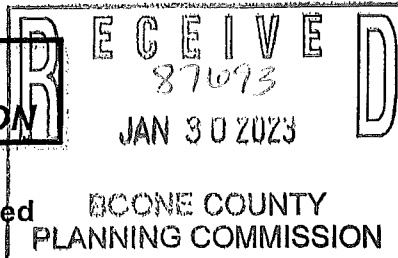


CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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. Type of review (check one):

- Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (as stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (as stated in the Mall Road District Study)
- Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

2. Name of Project: WCG Holdings

3. Location of Project: 159 Walter Nicholson Road

4. Total Acreage of Project: ~~14.22 acres~~ 13.03 acres

5. Current Zoning of Property: I-1

6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
9/28/2001

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No

If yes, indicate the name of the study: _____

8. Proposed Use(s) (specify each use):

Online Shipping and fulfillment services

9. Proposed Building Intensities (specify for each building):

60,000 sq. ft.

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

11. Are you applying for any of the following (check all that apply):

Conditional Use Permit Variance

12. Current Owner: ERIC DAIERS

Address: 5247 Madison Pike,

Independence City KY State 41051 Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

13. Applicant: Justin Cooper

Address: 1018 Baywater Dr.

Union City Ky State 41091 Zip Code

Phone Number: 805-452-6678 Fax Number: _____

Email: SUSTAINLIFESORGLIFE.COM

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. 1158 Deed Book 641 Page Number 2080 Group Number

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

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

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.


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

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

19. 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 April 19, 2023

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)

Address: _____

_____ City _____ State _____ Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. _____
Deed Book Page Number Group Number

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

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

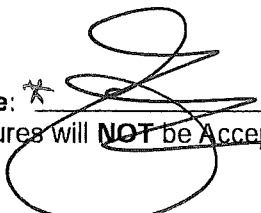
Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- | | |
|---|---|
| <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 | |

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

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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

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

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 1/30/23 Fee Received: \$2,576.00 Receipt #: 87693

2. Number of Copies Received: _____

3. Has the following been submitted (check all that apply):

- Completed Application
- Concept Development Plan
- Legal Description
- Names and Mailing Addresses of Adjacent Property Owners

4. Date the application is Administratively Complete (as defined in KRS 100.211): _____

5. Staff Reviewer: M. Schwartz

6. Committee Chairperson: R. Lummenn

7. Scheduled Public Hearing Date: 3/1/2023

8. Boone County Planning Commission Action: _____ Date of Action: 4/5/2023

- _____ Approved
- Approved with Conditions
- _____ Denial
- _____ Other

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

EXHIBIT

“A”

STAFF REPORT

#3

Request of **WCG Holdings, LLC, per Justin Cooper (applicant) for Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County Kentucky, which is zoned I-1. The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

March 1, 2023

REQUEST

- A. The submitted request is for a Change of Concept Development Plan to allow the construction of a 60,000 square foot warehouse/distribution building, with access onto Walton Nicholson Road.

SITE HISTORY

- 2021 On September 28, 2021, Boone Fiscal Court adopted Ordinance Number 2021-33, approving a zoning map amendment changing the site to the I-1 district to allow the development of a 7,200 square foot building for a landscaping contractor, with outdoor storage and access onto Walton Nicholson Road (R-21-019-A).

APPLICABLE REGULATIONS

- A. Section 302 of the Boone County Zoning Regulations states that a Concept Development Plan is to be submitted as part of a zoning map amendment.
- B. Section 311 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and as it was originally approved.
- C. Section 1102 (Industrial One District) 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.”

- D. Section 505.4 of the Boone County Zoning Regulations identifies ‘warehousing and distribution’ as a principally permitted use in the I-1 district.
- E. Section 4000 of the Boone County Zoning Regulations defines ‘warehousing and distribution’ as a use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

SITE CHARACTERISTICS

- A. The site contains approximately 13 acres and is located along the south side of Walton-Nicholson Road, approximately 300 feet east of Mullen Drive and approximately 1,100 feet west of Aosta Valley Drive.
- B. The site has approximately 445 feet of frontage along Walton-Nicholson Road.
- C. The site is currently vacant. An approximate 1.1 acre pond is located in the south-central portion of the site. A blue line stream extends in a southeast direction from the pond to the east property line. A tree line exists along portions of the east and south property lines.
- D. A fifty (50) foot wide electric transmission easement bisects the front portion of the site, extending from the northeast corner of the site.
- E. Topographically, a depression extends from the north property line to the south property line and the land slopes upward from that depression to the east and west.

ADJACENT LAND USES AND ZONING

- North: Single-family residential dwellings and vacant land (RS)
- South: Industrial uses (I-1)
- East: Single-family residential dwellings and vacant land (A-2 and RS)
- West: Industrial uses (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 described 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. Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).
 6. 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).
 7. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 8. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 9. 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).
 10. 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).
 11. 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).
 12. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).

13. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
 14. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).
 15. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).
 16. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system (Transportation Goal B, Objective 9).
 17. The incremental effects of developments on the transportation system shall be evaluated and provided for by exploring traditional, alternative, and creative methods of funding (Transportation Goal C, Objective 2).
- C. The following are excerpts from Our Boone County – Plan 2040:
1. 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).
 2. Business, commercial, or industrial parks should be designed and developed to allow compatible uses on adjoining tracts to access through them. Such a roadway should be suitable for mixed use development and provide side streets for businesses rather than just serving each individual business directly (Land Use, Future Land Use Development Guidelines, Development Layout, lot Sizes, and Setbacks, 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).

- D. Walton-Nicholson Road is a state maintained arterial street providing for two way traffic within two driving lanes (one lane in each direction) having an approximate 22 foot pavement width. The posted speed limit is 45 MPH. There are no sidewalks along the roadway.

EXISTING CONCEPT PLAN

- A. The existing approved Concept Plan includes the following:
 1. Construction of a 7,200 square foot (60' x 120') building.
 2. Provision for 13 off-street parking spaces.
 3. Provision for storage bins.
 4. Provision for a gravel surface equipment storage area.
 5. Provision for an approximate 40,000 square foot top soil storage area.

7. Access via a curb cut onto Walton-Nicholson Road, approximately 540 feet west of Mullen Drive.

PROPOSED CONCEPT PLAN

- A. The applicant is proposing the following:
 1. Construction of a 60,000 square foot (300' x 200') building.
 2. Provision for thirty-nine (39) off-street parking spaces.
 3. Provision for a loading/unloading area.
 4. Provision for a landscape Buffer Yard A along the north, south, and west property lines.
 5. Provision for a landscape Buffer Yard D along the west property line.
 6. Access via a curb cut onto Walton-Nicholson Road, approximately 240 feet west of Mullen Drive.

STAFF COMMENTS

- A. Since this is a Concept Development Plan submittal, a complete site plan evaluation against the zoning regulations was not conducted. However, Staff has identified the following specific requirements that will need to be addressed:
 1. Section 3110 prohibits structures from exceeding 50 feet in height. Insufficient information has been submitted to determine compliance with this requirement.
 2. If there will be a dedicated trash enclosure, it will have to be constructed so that it meets the requirements of Section 3151.
 3. Section 3230 requires the right turn driveway radius to be between 25 feet and 50 feet. Insufficient information is submitted to determine compliance with this requirement.
 4. Section 3238 requires that an encroachment permit be obtained from the Kentucky Transportation Cabinet. Insufficient information has been submitted to determine compliance with this requirement.
 5. Section 3310 provides for parking space dimensions. Due to the scale of the submitted drawing, compliance with this regulation cannot be confirmed.
 6. Section 3316 provides regulations for exterior illumination. Insufficient information has been submitted to determine compliance with this requirement.
 7. Section 3325 requires one (1) parking space to be provided for every employee on shift of largest employment. Insufficient information has been submitted to determine compliance with this requirement.
- B. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, City of Walton, Kentucky Department of Transportation, and the Walton Fire District requesting comments pertaining to the request.

1. Jerry Noran, Boone County Building Department, replied that he had no comments.
2. Rob Franxman, Boone County Public Works, replied that he had no comments.
3. Charlie Alexander, Captain, Walton Fire District, replied that he had no comments.

CONCLUSION

- A. The request for the proposed change of concept development plan needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of 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
Planner

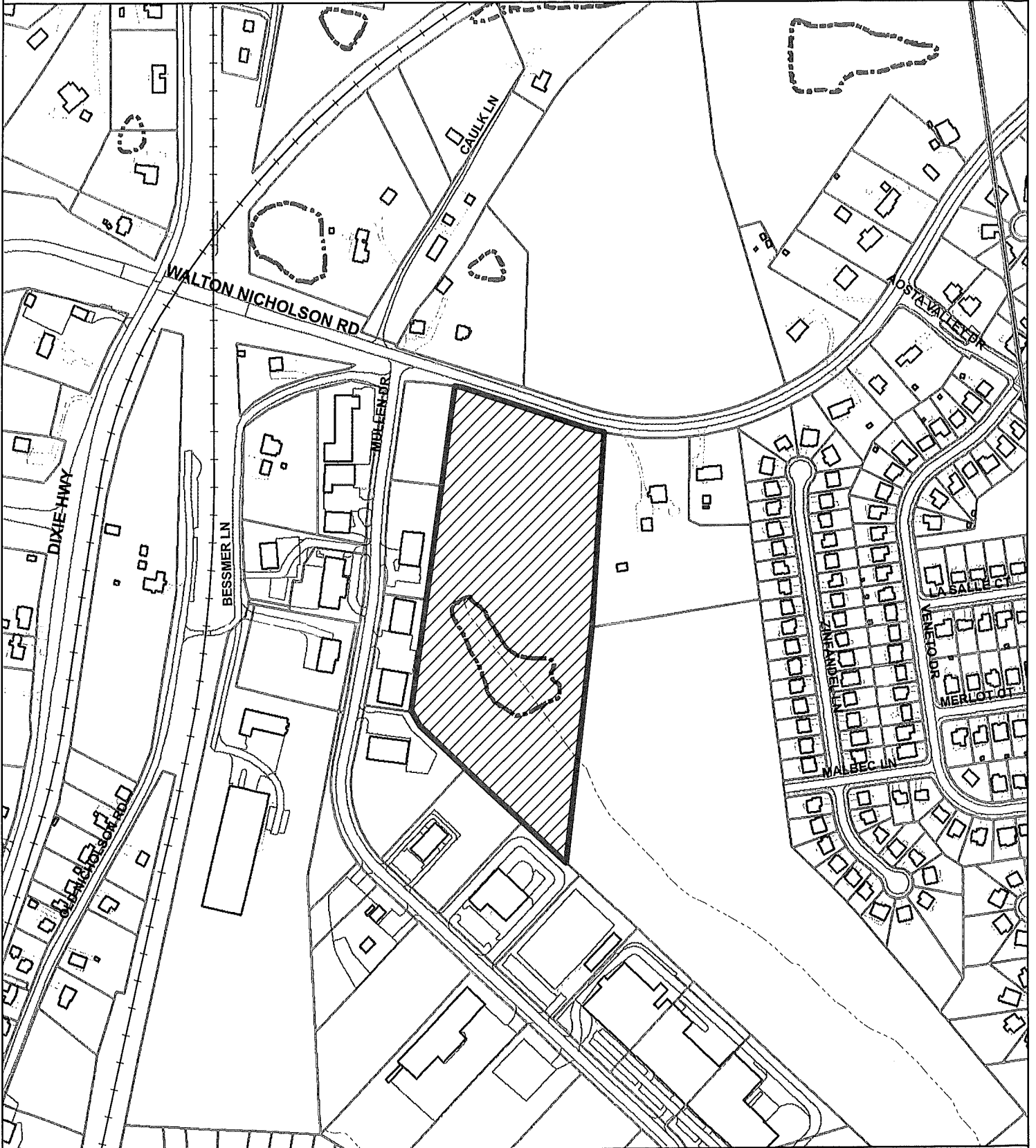
MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Existing Approved Concept Development Plan
- *Application
- *Concept Development Plan

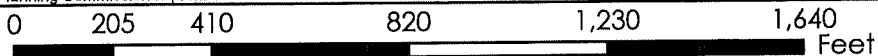
Vicinity Map

www.boonecountygis.com

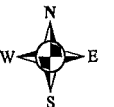


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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used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



1 inch = 400 feet



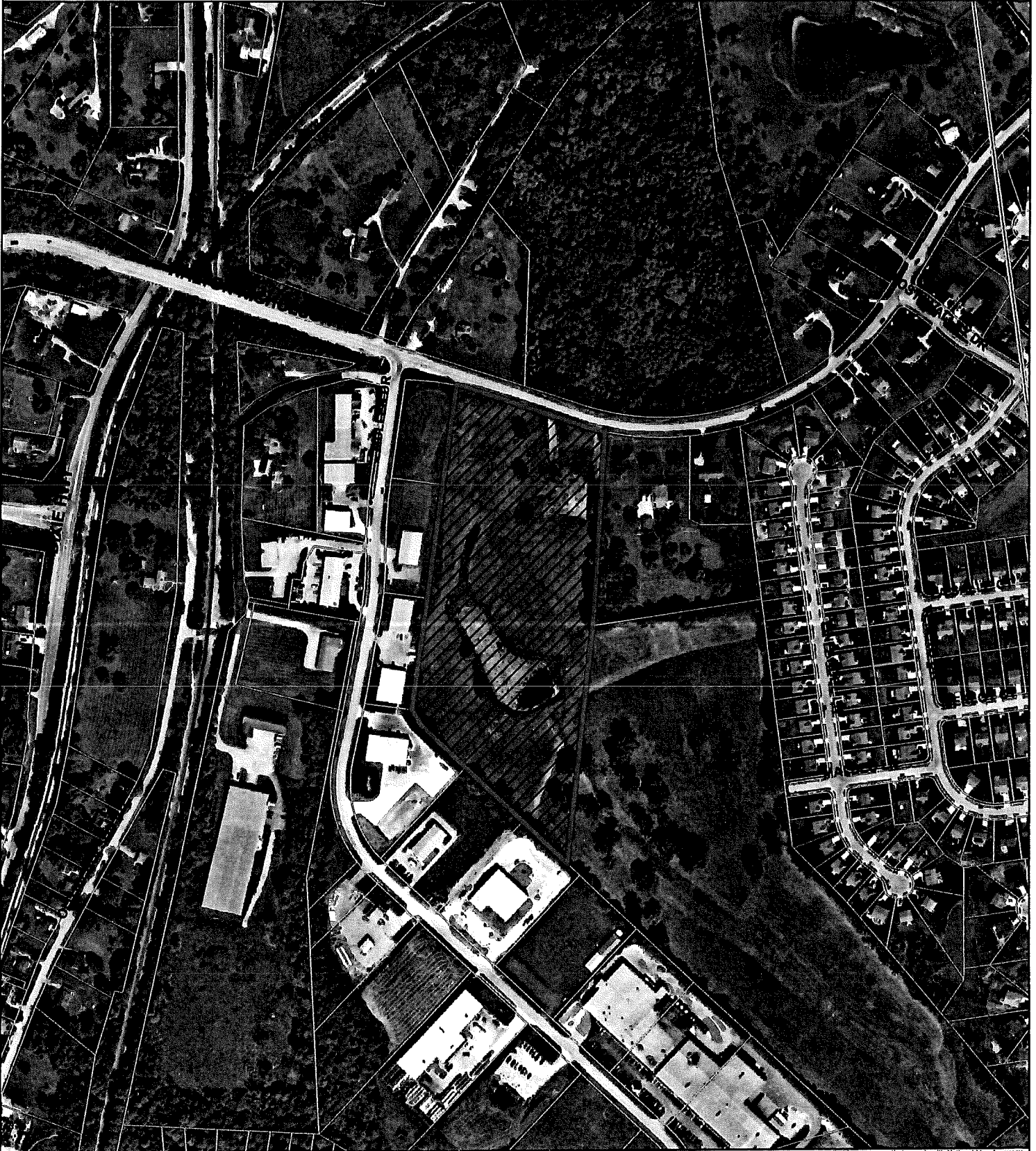
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

Boone County GIS
ArcMap Document: *.mxd

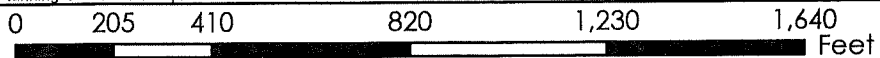
Aerial Map

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



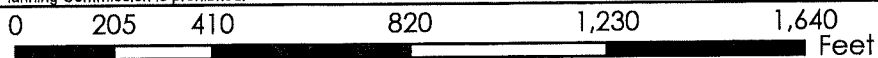
Zoning Map

www.boonecountygis.com



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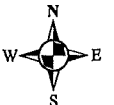
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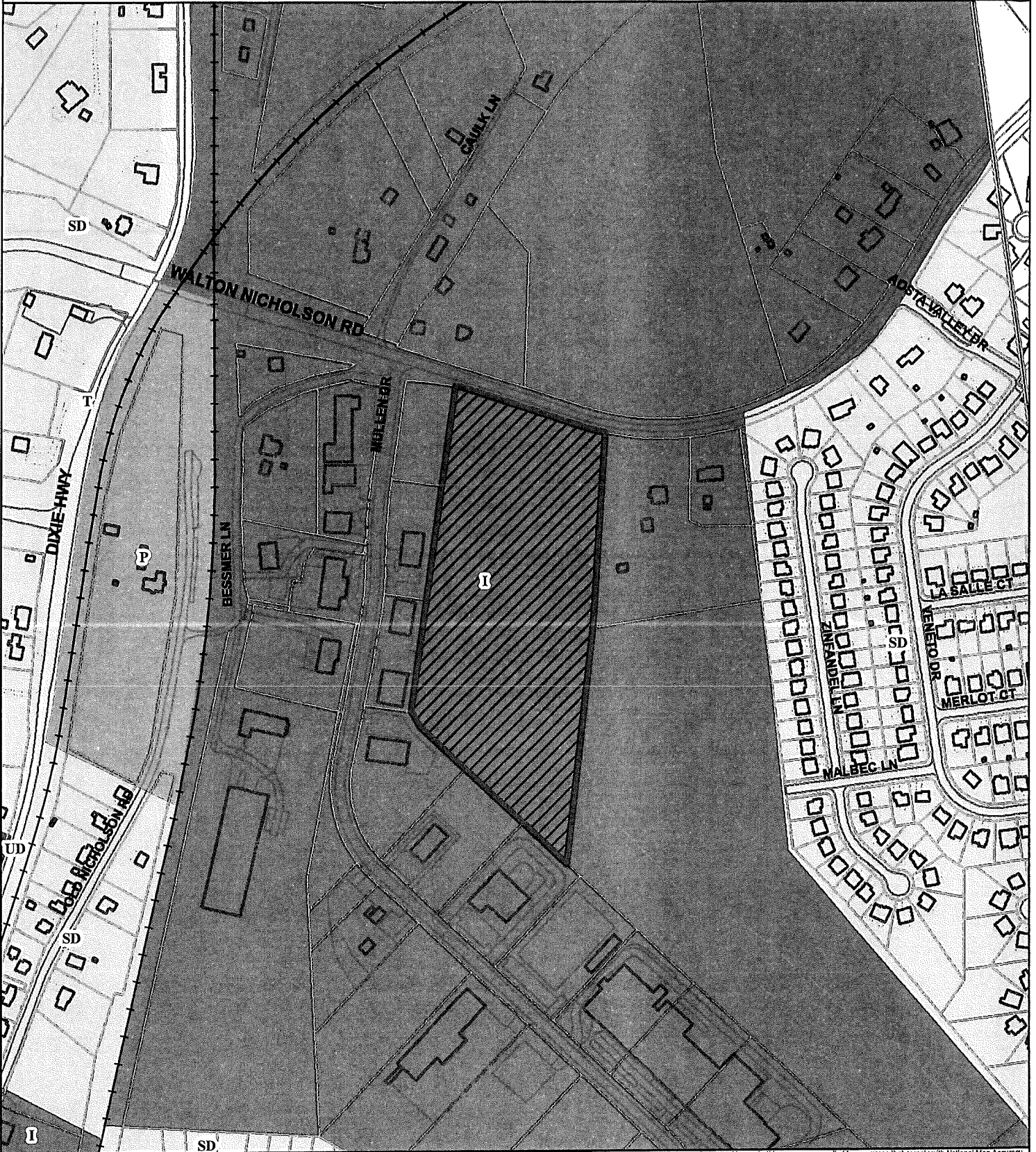


Boone County GIS - Putting Northern Kentucky on the Map



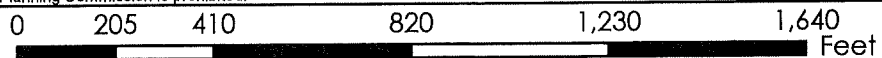
2040 Future land Use Map

www.boonecountygis.com



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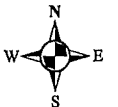
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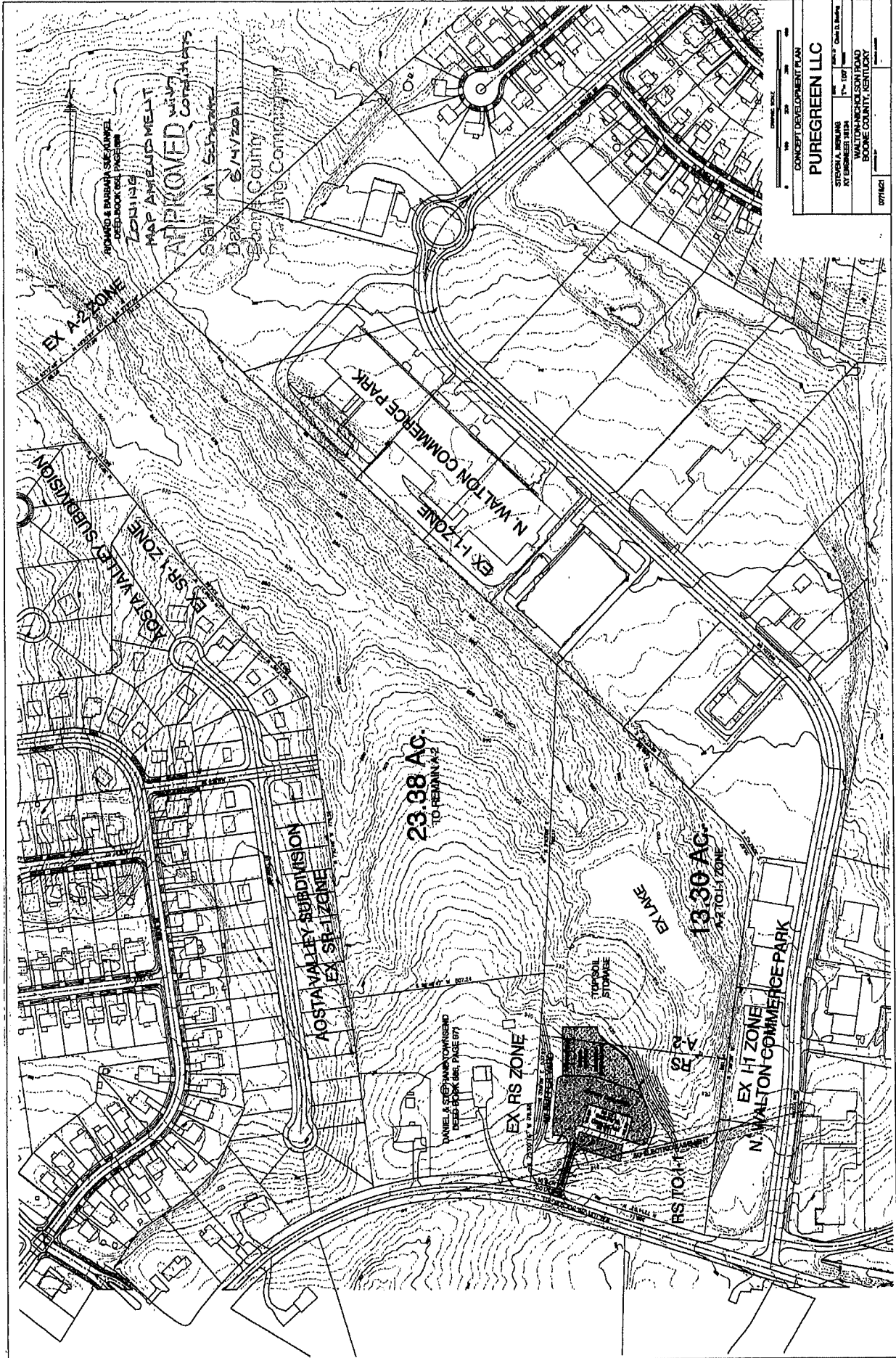


1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map





BOARD & BUREAU OF ENGINEERS
 DEED BOOK 681 PAGE 1112
 MAP AMENDMENT
 APPROVED
 DATE: 6/4/2021
 Boone County Planning Commission

CONCEPT DEVELOPMENT PLAN	
PUREGREEN LLC	
SITING & DESIGN	DATE: 10/1/2021
AT 1000 W. WALTON ROAD	DATE: 10/1/2021
BOONE COUNTY, KENTUCKY	DATE: 10/1/2021
OFFICE:	

23.88 AC.
 TO REMAIN 2

13.30 AC.
 TO REMAIN 1

DANIEL & SONS ENGINEERS
 DEED BOOK 681 PAGE 671

TYPHOON STORAGE

EX LAKE

EX T1 ZONE

EX T2 ZONE

EX T3 ZONE

EX T4 ZONE

EX T5 ZONE

EX T6 ZONE

EX T7 ZONE

EX T8 ZONE

EX T9 ZONE

EX T10 ZONE

AOSTA VALLEY SUBDIVISION
 EX SR1 ZONE

N WALTON COMMERCE PARK
 EX L1 ZONE

EX HT ZONE
 N WALTON COMMERCE PARK

EX A-2 ZONE

AOSTA VALLEY SUBDIVISION
 EX SR1 ZONE

AOSTA VALLEY SUBDIVISION
 EX SR1 ZONE

AOSTA VALLEY SUBDIVISION
 EX SR1 ZONE

AOSTA VALLEY SUBDIVISION
 EX SR1 ZONE

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
87693
JAN 30 2023
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. Type of review (check one):
- Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
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2. Name of Project: WCG Holdings

3. Location of Project: 159 Walton Nicholson Road

4. Total Acreage of Project: ~~14.22 acres~~ 13.03 acres

5. Current Zoning of Property: I-1

6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
9/28/2001

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No

If yes, indicate the name of the study: _____

8. Proposed Use(s) (specify each use):
~~Online~~ Online Shipping and fulfillment services

9. Proposed Building Intensities (specify for each building):
60,000 sq. ft.

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

11. Are you applying for any of the following (check all that apply):

Conditional Use Permit Variance

12. Current Owner: ERIC DAIERS

Address: 5247 Madison Pike,

Independence City KY State 41051 Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

13. Applicant: Justin Cooper

Address: _____

_____ City _____ State _____ Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. _____
Deed Book _____ Page Number _____ Group Number _____

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

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


Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- | | |
|---|---|
| <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 | |

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

19. 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)

Address: 1018 Baywater Dr.

Union City Ky State 41091 Zip Code

Phone Number: 805-452-6678 Fax Number: _____

Email: SUSTAIN@LIFESORGLIFE.COM

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. 1158 Deed Book 641 Page Number 2080 Group Number

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

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

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- Boone County Building Department
- Boone County Public Works Department
- Boone County Water District
- Cincinnati Bell
- Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
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ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 1/30/23 Fee Received: \$2,576.00 Receipt #: 87693

2. Number of Copies Received: _____

3. Has the following been submitted (check all that apply):

- Completed Application
- Concept Development Plan
- Legal Description
- Names and Mailing Addresses of Adjacent Property Owners

4. Date the application is Administratively Complete (as defined in KRS 100.211): _____

5. Staff Reviewer: _____

6. Committee Chairperson: _____

7. Scheduled Public Hearing Date: _____

8. Boone County Planning Commission Action: _____ Date of Action: _____

- _____ Approved
- _____ Approved with Conditions
- _____ Denial
- _____ Other

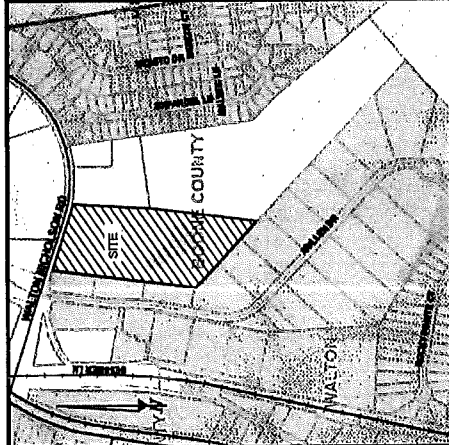
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

CONCEPT PLAN
WCG HOLDINGS, LLC
159 WALTON-NICHOLSON ROAD
BOONE COUNTY, KENTUCKY

ENGINEER
JAMES W. BERLING ENGINEERING, PLLC
1671 PARK ROAD SUITE ONE
FORT WRIGHT, KENTUCKY 41011
859-331-9191

OWNER
ERIC & MARY DETERS IRREVOCABLE TRUST
5247 MADISON PIKE
INDEPENDENCE, KENTUCKY 41051

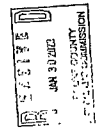
DEVELOPER
WCG HOLDINGS, LLC
1614 DOLWICK DRIVE
ERLANGER, KENTUCKY 41018
805-452-6698

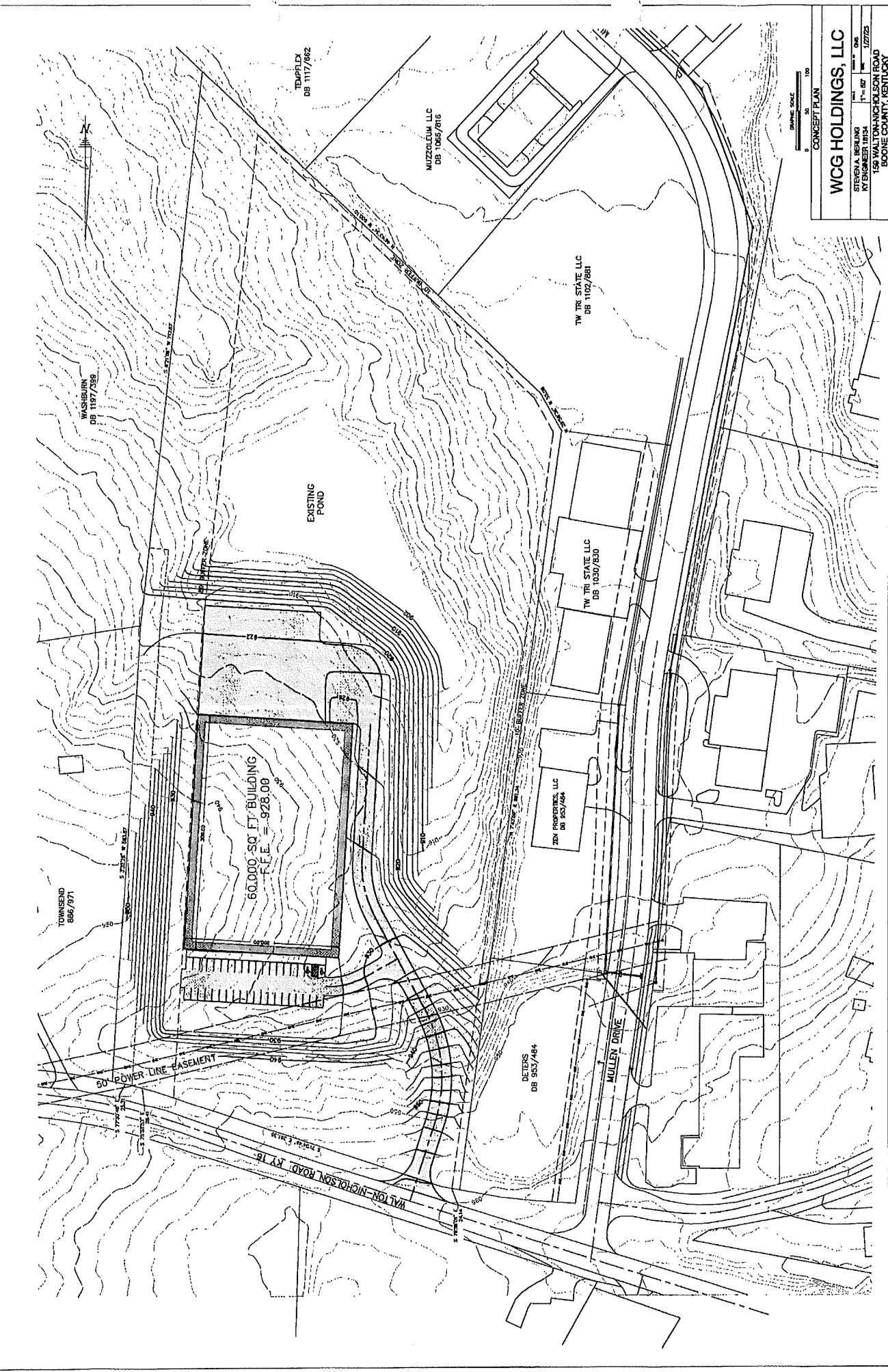


SITE STATISTICS

CURRENT ZONE: INDUSTRIAL 1 (I-1/CD)
MINIMUM FRONT YARD: 50'
MINIMUM REAR YARD: 30'(50')*
MINIMUM SIDE YARD: 10'(50')*
MAXIMUM HEIGHT: 50'
* - WHEN ADJOINING CERTAIN ZONES INCLUDING RESIDENTIAL

SITE AREA: 13.03 ACRES
DEED BOOK 1158/641 PIDN: 077.00-00-042.00





DRAWING SCALE
AS SHOWN

CONCEPT PLAN

WCG HOLDINGS, LLC
 STEVEN A. BERLING
 ENGINEER 18154
 158 WALTON-NICHOLSON ROAD
 BOONE COUNTY, KENTUCKY

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: April 5, 2023

RE: Request of **WCG Holdings, LLC, per Justin Cooper (applicant) for Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County Kentucky, which is zoned I-1. The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

REMARKS:

1. 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 finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced Zoning Map Amendment based on the following findings of fact:

FINDINGS OF FACT:

1. The Committee concluded that the proposed Change of Concept Development Plan is consistent with the stated purpose of the I-1 district which 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.

The submitted Concept Development Plan indicates the construction of a 60,000 square foot online shipping and fulfillment services building.
2. The Committee concluded that the proposed Change of Concept Development Plan is consistent with the list of principally permitted uses within the I-1 district.

The submitted Concept Development Plan indicates the construction of a 60,000 square foot online shipping and fulfillment services building.

The zoning regulations identify Warehousing, Distribution, and Wholesaling as principally permitted uses within the I-1 district.
3. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the condition:

CONDITIONS:

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

WCG Holdings

April 5, 2023

Page 2

1. Development shall be consistent with the submitted concept development plan, except as modified by these conditions.
2. Uses within the I-1 district shall be limited to those identified in the application.
3. Exterior lighting shall be limited to building mounted lighting, and only on the south, east, and west building facades.
4. Outdoor storage shall be prohibited.
5. Landscaping shall be provided along the entire perimeter of the site.
6. There shall be no refrigeration trucks/trailers parked on the site, except during business hours.
7. If required for sight distance purposes, the owner/developer shall remove the necessary foliage from other properties, subject to approval by the property owners.
8. All roadway improvements required by KYTC shall be constructed by the owner/developer, at their expense.

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: Rick Lunnemann, Chairman

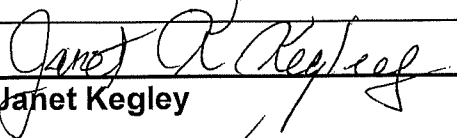
DATE: March 15, 2023

REMARKS:

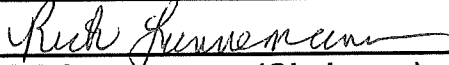
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CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

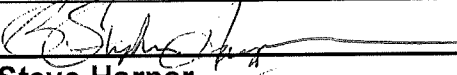
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Janet Kegley
For Project Absent
Against Project
Abstain Deferred

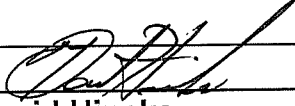
Corrin Gulick
For Project Absent
Against Project
Abstain Deferred


Rick Lunnemann (Chairman)
For Project Absent
Against Project
Abstain Deferred

Kathy Clark (Alternate)
For Project Absent
Against Project
Abstain Deferred


Steve Harper
For Project Absent
Against Project
Abstain Deferred

Steve Turner (Alternate)
For Project Absent
Against Project
Abstain Deferred


David Hincks
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. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mr. David Hincks
Mr. Bob Schwenke
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

None

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the third item on the Agenda at 7:41 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

3. Request of **WCG Holdings, LLC, per Justin Cooper (applicant)** for **Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky, which is zoned Industrial One (I-1). The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). The site contains approximately 13 acres. It is located on the south side of Walton-Nicholson Road, 300 feet east of Mullen Drive and 1,100 feet west of Aosta Valley Drive. The site has approximately 445 feet of road frontage along Walton-Nicholson Road and was part of a Zoning Map Amendment request in 2021 that was approved by the Boone County Fiscal Court. It is currently zoned I-1. The site is currently vacant and has a 1.1 acre pond and a 50 foot wide electric transmission easement. The proposed use is an online shipping and fulfillment services building. Mr. Schwartz described the current uses allowed in an I-1 zoning district and surrounding properties. Pages 1 and 2 of the Staff Report outline the applicable regulations to the request. Mr. Schwartz noted the topography of the site. The 2040 Future Land Use Map identifies the site for Industrial (I) uses. Pages 3-5 of the Staff Report includes references to the Comprehensive Plan. The pavement width of Walton-Nicholson Road is 22 feet. Mr. Schwartz reviewed photographs of the site and adjoining properties. He showed the approved Concept Development Plan which included a 7,200 square foot landscaping business building. The proposed building is a 60,000 square foot warehouse fulfillment center. There is a provision for 39 off-street parking spaces and 2 docks. A landscape plan has been submitted showing Buffer Yard A on the north, south and west sides and Buffer Yard D on the east side. Comments have been received from the Kentucky Transportation Cabinet (KTC) indicating that a Traffic Impact Study would be required and that the proposed curb cut would have to be moved further to the east of Mullen Drive. Staff Comments are identified on Page 6 of the Staff Report. Mr. Schwartz noted that an encroachment permit application was never submitted for the previously approved landscaping business use.

In response to Mr. Costello, Mr. Schwartz explained that the property will not be annexed into the City of Walton. The applicant is proposing a septic tank system.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Steve Berling, Engineer, stated that his client needs to relocate his business since he is renting space at 2 different locations. Mr. Deters no longer owns the property. He did own it at the time of application submission. The sanitary sewer would be down in a hole. The existing sewer is up above. Mr. Costello asked if the applicant currently had sewer or not? Mr. Justin Cooper replied yes. Mr. Berling stated that the business will have a few toilets and a few sinks. The business doesn't need a great deal of water. Public sanitary sewer is not a necessity. The proposed building is in the same location of the originally approved building. The east side of the site is heavily landscaped – 85 foot buffer yard. The building will sit below the road. The lake will be reduced in size a bit. He will apply for an encroachment permit. The proposed building will be 28 feet tall and he will bring drawings of the building to the Zone Change Committee meeting.

Mr. Justin Cooper, applicant and owner, stated that his company is an on-line fulfillment center. His company brings certain brands to the market and to Amazon. They are organic and natural products, some local and pet/human based products. Currently, they are located off Mineola Pike and in Burlington. Covid was a game changer for them. They also sell beauty products and baby

items. Truck traffic will be minimal – one carrier in and out each day. They don't ship unless the truck is full.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Mr. Paul Washburn stated that he owns the 23 acres behind the site. He will build his home on the 23 acres. He doesn't have a problem with the project.

Ms. Stephanie Townsend, 217 Walton-Nicholson Road, stated that she lives directly next to the property. She expressed several concerns especially traffic. There are accidents reported and unreported. It seems that the curb cut should be as close as possible to Mullen Drive. Will she see the backside of the building? Chairman Rolfsen asked the applicant to provide sight views of the building for the neighbor. Mr. Berling stated that the building will sit below Ms. Townsend's property line. The neighbor will only see the roof of the building based on the elevation but may not see it at all with the 85 foot wide landscape buffer. Mr. Berling explained that the real solution is to grade the property across the street for a distance of about 50 feet. The Traffic Impact Study will address the sight distance issue. The majority of their traffic leaves the proposed business site at 3:30 p.m.

Mr. Clint Green, 12762 Percival Road, stated that he would like to see the entrance located closer to Mullen Drive. Perhaps they could access to Mullen Drive? The sun is a problem when traveling west on Walton-Verona Road late in the afternoon.

Ms. Stephanie Hollingsworth, 137 Zinfandel Lane, noted that she is trying to get a guardrail installed on Walton-Nicholson Road. What about the lighting on the property? What about landscaping towards the back of the site? Mr. Berling replied that he would extend it when they submit their Site Plan. Ms. Hollingsworth asked about the business growth in the future? Will there be more trucks in 3-5 years?

Ms. Julia Ramus, 182 Zinfandel Lane, noted there are 82 children on her street and there is a lot of traffic in her neighborhood. She didn't understand why the developer won't go into the City of Walton and pay taxes for their city services?

Ms. Ashley Cooper, wife of the business owner, stated that the business is a small family business. They don't have that many employees and they have been with the business for a long time. Maybe they will find a home in Walton?

Mr. Hank Darnell, 317 Pinot Court, expressed a concern about access to Mr. Washburn's property. Mr. Schwartz responded that access would be from Malbec Lane or through the subdivision. What about overnight operations and lighting? The warehouse on Hoop Drive is well lit. It looks like Area 51.

Mr. Dan Martin, City of Walton Council, asked how many employees? He explained that the 7,200 square foot building for I-1 was okay in 2021. Would the Board feel the same with a 60,000 square foot building on a former agricultural site? Did Mr. Deters ever intend to do the agricultural business? Did he just do it to get a higher property value? How much of the lake is being lost? Will there be a larger retaining wall for the change in elevation?

Ms. Cooper inquired about the number of trucks with mulch coming in and out per day? Mr. Costello explained that the prior approval was not retail oriented. It was a landscaping business not open to the public. Ms. Cooper thought that the proposed use was more controlled for traffic purposes. Mr. Berling responded that he will put the curb cut at the safest location. The lighting will come off the building and it will sit low. There won't be light poles. The proposed landscaping business did not take off with the Deters family. That is why they sold the property. Mr. Berling stated that he doesn't like to build retaining walls. It will be a cut slope. The existing power line impacts the location of the building. Some of the lake will be taken for fill work. The lake will still be about an acre in size.

Mr. Cooper stated that they want to consolidate their business and not grow it any further. They move a lot of freight but within one truck. They can grow their business but not by adding trucks. Currently, they have 11 employees. Ultimately, they may grow to 12-15 employees. That is their business model.

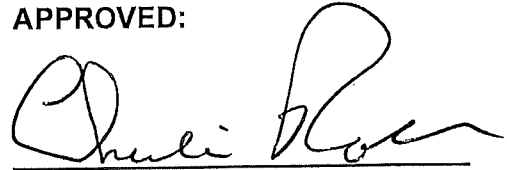
Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked if the truck operations or loading/unloading area is in the back of the building? Can the dock operation be on the opposite side of the residences or the west side? Mr. Berling replied that it is a very low area and it would require more fill material to raise the site. The present location of the loading docks just has a little bit of fill. It will have up to 3 docks. All cuts are to the east and fills are to the west. It is a big hole. Ms. Gulick asked how can the development be controlled in terms of growth? She inquired why the applicant needs 3 docks if they only have one truck a day? Mr. Cooper replied that some trucks are dropped and staged.

Mr. Lunnemann asked about outdoor storage? Mr. Cooper replied there won't be outside storage. Mr. Lunnemann asked whether the original application involved reviewing the list of I-1 uses? Mr. Schwartz responded that there were some strike outs but it was really tied to the approved Concept Development Plan – landscape contractor. It could be tied to an online fulfillment business.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:33 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
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Mr. Steve Turner

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Mr. Bob Schwenke
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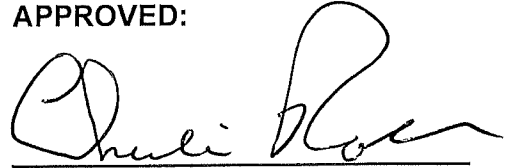
Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked if the truck operations or loading/unloading area is in the back of the building? Can the dock operation be on the opposite side of the residences or the west side? Mr. Berling replied that it is a very low area and it would require more fill material to raise the site. The present location of the loading docks just has a little bit of fill. It will have up to 3 docks. All cuts are to the east and fills are to the west. It is a big hole. Ms. Gulick asked how can the development be controlled in terms of growth? She inquired why the applicant needs 3 docks if they only have one truck a day? Mr. Cooper replied that some trucks are dropped and staged.

Mr. Lunnemann asked about outdoor storage? Mr. Cooper replied there won't be outside storage. Mr. Lunnemann asked whether the original application involved reviewing the list of I-1 uses? Mr. Schwartz responded that there were some strike outs but it was really tied to the approved Concept Development Plan – landscape contractor. It could be tied to an online fulfillment business.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:33 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
APRIL 5, 2023
7:00 P.M.**

Secretary/Treasurer Jackie Steele opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's April 5, 2023 Business Meeting. Mrs. Steele then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick, Vice Chairwoman
Mr. Charlie Rolfsen, Chairman
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:

Secretary/Treasurer Steele stated that the Commissioners received copies of the Minutes from the March 15, 2022 Business Meeting. She asked if there were any other comments or corrections?

Mr. Szurlinski 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 March 2, 2023 and April 5, 2023.

EXPENSES:

Accounting Fees	\$ 1,562.00
Attorney Fees	4,400.00
Auto Expense	201.10
Consultant/Professional Svcs Fees	19,691.25
Filing Fees (CLURS)	1,350.00
GIS Operations	9,985.00
Legal Ads/Recruitment	577.52
Miscellaneous Expense	196.00
Office & Board Meeting Supplies	712.49
Office / Equipment Maintenance	335.49
Office Equipment / Expense	3,260.65
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	758.00
Professional Development	130.00
Refunds	<u>300.00</u>

TOTAL: \$ 43,959.50

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,725.05
Health/Dental/Life/LTD	12,187.41
Retirement – BCPC Portion	28,142.91
Salaries – Staff Expenses	105,362.82
Salaries – BCPC & BOA	1,360.00
Unemployment Insurance	<u>298.41</u>

TOTAL: \$155,076.60

GRAND TOTAL: \$199,036.10

Mrs. Kegley 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. Turner seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff

1. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and one Condition. The vote was unanimous with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting in favor of the request. The applicant has signed the condition letter.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further comment, **Mr. Harper moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and one Condition. Mrs. Clark seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **WCG Holdings, LLC, per Justin Cooper (applicant) for Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky, which is zoned Industrial One (I-1). The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting in favor of the request. The applicant has signed the condition letter.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Steve Berling, project Engineer, stated that the owner is out of town and that he is available to answer any questions.

Seeing no further comment, **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. Harper seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff

3. Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant) for Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban

Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

Mr. Kevin P. Costello, AICP, explained that the Zone Change Committee previously met and voted 2-2 on the request. The Planning Commission's policy is to instruct Staff to draft Findings of Fact for Approval with Conditions and Findings of Fact for Disapproval (Denial). Both sets are read to the full Board with the Findings of Fact that reflect the Committee Chairman's vote first. Mr. Costello asked Mr. Schwartz to read both sets of Findings of Fact for Disapproval (Denial) read first based upon Mr. Harper's Committee vote. Mr. Schwartz read the Findings of Fact for Disapproval (Denial) and the Findings for Approval with Conditions and both sets of Findings were distributed to the full Planning Commission. Mr. Schwartz noted that it was a tie vote with Mr. Harper and Mr. Lunnemann voting against the request and Mrs. Kegley and Mr. Hincks voting in favor of the request. He also noted that the applicant/owner has not signed the condition letter since he is concerned about Condition #6.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Wes Lightner, representing the owner, noted that he also has a concern about Condition #2. It feels redundant. It is already covered in Conditions #1 and #5. A left turn lane is not warranted according to the Traffic Study until 400 students and not 250 students. He prefers to use the 400 student amount in accordance with the Traffic Study. A left turn lane is not warranted in Phase 1 or with 250 students. The school will be built in phases. Today the school only has 56 students. We may never see 400 students. We just want to be prepared. Phase 3 is there for potentials. Condition #6 seems redundant as they have to abide by the materials noted in the Union Town Plan. They have a strong record on integrity and don't want to intrude on others. The school will be great to everyone that surrounds them. Mr. Lightner noted that Potter's Ranch is 35 years old and it is Kentucky's best secret. They are the only dyslexic school in the area. The subject property is perfect for the services they offer.

Mr. Mark Stefanski, Rainbow Terrace, noted the Comprehensive Plan states that private schools are needed but location matters. The 2040 Future Land Use Map designates this area for low density residential. Residential is appropriate and is the best for the property. The proposed school and gym is a massive 80,000 square foot structure. The parking lot will be wedged in between residences and a horse farm. The proposed project does not allow for a transition of land uses. Also, buffer waivers are being requested. There is no connectivity between the school playgrounds and the neighborhood. The school does not serve the neighborhood. It serves kids from Boone, Kenton and Campbell Counties. The school can be located anywhere and does not need to be at the proposed location. Schools in residential neighborhoods are planned from the beginning – Erpenbeck Elementary and Ballyshannon Middle School. These schools were planned from the beginning. Other schools are located near an interstate, public facility or commercial area. The applicant's Traffic Study noted only 148 cars would drop off kids with 3 drop off and pick up lines. A 6.6 second per car drop off time is unreasonable. Adding another 2 lanes does reduce the time but not by two-thirds. Kids crossing the lanes will slow the process down and result in stacking on Old Union Road. The State relied on the Promenade Traffic Study. No crash studies were used and traffic from other developments were used. Over 2,000 homes will be built in the immediate area. It will become a traffic nightmare from the proposed

the impact of the Promenade project and the Town Center project. The proposed project is not appropriate. He respectfully asked the Board to deny the request.

Mr. Costello explained that any Board Member can make a motion to either approve the request subject to conditions or deny the request.

At this time, Mr. Harper stated that the request is a very worthwhile project. It seems to be a very good school that would bring something to the County. He was impressed with all of the testimony at the Public Hearing and the applicant was willing to make some improvements to their original plan. Still the traffic issue will be a particular problem at this location. Also, the existing zoning on the property is the appropriate zone for the property. It is a large growing residential area. For that reason, **Mr. Harper moved to deny the request by Resolution to the City of Union and the Boone County Fiscal Court based upon the Findings of Fact for Disapproval as stated by Staff. Mr. Lunnemann seconded the motion** because of traffic concerns and traffic capacity in the area. He noted that the Committee worked very hard to resolve those issues and the applicant didn't think the traffic improvements were necessary now and he disagreed. He expressed a concern that he thought the applicant agreed with conditions at the Committee Meeting but changed their mind at the last minute.

Mr. Wilson asked if Mr. Harper and Mr. Lunnemann were relying on the Report recommending disapproval? Mr. Harper and Mr. Lunnemann replied yes.

Mrs. Kegley stated that she voted for approval of the project at the Committee level. She also voted on the Conditions that were read. She noted that she would only vote for approval as long as those conditions are signed. It is way too late to talk about redundancy. It is a small school now but asking for turn lanes right now is unreasonable. What was reasonable was to look at that condition when the school reached 250 students. It is a reasonable number. There are many things that can be done such as releasing certain grade levels at different times. There are 3 ways out of the site – straight through the Promenade, a right turn and a left turn. Traffic from the site will be at different times than traffic from the Promenade. It is difficult to get help that is needed for dyslexic students. The Comprehensive Plan is pretty strong in saying these types of schools should be encouraged. That is why she voted yes.

Mr. Schwenke inquired about the bridge and creek. What was decided about the bridge? Mr. Schwartz responded that one of the conditions refers to exhibits that were introduced at the Committee Meeting. The result was to add a companion bridge immediately south of the existing bridge. The existing bridge would be the entrance and the new bridge would be exit. The existing bridge was reviewed for weight purposes.

Mr. Costello reminded that there was a motion made to deny the request and the applicant has not agreed to the conditions. There is nothing in writing from the applicant agreeing to the conditions. The Staff was not aware that the applicant did not agree to more than one of the conditions. If any of the conditions are to be modified, the request should go back to the Committee.

Mr. Turner asked if the subject property was developed for residential use, what would the traffic be? Would it be significantly different? Mr. Schwartz responded that generally traffic from a detached single-family home is 10 trips a day (5 in and 5 out). The site might have 52 homes so it could be 500 trips a day.

Mr. Harper added that the trips would be spread out more throughout the day versus school traffic.

Mr. Costello reminded Board members that a yes vote on the motion would indicate a denial of the request.

Mrs. Steele asked what happens if the motion to deny is defeated? Mr. Costello replied that the Board would have to consider referring the matter back to the Committee to re-examine the conditions of approval or vote to send the request to the City of Union and the Boone County Fiscal Court with no recommendation assuming there is a time limit issue.

Mr. Wilson commented that if the motion to deny the request fails, it doesn't automatically approve the request. There would have to be another motion to take action to approve the request.

Secretary/Treasurer Steele asked for a vote on the original motion made by Mr. Harper and seconded by Mr. Lunnemann. The vote found Mrs. Clark, Mrs. Goetting, Mr. Harper, Mr. Lunnemann, Mr. Richardson, Mr. Schwenke and Mr. Szurlinski voting yes and Mr. Bessler, Mr. Hincks, Mrs. Kegley, Mrs. Steele and Mr. Turner voting no. The motion to deny/disapprove the request passed by a vote of 7-5. The recommendation will be forwarded to the City of Union and the Boone County Fiscal Court.

Mr. Lunnemann asked if one of the two legislative units votes differently, what happens? Mr. Costello responded the property would have two different zoning districts and must follow the requirements of each zoning district. There is no annexation request by the applicant at this time. The portion of the site in the unincorporated area is about 1 acre in size and is planned to have part of the athletic fields on it. Mr. Wilson confirmed that if any of it is overturned, only that area that is overturned is impacted.

NEW BUSINESS

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff

4. Request of **CT Realty, per Cole Moody (applicant) for Skas Properties LLC (owner)** for: (1) a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky; and (2) a Conditional Use Permit to allow a truck stop on an approximate 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky. The request is for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky.

ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

5. Request of **The Point/Arc of Northern Kentucky (applicant) for G. Sharpco Inc. (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Office Two (O-2) to Suburban Residential Two (SR-2) for an approximate 2.37 acre area located at 6125 First Financial Drive, Boone County,

Kentucky. The request is for a zone change/change of concept development plan to allow the development of a detached single-family residential dwelling for a residential care facility for handicapped persons.

Mrs. Goetting moved to schedule the Public Hearing for Items #4 and #5 on May 3, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Costello mentioned that Alaina Hagenseker has resigned from the Planning Commission to accept a job at the Northern Kentucky Area Development District. Her last day with the Planning Commission is April 14, 2023. Mr. Costello, Mrs. Kegley and Secretary/Treasurer Steele thanked her for her service to the Planning Commission.

I. Committee Reports:

- Airport (Randy Bessler)
No Report
- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report
- Executive
No Report

J. Chairman's Report:

- No Report

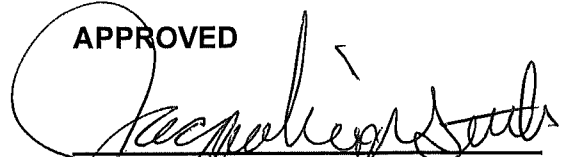
**K. OKI Report: (Randy Bessler)
No Report**

L. Other:

M. Adjournment:

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

APPROVED



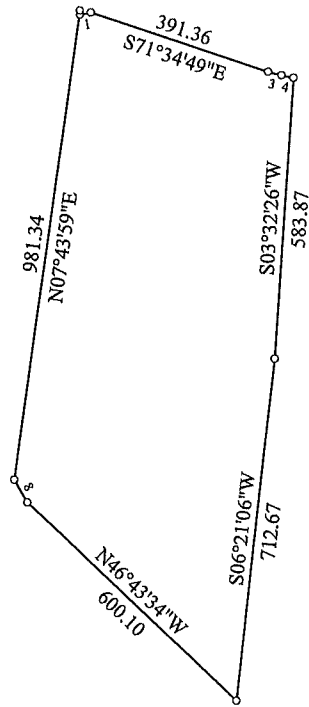
Jackie Steele
Secretary/Treasurer

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



Title:		Date: 01-30-2023
Scale: 1 inch = 400 feet	File: WCG Holdings.des	
Tract 1: 13.066 Acres: 569152 Sq Feet: Closure = s00.0200w 8.44 Feet: Precision =1/403: Perimeter = 3402 Feet		
001=N79.5601E 24.14	005=S03.3226W 583.87	009=N07.4359E 981.34
002=S71.3449E 391.36	006=S06.2106W 712.67	
003=S75.3353E 28.41	007=N46.4334W 600.10	
004=S77.3048E 25.31	008=N29.5836W 55.08	



BOONE COUNTY PLANNING COMMISSION

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

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

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

March 16, 2023

Justin Cooper
WCG Holdings
1018 Bayswater Drive
Union, Kentucky 41091

RE: Request of **WCG Holdings, LLC, per Justin Cooper (applicant)** for **Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County Kentucky, which is zoned I-1. The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

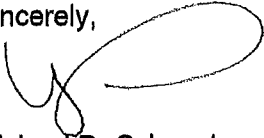
Dear Mr. Cooper:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their March 15, 2023 meeting. As you verbally agreed to these conditions at that meeting, 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 no later than Friday, March 31, 2023.

CONDITIONS

1. Development shall be consistent with the submitted concept development plan, except as modified by these conditions.
2. Uses within the I-1 district shall be limited to those identified in the application.
3. Exterior lighting shall be limited to building mounted lighting, and only on the south, east, and west building facades.
4. Outdoor storage shall be prohibited.
5. Landscaping shall be provided along the entire perimeter of the site.
6. There shall be no refrigeration trucks/trailers parked on the site, except during business hours.
7. If required for sight distance purposes, the owner/developer shall remove the necessary foliage from other properties, subject to approval by the property owners.
8. All roadway improvements required by KYTC shall be constructed by the owner/developer, at their expense.

Sincerely,



Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

I, the property owner/developer of the approximate 13 acre area located at 159 Walton Nicholson Road, Boone County Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan.



Justin Cooper, WCG Holdings (Owner/Developer)

03/16/2023

Date

ORDINANCE 2023-10

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST, WITH CONDITIONS, OF WCG HOLDINGS, LLC, PER JUSTIN COOPER (APPLICANT) FOR ERIC DETERS (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE (I-1) DISTRICT FOR AN APPROXIMATE 13 ACRE AREA LOCATED AT 159 WALTON NICHOLSON ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change of Concept Development Plan in an Industrial One (I-1) district for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Change of Concept Development Plan.

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

Section One

That the request for a Change of Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, for an Industrial One (I-1) district for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky. The real estate, which is the subject of this request for a Change of Concept Development Plan and is more particularly described in DEED BOOK: 1158, PAGE NO: 641 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the recommendation of approval for a Change of Concept Development Plan request are the Findings of Fact, and Conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request 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 recommended approval for the requests based on the Findings of Fact and Conditions as set forth in the Committee Report and marked as "Exhibit B."

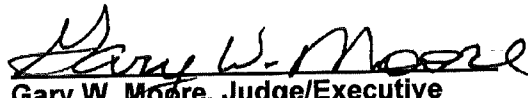
Section Three

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

First Reading the 9th day of May 2023.

Second Reading the 23rd day of May 2023.

Adopted this 23rd day of May 2023. Yes 4 No 0


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

ATTEST:


Shona Schulkers,
Fiscal Court Clerk

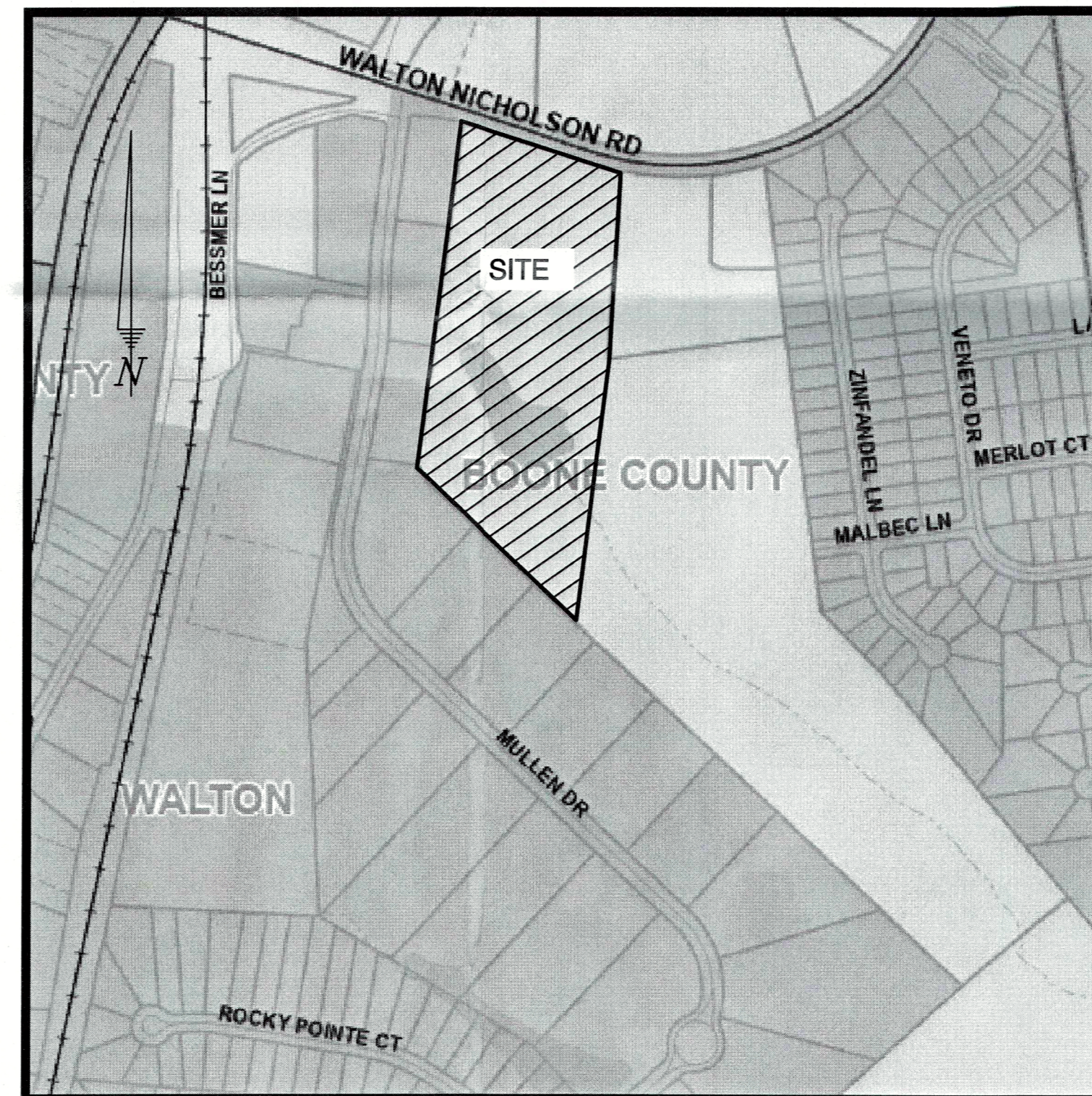
CONCEPT PLAN
WCG HOLDINGS, LLC
159 WALTON-NICHOLSON ROAD
BOONE COUNTY, KENTUCKY

CHANGE OF CONCEPT
DEVELOPMENT PLAN
APPROVED with Conditions
Staff M. Schmitt
Date 4/5/2023
Boone County
Planning Commission

ENGINEER
JAMES W. BERLING ENGINEERING, PLLC
1671 PARK ROAD SUITE ONE
FORT WRIGHT, KENTUCKY 41011
859-331-9191

OWNER
ERIC & MARY DETERS IRREVOCABLE TRUST
5247 MADISON PIKE
INDEPENDENCE, KENTUCKY 41051

DEVELOPER
WCG HODGINGS, LLC
1614 DOLWICK DRIVE
ERLANGER, KENTUCKY 41018
805-452-6698



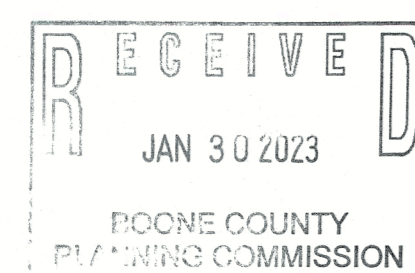
SITE STATISTICS

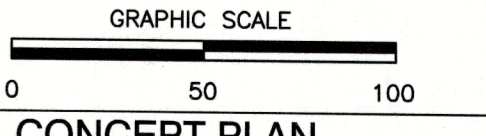
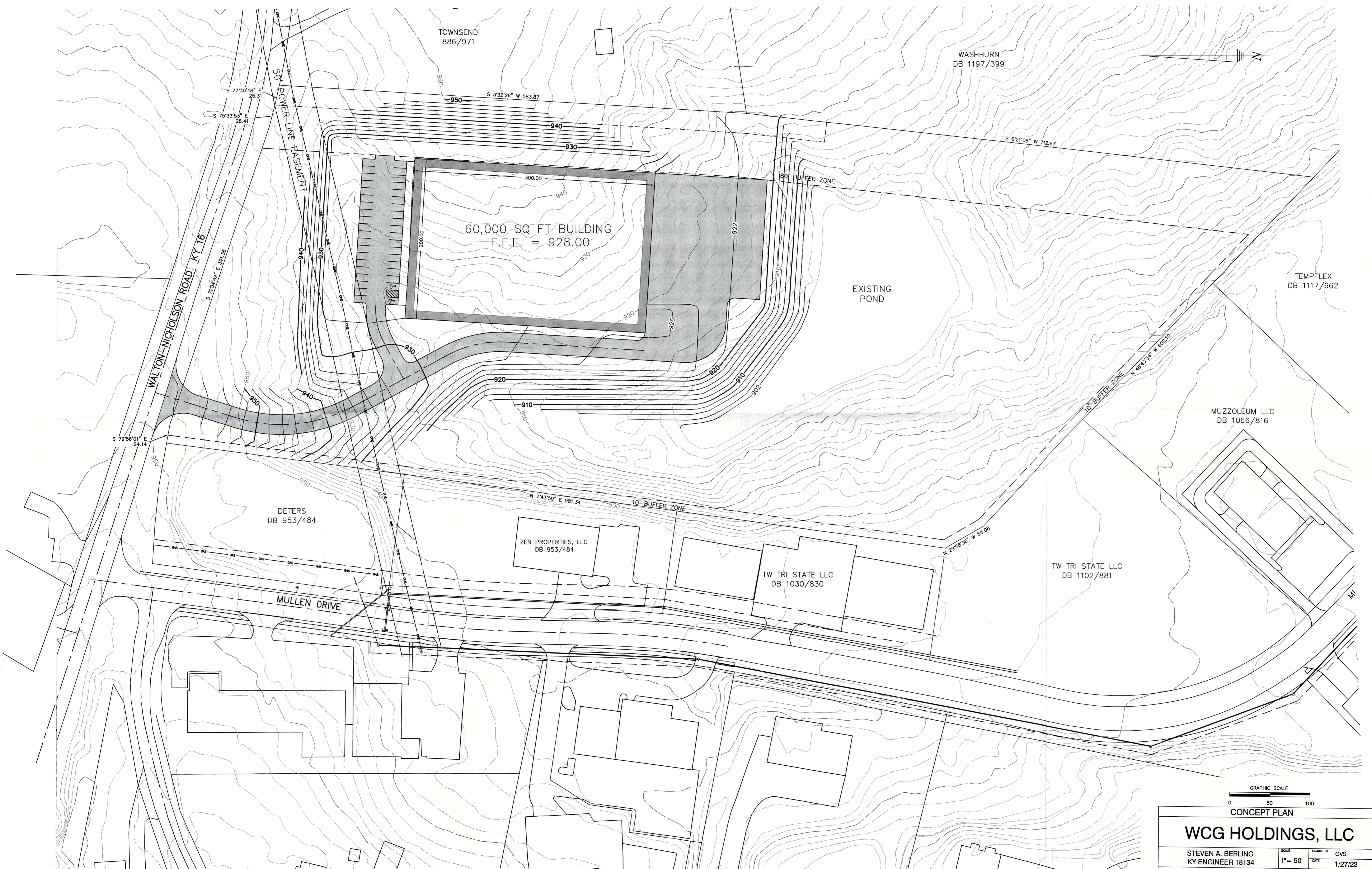
CURRENT ZONE: INDUSTRIAL 1 (I-1/CD)
MINIMUM FRONT YARD: 50'
MINIMUM REAR YARD: 30'(50')*
MINIMUM SIDE YARD: 10'(50')*
MAXIMUM HEIGHT: 50'

* - WHEN ADJOINING CERTAIN ZONES
INCLUDING RESIDENTIAL

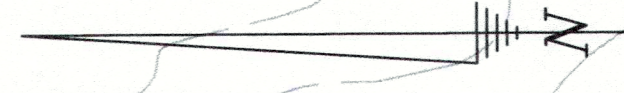
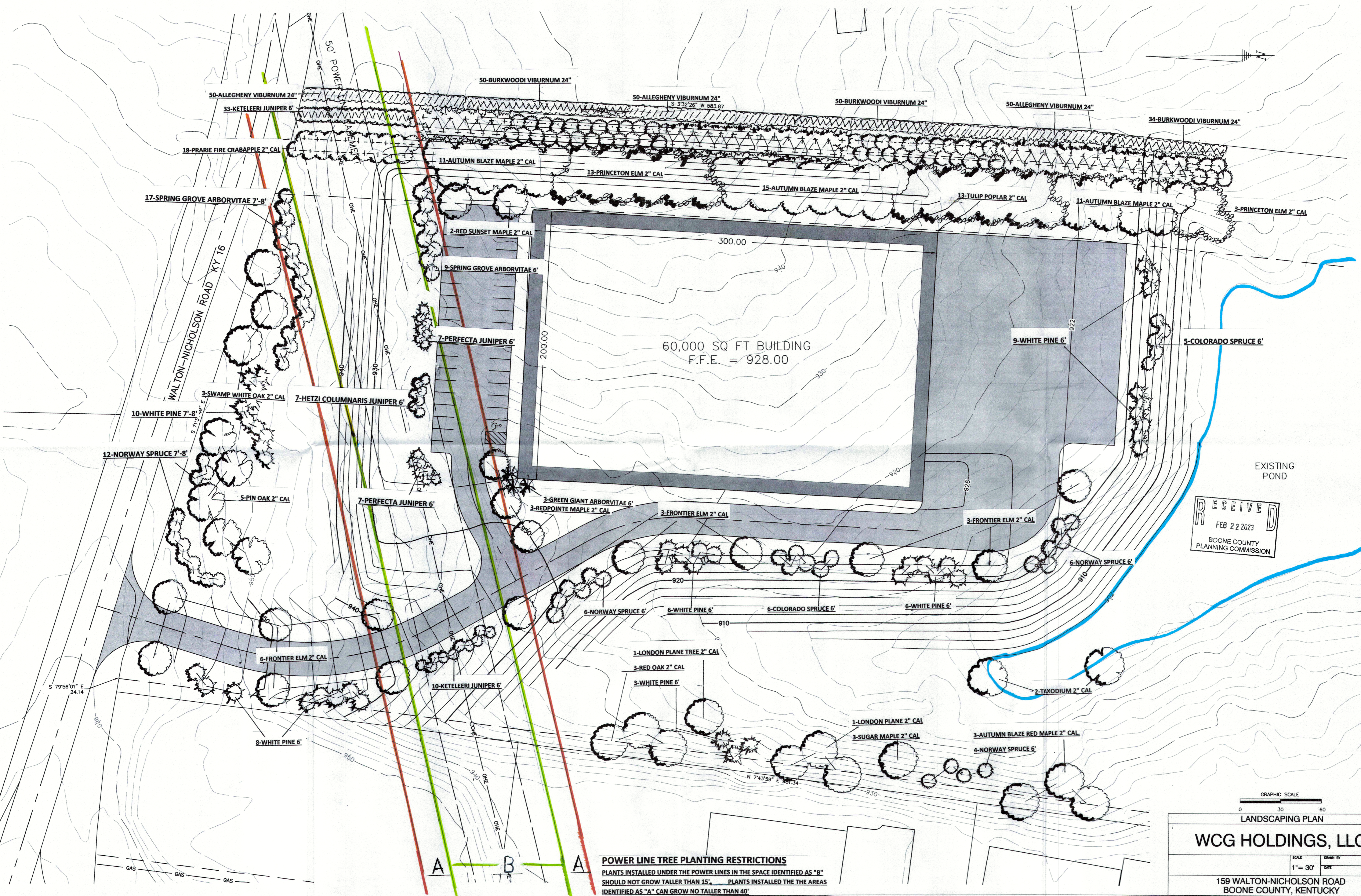
SITE AREA: 13.03 ACRES

DEED BOOK 1158/641 PIDN: 077.00-00-042.00





CONCEPT PLAN		
WCG HOLDINGS, LLC		
STEVEN A. BERLING KY ENGINEER 18134	SCALE 1" = 50'	DRAWN BY GVS DATE 1/27/23
159 WALTON-NICHOLSON ROAD BOONE COUNTY, KENTUCKY		



RECEIVED
 FEB 22 2023
 BOONE COUNTY
 PLANNING COMMISSION

GRAPHIC SCALE
 0 30 60
 LANDSCAPING PLAN

WCG HOLDINGS, LLC

SCALE: 1" = 30'
 DRAWN BY: DATE:

159 WALTON-NICHOLSON ROAD
 BOONE COUNTY, KENTUCKY

POWER LINE TREE PLANTING RESTRICTIONS
 PLANTS INSTALLED UNDER THE POWER LINES IN THE SPACE IDENTIFIED AS "B" SHOULD NOT GROW TALLER THAN 15'. PLANTS INSTALLED THE THE AREAS IDENTIFIED AS "A" CAN GROW NO TALLER THAN 40'.