

STAFF REPORT

REQUEST OF BOB AND ED HEIMANN (OWNERS)
FOR A ZONING MAP AMENDMENT ON A 104.8 ACRE SITE
LOCATED IN BOONE COUNTY, KENTUCKY

MARCH 15, 1989

The applicants, Bob and Ed Heimann, are requesting a Zoning Map Amendment on a 104.8 acre site located north of I-275 and west of North Bend Road, Boone County, Kentucky. The 104.8 acre site is part of a larger tract of land (\pm 350 total acres) currently owned by Bob and Ed Heimann. The request is to rezone the 104.8 acre site from Commercial Interchange (C-4) and Suburban Residential One (SR-1) to Industrial Two (I-2). The proposed use is an automated metal parts manufacturing facility. The site is currently being used for residential and agricultural purposes. A residential structure and a collection of barns exist on the 104.8 acre site.

SURROUNDING LAND USES AND ZONING

The existing land uses and zoning surrounding the site involves the following:

A. Land Uses

- North - Agriculture and Woodland
- South - Public/Institutional (I-275) and Industrial (Litton)
- East - Low Density Residential and Agriculture
- West - Agriculture

B. Zoning

- North - Suburban Residential One (SR-1)
- South - Industrial One (I-1)
- East - Commercial Two (C-2) and Industrial One (I-1) (SouthPark)
- West - Commercial Interchange (C-4) and Suburban Residential One (SR-1)

The existing land uses and zoning noted above surround the 104.8 acre site only.

CHARACTERISTICS OF THE SITE

The 104.8 acre site has approximately 1,000 feet of road frontage on North Bend Road. Visibility of the site from I-275 is restricted due to the location of the I-275 westbound entrance ramp, the I-275 southbound exit ramp to KY 237 and the bridge itself. Maximum visibility occurs towards the southwest corner of the parcel (near the western lake) or opposite of the newly constructed Litton Industries office building.

The site is bordered by a portion of an overhead electric transmission line. Five lakes or ponds exist on the site. The terrain varies in accordance with two major drainage swales located towards the front portion of the site and the rear lot line. The highest points on the 104.8 acre site are in front or along North Bend Road, and where the existing residence and barns are located. Soils present include two types of Rossmoyne Silt Loam (RsB and RsC) usually found on 0 to 12 percent slopes and Jessup Silt Loam (JeD), which usually appears on 12-20 percent slopes. Northwest of the site is Sand Run Creek.

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EXISTING TRANSPORTATION NETWORK

As described above, the site has a highly visible location; at the intersection of I-275 and KY 237. The major traffic impact on area roadways should be limited to KY 237 (North Bend Road), where the access driveway will be located. North Bend Road is currently two lanes, although there are plans to add a second northbound lane to the roadway.

The Access Management Regulations classify North Bend Road as a Class I Collector. The roadway is important due to the amount of traffic it will eventually handle. North Bend Road is the only roadway that provides access to a large portion of land north of I-275 and south of the Ohio River. With the continued growth in Boone County the traffic demand on North Bend Road will increase tremendously. As such KY 237 is very important to providing service for the future development of this portion of Boone County.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan depicts almost the entire 104.8 acre site as Commercial (C) near the interchange and a small portion of the site towards the northern lot line Medium Density Residential (MDR) and Rural Lands (RL).

Pages B-14, B-15, and B-16 of the Business Activity Element discuss future economic development in the area.

"Commercial development in Hebron will center around new KY 237."

"Areas of Future Industrial Activity

The I-275 and KY 237 interchange will experience limited industrial growth to its south although the area north of the interchange should retain its residential character with some commercial activity. Besides offering locational advantages of the two highways, this area is only minutes from the airport. As the northern part of the county experiences manufacturing growth along I-275, the income levels of the work force should rise. This will accompany a continuing decrease in agricultural activity and an increase in nearby residential land use.

To the east of the airport, the Mineola-Circleport-KY 236 area will be an area of great industrial growth in the county. High-tech industry and airport related services should be encouraged at the I-275 interchanges and in the runway clear zones east and north of the airport."

Pages L-12 and L-13 of the Land Use Element address overall development of the area.

"North of I-275 along KY 237, light industrial or highway commercial development should occur only within a few hundred feet of the interstate. The balance of this area should become a residential area. Both Graves

Road and KY 237 will experience medium density residential growth in the form of small scale subdivisions. The western portion of Tanners Road will remain in a medium density residential character."

The Goals and Objectives of the Land Use Element are relevant because of this request's potential impact on the growth patterns of the surrounding area.

Goal:

To ensure quality development of the county's residential, commercial, industrial, recreational, and agricultural interests that (1) are adequately supported by required public facilities and services, (2) are located and designed according to acceptable standards, and (3) meet the current and future needs of county residents.

Objectives:

2. Land use shall occur first where infrastructure systems exist which are suited to accommodate such use would be logically extended or are provided as part of the development.
3. Land use growth shall occur both adjacent to existing centers of development and in the creation of new communities.
4. There shall be a hierarchy of land uses, specialized to create centers of intense use, with less intense use occurring outward from those centers."

Several objectives of the Business Activity Element pertain to this request.

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Industrial

1. Industrial shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to located near railroads, highways, airports and or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages.

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3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor should be controlled.
4. Provisions should be made for proper control of industrial uses which have processes or make products which could be hazardous to human life and property. (Examples of such products are explosives and flammable or corrosive chemicals).

Several objectives of the Public Facilities and Services Element are important to the Hebron-Francisville area.

2. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban forms. Such systems shall not be so oversized or otherwise over-built that they may commit an area, consciously or unconsciously, to a development pattern which is not desired or selected.
3. Priorities for growth within any individual infrastructure system shall be as the opportunity allows for funding or construction, provided no one system over-builds or commits excessive urban growth.
4. Individual sewer, water, school, and fire jurisdictions shall be integrated and coordinated on the basis of county-wide cohesive service areas and networks.

In conclusion, the Comprehensive Plan suggests limiting commercial or industrial uses near the interchange in order to minimize the impact upon the existing and planned or future residential development patterns. Equally important is the design or layout of any proposed commercial or industrial use and its impact on the community.

CONCEPT DEVELOPMENT PLAN

The applicants have submitted a Concept Development Plan and some written material regarding this request (see attached information). The proposed use is an automated metal parts manufacturing facility. The use would involve the installation of an assembly line to produce refrigeration compressors. As part of the proposed manufacturing facility, there are four processes involved which include stamping, aluminum die-casting, a foundry molding and machining. These processes are described in the written material submitted by the applicant. The following table summarizes the uses and proposed buildings on the site.

		<u>Square Footage</u>	<u>Phase Number</u>
Bldg. #1	Manufacturing Facility	130,000 s.f.	1
Bldg. #2	Manufacturing Facility	130,000 s.f.	2
Bldg. #3	Foundry	41,000 s.f.	2
Bldg. #4	Motors	53,000 s.f.	1
Bldg. #5	Office	10,000 s.f.	1

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A future building is being proposed on the site located north of Building 4 and future employee recreation facilities.

The Concept Development Plan shows one access drive for the proposed development located along North Bend Road. The location of the driveway corresponds to an existing drive that serves the present buildings on the site. The distance from the driveway to the end of the median on KY 237 is approximately 268 feet; the general location of Kilgore Place. The proposed Southpark Drive is to be located approximately 600 feet to the north of the driveway.

A Traffic Impact Analysis (TIA) for this proposed development, was prepared by Pflum, Klausmeier & Gehrum. Traffic issues addressed by the document and reviewed by Staff included site distance, weaving areas, stacking distance and the level of service for the proposed driveway. The trip generation numbers supplied by the applicant compared favorably with the ITE Trip Generation Manual, 4th Ed., for a 370,000 square foot manufacturing building.

The conclusion of the TIA is that the proposed development will meet all of the requirements of the Boone County Zoning Regulations and will not adversely impact upon the surrounding roadways. This conclusion was based upon the following roadway improvements being undertaken along North Bend Road.

1. KY 237 should be widened along the east site, beginning at the exit ramp, to provide two (2) travel lanes in the northbound direction.
2. Add a second travel lane for southbound travel on KY 237 between the proposed drive and the Westbound I-275 entrance ramp.
3. Add a center left turn storage lane on KY 237 for entering site traffic. A minimum storage of 250 feet is recommended.
4. The design of the site access driveway should include a 12 foot wide deceleration lane for southbound traffic coming down the hill; 60 foot radius corners and; two exit plus one entrance lanes on 38 feet of pavement.

The Concept Development Plan and associated documentation does not address which improvements will be provided by the applicant. The additional lane on KY 237, northbound is in fact a condition placed on the development of Southpark. The traffic analysis however, concludes that all of the above improvements would need to be in place before the proposed development is in operation.

The conclusion of the TIA is that the traffic volumes used for the analysis are the maximum that can safely use the proposed driveway. The document warns that "... any additional traffic beyond the forecasted volumes defined herein could seriously impact the service conditions and safely derived from the improvement recommendations."

Currently, there is a 12 inch water line located along North Bend Road which will serve the proposed development. For the plant's initial phase, water usage is

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estimated to be 750,000 gallons monthly based on operations of 16 hours a day for 21 days each month. It is anticipated that water usage should double by completion of the facility's second construction phase. It is anticipated that approximately 700,000 gallons of sewage a month will be required to be pretreated. Based upon the elevation of the proposed facility and site characteristics, a pumping station will be required to facilitate sewage treatment.

STAFF CONCERNS

Overall, the Planning Commission should evaluate the appropriateness of the existing Commercial Interchange (C-4) zoning district and the proposed Industrial Two (I-2) zoning district. Is the existing Commercial Interchange (C-4) zoning district and planned extension of the C-4 district into the future (in accordance with the Future Land Use Map) more appropriate in terms of impact on the community than a tightly drawn Industrial Two (I-2) zoning district and a specified use? The Planning Commission should evaluate whether the proposed zoning classification can be managed in terms of overall impact on the community.

1. Extent of Industrial Zoning

Since this site (104.8 acres) is part of a larger tract owned by Bob and Ed Heimann, it is vitally important that the Planning Commission evaluate the limits or location of the proposed industrial zoning line due to the topography of the area, existing conditions of North Bend Road, the surrounding single-family residential uses and zoning districts and the overall residential/commercial development pattern occurring along North Bend Road. The existing Commercial Interchange (C-4) zoning district is restricted to take advantage of the visibility and accessibility to I-275. It was also drawn similar to the opposite side of North Bend Road with the former Commercial Services (C-3) zoning district and would act as a buffer between I-275 and the existing Suburban Residential One (SR-1) zoning district. The remaining Suburban Residential One (SR-1) zoning district would allow residential uses on both sides of the overhead electric transmission line.

2. Traffic

The Staff has several traffic concerns regarding this project. The overall concern is that the traffic generated by the site will be higher than that used in the TIA. The TIA and Staff review were based upon the development of the manufacturing facilities only. Documentation from the applicant also states that "although initial plans provide for an approximate 100-acre purchase, suitable rezoning and amendments to the Boone County's Comprehensive Plan could ultimately lead to development of the entire 350-acre property."

The Staff is concerned how this development is related to development of the surrounding property. The intersection of KY 237 and Southpark Drive is planned as a major intersection that will be signalized. It was anticipated that this intersection would be completed with a collector roadway to serve the property to the west of North Bend Road. Staff believes that the development should be required to provide a connection

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to the intersection of KY 237 and Southpark Drive. This will enable the site to have two access points, decreasing the amount of traffic using the proposed driveway.

The application states that traffic from the plant will not cause problems due to the close proximity to the I-275 Interchange. Staff is concerned specifically due to the short distance involved. The weaving distance from the end of the I-275 ramp to the driveway is approximately 900 feet. In that distance, a vehicle coming off the ramp would have to cross two lanes of traffic to enter the left turn lane. The TIA shows that this is enough distance given anticipated traffic and with the current traffic on North Bend Road. Traffic in excess of that anticipated could cause problems with employees entering the site.

Another concern is due to the nature of the traffic generated by the proposed use. Most of the traffic will be from employees working in shifts. The problem is that with shifts, all of the traffic arrives within a 15 minute period. The arrival of employees will not be spaced, but will be all at the same time, which may cause traffic problems for limited periods.

In conclusion, the Staff would encourage the applicant, the developers of Southpark and the Kentucky Transportation Cabinet work together to improve North Bend Road. It would be a benefit to all that the roadway be sufficiently upgraded to serve both developments and residents.

3. Utilities/Public Facilities

At the time of writing this Staff report, it is still unclear concerning the availability of public sanitary sewer and the adequacy of public water. The applicants have not provided sufficient documentation regarding these two important utilities. In addition, the applicants have not submitted information pertaining to fire protection.

4. Visibility of Buildings

According to the submitted Concept Development Plan, the proposed buildings most visible from I-275 would be the Motors Building (Bldg. #4) and the Foundry Building (Bldg. #3) and the future building. It is important that these buildings are designed with special design characteristics to screen the "backs" of buildings, loading areas and storage areas with unique architectural features. This is also true for the building being proposed to face North Bend Road.

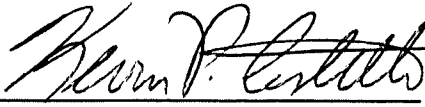
5. Joseph Graves Cemetery

There appears to be a cemetery either located on the 104.8 acre site or near it. An effort should be made to preserve it by property maintaining it with adequate access and security, or removing it in accordance with State law.

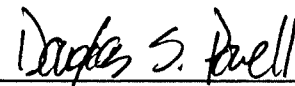
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CONCLUSION

The Boone County Planning Commission shall evaluate this request in accordance with the criteria necessary to make a Zoning Map Amendment as outlined in Article 3 of the Boone County Zoning Regulations. Special consideration shall be given to the proposed uses on the site, the impact of the project on the community and the extent of the industrial zoning line. If the Boone County Planning Commission and the Boone County Fiscal Court approve this request, the Future Land Use Map would need to be amended.



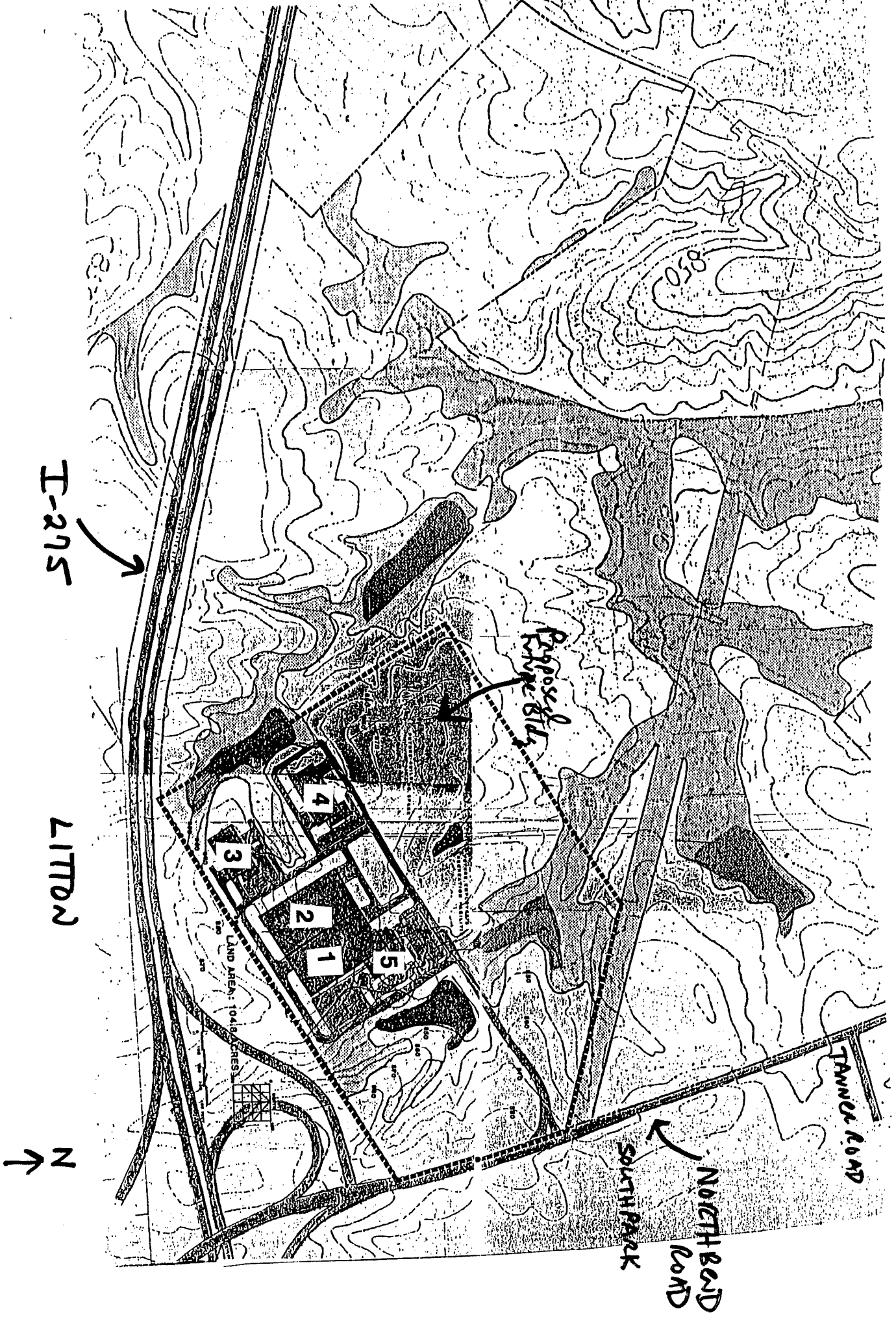
Kevin P. Costello,
Assistant Director/Senior Planner

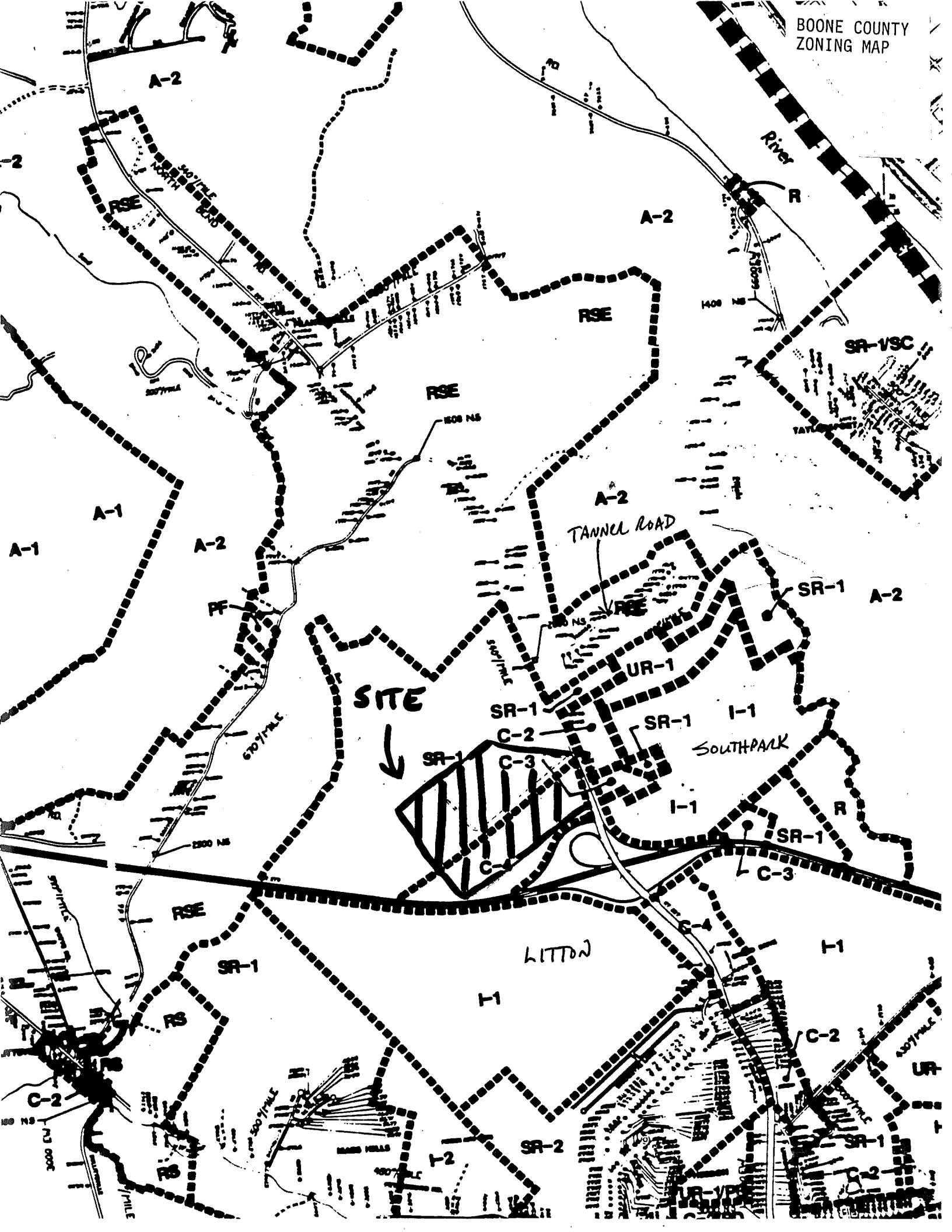


Douglas S. Powell,
Transportation Planner

KPC/DSP:kat

HELMANN CONCEPT DEVELOPMENT PLAN
3/15/89





March 1, 1989

Boone County Planning Commission
Boone County Administration Building
P.O. Box 697-2950 Washington Street
Burlington, KY 41005

APPLICATION FOR REZONING

This application for rezoning is submitted on behalf of a prospective company, which desires to purchase approximately 100 acres of property currently under my ownership.

The prospective company is a rapidly-growing, multi-national corporation and an acknowledged world leader in the manufacture of a variety of major appliance components and end use products.

Seeking to expand its manufacturing capacity, the company is in search of a site within the community, which will accommodate local production in a manner so as to become a fully accepted good corporate neighbor in Boone County, Kentucky.

Economic Benefits

The proposed facility will be both an attractive physical and financial asset for the nearby community and Tri-County area; initially providing about 250 manufacturing jobs and a direct investment of approximately \$50-60 million dollars. The employment and investment figures represent its first phase of operations and could double within a few years. In addition to economic growth through employment, state of the art vocational training and substantial investment, the facility also would also provide an increased income and property tax base, which will benefit local and area jurisdictions and enhance their ability to provide needed services for all residents. It is apparent that due to the nature of this facility, additional manufacturing and related business activity to support its operations may develop.

Beyond providing corporate stability and employment growth, the company plans for development in a manner harmonious to the surrounding community and neighborhood. It is clear that they intend to be a good corporate neighbor.

Request for Rezoning

Under consideration as a site for the manufacturing facility is property located at the northwest juncture of Interstate Highway 275 and State Highway 237. Approximately 100 acres of property must be rezoned I-2 (heavy industrial) in order to accommodate the company's needs and such rezoning is necessary prior to negotiation for purchase of the property in question. The property currently is zoned agricultural and commercial.

Relationship with Comprehensive Plan

Recent developments in this area suggest that the Comprehensive Plan should be amended to benefit community interests and that such a rezoning is appropriate.

Three quadrants of the interchange of Interstate 275 and Kentucky State Highway 237 are currently zoned for industrial use. The southwest quadrant has been developed by Litton Industries with two manufacturing plants and one research office. The southeast quadrant is zoned for industrial use but is currently used for residential purposes by the owner(s). The northeast quadrant was recently rezoned from agricultural to industrial on application of Al Schleper for the SouthPark Industrial Park. This application is requesting that the fourth quadrant also be zoned for industrial use.

The requested changes in land use at this interchange were not anticipated during the development of the Comprehensive Plan. An industrial use zoning is more appropriate at this location because of the surrounding traffic usage. A highway commercial use, as is now permitted by the current zoning, would generate substantially more traffic and residential disruption than the proposed industrial use.

This rezoning request is consistent with recent actions by the Boone County Planning Commission, which approved 500 million square feet of industrial development in 1988. In the Commission's current process of updating its comprehensive development plan to better reflect recent growth, a rezoning of this property is both appropriate and beneficial to the surrounding community.

Facility Description

The facility will require about 190,000 square feet (4.3 acres) for two buildings containing the actual manufacturing processes (machining, assembly, press stamping and die-casting) and offices. This first stage of development will include approximately 300 parking spaces and five truckyard spaces.

Plans for a second construction phase call for a new building to house the foundry and an expansion of one existing building. This would increase the total square footage for all buildings to 370,000 (8.4 acres.) Based on a 100-acre site, the building to open-air ratio would be 8.4%.

In both construction phases, buildings housing the various plant operations will be approximately 45 feet in height and designed so as to maximize the overall facility appearance and maintain community ambiance.

Although initial plans provide for an approximate 100-acre purchase, suitable rezoning and amendments to the Boone County's Comprehensive Plan could ultimately lead to development of the entire 350-acre property.

Attached is a tentative blueprint of plans for the site during Phases I & II of construction. Although the actual design has yet to be finalized and will be largely dependent upon the number and location of acres purchased, it is anticipated that the final design will be reasonably comparable to the attached preliminary blueprint. (Attachments A & B)

Land Use Characteristics

An automated metal parts assembly line would be the primary operation at the facility. Other processes essential to the manufacturing facility would be: 1) press and stamping; 2) aluminum die-casting; 3) foundry molding and 4) machining.

- 1) Stamping- This is a highly automated operation which, as required, utilizes full sound insulation and has proven safety and environmental records.
- 2) Aluminum die-casting:-A comparatively small operation utilizing automated equipment with the appropriate evacuation and air-cleanin equipment.
- 3) Foundry molding- The foundry operation would utilize clean-burning, modern electric induction furnaces. The integrated molding operation would be fully automated. The entire operation, based upon current modern high-technology processes, will be clean and efficient, meeting all EPA, OSHA, and related requirements. It is anticipated the foundry construction may begin during the second phase planned in a few years after completion of Phase I construction.
- 4) Machining- Automated operations involving transfer lines and processes consistent with state of the art standards.

Site Visibility/Buffering

All development plans for the property will be designed to make the facility compatible with its surroundings. Most importantly, the landscaping and design plans will provide for an attractive facility that will complement and enhance its immediate surroundings.

Specifically, preliminary designs provide for an entrance area buffered from the access to State Highway 237 by a fountain and shrubbery. This design will be visually appealing and will serve to "blend" the facility into its surroundings.

Clearly an exact layout of the facility cannot be specified at this time because it is unknown what will be the final property rezoning/purchase. However, the company is committed to building an attractive facility that will not detract from the community's overall setting and appearance.

Topography/Soil/Drainage

The property in question reflects typical Northern Kentucky terrain: gently rolling hills and open fields. Presently, the property is largely unused and features several barns related to the previous agricultural use of the property.

U.S. Soil Conservation Service relief maps show that property soil types are primarily Jessup silt loam and Rossmoyne silt loam. More precise soil information will require boring at the site, which has yet to be conducted.
(Attachment C)

The elevation and other topographical considerations of the property are such that it does not lie in a flood plain and should not be vulnerable to any severe water drainage difficulties. (Attachment D)

Traffic Patterns

Traffic to and from the plant should travel smoothly and with little disruption to residential areas because of the sites' location only a couple hundred yards from an Interstate 275 interchange.

Direct access to the facility will be provided by a short industrial road connecting the plant with State Highway 237-which is in turn adjacent to the interstate highway. This direct access to State Highway 237 will preclude truck traffic from traveling along the state road linking residential areas with the interstate. An improvement to the state road may be necessary for the short distance between the facility access road and the interchange with I-275.

Two types of traffic will be generated by the facility: truck and commuter. It is anticipated about 20 trucks daily will travel in and out of the plant, making a total of 40 expected truck trips daily. The truck traffic would occur between the hours of 7 a.m. and 5 p.m.

About 520 commuter trips, including ingress and egress, are expected during normal business hours at the facility, spread over two work shifts. The initial commuter traffic would be about 120 trips between 6 and 7 a.m.

for office and managerial personnel. At the conclusion of the second shift, about 120 additional trips are expected. (Attachment E)

With the exception of a couple hundred yards of State Highway 237 to and from the Interstate, no truck traffic is expected to use State Highway 237 and it is anticipated that no more than 20% of the commuter traffic will travel on the State Highway 237.

Naturally, some additional traffic on Interstate 275 will be generated but a precise directional breakdown cannot be determined until the recruitment of workers is complete. It is currently estimated that about 80% of the facility employees will arrive via the interstate. In addition, it is expected that about 60% of the truck traffic will travel on the interstate west of the facility. (Attachment F)

A more detailed analysis including traffic volume projections will be forthcoming using a traffic model created for the adjacent Schleper development.

Utilities/Infrastructure

Utility and infrastructure requirements should increase in direct correlation with each planned phase of growth. For the plants initial phase, an initial estimate calls for water usage of approximately 750,000 gallons monthly based on operations of 16 hours a day for 21 days each month. Water usage should double by completion of the plant's second construction phase.

Excluding heating and lighting, electricity requirements for Phase I will be an estimated 470,000 kilowatts per hour monthly. This electricity usage could triple by the conclusion of the planned second phase.

Sewage treatment requirements are of specific concern to the prospective company. It is anticipated that approximately, 700,000 gallons monthly of capacity for sewage pre-treatment will be necessary.

Land elevation and site characteristics will necessitate construction of a pumping station to facilitate sewage treatment. An environmentally acceptable pumping station must be operational by April of 1990. The prospective company is seeking a commitment from the Boone County Water and Sewer District to have a suitable station operational within this time frame.

Construction Schedule

An ambitious and tight construction schedule is proposed by the prospective company. The primary objective of the company is initial production beginning in July of 1990. (Attachment 6)

As outlined by the Phase I Construction Schedule, the company timetable is based upon local/state approval of rezoning and construction by the end of April, 1989. A 10-month construction period would then begin followed by machine installation, testing and training of workers.

Water and electrical work for the facility should be completed by December of 1989, under the proposed timetable. As noted previously, it is of critical importance that the sewer work be completed by April of 1990.

Timely completion of the entire construction schedule is necessary for the company's business purposes and must be followed incrementally. It is clear the company will make every effort to implement the construction schedule as any delays in the timetable could create a "domino effect" and in turn engender potentially serious difficulties for the prospective company.

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Summary

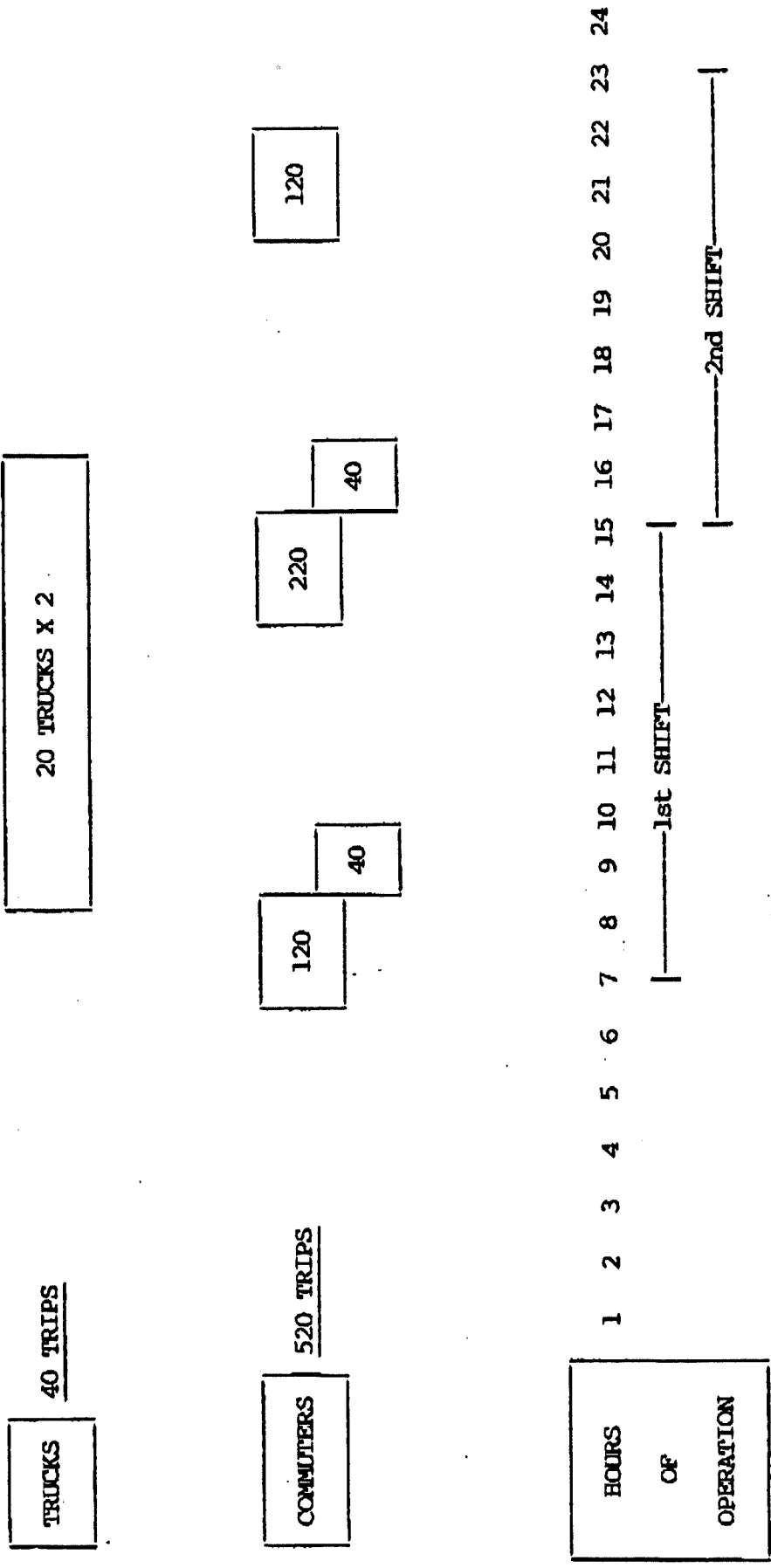
An I-2 rezoning of my property would be consistent with the Boone County Planning Commission's role in approving controlled and appropriate economic growth to the community and residents it serves.

By approving this request for rezoning, Boone County officials can bring important, large-scale economic benefits to the Tri-County area. In addition to the possible creation of hundreds of new manufacturing jobs, a rezoning approval will significantly enhance the area's tax base through increased payroll and property taxes. Such an increase in taxes will greatly benefit all area residents through the enhanced financial ability to provide community services.

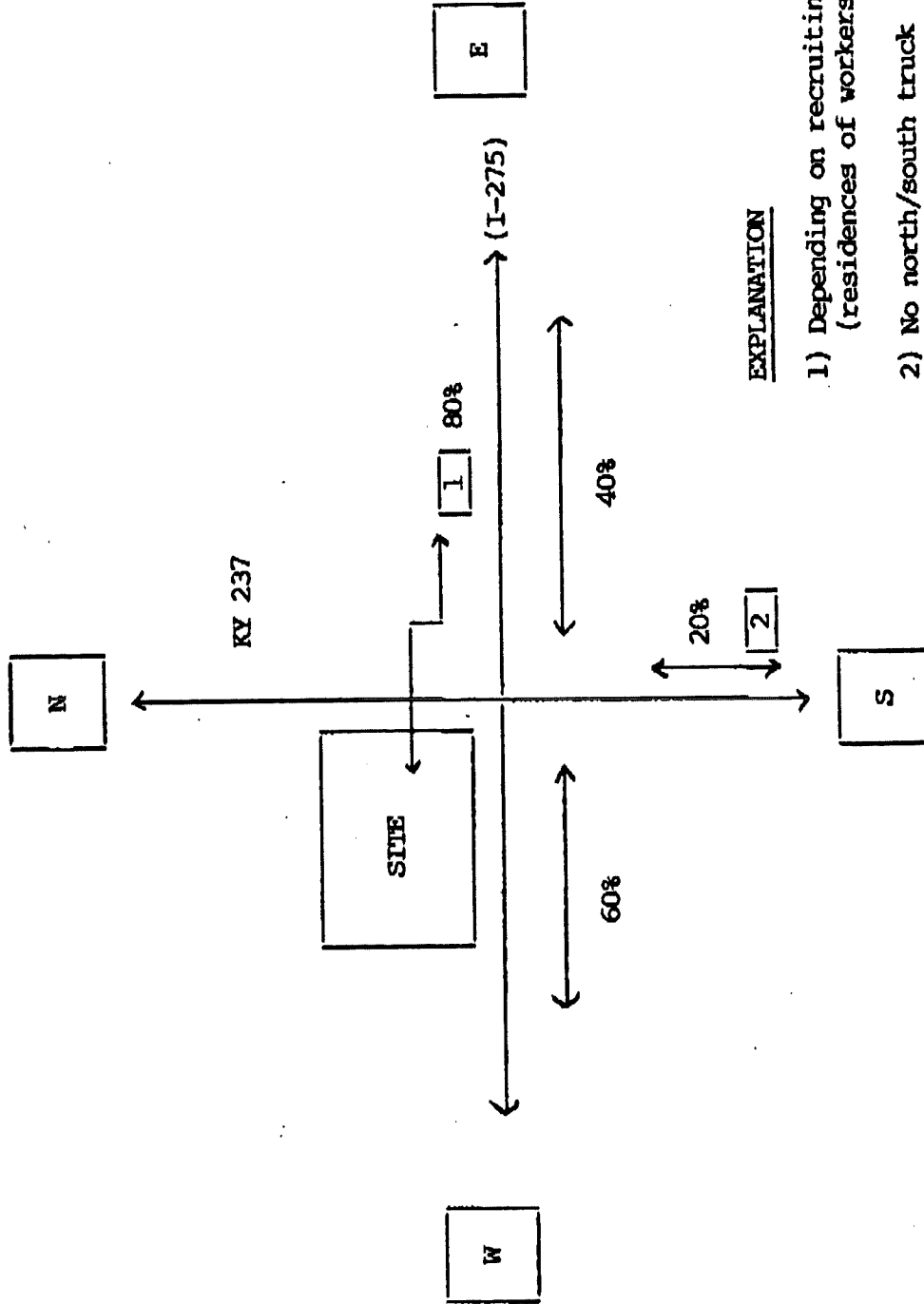
This proposed rezoning is consistent with surrounding and nearby zoning classifications and should not create any significant traffic or visual impediments.

Most importantly, the prospective company fully recognizes its possible future role in the community and is quite eager to become an accepted good corporate neighbor. By providing this detailed zone change application, the company hopes to demonstrate its intentions regarding facility planning, development and full impact. In addressing these issues upfront and openly, the prospective company has taken an important first step in outlining its potential commitment to the people of Boone County and the Tri-County area.

TRAFFIC TIME SEQUENCE



TRAFFIC PATTERNS



EXPLANATION

- 1) Depending on recruiting (residences of workers)
- 2) No north/south truck traffic on KY 237 except for several hundred yards between yards between KY 237 and I-275

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Development Prospective Manufacturing Plant
- 2. Location of Development I-275 @ KY 237
- 3. Total Acreage of Site To be determined (100 minimum)
- 4. Current Zoning Agricultural & Highway Commercial
- 5. Proposed Zoning (classification being requested) I-2
- 6. Proposed Uses (please specify each use) _____

Refer to attachments to this application

- 7. Name of Applicant(s) Bob & Ed Heimann
Phone Number(s) 961-0200
- 8. Address of Applicant(s) 490 E. McMillan St.
Cincinnati, Ohio 45206
City State Zip
- 9. Name of Property Owner(s) Bob & Ed Heimann
Phone Number(s) 961-0200
- 10. Address of Property Owner(s) 490 E. McMillan St.
Cincinnati, Ohio 45206
City State Zip
- 11. Proposed Building Intensities (please specify) _____

Refer to attachments to this application

- 12. Are there any existing buildings on the site? Yes
How many? Two
- 13. Deed Book 253 Page No. 244 Group No. _____
- 14. Have you had a pre-application meeting with BCPC staff? Yes
- 15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- X Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- X Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- X Other: Kentucky Cabinet for Economic Development
Tri-County Economic Development Corporation

(COMPLETE OTHER SIDE OF APPLICATION)

16. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
17. Applicant's Signature: [Signature]
18. Property Owner's Signature: [Signature]
19. Have you submitted a Concept Development Plan? YES

SECTION B (To be completed by BCPC Staff)

1. Date Received _____
2. Fee Received _____
3. Check what has been submitted:
_____ Application _____ Fee _____ Legal Description
_____ Concept Development _____ Addresses of Adjoining
Plan Property Owners
4. Is application complete? _____ No. of copies of plan received**
_____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
_____ Approval
_____ Approval With Conditions
_____ Disapproval
9. Other: _____

** FIVE (5) COPIES ARE REQUIRED.

BCPC:7/11/88

Due to the fact that all the issues have not been addressed in regards to the rezoning of the Heimann property; we respectfully request permission for the following to speak at the Commission Meeting, Wednesday, March 29th, on behalf of the concerned citizens of Boone County:

Mr. Marvin Mills
Mr. Don Barker
Mr. Dennis Champney
Mr. Ken Cook
Mr. Lonnie Fields

We, the undersigned, concerned citizens and taxpayers of Boone County, formally request that the Boone County Planning Commission deny the rezoning application of Ed and Ray Heimann for the property along 275 and 237. We are requesting this denial because of environmental and ecological concerns for our community. In addition, we petition the planning and zoning committee to hear our representatives give our reasons why this rezoning application should be denied.

Name	Address	Phone #
Nelva Graves	2807 Graves Rd Hebron	586-5901
Randy Graves	2807 Graves Rd, Hebron	586-5901
Robert L. Graves	2123 Graves Rd. Hebron	689-4919
James L. Graves	2093 Graves Rd.	689-7636
James Dean Graves	2093 Graves Rd.	689-7636
David D. Patton	1771 GRAVES RD	689-7226
Mary Lu Allison	1771 Anolis Rd.	689-7226
Robert Bryant	2230 Graves Rd	689-4420
Lada Bryant	2230 Graves Rd	689-4420
Virginia Sue Graves Spalding	2276 Williams Road ^{Burlington,} Ky	689-7111
Joseph L Spalding	PO BOX 83 Hebron, Ky	689-7626
Virginia Graves	2648 Graves Rd Hebron, Ky.	41048
William E Graves	2648 Graves Rd. Hebron Ky.	41048

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Name	Address	Phone #
<u>Concett Baker</u>	<u>1600 Brandon Dr., Hebron</u>	<u>586-8341</u>
<u>Nicholas B. Baker</u>	<u>1600 Brandon Dr.</u>	<u>586-8341</u>
<u>Daniel J. Marshall</u>	<u>1606 Brandon Dr.</u>	<u>586-9761</u>
<u>Sue Marshall</u>	<u>1606 Brandon Dr.</u>	<u>586-9761</u>
<u>Jul Schul</u>	<u>2295 Britt Dr.</u>	<u>586-5622</u>
<u>Phu Habermel</u>	<u>2295 Britt Dr.</u>	<u>586-5622</u>
<u>Jay Pemberton</u>	<u>2289 Britt Dr.</u>	<u>586-6065</u>
<u>Maick S. Pemberton</u>	<u>2289 Britt Dr.</u>	<u>586-6065</u>
<u>Debbie Welte</u>	<u>2283 Britt Dr.</u>	<u>586-6315</u>
<u>Harry Welte</u>	<u>2283 Britt Dr.</u>	<u>586-6120</u>
<u>Janneth Welte</u>	<u>2283 Britt Dr.</u>	<u>586-6120</u>
<u>William S. Sweetay</u>	<u>2253 Britt Dr.</u>	<u>689-4817</u>
<u>Roseanne Sweetay</u>	<u>2253 Britt Dr.</u>	<u>689-4817</u>
<u>John H. Way</u>	<u>2264 Britt Dr.</u>	<u>689-5456</u>
<u>Charles A. Catron</u>	<u>2292 Kyle Dr.</u>	<u>586-8055</u>
<u>Deborah Botha</u>	<u>2259 Britt Dr.</u>	<u>781-3831</u>

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Name	Address	Phone #
Cliff Borchers	1775 Hunters Trace	586-8852
Pam Borchers	"	"
Steven L. Thomas	1779 Hunters Trace	586-8819
Kathy Thomas	"	"
Shyle Gray	6351 Thistlewood	586-8247
Mike Gray	6351 Thistlewood	586-8247
Brenda Hurry	6350 Thistlewood	586-9355
Billie Minnick	6355 Thistlewood	586-7840
Gerald Minnick	6355 Thistlewood	586-7840
GENE STAPPERFENNE	6362 THISTLEWOOD	586-8414
Debbie Stappenne	6362 Thistlewood	586-8414
Ronald Walton	6366 Thistlewood	689-5716
Ann Walton	6366 Thistlewood Barbours Hill	689-5716
John Scales	6379 Thistlewood	586-8847
John Scales	6379 Thistlewood	586-8847

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Name	Address	Phone #
Jesse J Powers	2052 W. Horizon Dr.	586-7388
Susan Powers	2052 W. Horizon Dr	586-7388
Verna West	1687 Penn Road	689-2871
Bob West	" "	" "
Louise Deel	1681 CONNER RD	586-8212
Verna Chaffee	3446 Ellen Ave.	689-5945
Darvina Anderson	1660 Anita Ct	586-9693
Jason P. Heath	1676 Anita Ct	586-6827
Paul Webb	1675 Anita Ct	586-9333
Ray Kemp	1667 Anita Ct	689-4041
Carl Kirk	1663 Anita Ct	U/L
Tom Felkamp	1659 Anita, Rt.	689-7294
Bob A. Hanks	1672 Richard	689-7999
Carolyn Hestmitt	1676 Richard	689-4852
Alan West	1682 Richard Ct	586-9675

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Name	Address	Phone #
Vicki Lomback	2041 W Horizon Dr Hebron	586-8332
James A. Bree	2009 W. Horizon	586-9827
Ed Taylor	2065 W. Horizon Dr Hebron	586-7591
Kathy Taylor	2065 W Horizon Hebron	586 7591
Frank B. Caraballo	2045 W. Horizon Hebron	586-7902
Sharon R Caraballo	2045 W Horizon Hebron	586-7902
Dwain Whitefoot	2076 Riverview Hebron	689-4988
Charlotte Ando	2060 West Horizon Hebron	586 8833
Joseph Ando	2060 West Horizon Hebron	586-8833
Pat Jenkins	2061 West Horizon Hebron	586-7532
Randy Jenkins	2061 West Horizon Hebron	586-7532
Beverly Baynum	2069 W. Horizon Hebron	586-5918
Thom Baynum	2069 W. Horizon Hebron	586-5918
Art Lavitt	2089 W. Horizon Hebron	
Carillo Castro	2092 W. Horizon Hebron	586-7668

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Name	Address	Phone #
Kenneth J Cook	2028 West Horizon	586-9194
Donna Steiber	2630 Coral Dr.	689-4561
Paul Michels	2662 Coral Dr.	689-4324
Diana Michels	2662 Coral Dr.	689-4324
Donna Raleigh	2692 Coral Dr.	586-9051
John Van Lierop	2728 Coral Dr.	689-7443
Ellen M. Connell	2800 Coral Dr.	689-7216
Michael R. Deek	2824 Coral Dr.	586-9831
Judith C. Flynn	2832 Coral Dr.	586-8531
Opal Beel	2871 Coral Dr.	689-4460
Karen L. Murrey	2819 Coral Dr.	689-7081
Elmer C. Curren		534-5327
Maude D. Dore		586-7945
Mary Carol Pedel	2769 Coral Dr.	689-4469
Jeri Greaves	2743 Coral Dr.	586-7960

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Name	Address	Phone #
CASTRO, H.	2092 WEST HORIZON DR.	586-7668
J.R. Hall	2096 WEST HORIZON DR.	586-9935
Ellen Young	2665 Coral Dr Helon	689-7127
David Shockey	3140 Linsberg Rd, Hebron	586-9441
Sayed M. Saleh	2057 W. Horizon Dr.	586-8356
Berry Milhon	2081 W. Horizon	586-8980
Paul Stuber	2041 W. HORIZON	586-8372
Eric Anderson	2072 W Horizon Dr	689-5128
Cliff Gilman	" " " "	" "
Bill Underwood	3057 Htzl	689-7788
Theresa Underwood	3057 Htzl Dr.	689-7798
Bill Tibault	1646 Greenleaf Ct	525-6752
Byron Woods	2044 W. HORIZON DRIVE	586-8086
Patrick Morning	10060 Duncan Dr	525-2986
Betty Morning	10060 Duncan Dr	525-2986

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Name	Address	Phone #
Roger H Baker	3371 Ellen Ave	689-7619
Sharon Landers	3378 Ellen Ave	689-4745
Lil Couch	3402 Ellen Ave	586-5282
Judith Burkman	3394 Ellen Ave	586-9078
Ed Kiffmeyer	3386 ELLEN AVE	586-6441
Ann Topping	3391 Ellen Ave.	689-5353
Mary E Williams	3407 Ellen Ave	689-4232
Kim Hall	3415 Ellen Ave.	689-5970
Quigg Roberts	3423 Ellen Ave.	689-4658
Howie E. Baker	3439 Ellen Ave.	586-8788
Monica Mitchell	3447 Ellen Ave	689-5777
Mike Mitchell	3447 Ellen Ave	689-5777
Mark Long	3462 Ellen Ave	586-9551
Henry Huffman	3446 Ellen Ave	689-5945
Dennis R. Beckelant	3418 ELLEN AVE	586-9593

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Name	Address	Phone #
Jane & Ryan	1683 Richard Ct	689-4340
Shirley Miller	1675 Richard Ct	586-8975
David & Debra Jorg	1671 Richard Ct	689-7076
Nina Dolan	1667 Richard Ct.	586-8666
John Long	1668 Richard Ct	586-7374
Robert D. Mead	3339 Ellen Av.	689-7502
Jeri Anne Mead	3339 Ellen Ave	689-7502
Robert Curry	3346 Ellen Ave	689-7759
Clifton Webster	3350 Ellen Ave	689-7488
Dorothy Meyers	3354 Ellen Ave	689-5276
Jim O'Brien	3345 Ellen Ave	689-7620
E. P. Markburg	3351 Ellen Ave	689-4766
John W. Varney	3370 Ellen Ave.	689-5951
J. L. Sullivan	3363 Ellen Ave	689-4187
Vicki Baker	3371 Ellen Ave	689-7619

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Name	Address	Phone #
Steve Hoy	2064 West Horizon	586-9896
Carol Proterch	2056 West Horizon	586-9457
Delora Seepel	6793 7th Hill	371-5042
Robert E. Patten	2048 West Horizon	586-7528
Diana M. Callen	2048 W. Horizon	586-7528
John Doherty	2036 W Horizon	586-5921
Dorothy L. Wheatley	2024 W. Horizon	586-9653
Ann Wheatley	2024 W. Horizon Dr.	586-9653
Stephen T. Schrage	2020 W. Horizon Dr.	586-8452
Thomas J. Lamb	2025	586 9822
Denix M. Esteb	1768 Hunter's Trace	586-5910
Mary A. Estrada	1768 Hunter's Trace	586-5910
Anna M. Rice	2029 W. Horizon Dr.	586-9827
Lisa Therrington	2033 W. Horizon	586-8596
Dave Therrington	2033 W. Horizon	586-8596

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Name	Address	Phone #
Lana Brown	12-A Airview Dr. Florence	371-2533
Margie Banks	6388 Taylorsport Dr. Hebron	689-4476
Joyce Wainwright	6394 Taylorsport Dr. Hebron	758-5879
Fast & Emily Jones	6430 Taylorsport Dr. Hebron	Ky 41048
Roy Lynan	3994 Peterburg Rd	Hebron Ky 41048
Henry Bell	6444 Taylorsport Dr. Hebron	Ky 41048
Belle White	6455 TAYLORSPO RT DR. HEBRON	KY
Dorlene Brown	6456 Taylorsport Dr. Hebron	Ky.
Clarence Hickey	6459 Taylorsport Dr. Hebron	Ky.
Sue Parker	1037 Orchard Drive Florence	
Ron Hickey	6459 Taylorsport Dr. Hebron	Ky
Gary Hickey	6459 Taylorsport Dr. Hebron	Ky
Mike Martin	6459 Taylorsport Dr. Hebron	Ky
Jim & Dee Beacom	6395 Taylorsport Dr. Hebron	Ky
Karen Beacom	6395 Taylorsport Dr. Hebron	KY

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Name	Address	Phone #
Maud Worsley	1815 CONWAY HILL DR HEBRON Ky 41048	689 7180
Patsy C. Worsley	1815 Conway Hills Dr Hebron Ky 41048	689-7180
Earl R. Starke	1788 CONWAY HILLS DR. HEBRON, KY	689-4873
Ella Starke	1788 Conway Hills Hebron Ky	689-4873
Brenda Hays	1744 Conway Hills HEBRON Ky	586-8533
Robert Hays	1749 Conway Hills Hebron Ky	689-7783
Jerry Bush	1828 Conway Hills Dr Hebron, Ky	41048
Marlene Bush	1828 Conway Hills Dr. Hebron, Ky.	41048
Mary Bush	1828 Conway Hills Dr Hebron, Ky.	689-7783
Mr & Mrs. Stan Rigbee	1773 Conway Dr. Hebron, KY	689-7234
Susan Zugschaer	-1791 Conway Hills Dr. - Hebron, Ky	586-5683
Mr & Mrs Carl Clark	1857 Conway Hill Dr	689 4899
Rose Zimmer	1848 Conway Hills Hebron	586-8214
R. Zimmer	1848 Conway Hill Hebron	586-8214
Ed J. Full	1800 Conway Hills Dr Hebron	689-4689

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Name	Address	Phone #
Don Moore	2410 Ellendale Hebron	689-5785
John Kellam	7755 PLANTATION DR	371-3648
William H. Harts	396 Parcella Ln	525-7327
CRATO Woodall	21 Julia ST	371-3043
John Burt	1479 Allington Dr	283-9369
JOHN GOZIS	6152 SYCAMORE HILL	371-3618
M D MANNING	8762 HERITAGE Dr	371-1387
Linda Cason	1809 Pioneer Blvd	586-8865
Curtis J. Allen	1785 PROMONTARY DR.	283-1083
Noel Hayward	6190 Woodhill #204	525-1485
Carol Barnett	2823 Laurel Dr Hebron	689-4719
Alfred E. Johnson	1791 Conway Hills - Hebron	586-5683

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Name	Address	Phone #
Guy Botts	2259 BRITT DR.	
Charles + Peggy Jassin	1642 N. Bend Rd	689-4220 Hebron, Ky. 41048
Jain + David Kenney	2247 Britt Dr Hebron Ky	5865648
Marvin D. Miller	1584 Julee Drive	Hebron Ky 41048
Jeri Weze	1869 N. Bend Rd.	Hebron, Ky. 41048
Meredith + Tom Boy	1585 Brandon Rd	Hebron, Ky 41048
Dennis Champney	2272 BRITT DR	HEBRON, KY 41048
Lannie E. Fields	2246 Britt	Hebron, Ky 41048

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Name	Address	Phone #
Robert N. Brill	1889 Stahl Rd Hebron	689-4681
C. V. Mollozzi Christy V. Mollozzi	1731 Graves Rd Hebron	586-9557
Rosemary E. Bull	1889 Stahl Rd Hebron	689-4681
Al Mollozzi	1731 Grave Rd Hebron Ky	586-9557
John R. Conley	1677 Graves Rd Hebron Ky	689-9639
Ron D. Jeff	1549 N. Bend Rd. Hebron Ky	586-8982
Pat Schreff	1549 N. Bend Rd.	586-8982
John Turner	130 Lloyd	371-9065
Tom Turner	130 Lloyd	371-9065

1035 Eaton Drive
Ft. Wright, Ky. 41017
606/341-4709

March 15, 1989

Boone County Planning & Zoning
Boone County Administration Building
2950 Washington Sq.
Burlington, KY 41005

Attn: Mr. Bill Viox, Chairman

Dear Chairman:

As a person who is very interested in the long term development of Boone County, I would like to comment on the proposal for industrial zoning at I-275 and S.R. 237 (approximately 100 acres of the Heimann property). First of all I want to say that I am very supportive of industrial growth in Boone County and have shown this support many times during my involvement with the Boone County Planning process for the past eleven years. I have also offered strong financial and moral support to the Tri County Economic Development Corporation. I would like very much to see Boone County get this new plant.

Secondly, I want to express concerns that I have about this development on the Heimann tract as it was submitted. These concerns are as follows:

1. I am not particularly fond of allowing open ended industrial zoning on this particular parcel of property. The comprehensive plan calls for this property to be commercial and I do think commercial is more likely to be appropriate. This opinion is based on the fact that all of the land north of I-275 is planned for residential and this interchange is the only good access to it. In order for the residential property to develop in a quality fashion, the main entry to it must be developed in a quality fashion and that will be more difficult to do with industrial zoning. As I understand it, the request for a zone change asked for this property to be put into Boone County's heaviest industrial zone. There are a good many approved uses in this zone that should not be allowed on this property in any circumstance. Any approval must specifically limit its uses. This should not be a smoke stack development. Please note that I think it is possible to develop a part of this area as industrial if the development is planned and executed with some sensitivity to the above issues. My remaining comments will be to describe what I think the sensitive issues are.
2. If this area is to be changed to industrial, proper consideration must be given to the land use plan and zoning for all of the remaining land between I-275, S.R. 237 and Graves Road. The major issues are the compatibility and sequence of land use,

**Henry Fischer
Builder**

HF

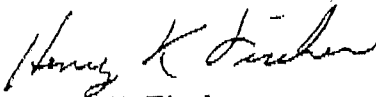
Boone County Planning & Zoning
March 15, 1989
Page Two

points of access off of S.R. 237 and roadway circulation through this area with possible connections to Graves Road near Williams Road.

3. In my opinion, the access to this development as submitted should be directly opposite the access to South Park and no other access should be allowed into this development between I-275 and the South Park entrance.
4. I don't think the area between S.R. 237 and the first two existing lakes (about 1,000 feet off S.R. 237) should be industrial because of the "gateway to a residential area" issue outlined above. I think office or possibly retail commercial could be appropriate with proper access outlined in 2 above.

If the preceding issues can be properly addressed, then I believe this development would benefit both the Hebron/Francisville area and the rest of Boone County and I would like to see it approved. If these issues cannot be properly addressed, I would rather see the application denied. Thank you for the opportunity to express my views on this issue.

Sincerely,



Henry K. Fischer
President

HKF:tg

EXHIBIT "A"

DEED

Property Transfer Tax Paid \$

Jerry W. Rouse, Clerk,

L. Rouse H.K.
B. Rouse R.C.

KNOW ALL MEN BY THESE PRESENTS:

That THE GLOBE CORPORATION, hereinafter referred to as "Grantor", a corporation organized and existing under the laws of the State of Ohio, in consideration of Four Hundred Twelve Thousand Four Hundred Twelve and 17/100 (\$412,412.17) Dollars to it paid by EDWARD A. HEIMANN and ROBERT A. HEIMANN, as joint tenants in common, hereinafter referred to as "Grantees", whose address is 490 East McMillan Street, Cincinnati, Ohio 45206, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey to the said Grantees, their heirs and assigns forever, the following described REAL ESTATE:

Tract 3: Beginning at a stake, a corner of Crit Gordon in his line, thence N 41½ W 103 feet to an end post said Crit Gordon's corner at the John Hoshell outlet; thence N 54½ E 320 feet to a stake in the center of the North Bend Road; thence with the center of said road N 18 W 157 feet to a corner of Bruce Henry; thence with a line of Bruce Henry S 72-3/4 W 416 feet to an end post on a drain (bearing N 41½ W 283 feet from Crit Gordon's corner); thence with a line of Bruce Henry N 42½ W 165 feet to a post; thence S 28 W 150 feet to a post; thence N 47 W 481 feet to a post; a former corner of Harvey L. McClasson; thence with his former line S 63½ W 2738 feet to a post; thence S 5½ E 641 feet to a post; thence S 68 W 1148 feet to a post; thence S 33 E 928 feet to a stake a corner of Albert H. McClasson; thence with his line N 57 E 4472 feet to the place of beginning, containing One Hundred and Two and One-half (102½) Acres, and being Lot No. 3 of the Henry McClasson land division.

Tract 4: Beginning at a stake 103 feet Southeasterly from the John Hoshall outlet; thence with a line of Crit Gordon S 41½ E 582 feet to a stake on the West side of the road; thence same course S 41½ E 44 feet to a stake in the center of the North Bend Road; thence S 11 E 66 feet to a stake, a corner of Robert C. McClasson; thence with his line S 58½ W 18 feet to a spike; thence same course S 58½ W 4532 feet to a stake a corner of Robert C. McClasson; thence N 33 W 580 feet to a stake, a corner of Harvey L. McClasson's former tract; thence with a line of same N 57 E 4472 feet to the place of beginning containing sixty-three and two-thirds (63-2/3) acres.

Being the same property conveyed to Alvin Heimann by deed dated September 2, 1950, recorded in Deed Book 97, page 22, County Court Clerk's Office, Boone County, Kentucky.

Tract 5: About one and one quarter miles North of Hebron, Ky., on the North Bend Road and bounded as follows: Beginning at a stone in the North Bend Road a corner with J. C. Gordon and the McClasson tract; thence with said line, N 42½ W 8 24/100 chains to a stone, a corner of Hoshell and McClasson tract; thence with said line N 69-3/4 E 3-35/100 chains to a stone in the North Bend Road; thence with the center of said road 501 feet to the place of beginning containing two (2) acres, more or less.

Tract 6: Bounded by the above described tract No. 5 on the South, and bounded on the East by the North Bend Road, on the North and South by J. C. Hollis and containing two (2) acres, more or less.

Said Tracts 5 and 6 are the same property conveyed to Alvin

*Ret:
Disputed*

Heimann by deed dated September 2, 1950, recorded in Deed Book 97, page 22, County Court Clerk's Office of Boone County, Kentucky.

Said Tracts 5 and 6 are also described as follows:

Tract 5: Beginning at a stone in the North Bend Road a corner with J. C. Gordon and the McClasston tract, thence with said line north 42½ degrees west 8.24 chains to a stone a corner of Hoshall and McClasston tract, thence with said line north 69-¾ degrees east 3.35 chains to a stone in the North Bend Road, thence with the center of said road 501 feet to the beginning, containing 1.45 acres, more or less.

Tract 6: A small tract of land bounded on the south by the above 1.45 acre tract, on the east by the North Bend Road, on the north and west by J. C. Hollis and containing 1.20 acres.

Said Tracts 5 and 6 are described in Mortgage from Alvin Heimann, et al. to the Central Land Bank of Louisville recorded October 9, 1951 in Mortgage Book 50, page 158, County Court Clerk's Office, Boone County, Kentucky.

Tract 7: Located about 2 miles North of Hebron on the West side of the North Bend Road and described thus: BEGINNING at a point in the center line of the North Bend Road, said point being the intersection of the center lines of the Old North Bend Road and Taylorsport Road; thence along the center line of the Old North Bend Road S. 16 degrees 45' E. 842.1 feet to a point; thence continuing along the center line of said road S 18 degrees 30' E 543.6 feet to a point; thence S 83 degrees 30' W 634.5 feet along a fence line established in March, 1925 by agreement between the Bruce Henry Heirs and Mr. _____, who owns the adjoining property; thence N 45 degrees 26' W 1933.5 feet to a point; thence N 48 degrees 12' E 1612.5 feet to a point in the center line of the Old North Bend Road; thence along the center line of same S 20 degrees 5' E 490.3 feet to a point; said point being the intersection of the center line of the said road and the property line dividing the land of Mr. Goodridge and Bruce Henry; thence along said fence line N 62 degrees 45' E 838.2 feet; thence N 60 degrees 00' E 559.1 feet; thence S 5 degrees .05' E 785.5 feet to the center line of the Taylorsport Road; thence along the center line of said Road S 50 degrees 20' W 526.8 feet; thence continuing along the center line of said road S 76 degrees 48' W 683.1 feet to the point of beginning, containing 75.2 acres.

There is excepted from the above described tract the following described tract of land which was conveyed by Smith and Edith Goodridge to Fred Siekman by deed dated October 11, 1926 and recorded in Deed Book 71, page 443: BEGINNING in the center line of the North Bend Road, a corner with Wm. Goodridge and the Bruce Henry Estate; thence along the line of said Goodridge N 62 degrees 45' E 838.2 feet; thence N 60 degrees E 559.1 feet; thence S 5 degrees .05' E 785.5 feet to the center of the Taylorsport Road; thence with the center of said road S 50 degrees 20' W 526.8 feet; thence continuing along the center of said road S 76 degrees 48' W 683.1 feet to a point in the center of the North Bend Road; thence with the center of the North Bend Road N 30 W 640 feet to the place of beginning, containing about 24 acres of land, more or less.

Being the same property conveyed to Alvin Heimann on August

20, 1951 in Deed Book 101, page 27, County Court Clerk's Office, Boone County, Kentucky.

Tract 7 is also described as follows:

Located about 2 miles north of Hebron on the west side of the North Bend Road and described thus: Beginning at a point in the center line of the North Bend Road, said point being the intersection of the center lines of the Old North Bend Road and the Taylorsport Road, thence along the center line of the Old North Bend Road south 16 degrees 45 minutes east 842.1 feet to a point, thence continuing along the center line of said road south 18 degrees 30 minutes east 543.6 feet to a point, thence south 83 degrees 30 minutes west 634.5 feet along a fence line established in March, 1925, by agreement between the Bruce Henry Heirs and Mr. _____, who owns the adjoining property, thence north 45 degrees 26 minutes west 1935.5 feet to a point, thence north 48 degrees 12 minutes east 1612.5 feet to a point in the center line of Old North Bend Road, thence along the center line of same south 20 degrees 5 minutes east 490.3 feet to a point, said point being the intersection of the center line of the said road and the property line dividing the land of Mr. Goodrich and Bruce Henry, thence along said fence line north 62 degrees 45 minutes east 838.2 feet, thence north 60 degrees 00 minutes east 559.1 feet, thence south 5 degrees 5 minutes east 785.5 feet to the center line of the Taylorsport Road, thence along the center line of said road south 50 degrees 20 minutes west 526.8 feet, thence continuing along the center line of said road south 76 degrees 48 minutes west 683.1 feet to the point of beginning, containing 64.01 acres, more or less.

Exception to Tract No. 7: There is excepted from the above described tract the following described tract of land which was conveyed by Smith and Edith Goodridge to Fred Siekman by deed dated October 11, 1926, and recorded in Deed Book 71, page 443, beginning in the center line of the North Bend Road, a corner with William Goodridge and the Bruce Henry Estate, thence along the line of said Goodridge north 62 degrees 45 minutes east 838.2 feet, thence north 60 degrees east 559.1 feet, thence south 5 degrees 5 minutes east 785.5 feet to the center of the Taylorsport Road, thence with the center of said road south 50 degrees 20 minutes west 526.8 feet, thence continuing along the center of said road south 76 degrees 48 minutes west 683.1 feet to a point in the center of the North Bend Road, thence with the center of the North Bend Road north 30 degrees west 640 feet to the place of beginning, containing 22.63 acres of land, more or less.

The said tract 7 is described in Mortgage from Alvin Heimann, et al. to the Central Land Bank of Louisville recorded October 9, 1951 in Mortgage Book 50, page 158, County Court Clerk's Office, Boone County, Kentucky.

Exception to tract Nos. 3, 4, 5, 6 and 7: There is excepted from the above described tracts 3, 4, 5, 6 and 7 the tract of land which was conveyed by Alvin Heimann to the Commonwealth of Kentucky for the use and benefit of the Department of Highways by deed of conveyance dated June 9, 1970 and recorded in Highway Deed Book 8, page 139, County Court Clerk's Office, Boone County, Kentucky.

Together with all the Privileges and Appurtenances to the same belonging.

TO HAVE AND TO HOLD the same to the said Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the said THE GLOBE CORPORATION, Grantor, has caused its corporate name to be hereunto subscribed and its corporate seal hereunto affixed, by ROBERT A. HEIMANN, its President, and EUGENE LATTER, its Treasurer, thereunto duly authorized by resolution of its Board of Directors this 29th day of November, 1978.

WITNESSES:

[Signature] THE GLOBE CORPORATION
By [Signature] Robert A. Heimann, President
and [Signature] Eugene Latter, Treasurer

STATE OF OHIO, COUNTY OF HAMILTON, SS:

BE IT REMEMBERED, that on this 29th day of November, 1978, before me, the subscriber, a Notary Public in and for said County and State, personally appeared ROBERT A. HEIMANN, President, and EUGENE LATTER, Treasurer, of THE GLOBE CORPORATION, the corporation whose name is subscribed to and which executed the foregoing instrument, and for themselves and as such officers respectively, and for and on behalf of said corporation, acknowledged the signing and execution of said instrument; and acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they affixed such corporate seal to, and otherwise executed, said instrument, by authority of the Board of Directors, and on behalf of said corporation; and that the signing and execution of said instrument is their free and voluntary act and deed, their free act and deed as such officers respectively, and the free and voluntary act and deed of said corporation, for the uses and purposes in said instrument mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my Notarial seal, on the day and year last aforesaid.

[Signature]
Notary Public
F. EDWARD WORLAND, JR.
Notary Public, State of Ohio
My Commission Expires Dec. 22, 1982

This deed was prepared by EDWARD A. HOGAN, Attorney at Law, Cohen, Todd, Kite & Spiegel, 300 Atlas Bank Building, 524 Walnut Street, Cincinnati, Ohio this 28th day of November, 1978.

[Signature]
Edward A. Hogan

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

March 15, 1989

SPECIAL PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the agenda:

1. Applicant: Bob and Ed Heimann (owners)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Bob and Ed Heimann (owners) for a Zoning Map Amendment on a 100-acre (approx.) site located north of I-275 and west of North Bend Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Commercial Interchange (C-4) to Industrial Two (I-2). The proposed use is an automated metal parts manufacturing facility.

Assistant Director, Kevin Costello, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman advised that this item will be on the Agenda for the Business Meeting on March 22, 1989 at 7:30 P.M..

The Chairman asked for comments from a representative of the applicant.

Mr. Merv Grayson, President of Huntington Bank of Kentucky, stated that he was present in behalf of TRIAD, a joint venture of the business community and the Fiscal Courts of Boone, Kenton, and Campbell Counties. They are trying to bring quality industrial development to the community. They have been successful in bringing distribution facilities to the community, but their wage scales are not as good as manufacturing facilities. The community needs companies with wage standards that will bring people to the community and provide a better quality of life. The manufacturer under discussion this evening was located by TRIAD. They have not committed to this site, but are interested in it. Mr. Grayson stated that the bank has no interest in the project itself, but the project is good for the community and they will benefit from it. Mr. Grayson read from a prepared statement which indicated that recent developments in the area suggest that the Comprehensive Plan should be amended to benefit the community's interest. He stated that three quadrants of the interchange of I-275 and KY 237 are zoned for industrial use. They are asking that the fourth quadrant be zoned for industrial

use. He stated that the land use changes were not anticipated during the update of the Comprehensive Plan. He stated that a commercial use would generate more traffic than an industrial use. Mr. Grayson stated that a zone change is necessary to accommodate the needs of this company.

Mr. Jim West, Executive Director of TRIAD, introduced a model of the proposed facility. He presented a video of Panasonic -- Matsushita Refrigeration Company, which is the prospective manufacturer, regarding their products and processes. He stated that they use the latest technology in the manufacture of refrigerator compressors. They are a major supplier to refrigerator manufacturers around the world. They manufacture both compressors and refrigerators. He stated that delivery of the products is a major factor. They have extensive R & D capabilities. They currently have plants in Japan and Singapore and are seeking a U.S. location. Mr. West stated that this is a fine company and one of the world's largest corporations. Using a drawing, he indicated the 350-acre Heimann property and the location of the 104-acre site in the southeast corner that they would be using. He reviewed the surrounding land uses. Mr. West stated that there would be construction in two phases. There will be 550 parking spaces. The buildings encompass 8.4 acres for an open space ratio of 8.4%. Phase I includes Buildings #1 and #4, Phase II includes Buildings #2 and 3. Total square footage for the buildings is 370,000, with 170,600 square feet constructed in Phase II. They project 250 jobs in Phase I and an additional 250 jobs in Phase II. This is a two-shift, 5-day per week operation. The total projected investment is \$100 million to \$120 million. They estimate the tax base for payroll and property taxes to be about a quarter of a million dollars. There would be approximately 500 new "spin-off jobs", i.e., service jobs related to the project. They will also be purchasers of local products and utilities. The buildings will be one-story with a height of about 45 feet. Construction could commence in July, 1989. He presented pictures of what the plant could look like. He stated that the product line was discussed in the video. There will be a highly-automated metal parts assembly line for refrigeration components. He presented a picture showing what they think the interior of the operation will look like. He stated that the processes involved in the operation are pressing and stamping, aluminum die-casting, and machining. There is a foundry molding operation in Phase II, Building 3, which is adjacent to the highway. The foundry makes compressor heads for the units. There would be an electric induction furnace. There are no smokestacks. The operation is entirely self-contained that there are no emissions. It is a state-of-the-art furnace and will not environmentally impact the community. The company wants to be on the interstate highway for advertising exposure, but wants to have buffering from the surrounding neighborhood. He stated that a lot of the detail has not been worked out yet, but the company is aware of what the community expects from them. He stated that Mr. Gehrum was retained to do a traffic analysis and has submitted a report to the Commission. Mr. West stated that the company is talking with the Boone County Water and Sewer District in regard to water and sewer for the site. They have contacted Cincinnati Gas & Electric Company in regard to natural gas for the site. He stated that the site must be rezoned before the company can continue exploration of the site. He stated that the property owners are present, as is Mr. Johnson from C.G.&E..

The Chairman asked if there was anyone else present who wished to speak in behalf of the application. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mr. Dan Barker, 1600 Grandin Drive, stated that he lives about a mile from this site. He stated that he lives in Parlor Grove Estates and his property would be devalued by this project. The project would impact North Bend Road all the way to the river. He stated that he purchased his property in May based on the zoning that was in place at that time. He is concerned about the traffic hazards which could be made worse by the project. He questioned what could be done with the other 200 acres that is for sale and if they would come back and want that property rezoned for industrial use. Mr. Barker stated that he objects to the changing of the zone.

Mr. Jack Gehrum, Traffic Analyst, stated that in the development of the traffic study they considered this project totally built out and also other development that will occur. The idea was to define improvements that would lessen the impact of the traffic. They are suggesting improvement to the west side of the road and providing turn lanes and driveways that would allow the traffic to flow in and out of the site without causing a safety hazard. There would be four lanes of traffic from the ramp to the site and there would be a continuing lane added as part of another development.

Mr. Dennis Chapme stated that four lanes up to the project does not provide for traffic away from the project.

Mr. Gehrum advised that when going south there would be a lane for turning into the site. There will also be a distance of four lanes beyond the site.

Mr. Chapme stated that approval of this project will put industrial development on all four corners, which puts those who built in the area in an industrial park when they thought they would be in a residential area.

Mr. Marvin Miller, retired last year and chose to live in Parlor Grove Subdivision. He stated that industrial development is counter to what they thought they were buying. He stated that there are other sites for this plant. Mr. Miller stated that there are poisonous fumes when metals are melted. These fumes cannot be handled within the plant. He stated that there is a law in regard to the community's right to know. They want to know what chemicals will be used and where the residue will go.

Mr. Bill Graves, whose property adjoins the Heimann Farm, stated that the residue will go down the creek. He stated that they make maple syrup on their property. They are not ready for an industrial plant in this area.

Mr. Bob Flick questioned how the sewage would be handled. He asked if information had been prepared in this regard. He stated that the applicant does not appear to have done all the background work that is normally required. He stated that the information he was able to obtain from the Staff was not as detailed as normal. He stated that people were not able to prepare themselves to ask questions. He questioned whether the local volunteer fire department will get the type of equipment necessary for the types of problems that could develop in the foundry.

Mr. Flick questioned if the company would supply the necessary equipment and personnel. He stated that chemical fires are dangerous and the volunteer fire department has neither the training nor the equipment. He noted that there would be an economic impact on the fire department, the life squad, the resale value of homes, etc.. He noted that the comment had been made that the operation was smokeless and he would like more information about this. Mr. Flick stated that the information submitted thus far has been inadequate.

Mr. West indicated the location of the proposed driveway on the drawing and indicated its relationship to the Schleper driveway to the north. He stated that the proposed driveway is adequate for Phase I, but may need to be improved in Phase II. He stated that in regard to the sewer, the company is currently in negotiations with Boone County Water and Sewer District. A commitment has not been made. The company is requesting municipal water and sewer treatment. He stated that they have discussed temporary measures while a system is being built. He stated that the foundry is self-contained and has no smokestacks. Mr. West added that the company will have to meet EPA requirements and they will not be allowed to discharge into the streams and air. He stated that the company has a strong interest in what happens to the rest of the property. In regard to the fire department, he stated that they will "coattail" the Schleper property.

Mr. Harvey Pelley, a resident of North Bend Road, stated that the Hebron Fire District gets nothing from the Schlepers. He questioned how much water per day this facility would use. He stated that if this is a high-intensity water user, those at the tail end of the system could be without water. He asked if the Water and Sewer District is saying that they can provide the water and sewage necessary. He questioned the impact on stormwater runoff. He noted that there would be 8 acres of buildings and 550 parking spots which would impact the bridge planned on Graves Road in the Sand Run water shed. He questioned who would pay for the municipal water system. He questioned the amount of additional revenue in relation to the expenses. He stated that commercial developments are not assessed on what they pay for the property. He stated that they are probably assessed 50¢ on the dollar and the people building houses are sharing the brunt of the costs. Mr. Pelley stated that the Hebron Fire Department has not been contacted.

Mr. West stated that they use 750,000 gallons of water per month, 16 hours a day, 21 days per month.

Mr. Fred Wey, a resident of Parlor Grove who moved to Boone County from Lawrenceburg, stated that he moved to his home three weeks ago because it was a nice area. He stated that there are sewage treatment systems in Lawrenceburg and they cause odors. He asked if the compressors are pressurized and what would happen to the carbon and freon.

Mr. West stated that the compressors are charged off-site.

Mr. Flick noted that the company's water use is equal to 12% of what the water tower is capable of holding per day. He stated that there will be pressure problems.

Mr. West stated that they have not yet talked to the Hebron Fire Department. They do not know what chemicals are involved in this process.

Mrs. Shirley Millar noted that questions about the sewer had not been answered. She stated that a green area is going to be taken away and questioned what measures they are taking to put something back into the community.

Mr. West stated that they are talking to Mr. Kroger and the Boone County Water and Sewer District. A commitment has not been made. It is one of the contingencies the company must cover before they make a final decision. He stated that land has been set aside on the site for employee recreation. In response to further questions from Mrs. Millar, he added that Mr. Kroger is talking to the State of Kentucky about participation in the project and other methods of financing.

Mr. Ken Cook, who lives on the other side of I-275 near Litton, questioned what would happen if the zoning were changed and then this company did not build. He asked if the zoning would stay with the site allowing someone else a heavy industrial use.

Counselor Wilson stated that the rezoning classification runs with the land and is not contingent on the ownership. There is typically a Development Plan attached to the rezoning. The requirements of the Development Plan would have to be met, along with any conditions.

Miss Wanda Smith questioned why rezoning was being considered before the company had even determined that they want the property. She stated that there is no municipal sewer in the county.

Chairman Viox advised her that the Commission makes a recommendation to the legislative body. The purpose of the Public Hearing is to hear comments so that a recommendation can be made to the Commission by the committee and a vote taken.

Mr. West stated that they are talking about a treatment plant in a location to be determined by the Water and Sewer District. It will not be on the site.

Mr. Chapme stated that he works at the airport and there is a lot of discussion about noise pollution. He stated that there will be trucks in and out of the site and a foundry working second shift. He stated that they will put into the area a treatment plant that will treat chemical waste and metal by-products which cause odor. There may also be water pollution. He stated that they had indicated that the county will make \$250,000 a year in taxes, but millions of dollars will be used for fire protection and water. He stated that there is a need to know what the plant will do to the area.

Mr. Jim Snuck stated that there will be about 300 Japanese managers and technicians and 200 box folders. He stated that there is no need for highly skilled labor in the plant. The machinery is designed off-site and skilled labor is not needed to run it. He stated that Japanese companies bring in Japanese banks and do their subcontracting with Japanese companies, not local companies. He stated that Martha Layne sold Kentucky down the river with the Toyota plant.

Mr. Harold Vines questioned what would be done about the smells and asked what kind of chemicals would be used. He stated that chemicals have to be discharged somewhere.

Mr. West stated that this is a metal assembly operation, not a chemical plant. He stated that chemicals may be involved in the operation, but they do not know what they are.

Mr. Wey noted that Mr. West had shown pictures of plants in Georgia and stated that the plant may look like them. He stated that things have not been explained.

The Chairman asked if there were any comments or questions from the Commission.

Mr. McMillian questioned what Mr. Grayson's idea of "higher wages" is. He noted that Mr. Grayson had made a trip to Washington several weeks ago to get the wages in the area lowered.

Mr. Grayson stated that skilled labor generally calls for higher wages than unskilled labor. He stated that he did not know what Mr. McMillian was talking about in regard to his trip to Washington.

Mr. Sharp questioned how serious this company is about coming to Northern Kentucky. Mr. West replied that this is the first step in the process and there are obstacles to be overcome. Assuming the obstacles are overcome, then on a scale of 1 to 10, the chances are about 8 to 10 of the company coming to Northern Kentucky.

Mr. Neltner stated that he would like the applicant to provide substantiation that the system is self-contained and would not emit pollution into the environment.

Mr. DeLong stated that answers to the questions are needed before such a crucial decision can be made.

Mr. Moore questioned the amount of I-2 land available in the county. Mr. Costello stated that he would find out the answer to this and provide it to the committee.

Mr. Moore stated that there is a need for someone to provide direct answers to the citizens. He stated that he did not know that the rezoning of the area for SouthPark should constitute the legal basis for this zone change.

Mr. DeLong questioned the open space to the north of the property and Mr. West advised that to the best of his knowledge, the company would probably develop some of it at some point in the future. He stated that there is a consultant to the company present and he may be able to address some of the questions.

Mr. Lennart Hahr, a consultant to the company, stated that he had not intended to speak but may be able to answer some of the questions. He stated that there may be three to six people brought from Japan and possibly three or four from Singapore, for a total of about ten people. They will use as much local American management as possible. The Japanese would come for a period of three to five years to train local engineers and managers to replace them. He

stated that Japanese managers earn more than American managers. Japanese salaries progress with age. He stated that in order for them to consider coming here, the sewer questions must be resolved to the satisfaction of the company and the community. They will not negotiate a price for the land until they are sure appropriate conditions exist. He stated that 60% of the water consumption is cooling water for machinery and it is recirculated. The water will be cleaned internally and probably reused. The larger part of the plant is a machine shop that needs skilled tenders, not floor sweepers. He stated that they had kept a low profile because they did not want a community to be sure that Panasonic was coming and then the company would decide to go to a different state. He stated that there is no foundry that works as a sealed unit with no air coming out. Their foundries are unusually clean because only three different parts are produced in large quantities. It is diesometric type equipment. There are fumes, but they are minor. If required by the EPA, they will put cleaners on the exhaust air. There is no need for a smokestack. He invited the people to view the model. He stated that there are no unusual chemicals in the foundry. There is a sand system using oil and sand. He stated that the danger would be in the fumes from the molten metal, which is minor and can be cleaned. The machine shop, which is the largest section, uses normal cutting fluids. They extract air to keep the workplace clean. The amount of oily smoke is minor and needed air cleaning equipment would be used. He stated that anyone outside of their area would not be impacted. There would be a motor winding operation that is very clean and has no fumes. He stated that they would have very heavy, one-thousand ton, presses which use lubricants and generate an oily smoke which can be cleaned from the air. They do not intend to be polluters and intend to be good neighbors. He stated that their planned entrance would be about 100 yards from the entrance to the intersection and the road would be widened so that traffic safety is guaranteed.

Mr. Pelley stated that he had seen a film about Honda in Marysville. He stated that all the good jobs went to yellow people and they bragged that they only had people under 45 working there. He stated that the Japanese philosophy is to retire people over 45 to keep costs down.

Mr. Hahr stated that he is over 45 and still working. He stated that Mr. Pelley could check with their other American plants and would find that they operate according to American principles

Mr. Chapme questioned if the company expects the community to provide all of the basic support items.

Mr. Hahr stated that this had not been discussed. However, they are making a major investment of \$100 million to \$120 million and feel that the community might do something to attract that investment.

Ms. Eileen Burnes from Hebron stated that the only people benefiting from this are the Heimann's. She stated that there is a bottleneck of traffic at 7:30 A.M. and 4 P.M..

Mr. Hahr stated that the company would not want to come here if it is not wanted here.

Mr. Harvey Pelley, Jr. stated that there are places in the county capable of handling this project. He does not feel that this site would be an appropriate place for this project.

There being no further comments or questions, the Chairman advised that this item will be on the Agenda for the Business Meeting on March 22, 1989 at 7:30 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

SPECIAL BUSINESS MEETING

March 22, 1989

7:30 P.M.

Mr. William Viox, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Melvin DeLong

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Public Hearing of March 15, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Jones seconded the motion and it carried unanimously.

1. Zoning Map Amendment

The request of Bob and Ed Heimann (owners) for a Zoning Map Amendment on a 104.8-acre site located north of I-275 and west of North Bend Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Commercial Interchange (C-4) to Industrial Two (I-2).

Mr. Ed Heimann stated that he was "withdrawing the withdrawal" of this request. He has received calls from people who do not want him to withdraw the request because of the opportunity for jobs and the future of their children. He stated that in fairness to the community, he is not withdrawing the request. He has talked to Fayette County and was told that this company coming to their area was the greatest thing that ever happened to their area. The company has done a lot for the infrastructure, the schools, and the Fire Department. Mr. Heimann stated that someone more learned than he is should make this decision.

Mr. Jim West stated that the company has withdrawn their interest in Boone County and Northern Kentucky. He stated that he is representing what he believes to be the best interest of the county in pursuing the rezoning of the property. He stated that Northern Kentucky is getting a "bum wrap" by the image that has been created over the last week. He wants to show that Boone County is interested in good and orderly growth.

Chairman Viox stated that he was uncomfortable in taking action on this request this evening since citizens have read that the application has been withdrawn. He asked that this meeting be reconvened next Wednesday evening.

Mr. Burch moved that the meeting be reconvened at 7:30 P.M. on March 29, 1989. Mr. Jones seconded the motion.

Counselor Wilson recommended that notice be given to the newspapers that the meeting is to be reconvened. He suggested that the Staff contact abutting property owners.

Mr. Barnett questioned if the Commission would proceed as if the developer were Panasonic. Chairman Viox advised that the Heimann's are the applicant and the Commission will continue with that application.

Mr. Moore noted that the applicant and Mr. West may feel that the company has been bogged down in the zoning process; however, the applicant was not asked to do anything that every applicant isn't asked to do. All applicants are asked to answer the questions. Mr. Moore stated that this is a quality county and the company is being asked to comply like any other applicant.

Mr. Sharp noted that the comments made at the Public Hearing were directed primarily toward this company.

Mr. Gerald Newton, Director, advised that should the Commission recommend approval, the conditions would include the Concept Development Plan. The conditions that would be applied would restrict the use.

Judge Ferguson stated that he has received several calls regarding the publicity that has come to the county. He stated that Paul Prather of the Lexington Herald questioned what was done here that caused them to pull out. He told Mr. Prather that we hold the freedom of speech in high regard. In this case, there were those that spoke in disfavor. What transpired was an expression by a few people that may have offended some of the people involved in the project. He stated that he has had contact with the developers and believes there is some hope. He stated that he would not want the world to have a misconception of what had happened. He will continue to work with the company and ask them not to paint us the wrong color.

Chairman Viox noted that there is a motion on the floor to reconvene this meeting next Wednesday at 7:30 P.M.. He asked for a vote on the motion and it carried unanimously.

There being no further business to come before the Commission, Mr. Burch moved that the meeting be adjourned. Mr. Jones seconded the motion. The meeting was adjourned by unanimous consent at 7:55 P.M..

APPROVED:

William R. Viox, Chairman

Attest:

Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

SPECIAL BUSINESS MEETING
RECONVENED

March 29, 1989

7:30 P.M.

Mr. William Viox, Chairman, called the meeting to order at 7:45 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The Chairman advised that a meeting was held on March 22, 1989 in regard to the following request:

The request of Bob and Ed Heimann (owners) for a Zoning Map Amendment on a 104.8-acre site located north of I-275 and west of North Bend Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Commercial Interchange (C-4) to Industrial Two (I-2).

The Chairman advised that this evening's meeting is a continuation of the Business Meeting held on March 22, 1989.

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

The Chairman stated that the Public Hearing for this request was held on March 15, 1989 and a record was created based on the comments made at that meeting. He stated that no new evidence will be allowed or new issues raised in the decision making process this evening.

The Chairman asked the applicant, Mr. Heimann, to summarize their position. Mr. Heimann had no comments.

The Chairman asked if a representative of the community wished to summarize their position.

Mr. Marvin Mills stated that he was concerned by what he had read in the papers. He read that he was a racist, and he is not. The paper said that those who were opposed to the request were racists. He stated that racism is not the issue. The issue is land use. He stated that in the presentation given, the applicant had not contacted the Fire Department, or given a traffic plan. There was no indication of the types of chemicals and there would be metal fumes. It was an unknown company and there was reason for the citizens to be concerned. They were rightly concerned because there were so many unknowns. Those who are opposed are for change and growth. There must be economic growth, but the quality of life must be maintained. There should be harmonious development. Mr. Mills stated that the northeast corner, the southeast corner, and the southwest corner of the intersection of I-275 and KY 237 are all zoned I-1. The northwest corner should also be zoned I-1 in compliance with the Comprehensive Plan. There are other locations that can be zoned I-2 without disturbing the community. He suggested that this company be pursued and alternative sites offered. He questioned what in the operation of this company necessitates a change to I-2 zoning. He noted that the problem of chemical pollutants is critical. The solvents are difficult to dissolve. He stated that the proposed change violates the zoning regulations.

Mr. Mills stated that they have made a calculation that indicated that the residential and future development in the area is approximately \$150 million. At the current rate of taxes, this would produce \$1.2 million annually in real estate taxes. They believe that I-2 zoning would put a damper on future developments in this area. Mr. Mills added that the area has been visited by many school children to enjoy the flora and fauna and this may be lost by the foundry. He stated that the best way to maintain positive growth is to stick to the Comprehensive Plan and zoning regulations that are in place.

Mr. Mills reviewed the findings necessary for a map amendment: 1) That it is in agreement with the adopted Comprehensive Plan -- and the answer to that is no; 2) That the existing zoning classification is inappropriate and the proposed classification is more appropriate -- which is not true as the other corners are all zoned I-1; and 3) That there have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan to substantially

alter the character of the area -- there has been more extensive residential development in the area.

Mr. Mills stated that they commend TRIAD for bringing the industry to the community. However, there are several other locations that they can go that will benefit the county economically and socially. He stated that they think this area should remain I-1.

At this time, the Chairman asked if there were any comments from the Commission.

There being no discussion, Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be denied based on the findings of fact in the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Barnett thanked Mr. Mills for his comments. He stated that he had been hurt and angered by what he read in the newspaper. He stated that he hoped the community would know that the Commission tries to make decision based on land use. We welcome anyone into the county and would welcome this development, but I-2 zoning is the wrong zoning for this corner.

There being no further comments, Mr. Burch moved that the meeting be adjourned. Mr. Jones seconded the motion. The meeting was adjourned by unanimous consent at 8:10 P.M..

APPROVED:

William R. Viox, Chairman

Attest:

Jan Hancock, Recording Secretary

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: March 29, 1989

RE: Request of Bob and Ed Heimann (owners) for a Zoning Map Amendment on a 104.8 acre site located north of I-275 and west of North Bend Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Commercial Interchange (C-4) to Industrial Two (I-2).

REMARKS:

We, the Committee, recommend denial of the request based upon the following findings of fact.

The Committee would like to emphasize that it is not opposed to industrial zoning on the north side of I-275 as evidenced by the references in the Comprehensive Plan and the Commission's recent approval of SouthPark Industrial Park. In both cases, light industrial uses were anticipated and are planned to be constructed to coincide with existing and future residential uses and be compatible with the existing Litton Industries facility across I-275. The Committee also has a concern about the appropriateness of heavy industry at the site and its associated impact on the neighboring uses and the extent of industrial zoning on the northwest quadrant of North Bend Road and I-275.

FINDINGS OF FACT

1. The proposed zoning classification, Industrial Two (I-2), is not in agreement with the text and Land Use Map of the Boone County Comprehensive Plan, which suggests that "north of I-275 along KY 237, light industrial or highway commercial development should occur only within a few hundred feet of the interstate." The Future Land Use Map indicates that a majority of the site be developed for commercial use during the next 25 years. The remaining portion of the site and the entire Heimann tract is recommended to be residential along KY 237 and Graves Road.

The proposed zoning classification is also not consistent with adjoining land uses and zoning, which includes residential, commercial and light industrial uses. The proposed use, which includes the construction of a foundry in the production of refrigeration compressors is not appropriate at the 104.8 acre site given the existing and future development pattern of light industrial uses. In addition, the applicants have failed to demonstrate to the Planning Commission the environmental safeguards necessary for operating the proposed foundry, which may pose a hazard upon the community.

2. The proposed use would require public sanitary sewer service, of which does not currently exist and will not until the next two years at a minimum. There is no evidence given by the applicant that would expedite the construction of such a system. The Committee feels strongly that "land


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use shall occur first where infrastructure systems exist which are suited to accommodate such use and would be logically extended or are provided as part of the development."


3. The proposed access and layout of the site is limited and does not take into consideration a planned major intersection on North Bend Road opposite of SouthPark Industrial Park. No provision was made to connect the proposed facility with the planned major intersection and keep the truck and automobile traffic away from the I-275 ramps. In addition, the proposed access point lends itself to a possible conflict with future traffic leaving Kilgore Place and travelling across KY 237 in a southern direction or against the direction of the proposed plant traffic.
4. The applicants have failed to demonstrate that the existing zoning is inappropriate and the proposed zoning classification is more appropriate. Clearly, the focus of the Commercial Interchange (C-4) zoning classification is office-related uses and not commercial uses, which usually results in a higher number of trips, an argument presented earlier by the applicants. It was felt that the office-related uses would be less of an impact on the adjoining residential uses and zoning districts, and would be compatible with the existing commercial and airport related light industrial uses.

CONCLUSION


In conclusion, the Committee agrees with the Comprehensive Plan to limit commercial or industrial uses near the interchange in order to minimize the impact upon the existing and planned residential patterns. Equally important is the design or layout of any proposed commercial or industrial use and its impact on the community. The Committee has had a difficult time reaching this decision. For the most part, the Concept Development Plan along with road improvements to KY 237 as presented by the applicant were designed so as to be compatible with and not impact the community. However, the Industrial Two zoning district classification for the entire 104 acre site is not appropriate and therefore cannot be recommended for approval by this Committee.



Carol Smith, Chairwoman




Larry Barnett



Fred Burch



Phil Damstrom



Rector Jones



Barry Neltner

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

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CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

November 2, 1989

Honorable Bruce Ferguson
Boone County Judge/Executive
P.O. Box 900
Burlington, Kentucky 41005

Dear Judge Ferguson:

Last night, November 1, 1989, the Boone County Planning Commission voted 13-1 to recommend that the property owned by Bob and Ed Heimann be zoned Industrial One (I-1). Our recommendation back to you and the members of the Court also includes 12 specific conditions which the Commission believes appropriately control the development of this property so that it is beneficial to the surrounding community and all of Northern Kentucky. The attached illustration depicts many of the conditions which we would like to see remain on the property. Both Bob and Ed Heimann have accepted these conditions at the Planning Commission level.

As you are aware, this request was not one made by an applicant with a Concept Development Plan, but rather came to the Planning Commission via a resolution from the Fiscal Court requesting our review. I appreciate being able to review in this manner as it has allowed the Planning Commission to be proactive planners and not re-active reviewers as we have been examining the future land use for all of Boone County. We had already earmarked the majority of this property for industrial development. The Court's request and the property owners agreement has allowed us to appropriately control the industrial development far greater than we could have done had it been straight rezoned to I-1 as a result of the Comprehensive Plan update.

The Public Hearing was held on October 25, 1989 and a copy of the Committee Report is attached for your review. The previously discussed illustration portrays the conditions as listed in the Committee Report.


1. The first condition deals with controlling access to this ±350 acre parcel by limiting it to three curb cuts with specific lot improvements to occur on KY 237.
2. The access point across from the Kilgore place is further conditioned to insure that the traffic using this entrance will not change the level of service of the reconstructed KY 237.
3. The property owners agreed to a connector roadway to traverse their property from the major access point of SouthPark to a point on Graves Road.

Honorable Bruce Ferguson
November 2, 1989
Page Two

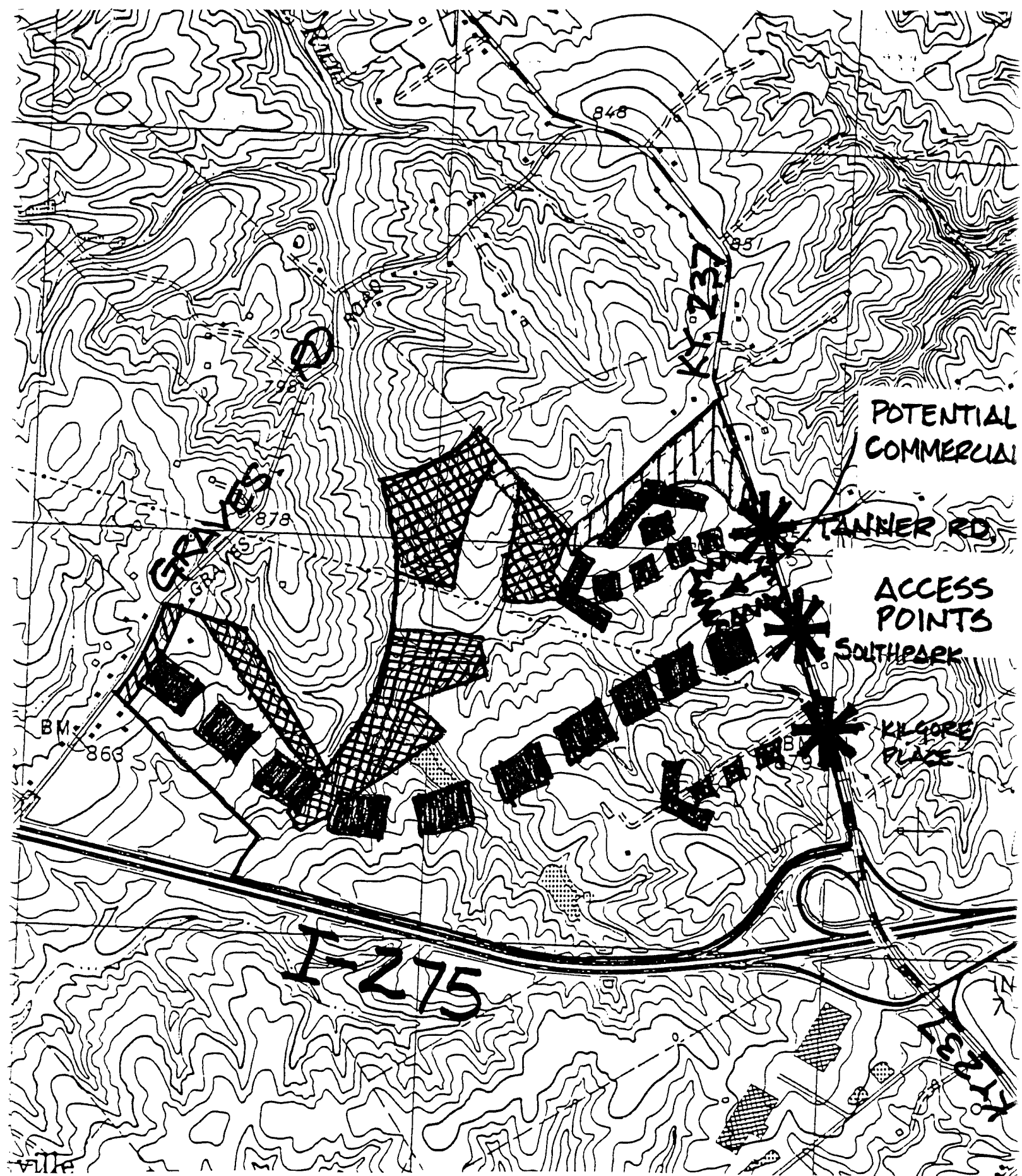
4. The fourth condition insures access to property north of this site along KY 237.
5. As we reviewed the potential impact, we also wanted to restrict some of the I-1 uses that we believe are not "neighbor friendly", therefore, the 5th condition eliminated some I-1 uses from this site. Additionally, we believe that local scale commercial development in the front could be appropriate at a future date and, therefore, have reserved an area fronting KY 237 for such an activity.
6. Because this site is so large and property to the north and west is residential, the 6th condition discussed types of buffering to soften the scale and minimize the impact.
7. This condition was amended prior to the Business Meeting so that not only are signs being controlled, but all development within this site will be required to undergo design review as buildings are being developed.
8. This condition insures that no development will occur without the accompanying water line improvements along I-275 and continues to require the same for public sanitary sewerage.
9. Condition nine discusses the treatment of the small existing cemetery.
10. This condition deals with a pedestrian network for this large site.
11. This condition deals with recreational opportunities for the site.
12. The final condition establishes a working relation between developers of this property and the Hebron Fire District to provide a parcel for a future fire substation.

The signed Resolution (R-41-89), cover letter, and full packet will be forwarded to you immediately after our November 15, 1989 Business Meeting. Should you have any questions, please feel free to give me a call.

Sincerely,


Gerald A. Newton, AICP
Director


GAN:jdh



 EXIST VEG. & POTENTIAL RECREATION

* ACCESS PTS.



 VEG. TO BE ADDED

 ROADWAYS

SCALE 1" = Approx 900'

The
HAMILTON TAILORING
Company



MADE TO MEASURE
CUT INDIVIDUALLY
HAND TAILORED
DIRECT TO WEARER

490 E. McMILLAN STREET
CINCINNATI, O.
513-961-0200

April 14, 1989

Judge B. Ferguson
P.O. Box 900
Burlington, KY 41005

Dear Judge Ferguson:

Please withdraw our I-2 Zone application.

We will be refileing for what the community desires, I-1, in the near future.
Thank you for your consideration.

Very Truly Yours,

Edward A. Heimann
Robert A. Heimann

EAH/cjw



Q U A L I T Y C L O T H E S S E N S I B L Y P R I C E D