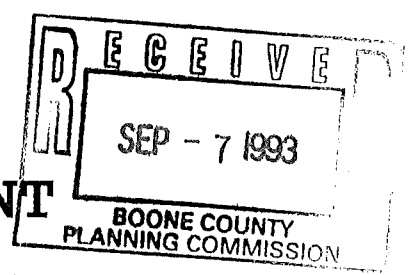


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project SUMME FARM
2. Location of Project 3673 HOSSMAN RD
3. Total Acreage of Site 42.5 ACRES
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) I-1

6. Proposed Uses (please specify each use)
COMMERCIAL AND INDUSTRIAL BUSINESS
PARK AS PERMITTED IN I-1 ZONING

7. Names of Applicant(s) MARK SUMME
Phone Number 513-459-0999 Fax No. _____
8. Address of Applicant(s) 3491 WINDSONG WAY
MAINEVILLE OH 45039
City State Zip
9. Name of Property Owner(s) SAME
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) _____
City State Zip

11. Proposed Building Intensities (please specify) LOW RISE
BUILDINGS WITH SETBACKS, PARKING AND
GREEN SPACE AS REQUIRED BY CODE. LESS
THAN 45% BUILDING TO LAND RATIO
12. Are there any existing buildings on the site? YES
How many? 3
13. Deed Book 140 Page No. 319 Group No. 2020
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
 Boone County Water and Sewer District
 Florence Water and Sewer Commission
 Union Light Heat and Power
 Cincinnati Bell (SPG) (GPA)
 Owen County Rural Electric
 Boone County Public Works Department
(over)

THE
COUNSELOR
CORP.

6776 LOOP ROAD
P.O. BOX 1554
DAYTON, OHIO 45401
DAYTON 513 461-0030

3491 WINDSONG WAY
CINCINNATI, OHIO 45039
CINCINNATI 513 381-1243
398-9733

REAL ESTATE SERVICES

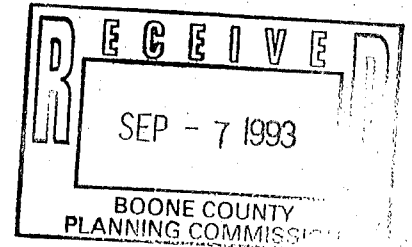
ASSET MANAGEMENT

BUYER REPRESENTATION

CONSTRUCTION MANAGEMENT

CONTRACT NEGOTIATION

PROJECT EVALUATION



September 3, 1993

Boone County Planning Commission
2995 Washington Street
Burlington, Ky. 41005

Dear Commission Members,

My family and I are submitting a request to you to consider a zoning map amendment change for our property located at 3673 Hossman Road.

We are requesting the waiver of the requirement for submission of a Concept Development Plan because of the following three conditions:

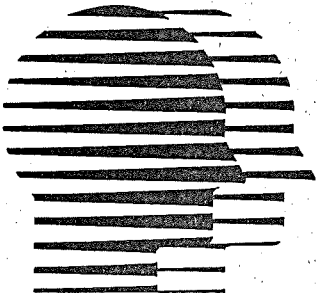
A. The zone change is an extension of the zoning changes taking place on Hossman Road by Airport Acquisition. The Airport has acquired 8 adjoining parcels and by acquisition, immediately re-zoned the property I-3 or A as it is referred to on the Boone County Zoning Map. This zoning covers any possible use including Hazardous material storage and Waste incineration.

B. The proposed zone change is identical to the zoning district for the area created in the 1990 Boone County Comprehensive Plan.

C. The proposed zone change does not adversely impact the adjoining properties or the immediate area.

After discussing the sale of the property with the leading real estate companies in Northern Kentucky, the fact of the matter is that the highest and best use of the property is commercial/industrial because no other use is feasible this close to the airport. Also they have several buyers interested but only if the zoning is changed first.

As a Certified Property Manager (C.P.M.), I am well aware of the desire of this commission and the community, to have developments which contribute to the quality of life of the county as well as to its economic strength. We therefore would be happy to consider conditions similar to the ones placed on the Bowlin property.



THE
COUNSELOR
CORP.

6776 LOOP ROAD
P.O. BOX 1554
DAYTON, OHIO 45401
DAYTON 513 461-0030

3491 WINDSONG WAY
CINCINNATI, OHIO 45039
CINCINNATI 513 381-1243

REAL ESTATE SERVICES
ASSET MANAGEMENT
BUYER REPRESENTATION
CONSTRUCTION MANAGEMENT
CONTRACT NEGOTIATION
PROJECT EVALUATION

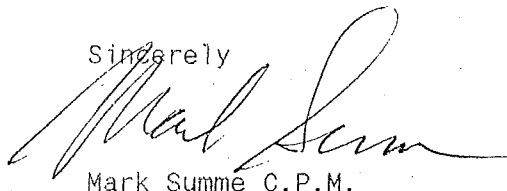
Having been present for that hearing, I am aware of the concern regarding the use of Hossman Road as an industrial conduit. I discussed your concern with Harvey F. Pelley the Director of Public Services for the Boone County Department of Public Works. He is satisfied that Hossman Road is constructed well enough to handle "normal legal truck loadings" and does not see the condition of the road a hindrance to industrial development. Also if a problem were to become obvious, they would address the situation at that time. (see attached memorandum dated July 14, 1993).

In conclusion, my family (8 brothers and 3 sisters) and I respectfully request that the commission grant us a zoning map amendment because our request meets the following criteria for granting approval:

1. The map amendment is in agreement with the adopted comprehensive plan.
2. The existing zoning is classification is inappropriate and that the proposed zoning is appropriate.

Thanks for your consideration.

Sincerely



Mark Summe C.P.M.



EXHIBIT "A"

STAFF REPORT

Request of Mark Summe (applicant/owner)
to consider a Zoning Map Amendment to the
Boone County Zoning Map for a 42.5 acre site
located at 3673 Hossman Road, Boone County, Kentucky

October 27, 1993

This is a request for a Zoning Map Amendment on a 42.5 acre site to rezone the site from Agricultural Estate (A-2) to Industrial One (I-1). The applicant/owner has not submitted a Concept Development Plan and is requesting all the I-1 uses be permitted.

HISTORY

- * 1990 update of the *Boone County Comprehensive Plan* and *1991 Boone County Zoning Regulations* and *Boone County Zoning Map*. The Summe property was adopted as Business Park (BP) on the Future Land Use Map and remained zoned Agricultural Estates (A-2).
- * January 39, 1992 Directive for Fiscal Court to the Planning Commission to reexamine the Hossman Road area in terms of the Comprehensive Plan and the Zoning Map.
- * June 19, 1992 response from the Planning Commission that much of the area along Hossman Road (and KY 20) was suitable for future Business Park.
- * The Fiscal Court then directed the Planning Commission to go ahead and hold a public hearing to consider Comprehensive Plan and Zoning changes in the Hossman Road Corridor. A hearing was held November 18, 1992 and a resolution was later forwarded by the Planning Commission to Fiscal Court. The Committee Report found that areas within the projected 1991 Near Term 70 LDN contour is suitable for future Business Park land uses as long as certain infrastructure and buffering needs are addressed. The report recommended that the Future Land Use Map and Element text of the Comprehensive Plan be changed to reflect this conclusion. The report also recommended that the zoning remain the same until the above mentioned concerns are met.
- * On July 7, 1993 the Boone County Planning Commission recommended approval of a request by Harold W. and Janet R. Bowlin for a Zoning Map Amendment for a 15.47 acre site located at 3132 Hossman Road from Suburban Residential One (SR-1) to Industrial One (I-1). Conditions agreed upon by the applicants included that the primary access to the proposed I-1 development on the site will be from KY 20. Fiscal Court has approved this zone change request.

SURROUNDING LAND USES AND ZONING

The site adjoins the Greater Cincinnati and Northern Kentucky International Airport on its southeast frontage on Hossman Road and on the northeast boundary of the property. The airport property is zoned Airport (A). To the north of the site is a Suburban Residential One (SR-1) district with the Ellen Avenue cul-de-sac (part of the Hickory Glen subdivision) located approximately 500 feet from the northwestern tip of the site. To the west of the site is an Agricultural Estate (A-2) district that is also inclusive of the requested site.

SPECIFIC SITE CHARACTERISTICS

The 42.5 acre is in a rectangular shape with a panhandle. The frontage (approximately 400 ft.) is on Hossman Road at the end of the panhandle. The southeastern tip of the site is about 1,400 ft. from the "new" north/south Runway 18R/36L and 2,400 ft. from the east/west Runway 9/27. The northernmost portion of the site is heavily wooded with areas of steeper topography associated with some drainage swales. The center of the site is basically level topography with a large man-made pond and some pasture land. The southern part of the rectangle and the panhandle contain woodland to the west; pasture land to the east and houses and other buildings in the panhandle.

Soils present on the site include Jessup Silt Loam (JeD), usually found on slopes of 12-20 percent, two types of Rossmoyne Silt Loam (RsB and RsC), usually found on 0-12 percent slopes, and Avonburg Silt Loam (Av), usually found on "broad ridgetops in uplands." The JeD soils, if disturbed, present a clear hazard of erosion along the natural the natural drainage swale. The Rossmoyne Silt Loam soils present some hazard of erosion while Avonburg Silt Loam presents little to no hazard of erosion.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Future Land Use Map indicates future Business Park (BP) lane uses for the request site and some adjacent property to the west and north. Land to the east of the request site is owned by the airport. Land to the northwest of the site remains under the Suburban Density (SD) residential classification. The text of the Land Use Element (for area C-3) recommends that Hossman Road corridor should develop consistent with Section C-2 in a Business Park land use. Section C-2 recommends that the Hossman Road Area between KY 20 and KY 237 is planned for a Business Park district that should reflect an office campus environment. However, such development would require reconstruction of Hossman Road near KY 20.

The 1990 Objectives of the Business Activity Element state:

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.

STAFF CONCERNS

1. The requested site is located approximately half-way between Limaburg Road and KY 20 on Hossman Road. Truck access out of the site going north on Hossman Road is not safe because of the two right-angle curves and the narrowing of the road near KY 20. This was clearly pointed out in the Staff Report during the Bowlin zone change process. Truck access out of the site going west on Hossman Road towards Limaburg Road is also not an ideal situation. The intersection at Limaburg Road has an acceptable turning radius, but then access to KY 237 poses problems for trucks. Going south on Limaburg Road and then turning right on Conner Road would be difficult for trucks since the angle of the conjoining streets is less than 90 degrees. Going north on Limaburg Road and then turning left onto Conner Road would be difficult considering the narrow width of Conner Lane. Going farther north and then turning left onto Cougar Path would not be preferable because of the proximity of the three schools.

The Boone County Planning Commission recommended approval on October 20, 1993 of a zone change for the Dolwick property (60.77 acre tract) located between KY 237 and Limaburg Road and south of Conner Road from Rural Suburban (RS) and Commercial Two/Planned Development (C-2/PD) to Industrial One (I-1). The conditions of the recommendation stated that access to the site shall be limited to two curb cuts along KY 237, one on Limaburg Road and one on Conner Road. It also stated that the KY 237 access shall be the primary ingress and egress for truck traffic. Truck traffic from the Summe development would impact the same surrounding road system as the Dolwick development. Another condition of the Dolwick recommendation is that the developer of the property shall be required to submit a detailed traffic study as part of the Preliminary Development Plat. If it is determined by the Planning Commission through this study that traffic lights are warranted it will be the responsibility and expense of the developer to install the needed light/s and other road improvements that may be needed because of this development. The Planning Commission should consider that the Summe developers be included in these traffic studies and other road improvements. Probably the "ideal" traffic solution for the proposed Business Park uses on Hossman Road would be the extension of Hossman Road to KY 237.

2. The Revised Recommended Near-Term Noise Abatement Plan, Exhibit 7-1 and the Recommended Long-Term Noise Abatement Plan-1997, Exhibit 7-2 (Landrum & Brown), reprinted in the *Boone County Subdivision Regulations*, shows approximately half of the requested site within 65 Ldn contour. The Recommended Long-Term Noise Abatement Plan-2003, Exhibit 7-3 shows the site just outside of the 65 Ldn.

In May 1993 the Cincinnati/Northern Kentucky International Airport, as part of their master plan process, began identifying possible locations for a new runway. In July of 1993 eighteen possible alternatives for a new runway were narrowed down to four. Two of the remaining alternatives #17 and #10 (see attached) would impact the Summe property. The #17 alternative would necessitate the taking of the property by the airport. The #10 alternative would necessitate taking part of the Summe property, but most importantly this would be the frontage on Hossman Road leaving the rest of the property land locked.

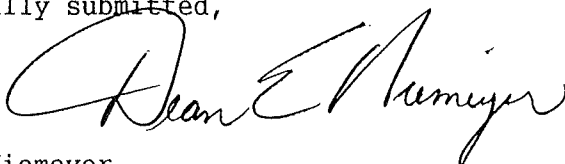
Though the airport master plan is for a 20 year projection, a representative from Aviation Planning Associates recently said that new runway capacity will probably have to be added around the year 2000 to 2003.

3. Without seeing a definite development plan for this 42.5 acre site, Staff must assume that most of the existing topography and vegetation on the site would have to be leveled to allow light industrial development. Approximately half the site is woodlands with two minor drainage swales and a major swale along the northern border of the property all with sensitive soils. These areas should be respected with any development of the site.
4. Without a development plan, the applicant should commit to specific buffering measures to lessen the impact on adjacent residential uses. The woodlands at the northern and western borders of the property should be preserved to buffer the existing residential development on Ellen Drive.
5. Staff has concerns that the site does not have county water and sewage service. The closest water mains are on KY 20 and Limaburg Road. The new sewer line will run approximately 1,200 feet north of the requested site's northern property boundary.

CONCLUSION

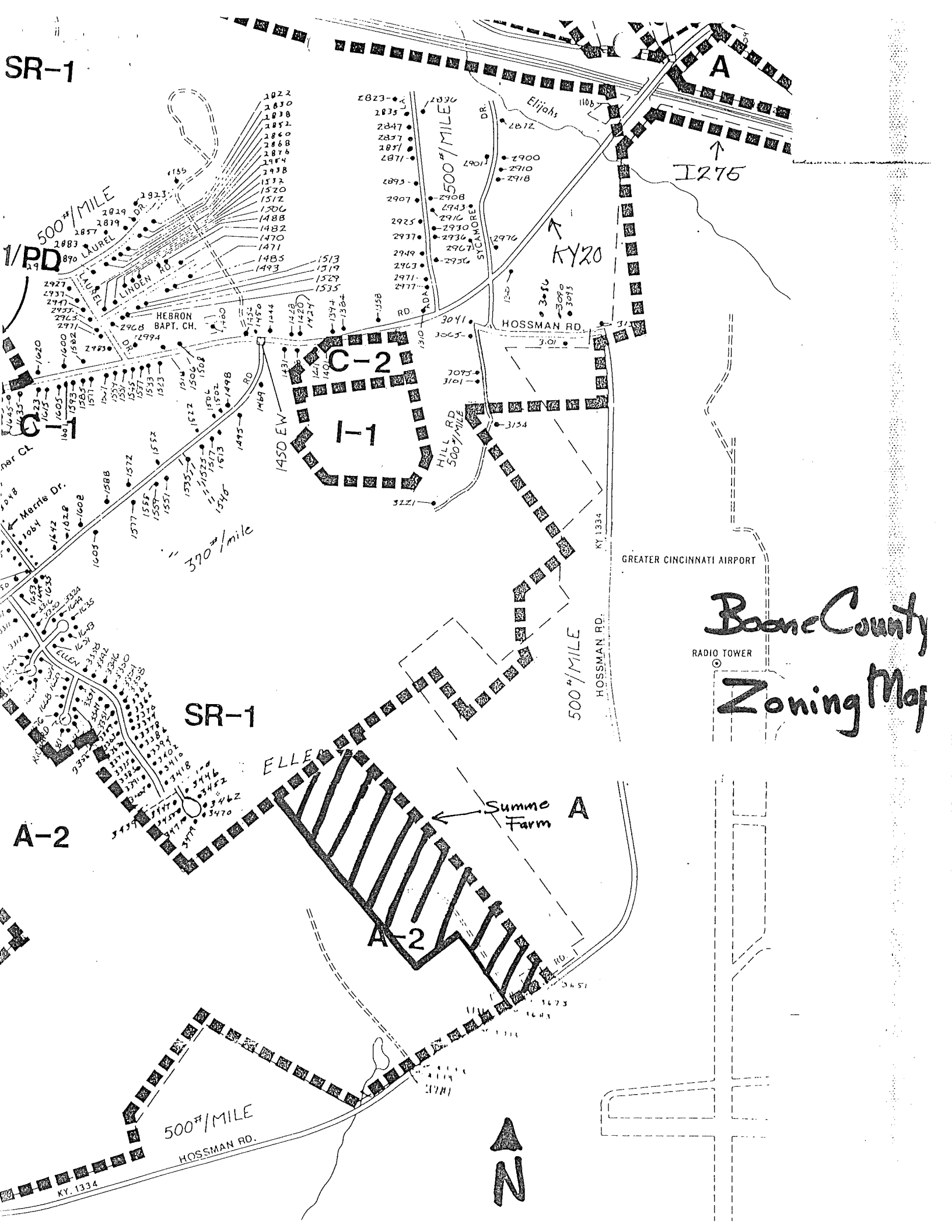
The Boone County Planning Commission and Boone County Fiscal Court need to consider this request in terms of the three criteria necessary for a Zoning Map Amendment, and in terms of the proposed development's potential impact on the existing and planned uses in the area. If this request is approved, the Boone County Comprehensive Plan will not have to be changed. The Commission should keep in mind that the Future Land Use Map is a 25 year projection and, that although the property is shown as future Business Park (BP), the timing of the development must correlate with the proper infrastructure improvements and with the impact of the Airport Master Plan specifically additional runway capacity.

Respectfully submitted,



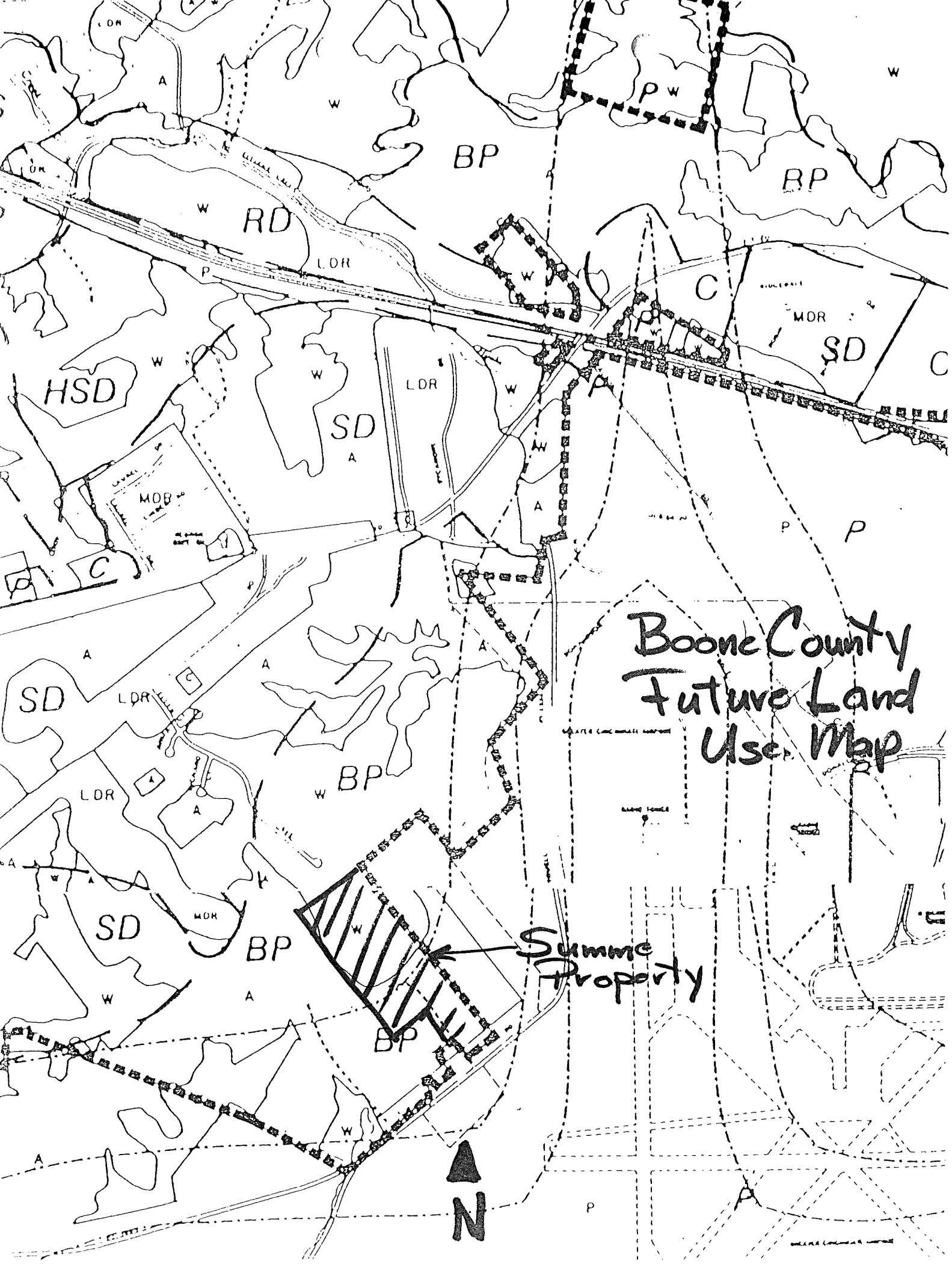
Dean E. Niemeyer
Planner I

SR-1



Boone County Zoning Map





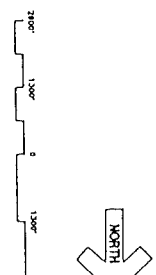
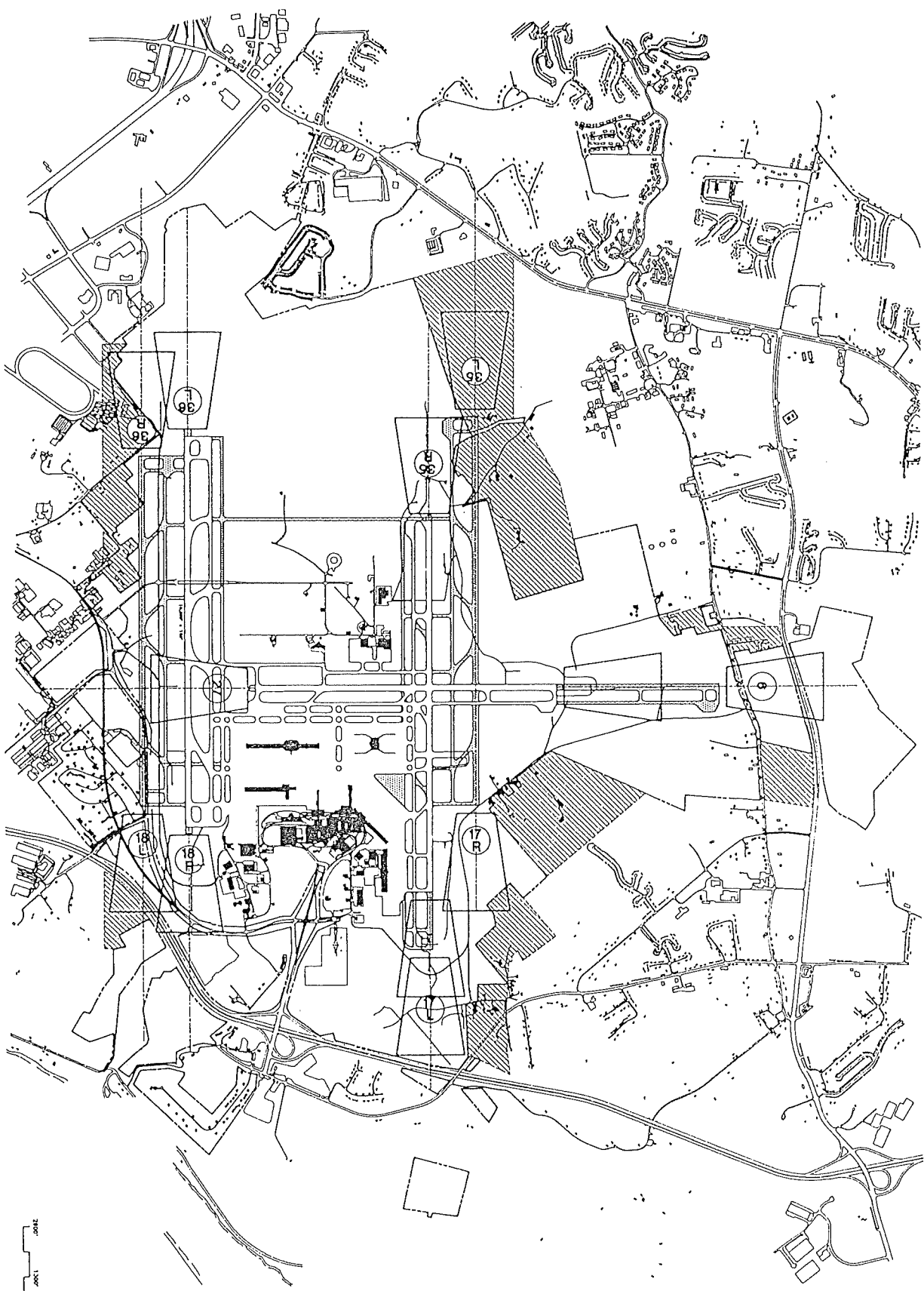
Boone County Future Land Use Map

Summe
Property





Cincinnati/Northern Kentucky
International Airport

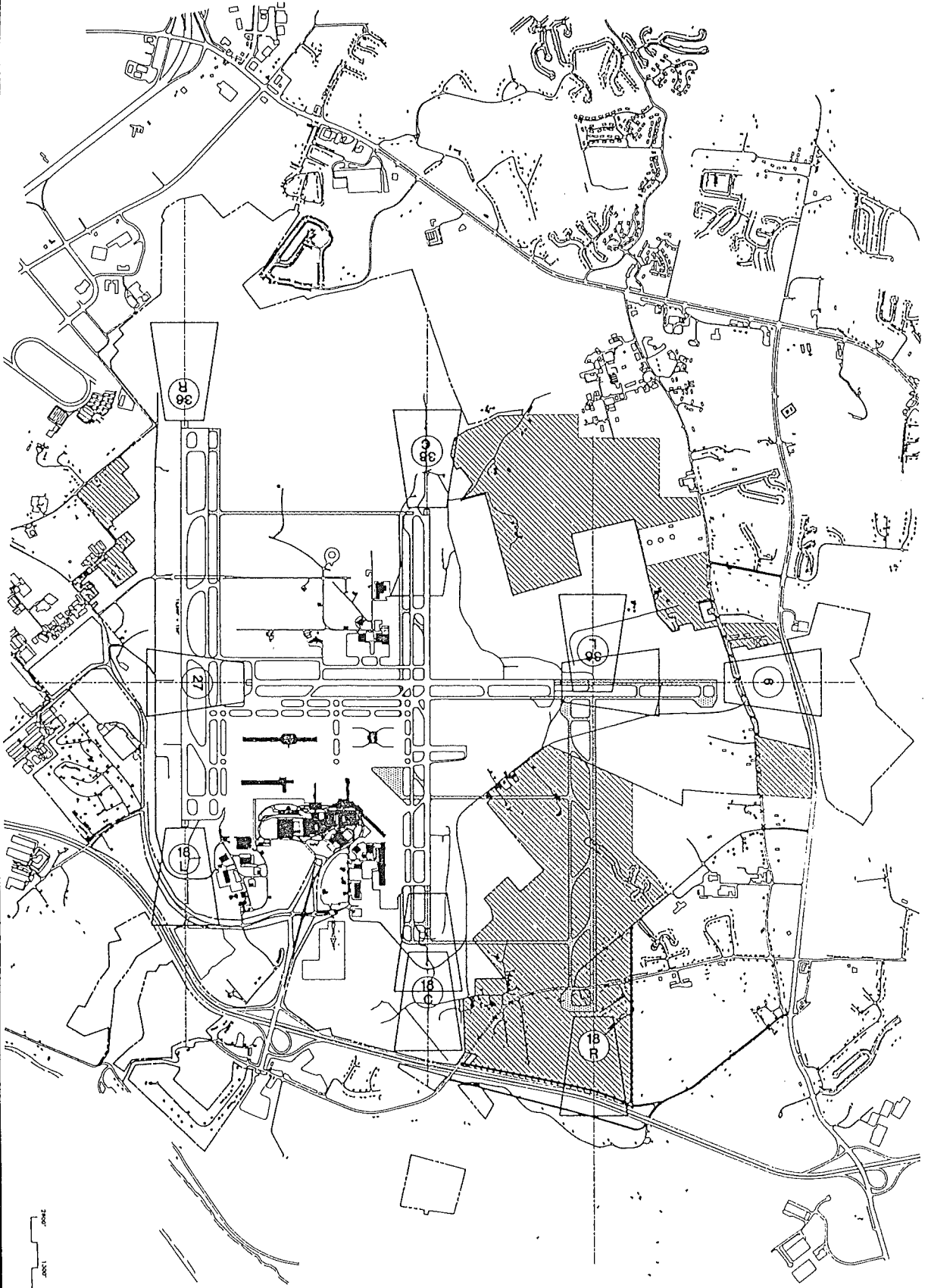


AIRFIELD ALTERNATIVE 10
NORTH/SOUTH
DUEL PARALLEL RUNWAYS

EXI



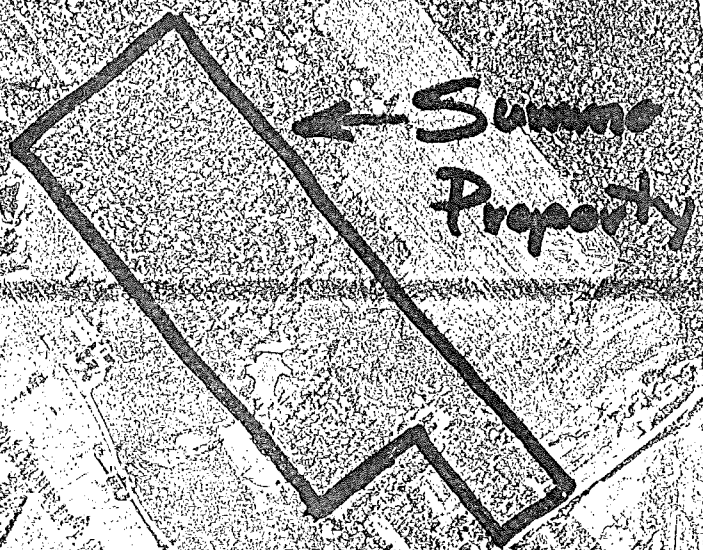
Cincinnati/Northern Kentucky
International Airport



AIRFIELD ALTERNATIVE 17
SINGLE NORTH/SOUTH
INDEPENDENT RUNWAY

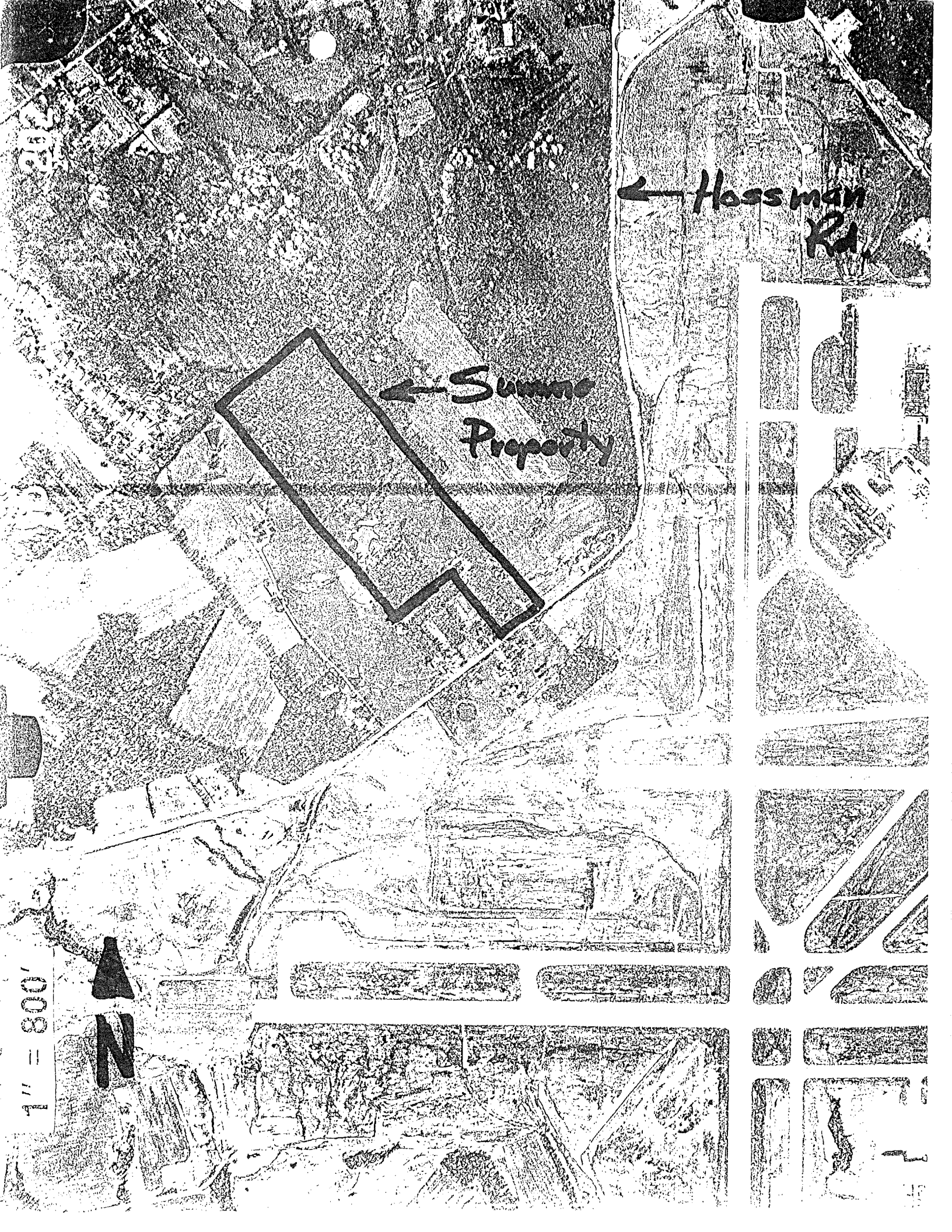
EXHIB

1" = 800'



← Sumner Property

← Hossman Rd



BOONE COUNTY PLANNING COMMISSION

October 27, 1993
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. The Chairman explained the Public Hearing process, and stated that the Committee meeting for both items on the Agenda will be on Monday, November 8, at 7 P.M. in the office across the street. Both items will be on the Agenda for the Business Meeting on November 17, 1993 at 8 P.M.. Chairman Viox introduced the first item on the Agenda:

1. Applicant: Mark Summe (applicant and owner)
Request: Zoning Map Amendment

The request of Mark Summe (applicant and owner) to change the zoning on a 42.5-acre site from Agricultural Estate (A-2) to Industrial One (I-1). The site is located at 3673 Hossman Road, Boone County, Kentucky.

Staff Member Dean Niemeyer presented the Staff Report, which included a review of the aerial photograph and a slide presentation (see Staff Report).

Chairman Voix asked for the applicant's presentation.

Mr. Mark Summe stated that the farm has been in their family for about 35 years. The property has been on the airport's acquisition plans since the 1960's, but the airport has never contacted them. He showed on the aerial photograph where the road was located when they bought the property and how the location of the road was changed due to the lengthening of the runway. He stated that at one time, they were essentially a left turn off of Donaldson Road. Mr. Summe stated that the swales on the property lend themselves to natural detention/retention. They have a statement of commitment from Harvey Pelley at the Public Works Department about handling any problems created on the road by the truck traffic. The road does support trucks at this time. He stated that the development will be "build to suit". The property is not visible for any interstate or major roadway. The developer coming in will be interested in the access and utilities. He stated that there are not many sites left in this area and they have inquiries from three potential developers if the zoning is changed.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request. There was no response. The Chairman then asked if there were any comments or questions from the Commission.

Mr. DeLong asked if the sewer line is planned to go through this area. Mr. Niemeyer advised that it is, but he did not know the timing.

Chairman Viox stated that he lives in this area. He has never objected to a zone change that is within the noise contours. He stated that zoning lines do not necessarily have to follow property lines, but in this case they virtually sever the property front to back. There has to be natural growth for Hebron and that growth should be allowed the other way. Continuing to zone industrial towards town prevents growth coming the other way toward the airport. The infrastructure is not there yet. Chairman Viox stated that he is concerned that this change is premature. He has attended all of the airport meetings and their plan is not in stone -- and until it happens, he is concerned about moving forward. He noted that there is no Concept Plan for this property. The difference he sees between this application and the Dolwick and Bowlin applications is that the infrastructure is there now, and they both sat on highways that can handle the traffic. Chairman Viox stated that he realizes Harvey Pelley may have said that he will take care of any concerns, but he is concerned about the road and possibly it needs to be upgraded to the same status as KY 20. He noted the south side of the airport where the contour lines infringe on this area and questioned where the airport finally stops making us change the community. He stated that the sound line is a natural spot, and there has to be a line somewhere.

Mr. Summe questioned what kind of development Hebron could bring there. He asked if Chairman Viox was anticipating residential development. Chairman Viox stated that there is development potential back from Conner Lane. Mr. Summe questioned if Chairman Viox was saying that additional residential development could come in off Ellen. Chairman Viox agreed that it could come off of Ellen or Conner Lane. Mr. Summe stated that there are people who would potentially like to sell their houses now because of noise. Chairman Viox stated that developers are looking at land on Conner Lane for residential purposes. Mr. Summe stated that a vacant subdivision has sat on Conner Lane. Chairman Viox stated that it does not have sewer yet, the sewer just got to Conner Road and it is still not hooked up.

Mr. Summe stated that their property does not adjoin the residential property -- their neighbor's property adjoins the residential property.

Mr. Owens questioned if the Bowlin property had been held up for 2.5 to 3 years because of lack of infrastructure. Mr. Burch agreed that it was, possibly even for four years. Mr. Owens commented that Hossman Road itself and the condition of the road also impacted that decision. Mr. Burch stated that he served on the Committee that looked at the Bowlin property zone change request. One of the Committee's highest concerns was that access be off and on KY 20 because of the concern about trucks traveling on Hossman Road.

Mr. Bob Ingram stated that his property adjoins the subject property at the back. He stated that once they get a development situation on this property, the whole area in between his property up to Conner Road will eventually be industrial. He stated that the sewer has just been completed, and they have no water down there. If all the zoning is changed in the area shown in black, there will be a lot of people who will not be able to afford the sewer. He stated that they are basing the water

on the potential value of the property, and have said that sewer will be the same way.

Mr. Mason stated that he has four acres just off Conner Road. His mother-in-law's property abuts the subject property. His mother-in-law, Mildred Hudson, is elderly and could not be present. He stated that this change will affect the value of their property. He stated that with the new sewer, the property on that side of Conner Road has a high potential for development now; but if it is going to be zoned industrial piece by piece, no one will move there.

Mr. Bailey questioned if the I-1 zone allows blast furnaces and other types of environmental uses that a residential community may not like. Mr. Costello advised that those uses are more geared towards the I-2 Zone, but there are some uses in the I-1 Zone that are normally Conditional Uses which could impact residential property. Some of those uses were eliminated on the Dolwick property, as has been done in the past.

Mr. Bailey noted that there has been some discussion about having another zone, possibly I-1 and I-2, which may be more acceptable to a residential area. Mr. Costello advised that the I-1 and I-2 Zones, and the possibility of a medium industrial zone, are currently being evaluated.


Mr. Summe advised that they did seek residential zoning on their property in the early 1970's on late 1960's, but it was rejected.

Mr. DeLong questioned if it were feasible to go through the Bowlin property. Chairman Viox indicated the Bowlin property and the subject property and stated that they are not connected. Mr. Summe questioned a road through the Bowlin property. Mr. Costello stated that if it were a public road, it could work as a secondary access. He noted that access was permitted from the Bowlin property to KY 20. He stated that the Planning Commission has not done a detailed analysis of reworking a road through anyone else's property.

Using the aerial photograph, Mr. Summe indicated that another means of leaving Hossman Road is to go left down to KY 18 from Limaburg Road, going past the steel plant, and coming out on KY 18 at a major light. He stated that you do not have to go right to Conner, you can go left.

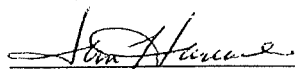
There being no further discussion, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on November 17, 1993 at 8 P.M.. The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

November 17, 1993 - 8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Don McMillian
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Thurman Owens
Mrs. Carol Smith
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Mr. Burch stated that each Commission member had received copies of the Minutes of the November 3, 1993 Business Meeting. He asked if there were any comments or corrections.

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

UNFINISHED BUSINESS:

Mr. Burch stated that the following items are recommended for deferral to the December 1, 1993 Business Meeting:

3. Site Plan Review: The request of Bangerter and Associates (applicant and owner) to construct additional parking and make site improvements at 6612 Dixie Highway, Florence, Kentucky. The 2.0-acre site is zoned Commercial Two (C-2).
4. Site Plan Review: The request of Frank Rothfuss, P.E. (applicant) for Ohio Conference of the United Church of Christ (owner) to construct Phase One of the Boone County United Church of Christ. The 4.0-acre site is zoned Agricultural Estate (A-2) and is located at 11176 U.S. 42, Boone County, Kentucky.
5. Site Plan Review: The request of Randy Barlow (applicant) for Albert and Linda Barlow (owners) to construct a 5,550 sq. ft. office building. The 1.88-acre site is located at 10092 U.S. 42, Union, Kentucky and is zoned Rural Suburban/Small Community Overlay (RS/SC).
6. Site Plan Review: The request of Winn Dixie Louisville, Inc. (applicant) for C. W. Henne Companies and Frisch's Restaurants, Inc. (owner) to construct a 46,250 sq. ft. Winn Dixie Market Place. The 9.89-acre site is zoned Commercial Services (C-3) and Commercial Services/Planned Development (C-2/PD) and is located at Turfway Road and KY 18, Florence, Kentucky.
11. Site Plan Review: The request of Darrell Harper (applicant) for Artistic Land Development Corporation (owner) to make driveway and parking improvements. The 2.61-acre site is zoned Commercial Services/Planned Development (C-3/PD) and is located at 7864 Commerce Drive, Florence, Kentucky.

Mr. McMillian moved that Agenda Items 3, 4, 5, 6, and 11 be deferred to the December 1, 1993 Business Meeting. Mr. DeLong seconded the motion and it carried unanimously.

1. Zoning Map Amendment

The request of Mark Summe (applicant and owner) to change the zoning on a 42.5-acre site from Agricultural Estate (A-2) to Industrial One (I-1). The site is located at 3673 Hossman Road, Boone County, Kentucky.

Staff Member Dean Niemeyer read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Ries moved that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Greene seconded the motion.

Mr. Niemeyer advised that the applicant has signed the letter agreeing to the conditions.

Deborah Arthur stated that it was her understanding that this was a Public Hearing and people would be allowed to speak. Mr. Burch explained that the Public Hearing was held on October 27, 1993 and public comments were heard at that time. Mrs. Arthur stated that she does not think the residents were informed of the Public Hearing. Mr. Burch stated that the property was signed and the Public Hearing was advertised in accord with the regulations, but he would allow Mrs. Arthur to make a statement.

Mrs. Arthur, a resident of Ellen Avenue, stated that there are people who are upset because they were not aware of this. It will have an impact on Ellen Avenue and she feels that there should be more input from the residents on Ellen Avenue. She does not feel that there was enough information.

Counselor Wilson explained that the Commission's action is a recommendation to the Fiscal Court for their final say. The Fiscal Court may hold a Public Hearing before taking action on this matter. He suggested that Mrs. Arthur contact the Fiscal Court to see when this item will be on their agenda and let them know that she wants to make comments. He explained the Commission's notice procedure, including notification of adjoining property owners, notice in the Boone County Recorder, and a sign on the property.

In response to a question from Mr. McMillian, Mrs. Arthur stated that she is not an abutting property owner.

There being no further comments, Mr. Burch asked for a vote on the motion made by Mr. Ries and it carried unanimously.

2. Concept Development Plan

The request of St. Luke Hospital, Inc. (applicant and owner) for Utilization of an Underlying Zone and for a Change in an Approved Concept Development Plan to develop a retail, office, and medical office complex. The 21-acre site is zoned Commercial Two/Planned Development (C-2/PD) and Recreation/Planned Development (R/PD) and is located at the northwest corner of Houston Road and Hansel Avenue, Florence, Kentucky.

Staff Member Jeff Hayes read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant wants the words "if reasonably necessary" added to Condition #1.

Mr. Rush moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Neltner seconded the motion.

Mr. Hayes advised that the applicant has signed the letter agreeing to the conditions.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: November 17, 1993

RE: Request of Mark Summe (applicant/owner) to consider a Zoning Map Amendment to the *Boone County Zoning Map* for a 42.5 acre site located at 3673 Hossman Road, Boone County, Kentucky. This is a request for a Zoning Map Amendment to rezone the site from Agricultural Estate (A-2) to Industrial One (I-1).

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and with the following conditions:

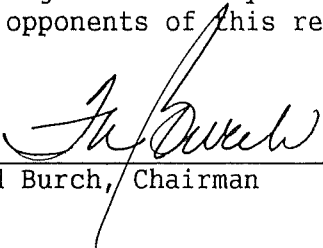
Findings of Fact

1. This request, along with the attached conditions, is in conformance with the *1990 Boone County Comprehensive Plan*. The Plan recommends Business Park land uses for the site and the reconstruction of Hossman Road near KY 20 thereby eliminating the two ninety degree turns. The Committee believes that the I-1 uses can be developed on the site and meet the Comprehensive Plan's recommendation for Business Park uses contained in the Land Use Element.
2. It has been shown that a new sewer line is in place approximately 1,200 feet north of the site and will be in use shortly. The applicant has assured the committee he has gotten approval from the property owner on his northern border for access to water services.
3. Though the site would be purchased by the airport if either of two alternatives for a new north/south runway were implemented, it is almost impossible to predict the timing of this development.
4. Since no Concept Development Plan has been submitted for this request, the Committee believes that the attached conditions are important to enable consistency with the Comprehensive Plan. The applicant has signed a condition letter demonstrating his agreement with these conditions.

Conditions

1. Prior to the development of the Summe property, Hossman Road near KY 20 will have to be improved to accommodate truck traffic. Specifically, the two ninety degree turns will have to be taken out and new a connection to KY 20 planned and built. The Summe site developer will work with the Boone County Department of Public Works to jointly plan and fund these road improvements.
2. The developer of the property shall be required to submit a detailed traffic study of the Hossman Road and Limaburg Road area. If timing allows, the developer shall perform the traffic study with the developers of the Dolwick Property on KY 237. At the least, the developer should include the findings of the Dolwick traffic study. The intent is to insure that traffic generated from these industrial uses will not adversely impact the level of service of the surrounding road system. If it is determined through this study that traffic lights or other road improvements are warranted, the Summe site developer will work with the Boone County Department of Public Works and the Dolwick property developers to jointly plan and fund these road improvements.
3. A minimum fifty (50) foot buffer area will be maintained at the northern border of the site which are adjacent to residential uses. The Planning Commission may require that the existing vegetation in this buffer be supplemented with berms and evergreen planting at strategic locations to achieve effective screening from the residential uses.
4. Any proposed development on the site shall be consistent with the Boone County Wastewater Treatment Master Plan.
5. The development shall meet the Applicable Performance Standards for all I-1 development (section 1134 of the *Boone County Zoning Regulations*).

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Fred Burch, Chairman



Phil Damstrom

Thurman Owens



Ralph Rush



Barry Neftner

Carol Smith

Gayle McElroy

Boone County Recorder
February 9, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.268**

The Boone County Fiscal Court at its meeting held Tuesday, January 25, 1994, at 5:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF MARK SUMME (APPLICANT AND OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR A 42.5 ACRE SITE LOCATED AT 3673 HOSSMAN ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDING UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-93-041-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

**ATTEST: CAROLYN A. RUDICILL
FISCAL COURT CLERK**