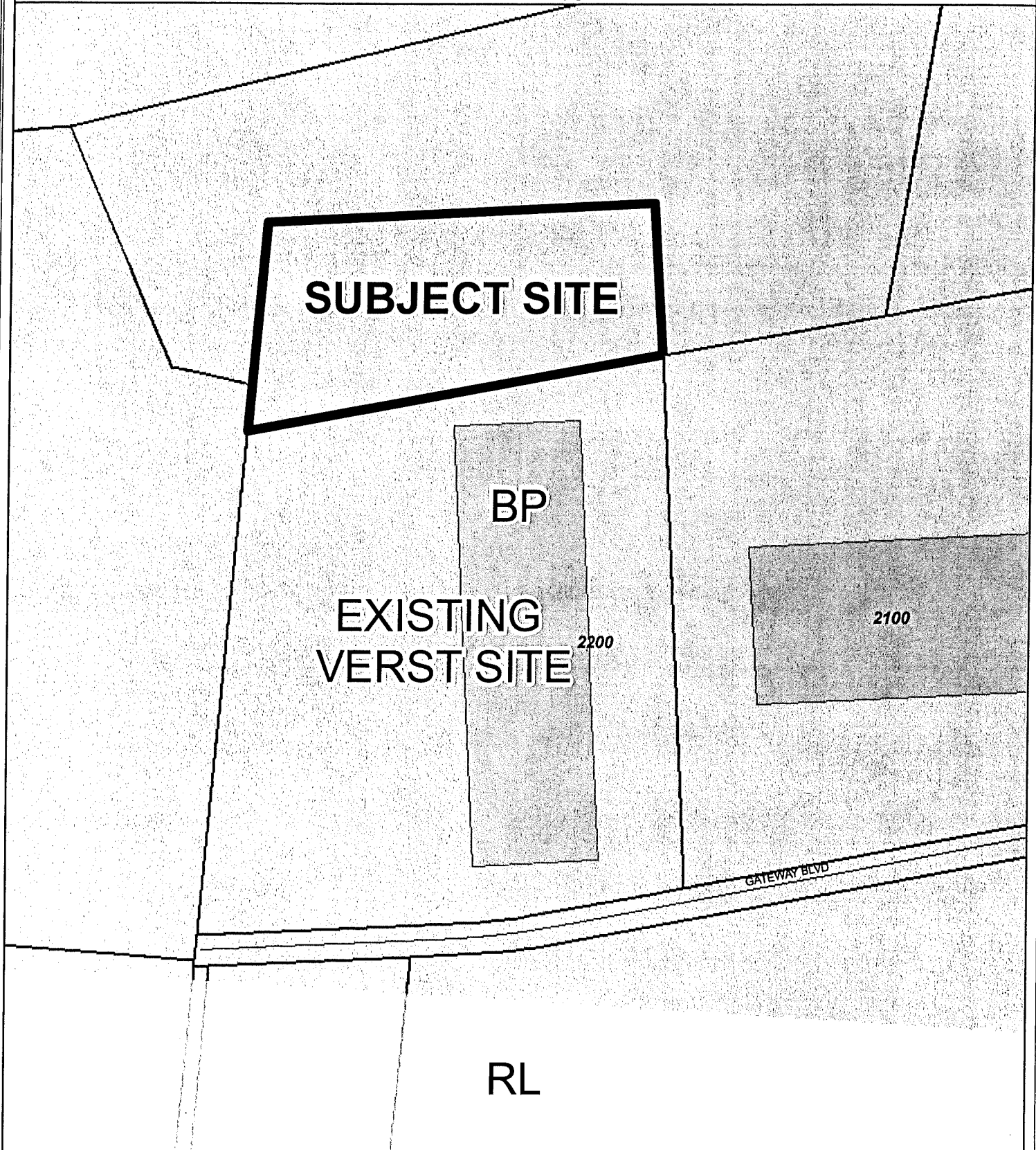
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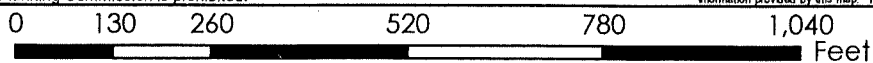
Future Land Use

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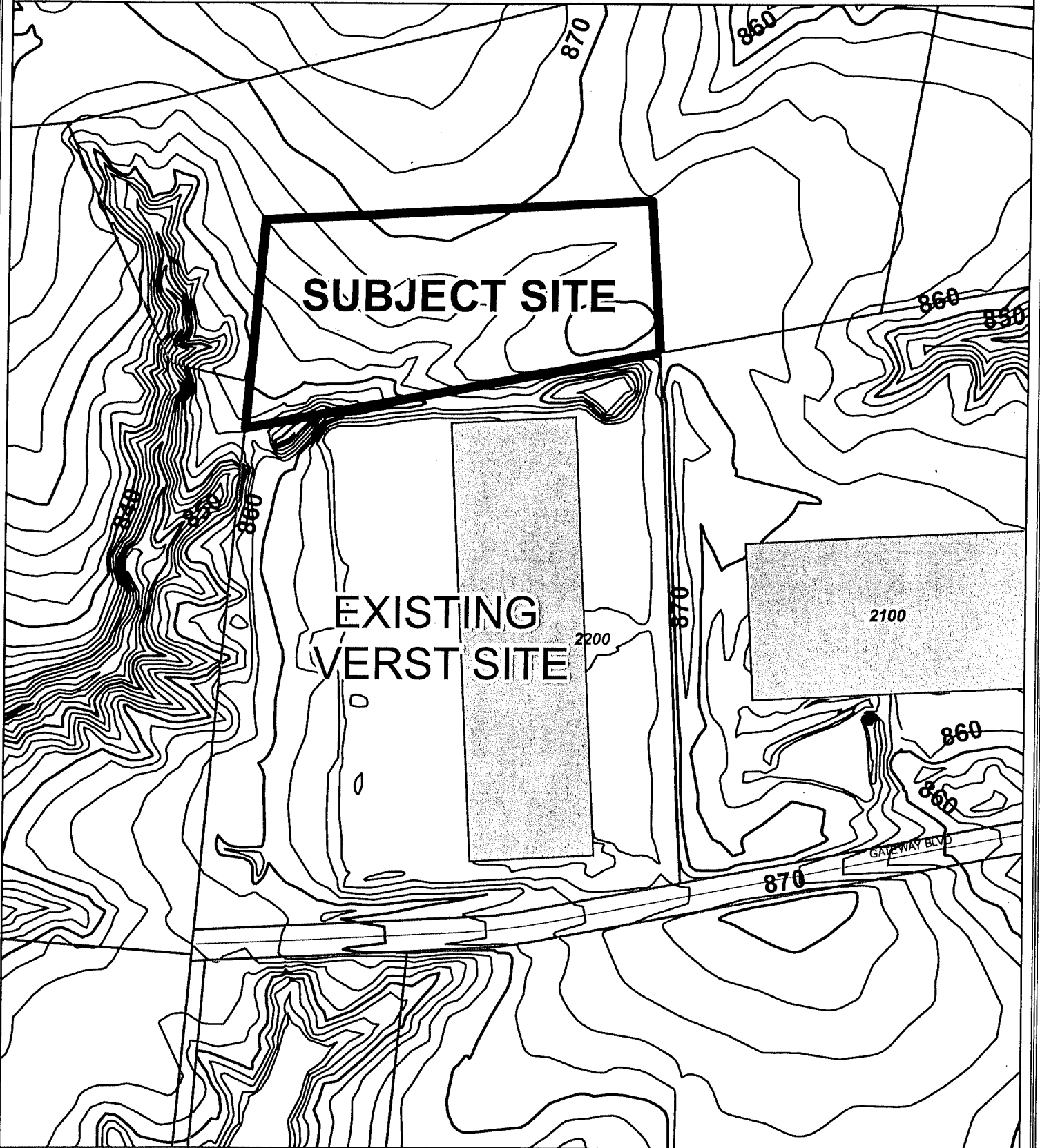
1 inch = 254 feet



Boone County GIS - Putting Northern Kentucky on the Map

Topography

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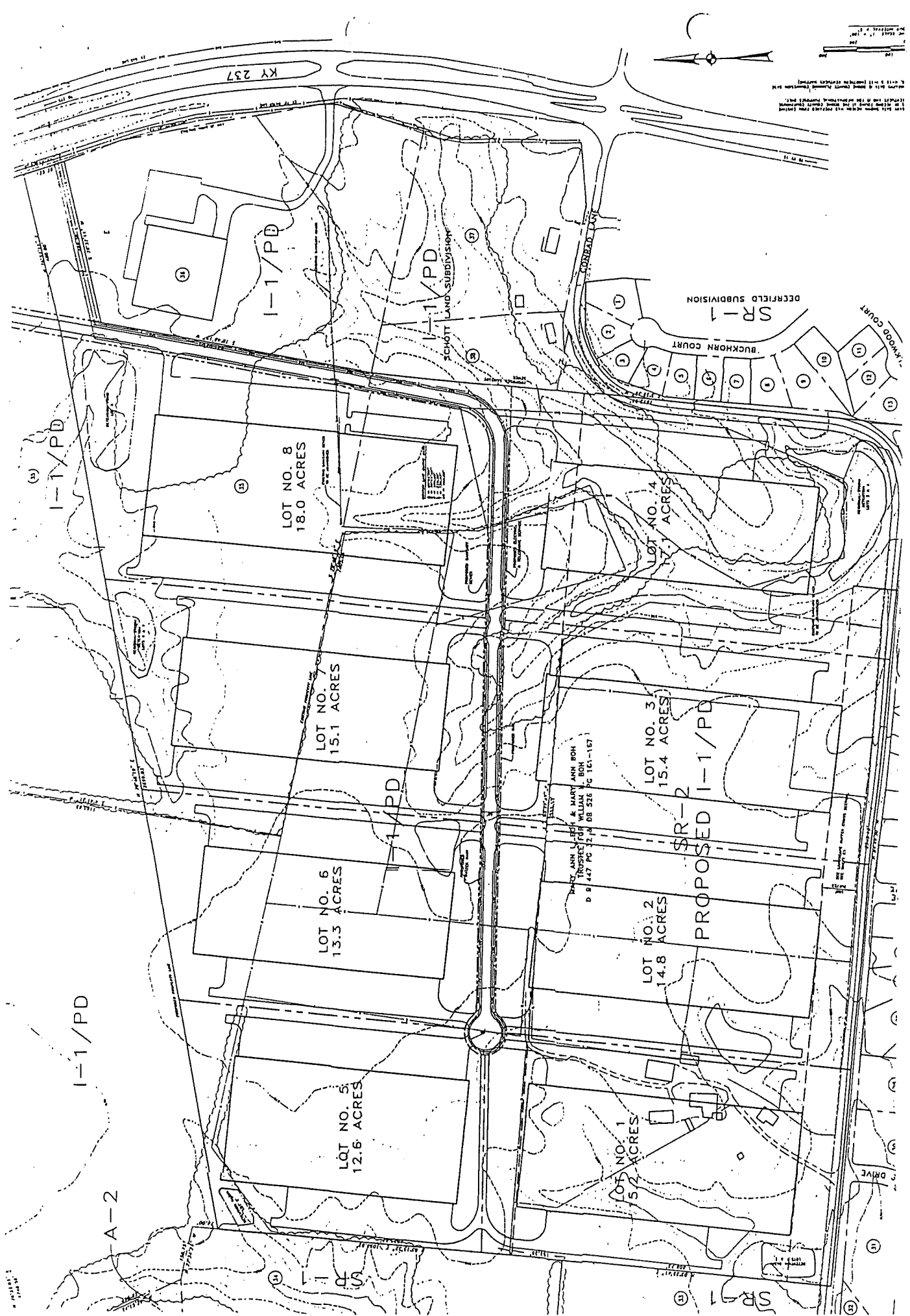


0 130 260 520 780 1,040 Feet

1 inch = 254 feet



Boone County GIS - Putting Northern Kentucky on the Map



1996 CONCEPT DEVELOPMENT PLAN

ALTERNATIVE 1

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: July 17, 1996

RE: Request of David E. Estes Engineering, Inc. (applicant) for Mary Ann Boh (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Industrial One/Planned Development (I-1/PD) for 56.4 acres of the site and the Utilization of an Underlying Zone in a Industrial One/Planned Development (I-1/PD) zone for approximately 71.6 acres of the site, to allow a light industrial park on an approximately 128 acre site located along KY 237 and Conrad Lane, Boone County, Kentucky.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the proposed Zoning Map Amendment and Concept Development Plan are in agreement with the 1995 Boone County Comprehensive Plan's Future Land Use Map which indicates the northern two-thirds of the site as "Business Park." In addition, the extensive setbacks from Conrad Lane, and related building height restrictions, required by condition #8, fulfill the essential purpose of the "Rural Lands" designation given to the southern one-third of the site along Conrad Lane. In addition, the request as a whole fulfills the applicable goals, objectives, and policies of the Boone County Comprehensive Plan that relate to the proposal.
2. The Committee has concluded that due to the fact that portions of the site are within the 65 Ldn contour as delineated on the Official Noise Exposure Maps for the foreseeable future, and that the proposal involves a single identifiable site, the current Suburban Residential Two (SR-2) zoning classification for the southern part of the site is inappropriate and the proposed Industrial One/Planned Development (I-1/PD) zoning classification is appropriate.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan, as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. Landscaping requirements for the individual development sites within the project shall be provided in the protective covenants, and shall meet or exceed the requirements contained in the Boone County Zoning Regulations. The landscaping requirements shall be subject to review and approval by the Planning Commission prior to the submission of any Site Plan applications.
2. Continuous berms that vary in height from 12 to 15 feet shall be installed along Conrad Lane. Trees shall be installed on the berms immediately after the berms are constructed. In addition, the following shall apply to the berm/tree buffer:
 - A. The total number of trees to be installed on the berms shall be equivalent to an average spacing of 12 feet on center along the full length of the south property line.
 - B. The trees shall be largely arranged in groups or clusters as to create a natural appearance.
 - C. The total percentage of evergreen trees provided on the berms shall be at least 60 percent, but shall not exceed 80 percent. In addition, the trees shall vary in height from 6 to 8 feet at planting.
 - D. The tree/berm buffer shall be installed along the entire length of Conrad Lane along with, and shall be considered a part of, the subdivision improvements for Phase I.
- ~~3. Any loading docks that face the north-south leg of Conrad Lane must be screened with a combination of berming and a mixture of evergreen trees that total at least 16 feet in height at planting.~~

Jan Zell

4. For reasons of public safety, the detention pond near the north-south portion of Conrad Lane shall be dry. The basin will be designed with a channel at the bottom and mowable slopes to ensure proper drainage and an attractive, neat appearance.
5. Outside storage shall be prohibited in the protective covenants. In addition, no loading docks shall be permitted to face Conrad Lane.
6. Freestanding site lighting fixtures shall not exceed 15 feet in height and shall be downlit.
7. The "shorter" facade widths of the southern-most structures shall face the adjacent residential areas to the south along Conrad Lane (i.e., the shorter dimensions of the structures as viewed in plan). If the applicant desires to have a "longer" facade width face these areas then the proposal must follow the Change in Concept Development Plan procedure.

Architectural guidelines for all structures shall be provided in the protective covenants for the development and shall be subject to review and approval by the Planning Commission prior to the submission of any Site Plan application. These guidelines shall require that any building facade that faces the residential areas shall be constructed of masonry, a architectural grade concrete material, or a combination of masonry and architectural grade metal panels, and shall include reveals, offsets and painted detailing to attempt to reduce the apparent overall scale of the facade with respect to the adjacent uses. All colors used on this facade shall be reflective of natural materials to be sensitive to the adjacent residential uses. The guidelines shall include appropriate measures for screening roof equipment. The guidelines shall be enforced through the protective covenants.


8. ~~REFER TO CONDITION 8 ATTACHMENT. See call~~
The following height and setback restrictions shall apply to the development. Building height shall be measured to the highest portion of a building, inclusive of roof mounted mechanical equipment or other such appurtenances. The setbacks noted are measured from the existing, northern right-of-way line of the southern, east west portion of Conrad Lane.
 - A. ~~Refer to the attached document entitled "Boh Property Condition 8A, Attachment."~~
 - B. ~~The southern-most buildings in the development shall have a maximum height of 32 feet when setback at least 250 feet. However, for each 8'4" that the building setback is increased beyond the 250 foot setback, the building height may be increased by 1 foot, up to 38 feet~~

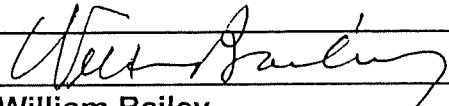
- ~~C. With the exception of the buildings stated in conditions "8A" and "8B" above, buildings that are setback between 300 feet and 500 feet from the existing northern right-of-way line of Conrad Lane may be up to 38 feet in height, and buildings that are setback at least 500 feet from said right-of-way line may be up to 50 feet in height.~~
- ~~D. All parking areas shall be setback at least 175 feet from the existing north right-of-way line of the southern, east-west portion of Conrad Lane.~~
- 9. Subject to final approval by the Boone County Public Works Department through the Preliminary Plat procedure, the applicant shall dedicate an additional 10 feet of right-of-way along the north side of the southern, east-west portion of Conrad Lane. Also subject to final approval by the Boone County Public Works Department through the Preliminary Plat procedure, the applicant shall dedicate a reasonable amount of right-of-way in the southern 90 degree turn of Conrad Lane, at the southeast corner of the site, to help alleviate the existing geometrics of the road. Neither of these dedications, should they occur, shall increase the setbacks provided in condition #8, as they are measured from the right-of-way line existing as of the date of the Planning Commission's approval.
- 10. An emergency access shall be provided on Conrad Lane along the southern portion of the site at the time of development of the western-most lot. The type of gate, chain, barricade, etc., for the emergency access, and the width and type of surfacing, shall be subject to review and approval by the Hebron Fire Protection District and Burlington Fire Department.
- 11. To ensure compatibility with the adjacent residential uses, all Conditional Uses typically permitted in the I-1 zoning district shall not be permitted in this development, with the exception that the following shall be permitted through the normal Conditional Use Permit procedures:
 - A. The storage of chemicals;
 - B. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;

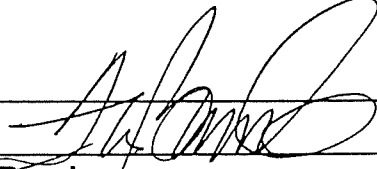
C. Nursery and child care centers.

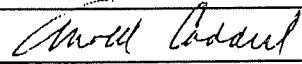
- 12. The design of the park entrance from KY 237 shall be coordinated with the Kentucky Transportation Cabinet. Turn lanes shall be provided.
- 13. Refer to the attached document entitled "Boh Property - Condition 13, Attachment."

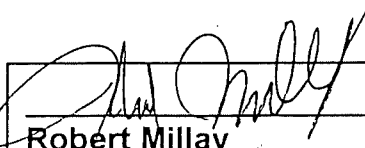
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

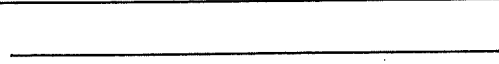
	
Phil Damstrom, Chairman	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
William Bailey	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Fred Burch	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Arnold Caddell	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Robert Millay	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Barry Neltner	
For <input type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input checked="" type="checkbox"/>

TOTAL:	<u>5</u> FOR	<u> </u> AGAINST	<u> </u> ABSTAIN	<u>1</u> ABSENT
--------	--------------	--------------------	--------------------	-----------------

8. The following height and setback restrictions shall apply to the development. Building height shall be measured to the highest portion of a building. (Note: Roof top mechanical equipment shall be excluded from the definition of building height, except to the extent that they fall within the southernmost 250 feet of the site.) The setbacks noted are measured from the existing, northern right-of-way line of the southern, east-west portion of Conrad Lane.
 - A. The southern-most buildings in the development shall have a maximum height of 26 feet and a minimum setback of 200 feet. However, for each 8'-4" that the building setback is increased beyond the 200 foot setback, the building height may be increased by 1 foot, up to 38 feet.
 - B. Buildings that are setback between 300 feet and 500 feet from the existing northern right-of-way line of Conrad Lane may be up to 38 feet in height, and buildings that are setback at least 500 feet from said right-of-way line may be up to 50 feet in height.
 - C. All parking areas shall be setback at least 175 feet from the existing north right-of-way line of the southern, east-west portion of Conrad Lane.

BOH PROPERTY - CONDITION 13

ATTACHMENT

The applicant shall dedicate a sixty (60) foot wide right-of-way to provide for a future street connection between the proposed street shown on the Concept Development Plan and the adjacent property to the west. Such right-of-way extension shall be a logical extension of the right-of-way dedicated for road and utilities through the Boh Property development. Such right-of-way shall be dedicated no later than two years from the date this condition is approved by the Boone County Planning Commission. The applicant shall not be responsible for the cost of the extension of the roadway improvements or utility improvements beyond those specifically shown on the Concept Development Plan.

MINUTES
BOONE COUNTY FISCAL COURT
August 27, 1996
5:30 P.M.

ORDINANCE NO. 920.336 - CLEVES/ESCUE/ALLIED LAND DEVELOPERS, LLC

Judge Lucas presented a letter from the applicant requesting the Public Hearing/Second Reading of Ordinance No. 920.336, an ordinance of the Boone County Fiscal Court to consider the request of Joseph Cleves (Applicant) for Frazier and Dorothy Escue (Owners) and Allied Land Developers, LLC (Owners By Option) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban Estates to Suburban Residential One (SR-1) on an approximate 102 acre site generally located near Bullock Lane and KY 237, Boone County, Kentucky, recommended by a vote of 7-6 by the Boone County Planning Commission via Resolution No. R-96-017-A, be deferred to the meeting of September 24th. Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve same. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

ORDINANCE NO. 920.337 - ESTES, INC./BOH

Judge Lucas read a summary of Ordinance No. 920.337 and declared a Public Hearing open at 6:12 p.m. Mr. Tom Banta, representing the Corporex and the owner, presented a letter regarding clarification of Condition #13 placed by the Boone County Planning Commission. It was noted the Planning Commission had no objection to the clarification. Judge Lucas closed the Public Hearing at 6:16 p.m.

*Nicki,
See attached
ck.*

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.337, an ordinance of the Boone County Fiscal Court to consider the request of David E. Estes, Inc. (Applicant) for Mary Ann Boh (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Industrial One/Planned Development (I-1/PD) on a 56.4 acres of the site and the utilization of an underlying zone in an Industrial One/Planned Development (I-1/PD) zone for approximately 76.1 acres of the site generally located at KY 237 and Conrad Lane, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-96-016-A, along with clarification of Condition #13 as presented. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibits "H" & "I"

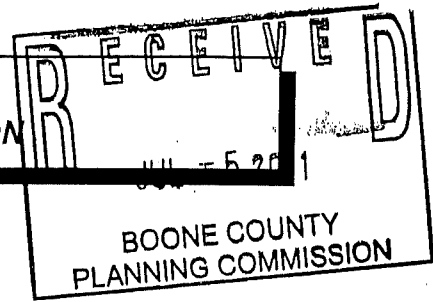
ORDINANCE NO. 920.338 - EXTENDED STAY HOTEL OF AMERICA/FLORENCE CHURCH OF CHRIST

Judge Lucas read a summary of Ordinance No. 920.338 and declared a Public Hearing open at 6:18 p.m. Hearing no objection, Judge Lucas declared the Public Hearing closed at 6:21 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920.338, an ordinance of the Boone County Fiscal Court to consider the request of Extended Stay Hotel of America (Applicant) for Florence Church Of Christ (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Public Facilities/Planned Development (PF/PD) to Office Two/Planned Development (O-2/PD) on a 2.6 acre site generally located at I-75 and Turfway Road, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution R-96-019-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project Units + Group
- 3. Location of Project 2200 Gateway Blvd, Boone County, Ky.
- 4. Total Acreage of Site 6.001
- 5. Current Zoning I-1/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
- 8. Proposed Uses (please specify each use) Site improvements,
- 9. Proposed Building Intensities (please specify) N/A
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
- 12. Name of Applicant(s) Jay Bayer, Bayer Becker
- Phone Number 859-261-1113 Fax No. 261-1710
- 13. Address of Applicant(s) 209 Grandview Drive
- Fort Mitchell, Ky 41017
- City State Zip
- 14. Name of Property Owner(s) Dry Ridge Capital
- Phone Number _____ Fax No. _____
- 15. Address of Property Owner(s) 300 Shawland Drive, Walton
- Ky 41094
- City State Zip
- 16. Are there any existing buildings on the site? No
- How many? _____
- 17. Deed Book 993 Page No. 958 Group No. 2019
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

19. Please check the following organizations/agencies which you have discussed the proposed development with in 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
- 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: _____

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence Union

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

22. ORIGINAL Applicant's Signature *Jay F. Byer*
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 7-5-11 Fee Received \$2402 @ #63119
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 No. of copies of plan received **
3. Is application complete? 2 YES NO
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 8/3/11
7. Boone County Planning Commission Action:
 Approved Approved With Conditions
 Denied
8. Other: _____

** Five (5) Copies Required

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

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

Notes:

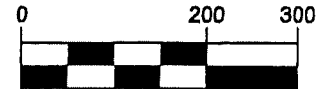
- 1) This Plat is Subject to all easements and rights-of-ways of record.
- 2) This plat of survey represents a boundary survey and compiles with 201 KAR 18:150.

REMAINING
KENTON COUNTY AIRPORT BOARD
D.B. 635, PG. 68
23.5212 ACRES

EXHIBIT B



Basis of Bearing:
State Plane NAD83 GPS Observations



SCALE: 1" = 200'

N87°01'04"E 747.43'

S02°58'56"E 284.70'

6.000 ACRES

261362 S.F.
TO BE CONVEYED
KENTON COUNTY AIRPORT BOARD
D.B. 635, PG. 68
23.5212 ACRES
GROUP#2019
ZONE: I-1/PD

T.P.O.B.

P/L

FND 1/2" IP
LS #3494

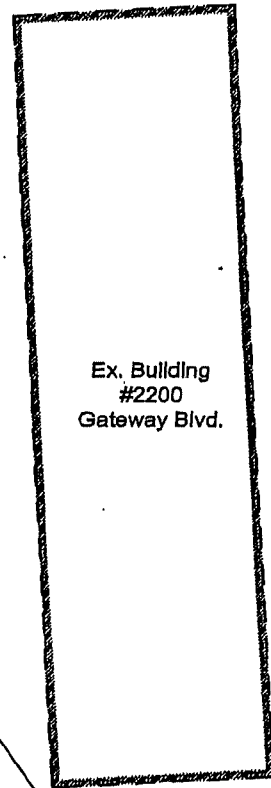
N05°03'47"E 397.40'

FND MAG-NAIL
IN POST

89.27'

FND 5/8" IP
LS #2339

S79°18'10"W 810.38'



MONUMENTATION

- Set 5/8"x30" Iron Pin (PLS#3292,2916,3275,3238)
- Found 5/8" Iron Pin

FND 5/8" IP
LS #2339

MELVIN E. ELSLAGER AND
JUANITA G. ELSLAGER
D.B. 862, PG. 892
PARCEL I - 199 ACRES

DRY RIDGE CAPITAL
D.B. 678, PG. 270
ORIGINAL 20.4203 ACRES
LOT 1
GATEWAY INTERNATIONAL
BUSINESS PARK
SECTION 1
P.C. 3B, PG. 489

THE C.W. ZUMBIEL COMPANY
D.B. 887, PG. 88
LOT 2
GATEWAY INTERNATIONAL
BUSINESS PARK
SECTION 2
P.C. 5, PG. 76

STATE OF KENTUCKY
CHRIS R. GEPHART
3292
LICENSED
PROFESSIONAL
LAND SURVEYOR

Δ=7°42'54"
R=720.00'
L=96.95'
Ch=S83°09'37"W
96.88'

Chris R. Gephart
3-30-11

FND 1/2" IP
(WITNESS)

3430' to
KY Hwy 237 Ex. R/W

P.O.B.

S79°18'10"W 299.52'

Gateway Blvd.

S87°01'04"W 544.16' Ex. R/W

CORPOREX PARKS
OF KENTUCKY, INC.
D.B. 721, PG. 104
7.6753 ACRES

CORPOREX PARKS OF KENTUCKY, INC.
D.B. 773, PG. 437
27.1286 ACRES

P & Z Code No. 4934

Drawing:	10K157-001 SP
Scale	1"=200'
Drawn by:	ARV
Checked By:	CRG
Issue Date:	3/30/11

**KENTON COUNTY
AIRPORT BOARD**

UNINCORPORATED BOONE COUNTY
COMMONWEALTH OF KENTUCKY

PLAT OF SURVEY



209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113



1/2" = 1' Scale

10/15/2011 CONCEPT DEVELOPMENT PLAN

Drawn by ARV

Checked by RTK

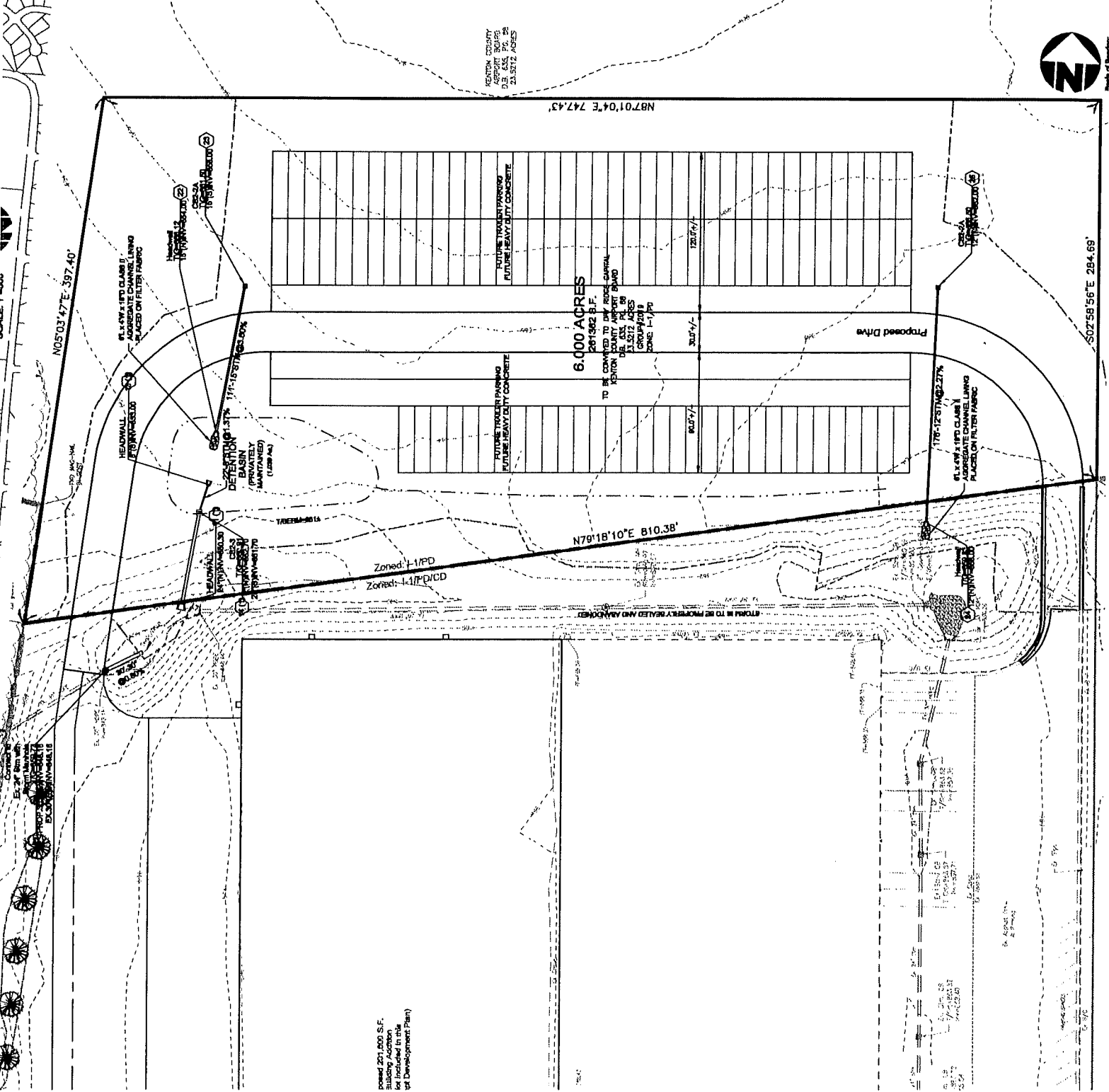
1/2" = 1' Scale

bayer
www.bayerboone.com
208 Grandview Drive
Fort Mitchell, KY 41017 - 859.281.1113

VERST GROUP LOGISTICS
2200 GATEWAY BLVD
UNINCORPORATED BOONE COUNTY
COMMONWEALTH OF KENTUCKY
CONCEPT DEVELOPMENT PLAN

Item	Revision Description	Date	Drawn	ARV	RTM
1	Issued to Boone County Planning Commission for Concept Development Plan Approval	7/24/11	ARV		

ALL RELATED OFFICE DRAWINGS, SPECIFICATIONS, AND ECONOMIC MEDIA PREPARED OR PUBLISHED BY BAYER BECKEN (B) ARE INSTRUMENTS OF PROFESSIONAL SERVICE, AND IN THE EXCLUSIVE PROPERTY OF BAYER. NO DUPLICATION, USE, REPRODUCTION, OR DISSEMINATION IN WHOLE OR IN PART, MAY BE MADE WITHOUT THE WRITTEN PERMISSION OF BAYER BECKEN (B).



6,000 ACRES
261,562 S.F.
TO BE COMPLETED BY THE KENTUCKY AIRPORT BOARD
KENTUCKY AIRPORT BOARD
215.435 ACRES PLACED
31,527.2 ACRES
ZONED 1-1/2 PD

FUTURE TROOPERT PARKING
FUTURE HEAVY DUTY CONCRETE

HEADWALL (1/2\"/>

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 3, 2011
7:43 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Rolfsen, Chairman, called the meeting to order at 7:43 P.M. and introduced the first item on the Agenda:

CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

1. **Request of Jay Bayer, Bayer Becker Engineers (applicant) for Dry Ridge Capital (owner) for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements.**

Staff Member, Mitch Light, presented the Staff Report for Mr. Wall, which included a Power Point presentation (see Staff Report). The request involves the review of a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site that is located immediately to the north of the existing development at 2200 Gateway Boulevard. The existing Verst site is approximately 20 acres. The 6 acre tract was recently acquired from the Kenton County Airport Board in order to construct a loop driveway and additional truck/trailer parking. The parcel in question is outside of the original Concept Development Plan for the Gateway Business Park subdivision that was originally approved in 1996. The Concept Development Plan illustrates a 30 foot wide driveway that loops around the north side of the existing Verst building and connects the truck court areas on the east and west sides of the building. A new detention basin is proposed in the southwest part of the 6 acre expansion site. A "Future" truck/trailer parking area is shown along both sides of the driveway. A single tier of parking spaces is shown along the south side of the drive and a double tier of parking spaces is shown along the north side of the drive. 112 total truck/trailer spaces are illustrated. The truck/trailer parking is located approximately 125 feet from the existing building, and it may be constructed as a separate phase(s) from the remainder of the improvements.

Mr. Light noted that the site is currently undeveloped pasture land. There is existing tree cover in the southwest corner of the site. The topography of the site is gently sloping and the high points are located along the north property line. The elevation of the southeast corner of the site is 870 and the low point is in the southwest corner at approximately 850 - a difference of 20 feet. Mr. Light referred to the Staff Report in regard to the Site History and relationship to the Comprehensive Plan. He then proceeded to show a series of photographs of the site and adjoining properties depicting different land uses and the submitted Concept Development Plan. Mr. Light reviewed the Staff Concerns, which include whether the proposal is consistent with the Business Park designation and buffer provisions as stated in the Boone County Comprehensive Plan. In addition, the Business Activity Element refers to industrial areas on and near the Airport and the Concept Development Plan needs to be evaluated based upon the Planned Development Criteria as well as the "Compatibility of Uses" section. Mr. Light proceeded to describe the buffer requirements for the proposed use and the applicant's desire to reduce the requirements on the west side of the site that is currently zoned Agricultural Estate (A-2). Further, Mr. Light stated there was a condition with the original application about site lighting limiting the height of the light fixture to 15 feet.

At this time, the applicant, Jay Bayer, stated he is the Engineer and Surveyor for the project. He introduced Mr. Paul Verst, President and CEO of the Verst Group Logistics. Mr. Verst explained that Dry Ridge Capital is the real estate arm of Verst Group. Verst Group Logistics operates the warehouse. In 1996, his company acquired a 20 acre parcel for Phase I, which included a 200,000 square foot building. Phase II of the expansion is underway. He stated that with the expansion they don't have enough trailer parking and safety. His company bought 6 acres from the Airport to construct a driveway around the building. It will provide a safe ingress and egress to the building. Tractor trailers are currently parking on the street every morning because of parking limitations. No structure will be built on the 6 acre site. The land will only be used for trailer parking and the driveway. Presently, they have 135 full-time employees and will add 25 employees based on the expansion.

Mr. Jay Bayer emphasized that the proposed project is in agreement with the Comprehensive Plan. It protects future industrial land and industrial land around the Airport. Future growth should be accompanied with adequate infrastructure. The site is currently zoned Industrial One/Planned Development (I-1/PD) and the request is simply adding 6 acres to the original 1996 application and the expanded building previously approved.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Susan Elslager, 5276 Bullittsville Road represents her mother living at 5208 Bullittsville Road. She asked about buffering because she boards 35 horses and she has a concern about noise and lighting. She would like more trees to serve as a buffer in order not to scare the livestock. She also questioned the flow of drainage from the site. Mr. Bayer responded that a detention basin will be built based upon SD1 and Boone County standards. It will be outlet in the drainage course southwest of the site. Ms. Elslager stated that she has a pond on her property and wants to avoid any erosion as a result of the expansion. Mr. Bayer explained that the original design of the site in 1996 shows a 35 foot buffer based on the location of the existing pavement for the 2 phases.

At this time, Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Schwenke asked if the applicant could review the topography and existing storm water system? What stream is the existing storm water being directed to? Mr. Bayer explained the existing storm water system and the water route off site. He is proposing to detain the storm water in a basin and then release it. Mr. Bayer said the out flow from the basin will eventually run through the property. Mr. Schwenke inquired whether the applicant could over detain like other sites?

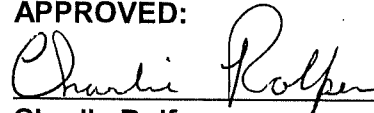
Mr. Longano asked about the additional lighting fixtures? Mr. Bayer responded it will most likely be 15 foot light fixtures and the buffering will mitigate this issue.

Mr. Ford questioned the hours of operation for truck traffic? Mr. Verst answered that the majority of the traffic is from 6:00 a.m. to 4:30/5:30 p.m. There is a second shift for receiving and sometimes they work Saturdays.

Mr. Breetz questioned whether there is a requirement of oil separators in the parking lot related to storm water? Mr. Bayer responded that he was unaware of any requirement based upon the use. Mr. Breetz expressed a concern for oil run off in neighboring ponds or streams and its effect on horses nearby. Mr. Breetz asked the applicant to check into this issue to keep oil out of the water ways. Mr. Breetz asked if truck drivers slept in their cabs? Mr. Verst responded yes as a lot of drivers are from long distances like Chicago, Cleveland and the East Coast. Currently, they are parked and sleeping on the street. Mr. Verst stated that he would rather have them sleeping on their lot. Mr. Breetz asked whether this is a permitted use or is it a truck stop? Mr. Costello responded that the use or the storage of trucks is a principally permitted use in the Industrial One (I-1) zoning district. Mr. Breetz asked about motors running all night long - noise and air pollution. What about bathroom facilities? Can we get a better handle on this at the Committee meeting?

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for these items will be on August 17, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on September 7, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 8:10 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
SEPTEMBER 7, 2011
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Kim Bungler, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Susan Schultz
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
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 August 3, 2011 Business Meeting and the August 3, 2011 Public Hearings. 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. Mr. Bungler seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CONCEPT DEVELOPMENT PLAN

1. Request of Jay Bayer, Bayer Becker Engineers (applicant) for Dry Ridge Capital (owner) for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted 4-0-1 for the project with Mr. Bunger, Mrs. Kegley, Mr. Brandstetter and Mr. Hicks voting in favor of the request and Mr. Breetz voting as "deferred."

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. Jay Bayer, Applicant, stated that the owner is in full agreement with the Committee Report and Conditions. There was no one in the audience who wanted to speak against the request.

Mr. Hicks moved that the request be approved by Resolution to the Boone County Fiscal Court, with conditions, based on the Committee Report. Mr. Bunger seconded the motion. Chairman Rolfsen asked if there were any questions or comments? Seeing none, Chairman Rolfsen then asked for a vote based on the motion. The motion passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously for the project with Mr. Bunger, Mrs. Kegley, Mr. Brandstetter, Mr. Breetz and Mr. Hicks voting in favor of the request.

At this time Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor of against the request for a 5 minute time limit.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: September 7, 2011

RE: Request of **Jay Bayer, Bayer Becker Engineers (applicant)** for **Dry Ridge Capital (owner)** for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements

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 Concept Development Plan is in agreement with the 2005 Boone County Comprehensive Plan and the adopted 2010 Boone County Comprehensive Plan Goals and Objectives due to the following reasons.
 - A. The Future Land Use Map designates this site as "Business Park." This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." The current application is for a modest expansion of an existing development that is consistent with the Business Park definition.
 - B. The Land Use Element (pg. 153) states "a substantial land area is located in the east-west flight path, extending west of KY 237 to Bullittsville Road, and is suitable for Business Park development. No industrial access should occur to Bullittsville Road. The north side of Conrad Lane, shown as Business Park, should contain an extensive buffer area to protect the developing residential subdivisions to the south." Substantial buffering was installed along Conrad Lane with the initial subdivision improvements, and

certain height and setback standards are required for development in the south part of the Gateway Business Park Subdivision in respect to the residential subdivisions across Conrad Lane. These are outlined in the 1996 conditions of approval for the original Gateway Business Park Zoning Map Amendment and Concept Development Plan. The subject 6 acre site for this application is on the opposite (north) side of the subdivision and is for site improvements only. No industrial access to Bullittsville Road is proposed.

- C. The Business Activity Element (pg. 66) states "the area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities. This examination can be performed by using the Cincinnati/Northern Kentucky International Airport Master Plan and by conducting an Off-Airport Land Use and Zoning Study." This is reinforced by the Business Activity, Industrial Objective 1 which states in part "industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land."

The Business Activity Element (pg. 65) also states in a generic sense that "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 proposal is for the expansion of a "clean" light industrial facility that is in proximity to major roads and the Airport, and is on land which was recently purchased from the Kenton County Airport Board.

- D. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the adopted 2010 Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Criteria," of the Boone County Zoning Regulations.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan, adopted 2010 Boone County Comprehensive Plan Goals and Objectives, and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The required Buffer Yard D area in the southwest part of the project site shall include a minimum 6 foot high berm across its length. All buffer yards around the outer perimeter of the project site shall include a combination of large deciduous trees, evergreen trees, and a hardwood tree seed/seedling mix to "naturalize" the appearance of these areas over time. The amount of plantings provided in each buffer yard shall minimally be commensurate with the amount normally required in Buffer Yard A or Buffer Yard D as applicable.
2. Measurable light at the north, east, and west property lines of the project site shall be 0.0 foot candles.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 3, 2011
7:43 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Rolfsen, Chairman, called the meeting to order at 7:43 P.M. and introduced the first item on the Agenda:

CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

1. Request of Jay Bayer, Bayer Becker Engineers (applicant) for Dry Ridge Capital (owner) for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements.

Staff Member, Mitch Light, presented the Staff Report for Mr. Wall, which included a Power Point presentation (see Staff Report). The request involves the review of a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site that is located immediately to the north of the existing development at 2200 Gateway Boulevard. The existing Verst site is approximately 20 acres. The 6 acre tract was recently acquired from the Kenton County Airport Board in order to construct a loop driveway and additional truck/trailer parking. The parcel in question is outside of the original Concept Development Plan for the Gateway Business Park subdivision that was originally approved in 1996. The Concept Development Plan illustrates a 30 foot wide driveway that loops around the north side of the existing Verst building and connects the truck court areas on the east and west sides of the building. A new detention basin is proposed in the southwest part of the 6 acre expansion site. A "Future" truck/trailer parking area is shown along both sides of the driveway. A single tier of parking spaces is shown along the south side of the drive and a double tier of parking spaces is shown along the north side of the drive. 112 total truck/trailer spaces are illustrated. The truck/trailer parking is located approximately 125 feet from the existing building, and it may be constructed as a separate phase(s) from the remainder of the improvements.

Mr. Light noted that the site is currently undeveloped pasture land. There is existing tree cover in the southwest corner of the site. The topography of the site is gently sloping and the high points are located along the north property line. The elevation of the southeast corner of the site is 870 and the low point is in the southwest corner at approximately 850 - a difference of 20 feet. Mr. Light referred to the Staff Report in regard to the Site History and relationship to the Comprehensive Plan. He then proceeded to show a series of photographs of the site and adjoining properties depicting different land uses and the submitted Concept Development Plan. Mr. Light reviewed the Staff Concerns, which include whether the proposal is consistent with the Business Park designation and buffer provisions as stated in the Boone County Comprehensive Plan. In addition, the Business Activity Element refers to industrial areas on and near the Airport and the Concept Development Plan needs to be evaluated based upon the Planned Development Criteria as well as the "Compatibility of Uses" section. Mr. Light proceeded to describe the buffer requirements for the proposed use and the applicant's desire to reduce the requirements on the west side of the site that is currently zoned Agricultural Estate (A-2). Further, Mr. Light stated there was a condition with the original application about site lighting limiting the height of the light fixture to 15 feet.

At this time, the applicant, Jay Bayer, stated he is the Engineer and Surveyor for the project. He introduced Mr. Paul Verst, President and CEO of the Verst Group Logistics. Mr. Verst explained that Dry Ridge Capital is the real estate arm of Verst Group. Verst Group Logistics operates the warehouse. In 1996, his company acquired a 20 acre parcel for Phase I, which included a 200,000 square foot building. Phase II of the expansion is underway. He stated that with the expansion they don't have enough trailer parking and safety. His company bought 6 acres from the Airport to construct a driveway around the building. It will provide a safe ingress and egress to the building. Tractor trailers are currently parking on the street every morning because of parking limitations. No structure will be built on the 6 acre site. The land will only be used for trailer parking and the driveway. Presently, they have 135 full-time employees and will add 25 employees based on the expansion.

Mr. Jay Bayer emphasized that the proposed project is in agreement with the Comprehensive Plan. It protects future industrial land and industrial land around the Airport. Future growth should be accompanied with adequate infrastructure. The site is currently zoned Industrial One/Planned Development (I-1/PD) and the request is simply adding 6 acres to the original 1996 application and the expanded building previously approved.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Susan Elslager, 5276 Bullittsville Road represents her mother living at 5208 Bullittsville Road. She asked about buffering because she boards 35 horses and she has a concern about noise and lighting. She would like more trees to serve as a buffer in order not to scare the livestock. She also questioned the flow of drainage from the site. Mr. Bayer responded that a detention basin will be built based upon SD1 and Boone County standards. It will be outlet in the drainage course southwest of the site. Ms. Elslager stated that she has a pond on her property and wants to avoid any erosion as a result of the expansion. Mr. Bayer explained that the original design of the site in 1996 shows a 35 foot buffer based on the location of the existing pavement for the 2 phases.

At this time, Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Schwenke asked if the applicant could review the topography and existing storm water system? What stream is the existing storm water being directed to? Mr. Bayer explained the existing storm water system and the water route off site. He is proposing to detain the storm water in a basin and then release it. Mr. Bayer said the out flow from the basin will eventually run through the property. Mr. Schwenke inquired whether the applicant could over detain like other sites?

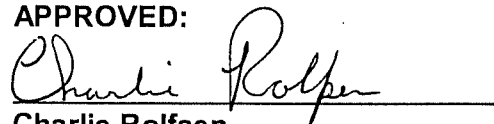
Mr. Longano asked about the additional lighting fixtures? Mr. Bayer responded it will most likely be 15 foot light fixtures and the buffering will mitigate this issue.

Mr. Ford questioned the hours of operation for truck traffic? Mr. Verst answered that the majority of the traffic is from 6:00 a.m. to 4:30/5:30 p.m. There is a second shift for receiving and sometimes they work Saturdays.

Mr. Breetz questioned whether there is a requirement of oil separators in the parking lot related to storm water? Mr. Bayer responded that he was unaware of any requirement based upon the use. Mr. Breetz expressed a concern for oil run off in neighboring ponds or streams and its effect on horses nearby. Mr. Breetz asked the applicant to check into this issue to keep oil out of the water ways. Mr. Breetz asked if truck drivers slept in their cabs? Mr. Verst responded yes as a lot of drivers are from long distances like Chicago, Cleveland and the East Coast. Currently, they are parked and sleeping on the street. Mr. Verst stated that he would rather have them sleeping on their lot. Mr. Breetz asked whether this is a permitted use or is it a truck stop? Mr. Costello responded that the use or the storage of trucks is a principally permitted use in the Industrial One (I-1) zoning district. Mr. Breetz asked about motors running all night long - noise and air pollution. What about bathroom facilities? Can we get a better handle on this at the Committee meeting?

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for these items will be on August 17, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on September 7, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 8:10 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 17, 2011

RE: Request of **Jay Bayer, Bayer Becker Engineers (applicant)** for **Dry Ridge Capital (owner)** for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements.

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.

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Ben Brandstetter

Ben Brandstetter

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Susan Poston

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

Greg Breetz

Greg Breetz

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred

Mark Hicks

Mark Hicks (Alternate)

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Jim Longano (Alternate)

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

Charlie Reynolds (Alternate)

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

TOTAL: 1 DEFERRED 4 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

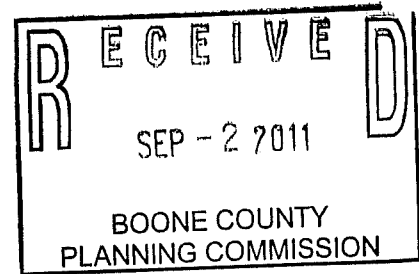
www.boonecountyky.org/pc
www.boonecountygis.com

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

August 23, 2011

Mr. Paul Verst
President and CEO
Dry Ridge Capital
300 Shorland Drive
Walton, KY 41094



RE: Recommended Conditions of Approval for Dry Ridge Capital/Verst Group Concept Development Plan Application for 6 Acre Site North of 2200 Gateway Boulevard, Boone County, Kentucky

Dear Mr. Verst:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 8/17/11 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 Friday, September 2, 2011.

CONDITIONS

1. The required Buffer Yard D area in the southwest part of the project site shall include a minimum 6 foot high berm across its length. All buffer yards around the outer perimeter of the project site shall include a combination of large deciduous trees, evergreen trees, and a hardwood tree seed/seedling mix to "naturalize" the appearance of these areas over time. The amount of plantings provided in each buffer yard shall minimally be commensurate with the amount normally required in Buffer Yard A or Buffer Yard D as applicable.

Mr. Paul Verst
August 23, 2011
Page 2

2. Measurable light at the north, east, and west property lines of the project site shall be 0.0 foot candles.

Sincerely,




Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

cc: Jay Bayer; FAX: 261-1710

AGREEMENT

I, the property owner's authorized representative for the 6 acre site located to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan application.



Paul Verst, President and CEO
Dry Ridge Capital

8/26/11

Date



EXHIBIT A

209 Grandview Drive
Fort Mitchell, KY 41017
P 859.261.1113
F 859.261.1710
www.bayerbecker.com

DESCRIPTION: Parcel to be Conveyed – 6.000 Acres
LOCATION: Gateway Boulevard
DATE: March 30, 2011

Situated in the County of Boone, Commonwealth of Kentucky, lying on the North side of Gateway Boulevard approximately 3,430 feet Southwest of the intersection of Gateway Boulevard Kentucky Hwy. 237 and being part of a 23.5212 acre tract described in a deed to the Kenton County Airport Board and recorded in Deed Book 635, Page 68 of the Boone County Clerk's Records at Burlington, Kentucky, and being more particularly described as follows:

Begin at the Southeast corner of Lot 1 of Gateway International Business Park, Section No. 1 as recorded on in Plat Cabinet 3B, Page 489 of the Boone County Clerk's Records, said point being on the existing North right-of-way line of Gateway Boulevard (60' R/W); thence leaving said existing North right-of-way line, and with the East line of said Lot 1, the same being the West line of Lot 2 of Gateway International Business Park, Section No. 2 as recorded on in Plat Cabinet 5, Page 76, North 02°58'56" West, passing a found 1/2" witness iron pin on line at 1.90 feet, a total distance of 1014.18 feet to a found 1/2" iron pin (LS#3494) at the Northeast corner of said Lot 1 and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING and with the North line of said Lot 1 and South line of the above mentioned 23.5212 acre tract South 79°18'10" West, 810.38 feet to a found 5/8" iron pin (LS#2339) at the Northwest corner of said Lot 1 and in the East line of a 199 acre tract described in a deed to Melvin and Juanita Elslager and recorded in Deed Book 862, Page 892;

thence with the common line of the 23.5212 and 199 acre tracts, and also a new division line through the 23.5212 acre tract, North 05°03'47 East, 397.40 feet to a set iron pin;

thence continuing with the new division line through the 23.5212 acre tract North 87°01'04" East, 747.43 feet to a set iron pin;

thence continuing with the new division line South 02°58'56" East, 284.70 feet to the TRUE POINT OF BEGINNING.

Containing 6.000 acres of land and subject to all easements and rights-of-way of record.

All set iron pins are 5/8" x 30" with a yellow plastic cap stamped 2916, 3275, 3292, 3238 unless otherwise noted. The reference meridian is based on NAD83 (NSRS2007) Kentucky State Plane coordinates, North Zone (1601).

The above description was prepared on March 30, 2011 from a survey completed on March 28, 2011 under the direction of Chris R. Gephart of Bayer & Becker, Inc., Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 635, Page 68

CIVIL & TRANSPORTATION ENGINEERING LANDSCAPE ARCHITECTURE PLANNING SURVEYING

Notes:

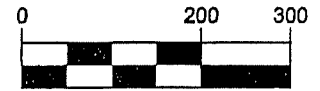
- 1) This Plat is Subject to all easements and rights-of-ways of record.
- 2) This plat of survey represents a boundary survey and complies with 201 KAR 18:150.

REMAINING
KENTON COUNTY AIRPORT BOARD
D.B. 635, PG. 68
23.5212 ACRES

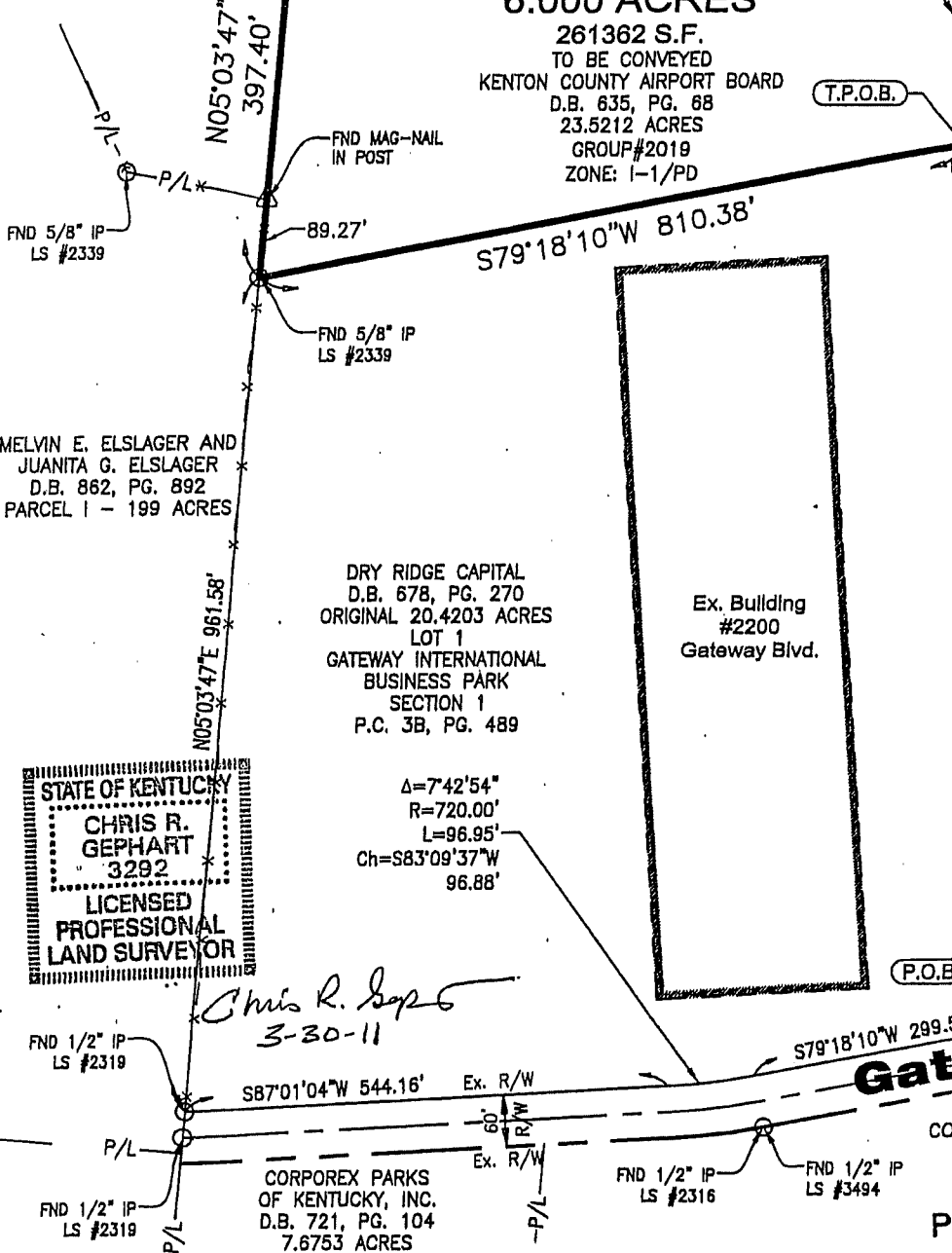
EXHIBIT B



Basis of Bearing:
State Plane NAD83 GPS Observations



SCALE: 1" = 200'



MONUMENTATION

- Set 5/8"x30" Iron Pin (PLS#3292,2916,3275,3238)
- Found 5/8" Iron Pin

THE C.W. ZUMBIEL COMPANY
D.B. 887, PG. 88
LOT 2
GATEWAY INTERNATIONAL
BUSINESS PARK
SECTION 2
P.C. 5, PG. 76

DRY RIDGE CAPITAL
D.B. 678, PG. 270
ORIGINAL 20.4203 ACRES
LOT 1
GATEWAY INTERNATIONAL
BUSINESS PARK
SECTION 1
P.C. 3B, PG. 489

Ex. Building
#2200
Gateway Blvd.

STATE OF KENTUCKY
CHRIS R. GEPHART
3292
LICENSED
PROFESSIONAL
LAND SURVEYOR

$\Delta = 7'42''54''$
 $R = 720.00'$
 $L = 96.95'$
 $Ch = S83°09'37''W$
96.88'

Chris R. Gephart
3-30-11

Gateway Blvd.

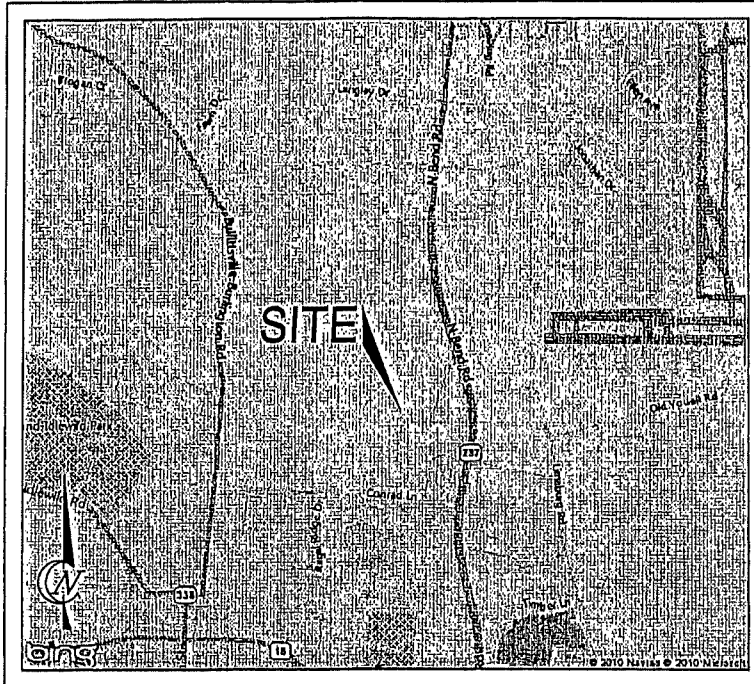
Drawing:	10K157-001 SP
Scale	1"=200'
Drawn by:	ARV
Checked By:	CRG
Issue Date:	3/30/11

**KENTON COUNTY
AIRPORT BOARD**

UNINCORPORATED BOONE COUNTY
COMMONWEALTH OF KENTUCKY

PLAT OF SURVEY

209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113



This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.
 Date 4-20-11 Current Zoning I-1/PP

VICINITY MAP - NTS

I, Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky, do hereby certify to the best of my knowledge and belief that this plat represents an Urban class boundary survey and complies with 201 KAR 18:150. The field work was performed on February 10, 2011 and the completion date of the survey was March 28, 2011. Monuments were found or set as noted by method of random traverse with an unadjusted error of linear closure of 1:50,365. The traverse and sides shots have been adjusted for closure. The reference meridian is NAD83 (NSRS2007) Kentucky State Plane Coordinates, North Zone (1601).

I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes.

Chris R. Gephart 3-30-11
 Chris R. Gephart Date




Approved for recording the transfer of property only by the Boone County Planning Commission this 20 day of APRIL, 2011.

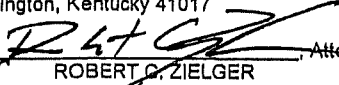
Kim Bunker I-1/PP
4-20-11
GUS
 Chairman's Signature
 SECY/TREAS.

P & Z Code No. 4934

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two years of Planning Commission approval.

Client: Dry Ridge Capital 300 Shorland Dr. Walton, KY 41094-9328	Owner: Kenton County Airport Board PO Box 752000 Cincinnati, OH 45275-2000 Deed Book 635, Pg. 68	Note: This plat of survey represents a boundary survey and complies with 201 KAR 18:150.
Drawing: 10K157-001 SP Scale: n/a Drawn by: ARV Checked By: CRG Issue Date: 3/30/11	KENTON COUNTY AIRPORT BOARD UNINCORPORATED BOONE COUNTY COMMONWEALTH OF KENTUCKY PLAT OF SURVEY	 209 Grandview Drive Fort Mitchell, KY 41017 - 859.261.1113

RETURN TO:
This Instrument Prepared
by ZIEGLER & SCHNEIDER, P.S.C.
Attorneys at Law
541 Buttermilk Pike, Suite 500
P.O. Box 175710
Covington, Kentucky 41017

by  Attorney
ROBERT C. ZIELGER

Return to: 
Griffin Fletcher & Herndon LLP
3500 Red Bank Road
Cincinnati, OH 45227

COPY

11Q 0039-1

D E E D

KNOW ALL PERSONS BY THIS INSTRUMENT:

That KENTON COUNTY AIRPORT BOARD, a municipal corporation,

the GRANTOR, for and in consideration of ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00),

paid to the GRANTOR(S) by the GRANTEE herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the following named GRANTEE,

DRY RIDGE CAPITAL, a Kentucky Limited Partnership, its successors and assigns forever, the following described real estate, in the County of Boone, and Commonwealth of KENTUCKY, to wit:

Street Address: 6 acres lying on the north side of Gateway Boulevard, Boone County, Kentucky

Grantee's Address: 300 Shorland Drive, Walton, Kentucky 41094
This address is also the in-care-of address to which the property tax bill for 2011 may besent.

Grantor's Address: Cincinnati/Northern Kentucky
International Airport
Post Office Box 752000
Cincinnati, Ohio 45275-2000

Group No. 2019

Plat No.:

6.00 Acres lying on the north side of Gateway Boulevard, Boone County, Kentucky as more particularly described on Exhibit A attached hereto and incorporated herein by reference and as depicted on Exhibit B attached hereto and incorporated herein by reference.

Being part of the same property conveyed to the Grantor by deed recorded in Deed Book 635, page 68 of the Boone County Clerk's records, Burlington, Kentucky.

Subject to easements, conditions, restrictions and rights-of-way of record and/or in existence, including the following:

DOCUMENT NO: 568831
RECORDED ON: JUNE 30, 2011 @ 1:13:35PM
TOTAL FEES: \$32.00
TRANSFER TAX: \$120.00
GROUP : 2019
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: JULIE SPALING
BOOK 0993 PAGES 958 - 965

The Grantor, The Kenton County Airport Board, hereby specifically reserves the following Permanent Easement for the free and unobstructed use of the air space over, through and adjacent to and in the vicinity of the real estate conveyed herein; such property being the Servient Tenement:

Said Easement shall be for the use and benefit of the Grantor, and shall be for aviation purposes and shall include, but not be limited to the right of the Grantor to permit any aircraft, now or hereafter used, utilizing the real estate in Boone County, Kentucky now or hereafter constituting the Cincinnati/Northern Kentucky International Airport (hereinafter the Airport or the Dominant Tenement) to fly over, through and adjacent to and in the vicinity of the Servient Tenement, and to discharge noise, exhaust, vibrations, fumes and deposits of dust or other particle matter on the Servient Tenement and its occupants as a result of such aircraft (including but not limited to jet aircraft) landing on, using and/or taking off from the Dominant Tenement. This Easement includes the right of flight for passage of aircraft in the air space above the surface of the above described real estate of Grantor and also includes the resultant noise, exhaust, vibrations, fumes, deposits of dust and other particle matter from any aircraft currently or hereafter operating to, at or from the Dominant Tenement.

The Grantee, the Grantee's successors, heirs, representatives, executors, administrators and assigns and all successors in interest, do hereby release the Board, and any and all related parties to the Board, including, but not limited to, all directors, officers, managers, agents, servants, employees and lessees of the Board, from any and all claims, damages, demands, debts, liabilities, costs, attorney's or expert's fees, or causes of action of every kind or nature for which the Grantee, the Grantee's heirs, representatives, executors, administrators and assigns and all successors in interest currently have, have in the past possessed, or will in the future possess, as a result of the operations or aircraft activities at the Airport and noise levels related to or generated by the operations of or activities at the Airport, or may hereafter have as a result of the use of this Easement, including, but not limited to, damage to the real estate described herein or real estate contiguous thereto, due to noise, vibrations, fumes, dust, fuel, particulate and other affects of the operation or of aircraft landing on or taking off at the Airport.

This Easement shall run with the land and shall bind and inure to the benefit of the respective heirs, personal representatives, successors and assignees of the parties hereto.

In addition to the foregoing easement, the Grantor hereby conveys the above described real estate subject to all conditions, restrictions, covenants and rights-of-way of record and in existence including the following:

The height of structures, objects of natural growth and other obstructions on the subject real estate is hereby restricted to such a height so as to comply with Federal Aviation Regulations, Part 77.

Grantee shall not permit any use of the subject property that would interfere with landing on or taking off of aircraft at Cincinnati / Northern Kentucky International Airport or otherwise constitute an airport hazard.

The Grantee expressly agrees for themselves, their heirs and assigns, to prevent any use of the property conveyed herein which would interfere with landing on or taking off of aircraft now known or hereafter used at what is now known or hereinafter constituting the Cincinnati/Northern Kentucky International Airport, or otherwise constitute an airport hazard.

The Grantee, their heirs and assigns, will not permit any existing or future building, structure, tree or other obstruction to intrude into the airspace of the approach surface of Runway 18L/36R, 18R/36L and/or 9/27; or to otherwise pose a hazard to navigation as determined by Federal Aviation Regulation (FAR) Part 77, Objects Affecting Navigable Airspace. The Grantee further expressly agrees for themselves, their heirs and assigns, to restrict the height of existing and future structures, objects of natural growth and other obstructions on the property conveyed herein, to such heights as such structures will not pose hazards to navigation, as determined by Federal Aviation Regulation (FAR) Part 77, Objects Affecting Navigable Airspace. The Grantor shall have the right to remove any obstructions that intrude into the airspace as described above, and the Grantor shall have the right of ingress and egress to and upon the property conveyed herein at such times and at such points as may be reasonably necessary for the inspection and/or removal of any such obstruction.

The real estate conveyed herein shall not be used for residential purposes, and shall only be used for uses and purposes which are compatible with Airport operations and the noise levels generated by aircraft using the Airport.

The Grantee, their heirs and assigns, will not maintain any wetlands that might attract birds, animals, or other living creatures that have the ability of interfering with landing on or taking off of aircraft at Cincinnati / Northern Kentucky International Airport or otherwise might constitute an airport hazard.

These Easements and Restrictions shall bind and inure to the benefit of the Grantor, their successors and assigns, and shall run with the land.

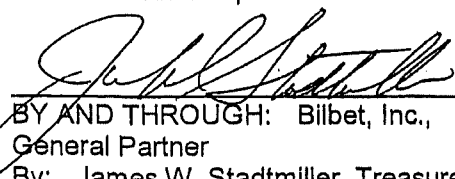
Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this deed, \$120,000.00, is the full consideration paid for the property and GRANTEE joins in this deed for the sole purpose of making this certificate about the consideration.

DATED this 23rd day of June 2011.

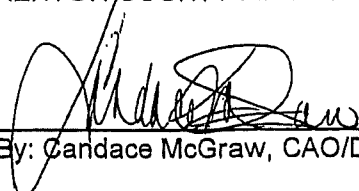
GRANTEE:

DRY RIDGE CAPITAL, a Kentucky
Limited Partnership :


BY AND THROUGH: Bilbet, Inc.,
General Partner
By: James W. Stadtmiller, Treasurer/CFO

GRANTOR:

KENTON COUNTY AIRPORT BOARD


By: Candace McGraw, CAO/Designee

COMMONWEALTH OF KENTUCKY, COUNTY OF BOONE (GRANTOR)

The foregoing instrument was sworn to and acknowledged before me this 15th day of June 2011, by KENTON COUNTY AIRPORT BOARD, a municipal corporation, by CANDACE MCGRAW, CAO/Designee.

Candace Spaw
NOTARY PUBLIC
My Jurisdiction Is: State at Large

My Commission Expires: 11/12/2012

COMMONWEALTH OF KENTUCKY, COUNTY OF BOONE (GRANTEE)

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 23 day of June 2011, by DRY RIDGE CAPITAL, a Kentucky Limited Partnership, by and through BILBET, INC., its General Partner and James W. Stadtmiller, Treasurer/CFO, on behalf of the Company.

Michael T. Assanvat
NOTARY PUBLIC
My Jurisdiction Is: State at Large

My Commission Expires: 8/3/11

ORDINANCE 11-11

AN ORDINANCE RELATING TO THE APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JAY BAYER, BAYER BECKER ENGINEERS (APPLICANT) FOR DRY RIDGE CAPITAL (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD) ZONE FOR A 6 ACRE SITE GENERALLY LOCATED IMMEDIATELY TO THE NORTH OF THE PROPERTY AT 2200 GATEWAY BOULEVARD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site generally located immediately to the north of the property at 2200 Gateway Boulevard, 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 a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site generally located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That the request for a Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site generally located immediately to the north of the property at 2200 Gateway Boulevard, Boone

County, Kentucky, Kentucky. The real estate which is the subject of this approval for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone is more particularly described in DEED BOOK 993, PAGE NO. 958 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for this approval, with conditions, for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site generally located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky, the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this and marked as "Exhibit A."

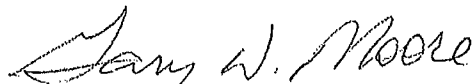
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and those are marked as "Exhibit B."

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 18th day of October, 2011.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 15th day of November, 2011 and signed 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

EXHIBIT "B" AMENDMENT

Planning Commission Committee Report

CONDITIONS

1. The required Buffer Yard D area in the southwest part of the project site shall include a minimum 6 foot high berm across its length. All buffer yards around the outer perimeter of the project site, **with the exception of the northerly and easterly property line**, shall include a combination of large deciduous trees, evergreen trees, and a hardwood tree seed/seedling mix to "naturalize" the appearance of these areas over time. The amount of plantings provided in each buffer yard shall minimally be commensurate with the amount normally required in Buffer Yard A or Buffer Yard D as applicable. **No buffer yard area shall be required along the northerly and easterly property line that abuts the Industrial One/Planned Development (I-1/PD) Zone.**
2. Measurable light at the north, east, and west property lines of the project site shall be 0.00 foot candles.

