

TO: Boone County Planning Commission City of Union Board of Adjustment
 City of Florence Board of Adjustment City of Walton Board of Adjustment
 Boone County Board of Adjustment Zoning Enforcement Officer

FOR: Zoning Text Amendment Zoning Map Amendment
 Comprehensive Plan Change Preliminary Plat Approval
 Improvement Plat Approval Final Plat or Deed Plat
 Conditional Use Permit Site Plan Review
 Concept Development Plan Historic District Overlay
 Preliminary Development Plan Sign Permit or Zoning Permit
 Change of Non-Conforming Use Appeal or Variance
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: Finley & Bonnie Jacobs, Duro Corporation Owner
Address: Box 172, R. R. # 1, Walton, Kentucky 41094 Agent

Telephone: 581-8200

Location: Box 172, R. R. # 1, Walton, Kentucky 41094

Name of Property Owner: Finley & Bonnie Jacobs

Address of Property Owner: Rt. 2, Walton, Kentucky 41094

Zone: I-1 Area in Acres: 67.30

Deed Book: 298 Page No.: 271 Group No: 2065

Description of Request: Part of Jacob's Tract from Zoning I-1 to I-2 Zoning

Property Owner's Signature: Bonnie Jacobs
Date 4-29-84 Applicant's Signature: Robert M. Moore
Senior Vice President

FOR PLANNING COMMISSION USE:

Application date and fee of \$ 589.20 Received: 5/21/84

Referred to: _____ For Meeting Date: _____

Action: _____ Date: _____

***** THE ENTIRE APPLICATION MUST BE COMPLETED*****

FEE \$589.20

ZONE CHANGE REQUEST FOR PROPERTY LOCATED
OFF OF U.S. HIGHWAY 25, BOONE COUNTY

This is a zoning map amendment request for a 67.3 acre tract located off of U.S. Highway 25 being about 3,000 feet east of the highway. This request is being made by Finley R. and Bonnie Jacobs as property owners and Duro Corporation acting as agent. The intent is to have approved a zoning change for this tract from Industrial One, I-1, to Industrial Two, I-2, with the intention to develop this tract for an industrial development.

Adjoining to this tract to the north and west is the remaining Jacob farm currently zoned Industrial One, I-1. Adjoining to the south and east is current Agriculture Estate, A-2, zoning. Further east into Kenton County is their A-1 zoning. Further west across U.S. 25, is current Commercial Services, C-3. Urban Residential Two, UR-2, and Rural Suburban, RS zoning.

The current land use of this tract along with adjoining tracts to the north, south and east is Agriculture with associated residential. To the west is the Jacob's farm and across U.S. 25 is undeveloped and residential land uses.

The Boone County Comprehensive Plan Land Use map shows a planned future land use of Industrial for the subject tract along with all adjoining properties to the subject tract. Further east into Kenton County their future land uses are Agricultural and related Rural activities and Recreation. To the west, across U.S. 25, is High Density Residential and Commercial.

The text of the Plan regarding the planned Industrial uses states:

The planned industrial land use category includes all types of mineral extraction, power generation, warehousing, distribution centers and light and heavy manufacturing activities. Industrial growth is a major factor in overall growth potentials for the County.

Opportunities for industrial growth are great and much land in Boone County has already been committed to major industrial development. Table 3 identifies the industrial growth potential (excluding extraction and power generation) in the County and potential industrial employment which could reach 34,260 employees.

Expansion of the Florence urban service area south of the Northern Kentucky Industrial Park will support industrial development planned east of U.S. 25, extending to just north of Walton. Industrial land uses should be permitted once adequate infrastructure is available in this area or provided as part of the proposed development. Warehousing type industrial development, which would be most compatible

with residential uses west of U.S. 25, is recommended for the east side to U.S. 25, extending to the Southern Railway, East of the railroad, rail-oriented light manufacturing, processing and warehousing uses are encouraged. Also in the Florence urban service area, industrial use is planned west of Houston Road, south of Turfway Road, southeast of the Airport. (3.5)

For planned High Density Residential it is stated:

Expansion of the Florence urban service area will incorporate high density residential development currently in planning stages at the I-75/KY 338/US 25 interchange at Richwood. (3.4)

For planned Commercial development it is stated:

Highway commercial development is anticipated at most interstate interchanges in Boone County. These include I-75 interchanges at KY 18, U.S. 42, KY 338/U.S. 25, and KY 14-16.

And lastly the Richwood area is planned by the following:

The Richwood area is planned for intense development around the I-75/KY 338 interchange and low density residential development to the west and southwest. The Florence urban service area is planned for expansion to serve the I-75 interchange area including highway commercial development and medium density residential development immediately to the west. The urban service area is also planned for expansion to serve areas east of U.S. 25, extending south from Maher Road to just north of Walton, and east to the Kenton County boundary. This area is planned for future industrial development, given the availability of highway and rail transportation, once adequate infrastructure is available or provided as part of the proposed development. Maher Road is planned to remain in residential use.

Commercial warehousing activities are planned in the island between I-75 and U.S. 25 extending north from KY 338 to KY 536. Some high density residential has been committed for development along with highway commercial around the interstate interchange. Agricultural and low density residential uses are planned west of U.S. 25 and east of I-75 south of Richwood. (3.16)

A Concept Development Plan has been submitted. This plan shows an intended manufacturing plant on the 67.3 acre tract. The building will be around 600,000 square feet in building coverage. The requested I-2 could permit up to 1,480,600 square feet of floor

area. Access is planned to the site by way of a two lane road leading off of U.S. 25 around 1250 feet north of Ky. 338. Signalization of the railroad crossing of this road is planned with the road being three lanes at the crossing to U.S. 25. Water is planned by extension of the existing County main along U.S. 25. Sanitary sewage is planned by an on-site treatment plant. Again this property is located at the southeastern end of the farm about 3,000 feet east of U.S. 25.

The current soils associated to this site are Nicholson Silt Loam on the more level areas of the tract and Faywood Silty Clay Loam as you get closer to the creeks. These soils on the less sloping areas, outside of the slopes to the streams, would be capable of urban development according to the Soils Survey of Boone County.

The current topography of this area is rolling with several drainage swale areas converging into one creek crossing this farm west to east. This eventually converges into Wolf Pen Creek in Kenton County which is planned as a Recreational area due to a planned Flood Control project which will dam Wolf Pen Creek in Kenton County. (This is according to Charles Thomas of Northern Kentucky Area Planning Commission).

The Zoning Order: Boone County, Kentucky makes the following statements concerning the purposes of the I-1 and the I-2 zones:

The purpose of the industrial one district is to consolidate those types of small to medium scale transportation, warehouse, light manufacturing and related service uses which are based in low rise structures and/or land extensive facilities and which require and thereby share a common need for direct accessibility to regional transportation systems. Such districts will be organized to provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. (10-5)

The purpose of the industrial two district is to provide for those types of transportation, warehouse and manufacturing or related service uses which are of too large a scale to be accommodated in an industrial one district or which involve the manufacture of heavy equipment, machinery or other products having a major, concentrated impact on a community or regional infrastructure, economy, lands and other considerations. Such districts will be organized to provide employment opportunities for regional and extraregional labor markets. Districts will be located on lands with direct access to expressways and/or arterials. (10.9)

In summary, if the Planning Commission decides to recommend approval of this request or the Boone Fiscal Court approves this request for rezoning, it may not be necessary to make changes to the map of the Comprehensive Plan. But specific text statements supporting heavy industrial land uses should be made to the plan text in support of this zoning request and planned useage.

Alvin "Chip" Block

ALVIN "CHIP" BLOCK
ZONING ENFORCEMENT OFFICER

ACB/sr

Chairman Kroger opened the Public Hearing at 9:04 P.M. to hear the request of Duro Corporation, Agent for Finley & Bonnie Jacobs, for a zoning map amendment for property located at Box 172, R.R. # 1, Walton, from I-1 to I-2.

Mr. Block presented his Enforcement Officer's Report and gave a slide presentation.

Chairman Kroger asked if there was anyone present to speak in behalf of the request.

Mr. Bill Robinson stepped forward stating by way of opening remarks and introduction he would like to demonstrate, among other things, that what they are about in this rezoning effort is to obtain substantially the same zoning that was given to this property in 1979. He stated later in his presentation he will go into considerably more detail about Restrictive Covenants that were placed upon the real estate upon the chain of title back in 1979 and the provisions of the restrictive covenants. However, at this time he wanted to give a presentation with regard to the property demonstrating how ideally suited this property is for the proposed use being suggested by Duro Paper Bag who presently has an option to buy this real estate and locate a plastic bag facility there.. At the outset we would like to make one clarification, since the site and application was presented we have been blessed with an even more enthusiastic participation by the Dept. of Commerce of the Commonwealth of Ky. and among their comments to this project there is a commitment if the zoning is approved and we go forward, there is a commitment which will result in the installation of a gravity flow sewer line from the East of this property at the immediate rear of the plant flowing down hill to the treatment facility which services in Kenton County the Beechgrove area, know generally as the Bristow Road Treatment Plant. This is a commitment which comes with the assurance that the gravity flow line will be in place and will be ready to service this facility by the time the plant will be open sometime in the summer or fall of 1985. This also offers the promise of extending that line ultimately to the trunk line which runs to the Lakeview Pumping Station which will allow this sewage to be pumped through area of Ft. Mitchell and to the Dry Creek Waste Water Treatment Plant which would provide EPA regulated treatment of this sewage in accordance with the most modern and current EPA standards for the treatment of Industrial Sewage. Be that as it may, the package plant of this project is now out of the picture and we are happy to report that we do have a commitment of funds and support which will allow us to install a gravity flow sewer line to the rear of this plant. The property then has what Industrial Development so seldom has in the last few years and that is the reality of infrastructure at the inception of manufacturing operations. Mr. Robinson introduced Mr. Jack Pflum, Planner working on the project and stated he will present an overview of the project from our viewpoint. Mr. Robinson passed out booklets. Mr Pflum displayed the plans of the factory.

Mr. Pflum stated the report that he prepared under instructions of Duro Manufacturing Company is intended primarily to supplement your staff report. We don't think you will find conflicts and certainly it isn't our intention to attempt to describe any type of argument or dispute the conclusions described by the Staff report and that he agreed with most of the conclusions. The purpose of our work in this report is to simply flush out more of the important elements in the issues that are so important to the county in this type of development. I think that over the next several days that the members of the planning commission will be able to read the report and if you have questions contact Mr. Robinson or the manufacturing company. He continued that essentially there approach to planning this development was, "is it logical, will it fit, will it be with Boone County, with the land, what will its environmental impacts be on the land, air, noise, and infrastructure. He felt as the Commission read through this report and had a chance to take a look at it the answer would be "yes" it is logical. He stated that Mr. Robinson said that we have been here before and it's true this site was looked at in a great amount of detail once before and we've looked at it again. In the test of time some of the issues have changed and some haven't. Mr. Pflum pointed out the proposed industrial development is consistent with the overall Comprehensive Plan. It is an industrial site and carried with it a number of unique and very fortunate circumstances, and on certain types of sites subject to growth pressure, these unique characteristics are important. He stated it follows the term "form follow function" or function follow form". In this instance the form is described by the existing transportation facility, highway, and interstate. He stated probably most important is the adjacent position of the roadway transportation and railroad, which doesn't happen very often that there is a railroad situation so closely allied to the highway with terrain or topography that is capable of supporting industrial development, in this case we do which is fortunate. Mr. Pflum referred to "page 21, Exhibit 7", which identified in graphical form the various important elements of the infrastructure. He stated the water in particular is important in an Industrial area, the existing 8" water main will be upgraded so it can deliver adequate pressure for fire purposes as well as consumption purposes and will deliver up to 1000 gallons per minute as an improved infrastructure. He stated they will not have to depend upon onsite treatment, primary treatment facilities, or package plants, but rather it will be pipe in enclosed pipe directly by gravity flow to Bristow Road area. Mr. Pflum stated the access roadway will improve the intersection of U.S. 25. At that point in time there will be three lane access. We have been in touch with Southern Railroad and we have been in touch with the Southern Railroad and we have a good idea of what the train schedules are, the length of their trains, and type of delays that might occur at that intersection. The improvements indicated here are certainly adequate to handle the kinds of traffic

volume that will be generated by this industrial plant, as well as the total site. Mr. Pflum stated the site itself is approximately 67 acres. The construction of the plant is in a phased construction schedule. The total size of the building as proposed now would be approximately 600,000 square feet. He continued Phase One will consist of about half of that in the initial stages of construction. The subsequent stages will partly be determined by the market and the ability of the products to be absorbed by the market, along with the growth of the plant. The additional 300,000 square feet will be the second and maybe the third stages of construction. Mr. Pflum stated the on site parking is more than adequate, the railroad spur serves the building from the south. He continued the land does fall away at this point in time and the floor elevation of the building is 880 which means the building is essentially cut or benched into the topography at that point. So that on the southside will be able to provide visual barriers because of the natural falling of the terrain and we are also anticipating that we will provide some additional landscaping which will add to the buffering, the visual buffering, if there is any potential visual impact on adjacent pieces. The proposed pond will be used in a dual purpose one of which is to provide potential retention for storm water. We go further into detail in our engineering and we will probably need to provide some retention of retention basins to avoid a run off particularly as it might effect the Wolfe Pen Creek downstream situation. It will also provide a resevoir for fire protection. The development as it is proposed, makes a great deal of sense. It is an asset to the County, region, and most of all it is an asset to be measured in terms of economic benefits. The plant will produce approximately 100 additional jobs and those jobs in this type of manufacturing facility have a multiplying effect in terms of additional jobs that might be available as a result of this in the secondary and tertiary industries , the service industries, the small business that support this business manufacture operation as well. He stated the infrastructure that is provided; the railroad spur, roadway access, intersection improvement at this point in time, and the sanitary sewage are all capable of supporting this type of development. Mr. Pflum stated there was one additional unique aspect of this site which is important to consider, a 2.0 acre tract located in the eastern corner of this tract, will be dedicated and contributed to the Boone County Industrial Foundation for future industrial development, and can provide direct economic benefits to the foundation. In addition the anticipated future development and needs of the area, Duro, will also contribute approximately 1½ acres, near the western perimeter of the site upon which a fire station and communication center and/or water supply facility will be located. So that the area will be protected from the fire and safety viewpoint as well. Mr. Pflum concluded he would

only invite members of the Commission as well as any of the public who are interested to review our reports and once again would be willing to answer any questions this evening or later in the week. Mr. Pflum introduced Mr. Bob Moore, Senior Vice President of Duro.

Mr. Moore stated Duro is a privately held company and was founded in 1953 by Mr. Shearer who is President and Chairman of the Board. He continued Duro has been a good citizen in Northern Kentucky for thirty one (31) years. Mr. Moore stated we have plants located in Covington and Ludlow and also around the country in Florida, Texas, Wisconsin, and Mexico. Mr. Moore stated a lot of people do not realize Duro is the largest manufacturing employer in Northern Kentucky, employing over 800 people. Mr. Moore stated Duro's primary products are paper bags, grocery sack, paper shopping bags, plastic shopping bags and we also make some plastic grocery sacks which is what we propose to make in this facility. Mr. Moore further stated as Mr. Pflume mentioned we are proposing a 300,000 square foot facility on this tract. We will be employing 100 people here. He continued hopefully someday it will expand to 600,000 square feet and hopefully will be employing more people. Mr. Moore stated the question is why does Duro want to build a plastic bag plant. Basically I think it is to protect our present market position and also to create new jobs in the area. Mr. Moore stated most projections in their industry indicate that by 1990, 40% to 50% of the grocery sacks will be plastic. He continued presently that market share is only about 3% or 4%. Mr. Moore stated they feel that strategically we have to enter this market. He stated we have to protect our present market share and protect our present employees in addition to expanding. Mr. Moore stated the overall cost of this project is approximately ten million dollars. Mr. Moore pointed out this is a big expenditure for a company like Duro. We are not Shell Oil, we do not have to go to Houston for decisions as we make the decisions in Ludlow. Mr. Moore stated he knew the Commission was concerned with the impact of this project and so are we. Mr. Moore stated it was their desire to construct an environmentally safe aesthetically pleasing facility that they were going to be proud of. There was an article in the March or April issue of economic Outlook, a publication of OKI Regional Council of Governments, concerning the impact of overall development that is occurring in Northern Kentucky and strapulating that information and applying the data as it relates to Duro to see what impact Duro is going to have on that, it is really quite interesting. Mr. Moore stated for example they feel that with 100 new employees, we are talking about adding approximately 2.8 million dollars in salaries or wages. Mr. Moore stated the approximate 100 jobs created will be matched by another 100 jobs in the service areas or suppliers for Duro and other services for its employees. Mr. Moore pointed out on top of the original 2.8 million dollars will be another 2.8 million dollars in related salaries. Mr. Moore stated including fringe benefits for all those related people, we are talking about an increase in personal income of about 6.4 million dollars. The people that pay social security taxes of about \$351,000 will increase retail sales in the area of about 2.7 million dollars. Mr. Moore stated the gross regional

product as a consequent of this development will be increased about 10 million dollars. Mr. Moore stated overall they feel Duro will benefit Boone County, the area, the community, and we certainly hope Duro.

Mr. Robinson stated he would like to call on Mr. Brad Richardson, Representative of the Development, Council of the Department of Commerce of the Commonwealth of Kentucky to say a few words about the committment of the Commonwealth to this project.

Mr. Richardson pointed out as stated by Mr. Robinson has stated we have endorsed this project from the standpoint of both the Commerce Cabinet from the Department of Transportation standpoint as relates the infrastructure of the roads. Mr. Richardson read for the record the letter of June 11, 1984 from W. Craig Turner, Director, Industrial Development & Marketing Division, Department of Economic Development which had been received the Boone County Planning Commission. Mr. Richardson stated they were excited about this project for a number of reasons as mentioned in Mr. Turner's letter. He continued there are approximately in Northern Kentucky only 240 acres available with rail for industrial development. He continued of those 240 acres, half are marginal at best according to their Site Development Department for industrial development. Mr. Robinson they have been designated as rail sites, but from the topographical standpoint are not feasible. Mr. Richardson stated this rail service site will open up not only this 245 acres but with the water and sewage improvements and the access road, opens the headway to 1,000 or more acres in the area. Mr. Richardson stated that is assuming this zoning would be proper. Mr. Richardson stated from their point and from the standpoint of the development of Northern Kentucky, which according to their records in the past eight years has had location efforts approximately 10% to 15% of the total number of plants located in the State of Kentucky. Mr. Richardson further stated during the past six months area 23% of the total investment in the State of Kentucky in industrial development has come into Northern Kentucky. Mr. Richardson stated they are very excited about the possibility of this land being opened up and have granted a substantial number of funds contigently to help this project and look forward to your positive vote.

Mr. Robinson handed out the Proposed Restrictive Conditions For Duro-Richwood Project. Mr. Robinson stated he would like to follow up on his introductory reference to the prior rezoning of the property and the restrictive covenants which were previously placed upon this piece of property

when it was generally zoned industrial in 1979. Mr. Robinson continued prior to the comprehensive plan passed in 1980, the Boone County Zoning Ordinance did not provide for a site plan review and the imposition of restrictive conditions on a zoning approval. He stated this was a very unwieldy and quite risky situation because approval of a zone category thereafter left the development of a particular property up to the developers as long as the development was in the generalized category that had been approved and there was really no way to limit the use of the property to the specific use which a proposal would identify at the time the rezoning application was presented. Mr. Robinson continued primarily because of that situation with the broad zoning ordinance in 1979, they prepared and had the owners of the property, Mr. & Mrs. Jacobs, we prepared Restrictive Covenants as the only legal mechanism for putting restrictive conditions on the use of the property. He stated those restrictive covenants were 30 plus some in number and were signed by the property holders and were filed in the chain of title. Mr. Robinson stated that was done and represented to be done specifically for approval of the industrial zoning at that time planned for this general site and for the entire 200 plus acres. Mr. Robinson further stated in 1980 the zoning ordinance was passed and a comprehensive plan approved with more restrictive zoning, than that which had been approved upon their request in 1979 and was applied to this particular real estate. Mr. Robinson stated in looking at this real estate initially for development by Duro, talking with Spencer Harper, their bond council, and beginning to explore the various opportunities for financing a project of this magnitude, they became quickly aware of the fact that these restrictive covenants in that form presented what property owners generally refer to as a cloud on the title and made it difficult to develop a realistic IRB type of financing approach to this project. Mr. Robinson continued in the same exercise of beginning to explore this project they discovered that the zoning on the property was different and somewhat more restrictive. Mr. Robinson stated in their discussions with the County Judge, County Attorney, and the representatives of the Planning Commission, they made the point which no one disagreed with, that the restrictive covenants which had been applied to the real estate in exchange for the zoning had been given for something that no longer existed. Mr. Robinson continued that added to the fact that they had now become a serious complication to their ability to finance the project, lead them to talk to the owners of the property taking those restrictive covenants in that form off of the real estate. He stated the zoning had been taken away, therefore, the restrictive covenants that had been given in exchange for that zoning were taken out of the chain of title. Mr. Robinson stated there would and could be supportable legal argument for the proposition that that is that, the property is zoned

Industrial One and we are back to go for Industrial Two on this particular portion for the reasons we are setting out here this evening. Mr. Robinson stated in getting the property rezoned in 1979 they said, himself speaking in a representative capacity, they respected and appreciated the restrictive conditions which they participated in drawing up as being environmentally and socially desirable and important for that area. He continued in taking out the responsibility of representation in this situation five years later at the very outset they asserted to the representatives of Duro the same opinion on their part that those conditions, those restrictive terms, remain as environmentally important now as they were at the time. He continued reviewed those terms in house with the management of Duro, Mr. Moore, Mr. Hughes, etc., and upon review, consideration and evaluation, they agreed with his proposition to them that these restrictive conditions are important not only to the area but are important for assuring a quality development throughout the balance of acreage in the Finley Jacobs tract. Mr. Robinson continued Duro is making a major multi-million dollar investment which as Mr. Moore has said quite candidly is a significant investment for this company and the remaining acreage which is being developed is part of the key to raising the funds to finance the overall project. He stated to the extent that this is a quality project and that this project is of such quality that it will attract the kind of industrial development that we want to be in association with this major Duro facility, their investment will not only be protected but their ability to recover some of the front end cost will actually be enhanced. Mr. Robinson stated rather than taking advantage of a technicality, they have taken those same restrictive covenants, and have used those to effectively to attempt to erase those permitted uses in the Industrial Two zone which argueably be considered environmentally and socially undesirable in view of the agricultural surroundings and so forth. Mr. Robinson stated they have followed the restrictive covenants. Mr. Robinson stated they clarified some of language, but are looking for a relatively light industry use on this site because the zoning categorization has to be fit into something called Industrial Two. There are within I-2 a variety of permitted uses which we do not desire, need to use, and would not want to have in proximity to our plant. Mr. Robinson stated after reading through those restrictive conditions which we are voluntarily suggesting for attachment to our site development plan, I hope that you will agree with us we are demonstrating our seriousness about developing on this site an environmentally sound project. Mr. Robinson stated Duro Paper Bag is going to build a plastic bag plant. He continued Duro would like to build it in Northern Kentucky where it has had such a positive experience for so many years and more specifically Duro would like to build that plant on that specific site. Mr. Robinson stated what they have proposed

is not carved in granite and that they are prepared to work closely with the site committee and with the Commission. Mr. Robinson further stated the conditions were taken directly from the restrictive covenants and that there may be certain other uses in that I-2 category of a heavier nature which are not necessary for the development. Mr. Robinson stated they want to put in a plastic bag plant on this site and as long as the conditions do not preclude a plastic bag plant such as they envisioned and hoped to develop, he thinks all interests would be in concert. Mr. Robinson stated for the purposes of answering questions, Mr. Ivan Hughes, Vice President of Duro Paper Bag Manufacturing, who has prepared to answer any questions about the machinery and the mechanical side of this development. Mr. Robinson continued you have met Mr. Pflum and Mr. Moore, Mr. Richardson. Mr. Robinson stated Mr. Charlie Moore, Attorney for the Walton Fire District, is present and we have talked to him along with the Walton Fire District about the dedication of some property at the front of this project for purposes of the Walton Fire District. Mr. Robinson stated Mr. Danny Stockdale of REA is present to assure you that there is adequate electrical service to this property; ULH&P has made similar assurances and given the licensing lines that run through the property. Mr. Robinson stated they would welcome either of them; they both have been very positive in their attitude toward this project and hearing what they have told us about their respective resources, we are confident that they will be able to handle adequately both in the first phase and the ultimate development of the project.

Chairman Kroger asked the Commission if they had any questions of the applicants,

Vice Chairman Neltner asked if this facility was going to create 100 jobs due to the indication by 1990 that all bags would be plastic.

In response to Vice Chairman Neltner, Mr. Moore stated those were the market projections. Vice Chairman Neltner asked if by 1990 one of the other facilities would be closed or if there would be fewer employees needed there. He asked if they were shifting employees or creating long term employment.

Mr. Moore stated initially over a two year period 100 new jobs will be generated, and possibly in the future we may transfer employees from our other facilities.

Vice Chairman Neltner asked if consumer acceptance of plastic bags had changed.

Mr. Moore stated consumer acceptance was considered to be a critical factor. He continued Krogers is one of their primary accounts nationwide. Mr. Moore stated Kroger's had done some test marketing of plastic consumers but have not converted any of their divisions to plastic. He continued the economy of the supermarkets is also critical. Mr. Moore pointed out the plastic bags hold less in volume than paper, and although the bags may be cheaper now, the supermarkets use more, creating a parity in price. He continued as the paper prices continue to rise as in the last couple of years, the plastic becomes significantly cheaper than paper, and that you will see more and more in the grocery stores.

Mr. Buse asked if in the manufacturing of plastic bags there was concern with regard to odor and other effects that might detrimentally effect the people in the adjoining areas.

Mr. Moore stated there was not a concern but that he would like Mr. Hughes to elaborate.

Mr. Hughes handed out a jar of plastic pellets to Commission members for review. Mr. Hughes stated this was essentially the raw material. He continued this material will come to the facility in hopper cars each of approximately 180,000 to 200,000 lbs.. Mr. Hughes stated the material will be air conveyed to silos thirty (30) to thirty five (35) feet high. From the silos the material will be air conveyed to a system that takes those pellets and changes them from the solid state to liquid state. Mr. Hughes pointed out they were not altering or actually burning the product, but were changing it from the solid stage to liquid. Mr. Hughes stated that in the past two years they have had a committee that made inspections of approximately twenty five (25) facilities in the United States and overseas and found there are no problems with the odor in the extrusion process whatsoever. Mr. Hughes added that in the conversion of the product it goes through the following steps: the material is changed to the molten stage, then blown into film and the film is then converted into bags, then the bags will have a printing process. He continued in paper

bags water based inks are predominantly used whereas in plastic bags alcohol inks are used. One of the things that has been encountered is that when using solvent based inks in order to conform with the regulations from DNR and EPA there must be an incineration where these fumes are properly exposed. Mr. Hughes stated he could assure that from their existing facility that in the past ten years the DNR has made inspections of their facilities and that they had learned a long time ago it is better to listen to their concerns, recommendations, and plan for their requirements. Mr. Hughes stated whether it is the air or whether it be the liquid discharge, it will be carefully handled and watched in all possible ways. In response to Mr. Buse, Mr. Hughes stated they would be converting the plastic from one form into another.

Chairman Kroger called for any further questions of Mr. Hughes.

Mr. McMillian asked if this were the same process as used by Globe Union. Mr. Hughes stated he had not visited that facility and asked what their product was. Mr. McMillian stated they made battery cases. Mr. Hughes stated that was different as this is the conversion of the resin from the crystals to shells and this is a blown situation. He continued Globe's process was probably an injection molding. Mr. Hughes stated Duro's operation would be dealing with polyethylene. Mr. Hughes stated Mr. Moore advises that the battery cases are made out of polypropylene.

Mr. Delong stated his concern regarding the ink and the solvents. Mr. Delong asked if this would be barreled and taken to a waste dump. Mr. Hughes stated he could report what they were doing at the present time. He continued they learned a few years ago that in the pigments of inks originally there were some pigments that were undesirable and it was prohibited to let that sediment go into sewage and environment. He continued their inks are now made of pigments that are acceptable to the environment. Mr. Hughes stated in the case of the alcohol base inks which today they use less than 5% in their present operation, those inks are drummed and are shipped to control dump sites. Mr. Delong asked if that dump site were going to be on this industrial site. Mr. Hughes stated no, these are authorized control sites as prescribed by the DNR. Mr. Delong questioned as paper requires less of this chemical than the plastic, if there was any problem with overflowage of the pigment into the lake. Mr. Hughes stated no. He continued the pigment problem will not occur whether the inks are solvent based or water based. He continued the problem of the objectionable pigments to the inks has been overcome both in the water base and solvent inks. Mr. Hughes stated the difference between the solvent based inks is that we would drum any solvent

based waste to control dump sites.

Chairman Kroger asked if there were any further questions for Mr. Hughes.

Mr. Buse expressed his concern to the covenants being in effect only on the 67 acre, and questioned if the covenants could be applied to the remaining acreage.

Mr. Robinson stated it was their thought that the commission can require covenants on the remaining acreage at each Phase to the extent that the Commission feels would be appropriate. Mr. Robinson stated they are comfortable with them, comfortable with living with them, and are not opposed to them, but are only here to rezone this particular piece of property. Mr. Buse asked if they were comfortable with them on the 67 acres and on the remaining acreage. Mr. Robinson stated that was correct, we are comfortable with them on all of the land. This is the use we are making of this particular property. Mr. Buse stated the 67 acres is owned by Duro Paper Bag, and asked if they have an option to purchase the whole 240 acres. Mr. Hughes stated right at this moment Mr. Shure has an option personally on the property, that option may be assigned in the future to Duro or Duro's parent company. Mr. Buse pointed out that Mr. Robinson's statement do apply to the optionholder. Mr. DeLong questioned whether Mr. Crigler, County Attorney, allowed the release of the past covenants. Mr. Robinson stated "yes" and Mr. Crigler understands exactly the process we are following. Mr. DeLong questioned whether this had been documented in the Clerk's Office. Mr. Robinson stated it had. In response to Mr. Neltner, Mr. Hughes stated the Silos would be located adjacent to the plant outside. In response to Mr. Neltner, Mr. Hughes stated the underground tank farm was diesel fuel storage tanks for equipment for future consideration, it is not going to be in Phase I. He stated it would be utilized if and when any trucking operation was put in that location. Mr. Neltner asked if aside from the silos, if there would be any separate buildings. Mr. Hughes stated no, that is not in the plan, it is just as shown.

Mrs. Smith asked how many feet off of U.S. 25 the buildings would sit. Mr. Robinson stated about one mile. Mrs. Smith asked if the Walton Fire Department would be covering this plant. Mr. Robinson stated yes. Mrs. Smith asked if about one (1) of the land in the front would be donated to build a fire department and if that would be Walton Fire Department. Mr. Robinson stated it was their understanding it would be Walton Fire Department. He continued they had discussed that with the Walton Fire Protection District and Mr. Charlie Moore, Attorney for

the District, is present if you would like to ask him.
Chairman Kroger asked Mr. Moore if he would like to comment.

Mr. Moore stated that was correct. He continued they had met with Mr. Robinson and the people from Duro Paper Bag. He further stated the plan for the Walton Fire Protection District has always been to locate a satellite fire station in that area as the growth in the district continues, and that with the implementation of the Duro plant it would be an excellent opportunity for them to acquire some property at the right price for their future growth in that area and their Board of Trustees is on record and are happy with that part of the project.

Chairman Kroger asked if anyone else had questions or comments.

Mr. Barnett stated the gentlemen made a very good presentation but stated he did not think he heard anywhere in the presentation one of the two reasons for a zone change. Mr. Barnett expressed concern as to their location in the Richwood area when six miles down the road there is existing I-2 property available with the same infrastructure some of it remaining empty at the present time. He pointed out the State of Kentucky would not have to improve the roads or inducement bonds would not have to be obtained to build and that land may lie vacant and idle if zoned are constantly changed to accomodate new people coming in. Mr. Moore stated one of the primary reasons they want to locate on this property is economics. He continued they feel that in the long term this area is going to grow and develop. He stated they are looking at it from an investment point of view as people look at their own investments. Mr. Moore continued another significant factor is the land cost of the road compared to the land cost here; and the land cost of developed property compared to the land cost of undeveloped property. Mr. Moore stated he would let Mr. Robinson address the reasons for the zone change.

Mr. Robinson stated it was very difficult for them to speak to other properties within your jurisdiction, probably a question better by the staff and ultimately addressed by the Commission. Mr. Robinson stated when Duro Paper Bag became aware of this piece of property and looked at it from the standpoint of location, land available as part of the tract for resale in future development to help to finance a site of this magnitude, the amount of rail frontage, the fact that this property is within the Cincinnati truck zone and has proximity to interstate highway, and the fact that this site has gravity flow sewer to its back door, all of those considerations along

with hearing different people such as the Department of Commerce say that this piece of property is probably unmatched at least in Kentucky for having all of those industrially supportive assets. Mr. Robinson stated for a facility like theirs gravity flow sewer cannot be underestimated. He continued they were going into this project with the realistic expectation based upon what they have generally heard that the sewer, which they will help bring into existence with this initial project because of the topography, has the potential of going all the way to the trunk lines of Sanitation District #1 of Campbell and Kenton Counties. Mr. Robinson stated that potential is terribly significant for an industrial development of this magnitude because the 70 million dollar plant at Dry Creek is the latest in waste treatment facilities and can accept for treatment and discharge into the kinds of industrial discharges that they will have. He continued that is important for them from the standpoint of industrial cost recovery programs under EPA. Mr. Robinson stated it is important for them in order to meet the permit requirements which Mr. Hughes referenced in his earlier comments. Mr. Robinson continued he could not say whether that other site referenced to has those attributes or not, but all that they can do is address the reasons why they are coming on this site and we supplement those remarks by pointing out that we are not asking for wide open I-2 zoning. Mr. Robinson continued what they are asking for is basically a modified type of zoning which in spirit and in terms of the conditions they agreed to have applying to the property makes it light certainly very close to light industry. Mr. Robinson stated the numeration of permitted uses in the zoning regulations lists the assembly of manufacturing of plastic products as it is specifically identified in that second category. He stated it is a use that would have been permitted under the restrictive code of covenants and the zoning that was approved in 1979 but because of the newer zoning ordinance which quite properly differentiates into categories these various uses, they need to come back and make this modification. Mr. Barnett stated he understood what Mr. Robinson was stating regarding the 1979 zone but stated this is 1984 and there is a new set of regulations of which you seem to be very familiar, and should also be familiar with the fact that there are reasons to change a zone. Mr. Barnett stated the area was studied comprehensively and zoned Industrial One. Mr. Barnett stated the requested Industrial Two is a major change according to the regulations. Mr. Barnett stated the requirements for a zone change. Mr. Robinson stated the economic changes include ecological financial requirement associated with the treating of industrial sewage before it is discharged into the environment and that essentially requires gravity flow sewer and that is an economic change.

Mr. Robinson stated in the last five years most of us have become generally aware that rail has become a more and more dominant means of transportation for industrial operations. He continued that was not so much the case in the late 70's, but railroads all over this country are coming back on the stock exchanges, expanding their lines and becoming once again the primary industrial mover of supplies and products. Mr. Robinson stated those are overriding considerations for choosing this particular site and hope that the Commission will recognize their importance as well.

Mr. Delong stated he had heard that the Beechgrove Sewage Plant had problems which resulted in the reworking of their plants. In response to Mr. Delong, Mr. Robinson stated they were taking the proposed Wolf Creek Dam into consideration which they discussed with the Commission Staff and again that is why that the gravity flow sewer is of such tremendous importance. Mr. Robinson stated they would be in a much more difficult position if they were considering a package treatment plant to handle the sewage and discharge due to package plants having a habit of breaking down for a variety of reasons. He continued they would be hard pressed but would probably have to come up with backup systems to assure no ultimate discharge which would flow directly into the Wolfe Pen Creek Water Shed Recreational proposed development. He stated they did not know whether the Wolfe Creek development would ever come into reality or not, but it will not one way or the other be effected by this development because we are going into a pipe and there are no pump stations between this site and the package plant at Bristow Road. Mr. Robinson stated the package plant at Bristow Road has a capacity of 25,000 to 30,000 gallons per day and is currently functioning in the range of 15,000 to 17,000 a day but this plant has the potential of increasing that capacity useage by approximately 5,000 gallons per day. Mr. Robinson stated you can see that this facility will comfortably fit into the capacity of that plant. He continued when you are talking about sewage problems in that area I cannot of course say whether what you have heard is correct or incorrect. Mr. Robinson stated as far as he knows Bristow Road is operating efficiently within its permit limitations and has ample capacity. Mr. Robinson stated there may be only 7,000 or 8,000 gallons of additional capacity for future development after our tap in. Mr. Delong asked if Duro has a commitment that the infrastructure will be finished in time for construction of the building. In response to Mr. Delong, Mr. Robinson stated that was the commitment they have and that they take that seriously. He continued they need that or would not be able to operate within their permit requirements.

Chairman Kroger stated at this time he would ask those in the audience in opposition or present from a question standpoint for information for comment.

Mr. Bob Benton stated he owned the adjoining property. Mr. Benson pointed out the location of his property on the map of the proposed Duro Plant. Mr. Benton expressed his concern with the factory being built on the rear of the property. He expressed further concern with the possible spillage of the pellets into Wolfe Creek during the unloading process. Mr. Benton stated he did not see where the development would increase the value of his property.

Chairman Kroger asked if anyone else wished to speak in opposition.

Mrs. Bob Benton stated she did not want to look out from her property onto silos, railroad tracks and trains. Mr. Benton stated they had lived there for thirty eight (38) years and that there were four generations there.

Mrs. Thelma Clare Castellini, 11303 Dixie Highway, Walton, Kentucky stated she would like to speak about credibility and would go through four things that have happened in the last two weeks where she questioned the credibility; not the least of which are the restrictive covenants. She continued current projects require current research. Mrs. Castellini stated the adjoining property notices were sent out from a list of addresses that were from 1979. She continued two of the people on that list died prior to 1979, and one on the list died after. Mrs. Castellini stated her letters were addressed to her husband who has been dead for seven years. She continued he received two notices which she opened. Mrs. Castellini stated the Duro Proposed Plant map which was evidently drawn recently by Cardinal Engineering shows Camco property. She continued that land had not in forty years ever been owned, leased or under option by Camco. She further stated the tax bill for the property comes to Thelma Clare Castellini and has for a number of years. Mrs. Castellini stated the restrictive covenants were accepted and agreed upon in good faith by the people in the Richwood area by the same gentleman who now says they are no longer in effect. Mrs. Castellini questioned do you think that the residents of the Richwood area have any faith at all in that last sheet of paper that has been passed out; they are not called restrictive covenants, they are called something else. She questioned if the residents were duped or sold out by Mr. Crigler or Mr. Robinson, I don't know. Mrs. Castellini questioned if the first piece of paper is not in effect, what value is the second piece of paper. Mrs. Castellini stated if the first piece of paper was wiped out with a meeting of people who are supposed to be representing the residents of this County as well as industry, then why are they no longer in effect. She stated she planned to get a second opinion. Mrs. Castellini questioned whether the residents should now put any faith whatever in a piece of paper that comes before the Planning and Zoning Board as that too can be wiped out next week. Mrs. Castellini stated if five or ten million dollars

is spent on a road between U.S. 25 to the end of a farm, there would be a road and a railroad. She stated the people in the Richwood area live everyday of their lives on an interstate where there are within 1500 feet of Rt. 338 eight exit ramps for I-75, two truck stops, four other gas stations, two motels, an ice cream plant, a car wash, and a food market. Mrs. Castellini stated upon visiting the Boron Truck Stop at 338, she counted sixty seven (67) semi-tractor trailer rigs on the back of that land and twenty two (22) more parked directly across the street at the Bingo Truck Stop. She continued after ten minutes, she counted twenty one (21) moving tractor trailers. Mrs. Castellini expressed concern with the traffic from U.S. 25 to the entrance and exit ramps of I-75. Mrs. Castellini stated there is not any amount of money that can be spent on U.S. 25 in holding lanes north, south, or an automated crossing across U.S. 25 which would do anything except accentuate an existing problem. She continued it is overdeveloped and no progress has been made toward rectifying the problem that already exists. She stated now they are going to pile trucks, trains, and one hundred (100) people going to and from work everyday onto the same road. Mrs. Castellini stated the gas fumes, diesel fuel fumes, carbon monoxide and sewer gas coming forth from that interchange drives all the people in that immediate area inside. Mrs. Castellini stated these things effect the quality of the life of the people in this area and whether or not that consideration is for this Commission, this Commission is making decisions on the very fiber of American life. Mrs. Castellini questioned the irregularity of the figures pertaining to the amount of water pumped in and out of the facility. Mrs. Castellini expressed concern with the impossibility of screening the development from the surrounding residents. Mrs. Castellini questioned what kind of tax concessions, or tax relief the government of Boone County made in order to attract this industry. She stated she could not seem to find out, maybe none. She continued maybe one-half of the one hundred (100) jobs will be filled by Boone Countians. Mrs. Castellini stated .008% of the payroll tax would be received into the County tax fund which is \$8,000 for each one million dollars of payroll. Mrs. Castellini stated she had heard that property values in the County are not a factor in the considerations before the Planning Commission, but the title Boone County Planning Commission indicates planning. She questioned what there is to plan other than real estate. She stated certainly the value of the private owned property in the County should be a factor in the Commission's deliberations. She continued that her home sits on approximately ten (10) acres, and that by rehabbing the house, it would be a valuable home site. Mrs. Castellini stated the property is worth approximately \$2,500 an acre which is what the land is worth on that side of the railroad. Mrs. Castellini further stated the residents cannot constantly be inundated. She continued Richwood is not equipped to handle this type of facility. Mrs. Castellini

stated there were four generations of Bentons of which she is the third or fourth generation; we are not fly by nights, we have been out ther for a good many years. She pointed out the Robinsons may be on their fifth generation. Mrs. Castellini stated we are not exactly transient and expressed concern as to attending hearings for possible future development in the area.

She stated industry and private property derive their impetus from opposite ends of the pole. She continued they are after money and that she was sure to an industrialist, a field of smoking buildings and trucks going in and out is a beautiful site; but to a person who has gone into the country to get away from hub-bub and all of the activity and to have freedom and fresh air, we cannot see it. Mrs. Castellini stated regarding the fire station if a fire station is needed fine, but we have gotten along many years out there without one. She continued the fire station would be located on the east side of the southern railroad track which when a train is going by will put out the fire of a couple houses and one factory. She further stated the money to build the firehouse is coming from the County, our tax dollars. Mrs. Castellini stated the construction of a firehouse along with a fire wagon is going to cost one-half million dollars whether the land is free or not. She questioned if the tax payers in Boone County should pay. Mrs. Castellini stated it costs about \$250,000 for a building and about \$100,000 for a pumper, and also a source of water would have to be provided. Mrs. Castellini pointed out the fire station would be locked behind the railroad when the trains are going by. Mrs. Castellini questioned how reasonable people could expend one-half million dollars of County taxpayers' money or be expected to protect a factory and one house in case of a fire. Mrs. Castellini expressed her concern as to the need for a polic station as it takes twenty minutes for a policeman to reach the vicinity. Mrs. Castellini stated there is not a sole in that community who is not willing and ready to sit down and discuss reasonable pursuits, but everything is so glossed over as though the residents are getting something; that is not true. Mrs. Castellini concluded more is being taken from the residents than they will ever get in return.

Mr. Ronald Ferguson stepped forward and stated he owns the adjacent farm to the north. He stated he uses Wolfe Creek for farming, watering cows, tobacco, etc.. He stated the wind blows in his direction from the plant and expressed concern of fumes emitting from the plant. He stated his opposition to the rezoning.

Mrs. Shirley Robinson stated she lives closest to the entrance of the facility and asked if the State would install traffic lights to control the hazardous traffic situation.

Mrs. Sue Robinson, 975 Dixie Highway, asked

how many silos would be visually seen from the highway. Chairman Kroger stated there would be two (2) silos approximately 30 to 35 feet in height.

Mr. David Yeager, of Old Lexington Pike, questioned how many Industrial Two (I-2) zones are needed in the County and how many existing Industrial Two (I-2) zones are at capacity. Mr. Yeager stated he has heard how good a neighbor Duro is, and stated he visited Ludlow and suggested the Commission do the same. He stated if he owned a farm in the area, that would be his biggest concern of how good a neighbor that factory would be.

Chairman Kroger asked if there were any further comments. No one responded. Chairman Kroger asked if the applicant would like to respond to the comments made.

Mr. Hughes stated the transporting of the crystals from the hopper car to the silos is a closed system. He stated there are some similar extrusion facilities and they would be happy to take anyone to visit them to see how the materials are conveyed.

Mr. Benton stated he understood the closed system and that the crystals are blown into these silos, but expressed concern that trucks hauling these crystals travel along way to the back of the property which will cause dust.

In response to Mr. Benton, Mr. Robinson stated the reason for the location of the plant to the rear of the property, is to allow the sale of the front portion of the property for future development in order to help finance and recapture the initial investment cost of their project. He continued by bringing the infrastructure to the rear of the property it will make available infrastructure for future development. Mr. Robinson stated as to his credibility questioned by Mrs. Castellini, he didn't know how to answer questions any more honestly than he has. He stated they are in no way running from the restrictive covenants, but have on their own initiative come before the Commission and asked that those covenants be applied to the approval of the zone change. Mr. Robinson stated that they are in no way insensitive to the peoples' feelings and stated he acquired the adjoining property owners names from the records in the Boone County Property Valuation Department. Mr. Robinson apologized if he offended anyone during the legal process of mailing out those notices. Mr. Robinson pointed out the infrastructure is available through a commitment from the State and Local governmental entities. He continued that he as Attorney for the project knows of no tax-free understanding in the background as suggested by Mrs. Castellini. Mr. Robinson stated this situation involves their giving away valuable real estate to the Boone Industrial foundation, because they realize there are significant dollars being contributed to this project to provide infrastructure that is environmentally

important and important for use to operate according to permit requirements.

Mr. Robinson stated most of the remarks expressed tonight would be just as applicable to the present Industrial One zoning. He pointed out the Planning Commission has long since designated this area prime industrial land. He stated that unfortunately when Mr. Benton looks to the north in the future he will see industrial development. Mr. Robinson stated they had given committment that their project will be one of the best and they intend to keep those promises.

Mr. Robinson stated in response to traffic control, it is his understanding the traffic situation is being studied, but he is not in a position to speak for the Department of Transportation.

Chairman Kroger asked if there was anyone in the audience that would like to make comments to Mr. Robinson. No one responded.

Mr. Buse stated traffic problems presently exist at that interchange. He stated as Chairman of this Committee he talked with Dr. Poore, Secretary of Transportation, and expressed his concerns of the existing problems and of the future development. Mr. Buse stated that Dr. Poore assured him that the Department of Transportation is currently studing the existing problem and that they will take adequate measures to ensure that the present situation will be relieved as best it can and that they will provide adequate means of egress and ingress from the industrial development. Mr. Buse felt if this development takes place the result may be a better Richwood interchange. Mr. Buse expressed his concerns of the existing truck stops and at the time they were constructed the Commission had no control, because they were placed in an existing zone. He stated the commission has no power to do anything to control the fumes from the truck stops. Mr. Buse stated the Dept. of Transportations help is needed to relieve the existing traffic problem and any further problems, which Dr. Poore assured Mr. Buse they would.

In response to Mr. McMillian, Mr. Moore stated the existing facilities in Covington and Ludlow are old facilities. He pointed out the Covington facilities is leased from the railroad and is approximately 100 years old. He stated it is not a well layed out, Engineered facility, nor is Ludlow which is also a leased facility. He stated within the last year they put siding on the Ludlow facility. Mr. Moore stated these facilities are not indicative of all their facilities and invited anyone to visit their facility in Wisconsin which sits on an 80 acre

site in a much higher residential area that the project they are requesting tonight. He continued that one of the reasons Duro can stay in business and employ 1200 people is because they are a low cost producer and they could spend money on expensive facilities but would not be able to compete in the market and maintain their employees. Mr. Moore pointed out that during the last recessionary period they maintained full employment, with some sacrifice to the owners of Duro, of which they are proud and felt they are good citizens in that regard.

Mr. Moore stated he served on a City Planning Commission for five years and during his experience learned in any growing and developing area that most residents felt that good zoning is no change, but this is not progress nor planning for development. He felt the proper zoning and land use for this property is industrial use. Mr. Moore stated Duro looked at the site and took an option on the property, then later discovered there were restrictive covenants. He continued that he felt industrial use was proper for the area and felt the restrictive covenants did not apply to their facility, but before spending \$10 million on the facility, they wanted to clarify it so there would be no future problems.

Mr. McMillian pointed out that an old facility can be kept as clean as a new one.

Mr. Moore asked that not all their facilities be judged by the two in Kenton County, those buildings were not designed as factories.

Mrs. Sue Robinson asked what guaranties the residents would have that they would not be overpowered by fumes from this facility as those emitted by U.S. Steel on Industrial Road and U.S. 25.

Mr. Robinson stated the best assurance he can give is the fact they must operate under the EPA's requirements, and if they don't comply they will be shut down. He continued they will have the equipment to preclude that happening.

Mrs. Shirley Robinson questioned why the truck stop does not comply to the EPA requirements. Chairman Kroger suggested that Mrs. Robinson contact the local office of the EPA.

Mrs. Castellini stated through her research there is not one agency or control between Richwood, Kentucky and Washington D.C. that requires an Environmental Impact Statement. She continued that this statement is not required

unless Federal Funds are used. Mrs. Castellini pointed out the State Agencies are set up for "after the fact" not for prevention. She continued that a simple application, of which the last time she checked Duro's application was not on file, is filled out and a permit is then issued. Mrs. Castellini stated that the alcohol ink's hydro-carbons that are emitted are presently causing problems at two plastic factories in Kentucky. Mrs. Castellini stated she did not come to the hearing in opposition but as things evolved in the past two weeks, it was hard to stay "middle of the road". She stated that any community that is set up for it would welcome the factory, and that the fault is not with Duro, but the location that will affect a lot of people for many generations. Mrs. Castellini stated the Environmental Impact Statement is no help, the gas, the liquid the solid is not required anywhere by anybody and the State of Kentucky will only come in and measure polutants "after the fact".

In response to Mr. Neltner, Mr. Robinson stated that a definition of manufacturing a chemical substance, one would be engaged in changing the chemical nature of two or more substances to produce a third substance. Mr. Robinson stated their process does not involve changing the chemical substance of the material, it is simply changing the form. He stated if in the future they did manufacture a chemical substance it would have to be done elsewhere, it would not be permitted at this facility, according to the restrictive provision.

Mr. Wilson stated by having these restrictive conditions as part of the approval, it gives the Commission the authority to enforce the restrictions. He stated deed restrictions are not enforceable by the Commission.

Mrs. Benton questioned why something cannot be done about U.S. Chemical and Grefco.

Chairman Kroger stated the restrictions on the request tonight becomes part of the zone change. The Commission cannot go back in time and impose restrictions on an existing facility, it is a nonconforming pre-existing use.

Mrs. Castellini expressed concern of a domino principal, once one factory goes in, another will follow using the previous factory as a basis for approval. Mrs. Castellini suggested that the zone be left Industrial One and an exception be made for Duro, then the property owners would not have to come to Public Hearings year after year to protect what is already theirs.

Mr. Wilson stated you cannot legally lmake an exception for anyone they must meet the requirements of the zone.

Mrs. Castellini asked if the rules could be changed.

Chairman Kroger stated the rules can be changed. He explained that the Commission is beginning the process of the five (5) year update of the ten (10) year Comprehensive Plan. He stated as you have read in the newspaper there were mistakes made, which are going to be addressed. It is at those times the community can come forward and have their input as to what is rules of the land.

Mr. Benton expressed concern that if the covenants of this parcel can be changed in 1979, what will keep them from changing them again.

Chairman Kroger explained that these covenants are no longer deed restrictions but part of the zone change, if approved. The only way they could be changed, is by coming before the Commission in a full due process Public Hearing, with the community having an opportunity to come forth and express their opinion.

Chairman Kroger read a letter addressed to Mr. Lynn from Opal Robinson, by Robert Carl Robinson, Power of Attorney, requesting a fence between her property and the industrial site.

Mrs. Sue Robinson asked if the industrial site is required to fence their property.

Mr. Robinson stated he knows of no regulation that requires a fence. He continued that the property requested for rezoning does not abutt the Gaines Robinson property.

Mr. Moore stated a fence would probably be installed around the plant for security purposes.

In response to Mrs. Sue Robinson, Mr. Robinson stated he could not say the entire 250 some acres would be fenced and then as each parcel is sold go out and modify that fencing each time. I cannot say Duro would do this at this time.

Chairman Kroger asked for further comments. No one responded. He informed the audience this request is scheduled for the June 20, 1984 meeting for action at 8:00 p.m..

Hearing no further comment, Chairman Kroger adjourned the Public Hearing at 11:35 p.m..

RESPECTFULLY SUBMITTED

Sherry Y. Baker

SHERRY Y. BAKER, CLERK

Sandra G. Ryan

SANDRA G. RYAN, CLERK

APPROVED: 6-20-84

Paul E. Kroger

PAUL E. KROGER, CHAIRMAN

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: R.L. Buse., Chairman

DATE: June 20, 1984

SUBJECT: Request of Duro Corporation, Agent for
Finley & Bonnie Jacobs, for a zoning map
amendment for property located at Box 172,
R.R. #1, Walton, from Industrial One (I-1)
to Industrial Two (I-2).

REMARKS:

We the Committee feel that many of the comments made by those who have opposed the zone change at the Public Hearing, are not appropriate since the area is already zoned Industrial One. The applicant has submitted a Concept Development Plan detailing the type of industrial useage that will take place on this tract.

Included in the applicant's comments at the Public Hearing was a committment that will result in the installation of a gravity flow sewer line from east of this property to the Kenton County Treatment Plant at Bristow Road. Further the Secretary of Transportation of the State of Kentucky has assured the Committee Chairman by telephone contact that the present traffic problems existent at the Richwood Road interchange are being studied. The secretary has indicated that a new plan will be adopted which wil alleviate the problems at the Richwood interchange by adding storage lanes for the development of this tract.

The Committee also accepts the assurances of the applicant that the necessary electrical and water facilities will be provided to the site. The Chairman and Mr. DeLong, a member of the committee, have contacted other manufacturers an fabricators of plastic products and have received assurance that this type of operation is not harmful to the environment or to adjacent property owners.

Based on the Committments made at the Public Hearing as well as the Concept Development Plan as submitted and changed at the Public Hearing, the Committee recommends the change from Industrial One to Industrial Two on this 67 acre tract be based on the following findings

of facts;

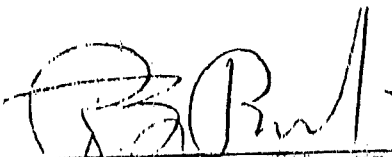
That changes of an economic and physical nature have occurred, specifically; (1) the availability of the property infrastructure to handle Industrial Two (I-2) manufacturing plants, (2). The accessibility of rail and interstate highway transportation.

In addition, these planned infrastructure additions will occur; (1) the additional spur from the railroad track back to the plant. (2). The access road to be built to handle the traffic to the plant.

The property is presently planned and zoned Industrial, thus no change in the Comprehensive Plan would have to be made in this zone change request.


This zone change is subject to the following conditions:

The committee has expressed concern with regard to the extension of these conditions to the remainder of the 245 acre tract. It is our understanding that the applicant in submitting this zone change is agreeable to applying these conditions and the proposed restrictive conditions submitted at the Public Hearing and herein incorporated by reference to the balance of the property of the 245 acre tract that is not included in this zone change request and that these conditions will become a part of the record with regard to the additional land, which presently zoned Industrial One. The Committee wishes to point out to the applicant that our recommendation is based on the Concept Development Plan as amended and that any change thereto such as a change in the treatment of sewage or in the access or rail spur as shown on the Concept Development Plan or any other major change in infrastructure, will require a new Concept Development Plan and Public Hearings attendant thereto.

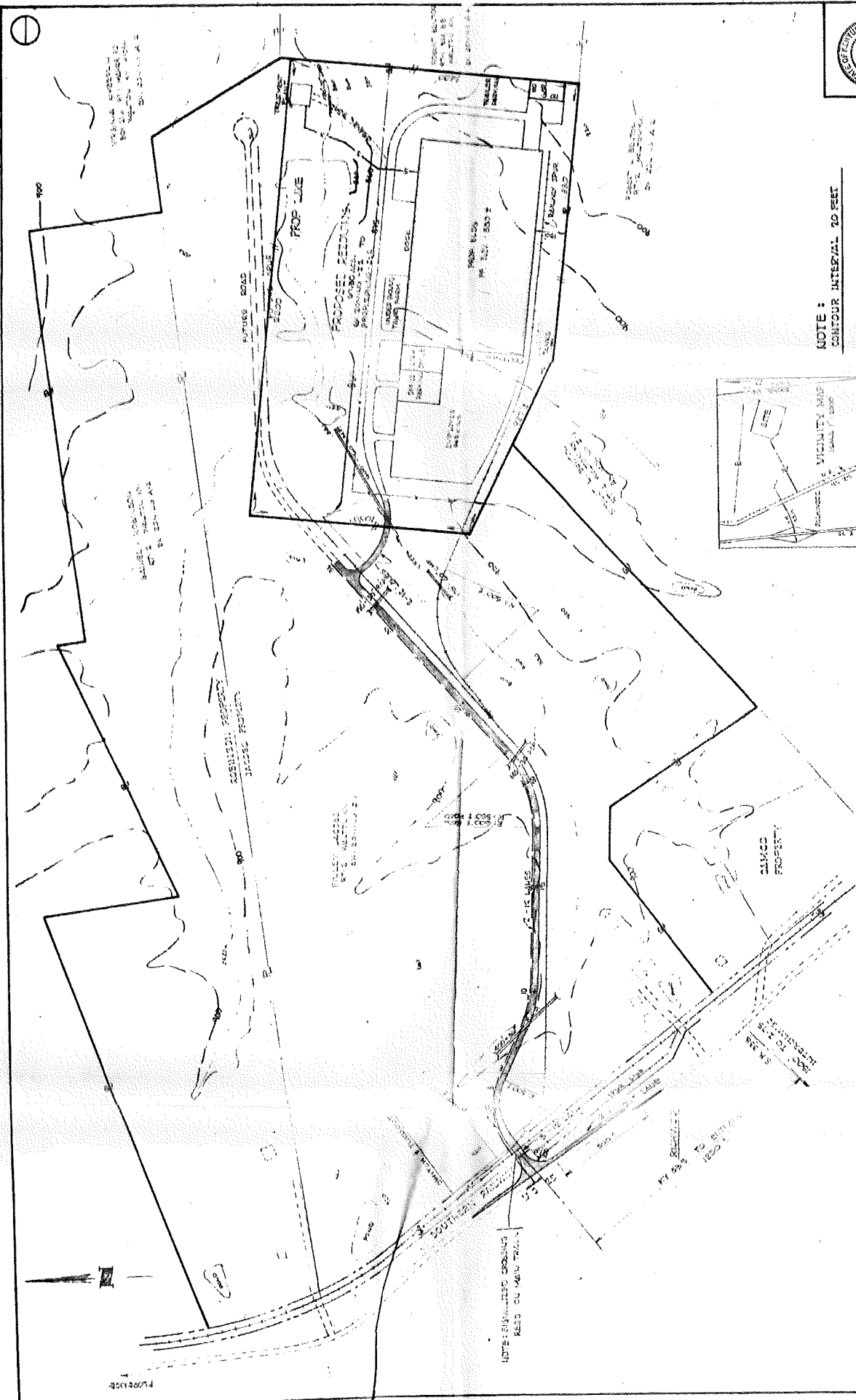

R.L. BUSE, JR. CHAIRMAN


WILLIAM VIOX

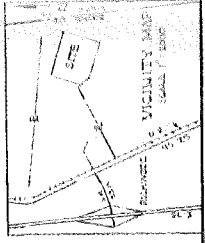

DON DAVIS


LARRY BARNETT


MELVIN DELONG



NOTE:
CONTOUR INTERVAL 20 FEET



PROPOSED DURO PLANT
RICHWOOD, KENTUCKY



NO.	REVISIONS	DATE	BY

PREPARED	DRAWN	CHECKED	APPROVED	SCALE	DATE
				1" = 200'	11/15/58

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM Industrial One to Industrial Two LOCATED AT Box 172, Welton, Ky., being a 67.306 acre tract and a portion of the Linley H. Jacobs tract, located in the southeasterly corner of said tract (Richwood) as regulated by the Duro Corporation, Agent for Linley & Bonnie Jacobs.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning Commission for a map amendment for a zone change from I-1 to I-2 for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted public hearing by the Boone County Planning Commission serving as a due process trial-type hearing and its findings recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION 1

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from I-1 to I-2. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT #1)

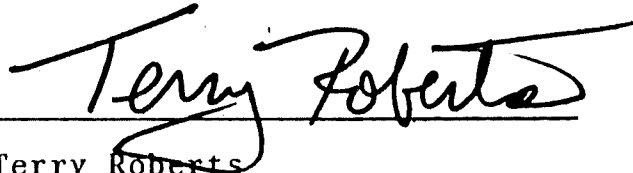
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this zone change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance.
(ATTACHMENT - EXHIBIT #2) - including attached conditions

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

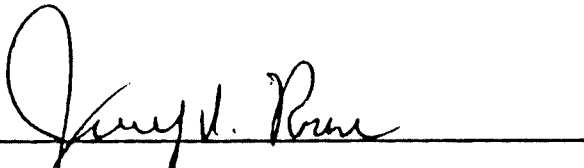
Introduced, seconded and given first reading on the 17th day of July, 1984.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 19th day of July, 1984, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

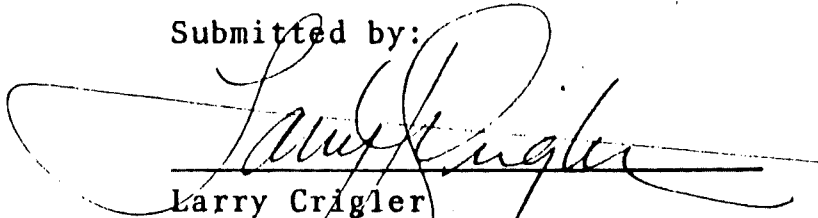


Terry Roberts
Boone County Judge/Executive

ATTEST:


Jerry W. Rouse
Boone County Clerk

Submitted by:


Larry Crigler
County Attorney

07/26/84
(DATE PUBLISHED)

AD DESCRIPTION
PRO SITE
RICHWOOD, KENTUCKY
GROUP No. 2065

(EXHIBIT "1")

Being a portion of Finley H. Jacobs Tract as described in Deed Book 298, Page 271, of the Boone County records at Burlington, Kentucky; being located in the southeasterly corner of said tract and being more particularly described as follows:

Beginning at a point in the most southeasterly property corner of Finley H. Jacobs property; thence N 72° -53' W along the Grantor's southerly property line, 1410.76 feet to an angle point in said property line, thence N 47° -59' W continuing along said southerly property line extended, 882.76 feet to a point in a new division line; thence N 15° -21' E continuing along said new division line, 1028.15 feet to a point; thence S 72° -53' E, continuing along said new division line, 2200.00 feet to a point in the Grantor's most easterly property line; thence S 15° -21' W along the Grantors most easterly property line, 1400.00 feet to the point of beginning.
CONTAINING 67.306 Acres.

EXHIBIT "2" *plus attachment*

FINDINGS OF FACT

That changes of an economic and physical nature have occurred, specifically; (1) the availability of the property infrastructure to handle Industrial Two (I-2) manufacturing plants. (2). The accessibility of rail and interstate highway transportation.

In addition, these planned infrastructure additions will occur; (1) the additional spur from the railroad track back to the plant. (2). The access road to be built to handle the traffic to the plant.

The property is presently planned and zoned Industrial, thus no change in the Comprehensive Plan would have to be made in this zone change request.

CONDITIONS:

This zone change is subject to the following conditions:


The Committee has expressed concern with regard to the extension of these conditions to the remainder of the 245 acre tract. It is our understanding that the applicant in submitting this zone change is agreeable to applying these conditions and the proposed restrictive conditions submitted at the Public Hearing and herein incorporated by reference to the balance of the property of the 245 acre tract that is not included in this zone change request and that these conditions will become a part of the record with regard to the additional land, which presently zoned Industrial One (See attached Conditions). The Committee wishes to point out to the applicant that our recommendation is based on the Concept Development Plan as amended and that any change thereto such as a change in the treatment of sewage or in the access or rail spur as shown on the Concept Development Plan or any other major change in the infrastructure, will require a new Concept Development Plan and Public Hearings attendant thereto.


PROPOSED RESTRICTIVE CONDITIONS
FOR DURO-RICHWOOD PROJECT

Applicants hereby agree that approval of this re-zoning application be subject to the following conditions. Said restrictive conditions pertain to the use and occupancy of said land. The proposed Industrial Development is designed to provide for industrial uses having a minimum impact upon the surrounding environment. The industrial uses are intended to be operated, consistent with all applicable governmental regulations and performance standards necessary for the protection of the surrounding activities, agricultural, business and industrial. In conformance with the intent of environmentally supportive industrial use, certain manufacturing activities are to be specifically excluded from the proposed Industrial Development. These excluded uses are ammonia or chlorine manufacture; asphalt or asphalt products; boiler shops; the manufacturing of celluloid or cellulose chemicals for wholesale or retail to third parties; cement, lime or lime products (gypsum, plaster of paris); coal tar and creosote manufacturing; coke ovens; drop forge plants; fat rendering; fertilizer manufacturing; foundaries and foundry products (smelting); garbage or offal reduction or transfer; glue manufacturing, gelatin or size manufacturing for retail or wholesale to third parties; petroleum refining plants; rubber manufacturing from crude or scrap material; stockyards and slaughter houses; turpentine, varnish or paint manufacture; manufacture of corrosive acids and derrivatives; storage,

utilization or manufacture of pyrophoric and explosive powders and dusts and of materials and products which decompose by detonation; scrap and used metal storage and reclamation; motor vehicle wrecking and storage facilities; excavation, extraction and mining or processing of sand, gravel or other raw materials from the earth for resale; nuclear power plants, and manufacture or handling of radioactive materials; bulk storage stations for liquid fuel, petroleum products, petroleum and volatile oils for tank farms used for retail sale or wholesale to third parties; concrete mixing plants; stone products processing and manufacturing; leather or fur tanning, curing, finishing or dyeing; sugar refining; potash manufacture; nitrating processes of cotton and other materials; lead oxide manufacture; and the manufacture of basic plastic: however, this restriction does not preclude or prohibit the value-added processing of basic plastic, manufactured elsewhere and brought to this site. In addition, open storage is prohibited, except that a special use permit may be obtained by preparing an application for consideration by the Planning Commission or by the Board of Zoning Adjustment and appeals. Open storage, as used herein, does not include materials contained in tanks, bins, silos and/or other enclosed containers.

Respectfully submitted,


FINLEY H. JACOBS


BONNIE JACOBS

DURO PAPER BAG MFG. COMPANY.

BY: Robert M. Moore
ROBERT M. MOORE
Senior Vice President