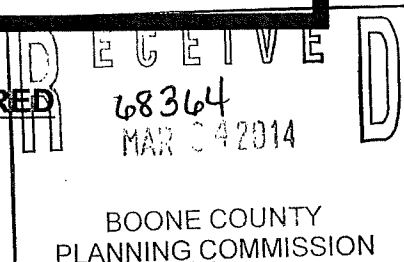


APPLICATION FORM

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 Prologis - Gateway Blvd.

3. Location of Project Gateway Blvd.

4. Total Acreage of Site 5.407

5. Current Zoning I-1/PD/CD

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

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No

8. Proposed Uses (please specify each use) Industrial - Warehouse, Distribution

9. Proposed Building Intensities (please specify) TBD

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for:

No Conditional Use Permit

No Dimensional Variance

12. Name of Applicant(s) Viox & Viox, Inc. Attn: Michelle Bollman

Phone Number 859-727-3293 Fax No. E-Mail mbollman@vioxinc.com

13. Address of Applicant(s) 466 Erlanger Rd.

Erlanger KY 41018
City State Zip

14. Name of Property Owner(s) David W. Boh and GERALYN M. REHKAMP

Phone Number 859-322-0293 Fax No. 859-384-3801 E-Mail

15. Address of Property Owner(s) 7936 Pleasant Valley Rd.

Florence KY 41042
City State Zip

16. Are there any existing buildings on the site? No

How many? N/A

17. Deed Book 526 Page No. 161 Group No. 2019

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:

- no Boone County Water District
- no Florence Public Services Dept.
- no Duke Energy
- yes Sanitation District #1
- no Cincinnati Bell
- no Owen Electric Cooperative, Inc.
- no Boone County Public Works Department
- n/a Kentucky Transportation Cabinet
- no Boone County Building Department
- no Northern Kentucky Health District
- no USDA NRCS/Boone County Conservation District
- no KY Division of Water
- no Local School District
- no Local Fire District
- Other: _____

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

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

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

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/4/14 Fee Received 2,390.14 R#-68364
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 KITCH LIGHT
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
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@boonecountky.org - E-Mail
www.boonecountky.org - Web Page

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

EXHIBIT

“ A ”

STAFF REPORT

Request of **Viox & Viox, Inc., Attn: Michelle Bollman (applicant)** for **David W. Boh and GERALYN M. REHKAMP (owners)** for a Change in an Approved Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

April 2, 2014

REQUEST

The applicant is requesting a Change in the Approved Concept Development Plan from 1996 to modify the previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation. In 2013, the Planning Commission and Fiscal Court approved the modification to these same conditions requested by Corporex Parks of Kentucky, LLC for 35.2723 acres. That property adjoins the subject property to the west.

The three conditions of approval from the 1996 Zoning Map Amendment that the applicant is requesting to amend read as follows:

5. In addition, no loading docks shall be permitted to face Conrad Lane.
7. The "shorter" facade widths of the southern-most structures shall face the adjacent residential areas to the south along Conrad Lane (i.e., the shorter dimensions of the structures as viewed in plan). If the applicant desires to have a "longer" facade width face these areas then the proposal must follow the Change in Concept Development Plan procedure.
- 8a. The southern-most buildings in the development shall have a maximum height of 26 feet and a minimum setback of 200 feet. However, for each 8'-4" that the building setback is increased beyond the 200 foot setback, the building height may be increased by 1 foot, up to 38 feet.

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

5. The applicant is requesting the ability to have loading docks face Conrad Ln.

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

The 1996 and 2013 Conditions of Approval as well as the applicants submitted Concept Development Plan with narrative are attached to this Staff Report.

SITE HISTORY

In 1996 a Zoning Map Amendment from SR-2/PD to I-1/PD for 56.4 acres, and a Utilization of an Underlying Zone (Concept Development Plan) in an I-1/PD zone for 71.6 acres, was conditionally approved for the original 128 acre Gateway Business Park development (David E. Estes Engineering/Mary Ann Boh request) which included this site.

In 2013 a Change in the approved Concept Development Plan was granted, for a 35.2723 acre tract adjoining the subject property to the west, to modify the previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

ADJACENT LAND USES AND ZONING

- North: across Gateway Boulevard, properties within the Gateway Industrial Park zoned Industrial One Planned Development with an approved Concept Development Plan (I-1/PD/CD).
- East: remaining Boh property zoned Industrial One Planned Development with an approved Concept Development Plan (I-1/PD/CD).
- West: The 35.2723 acre tract that adjoins the subject property within the Gateway Industrial Park zoned Industrial One Planned Development with an approved Concept Development Plan (I-1/PD/CD).
- South: across Conrad Lane, single family residences within the Regal Ridge and Derby Farms subdivisions zoned Suburban Residential One (SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

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

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

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- E. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community. ("Environment," Objective 2).

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

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

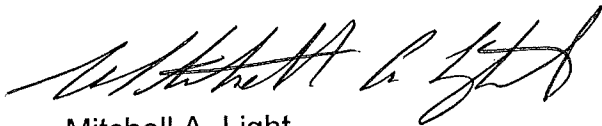
STAFF COMMENTS

1. Staff suggests that, if approved, no building mounted signs be visible from Conrad Lane.
2. No vehicular access to Conrad Lane was proposed with this request.
3. The Concept Development Plan and narrative have been attached to this Staff Report.
4. Regardless the outcome of this request, Staff and the Boone County Project Review Committee will preform a detailed Site Plan review of the subject property.

CONCLUSION

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

Respectfully Submitted,

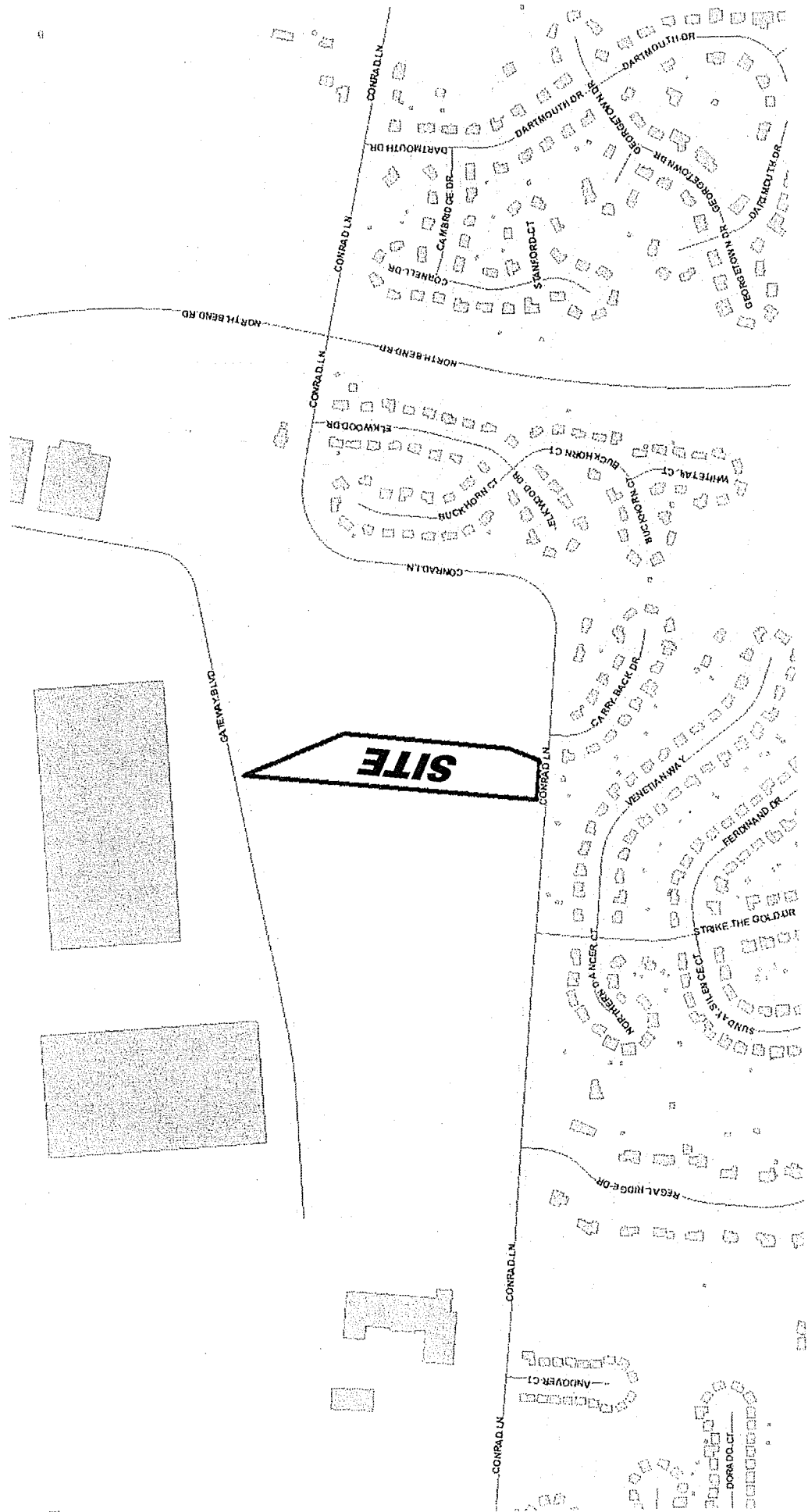


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

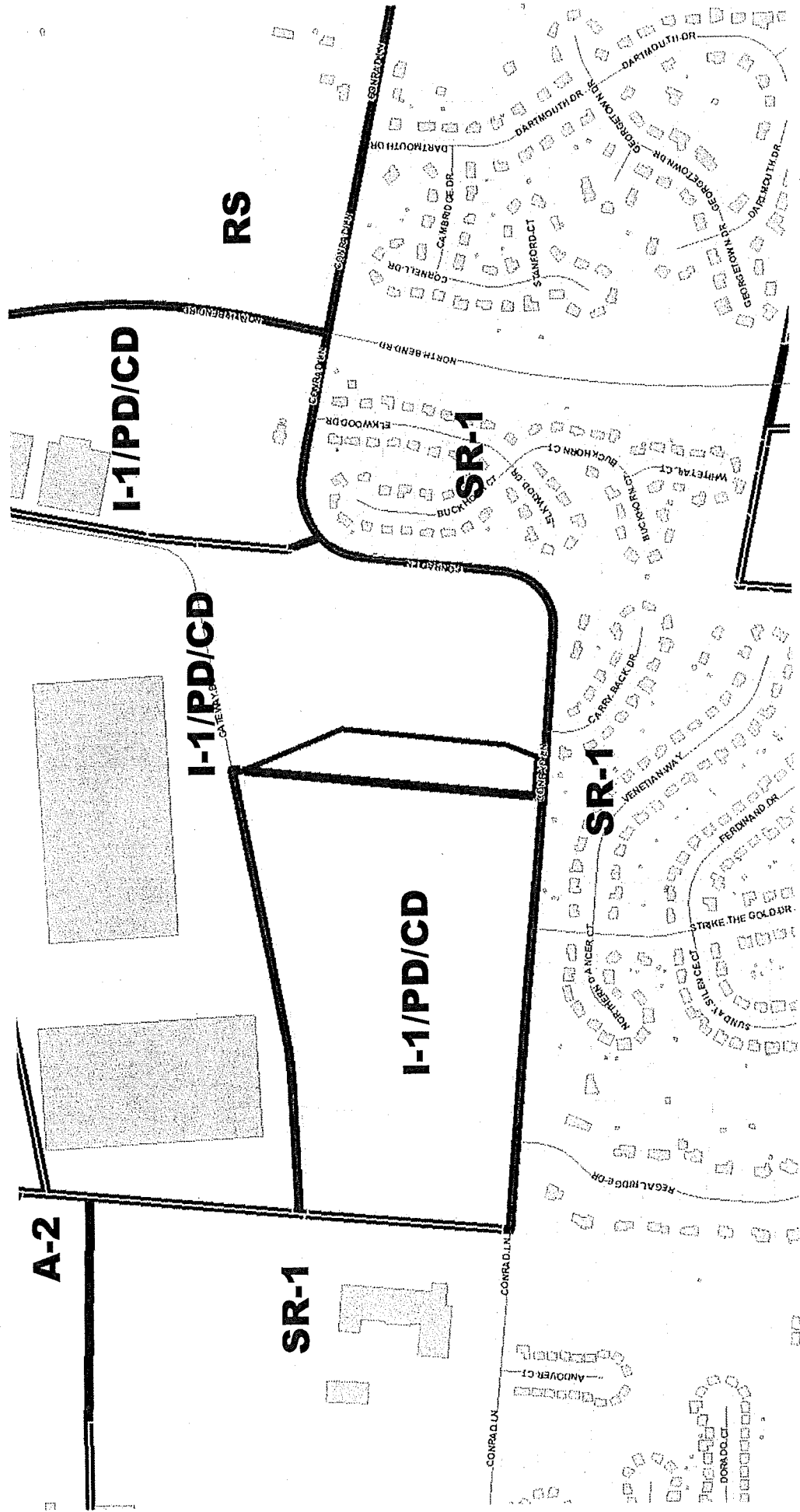
MAL/tlb

Attachments:

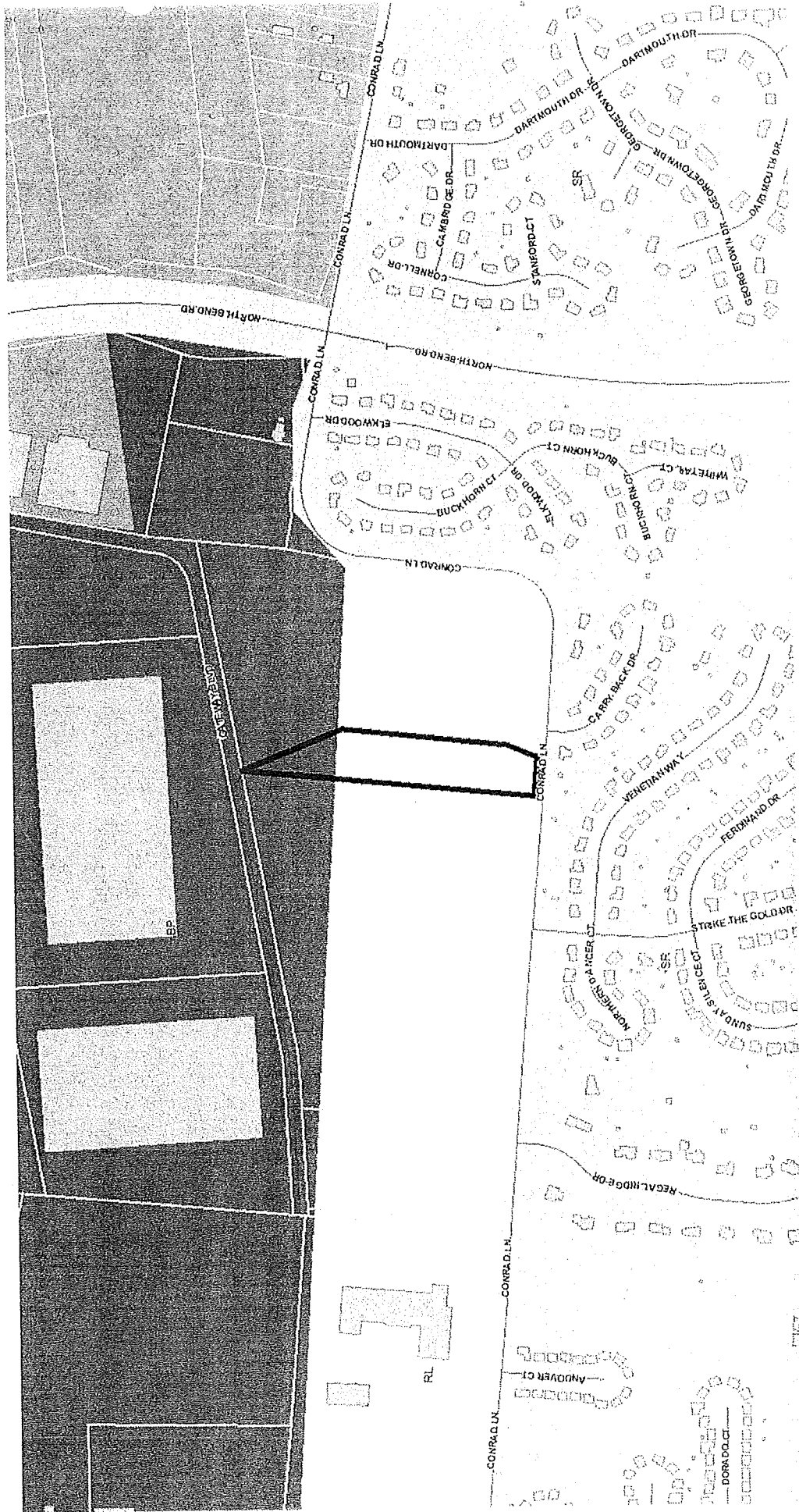
- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2014 Concept Development Plan
- Applicants Narrative
- 2013 Conditions of Approval
- 1996 Conditions of Approval
- Planned Development Standards
- Application



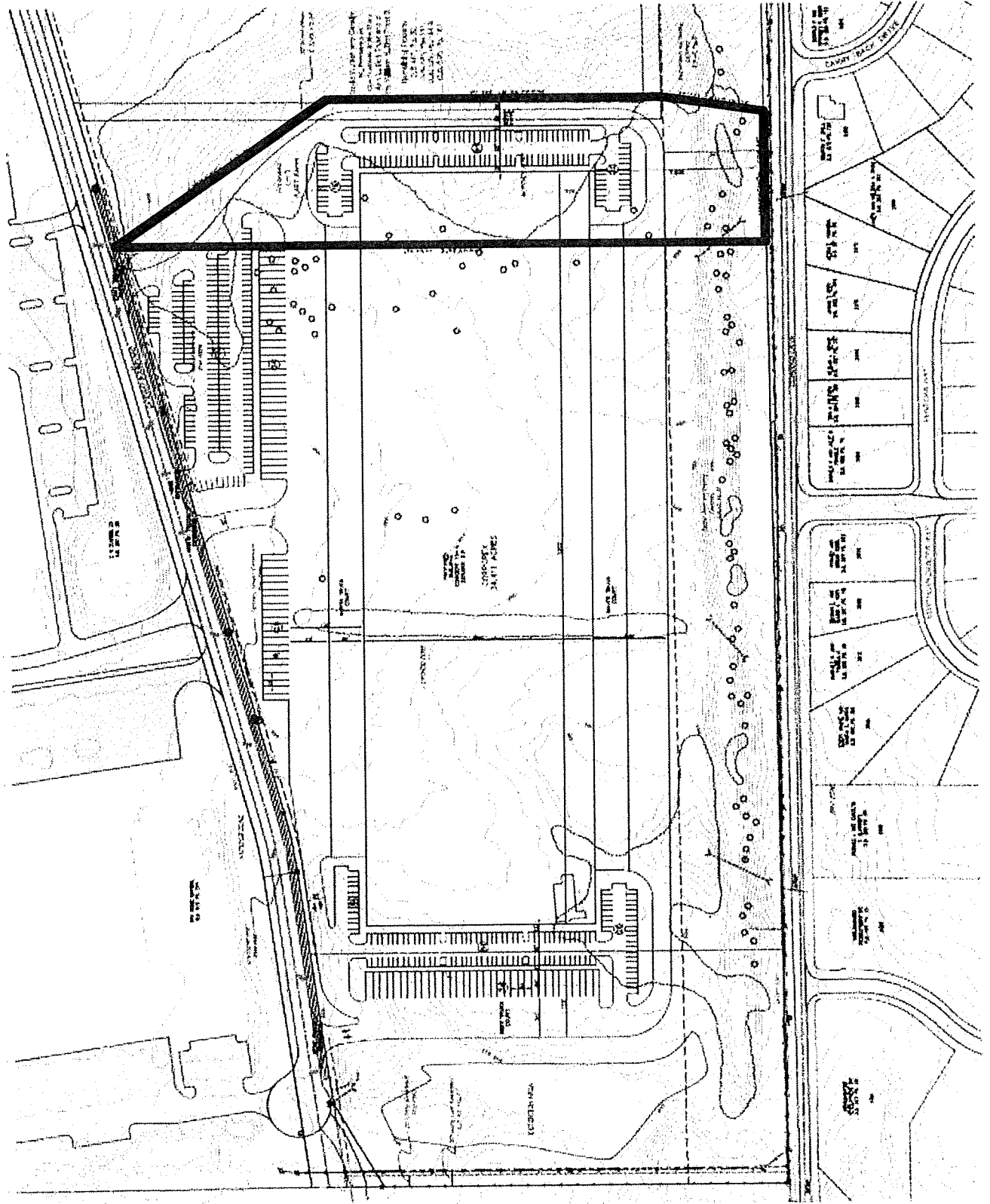
VICINITY MAP



ZONING MAP



FUTURE LAND USE MAP



2014 CONCEPT DEVELOPMENT PLAN

**Request for Change in Concept Development Plan
Gateway International Business Park (5.407 Acres of Boh Property)
Gateway Boulevard, Boone County, Kentucky**

Prologis is requesting a change in concept development plan for 5.407 acres of the property owned by David W. Boh and GERALYN M. REHKAMP, as Co-Trustees of the Mary Ann L. Boh Trust and of the William H. Boh Trust. The change in concept development plan is required to amend several conditions that were attached to the rezoning of the property in 1996.

The 5.407 acre tract is located on the south side of Gateway Boulevard in the Gateway International Business Park, is bound on the south by Conrad Lane, to the west by a 35 acre +/- parcel zoned for Industrial uses, and to the east by the remaining Boh parcel.

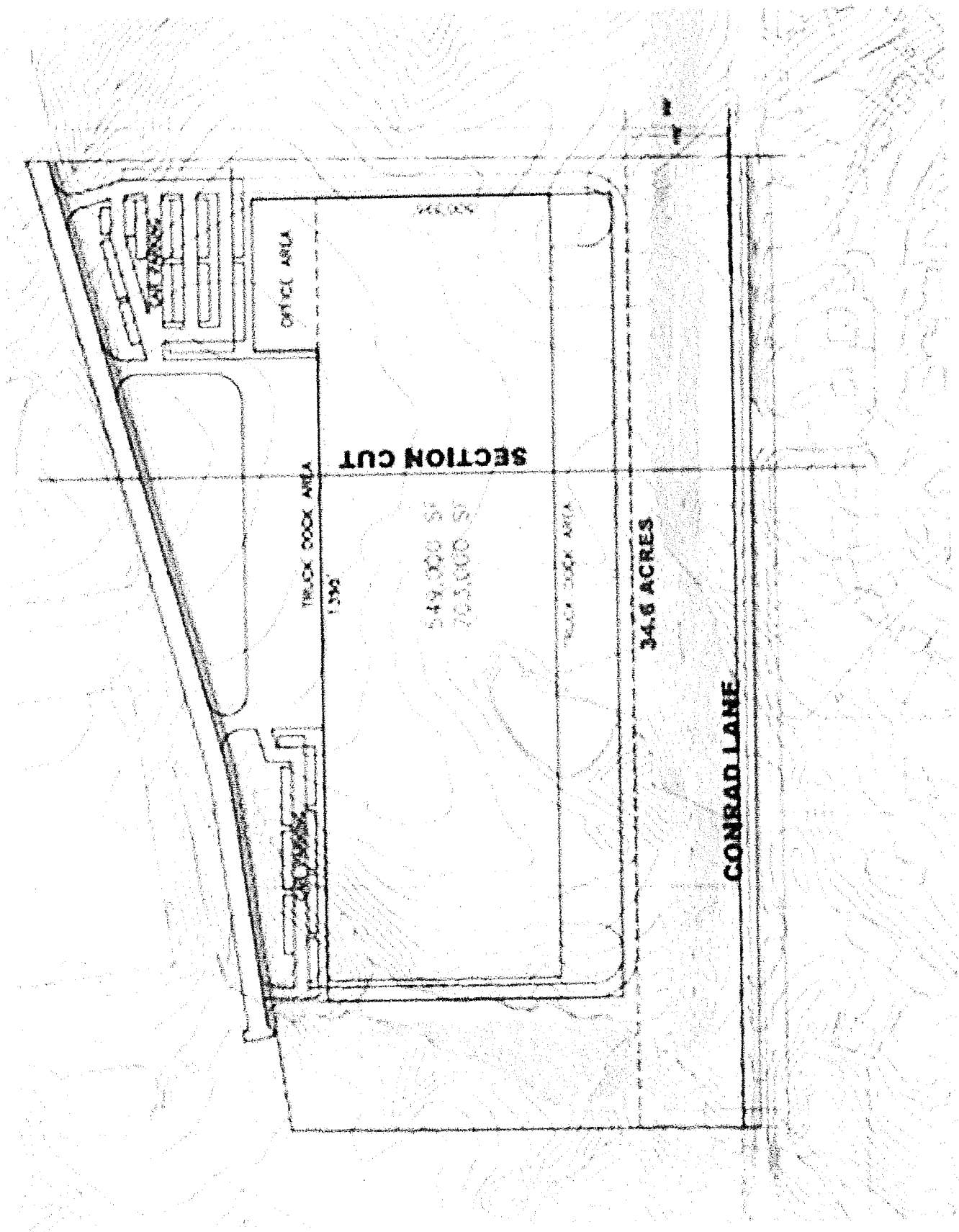
The property is currently zoned Industrial One with a Planned Development overlay (I-1/PD).

In 1996, the Boone County Planning Commission approved the rezoning of what is now known as Gateway International Business Park from Suburban Residential Two (SR-2) to Industrial One with a Planned Development overlay (I-1/PD). At that time, the adjoining residential subdivision to the south was very concerned about the zone change and, as a result, the zone change was approved with thirteen (13) conditions.

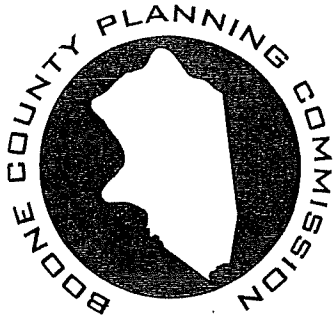
In 2013, Corporex Parks of KY, LLC requested a change in concept development plan for the 35 acre +/- parcel adjacent to the Boh property. As part of the change in concept plan, they requested and were granted an amendment to 3 of the conditions from the 1996 rezoning. A copy of the staff report and findings of the 2013 zone change hearing are attached.

As shown on the attached concept development plan, Prologis plans to develop the 5.407 acre parcel in conjunction with the 35 acre +/- Corporex parcel.

This request for a change in concept development plan on the 5.407 acres is to amend the same three (3) conditions as they were approved for the Corporex parcel in 2013.



2013 CONCEPT DEVELOPMENT PLAN

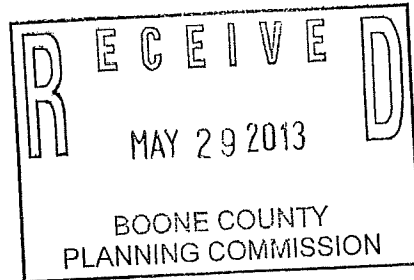


BOONE COUNTY PLANNING COMMISSION

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

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org



May 22, 2013

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

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

Dear Ms. Schuermann:

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

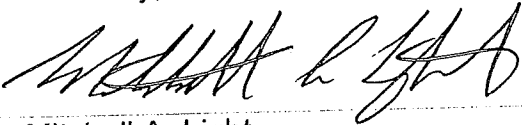
CONDITIONS

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

Ms. Arli Schuermann
May 22, 2013
Page 2

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

Sincerely,

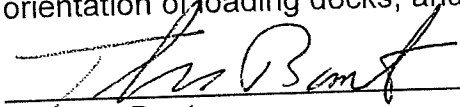


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/dw

AGREEMENT

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



Thomas Banta
(owner)

5/28/13
Date

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

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

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

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

History

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

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

Current Status of the Site and Park

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

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

Change in Concept Development Plan

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

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

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

Elevations

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

Scenario A

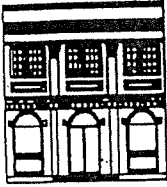
- The building would be 436' from the adjacent house.
- The building is outside of the 200' building setback at a distance of 265'.
- The loading dock is setback at the 175' pavement setback.
- The existing 12-15' tall berm completely blocks the view of the loading dock from the adjacent house.
- The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

Scenario B

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

BOONE COUNTY PLANNING COMMISSION

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



July 17, 1996

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

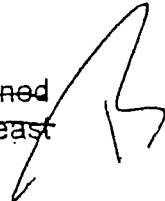
FAX: 292-5599

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

Dear Mr. Banta:

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

1. Landscaping requirements for the individual development sites within the project shall be provided in the protective covenants, and shall meet or exceed the requirements contained in the Boone County Zoning Regulations. The landscaping requirements shall be subject to review and approval by the Planning Commission prior to the submission of any Site Plan applications.
2. Continuous berms that vary in height from 12 to 15 feet shall be installed along Conrad Lane. Trees shall be installed on the berms immediately after the berms are constructed. In addition, the following shall apply to the berm/tree buffer:
 - A. The total number of trees to be installed on the berms shall be equivalent to an average spacing of 12 feet on center along the full length of the south property line.
 - B. The trees shall be largely arranged in groups or clusters as to create a natural appearance.

- C. The total percentage of evergreen trees provided on the berms shall be at least 60 percent, but shall not exceed 80 percent. In addition, the trees shall vary in height from 6 to 8 feet at planting.
- D. The tree/berm buffer shall be installed along the entire length of Conrad Lane along with, and shall be considered a part of, the subdivision improvements for Phase I.
- ~~3. Any loading docks that face the north-south leg of Conrad Lane must be screened with a combination of berming and a mixture of evergreen trees that total at least 16 feet in height at planting.~~ *Small* 
4. For reasons of public safety, the detention pond near the north-south portion of Conrad Lane shall be dry. The basin will be designed with a channel at the bottom and mowable slopes to ensure proper drainage and an attractive, neat appearance.
5. Outside storage shall be prohibited in the protective covenants. In addition, no loading docks shall be permitted to face Conrad Lane.
6. Freestanding site lighting fixtures shall not exceed 15 feet in height and shall be downlit.
7. The "shorter" facade widths of the southern-most structures shall face the adjacent residential areas to the south along Conrad Lane (i.e., the shorter dimensions of the structures as viewed in plan). If the applicant desires to have a "longer" facade width face these areas then the proposal must follow the Change in Concept Development Plan procedure.
- ✓ Architectural guidelines for all structures shall be provided in the protective covenants for the development and shall be subject to review and approval by the Planning Commission prior to the submission of any Site Plan application. These guidelines shall require that any building facade that faces the residential areas shall be constructed of masonry, a architectural grade concrete material, or a combination of masonry and architectural grade metal panels, and shall include reveals, offsets and painted detailing to attempt to reduce the apparent overall scale of the facade with respect to the adjacent uses. All colors used on this facade shall be reflective of natural materials to be sensitive to the adjacent residential uses. The guidelines shall include appropriate measures for screening roof equipment. The guidelines shall be enforced through the protective covenants.

~~REFER TO CONDITION 8 ATTACHMENT~~ *Done*

8. ~~The following height and setback restrictions shall apply to the development. Building height shall be measured to the highest portion of a building, inclusive of roof mounted mechanical equipment or other such appurtenances. The setbacks noted are measured from the existing, northern right-of-way line of the southern, east-west portion of Conrad Lane.~~

A. ~~Refer to the attached document entitled "Boh Property Condition 8A, Attachment."~~

B. ~~The southern-most buildings in the development shall have a maximum height of 32 feet when setback at least 250 feet. However, for each 8'4" that the building setback is increased beyond the 250 foot setback, the building height may be increased by 1 foot, up to 38 feet.~~

C. ~~With the exception of the buildings stated in conditions "8A" and "8B" above, buildings that are setback between 300 feet and 500 feet from the existing northern right-of-way line of Conrad Lane may be up to 38 feet in height, and buildings that are setback at least 500 feet from said right-of-way line may be up to 50 feet in height.~~

D. ~~All parking areas shall be setback at least 175 feet from the existing north right-of-way line of the southern, east-west portion of Conrad Lane.~~

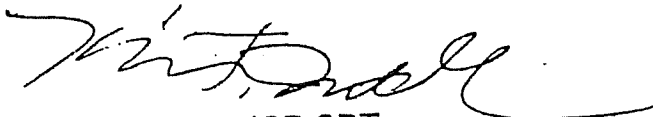
9. Subject to final approval by the Boone County Public Works Department through the Preliminary Plat procedure, the applicant shall dedicate an additional 10 feet of right-of-way along the north side of the southern, east-west portion of Conrad Lane. Also subject to final approval by the Boone County Public Works Department through the Preliminary Plat procedure, the applicant shall dedicate a reasonable amount of right-of-way in the southern 90 degree turn of Conrad Lane, at the southeast corner of the site, to help alleviate the existing geometrics of the road. Neither of these dedications, should they occur, shall increase the setbacks provided in condition #8, as they are measured from the right-of-way line existing as of the date of the Planning Commission's approval.

10. An emergency access shall be provided on Conrad Lane along the southern portion of the site at the time of development of the western-most lot. The type of gate, chain, barricade, etc., for the emergency access, and the width and type of surfacing, shall be subject to review and approval by the Hebron Fire Protection District and Burlington Fire Department.

Mr. Tom Banta
July 17, 1996
Page 4

11. To ensure compatibility with the adjacent residential uses, all Conditional Uses typically permitted in the I-1 zoning district shall not be permitted in this development, with the exception that the following shall be permitted through the normal Conditional Use Permit procedures:
 - A. The storage of chemicals;
 - B. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
 - C. Nursery and child care centers.
12. The design of the park entrance from KY 237 shall be coordinated with the Kentucky Transportation Cabinet. Turn lanes shall be provided.
13. Refer to the attached document entitled "Boh Property - Condition 13, Attachment."

Sincerely,

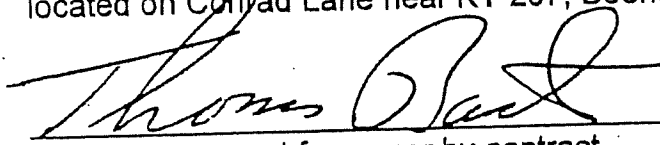


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

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



Tom Banta, agent for owner by contract

7/17/96
Date

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

BOH PROPERTY - CONDITION 13

ATTACHMENT

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

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

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

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

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

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

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

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

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

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

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

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

SECTION 1515

Procedure

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

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

SECTION 1516

Pre-Application Meeting

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

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

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
68364
MAR 04 2014
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)
X 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 Prologis - Gateway Blvd.
3. Location of Project Gateway Blvd.
4. Total Acreage of Site 5.407
5. Current Zoning I-1/PD/CD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1996
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
8. Proposed Uses (please specify each use) Industrial - Warehouse, Distribution
9. Proposed Building Intensities (please specify) TBD
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
12. Name of Applicant(s) Viox & Viox, Inc. Attn: Michelle Bollman
Phone Number 859-727-3293 Fax No. E-Mail mbollman@vioxinc.com
13. Address of Applicant(s) 466 Erlanger Rd.
Erlanger KY 41018
City State Zip
14. Name of Property Owner(s) David W. Boh and GERALYN M. REHKAMP
Phone Number 859-322-0293 Fax No. 859-384-3801 E-Mail
15. Address of Property Owner(s) 7936 Pleasant Valley Rd.
Florence KY 41042
City State Zip
16. Are there any existing buildings on the site? No
How many? N/A
17. Deed Book 526 Page No. 161 Group No.
18. Have you had a pre-application meeting with BCPC Staff? Yes

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 7, 2014

RE: Request of **Viox & Viox, Inc., Attn: Michelle Bollman (applicant)** for **David W. Boh and GERALYN M. REHKAMP (owners)** for a Change in an Approved Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:

The Land Use Element states "The north side of Conrad Lane, shown as industrial, should contain an extensive buffer area to protect the developing residential subdivisions to the south."

The existing buffer was required and built as part of the 1996 Zoning Map Amendment to protect the residences.

2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reasons:

Overall, Objective 1, states "Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area."

Environment, Objective 2, states "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."

3. 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 owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The Property Owner agrees that all of the original conditions of approval from the 1996 Zoning Map Amendment will still apply unless amended below.
2. The Property Owner will have the option of locating the loading docks either parallel or perpendicular (as was originally approved) to Conrad Lane (amendment to original condition #5).
3. The Property Owner agrees to provide 1/3 more evergreen trees from Buffer Yard "D," Article 36 of the Boone County Zoning Regulations, in the area of any loading docks located parallel to Conrad Lane. This additional landscaping shall be placed in any gaps and/or replace dead trees to mitigate noise if the loading docks face Conrad Lane.
4. The Property Owner will be permitted to have a 36' building height (to accommodate 32' clear height) at the minimum 200' building setback (amendment to original condition #8a).
5. The Property Owner will be permitted to have the longer facade width of buildings face Conrad Lane (amendment to original condition #7).
6. The Property Owner agrees to shield any building mounted lighting fixtures that may be installed facing or near Conrad Lane (amendment to original condition #6).
7. The Property Owner agrees that there will be no building mounted signs facing Conrad Lane.

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/Concept Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: April 16, 2014

RE: **CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kim Bunger, Chairman, Mitch Light, Staff**

Request of **Viox & Viox, Inc., Attn: Michelle Bollman (applicant)** for **David W. Boh and GERALYN M. REHKAMP (owners)** for a Change in an Approved Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Viox & Viox-Boh

April 16, 2014

Ben Brandstetter

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

_____ *Greg Breetz*

Greg Breetz

For Project ___ Absent ___

Against Project

Abstain ___ Deferred ___

_____ *Kim Bunger*

Kim Bunger, Chairman

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

_____ *Janet Kegley*

Janet Kegley

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Susan Schultz

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Mark Hicks (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Jim Longano (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT

___ AGAINST PROJECT ___ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mrs. Janet Kegley
Ms. Susan Schultz
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, Director, AICP, Zoning Services
Mr. Todd Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:35 P.M. and introduced the third item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff

3. Request of **Viox & Viox, Inc., Attn: Michelle Bollman (applicant)** for **David W. Boh and Geralyn M. Rehkamp (owners)** for a Change in an Approved Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

Staff member, Kevin Wall presented the Staff Report (see Staff Report) on behalf of Mitch Light. It included a Powerpoint presentation. Mr. Wall stated that the Planning Commission saw a similar proposal on the adjoining site about a year ago. It involved changing the same conditions by Corporex. The potential user, Prologis has a need to purchase some additional acreage from the property owner in order to construct an industrial building. The applicant is requesting relief in allowing loading docks to face Conrad Lane. There will be no access to Conrad Lane. The applicant is also requesting the ability to have the longer facade width of buildings face Conrad Lane and the ability to have a 36 foot building height to accommodate a 32 foot clearance height at the minimum 200 foot building setback line. Mr. Wall showed several photographs of the site and adjoining property including a Future Land Use Map. In terms of Staff Comments, Mr. Wall suggested reviewing the conditions that were placed on the adjoining 35 acre property in 2013. There were 7 total conditions. Essentially it is the same project but a little bigger building.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Ms. Michelle Bollman, Viox and Viox PSC, stated that she is representing the property owners and Prologis. She introduced Mr. Andrew Finke from Prologis. Ms. Bollman referred to her Powerpoint presentation. Prologis is one of the leading owner, operator and developer of industrial logistics real estate across the Americas, Europe and Asia. It has been in business for 30 years and has had a strong presence in Boone County since 1996. Prologis customers in Boone County employ approximately 1,000 people. The proposed facility will add about 200 - 250 jobs with an estimated payroll of \$6 - \$8 million. Access to the site is off Gateway Boulevard. The original zone change for the subdivision was in 1996. The Corporex application to change the 3 conditions occurred in 2013. She is requesting the same 3 changes for the 5.4 acre site in order to make the project work. The proposed building had to be moved on to the 5.4 acre site because of an existing lake on the west side of the development. The lake will be used for retention purposes. There is a creek on the Boh property east of the subject site. It is a nice split for the usability of the remaining property. It makes sense to have one set of conditions for the entire property. The proposed building is 520,000 square feet on 40 acres. She is requesting to have the loading docks face Conrad Lane and to have a longer facade face Conrad Lane. Finally, Ms. Bollman is also requesting to the ability to have the 36 foot building height at the minimum 200 foot building setback line. Ms. Bollman noted that they can meet the third condition as they are sitting well beyond the 200 foot setback but it makes sense to have the same conditions apply to both properties for consistency purposes.

Chairman Rolfsen asked if the loading docks were proposed to face Conrad Lane last year? Ms. Bollman responded yes. She also noted that loading docks are proposed along Gateway Boulevard. Mr. Costello pointed out that the 5.4 acre site does not have loading docks but drive through doors and a driveway. Automobile parking will be located on this parcel on the east side of the building. Ms. Bollman stressed they will not disturb the existing landscaped berm along Conrad Lane. Further, additional trees will be planted in the berm area as required.

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

Mr. Dan Ford, 5475 Carry Back Drive, stated that he also has family living at 5476 Carry Back Drive. He said that he was not in total opposition to the request. He is familiar with warehousing as he was a pilot for a public warehouse corporation. He acknowledged that when he purchased his property, he understood that the nearby industrial uses would be developed in a manner which protected the homeowners. By rotating the building horizontally, there will be a material change with noise and light pollution. When the loading docks are located at the ends of the building, the noise tends to go east and west. When you reorient the building in which the loading docks are north and south, the noise will also go north to south along with the light pollution. What can we expect at 2:00 in the morning? Will the change in building orientation significantly change the noise footprint? One of the major problems is the condition of Conrad Lane. It is a safety hazard especially in inclement weather. The S curves are hazardous. As you put buildings further east, then you are limiting the ability remove the S curve in order to fix the road. What is the long term plan to fix the curves? It would be great to continue the partnership with the industrial uses to fix Conrad Lane.

At this time, Chairman Rolfsen asked if any of the Board members had any questions or comments? Chairman Rolfsen asked the developer to look at the Conrad Lane issue. Mr. Costello stated there was no immediate plans to widen or relocate Conrad Lane. It is a road that was identified in the Boone County Transportation Plan to be improved for safety reasons. When the original plan for Gateway Industrial Park was approved it showed no connection to Conrad Lane due to the condition of it. The only access to Conrad Lane from the north side is from the National Guard site. This site was exempted from local zoning.

In response to a question from Chairman Rolfsen, Mr. Wall stated that the original approval did not allow loading docks to face Conrad Lane but the 2013 approval did.

Mr. Dan Ford noted that the houses located along Carry Back Drive are closer to the proposed development versus the other houses that front along Conrad Lane. Mr. Ford inquired about the angle of the lights given the topography of the site and the elevation of his house. Are the lights going to point north towards the docks or south toward Conrad Lane? What is the change in noise footprint based upon the reconfiguration of the building and loading docks? What is the noise change? What is the noise mitigation? Mr. Costello responded that in the previous application, there was an elevation study of the existing houses, the berm and the industrial building. Mr Costello stated the applicant could look at the previous drawings and use them as a base to prepare ones for their site. Mr. Costello also noted that the Committee looked at the condition of the berm and required additional landscaping to soften the visual and noise impacts. Mr. Ford again mentioned the conditions of Conrad Lane. Mr. Costello replied that the project is in the Boone County Transportation Plan but no funds have been committed to make improvements.

Ms. Bollman stated that she could provide a cross-section of the 5.4 acre parcel. In regard to making improvements to Conrad Lane, Prologis will be creating a right-of-way for Conrad Lane. About 25-30 feet will be dedicated to the County.

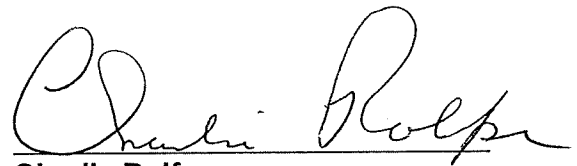
Mr. Hicks inquired whether the Committee could use the conditions from the Corporex request since they were comprehensive and addressed all of the issues. Chairman Rolfsen responded, yes. Those conditions appear in the Staff Report.

Chairman Rolfsen stated that Mr. Ford could approach the Fiscal Court about funding for improvements to Conrad Lane.

Mr. Dan Ford stated that some people got notice of the meeting and some did not. Mr. Costello explained that the notification requirements involve adjoining property owners. The applicant is required to provide a list. Mr. Costello asked if the people who did not get a notice were present? Mr. Ford responded, yes. The Staff will investigate this issue.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 16, 2014 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 7, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:00 P.M.

APPROVED:



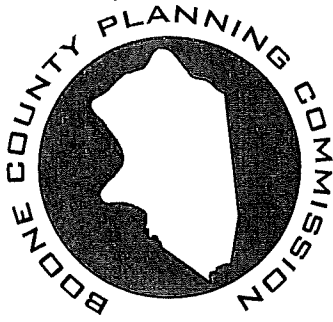
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

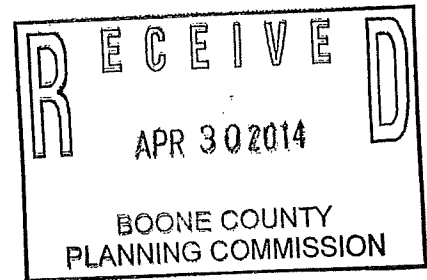
www.boonecountky.org/pc
www.boonecountkygis.com

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@boonecountky.org

April 17, 2014

Ms. Michelle Bollman
Viox & Viox, P.S.C.
466 Erlanger Road
Erlanger, KY 41018



RE: Request of **Viox & Viox, Inc., Attn: Michelle Bollman (applicant)** for **David W. Boh and GERALYN M. REHKAMP (owners)** for a Change in an Approved Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

Dear Ms. Bollman:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their April 16, 2014, Zone Change Committee Meeting. Please provide the signatures of the property owners in the space provided at the end of this letter and return to the Planning Commission office by Friday, May 2, 2014.

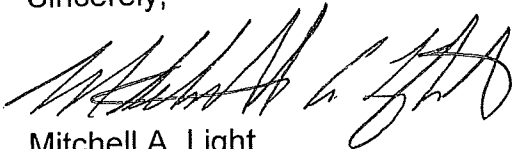
CONDITIONS

1. The Property Owner agrees that all of the original conditions of approval from the 1996 Zoning Map Amendment will still apply unless amended below.
2. The Property Owner will have the option of locating the loading docks either parallel or perpendicular (as was originally approved) to Conrad Lane (amendment to original condition #5).

Ms. Michelle Bollman
Viox & Viox, P.S.C.
April 17, 2014
Page 2

3. The Property Owner agrees to provide 1/3 more evergreen trees from Buffer Yard "D," Article 36 of the Boone County Zoning Regulations, in the area of any loading docks located parallel to Conrad Lane. This additional landscaping shall be placed in any gaps and/or replace dead trees to mitigate noise if the loading docks face Conrad Lane.
4. The Property Owner will be permitted to have a 36' building height (to accommodate 32' clear height) at the minimum 200' building setback (amendment to original condition #8a).
5. The Property Owner will be permitted to have the longer facade width of buildings face Conrad Lane (amendment to original condition #7).
6. The Property Owner agrees to shield any building mounted lighting fixtures that may be installed facing or near Conrad Lane (amendment to original condition #6).
7. The Property Owner agrees that there will be no building mounted signs facing Conrad Lane.

Sincerely,



Mitchell A. Light
Assistant Zoning Administrator/Zoning Enforcement Officer

MAL/tlb

Ms. Michelle Bollman
Viox & Viox, P.S.C.
April 17, 2014
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AGREEMENT

We, David W. Boh and Geralyn M. Rehkamp, do hereby agree to the recommended conditions of approval stated above for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract to modify previous conditions of approval relating to building height and setbacks from Conrad Lane, orientation of loading docks, and building orientation.

David W. Boh

4/24/14

David W. Boh
(owner)

Date

Geralyn M. Rehkamp

4-24-14

Geralyn M. Rehkamp
(owner)

Date

DESCRIPTION OF 5.407 ACRES
PORTION OF THE
MARY ANN BOH PROPERTY

Located in Boone County, Kentucky, lying on the south side of Gateway Boulevard and the north side of Conrad lane and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83(CORS96).

Beginning at an existing iron pin (plastic cap stamped PLS 2316) in the south right-of-way line of Gateway Boulevard, 30.00 feet as measured perpendicular to the centerline, at the common corner of Corporex Parks of Kentucky, Inc. (Deed Book 773, page 437) and Mary Ann Boh (Deed Book 447, page 32); thence with a new division of Boh's property South 28°53'02" East 447.41 feet to an iron pin (set); thence South 05°23'46" West 581.73 feet to an iron pin (set); thence South 13°41'03" West 177.22 feet to an iron pin (set) in the north right-of-way line of Conrad Lane; thence with said right-of-way line North 85°29'38" West 226.48 feet to an existing iron pin (plastic cap stamped PLS 2316) at the common corner of Corporex Parks of Kentucky, Inc. and Mary Ann Boh; thence leaving said right-of-way line and with the east line of Corporex Parks of Kentucky, Inc. North 05°23'46" East 1130.31 feet to the point of beginning containing 5.407 acres.

ORDINANCE 14-12

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF VIOX & VIOX, INC. ATTN: MICHELLE BOLLMAN (APPLICANT) FOR DAVID W. BOH AND GERALYN M. REHKAMP (OWNERS) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD) ZONE FOR A 5.407 ACRE TRACT GENERALLY LOCATED ON THE SOUTH SIDE OF GATEWAY BOULEVARD ACROSS FROM THE PROPERTY AT 2100 GATEWAY BOULEVARD, AND ON THE NORTH SIDE OF CONRAD LANE ACROSS FROM DERBY FARMS SUBDIVISION, BOONE COUNTY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract generally located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Change in an Approved Concept Development Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF 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/Planned Development (I-1/PD) zone for a 5.407 acre tract generally located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of

Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone is more particularly described in DEED BOOK 526, PAGE NO. 161, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for approval of a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 5.407 acre tract generally located on the south side of Gateway Boulevard across from the property at 2100 Gateway Boulevard, and on the north side of Conrad Lane across from Derby Farms Subdivision, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based its findings of fact and conditions as set forth in its Committee Report and same are marked as "Exhibit B."

SECTION III

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

Introduced and given First Reading on the 1st day of July.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 5th day of August and signed by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

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

ATTEST:

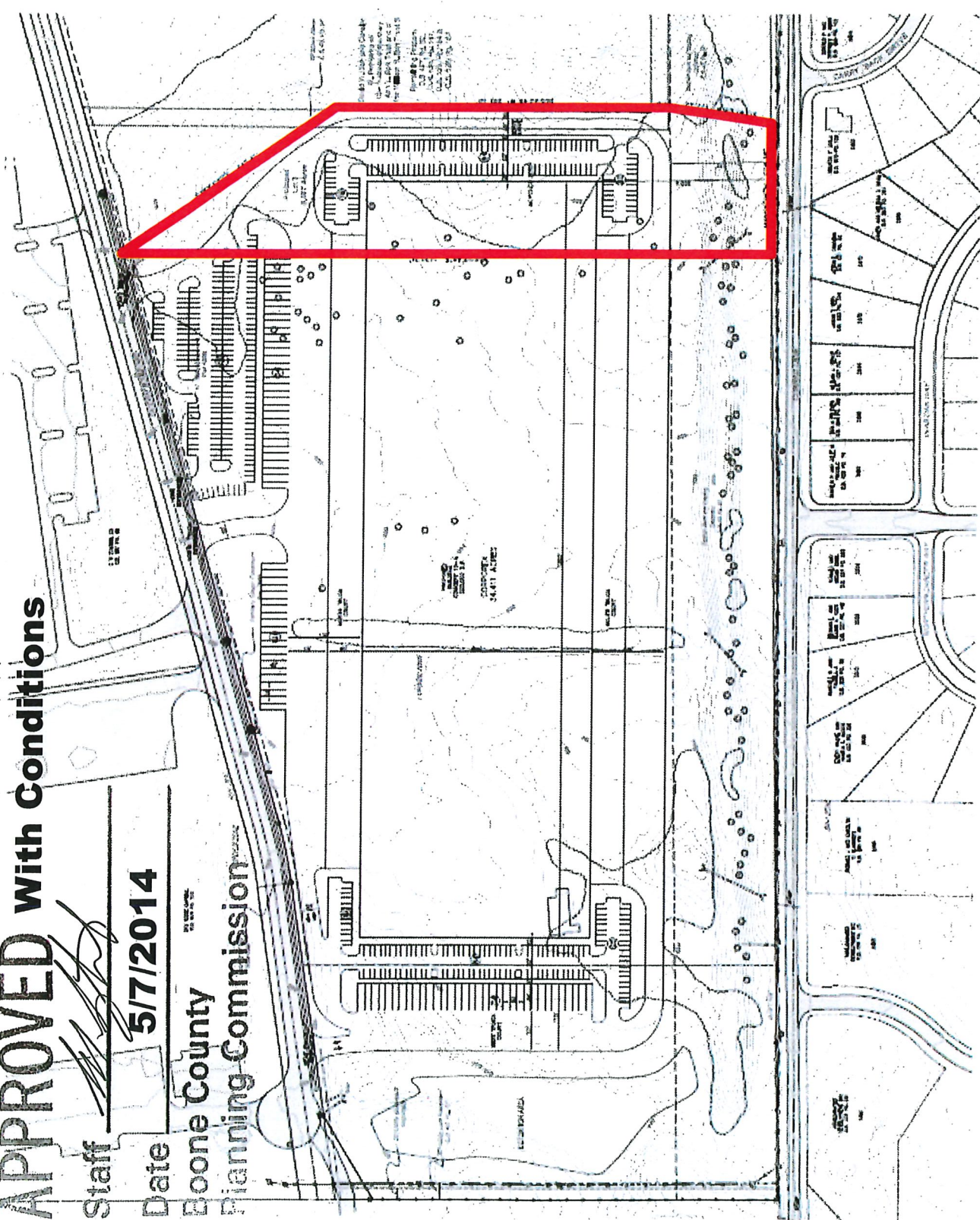
Daphne Kornblum
DAPHNE KORNBUM
FISCAL COURT CLERK

APPROVED With Conditions

Staff 

Date **5/7/2014**

Boone County
Planning Commission



2014 CONCEPT DEVELOPMENT PLAN

