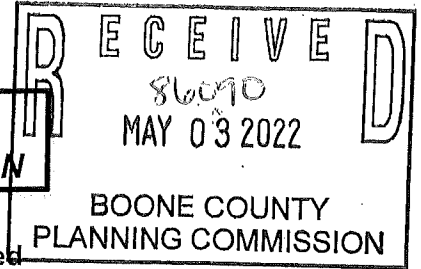


**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

**SECTION A:** (To be completed by applicant)

1. Name of Project: Hebron Storage, Boat & RV
2. Location of Project: South Park Dr. Hebron, Ky
3. Total Acreage of Project: 10.3
4. Current Zoning of Property: C-3 & SR-1
5. Proposed Zoning of Property (classification being requested): I-1
6. Proposed Use(s) (specify each use):  
Public Storage, RV Storage, Boat Storage, Boat Parking, RV Parking
7. Proposed Building Intensities (specify for each building):  
total of 100,000 square feet of buildings
8. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit     Variance
9. Current Owner: Akram Othman  
Address: 2306 Kenyonh Ct.  
Hebron                      Kentucky                      41048  
City                                      State                                      Zip Code  
Phone Number: 859-866-5394                      Fax Number: \_\_\_\_\_  
Email: alex.othman1954@gmail.com & josh@hillcresthomesinc.com
10. Applicant: Akram Othman  
Address: 2306 Kenyon Ct.  
Hebron                      Kentucky                      41048  
City                                      State                                      Zip Code  
Phone Number: 859-866-5394                      Fax Number: \_\_\_\_\_  
Email: alex.othman1954@gmail.com & josh@hillcresthomesinc.com
11. Are there any existing buildings on the site:     Yes                       No  
If yes, indicate how many: \_\_\_\_\_

12. 1046 870  
Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff:  Yes  No

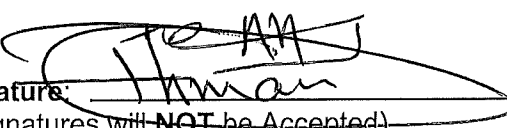
14. Have you submitted a Concept Development Plan:  Yes  No

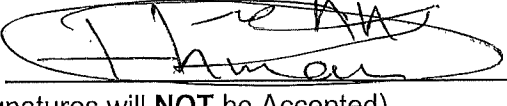
15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1                    |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input type="checkbox"/> Kentucky Transportation Cabinet  |   |

16. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone  Florence  Walton  Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:  
  
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on \_\_\_\_\_

**ORIGINAL Property Owner's Signature:**   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

# EXHIBIT

“A”

## STAFF REPORT

#2

Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

June 1, 2022

### REQUEST

- A. The submitted request is to rezone an approximate 10.3 acre area located along the north side of I-275, approximately 1,500 feet east of the terminus of Southpark Drive, from SR-1 and C-3 to I-1.
- B. The submitted Concept Development plan indicates the provision for 100,000 square feet of self-storage space within five (5) buildings and thirty-seven (37) spaces for recreational vehicle parking/storage.

### SITE HISTORY

- 2016 On April 6, 2016, Osam Mardin, for Alex Othman, submitted an application for a zoning map amendment from SR-1 and C-3 to I-1 with a Conditional Use Permit and Variances to allow an auto auction facility on the site in question. On September 16, 2016, the Boone County Planning Commission took action to recommend denial of the request on the basis that: (1) the proposed extension of Southpark Drive would be within an area identified as Developmentally Sensitive; (2) the request was not consistent with several passages of the comprehensive plan; (3) the proposed development would have adverse impacts on nearby hillsides near Elijah Creek and Carder-Dolwick Nature Preserve; (4) the existing zoning is appropriate; and (5) there have been no major changes of an economic, physical, or social nature that were not anticipated in the comprehensive plan. On November 15, 2016, Boone Fiscal Court adopted Ordinance Number 2016-21, denying the submitted request.

### APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
  - 1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
  - 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or

3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 1130 of the Boone County Zoning Regulations states that the purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.
  - C. Section 1131.27 of the Boone County Zoning Regulations identifies 'Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage' as a principally permitted use within the I-1 district.
  - D. Section 1131.46 of the Boone County Zoning Regulations identifies 'Commercial parking facilities and commercial recreational vehicle parking facilities' as a principally permitted use within the I-1 district.

#### SITE CHARACTERISTICS

- A. The site contains approximately 10.3 acres.
- B. The site has approximately 950 feet of frontage along the northeast side of I-275.
- C. The site is approximately 450 feet east of the eastern right-of-way of Southpark Drive and approximately 1,350 feet east of the terminus of the Southpark Drive pavement.
- D. A one hundred (100) foot wide overhead utility easement, generally running east/west, runs through the center of the site in question.
- E. An ingress/egress easement exists between the terminus of Southpark Drive and the west property line of the site in question. This easement is in a straight line, as an extension of Southpark Drive.

- F. From west to east, the site slopes upward to the center of the site at an average grade of 8%. From there, the site slopes downward at an average grade of 12%.

#### ADJACENT LAND USES AND ZONING

- Northeast: Carder-Dolwick Nature Preserve (CONS)
- Southeast: Vacant land (I-1)
- Northwest: Vacant land (SR-1 and C-3). This tract would contain the Southpark Drive street extension if the application is approved
- Southwest: I-275, farm properties fronting onto North Bend Road and single-family residential dwellings fronting onto Elijah Creek Road (I-1)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for ‘Industrial’ uses which is defined as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems Overall Goal A, Objective 3).
  2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  4. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
  5. An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).
  6. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
  7. Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment Goal A, Objective 3).

8. Developmentally Sensitive hillsides in Boone County must be given special consideration. Any proposed development on hillsides designated as such shall be reviewed and monitored to maintain the environmental and structural integrity of the hillsides (Environment Goal A, Objective 4).
  9. Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).
  10. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
  11. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  12. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  13. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
  14. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
- C. Southpark Drive is a county maintained subcollector street providing for two-way traffic within two driving lanes. The posted speed limit is 25 MPH. There is a sidewalk along the north and east side of the roadway.
- D. The following are excerpts from Our Boone County, Plan 2040:
1. Any additional Business Park development adjacent to the SouthPark project and I-275, with access provided by the extension of SouthPark Boulevard, must be carefully planned to avoid negative impacts to Developmentally Sensitive hillsides along Elijah Creek. The Carder-Dolwick Nature Preserve is an indication of the importance of this valley as a natural area. The SouthPark project should represent the northern-most limit of industrial uses on North Bend Road (Land Use, Description and Purpose of Land Use Maps, 4 Hebron North, page 104).
  2. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision

designs should be considered to blend new subdivisions in with areas that have a rural character (Land Use, Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, page 95).

3. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing 96 adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).
4. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

CONCEPT PLAN

- A. The submitted Concept Development Plan indicates the following:
1. Provision for 100,000 square feet of self-storage space within five (5) buildings.
  2. Provision for thirty-seven (37) spaces for recreational vehicle parking/storage.
  3. Installation of a security fence.
  4. Construction of retaining walls.
  5. Access via an extension of Southpark Drive.

STAFF COMMENTS

- A. It appears that the proposed extension of Southpark Drive, which will provide access to the site in question, is not located within the existing easement over the McGlasson property.
- B. The applicant should address whether the extension of Southpark Drive will be constructed to a public street standard.
- C. It appears that most of the proposed buildings are located within the existing one hundred (100) foot overhead utility easement. The applicant should address whether the easement holder has provided permission for these buildings to be located within the easement.
- D. The submitted Concept Development Plan indicates the installation of a security fence. The applicant should address the type and height of the fence that is being proposed.
- E. The submitted Concept Development Plan indicates the construction of retaining walls. Any retaining wall that is over four (4) feet in height must be engineered. The applicant should address the height and materials of these retaining walls.
- F. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Boone County Water District, SD1, and the Hebron Fire District requesting comments pertaining to the request.
1. Jerry Noran, Boone County Building Department, replied that the proposed buildings appear to be located within the overhead utility easement and that if the retaining walls are over four (4) feet in height, they will need to be engineered and will require guardrails if a driving surface is within two (2) feet of the drop-off.
  2. Mike Rouse, Boone County Water District, replied that he had no comment.
  3. Andy Aman, SD1, replied that a Land Disturbance Permit will be required, a reservation of sanitary sewer capacity must be applied for and obtained, and any new sanitary sewer connection(s) will need to obtain the appropriate sanitary sewer permits.
  4. Rob Franxman, Boone County Public Works, replied:

- a. The parcel does not have access to a public road. The developer should be required to build a subcollector street according to the subdivision regulations from the current end of Southpark Drive to the parcel.
- b. There is a portion of sixty (60) foot right-of-way at the end of Southpark Drive. The roadway should be built within this right-of-way. The developer should be responsible for any easements necessary for construction outside of the right-of-way and any permitting required, including but not limited to, KY Division of Water and US Army Corps of Engineers.
- c. The public roadway would be required to cross another parcel. The developer should be required to secure the right-of-way across that parcel for the public roadway.
- d. The public roadway should terminate in a cul-de-sac, as required by the subdivision regulations.
- e. Sidewalks should be built along the public roadway, as required by the subdivision regulations.

### CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz  
Director, Zoning Services

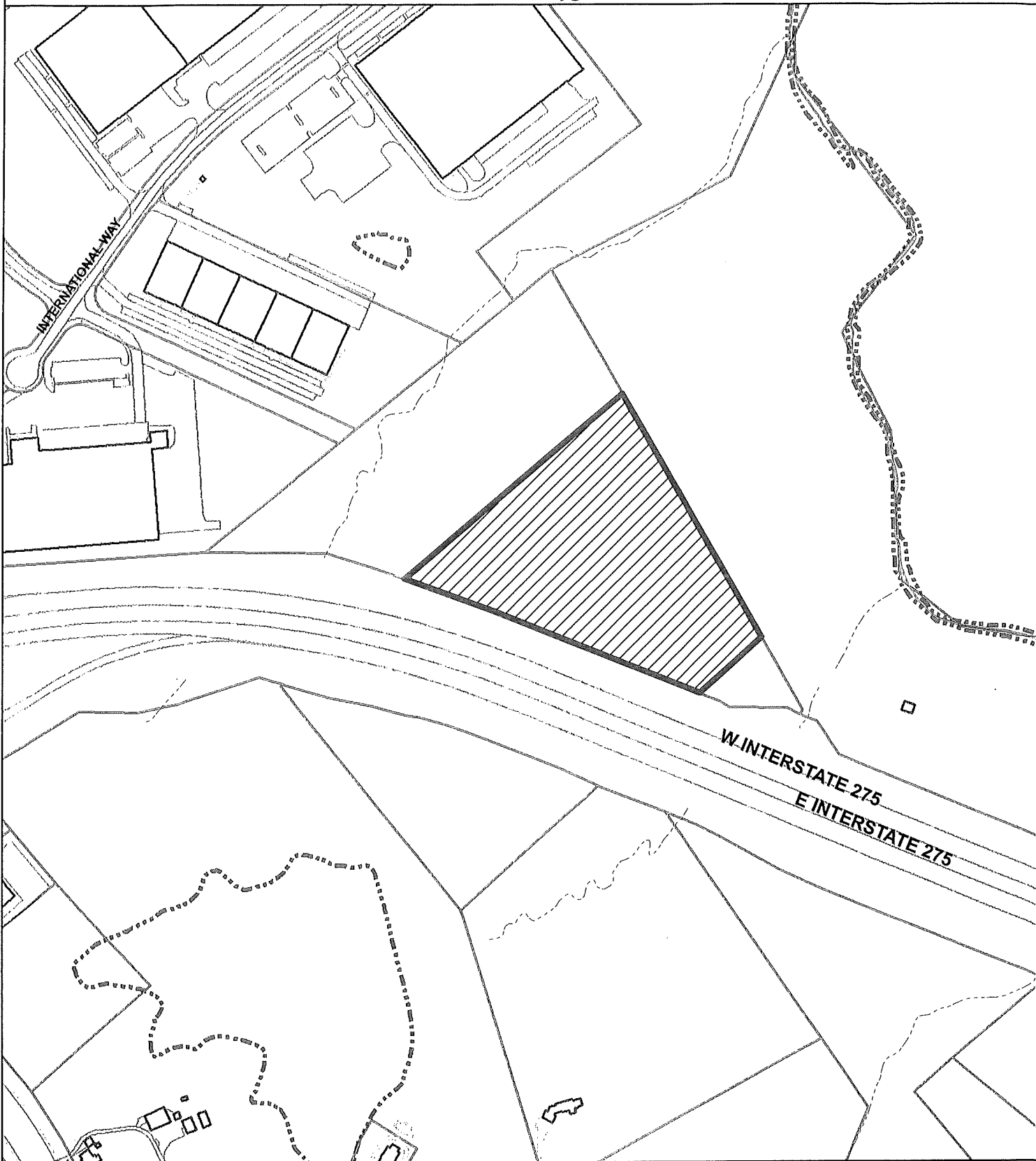
MDS/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Easements and Concept Development Plan
- \*Application
- \*Concept Development Plan
- \*Email from Jerry Noran, dated May 5, 2022
- \*Email from Rob Franxman, dated May 25, 2022

# Vicinity Map

www.boonecountygis.com

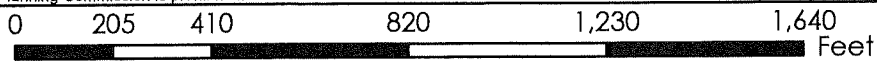


Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



**Boon**



1 inch = 400 feet



# Aerial Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



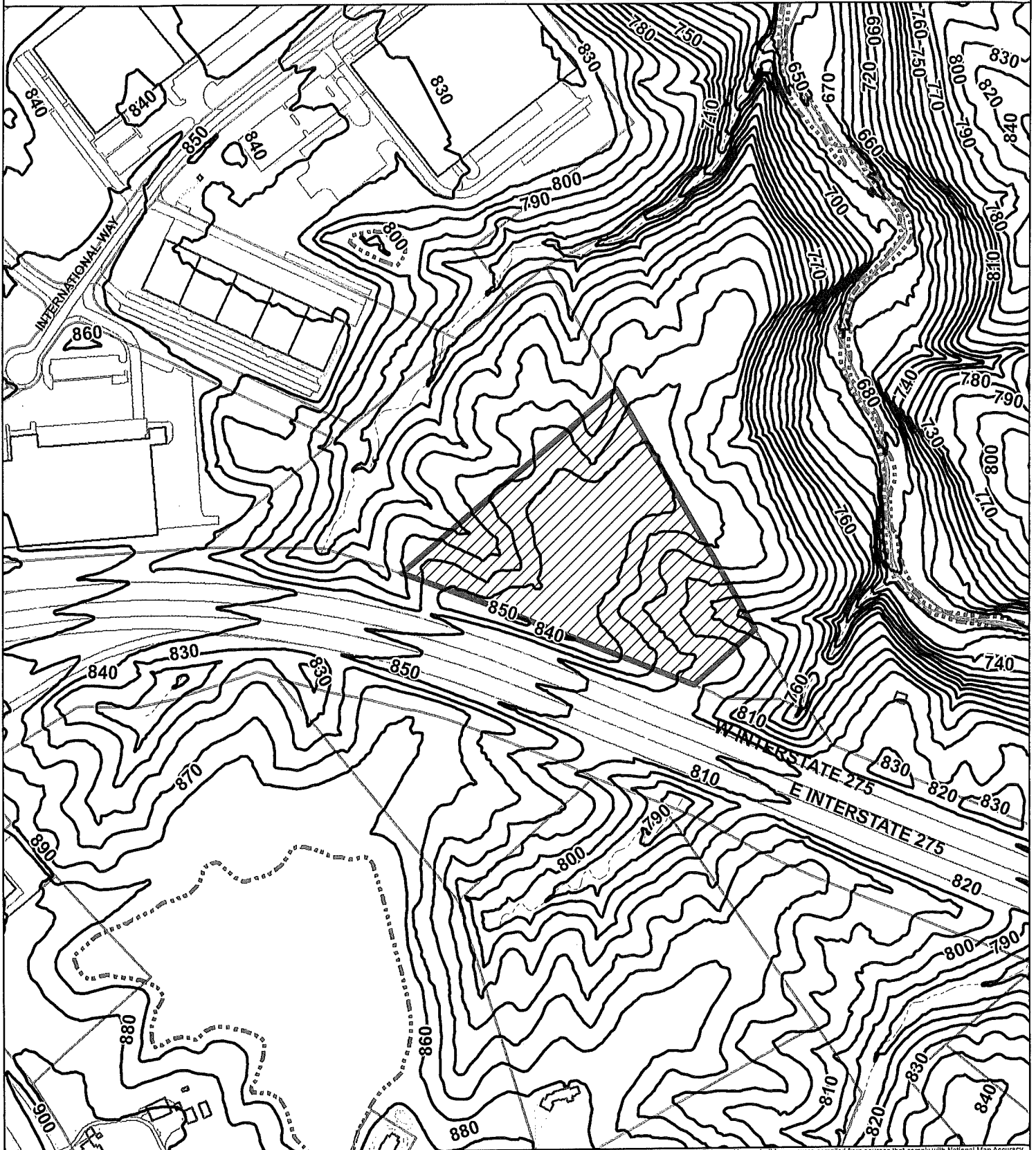
**Boone**

Map Created: xx/xx/2021

Boone County GIS  
ArcMap Document: \*.mxd

# Topographical Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



**Boone**



Map Created: xx/xx/2021

Map Document: \*.mxd

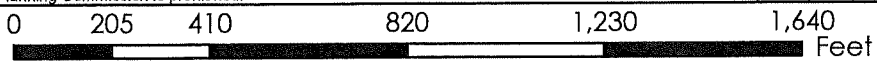
# Zoning Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 400 feet

**Boone County GIS - Putting Northern Kentucky on the Map**

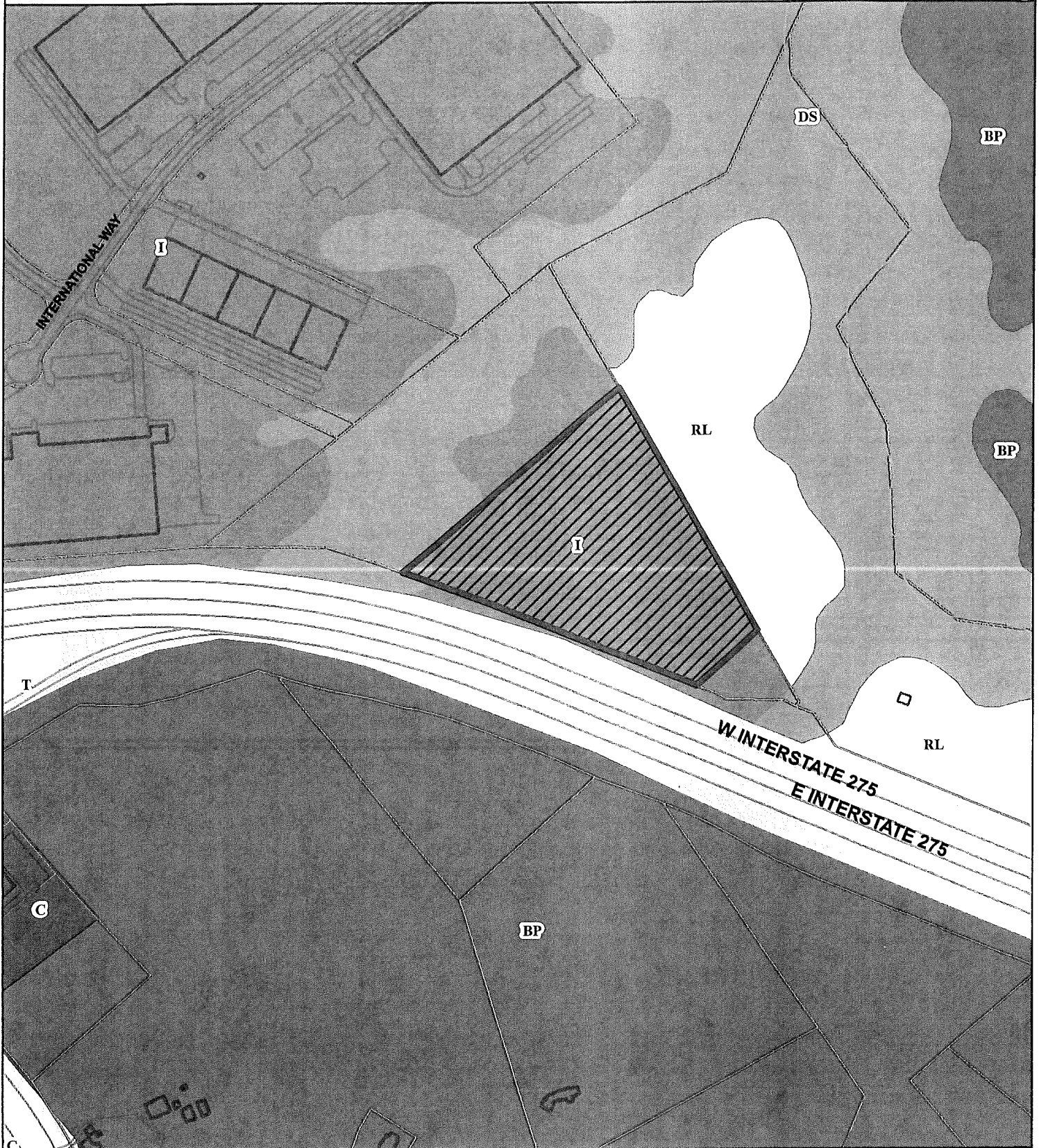


Map Created: 10/20/2021

ArcMap Document: \*.mxd

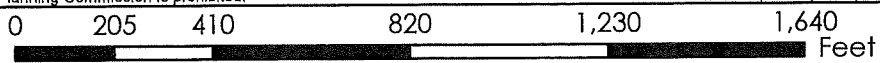
# 2040 Future Land Use Map

www.boonecountygis.com



Copyright 2021 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



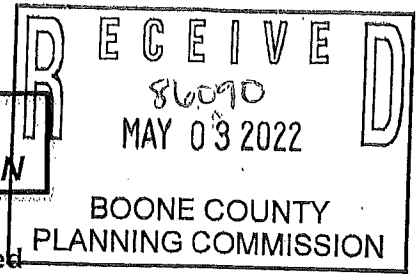
1 inch = 400 feet

**Boone**





**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

**SECTION A:** (To be completed by applicant)

1. Name of Project: Hebron Storage, Boat & RV
2. Location of Project: South Park Dr. Hebron, Ky
3. Total Acreage of Project: 10.3
4. Current Zoning of Property: C-3 & SR-1
5. Proposed Zoning of Property (classification being requested): I-1
6. Proposed Use(s) (specify each use):  
Public Storage, RV Storage, Boat Storage, Boat Parking, RV Parking
7. Proposed Building Intensities (specify for each building):  
total of 100,000 square feet of buildings
8. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit     Variance
9. Current Owner: Akram Othman  
Address: 2306 Kenyonh Ct.  
Hebron                      Kentucky                      41048  
City                                      State                                      Zip Code  
Phone Number: 859-866-5394                      Fax Number: \_\_\_\_\_  
Email: alex.othman1954@gmail.com & josh@hillcresthomesinc.com
10. Applicant: Akram Othman  
Address: 2306 Kenyon Ct.  
Hebron                      Kentucky                      41048  
City                                      State                                      Zip Code  
Phone Number: 859-866-5394                      Fax Number: \_\_\_\_\_  
Email: alex.othman1954@gmail.com & josh@hillcresthomesinc.com
11. Are there any existing buildings on the site:     Yes                       No  
If yes, indicate how many: \_\_\_\_\_



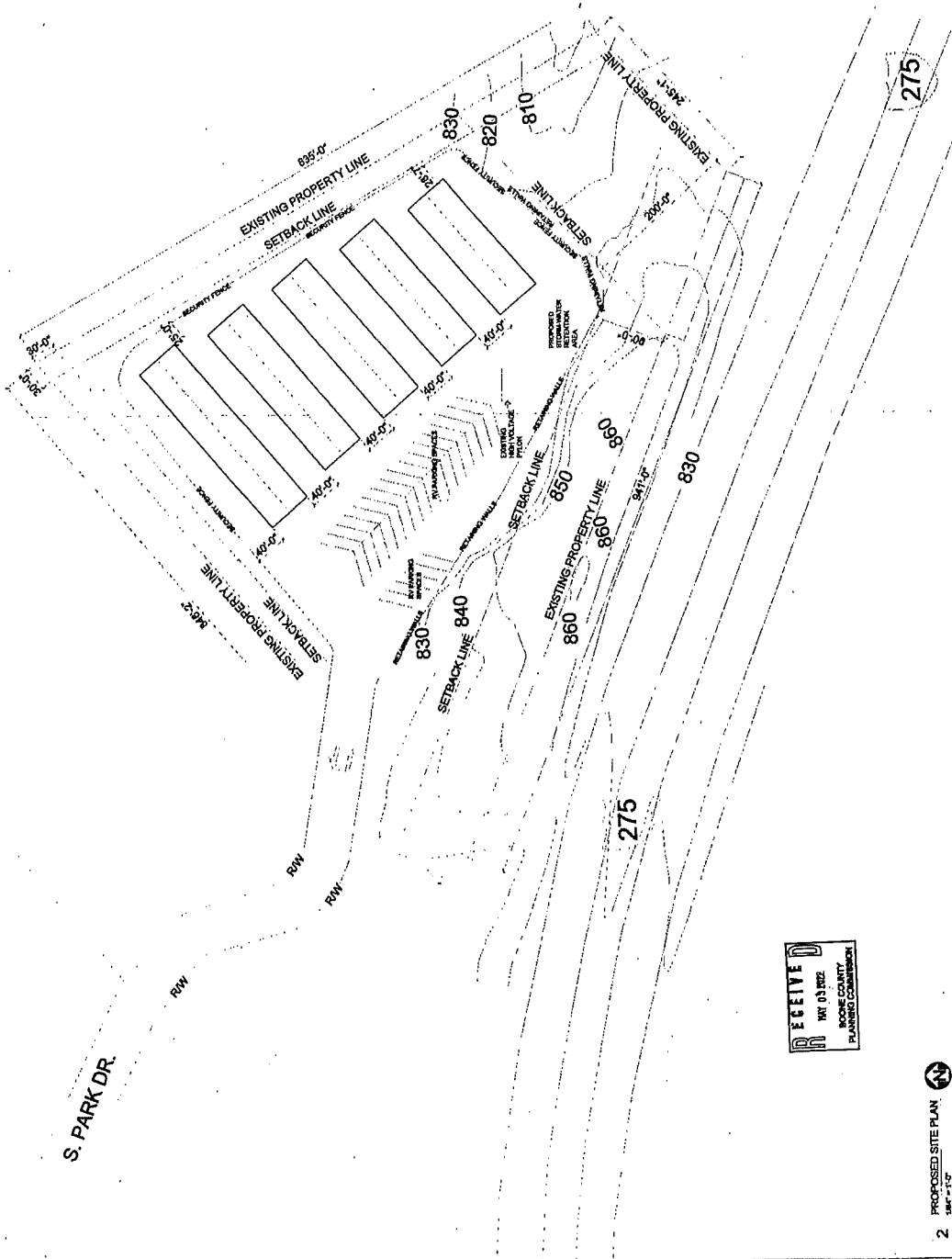
FOR ZONING REVIEW

1969

1971

1973

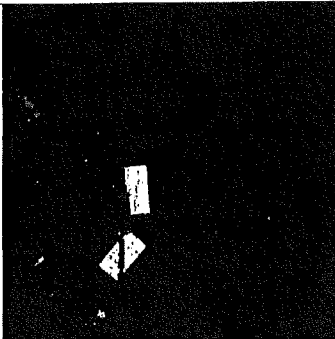
S. PARK DR.



STORAGE NOTES

1. TRUCKS MUST BE COVERED OR STORED IN PROPOSED DRIVE AND TAIL BEHIND DURING BUILDING PERMIT SUBMISSION
2. RV PARKING STORAGE TO BE MAINLY OUTDOORS AND MAY INCLUDE ADDITIONAL SURFACE AREAS NOT INDICATED IN THIS DOCUMENT BUT WITH REQUIRED SETBACKS AND EASEMENTS.

VICINITY MAP

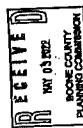


ZONING AND CODE INFORMATION

PARCEL NUMBER: 047.00.00.003.00  
 ZONING CLASS / LAND USE: SR-1 AND C-3  
 SIZE OF SITE: 10.5 ACRES  
 LEGAL DESCRIPTION: SOUTH PARK DR HEBRON KY  
 EXISTING USE GROUP: COMMERCIAL  
 NEW USE GROUP: C3-COMMERCIAL  
 OCCUPANT LOAD: NOT APPLICABLE  
 BUILDING CODE USED: 2017 OBC  
 CONSTRUCTION CLASSIFICATION: I - B  
 SPRINKLER: NONE REQUIRED  
 NUMBER OF FLOORS: ONE  
 AREA TO BE ALTERED: VARIOUS  
 PROPERTY CLASS: COMMERCIAL  
 TAX DISTRICT: TBD  
 SCHOOL DISTRICT: TBD  
 NEIGHBORHOOD: TBD

Aurtec Designs

Design Consulting, Industrial Development  
 30 East Main Street, New Albany, OH 43054 Phone: (614) 757-5252  
 PROJECT NAME: HEBRON KY STORAGE RV & BOAT  
 TITLE: Site Plan  
 DATE: 12-26-2021



## Michael Schwartz

---

**From:** Jerry Noran  
**Sent:** Thursday, May 5, 2022 10:38 AM  
**To:** Michael Schwartz  
**Subject:** RE: Hebron Storage

I don't know the width of the electric easement, but it appears that the eastern storage buildings would encroach on it.

If no parking is provided, accessible parking is not required. Storage yards for RV's, car sales, etc. are not considered parking per the Kentucky Building Code.

Retaining walls over 4' are required to be engineered, and will require guardrails if a driving surface is within 2' of the drop off.

Sincerely,  
Jerald E. Noran, CBO, AIA  
Chief Building Official  
Boone County Building Department  
2950 Washington Street  
P.O.Box 900  
Burlington, KY 41005  
859-334-3288  
jnoran@boonecountky.org

**From:** Michael Schwartz <mschwartz@boonecountky.org>  
**Sent:** Thursday, May 05, 2022 10:13 AM  
**To:** Jerry Noran <jnoran@boonecountky.org>; Robert Franxman <rfranxman@boonecountky.org>; Daniel Menetrey <dmenetrey@boonecountky.org>; miker@boonewater.com; aifcic@hebronfire.org; aaman@sd1.org  
**Subject:** Hebron Storage

We are in receipt of the above referenced Zoning Map Amendment application.

If you have any comments that you would like to have included in our staff report, please forward them to me no later than **Wednesday, May 25, 2022**.

The site is located east of the terminus of Southpark Drive.

Attached is the submitted Concept Plan. Sorry for the quality, but this is what they submitted.

**Michael D. Schwartz**  
**Director, Zoning Services**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264

## Michael Schwartz

---

**From:** Robert Franxman  
**Sent:** Wednesday, May 25, 2022 8:47 AM  
**To:** Michael Schwartz  
**Subject:** RE: Hebron Storage

Hi Michael,

See comments below.

Thanks,  
Rob

- The parcel does not have access to a public road. The developer should be required to build a subcollector street according to the subdivision regulations from the current end of Southpark Drive to the parcel.
- There is a portion of 60' dedicated R/W at the end of Southpark, the roadway should be built within this R/W. The developer should be responsible for any easements necessary for construction outside of the R/W. The developer should also be responsible for any permitting required, including but not limited to KY Division of Water and US Army Corps of Engineers.
- The public roadway would still be required to cross another parcel. The developer should be required to secure the R/W across that parcel for the public roadway.
- The public roadway should terminate in a cul-de-sac as required by the subdivision regulations.
- Sidewalks should be built along the public roadway as required by the subdivision regulations.

**From:** Michael Schwartz <mschwartz@boonecountyky.org>  
**Sent:** Thursday, May 5, 2022 10:13 AM  
**To:** Jerry Noran <jnoran@boonecountyky.org>; Robert Franxman <rfranxman@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; miker@boonewater.com; aifcic@hebronfire.org; aaman@sd1.org  
**Subject:** Hebron Storage

We are in receipt of the above referenced Zoning Map Amendment application.

If you have any comments that you would like to have included in our staff report, please forward them to me no later than **Wednesday, May 25, 2022**.

The site is located east of the terminus of Southpark Drive.

Attached is the submitted Concept Plan. Sorry for the quality, but this is what they submitted.

**Michael D. Schwartz**  
Director, Zoning Services



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264

**EXHIBIT**

**“B”**

**COMMITTEE REPORT READ AT JULY 6, 2022 BUSINESS MEETING BUT NOT  
ADOPTED BY THE PLANNING COMMISSION**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

DATE: July 6, 2022

RE: Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

REMARKS:

1. We, the Committee Members were present at the Committee Meeting and recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:
  - a. FINDINGS OF FACT:
    - (1) The Committee has concluded that the proposed I-1 district, along with the submitted concept development plan, is consistent with Our Boone County – Plan 2040, which designates the site for Industrial uses.

Section 1131.27 of the Boone County Zoning Regulations identifies 'Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage' as a principally permitted use within the I-1 district.

Section 1131.46 of the Boone County Zoning Regulations identifies 'Commercial parking facilities and commercial recreational vehicle parking facilities' as a principally permitted use within the I-1 district.
    - (2) The Committee has concluded that the proposed I-1 district, along with the proposed concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
      - (a) Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems Overall Goal A, Objective 3).

- (c) Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
- (d) Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
- (e) Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
- (f) Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

- (3) The Committee has concluded that the proposed development, along with the proposed concept development plan, is consistent with the zoning and development of the remainder of the Southpark industrial development located to the west of the site in question.
- (4) The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

b. CONDITIONS:

- (1) Development shall meet the minimum requirements of the zoning regulations, except as modified by these conditions.
- (2) The County Engineer shall determine what portion of the access drive shall be designed and constructed to a public street standard.
- (3) A T-type turnaround shall be required on the site if any portion of the access drive is constructed as a private street or driveway.
- (4) No buildings, retaining walls, grading, or retention/detention facility shall be located within any easement, without the written consent from the easement holder.
- (5) If needed, the property owner shall apply for a variance from any dimensional requirement of the zoning regulations.

- (6) The use of the property shall be limited to self-storage and the storage of recreational vehicles.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 15, 2022

**ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff**

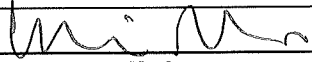
3. Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

REMARKS:

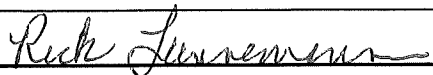
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

\_\_\_\_\_  
**Janet Kegley (Chairwoman)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Corrin Gulick**

For Project A Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Rick Lunnemann**

For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Randy Bessler (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Kim Patton**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Steve Harper**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Jackie Steele (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_

**TOTAL:**    \_\_\_\_ DEFERRED    \_\_\_\_ FOR PROJECT \_\_\_\_ ABSENT  
                  \_\_\_\_ AGAINST PROJECT    \_\_\_\_ ABSTAIN

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Steve Harper  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 9:09 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is 10.3 acres in size located 1,500 feet east of the terminus of Southpark Drive. The site has approximately 950 feet of I-275 road frontage. In 2016, there was a zone change application on the same site. The request was for an I-1 zoning district to allow an auto auction facility. Both the Planning Commission and the Fiscal Court denied the request in 2016. The site is currently zoned Suburban Residential One (SR-1) and Commercial Services (C-3) and is vacant. Carder-Dolwick Nature Preserve is located northeast of the site. Mr. Schwartz described the zoning and current land use of the adjoining properties. Self-storage and commercial recreational vehicle parking are permitted uses in the I-1 zoning district. The site slopes from west to east and upward to the center of the site at an average grade of 8%. It then slopes downward at an average grade of 12%. The Comprehensive Plan's Future Land Use Map designates the site as Industrial (I) and there are references to the Plan's Goals and Objectives on Pages 3 & 4 of the Staff Report. Southpark Drive is a County maintained sub-collector street with two driving lanes. Mr. Schwartz showed photographs of the site and adjoining properties. There is an overhead electric line that runs through the middle of the property. The line is located in a 100 foot wide easement area. The submitted Concept Development Plan shows 100,000 square feet of storage use in 5 buildings. In addition, there are 37 spaces for recreation vehicles. It also shows a security fence and retaining walls. Access would involve the extension of Southpark Drive. Mr. Schwartz superimposed the Concept Development Plan onto a GIS map. It shows the 100 foot wide utility easement and the access easement over the McGlasson property. The proposed driveway is not located in the easement area. Pages 6 & 7 of the Staff Report outline a series of Staff Comments. The two most glaring comments is the proposed driveway not being located in the recorded easement area. Second, at least 3 of the proposed buildings are located in the utility easement area. Building within the utility easement area requires written permission from the easement holder.

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

Mr. Akram Othman, applicant and owner, stated that he applied for a zone change to allow an auto auction in 2016 and it was denied because of traffic. He thought about apartments on the site but was advised accordingly based on the Comprehensive Plan. He wants to invest in his property. He decided to do something quiet with no traffic or sanitary sewer – public storage.

Chairman Rolfsen asked how he was going to put buildings under an electric easement? Mr. Othman replied that he will apply to Duke Energy and may have to move the buildings away from or closer to the interstate. Chairman Rolfsen asked how he can move the access easement? Mr. Othman stated that he has an agreement with Mr. McGlasson to move it anyway he wants. The Chairman asked the applicant to provide that written document to the Committee.

Mr. Eric Russo, The Hillside Trust, stated that his organization is the owner of the nature preserve next to the site. It is 34 acres in size. It is an incredible and fragile piece of property. It is a beautiful gorge in Boone County. It has survived a de-icing spill from the Airport in the late 1980s and a water line constructed in the early 1990s. It is experiencing a lot of erosion in Elijah Creek. In 2016, he opposed the auto auction which could cause damage to the Carder Dolwick Nature Preserve plus water run off from the increase in impervious surfaces. He expressed a concern for the size of the detention pond due to the increase in run off as a result of climate change in the last 10-15 years. His concerns revolve around the impact not only during construction but ongoing with maintenance. The proposal is equally as bad as the previous application and he is against the request.

Mr. Othman stated that Mr. Russo was unhappy and opposed the auto auction proposal in 2016 because of oil, tires and garbage. The public storage use has no garbage or sewer. Chairman Rolfsen asked if the vehicles/boats would be stored outside? Mr. Othman replied yes.

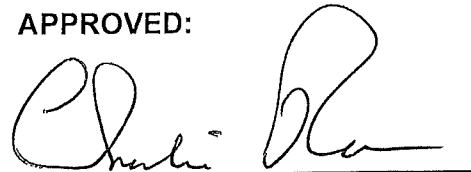
Mr. Costello asked about the information source on the GIS map. Mr. Schwartz replied that he placed the applicant's drawing on the GIS base map. Mr. Costello asked if the Staff could properly evaluate the use with limited information like setbacks, grading limits, etc.? Mr. Schwartz responded no, but it would occur when the applicant officially submits the project for Site Plan Review if the zone change is approved. No information from the electric company granting permission to the applicant has been submitted. Chairman Rolfsen asked if a building can be put in the electric easement area, can 100,000 square feet of storage buildings be constructed on the site? Mr. Schwartz replied that he doesn't know if it can be done at the same amount. The key would be to keep the buildings out of the easement area but also to meet the building setbacks. The 2016 Plan showed the building out of the easement area. Surface parking is allowed in the easement area. Mr. Schwartz verified that the 2016 Committee Report predominantly noted that the reason the request was denied was due to traffic, especially at the main intersection of KY 237 and Southpark Drive. The change is that the proposed use would generate less traffic than an auto auction use.

Mrs. Kegley noted that the new location of the access road is possibly crossing the creek at a different location. There is a curve in the road and maybe it is less steep?

Mr. Schwartz also asked if the extension of Southpark Drive to the site would be a public street or a private driveway? This was a concern from the County Engineer as he thought it should be a public street with a cul-de-sac. Mr. Othman replied that the extension will be a driveway since it won't have a lot of traffic. He also stated that he was flexible.

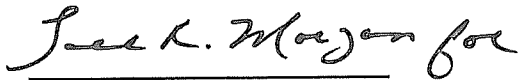
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:29 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Steve Harper  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 9:09 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is 10.3 acres in size located 1,500 feet east of the terminus of Southpark Drive. The site has approximately 950 feet of I-275 road frontage. In 2016, there was a zone change application on the same site. The request was for an I-1 zoning district to allow an auto auction facility. Both the Planning Commission and the Fiscal Court denied the request in 2016. The site is currently zoned Suburban Residential One (SR-1) and Commercial Services (C-3) and is vacant. Carder-Dolwick Nature Preserve is located northeast of the site. Mr. Schwartz described the zoning and current land use of the adjoining properties. Self-storage and commercial recreational vehicle parking are permitted uses in the I-1 zoning district. The site slopes from west to east and upward to the center of the site at an average grade of 8%. It then slopes downward at an average grade of 12%. The Comprehensive Plan's Future Land Use Map designates the site as Industrial (I) and there are references to the Plan's Goals and Objectives on Pages 3 & 4 of the Staff Report. Southpark Drive is a County maintained sub-collector street with two driving lanes. Mr. Schwartz showed photographs of the site and adjoining properties. There is an overhead electric line that runs through the middle of the property. The line is located in a 100 foot wide easement area. The submitted Concept Development Plan shows 100,000 square feet of storage use in 5 buildings. In addition, there are 37 spaces for recreation vehicles. It also shows a security fence and retaining walls. Access would involve the extension of Southpark Drive. Mr. Schwartz superimposed the Concept Development Plan onto a GIS map. It shows the 100 foot wide utility easement and the access easement over the McGlasson property. The proposed driveway is not located in the easement area. Pages 6 & 7 of the Staff Report outline a series of Staff Comments. The two most glaring comments is the proposed driveway not being located in the recorded easement area. Second, at least 3 of the proposed buildings are located in the utility easement area. Building within the utility easement area requires written permission from the easement holder.

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

Mr. Akram Othman, applicant and owner, stated that he applied for a zone change to allow an auto auction in 2016 and it was denied because of traffic. He thought about apartments on the site but was advised accordingly based on the Comprehensive Plan. He wants to invest in his property. He decided to do something quiet with no traffic or sanitary sewer – public storage.

Chairman Rolfsen asked how he was going to put buildings under an electric easement? Mr. Othman replied that he will apply to Duke Energy and may have to move the buildings away from or closer to the interstate. Chairman Rolfsen asked how he can move the access easement? Mr. Othman stated that he has an agreement with Mr. McGlasson to move it anyway he wants. The Chairman asked the applicant to provide that written document to the Committee.

Mr. Eric Russo, The Hillside Trust, stated that his organization is the owner of the nature preserve next to the site. It is 34 acres in size. It is an incredible and fragile piece of property. It is a beautiful gorge in Boone County. It has survived a de-icing spill from the Airport in the late 1980s and a water line constructed in the early 1990s. It is experiencing a lot of erosion in Elijah Creek. In 2016, he opposed the auto auction which could cause damage to the Carder Dolwick Nature Preserve plus water run off from the increase in impervious surfaces. He expressed a concern for the size of the detention pond due to the increase in run off as a result of climate change in the last 10-15 years. His concerns revolve around the impact not only during construction but ongoing with maintenance. The proposal is equally as bad as the previous application and he is against the request.

Mr. Othman stated that Mr. Russo was unhappy and opposed the auto auction proposal in 2016 because of oil, tires and garbage. The public storage use has no garbage or sewer. Chairman Rolfsen asked if the vehicles/boats would be stored outside? Mr. Othman replied yes.

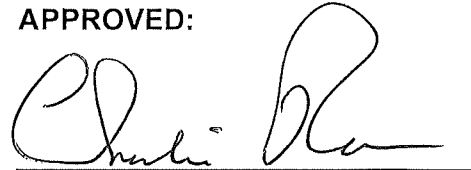
Mr. Costello asked about the information source on the GIS map. Mr. Schwartz replied that he placed the applicant's drawing on the GIS base map. Mr. Costello asked if the Staff could properly evaluate the use with limited information like setbacks, grading limits, etc.? Mr. Schwartz responded no, but it would occur when the applicant officially submits the project for Site Plan Review if the zone change is approved. No information from the electric company granting permission to the applicant has been submitted. Chairman Rolfsen asked if a building can be put in the electric easement area, can 100,000 square feet of storage buildings be constructed on the site? Mr. Schwartz replied that he doesn't know if it can be done at the same amount. The key would be to keep the buildings out of the easement area but also to meet the building setbacks. The 2016 Plan showed the building out of the easement area. Surface parking is allowed in the easement area. Mr. Schwartz verified that the 2016 Committee Report predominantly noted that the reason the request was denied was due to traffic, especially at the main intersection of KY 237 and Southpark Drive. The change is that the proposed use would generate less traffic than an auto auction use.

Mrs. Kegley noted that the new location of the access road is possibly crossing the creek at a different location. There is a curve in the road and maybe it is less steep?

Mr. Schwartz also asked if the extension of Southpark Drive to the site would be a public street or a private driveway? This was a concern from the County Engineer as he thought it should be a public street with a cul-de-sac. Mr. Othman replied that the extension will be a driveway since it won't have a lot of traffic. He also stated that he was flexible.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:29 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
JULY 6, 2022  
7:00 P.M.**

---

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 6, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael Schwartz, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mrs. Alaina Hagenseker, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 15, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mrs. Goetting seconded the motion and it carried unanimously.

**BILLS:**

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between June 2, 2022 and July 6, 2022.

**EXPENSES:**

Accounting Fees	\$ 882.95
Attorney Fees	4,575.00
Auto Expense	347.48
Consultant/Professional Svcs Fees	2,520.00
Filing Fees (CLURS)	1,250.00
GIS Operations	411.60
Miscellaneous Expense	719.30
Office & Board Meeting Supplies	453.86
Office Equipment / Expense	364.49
Office/Liability Insurance	23,505.57
Postage Expense	673.70
Printing/Pub/Dues/Subscriptions	<u>509.54</u>

**TOTAL: \$ 36,213.49**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 7,829.40
Health/Dental/Life/LTD	13,917.79
Retirement – BCPC Portion	23,065.97
Salaries – Staff Expenses	107,310.82
Salaries – BCPC & BOA	<u>1,620.00</u>

**TOTAL: \$159,587.95**

**GRAND TOTAL: \$195,801.44**

Ms. Gulick moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Lunnemann seconded the motion and it carried unanimously.

**RECOGNITION OF FORMER BOARD MEMBERS**

Chairman Rolfsen introduced former Planning Commissioner member, Ms. Lori Heilman. Mr. Costello stated that Ms. Heilman was appointed by Mayor Diane Whalen in 2015 after serving on the Florence Board of Adjustment. Lori was reappointed in 2019 and served almost 2 terms from 2015 to 2021. Her first meeting was on February 4, 2015 and one of her first votes was the approval of Boonespring in Union. More importantly, Lori served as Chair of the Technical/Design Review Committee and as an alternate on the Zone Change Committee. On behalf of the Board, Mr. Costello welcomed her back and thanked her for her years of service. Ms. Heilman stated that she was very thankful for her years on the Planning Commission and each member is to be commended. Chairman Rolfsen thanked her again.

**ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff**

1. Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request, with Ms. Gulick and Mr. Lunnemann voting in favor of the request. The developer and property owner has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Eric Russo, The Hillside Trust, stated that his organization owns the Carder-Dolwick Nature Preserve located next to the site. They have owned it for 38 years. It is a very delicate nature preserve and a spectacular ravine. The proposed access road and buildings could greatly impact the nature preserve without strict enforcement and regulations. What about oil and salt from the vehicles and its long term impact?

Chairman Rolfsen asked if there was a motion to proceed?

**Ms. Gulick moved to approve the Request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Lunnemann seconded the Motion.**

Chairman Rolfsen asked if the applicant was present? He asked if there was a limit on not allowing the storage of vehicles outside of the buildings? Was that a condition? Mr. Schwartz replied that it wasn't a condition. In fact, the applicant requested outside storage at the Public Hearing. Chairman Rolfsen responded that there will be rusted vehicles and boats leaking.

Mr. Schwenke inquired about the access easement. What was decided? Mr. Schwartz responded that the applicant revised the Concept Development Plan to show the road or driveway in the easement area. It is possible to build the road to a public street standard. Vehicles

will be able to park in the utility easement area. It will be up to the County Engineer to determine what part of the easement area will include a public street. Mr. Schwenke asked whether the buildings could be placed in the easement area? There was a condition that allowed the buildings in the easement area only if there was written permission from the easement holder. Mr. Schwartz noted that the applicant could move the buildings around the site but only if he could meet the setbacks, landscaping requirements and buffer yards. Ms. Gulick noted that the revised Concept Development Plan showed the buildings outside the utility easement area. Mr. Schwenke stated that if the parking of vehicles could be behind the buildings, it would look half as bad from I-275. Mr. Schwartz mentioned that the revised plan has 3 buildings around the perimeter and the parking in the center of the site or in the utility easement area. Mr. Lunnemann suggested sharing the revised drawing with the Board. Mr. Schwartz distributed copies of the revised plan.

Mrs. Goetting inquired about the gravel road and chain link fence as stated at the Public Hearing? Mr. Schwartz replied that the applicant will have to meet the zoning requirements regarding paved surfaces and chain link fences are not permitted in the front yard. The Staff will determine what is considered the front yard. A chain link fence will not be allowed along I-275. The fence would be a maximum of 4 feet in height, ornamental and 50% opacity.

Mr. Szurlinski shared the same concerns as the nature preserve property owner. Where does the run off from the parking lot go? Mr. Schwartz replied that it goes to the bottom, the right hand side of the site or the detention area. Mr. Szurlinski stated that he felt more comfortable with it.

Mr. Costello reminded the Board that the revised plan is a work in progress as the applicant must meet all the requirements as noted in the Staff Report. He asked if the applicant needs to install an oil separator? Mr. Schwartz responded there is nothing in the zoning regulations that requires it, maybe SD1.

Mr. Lunnemann stated that at the Public Hearing he had a lot of concerns. However, the applicant came to the Committee Meeting and seemed to address most of the concerns from the Public Hearing. He moved the road where the easement is located. He kept the buildings out of the utility easement and therefore received his vote of approval.

Chairman Rolfsen continued to express a concern about the appearance of the use from I-275. The exit is the gateway to Hebron. Outside storage should be restricted to the inside the buildings for appearance purposes.

Mr. Wilson reminded the Board that a recommendation must be made within 60 days unless an extension of time is requested by the originator of the application. There was an extension granted until Friday, July 8, 2022.

Mrs. Kegley asked how high is the site above the highway? Mr. Schwartz replied that some of it is higher and lower than the elevation of I-275.

Mr. Schwenke asked if there were any limitations on the amount of outside storage? Mr. Schwartz replied that it is only limited by setback requirements and the buffer yard requirements. The applicant also has to maintain driveway aisles. There has to be a larger buffer yard (Buffer Yard D) along the Conservation zoning district and Buffer Yard A along the interstate and other 2 sides.

Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick recommending approval and seconded by Mr. Lunnemann. The vote found Mr. Bessler, Ms. Gulick, Mr. Harper, Mr. Lunnemann, Mrs. Steele and Mr. Szurlinski voting in favor of the request and Mrs. Clark, Mrs. Goetting, Mr. Hincks, Mrs. Kegley, Mr. Patton, Mr. Rolfsen, Mr. Schwenke and Mr. Turner voting against the request. The motion recommending approval failed by a vote of 6-8.

Chairman Rolfsen stated that he didn't have a problem with the request if he could add a condition of no outside storage of vehicles but the applicant is not present to agree to the additional condition.

Ms. Gulick moved to deny the request based upon the following Findings of Fact. First, the request is not consistent with the Comprehensive Plan. Second, there is insufficient information on how the development will not impact adjacent natural areas. Third, the proposed I-1 district is not appropriate due to the steep hillsides. Fourth, there have been no major changes of an economic, physical, or social nature which were not anticipated in the adopted Comprehensive Plan that substantially alter the area's character, and Fifth, the storage of vehicles outside of the building is inappropriate due to the proximity of the sensitive natural area and visibility from I-275.

Mr. Schwartz elaborated that the request is not consistent with the Comprehensive plan primarily due to steep hillsides on the area. The applicant didn't provide information on how the hillsides will be treated. In addition, there is insufficient information about how the access will be constructed.

Mr. Rolfsen seconded the motion made by Ms. Gulick to deny the request. The vote found Mrs. Clark, Mrs. Goetting, Mr. Harper, Mr. Hincks, Mrs. Kegley, Mr. Patton, Mr. Rolfsen, Mr. Schwenke, Mrs. Steele and Mr. Turner voting in favor of the recommendation to deny the request and Mr. Bessler, Ms. Gulick, Mr. Lunnemann and Mr. Szurlinski voting against the recommendation to deny the request. The motion to deny the request passed by a vote of 10-4.

Mr. Wilson reminded everyone that the Boone County Fiscal Court makes the final decision on the request after reviewing the Planning Commission's recommendation.

#### **ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff**

2. Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Brock Mackay, Viox & Viox, Inc., stated that he was present on behalf of the owner and offered to answer any questions.

Chairman Rolfsen asked if there was a motion to proceed? **Ms. Gulick moved to approve the Requests of the Zoning Map Amendment and Variance by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

**CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff**

3. Request of **Rick Newman and Susan E. Newman (applicants)** for **Susan E. Newman and Old Lexington Pike LLC (owners)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Planned Development (A-2/PD) district and a Commercial Services/Planned Development (C-3/PD) district for an approximate 36.5 acre area located at 2841 – 2885 Verona Mudlick Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan for an expansion and building addition to the existing heavy equipment rental/service business.

At this time, Bob Schwenke left the meeting room because he stated that he had a conflict of interest with the applicant.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request with Mr. Lunnemann and Ms. Gulick voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Seeing no one, Chairman Rolfsen asked if there was a motion to proceed? **Mr. Lunnemann moved to approve the Request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion and it passed unanimously.**

At this time, Mr. Schwenke entered the meeting room.

**ZONING MAP AMENDMENT, Kim Patton, Chairman, Michael Schwartz, Staff**

4. Request of **Paul Hemmer Company (applicant)** for **Patsy C. Bullock Living Trust, Nancy S. Bullock, and Prologis LP (owners)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Industrial One (I-1); and (2) a Variance reducing the spacing of driveways along a street frontage from five hundred (500) feet to one hundred (100) feet for an approximate 19.8 acre area located at 3024 Bullock Lane and 3080 Bullock Lane,

Boone County, Kentucky. The request is for a zone change and variance to allow a warehouse/logistics building.

**Mr. Patton moved to defer the request until the August 3, 2022 Business Meeting. The Committee Meeting will be July 20, 2022 at 5:00 p.m. Mrs. Goetting seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**ZONING MAP AMENDMENT, Alaina Hagenseker, Staff**

5. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

**ZONING MAP AMENDMENT, Todd Morgan, Staff**

6. Request of **NorthPoint Development, per Mark Gloyeske (developer) for Greenfield Farm Inc., per James Dressman (owner)** a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 209 acre area located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road at the northeast quadrant of the Chambers Road/I-75 overpass, and to the north, northeast, and west of the property at 262 Chambers Road, and south of the property at 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow a subdivision for warehousing, distribution, manufacturing, light industrial, and office/warehouse uses.

**Mr. Patton moved to schedule the Public Hearings for Items #5 & 6 on August 3, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.**

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

7. Request of **Evans Engineering, for Plaza Street Partners (applicant) for Meijer Stores Limited Partnership (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 1 acre area located along the south and west sides of Meijer Drive, between Houston Road and Spiral Boulevard, approximately 300 feet southeast of Houston Road, and being part of the property at 4990 Houston Road, Florence,

Kentucky. The request is for a Change in an Approved Concept Development Plan for an eating and drinking establishment.

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

8. Request of **BRG Realty Group LLC, per Robert Crosswell (applicant)** for **Hebron Fire Protection District, per Frank Tepe (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Public Facility (PF) district to Commercial Two/Planned Development (C-2/PD) district for an approximate 0.63 acre area located in the southwest portion of the property at 3120 North Bend Road, Boone County, Kentucky and a request of **BRG Realty Group LLC, per Robert Crosswell (applicant)** for **Mary Ann Wolfe Trust (owner)** for a Concept Development Plan for an approximate 16 acre area located at the northeast corner of the intersection of North Bend Road with Cougar Path, Boone County, Kentucky. The request is for a zone change/change of concept plan and concept plan to allow 264 apartment units within 11 buildings, commercial outlots, and a new public street between North Bend Road and Limaburg Road.

**ZONING MAP AMENDMENT, Michael Schwartz, Staff**

9. Request of **Corporex Parks of Kentucky, Inc., per Nicole Chimento and Thomas Banta (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Residential Three/Planned Development (UR-3/PD) district for an approximate 8.3 acre area located at 3337, 3339, 3341, 3343, 3347, and 3351 Mineola Pike and 3336 Booneland Trail, Boone County, Kentucky. The request is for a zone change to allow a multi-family residential development.

**Mr. Patton moved to schedule the Public Hearings for Items #7, 8 & 9 on August 17, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff**

10. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Mr. Patton moved to schedule the Public Hearing for Item #10 on September 7, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.

**2020 ZONING REGULATIONS UPDATE, Michael Schwartz, Staff**

11. Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement ***Our Boone County Plan – Plan 2040***. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

Mr. Patton moved to schedule the Public Hearing for Item #11 on September 21, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP, referred to 3 Memorandums dated June 27, 2022 regarding engineering/surveying services, a waiver of application fees and extending the contract of Scott Berthold for legal services. First, the Planning Commission must extend the contract with Brown Engineering, LLC until November 1, 2022 with the same terms and rates. **Mr. Patton moved to authorize the Executive Director to extend the contract with Brown Engineering, LLC based on Mr. Costello's memo. Mrs. Steele seconded the motion and it passed unanimously.** Second, Mr. Costello explained that the Planning Commission hired Mr. Scott D. Bergthold in 2020 to assist Staff in updating the SOB regulations as part of the 2020 Zoning Update. This contract expired in 2021 due to Covid19 so it is necessary to change the dates from June 1, 2022 to December 31, 2022. The terms and rates of the contract will remain the same. **Mr. Lunnemann moved to authorize the Executive Director to extend the contract with Scott D. Bergthold based upon Mr. Costello's memo. Mrs. Steele seconded the motion and it passed unanimously.** Third, the East Bend Baptist Church has applied for a \$300 waiver of fees for their Conditional Use Permit and Minor Site Plan Review applications. **Mr. Schwenke moved to waive the \$300.00 application fee based upon Mr. Costello's memo. Mr. Harper seconded the motion and it passed unanimously.**

**COMMITTEE REPORTS:**

**AIRPORT:** Mr. Bessler  
No Report

**ADMINISTRATIVE/PERSONNEL:** Mr. Szurlinski  
No Report

**ENFORCEMENT:** Mr. Szurlinski  
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke  
No Report

TECHNICAL/DESIGN REVIEW: Mr. Lunnemann  
No Report

EXECUTIVE: Chairman Rolfsen  
No Report

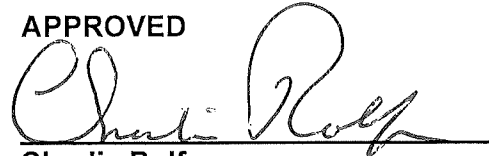
CHAIRMAN: Chairman Rolfsen

OKI: Mr. Patton

OTHER:

There being no further business to come before the Planning Commission, **Mrs. Goetting** moved to adjourn the meeting. **Mr. Patton** seconded the motion and it passed unanimously. The meeting was adjourned at 7:50 P.M.

APPROVED



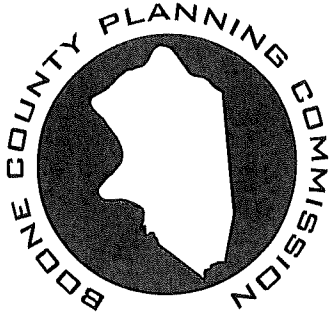
Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

June 17, 2022

Akram Othman  
2306 Kenyon Court  
Hebron, Kentucky 41048

RE: Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

Dear Mr. Othman:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their June 15, 2022 meeting. If the property owner/developer agrees to the conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, July 1, 2022.

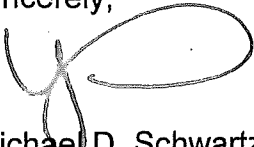
## CONDITIONS

1. Development shall meet the minimum requirements of the zoning regulations, except as modified by these conditions.
2. The County Engineer shall determine what portion of the access drive shall be designed and constructed to a public street standard.
3. A T-type turnaround shall be required on the site if any portion of the access drive is constructed as a private street or driveway.
4. No buildings, retaining walls, grading, or retention/detention facility shall be located within any easement, without the written consent from the easement holder.
5. If needed, the property owner shall apply for a variance from any dimensional

requirement of the zoning regulations.

6. The use of the property shall be limited to self-storage and the storage of recreational vehicles.

Sincerely,

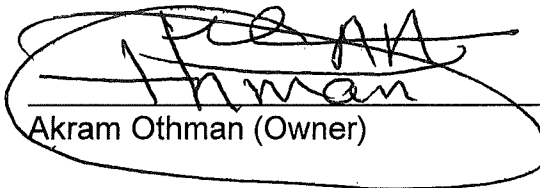


Michael D. Schwartz  
Director, Zoning Services

MDS/ss

AGREEMENT

I, the property owner/developer of the approximate: 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.



\_\_\_\_\_  
Akram Othman (Owner)

06.30.2022  
Date

(10)  
JMEB

## EASEMENT AGREEMENT

This Easement Agreement is entered into by and between GALEN W. McGLASSON, MARGARET B. McGLASSON AND JEAN A. McGLASSON (hereinafter collectively referred to as "Grantor") and AKRAM OTHMAN (hereinafter referred to as "Grantee") under the following circumstances:

A. Grantor is the owner in fee simple of the real estate designated as Parcel 1 in Deed Book 484, Page 205, Boone County, Kentucky Clerk's Records (copy of description attached hereto as Exhibit A).

B. Grantee is the owner in fee simple of the real estate designated as Parcel B in Deed Book 998, Page 174, Boone County, Kentucky Clerk's Records and by virtue of deed recorded in Deed Book 1046, Page 870 in the aforesaid Records (copy of description attached hereto as Exhibit B).

C. Grantee has requested the Grantor to grant to the Grantee an easement over that portion of Grantor's real estate described in Exhibit C attached hereto for the purpose of constructing a roadway and to lay utility lines which easement will provide access to and benefit Grantee's property described in Exhibit B.

D. Grantor is willing to grant such easement to the Grantee subject however to the terms and conditions contained herein.

NOW, THEREFORE in consideration of the covenants contained herein, the Grantor and Grantee agree as follows:

1. Grantor grants to Grantee, his successors and assigns, a non-exclusive easement over that portion of Grantor's property described in Exhibit C attached hereto and depicted in plat attached hereto as Exhibit D for the following purposes: to construct, at Grantee's expense, a roadway in the easement area from the terminus of Southpark Drive to and from Grantee's property described in Exhibit B; and the right of vehicular and pedestrian ingress and egress over the easement area to and from Grantee's property; and the right to install, at Grantee's sole expense, utility lines in the easement area so long as they don't interfere with existing utility lines located in the easement area as well as utility lines provided for (but perhaps not yet installed) in easements of record affecting the Grantor's property and to maintain and repair such utility lines. The Grantor and its successors and assigns shall also have the right to tie into the utility lines. The Grantor also grants to the Grantee a temporary construction easement over that portion of the Grantor's property immediately adjacent to the easement area for the purpose of construction of the roadway and appurtenances to Boone County Planning specifications and laying the utility lines. The Grantor's property disturbed by such construction shall be restored to

**Boone County**  
**EA78 PG 74**

RETURN TO PG 5

the condition it was in immediately prior to the start of construction. The temporary construction easement will terminate once the work is completed. The Grantee and its successors, assigns and invitees and those entities which have easements over Grantor's property including the easement area shall have the right to fully utilize the easement area including, but not limited to the right to freely pass over such easement area and perform whatever work and activities in such easement area as any recorded easement so permits. Grantor warrants it is the owner of the easement area.

2. The Grantee at his sole expense shall pay all of the costs associated with the construction of the roadway and the construction/installation of the utility lines. Grantee shall maintain and keep in good repair the roadway, including any storm structures which have to be installed in the easement area, to the satisfaction of any authority or agency which oversees same and to Grantor's satisfaction, and Grantee shall pay the costs associated with such maintenance and repair. Grantee shall also pay all costs associated with the maintenance and repair of the utility lines. Grantee shall not cause, either voluntarily or involuntarily, any lien or encumbrance to be placed on the easement area.

3. Before work is initiated on the construction of the roadway and utility line installation, the Grantee shall provide to the Grantor and its engineer a copy of the proposed construction/installation design/plans which design/plans must be acceptable to Grantor and its engineer. Grantee shall require his contractor who is to undertake any part of the project to be bonded and evidence of such bonding shall be provided to Grantor and its engineer before work is begun. The Grantee will be responsible for obtaining and paying for all of the necessary permits and approvals for the construction of the road and the installation of the utility lines, and Grantee will coordinate this permit and approval process with Grantor and Greg Larison its consulting engineer. The Grantee must submit plans to the Grantor and its engineer for their review and approval for the construction of the roadway and the installation of the utility lines prior to beginning such activity. Also, the Grantor and its engineer must be notified in writing by the Grantee before the Grantee actually submits any request or application for a permit or approval for the construction/ installation of the roadway/utility lines from the appropriate authority, agency or utility company which request/application must also meet with the approval of the Grantor and its engineer. The construction/installation of the road and utility lines shall be done by the Grantee in full compliance with all regulations and requirements.

4. The Grantor shall not in any way unreasonably interfere with the Grantee's use of the easement herein granted, and Grantor agrees not to erect any building, structure or improvement over and upon the easement area or otherwise unreasonably interfere with the Grantee's use/ repair/maintenance of the roadway and utility lines in the easement area. Likewise the Grantee shall not interfere in any way with the Grantor's use of the rest of its property. The Grantor shall not excavate or fill within the easement area or immediately adjacent thereto. The Grantor shall not lay waste to the land in the easement area, or otherwise adversely affect the operation, function or maintenance of the utility lines and roadway. The Grantee shall not impede or interfere with the use of the easement by the Grantor or its successors, assigns and invitees.

5. The Grantee shall indemnify and hold Grantor harmless from any liability, damages, costs and expenses arising from the general use of the easement by the Grantee and its

successors, assigns and invitees and also arising out of the construction/installation of the roadway and utility lines and the repair and maintenance of same. Grantee shall pay all fees and costs associated with the construction/installation and maintenance and repair of the roadway and utility lines. Grantee shall indemnify and hold Grantor harmless from any all damages and related costs and expenses including attorney fees sustained by the Grantor on its property as a result of the actions of the Grantee and his successors and assigns and the actions of Grantee's invitees.

6. The Grantee's use of the easement area shall be in full compliance with all federal, state and local laws, ordinances and regulations, and Grantee shall indemnify and hold Grantor harmless from any and all loss and expense including attorney fees incurred by the Grantor arising out of Grantee's failure to do so. Also, once the construction/installation of the roadway and utility lines is complete, the Grantee will comply with all requirements/regulations which have been promulgated by any authorized authority, agency or entity relative to such roadway/utility lines.

7. The construction/installation of the roadway and utility lines will be done so in such a manner so as not to interfere with the existing easements or damage or effect in any way the utility lines which are currently located on Grantor's property. Attached hereto as Exhibit E is a list of the easements which Attorney Fred Summe reported to Grantor in his July 16, 2014 title report to Grantor which he believes affect that part of Grantor's property where the easement is located. Grantee shall not begin any work on the roadway construction and/or installation of utility lines without first coordinating his work with the affected utility companies. The consent of these utility companies must first be obtained. Grantor is not aware of any other easements affecting their property other than the ones noted above, however Grantor also does not make any representations about the existence of any easements, and Grantee will have to investigate such on his own. The Grantee must first obtain the necessary permits and approvals to construct/install the roadway and utility lines, and Grantee will provide Grantor and its engineer with all documents relative to the acquisition of such permits.

8. This easement shall run with the lands of the Grantor and the Grantee and all of the rights and obligations of the Grantor and the Grantee herein shall be binding upon and inure to the benefit of the Grantor and the Grantee and their respective heirs, personal representatives, successors and assigns. The parties agree that this document be recorded with the Boone County Clerk.

9. To the extent that the Grantee fails to comply/abide by the terms of this Agreement, the Grantee grants to the Grantor the right to cure Grantee's breach and further Grantee grants to Grantor a lien from the date of this Agreement on Grantee's property described in Exhibit B attached hereto to the extent of money damages/costs/expenses incurred by the Grantor in curing the Grantee's breach, including Grantor's attorney fees and costs including court costs.

**Boone County**  
**EA78 PG 76**

10. If either the Grantee or the Grantor fail to fulfill all of its respective obligations hereunder then either of them can bring an action to enforce the terms hereof. The venue for any such action shall be Boone County, Kentucky. Losing party in such an action shall pay the reasonable attorney fees and costs incurred by the prevailing party.

11. Where time is a factor hereunder, time shall be of the essence.

12. Any notices required hereunder shall be in writing and delivered personally or sent by certified mail, return receipt requested at the addresses indicated below. The parties shall immediately notify each other of any change of address. Any notice shall be considered as given on the day it is delivered personally, or on that date on which the mailing is deposited in the US mail, postage prepaid:

Galen W. McGlasson and  
Margaret B. McGlasson  
2580 North Bend Rd.  
Hebron, KY 41048

Jean A. McGlasson  
2030 Bridgette Ln.  
Hebron, KY 41048

Akram Othman  
2306 Kenyon Court  
Hebron, KY 41018

Executed by the parties hereto on the dates set forth below.

GRANTORS:

Galen W. McGlasson  
Galen W. McGlasson  
Date: 12-17-2014

Margaret B. McGlasson  
Margaret B. McGlasson  
Date: 12-17-2014

Jean A. McGlasson  
Jean A. McGlasson  
Date: 12-17-2014

GRANTEE:

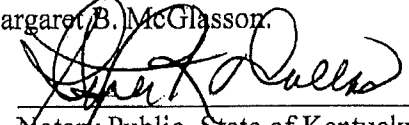
Akram Othman  
Akram Othman  
Date: 12-18-2014

Boone County  
EA78 PG 77

State of Kentucky  
County of BOONE

The foregoing instrument was acknowledged before me this 17 day of  
December, 2014 by Galen W. McGlasson and Margaret B. McGlasson.

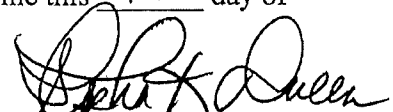
My Commission Expires:  
3/10/2018

  
Notary Public, State of Kentucky  
Notary ID No. 507316

State of Kentucky  
County of BOONE

The foregoing instrument was acknowledged before me this 17 day of  
December, 2014 by Jean A. McGlasson.

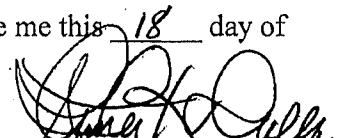
My Commission Expires:  
3/10/2018

  
Notary Public, State of Kentucky  
Notary ID No. 507316

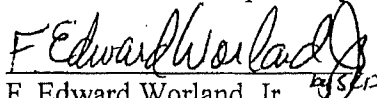
State of Kentucky  
County of BOONE

The foregoing instrument was acknowledged before me this 18 day of  
December, 2014 by Akram Othman.

My Commission Expires:  
3/10/2018

  
Notary Public, State of Kentucky  
Notary ID No. 507316

This Instrument Prepared By:

  
F. Edward Worland, Jr. EASE  
Attorney at Law  
P.O. Box 2420  
Covington, KY 41012-2420  
(859) 581-8787

real estate/EASEMENT.McGLASSON.OTHMAN

Boone County  
EA78 PG 78

RETURN TO

Exhibit A

Know All Men By These Presents:

CLERK'S OFFICE  
LONG ★ FORM  
DEED

PROPERTY TRANSFER TAX PAID \$ Exempt  
JERRY W. ROUSE, CLERK Emd

Leroy McGlasson and Rheba C. McGlasson his wife and Melvin R. McGlasson and Jean A. McGlasson, his wife and Galen W. McGlasson and Margaret B. McGlasson, his wife

whose mailing address is: \_\_\_\_\_  
for and in consideration of (Parent to Child - exempt) \_\_\_\_\_ to them paid by the  
grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey an undivided one-half  
interest to Melvin R. McGlasson and Jean A. McGlasson, his wife, with the remainder  
in fee simple to the survivor of them, his or her heirs and assigns and an un-  
divided one-half interest to Galen W. McGlasson and Margaret B. McGlasson, his  
wife, with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of \_\_\_\_\_ N/A \_\_\_\_\_;

BOONE  
County of ~~Boone~~ and Commonwealth of Kentucky, to-wit: Group No. 2005

Present Street Address 2580 North Bend Road, Hebron, Kentucky Plat No. \_\_\_\_\_

Grantor Mailing Address 2580 North Bend Road, Hebron, Kentucky

SITUATED on the Old North Bend Road and bounded thus: BEGINNING at a stone at the edge of the outlet the east corner Mrs. Polly Ann Harper's lot 15 feet from Aaron Carter's line thence along the edge of the outlet north 65½ east 20-1/5 poles to a stone a corner of George C. Hafer's lot; thence north 24 west 12-4/5 poles to a stone another corner of said lot; thence north 62 east 49-3/10 poles to a stone in a line of Thos. Hafer's lot and a corner of his tract; thence with a line of said tract north 20-½ west 61-1/4 poles to a stone on a branch; thence south 61-½ west 21 poles (passing a Walnut tree) to a stake on a branch; thence south 19-½ West 18 poles to a stone on said branch; thence south 71 west 3 poles to a stone; thence south 8 east 16 poles to a stone; thence south 34 west 20 poles to a stone; thence south 48-3/4 west 12-½ poles to a stone near the head of the pond a corner with Mrs. Polly Ann Harper's lot; thence south 18 east 36 poles to the beginning containing 21 acres more or less.

Steve Dallas

ALSO THE FOLLOWING: Lying and being in Boone County, Ky. and being Lot No. 2 in the division of the lands of Henry Hafer, deceased, between and amongst his heirs bounded as follows: BEGINNING at a stone corner of Lot 1 in John Beall's line thence with his line N 74-3/4 E 34.78 chains to a stone, corner of Lot No. 4 in the line of F.L. Gordon; thence with a line of Lot No. 4 S 81½ E 6.56 chains to a stone, a corner of Lot No. 3; thence with a line of Lot No. 3, S 47½ W 20.32 chains to a stone, another corner of Lot No. 3; thence with a line thereof S 41 E 14.48 chains to a stone on a branch, corner of Thomas Hafer and E. Harper; thence with Harper's line S 63½ W 5.25 chains to a stone; thence S 21-3/4 W 4.50 chains to a stone; thence S 72 W 79 links to a stone thence S 6½ E 4 chains to a stone; thence S 36½ W 60 links to a stone a corner of Lot No. 1; thence with a line thereof N 42½ W 24.54 chains to the beginning and containing 41 acres.

PARCEL II: Lying and being in the same county and state and described as follows: BEGINNING in the North Bend Road, 15 feet from Aaron Carter's corner; thence with the road N 9½ W 27-2/3 poles, N 24½ W 7 poles to a stone in said road; thence North 65½ E

Source of title : P B 203/311 (4/20/73)  
94/320 (11/18/50)

Boone County  
EA78 PG 79

Exhibit B

GROUP No. 2008

PARCEL B

Located in Boone County, Kentucky, lying on the north side of Interstate Highway 275 east of Kentucky Highway 237 and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983.

Beginning-at an iron pin (set) in the north right-of-way line of Interstate Highway 275 at the common corner of Richard Lynn Anderson (Deed Book 915, page 938) and Galen McGlasson, et al (Deed Book 484, page 205); thence with the common line of Anderson and McGlasson N 49°32'39" E 853.20 feet to an iron pin (set) in the south line of The Hillside Trust (Deed Book 338, page 17); thence with the common line of Anderson and The Hillside Trust S 29°35'47" E 837.26 feet to an iron pin (set) at the common corner of Anderson and Larry McGlasson (Deed Book 249, page 42); thence with the common line of Anderson and McGlasson S 47°57'21" W 247.98 feet to an iron pin (set) in the north right-of-way line of Interstate Highway 275; thence with said right-of-way line N 67°30'30" W 293.66 feet to point; thence N 69°24'31" W 648.68 feet to the point of beginning containing 10.375 acres and being subject to all right-of-ways and easements of record.

Being all of the remaining portion of Parcel II lying on the north side of Interstate Highway 275 conveyed to Richard Lynn Anderson and Deborah Anderson, husband and wife, by deed recorded in Deed Book 915, page 938, in the Boone County Clerk's Office in Burlington, Kentucky.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357. November 2006.

BOONE COUNTY D998 PG 177

Boone County  
EA78 PG 80

DOCUMENT NO: 577936  
RECORDED ON: OCTOBER 25, 2011 01:10:50PM  
TOTAL FEES: 120.00  
TRANSFER TAX: 112.00  
GROUP : 2008  
COUNTY CLERK: KERRY BROWN  
BOONE COUNTY CLERK  
DEPUTY CLERK: JULIE SPALDING  
BOOK 0998 PAGES 174 - 177

Exhibit C

GREGORY A. LARISON, PLS

10629 CHESHIRE RIDGE DRIVE, FLORENCE, KY 41042  
859.371.1712

June 10, 2014

Group No. 2008

PERMANENT UTILITY AND ROADWAY EASEMENT  
TO BE GRANTED BY  
GALEN W. McGLASSON, ET AL

Located in Boone County, Kentucky, lying at the terminus of Southpark Drive and north of Interstate 275 and is more particularly described as follows:

Beginning at a point in the centerline terminus of Southpark Drive of the Southpark Development Subdivision, Section 3 (Plat Slide 334B) and Section 1 (Plat Slide 128B) and in the northwest line of Galen W. McGlasson, et al (Deed Book 484, page 205); thence with the northwest line of McGlasson North 50°20'00" East 38.81 feet to a point; thence leaving said line and through the lands of McGlasson South 65°16'48" East 479.80 feet to a point in the southeast line of McGlasson; thence with said southeast line South 49°32'39" West 77.13 feet to a point; thence leaving said southeast line and through the lands of McGlasson North 65°16'48" West 480.98 feet to a point in the southeast line of Southpark Development Subdivision, Section 1; thence with said line North 50°20'00" East 38.81 feet to the point of beginning containing 0.772 acres, more or less.

Boone County  
EA78 PG 81

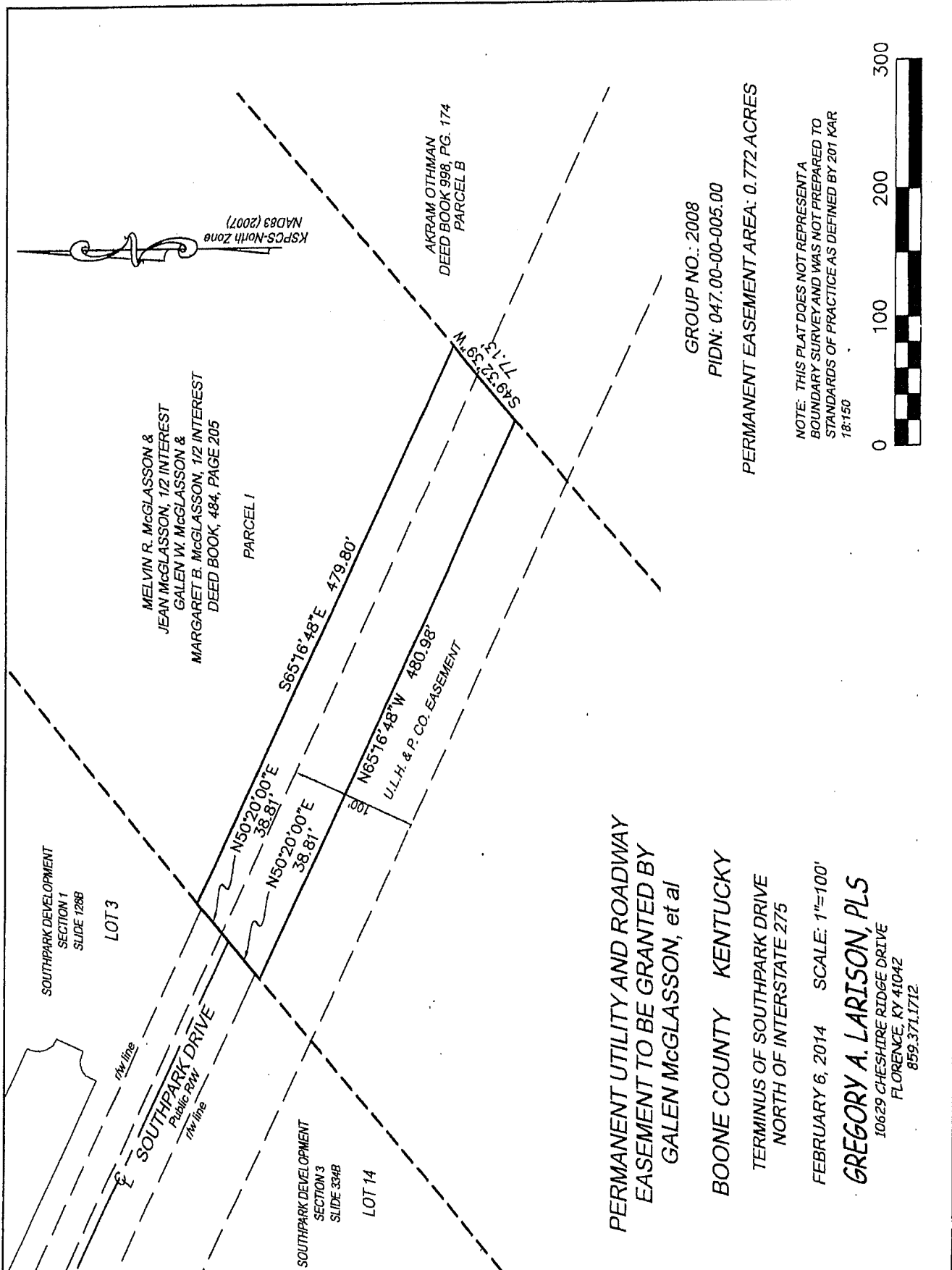


Exhibit D

Boone County  
EA78 PG 82

# Exhibit E

## Easements

The parent tract is subject to a 20' in width water main easement granted Boone County Water and Sewer District, on September 28, 1993, and recorded in Easement Book 36, page 215.

The parent tract is subject to a 17' in width electric transmission easement granted the Union Light, Heat and Power Company, on February 27, 1998, and recorded in Easement Book 50, page 200.

The parent tract is subject to a 20' in width gas line easement granted the Union Light, Heat and Power Company, on September 28, 2005, and recorded in Easement Book 70, page 918. (Attached at page 921 is an easement showing the location of this 20' gas line easement. It appears that said gas line easement will run also through said permanent utility and roadway easement.)

The said plat recorded in Easement Book 70, page 921, also shows an existing Union Light, Heat and Power Company overhead electric transmission easement.

The plat of the permanent utility and roadway easement prepared by Greg A. Larison shows a 100' easement to Union Light, Heat and Power Company.

**Boone County**  
**EA78 PG 83**

DOCUMENT NO: 667361  
RECORDED ON: DECEMBER 18, 2014 02:24:03PM  
TOTAL FEES: \$38.00  
GROUP : 2008  
COUNTY CLERK: KENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: MICHELLE E  
BOOK EA78 PAGES 74 - 83

5  
MEB

### QUIT CLAIM DEED

**GALEN W. McGLASSON and MARGARET B. McGLASSON, husband and wife, and JEAN A. McGLASSON, an un-remarried widow, and DONNA PICKETT and BARRY PICKETT her husband, and DANNY McGLASSON and ELIZABETH McGLASSON, his wife,** the Grantors, whose address is c/o 2580 North Bend Road, Hebron, KY 41048 in consideration of the transfer by the Grantee Akram Othman and his wife, Amani Othman (whose mailing address and whose in-care-of address to which future property tax bills my be sent is 2306 Kenyon Court, Hebron, KY 41048) to the following of the Grantors herein (Galen W. McGlasson and Margaret B. McGlasson and Jean A. McGlasson and Donna Pickett and Danny McGlasson) all of the interest of the Grantee Akram Othman and his wife Amani Othman in a certain 5.825 acre tract of land located on the south side of Interstate Highway 275 east of Kentucky 237, the value of which interest the parties herein have established at \$ 35,864.00, the receipt of which is hereby acknowledged by the Grantors, do hereby remise, release and forever quitclaim to:

**AKRAM OTHMAN, a married man, his**

heirs and assigns forever, all of the Grantors' right, title and interest (the total of which is believed to be an undivided one-half (1/2) interest) in a certain 10.375 acre tract of land located on the north side of Interstate Highway 275 east of Kentucky Highway 237 which tract of land is more particularly described in Exhibit A attached hereto and incorporated herein.

Subject to easements, restrictions, rights of way, matters of record and any unpaid real estate taxes.

Source of Title: Being Parcel B described in deed dated October 19, 2011 and recorded on October 25, 2011 in Deed Book 998, Page 174, Boone County Clerk's Records, Burlington, KY, which Parcel B was conveyed by Richard Lynn Anderson and Deborah Anderson, husband and wife, to Akram Othman, a married man. According to the aforementioned deed, the legal description for Parcel B was prepared from a new survey made by Gregory A. Larison PLS 3357, November, 2006. In actuality, when Richard Lynn Anderson and his wife Deborah Anderson conveyed the subject property (Parcel B) to Akram Othman, Mr. and Mrs. Anderson only held title to an undivided one-half interest in the subject property (see Deed Book 915 at page 942) Title to the remaining undivided one-half interest in the subject property was on such date and is still held as follows: an undivided one-fourth interest held by (a) Jean A. McGlasson, Donna Pickett and Danny McGlasson by virtue of being the heirs at law of Melvin McGlasson who died intestate on October 31, 2008. See Affidavit of Descent recorded in Misc. Book 1258, Page 271, Boone County Clerk's Records and also by virtue of Affidavit of Descent for Rheba Clair McGlasson recorded in Misc. Book 1242, Page 468; AND title to the remaining undivided one-fourth interest held by (b) Galen McGlasson (aka Galen W. McGlasson) by virtue of the aforementioned Affidavit of Descent for Rheba Clair McGlasson. Grantor, Galen W. McGlasson hereby states that he failed to indicate in the

**Boone County  
D1046 PG 870**

RETURN TO: PG 4

aforementioned Affidavit of Descent that at the death of his Mother, Rheba Clair McGlasson, she was an un-remarried widow.

Together with all of the PRIVILEGES AND APPURTENANCES to the same belonging, TO HAVE AND TO HOLD the same to the said

**AKRAM OTHMAN, a married man, his**

heirs and assigns forever.

The Grantors and the Grantee certify, under oath, that the consideration reflected in this deed is the full consideration paid for the subject property, and the Grantee joins in this Deed for the sole purpose of making this certification about the consideration. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D. Felony subject to one to five years imprisonment and fines up to \$10,000.00.

Executed this 18 day of December, 2014.

GRANTORS:

Galen W. McGlasson  
Galen W. McGlasson

Margaret B. McGlasson  
Margaret B. McGlasson

Jean A. McGlasson  
Jean A. McGlasson

Donna Pickett  
Donna Pickett

Barry Pickett  
Barry Pickett

Danny McGlasson  
Danny McGlasson

Elizabeth McGlasson  
Elizabeth McGlasson

GRANTEE:

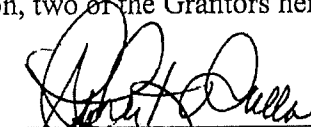
Akram Othman  
Akram Othman

**Boone County  
D1046 PG 871**

STATE OF KENTUCKY  
COUNTY OF Boone

The foregoing instrument, including the certification of consideration, was acknowledged, sworn to and subscribed before me this 17 day of December, 2014 by Galen W. McGlasson and Margaret B. McGlasson, two of the Grantors herein.

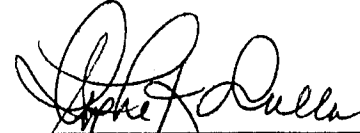
My Commission Expires:  
3/10/2018

  
Notary Public – State of Kentucky  
Notary ID No. 507316

STATE OF KENTUCKY  
COUNTY OF Boone

The foregoing instrument, including the certification of consideration, was acknowledged, sworn to and subscribed before me this 17 day of December, 2014 by Jean A. McGlasson, a Grantor herein.

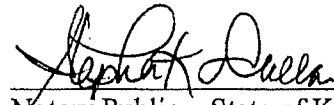
My Commission Expires:  
3/10/2018

  
Notary Public – State of Kentucky  
Notary ID No. 507316

STATE OF KENTUCKY  
COUNTY OF Boone

The foregoing instrument, including the certification, was acknowledged, sworn to and subscribed before me this 17 day of December, 2014 by Donna Pickett and Barry Pickett two of the Grantors herein.

My Commission Expires:  
3/10/2018

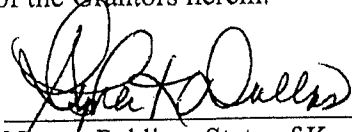
  
Notary Public – State of Kentucky  
Notary ID No. 507316

**Boone County**  
**D1046 PG 872**

STATE OF KENTUCKY  
COUNTY OF Boone

The foregoing instrument, including the certification of consideration, was acknowledged, sworn to and subscribed before me this 17 day of December, 2014 by Danny McGlasson and Elizabeth McGlasson, two of the Grantors herein.

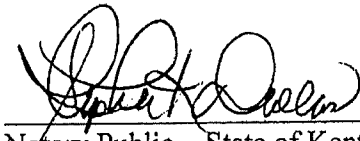
My Commission Expires:  
3/10/2018

  
Notary Public – State of Kentucky  
Notary ID No. 507316

STATE OF KENTUCKY  
COUNTY OF Boone

The foregoing instrument, including the certification of consideration, was acknowledged, sworn to and subscribed before me this 18 day of December, 2014 by Akram Othman, the Grantee herein.

My Commission Expires:  
3/10/2018

  
Notary Public – State of Kentucky  
Notary ID No. 507316

NO TITLE EXAMINATION  
PERFORMED BY PREPARER  
This Instrument Prepared By:

F. Edward Worland Jr.  
F. Edward Worland, Jr. <sup>MC</sup>  
Attorney at Law  
PO Box 2420  
Covington, KY 41012-2420  
(859) 581-8787

RETURN TO:

Deeds/McGLASSON.OTHMAN

**Boone County**  
**D1046 PG 873**

Exhibit A

Group No. 2008

PARCEL B

Located in Boone County, Kentucky, lying on the north side of Interstate Highway 275 east of Kentucky Highway 237 and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983.

Beginning at an iron pin (set) in the north right-of-way line of Interstate Highway 275 at the common corner of Richard Lynn Anderson (Deed Book 915, page 938) and Galen McGlasson, et al (Deed Book 484, page 205); thence with the common line of Anderson and McGlasson N 49°32'39" E 853.20 feet to an iron pin (set) in the south line of The Hillside Trust (Deed Book 338, page 17); thence with the common line of Anderson and The Hillside Trust S 29°35'47" E 837.26 feet to an iron pin (set) at the common corner of Anderson and Larry McGlasson (Deed Book 249, page 42); thence with the common line of Anderson and McGlasson S 47°57'21" W 247.98 feet to an iron pin (set) in the north right-of-way line of Interstate Highway 275; thence with said right-of-way line N 67°30'30" W 293.66 feet to point; thence N 69°24'31" W 648.68 feet to the point of beginning containing 10.375 acres and being subject to all right-of-ways and easements of record.

Being all of the remaining portion of Parcel II lying on the north side of Interstate Highway 275 conveyed to Richard Lynn Anderson and Deborah Anderson, husband and wife, by deed recorded in Deed Book 915, page 938, in the Boone County Clerk's Office in Burlington, Kentucky.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, November 2006.

BOONE COUNTY D998 PG 177

DOCUMENT NO: 667360  
RECORDED ON: DECEMBER 18, 2014 02:22:33PM  
TOTAL FEES: \$23.00  
TRANSFER TAX: \$36.00  
GROUP : 2008  
COUNTY CLERK: KENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: NICHELLE E  
BOOK D1046 PAGES 870 - 874

Boone County  
D1046 PG 874

DOCUMENT NO: 577536  
RECORDED ON: OCTOBER 25, 2011 01:10:50PM  
TOTAL FEES: \$20.00  
TRANSFER TAX: \$112.00  
GROUP : 2008  
COUNTY CLERK: KENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: JULIE SPALDING  
BOOK 8990 PAGES 174 - 177

22-017

**DENIED**

**ORDINANCE 2022-17**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY DENYING A REQUEST OF AKRAM OTHMAN (APPLICANT AND OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND COMMERCIAL SERVICES (C-3) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 10.3 ACRE AREA LOCATED ALONG THE NORTH SIDE OF INTERSTATE 275 (I-275), APPROXIMATELY 1,500 FEET EAST OF THE TERMINUS OF SOUTHPARK DRIVE, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial, for the Zoning Map Amendment.

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

**Section One**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby denied, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK: 1046, PAGE NO: 870 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for this denial for a Zoning Map Amendment request are the Findings of Fact, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

The Boone County Planning Commission Committee recommended denial for this request based on the Findings of Fact as noted in "Exhibit B."

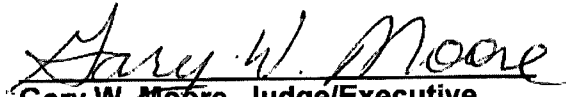
**Section Three**

This Ordinance shall be denied in full force from and after its passage, publication and adoption, according to law.

**First Reading the 26th day of July, 2022**

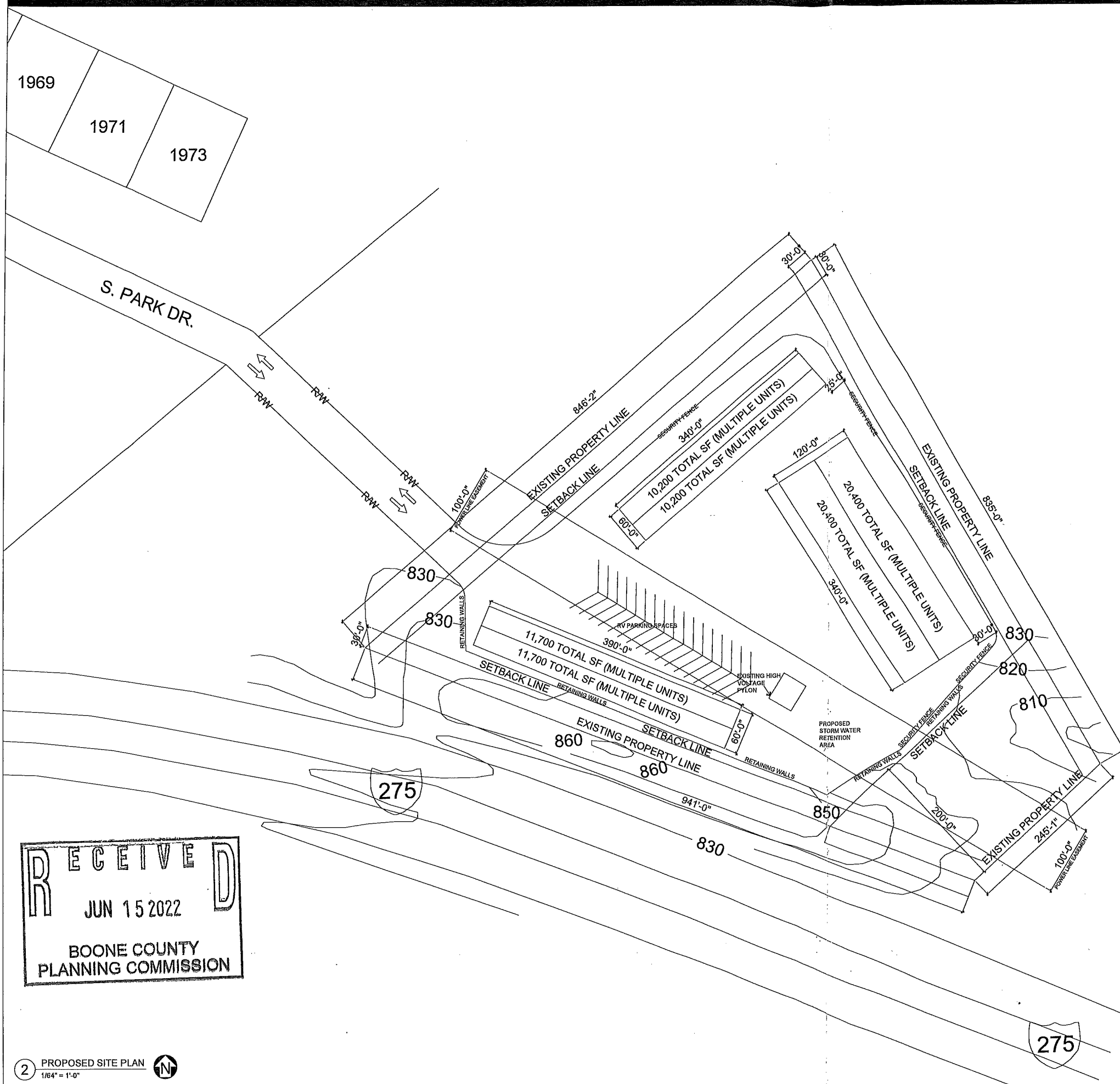
**Second Reading the 9<sup>th</sup> day of August, 2022**

**Denied this 9<sup>th</sup> day of August, 2022      Yes   4      No   0**

  
**Gary W. Moore, Judge/Executive  
Boone County Fiscal Court**

**ATTEST:**

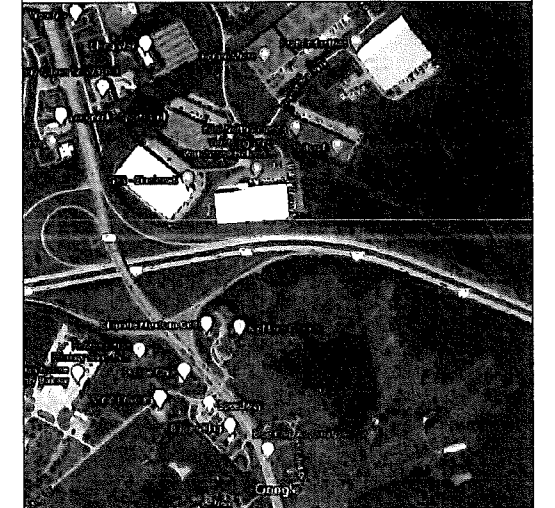
  
**Shona Schulkers,  
Fiscal Court Clerk**



**STORAGE NOTES**

1. 100,000 SQ FT COVERED STORAGE IS PROPOSED ON SITE AND TO BE FULLY DETAILED DURING BUILDING PERMIT SUBMISSION
2. RV PARKING STORAGE TO BE MOSTLY OUTDOORS AND MAY INCLUDE ADDITIONAL SURFACE AREAS NOT INDICATED IN THIS DOCUMENT BUT WITHIN REQUIRED SETBACKS AND EASEMENTS.

**VICINITY MAP**



**ZONING AND CODE INFORMATION**

PARCEL NUMBER: 047.00-00-006.00  
 ZONING CLASS / LAND USE: SR-1 AND C-3  
 SIZE OF SITE: 10.3 ACRES  
 LEGAL DESCRIPTION: SOUTH PARK DRIVE  
 HEBRON KY  
 EXISTING USE GROUP: COMMERCIAL  
 NEW USE GROUP: C3-COMMERCIAL  
 OCCUPANT LOAD: NOT APPLICABLE  
 BUILDING CODE USED: 2017 OBC  
 CONSTRUCTION CLASSIFICATION: II - B  
 SPRINKLER: NONE REQUIRED.  
 NUMBER OF FLOORS: ONE  
 AREA OF BUILDING: VARIOUS  
 AREA TO BE ALTERED: NOT APPLICABLE  
 PROPERTY CLASS: COMMERCIAL  
 TAX DISTRICT: TBD  
 SCHOOL DISTRICT: TBD  
 NEIGHBORHOOD: TBD

**RECEIVED**  
 JUN 15 2022  
 BOONE COUNTY  
 PLANNING COMMISSION

**Aurtec Designs**  
 Design Consulting, Industrial Designers  
 39 East Main Street, New Albany, OH 43054, Phone: (614) 600 8964 Fax: (614) 737 5252

PROJECT NAME HEBRON KY STORAGE RV & BOAT	PROJ # 1487	DRAWN BY UN
TITLE Site Plan	DRAWING # A005	DATE 12-28-2021