

ZONE CHANGE REQUEST BY EVERETT
S. CLINKENBEARD FOR PROPERTY OFF
OF OLD LEXINGTON PIKE, BOONE COUNTY

This is a zone change request by the property owner, Everett S. Clinkenbeard, for a more or less 19 acre tract lying about 370 feet east of Old Lexington Pike, Boone County. The request is to change the current zoning of Agricultural Estate, A-2 to Industrial Two, I-2 for this tract. The Zoning Order when established stated the purpose of the I-2 zone to be; "The purpose of the industrial two district is to provide for those types of transportation, warehouse and manufacturing or related service uses which are of too large a scale to be accommodated in an industrial one district or which involve the manufacture of heavy equipment, machinery or other products having a major, concentrated impact on a community or regional infrastructure, economy, lands and other considerations.

The current land use of the subject tract is undeveloped farmland. To the north, south and east is current undeveloped farmland. While to the east is a mixture of residential and agricultural land uses.

The Land Use Map of the Comprehensive Plan for Boone County shows a planned future land use of Industrial and Environmentally Sensitive for the subject tract and all adjoining properties. The text of the Plan states on Page 3.5, "Expansion of the Florence urban service area south of the Northern Kentucky Industrial Park will support industrial development planned east of U.S. 25, extending to just north of Walton. Industrial land uses should be permitted once adequate infrastructure is available in this area or provided as part of the proposed development. Warehousing type industrial development, which would be most compatible with residential uses west of U.S. 25, is recommended for the east side to U.S. 25, extending to the Southern Railway. East of the railroad, rail-oriented light manufacturing, processing and warehousing uses are encouraged." Also on Page 3.16 of the Plan states, "The urban service area is also planned for expansion to serve areas east of U.S. 25, extending south from Maher Road to just north of Walton, and east to the Kenton County boundary. This area is planned for future industrial development, given the availability of highway and rail transportation, once adequate infrastructure is available or provided as part of the proposed development. Maher Road is planned to remain in residential use."

A Concept Development Plan has been submitted which shows a proposal to construct three buildings (an office, a stacker building, and a treatment cylinder building). The type of use has not been addressed for rezoning in this request.

This building fronts on Old Lexington Pike a county maintained road, with an average 19 foot asphalt pavement width. Chambers Road which runs about 300 feet before reaching U.S. 25 is an asphalt road with 18 foot width. Chambers Road crosses over the Southern Railroad and is not protected by warning lights for train warnings for the crossing vehicular traffic.

Water is available from a Walton water main along Old Lexington Pike being an 8 inch main. On-site sanitary sewage disposal is planned in the proposed project. It is not known if it will be a package treatment plant or septic-type system.

In summary, if the Commission decides to recommend approval or the Legislative Body decides to approve this request, provided that adequate infrastructure has been planned for, there would be no necessary changes in the Comprehensive Plan Map or text due to its conformity with the Plan.

Alvin "Chip" Block

Alvin "Chip" Block
Zoning Enforcement Officer

Submitted: 7/26/83

ACB/sr

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING #1

JULY 27, 1983

8:00 P.M.

Vice Chairman Viox called the Public Hearing to order at 8:07 P.M. Members present were: Messers, Felty, Barnett, Davis, Viox, Godsey, Collins. Staff members present were Mr. Wilson, Mr. Block Mrs. Sullivan, Mrs. Ryan, and Mrs. Baker. He then proceeded to the request of Everett S. Clinkenbeard for a zoning map amendment for a parcel containing 19+ acres located at 134 U.S. 42 Walton, KY to change from a zoning district of Agriculture Two (A-2) to Industrial Two (I-2).

Mr. Block presented the enforcement Officer's Report and located the property on the Map. Vice Chairman Viox asked if anyone was present on behalf of the request. Mr. Nick Benson, attorney, stepped forward and stated that he represented Mr. Clinkenbeard. He stated that Quality Forest Inc., has an option on the property, subject to the zone change. Mr. Benson presented copies of the Concept Development Plan to the Commissioners, and highlighted its features. Mr. Benson stated that lumber will be transported primarily by rail and to some extent by truck. Mr. Benson pointed out that the creek behind the property would not be affected by water runoff. He continued that the plant would treat lumber; he noted that the process was entirely self contained, and created no by-product or runoff into creeks or septic systems. Mr. Benson pointed out that the operation involved an odorless chemical component not sticky or objectionable as is creosote.

Mr. Benson stated that the site would generate approximately 12 truck trips per day, and would employ approximately 9 to 10 persons. He stated his opinion that traffic would not be a problem. He presented a sample of the chemical to be used, pointing out that it had no odor nor was it harmful to the skin, and created no air pollution problems. Mr. Benson pointed out that the site would generate 1 or 2 rail stops per day, which would mean that trains would be going slower. The impact on the septic system would be limited to use of the rest room by the employees. Mr. Benson stated that the compound used in the process contained three chemicals which comprised less than 1 percent of the total solution: (99% water, 1% Chromium, Copper Sulfate, and Arsenic Acid AS-205.

Mr. Benson stated that the EPA is pleased with plants in other locations. He said that the chemicals used would be shipped in tanks specifically appointed for transporting chemicals.

Mr. Benson stated that the grounds would be entirely fenced.

Mr. Benson quoted a newspaper article stating Mayor Ryan's approval of the project. Mr. Benson stated that jobs would be offered to unskilled local people and there would be a significant tax revenue.

Vice Chairman Viox asked if anyone else wished to speak in behalf of the project. No one responded. Vice Chairman Viox asked if there was anyone present in opposition. Charlie Fugate, of Old Lexington Pike, stated that he knew of no factory that had no odor. He expressed concern regarding truck traffic on Old Lexington Pike, which he noted has an 8 ton limit. He stated his objection to the zone change.

Charles Burchan, of Old Lexington Pike, added his objection. Steve Yeager, of 126 Old Lexington Pike, stated his objection to the factory, since it would be directly behind residences. He noted that trains are noisiest when they start and stop. Mrs. Joanie Yeager of 126 Old Lexington Pike, stated that she and her husband had purchased their property as an investment and expressed concern about a decline in the property's value as a result of the factory. Mrs. Yeager, a nurse, added that arsenic has no odor, and she noted that the long term effect of the chemical is not known. She continued that the little revenue the plant would produce had to be balanced by the impact it would have in the lives of the residents nearby. Mr. Jerry Lathan stated that a truck load of acid per month, approximately 3000 gallons per month, would be used. Mrs. Yeager stated that she lived 600 feet from the proposed project and expressed concern for the health of her child. She stated her opposition to the project. Mrs. Martin, of Old Lexington Pike, pointed out that noise was worsened by the echo characteristic of the area and stated her objection to the project. In response to a question, Mr. Lathan stated that the water and chemicals remain in the wood. He noted that only if the chemicals were drastically condensed could it cause ill effects. Mr. Daryl Martin pointed out that neighborhood children play freely in the area and expressed concern for their safety. Mr. Lathan stated that tests had been run on vapor from similar factories, to discover that less arsenic is released by the process than is released by a mature oak tree. He mentioned that the factory, because of the small quantity of waste generated, is exempted from EPA regulations. Mr. Lathan noted that the solution used in the process is 99% water, is not a petroleum derivative, is non-flammable. Mr. Jim Kraft expressed concern that water pressure would decrease to nearby homes. Mr. Richard Day, a railroad employee, stated his opinion that the operation would be supplied primarily by truck. He noted water to homes on Old Lexington Pike was furnished by Kenton County. Mr. Lathan then described in detail the entire treatment process to be used by the plant. Mr. Lathan then stated he would furnish to the Committee any and all documents requested concerning the chemicals, used in the process and plant safety. Mr. Fugate stated that he was concerned about accidents since Old Lexington Pike was very dangerous in winter, involving trucks transporting chemicals. Mr. Lathan stated that trucks especially designed to carry chemicals which are less harmful than gasoline are used. Mr. Lathan stated that the plant would not substantially contribute to the noise, pollution, and odor in the area.

Mr. Benson stated that although he understood concerns

expressed by the residents, the owner had a right to develop his property. He pointed out that the Comprehensive Plan calls for future Industrial Use at the site. He pointed out that the proposed factory would be a better use than some other industrial use that could be built under the Zoning Regulations.

In response to Mr. Martin, Mr. Lathan stated that trains would maintain normal schedules. He stated that loading area would not be lit nor would chemical be received at night. Discussion followed. Mr. Benson invited the public to go to the Lexington plant for review of the operation. He stated that the address would be available at his office. Vice Chairman Viox declared the Public Hearing closed at 9:32.

PUBLIC HEARING #2

Vice Chairman Viox proceeded with the Public Hearing for the request of J.N. Dewitt, Agent for Akila J. Misali, to recommend a zone change on a 17.3 acre tract located at KY 18 and Tanners Lane, from present zone of Suburban Residential Two (SR-2) to Commercial Three (C-3). Mr. Block presented the Enforcement Officer's Report and located the property on the map. Vice Chairman Viox asked if the applicants were present. Mr. J.N. Dewitt stepped forward and presented a Concept Development Plan. He noted that future development on the site would be permitted C-3 uses, such as a Central Hardware type of operation, which are low traffic operations. Mr. Dewitt noted that as his Concept Development Plan, the owner would agree not to develop the following uses on the site, although otherwise permitted by the Zoning Regulations in Section 941 as principally permitted uses:

- Item: 6. Eating and drinking establishments including alcoholic beverages, entertainment, drive-in and fast food franchises;
- Item: 8. Sale of mobile homes;
- Item: 10. Food lockers including preparation facilities and individualized household goods storage lockers;
- Item: 11. Gasoline service stations, automobile repair, main tenance and wash services including autobody work, but excluding junk yards, wrecking or other storage.

Vice Chairman Viox asked if anyone were present in opposition. Mr. Drennan stepped forward and pointed out that no firm proposals for development of the tract had been presented. He expressed concern that traffic problems would develop along Tanners Lane.

Mr. Drennan pointed out that the developer had said nothing about the development of the portion remaining SR-2. Mr. Drennan stated that development on that site would be low income since it was across from commercial use. He noted that traffic flow along Highway 18 would be greatly increased. Mr. Drennan pointed out

that the existing water runoff problem which affected the nearby subdivision would be worsened by the proposed Commercial development. He noted that residents feared increased noise pollution resulting from increased traffic. Mr. Drennan stated that although the property is more valuable to the owner zoned commercial, the residents should be considered since they had been there first. He acknowledged that development of the proposed road would be considered an attraction to the City of Florence.

Mr. Charles Kenner, Center Park, stated his opposition to the zone change and cited his opposition based upon the fact that increased water runoff could not be accommodated by the existing system.

Henry Fedders, Mr. David Ransdell, 331 Center Park and Mr. Paul Collins, 355 stated their opposition for the same reason, anticipated water run off problems.

Mrs. Joan Kenner stated her objection and opposition to any expansion of the Burns Brothers Truck Stop. Mr. Scroggins, Center Park, stated his opposition as did Mr. Durrand, 502 Roster, and Mr. Greg Humphey. In response to Mrs. Kenner, Mr. Dale Wilson stated that an additional Public Hearing would have to be held if conditions of the Concept Plan were changed. At Mr. Durrand's request, Mr. Block read the uses which would be permitted in the zone if items 6, 8, 10, and 12, were eliminated.

Mrs. Shirly Meihaus, 210 Center Park, stated her opposition to the zone change, since she feared it would disturb the peacefulness of the neighborhood. Mrs. Karen Veith, 200 Center Park, expressed her opposition, since truck traffic would divide residential areas.

Terry Godsey, 220 Center Park, expressed his objection to the zone change and asked that residents fight the proposed change.

In response to a question from the audience, Mr. Dewitt outlined alternatives which to his knowledge had been discussed relative to the relocation of Tanners Lane. He noted that no actual relocation was being considered in conjunction with his project. Mrs. Kenner stated that she had spoken to Mr. Misali and had been told that townhouses would be built on the area zoned SR-2.

Mr. Misali stepped forward and said that the property had been zoned commercial prior to the rezoning in 1980. He said that he would not want to lower property values in the area, and continued that any additional water run off would be taken care of by construction of water retention basins as needed.

Larry Barnett asked if what the applicant had submitted could be considered a Concept Development Plan. Mr. Wilson stated that it could. Mr. Dewitt noted that the truck stop could not expand due to the construction behind it. He continued that no definite plans were in mind for the property, and that the owners

were merely asking to have the property zoned back to its original zoning designation. Mr. Wilson pointed out that the City of Florence had met with Mr. Dewitt, and was considering requiring a 30 foot road width. Mr. Jack Collett and Mr. Yager expressed objection to the request on the basis of additional run off and noise pollution.

Mr. Drennan stated that the zone change would benefit the City, as a result of the new road and benefit the property owners, but that it would not benefit residents of the subdivision because no definite plans had been submitted for development of the property. Mr. Dritz presented a petition containing the signatures of residents in opposition to the zone change, which was accepted by Mr. Viox. Vice Chairman Viox asked if there were any further comments. Hearing none, he adjourned the Public Hearing at 10:35.

PUBLIC HEARING #3

Vice Chairman Viox proceeded to the request of Florence Christian Services, Inc. for a zoning map amendment for property containing 1.118 acres located at 300 Main Street, Florence, KY to bring the property in conformity with the Boone County Comprehensive Plan, to change the zone from Commercial Two (C-2), to Urban Residential Three/Planned Development (UR3-PD). Mr. Block presented the Enforcement Officer's Report and located the property on the map. Vice Chairman Viox asked if a representative were present. Mr. Fisk stepped forward and stated that he had nothing to say. Vice Chairman Viox asked if anyone else wished to speak in behalf of or in opposition to the project. No one responded. Vice Chairman Viox adjourned the Public Hearing at 10:41 P.M.

PUBLIC HEARING #4

Vice Chairman Viox proceeded to the request of D. Brigham Roberts, Agent for Skilcraft Sheetmetal Inc., for a Zoning Map Amendment for property containing 0.32 acres located at 1033 Limaburg Road, Burlington, Kentucky from a Commercial One (C-1) zoning district to a Industrial One (I-1) zoning district. Mr. Block presented the Enforcement Officer's Report.

Mr. Koenig introduced Mr. Anderson and Mr. Roberts and presented plans to the Commissioners. He stated that the purpose of the zone change was to permit an addition to Skilcraft. He continued that Phase I would begin this year; Phase II would begin next year.

Mr. Koenig outlined the property uses surrounding Skilcraft, and stated the Industrial use would be more compatible to existing land use in the area that Commercial Two (C-2), particularly as a result of Airport noise. Mr. Koenig presented a letter to Bruce Ferguson from Mr. Kroger which recommended a zone change in 1980 for Skilcraft. Vice Chairman Viox asked if anyone else wished to speak in opposition to, or in favor of, the request. No one responded. Vice Chairman Viox adjourned the Public Hearing at 10:51 P.M.

RESPECTFULLY SUBMITTED,

Sherry G. Baker

CLERK

APPROVED:

Paul L. Roges

CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

SEPTEMBER 7, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:00 P.M. Thirteen (13) members were present. Mr. Jones and Mr. Godsey were absent. Members of the staff present were; Mr. Block, Mr. Jenkins, Mr. Wilson, and Mrs. Baker: Mr. Viox moved that the minutes of August 17, 1983 be approved. Mr. McMillian seconded, the vote carried unanimously.

BILLS:

Staff salaries and benefits; \$3,749.21. Enquirer, advertisement - director position; \$386.40: Boone County Recorder, public hearing; \$665.58: John R. Greene, xerox paper; \$98.02: Boone Finance Department, postage use; \$135.18: Madison Office Supply, supplies; \$36.30: Jerry Rouse, filing fees; \$60.00: Cincinnati Silk Screen, public hearing signs; \$290.00: Campbell Insurance Agency, public official bond; \$101.50: Boone County Recorder, subscription renewal; \$9.00: Commonwealth of Kentucky, topo maps; \$64.80. Mr. McMillian moved that all bills be paid. Mr. Davis seconded; the vote carried unanimously.

COMMUNICATION:

Letters from Mr. Shafer, Joel Erickson, Frank Mathews, Steven Berry; all pertaining to zone changes. Correspondence to Mr. Block.

REPORTS:

There was no Treasurer's Report presented due to Mr. Godsey being hospitalized.

For the City of Florence, William Rieger, Building Inspector, issued 31 permits during August representing \$774,700.00 in estimated construction costs. Boone County Building Inspector, Conrad Tobergte, issued 45 permits for the month of July for total construction costs of \$1,665,976.00 and 45 permits for the month of August for total construction costs of \$1,441,506.00. Mr. Tobergte issued zoning and sign permits in the county totalling \$465.00 for the month of August.

The Commission reviewed the Convenience Plat Report submitted by Mr. Jenkins.

The Commission reviewed the Enforcement Officer's Report submitted by Mr. Block.

Chairman Kroger proceeded to the request of B/Y Development Company for a zoning map amendment for property located 1,100 feet south of Turfway Road on Price Pike (S.R. 18) from its present zoning district of Urban Residential Two (UR-2) to Commercial Two and Commercial Three (C-2 & C-3), containing 48.674 acres. Mr. Barnett stated the Commission is recommending the request be deferred. Mr. Wilson stated a two week deferral would still be within the 60 day time limitation. Chairman Kroger felt a one (1) month delay would be appropriate to allow time to gather all information. Chairman Kroger recommended that the applicant be asked to waive the time limitation and action be taken on the request the first meeting of October. Mr. Collins inquired as to the one month delay. Chairman Kroger stated it was no reflection on the work done by the Committee but that he felt everyone should have an opportunity to express their position to the Committee. Mr. Kroger felt one month is a small amount of time in comparison to the next twenty-five (25) years in an area as sensitive and volatile as this area. In response to Mr. Buse, Chairman Kroger pointed out that he had stated his position to Mr. Brose this afternoon. In response to Mr. Hasselbring, Mr. Barnett, Committee Chairman, stated if the Commission felt it could not take action on the information it has, a one month delay would be in order. Mr. Brose stated he had talked to Mr. Barnett concerning a two week delay and his Attorney, Mr. Jolly, is preparing a letter agreeing to the two week delay. Chairman Kroger pointed out a letter is not necessary for a two week delay and asked Mr. Brose if he was saying he was not agreeable to the additional two weeks. Mr. Brose stated since he had talked to Mr. Kroger this afternoon he has not been able to confer with his Attorney or partner and would be hesitant to agree to an additional two weeks. Mr. Greene stated he felt a two week delay is enough and that he felt all information could be found in two weeks. Mr. Buse moved for two weeks deferral with the provision that if we are not prepared at that time, we can ask for an additional two weeks. Mr. McMillian seconded. Mr. Brose stated if Mr. Barnett would contact him on the 18th of September, prior to the next meeting, with the appraisal that the Commission at large need an additional two weeks, he will have a letter prepared to the Commission before the next meeting, granting an additional two weeks deferral. The motion for two week deferral passed unanimously.

Chairman Kroger proceeded to the request of H.P.S., Inc. for a Zoning Map Amendment for property located at 21 Old Stephenson Mill Road, Walton, Kentucky from a zoning district of Urban Residential One (UR-1) to Urban Residential Two (UR-2) zoning district, containing .98 acres. Mr. Block presented the Enforcement Officer's Report and located the property on the map. Mrs. Baker read the Committee Report recommending approval.

Mr. Mathis stated a building permit had been granted prior to the enactment of the present zoning order to place units on this particular site according to a plan which has been previously submitted which the applicant is willing to live with. Mr. Buse asked for the changes to be outlined which the Committee Report refers to. Mr. Hasselbring stated, if you read the staff report when the November, 1979 approval was first given to the old plan that the plan did show the area to go to at least medium density residential; so we are not talking about a great magnitude of change. You will also find in Staff Report references to surrounding property which have been developed since that time, since that time as identified by that plan as originally submitted and being the same plan being considered by the Committee, that on the entire property itself, where the zoning splits basically there has been development on that actual property of similar nature of what they are showing on their plan and those are the changes. In response to Mr. McMillian, Mr. Hasselbring stated when the building permit was issued in December, 1979 the property was zoned correctly, but for some reason the building was not built and then the zone was changed which necessitated this request. The building permit has become null and void. Chairman Kroger asked if anyone else was present in behalf of the request or in opposition. No one responded. Mr. McMillian moved by Resolution that the request be granted based on the findings of fact based on the Staff and Committee's Report and forwarded to the Walton City Council; Mrs. Smith seconded. Mr. Mathis agreed to the conditions of the Committee Report. The motion carried unanimously. Mr. Buse moved by Resolution that the Comprehensive Plan Map and Text be changed to reflect the granting of the zone change if approved by the City of Walton. Mr. Hasselbring seconded; the motion carried unanimously.

Chairman Kroger proceeded to the request of Timothy T. Hogan and Robert G. Schneider, for a zoning map amendment for property located at Dream Street, Florence, Kentucky from Office Two (O-2) to Commercial Two (C-2) zoning district, containing 2.8824 acres. Mr. Block presented the Enforcement Officer's Report and located the property on the map. Mrs. Baker read the Committee Report recommending approval. Chairman Kroger asked if Mr. Wichmann had any comments. Mr. Wichmann stated the project has been in the works prior to the Comprehensive Plan, the property has always been intended to be used for the purposes outlined and Mr. Hogan was required to extend Dream Street which has already been a great financial investment to extend the street in front of his property. Chairman Kroger asked if anyone else was present in behalf or in opposition of the request. No one responded. Chairman Kroger asked if there were any further comments or questions from the members of the Commission; no one responded. Mr. Hasselbring moved by Resolution for a recommendation of approval, based on findings outlined in the Staff Report and forwarded to the Florence City Council; Mr. Viox seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of Hugh Imfeld for a revision to Concept Development Plan for a zoning map amendment approved October 6, 1982, Resolution No. R-18-82 for property located at Turfway Road and Ky. 18, Florence, Kentucky zoned Commercial Three (C-3), containing 13.4549 less 132,775 sq. ft. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Chairman Kroger asked if there was anyone present in behalf of the request. Mr. C. Frances Barrett stepped forward and introduced Mr. Conover, property Manager of Frisch's and Mr. James Viox, Engineer for the project, and stated the Concept Plan was revised and upgraded and stated he would answer any questions. Chairman Kroger asked if there was anyone in opposition. No one responded. Mr. Barnett moved by Resolution to the Common Council of the City of Florence to approve the request based on findings contained in the Committee Report; Mr. Greene seconded. Mr. William Viox abstained due to being a member of the Engineering Company which prepared the plan. The vote carried unanimously.

Chairman Kroger proceeded to the request of Western States Envelope Company, for Site Plan Review for property located at Mineola Industrial Park Section VII, Lot #8, Jamike Avenue, Boone County, Kentucky, zoned Industrial One (I-1) on a 3.43 acre site. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. Jenkins, Staff Engineer, stated he had a question pertaining to storm water which had already been answered. Chairman Kroger asked if there was anyone in behalf or in opposition to the request. No one responded. Mr. Davis moved to approve the request; Mr. McMillian seconded. Mr. William Viox abstained due to being Engineer for the project. The vote carried unanimously.

Chairman Kroger proceeded to the request of John and Connie Marshall, for Site Plan Review for property located on Dixie Highway, in front of Greenlawn Mobile Home Park, Boone County, Kentucky in a Commercial One (C-1) zoning district on a 11,508 sq. ft. lot, for the purpose of constructing a hair styling building. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Chairman Kroger expressed concern of the 4,800 gallon holding tank. Mr. Block read a letter from Michael Shehan from Northern Kentucky Health Department stating approval of a 4,800 gallon holding tank provided an alarm system is installed in the tank, and plans be sent for approval for inside plumbing. Mr. Viox moved to approve the request based on the Staff Report; Mr. Greene seconded. The vote carried unanimously.

Chairman Kroger proceeded to the request of Everett S. Clinkenbeard for a zoning map amendment on property located at 134 U.S. 25, Walton, Kentucky, from a zoning district of Agriculture Two (A-2) to Industrial Two (I-2), containing 20 acres.

Mr. Block presented the Enforcement Officer's Report and located the property on the map. Mrs. Baker read the Committee report recommending approval. Chairman Kroger asked if there was anyone present in behalf of the request. Mr. Benson stated he would defer any comments until later in the meeting.

Chairman Kroger asked if there was anyone in opposition. Mr. Ed Drennon, Attorney representing residents in opposition, stepped forward and stated the request was deferred due to information that was to be provided for the traffic situation but nothing has been provided. He pointed out the location is a straight away with 24 trains per day and there is a great possibility of a truck being hit and dismantled. Mr. Drennon stated the citizens visited the Lexington plant, bringing back photographs which illustrated it lacked in areas which were to be included in the proposed plant. Mr. Drennon pointed out that 80% to 90% of the Lexington plants business is truck traffic. Mr. Drennon stated the Lexington plant was located in an Industrial Park, and that is where the proposed plant should also be located. Mr. Drennon stated the Comprehensive Plan indicates industrial land use at the proposed location, and the logical reason for it being there is Dixie Highway and the railroad tracks, but the Industrial area was an extension of the Industrial Park in Florence and Southern Walton. He felt it was not intended to be built back towards Florence. Mr. Drennon stated Dr. Salzman, Environmental Health, related to information previous submitted by Mr. Lathan was not totally accurate concerning arsenic and other chemicals as possible carcinogens. Mr. Drennon stated Dr. Kenneth Reed, Northern Ky. Environmental Services, also disagrees with Mr. Lathan, and stated that no one can tell you the long term affect of carcinogenics, it has already been found that they can cause cancer in animals. Mr. Drennon pointed out it is the wood treatment people telling you the chemical is safe, not the Environmental people. Mr. Drennon stated that he has been told there are not enough studies on the wood treatment plants, but maybe in the next 5 to 10 years there will be. Mr. Drennon pointed out the arsenic is not the only concern but the chromium and other chemicals which are stated to be safe but transported in special accident proof containers. Mr. Drennon expressed concern of the long term affect of the health of nearby residents. He continued that after the chemical is in the plant it is diluted to 1%, but during transportation it is a highly concentrated chemical. Mr. Drennon pointed out that nearest residents are within 100 to 200 feet of the proposed plant and when the chemical is combined with dust it can blow a mile or more. Mr. Drennon stated the fixation process of the chemical is within 24 hours, the Environmental people say that is not true. Mr. Drennon stated a petition was submitted for surrounding residents as well as residents of the City of Walton, stating their opposition to the location of the proposed plant. He continued it is their opinion the plant would be better located in the Industrial Park where City services are available. Mr. Drennon expressed concern of the plant being located near Banklick Creek and the possible pollution of the creek.

Mr. Drennon pointed out the traffic situation has never been solved and expressed concern of the possibility of numerous accidents and stated a rural area is not the property location for this particular plan.

Chairman Kroger asked if there was anyone else in opposition. No one responded. Chairman Kroger asked Mr. Benson if he had any comments.

Mr. Benson apologized to Mr. Drennon, stating there was a document received from the Commerce Department which provided for road facilities and improvements. Mr. Benson stated Mayor Ryan wrote a letter asking for road improvements, such a letter was requested by Jim Rumke, after Mayor Ryan and Charlie Mitchell viewed the applicant's plant in North Carolina and were satisfied with the plant. Mr. Rumke wrote a letter in response, stated if the project is approved, the transportation cabinet would undertake the necessary steps to insure a free flow of traffic at the intersection in question. Mr. Benson pointed out there were school buses crossing the same intersection now and are certainly as large as the trucks that will be transporting the chemicals. Mr. Benson stated the applicant was in a no win situation, concerning the type of trucks hauling their chemicals, if it was not leakproof there would be problems for the applicant if a wreck occurred, and when leakproof trucks are used he is criticized by comments that if the chemical is so safe why do you need such a wreck proof truck. Mr. Benson stated that if a wreck occurred and a container of this type would break, the government would get immediately involved in any cleanup. Mr. Benson pointed out the plant in Lexington was not the applicant's, but a similar plant which was constructed before the law required slabs. He continued that the Lexington plant was a post and pole operation compared to the proposed lumber plant, and he was not certain as to their need to the railroad, but the proposed plant needs the railroad system. Mr. Benson also stated the proposed plant would be using approximately 30,000 gallons of water per day, which Boone County is not in a position to provide without a strain and Walton is anxious to make money from the project. Mr. Benson stated the Comprehensive Plan calls for Industrial use in this location and the applicant happens to be the first to take advantage of the Comprehensive Plan in the area; who ever is first is going to be a spout until other people develop in the area. Mr. Benson stated only a couple of people actually border the property and that Mr. Clinkenbeard is going to keep his property and does not seem concerned about the plant. Mr. Benson pointed out that it is always hard to find a unanimity between experts of opinion. Mr. Benson continued to respond to Dr. Salzman's letter of August 15, 1983. Mr. Benson stated there was not a statement in the letter that he had much quarrel with, but that it had nothing to do with a wood treatment plant. Mr. Benson stated there was nothing in the letter that made him believe Dr. Salzman's ever seen a wood treatment plant. Mr. Benson stated there is nothing offensive about the proposed development and that he appreciates the the Committee's recommendation.

Dr. Edwin A. Woolson, PHD Research Chemist, stepped forward and stated he has worked with arsenic and arsenic compounds for approximately 20 years. He stated he was very familiar with arsenic literature and has over 3000 references dealing with Environmental Health Analysis pollution type situations. He stated he was the Chairman of the USDA in cooperation with EPA arsenic sub-committee dealing with inorganic arsenical used as wood preservatives. Dr. Woolson stated he had testified at OSHA hearings, EPA hearings, the National Cancer Institute amount others and has over 100 written articles which deal with arsenic. Dr. Woolson stated he is one of the best experts in the country. Dr. Woolson pointed out in the letter there are over 40 cited reference dealing with animal studies to try and produce cancer and not one has been positive. He stated if anything arsenic has shown some potential to protect against cancer in man in smelter situations where exposed to very high levels of arsenic trioxide. He continued that as a dust there is some indication arsenic in excess of 500 milligrams per cubic meter does cause lung cancer, less that that there are no indications according to recent analysis of the data in these exposure situations. Dr. Woolson stated the chemicals are toxic or they wouldn't be wood preservatives. Dr. Woolson stated it becomes a matter of exposure and how much exposure to the environment, the workers and to the people living in the area may want to expect. He continued that current regulations from EPA and from the American Wood Preservatives Association specify wood treatment must be visibly clean, so that means you must not see any of the residue on the surface of the wood after it is treated. Dr. Woolson stated that wood has been analyzed using scrub technique and acid scrub techniques and there is a little bit of arsenic, but not a lot. Dr. Woolson stated if you use other types of formulations than the CCA, proposed for this plan, especially ACA, the amonia formation, you can have significant residue on the surface of the treated wood, which will lead to some exposure for those people actually handling it. He continued with the clean treated wood, if there's nothing on the surface there is not going to be any dust. Dr. Woolson stated 80 to 90% of the fixation process, is within the first 24 hours so any material that is going to leach off is essentially going to be on the drip pad or still in the wood. He stated it does not leach out of the wood, if it did it would not be a very good preservative. Dr. Woolson stated the American Wood Preservative Bureau, as part of it licensing and registration procedure inspects the wood every thirty (30) days at least to be sure it is being treated and conforms with there standards, both for penetration and for residue. Dr. Woolson, stated the proposed plants chemicals come in liquid for and is never present as a dry material, and being a liquid process it can't get into the air. Dr. Woolson stated that Mr. Lathan did some measurements in a plant where they measure the air in the pressure tubes that move all the solution around and found only 1.7 micrograms of cubic meter of air contained arsenic. He stated

that 2 millimeters is the safety factor in the OSHA air standard for inorganic arsenic, and they were not about to detect any chromium in the air filter. Dr. Woolson stated he personally did not see any problem with this type of plant with the pollution controls that have been proposed.

Mr. David Yeager expressed his concerns of this type of plant being located in a residential area. He continued that there was a definite conflict pertaining to the risk involved of putting the plant at the proposed location. He stated there have been no long range studies done on the affects of exposure to CCA. He felt Mr. Benson comparison of the trucks hauling the chemical to school buses was ridiculous in that the trucks weight three time that of a school buse. Mr. Yeager expressed his concern of the impact on the Community, the plant being too close to a residential area and the fact it does not have immediate access to an interstate.

Chairman Kroger asked if there was any further comments.

Mr. Gary Gemmer expressed his concern of the truck traffic using Old Lexington Pike, which has an 8 ton limit.

In response to Mr. Hasselbring, Dr. Woolson stated CCA is a pentavalent which is the least toxic in a non-leaching process. Mr. Yeager stated he felt that not all of the chemical stays within the wood itself and that pentavalent arsenic is a cancer causing agent.

Mr. Buse expressed concern of inadequate screening and should be properly addressed.

In response to Mr. Neltner, Dr. Woolson stated studies were done in some plants that have been in operation in excess of twenty years with no signs of adverse affects. In response to Mr. Neltner, Mr. Lathan stated a stamp certifies that the wood has been properly treated, and if you lose the stamp due to unfavorable inspection, you have lost your license to do business.

In response to Mr. Viox, Mr. Block pointed out several locations of Industrial zones within 1½ to 2 miles from the site. Mr. Benson stated the area was chosen because of rail and water. Mr. Viox stated the Northern Kentucky Industrial Park has rail and water. Mr. Benson stated it wouldn't be Walton water, which would be the prople that need to sell the water, rather than the people who didn't need to sell water. Mr. Benson stated the plant would be the largest user on the entire Walton system if the zone change is granted.

Mr. Viox stated the Comprehensive Plan is the future land plan of the County and the zoning order is the zones that we currently have for those uses. He continued that we have tried to grow from the existing Industrial zone outward instead of beginning in the middle. He stated the proposed site is quite a distance both North and South

from existing Industrial zoning. Mr. Viox stated when he looks at the Industrial Park that has the facilities for this type of use, he found it hard to believe that you have to go down the highway to a rural area and create an industrial zone.

Mr. Buse expressed concern with Mr. Benson's remark with regard to the City of Walton's water and felt it was hardly a proper basis for the location of a plant. He stated plants were not brought in simply to sell water for the City of Walton.

In response to Mr. McMillian, Mr. Block pointed out locations near the Walton water district zoned Industrial.

Chairman Kroger asked if there was any further comments. No one responded.

Mr. McMillian moved by Resolution to the Boone County Fiscal Court that the Boone County Planning Commission recommends approval of the project, including concept development plan based on the finding of fact in the Committee Report. Mr. Greene seconded. The vote carried; 9, yes; 4 no. Mr. Buse, Mr. Kroger, Mr. Barnett and Mr. Viox voted no.

Chairman Kroger proceeded to the request of Sarah and Russell Stephenson for zoning map amendment from Suburban Residential (SR-1) to Commercial One (C-1) for a ½ acre tract located on U.S. 25, Boone County, to bring non-conforming pre-existing use (Dairy Island Ice Cream) into conformity. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Chairman Kroger asked if anyone were present in behalf or in opposition of the request. No one responded. Mr. Buse moved by Resolution to the Boone Fiscal Court to approve the request based on findings of fact contained in the Committee Report; Mr. Greene seconded. The vote carried unanimously. Mr. Buse moved that the Comprehensive Land Use Map and Text be changed if the request is approved by the Fiscal Court. Mr. Viox seconded. The vote carried unanimously. Mr. Viox stated the people were unaware of the zone change of the tract of land situated around Dairy Island and moved that all cost be waived except for any hard cost incurred. Mr. McMillian seconded; the vote carried unanimously.

NEW BUSINESS

Chairman Kroger proceeded to the request of D. Brigham Roberts, Agent for Skilcraft Sheetmetal, Inc. for Site Plan Review on property located at 1033 Limaburg Road, Burlington, zoned Industrial One (I-1) on a 1.475 acre site. Mr. Block stated there was no adjustment of Agenda fee submitted. Chairman Kroger stated the applicant would have to submit a fee for adjustment of Agenda if he wanted this request heard at the next meeting.

Chairman Kroger reviewed the correspondence. As part of the correspondence was the request of A. Meyers Davis Development Corporation concerning sidewalks in Featherstone East Subdivision. Discussion followed. Chairman Kroger stated the request be submitted to Subdivision Committee for review.

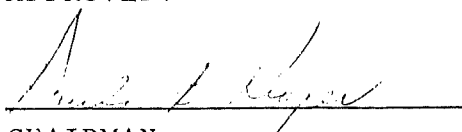
Chairman Kroger asked the Staff to send in a favorable review for the A-95 review.

Mr. Barnett inquired as to the status of compensation to the Commissioners to attend Planning Commission meetings. Chairman Kroger stated a quarterly report would be submitted to Boone Fiscal Court and the Commission could probably expect payment in mid October.

Mr. Viox moved to adjourn the meeting; Mr. Barnett seconded. The vote carried unanimously.

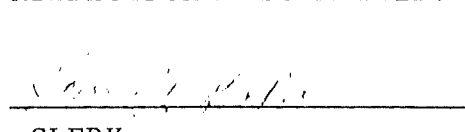
The meeting adjourned at 10:35 P.M.

APPROVED:



CHAIRMAN

RESPECTFULLY SUBMITTED:



CLERK

C O M M I T T E E R E P O R T

TO: Boone County Planning Commission

FROM: Lawrence Collins, Chairman

SUBJECT: Request of Everett S. Clinkenbeard for a zoning map amendment on property located at 134 U.S. 25, Walton, Kentucky, from a zoning district of Agriculture Two (A-2) to Industrial Two (I-2), containing 20 acres.


CONCLUSION:

The Committee recommends approval based on the following findings of fact:


1. That the Land Use Plan and Boone County Comprehensive Plan both show a planned future land use of Industrial.

2. That adequate infrastructure is existing and has been planned for that will support the planned land use.

3. That the applicant has agreed to follow the Concept Development Plan as has been submitted.



Lawrence Collins, Chairman



Carol Smith


Barry Neltner



Scott Hasselbring



Charlie Mitchell



R.N. Greene

CONCEPT DEVELOPMENT PLAN

FOR PROPOSED SITE OF
QUALITY FOREST PRODUCTS, INC.
ON EVERETT CLINKENBEARD TRACT
OLD LEXINGTON PIKE
WALTON, KY. 41094

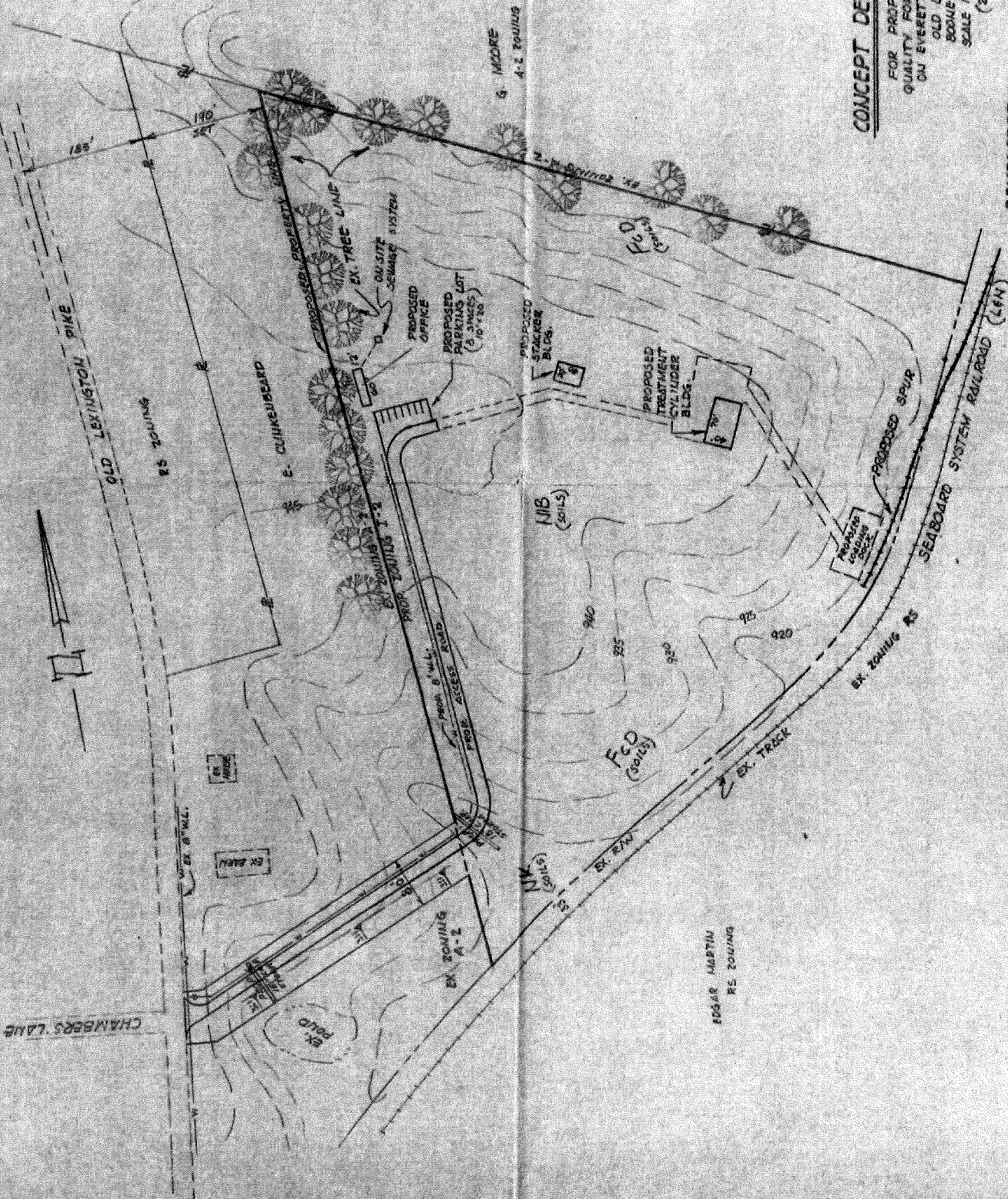
JUNE, 1983

REQUESTED ACTION: ZONING MAP AMENDMENT FROM A-2 TO I-2

20 ACRES

Concept Development Plan (continued from site plan)

6. The proposed tract consists of twenty (20) acres just north of Walton, Boone County, Kentucky, east of U.S. 25, adjacent to Seaboard System Railroad (L & N). The requested zoning map amendment from A-2 to I-2 would be in conformity with the Boone County Comprehensive Plan. "Expansion of the Florence urban service area south of the Northern Kentucky Industrial Park will support industrial development planned east of U.S. 25, extending to just north of Walton." (Boone County Comprehensive Plan, page 35).



CONCEPT DEVELOPMENT PLAN

FOR PROPOSED SITE OF
 QUALITY FOREST PRODUCTS, INC.
 ON EVERETT CLINKENBEARD TRACT
 OLD LEXINGTON PIKE
 BOONE CO., KENTUCKY
 SCALE 1"=100' JUNE, 1983
 (20.00 ACRES)

DEVELOPER
 QUALITY FOREST PRODUCTS, INC.
 P.O. BOX 494
 ENFIELD, N.C. 27829
 TEL. (919) 448-2178

CARDINAL ENGINEERING CORP.
 618 BUTTERMILK PIKE
 COVINGTON, KY 40201

EDGEWATER
 RS ZONING



JOHN WEAVER
COMMISSIONER

IRENE PATRICK
COMMISSIONER

RONALD ROBINSON
COMMISSIONER

TERRY ROBERTS
COUNTY JUDGE/EXECUTIVE

TELEPHONE: (606) 334-2240

ARLENE JONES
DEPUTY JUDGE/EXECUTIVE

TELEPHONE: (606) 334-2115

COUNTY OF BOONE
50 EAST WASHINGTON SQUARE • BURLINGTON, KENTUCKY 41005

October 26, 1983

Mr. Paul Kroger, Chairman
BOONE COUNTY PLANNING &
ZONING COMMISSION
2950 Washington Square
Burlington, Kentucky 41005

Dear Paul:

The Boone County Fiscal Court, at its meeting held 10/18/83, denied the recommended zone change request for Everett Clinkenbeard on behalf of Quality Forest Products, Inc. for a proposed wood treatment facility in Walton, Kentucky, as recommended for approval by Planning & Zoning via Resolution No. (R-18-83).

Attached please find the Findings of Fact as approved by the Boone County Fiscal Court in denial of Ordinance No. (920.39).

Also attached is all material and documentation as forwarded to the Fiscal Court by the Planning Commission for review, including photographs, petitions, technical reports, correspondence, and plats. A copy of the Public Hearing Minutes for the hearing conducted by the Fiscal Court on 10/04/83 is also attached.

With kindest regards,

Terry Roberts
BOONE COUNTY JUDGE/EXECUTIVE

TR:rm

ATTACHMENTS

CC: Charles Lynn, Director
Planning & Zoning Commission

BOONE COUNTY FISCAL COURT

October 18, 1983
7:30 P.M.

Fiscal Courtroom
Boone County Administration Building
Burlington, Kentucky

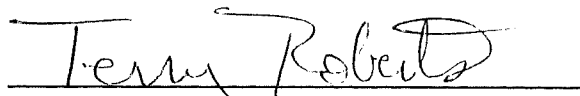
RE: Ordinance No. (920.39), an Ordinance of the Boone County Fiscal Court adopting a Map Amendment to the Zoning Map, such Map Amendment being a zone change from Agricultural Two (A-2) to Industrial Two (I-2), as recommended for approval by the Boone County Planning and Zoning Commission via Resolution (R-18-83), for twenty acres located at 134 U.S. (25), Walton, Kentucky.

"FINDINGS OF FACT"

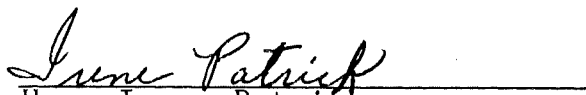
The Boone County Fiscal Court, after a Public Hearing on the above referred matter and hearing discussions from both those proposing the above referred map amendment and those opposing the same, on October 4, 1983, makes the following Findings of Fact:

1. That the access to the proposed area of the map amendment with the present road conditions and the closeness of the railroad tracks to the proposed area, even though improvements may be made to the access, make a dangerous and hazardous condition for both agricultural and residential traffic within the area.
2. The best and most appropriate use of said property would not be brought about by said map amendment. The proposed map amendment would cause an inappropriate use for this particular site.

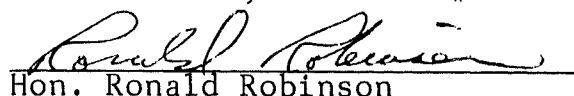
THEREFORE, the map amendment referred to above should be denied by the Boone County Fiscal Court. These Findings of Fact being made part thereto and an exhibit thereof of the Minutes of the Boone County Fiscal Court for the meeting held 10/18/83.



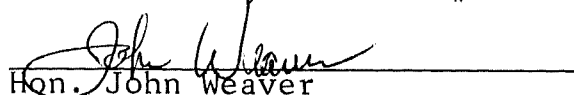
Hon. Terry Roberts
COUNTY JUDGE/EXECUTIVE



Hon. Irene Patrick
Commissioner, District #1



Hon. Ronald Robinson
Commissioner, District #2



Hon. John Weaver
Commissioner, District #3