

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)

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 PARK SOUTH AT RICHWOOD PHASE 2 I SITE (FORMER CROSSROADS)
3. Location of Project 11363 & 11975 DEERE HWY. UNION, BOONE COUNTY BUSINESS PARK
4. Total Acreage of Site 97.32
5. Current Zoning I-1/KO
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) APRIL 2001
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) OFFICE, WAREHOUSE, DISTRIBUTION & LIGHT INDUSTRIAL USES
9. Proposed Building Intensities (please specify) LESS THAN PERMITTED OF 25,000 SF/ACRE
10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for: Conditional Use Permit, Dimensional Variance
12. Name of Applicant(s) INDUSTRIAL DEVELOPMENTS INTERNATIONAL/IDI
13. Address of Applicant(s) 740 CENTRE VIEW BLVD. FLOOR 3, CRESTVIEW HILLS, KY 41017
14. Name of Property Owner(s) IDI / SEE ABOVE
15. Address of Property Owner(s)
16. Are there any existing buildings on the site? 4 SITE IS UNDER CONSTRUCTION
17. Deed Book 935 Page No. 241 Group No. 2072
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Industrial Developments International (owner) for a Change in an Approved Concept Development Plan in a Industrial One (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2). The request is to modify previous conditions of zone change approval to allow outdoor storage and removal of existing trees within 50 feet of the I-71/75 right-of-way for the proposed Building "I" site.

December 4, 2013

PROPOSAL

This request is for a Change in an Approved Concept Development Plan for a 31.39 acre portion of the 97.32 acre site located at 11363 and 11475 Dixie Highway in unincorporated Boone County. The specific site is referred to as the "Building I" tract which is located along the east side of I-71/75 and the west side of the Transport Drive extension. A 445,500 square foot industrial building and related site improvements are proposed for this lot.

The overall 97.32 acre site is subject to a conditional zone change approval from 2001 (Ordinance #01-06 and related exhibits are attached). This zone change was from A-2 and EPD to I-1. The conditions of approval are outlined in the attached 4/10/01 letter from James T. Neyer and Joel Tiberghien of Al Neyer, Inc. to James E. Parsons, Boone County Administrator.

The current application is to modify the following two conditions for the future Building I site. All other conditions will still apply, and no other issue or site within the Park South at Richwood development is part of this application.

1. "No outside storage or display of any kind shall be permitted within the development. All uses shall be conducted within enclosed buildings."

Outside storage is proposed along the south and west sides of the building, at the southwest corner, as indicated on the Concept Development Plan. The area is proposed to be enclosed with a fence and would be hard surfaced. Access gates are shown at each end of the fenced enclosure, and a 30 foot wide truck drive is shown running through the outdoor storage area and around the southwest corner of the building.

- 6B. "A 100 foot wide landscape area shall be provided across the entire I-75/71 frontage. The initial 50 feet of the existing hardwood tree clusters within lines on Attachment 1 (within the first 50 feet from the I-75/71 right-of-way line eastward - exhibit is attached) shall be retained. The remaining portions of this landscape area shall be planted with the trees required in Buffer Yard C per Article 37 of the Zoning Regulations." (Note: this condition is numbered as 4B in the 1/17/01 Committee Report and Article 37 has since been replaced with Article 36 for unincorporated Boone County.)

This condition is proposed to be modified by allowing the initial 50 feet of the existing hardwood tree clusters along the I-75/71 right-of-way to be removed to accommodate site drainage improvements. The 100 foot wide landscape area specified by the condition is shown on the Concept Development Plan. A typical landscape buffer section is shown along the high point or berm parallel to the freeway frontage on Sheet L1.0. The typical section includes 10 evergreen trees, 8 large or medium deciduous trees, and 35 large shrubs per 100 linear feet. Based on this formula a total of 152 evergreen trees, 121 large or medium deciduous trees, and 530 large shrubs are proposed along the site's freeway frontage.

A Concept Development Plan was submitted with the application and includes a site plan, grading plan with the typical landscape buffer section for the area along I-71/75, buffer cross sections between I-71/75 and the proposed building, ALTA survey sheet, and a narrative which explains the applicant's rationale for the proposal.

SITE HISTORY

The Zoning Map Amendment from A-2 and EPD to I-1 discussed above was conditionally approved by the Boone County Fiscal Court in 2001. Al Neyer, Inc. was the developer at the time.

A minor amendment to the approved Concept Development Plan was approved by the Zoning Administrator in 2002 (8/12/02 letter from Kevin Wall, Zoning Administrator, to Mike Hargis, Paul Hemmer Companies, is attached).

A Preliminary Plat for "Richwood Park 75" Subdivision was approved by the Planning Commission for this site in 2002. An Improvement Plan was approved in 2003. Paul Hemmer Companies was the developer at the time.

Three different zone changes from A-2 to I-1 were conditionally approved in 2004, 2005, and 2007 for three tracts to the immediate south between Dixie Highway and I-71/75. These tracts were assembled and developed as "Park South at Richwood" Subdivision. All three of these zone changes have a condition which prohibits outside storage of equipment and materials. The 2005 zone change had a condition which required the retention of existing tree cover in specific areas of the site.

A Preliminary Plat and Improvement Plan were approved by the Planning Commission for the subject site in 2013. The current approved subdivision name is "Park South at Richwood, Phase II." The current developer is Industrial Development International, LLC (IDI).

ADJACENT LAND USES AND ZONING

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

- A. A wooded area and a railroad line are located to the immediate east across Dixie Highway. A combination of single family residences, agriculture, and light industrial uses are located further to the east along Old Lexington Pike (I-1).
- B. A wooded area and a detached single family residence are located to the north (A-2 and EPD). A truck stop is located further to the north in the southeast quadrant of the Richwood Road interchange (C-3).
- C. The Park South at Richwood industrial park is located to the south (I-1).
- D. I-71/75 is located to the west.

SITE CHARACTERISTICS

As mentioned above, the overall site contains 97.32 acres and the Building I site contains 31.39 acres. The overall site has approximately 1,600 feet of frontage on Dixie Highway and approximately 2,050 feet of frontage on I-71/75. The Building I site has 1,516 feet of frontage along I-71/75. The overall site is currently being developed as an expansion to the Park South at Richwood subdivision, and construction is currently underway for an approximate 631,000 square foot building (Building H). Transport Drive will connect through the site between Dixie Highway and Logistics Boulevard. Intermittent tree cover exists along the north, south, and west boundaries of the overall site. Public water and sanitary sewer service are being provided to the site as part of the current construction.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("8. Richwood East," pp. 181 and 182).

- A. The growth of this section will be impacted in several ways. There are several major influences behind the anticipated growth, including the Northern Kentucky Industrial Park to the north, the Mt. Zion interchange, Weaver Road, development pressures along U.S. 25, the extension of public sanitary sewer service, and the Southern Railroad Line. Because of the development pressure all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major

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

- B. The area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park. A buffer should be provided along Chambers Road to residential uses to the south, and no business park access should occur on Chambers Road. New industrial or business parks are planned in this area, and Dixie Highway will have to be improved south of KY 338. All developments should be interconnected by roadways to provide a parallel system to U.S. 25.

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a

component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 163).

- D. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Richwood/Walton" region where the subject site is located is estimated to change to 22,086 in 2020, and to 27,761 in 2030.

The Business Activity Element states the following regarding the general area.

- A. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads ("Recommended Areas of Industrial and Office Activity, pg. 71).

The site is not discussed in the "Geographic Housing Issues" section of the Housing Element (pg. 83-85).

The 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. 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).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).

- 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. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," 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).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- K. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies ("Business Activity," Industrial Objective 2).

STAFF COMMENTS

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan or fulfills one of the alternate statutory findings for a zone change. The Comprehensive Plan's Future Land Use Map designates the site as "Industrial" and the text of the Land Use Element states that this particular area "should develop as a Business Park." Because this proposal deals with design and operational details for a single building site that is already zoned I-1, Staff recommends that the governing bodies focus on the Future Land Use Development Guidelines outlined in the Land Use Element and the Goals and Objectives.

As outlined in the Proposal section, the typical landscape buffer section along the freeway frontage is proposed to include 10 evergreen trees, 8 large or medium deciduous trees, and 35 large shrubs per 100 linear feet for a total of 152 evergreen trees, 121 large or medium deciduous trees, and 530 large shrubs. At "Vegetated Buffer Section 0000" (refer to plan sheet L2.0), which runs through the outdoor storage area, the existing freeway grade is at approximately el 894, the grade at the southwest corner of Building I is at approximately el 896, and the top of the earth berm is at approximately el 911. Two other "Vegetated Buffer Sections" are shown at points north of the outdoor storage area. The berm height relative to the adjoining freeway and building footprint grades is not as large at these two other points.

For the governing bodies information, the tree preservation approaches used in the Park South at Richwood development has varied somewhat in the four zone change approvals, depending on the given site conditions. The applicant has provided an explanation that the site drainage improvements which are necessary in the current 50 foot tree preservation area are the result of storm water quality and mitigation requirements which have been enacted since the original zone change approval.

As noted above, all four Park South zone changes have a condition which prohibits outside storage of equipment and materials. Also as mentioned above, the two proposed modifications would only apply to the Building I site.

The applicant should explain the following issues regarding the proposal:

1. The type and height of the fence enclosure for the outdoor storage area.
2. The type and height (including stacked height if applicable) of the materials, goods, equipment, etc., that will be stored in the outdoor storage area.
3. The Vegetated Buffer Sections provided are drawn perpendicular to the freeway and west face of Building I. An explanation or graphic depiction of the view of the outdoor storage area when approaching the site on southbound I-71/75 should be provided.

For the applicant's information, an exhaustive site plan type review was not conducted due to the conceptual nature of the plan. The project will still need to meet all applicable requirements at the site plan stage.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations,

the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', written over a horizontal line.

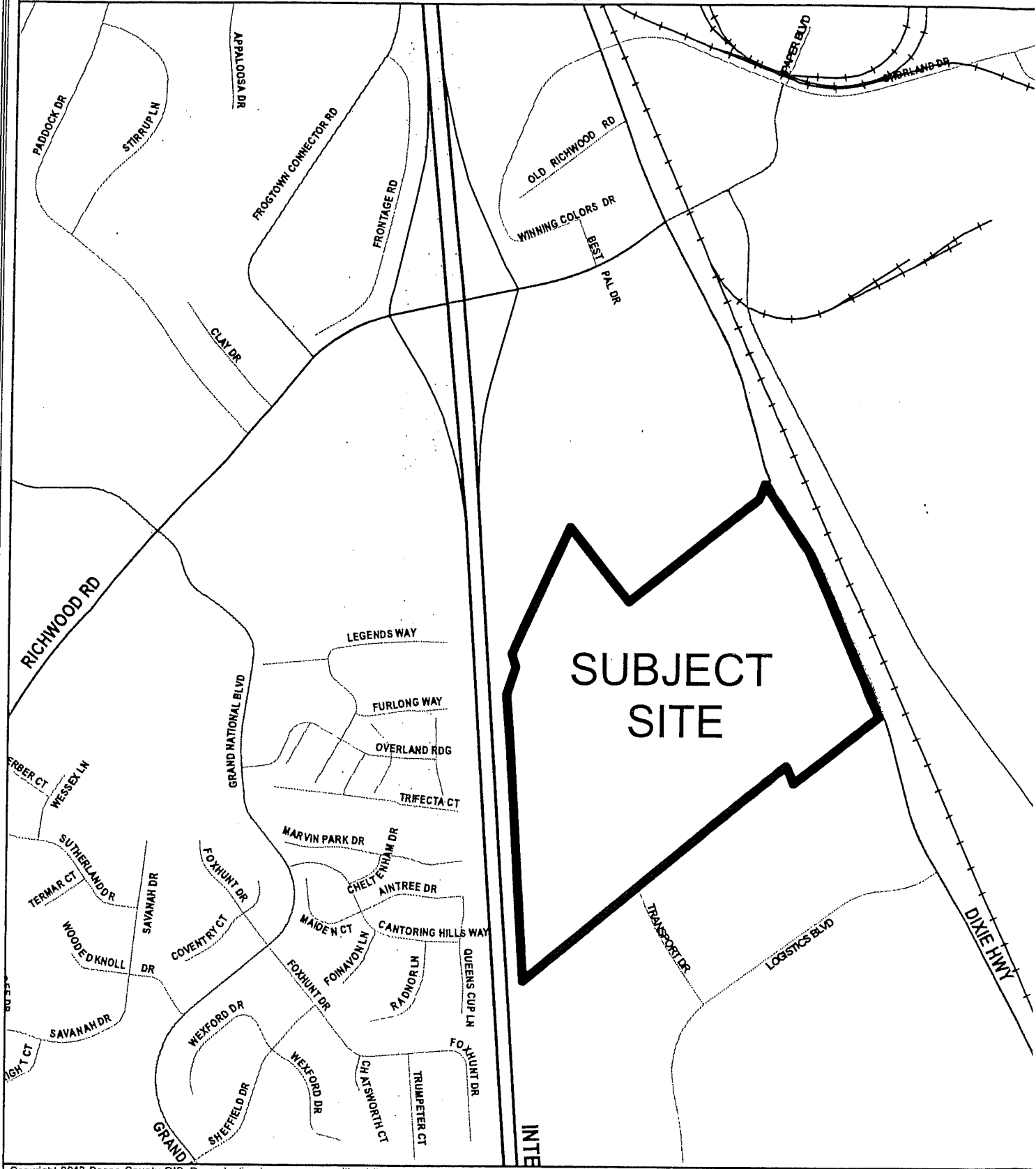
Kevin T. Wall, AICP
Director, Zoning Services

Attachments:

- Location Map
- Aerial Photograph with Zoning
- 2035 Future Land Use Map Excerpt
- Topographic Map
- Ordinance #01-06 and Related Exhibits for 2001 Zone Change from A-2 and EPD to I-1
- 8/12/02 Letter from Kevin Wall, Zoning Administrator, to Mike Hargis, Paul Hemmer Companies regarding Minor Change to Approved Concept Development Plan
- Application Materials

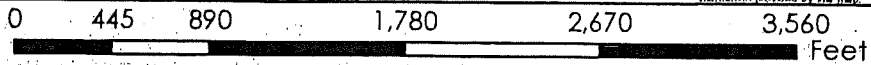
Location

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1 inch = 874 feet

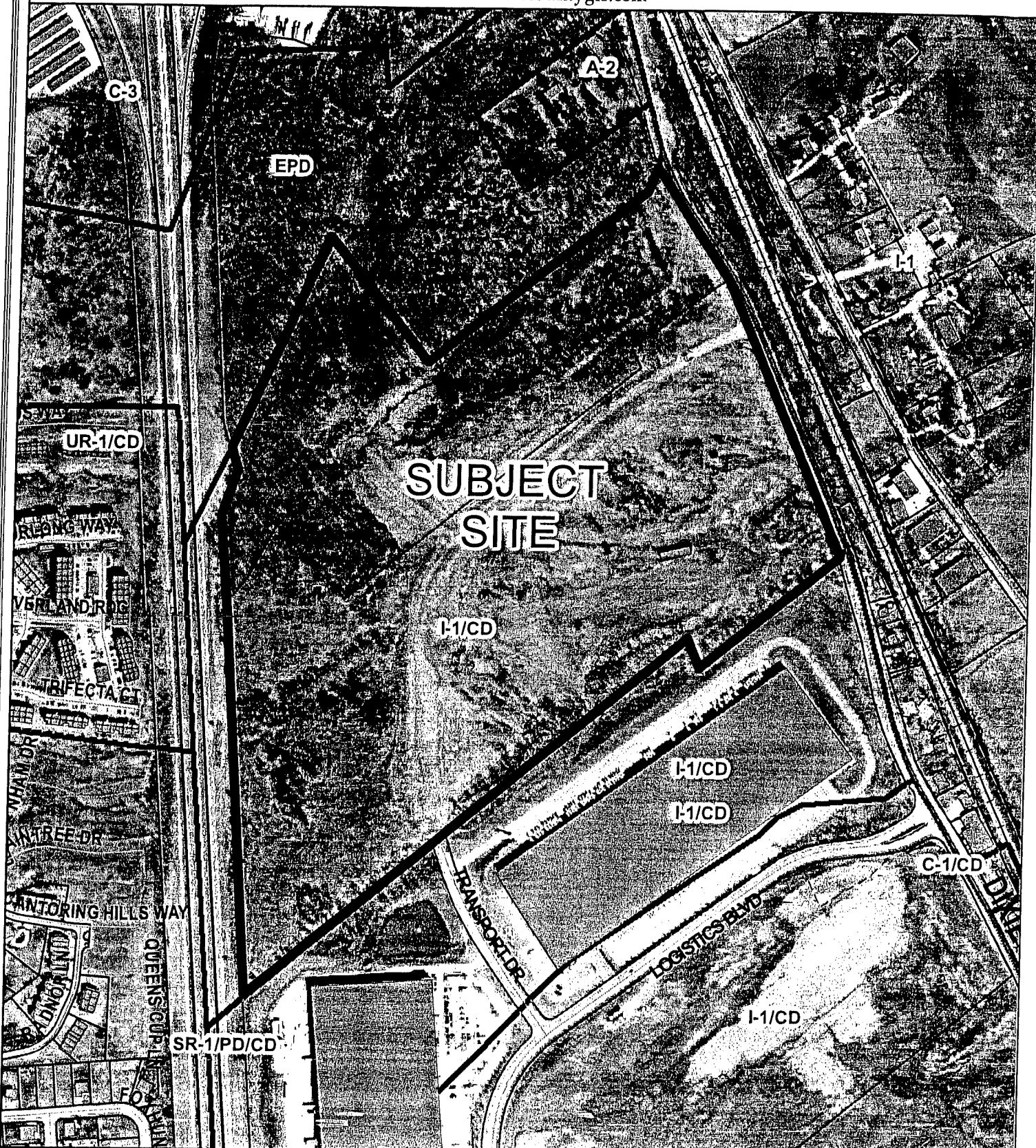


Boone County GIS - Putting Northern Kentucky on the Map



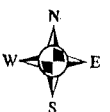
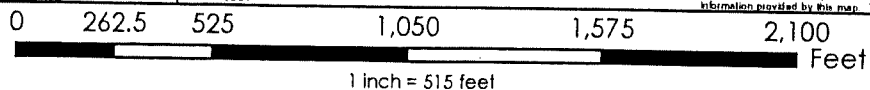
Zoning

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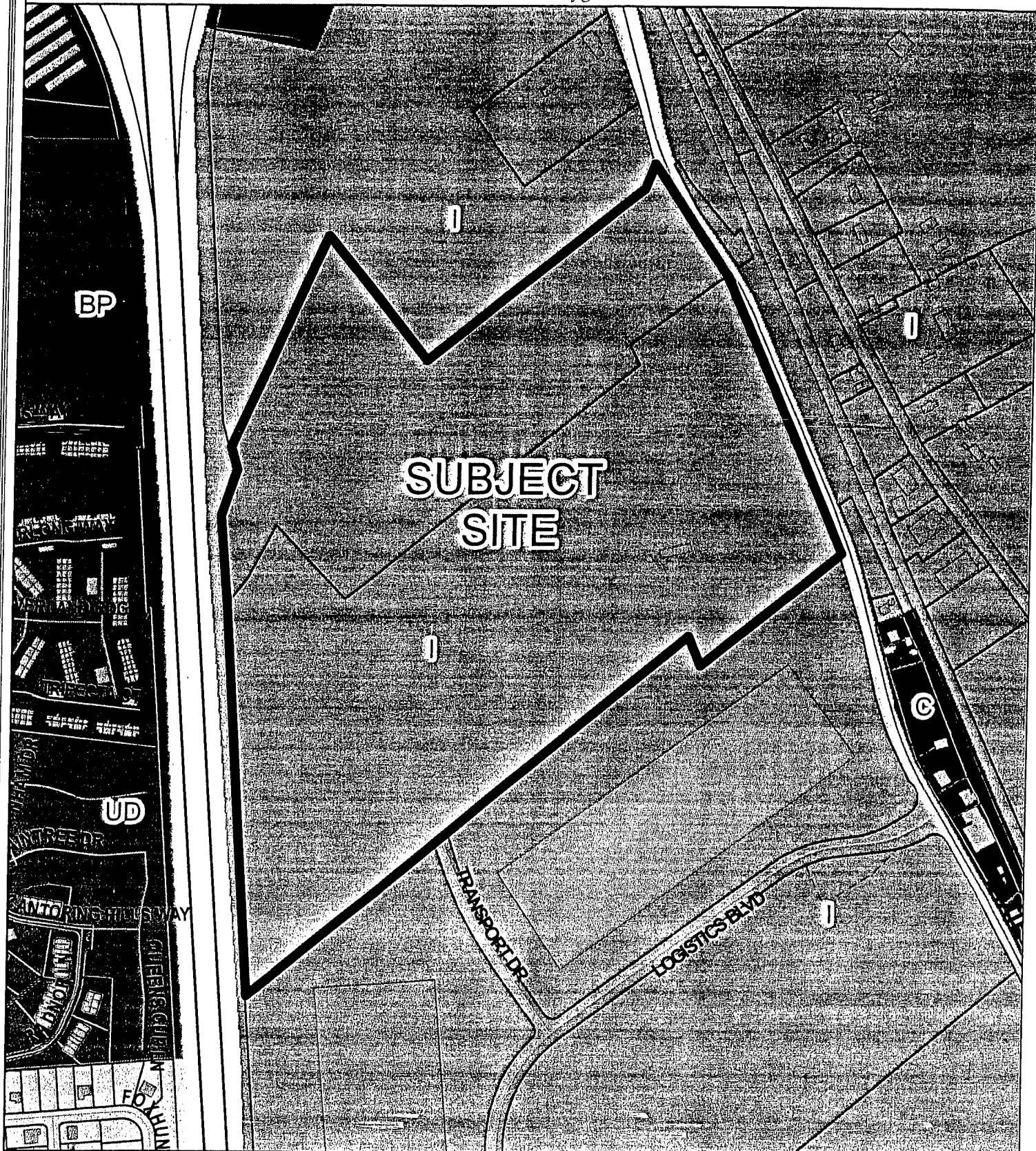
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Map Created: 07/01/2013

See Data Dictionary for more info
ArcMap Document: BooneMap.mxd

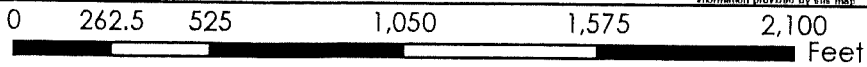
Future Land Use

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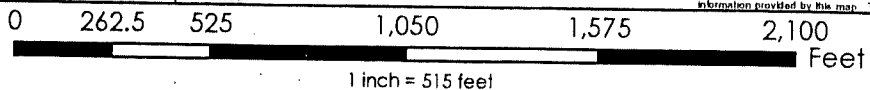
Topography

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ArcMap Document: BooneMap.mxd

STAFF REPORT

Request of Industrial Developments International (owner) for a Change in an Approved Concept Development Plan in a Industrial One (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2). The request is to modify previous conditions of zone change approval to allow outdoor storage and removal of existing trees within 50 feet of the I-71/75 right-of-way for the proposed Building "I" site.

December 4, 2013

PROPOSAL

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SITE HISTORY

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A Preliminary Plat and Improvement Plan were approved by the Planning Commission for the subject site in 2013. The current approved subdivision name is "Park South at Richwood, Phase II." The current developer is Industrial Development International, LLC (IDI).



#1

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: January 17, 2001

RE: Request of LJB Inc. (applicant) for Margaret Vickers and Eliz Gaines Ferguson (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) for an approximate 97 acre area located 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The request is for a zone change to permit an industrial development.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 1995 Boone County Comprehensive Plan and the 2000 Boone County Comprehensive Plan Goals and Objectives. Specific facts that support this conclusion include the following.
 - A. The 2020 Land Use Plan (Future Land Use Map) designates the site for "Business Park" uses. This designation is described by the Comprehensive Plan as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment." The Committee has concluded that the request, with the accompanying Concept Development Plan options and agreed conditions outlined below, fulfill both the land use and qualitative expectations of the Business Park designations.
 - B. The Land Use Element (D-6: Richwood Area, pp. 229-230) states "the Richwood area should experience continued development pressure due to the extended and improved infrastructure." This same section of the Land Use Element states "the area east of I-75 and west of US 25, from Richwood Road to Chambers Road, should develop as a Business Park similar to the

COMMITTEE REPORT - LJB/Vickers/Ferguson
January 17, 2001

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opposite side of the interstate. This Business Park designation should continue to the ridge line north of Chambers Road, at which point the land use designation should be Rural Lands." This Business Park area includes the site in question. As stated above, the Committee has concluded that the proposal in question, with the agreed conditions of approval, complies with the Business Park designation.

The Land Use Element also states that "industrial uses fronting on US 25 should be developed with attention given to adequate aesthetic design and natural vegetation to minimize visual impacts to the residential uses across the highway." The Committee has concluded that the proposal, along with the agreed conditions that relate to landscape areas, buffering, and architectural review, fulfill this policy.

- B. The Business Activity Element 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." The site is within reasonably close proximity to the Richwood interchange, and when considering the agreed conditions which restrict the permitted uses, the proposal involves industrial uses appropriate for the location. In addition, the site is indicated for industrial development on the Future Industrial and Commercial Development map (Figure 5.3) on page 87 of the Business Activity Element.
- C. Based on the statements outlined in paragraphs A, B, and C above, the Committee has concluded that the type of development proposed, along with the Concept Development Plan options and agreed conditions, was specifically contemplated by the Comprehensive Plan for this site.
- D. The Committee has concluded that the proposal, with the agreed conditions, fulfill the applicable Future Land Use Development Guidelines in the Land Use Element and the applicable 2000 Boone County Comprehensive Plan Goals and Objectives. Specific references the Guidelines and Goals and Objectives are outlined in the staff report for this application. The conditions in question pertain to landscape buffering, retention of existing tree cover, the provision of a street connection to adjoining property, architectural requirements, and access limitations.

COMMITTEE REPORT - LJB/Vickers/Ferguson
January 17, 2001

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2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the Business Park designation, the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan and the 2000 Boone County Comprehensive Plan Goals and Objectives. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. No outside storage or display of any kind shall be permitted within the development. All uses shall be conducted within enclosed buildings.
2. The property owner agrees to the following use restrictions.
 - E. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development.
 - I. Principally Permitted Use #44: Truck stops;
 - II. Principally Permitted Use #45: Recycling centers;
 - III. Accessory Use #8: Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
 - IV. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals;
 - V. Conditional Use #2: Poultry and small game dressing and packing;
 - VI. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
 - VII. Conditional Use #5: Gasoline filling stations and auto repair facilities;
 - VIII. Conditional Use #12: Wholesale vehicle sales or auctions;
 - IX. Conditional Use #13: Churches, synagogues, temples and other places of religious assembly for worship.

COMMITTEE REPORT - LJB/Vickers/Ferguson
January 17, 2001

Page 4

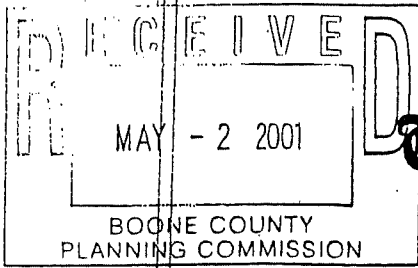
- B. The following uses categories normally permitted in the I-1 zone shall be restricted in the manners described below.
- I. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage or rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - II. Principally Permitted Use #10: "Soaps and detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - III. Principally Permitted Use #27: "Refrigerated, household goods (mini warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - IV. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this use category;
3. One access point is permitted onto Dixie Highway for the entire development. Deceleration/right turn and acceleration lanes shall be constructed as part of this access point.
4. The following shall be provided regarding landscaping and buffering in addition to the normal landscaping requirements outlined in the Zoning Regulations.
- A. A 50 foot wide landscape area shall be provided across the entire Dixie Highway frontage.
 - B. A 100 foot wide landscape area shall be provided across the entire I-75/71 frontage. The initial 50 feet of the existing hardwood tree clusters shown within lines on Attachment 1 (within the first 50 feet from the I-75/71 right-of-way line eastward - exhibit is attached) shall be retained. The remaining portions of this landscape area shall be planted with the trees required in Buffer Yard C per Article 37 of the Zoning Regulations.
 - C. The existing trees along the north and south boundary/fence lines shall be retained (includes all individual property lines which comprise the overall north and south boundaries of the site). The buffer yard width and the amount of existing and new trees combined shall be commensurate with Buffer Yard C per Article 37 of the Zoning Regulations.

COMMITTEE REPORT - LJB/Vickers/Ferguson
January 17, 2001

Page 5

5. The project shall be developed as a formal subdivision with lots and public streets.
6. All structures shall be subject to architectural design review as part of the site plan procedure. All buildings shall have consistent, finished design treatments on all facades and all mechanical equipment shall be screened. All exterior walls of any building or other structure must be finished with architectural masonry units, natural stone, precast concrete, aluminum (lucabond or equivalent) or glass materials or their equivalent. Colors of such exterior walls shall be harmonious and compatible with colors of the natural surroundings and adjacent buildings. Signage shall be evaluated as part of the architectural design review, and all signs must architecturally correlate to the buildings they serve.
7. All loading docks/areas shall be screened so that they are not visible from I-75/71 or Dixie Highway.
8. A public street connection shall be provided to the adjoining property to the south. The location of this street connection shall be determined at the Preliminary Plat stage. This connection may be constructed as part of the final phase of public subdivision improvements.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.



Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-06

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF LJB INC. (APPLICANT) FOR MARGARET VICKERS AND ELIZ GAINES FERGUSON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) AND EMPLOYMENT PLANNED DEVELOPMENT (EPD) TO INDUSTRIAL ONE (I-1) ON AN APPROXIMATE 97 ACRE SITE LOCATED AT 11363 DIXIE HIGHWAY AND 11475 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) on an approximate 97 acre site located at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky, which is more particularly described below; and,

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

WHEREAS, the Boone County Fiscal Court believes that the map amendment should be approved.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below and is hereby approved, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) on an approximate 97 acre site located at 11363 Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in both an Agricultural Estate (A-2) and Employment Planned Development (EPD) zone is more particularly described in DEED BOOKS 477 and 486, PAGE NOS. 75 and 248, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-06

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact of the Minority Committee Report which were considered by the Boone County Planning Commission, but not adopted, and which are attached hereto and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

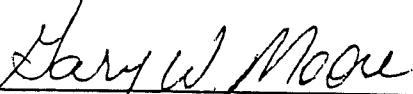
In addition to the conditions agreed to by the applicant before the Planning and Zoning Commission, this approval is subject to the additional conditions attached hereto as "Exhibit B".

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 3rd day of April, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 17th day of April, 2001, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

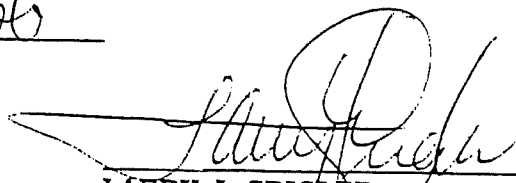


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

4-26-01

DATE PUBLISHED



DEVELOPERS AND CONTRACTORS

April 10, 2001

Mr. James E. Parsons
Boone County Administrator
Boone County Administration Building
P.O. Box 900
2950 Washington Square
Burlington, KY 41005

**Re: Zone Change Request from A-2 and EPD to I-1 for 97 acre tract at 11363
Dixie Highway and 11475 Dixie Highway, Boone County, Kentucky**

Dear Mr. Parsons:

For consideration and approval of our Zone Change Request, we agree to the following conditions:

1. No outside storage or display of any kind shall be permitted within the development. All uses shall be conducted within enclosed buildings.
2. The property owner agrees to the following use restrictions.
3. The following uses that are normally permitted in the I-1 zone shall be prohibited in this development.
 - I. Principally Permitted Use #44: Truck stops;
 - II. Principally Permitted Use #45: Recycling centers;
 - III. Accessory Use #8: Outside storage of equipment and materials.
subject to appropriate screening as approved by the Zoning Administrator.
 - IV. Conditional Use #1: Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals;
 - V. Conditional Use #2: Poultry and small game dressing and packing;
 - VI. Conditional Use #3: Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;



- VII. Conditional Use #5: Gasoline filling stations and auto repair facilities;
 - VIII. Conditional Use #12: Wholesale vehicle sales or auctions;
 - IX. Conditional Use #13: Churches, synagogues, temples and other places of religious assembly for worship.
4. The following uses categories normally permitted in the I-1 zone shall be restricted in the manners described below:
- I. Principally Permitted Use #2: "Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage or rawhides or skins" - manufacturing and processing shall be excluded from this use category;
 - II. Principally Permitted Use #10: "Soaps and detergents" - no manufacturing of soap or detergent shall be permitted, and no dispensing of liquid soap or detergent shall be permitted;
 - III. Principally Permitted Use #27: "Refrigerated, household goods (mini warehouses) and other general refrigerated warehousing and storage" - mini warehouses shall be excluded from this use category;
 - IV. Principally Permitted Use #37: "Motor freight terminals, public warehousing, freight garaging and equipment maintenance" - motor freight terminals and mini warehousing shall be excluded from this use category;
5. One access point is permitted onto Dixie Highway for the entire development. Deceleration/right turn and acceleration lanes shall be constructed as part of this access point
6. The following shall be provided regarding landscaping and buffering in addition to the normal landscaping requirements outlined in the Zoning Regulations.
- A. A 50 foot wide landscape area shall be provided across the, entire Dixie Highway frontage.
 - B. A 100 foot wide landscape area shall be provided across the entire I-75/71 frontage. The initial 50 feet of the existing hardwood tree clusters shown within lines on Attachment 1 (within the first 50 feet from the I-75/71 right-of-way line eastward - exhibit is attached) shall be retained. The remaining portions of this landscape area shall be planted with the trees required in Buffer Yard C per Article 37 of the Zoning Regulations.



- C. The existing trees along the north and south boundary/fence lines shall be retained (includes all individual property lines which comprise the overall north and south boundaries of the site). The buffer yard width and the amount of existing and new trees combined shall be commensurate with Buffer Yard C per Article 37 of the Zoning Regulations.
7. The project shall be developed as a formal subdivision with lots and public streets.
 8. All structures shall be subject to architectural design review as part of the site plan procedure. All buildings shall have consistent, finished design treatments on all facades and all mechanical equipment shall be screened. All exterior walls of any building or other structure must be finished with architectural masonry units, natural stone, precast concrete, aluminum (lucabond or equivalent) or glass materials or their equivalent. Colors of such exterior walls shall be harmonious and compatible with colors of the natural surroundings and adjacent buildings. Signage shall be evaluated as part of the architectural design review, and all signs must architecturally correlate to the buildings they serve.
 9. All loading docks/areas shall be screened so that they are not visible from I-75/71 or Dixie Highway.
 10. A public street connection shall be provided to the adjoining property to the south. The location of this street connection shall be determined at the Preliminary Plat stage. This connection may be constructed as part of the final phase of public subdivision improvements.
 11. The vegetation in the stream valley will be left intact where the stream valley is left undisturbed as shown on the Crossroads Business Park Site Plan dated April 10, 2001.
 12. A uniform Streetscape Theme will be maintained along Public Right-of Ways common to the property in addition to normal street frontage landscaping.
 13. Automobile parking will be separated as practical around the building or interrupted with landscaped islands so as to avoid one large expanse of parking. Parking areas will be topographically depressed or screened with low "berming" in order to limit visibility.
 14. A small park/outdoor gathering space will be provided for the user's employees along the stream or lake.
 15. Upgraded architectural facades will be provided for those buildings facing Dixie Highway (i.e. decorative masonry or painted concrete with no metal siding and at least 10% of that elevation will be glass).



16. The project will be developed in general accordance with the Crossroads Business Park Site plan dated April 10, 2001 attached hereto. Site grading will be minimized by staggering the buildings' floor elevations to best balance with the existing topography as shown on said plan. The property will be subdivided in general accordance with said plan as follows:

Lot 1	5.17 acres +/- with up to 51,500 square feet
Lot 2	4.23 acres +/- with up to 56,500 square feet
Lot 3	5.56 acres +/- with up to 64,000 square feet
Lot 4	5.68 acres +/- with up to 58,500 square feet
Lot 5	32.14 acres +/- with one or more buildings up to 410,500 square feet
Lot 6	42.34 acres +/- with one or more buildings up to 830,000 square feet
Street	2.23 +/- acres

Total Development: 97.35 acres

Respectfully submitted,

AL. NEYER, INC.

A handwritten signature in black ink, appearing to read "James T. Neyer".

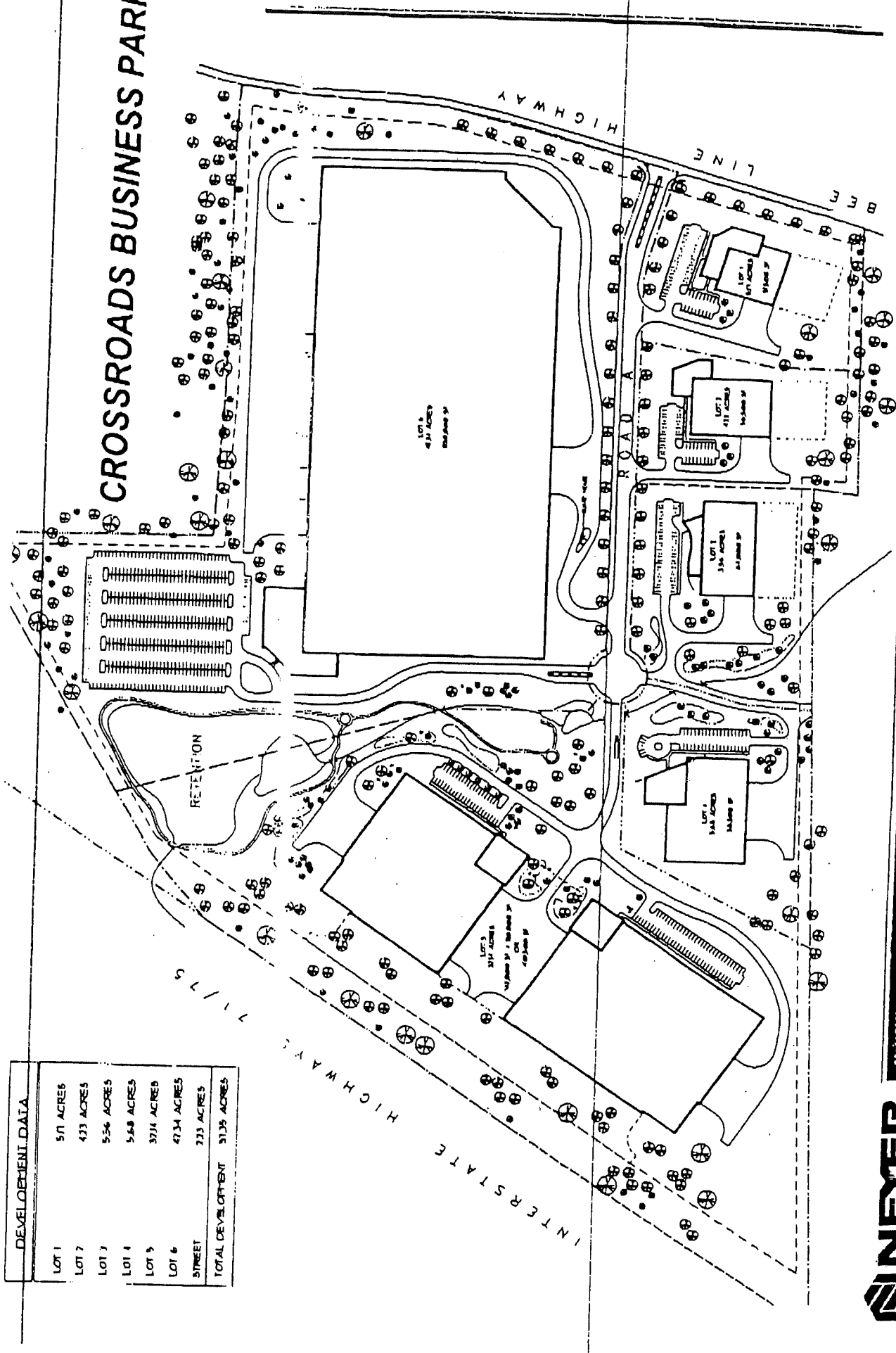
James T. Neyer
Vice President - Real Estate

JTN/vmc

A handwritten signature in black ink, appearing to read "Joel Tiberghien".

Joel Tiberghien
Director of Design/Build Services

CROSSROADS BUSINESS PARK



DEVELOPMENT DATA	
LOT 1	571 ACRES
LOT 2	433 ACRES
LOT 3	556 ACRES
LOT 4	568 ACRES
LOT 5	3714 ACRES
LOT 6	4734 ACRES
STREET	233 ACRES
TOTAL DEVELOPMENT	3135 ACRES

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.bocnecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

August 12, 2002

Mr. Mike Hargis
Paul Hemmer Companies
P.O. Box 17310
250 Grandview Drive
Ft. Mitchell, KY 41017

FAX: 341-6817

RE: 8/7/02 Concept for Richwood Park 75 Development, 11363 Dixie Highway and
11475 Dixie Highway (Vickers and Ferguson Properties), Boone County, Kentucky

Dear Mr. Hargis:

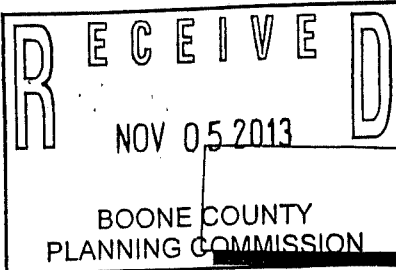
As we discussed on the telephone, I reviewed your revised concept for Richwood Park 75 this afternoon with Jim Parsons, Boone County Administrator. It is our conclusion that the plan (received by the Planning Commission on 8/7/02) is generally consistent with the approved Concept Development Plan and conditions of approval. Therefore, the proposed changes in the lots and building placements and sizes qualify as a minor amendment to the approved Concept Development Plan (the changes are necessary due to sight vision issues which caused the KTC to require the intersection at Dixie Highway to be moved approximately 200 feet). It needs to be noted that all conditions of approval must be followed (the specifics of Condition #16 in the 4/10/01 Neyer letter will be modified somewhat in order to implement in the revised plan), and that any parking lots which face Dixie Highway must be for automobile parking only (no truck parking or courts, loading docks, etc., may be located along Dixie Highway). Please call me if you have any questions or need any clarifications.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', written in a cursive style.

Kevin T. Wall
Zoning Administrator
Boone County Fiscal Court

KTW/vlm



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)

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 PARK SOUTH AT RICHWOOD PHASE 2 II SITE (FORMER CROSSROADS BUSINESS PARK)
- 3. Location of Project 11363 & 11475 DEWEE HWY. UNION, BOONE COUNTY
- 4. Total Acreage of Site 97.32
- 5. Current Zoning F-1/KD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) APRIL 2001
- 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) OFFICE, WAREHOUSE, DISTRIBUTION & LIGHT INDUSTRIAL USES
- 9. Proposed Building Intensities (please specify) LESS THAN PERMITTED OF 25,000 SF/ACRE
- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) INDUSTRIAL DEVELOPMENTS INTERNATIONAL / IDI
Phone Number (859) 663-2886 Fax No (859) 663-2890 E-Mail clarmbruster@idi.com
- 13. Address of Applicant(s) 740 CENTRE VIEW BLVD. FLOOR 3
CRESTVIEW HTLS KY 41017
City State Zip
- 14. Name of Property Owner(s) IDI / SEE ABOVE
Phone Number _____ Fax No. _____ E-Mail _____
- 15. Address of Property Owner(s) _____
City State Zip
- 16. Are there any existing buildings on the site? 1 SITE IS UNDER CONSTRUCTION
How many? 1 UNDER CONSTRUCTION
- 17. Deed Book 935 Page No. 241 Group No. _____
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

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

- Boone County Water District
- N/A Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- N/A Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

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

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

22. ORIGINAL Applicant's Signature _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 11/5/13 Fee Received \$4,228.40 R# 67885
2. Check what has been submitted:
 Application Fee _____ Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
_____ No. of copies of plan received **
3. Is application complete? YES _____ NO _____
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 12/4/13
7. Boone County Planning Commission Action:
 Approved _____ Approved With Conditions _____
 Denied _____
8. Other: _____

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

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



November 5, 2013

Mr. Kevin Wall, AICP
Boone County Planning Commission
Zoning Administrator
2950 Washington Street, Room 317
Burlington, KY 41005

RE: Park South at Richwood Phase 2 - Request for Modifications to Zoning Conditions Text in an Approved Concept Development Plan

Dear Mr. Wall,

This letter is being sent in connection with the zoning conditions related to the Park South at Richwood Phase 2 property. The property, located at 11363 & 11475 Dixie Highway, consists of approximately 97 acres of land that was rezoned to I-1/CD in 2001 and is located in the northern part of IDI's overall Park South at Richwood Industrial Park. We hereby request the following modifications to the zoning conditions at the Park South Development:

1. Condition #1 - Outside storage to be permitted on the I site as indicated on the attached I concept plan,
2. Condition #4B – The initial 50 feet of existing hardwood tree clusters (within the first 50 feet from I-71/75 right-of-way line eastward) shall be removed as needed and replanted per Buffer Yard C of Article 37 of the Zoning Regulations in order to properly grade the western side of the property to meet the requirements of the United States Army Corps Of Engineers (ACOE) permit to relocate streams for required mitigation on site, and provide water quality per SD1 rules.

It should be noted that very few trees exist within the first 50' of the R/W as an overhead power transmission line exists adjacent to the R/W which required the corridor to be cleared.

The proposed modifications by IDI would be planned and executed with the same high-quality of design and construction that exists at Buildings E, F & G of the Park South at Richwood Phase 1 Park just south of the Building I site. The I site will be developed in a business-park-like setting with large green spaces, a consistent architectural theme, integrated pedestrian walks and also a proposed building density that averages approximately 25% to 35% less than the 25,000 SF/acre allowed by code in an I-1 District in Boone County.

The elevation of the building has been studied and planned to optimize cut/fill earthwork while also being presentable from public ways. Paved areas will have landscaped islands with trees and shrubs around the building and near the entrances. Undulating landscaped berms will also be created on perimeters to lessen the impact from offsite viewing. Landscaping will be of high-quality and reflective of Park South themes.



Page 2

In conclusion, we request that our proposed modifications be presented at the Boone County Planning Commission's Business meeting on Wednesday, November 6th to schedule a public hearing at the Planning Commission on December 4th.

Respectfully Submitted,

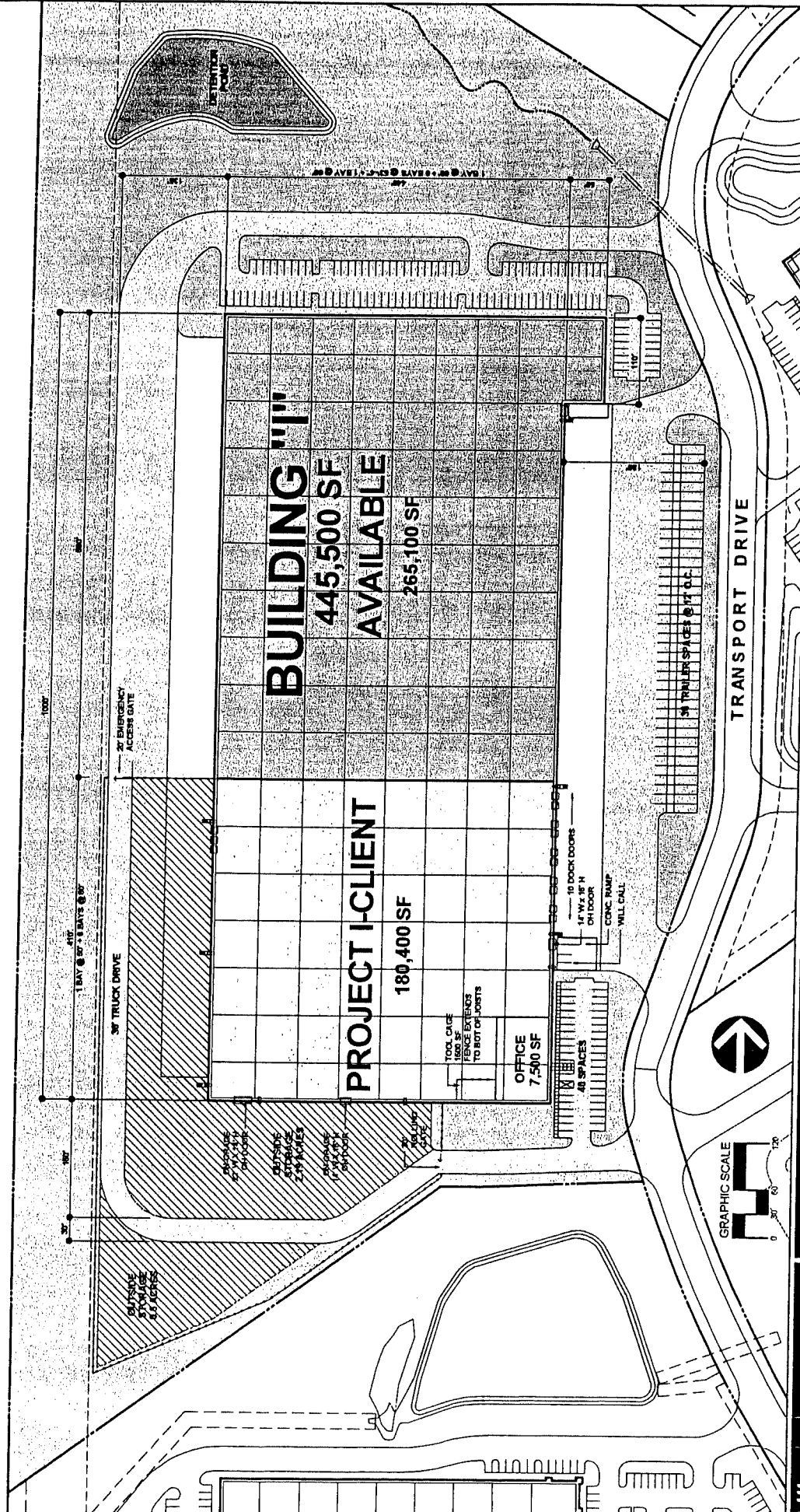
Industrial Developments International, LLC.

A handwritten signature in black ink, appearing to read "Douglas A. Armbruster", written in a cursive style.

Douglas A. Armbruster, SIOR
Senior Vice President and Regional Managing Director

DAA

INTERSTATE 75



BUILDING "I"
 445,500 SF
 AVAILABLE
 265,100 SF

PROJECT I-CLIENT
 180,400 SF

OFFICE
 7,500 SF



MACCREOR & ASSOCIATES ARCHITECTS
 2989 Park Ferry Road 1/W
 Atlanta, Georgia 30339
 T (770) 331-3400 F (770) 337-9834

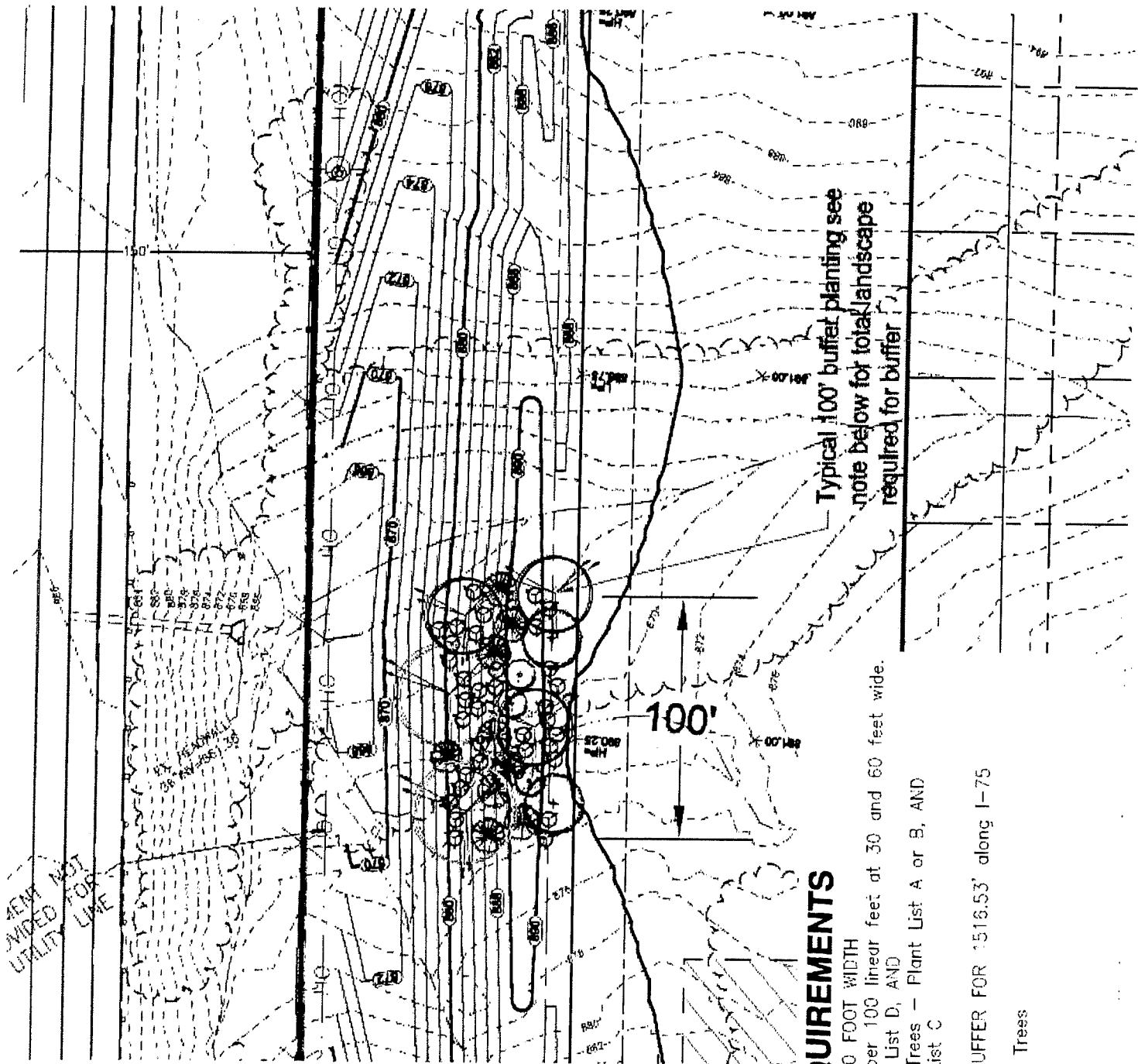
3011-627

PARK SOUTH at Richwood
 RICHWOOD - BOONE COUNTY
 KENTUCKY

SITE PLAN
 BLDG "I"

(D) - Cincinnati, OH
 740 Centre View Blvd
 Cincinnati, OH 45229
 (513) 533-2500

SP-1



BUFFER REQUIREMENTS

BUFFER YARD C - 100 FOOT WIDTH
 Landscaping required per 100 linear feet at 30 and 60 feet wide.
 10 Evergreen - Plant List D, AND
 8 Large or Medium Trees - Plant List A or B, AND
 35 shrubs - Plant List C

REQUIRED TREE FOR BUFFER FOR 1516.53' along I-75
 152 Evergreen Trees
 121 Larger or Medium Trees
 530 Shrubs

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: January 9, 2014

RE: Request of **Industrial Developments International (owner)** for a Change in an Approved Concept Development Plan in a Industrial One (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2). The request is to modify previous conditions of zone change approval to allow outdoor storage and removal of existing trees within 50 feet of the I-71/75 right-of-way for the proposed Building "I" site.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in an Approved Concept Development Plan application is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." The proposal is to change two specific prior conditions of approval to allow outdoor storage at the southwest corner of the building, and to allow removal of existing vegetation in a part of the site where little quality wood cover exists.

The Land Use Element ("8. Richwood East," pg. 172) states "the area east of I-75 and west of U.S. 25, from Richwood Road to Chambers Road, should develop as a Business Park. A buffer should be provided along Chambers Road to residential uses to the south, and no business park access should occur on Chambers Road. New industrial or business parks are planned in this area, and Dixie Highway will have to be improved south of KY 338. All developments should be interconnected by roadways to provide a parallel system to U.S. 25." When considering the limited scope of this application and the fact that the Building "I" site is still proposed to be developed with a 445,500 square foot industrial building and related site improvements in conformance with all other previous conditions, and the additional agreed conditions outlined below, the

application is in agreement with the Future Land Use Map and the Land Use Element.

- B. The Committee has concluded that the proposal, with the additional agreed conditions, is in agreement with the following Future Land Use Development Guidelines and the Goals and Objectives.
- i. The Land Use Element's Future Land Use Development Guidelines ("Buffering," pp. 162 and 163) state "developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact." The applicant has provided site section drawings which demonstrate that the outdoor storage area will be effectively screened from I-71/75 based on grades and the proposed berm and landscape improvements. Substantial landscape improvements are proposed along the site's freeway frontage as outlined on the Concept Development Plan. Due to these reasons, the proposal is also in agreement with the "Business Activity," Industrial Objective 2 which states "effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies."
 - ii. The Land Use Element's Future Land Use Development Guidelines ("Landscaping," pg. 163) state "developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways" and "developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses."

Part of this application seeks relief from the prior condition of zone change approval that requires existing vegetation to be retained within 50 feet of the freeway right-of-way. The overriding reason for this relief is that additional storm water quality and mitigation requirements which effect this part of the site have been enacted since the original zone change approval. The applicant has demonstrated through the previously mentioned section drawings that the outdoor storage area will be effectively screened, and substantial landscaping is proposed along the entire Building "I" site's freeway frontage.

Based on these reasons, the proposal is in agreement with "Overall," Objective 3 which states "proper design principles shall be applied in development." "Environment," Objective 2 states in part "existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community." The existing trees in question were evaluated through the review of this application. The Committee has concluded that the extensive landscaping proposed will yield a better visual screen than would be achieved by maintaining the few existing trees within the 50 foot area, which are generally of marginal quality.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The location of the outdoor storage area shall be as indicated on the Concept Development Plan and shall be permitted for the Building "I" site only.
2. The combination of landscaping and earth berm/grade screening along the Building "I" site's I-71/75 frontage shall be as indicated on the Concept Development Plan. The relative grades between the freeway, top of berming and landscaping along the freeway frontage, and pavement surface of the outdoor storage area shall be within a 1 foot margin of those indicated on the Concept Development Plan. The grades may be adjusted so that the outdoor storage area is more substantially screened from the freeway than indicated on the Concept Development Plan by further increasing the elevation of the landscape/berm area and/or lowering the elevation of the pavement surface of the outdoor storage area.

3. The outdoor storage area shall be enclosed with a 8 foot high vinyl coated chain link fence. All material stored outside shall be within the chain link fence area and no material shall be visible from I-75. The portions of the fence which are not immediately blocked from view from the southbound lanes of I-71/75 by the earth berm or grade shall be covered with an opaque surface. Materials kept within the enclosure shall not be stacked higher than 12 feet from the pavement surface.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

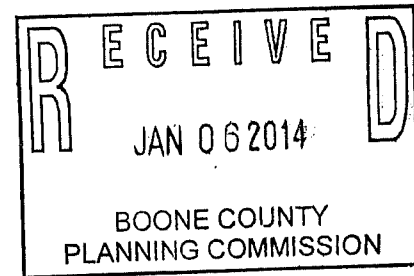
www.boonecountyky.org/pc
www.boonecountygis.com

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

December 23, 2013

Mr. Douglas A. Armbruster
Industrial Developments International, LLC
740 Centre View Boulevard
Floor 3
Crestview Hills, KY 41017



FAX: 663-2890

RE: Recommended Conditions of Approval for IDI Change in Concept Development Plan Application for Park South Building "I" Site, 11363 and 11475 Dixie Highway, Boone County, Kentucky

Dear Mr. Armbruster:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their December 19, 2013 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, January 3, 2014.

CONDITIONS

1. The location of the outdoor storage area shall be as indicated on the Concept Development Plan and shall be permitted for the Building "I" site only.
2. The combination of landscaping and earth berm/grade screening along the Building "I" site's I-71/75 frontage shall be as indicated on the Concept Development Plan. The relative grades between the freeway, top of berming and landscaping along the freeway frontage, and pavement surface of the outdoor storage area shall be within a 1 foot margin of those indicated on the Concept Development Plan. The grades may be adjusted so that the outdoor storage area is more substantially screened from the freeway than indicated on the Concept Development Plan by further increasing the elevation of the landscape/berm area and/or lowering the elevation of the pavement surface of the outdoor storage area.

Mr. Douglas A. Armbruster
December 23, 2013
Page 2

3. The outdoor storage area shall be enclosed with a 8 foot high vinyl coated chain link fence. All material stored outside shall be within the chain link fence area and no material shall be visible from I-75. The portions of the fence which are not immediately blocked from view from the southbound lanes of I-71/75 by the earth berm or grade shall be covered with an opaque surface. Materials kept within the enclosure shall not be stacked higher than 12 feet from the pavement surface.

Sincerely,



Kevin T. Wall, AICP
Director, Zoning Services

AGREEMENT

I, the authorized representative of the property owner of the approximate 97 acre site at 11363 and 11475 Dixie Highway, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change in an Approved Concept Development Plan application.



Douglas A. Armbruster
Senior Vice President and Regional Managing Director
Industrial Developments International, LLC

1/2/2014
Date

DESCRIPTION OF 65.122 ACRES

Located in Boone County, Kentucky, lying on the west side of U.S. Highway 25 approximately 0.5 mile south of Richwood Road and is more particularly described as follows:

Beginning at iron pin (set) in the west right-of-way of U.S. Highway 25, 30.00 feet as measured perpendicular to the centerline, at the common corner of Elizabeth Gaines Ferguson (Deed Book 486, page 248) and Norbert Donegan (Deed Book 367, Page 292); thence with the common line of Hoffman and Donegan S 50-29-18 W 698.65 feet to a post; thence N 22-52-41 W 124.28 feet to a post; thence S 50-24-21 W 941.84 feet to a post at the common corner of Hoffman, Donegan and George Lyons (Deed Book 192, Page 394); thence with common line of Hoffman and Lyons S 50-17-41 W 1301.14 feet to an iron pin (set) at the common corner of Hoffman and Lyons and in the east right-of-way line of Interstate 71/75; thence with the said right-of-way line N 04-03-41 W 1516.53 feet to an iron pin (set) at the common corner of Hoffman and William Vickers (Deed Book 477, page 75); thence leaving the said right-of-way with the common line of Hoffman and Vickers N 34-44-27 E 142.08 feet to a post; thence N 27-25-02 E 229.68 feet to a post; thence S 45-48-52 E 393.91 feet to a post; thence N 51-24-50 E 1443.91 feet to a post; thence N 26-39-32 W 94.07 feet to a post; thence N 54-19-57 E 449.31 feet to a iron pin (set) in the west right-of-way line of US. Highway 25; thence with the said right-of-way line and a curve to the right, said curve having a radius of 1596.47 feet, a chord bearing a distance of S 27-40-22 E 250.93 feet, an arc dist of 251.19 feet to a point, thence S 23-09-55 E 366.76 feet to a point; thence S 66-50-05 W 5.00 feet to a point; thence S 23-09-55 E 75.00 feet to a point; thence N 66-50-05 E 5.00 feet to a point; thence S 23-09-55 E 305.54 feet to a point; thence S 21-29-52 E 159.56 feet to the point of beginning containing 65.122 acres and being subject to all right-of-way and easements of record.

Being a part of the same property conveyed to Elizabeth Gaines Ferguson and John Hoffman, by deed recorded in Deed Book 486, Page 284, in the Boone County Clerk's Office at Burlington, Kentucky.

ORDINANCE 14-04

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF INDUSTRIAL DEVELOPMENTS INTERNATIONAL (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE (I-1) ZONE FOR A 97.32 ACRE SITE LOCATED AT 11363 AND 11475 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY (PARK SOUTH AT RICHWOOD, PHASE 2).

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in an Industrial One (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2), 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 (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2).

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

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 (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2). The real

estate which is the subject of this request for a Change in an Approved Concept Development Plan in an Industrial One (I-1) zone is more particularly described in DEED BOOK 935, PAGE NO. 241 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the approval, with conditions, for a Change in an Approved Concept Development Plan in an Industrial One (I-1) zone for a 97.32 acre site located at 11363 and 11475 Dixie Highway, Boone County, Kentucky (Park South at Richwood, Phase 2), 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 Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in its Committee Report and same is marked as "Exhibit B."

This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this 8th day of April, 2014

First Reading – 11th day of March, 2014

Second Reading – 8th day of April, 2014 Yes 4 No 0

Gary W. Moore
GARY W. MOORE, BOONE COUNTY
JUDGE/EXECUTIVE

ATTEST:

Daphne Kornblum
Daphne Kornblum
Fiscal Court Clerk

