

11-23-48

EXHIBIT "A"

REQUEST OF AL NEYER INC. (APPLICANT) FOR  
HAROLD W. AND JANET R. BOWLIN (OWNERS) FOR A  
ZONING MAP AMENDMENT ON A 15.47 ACRE PARCEL LOCATED AT  
3132 HOSSMAN ROAD, BOONE COUNTY, KENTUCKY

NOVEMBER 29, 1989 7:00 P.M.

This is a request of Al Neyer Inc. (applicant) for a Zoning Map Amendment on a 15.47 acre site to allow light industrial uses. The request is to rezone the site from Suburban Residential One (SR-1) to Industrial One (I-1).

#### SURROUNDING LAND USES AND ZONING

The site adjoins the Greater Cincinnati Airport on the east. The existing north-south runway flight path is approximately 800 feet to the east, and noise associated with other airport operations is audible on the site. To the south along Hossman Road is additional, undeveloped airport property. At one time, Hossman Road proceeded to the east toward Donaldson Highway, but has been reconstructed to intersect with KY 20. Airport property carries an Airport Zoning District.

To the west along Hossman Road are several single-family residences, zoned Suburban Residential One (SR-1). The area along the adjacent stretch of KY 20 is also single-family in character with zoning of SR-1.

Interstate 275 lies approximately 600 feet to the north. Airport property separates the site from I-275. There is no existing or planned interchange at KY 20 and I-275.

#### SPECIFIC SITE CHARACTERISTICS

The 15.47 acre site is roughly rectangular in shape with frontage on both Hossman Road and KY 20. Several residential properties to the west form a triangular shape bonded by the site, Hossman Road, and KY 20.

The southern and eastern portions of the site are generally level topography while the northern portion of the site contains Elijah's Creek and associated steep embankments. The west property line area contains some rough topography. The southern half of the site is mostly clear with a residential structure and accessory structures. The northern half of the site supports mature woodland.

Soils present on the site include Jessup Silty Clay Loam (JsD3), usually found on severely eroded slopes of 12-20 percent, two types of Rossmoyne Silt Loam (RsB and RsC), usually found on 0-12 percent slopes, and Newark Silt Loam (Nk) found in level, low flood plain areas such as along Elijah's Creek. The Rossmoyne Silt Loam soils present some hazard of erosion, if disturbed, while the Newark Silt Loam presents little hazard of erosion.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Future Land Use Map indicates future Low Density Residential land uses for the request site and all adjacent non-airport property on the south side of KY 20. Land on the north side of KY 20 is designated as future Medium Density Residential uses.

The text of the Land Use Element of the Comprehensive Plan (page L-12) calls for rapid growth in the overall Hebron area. This growth will contain commercial, residential, and industrial development. The Plan recognizes the major growth impacts as the I-275 interchanges, the airport, and KY 237.

In general, the Land Use Element recommends that the residential character of the immediate Hebron area remain, while land at the interstate interchanges or under airport flight paths develop as industrial with some commercial. The Plan recommends that existing residential developments in the flight path areas should remain but not increase. On page L-13, industrial uses in the Hebron-Burlington area are recommended to occur primarily in the Limaburg Road and KY 237 area because of adequate access and airport noise impacts. The entire corridor between Hossman Road and KY 20 is foreseen as Low and Medium Density Residential development on non-airport property.

The 1986 Goals and Objectives of the Land Use Element recommend that development in the County be adequately supported by public facilities and services. Two of the objectives are:

1. Future land use shall occur in environmentally suitable areas, or where measures have been taken to eliminate environmental problems.
2. Land use shall occur first where infrastructure systems exist which are suited to accommodate such use would be logically extended or are provided as part of the development.

Pages B-15 and B-16 of the Business Activity Element recommend industrial growth around the I-275 interchanges because of the proximity to air and truck transportation and within the airport runway clear zones.

The adopted 1990 Goal of the Business Activity Element is to "provide appropriate locations for industries or businesses compatible with others located in the County."

The following adopted 1990 Objectives of the Business Activity Element appear on page G-4:

1. Industries shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to locate near railroads, highways, and airports. New industrial park sites shall be located in close proximity to limited access highways.

3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor shall be kept at a minimum, and site development be carefully coordinated with necessary approvals of other regulatory agencies.

The recently adopted 1990 Goals and Objectives of the Environment Element recommend that an inventory of physical site features be conducted, and that existing topography and vegetation be utilized in site design of new development.

The 1990 Goals and Objectives of the Transportation Element recommend that roadways be widened and improved where appropriate.

#### NEYER CONCEPT DEVELOPMENT PLAN

The applicant has submitted three potential versions of the proposed Runway Industrial Park development on the 15.47 acre site. These three versions include one, two, or three industrial users. All versions have access onto Hossman Road and KY 20, however, the access locations are not fixed. A proposed 50 foot buffer area is located along the west property lines and along Hossman Road. The applicant intends to develop the site to suit potential users and is unable to commit to a fixed development plan.

The designated uses on the submitted plans are office and warehouse operations. The three versions of the submitted plan include the following:

<u>VERSION</u>	<u>NO. OF BUILDINGS</u>	<u>SQUARE FOOTAGE</u>
1	1	190,000 warehouse 23,000 office
2	2	192,000 warehouse 16,000 office
3	3	100,000 office/warehouse mix

The applicant has indicated that certain uses involving manufacture of oils and soaps, building construction and contracting businesses, freight terminals and equipment maintenance, and truck stops are not proposed on the 15.79 acre site. Copies of model restrictive covenants have been submitted for review, in addition to a description of the Neyer Company and previous projects.

#### STAFF CONCERNS

1. Hossman Road contains two right-angle curves near the site. These curves would create a dangerous situation when the amount of traffic is increased, and especially when industrial truck traffic is placed on the road. Should this request be approved, any entrance onto Hossman Road would need to be accompanied by road improvements including widening and

straightening of Hossman Road and turning lane provisions at its intersection with KY 20. The proposed KY 20 access near the I-275 overpass would also require some turning lane provisions because of the potential number of vehicles and the travel speed on KY 20. Without a definite description of proposed uses, traffic generation and impact cannot be accurately evaluated. Staff conducted some preliminary, general analysis based upon scheme number one, which contains the highest proposed density.

TABLE 1

TRIP GENERATION

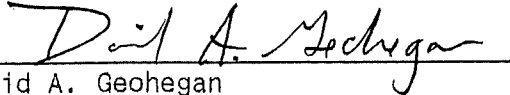
PROPOSED DEVELOPMENT	SQ FOOT	ADT	AM PEAK		PM PEAK	
			IN	OUT	IN	OUT
Industrial Park	213,000	1,820	180	40	23	171

Source: "Trip Generation Manual". Institute of  
Transportation Engineers. 4th Ed.

2. In general, the Boone County Comprehensive Plan recommends future industrial growth to occur in interstate interchange areas or with easy access to major arterial roadways such as KY 18, KY 237, or Donaldson Highway. This proposal, however, is not near an interchange and could potentially have a significant traffic impact on the central portion of Hebron and that critical section of KY 20 in order for industrial traffic to access the interstate system.
3. The latest airport noise contour information of September 1989, indicates a projected 1994 noise level of 65 LDN, borderline to 70 LDN. This projected noise level is generally treated as acceptable for some residential development. This request could potentially shift the character of the Hossman Road-KY 20 area to industrial and encourage additional industrial development where residential may be more logical in the overall development pattern of Boone County.
4. The applicant has submitted several potential schemes of site development. Without seeing a definite development plan for the 15.79 acre site, Staff must assume that most of the existing topography and vegetation site would need to be leveled to enable the warehouse/office development proposed. The site supports some significant woodland which should be incorporated into any development of the site.
5. There are currently no plans to provide public sanitary sewerage for the area. The applicant intends to pursue an individual sewage treatment plant. In Staff's opinion, this is not generally in agreement with the Boone County Water and Sewer District Master Plan in which other large future industrial areas are planned to be served with public sewerage, and in which individual treatment plants would be reduced over time.

CONCLUSION

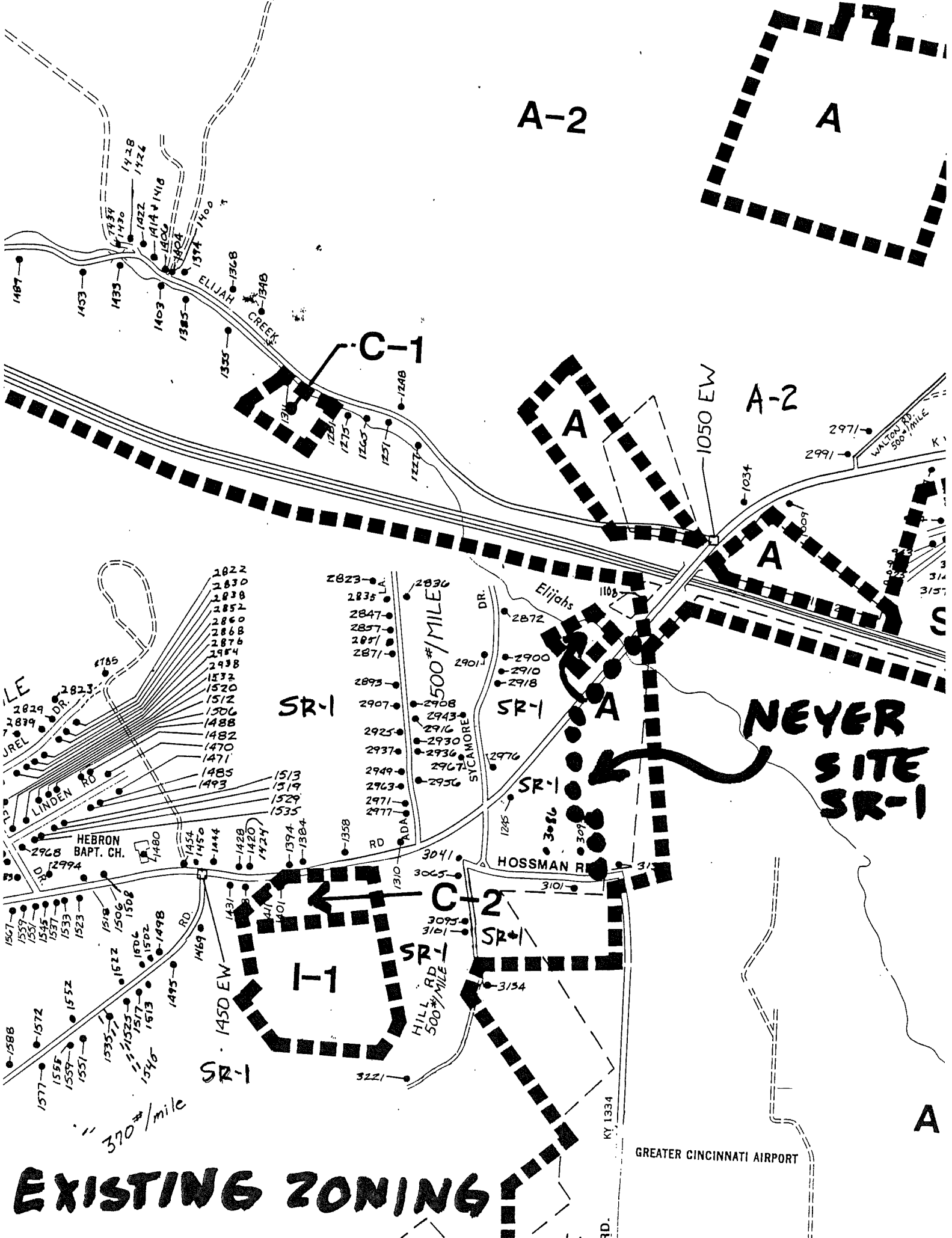
The Boone County Planning Commission and Boone County Fiscal Court need to consider this request in terms of the three criteria necessary for a Zoning Map Amendment, and in terms of the proposed development's potential impact on the future growth patterns of the surrounding area. Should this request be approved, the 1986 Future Land Use Map would need to be adjusted.



David A. Geohegan  
Planner/Plans Examiner III

DAG:jdh





A-2

A

C-1

A-2

A

A

S

SR-1

SR-1

SR-1

**NEYER  
SITE  
SR-1**

C-2

I-1

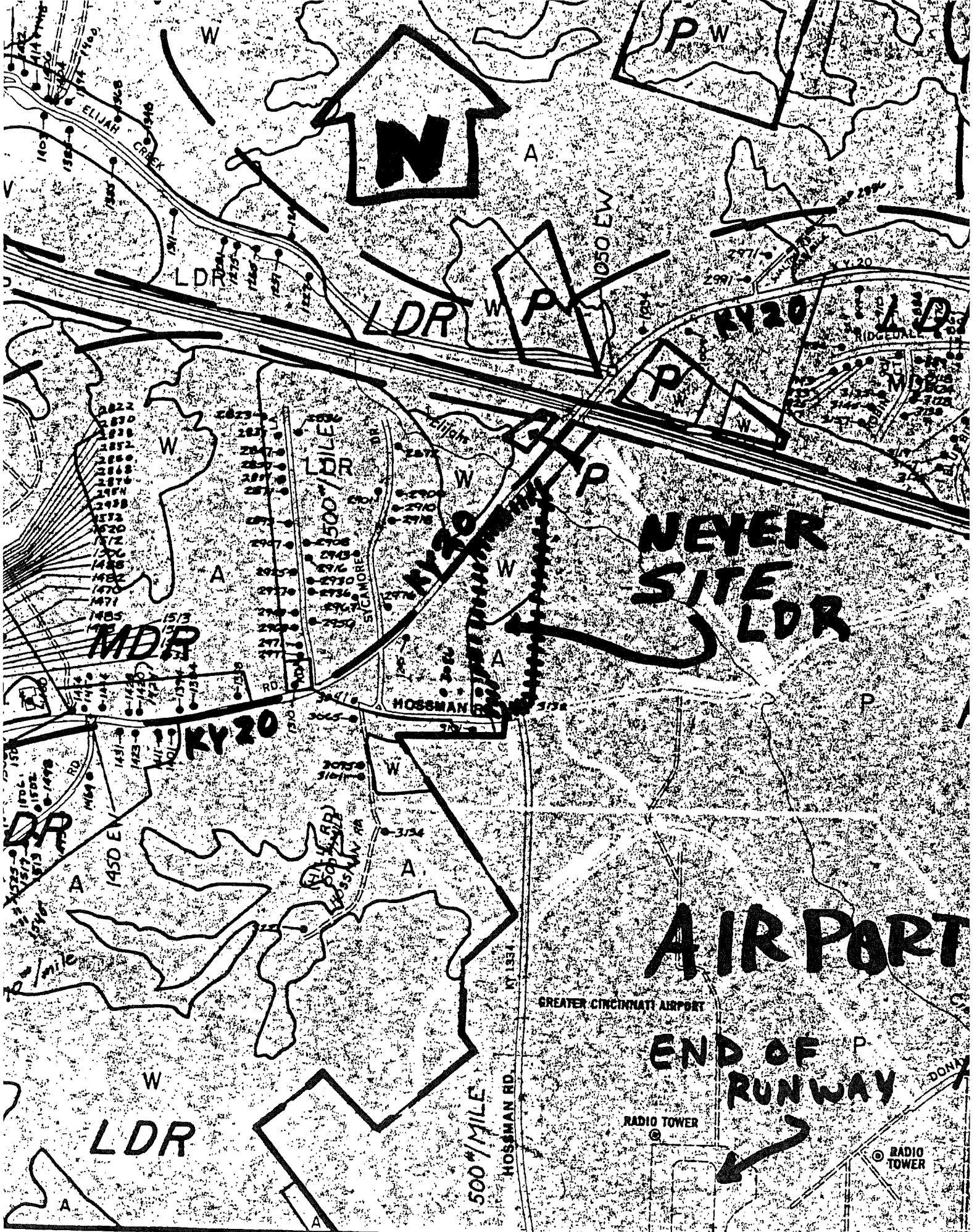
SR-1

SR-1

A

**EXISTING ZONING**

GREATER CINCINNATI AIRPORT





## COMPANY BACKGROUND

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Neyer's proud tradition began in 1894, when carpentry contractor Joseph Neyer paired Old World craftsmanship with innovation and progressive construction technology. Joseph's company grew, its capabilities expanded, and in 1920, his son Al joined the business. In 1947, the company name was changed to Al. Neyer, Inc., but the family reputation for quality and performance remained.

By then, Neyer was specializing in the construction of institutional, industrial and commercial buildings. The company added creative methods and services, and in 1963, introduced the concept of design/build development with its first industrial park in Fairfax, Ohio.

Since then, Neyer has designed, developed and built seven commercial sites with more than a thousand acres completed. Neyer has eight parks currently underway, with locations all over Greater Cincinnati. These controlled developments provide a selection of environments that are ideal for any office, retail, manufacturing, distribution or warehousing application.

Neyer's capabilities now encompass every possible step in any building process, from initial concept through occupancy. These services include land development, financial assistance and planning, full in-house design production, flexible leasing arrangements, and of course, the one source construction responsibility on which the company was founded.

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Al. Neyer, Inc. remains in the hands of the third and fourth generations of the original Neyer family. These Neyers bring their forefathers' attention to detail and insistence on quality to each job they contract -- no matter how small or how complicated. For nearly 100 years, Neyer has rolled up its sleeves and gotten down to the building of business.

**NEW OFFICE/MANUFACTURING FACILITIES**

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<u>PROJECT</u>	<u>SIZE</u>	<u>SQUARE FEET</u>
Mintex International	D/B	40,000
Hess & Eisenhardt	D/B	87,500
Unique Lawn Care	D/B	6,000
Cincinnati Transit Warehouse Corp.	D/B	250,000
Greabel/Cincinnati Movers	D/B	10,000
W.R. Bonsal Company	D/B	32,000
Standard Register	D/B	50,000
Pella Products	D/B	37,500
Directel Facility	D/B	125,000
Wellman Container	D/B	33,750
Queen City Terminal	D/B	30,000
La-Z-Boy	D/B	46,000
Winn Packaging Company	D/B	120,000
Finn Equipment	D/B	47,000
Snap-On Tools Corp.	D/B	14,000
R.L. Industries	D/B	43,000
Viking Office Products	D/B	56,000
Champion Screen Printing	D/B	36,000
General Polymers	D/B	40,000
Commercial Interior Products	D/B	40,000
Frederic's Distribution Center	D/B	10,000
Cincinnati Microwave		73,000
ABS Business Products	D/B	7,000
Cintas	D/B	40,000

D/B = Projects designed and built by Neyer

Blank = Projects designed by architectural firms



# NEYER

Developers and Contractors

## COMMERCIAL AND INSTITUTIONAL

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<u>PROJECT</u>		<u>SIZE</u> <u>(SQUARE FEET)</u>
Beechmont Center	D/B	10,000
Burnett Square	D/B	33,000
Cintas - Hangar, Lunken Airport	D/B	111,000
Suburban Bowl	D/B	13,000
Wellspring Nursing Home		82,000
Standard Textile	D/B	18,000
Symmes Square Shopping	D/B	28,000
Montgomery Town Center	D/B	17,000
Kesselring Ford	D/B	15,000
Beechknoll Retirement Center	D/B	95,000
Izzy's Restaurant	D/B	2,500
St. Gertrude Church - Parish Center	D/B	17,000
Clermont County - Special Education Building		15,000
SuperAmerica Store		4,000
Cedar City Motors	D/B	17,500
Meineke Muffler Shop	D/B	2,000
Busken Bakery	D/B	5,200
Kemper Dodge Dealership	D/B	15,000
Sears, Roebuck & Co. - Two mall stores		300,000
Beechmont Mall		250,000
Shillito/Rikes - Two mall stores		240,000

D/B = Projects designed and built by Neyer

Blank = Projects designed by architectural firms

**ADDITIONS AND/OR REMODELING**


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<u>PROJECT</u>		<u>SIZE</u> <u>(SQUARE FEET)</u>
I.B. Goodman Company	D/B	56,000 - Interior Remodeling
Chem Pack, Inc	D/B	10,500 - Addition
Finn Corporation	D/B	11,500 - Addition
Positrol, Inc.	D/B	6,000 - Addition
TexStyle, Inc.	D/B	16,000 - Addition
Natorp Garden Stores	D/B	Remodeling Various Stores
Western Brown High School		19,500 - Addition
I-75 Cork & Bottle		17,000 - Addition
Square "D" Company		130,000 - Addition
Sofco		64,000 - Addition
Hunkar Laboratories		10,000 - Addition
Grote Park Theatre	D/B	Renovation to Bakery
Cincinnati Preserving	D/B	11,000 - Addition
Standard Textile Company	D/B	11,200 - Interior Remodeling
Derringer Company	D/B	5,000 - Addition & Int. Remod.
Alside Company	D/B	10,000 - Addition & Int. Remod.
Exhibitor Displays	D/B	10,000 - Addition

D/B = Projects designed and built by Neyer

Blank = Projects designed by architectural firms

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**OFFICE BUILDINGS**


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<u>PROJECT</u>		<u>SIZE</u> <u>(SQUARE FEET)</u>
Johnson Controls	D/B	11,000
Big Chief	D/B	8,400
D'Andrea Office Building	D/B	3,100
Sycamore Township Two Buildings	D/B	13,500
Community Chest	D/B	13,500
Child Focus Building	D/B	5,800
Cas-Ker Company	D/B	10,300
Xavier University		
- Graphic/Publishing		7,000
- Business Adm. Bldg.		40,000
- Cohen Center		5,000
Procter Gamble		
- E & I Training Center	D/B	4,300
Bruce Cook, Inc.	D/B	19,550
	D/B	10,000
A.D.P. Office Building		97,000
Glensprings Office Building	D/B	40,000
Plainville Concrete	D/B	8,000
Scroggins	D/B	18,000

D/B = Projects designed and built by Neyer

Blank = project desined by architectural firms

**REFERENCES**


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**Client and Contact**

Cincinnati Transit Warehouse  
 4487 LeSaint Court  
 Fairfield, Ohio 45014  
 Mr. Mark Krone, Principal  
 Mr. Eric Portmann, Principal

D'Andrea, Ebel & Company  
 11414 Deerfield Road  
 Cincinnati, Ohio 45242  
 (513) 489-0322  
 Mr. Frank D'Andrea, Principal

Chrysler Realty Corporation  
 P.O. Box 363  
 Sewickley, PA 15143  
 (412) 741-6883  
 Mr. John Lindquist

Champion Screen Printing  
 3801 Ford Circle  
 Cincinnati, Ohio 45227  
 (513) 271-3800  
 Mr. Norm Thye, President

Bruce A. Cook, Inc.  
 1811 Dalton Avenue  
 Cincinnati, Ohio 45214  
 (513) 621-7126  
 Mr. Bruce Cook, President

Winn Packaging Company  
 9310 LeSaint Drive  
 Fairfield, Ohio 45014  
 (513) 874-2333  
 Mr. Drew Morgan, Principal  
 Mr. Randy Jones, Principal

**Bank**

Provident Bank  
 One East Fourth Street  
 Cincinnati, Ohio 45202  
 (513) 579-2716  
 Mr. John Catlin,  
 Senior Vice President

**Project**

New Office and Warehouse Facility  
 Butler County, Ohio  
 250,000 square feet

One Story Office Bldg.  
 Blue Ash, Ohio  
 3,100 square feet

Kemper Dodge Dealership  
 Springdale, Ohio  
 15,000 square feet new  
 Car Dealership

New Office and Manufacturing Facility  
 Virginia Avenue  
 Cincinnati, Ohio  
 35,000 square feet

Two Story Office Building  
 Cincinnati, Ohio  
 20,000 square feet

New Office and Manufacturing Facility  
 Butler County  
 125,000 square feet

**Attorney**

Keating, Muething & Klekamp  
 18th Floor - Provident Tower  
 One East Fourth Street  
 Cincinnati, Ohio 45202  
 (513) 579-6421  
 Mr. John Muething

BOONE COUNTY PLANNING COMMISSION

Public Hearings

November 29, 1989  
7:00 P.M.

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Mrs. Carol Smith, Secretary/Treasurer, called the meeting to order at 7 P.M.. Mrs. Smith advised that the items heard this evening will be on the Agenda for the Business Meeting on December 6, 1989. Following an explanation of the Public Hearing process, Mrs. Smith introduced the first item on the Agenda:

1. Applicant: Al Neyer, Inc. for  
Harold W. and Janet R. Bowlin (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Al Neyer, Inc. (applicant) for Harold W. and Janet R. Bowlin (owners) for a Zoning Map Amendment on a 15.47-acre parcel located at 3132 Hossman Road, Boone County, Kentucky. The request is to rezone the parcel from Suburban Residential One (SR-1) to Industrial One (I-1) to allow the development of light industrial uses to be called Runway Park.

Staff Member, Dave Geohegan, began his presentation of the Staff Report which included a slide presentation (see Staff Report).

Mr. Mike Duncan, attorney representing the Al Neyer Company, stated that Mr. Don Neyer, President and Chief Executive Officer; Mr. Bob McCormick, Vice President of Sales; Mr. Bob Martin, real estate expert; and Mr. and Mrs. Bowlin, the property owners; were present.

Mr. Duncan stated that this is a fifth generation company which has been in business for many years. He stated that there is a need for light industrial developments, which this company specializes in and proposes for this site. The site is close to the airport and the runway can be seen from the house on the property. The property is nearly in a direct line with the take-off patterns of the North/South runway. The property is in the 65 LDN and 70 LDN ranges. Mr. Duncan stated that the Neyer Company will not be the end user of the property and is willing to impose limitations on the property. He advised that Mr. Neyer will show three alternative plans. They are willing to commit to a 33% density, even though the ordinance allows 57%. They are also willing to commit to certain setbacks, requirements, and covenants to ensure quality development. He added that they want warehousing with related office buildings compatible with the uses surrounding the airport. Mr. Duncan introduced Mr. Neyer.

Mr. Neyer discussed the history of the company which has been in business for about 70 years. For the last 30 years, they have been doing industrial parks, shopping centers, and commercial developments. They are the third and fourth generation of Neyers and have seven industrial parks under construction. They have completed six industrial parks in the last ten to fifteen years. He presented a drawing of an existing park of 600 acres that is approximately 70% complete in Butler County, which he offered to show the Commissioners. Mr. Neyer advised that they use the same restrictive covenants in all of their parks regarding setbacks, screening for parking, landscaping, etc.. He stated that there are three alternatives for this site. He stated that they would propose a main point of entry at the southern point near KY 20 and an exit point for trucks on Hossman Road. They do not have end users at this time. He reviewed the three alternative schemes -- the first involved a building of 200,000 sq. ft. and he indicated the proposed layout noting the warehouse section, loading area, and exit onto Hossman Road. The second scheme would be two buildings of 90,000 to 100,000 sq. ft. with common loading, shipping, and receiving areas, and an office with parking in front. There would be one common, undedicated, driveway. In all cases, there would be a 50-foot greenbelt along the western side and the buildings recessed below the present grade. Scheme 3 would be a campus-style of three buildings with a density less than 20%. There would be three different users sharing the common drive. He presented a drawing of a building they are constructing in Mason, Ohio and reviewed the Site Plan for that development noting the traffic circulation pattern. He stated that the Mason site is similar in scope and size to the site under discussion, and those pictures indicate what they envision for this site. Mr. Neyer read the Development Guidelines as indicated on the Concept Development Plan which was included in the packet.

Mr. Neyer stated that there is normally one truck for every 5,000 feet of floor area per day, and there might be a maximum of 40 trucks per day for a distribution-type operation and about 20 per day for an assembly operation. There would be 100 to 200 employees. He stated that they feel this is the only appropriate zone for this site due to the traffic pattern of the airplanes. The site is not good for commercial use because there is no density of residential use and the site is only good for light industrial operations.

Mr. Duncan noted that the Staff Report indicates that the traffic from the site may go to downtown Hebron and Mr. Neyer advised that the traffic will head to the airport and to I-75 as there is no draw for the traffic in Hebron.

Mr. Bob Martin stated that in his opinion the property is not correctly zoned and the levels of sound discourage residential use. The parcel should be developed in a regulated fashion. He added that it would be difficult to get financing for residential use on this land, such as apartments, as there would be a problem in keeping them rented due to the noise levels. He stated that the proposed use is in line with the ordinance and data from the airport. He added that a non-residential use is more appropriate for the site.

Counselor Wilson questioned Mr. Martin's background and asked if he was speaking from the standpoint of the real estate market.

Mr. Martin advised that he has been a realtor for five years and prior to that, he was Chairman of the Planning Commission in another community for 7 years. He stated that he understands the planning process, but has had no land use planning courses.

Mr. Duncan stated that many of the adjoining land owners have joined in a petition letter endorsing this proposal, which he submitted as part of the record. Mr. Duncan asked to reserve the right to respond to the Staff Report and comments made.

At this time, Mr. Geohegan concluded the Staff Report, including the Staff's Concerns (see Staff Report).

Mrs. Smith asked if there was anyone else present who wished to speak in favor of this request.

Janet Bowlin, one of the property owners, stated that Hossman Road is the main route for Rodeway trucks so that they do not have to go through the traffic on Mall Road. There is heavy truck traffic on Hossman Road already. Mrs. Bowlin stated that the LDN is unbearable and that when planes are even sitting by DHL, her entire house shakes, which goes on all night long and through the day. The property is not reasonable for residential use. They have been on the property 18 years and at that time there was very little air traffic. The airport bought the property below them and the airplanes moved west with the flight pattern directly over their property, which is not accurately shown on the map. With the windows closed and the TV on, they can hear the planes going in and out. She invited the Commissioners to come to her property and listen to the noise.

Mrs. Smith asked if there was anyone else present in favor of the request. There being no response, she asked if there was anyone present in opposition to the request.

Mr. Tom Rouse, attorney representing William and Linda Viox, stated that Mrs. Viox was present, as was Mr. Jim Viox, City Engineer in Erlanger. Mr. Rouse stated that the area is zoned appropriately. He quoted from Section 308 regarding the findings necessary for a map amendment. He stated that the only changes in the area since the 1986 Comprehensive Plan were four zoning permits -- three for residential houses and one for an addition to a house. He stated that the applicant's plan is not correct, nor up to the Commission's standards. In some instances, the contours are off by 40 feet vertically and lead the Commission to believe the land is flatter than it is. The plan does not indicate a one-half acre lake on the property, and misses the location of Elijah's Creek. He stated that the U. S. Department of Agriculture survey indicates that one-third of the property is on soil not suitable for buildings or roads. The plan indicates the soils to be Rossmoyne and Avonburg, but they are Newark and Jessup Clay, which have a high water table. He noted that the site is heavily wooded toward KY 20, which prevents

slippage and, when the land is stripped, it will fall into Elijah's Creek. He noted that there would have to be substantial excavation and soil removal. Mr. Rouse stated that this is a multiple-choice plan with three totally general and different plans. Two of the plans have an entrance that cannot be done without graders, moving, and blasting. He noted that floor elevations and types of building materials have not been supplied for architectural review.

Mr. Rouse stated that the Viox's live on the Hebron side of the property and when the site is cleared they will be looking through tree trunks which will not buffer the noise and sight pollution. He added that there is no public sanitary sewer in the area. He added that satellite plants and independent plants are not desirable, are hard to get approved, and may not be appropriate due to the soils.

Mr. Rouse stated that the KY 20 entrance and Hossman Road entrance do not indicate improvements for turning. He stated that there are no turning lanes or passing lanes or road in the margin. He noted that there may be as many as 40 additional trucks. He added that there are soccer fields and plot gardens on Hossman Road, and it is used by joggers and bicyclists. He stated that this is a good area to foster this type of activity. He added that the Conner Athletic Team also trains there.

Mr. Rouse stated that Hebron is a historical community and residential development should be encouraged. There are 20 acres about 1000 yards west of this area which are zoned industrially and have been vacant for ten years. He noted that there is industrial property in the area which would not require a zone change. He noted that the Part 150 Study is not complete and the final noise contours are not known. If you are at 70 LDN or above, additional insulation is required to get mortgage money, but it is not required below that level. Mr. Viox house (indicated as site #26) was monitored for noise by the airport with the monitor being on the line between the Viox property and the subject property, and the results were 61.9 LDN to 69.0 LDN, which is in the noise level allowed for residential development. He added that this site is not appropriate for the proposed development and a more definite plan is needed.

Mr. Jim Viox, P.E., stated that he has found a number of errors in the plan, with the topo being off as much as 40 feet in some locations. He prepared overlays to show this and prepared a plan for the Commission to review showing the topo from USGS survey maps indicating the contours and elevations for the property. The overlays are over the applicant's plan and show where the elevations are off as much as 40 feet. The location of the tributary is erroneous on the plan and two of the plans show roadway access from KY 20 through that area. He noted that there is also an overlay of the soil types indicated by the applicant. He stated that Newark and Jessup soils are not recommended to be disturbed. He stated that both are wet soils and Jessup is subject to slippage, shrinking, and swelling. He stated that it would be necessary to relocate or enclose the creek and to do major grading. The buffer

indicated is the minimum requirement. The natural vegetation is tall trees with some being 50 feet off the ground. When the site is cleared, it will be opened up visibly.

In regard to the sanitary sewer, Mr. Jim Viox stated that he has been involved with the Boone County Master Plan and the Elijah's Creek area is being considered for a major treatment facility and pumping station. It is not likely that a sewage treatment plant can be approved for this site by the state.

Mr. Jim Viox stated that if the site is used for industrial, it would necessitate improvements to KY 20 as trucks should not be encouraged to use Hossman Road. He questioned if they can construct the necessary access shown on two of their plans in consideration of the soils and topography. He noted that the plans he has been involved with have been specific -- not multiple choice. He stated that the land is shown on the Comprehensive Plan as residential, it is zoned residential, and it should stay residential.

Mrs. Smith asked if there was anyone else present who wished to speak. There being no response, she asked if there were any questions from the Commission.

Mr. Moore questioned the number of truck trips per day.

Mr. Neyer advised that they estimate a maximum of 40 trucks total per day. He stated that this may be 5 in and 35 out, but they do not know.

Mr. Moore noted the proposed square footages of the buildings and stated that, from an economic standpoint, he does not know that 40 trucks could support an industry of this magnitude. He noted that there could be more truck traffic and questioned if there had been a study by a traffic engineer.

Mr. Neyer advised that the figures are based on their experience and noted that they are large trucks.

Mr. Moore questioned how they can project the truck trips since they have three different versions of their plan and do not know the end users. He questioned why the trucks would come in from KY 20 and exit on Hossman Road.

Mr. Neyer stated that they have little frontage. The trucks would not go south on Hossman, but would take the 1,000-foot stretch of KY 20 to go east where there is good visibility.

Mr. Moore stated that this would encourage people to cut across Hossman Road to Limaburg or to Hebron. He stated that a one-way in and out on KY 20 would be more appropriate.

Mr. Sharp questioned the restrictive covenants and how good they will be after the property is sold. Mr. Neyer advised that they would be recorded as deed restrictions and remain with the property. Mr. Duncan offered a copy of the deed restrictions and stated that they were a part of the record prior to this meeting.

Mr. Neltner noted that there is concern for accessibility to the site and questioned the distance from I-75.

Mrs. Bowlin stated that the property is 1½ miles from the I-275 interchange. Mrs. Smith noted that the driveway is on Hossman Road and would be approximately a mile on KY 20.

Mr. Neltner questioned the conflicting statements regarding the soils.

Mr. Geohegan advised that the Staff uses the Conservation Service manual. The soils on the site are Newark, along Elijah's Creek, and Jessup Silt Loam in the wooded area. They both have high water tables and Jessup Silt Loam has a high level of erosion. He noted that the Rossmoyne soils have some hazards, but have been developed on throughout the county.

Mr. Neyer stated that this is a preliminary concept and they will come back with an exact plan when they have an end user. The entrance would not be near the creek, but closer to Mr. Viox's property. The soil by the creek would remain in its virgin state. He noted that their plans show 40 feet difference in elevation and they would not disturb the slope. They will have to waste 3 to 3½ acres of property due to the slopes.

In response to a question from Mr. Moore, Mr. Geohegan advised that the property currently zoned I-1 is about 1,500 to 2,000 feet west of this site. Mr. Moore questioned why that parcel, which is appropriately zoned, would not be appropriate for the intended use.

Mr. Neyer stated that he had not seen the other site and could not comment.

Mr. DeLong asked if the applicant was willing to put capital into the sewer development and road improvements.

Mr. Neyer stated that there are three contingencies in their contract -- the zoning, approval of a proper sewer system, and access from both streets. He stated that if it is economically feasible to participate in the improvements, they would be willing.

Mrs. Smith asked if there were any further comments or questions from the Commission, the applicant or the audience.

Mr. Tom Klötz stated that he travels this area to and from the airport. He questioned if there had been a study of the traffic pattern that All-Right Parking and Fast Park use for access to the airport. He stated that there is only one lane and there are buses about every five minutes. He stated that with the added truck traffic and employee traffic, the county may have to widen the road to the airport.

Counselor Wilson advised that the Staff Traffic Planner will review this and there may be traffic information prepared by the applicant.

Mr. Duncan stated that this is a Concept Plan. This area has all of the same factors as the other areas proposed to go to light industrial use, i.e., the noise density. He asked that maps provided by the airport of existing noise contours be included in the records, as well as an enlargement of the Part 150 Existing Noise Contours. He stated that almost all of the site is within 65 LDN to 70 LDN. He asked that the 1990 Alternative Contour, which is part of the Environmental Impact Statement, also be included. He noted that the HUD guidelines put the limit at 65 LDN and below. He noted that the Viox property is somewhat off the flight pattern. He stated that the proper use of the property is Industrial One, not residential. In regard to the sewage, he noted that if the property were developed under SR-1 zoning with four units per acre, there would also be requirements for sewers. He noted that there will be further Site Plan Reviews and building permits required. The contours on their plan were taken from the USGS and are preliminary. If the tall trees are not adequate for buffer, they will put in more buffer to meet the requirements. Mr. Duncan suggested that they come before the Committee and address the issues brought up in the plans submitted by Mr. Jim Viox.

There being no further discussion, Mrs. Smith stated that this item will be on the Agenda for the Business Meeting on December 6, 1989, at a time to be announced. Mrs. Smith closed this Public Hearing.

APPROVED:

Carol Smith  
Carol Smith, Secretary/Treasurer

Attest:

Jan Hancock  
Jan Hancock, Recording Clerk

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 20, 1989      8:00 P.M.

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Mrs. Carol Smith, Secretary/Treasurer, called the meeting to order at 8 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett  
Mr. Fred Burch, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mrs. Smith noted that each member had received copies of the Minutes of the Business Meeting and the Public Hearing of December 6, 1989. She asked if there were any comments or corrections.

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

REPORTS:

Mrs. Smith noted that the Zoning Enforcement Officer's Report, the Report of Zoning Permits, and the Statements of Income for the Periods Ended October 31, 1989 and November 30, 1989 had been distributed for the Commission members to review.

There being no discussion of the reports, Mrs. Smith proceeded to the items on the Agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Al Neyer, Inc. (applicant) for Harold W. and Janet R. Bowlin (owners) for a Zoning Map Amendment on a 15.47-acre parcel located at 3132 Hossman Road, Boone County, Kentucky. The request is to rezone the parcel from Suburban Residential One (SR-1) to Industrial One (I-1) to allow the development of light industrial uses to be called Runway Park.

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

Mr. Moore moved that the request be denied based on the Staff and Committee Reports. Mr. Jones seconded the motion.

Chairman Viox stated that he would abstain from voting in regard to this request as he is an adjoining property owner.

Mrs. Smith asked for a vote on the motion made by Mr. Moore which found all voting members in favor. Chairman Viox abstained. The motion carried.

Mr. Jim Day, Huff Realty, representing the buyers and the owners of the property, stated that the owners would like the record to show that they disagree that this property should be zoned Suburban Residential because of the impact of the airport. They believe they provided adequate information. He stated that the owners cannot live there and questioned why anyone else would want to live there.

2. Change in Concept Development Plan

The request of Jake Sweeney Kentucky Realty (applicant) for Amerex, Inc. (owner) for a change in a previously approved Concept Development Plan for a 5.79-acre site located in Heritage Hill Industrial Center off KY 18, Boone County, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD) and Commercial Two/Planned Development (C-2/PD).

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Carol Smith, Committee Chairwoman

DATE: December 20, 1989

RE: Request of Al Neyer, Inc. (applicant) for Harold W. and Janet R. Bowlin (owner) for a Zoning Map Amendment on a 15.47 acre parcel located at 3132 Hossman Road, Boone County, Kentucky. The request is to rezone the parcel from Suburban Residential One (SR-1) to Industrial One (I-1) to allow the development of light industrial uses to be called Runway Park.

REMARKS:

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

FINDINGS OF FACT

1. The request is not in conformance with the 1986 Boone County Comprehensive Plan or the adopted 1990 Goals and Objectives.

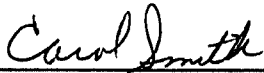
The 1986 Future Land Use Map indicates future Low Density Residential for the site and surroundings. The Committee believes that industrial development, such as that proposed, would change the character of the Hossman Road/KY 20 area from residential to industrial, which is not consistent with the Future Land Use Map.

The text of the 1986 Boone County Comprehensive Plan also indicates that future industrial development occur near interstates and major arterials with easy access to those roadways. The I-275 interchange areas at Mineola Pike, KY 20, and KY 237 are specifically recommended for major industrial growth. This 15.47 acre site does not have direct access to the interstate system as do the above interchange areas.

The adopted 1990 Goals and Objectives of the Boone County Comprehensive Plan specifically state that industries shall be organized in clusters and located near access to limited access highways in order to permit benefits of agglomeration and reduce traffic impacts in non-suitable areas. The Committee believes that the potential impacts of this request on Hossman Road and KY 20, especially in the central Hebron area, are not consistent with the adopted 1990 Goals and Objectives.

2. The applicant has not demonstrated that a major change of a social, economic, or physical nature has occurred in the area since the 1986 adoption of the Comprehensive Plan to warrant a shift in development pattern from residential to industrial. The Committee recognizes that several single-family residences have been constructed in the Hossman Road/KY 20 intersection area in the last few years. Projected airport noise impacts are not significantly different from those in 1986 and no new roadway construction or major developments have been proposed in the area. Other references to the Comprehensive Plan are mentioned in the Staff report.

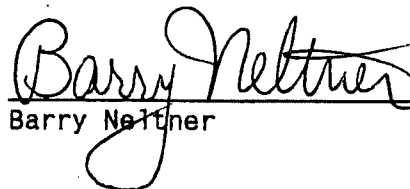
3. Although the applicant has shown that the existing zoning of Suburban Residential One (SR-1) may be inappropriate on the site, the applicant has not shown that the proposed zoning of Industrial One (I-1) is appropriate. The Committee believes that at this point in time the proposed industrial uses are not appropriate on the site because of the inadequate design of the curves in Hossman Road, the lack of sanitary sewerage, the lack of direct interstate access, and the existing availability of appropriate industrially zoned property in large areas of Boone County. The Committee believes that the Hossman Road/KY 20 area may be suitable for industrial uses in the future if the road network and sanitary sewer facilities are adequate and it becomes apparent that the needs for industrial land are not being met in more appropriate areas of Boone County. The applicant has proposed that truck traffic associated with the proposed industrial development would access the site primarily from Hossman Road and that no improvements were being considered for Hossman Road. In addition, the Committee believes, according to descriptions of the soils, vegetation, and topography of the northern half of the request site presented at the November 29, 1989 Public Hearing, that development on the northern portion or access through that area is not appropriate given the excessive earthwork required. The utilization of significant site features, as called for in the 1990 adopted Goals and Objectives, would not be feasible.



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Carol Smith, Committee Chairwoman

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Larry Barnett

\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
Phil Damstrom  
\_\_\_\_\_  
Rector Jones  
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Barry Nettner

CS:jdh