

STAFF REPORT

#4

REQUEST OF AVERITT EXPRESS FOR A ZONING MAP AMENDMENT
FOR PROPERTY ON U.S. 25 NORTH OF FROGTOWN ROAD

JANUARY 25, 1989

This is a request for a Zoning Map Amendment by Averitt Express to rezone a 15.6538 acre site located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road. The site is currently zoned Commercial Services (C-3), and the request is to change the zone to Industrial One (I-1) to allow the development of an express freight service center. The property is owned by Gorman Dillingham.

Background

This property has been the subject of three previous Zoning Map Amendment requests. On May 7, 1986, the Planning Commission recommended denial of a request to rezone this property from Suburban Residential One (SR-1) to Industrial One (I-1). On July 2, 1986, a second application to rezone the property, from Suburban Residential One (SR-1) to Commercial Services (C-3) for use as a crane rental business, was approved with conditions. The crane rental business never opened, however, and the property was not developed. On June 7, 1988, an application was made to rezone the property from Commercial Services (C-3) to Industrial One (I-1) to allow an express freight service center on the site. This zone change was recommended for denial by the Planning Commission on July 20, 1988, and the application was withdrawn before the request was heard by the Fiscal Court.

The present request for rezoning the Dillingham property is by the same applicant as the June of 1988 request, Averitt Express, and for the same proposed use. The applicant has submitted a Concept Development Plan as part of this application which varies from that submitted as part of the 1988 request, and information concerning traffic generation.

Surrounding Land Uses and Zoning

- north: SR-1; single-family residences fronting on U.S. 25, mostly agricultural uses
- south: C-3; a bearings business, single-family residences, and a dog kennel. A mobile home park is located on the opposite (south) side of Frogtown Road
- east: C-3 and I-1; a gasoline service station, clothing store, and restaurant, I-1 and I-2 zoning beyond
- west: I-75 forms the west boundary, beyond is zoned SR-1

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Site Features

The majority of the site is fairly level or gently sloping, although the northwest corner of the site slopes down approximately 30 feet to a natural drainage way. Soils on this site are of the Rossmoyne series, between 0 and 12 percent slopes. The approximate elevation of this site is 920 feet. Currently the majority of the site is fallow fields. There are the foundations of old farm out-buildings and a burned-down house, as well as a small paved area and driveway.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial along U.S. 25 and High Density Residential (greater than eight dwelling units per acre) on the remainder of the site.

The Land Use Element of the Plan makes the following statements about the general area:

"The growth of this area will be impacted in several ways. The major influences will be the Northern Kentucky Industrial Park to the north, the proposed Mt. Zion interchange on I-75, the Hopeful Road connection to the Industrial Park, development pressures along US 25, and the Southern Railroad Line. Because of the development pressure, all necessary types of infrastructure will increase in scale...The Mt. Zion interchange will have the single largest impact on this area...Commercial activity associated with the interchange should be concentrated on the northeast quadrant. Most of the existing residential development is south of Mt. Zion although the Mobile Home Park Uses will experience pressure from high land values in the future...Because of the various land uses along US 25, it will carry a wide selection of traffic types. For this reason any traffic intensive or truck-oriented uses should locate near connections to the interstate (pp. L-20, 21)."

The Business Activity Element of the Comprehensive Plan states:

"The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridor. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads (p. B-16)."

Goals and Objectives for Industrial uses include:

- "1. Industries shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.

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2. Industrial development shall be encouraged to locate near railroads, highways, airports and/or the Ohio River.
3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor should be controlled (p. G-4)."

The Transportation Element of the Comprehensive Plan states:

"As urbanized areas expand and increase in population, some rural roads experience enough through traffic that they become functionally more important in the road classification hierarchy. For this element and the comprehensive plan, several of the rural major collectors have been reclassified to rural major arterials. These include U.S. 25, U.S. 42-127, KY 18 from the urban line to Burlington, and KY 237 from I-275 to KY 18...The arterials should be regarded as the roadways most suitable for planned land use development in the county. Arterials close to the urbanized areas are prime for commercial development although intense development can impede through traffic...The resurfacing of U.S. 25 at the Richwood Exit and the proposed connection of the I-75/I-71 junction to U.S. 25 north of Walton makes the Kensington area very favorable for industrial development while offering the Walton area a resurgence of population growth (p.T-3 and T-4)."

Concept Development Plan

The submitted Concept Development Plan indicates the construction of an office, loading platform, and fuel station. Access to the site would be by a single curb cut onto U.S. 25. Parking spaces for trailer-trucks and employee cars are provided. Improvements to U.S. 25 would consist of constructing a deceleration lane for southbound truck traffic of approximately 210 feet, and an acceleration lane for southbound trucks of approximately 300 feet. Landscaped buffer yards would be placed between the subject property and the properties to the north and south, as well as a landscaped yard to be located between the proposed paving on the site and U.S. 25.

Staff Concerns

1. LAND USE CONCERNS

The proposed use of this site substantially deviates from the use projected for the area in the Boone County Comprehensive Plan, which indicates commercial and residential uses for this property. The Staff feels the proposed Industrial One (I-1) zoning is not appropriate at this location on the west side of U.S. 25, as it would constitute an intrusion of an industrial use into the existing and projected commercial and residential land uses and zoning of the surrounding properties. The Staff

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believes a mutually compatible mixture of industrial, commercial, and residential uses on the west side of U.S. 25 from Maher Road to Frogtown Road can only be achieved with great care and coordinated development to insure harmonious land uses. Further, the proposed use is not compatible with the Comprehensive Plan, which calls for light industrial uses to be located almost exclusively on the east side of this portion of U.S. 25.

The Staff also believes this use would be better located in a clustered industrial area, such as, but not limited to, the Richwood Industrial Park, which is located approximately 3000 feet south of the subject property. This would place the use closer to the Richwood Exit access to I-71/I-75, thus reducing truck travel on U.S. 25. It would also be in greater compliance with the Comprehensive Plan, which encourages industrial uses to locate in clustered areas, encourages truck-oriented uses to be located close to interstate accesses in order to reduce travel on non-interstate roads, and indicates that the area near the Richwood exit is ideal for industrial development on U.S. 25.

2. TRAFFIC AND ACCESS CONCERNS

The Staff concerns regarding traffic relate to the land use concerns discussed above. The concern is the is the appropriateness of locating the proposed development on this site. At present, U.S. 25 is a two lane roadway that handles a significant amount of traffic, and will have increased demands paced upon it in the future. With only two through lanes, the efficiency of the roadway is decreased by additional curb cuts. This is especially true for a driveway that will serve semi-truck traffic.

The Concept Development Plan indicates that acceleration and deceleration lanes will be constructed along U.S. 25. This will benefit traffic entering the site from the north or exiting to the south. The Staff's concern is that the majority of the traffic will be entering from the south, having to turn left across traffic. A vehicle stopping to make this turn into the proposed development will have the immediate effect of backing up traffic along U.S. 25.

The site distance is adequate at this point on U.S. 25, however, traffic entering and exiting the site will cause traffic problems and delays. Staff believes that it is inappropriate and unsafe to locate a truck-oriented operation at this site, due to the existing traffic volumes and capacity of the roadway.

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Traffic Volume

The amount of traffic as estimated by the applicant for the development will be:

| | | 24 hr ADT | AM Peak | PM |
|----------------|--------|--------------|------------|-----------|
| Truck Terminal | Trucks | 114 | 15 | 14 |
| | Cars | 56 | 20 | 16 |
| | Total | <u>170</u> | <u>35</u> | <u>30</u> |

All of the traffic generated by the proposed use will be new, or additional, traffic on U.S. 25. As stated above, the Staff is concerned with the amount of truck traffic that will be generated, impacting the current traffic volume on this portion of U.S. 25.

The latest traffic count for this portion of U.S. 25 is 7,000 vehicles per day, as determined by the Kentucky Transportation Cabinet in 1984. Although the traffic on this roadway has not been recently measured, the volume has surely grown substantially over the past four years, given the increase in residential and industrial uses located to the north and south of the U.S. 25/Frogtown Road intersection. Great care must be taken to insure that the roadway capacity will continue to be sufficient to meet existing and future demands.

Access Management

The Access Management Regulations identify U.S. 25 as a Class I Arterial roadway. This road is to provide medium to high speeds and traffic volumes over medium to long distances. The primary function of U.S. 25 is to move traffic through the area, access to adjoining property being subordinate. Proposed developments on U.S. 25, therefore, should be analyzed in terms of traffic movement impacts first.

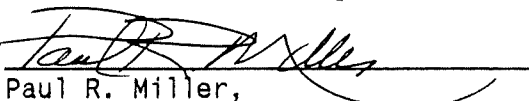
Section 1740A of the Boone County Zoning Regulations speaks to the need to maintain the capacity of existing roadways. "The Planning Commission may require that upon completion of a development all traffic requiring access to and from the development shall operate in such a manner as to not adversely affect the capacity of the roadway." The Staff is concerned that the proposed use, because of the volume and type of traffic that will be generated, will adversely affect the capacity of the roadway. Finally, if approved, the applicant should be required to provide access to adjoining properties. Dependant upon the development of the properties along U.S. 25, provisions for locating and construction a frontage road may also be required.

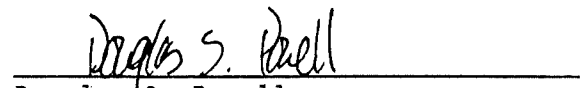
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Conclusion

Should the Planning Commission recommend, and the Fiscal Court subsequently approve, this Zoning Map Amendment, the Boone County Comprehensive Plan will need to be amended to reflect the industrial use.

Respectfully submitted,


Paul R. Miller,
Plans Examiner/Planner


Douglas S. Powell,
Transportation Planner

PRM/DSP:kat

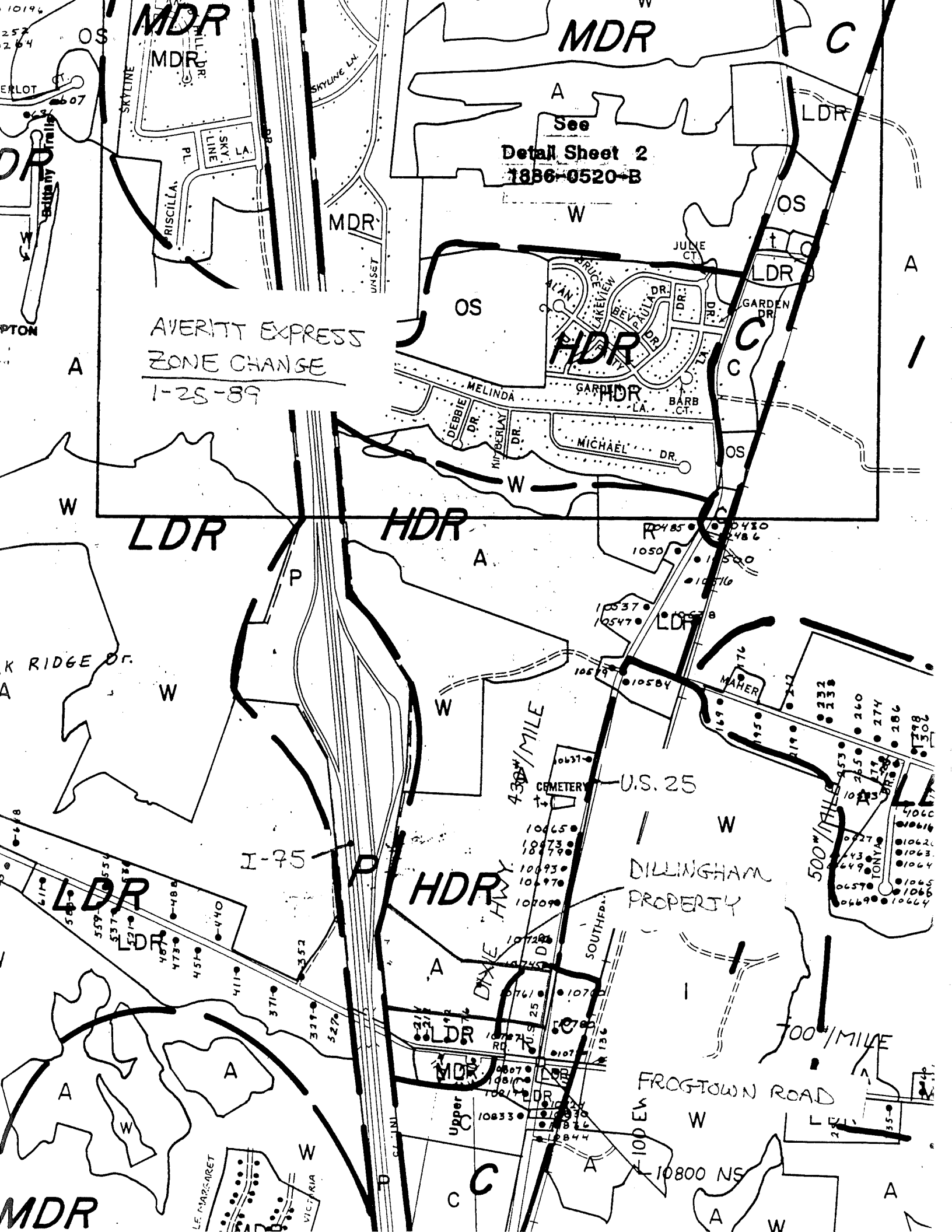
← U.S. 25

— DILLINGHAM PROPERTY

FROGTOWN ROAD

I-75 →

AVERITT EXPRESS
ZONE CHANGE
1-25-89



MDR

MDR

C

Detail Sheet 2
1886-0520-B

AVERITT EXPRESS
ZONE CHANGE
1-25-89

LDR

HDR

HDR

LDR

MDR

DILLINGHAM
PROPERTY

FROGTOWN ROAD

430' / MILE

500' / MILE

100' / MILE

CEMETERY

U.S. 25

I-75

Upper

100' EW

10800 NS

See

OS

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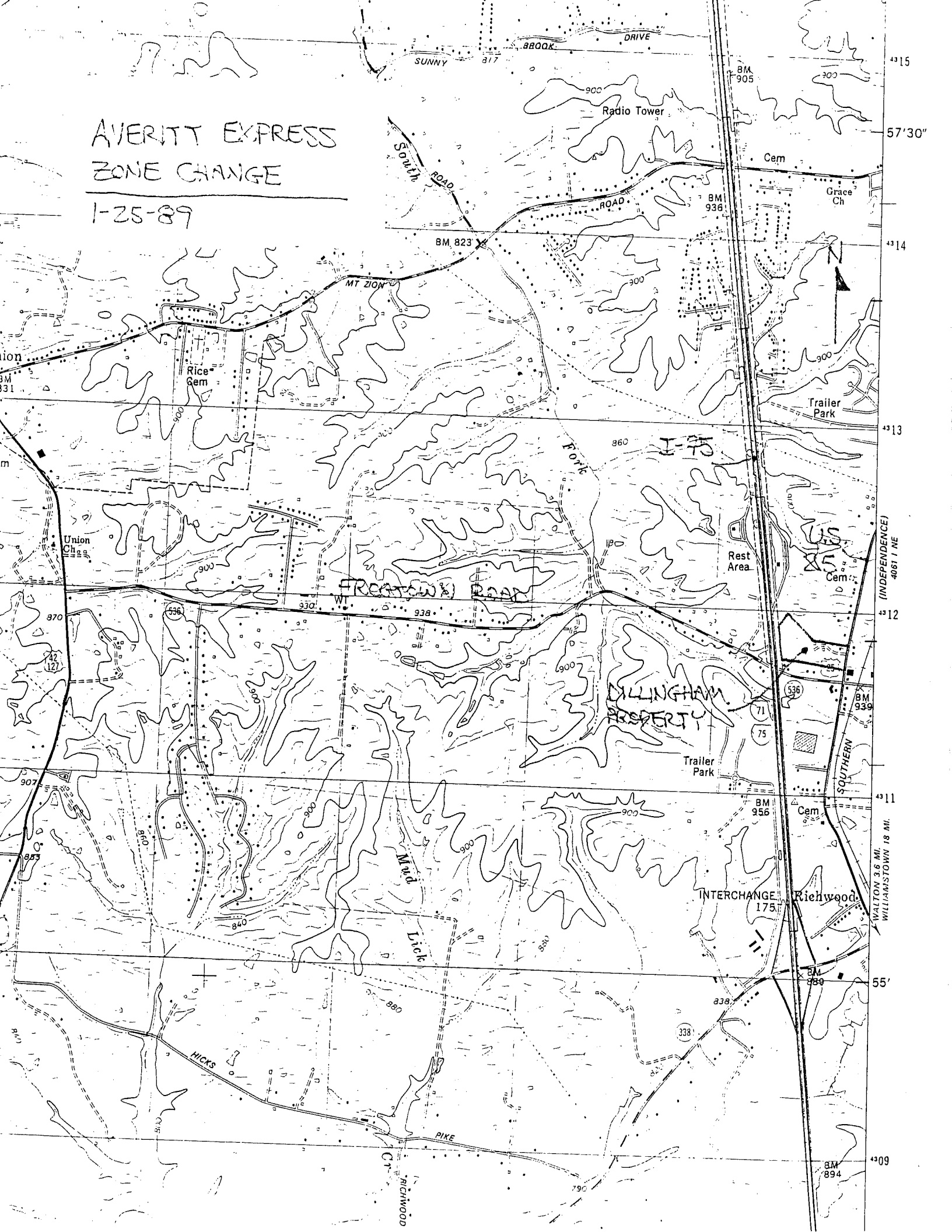
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AVERITT EXPRESS ZONE CHANGE

1-25-89



ADAMS, BROOKING, STEPNER, WOLTERMANN & DUSING,
Attorneys and Counselors at Law

CHARLES S. ADAMS
1906-1971
C. GORDON WALKER
1911-1967
JOHN R. S. BROOKING *
DONALD L. STEPNER
JAMES C. WOLTERMANN
GERALD F. DUSING
MICHAEL M. SKETCH *
DENNIS R. WILLIAMS
JAMES R. KRUER *
MARC D. DIETZ *
TIMOTHY M. RUTTLE *
KIMBERELY I. ADAMS
GREGORY S. SHUMATE
CHRISTINE M. VISSMAN

January 19, 1989

421 GARRARD STREET
P. O. BOX 861
COVINGTON, KENTUCKY 41012-0861
AREA CODE 606-291-7270
—
8100 BURLINGTON PIKE-SUITE 400
P. O. BOX 576
FLORENCE, KENTUCKY 41042-0576
AREA CODE 606-371-6220
*ALSO ADMITTED IN OHIO

PLEASE REPLY TO:
FLORENCE

HAND DELIVERED

Mr. Paul Miller
Planner
Boone County Planning Commission

RE : AVERITT EXPRESS - ZONE CHANGE REQUEST

Dear Paul:

The following was provided by Averitt Express today for your information:

(1) Traffic Study - The information provided in our traffic study was based on our actual data that we maintain on a daily basis. From our Service Center Dispatch, we maintain accurate records of the movements of our equipment (tractor trailers and smaller straight trucks), each time a truck is dispatched to and from our service area.

(2) Comparison of Louisville Service Center and the Proposed Florence (Boone County) Service Center - The volume of traffic flow in and out of these two Service Centers are not comparable.

The Louisville Service Center is a regional hub serving numerous subsequent service centers. The Florence Service Center is a spoke of the Louisville hub.

Louisville Service Center is a "relay" Service Center which means that Louisville "collects" freight from Cincinnati, Lexington, Corbin, Bowling Green, Chicago, Owensboro, Nashville, etc., that is destined either north or south. Florence, on the other hand, will be a regular service center not a relay point.

Mr. Paul Miller
January 19, 1989
Page Two

This means it will basically cover only its own service area and not be subject of the additional collection of freight from other service centers. Therefore, the traffic study information shown for Louisville is 50% - 70% higher than what Florence will generate (even after the Center matures to capacity in two or three years). Florence will collect and deliver only within its service area without the additional relay function.

(3) Expected Automobile Traffic Impact

Approximately 25-30 Automobiles (after 1 year maturity), which will be employees only, approximately 6-8 Automobiles (office and administration): typical 8:00 A.M. to 6:00 P.M.

Balance of Automobiles:

10-12 (First Shift) - Begin 4:00 A.M. to 7:00 A.M.
Depart 12:00 P.M. to 3:00 P.M.

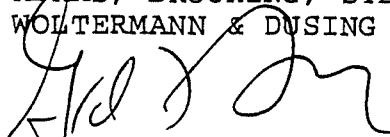
5-8 (Second Shift) - Begin 3:00 P.M. to 5:00 P.M.
Depart 8:00 P.M. to 10:00 P.M.

(4) The Louisville Regional Service Center is located in a mixed use suburban location in Louisville, per the attached map. You are invited to inspect it - just give me a call. It is in an area of single family and apartment residential, regional shopping mall, retail and light industrial.

I hope this is helpful. If you any additional information, please advise.

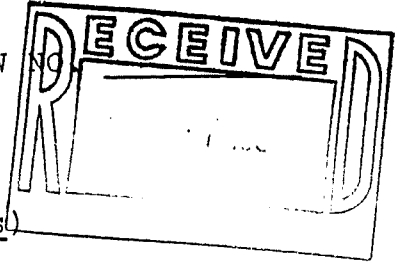
Very truly yours,

ADAMS, BROOKING, STEPNER,
WOLTERMANN & DUSING


GERALD F. DUSING

GFD:dw
Enclosure
cc: Mr. Jerome Terrell

REVIEW



APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Development AVERITT EXPRESS
2. Location of Development US 25 (NORTH OF FROGTOWN) West Side
3. Total Acreage of Site 15.6538
4. Current Zoning C-3
5. Proposed Zoning (classification being requested) I-1

6. Proposed Uses (please specify each use) EXPRESS FREIGHT SERVICE CENTER

7. Name of Applicant(s) AVERITT EXPRESS
Phone Number(s) 800-251-6730 615 526 3306

8. Address of Applicant(s) 518 OLD KENTUCKY ROAD PO BOX 3166
COOKEVILLE, TENN. 38502-3166
City State Zip

9. Name of Property Owner(s) GORMAN DILLINGHAM
Phone Number(s)

10. Address of Property Owner(s) 826 ST RT 131 MILROAD, OHIO 45150
City State Zip

11. Proposed Building Intensities (please specify) 1 TERMINAL FACILITY AND RELATED IMPROVEMENTS - SEE CONCEPT DEVELOPMENT PLAN

12. Are there any existing buildings on the site? NONE
How many?

13. Deed Book 343 Page No. 314 Group No. 2058

14. Have you had a pre-application meeting with BCPC staff? *

15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
Florence Water and Sewer Commission
Union Light Heat and Power
Cincinnati Bell
Owen County Rural Electric
Boone County Road Department
Kentucky Transportation Cabinet
City of Florence Public Works Department
City of Walton Public Works Department
Northern Kentucky Health District
U.S. Soil Conservation Service
Local School District
Local Fire District
Other: BCPC - Paul Harrison and zone change committee

*SUBJECT OF MAY 31, '88
SIMILAR APPLICATION
SEE BCPC
R-39-88

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

BOOK 343 PAGE 314

Know all Men by these Presents,**That** DILLINGHAM'S MOBILE HOMES, INC.PROPERTY TRANSFER TAX PAID \$ 63.00
JERRY W. ROUSE, CLERK cca corporation organized under the laws of Ohio
and having its usual place of business at 11353 Lebanon Road, Cincinnati, Ohio,of Hamilton County, State of Ohio, for valuable consideration paid, grants with
general warranty covenants, to SAID CONSIDERATION IS SIXTY-THREE THOUSAND
(\$63,000.00) DOLLARS
GORMAN L. DILLINGHAM and MODIE D. DILLINGHAM,

whose tax mailing address is

11353 Lebanon Road, Cincinnati, Ohio, 45241,

the following real property:

2058
Located generally in Boone County, Kentucky, on the west side of
U. S. Highway No. 25 about 200 feet north of Frogtown Road (Ky.
Hwy. No. 536) and described particularly, thus:Beginning at an iron pipe on the northeast corner of Lot No. 4 of
the Theo. Carpenter Estate Farm division in the West line of U.
S. Highway No. 25; thence along said line of said highway (30
feet from centerline) S. 8 - 00 W. 450.80 feet to a corner
therein of Lot No. 4 of the Theo. Carpenter Estate Subdivision;
thence with the north line of Lots Nos. 4 to 22 inclusive of said
subdivision N. 84 - 12 - 45 W. 1110.11 feet to a point in the
east right of way line of Interstate Highway No. 75; thence with
said east line N. 6 - 29 - 45 W. 651.70 feet, N. 18 - 44 E.
276.66 feet to a point in the north line of said lot or tract No.
4 of the Carpenter Estate Farm Division; thence therewith S. 47 -
17 - 30 E. 492.68 feet, S. 46 - 31 E. 252.21 feet, S. 83 - 41 -
45 E. 610.86 feet or sufficient to reach the place of beginning,
containing 15.6538 acres of land subject to legal easements of
record and in existence.Being the same property conveyed by deed recorded in Deed Book
197, page 109, in the Office of the Clerk of the Boone County
Court, Burlington, Kentucky.Together with all the privileges and appurtenances to the same
belonging. To have and to hold the same to the same Gorman L.
Dillingham and Modie D. Dillingham, their heirs and assigns
forever, with covenants of general warranty.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4
January 25, 1989

Page 1

Following a short recess, the Chairman introduced the next item on the Agenda:

4. Applicant: Averitt Express for Gorman Dillingham (owner)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Averitt Express (applicant) for Gorman Dillingham (owner) for a Zoning Map Amendment on a 15.65-acre site located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road, Boone County, Kentucky. The request is to rezone the property from Commercial Services (C-3) to Industrial One (I-1) to allow the establishment of an express freight service center.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation. Mr. Doug Powell, Transportation Planner, presented Staff's Concerns in regard to traffic and access. (See Staff Report).

Mr. Raymond Bogucki introduced those present in behalf of Averitt Express, including: Mr. Jerome Terrell, Director of Regional Services; Mr. George Sasser, Executive Vice President of Operations; Mr. Butch Bryet, Director of Property; and Mr. Bob Greenwood, Service Center Director in Cincinnati.

Mr. Bogucki gave each commissioner a folder containing items written by other people about Averitt Express. He stated that also in the folder is a study of their fuel savings and idling policies for the trucks due to their state-of-the-art diesel equipment. He noted that this information was included due to environmental concerns. He discussed the previously requested zone changes for the site, noting that the C-3 zoning for the crane rental was approved. Averitt withdrew their request in 1988 for additional data. They now have that additional data.

Mr. Bogucki distributed copies of pictures of a facility which closely resembles the proposed facility and asked that they be a part of the record. He stated that the present zoning is inappropriate due to major concerns, such as the environment and the traffic. He noted the Principally Permitted Uses in the C-3 Zone which he stated generate more traffic than Averitt. The proposed facility will have eight trucks making two trips per day. Over a period of two years, that hope that will increase to a maximum of 25 trucks, which is 50 trips per day. When they reach that number, they take eight of the trucks and create another branch elsewhere. He stated that they would

not have oversized loads like the crane rental business, but they would have semi's. He stated that their peak hours are 5 A.M. to 9 A.M. with the peak being 6 A.M.. Their evening peak hours are 5 P.M. to 9 P.M. with the peak being 8 P.M.. No hazardous materials are stored or moved. He stated that less than 50% of the property is being developed. There is 43% parking plus the facility. The run-off goes to a retention area. There are landscaping buffers. He stated that I-1 zoning is appropriate.

Mr. Bryet reviewed the Site Plan and stated that Averitt proposes a 132,000 sq. ft. building with a dock and maintenance facility. He stated that 49% will be under blacktop. They will have white pines along the borders with permanent landscaping in the front. There will be plant beds and timbers. The platform is not enclosed. The maintenance area is basically enclosed for the equipment to drive through.

Mr. Gerry Dusing stated that he takes issue with the Staff Report in the areas of land use and traffic. He stated that the quotations in the Staff Report exist in the Comprehensive Plan but, as indicated by the history of the site, it has not worked out. He noted that a C-3 use was approved for the site when the Plan has high-density residential. He stated that the economics of the 15-acre site, especially the 10 or 11 acres to the rear indicated for high-density residential, do not work. The Plan calls for more than eight units per acre and you will not get the type of living units the community will anticipate.

Mr. Dusing stated that the proposed use is not the common industrial use. He stated that this is more of a C-2 use with in and out trucks. There is no manufacturing or fabricating. There are no smokestacks. He stated that this area north of Walton, due to improvements planned on U.S. 25 and the proposed I-75/71 connection, is favored for industrial development.

Mr. Dusing noted that the packet distributed contains a case study synopsis from Harvard Business School that Averitt was selected to show how to run a service type industry. He stated that this use is not to be compared to a truck stop type use. This is a service center. Every item of freight that comes in goes out the same day.

Mr. Dusing stated that the traffic study in the Staff Report was misleading. They presented traffic data from their Louisville hub, which serves five states and twelve other service centers, to Staff. Mr. Miller asked that the data be correlated. He stated that the traffic is minuscule compared to the C-3 uses approved for the front of the site, such as convenient type stores and shopping centers. Their data was submitted to the Staff on January 19, which must have been after the Staff Report was prepared. He asked that their Louisville actual count study and letter of explanation be included for the record. He stated that the Louisville site has the relay function and this site is a "spoke" having about 70% less volume. Louisville is not a suburban area. He disagreed with Staff's assumption in the Staff Report that Richwood Industrial Park is down the road and they could locate

there. He stated that it is inappropriate for this type of use and against their safety policy to go across an arterial highway and across a trunk line railroad to the site. The proposed site is far safer.

Chairman Viox asked if anyone else wished to speak in favor of the request.

Mr. Floyd Cosgoff, an adjacent property owner to the north, stated that he is in favor of the request as there would be less noise and less equipment. He stated that additional revenue is needed in the county and this use would provide a good tax base. They will hire employees at a good wage.

Mrs. Adele Riffett, a property owner to the west of the site, stated that she is in favor of the request. She noted that C-3 zoning would allow uses with low pay scales, such as McDonald's and dog grooming. This use would upgrade the entire area. Mrs. Riffett stated that a trailer court is considering asking to go on the site. There will be more traffic with a trailer court or a McDonalds'. She noted that the Averitt drivers would be more responsible drivers.

Mr. Gerald Newton, Director, advised that the current zoning is Commercial Services with a Concept Development Plan. There is only one use allowed on the property at this time. Any other use would require a public hearing.

The Chairman asked if there was anyone present in opposition to the request or having questions. There being no response, he asked if there were any comments from the Commission.

Mr. Barnett commented that the applicant should probably have asked for a text amendment. He noted the comment that Averitt was not really an industrial use and that the proper request may have been to ask that Averitt Express be allowed in the C-3 Zone and to ask for a change of the Concept Plan.

Mr. Sharp stated that he is concerned about the traffic flow in the area.

Chairman Viox asked if the traffic volume figures in the Staff Report were accurate.

Mr. Dusing stated that they should be cut in half and that the times of day must also be considered.

Mr. Doug Powell stated that Mr. Dusing had indicated that this development would be about half of the Louisville development, but the numbers were for a four-day period. The ADT number is correct but the peak in and out numbers for the trucks should be divided by four. Using Mr. Dusing's numbers, table #5 is incorrect.

Mr. McMillian asked if this trucking company would be the only one using this facility. He asked if other trucking companies would be bringing packages to the facility.

Mr. Dusing stated absolutely not. This is not a general warehouse. Their trucks go to their customers and bring the packages to the facility. The only in and out automobile traffic would be the employees.

Chairman Viox asked if there were any further comments or questions. There being none, he stated that this item will be on the Agenda for the Business Meeting on February 1, 1989 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

February 15, 1989 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Floyd Sharp

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of February 1, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Rush moved that they be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Averitt Express (applicant) for Gorman Dillingham (owner) for a Zoning Map Amendment on a 15.65-acre site located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road, Boone County, Kentucky. The request is to rezone the property from Commercial Services (C-3) to Industrial One (I-1) to allow the establishment of an express freight service center.

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

The Chairman asked if the applicant wished to comment.

Mr. Gerry Dusing, attorney for Averitt Express, stated that they disagree with the Committee Report based on the facts. He requested approval of the application. He stated that they disagree with the Committee's finding that the request is not in conformity with the Comprehensive Plan based on the text of the Plan. They feel that this site should be the natural barrier between industrial growth from Kenton County, the railroad, U.S. 25, and the residential area to the east. The narrow strip of land between U.S. 25 and I-75 is "no where land" in the Comprehensive Plan. It is not realistic to expect this area to develop as high density residential or commercial based on the social and economic forces. He noted that the Comprehensive Plan recommends commercial use to the front of the site and high-density residential use to the rear. He noted the locations of industrial uses in the area. He stated that the text of the Comprehensive Plan justifies their proposed use, which is in compliance with the Transportation Plan. He stated that the Kensington area is appropriate for industrial use. Mr. Dusing stated that he objects to the Committee Report in regard to the facts submitted in regard to traffic at the Public Hearing. They submitted facts that the traffic impact would be negligible. He stated that they were not able to give input at the Committee Meeting as the Committee felt the applicant's presence was not necessary. They submitted two documents but do not know if all of the Commissioners have seen them. They made an actual traffic pattern analysis of this use. There would be six left hand turns a day --- two between 3 a.m. and 5 a.m., two between 7 p.m. and 8 p.m., and two between 5 p.m. and 6 p.m.. He stated that this is not negative traffic impact on existing and future traffic. He stated that there is no proof otherwise, only unfounded speculation. He stated that Averitt Express is a high-quality business and if it is not on this site, it will not be in this community. He stated that he reads between the lines in the Committee Report that they could locate in Richwood at the industrial park. This is not an alternative due to the railroad crossing and company policy. He noted that there are no opponents to this request and that adjoining property owners spoke in favor of the request.

Chairman Viox noted that the Kensington area is further south than this area and asked Mr. Newton for his comments.

Mr. Newton stated that when they worked on that part of the Comprehensive Plan, they were looking at trying to recreate a resurgence of Walton and assess the impact of the road improvements. They looked at all of the area between I-75 and East Frogtown Road. They put the area from U.S. 25 down to Walton into industry. This area, which is south of the subject site, was rezoned from Agricultural to Industrial. The thinking in regard to the property to the north was that there needed to be a location for low-income/high-density housing in the area of the industry. They also considered the center area and its proximity to Florence and the thinking was to have a location for mobile home parks or apartments. If they were to have the residents there, they needed a place to meet their local needs. Therefore, they took a small area in front of the high-density residential area and designated it for commercial use. He stated that the idea was to allow the extension of the industrial park south, have a breaking point at Mt. Zion Road, and then go to high-density residential. Then, from that point, to allow industry to begin to occur again.

In response to questions from the Chairman, Mr. Dusing stated that this use needs to be at the I-75 and I-71 interchange to work. They cannot be on the other side of the railroad tracks. He stated that they are in the same basic area as the industrial uses and there is a buffer zone of I-75. They did not find an appropriate site in the Northern Kentucky Industrial Park. Mr. Dusing stated that they prefer to be in this end of the county at I-75 and I-71

Mr. Greene agreed with Mr. Dusing that the traffic impact would be minimal. He stated that the area is filled with industrial uses to the north and the south. He noted that the neighbors were in support of the project at the public hearing.

Mr. Barnett stated that the Comprehensive Plan was adopted in 1986 and this is a question of land use. He noted the basis for change -- a major change in the area of a physical, social, or economic nature. He stated that these elements had not been demonstrated in order to recommend a change. He noted that as soon as this corner is changed to industrial, a change will have been created to allow other pieces of property in the area to also change. He stated that a decision needs to be made on the basis of land use, not the merits of Averitt Express.

Mr. Greene moved that the request be approved.

The Chairman asked for findings of fact to support this motion.

Mr. Greene stated that it is natural for this area and there is not much difference between C-3 and I-1. He stated that there are C-3 uses that would create more traffic than this use.

Counselor Wilson stated that it appears Mr. Greene has determined that facts have been presented to indicate that industrial use is more appropriate.

Mr. Jones seconded the motion made by Mr. Greene.

Mr. Moore stated that he would abstain from voting as Mr. Bogucki has rendered legal services to the applicant and he is associated with Mr. Bogucki in the practice of law.

The Chairman asked for a roll call vote on the motion which found Mr. Greene, Mr. Jones, Mr. Rush, and Chairman Viox in favor. Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. McMillian, Mr. Neltner, and Mrs. Smith were opposed. Mr. Moore abstained. The motion did not carry.

Mr. Barnett moved that the request be denied based on the findings of fact in the Staff and Committee Reports. Mrs. Smith seconded the motion.

Mr. Damstrom questioned the possibility of a text amendment to allow this use.

Mr. Dusing stated that there are two zones on the parcel and two text amendments would be required. These amendments would be applicable to any properties in the counties with these zones. He stated that a more honest approach is that the Comprehensive Plan recommendation for this tract is inappropriate and the proposed change is more appropriate.

Mr. Newton noted that there is a Concept Development Plan for this property zoned C-3 and it probably would not be affected by a text change. He noted that a text change is a good idea, but it is hard to implement and is time-consuming.

The Chairman asked for a roll call vote on the motion made by Mr. Barnett which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Collins, Mr. DeLong, Mr. McMillian, Mr. Neltner, and Mrs. Smith in favor. Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. Rush, and Chairman Viox were opposed. Mr. Moore abstained. The motion carried.

3. Site Plan Review

The request of Nancy McFarland (applicant) for Janet Schoenbachler and Nancy McFarland (owners) for Site Plan Review to construct a driveway and a parking lot on a 0.5-acre site located at 14 Shelby Street, Florence, Kentucky. The site is zoned Commercial Two (C-2).

Staff Member, Paul Miller, presented the Staff Report (see Staff Report).

Mr. Gerald Newton read the Committee Report which recommended approval of the request based on the Staff Report, but subject to conditions. Mr. Miller stated that the applicant is aware of the conditions and has indicated his agreement.

EXHIBIT "C"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: February 15, 1989

RE: Request of Averitt Express (applicant) for Gorman Dillingham (owner) for a Zoning Map Amendment on a 15.65 acre site located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road, Boone County, Kentucky. The request is to rezone the property from Commercial Services (C-3) to Industrial One (I-1) to allow the establishment of an express freight service center.

REMARKS:

While the Committee believes Averitt Express to be a high quality business, we do not believe this site is an appropriate location for the business discussed below. Therefore, we, the Committee, recommend denial of this Zoning Map Amendment based the following Findings of Fact.

Findings of Fact

1. The requested Zoning Map Amendment from C-3 to I-1 is not in agreement with the 1986 Boone County Comprehensive Plan, which indicates the future use of this property to be Commercial along U.S. 25, and High Density Residential on the remainder of the site. Further, the Comprehensive Plan is clear on the importance of locating new industrial uses near interstate connections and in areas where industrial uses may be grouped together, as stated on page G-4 of the Goals and Objectives Element. The Comprehensive Plan also specifically states that because of existing and future traffic on U.S. 25, "truck-oriented uses should locate near connections to the interstate (p. L-20)," and that "industrial activity should locate near the interchanges to minimize travel on non-interstate roads (p. B-16)." Further references to the Comprehensive Plan are contained in the Staff Report. The applicant has not demonstrated that the Comprehensive Plan is incorrect.

The applicant has not demonstrated that there have been changes of an economic, physical, or social nature not anticipated in the 1986 Boone County Comprehensive Plan that substantially alter the area's character. Further, the Committee believes that a zone change for this property to Industrial One would constitute a change not anticipated by the Comprehensive Plan which would substantially alter the area's character. Such a change would be artificial rather than the natural result of economic, physical, or social forces, and as such would compromise the intent of the Amendment provisions of the Boone County Zoning Regulations.


2. The applicant has failed to show that the existing zoning classification of C-3 with the approved Concept Development Plan, which is the result of a previous Zoning Map Amendment request, is inappropriate and that the proposed zoning classification of I-1 is appropriate at this location.

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3. The Committee believes the proposed use, being a truck-oriented use, would create a negative traffic impact on the existing and future traffic patterns on the existing road network (U.S. 25). The improvements to U.S. 25 shown on the submitted Concept Development Plan are insufficient to insure traffic back-ups will not be created by trailer trucks entering the site from the south, which is the likely direction for most truck traffic to this site. Further, the Committee believes this use would be better located in a clustered industrial area located closer to the interstates, as explained in the Comprehensive Plan, and followed by the zoning order.



Fred Burch, Chairman



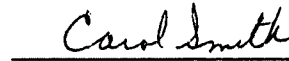
Larry Barnett

Phil Damstrom

Rector Jones



Barry Neitner



Carol Smith

FB:kat

A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO INDUSTRIAL ONE (I-1) FOR A 15.65 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF U.S. 25, APPROXIMATELY 300 FEET NORTH OF FROGTOWN ROAD, BOONE COUNTY, KENTUCKY, SUCH MAP AMENDMENT BEING REQUESTED BY AVERITT EXPRESS (APPLICANT) FOR GORMAN DILLINGHAM (OWNER). SAID ZONE CHANGE APPROVED BASED ON THE FINDINGS OF FACT ESTABLISHED THROUGH A PUBLIC HEARING HELD BY THE FISCAL COURT OF THE COUNTY OF BOONE, KENTUCKY ON MARCH 21, 1989.

WHEREAS, the Boone County Fiscal Court received a request fro a Zoning map Amendment to the Boone County zoning map and such Zoning map Amendment being a zone change form Commercial Services (C-3) to Industrial One (I-1) for a 15.65 acre site generally located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the zoning map amendment.

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map amendment being a zone change from Commercial services (C-3) to Industrial One (I-1) for a 15.65 acre site generally located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road, Boone county. Said zone change approved based on the findings of fact as established through a public hearing held by the Fiscal Court of the County of Boone , Kentucky on March 21, 1989.

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" AND "C")

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

ORDINANCE 920.177

Introduced, seconded and given First Reading on the fourth day of April, 19 89.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the second day of May, 19 89, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

R. Scott Kimmich
R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:

Larry Crigler
LARRY CRIGLER
BOONE COUNTY ATTORNEY

5/24/89
DATE PUBLISHED

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

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CHAIRMAN
MR. FRED BURCH
VICE CHAIRMAN
MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR
MR. D. T. WILSON
ATTORNEY

MEMORANDUM

CONDITIONS FROM FISCAL COURT

TO: Staff
FROM: Gerald A. Newton, ^{GAN} Director
DATE: April 17, 1989
RE: Fiscal Court Activities, April 4, 1989

Here is a list of Fiscal Court activities in which you may be interested.

1. A traffic light at KY 18 and Bullittsville Road was approved by Frankfort after a letter from Fiscal Court was sent asking that District 6 recommendation be overturned. As you have already noticed, the street is already being cut and the car sensors are being put in place on Bullittsville Road and Rogers Lane.
2. Averitt Express has been approved by Fiscal Court with conditions that:
 - a) only preventative maintenance occur at the facility;
 - b) only 28 trucks per day be parked at the facility;
 - c) that acceleration and deceleration lanes are to be constructed.
3. The Union Golf Course was approved with changes to three conditions and an additional condition. These conditions are attached.
4. Off-premises signs were approved in the Commercial Services (C-3) and Industrial One (I-1) zoning districts only.
5. The Open Space Plan was approved unanimously.
6. Commissioner Robinson has requested that a different form of notification letter be used to inform the residents on procedure and the information available. I will be working on a new notification letter to be used.

GAN:jdh

Attachment