

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

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

RECEIVED
APR - 2 2013
BOONE COUNTY
PLANNING COMMISSION

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)
- Zoning Administrator Review (As stated in the Mall Road District Study)

2. Name of Project Gateway International Business Park

3. Location of Project Gateway Blvd., Boone Co.

4. Total Acreage of Site 35.2723 acres

5. Current Zoning I-1/ PD

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1996

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) Industrial - warehouse
light manufacturing, E-commerce, distribution

9. Proposed Building Intensities (please specify) TBD

10. Have you submitted a Concept Development Plan? yes - narrative

11. Are you also applying for:
NO Conditional Use Permit ATTN!
NO Dimensional Variance ARLI SCAUERMANN

12. Name of Applicant(s) Corporax Parks of Kentucky, LLC
Phone Number 292-5548 Fax No. _____ E-Mail aschuermann@corporax.com

13. Address of Applicant(s) 100 E. River Center Blvd., Ste 1100
Covington KY 41011
City State Zip

14. Name of Property Owner(s) Same as #12
Phone Number _____ Fax No. _____ E-Mail _____

15. Address of Property Owner(s) Same as #12
City State Zip

16. Are there any existing buildings on the site? NO
How many? N/A

17. Deed Book 773, 678 Page No. 437, 270 Group No. _____

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

EXHIBIT

“A”

STAFF REPORT

Request of **Corporex Parks of Kentucky, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky. The request is for a change in a approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

May 1, 2013

REQUEST

The applicant is requesting this Change in the Approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation. The three conditions of approval from the 1996 Zoning Map Amendment that the applicant is requesting to amend read as follows:

5. In addition, no loading docks shall be permitted to face Conrad Lane.
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.
- 8a. 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.

The submitted Concept Development Plan and narrative requests to amend these three conditions as such:

5. Corporex is requesting the ability to have loading docks face Conrad Ln.
7. Corporex is requesting ability to have the longer facade width of buildings face Conrad Ln.
- 8a. Corporex is requesting the ability to have a 36' building height (to accommodate 32' clear height) at the minimum 200' building setback.

The 1996 Zoning Map Amendment Conditions of Approval and the applicants submitted Concept Development Plan with narrative have been attached to this Staff Report.

SITE HISTORY

In 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 included this site.

ADJACENT LAND USES AND ZONING

- North: across Gateway Boulevard, properties within the Gateway Industrial Park zoned Industrial One Planned Development with an approved Concept Development Plan (I-1/PD/CD).
- East: remaining Boh property zoned Industrial One Planned Development with an approved Concept Development Plan (I-1/PD/CD).
- West: the Burlington Readiness Center zoned Suburban Residential One (SR-1).
- South: across Conrad Lane, single family residences within the Regal Ridge and Derby Farms subdivisions zoned Suburban Residential One (SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Rural Land (RL) and Business Park (BP). These classifications are defined in the adopted Comprehensive Plan as:

RL: "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

BP: "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 adopted 2010 *Boone County Comprehensive Plan* Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. 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).
- E. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- G. 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).

The Land Use Element (Airport, pgs. 176 & 177) states:

"The north side of Conrad Lane, shown as industrial, should contain an extensive buffer area to protect the developing residential subdivisions to the south. Presently, a National Guard Center is being constructed on the north side of Conrad Lane east of Bullittsville Road."

STAFF COMMENTS

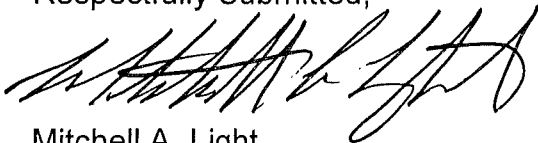
1. Staff suggests that, if approved, no building mounted signs be permitted on the rear of the buildings facing Conrad Lane.

2. No vehicular access to Conrad Lane was proposed with this request or with the prior approval, only the emergency access as described in original condition #10.
3. The Concept Development Plan and narrative have been attached to this Staff Report.
4. Comments from Greg Sketch, Boone County Engineer, have been attached to this Staff Report.
5. Comments from Jeff Barlow, Chief, Hebron Fire Protection District, have been attached to this Staff Report.
6. Regardless of the outcome of this request, Staff and the Boone County Project Review Committee will preform a detailed Site Plan review of the subject property.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of Articles 3 and 15 of the *Boone County Zoning Regulations*, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area.

Respectfully Submitted,

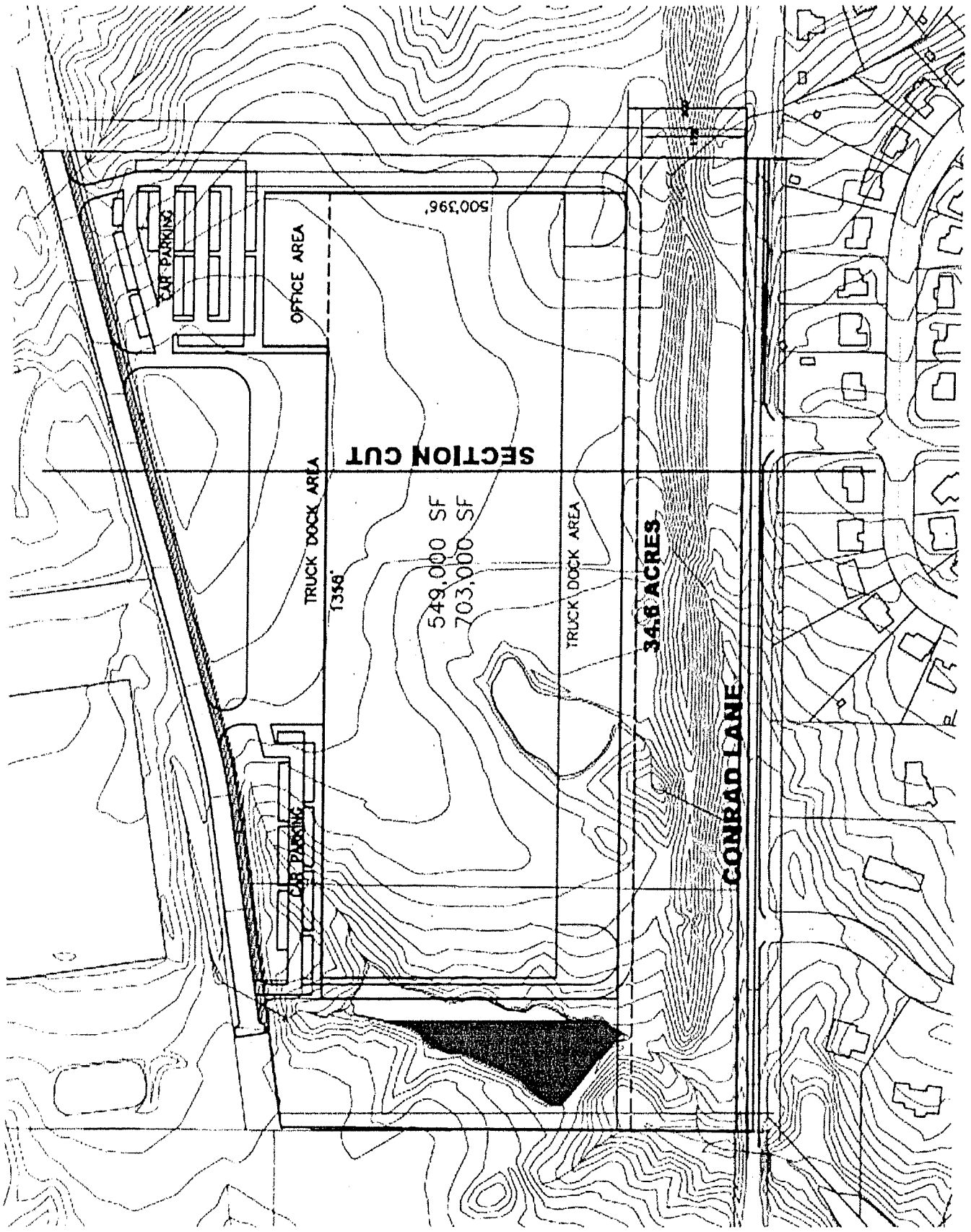


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

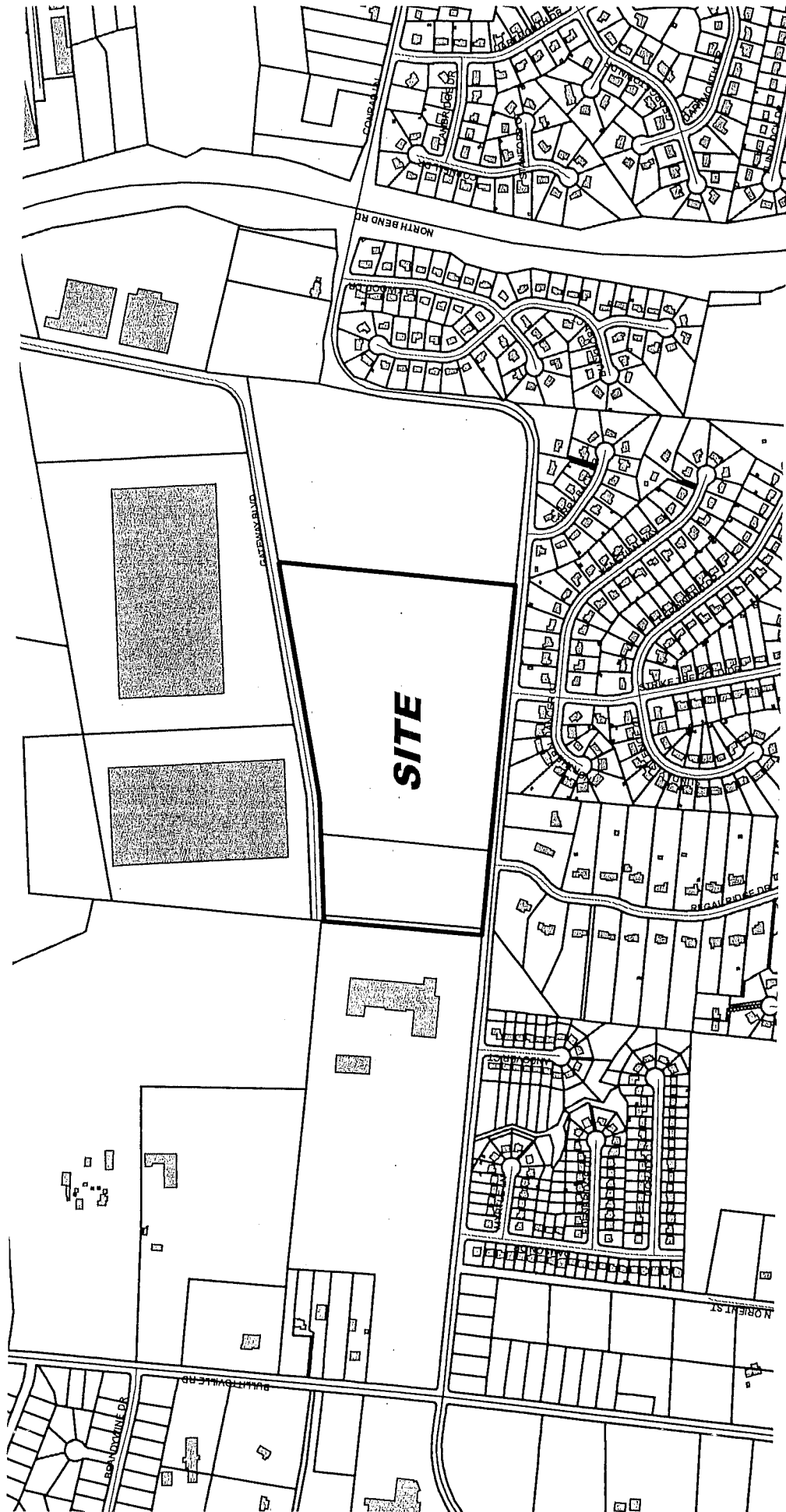
MAL/dw

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2013 Concept Development Plan
- Applicants Narrative
- 1996 Conditions of Approval
- E-Mail Comments from Burlington Fire Protection District
- Comment Letter from Greg Sketch, Boone County Engineer
- Planned Development Standards
- Application



2013 CONCEPT DEVELOPMENT PLAN



VICINITY MAP

**Change in Concept Development Plan Narrative
Gateway International Business Park
Gateway Boulevard, Boone County, Kentucky**

Corporex Parks of KY, LLC is requesting a Change in Concept Development Plan for a 35.2723-acre tract they own on the south side of Gateway Boulevard in the Gateway International Business Park. The Change in Concept Development Plan is required to amend several conditions that were attached to a re-zoning of the property in 1996. These conditions are inhibiting the development of this site, and as such, Corporex is requesting a Change in Concept Development Plan.

This 35.2723-acre tract is bordered by Gateway Boulevard to the north and Conrad Lane to the south. There are two (2) industrial tenants, Zumbiel Packaging and Verst Group Logistics, adjoining the site to the north, across Gateway Boulevard. To the south, across Conrad Lane, is a residential subdivision. To the east is additional I-1 land owned by Mrs. Boh and to the west is the new Kentucky Armory facility.

When this property is developed, access will be provided from Gateway Boulevard and all utilities to serve the property are located underground in Gateway Boulevard. Storm water detention required for the development will be provided onsite. The land is zoned Industrial-One with a Planned Development Overlay (I-1/PD).

History

In 1996, Boone County Planning Commission approved the rezoning of the site from Suburban Residential-Two (SR-2) to I-1/PD. At that time, the adjoining residential subdivision to the south was very concerned about the zone change and as a result, the property was conditioned to mitigate any foreseeable community impacts that may be created by the development. The condition letter identifying thirteen (13) conditions is attached.

In 1997 and 2004, two high quality tenants, Zumbiel Packaging and Verst Group built investment grade facilities on the north side of Gateway Boulevard where the most stringent conditions are not applicable. Both facilities have expanded and now encompass approximately 500,000 SF for Zumbiel and approximately 420,000 SF for Verst Group.

Current Status of the Site and Park

Gateway International Business Park is a high quality, well-maintained and aesthetically pleasing business park. The current and proposed uses of the park are warehousing and light manufacturing. Infrastructure is in-place and sites are ready for development to attract new jobs to our region and millions of dollars of new investment. Corporex has received multiple offers to buy and develop the site for bulk warehouse and distribution. These offers require the proposed Change in Concept Development Plan.

In 1996, a 12 to 15' in height berm was installed across the entire southern portion of the site to screen potential development from the residential subdivision to the south. The required evergreen and deciduous trees were installed and have grown to heights of 24 'tall and increased in width. Larger sites on the north side of Gateway Boulevard have been developed, while the 35-acre site that is encumbered by the most stringent conditions has remained vacant.

Change in Concept Development Plan

New, modern industrial buildings are designed to accommodate 32' clear heights (building heights of 36') and are often cross-docked to maximize efficiencies. In order to accommodate these design features, there are three (3) conditions that would require amending, while the remaining conditions would remain in-place:

1. NO CHANGE - All landscaping requirements shall be maintained.
2. NO CHANGE - Continuous berms 12 to 15' in height installed along Conrad Lane.
3. *Left blank intentionally.*
4. NO CHANGE - Detention Pond near north-south portion of Conrad Ln. to be dry.
5. NO CHANGE - Outside Storage shall be prohibited
*****PROPOSED CHANGE - No loading docks permitted to face Conrad Ln. Corporex is requesting the ability to have loading docks face Conrad Ln.**
6. NO CHANGE - Freestanding site lighting fixtures shall not exceed 15' and shall be downlit.
7. *****PROPOSED CHANGE – Shorter façade widths of the southern –most structures shall face the adjacent residential areas to the south along Conrad Ln. Corporex is requesting ability to have the longer façade width of buildings face Conrad Ln.**
NO CHANGE – Architectural guidelines for all structures shall be maintained.
8. Height and Setback Restrictions
 - A. *****PROPOSED CHANGE – the southern most buildings in the development shall have a maximum height of 26' and a minimum setback of 200'. However, for each 8'-4" that the building setback is increased beyond the 200' setback, the building height may be increased by 1', up to 38'. Corporex is requesting the ability to have a 36' building height (to accommodate 32' clear height) at the minimum 200' building setback.**
 - B. NO CHANGE – buildings setback 300' and 500' may be up to 36' in height and buildings setback 500' may be up to 50' in height.
 - C. NO CHANGE – All parking areas shall be setback at least 175'.
9. NO CHANGE – Applicant required to dedicate an additional 10' of ROW along north side of Conrad Ln and reasonable amount of ROW in the southern 90 degree turn of Conrad Ln to alleviate existing geometrics of the road. Neither of the dedications, should they occur, shall increase the setbacks provided in condition #8.
10. NO CHANGE – An emergency access shall be provided on Conrad Ln.
11. NO CHANGE - 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. 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 over power, detract from or conflict with the building design, scale or character proposed in the district;
 - C. Nursery and child care centers
12. NO CHANGE - The design of the park entrance from KY 237 shall be coordinated with KYTC.
13. NO CHANGE - Applicant shall dedicate a 60' wide ROW to provide for a future street connection between the proposed street shown on Concept Development Plan and the adjacent property to the west.

With these changes in Concept Development Plan, this site can be developed with the uses it was rezoned to accommodate in 1996.

Elevations

Corporex has prepared two elevations to illustrate the future development with the proposed changes and the effect to the adjoining residential subdivision to the south. The current building height and setback restrictions are shown in addition to the proposed changes. The proposed industrial buildings are shown in reference to a house in the adjacent subdivision situated at the highest elevation and closest distance to Gateway. Scenario A is an elevation with a 38' tall building and a truck dock facing south and Scenario B is an elevation with a 38' tall building without loading docks. Please note the following:

Scenario A

- The building would be 436' from the adjacent house.
- The building is outside of the 200' building setback at a distance of 265'.
- The loading dock is setback at the 175' pavement setback.
- The existing 12-15' tall berm completely blocks the view of the loading dock from the adjacent house.
- The 38' building height setback at the 265' is only 4' higher than the current restrictions.
- The existing berm and the 24' trees screens the view of the building.

Scenario B

- The building would be 371' from the adjacent house.
- The building is setback at the 200' building setback.
- The building at the 200' setback is 12' higher than the current setback restrictions.
- The entire 38' building would be screened by the existing berm and trees.

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

July 17, 1996

Mr. Tom Banta
Corporex
50 E. RiverCenter Boulevard
Covington, KY 41011

FAX: 292-5599

RE: Boh Property Zoning Map Amendment and Utilization of an Underlying Zone Applications - Conrad Lane, Boone County, Kentucky

Dear Mr. Banta:

The following represents the conditions of approval for the above referenced zone change and utilization of an underlying zone requests as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the owner, agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 5:00 p.m., Tuesday, July 2, 1996.

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.~~ *Small*
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.

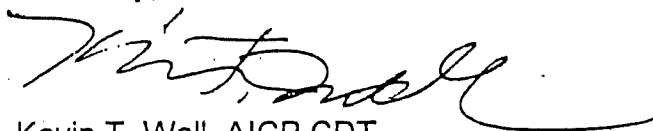
~~REFER TO CONDITION 8 ATTACHMENT - *Dina*~~

8. ~~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.

Mr. Tom Banta
July 17, 1996
Page 4

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."

Sincerely,

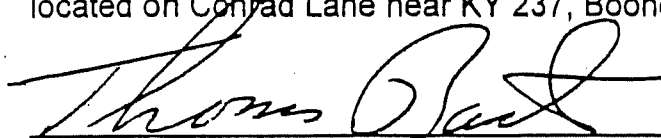


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

I, the authorized agent for the owner by contract, agree to the above listed conditions of approval for the requested Zoning Map Amendment from SR-2 to I-1/PD and the Utilization of an Underlying Zone in a Planned Development, for the approximate 128 acre site located on Conrad Lane near KY 237, Boone County, Kentucky.



Tom Banta, agent for owner by contract

7/17/96
Date

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.

Mitch Light

From: Jeff Barlow <JBarlow@burlingtonkyfire.org>
Sent: Monday, April 22, 2013 3:02 PM
To: Mitch Light
Subject: Feedback for request of change in concept development plan- Corporex Parks of KY LLC

Mr. Light,

I received the request regarding the proposed use of the 35 acre tract located on the south side of Gateway Boulevard Adjacent to the Kentucky National Guard Armory. With existing scenarios presented, the fire district would prefer Scenario A with the loading docks on the south side. The primary reason for this is because of the need for us to access any building of that size on all sides of the structure for emergency access purposes. Scenario A would afford fire district access to the North, West, and East for routine truck traffic, and thus also afford the emergency access if needed. This would best accommodate emergency access needs of the options presented. If you need anything further or review of any other options, please feel free to contact me. Thank you.

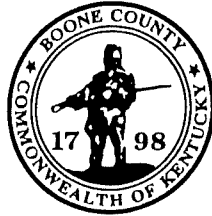
Stay Safe,

Chief Barlow

Jeff Barlow, EFO
Fire Chief
Burlington Fire Protection District
PO Box 479
6050 Firehouse Drive
Burlington, KY 41005
859-586-6161
859-586-6178 fax
www.burlingtonkyfire.org

Confidentiality Notice: The information contained in the email, and in any accompanying documents, constitutes confidential information, which belongs to the Burlington Fire Protection District. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient of this information you are hereby notified that any disclosure, copying, distribution, or taking of any action in reliance to this information is strictly prohibited. If you have received this email in error, please notify us by calling the number listed above.

GARY W. MOORE
County Judge-Executive



GREGORY V. SKETCH, PE, PLS
County Engineer

JEFFREY S. EARLYWINE
County Administrator

PUBLIC WORKS DEPARTMENT

www.BooneCountyKy.org

5645 Idlewild Road
Burlington, KY 41005
(859) 334-3600
Fax (859) 334-3598

M E M O R A N D U M

TO: Mitch Light, Assistant Zoning Administrator
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Proposed Change in Concept Development Plan for Corporex
Parks of Kentucky, LLC for a 35.2723 Acre Tract Located on
the Southside of Gateway Boulevard, Unincorporated Boone
County**

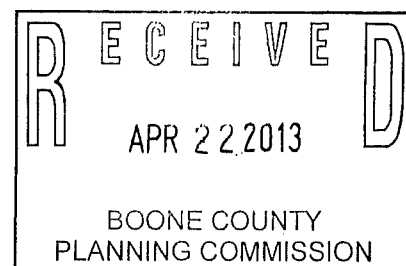
DATE: April 19, 2013

This is in response to your request for input concerning the request for the approval of a change in concept development plan for a 35.2723 acre tract located on the Southside of Gateway Boulevard in Unincorporated Boone County.

Because there will be no impact on county maintained infrastructure with this proposal, I do not have any comments.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator



SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. 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. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
APR - 2 2013
BOONE COUNTY
PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(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)
- Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project Gateway International Business Park
- 3. Location of Project Gateway Blvd., Boone Co.
- 4. Total Acreage of Site 35.2723 acres
- 5. Current Zoning I-1/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1996
- 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) Industrial - warehouse
light manufacturing, E-commerce, distribution
- 9. Proposed Building Intensities (please specify) TBD
- 10. Have you submitted a Concept Development Plan? yes - narrative
- 11. Are you also applying for:
NO Conditional Use Permit ATTN!
NO Dimensional Variance ARLI SCAUERMAN
- 12. Name of Applicant(s) CORPORATE PARKS OF KENTUCKY, LLC
- Phone Number 292-5548 Fax No. _____ E-Mail aschuermann@corporax.com
- 13. Address of Applicant(s) 100 E. River Center Blvd., Ste 1100 Covington KY 41011
City State Zip
- 14. Name of Property Owner(s) Same as #12
- Phone Number _____ Fax No. _____ E-Mail _____
- 15. Address of Property Owner(s) Same as #12
City State Zip
- 16. Are there any existing buildings on the site? NO
How many? N/A
- 17. Deed Book 773, 678 Page No. 437, 270 Group No. _____
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

EXHIBIT

“B”

CHANGE IN CONCEPT DEVELOPMENT PLAN - Mitchell Light, Staff

2. Request of Corporex Parks of Kentucky, LLC (owner) for a Change in Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The applicant is requesting a Change in the approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks and building orientation. Mr. Light referred to the three original conditions as part of the 1996 Zoning Map Amendment request. Condition #5 did not allow loading docks to face Conrad Lane. Condition #7 only allowed "shorter" facade widths of the southern-most structures to face the adjacent residential areas to the south along Conrad Lane. Condition #8a allowed a maximum building height of 26 feet and a minimum setback of 200 feet to the southern most buildings. 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. Corporex is requesting the ability to have loading docks face Conrad Lane, have a longer facade width on buildings facing Conrad Lane and to have a 36 foot building height at the minimum 200' building setback line. Mr. Light proceeded to explain the site's history, the adjacent land uses and current zoning. He showed photographs of the existing berm and a cross-section drawing of the existing berm. He also noted that the Future Land Use map recommends that the site be developed as Rural Lands (RL) and Business Park (BP). He also noted references to the text of the Land Use Element of the 2010 Boone County Comprehensive Plan. "The north side of Conrad Lane, shown as industrial, should contain an extensive buffer area to protect the developing residential subdivisions to the south. Presently, a National Guard Center is being constructed on the north side of Conrad Lane east of Bullittsville Road." Mr. Light reviewed the list of Staff Concerns in the Staff Report. He suggested that, if approved, no building mounted signs be permitted on the rear of the buildings facing Conrad lane. Second, no vehicular access to Conrad Lane was proposed with this request or with the prior approval, only the emergency access as described in original Condition #10. He noted that the Concept Development Plan and narrative are attached to the Staff Report. Mr. Light referred to 2 letters from Greg Sketch, County Engineer and Jeff Barlow, Burlington Fire Chief. Chief Barlow stated that the Burlington Fire District preferred Scenario A due to access. Mr. Light mentioned that the applicant would have to submit a Site Plan to the Planning Commission for review and action prior to any construction. Finally, the request must be evaluated based upon the Articles 3 and 15 of the Boone County Zoning Regulations.

At this time, Chairman Rolfsen asked if the applicant wanted to proceed with their presentation.

Ms. Arli Schuermann, representing Corporex, stated that the proposed changes will enable them to develop the property according to the current and modern industrial design and construction requirements, while at the same time being sensitive to the adjacent residential subdivisions to the south. The current three conditions imposed on the site has prohibited development of the 35 acre site. Development of the site could easily result in hundreds of new jobs and millions of dollars in new investment. The vacancy rate for industrial market in the Airport sub-market are at a historic low. The proposed changes are needed to maintain interest in Boone County. There have been multiple parties interested in the site. However, several have walked away due to the restrictions specifically related to height, building configuration/orientation and loading docks. Both Corporex and Boone County lose out on new jobs and investment. Several parties are still interested in the site, but the proposed changes would have to be approved before they could move forward. Almost 20 years ago, the site was re-zoned from residential to industrial. The property was conditioned to mitigate any foreseeable community impacts. Since then, Gateway Industrial Park has developed with two high quality tenants - the Verst Group and Zumbiel. It is a well-established and well maintained business park. The proposed use for the property is light manufacturing, warehouse or distribution. The new buildings are designed with a 32 foot clear height with cross decks to maximize efficiencies. Ms. Schuermann referred to the cross section elevation or drawing. They used the closest house to the development for analysis purposes. This house is also the highest or tallest in elevation. It is the worst case scenario. The blue cone-shaped is the view corridor of when a resident is looking outside from their back yard. The red line shows the current height restrictions. Ms. Schuermann stated that Corporex stated that they are not changing a few items, which will protect and buffer the adjacent properties. They are not changing the 200 foot setback for a building. It is 4 times above the required minimum amount. They will not change the 170 foot pavement setback from their property line. There will be no changes to the existing earthen landscaped berm which varies from 12 to 15 feet in height and has 24 foot high trees. Corporex will also maintain their architectural standards. There will be no metal buildings or smoke stacks. In Scenario A, the closest residence is 436 feet from the proposed building location. The existing berm will completely block the view of the loading docks. The proposed 38 foot high building is only 4 feet higher than what is permitted. The whole building is muted by the existing berm and trees. In regard to Scenario B, the proposed building would be located 371 feet from the adjoining residence and it could be muted by the existing berm and trees. By modifying the conditions, it will allow options for Corporex to current industrial requests. Both the Verst Group and Zumbiel have doubled in size and the industrial park has high standards. It will allow growth while being sensitive to the adjacent residential uses.

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

Mr. Jeff Simmons, 5848 Orient Street, stated that he wasn't necessarily against the project but the proposed changes totally change the whole idea of what came up over 15 years. The biggest concern back then was the berming and the noise level from the diesel trucks, especially when they move in and out. He mentioned that he previously lived next to a truck stop and experienced noise from idling trucks and moving trucks. That is the reason why there was a condition about the docks being located on the side of the building. Mr. Simmons stated that he lives close enough to hear the trucks. The applicant has said nothing that would restrict trucks from businesses like Amazon. There will be noise and lighting issues. Corporex has done a very good job from a visibility standpoint with the buffer. The submitted drawing depicts a first floor elevation and not from the second floor. He stated that he remains concerned about a long flat facade. It does impact a significant number of homes along Conrad Lane. The negative impact of this proposal will be significant. It would be easy to flip the location of the docks.

Mr. Shawn Feigh, AIA, 2564 Samantha Drive, expressed a concern about the loading docks in a 24/7 operation. The only thing to mitigate noise is mass or depth away from the residential property. The existing berm does not provide enough mass or depth. He recommends approving Scenario B from his professional and personal standpoint.

Mr. Ford asked about the impact of lighting relative to the existing residences. Ms. Schuermann responded that lighting was a previous condition and it is not being proposed to be changed. The condition states that "free-standing light fixtures shall not exceed 15 feet in height and be down lit." Ms. Schuermann further explained that loading docks are permitted. They just can't be facing Conrad Lane. The submitted plans show the worst case scenarios - a wall of loading docks. The proposal would reorient the loading docks and increase the number, It is a reconfiguration.

Chairman Rolfsen asked the applicant if they could possibly identify companies or types of businesses in an effort to understand the impact of truck noise.

Mr. Bob Fessler, Corporex, stated that the existing berm has a lot of massing. In Scenario A, the truck trailer is entirely below the grade of the berm. It has to have some sound attenuation especially with the trees.

Mr. Bunger asked what is meant by the docks already being there? Will it only be one building? Is the building setback comparable to the Kentucky Readiness Center? Ms. Schuermann responded that the submitted drawing is being used for illustrative purposes. The building could be 1,000 feet or 300 feet long. The building could be flipped and the docks could be on the side. The size, number of and building orientation has not been determined. She stated that there are other industrial sites in the County next to a residential subdivision and the maximum setback. The Kentucky Readiness Center sits closer to the road and there is no buffer. Mr. Costello stated that it is exempt from local zoning requirements.

Mr. Longano asked about the reason for the 1996 condition regarding the loading docks? Mr. Light explained that it was more of the unknown impact. The berm wasn't in

at the time but was required upon development. It did allow some dock activity. Mr. Costello stated that the owner didn't know what type of uses would take place - distribution versus manufacturing. We didn't know exactly what the berm would look like and the trees have matured.

Mr. Simmons noted that he was at the original Public Hearing. The truck dock issue was not a visibility issue. The building height issue was a visibility issue. The truck dock issue was more of a noise, fume and traffic issue. With a flat building, noise from the trucks will bounce off. The noise from the side docks will be going in a different direction.

Mr. Hicks stated that panels are often used in churches and gyms to mitigate sound impacts. Is it possible to place sound panels on the outside wall to avoid echoes?

Mr. Feigh responded there is nothing that can be placed on the outside portion of the building. Concrete walls could be installed on top of the berm just like interstate walls protecting residential areas. The sound actually comes from trucks and rolls over the berm.

Mr. Reynolds asked if the applicant could put more trees between the proposed building and the berm to muffle the sound? Ms. Schuermann responded yes.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 15, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on June 5, 2013 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:08 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: Kim Bunger, Chairman

DATE: May 15, 2013

RE: Request of **Corporex Parks of Kentucky, LLC (owner)** for a Change in Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

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

Ben Brandstetter

For Project Absent
Against Project
Abstain Deferred

Greg Breetz

For Project Absent
Against Project
Abstain Deferred

Janet Kegley

Janet Kegley

For Project Absent
Against Project
Abstain Deferred

Susan Schultz

For Project Absent
Against Project
Abstain Deferred

M. 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: DEFERRED 3 FOR PROJECT 3 ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

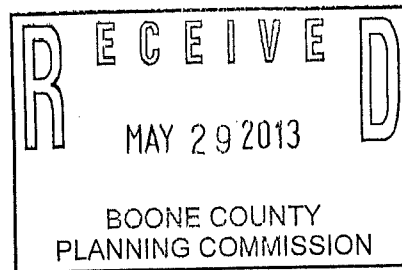


BOONE COUNTY PLANNING COMMISSION

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



May 22, 2013

Ms. Arli Schuermann
100 E. Rivercenter Blvd.
Suite 1100
Covington, KY 41011

RE: Request of **Corporex Parks of Kentucky, LLC (owner)** for a Change in Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky. The request is for a change in a approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

Dear Ms. Schuermann:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their May 15, 2013, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter and return to the Planning Commission office by Thursday, May 30, 2013.

CONDITIONS

1. The Property Owner agrees that all of the original conditions of approval from the 1996 Zoning Map Amendment will still apply unless amended below.
2. The Property Owner will have the option of locating the loading docks either parallel or perpendicular (as was originally approved) to Conrad Lane (amendment to original condition #5).
3. The Property Owner agrees to provide 1/3 more evergreen trees from Buffer Yard "D," Article 36 of the Boone County Zoning Regulations, in the area of any loading docks located parallel to Conrad Lane. This additional landscaping shall be placed in any gaps and/or replace dead trees to mitigate noise if the loading docks face Conrad Lane.

Ms. Arli Schuermann
May 22, 2013
Page 2

4. The Property Owner will be permitted to have a 36' building height (to accommodate 32' clear height) at the minimum 200' building setback (amendment to original condition #8a).
5. The Property Owner will be permitted to have the longer facade width of buildings face Conrad Lane (amendment to original condition #7).
6. The Property Owner agrees to shield any building mounted lighting fixtures that may be installed facing or near Conrad Lane (amendment to original condition #6).
7. The Property Owner agrees that there will be no building mounted signs facing Conrad Lane.

Sincerely,

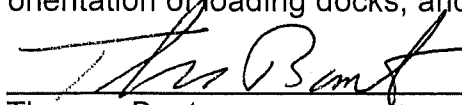


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/dw

AGREEMENT

I, Thomas Banta, do hereby agree to the recommended conditions of approval stated above for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.



Thomas Banta
(owner)

5/28/13

Date

EXHIBIT "B"

LEGAL DESCRIPTION

REMAINING BOH PARCEL
BOONE COUNTY, KENTUCKY
64.5080 AC (2,809,968 Sq.Ft.)

Group No. 2019

A certain tract of land generally located on the West side of the State Route 237, North of Conrad Lane, South of the Town of Hebron, in the County of Boone, Commonwealth of Kentucky and being more particularly described as follows:

- Commencing at a recovered iron spike in the existing paving of Conrad Lane; said point being on the Southern property line of Mary Ann Boh (DB 447 PG 32 & DB 526 PG 161);
- Thence leaving said spike, North 84-49-50 West for a distance of 30.00 feet to a point; said point being the REAL POINT OF BEGINNING;
- Thence leaving said property line and continuing with a new division line, North 05-35-41 East for a distance of 831.30 feet to a point; said point being on the proposed centerline of Gateway Blvd;
- Thence continuing with said centerline, North 87-12-49 East for a distance of 517.96 feet to a point;
- Thence continuing with the said centerline with an arc of a circular curve to the left, having a deflection angle of 07-42-54 degrees, a radius of 750 feet, an arc distance of 100.99 feet, a chord distance of 100.91 feet and a chord bearing of N 83-21-22 E;
- Thence continuing with the said centerline, North 79-29-55 East for a distance of 1992.28 feet to a point; said point being on the Westerly Property line of Kenton County Airport Board (DB 585 PG 282);
- Thence continuing with said common line and passing through the Existing Conrad Lane; South 05-59-36 West for a distance of 1,461.91 feet to a recovered iron pin; said pin being the Southeasterly most corner of Boh;
- Thence continuing with said property line passing through the Existing Conrad Lane, North 84-49-50 West for a distance of 2515.13 feet to the Point of Beginning;

The above described tract of land is the result of an actual cadastral survey by David E. Estes Engineering in June of 1997 and contains 64.5080 acres (2,809,968 square feet). The source of bearing for this description is deeds of record in the Boone County Clerk's office in Burlington, Kentucky.

Being part of the same property conveyed to Mary Ann L. Boh, individually and as Trustee, by deeds recorded in Deed Book 447, Page 32, Will Book 50, Page 257, Deed Book 526, Pages 161, 164, and 167. Boone County, Kentucky Clerk's records at Burlington, Kentucky.

H:\DOCS\PASVAGRE\37487.1

EXHIBIT "A"

BOH TO CORPOREX PARKS OF KENTUCKY
27.1266 ACRES

A certain tract of land being situated between Gateway Blvd. and Conrad Lane, in the Gateway Business Park, in the County of Boone, Commonwealth of Kentucky and being more particularly described as follows:

- Beginning** At the intersection of the Easterly property line of Corporex Parks of Kentucky (CPK) 7.6752 Acre tract (DB 721 PG 104) and the Northerly Right of Way of Conrad Lane; said point being a set ½" Iron Pin & Cap LS 2316;
- THENCE** leaving said Right of Way and continuing along the common line of Boh and CPK, N 05° 35' 41" E for a distance of 823.19 feet to a set ½" Iron Pin & Cap LS 2316; said point being on the Southerly Right of Way of Gateway Blvd;
- THENCE** leaving the said common line and continuing with the said Right of Way line N 87° 12' 49" E for a distance of 143.98 feet to a set ½" Iron Pin & Cap;
- THENCE** continuing with the Right of Way line with a circular curve to the left, said curve having a central angle of 7° 42' 54", a radius of 780.00', a curve length of 105.03', a chord length of 104.95' and a chord bearing of N 83° 21' 22" E;
- THENCE** continuing with the Right of Way line N 79° 29' 55" E for a distance of 1019.12 feet to a set ½" Iron Pin & Cap LS 2316;
- THENCE** leaving the said Right of Way line and continuing with a new division line S 05° 35' 41" W for a distance of 1,130.31 feet to a set ½" Iron Pin & Cap; said point being on the Northerly Right of Way of Conrad Lane;
- THENCE** leaving said new division line and continuing with the Right of Way line N 85° 16' 43" W for a distance of 1224.32 feet to the **Point of Beginning**.

58269_1.DOC.1

LEGAL DESCRIPTION

Corporex Parks of Kentucky
 Conrad Lane, Boone Co., Ky.
 7.6753 Acres (334,336 sq. ft.)

A certain tract of land located on the Northerly side of Conrad Lane in Boone County, Commonwealth of Kentucky and being more particularly described as follows:

BEGINNING at a set steel pin and cap in the Northerly right of way of Conrad Lane, said steel pin being the Southeasterly corner of Lloyd W. and Harold L. Dringenburg (W.B. 45 Pg. 251);

THENCE leaving right of way of said Conrad Lane and continuing with the common line of said Lloyd W. and Harold L. Dringenburg, North 05-35-41 East for a distance of 791.78 feet, to a recovered stone, said stone being a common corner of Melvin Elslager (D.B. 281 Pg. 19);

THENCE leaving the common line of said Lloyd W. and Harold L. Dringenburg and continuing with the common line of said Melvin Elslager, North 05-15-32 East for a distance of 18.35 feet to a set steel pin and cap in the common of Dryridge Capital (D.B. 678 Pg. 270);

THENCE leaving common line of said Melvin Elslager and continuing with the common line of said Dryridge Capital, North 87-12-49 East for a distance of 404.11 feet to a set mag nail;

THENCE leaving common line of said Dryridge Capital and continuing with a new division line, South 05-35-41 West for a distance of 862.89 feet to a set steel pin in the Northerly right of way of Conrad Lane;

THENCE leaving said new division line and continuing with the Northerly right of way of said Conrad Lane, North 85-16-43 West for a distance of 399.73 feet to the said **POINT OF REAL BEGINNING**.

The above described tract of land contains 334,336 square feet (7.6753 acres). The source of bearing for this description is existing deeds and plats of record.

46256.1

State of Kentucky, County of Boone
 JERRY W. ROUSE, Clerk of the Boone County
 Court, do certify that the foregoing
Misc was, on the 15 day of Dec
 1998, at 10:52 A.M. lodged in my office
 for record, and that it has been duly recorded in
 my said office, together with this and the
 certificate thereon endorsed.
 Given under my hand this 15 day of Dec
 1998.
 JERRY W. ROUSE, CLERK
Jerry Rouse **DR**

ORDINANCE 13-14

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF CORPOREX PARKS OF KENTUCKY, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD) ZONE FOR A 35.2723 ACRE TRACT GENERALLY LOCATED ON THE SOUTH SIDE OF GATEWAY BOULEVARD ACROSS FROM THE PROPERTIES AT 2100 AND 2200 GATEWAY BOULEVARD, ON THE NORTH SIDE OF CONRAD LANE ACROSS FROM DERBY FARMS SUBDIVISION AND REGAL RIDGE SUBDIVISION, AND TO THE EAST OF THE KENTUCKY ARMY NATIONAL GUARD FACILITY AT 2676 CONRAD LANE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract generally located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, 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 Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract generally located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNT
OF BOONE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

SECTION I

That the request for a Change in an Approved 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 35.2723 acre tract generally located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone is more particularly described in DEED BOOKS 773 & 678, PAGE NOS. 437 & 270, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 35.2723 acre tract generally located on the south side of Gateway Boulevard across from the properties at 2100 and 2200 Gateway Boulevard, on the north side of Conrad Lane across from Derby Farms Subdivision and Regal Ridge Subdivision, and to the east of the Kentucky Army National Guard facility at 2676 Conrad Lane, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for

this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

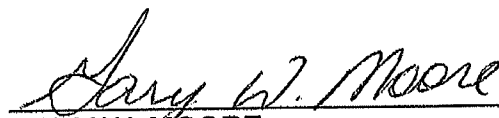
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

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 16th day of July, 2013.

Adopted by the Fiscal Court of Boone County after Second Reading at a special meeting on the 6th day of August, 2013 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