

APPLICATION FORM

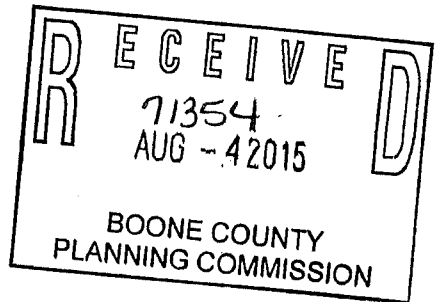
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Fyda Freightliner
2. Location of Project winning color rd & US HWY 25
3. Total Acreage of Site 14.2 → see 14.2 ac
4. Current Zoning of Site C-3
5. Proposed Zoning (Classification being requested) F-1
6. Proposed Uses (please specify each use)
TRUCK & trailer sales & maintenance
7. Names of Applicant(s) TIM FYDA
8. Phone No. 614-851-0002 Fax No. 614-851-0011 E-Mail tfyda@fydafreightliner.com
9. Address of Applicant(s) 1250 Walcott Rd
Columbus OHIO 43228
City State Zip
10. Name of Property Owner(s) DLW ASSOCIATES KEN LUCAS
11. Phone No. 859-384-3345 Fax No. _____ E-Mail _____
12. Address of Property Owner(s) 2822 Verona mudlick Rd
Verona KY 41092
City State Zip
13. Proposed Building Intensities (please specify) 3830 SQFT Per Acre*
14. Are there any existing buildings on the site? No
How many? _____
15. Deed Book 239 1059 Page No. 232 427 Group No. 2064
16. Are you also applying for:
n/a Conditional Use Permit
n/a Dimensional Variance
17. Have you submitted a Concept Development Plan? Yes
18. Have you had a pre-application meeting with BCPC Staff? Yes
19. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- _____ 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: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County
 _____ Florence
 _____ Walton Union

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

ORIGINAL Applicant's Signature *Timothy J. Tzola, Pres.*
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 8/4/15
 2. Review Fee \$2,564.00 RA# 71354
 3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - _____ Concept Development Plan
 - Address of Adjoining Property Owners
 - 7 Number of Copies of Plan Received**
 4. Date Application is Administratively Complete as Defined in KRS 100.211 _____
 5. Staff Reviewer NITA LIGHT
 6. Committee Chairman _____
 7. Scheduled Public Hearing Date _____
 8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions 10/7/15
 - _____ Denial
9. Other: _____ Resolution # _____

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

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“A”

STAFF REPORT

Request of Tim Fyda (applicant) for DLW Associates (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site located on the west side of Dixie Highway across from the Dixie Highway/Shorland Drive intersection, along the east side of I-71/75, to the north of Old Richwood Road, to the north and west of the properties at 11135 Dixie Highway and 124 Old Richwood Road, and to the south of the property at 11075 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales and service of trucks and trailers.

September 2, 2015

REQUEST

The applicant is requesting this Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site to allow the sales and service of trucks and trailers.

The Concept Development Plan proposes a 54,000 square foot Freightliner sales and service facility with parking for employees as well as parking for semi tractors and trailers. A Preliminary Plat and Improvement Plan was approved in 2000 for the construction of Winning Colors Drive. The road was constructed, but never dedicated to Boone County Fiscal Court. The applicant proposes to use the road as a private driveway for this development.

The sale, rental, or leasing of tractor-trailers is not currently permitted in the C-3 zone. Based on a 2008 zoning text amendment, "equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers" is only permitted in the I-1 and I-2 zones (I-1 zone principally permitted use #38 and principally permitted in the I-2 zone by reference). The nearby tractor-trailer sales facility (Republic) was established shortly before the zoning text was changed.

SITE HISTORY

- 1989 Zoning Map Amendment Approved with Conditions to rezone a 12.71 acre site from UR-1 to C-3.
- 2003 Change in the Approved 1989 Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection to allow a mobile home sales lot in a C-3 zone.

ADJACENT ZONING AND LAND USES

- North: Properties owned by Richwood Office Condominiums, LLC and B & Z Development zoned Commercial Services (C-3).
- East: Properties owned by GWR Group, LLC and Hensley zoned Commercial Services (C-3). Across Dixie Highway and the Norfolk Southern Railroad, the Richwood Industrial Park zoned Industrial One (I-1).
- South: Properties owned by DLW, Pilot, Egan and Griggs zoned Commercial Services (C-3) and the Richwood Park Commercial subdivision zoned Commercial Services with an approved Concept Development Plan (C-3/CD).
- West: Across I-71/75, uses including hotel/motel, commercial sales and truck stop uses within C-3, C-3/CD and C-4/CD zones.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Commercial (C). This classification is defined in the adopted Comprehensive Plan as:

Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element text within the 2010 Boone County Comprehensive Plan makes the following statement that relates to the overall area:

"Improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. The I-75/Richwood Road interchange is slated for reconstruction in 2016. Commercial development around the interchange area is expected to remain and expand to serve local residents in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75 (8. Richwood East, pg. 171)."

"Commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange (8. Richwood East, pg. 172)."

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. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- D. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objectives).
- E. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Further industrial development must be located where infrastructure exists or is planned. Future industrial districts shall be identified in advance of residential development so that potential impacts are known and can be addressed (Business Activity, Industrial Objectives).

STAFF COMMENTS

1. The applicant is requesting this Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site to allow the sales and service of trucks and trailers. The Concept Development Plan proposes a 54,000 square foot Freightliner sales and service facility with parking for employees as well as parking for semi tractors and trailers between what is now Winning Colors Drive and I-71/75 and a truck and trailer parking lot between Winning Colors Drive and Old Richwood Road. Winning Colors Drive was constructed in 2000, but never dedicated to Boone County Fiscal Court. The applicant proposes to use the road as a private driveway for this development.
2. Staff would like to point out that prior to 2008, the sales and service of trucks and trailers was permitted in the C-3 zone. A zoning text amendment in 2008 made, "equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers" only permitted in the I-1 and I-2 zones (I-1 zone principally permitted use #38 and principally permitted in the I-2 zone by reference). Furthermore, the nearby tractor-trailer sales facility (Republic) was established shortly before the zoning text was changed.

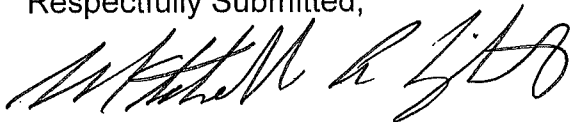
3. The request is for a zone change to allow the sales and service of trucks and trailers. Are there any other I-1 uses that the applicant would like to consider for this request? The I-1 uses are attached to this Staff Report.
4. Comments from the Kentucky Transportation Cabinet were not received at the time this Staff Report was finalized, but will be distributed once they have been received.
5. Digital photos of similar existing Freightliner facilities were shown in the PowerPoint presentation. Staff suggests more masonry materials on the two-story office portion of the building as well as the southern end of the building that faces I-71/75.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. If approved, the Future Land Use Map will need to be amended.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

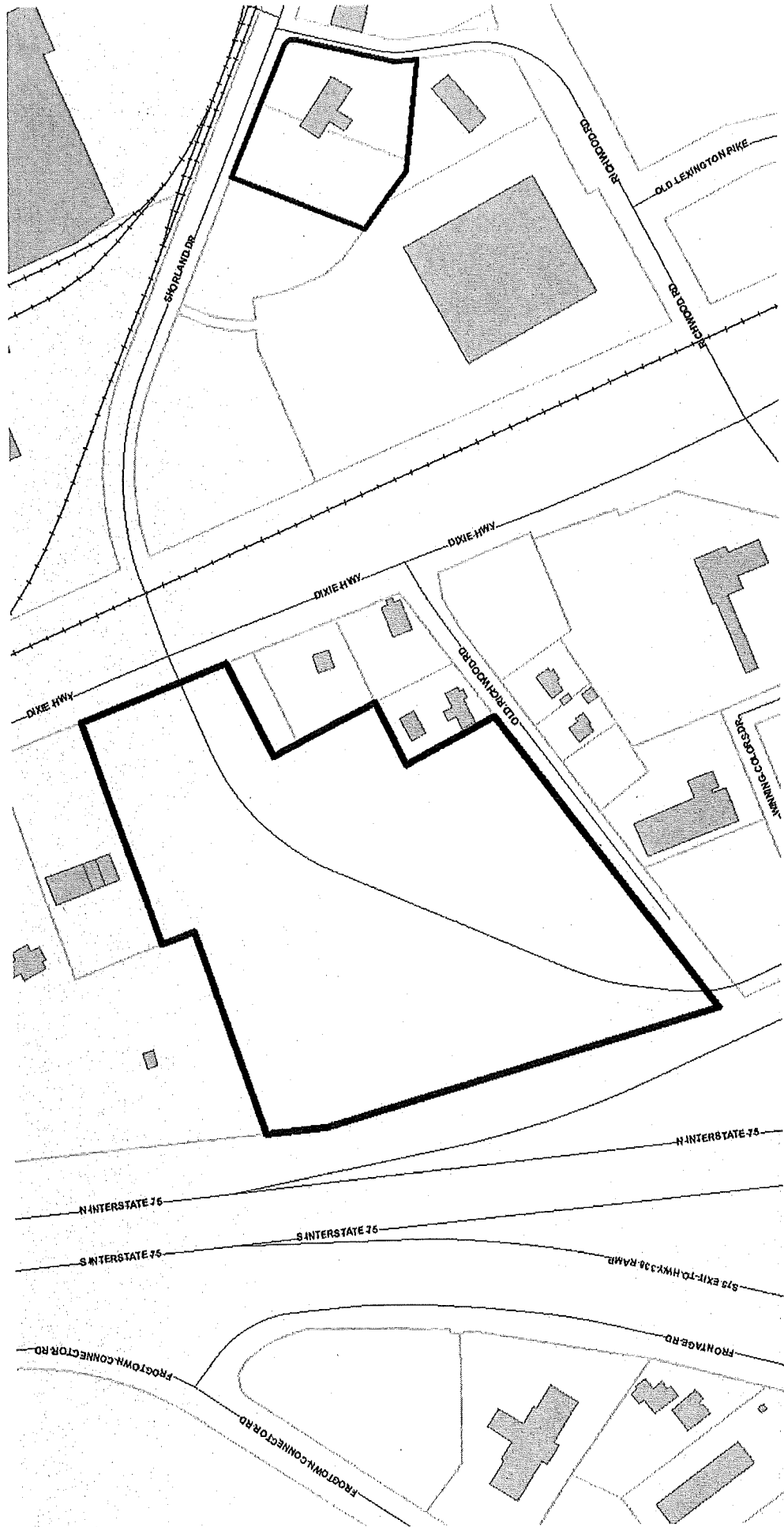


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

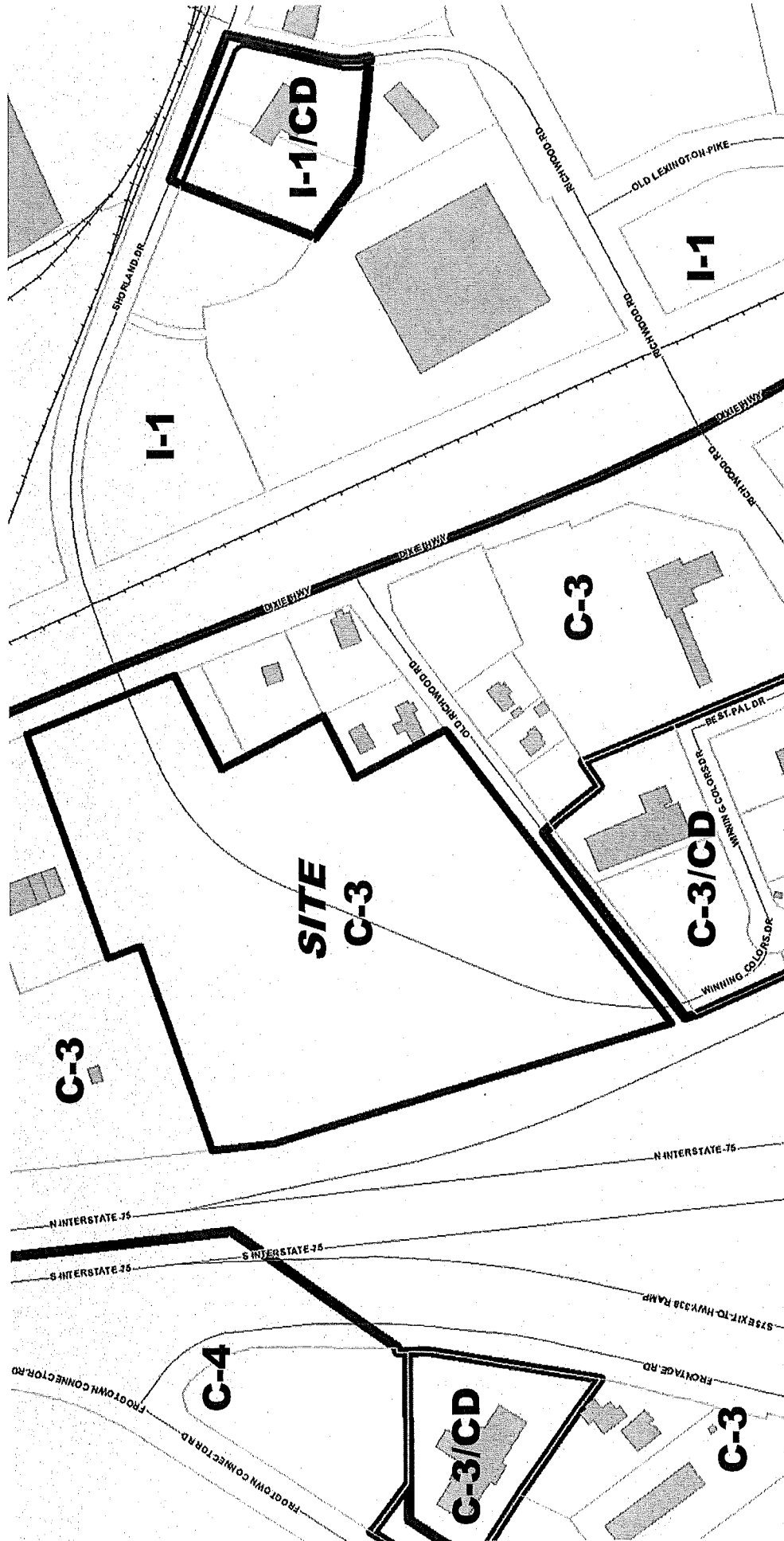
MAL/tlb

Attachments:

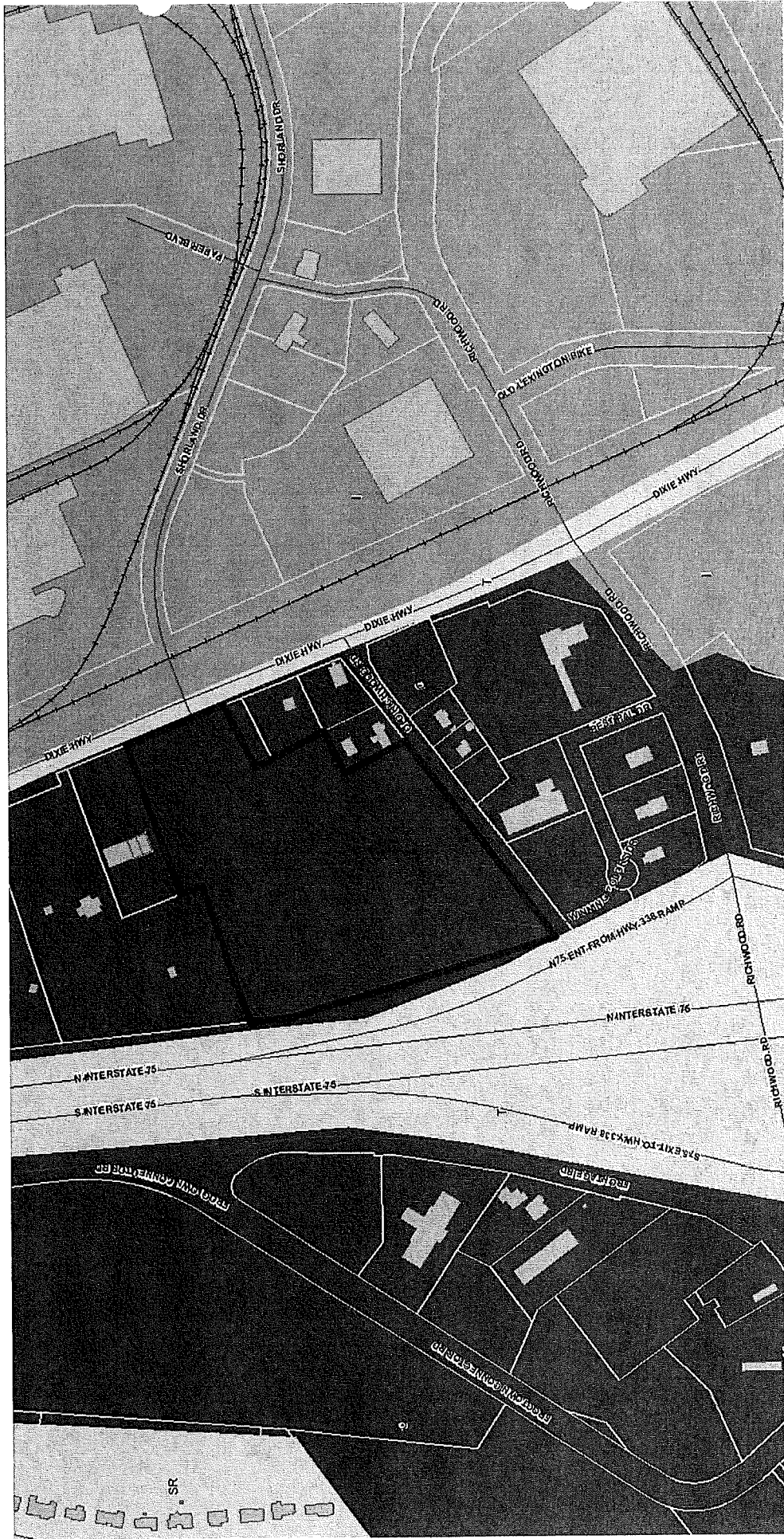
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Development Plan
- Proposed Elevations
- Proposed Rendering
- Committee Reports from the 1989 and 2003 requests
- Agency Comments
- Industrial One (I-1) Uses
- Application



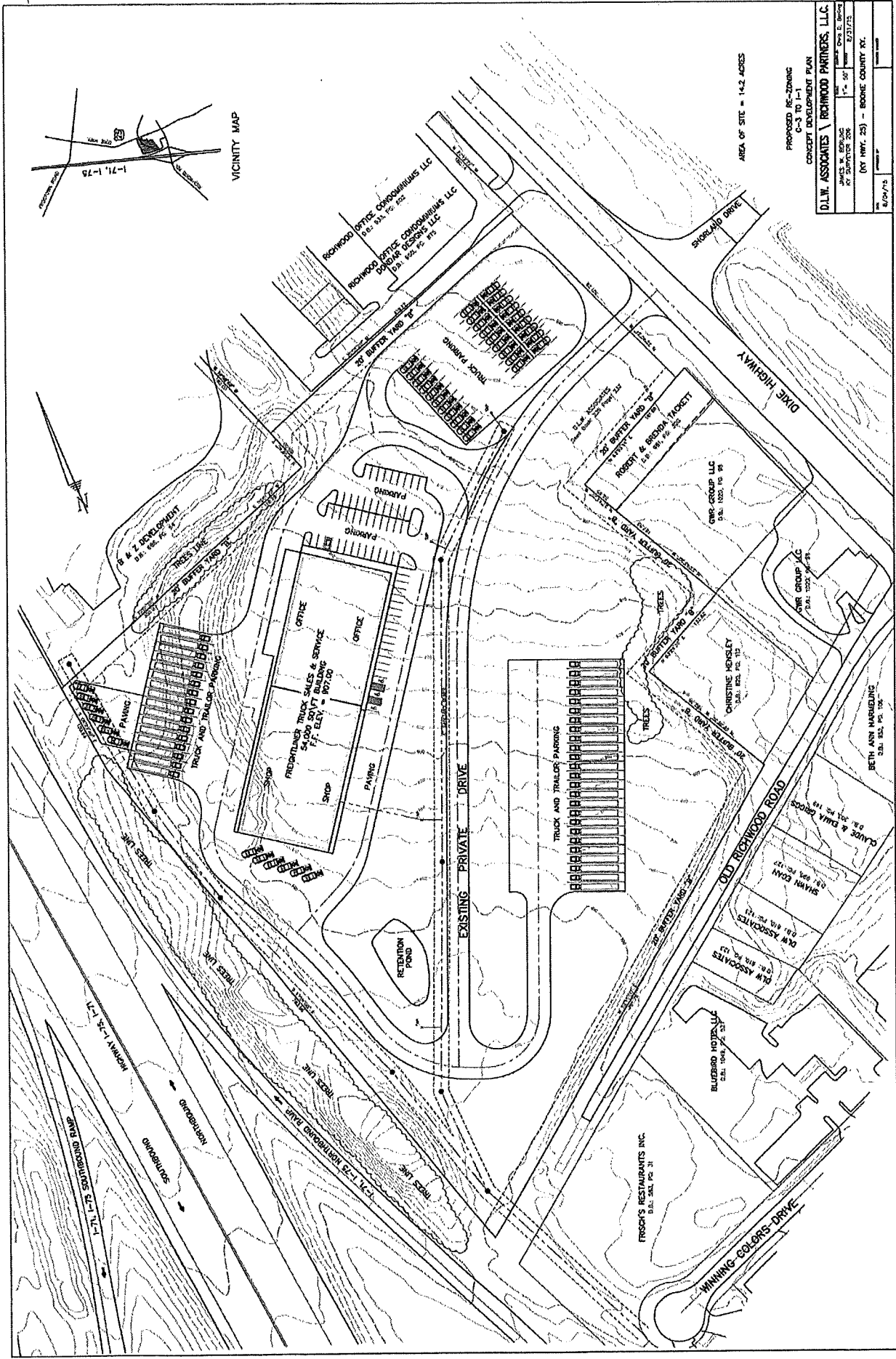
VICINITY MAP



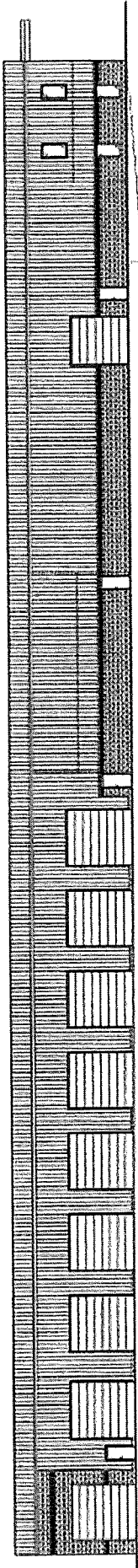
ZONING MAP



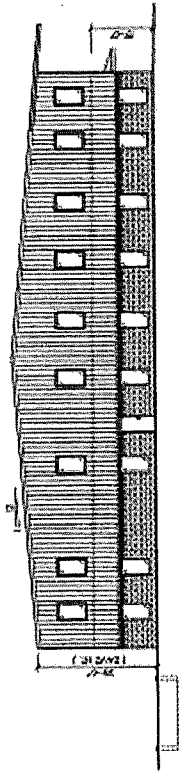
FUTURE LAND USE MAP



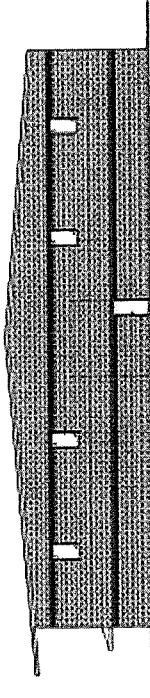
CONCEPT DEVELOPMENT PLAN



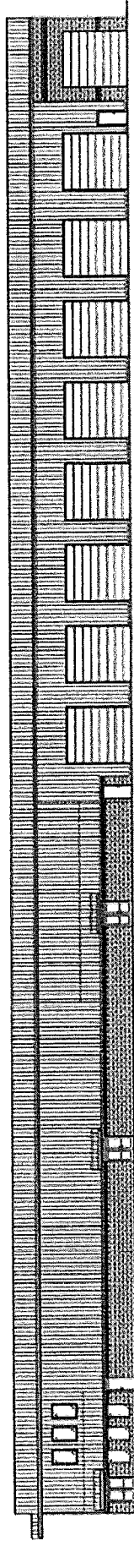
NORTH ELEVATION



WEST ELEVATION

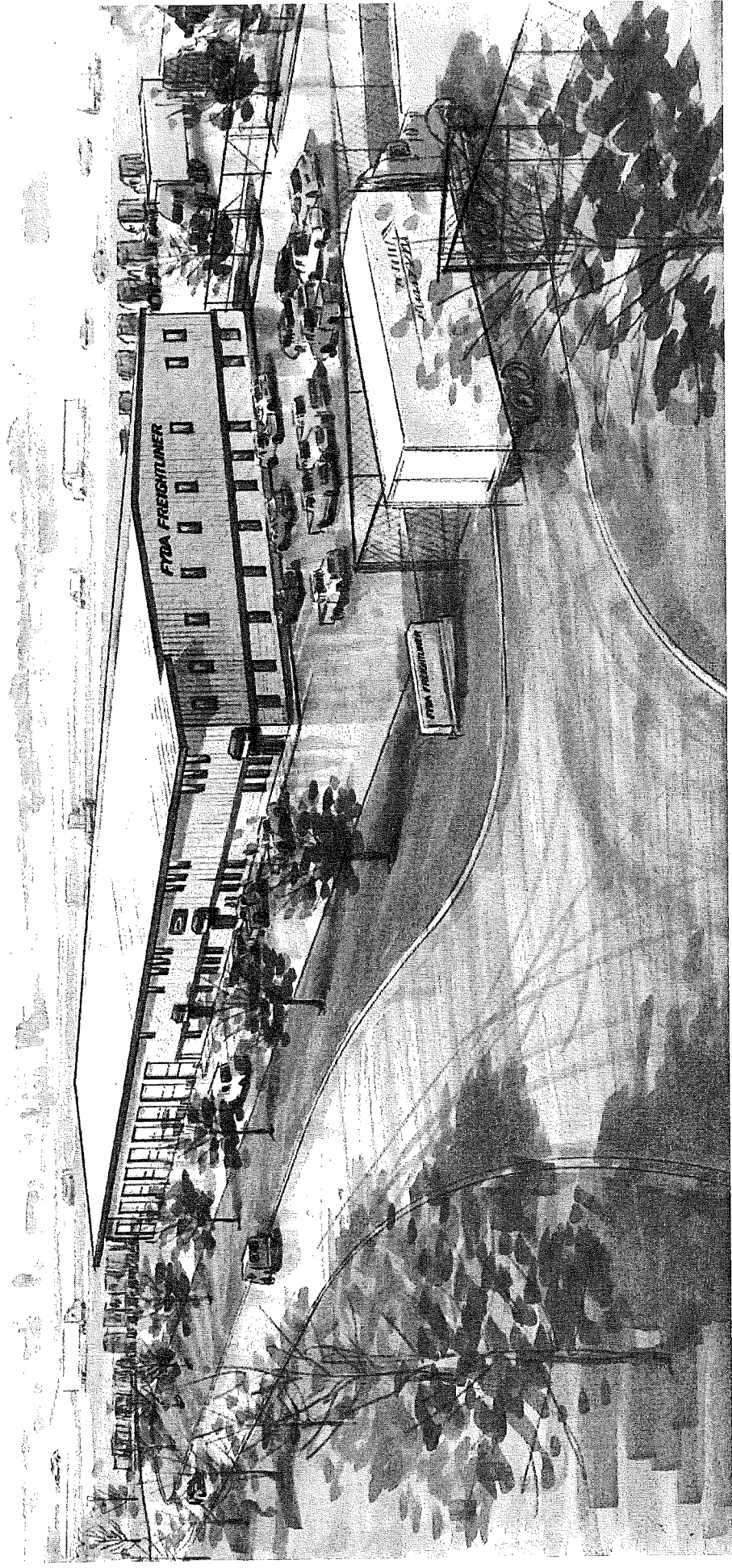


EAST ELEVATION



SOUTH ELEVATION

PROPOSED ELEVATIONS



PROPOSED RENDERING



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

February 10, 2015

Mr. Stuart A. Strasfeld
100 East Federal Street
Suite 600
Youngstown, OH 44503

FAX: 330-744-3184

RE: Zoning for DLW Property, West Side of Dixie Highway and Along Winning Colors Drive, Boone County, Kentucky

Dear Mr. Strasfeld:

Please be advised that the above referenced tracts (Parcel ID #s 075.00-00-083.00 and 075.00-00-087.00) are within a Commercial Services (C-3) zone. The larger property (075.00-00-083.00) is substantially within an area that is subject to a conditional zone change approval from 1989. The approval documents, which include the conditions of approval, are enclosed. This zone change was from Urban Residential One (UR-1) to Commercial Services (C-3). The conditions include use restrictions which are over and above the normal C-3 zone requirements.

This zone change was for a 12.71 acre area, whereas the tax record states that the larger tract contains 14.2 acres. A small asymmetrical area along the north property line was not part of this conditional zone change approval. Apparently the real estate further to the north was under the control or agreement with the owners of the DLW property at the time and was part of a larger plan which did not materialize. A map which has the current lot lines and the Winning Colors Drive centerline superimposed over the 1989 Concept Development Plan is enclosed for your use.

The smaller tract (075.00-00-087.00) is not within the conditional zone change approval area. Thus, the smaller tract and the asymmetrical area along the north property line of the larger tract are just subject to the normal C-3 zone requirements outlined in the Boone County Zoning Regulations. The zoning regulations are available on the Planning Commission's web site at www.boonecountyky.org/pc under the "publications" prompt.

The conditions of the 1989 zone change approval prohibited, amongst a few other uses referenced in the 9/20/89 Committee Report, the sale of mobile homes. A Change in an Approved Concept Development Plan was conditionally approved in 2003 to permit mobile home sales on a 2.24 acre tract in the northeast corner of the original 1989 zone change

Mr. Stuart A. Strasfeld
February 10, 2015
Page 2

area (on the northwest corner of the Dixie Highway/Winning Colors Drive intersection). The approval documents for this change, which include the conditions of approval, are enclosed. This change was limited to just permitting mobile homes sales in the specific 2.24 acre area in question.

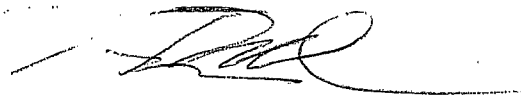
A "Revised Preliminary Plat And Improvement Plan For Richwood Commercial Park and D.L.W. Commercial Park" was approved by the Boone County Planning Commission for the subdivision of the property on 1/25/00. The only street in this subdivision (Winning Colors Drive) was constructed, but a record plat was never recorded and the street has not been publically dedicated.

Our office has received several inquiries recently regarding potentially using the property for the sale of tractor-trailers. The sale, rental, or leasing of tractor-trailers is not currently permitted in the C-3 zone. Based on a 2008 zoning text amendment, "equipment (light rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers" is only permitted in the I-1 and I-2 zones (I-1 zone principally permitted use #38 and principally permitted in the I-2 zone by reference). The nearby tractor-trailer sales facility (Republic) was established shortly before the zoning text was changed.

Additionally, the conditions of the 1989 zone change approval prohibit "heavy equipment and heavy truck rental or leasing." A variance is not a proper course of action to permit the sale (or rental or leasing) of tractor-trailers. Kentucky law limits variances to "dimensional standards" such as building setbacks and height. Changes in Nonconforming Uses are possible through the Board of Adjustment, however, the tractor-trailer use was never established on this tract, thus, there is no protected nonconforming status. The proper course of action would be to seek a zone change. You can contact me regarding details on the process and the necessary materials.

Please call me with any questions.

Sincerely,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

Enclosures

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Committee Chairman

DATE: September 20, 1989

RE: Request of D.L.W. and Associates (owner) for a Zoning Map Amendment on a 12.71 acre site on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The request is to rezone the site from Urban Residential One (UR-1) to Commercial Services (C-3).

REMARKS:

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

FINDINGS OF FACT


1. The request is in conformance with the 1986 Boone County Comprehensive Plan. Specifically, the Future Land Use Map recommends commercial uses for the site, and the text of the Land Use element notes that commercial development at the I-75 / Richwood interchange will extend east to U.S. 25 and encompass a portion of that area. Specific references to the Comprehensive Plan are made in the August 23, 1989 Staff Report.
2. The Committee believes that the requested Commercial Services (C-3) zone as modified by a letter from the applicant and the conditions contained in this report, is appropriate on the 12.71 acre site because of the sites visibility to I-75, the general commercial character of land use in the interchange area, and planned improvements to U.S. 25. The Committee also believes that the existing zoning of Urban Residential One (UR-1) is inappropriate because of the site's exposure to noise, odors, and lights associated with the Richwood interchange.

CONDITIONS


The Committee is basing its approval, in part, upon the letter of commitment submitted by George D. Whitton on September 14, 1989. Therefore, this letter is incorporated into this Committee recommendation with the exception of item 3 of the applicant's letter regarding the number of lots. This item applies to areas outside the zone change request. In addition, the applicant is being asked to agree to include the following conditions as part of the Concept Development Plan in order to clarify the plan presented at the August 23, 1989 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The developer shall contact, and work with the Boone County Water and Sewer District in order to ensure adequate sanitary sewerage for the site before development begins.

- =====
2. All commercial buildings and landscaping within the 12.71 acre site shall be generally consistent in types of facade materials to help establish the applicant's expressed intentions that this site will be marketed as a commercial park.
 3. As the applicant has indicated, regional or shared stormwater detention will be provided throughout the development.
 4. Because of the visibility of this site to the adjacent residential uses and the effect of surrounding those uses with commercial development, the required buffer areas shall be installed when the 12.71 acre site is graded. In addition, commercial uses adjacent to the existing residential area shall not use exterior loud speakers or paging systems while those residences remain.
 5. The access drive onto U.S. 25 shall include a left-turn lane and a right-turn deceleration lane on U.S. 25. The dimensions of these turning lanes shall conform to Department of Transportation requirements and shall be shown at Preliminary Plat review.
 6. All pole-mounted site lighting within the development shall be of the same type and height, and shall consist of box-type lamp fixtures directed straight downward. All building-mounted site lighting shall not shine onto adjacent properties or roadways.
 7. The development shall conform to Article 19, Sign Regulations, of the Boone County Zoning Regulations which effectively limits the development to a single free-standing entrance sign for the purpose of identifying the name of the overall development and its major access point. This shall not preclude the applicant from seeking or Special Sign District for the development.
 8. No vehicular access shall occur onto Old KY 338 except for any required emergency access.

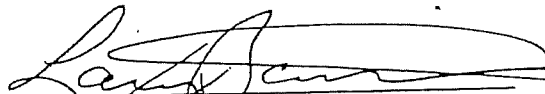


Phil Damstrom, Committee Chairman




Fred Burch

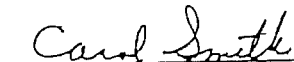
Barry Neltner



Larry Barnett



Rector Jones



Carol Smith

5257539
w/c 371 12/12
FAX 371-5330
Honda

Received
9/14/89

DLW and Associates
6507 Dixie Highway
Florence, Ky. 41042

September 14, 1989,

to: Mr. Phil Damstrom, Chairman, and Zone Change Committee Members

Re: Zoning Map Amendment Request for DLW at Richwood

Dear Mr. Damstrom and Members,

Because of the visibility of this property to I-75, we realize this development will have an impact on the surrounding properties. Consequently we think it is in our best interest to limit the number of lots, certain uses, certain types of construction, and provide appropriate street intersections and easement locations. Therefore we agree to the following conditions:

In regard to uses on the rezoned section will not permit:

1. Truck stops
2. Mini-warehouses
3. Heavy equipment and heavy truck rental or leasing
4. Mobile home sales
5. Body shops
6. Commercial parking facilities
7. No more than 2 fast food restaurants

In regards to the lots:

1. We will limit the number of expressway lots in the rezoned section from the original request of 4 lots, to no more than 3.
2. We will buffer all adjoining residential districts where required.
3. We will reduce the number of lots on the existing C-3 property from 22, to no more than 17.

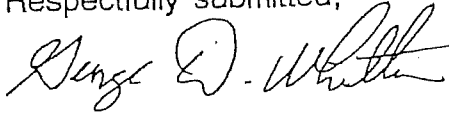
In regards to the construction permitted in the rezoned section:

1. No buildings with metal sided construction will be permitted.
2. Roof equipment will be screened by parapet, or if not possible, painted as to be not offensive.
3. All dumpster areas will be screened by enclosures and vegetation.

In regards to the street and easements:

1. The proposed street will be re-drawn in order to line up with the Duro Bag entrance.
2. A 50' public right of way will be provided to the Burford property, and to the Gaines and Robertson property. These rights of way will be approximately 200' from US 25.

Respectfully submitted,



George D. Whitton
Ron Tackett
Agents and Partners for DLW and Associates

Read at the October 15, 2003 Business Meeting - No Action taken due to no quorum. Re-Read at the October 22, 2003 Business Meeting.

#2

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: October 15, 2003

RE: Request of D.L.W. & Associates (owner) for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

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 request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The text of the Land Use Element ("Richwood Area," pg. 167) states "because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types" and "commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75." This section of the Land Use Element also states "commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange." Based on these statements, it is the Committee's conclusion that the Comprehensive Plan anticipates a wide range of

commercial uses in the vicinity, including appropriately developed mobile/manufactured home sales uses which generate small traffic volumes, such as the one proposed.

- C. The Goals and Objectives state "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" ("Business Activity," Goal) and "commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space" ("Business Activity," Commercial [Retail and Office] Objective 1). When considering these statements, the Committee has concluded that the proposed mobile home sales use is a modest expansion of the established mobile home sales district, and with the conditions outlined below, will be compatible with the surrounding area.
- D. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 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. Any housing unit located along the road frontages shall be fully skirted and shall meet all building setbacks.
2. A minimum 20 foot wide landscape area shall be provided along the Dixie Highway frontage. All landscape materials required by Section 3720 of the Zoning Regulations for the 10 foot wide street frontage landscaping area shall be provided within this minimum 20 foot wide landscape area.

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.

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (O-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News agencies and employment services;
12. Business and management consulting services and associations;
13. Motion picture, audio-visual and similar media production and distribution services;
14. Medical, dental, or optical clinics;

15. Legal, engineering, architectural, education and scientific research services;
16. Accounting, auditing and bookkeeping services;
17. Charitable and social services administration offices;
18. Professional membership organizations and labor organizations and civic associations;
19. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
20. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies; associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
21. Veterinary services not including the boarding of animals;
22. Business colleges and trade schools;
23. Recreation centers, gymnasiums and other related recreational facilities;
24. The retail sale of office supplies and equipment;
25. Funeral homes and crematoriums excluding cemeteries or mausoleums;
26. Beauty and barber services and tanning salons.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);

6. Single-family dwelling unit;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
8. Recycling collection containers.

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Day care centers;
2. Convenient stores;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Horse related uses, including riding and boarding stables; as defined by KRS 100.111 (2)(C).

SECTION 1114

Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 16,000 square feet of gross floor area per acre.

SECTION 1115

Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120

OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-through teller services.
4. Convenient stores;
5. Laundering, dry cleaning and dyeing services, including self-service;
6. Shoe repair, shoe shining and hat cleaning services;
7. Florists, excluding greenhouses;
8. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1122

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. Public transit stations and terminals;
3. Postal, travel and transportation ticket or forwarding services;
4. Detective, protective and other police services;
5. Signage (See Article 34);
6. Parking (See Article 33);

7. Automatic teller machines;
8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services;
9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
10. Recycling collection containers.

SECTION 1123

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district:

1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Day care centers;
9. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1124

Intensity

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125

Minimum Size

The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

SECTION 1130

INDUSTRIAL ONE (I-1)

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

SECTION 1131

Principally Permitted Uses

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
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 refining or processing of biodiesel, 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 or any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;

10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Research and development facilities;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Detective and protective services;
29. Photo finishing and other photographic laboratories;
30. Electrical repair and armature rewinding services;
31. Reupholstery and furniture repairing and refinishing services;
32. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
33. Postal services and related storage, distribution and transfer activities;

34. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
35. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
36. Freight forwarding, packing and crating services;
37. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
38. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
39. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
40. Manufacture of plastic products but not the primary manufacture of plastics;
41. Welding shops for the repair of industrial machinery and heavy equipment;
42. Truck stops;
43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;
47. Landscape contracting, grounds keeping, and wholesale nurseries;
48. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
49. Crematoriums.

SECTION 1132

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Historic sites, structures, monuments and other exhibits available public viewing;
 - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - d. Golf course and tennis courts;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
 - h. Recreation/Health centers.

2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
4. Marine freight terminals;
5. Employment services;
6. Signage (See Article 34);
7. Parking (See Article 33);
8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
9. Food service for office, manufacturing or distribution uses;
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
11. Recycling collection containers.

SECTION 1133

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, biodiesel, 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;

The permission of such uses will be decided on an individual basis;
2. Poultry and small game dressing and packing;
3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;

4. 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;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Day care centers;
8. Hotels and motels;
9. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
10. Retail sales or leasing of new and used motor vehicles;
11. Wholesale vehicle sales or auctions;
12. Churches, synagogues, temples and other places of religious assembly for worship;
13. Kennels for household pets; City of Florence only - kennels for household pets only when not adjoining a residential zoned property;
14. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C);
15. Fireworks retail sales. (Does not apply in the City of Union and City of Walton).

SECTION 1134

Intensity

The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

SECTION 1135

Minimum Size

The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 1137

Supplemental Zoning Map Amendment Standards

Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

SECTION 1140

INDUSTRIAL TWO (I-2)

The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

APPLICATION FORM

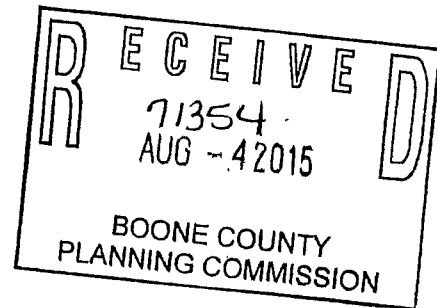
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project FYDA Freight Lines
2. Location of Project winning color rd & US HWY 25
3. Total Acreage of Site 14.2 → See 14.102
4. Current Zoning of Site C-3
5. Proposed Zoning (Classification being requested) F-1
6. Proposed Uses (please specify each use)
TRUCK & trailer sales & maintenance
7. Names of Applicant(s) TIM FYDA
- Phone No. 614-851-0002 Fax No. 614-851-0011 E-Mail tfyda@fydafreightlines.com
8. Address of Applicant(s) 1250 Walcott Rd
Columbus OHIO 43228
City State Zip
9. Name of Property Owner(s) DLW ASSOCIATES KEN LUCAS
- Phone No. 859-384-3345 Fax No. _____ E-Mail _____
10. Address of Property Owner(s) 2822 Verona Mudlick Rd
Verona KY 41092
City State Zip
11. Proposed Building Intensities (please specify) 3830 SQFT Per Acre*
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book 239 Page No. 232 Group No. 2064
14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Bessler, Chairman

DATE: October 7, 2015

RE: Request of **Tim Fyda (applicant)** for **DLW Associates (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site located on the west side of Dixie Highway across from the Dixie Highway/Shorland Drive intersection, along the east side of I-71/75, to the north of Old Richwood Road, to the north and west of the properties at 11135 Dixie Highway and 124 Old Richwood Road, and to the south of the property at 11075 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales and service of trucks and trailers.

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 reason:

The Land Use Element (8. Richwood East, pg. 171) states "Improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. The I-75/Richwood Road interchange is slated for reconstruction in 2016. Commercial development around the interchange area is expected to remain and expand to serve local residents in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75."

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 reason:

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 condition is 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 condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITIONS:

1. The Property owner agrees that there will be no gas pumps or body shop (including paint) operations located on this property.
2. The Property owner agrees that the following Principally Permitted I-1 uses shall be excluded from the development:
 18. Wholesale trade of drugs, drug proprietaries and sundries;
 25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
 26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
 31. Reupholstery and furniture repairing and refinishing services;
 33. Postal services and related storage, distribution and transfer activities;
 42. Truck stops;
 43. Recycling centers;
 48. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
 49. Crematoriums;

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.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Ms. Lori Heilman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Don McMillian
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Asst Zoning Administrator, ZEO
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:45 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT - Mitch Light, Staff

3. Request of Tim Fyda (applicant) for DLW Associates (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site located on the west side of Dixie Highway across from the Dixie Highway/Shorland Drive intersection, along the east side of I-71/75, to the north of Old Richwood Road, to the north and west of the properties at 11135 Dixie Highway and 124 Old Richwood Road, and to the south of the property at 11075 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales and service of trucks and trailers.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). He stated that the request involves changing the zoning from Commercial Services (C-3) to Industrial One (I-1) to allow the sales and service of trucks and trailers. The submitted Concept Development Plan proposes a 54,000 square foot Freightliner sales and service facility with parking for employees as well as parking for semi-tractors and trailers. A Preliminary Plat and Improvement Plan was approved in 2000 for the construction of Winning Colors Drive. The road was constructed and improvements were made. The road was never dedicated to the Boone County Fiscal Court. The applicant proposes to use the road as a private driveway for the proposed development. The sale, rental or leasing of tractor trailers is not currently permitted in a C-3 zoning district. Based on a 2008 Zoning Text Amendment, "equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers" is only permitted in the I-1 and I-2 zones. The nearby Republic Capital tractor-trailer sales facility was established shortly before the zoning text was changed in 2008.

Mr. Light reviewed the site history outlined on page 1 of the Staff Report. In 1989, the site was rezoned from Urban Residential One (UR-1) to Commercial Services (C-3). In 2003, there was a Change in an Approved Concept Development Plan approved for a mobile home sales lot in a C-3 zoning district. The use was never built. Mr. Light gave an overview of the surrounding zoning and land uses in the area. He showed photographs of the site. The Future Land Use Map of the Comprehensive Plan recommends Commercial for the site. Mr. Light referred to the text of the Land Use Map as noted in page 2 of the Staff Report. The proposed use is not a truck stop like the existing truck stops at the interchange but rather a sales and service business. Mr. Light showed elevations of the proposed building. He suggested more brick on the ends of the building. He showed an artist rendering of the proposed building and other buildings owned by Fyda Freightliner. The proposed building will be two stories in height.

In terms of Staff Comments, the Concept Development Plan proposes a 54,000 square foot Freightliner sales and service facility with parking for employees as well as parking for semi tractors and trailers between what is now Winning Colors Drive and I-71/75 and a truck and trailer parking lot between Winning Colors Drive and Old Richwood Road. Winning Colors Drive was constructed in 2000, but never dedicated to Boone County Fiscal Court. The applicant proposes to use the road as a private driveway for this development. Staff would like to point out that prior to 2008, the sales and service of trucks and trailers was permitted in the C-3 zone. A zoning text amendment in 2008 made this use only permitted in the

I-1 and I-2 zones. Furthermore, the nearby Republic Capital tractor-trailer sales facility was established shortly before the zoning text was changed. The request is to allow the sales and service of trucks and trailers. Are there any other I-1 uses that the applicant would like to consider for this request? The I-1 uses are attached to the Staff Report. Comments from the Kentucky Transportation Cabinet were not received at the time the Staff Report was finalized, but will be distributed once they have been received. Digital photos of similar existing Freightliner facilities were shown in the PowerPoint presentation. Staff suggests more masonry materials on the two-story office portion of the building as well as the southern end of the building that faces I-71/75. Mr. Light noted that he didn't know where the bay doors were located. It would also be good to have more masonry possibly a darker color and not gray. Finally, the Planning Commission and the Boone County Fiscal Court must review the request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment. If approved, the Future Land Use Map would need to be amended to reflect the proposed zoning classification even though the use involves commercial sales.

Chairman Rolfsen asked if the applicant was ready to proceed with his presentation?

Mr. Gerry Dusing, attorney representing the applicant, introduced Tim Fyda. His company has the franchise with Freightliner. He stated that his company would like to sell and service heavy to medium duty trucks. The attraction to the Richwood area is due to a lack of facility in the Northern Kentucky area before the I-71/I-75 split. I-71/I-75 is a busy corridor with trucks. Traffic is always a big issue. Mr. Fyda stated that they would have between 30-50 employees. The proposed building is 45,000 square feet and not 54,000 square feet in size. His company delivers parts to customers in the area. They will have two delivery vans. Each van would generate 6 to 8 cycles per day. There will be an average of 12 customers per day for truck sales and 20-30 customers per day for parts. Trucks that need service have to have an appointment due to the limited number of technicians. It is an even flow. A lot of the traffic to the site will be trucks that normally come to the Richwood interchange due to the presence of the three truck stops and the various industrial distribution centers. They are not interested in the connection between Winning Colors Drive and Best Pal Drive due to safety issues. They want to grow their business. They have five facilities in Ohio and Pennsylvania. They are currently building a sixth location in Ohio and the proposed facility would be the eighth facility.

Mr. Steve Berling, Engineer for the applicant, found out that DLW did not have access to the Frisch's lot so it was easier to address the connection issue. Overall, the site sits below I-75. The highest point on the site is in the northwest corner. That is where the truck display will occur. It won't be like the business next door, who has 30 trucks displayed along I-75. The portion of the site south of Winning Colors Drive will not be used immediately. However, the Staff suggested showing something so vehicle parking is shown. Mr. Fyda may want to show other I-1 uses in the same area or show nothing.

Mr. Gerry Dusing reviewed the history of the site with the various zones and noted that the property has been on the market for over 25 years. Since 2003, a variety of commercial uses have been approved - 17 commercial lots including the fast food restaurants and other typical commercial uses. Nothing has developed. The text change was made to discourage high volume traffic for the corridor and truck related congestion. Truck related congestion refers to truck stops. The type of traffic that the proposed use will generate will not be a problem. It is destination shop and not an impulse buy like the previously approved commercial uses. It will

serve people who are already off the interstate for other services like E-Bay and the truck stops. It will not generate significant traffic. Next to the site is a used tractor dealership and industrial across the street. It is a compatible use. It really can't be seen from the interstate. Mr. Dusing stated there is a very mature tree line in the I-75 right-of-way that screens the site. It is really not that visible.

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

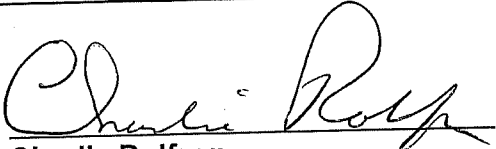
Ms. Imogene Hensley state that Christine Hensley is her mother. She lives in a residence adjoining the property. She is not opposed to the development but wanted to know about protection from the use. She lives with her mother in the house located behind the car lot. She feels she is within a construction site. Her mother has COPD. She is concerned about the construction noise, dust and traffic. The site is located only a few feet from her house. Is there any protection? Perhaps the applicant can purchase her property? Mr. Fyda responded that he would not build anything south of the road. It is nice land that could be developed in the future but his company has no plans to do anything in the immediate future. Mr. Light offered that the pending application could be limited to developing the project north of Winning Colors Drive and Phase 2 next to the residence could come later on through a second Public Hearing. Mr. Costello stated that the applicant has two options. The first option would be that the applicant only develop the area north of Winning Colors Drive. Development south of the road would require a new Public Hearing. The second option would allow certain uses and the applicant would be required to meet all buffer requirements. Chairman Rolfsen suggested a condition requiring the applicant to come back to the Planning Commission for a use next to Ms. Hensley's house. Mr. Costello suggested that this might be appropriate given the timing of the I-75/Richwood Road interchange construction project.

At this time, Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments? He asked if the applicant would sell new and used trucks? Mr. Fyda replied yes. He asked about truck body work being performed at the proposed facility. Mr. Fyda responded no. Only mechanical work would be performed on this site.


Mr. Ford asked if the service bays would be opened 24 hours? Mr. Fyda replied that they will initially be open between 7:00 am and 6:00 pm. If they have enough business, they will have two shifts and the facility will be open to midnight. It won't be open 24 hours a day. The use won't involve fuel sales.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 16, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on October 7, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:29 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Bessler, Chairman

DATE: September 16, 2015

ZONING MAP AMENDMENT - Randy Bessler, Chairman, Mitch Light, Staff

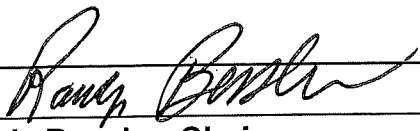
3. Request of Tim Fyda (applicant) for DLW Associates (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site located on the west side of Dixie Highway across from the Dixie Highway/Shorland Drive intersection, along the east side of I-71/75, to the north of Old Richwood Road, to the north and west of the properties at 11135 Dixie Highway and 124 Old Richwood Road, and to the south of the property at 11075 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales and service of trucks and trailers.

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.

Fyda/DLW

September 16, 2015

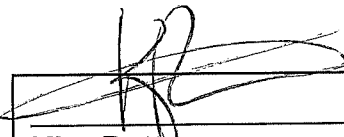


Randy Bessler, Chairman

For Project Absent

Against Project

Abstain Deferred

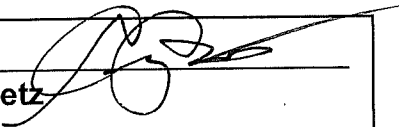


Kim Patton

For Project Absent

Against Project

Abstain Deferred



Greg Breetz

For Project Absent

Against Project

Abstain Deferred

Charlie Reynolds (Alternate)

For Project Absent

Against Project

Kim Bunger

For Project Absent

Against Project

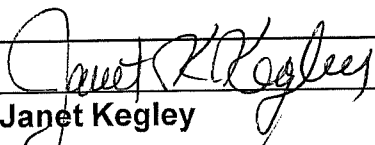
Abstain Deferred

Jim Longano, (Alternate)

For Project Absent

Against Project

Abstain Deferred



Janet Kegley

For Project Absent

Against Project

Abstain Deferred

Mark Hicks (Alternate)

For Project Absent

Against Project

Abstain Deferred

TOTAL: DEFERRED FOR PROJECT ABSENT

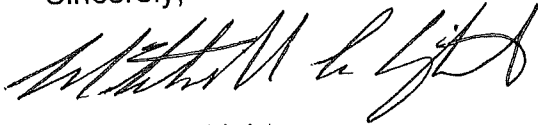
AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

Mr. Gerald Dusing
September 21, 2015
Page 2

- 25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
- 26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
- 31. Reupholstery and furniture repairing and refinishing services;
- 33. Postal services and related storage, distribution and transfer activities;
- 42. Truck stops;
- 43. Recycling centers;
- 48. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
- 49. Crematoriums;

Sincerely,

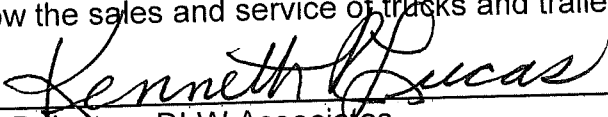


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

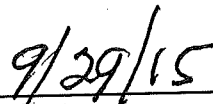
MAL/tlb

AGREEMENT

I, Kenneth R. Lucas, do hereby agree to the recommended condition of approval stated above for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) to allow the sales and service of trucks and trailers.



Kenneth R. Lucas, DLW Associates
(owner)



Date

8577
RETURN TO:

This instrument prepared
by Ziegler & Schneider, P.S.C.
Attorneys at Law
541 Buttermilk Pike, Suite 500
P.O. Box 175710
Covington, Kentucky 41017-5710
by Catherine D. Stavros, Attorney.
CATHERINE D. STAVROS

DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That DLW Associates, A Kentucky General Partnership;
and
Ronald R. Tackett , Individually, and Brenda A. Tackett, Individually, husband and wife,

the GRANTOR(S), for and in consideration of One (\$1.00) Dollar and other good and valuable consideration as certified to below, paid to the GRANTOR(S) by the GRANTEE(S) herein, the receipt of which is hereby acknowledged, do(es) bargain, sell and convey to the following named GRANTEE(S),

WFF Investments, LLC, An Ohio Limited Liability Company, its

successors and assigns forever, the following described real estate, in the city of WALTON, county of BOONE, state of KENTUCKY, to wit:

Street Address: 11061 Dixie Highway, Walton, KY 41094 (Parcel 1)
and
.2373 Acres Dixie Highway, Walton, KY 41094 (Parcel 2)

Grantee(s) Address: 1250 Walcutt Road, Columbus, OH 43228

The in-care-of address to which the property tax bill for 2015 may be sent to:
1250 Walcutt Road, Columbus, OH 43228

Grantor(s) Address: 2822 Verona Mudlick Road Verona, KY 41092

Group No.: 2064

PIDN: 075.00-00-083.00 (Parcel 1); and 075.00-00-087.00 (Parcel 2) Z15-207-BB

SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, WHICH DESCRIPTION IS MADE PURSUANT TO A NEW SURVEY BY JAMES W. BERLING, PLS, KY PLS NO. 206 ON SEPTEMBER 3, 2015; SEE PLAT OF SURVEY ATTACHED HERETO AS EXHIBIT "B".

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE(S), in the fashion and manner stated above in the conveying clause, with covenants of general warranty, except all taxes and assessments due and payable in the year 2015 which are to be reasonably prorated as of the date of closing and which the GRANTEE(S) assume(s) and agree(s) to pay.

GRANTOR and GRANTEE both certify, under oath, that the consideration of \$975,000.00 is the full consideration paid for the property and GRANTEE joins in this deed for the sole purpose of making this certificate about the consideration.

Dated this 4th day of September, 2015.

GRANTOR:

GRANTEE:

DLW Associates, A Kentucky General Partnership

WFF Investments, LLC,
An Ohio Limited Liability Company

BY: Ronald R. Tackett
Ronald R. Tackett
Title: Partner

BY: _____
Stuart A. Strasfeld
Title: Secretary

BY: Kenneth R. Lucas
Kenneth R. Lucas
Title: Partner

and

Ronald R. Tackett
Ronald R. Tackett, Individually

Brenda A. Tackett
Brenda A. Tackett, Individually

STATE OF KENTUCKY, COUNTY OF Boone (GRANTOR)

The foregoing instrument was sworn to and acknowledged before me this 4th day of September, 2015 by Ronald R. Tackett, Partner of DLW Associates, A Kentucky General Partnership, for and on behalf of the partnership.



Cathy W. St. Ives

Notary Public

My commission expires: _____

My jurisdiction is: STATE AT LARGE

Boone County
D1059 PG 430

LEGAL DESCRIPTION

Beginning at a point in the east right of way line of Highway I-75, said point being the northwest corner of the DLW property, and the southwest corner of the B&Z Development, INC. property as described in deed book 686 at page 54 of the Boone County Clerk's Records; thence along the easterly right of way line of Highway I-75, S 6° 29' 40" E 120.84 feet, S 17° 01' 00" E 783.96 feet to a point; thence leaving highway I-75, N 52° 15' 00" E 701.79 feet to a point; thence continuing along the DLW property line N 28° 38' 30" W 192.36 feet, N 63° 24' 30" E 132.82 feet, N27° 43' 20"W 219.92 feet and N 63° 12' 00" E 183.78 but to a point in the west right of way of the Dixie Highway (US HWY 25); thence along the west right of way line of the Dixie Highway N 22° 12' 22" W 301.98 feet to a point; thence leaving the Dixie Highway and following along the north line of DLW Property S 70° 01' 20" W 423.00 feet, S 19° 58' 40" E 60.00 feet, and S 70° 01' 20" W 420.85 feet to the place of beginning containing 14.20 Ac.

ORDINANCE 2015 - 20

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF TIM FYDA (APPLICANT) FOR DLW ASSOCIATES (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 14.2 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY ACROSS FROM THE DIXIE HIGHWAY/SHORLAND DRIVE INTERSECTION, ALONG THE EAST SIDE OF I-71/75, TO THE NORTH OF OLD RICHWOOD ROAD, TO THE NORTH AND WEST OF THE PROPERTIES AT 11135 DIXIE HIGHWAY AND 124 OLD RICHWOOD ROAD, AND TO THE SOUTH OF THE PROPERTY AT 11075 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site generally located on the west side of Dixie Highway across from the Dixie Highway/Shorland Drive intersection, along the east side of I-71/75, to the north of Old Richwood Road, to the north and west of the properties at 11135 Dixie Highway and 124 Old Richwood Road, and to the south of the property at 11075 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 approval, with conditions, for the Zoning Map Amendment.

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved with conditions, this Zoning Map Amendment being a zone change from Commercial Services (C-3) to Industrial One (I-1) for an approximate 14.2 acre site generally located on the west side of Dixie Highway across from the Dixie Highway/Shorland Drive intersection, along the east side of I-71/75, to the north of Old Richwood Road, to the north and west of the properties at 11135 Dixie Highway and 124 Old Richwood Road, and to the south of the property at 11075 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this approval for a Zoning Map Amendment in a Commercial Services (C-3) zone is more particularly described in DEED BOOK 239, PAGE NO. 232 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the approval for a Zoning Map Amendment, the findings of fact and

conditions of the Boone County Planning Commission as set forth in its minutes and official records shall be and are hereby incorporated herein by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee Report recommending approval for this Zoning Map Amendment is marked as "Exhibit B."

Section Three

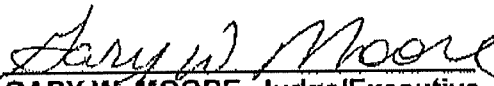
This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this 15th day of December, 2015.

First Reading will be the 17th day of November, 2016.

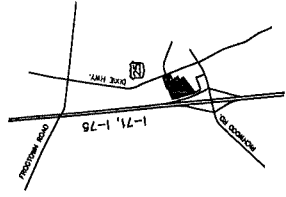
Second Reading the 15th day of December, 2015. Yes 4 No 0

BOONE COUNTY FISCAL COURT


GARY W. MOORE, Judge/Executive
Boone County Fiscal Court

ATTEST:

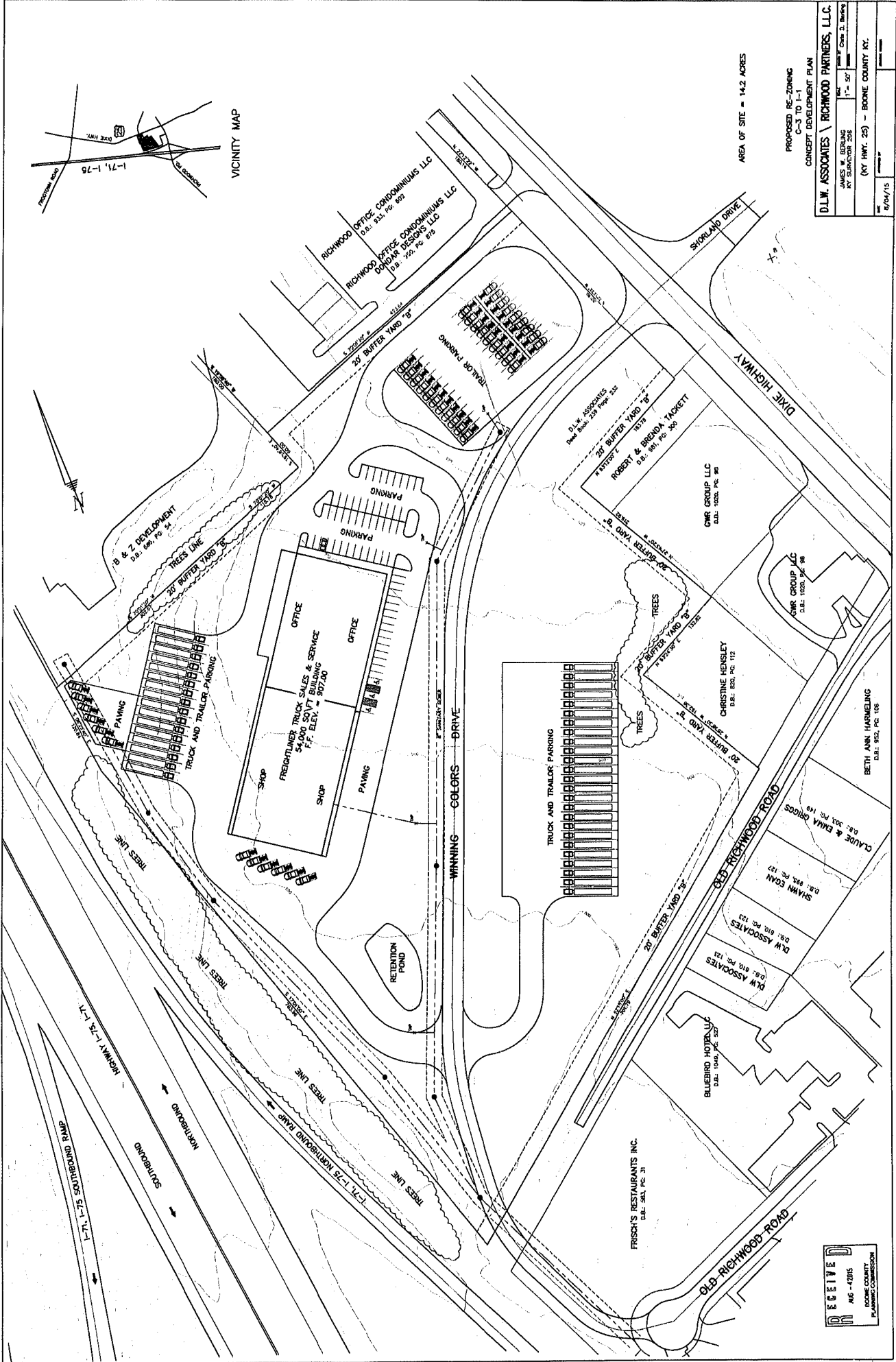

SHARON BURCHAM,
Fiscal Court Clerk



AREA OF SITE = 14.2 ACRES

PROPOSED RE-ZONING
C-3 TO I-1
CONCEPT DEVELOPMENT PLAN

D.L.W. ASSOCIATES / RICHWOOD PARTNERS, L.L.C.	
JAMES W. BERLING AT SURVEYOR 208	PLAT 207
(NY HWY. 25) - BOONE COUNTY KY.	
DATE	5/04/15



RECEIVED
AUG - 4 2015
BOONE COUNTY
PLANNING COMMISSION

