

APPLICATION FORM

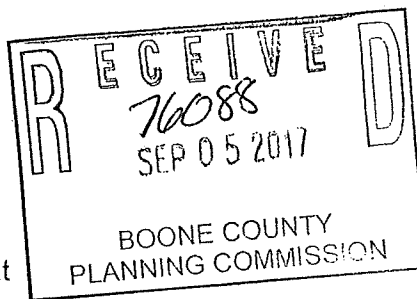
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

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

SECTION A (To be completed by applicant)

- 1. Name of Project Bestway Transfer Station
2. Location of Project Production Drive and Resource Drive (No Address)
3. Total Acreage of Site 12+/- Acres
4. Current Zoning of Site Industrial one (I-1)
5. Proposed Zoning (Classification being requested) Industrial two (I-2)
6. Proposed Uses (please specify each use) Transfer Station
7. Names of Applicant(s) Bayer Becker
8. Address of Applicant(s) 209 Grandview Drive
9. Name of Property Owner(s) BEX Farms Inc.
10. Address of Property Owner(s) 5300 Miller Road
11. Proposed Building Intensities (please specify) The proposed I-2 District will be 9,000SF for the existing building (and 10,000SF for the Transfer Station = 19,000SF total Square foot.
12. Are there any existing buildings on the site? No
13. Deed Book 1064 Page No. 804 Group No. 3077
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Yes, with this application
16. Have you had a pre-application meeting with BCPC Staff? Yes, August 8th 2017
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

“A”

STAFF REPORT

Request of **Bayer Becker (applicant)** for **BEX Farms Inc. (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2), and a Conditional Use Permit and Variance, for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow a solid waste transfer station, and a Variance from Section 1143, #14, paragraph "i" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced.

October 4, 2017

PROPOSAL

This application is for an approximate 12 acre area that is located on the northeast corner of the Production Drive/Resource Drive intersection in unincorporated Boone County. The site is substantially undeveloped, but the zone change area includes the approximate 3.48 acre developed site that is immediately on the corner (1543 Resource Drive). This tract contains an approximate 9,000 square foot building that currently houses a logistics business.

This application includes the following three requests:

1. A Zoning Map Amendment from I-1 to I-2 for the entire 12 acre site.
2. A Conditional Use Permit to allow a solid waste transfer station on the undeveloped part of the site.
3. A Variance from Section 1143, #14, paragraph "i" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family dwelling (600' minimum) to be reduced. A lot containing a single family dwelling is located approximately 300 feet to the west at 5468 Limaburg Road. This lot is zoned I-1 and the dwelling has pre-existing, nonconforming status. The spacing between the transfer station lot and the dwelling itself is approximately 1,665 feet.

A Concept Development Plan was submitted with this application. The immediate development proposal is for the solid waste transfer station. The proposed building is 10,000 square foot in area and it is shown along the vacant part of the site's Production Drive frontage.

Access to the transfer station site is proposed from Resource Drive with the driveway running along the east boundary of the existing logistics facility at 1543 Resource Drive. A paved maneuvering area is proposed on the east (rear) side of the transfer station

building. A weigh station with a truck scale is proposed along the driveway from Resource Drive. The majority of the paved area of the site is proposed to be enclosed with an 8 foot high chain link fence. A wire fence with a gate at the driveway is proposed along the Resource Drive frontage. A landscape concept was included with the application materials.

There are no immediate plans to redevelop or change the use of the existing logistics facility, or to develop the vacant (east) portion of the zone change area that is along the north side of Resource Drive. If a change of use or development/redevelopment occurs in the future, the Concept Development Plan booklet proposes to prohibit certain I-2 zone Principally Permitted Uses from the site (refer to conclusion of "Rezoning Request Supporting Data" section).

The materials from the Concept Development Plan booklet are attached. These include plan sheets, narratives regarding the Zoning Map Amendment, Conditional Use Permit (including the required odor control plan), and Variance.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjoining the subject site include the following.

- A. The existing Best Way facility (combination of offices, truck depot/maintenance, and container storage) is located to the north (I-1).
- B. Future phases of Lakeland Business Park are located further to the north and to the immediate east (I-1).
- C. Several light industrial facilities are located to the west along the west side of Production Drive (I-1). An approximate 27 acre tract that contains the single family dwelling that is the subject of the spacing variance is located further to the west (I-1). This tract contains mostly pasture and tree cover.
- D. Several light industrial facilities are located to the south along the south side of Resource Drive (I-1). A wooded tract is located to the south/southeast at the dead end of Resource Drive (I-1).

SITE CHARACTERISTICS

As noted above, the zone change area contains approximately 12 acres. It has approximately 565 feet of frontage along Production Drive and approximately 645 feet of frontage along Resource Drive. The approximate 3.48 acre site on the corner of the Production Drive/Resource Drive intersection is developed with an approximate 9,000

square foot building that is surrounded by a paved area. The remainder of the site is vacant and contains a perennial stream that runs diagonally (northwest to southeast) across the site. The high point of the site is along the Production Drive frontage adjoining the existing logistics facility at approximately el 852, and the low point is in the stream valley at the southeast corner of the site at approximately el 788. Soil types include Jessup silt loam (JeD) and Rossmoyne silt loam (RsC). Public water and sanitary sewer are available to this site.

RELATIONSHIP TO COMPREHENSIVE PLAN

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

The Land Use Element provides the following text that relates to the overall area.

- A. Due to the impacts of noise, industrial uses are recommended on the east side of Limaburg Road ("14. Airport," p. 177).

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

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

space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area ("Buffering," pp. 162 and 163).

- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

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

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," p. 163).
- E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," p. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Burlington" region where the subject site is located is estimated to change to 29,155 in 2020, and to 34,538 in 2030.

The "Recommended Areas of Industrial and Office Activity" section of the Business Activity Element makes the following statements that relate to industrial development or the overall area.

- A. A critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2035, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas. In general, areas planned for non-extractive industrial uses should not be changed to allow other land uses to develop. The Northern Kentucky Tri-County Economic Development Corporation has identified a need for industrial building sites that have the necessary infrastructure and zoning and are ready to develop (p. 70).

The Public Services and Facilities Element makes the following statements regarding garbage collection and recycling.

- A. Garbage collection is currently contracted out to private firms. Waste collection in Boone County is handled by three companies: Rumpke Waste Services, CSI Waste Services, and Bavarian Waste Services. Bavarian owns and operates a landfill on McCoy Fork Road on the west side of I-71 just west of Walton, KY. The 660 acre landfill has a site life that extends to the year 2052 ("Garbage Collection," pp. 134-135).
- B. Boone County may have reached the point in its development where large scale recycling of garbage is feasible, including curbside recycling service. Large scale recycling is a key component of the concept of sustainability, which is addressed in detail in the Economy Element. This plan supports recycling of materials for not only residential uses, but commercial and industrial as well. Recycling should be treated as an important part in a complete Solid Waste Plan for Boone County and surrounding communities. Recycling efforts need to also include a continual search for economic markets for materials. A well known innovative example of recycling has been instituted in Curitiba, Brazil. Residents exchange recycled goods for bus fare vouchers. Other methods of promoting recycling as a central function in the community would include convenient facilities for composting. Recycling drop-off sites in Boone County are handled by Boone County Public Works Department and are offered for free. Boxes are located in several different locations and at schools throughout the county ("Recycling," p. 135).

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately

- planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
 - D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
 - E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
 - F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
 - G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
 - H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
 - I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
 - J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
 - K. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future industrial development must be located where infrastructure exists or is planned. Future industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
 - L. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary

approvals of other regulatory agencies ("Business Activity," Industrial Objective 2).

- M. Provisions shall be made for proper control of industrial uses, which have processes or make products that could be hazardous to human life and property. (Examples of such products are explosives and flammable or corrosive chemicals). New and existing industrial uses shall comply with federal and state air and water pollution regulations ("Business Activity," Industrial Objective 3).
- N. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).

STAFF COMMENTS

1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

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

The Land Use Element does not discuss this specific site, but it discusses the area at large. The "14. Airport" section (p. 177) simply states "due to the impacts of noise, industrial uses are recommended on the east side of Limaburg Road."

The "Recommended Areas of Industrial and Office Activity" section of the Business Activity Element (p. 70) emphasizes the need for industrial sites in general terms and it targets the area in and around CVG for potential industrial and office developments. This section states "a critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2035, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas."

The Comprehensive Plan discusses waste management in general terms. The Public Services and Facilities Element's "Garbage Collection" section (pp. 134-135) outlines three waste collection companies that were operating in the county when the Plan was drafted, and it refers to the Bavarian landfill in the south part of the county. The "Recycling" section of this Element (p. 135) provides a cursory discussion on recycling. This Element does not specifically discuss solid waste transfer stations.

The Business Activity Goals and Objectives make two statements that are particularly applicable to this application. First, the Business Activity "Goal" states "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas." Second, Business Activity "Industrial Objective 2" states "effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies."

The governing bodies will also need to consider the alternate statutory findings for the requested zone change of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. CONDITIONAL USE PERMIT

As stated previously, a Conditional Use Permit has been requested to allow the solid waste transfer station within the I-2 zone. The Conditional Use Permit standards are outlined in the attached document entitled "Best Way - BCZR Conditional Use Permit Standards." These include the standards in Section 262 "General Standards Applicable to All Conditional Uses" and the first paragraph of Section 1143 "Conditional Uses and Criteria" (I-2 zone) of the Boone County Zoning Regulations. These also include the solid waste transfer station standards that are outlined under I-2 zone Conditional Use #14.

A Variance has been requested from Section 1143, #14, paragraph "l" to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced. The Variance is discussed below. The applicant provided a narrative about compliance with the solid waste transfer station standards entitled "Conditional Use Supporting Data" in the attached application materials. Regarding these standards, Staff has two questions regarding the odor control plan required under paragraph "h." First, is any treatment used or applied to neutralize odors? Second, how is the building ventilated when it is closed and waste is stored overnight?

3. VARIANCE

As stated previously, a Variance has been requested from Section 1143, #14, paragraph "i" of the zoning regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single

family dwelling (600' minimum) to be reduced. A lot containing a single family dwelling is located approximately 300 feet to the west (address is 5468 Limaburg Road).

Section 251 "Application and Standards for Variances" of Boone County Zoning Regulations is attached. This section outlines the statutory variance criteria set forth in KRS 100. Specific facts to consider in relation to the requested variance include:

- A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the affected site as "Industrial."
- B. The affected property is zoned I-1 and the dwelling has pre-existing, nonconforming status. The spacing between the transfer station lot and the dwelling itself is approximately 1,665 feet.
- C. There is a tier of small light industrial buildings on the west side of Production Drive which separates the proposed solid waste transfer station and the affected property.
- D. The proposed solid waste transfer station is oriented eastward toward the interior of the Best Way property, whereas the affected property is located to the west and fronts on Limaburg Road.

The applicant provided a narrative about the requested Variance entitled "Zoning Waiver Supporting Data" in the attached application materials.

4. CONCEPT DEVELOPMENT PLAN

Staff has the following comments regarding specific aspects of the proposal.

Proposed Uses: In addition to the solid waste transfer station, the application materials propose to permit all I-2 zone Principally Permitted and Conditional Uses except Principally Permitted Uses #2.) acids, creosote, biodiesel, or petroleum products; 3.) bag cleaning; 4.) blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting; 5.) corrosion of aluminum, copper, iron, tin, lead or zinc; 6.) distillation of alcohol, coal, or wood; 10.) poultry and small game products; 21.) railroad and marine craft rights-of-way including switching and marshaling yards; 24.) commercial stockyards; and 25.) Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

Staff agrees with the prohibition of these use categories on the subject site, but also recommends that the governing bodies consider prohibiting Conditional Uses #1.) uses involving the use, manufacture, assembly, processing, treatment or storage

of acetylene gas, ammonia, explosives or fireworks as permitted under State law; the junkyard and wrecking aspects of 8.) retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage; and 10.) concentrated animal feeding operations.

Retention of Existing Vegetation: Per the Comprehensive Plan's direction, Staff recommends that the existing tree cover be maintained along the east boundary of the overall zone change area, and the east part of the south boundary of the overall zone change area (east of Resource Drive). Healthy, mature vegetation that is retained can be credited towards meeting the landscaping standards in Article 36 of the zoning regulations when that part of the site develops in the future.

Site Plan Requirements: For the applicant's information, handicap parking per Article 33 of the zoning regulations will need to be provided. Additionally, a wire fence is shown along the Resource Drive right-of-way. This type of fencing is not permitted along the right-of-way per Section 3655, and any fencing along street rights-of-way needs to be placed outside of the street frontage landscape area required by Section 3620.

5. BOONE COUNTY PUBLIC WORKS

Scott Pennington, P.E., Boone County Engineer, identified several issues for consideration in the attached 9/25/17 memo. He also noted that Kelly Bowlin, Boone County Solid Waste Supervisor, did not identify any issues with the proposal from a solid waste standpoint. He states "no concerns at this time with the potential traffic numbers as stated." Based on the traffic generation reported by the applicant for a comparable facility in the region, the Planning Commission's staff did not require a traffic study for this application. The volumes reported were an average of 53 vehicles entering the site per day, and an average of 9 larger trucks going to the landfill.

6. OTHER OUTSIDE AGENCY COMMENTS

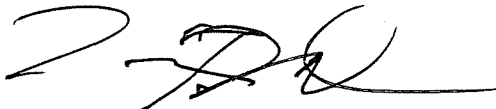
Staff has requested comments on the proposal from the Boone County Water District, Burlington Fire District, and Sanitation District #1. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to

evaluate the zone change request in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Planning Commission also needs to evaluate the requested variance in terms of Section 251 "Application and Standards for Variances" of the zoning regulations, and the requested Conditional Use Permit in terms of Section 262 "General Standards Applicable to All Conditional Uses" and Section 1143 "Conditional Uses and Criteria." The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



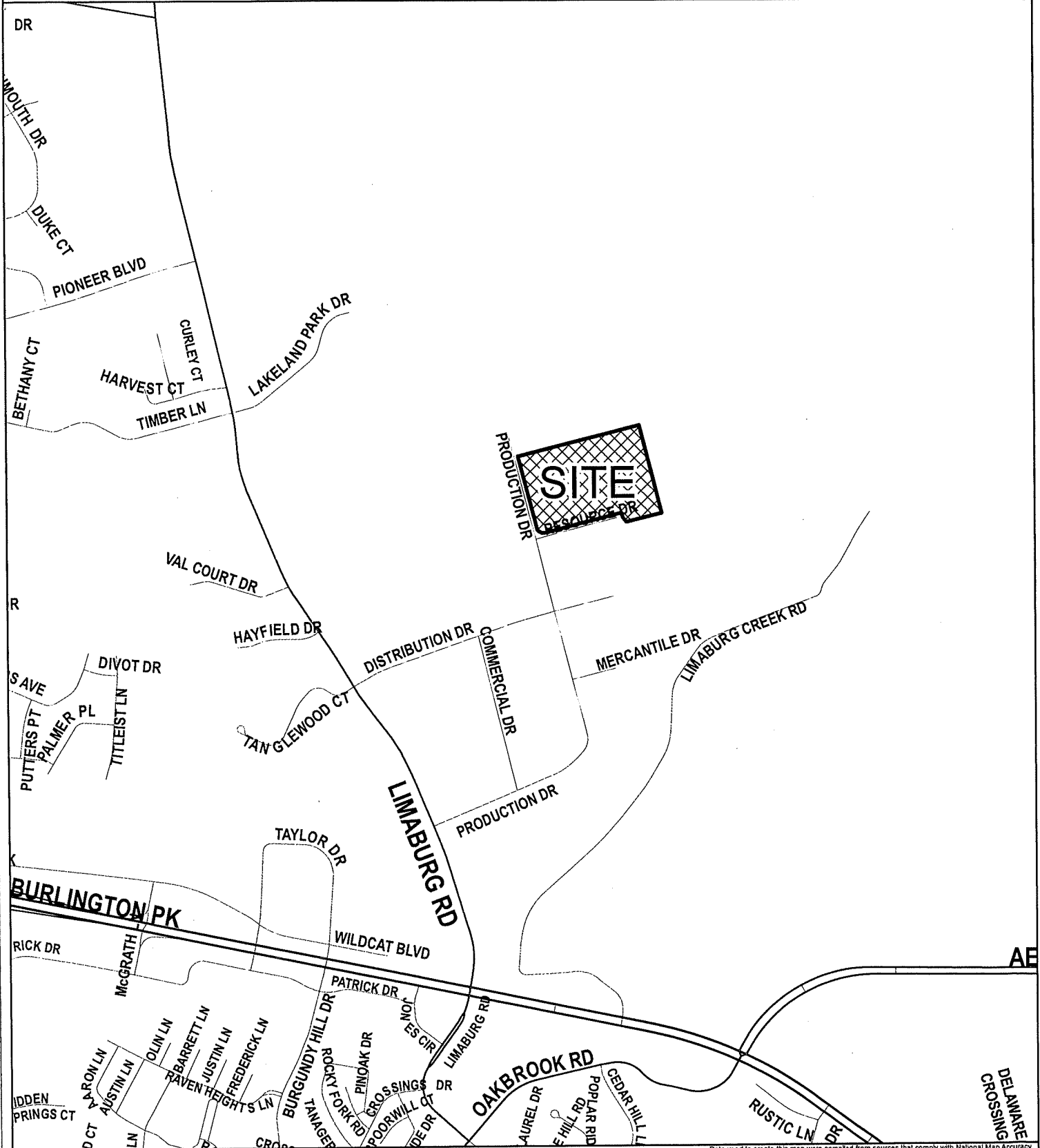
Kevin T. Wall, AICP
Director, Zoning Services

Attachments:

- Location map
- Aerial photograph with zoning
- 2035 Future Land Use Map excerpt
- Topographic map
- Area-wide zoning map
- Best Way - BCZR Conditional Use Permit Standards exhibit
- Section 251 "Application and Standards for Variances" of Boone County Zoning Regulations
- 9/25/17 e-mail from Scott Pennington, P.E., Boone County Engineer
- Application materials including Concept Development Plan booklet

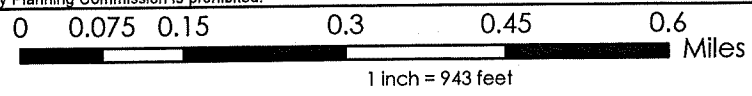
Location

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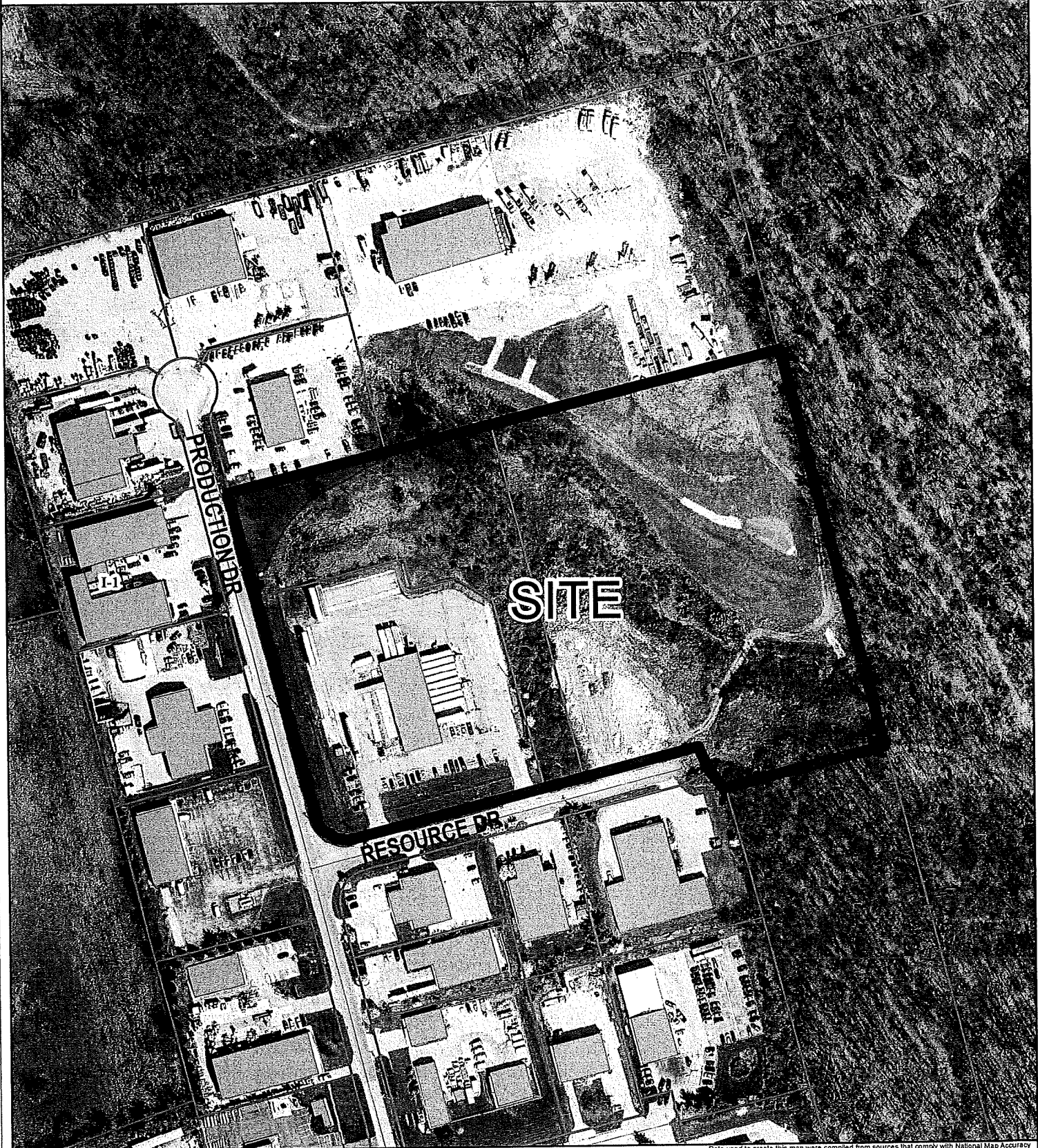
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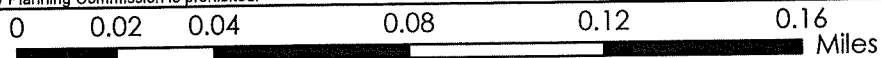
Zoning

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1 inch = 208 feet



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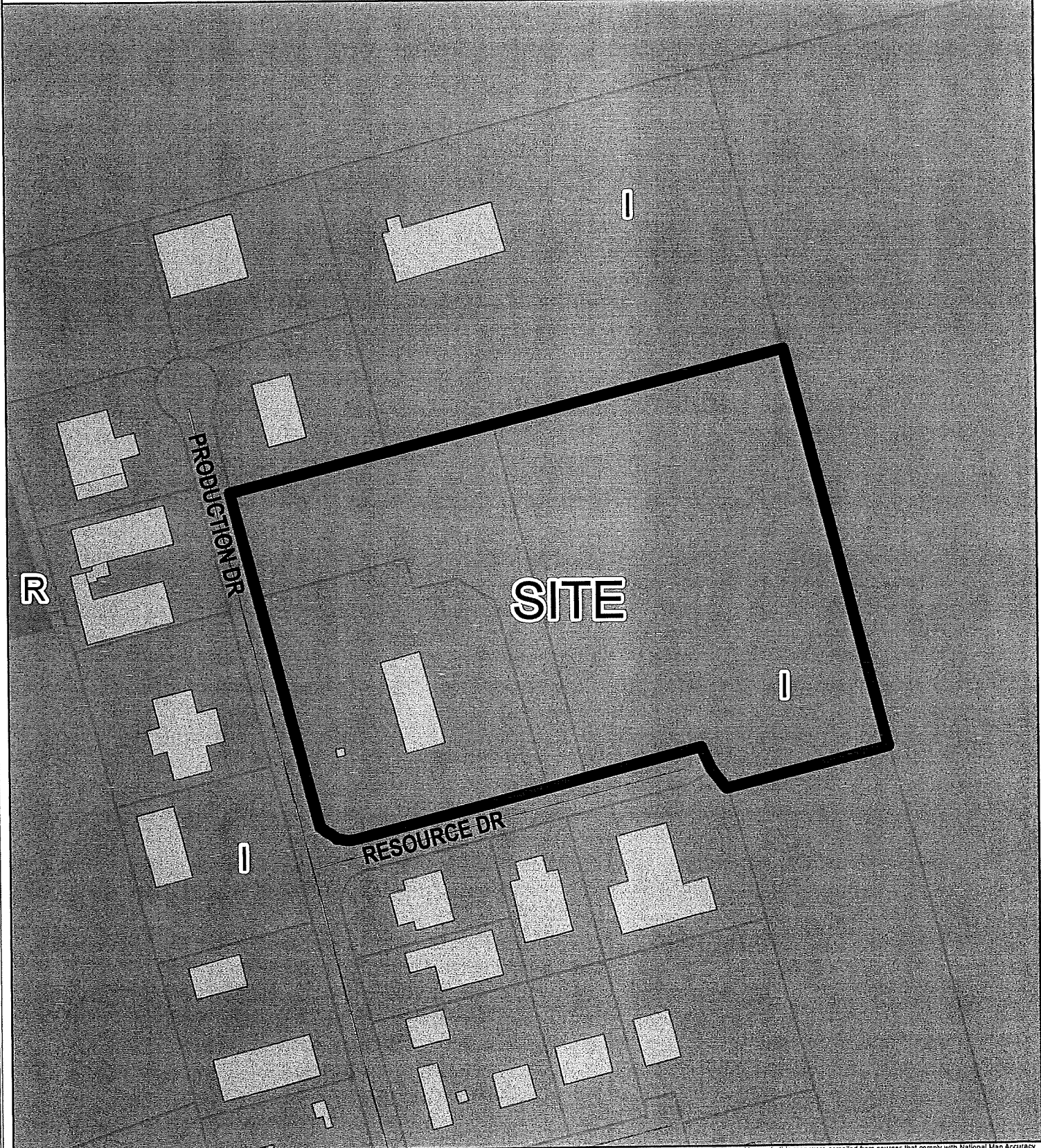


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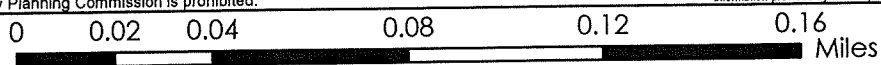
2035 Future Land Use

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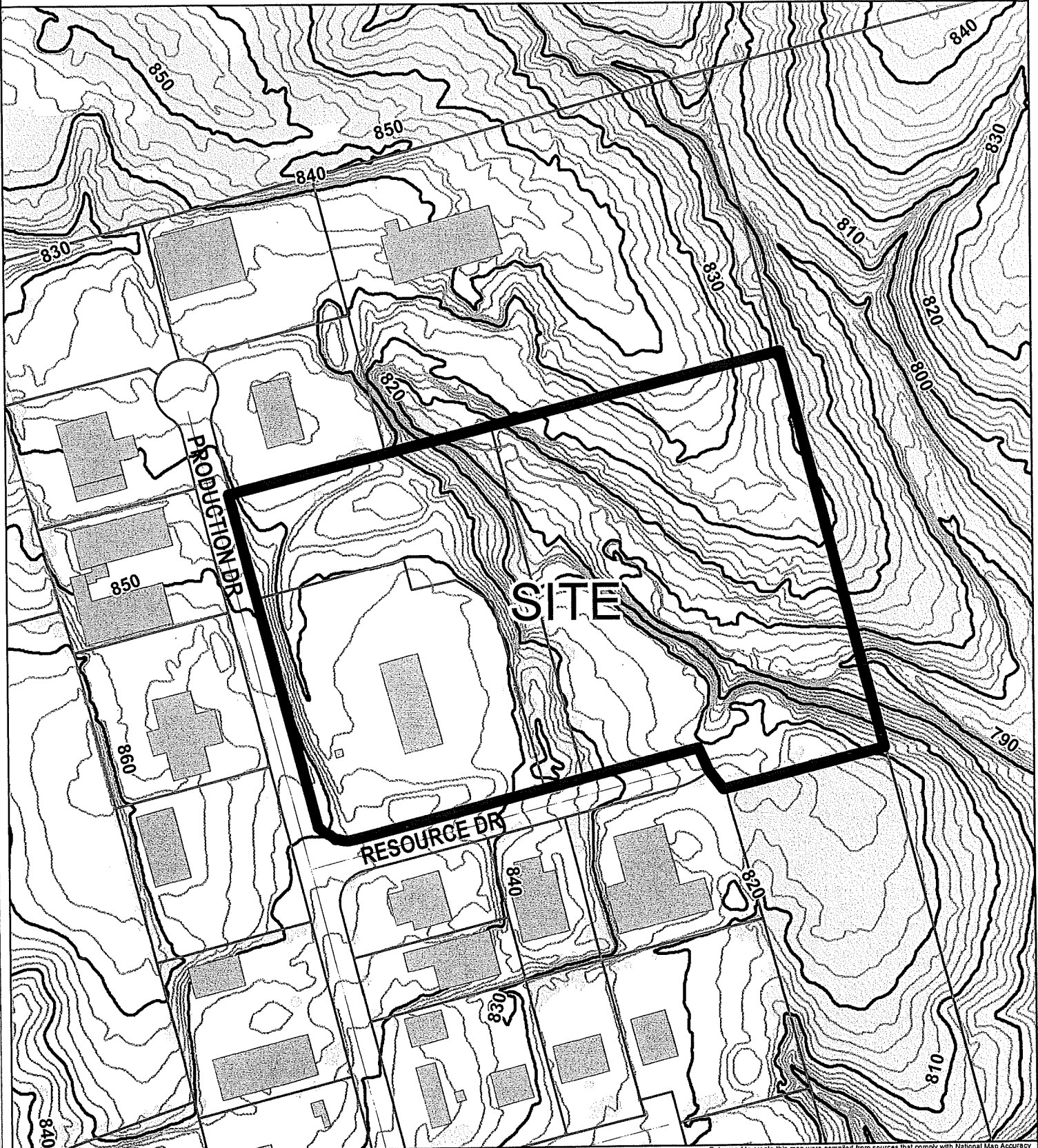


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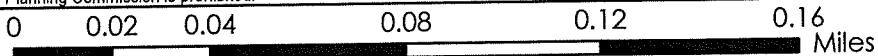
Topography

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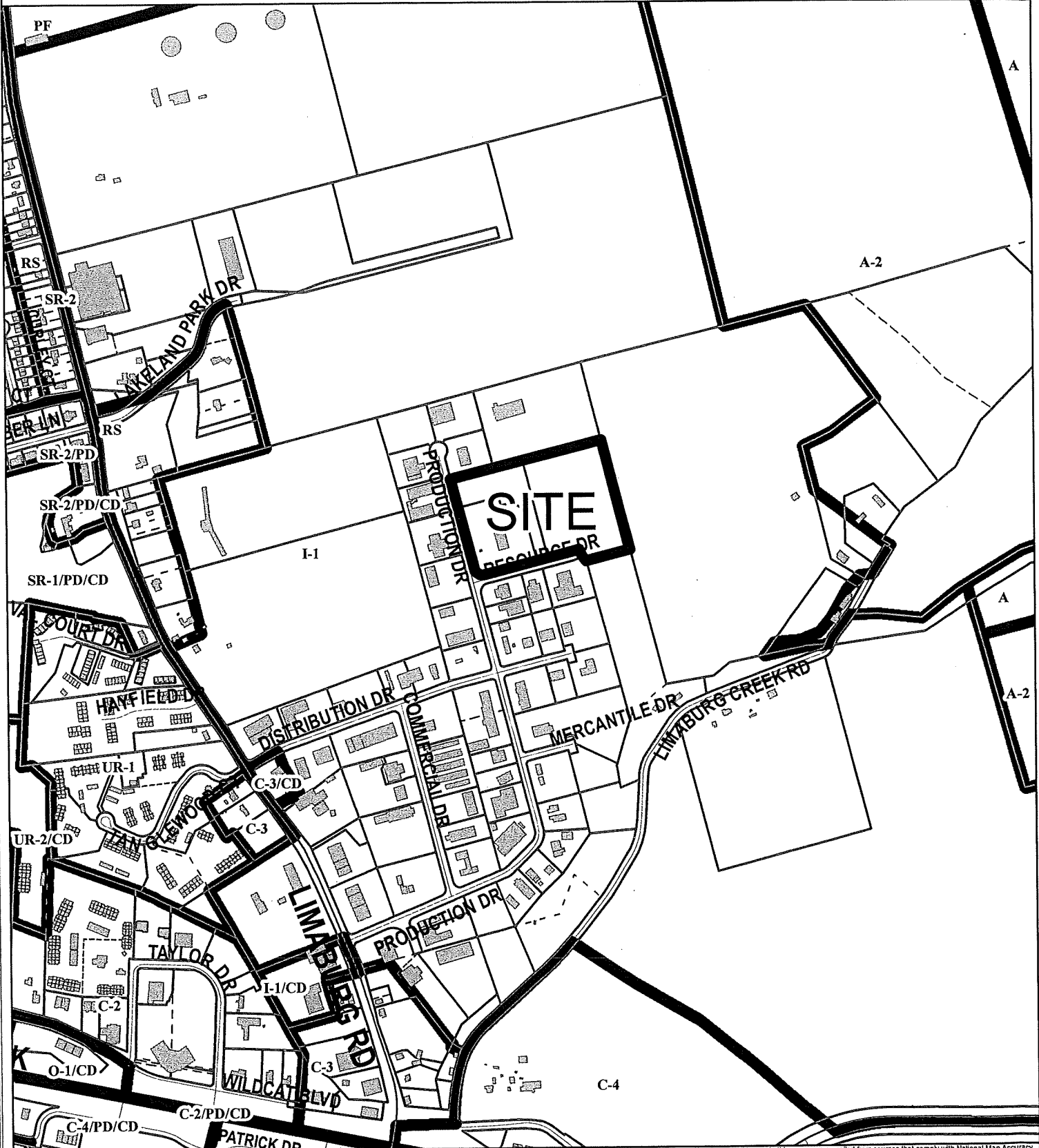
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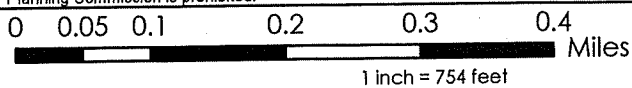
Area-Wide Zoning

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Boone County GIS - Putting Northern Kentucky on the Map



BEST WAY - BCZR CONDITIONAL USE PERMIT STANDARDS

SECTION 262 (All Conditional Uses, Regardless Of Zone)

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of this zoning order. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

SECTION 1143 (I-2 Zone)

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:

14. Solid waste transfer stations subject to the following standards.

- a. All transfer activities shall occur within an approved building.
- b. Solid waste transfer stations may be open to the public only between 7:00 AM and 5:00 PM. Internal operations may be conducted between 6:00 AM and 6:00 PM.
- c. The solid waste transfer station shall be staffed during hours of operation.
- d. Solid waste shall not be stored on the premises for more than 24 hours and must be stored in the building. No solid waste may be stored outdoors, including any waste that is in or on vehicles or trailers.
- e. The hours of operation shall be clearly posted at the site's entrance.
- f. All doors shall be kept closed when the solid waste transfer station is not open for business.
- g. The perimeter of the site's vehicular area shall be fenced with a minimum 8 foot high chain link fence, or comparable type fence, which will confine waste within the site. The type, height, and placement of fencing must also meet all other applicable requirements of this order (refer to Sections 3153 and 3655). Fencing shall include a gate(s) which is closed and locked when the solid waste transfer station is closed for business.
- h. An odor control plan shall be submitted with the Conditional Use Permit application for evaluation and approval by the Board of Adjustment. A Conditional Use Permit shall not be granted without an effective odor control plan in place.
- i. A parcel or lot containing a solid waste transfer station shall not be located within 600 feet of a parcel containing a single family residence, or within 600 feet of an Agricultural District, Conservation District, or a Residential District.
- j. No runoff from waste materials shall leave the subject property or enter any stream.
- k. Solid waste transfer stations shall comply with all applicable local ordinances and state and/or federal statutes and regulations.

SECTION 251

Application and Standards for Variances

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

SECTION 252

Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Adjustment and Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this order. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this order and punishable under Section 430 of this ordinance.

SECTION 253

Notice of Hearing

Notice of the time, place and purpose of a hearing of a notice of appeal or application for variance shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days before the date of the hearing.

Also, all adjoining property owners involved in an appeal and a variance request shall be notified in writing of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. In addition, a written notice of the appeal shall be made to the applicant or appellant and the Zoning Administrator and a sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing if a specific site is being reviewed and subject to an appeal.

SECTION 254

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.

Kevin Wall

From: Scott Pennington
Sent: Monday, September 25, 2017 4:31 PM
To: Kevin Wall
Cc: Jeff Earlywine; Kelly Bowlin
Subject: Best Way Zoning Map Amendment - Solid Waste Transfer Station - Production Dr/Resource Dr

Kevin,

Comments for Best Way Solid Waste Transfer Station:

- Kelly Bowlin, Boone County Solid Waste Supervisor, has had an opportunity to review the application and supporting documents. With the listed conditional uses, Kelly does not foresee any issues w/ the proposal.
- With a convenient location for Boone County citizens to dispose of items, this facility could ultimately lead to lesser amounts of waste items for the County to dispose of following routine clean-up events.
- Simply an observation (as I wouldn't know if there have been complaints), but if the referenced existing facility in Dearborn County, Indiana at I-275/US 50 is able to operate successfully near a commercial area, I would not necessarily foresee issues w/ the proposed location.
- I would prefer if there was more spacing between the proposed entrance and the eastern entrance of Ryder Logistics (1543 Resource Dr). Any other options? Likely not w/ the proposed parcel lines. With the dead end local street and further expansion likely limited by the existing grades, proposed entrance should be okay. Please verify proposed entrance and gate allow for all truck turning movements.
- Proposal states the development will meet all SD1 storm water requirements. Where will detention go? Transfer station appears to be on site of detention area for Ryder Logistics. Based upon development plan for the transfer station parcel, not much available space for detention.
- No concerns at this time w/ the potential traffic numbers as stated.

If you have questions, please let me know.

Thank you.

Scott D. Pennington, P.E.
County Engineer/Director of Public Works
Boone County Public Works
spennington@boonecountyky.org
(O) 859-334-3600

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 Bestway Transfer Station
2. Location of Project Production Drive and Resource Drive (No Address)
3. Total Acreage of Site 12+/- Acres
4. Current Zoning of Site Industrial one (I-1)
5. Proposed Zoning (Classification being requested) Industrial two (I-2)
6. Proposed Uses (please specify each use) Transfer Station
7. Names of Applicant(s) Bayer Becker
8. Address of Applicant(s) 209 Grandview Drive
9. Name of Property Owner(s) BEX Farms Inc.
10. Address of Property Owner(s) 5300 Miller Road
11. Proposed Building Intensities (please specify) The proposed I-2 District will be 9,000SF for the existing building (and 10,000SF for the Transfer Station = 19,000SF total Square foot.
12. Are there any existing buildings on the site? No
13. Deed Book 1064 Page No. 804 Group No. 3077
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Yes, with this application
16. Have you had a pre-application meeting with BCPC Staff? Yes, August 8th 2017
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)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

_____ Boone County Building Department
_____ Northern Kentucky Health District
_____ USDA NRCS/Boone County Conservation District
_____ KY Division of Water
_____ N/A Local School District
_____ Local Fire District
_____ Other: _____

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

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

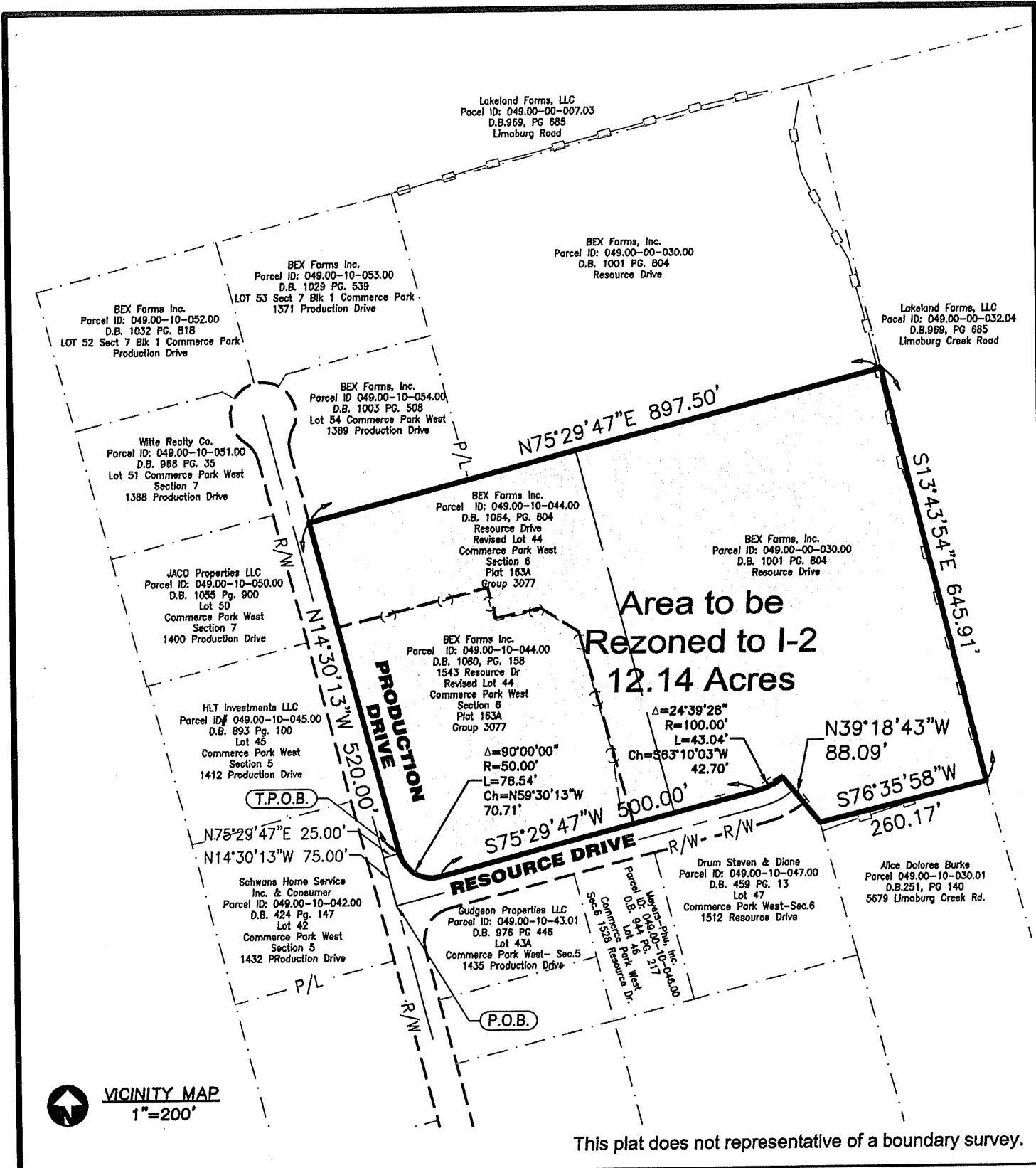
ORIGINAL Applicant's Signature _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

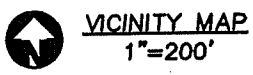
1. Date Received _____
2. Review Fee _____
3. Check what has been submitted:
_____ Application
_____ Fee
_____ Legal Description
_____ Concept Development Plan
_____ Address of Adjoining Property Owners
_____ Number of Copies of Plan Received**
4. _____ Date Application is **Administratively Complete**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

**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.



This plat does not representative of a boundary survey.



Drawing:	15-0025 I-2 ZONE
Scale	1"=200'
Drawn by:	MAR
Checked By:	
Issue Date:	9-5-17

BESTWAY DISPOSAL
BEX FARMS INC.
PRODUCTION DRIVE
BOONE COUNTY KENTUCKY
AREA TO BE REZONED



209 Grandview Dr,
 Ft Mitchell, KY 41017 - (859) 261-1113

Solid Waste Transfer Station
Project Overview
for
Boone County Planning Commission
Presented by
Best Way Disposal

Dated
9/5/2017

Project Overview

Best Way Disposal has been working closely with Boone County Planning Commission and Fiscal Court to improve the efficiency of solid waste collection and transfer. On July 25, 2017, the Boone County Fiscal Court adopted a change to the Boone County Zoning Code to allow Solid Waste Transfer Stations within the I-2 zone as a conditional use. Best Way Disposal proposes to construct a Solid Waste Transfer Station on a portion of 12.1 acres of land, which it currently owns, on the northeast corner of Resource Drive and Production Drive.

As outlined in a pre-application meeting with Kevin Wall on August 8, 2017, the approvals requested by Best Way Disposal include:

- 1) Rezoning of 12.1 acres of land from the current I-1 zone to proposed I-2 zone.
- 2) Approval of a conditional use to permit the Solid Waste Transfer Station within the I-2 zone on an 8.66 acre proposed site.
- 3) Approval of a dimensional variance to reduce the required setback of 600 feet from the proposed parcel containing a solid waste transfer station to a parcel containing a single-family residence to 300 feet.

Narrative and exhibits are provided to support these requests

Rezoning Request Supporting Data

Best Way Disposal is requesting the rezoning of approximately 12.1 acres of land from the current I-1 zone to a proposed I-2 zone. Currently 3.5 acres of the site is occupied by a Ryder Truck facility which is proposed to remain as it exists. The balance of the area to be rezoned is currently undeveloped. The site is depicted on the attached exhibit 1, Existing Zoning, which shows the proposed area to be rezoned surrounded by existing I-1 use. Exhibit 2 is provided to show the existing land use, which is an Industrial Park. The land use to the north, west and south is industrial use. The land to the east is currently wooded. Exhibit 3, provides the Future Land Use envisioned within the Boone County Comprehensive plan as Industrial for the property in question as well as all abutting property.

The project concept plan is provided as Exhibit 4 and 4A. Best Way Disposal proposes to construct the Solid Waste Transfer Station as depicted on the plan upon approval of the zoning process. The remaining property will be subdivided along the proposed zone line and is envisioned for future I-2 uses with no immediate plans.

A pre-application meeting was held with Kevin Wall, Director of Zoning Services at the Boone County Planning Commission with the applicant on 8/8/2017. Based on Kevin's experience with this type of activity, he stated that a Traffic Impact Study would not be required. He requested instead that we provide general information about the vehicular use. Best Way Disposal anticipates similar traffic activity as our facility in Dearborn County, Indiana. Recent data from that facility shows that an average of 53 vehicles enter the site to drop off material over the span of a typical day. This data also shows that material is loaded on to larger trucks an average of 9 times a day and taken to a landfill. Currently Best Way Disposal trucks return to the abutting Burlington Best Way Disposal property at the end of the day. We anticipate that some of the noted 53 vehicles will be vehicles that are currently coming to the abutting site and will not be new trips.

The trucks that will be loaded and leaving the site are anticipated to exit the Industrial Park to the south then travel east on KY 18 to south on Interstate I-75/71 to the Bavarian Landfill in Walton, Kentucky. These outbound vehicles will be limited by State Law to 80,000 lbs.

Support for the rezoning includes the following:

- 1) The site is located within an existing older Industrial Park and the proposed use would be compatible with the many existing heavy industrial uses.
- 2) The proposed I-2 zone will have I-1 zone on all sides.
- 3) As noted in the Comprehensive plan, page 177, "Due to the impacts of noise, Industrial uses are recommended on the east side of Limaburg Road"
- 4) The Future Land Use map envisions the property to be Industrial

The property owner for this application has reviewed the existing permitted uses in the I-2 zone and is willing to agree to a condition of zoning approval to remove the following permitted uses within the property to be rezoned:

2. Acids, creosote, biodiesel or petroleum products

3. Bag cleaning
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining and smelting
5. Corrosion of aluminum, copper, iron, tin, lead, or zinc
6. Distillation of coal or wood
10. Poultry and small game products
21. Railroad and marine craft rights-of-way including switching and marshaling yards
24. Commercial stockyards
25. Sexually Oriented Businesses as defined in Article 40 and applicable standards in Article 31

Conditional Use Supporting Data

The following information is provided to address the requirements of Section 1143 Item 14 of the Boone County Zoning code for Solid Waste Transfer Stations

a. All transfer activities shall occur within an approved building.

Best Way Disposal proposes to construct a building for all transfer activity to occur. As shown on the submitted concept plan (See Exhibit 4), vehicles will enter the site and be weighed with the vehicle and contents. The vehicle will then enter building and transfer all material. Material in the building will be moved within the building to the Best Way Disposal transfer vehicle and transported off the premises. Photos of the existing Best Way Disposal facility in Greendale, Indiana are provided to show the proposed building and weigh station (See Exhibit 5)

b. Solid waste transfer stations may be open to the public only between 7:00 AM and 5:00 PM. Internal operations may be conducted between 6:00 AM and 6:00 PM.

The proposed hours of operation for this facility will be open to the public 7:00 a.m. to 5:00 p.m. Monday thru Friday and 7:00 a.m. to 12:00 p.m. on Saturdays. Internal operations will begin one hour before opening to the public and end within one hour after closing to the public.

c. The Solid waste transfer station shall be staffed during hours of operation.

Best Way Disposal staff will be on site during all hours of operation.

d. Solid waste shall not be stored on the premises for more than 24 hours and must be stored in the building. No solid waste may be stored outdoors, including any waste that is in or on vehicles or trailers.

All solid waste on the property will be stored in the building until it is transferred to the trucks for removal off site. No solid waste will be stored in the building for more than 24 hours.

e. The hours of operation shall be clearly posted at the site's entrance.

Signage will be provided at the entrance on Resource Drive as shown on the concept plan (See Exhibit 4) to clearly define when the facility is open for public use.

f. All doors shall be kept closed when the solid waste transfer station is not open for business.

Outside of hours of operation, all doors will be closed.

g. The perimeter of the site's vehicular area shall be fenced with a minimum 8-foot-high chain link fence, or comparable type fence, which will confine waste within the site. The type, height, and placement of fencing must also meet all other applicable requirements of this order (refer to Sections 3153 and 3655). Fencing shall include a gate(s) which is closed and locked when the solid waste transfer station is closed for business.

As shown on the concept plan, a fence is proposed on the perimeter of the vehicular use area. A security gate is provided on the fence and noted on the plan. A vehicular gate is also provided on the driveway at Resource Drive to be open during public hours and closed and locked during non-public hours.

- h. An odor control plan shall be submitted with the Conditional Use Permit application for evaluation and approval by the Board of Adjustment. A Conditional Use Permit shall not be granted without an effective odor control plan in place.***

(See Odor Control Plan at the end of this section)

- i. A parcel or lot containing a solid waste transfer station shall not be located within 600 feet of a parcel containing a single-family residence, or within 600 feet of an Agricultural District, Conservation District, or Residential District.***

A property map (See Exhibit 6) has been provided with the application to depict the location of parcels containing residences and zoning Districts. As part of this application, a request is being made for a variance of 300 feet for the distance from a parcel containing a residence (see supportive narrative for Variance). As shown on the property map, all parcels within 600 feet or greater are currently zoned I-1.

- j. No runoff from waste materials shall leave the subject property or enter any stream.***

As noted above, all transfer operations occur within the proposed building. The building is designed to have the floor area drain internally to the building to floor drains that are outletted into the sanitary sewer system. Based on our experience, very little fluid comes off the waste materials and enters the sanitary system.

- k. Solid waste transfer stations shall comply with all applicable local ordinances and state and/or federal statutes and regulations.***

This proposed project will be designed to comply with all applicable local, state and federal statutes and regulations

Transfer Station Odor Control Plan

Best Way Disposal

The purpose of this plan is to identify control measures that minimize objectionable odors that may originate at the facility. This plan has been developed as required by Section 1143 (14)(h) of the Boone County Zoning Regulations. This Plan represents the general instruction for personnel to operate the facility in a manner consistent with the approved design and operation to protect human health and the environment, and to prevent nuisances.

Introduction

This plan identifies potential sources of objectionable odors from equipment and processes at Best Way Disposal's solid waste transfer station. This plan consists of the following sections:

1. site description,
2. description of sources of potential objectionable odors,
3. control measures to minimize objectionable odors, and
4. primary contact list.

Site Description

The Burlington Transfer Station, located Resource Drive in Burlington Kentucky, is owned and operated by Best Way Disposal. Waste is delivered to the facility by area waste collection vehicles for processing and temporary storage. Upon receipt at the facility, waste loads are weighed, inspected, and then dumped inside the building on a concrete floor. Waste is then loaded into larger transport vehicles, typically semi-tractor trailers, then transported to a municipal solid waste landfill for final disposal.

Facility roadways and parking areas are paved surfaces. Access to the facility is controlled by a security gate and fencing.

Description of Sources of Potential Objectionable Odors

The following potential sources have been identified for the facility:

- unloading of delivery vehicles,
- tipping floor, temporary storage of waste,
- loading of transfer vehicles, and
- facility equipment.

Control Measures

Facility personnel will conduct the following control measures as necessary.

- Inspect / screen loads for prohibited or unauthorized waste.
- Utilize first in, first out inventory management, ensuring that waste is not stored at the facility for more than 24 hours.
- Give priority to loads and/or materials that have more potential to produce objectionable odors.

- Store waste only within the enclosed building.
- Police working area, perimeter fences, access roads, and entrance areas for windblown litter and clean up as necessary.
- Any wash water that is generated will not be allowed to accumulate on-site to prevent creation of odors.
- Wash water will be collected and disposed into the sanitary sewer according to the requirements of the local wastewater utility (i.e. SD1).
- The tipping floor will be swept periodically to prevent the accumulation of potential sources of odor, the floor will also be washed as needed to supplement the sweeping.
- The loading floor (i.e. tunnel) will be cleaned between loads to minimize waste accumulation.
- Operate the facility with adequate ventilation for odor control.
- Openings to the process area will be controlled to prevent the release of nuisance odors from leaving the facility boundary.
- If nuisance odors are found to be passing the facility boundary, the operator will take immediate action to abate the nuisance.
- Conduct personnel training.

Contacts

Personnel involved in activities that could potentially produce objectionable odors are made aware of this Odor Control Plan. The following contact list is intended for use by personnel and is provided for use as needed to obtain information regarding questions or issues with equipment or process identified in this plan.

Curt Publow, Environmental Manager
317-710-3534 (cell)

Bill Wise
859-372-4900 (office) 812-593-1453 (cell)

Robert Mappes
859-372-4900 (office) 513-226-7268 (cell)

Zoning Waiver Supporting Data

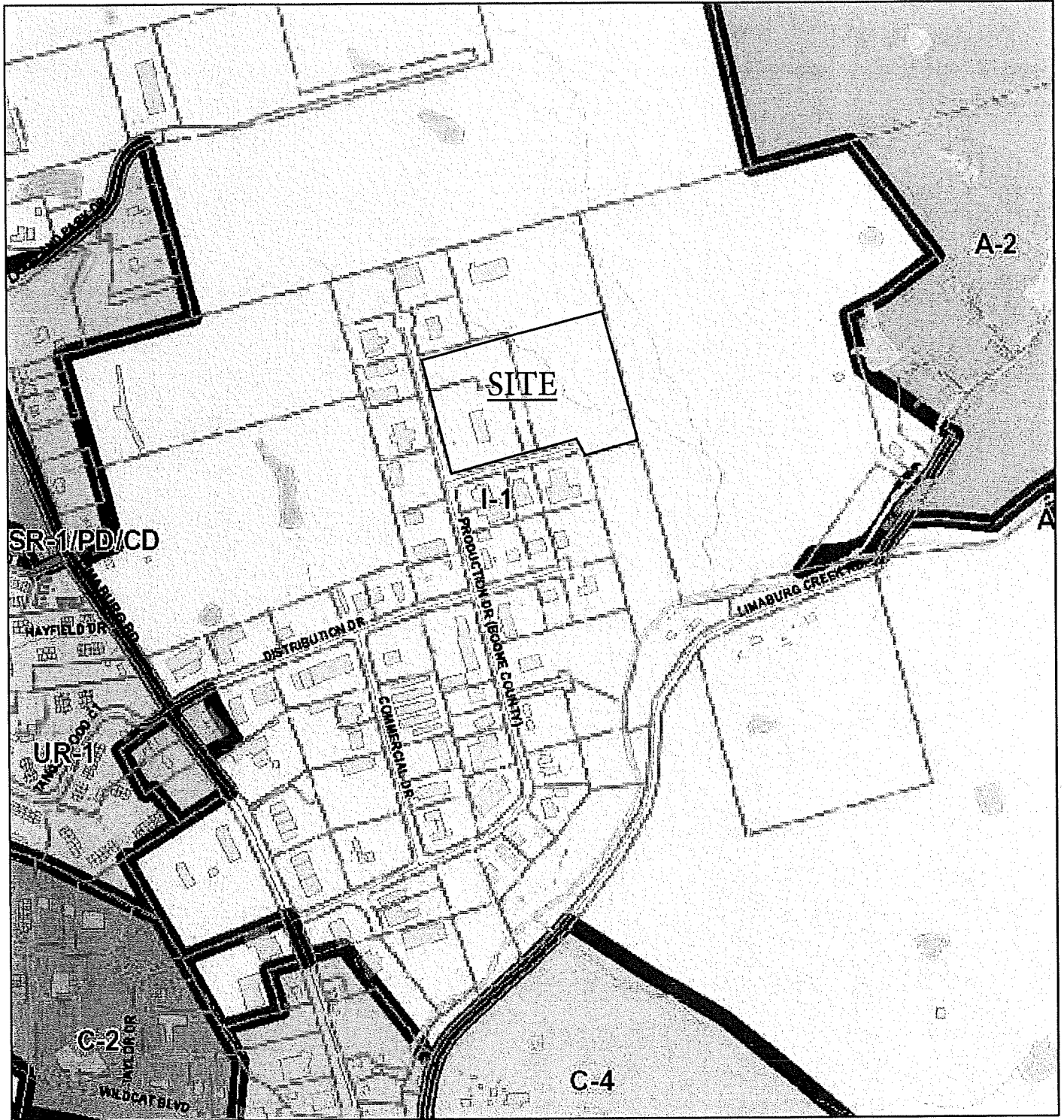
Best Way Disposal is requesting the rezoning of approximately 12.1 acres of land from the current I-1 zone to a proposed I-2 zone and the approval of a Conditional Use to allow the construction of a Solid Waste Transfer Station. Per section 1143.14.i of the Boone County Zoning Code, a parcel containing a Solid Waste Transfer Station is required to be located 600 feet from a parcel containing a single-family residence. Attached you will find the Zoning/BZA Exhibit (Exhibit 6) which shows the location of the parcel that will contain the proposed Solid Waste Transfer Station in relationship to surround properties. The exhibit provides a 600-foot radius from the parcel. Based on our pre-application meeting with Kevin Wall on August 8, 2017, we utilized the Boone County GIS Maps to identify residential structures nearby. As noted on the exhibit, a residential structure exists at 5468 Limaburg Road, Burlington. The distance from this parcel to the parcel that is proposed to contain the Solid Waste Transfer Station is approximately 300 feet. Best Way Disposal has submitted the request for a dimensional variance to 300 feet.

Support for the requested variance includes the following:

- 1) The location of the proposed facility was carefully chosen by Best Way to have the least impact on residential uses by placing in the existing Industrial Park and surrounded by I-1 zone.
- 2) The proposed parcel to contain the Solid Waste Transfer Station meets the criteria of being located 600 feet from Agricultural, Conservation and Residential District and meets the spirit of the code.
- 3) The dimensional variance is to the parcel containing a residence. In this unique case, the parcel containing the residence is large tract of land being 27.19 acres. The residential structure is located approximately 1665 feet from the parcel to contain the proposed Solid Waste Transfer Station.
- 4) The parcel containing the residence is currently zoned I-1, which is in agreement with the proposed land use portion of Boone County Comprehensive plan. It is not anticipated that an additional residential structure will be constructed.
- 5) Best Way Disposal has carefully positioned the proposed building to orient the activities on the east side for the structure, on the opposite side of the parcel containing the residence. The proposed building is also located on the east side of Production Drive and essentially screened by the existing approved industrial uses on the west side of Production Drive.

We respectfully request approval of the variance and submit that the granting of the variance per section 220 of the Boone County Zoning Code, will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. We further state that per section 251.1.b that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land.

Existing Zoning



August 23, 2017

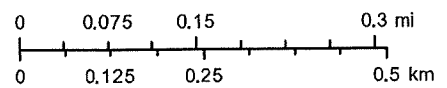
--- County Boundary

Major Streets

- Interstate
- Arterial
- Collector
- Access Ramp
- Residential Streets

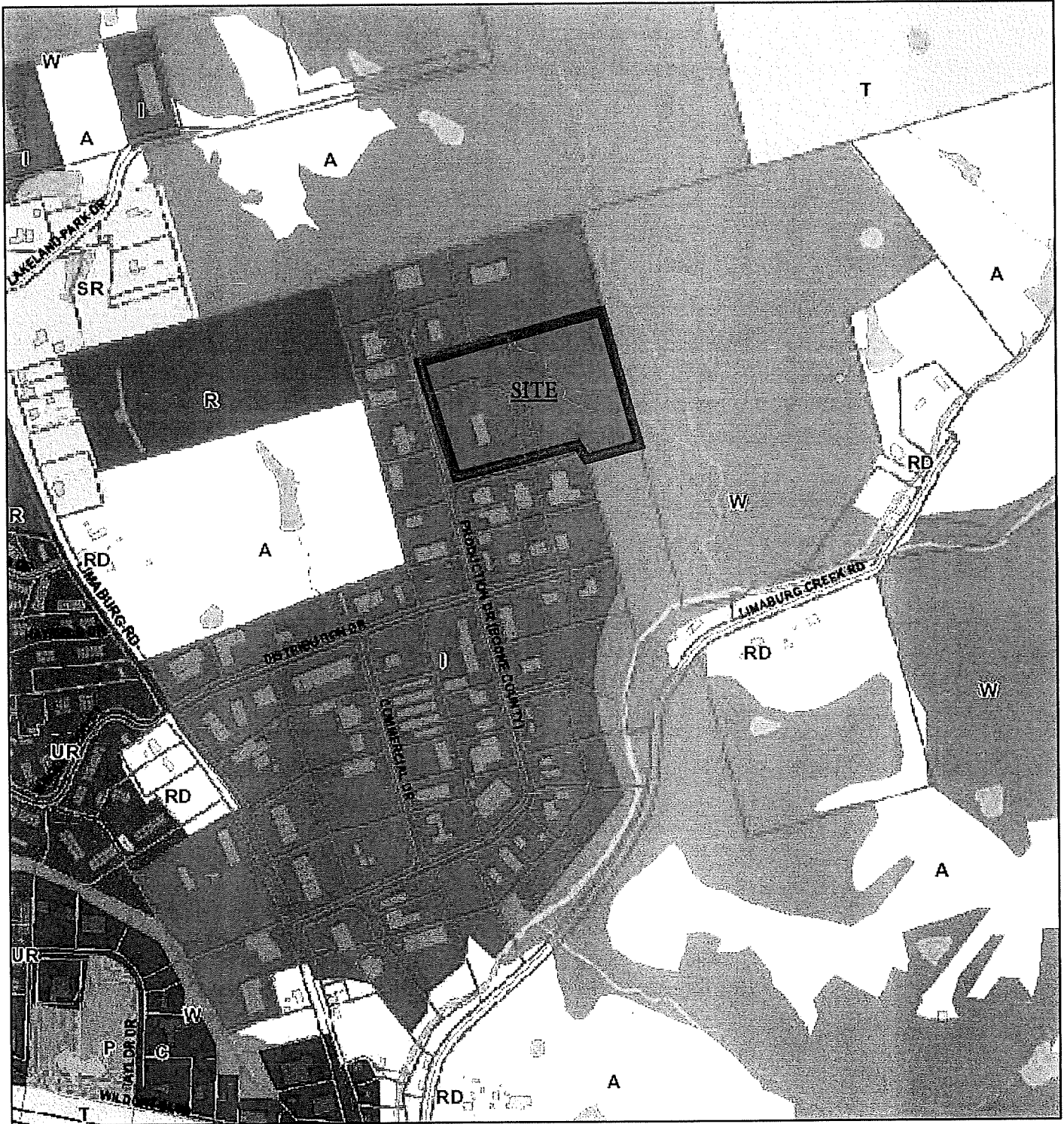
EXHIBIT #1

1:10,000



GIS Services Division, Boone County Planning Commission

Existing Land Use



August 23, 2017

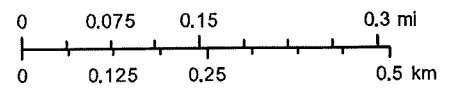
County Boundary

Major Streets

- Interstate
- Arterial
- Collector
- Access Ramp
- Residential Streets

EXHIBIT 2

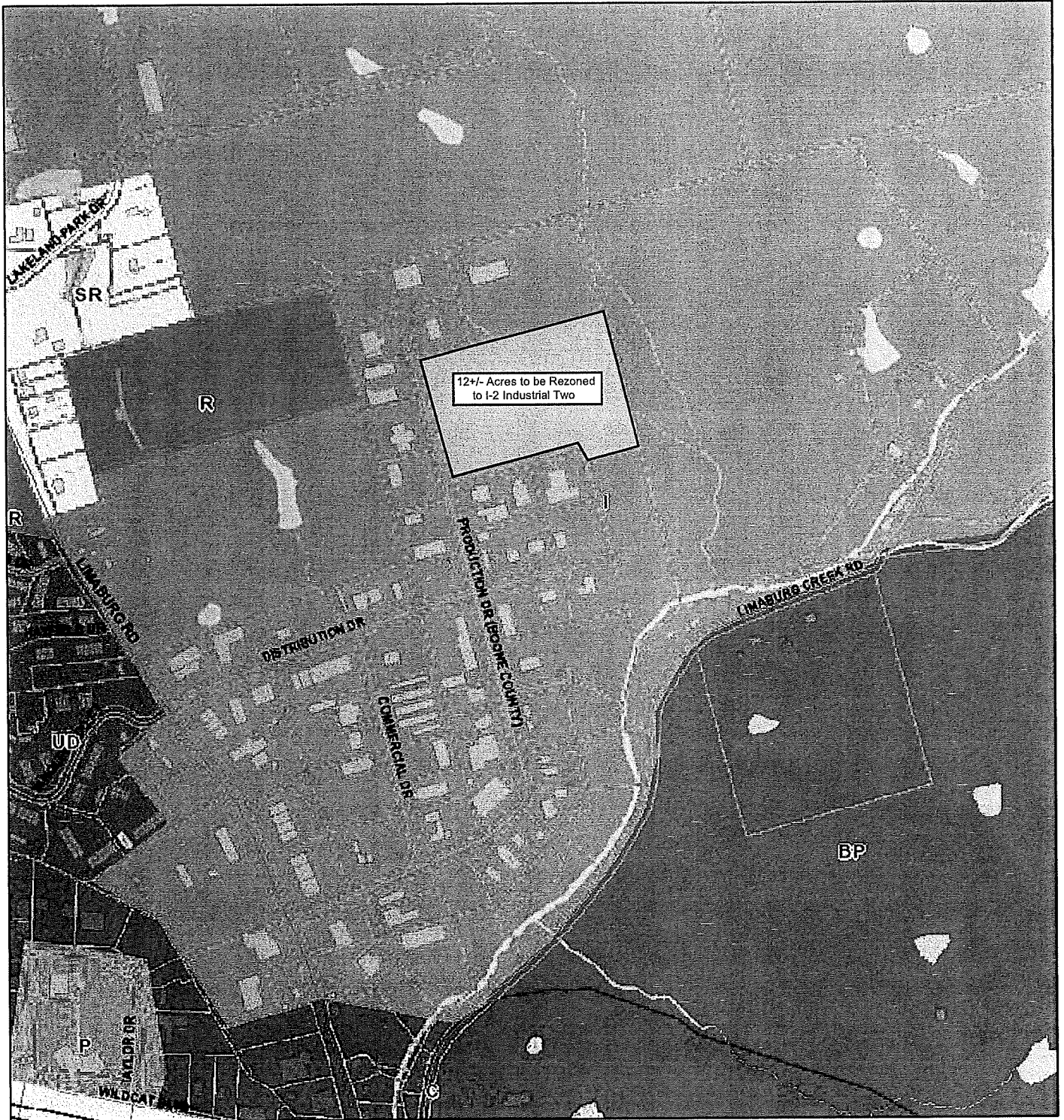
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GIS Services Division, Boone County Planning Commission

GIS Services Division, Boone County Planning Commission |

Future Land Use



August 23, 2017

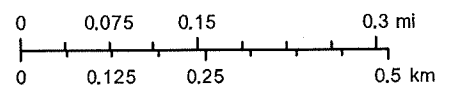
County Boundary

Major Streets

- Interstate
- Arterial
- Collector
- Access Ramp
- Residential Streets

EXHIBIT 3

1:10,000



GIS Services Division, Boone County Planning Commission

EXHIBIT 5
Bestway Disposal
Date of Photos: 8-28-17



Side photo of an existing Bestway Transfer Station in Dearborn County, Indiana

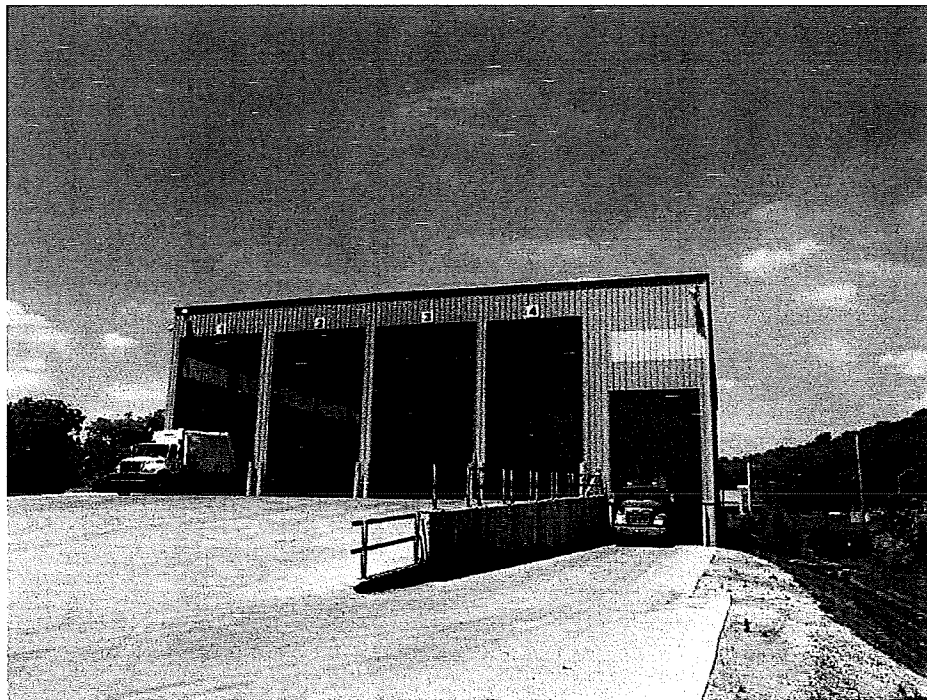


Photo of the exit bay of a Bestway Transfer Station in Dearborn County, Indiana

EXHIBIT 5
Bestway Disposal
Date of Photos: 8-28-17

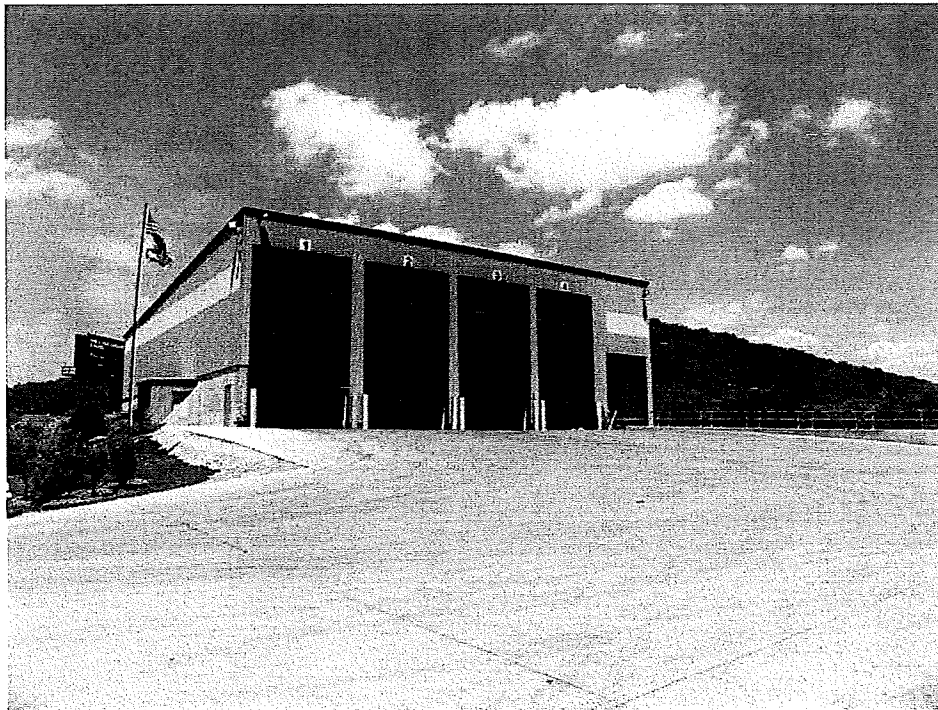


Photo of the entrance doors of a Bestway Transfer Station, in Dearborn County, Indiana



Photo of a weighing station of a Bestway Transfer Station in Dearborn County, Indiana

EXHIBIT 5
Bestway Disposal
Date of Photos: 8-28-17

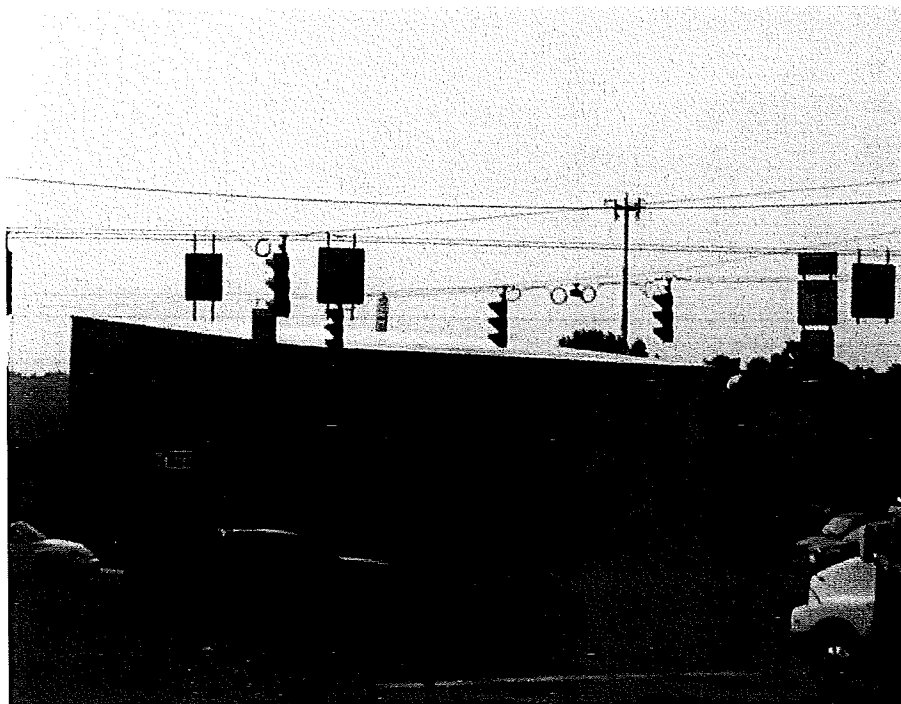


Photo of the rear of Bestway Transfer Station in Dearborn County, Indiana as seen from the intersection of U.S. 50 and I-275.

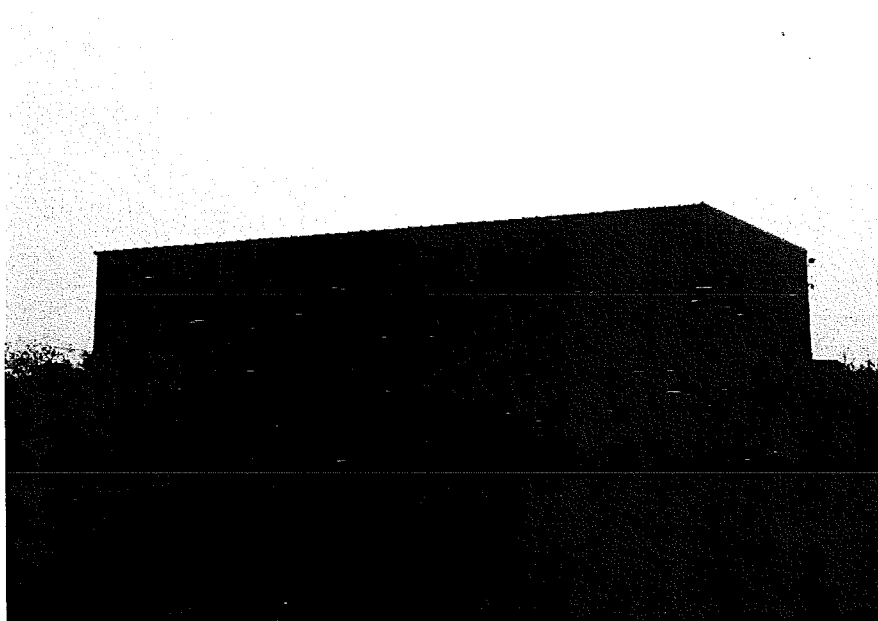





Photo of the rear of Bestway Transfer Station in Dearborn County,

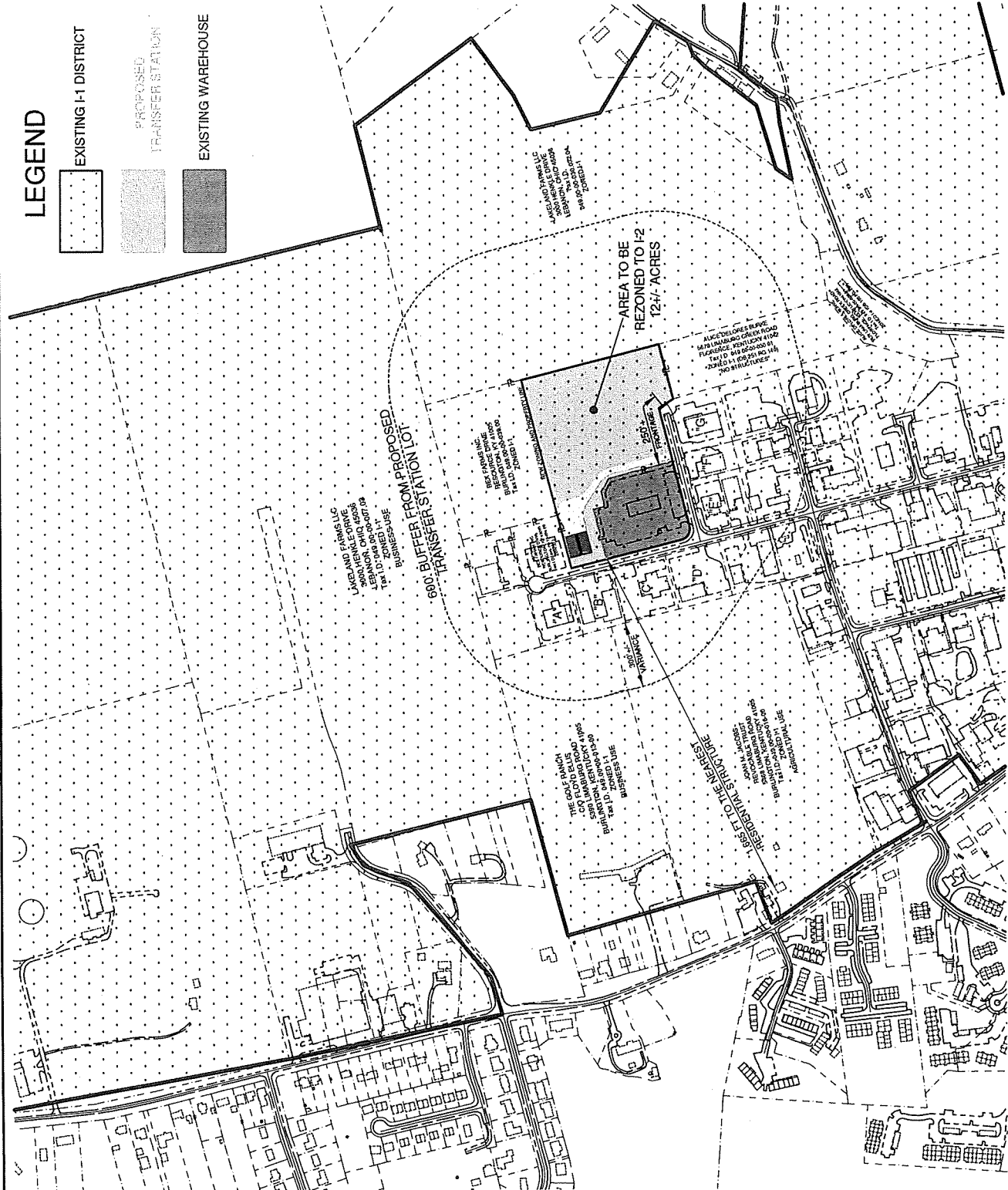
LEGEND

-  EXISTING I-1 DISTRICT
-  PROPOSED TRANSFER STATION
-  EXISTING WAREHOUSE



0 200 400
SCALE: 1"=200'

- PARCEL "A"**
WITTE HEATY CO.
1044 PRODUCTION DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1
- PARCEL "B"**
JACK PROPERTIES LLC
1400 PRODUCTION DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1
- PARCEL "C"**
MLT INVESTMENTS LLC
1112 PRODUCTION DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1
- PARCEL "D"**
SCHWAB'S HOME SERVICE INC. & DELIVERY
1000 PRODUCTION DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1
- PARCEL "E"**
COLUMBIAN PROPERTIES LLC
1455 PRODUCTION DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1
- PARCEL "F"**
MEYER-PHILLIPS INC.
1024 RESOURCE DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1
- PARCEL "G"**
MAYNARD INDUSTRIES INC.
1000 PRODUCTION DRIVE
BURLINGTON, KENTUCKY 41005
ZONED H-1



boyer
INCORPORATED
1000 WEST MAIN STREET
BOONE COUNTY, KY 41003
703-858-1111

BESTWAY DISPOSAL
TRANSFER STATION
BOONE COUNTY KENTUCKY
AUGUST 2017
ZONING & EXHIBIT

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: November 1, 2017

RE: Request of **Bayer Becker (applicant)** for **BEX Farms Inc. (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2), and a Conditional Use Permit and Variance, for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow a solid waste transfer station, and a Variance from Section 1143, #14, paragraph "i" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates this site as "Industrial." This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." Additionally, the Land Use Element ("14. Airport," p. 177) states "due to the impacts of noise, industrial uses are recommended on the east side of Limaburg Road."

The Goals and Objectives state "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" ("Business Activity," Goal) and "compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage" ("Business Activity," Overall Objective).

The immediate area surrounding the subject site is also designated as "Industrial" on the Future Land Use Map and is zoned I-1. The subject site is located within an established light industrial subdivision versus an office or business park. The impetus for this application is the proposed solid waste transfer station, which is

only permitted as a Conditional Use in the I-2 zone. Based on the Concept Development Plan and the agreed conditions of approval, the Committee has concluded that the proposal for the overall 12 acre site is in agreement with the Future Land Use Map and the Land Use Element. Additionally, while the application is for an I-2 zone, the development will be compatible with the surrounding I-1 zone as sought by the Goals and Objectives. The commitments in the Concept Development Plan and the agreed conditions will help insure that the character of the development is consistent with the existing light industrial subdivision. Also, the proposed solid waste transfer station will function as a complementary addition to the existing Best Way facility (combination of offices, truck depot/maintenance, and container storage) that is located to the immediate north.

2. A Conditional Use Permit (CUP) has been requested with the zone change application to allow a solid waste transfer station in the west part of the site. The Committee has evaluated the solid waste transfer station against the standards in Section 262 "General Standards Applicable to All Conditional Uses" of the Boone County Zoning Regulations, the CUP criteria in the first paragraph of Section 1143 "Conditional Uses and Criteria" (I-2 zone), and the solid waste transfer station-specific standards that are outlined under I-2 zone Conditional Use #14. Based on this evaluation, the Committee has concluded that the proposed solid waste transfer station meets the applicable CUP standards and criteria. Therefore, the Committee recommends approval of the requested Conditional Use Permit.
3. A Variance has been requested from Section 1143, #14, paragraph "i" of the zoning regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family dwelling (600' minimum) to be reduced. A lot containing a single family dwelling is located approximately 300 feet to the west at 5468 Limaburg Road.

The Comprehensive Plan's Future Land Use Map designates the affected site at 5468 Limaburg Road as "Industrial." The affected property is zoned I-1 and the dwelling has pre-existing, nonconforming status. The spacing between the transfer station lot and the dwelling itself is approximately 1,665 feet. There is a tier of small light industrial buildings on the west side of Production Drive which separates the proposed solid waste transfer station and the affected property. The proposed solid waste transfer station is oriented eastward toward the interior of the contiguous Best Way property, whereas the affected property is located to the west and fronts on Limaburg Road.

Based on these facts, the Committee has concluded that the requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone, and that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or

would create an unnecessary hardship on the applicant. Therefore, the Committee recommends approval of the requested Variance.

4. 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 foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development of the 12 acre site shall follow the Concept Development Plan and the commitments outlined in the application materials.
2. The following uses shall be prohibited on the overall 12 acre site.

I-2 Zone Principally Permitted Uses (Section 1141)

2. Acids, creosote, biodiesel, or petroleum products;
3. Bag cleaning;
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
10. Poultry and small game products;
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;
21. Railroad and marine craft rights-of-way including switching and marshaling yards;
24. Commercial stockyards; and
25. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

I-2 Zone Conditional Uses (Section 1143)

1. Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law; and
10. Concentrated animal feeding operations.

Additionally, the "junkyard" and "wrecking" aspects of Conditional Use #8 shall be prohibited. This use category is described as "retail sales and service of new and

used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage.”

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

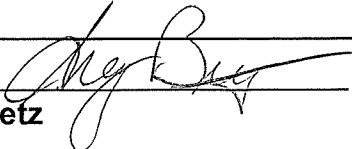
DATE: October 18, 2017

ZONING MAP AMENDMENT, CONDITIONAL USE PERMIT, AND VARIANCE - Kim Bunger, Chairman, Kevin Wall, Staff

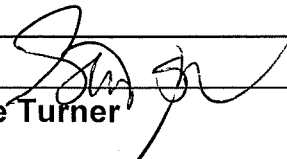
1. Request of **Bayer Becker (applicant)** for **BEX Farms Inc. (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2), and a Conditional Use Permit and Variance, for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow a solid waste transfer station, and a Variance from Section 1143, #14, paragraph "i" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced.

REMARKS:

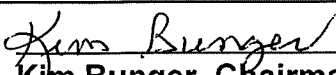
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.



Greg Breetz
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

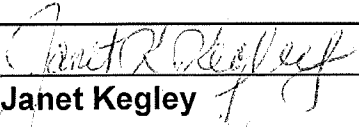


Steve Turner
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____



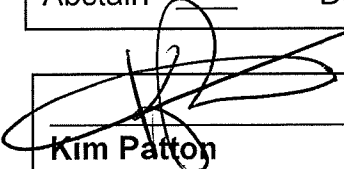
Kim Bunger, Chairman
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Randy Bessler (Alternate)
 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____



Janet Kegley
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Lori Heilman (Alternate)
 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____



Kim Patton
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Mark Hicks (Alternate)
 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Rick Lunnemann (Alternate)
 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED _____ FOR PROJECT _____ ABSENT _____
 _____ AGAINST PROJECT _____ ABSTAIN _____

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Ms. Jamie Nieves

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 9:06 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT, CONDITIONAL USE PERMIT, AND VARIANCE - Kevin Wall, Staff

2. Request of **Bayer Becker (applicant)** for **BEX Farms Inc. (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2), and a Conditional Use Permit and Variance, for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow a solid waste transfer station, and a Variance from Section 1143, #14, paragraph "1" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is a Zone Change from I-1 to I-2, a Conditional Use Permit application and a Variance application. It is the result of a Zoning Text Amendment to allow a solid waste transfer station in an I-2 zoning district. The site is located on the northeast corner of Production and Resource Drives. The site is a total of 12 acres and only a part of it is for the solid waste transfer station. Mr. Wall also showed an aerial photograph of the site. There are other uses proposed on the site but nothing is imminent. The applicant has proposed to exclude some uses from the I-2 zoning district. The site and adjoining properties are currently zoned Industrial One (I-1). The Future Land Use Map from the Comprehensive Plan designates the site as Industrial. The variance request involves the distance between the transfer station and a lot containing an existing residence. The minimum spacing requirement is 600 feet. The lot containing the residence is 300 feet. The residence itself is 1,600 feet away from the proposed transfer station. The transfer station building is 10,000 square feet in size. The vehicular circulation area is located on the east of the proposed building. A scale and weigh station building are also being proposed. Mr. Wall showed photographs of an existing transfer station building in Lawrenceburg, Indiana. The existing house is located in an Industrial One (I-1) zoning district. It is pre-existing, non-conforming. Mr. Wall showed photographs of the site and adjoining properties.

In terms of Staff Comments, Mr. Wall mentioned that Comprehensive Plan text does not refer to the area in detail. There is reference to airport noise and industrial land uses are recommended on the east side of Limaburg Road. Mr. Wall referred to the Goals and Objectives of the Comprehensive Plan on pages 5-7 of the Staff Report. He noted that businesses need to be developed at appropriate locations and are compatible with their surrounding areas. Another goal deals with impacts such as smoke, dust, noise and odor. It shall be kept at a minimum. In addition, the Planning Commission shall consider the legal requirements for action on a Zone Change request. Mr. Wall noted that he prepared an exhibit that is part of the Staff Report which outlines the Conditional Use Permit criteria. There are 3 sets of criteria. The first set are general standards applicable to all Conditional Uses. The second set of criteria relate to the Industrial Two (I-2) zoning district. The final criteria apply specifically to transfer stations only. The applicant has provided a narrative that addresses the criteria. Mr. Wall expressed a concern about the

applicant's odor control plan. Is any treatment or agent going to be applied to neutralize odors? How is the proposed building going to be ventilated once it is closed and waste is stored overnight? Mr. Wall referred to the statutory criteria for the Variance request, which was included in the Staff Report. He mentioned if there are unusual circumstances that don't apply to the other properties. The Future Land Use Map designates the site where the existing house is located as Industrial. The proposed transfer station is oriented away from the existing residence toward the eastern side of the 12 acre site. The applicant has submitted a list of uses they are willing to exclude from the I-2 zoning district for the remainder portion of the property. Staff is okay with exclusion of those uses proposed by the applicant. The applicant did not propose to exclude any Conditional Uses. Staff is concerned about Conditional Use #1 (gases, fireworks, etc.) and one that deals with motor vehicles including junk yards and wrecking. The last one is concentrated animal feeding operations. The existing lot has a fair amount of existing vegetation on the east and south boundaries. It should be retained. The County Engineer has provided a handful of comments. Comments were also provided by Kelly Bowlin, the Boone County Solid Waste Coordinator.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Jay Bayer, engineer for Best Way, referred to his PowerPoint presentation. They are requesting to rezone 12 acres of land, approval of a Conditional Use Permit to construct a solid waste transfer station and a dimensional variance to reduce a required setback.

Ms. Katie Raverty gave an overview of Best Way Disposal. It is a full service waste company operating in Michigan, Kentucky, Indiana and Ohio. They have over 25 years of experience and realize the importance of a good relationship between a community and a transfer station. In 2011, they opened their Division office in Burlington. They service 6 Northern Kentucky counties, Boone, Kenton, Campbell, Grant, Gallatin and Pendleton counties. They employ 85 employees. Weekly, the company services over 33,000 residential customers and numerous commercial and industrial customers. They serve 13,312 residential and 600 commercial customers in Boone County. A transfer station will give Boone County residents an opportunity to dispose of items in a safe and convenient drop off area. This will discourage illegal dumping on rural roads. It reduces truck traffic by reducing larger loads to smaller loads.

Mr. Bill Wise, Manager of Best Way Disposal, referred to photos of the existing Lawrenceburg facility. There will be scales and signage depicting items they don't accept and hours of operations. All incoming waste stops at the scales shall be weighed. This is where they find out who it is, what it is and where it came from in each truck. This is the point they can accept or not accept the waste based on odor. If the load is foul, they don't have to accept it. They operate on a first in, first out basis. Waste is loaded onto semi-tractor trailers carrying off about 38,000 - 40,000 pounds of waste. The walls in the building are 2 feet thick and made of concrete. They do use odor agents if they need to. First in, first out, works most of the time. If waste is held overnight, the doors are closed. Some waste will be stored overnight all days except for Saturdays. On an average, there will be 53 inbound trucks going to the site each day and 9 outbound trucks that go to the landfill. The 53 now represent the existing trucks going to their existing facility next door. Currently, those trucks are going to the transfer station in Dearborn County, Walton and Greensburg. Mr. Wise mentioned that they do not accept hazardous waste, no free flowing liquids, tires (more than 10), batteries and dead animals. Trash is weighed and charged accordingly. Food products in containers from restaurants can be dropped off. Kroger is a big customer. The only separation

involved is if something is identified and it must be taken out.

Mr. Schwenke asked if the applicant spoke to the home owner who owns the residence? Mr. Robert Mathis, Operation Manager, stated that he spoke to several neighbors and property owners. The feedback from the neighbors was exciting since they cleaned up the existing site. They liked to see some growth in the area. He also spoke with Joan Jacobs. She was an elderly lady and he didn't know if she understood what was being proposed but he explained to her that she was getting a letter in the mail.

In response to a comment made by Mr. Shipe, Mr. Wall replied that the distance or setback criteria is based upon the parcel of land recorded at the time the request is submitted.

Mr. Jay Bayer emphasized that the proposed transfer station is oriented to the east. The building will be solid along the west side. He mentioned the site is surrounded by Industrial One (I-1) zoning and they are willing to exclude some I-2 uses previously identified by the applicant and by Mr. Wall. The proposed use is compatible with the industrial uses in the industrial park. The proposed use is in agreement with the Comprehensive Plan as stated previously. Mr. Bayer reviewed the criteria for approving a Conditional Use Permit for a solid waste transfer station (A-K). All activities will occur in the building. The transfer station will be open from 7:00 a.m. to 5:00 p.m. and internal uses will be from 6:00 a.m. to 6:00 p.m.. On Saturdays, they will only operate 7:00 a.m. to 12:00 noon. They will be closed on Sundays. The facility will be staffed during hours of operation. Solid waste will not be stored for more than 24 hours. Hours of operation will be posted. Doors on the transfer station will be closed when the facility is closed. They will provide perimeter fencing around the site. An odor control plan has been provided. The only criteria they don't meet is being 600 feet from a lot containing a single family residence. No runoff from the facility shall leave the property. Finally, the operation will comply with all local, state and federal regulations. They are requesting approval of the Zoning Map Amendment, Conditional Use Permit, and Variance. They meet all the requirements. Mr. Bayer referred to an exhibit from the Staff Report showing the existing building, proposed facility, the 12 acre parcel, the 600 foot limit and all industrial property in the area. One of the adjoining lots is only 300 feet from the site but the house is located 1,600 feet on that same lot. To support the Variance, Best Way chose a location that has the least impact on residential uses by placing it in an existing industrial park and a surrounding I-1 zone. The location is 600 feet from Agricultural, Conservation and Residential Districts and meets the spirit of the code. It is a unique case, the parcel is a large tract of land being 27.19 acres. A residential structure is located approximately 1,665 feet from the subject site. The parcel with the residence is zoned I-1. No additional residences are being considered on the large tract. The proposed facility and activities are carefully positioned towards the east side.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if any Board members had any additional comments or questions? Mr. Schwenke asked if the property was rezoned to I-2 would it diminish the nature of other properties zoned I-1? Mr. Wall replied it doesn't change the buffer requirements.

Mr. Bunger asked if the trucks are always empty at night? Mr. Wise responded no, there are some trucks that may have trash. Mr. Bunger asked if there have been any complaints of items stored

or odors at the current facility? Mr. Wise replied no.

Mr. Breetz asked if the staff notified the residential property owner. Mr. Wall answered yes, even though they are not adjoining property owners.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 18, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 1, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:56 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

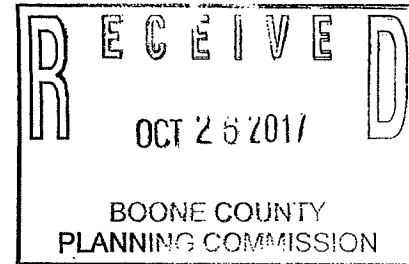
www.boonecountyky.org/pc
www.boonecountygis.com

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

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

October 24, 2017

Mr. Bill Wise
BEX Farms Inc.
5300 Miller Road
Kalamazoo, MI 49048



FAX: 317-247-7034

RE: Recommended Conditions of Approval for Best Way Zone Change Application from I-1 to I-2, Conditional Use Permit, and Dimensional Variance, for 12 Acre Tract on the Northeast Corner of the Production Drive/Resource Drive Intersection, Boone County, Kentucky

Dear Mr. Wise:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their October 18, 2017 meeting. If you, as the property owner's authorized representative, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, October 27, 2017.

CONDITIONS

1. The development of the 12 acre site shall follow the Concept Development Plan and the commitments outlined in the application materials.
2. The following uses shall be prohibited on the overall 12 acre site.

I-2 Zone Principally Permitted Uses (Section 1141)

2. Acids, creosote, biodiesel, or petroleum products;
3. Bag cleaning;
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
10. Poultry and small game products;
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;

Mr. Bill Wise
October 24, 2017
Page 2

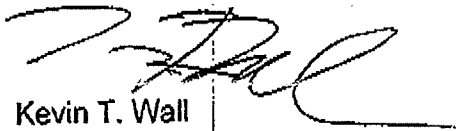
- 21. Railroad and marine craft rights-of-way including switching and marshaling yards;
- 24. Commercial stockyards; and
- 25. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

I-2 Zone Conditional Uses (Section 1143)

- 1. Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law; and
- 10. Concentrated animal feeding operations.

Additionally, the "junkyard" and "wrecking" aspects of Conditional Use #8 shall be prohibited. This use category is described as "retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage."

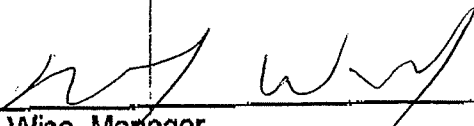
Sincerely,



Kevin T. Wall
Director, Zoning Services

AGREEMENT

I, the authorized representative of the property owner of the 12 acre site located on the northeast corner of the Production Drive/Resource Drive intersection, including the property at 1543 Resource Drive, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment, Conditional Use Permit, and Variance application.



 Bill Wise, Manager
 Authorized Representative for BEX Farms Inc.
 Property Owner

10-26-17
Date

cc: Jay Bayer, Bayer-Becker; FAX: 261-1710



Where Creativity
Meets Functionality

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

DESCRIPTION: 12.14+/- Acres Rezoning
LOCATION: Production and Resource Drives
DATE: September 5th, 2017

Situated in the County of Boone, Commonwealth of Kentucky, lying on the Northeast corner of Production Drive and Resource Drive, and being part of Revised Lot 44 of Commerce Park West, Section 6, conveyed to BEX Farms Inc. in Deed Book 1080, Page 158 in the Boone County Clerk's Records at Burlington, Kentucky, and being more particularly described as follows:

Begin at a set mag nail marking the intersection of Production Drive (Ex. 50' RW) and Resource Drive (Ex. 50' RW); thence along the centerline of Production Drive North 14° 30' 13" West, 75.00 feet, thence leaving said centerline North 75° 29' 47" East, 25.00 feet to the Existing East right of way line of Production Drive and being the TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING and along said existing right of way of Production Drive North 14° 30' 13" West, 520.00 feet to a found 5/8" iron pin (#3238) with an angle iron 5'+/- above ground at the Northwest corner of revised lot 44;

thence, leaving said existing right of way and the South line of BEX Farms, Inc. recorded in Deed Book 1003, Page 508 and revised lot 44, North 75° 29' 47" East 897.50 feet to a point on the East line of Lakeland Farms LLC recorded in in Deed Book 969 Page 685;

thence, along the common line of said Lakeland Farms LLC South 13° 43' 54" East, 645.91 feet to a found 5/8" iron pin (#3238) and the northeast corner of Alice Delores Burke recorded in Deed Book 251 Page 140.

thence, along the common line of said Alice Delores Burke South 76° 35' 58" West, 260.17 feet to a found 5/8" iron pin (#3238).

thence, along Steven and Diane Drum property recorded in Deed Book 459 Page 13 and the existing right of way of Resource Drive North 39° 18' 43" West, 88.09 feet to found 5/8" iron pin (#3238).

thence, along a curve to the right having a radius of 100.00 feet, and a chord bearing and length of South 63° 10' 03" West, 42.70 with an arc length of 43.04 feet;

thence, South 75° 29'47" West, 500.00 feet:

thence, along a curve to the right having a radius of 50.00 feet, and a chord bearing and length of North 59° 30' 13" West, 70.71 with an arc length of 78.54 feet to the True Point of Beginning.

Containing 12.14 acres of land and subject to all easements and rights-of-way of record.

The reference meridian is NAD83 (CORS96) Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared by Mark A. Rosenberger, Licensed Professional Land Surveyor #3238 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 1001, Page 804, Deed Book 1064 Page 804 and Deed Book 1080 Page 158.

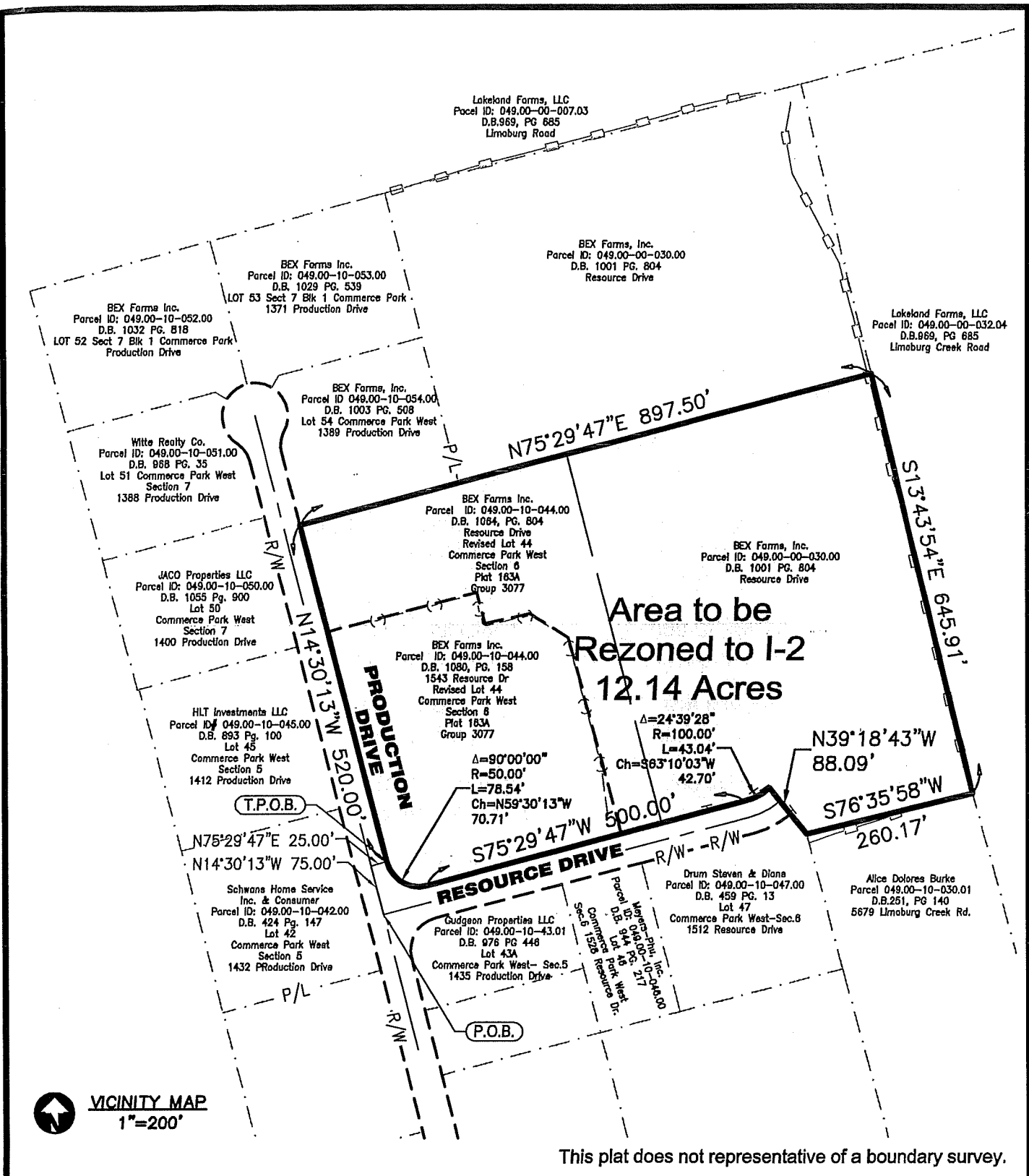
6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

318 South College Avenue
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>



This plat does not representative of a boundary survey.



VICINITY MAP
1"=200'

Drawing:	15-0025 I-2 ZONE
Scale:	1"=200'
Drawn by:	MAR
Checked By:	
Issue Date:	9-5-17

**BESTWAY DISPOSAL
BEX FARMS INC.
PRODUCTION DRIVE
BOONE COUNTY KENTUCKY
AREA TO BE REZONED**



209 Grandview Dr,
Ft Mitchell, KY 41017 - (859) 261-1113

ORDINANCE NO. 2018 - 02

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF BAYER BECKER (APPLICANT) FOR BEX FARMS, INC. (OWNER) FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL ONE (I-1) TO INDUSTRIAL TWO (I-2), AND A CONDITIONAL USE PERMIT AND A VARIANCE, FOR AN APPROXIMATE 12 ACRE AREA LOCATED ON THE NORTHEAST CORNER OF THE PRODUCTION DRIVE/RESOURCE DRIVE INTERSECTION, INCLUDING THE PARCEL AT 1543 RESOURCE DRIVE, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE AND CONDITIONAL USE PERMIT TO ALLOW A SOLID WASTE TRANSFER STATION, AND A VARIANCE FROM SECTION 1143, #14, PARAGRAPH "I" OF THE BOONE COUNTY ZONING REGULATIONS TO ALLOW THE SPACING REQUIREMENT BETWEEN A PARCEL CONTAINING A SOLID WASTE TRANSFER STATION AND A PARCEL CONTAINING A SINGLE FAMILY RESIDENCE TO BE REDUCED.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and a Conditional Use Permit to allow a solid waste transfer station, and a Variance to from Section 1143, #14, paragraph "I" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced, and such Zoning Map Amendment being a zone change from Industrial One (I-1) to Industrial Two (I-2) for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, 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, Conditional Use Permit and Variance; and

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

Section One

That the request for a Zoning Map Amendment, Conditional Use Permit and Variance 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 Industrial One (I-1) to Industrial Two (I-2) for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One (I-1) zone and a Conditional Use Permit and a Variance is more particularly described in DEED BOOK 1064, PAGE NO. 804 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the approval, with conditions, of a Zoning Map Amendment, a Conditional Use Permit and a Variance request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

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


Section Three


This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.

Adopted this 23rd day of January, 2018

First Reading - the 19th day of December, 2017

Second Reading - the 23rd day of January, 2018 Yes 4 No 0


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

Attest:

**Sharon Burcham,
Fiscal Court Clerk**



BEX FARMS INC.
 1118 E. 10th Street
 PO Box 1000
 Boone, KY 40309
 606-338-1111

LANDSCAPE ZONING EXHIBIT
 BOONE COUNTY KENTUCKY
BESTWAY DISPOSAL
 PRODUCTION AND RESOURCE DRIVES

DATE: 05/11/2017
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 SCALE: 1" = 30'

PROJECT: 10000 SF OF UNDER BUILDING LANDSCAPING (0830)

DATE: 05/11/2017

SCALE: 1" = 30'

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LANDSCAPE REQUIREMENTS
 PER ARTICLE 96- LANDSCAPING, FROM BOONE COUNTY, KY ZONING REGULATIONS
 GENERAL REQUIREMENTS (SECTION 96.01)
 PLANT MATERIAL MINIMUM INSTALL SIZES:
 • PLANT LIST A (LARGE DECIDUOUS TREE OVER 20' HEIGHT AT MATURITY) = 2" CALIPER
 • PLANT LIST B (LARGE EVERGREEN TREE OVER 10' HEIGHT AT MATURITY) = 1.5" CALIPER OR 6" HT. IF CLUMP
 • PLANT LIST C (SMALL TREE OR LARGE SHRUB 10-25' HEIGHT AT MATURITY) = 1.5" CALIPER OR 6" HT. IF CLUMP
 • PLANT LIST D (SMALL TREE OR LARGE SHRUB 10-25' HEIGHT AT MATURITY) = 24" HT BAB FOR LARGE SHRUBS
 • PLANT LIST E (SHRUBS OF ANY SIZE AND GROUNDCOVER) = 5 GALLON CONTAINER
 • PLANT LIST F (SHRUBS OF ANY SIZE AND GROUNDCOVER) = 5 GALLON CONTAINER
 RIGHT TRIANGLES (SECTION 96.02) PLANT MATERIALS LOCATED WITHIN SITE TRIANGLES TO BE UNDER 3.5' HEIGHT
 BUFFER YARD "A" REQUIREMENTS PER 100 LF FRONTAGE (LENGTH OF PROPERTY LINE (TABLE 2))
 • USING PLANT LIST C SMALL TREES = 5 TREES PER 100 LF
 • USING PLANT LIST D SMALL TREES = 10 TREES PER 100 LF
 • USING PLANT LIST E SMALL SHRUBS = 12 SHRUBS PER 100 LF
 • USING PLANT LIST F SMALL SHRUBS = 30 SHRUBS PER 100 LF
 STREET FRONTAGE LANDSCAPING USING BUFFER YARD "A" REQUIREMENTS (SECTION 96.02)
 • DISPersed THROUGHOUT FRONTAGE, NOT CLUSTERED AT ENDS
 • SHRUBS REQUIREMENTS ELIMINATED DUE TO BUFFER WIDTH GREATER THAN 30'
 BUILDING LANDSCAPING (0830): NONE REQUIRED AS BUILDING IS 10,000 SF OR UNDER

LIST OF POTENTIAL PLANTS

PLANT SCHEDULE	BOTANICAL NAME / COMMON NAME	CONT	CAL
DECIDUOUS TREES	Acer rubrum / New World Red Maple	B & B	1.5" Cal
DECIDUOUS TREES	Corylus colurna / Turkish Filbert	B & B	2.0" Cal
DECIDUOUS TREES	Quercus phellos / Willow Oak	B & B	2.0" Cal
DECIDUOUS TREES	Sassafras albidum / Sassafras	B & B	2.0" Cal
EVERGREEN TREES	Thuja occidentalis / Green Giant Western Red Cedar	B & B	6" HL
EVERGREEN TREES	Pinus pungens / Colorado Green / Colorado Spruce	B & B	6" HL
THU GS	Thuja occidentalis / Green Giant Western Red Cedar	B & B	6" HL
DECIDUOUS SHRUBS	Azalea arborea / Brilliantissima / Brilliant Red	B&B	24" HL
ARD ARB	Forsythia major / Mount Airy Forsythia	B&B	24" HL
FOT MAJ	Rhus typhina / Tiger Eyes / Tiger Eyes Sumac	B & B	24" HL
RHU TYG	Rhus typhina / Tiger Eyes / Tiger Eyes Sumac	B & B	24" HL
EVERGREEN SHRUBS	Juniperus chinensis / Sea Green Juniper	B&B	24" HL
JUN SEA	Myrica pennsylvanica / Northern Bayberry	B&B	24" HL
MYR PEN	Taxus x media 'Brown's' / Brown Hybrid Yew	B&B	24" HL
TAX MED	Viburnum x rhytidophyloides / Anagnany / Anagnany Viburnum	5 gal	24" HL
VIB RHY	Viburnum x rhytidophyloides / Anagnany / Anagnany Viburnum	5 gal	24" HL

