

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 Amerrick West
2. Location of Project RT. 237 & RT 20 HERRON KY.
3. Total Acreage of Site 210
4. Current Zoning of Site I-1/PD, C2/PD, SR-2, SR-1 & RSE
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) OFFICE, MANUFACTURING, WAREHOUSING, DISTRIBUTION CTR.
7. Names of Applicant(s) Wm. M. HADGINS / PAUL HEMMEL DEVELOPMENT CO III / P/EN.
8. Phone Number 341-8300 Fax No. 341-6817
9. Address of Applicant(s) 250 GRANDVIEW DR.
FT. MITCHELL KY 41017
City State Zip
10. Name of Property Owner(s) SEE EXHIBIT
11. Phone Number _____ Fax No. _____
12. Address of Property Owner(s) _____
City State Zip
13. Proposed Building Intensities (please specify)
2.5 TO 3 MILLION SF BLDGS ON 210 ACRES
OR APPROX 33% BLDG TO LAND
14. Are there any existing buildings on the site? NO
How many? —
15. Deed Book SEE EXHIBIT Page No. — Group No. 2007 2019
16. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
17. Have you submitted a Concept Development Plan? YES
18. Have you had a pre-application meeting with BCPC Staff? YES
19. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- 4 Boone County Water and Sewer District
- N/A Florence Water and Sewer Commission
- N/A Union Light Heat and Power
- N/A Cincinnati Bell
- N/A Owen County Rural Electric
- N/A Boone County Public Works Department
- N/A Kentucky Transportation Cabinet
- N/A City of Florence Public Services Department
- N/A Boone County Building Department

STAFF REPORT

Request of Wm. M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

July 1, 1998

Proposal

The Applicant is requesting a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for the purpose of developing an industrial park/complex on approximately 210 acres near the southwest intersection of KY 237 (North Bend Road) and KY 20 (Petersburg Road). The proposed uses include office, manufacturing, warehousing and distribution centers.

The concept development plan contains 22 buildings, totaling 2,631,000 square feet of area. The buildings range from 26,500 square feet to 240,000 square feet in area. The Industrial One (I-1) zoning district allows a maximum density of 25,000 square feet per acre. The applicant's proposed density for the development is approximately 12,500 square feet per acre. The site contains approximately one mile of road frontage along KY 237. Four entrances are proposed along KY 237, spaced approximately 1500 feet apart. The main entrance, located near the center of the site, is aligned with the KY 237/Conner Road intersection. The northern entrance is aligned with the KY 237/Cougar Path intersection. The third entrance aligns with the KY 237/Levi Strauss entrance. The fourth and most southern entrance is located along KY 237 at the first concrete divided median. The concept plan contains a possible fifth entrance on the most northern property fronting KY 237.

The layout of the concept plan divides the site into three separate developments. Each development contains a separate entrance. The developments are not interconnected. Future possible connections with property to the south or west has not been shown.

Site Characteristics

The site consists mostly of open fields that have been used for agricultural purposes. The site also contains three ponds and an intermittent blueline stream. The stream is part of the uppermost drainage basin for Woolper Creek. The intermittent stream becomes a blueline stream on the southwestern portion of the site and is classified as being developmentally sensitive. This stream and two other swales on the property remain wooded. One residence remains on the property with access onto Bullock Lane. The site has access to water and sewer along KY 237.

Surrounding Land Uses and Zoning

The property east of the site contains the Hebron Fire Department, the Boone County Library Lents Branch, undeveloped land, and the Levi Strauss industrial building. The fire department and the library are zoned Public Facilities (PF). The undeveloped land around these public facilities is zoned Commercial Two Planned Development (C-2/PD). The Levi Strauss property is zoned Industrial One (I-1).

The property south of the site is owned by the Airport Board and Gateway Park, an industrial park currently under development. This property is zoned Industrial One Planned Development (I-1/PD). The remaining property south of the site is agricultural land that is zoned Agricultural Estate (A-2).

The property west of the site contains several residences along Bullock Lane and undeveloped agricultural land. The residences are zoned Suburban Residential One (SR-1) and Rural Suburban Estates (RSE). The agricultural land is zoned Rural Suburban Estates (RSE).

The property north of the site contains the undeveloped property at the southwest corner of KY 20 and KY 237. This property is zoned Commercial Two Planned Development (C-2/PD). The remaining property north of the site contains several residences that front onto KY 20. These residences are zoned Suburban Residential One (SR-1) and Suburban Residential Two (SR-2).

Relationship to the Comprehensive Plan

The site contains several different future land use classifications as shown on the 1995 Boone County Comprehensive Plan's Future Land Use Map. These classifications are listed according to the amount of land area designated of each use on the site from greatest to fewest.

Business Park (BP) - *A mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment.*

Urban Density Residential (UD) - Attached housing, generally condominiums or apartments, exceeding eight units per acre. This classification includes Public and Institutional uses.

Suburban Density Residential (SR) - Single family housing of up to four units per acre. This classification includes any low density or estate residential developed as a formal subdivision.

Rural Land (RL) - Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.

Transportation (T) - Airports, major four lane roads, interstates, and interchanges.

Commercial (C) - Retail, corporate, and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

Developmentally Sensitive (DS) - Areas that have an extensive slope of twenty percent or greater for a height of 20 meters, or have a unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans.

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

"Proper design principles shall be applied in development" (Overall, Objective 3), p. 4.

"Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed" (Overall, Objective 4), p. 4.

"New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return" (Environment, Goal), p. 5.

"Developmentally Sensitive hillsides in Boone County must be given special consideration. The preservation of these hillsides is a primary objective, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed to insure potential impacts are minimal and the environmental integrity of the hillsides is maintained" (Environment, Objective 5), p. 5.

"Appropriate locations for businesses compatible with the surrounding areas are provided in Boone County" (Business Activity, Goal), p. 7.

"Compact, efficient development patterns shall be encouraged for business districts (e.g., industrial, commercial, and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage" (Business Activity, Overall Objectives), p. 7.

"Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio river, the Airport and on Airport owned land. Industrial districts shall be properly located in advance and thereby lessen any detrimental impact on future adjacent development" (Business Activity, Industrial Objective 1), p. 7.

"Effective site placement, architectural design and landscaping design for industrial uses shall be encouraged to enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, noise and odor shall be kept at a minimum and site development and enforcement of such nuisances shall be carefully coordinated with necessary approvals of other regulatory agencies" (Business Activity, Industrial Objective 2), p. 7.

The Comprehensive Plan's Business Activity Element states the following concerning Areas of Future Industrial and Office development:

"The Hebron area will experience additional commercial development along KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20..." p. 81-82.

Figure 5.3 of the Business Activity Element entitled "Future Industrial and Commercial Development" indicates that the future planned uses for this site should include commercial and industrial development, p. 87.

The Comprehensive Plan's Land Use Element for Future Land Use Development Guidelines makes the following comments:

"Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Developments should provide buffering along public roadways, to soften the visual impacts. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments." (Buffering, p. 210).

"Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other circulation areas as well as within open spaces and around structures." (Landscaping, p. 210).

"Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distances for access points, adequate space between access points, shared access points and parking facilities, and subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial systems." (Access Management, p. 211).

"Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. A hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector streets. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate." (Transportation and Pedestrian Network, p. 211).

The Comprehensive Plan's Land Use Element for the Hebron area makes the following comments:

"Industrial developments should be designed to direct truck traffic to collector roads and away from KY 20." p. 219.

"High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237. These uses must have adequate water and sanitary sewer service and should be accompanied by increased school capacity." p. 219.

"The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development." p. 219.

"The southwest quadrant of the intersection should likewise provide an appropriate transition of Commercial uses to Urban Density Residential to Suburban Density Residential. The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses. The planned Urban Residential uses should not develop until adequate elementary school space is available. Small roads in the area, such as Bullock Lane, are not suitable for serving subdivision traffic and must be upgraded or bypassed in such developments." p. 219.

Staff Concerns/Comments

Staff has several concerns and comments with the overall layout of the proposed Concept Development Plan:

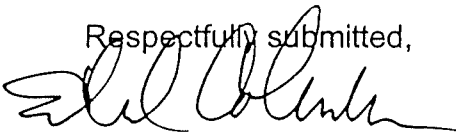
1. The layout of the Concept Development Plan essentially creates three separate developments instead of an overall unified industrial park development. The plan contains four separate entrances and possibly a fifth along KY 237 that services three separate arrangements of buildings. Staff would prefer to see one main entrance for the entire development. Conner Road is scheduled to be improved in July of 1998 and upon completion, a traffic light will be installed at this intersection with KY 237. The timing of the signal can be designed for truck traffic entering KY 237 from Conner Road and from this development. A hierarchy of roads, streets, and driveways could then be extended off the main entrance for the purpose of creating an internal traffic circulation system for the entire site as is encouraged in the Comprehensive Plan. The main entrance could also act as an arterial or collector road for future development that would likely occur to the west of this site if this development is approved. The Comprehensive Plan specifically states that truck traffic should be directed away from KY 20. The lack of a future road connection with the western property would force all future development to access KY 20 instead of KY 237.
2. It would also be desirable to have future road connections with the property at the southwest intersection of KY 20 and KY 237 and with the Airport property to the south.
3. The Comprehensive Plan states that developments should provide buffering along public rights of way in order to soften visual impacts. This proposal contains more than one mile of road frontage along KY 237. Because of the visual impact that this development would have along KY 237 and because this is essentially the "front door" to Hebron, a landscaping master plan that extends along the entire length of the property that has frontage along KY 237 should be included with the Concept Development Plan. This master plan should include the treatment of all entrances, types of materials that may be used at each entrance and proposed signage. This area could be designed as linear park between KY 237 and the development by incorporating landscaping, earth berms, and bike or pedestrian paths into the network of site entrances.

4. The Comprehensive Plan encourages the preservation of developmentally sensitive hillsides. The area of the site that has been identified as being developmentally sensitive is part of the upper drainage basin of Woolper Creek. These hillsides should not be disturbed and should be clearly indicated so on the Concept Development Plan.
5. The Comprehensive Plan encourages the use of landscaping between adjoining uses. The Concept Development Plan should clearly indicate where landscaped buffer areas shall be located with respect to the residential areas along KY 20 and Bullock Lane. Any vegetation along property lines between the site and any residences should be preserved in addition to any proposed or required landscaping.
6. The Comprehensive Plan emphasizes consistent architectural design for developments. For the purpose of preventing blank building facades from facing directly onto KY 237, office buildings should be located nearest to KY 237. Other buildings that front along KY 237 should be oriented so that the offices within each building face KY 237. All buildings along KY 237 should be designed so that all loading docks are not visible from KY 237.

Conclusion:

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations. If recommended by the Planning Commission and Fiscal Court, the Future Land Use Map would need to be amended.

Respectfully submitted,

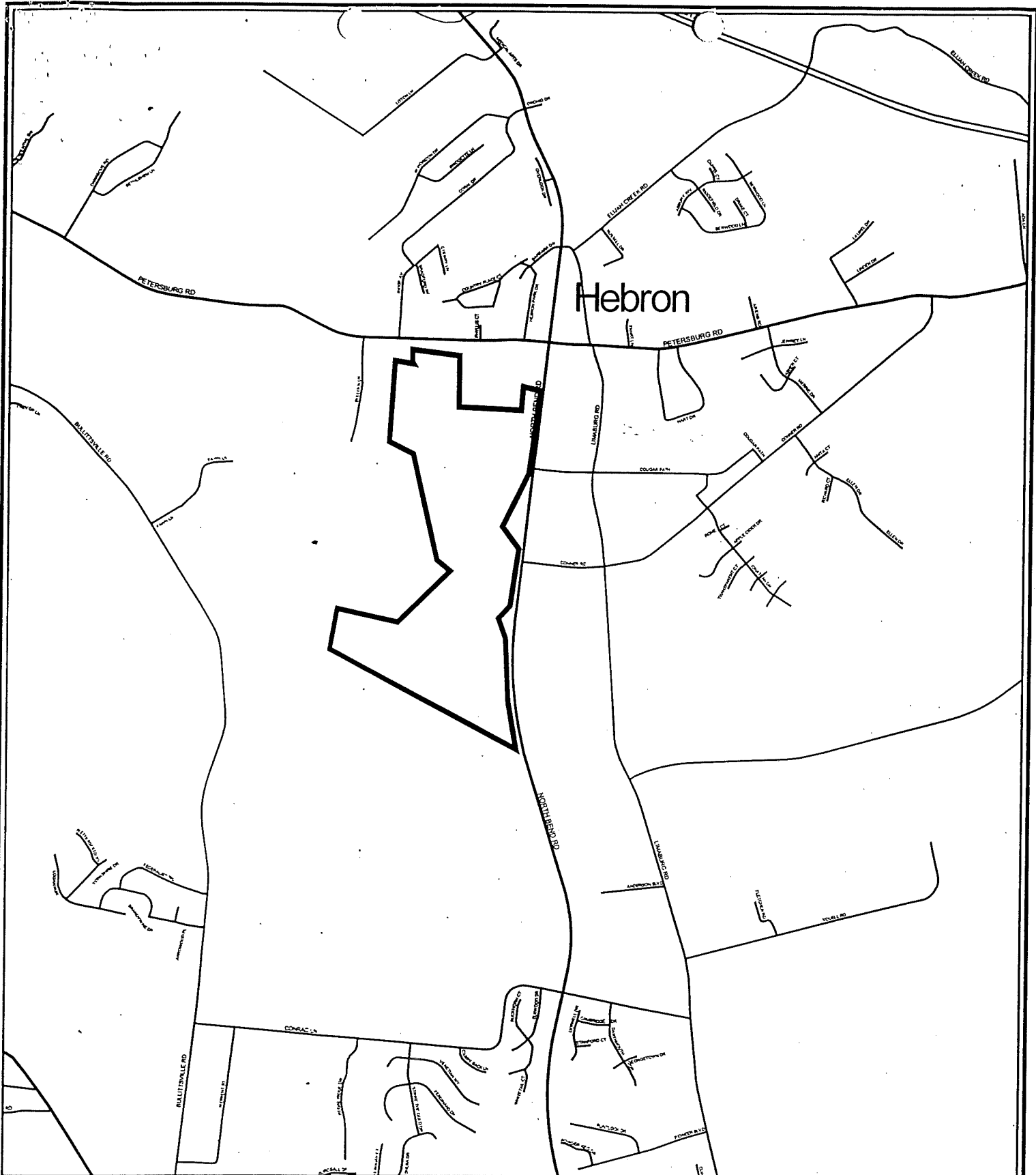


Edward Coleman
Planner

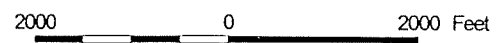
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Attachments:

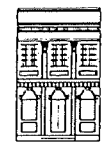
- Location Map
- Site Map
- Proposed Concept Development Plan
- Zoning Map

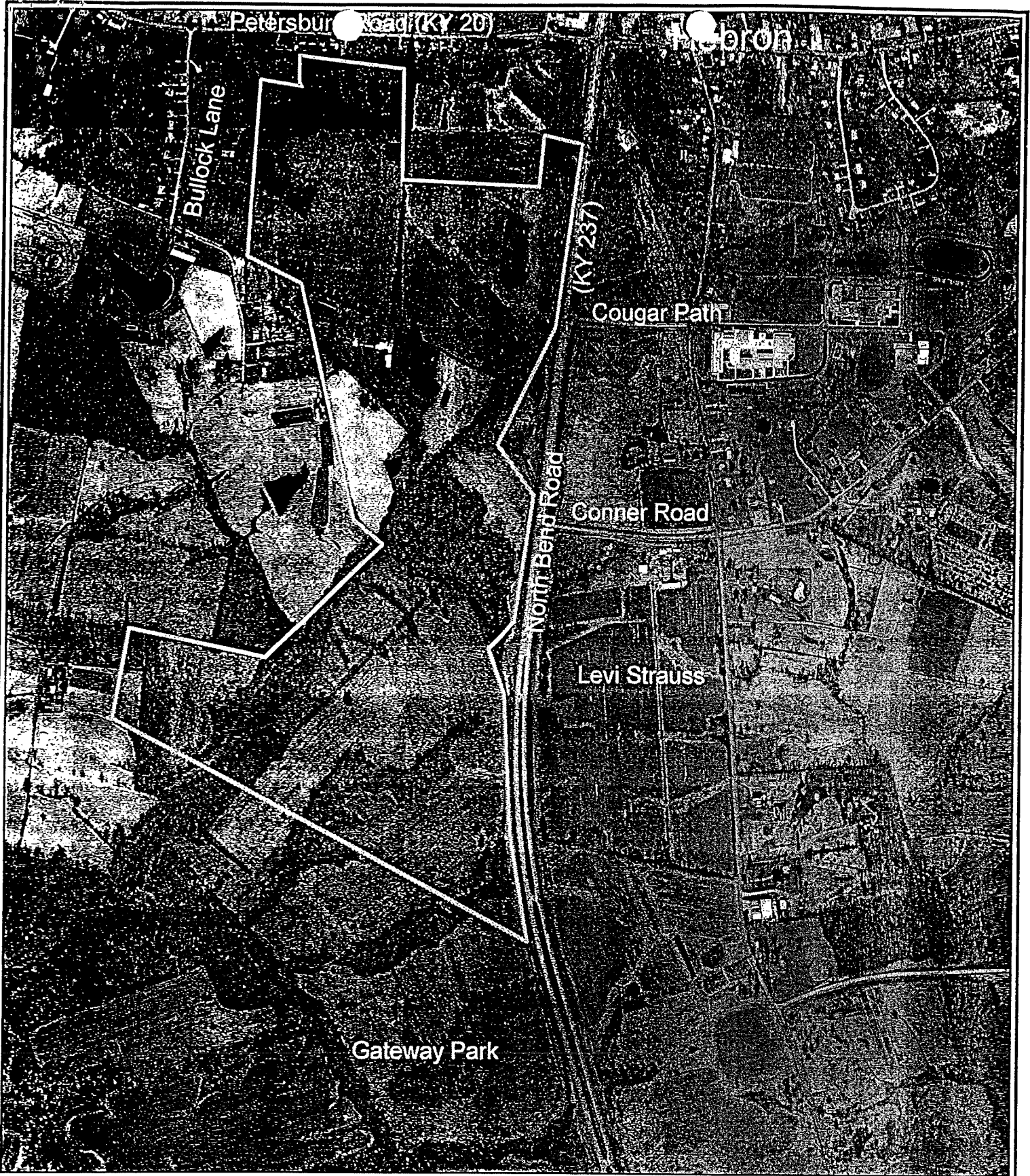


Location Map/ Airpark West

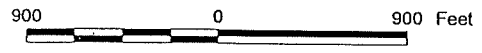


1 inch equals 2000 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 30, 1998

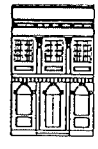




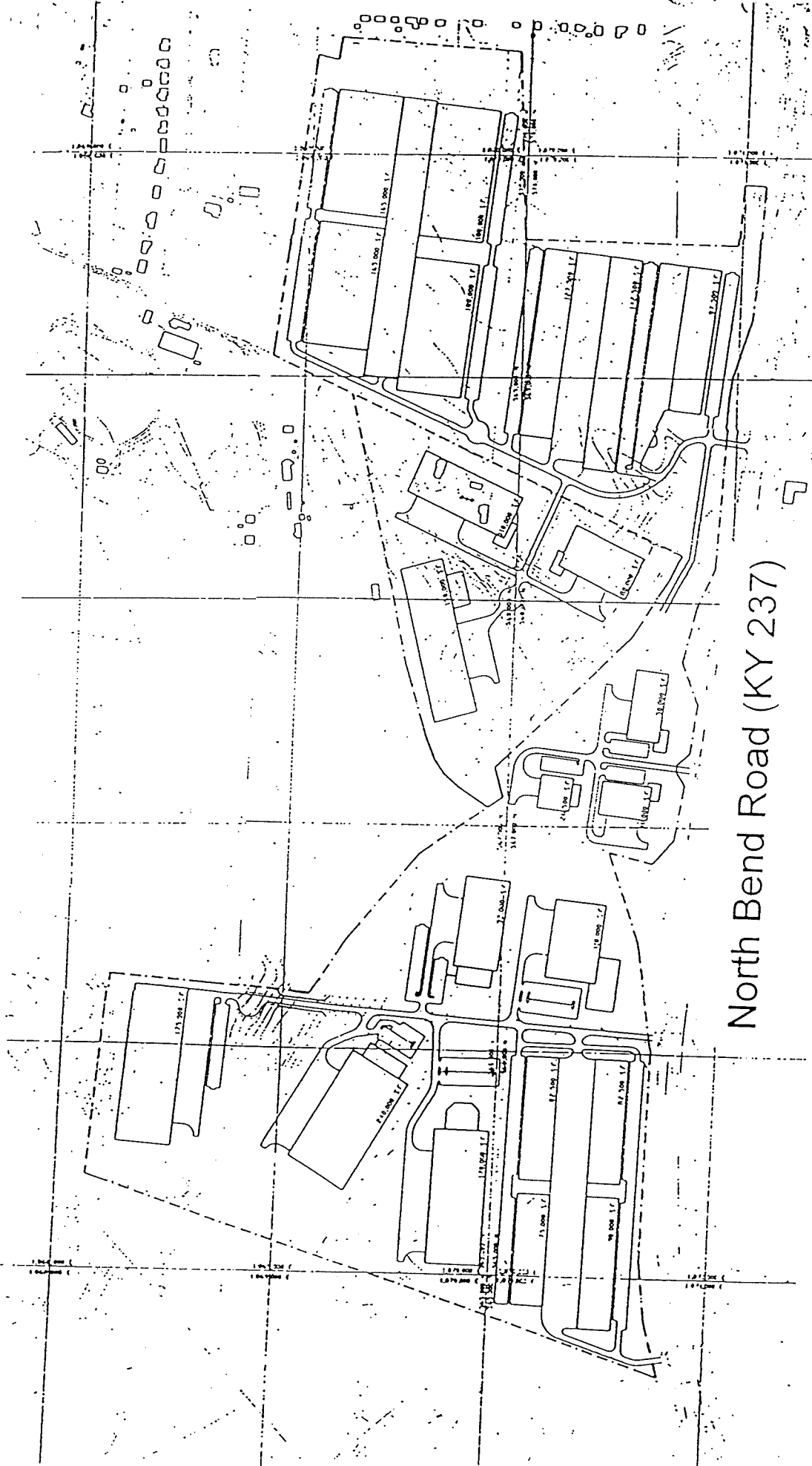
Site Map/ Airpark West



1 inch equals 900 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 24, 1998



Detersburg Road (KY 237)

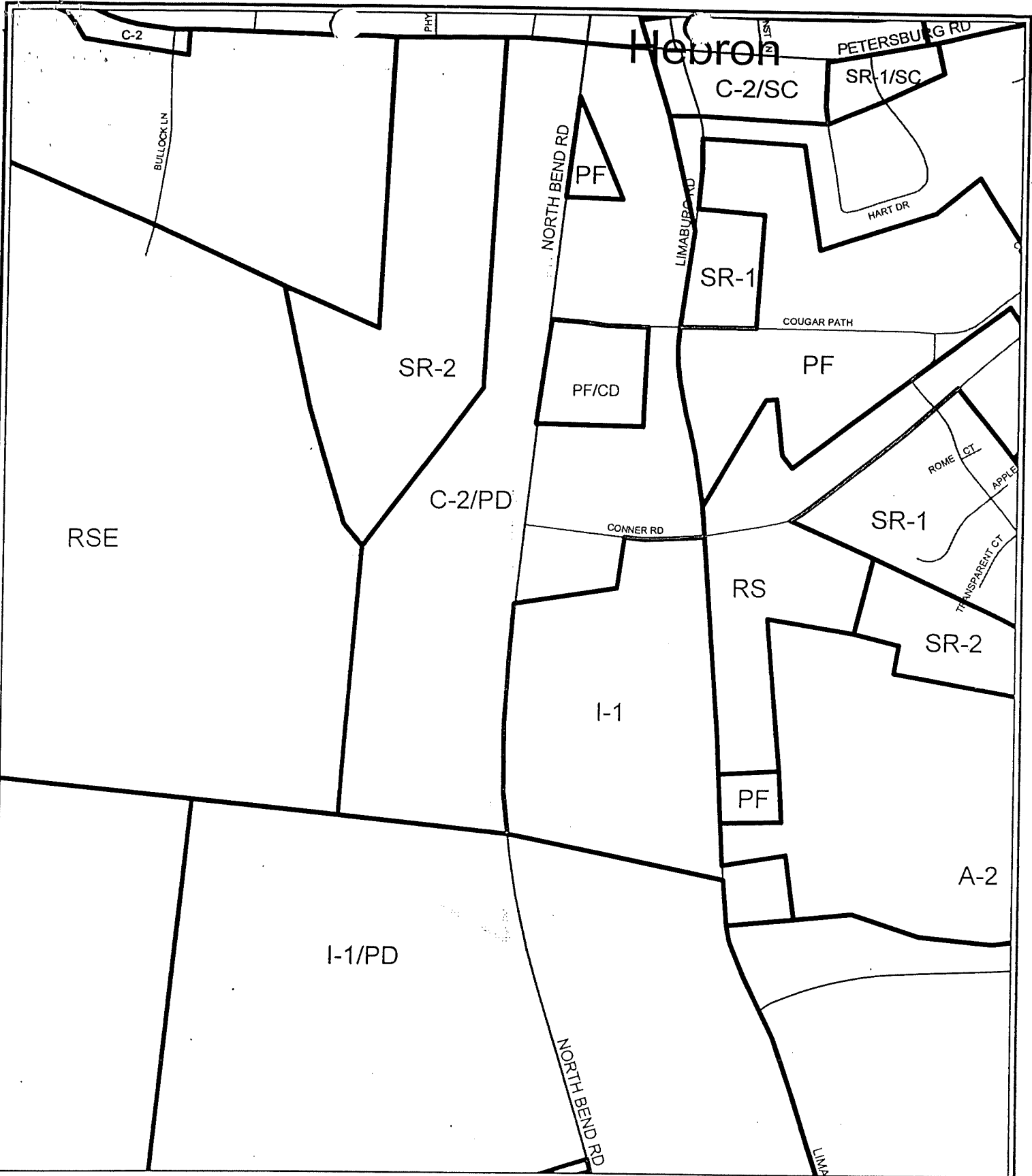


North Bend Road (KY 237)

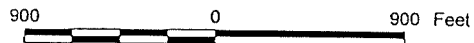
PRELIMINARY
SITE PLAN STUDY

237 SITE
100NE
10001 KENTUCKY
10001

HEMMER
Paul Hemmer Construction Company



Hebron Area Zoning Map



1 inch equals 900 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 30, 1998



BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
July 1, 1998
6:30 P.M.

PUBLIC HEARING

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Caddell, Mr. McMillian, Mr. McKinney, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mr. Ries, Mrs. Schaffer, and Mrs. Smith.

Mr. Robert Millay, Chairman, called the meeting to order at 6:35 PM and introduced the item on the Agenda:

1. Applicant: Wm. M. Hargis/Paul Hemmer Development Co. III for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners)

Request: Zoning Map Amendment

The request of Wm M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Mrs. Arnett, Mrs. Schaffer, and Mr. Newman arrived during the presentation of the Staff Report.

Chairman Millay asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, stated that Mr. Coleman did a good job of explaining what they are attempting to do. They have been working with the local property owners for about two years and the submitted plan involves six property owners. They have talked to another three or four property owners, but at some point they had to cut it off and proceed with the zoning effort because options that were agreed to a year or six months ago are coming due.

Mr. Hargis stated that the Staff Report talks about more of a comprehensive circulation system and, looking at the entire area, he would agree -- but he does not have control of the properties to the west and does not want his development contingent on circulation patterns through someone else's property. He stated that the entrances shown are the approved entrances along KY 237 and they are not creating any new entrances. He stated that the plan is not cast in stone. He stated that they do not have buildings in the blue line stream area or the environmentally sensitive areas. They have bridged that area with their road system because you can only disturb 200 linear feet of a blue line stream.

Mr. Hargis noted the areas that the Comprehensive Plan shows as Suburban Residential and stated that there could potentially be 510 residences on the areas zoned SR-1 and SR-2. At two children per household, there would be a thousand children. He stated that elementary schools can have 800 children and, therefore, more than one new elementary school would have to be built to support this property. He met with the Boone County School Board and they are supportive of the plan. He stated that the Commissioners can talk with Mr. Roger Brady in this regard. He stated that they have adequate services and utilities, and the road systems are adequate for the development. He stated that the area has been developing industrially with Levi's and Corporex Parks to the south, and a southern boundary for industrial development has been established. He stated that they are not interested in Commercial development. The corner property is owned by the Conner family and would provide for commercial development.

Mr. Hargis stated that they anticipate no access points that would put traffic on Petersburg Road (KY 20). He stated that they are setting fifty feet above the residents located along KY 20. There is a wooded hillside and a ravine there, and then the topography goes back up to the houses. They feel that they can maintain the buffers for those residences. It will be 500 - 600 feet (two football fields) from the Bullock Lane residence to the industrial. He stated that there is also a requirement to buffer the back of their property. He stated that there is no problem with the architectural controls and they have their own Architectural Review Committee. They will work with the county in regard to the Houston-Donaldson Study. He believes this property will develop similar to AirPark International at KY 20 and Elijah's Creek Road. Mr. Hargis

offered to answer any questions. He stated that Mr. Jack Gehrum was present to answer any questions regarding traffic.

This concluded the applicant's presentation.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There was no response.

Chairman Millay asked if there was anyone present in opposition to the request or having questions.

Attorney David Koenig stated that he and his law partner, Steve Dallas, were present on behalf of Mr. Fray Escue, the adjacent property owner (100 acres) to the west. He stated that Mr. Escue is one of the people Hemmer spoke with and he did not join in. Mr. Koenig stated that this proposal to some extent landlocks the Escue property, which is adjacent to I-1/PD and to the area the Land Use Map shows as "Business Park". He stated that the Comprehensive Plan requires that developments take into account their impact on surrounding land and provide where necessary any features to assist in any other development. The Comprehensive Plan indicates that Bullock Lane is not an appropriate means of access to the Escue property if it develops. He stated that the answer is in the first paragraph of the Staff Recommendation regarding traffic, providing circulation within the development, and potential access to any other development.

Mr. Koenig stated that Mr. Escue does not necessarily object to this zone change, but he objects to the Comprehensive Plan as it has been presented to the Planning Commission and requests that the Planning Commission stipulate that the Staff's comments be facilitated.

There being no further comments from the public, the Chairman asked if there were any comments or questions from the Commissioners.

Mr. McMillian questioned why there would not be access to the property to the west.

Mr. Hargis stated that they do not own the property to the west. They are trying to show a Development/Concept Plan that facilitates the property they have under control. He has no idea of how the property to the west will develop, but they are receptive to taking a look.

Mr. McMillian stated that the Planning Commission requires access to other properties and there has to be a commitment to the access.

Mr. Hargis reviewed the plan. He indicated the Escue property. He showed the road coming in and the bridge and cul-de-sac,

which is adequate to support access into the Escue property. He noted that there is another 120 acres of Smith property back there, but they were not interested in joining this effort. He stated that they also looked at an area where they have worked with Mr. Escue and owners of smaller residential uses and, if they were able to work with them, the road could be looped and come around -- which opens up another 200 acres. But he does not have that property now and it does not make sense to show a development concept for that property. He stated that while some of the people who have joined in this effort support the industrial zoning, they are not ready to commit that they want their land to be immediately developed. They want the triangular piece owned by the Jacobs family rezoned industrial and it will be developed potentially later on, but he cannot depend on being able to route traffic through there to access property to the north.

Mr. McMillian questioned access to the Escue property.

Mr. Hargis stated that the access would have to cross the Jacobs property, which was the problem when this came through for residential zoning -- there was not access to KY 237 for residential use. He stated that because they have been able to assemble this number of acres, the airport for the first time has been willing to release some of its land and put it back into use and will work with them on an industrial basis. They will not work with them if any of this property becomes residential. If residential is allowed around the flight paths, it will kill 80 acres of development and a piece of property owned by the Crigler family will not be accessible. He stated that this property will be cut in half if access is granted through their industrial property to someone else's property without any constraints on what can be done with that property. They have indicated to people that they can provide access through their property as long as the property is developed in a similar fashion and the properties are willing to go along with the restrictions that are placed on them. He stated that he heard for the first time this evening about a linear park along their property.

Mr. McMillian stated that they cannot landlock other property. Mr. Hargis stated that it would not be an intent on their part. When they did AirPark, there was a restriction because R.C. Durr had property back on a ridge and if they built Aviation Boulevard they would landlock him. They worked out an agreement with him based on a condition that was established by the Planning Commission that he would have access. They are not trying to block anyone out, but they can only work with what they have.

Mr. McMillian stated that he does not want them to landlock anyone. Mr. Hargis responded "That's fine -- that's reasonable".

Mr. Caddell questioned why the applicant spoke with the Boone County Board of Education about an industrial development. Mr. Hargis stated that it was the recommendation of one of their consultants that they touch base with the School Board because their main access would be coming out at Kugler Path and Conner Road. The School Board indicated that the school was overcrowded at this time and residential development would be an undue burden on them. They felt that the taxes generated by industrial development -- without the introduction of new students -- would be beneficial to Boone County. They also felt that the traffic situation could be handled.

Mr. Caddell stated that it is difficult for him to deal with a Concept Development Plan of this size in which they state some of the "connections", but building on the different properties is based largely on when those properties might be available to be developed for the use they are seeking. Mr. Hargis stated that there is only one situation like that. He indicated the former Crigler property, the Bullock Lane property, and the Jacobs property. He stated that they brought the road system over and back to a cul-de-sac so that in the future they could come off the cul-de-sac. This leaves the Jacobs property untouched by the development, but provides an access point for the properties if they decide to develop. They could bring a side road off the main road to the Jacobs property.

Mr. Caddell asked Mr. Hargis to delineate the boundaries and the property owners for the Zone Change Committee Meeting.

Mrs. Schaffer stated that the I-1 uses proposed are offices, manufacturing, and light industrial. She suggested that the Committee look at the other uses in I-1 that may not be appropriate. She stated that the intensity is only half what is allowed, which is good. She is concerned about the buffering against the residential area at Bullock Lane and KY 20.

Mr. Steve Escue questioned if he were to use the access off KY 237 through airport property to the property to the west of this development, would the use have to be consistent with this plan or could the property be used for residential purposes. Mr. Hargis responded that their agreement with the airport is that any access to KY 237 through airport property cannot facilitate residential development because of the problems it will cause them in regard to noise control. Mr. Costello stated that the property is zoned A-2 and would have to be rezoned residential. Mr. Escue questioned that if the main access point makes use of airport property, would that restrict use of the property to the west? Mr. Millay stated that these issues are not part of the current request.

Mr. Costello stated that he can invite Mr. Huber to attend the Committee Meeting.

Chairman Millay asked if there were any further comments or questions.

Mona Richardson, 3250 Bullock Lane, stated that her property is connected to the Escue property. She stated that this property is not suitable for a subdivision. She lives at the end of the property and there is airport noise. It is not suitable to put people in this noise zone.

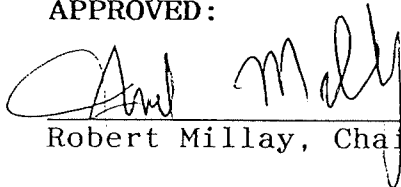
Mr. Fray Escue stated that he owns 104 acres that is connected to this property. He stated that he is not able to see and has to rely on what he has heard. He has talked to Hemmer about his property. He did not know Hemmer was talking about rezoning anything except what was on KY 237. He adjoins some of the property on KY 237, and he adjoins the Jacobs property. He stated that he has no objection to the rezoning of this property for industrial, but feels that his property should be considered for the same zoning. He feels that the whole area should be opened up for industrial.

Ray Teeson, a resident of Bullock Lane, stated that he has five acres and he agrees with Mr. Escue. He asked if his property can also be considered for industrial zoning. Chairman Millay advised Mr. Teeson that he would have to make a separate application. Rezoning his property is not possible under the current application.

Mr. Teeson asked if rezoning on three sides of his property will reduce his property value. Counselor Wilson explained that the Planning Commission does not focus on property values, whether increased or decreased. The Planning Commission focuses on land use and its impact on properties.

The Chairman asked if there was anyone else present who wished to speak. There being no response, Chairman Millay stated that the Committee Meeting for this item will be on July 21, 1998 at 5 P.M. in this room. This item will be on the Agenda for the Business Meeting in this room on August 5, 1998 at 7:30 P.M.. The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



Robert Millay, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 19, 1998
7:30 P.M.

Mr. Robert Millay, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mark Hicks
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay, Chairman
Mr. Barry Neltner, Vice Chairman
Mr. Robert Newman
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White, Temporary Presiding Officer

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Mr. Edward Coleman
Mr. David Doerger
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

Mr. Viox stated that he had a conflict in regard to the first item on the Agenda and left the meeting at this time.

Approval of the Minutes:

Chairman Millay stated that each Commissioner had received a copy of the Minutes of the August 5, 1998 Business Meeting. He 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. Ries seconded the motion. A vote on the motion found all fourteen Commissioners present in favor. Mr. Viox was not present. The motion carried.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Wm. M Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Staff Member Ed Coleman presented the Committee Report which recommended that the request be approved based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Damstrom moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. White seconded the motion.

Mr. McMillian questioned the road and the Escue property. Mr. Coleman indicated the Escue property, which is not part of this application. He indicated the property line and stated that Hemmer is in the process of taking with Escue about the property. Mr. McMillian asked if the access road will go in at the back. Mr. Coleman stated that the road can be re-located so that it will be on property under consideration this evening, if the arrangement with Escue falls through. Mr. McMillian stated that he thought Staff had said the property was unbuildable and they could not put the road back there. Mr. Coleman responded that he does not recall saying the property was

unbuildable. There was discussion regarding grades, where the best location would be, and the need for fill to make the land high enough. Mr. McMillian stated "The road will go in". Mr. Coleman responded "yes -- that is a condition".

There being no further discussion, Chairman Millay asked for a vote on the motion made by Mr. Damstrom which found all fourteen Commissioners present in favor. Mr. Viox was not present. The motion carried.

Mr. Viox returned to the meeting at this time.

2. Zoning Map Amendment

The request of PBS & J, Inc. (applicant) for Answers in Genesis (owner by option) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 47 acre tract located along the east side of Deck Lane and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to allow office, educational, and distribution facilities.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Caddell moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

The Chairman asked if there were any comments or questions.

Mrs. Schaffer stated that the Comprehensive Plan looks twenty-five years into the future. At the time this area was discussed, we thought there would be growth in the area for commercial for a number of reasons, including the gaming casinos in Indiana -- but that did not happen. Since the adoption of the Comprehensive Plan, the Western Boone County Study has occurred and the residents have been very active in this and indicated that they want it left as a rural area. They voted down the water. She stated that the Planning Commission needs to listen to the residents and needs to look at the Comprehensive Plan again. She stated that the museum and educational facilities will want to grow. She feels that there will be a domino effect -- there will be a lot of people visiting the museum, but there is nothing else there -- so there will be development in the commercial area and water, which is what the people do not want. She will vote against the request.

Mr. McKinney stated that we went through a long process to get the people of Western Boone County to tell us how they want to shape their community -- and this is a first step in ignoring them and telling them that what they want does not matter. The Planning Commission needs to tell them that it does matter. He stated that the

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 19, 1998

RE: Request of Wm. M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Remarks:

We, the Committee, recommend that the request of Mike Hargis on behalf of Paul Hemmer Development Company for a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) be approved by the Boone County Planning Commission. The Committee's recommendation to approve this request is based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee has determined that the applicant has adequately demonstrated that the proposed Industrial One (I-1) zoning classification is the most appropriate zoning classification for the 210 acre site. The applicant has also demonstrated that the proposed use of the property for industrial development is the most appropriate use of the site. The applicant has demonstrated that the proposed uses within the Industrial One (I-1) zoning classification, along with a concept development plan, produce a cohesive and coordinated development of several separately owned properties, which would otherwise be difficult to develop individually.

The Committee's decision is also based on the 1995 Boone County Comprehensive Plan, the Comprehensive Plan's Future Land Use Map, the existing site conditions, the site's proximity with KY 20 and KY 237, and the site's proximity with the Greater Cincinnati International Airport, in particular, with that of the east/west runway.

The Committee has concluded that the following conditions shall apply in order to ensure that the applicant's request satisfies the goals, objectives, and the intent of the Boone County Comprehensive Plan.

The applicant has signed a letter of agreement with these conditions and understands that the revised concept development plan, submitted to the Committee along with these conditions, serves as the basis for this recommendation.

Conditions

1. The site's main entrance will be located at the KY 237-Conner Road intersection as indicated on the revised concept development plan. This entrance shall contain a main roadway through the development that will eventually connect with the adjoining property to the west. This will ensure that the property west of the proposed development has access to KY 237 and not onto KY 20 as is specified within the Boone County Comprehensive Plan.
2. The southernmost proposed entrance along KY 237 will be eliminated.
3. The entrance located across KY 237 from the Levi Strauss building will remain. This entrance shall contain a road connection with the main entrance road.
4. The entrance located across KY 237 from Cougar Path will remain and shall also connect with the main entrance road. This connection will occur during the initial phase of construction of either the Jacobs property or the Escue property, whichever develops first. This connection will complete an internal roadway system for the entire development.
5. Access will be provided between the site and the property at the southwest corner of KY 20 and KY 237. This connection will occur during the initial phase of construction of either of the two sites that are adjacent with the access road.
6. The northernmost access along KY 237 shall provide an access easement for the adjacent property at the southwest corner of KY 20 and KY 237. This access will eliminate the need for any additional curb cuts onto KY 237, when the corner lot develops.
7. A landscaping master plan that includes extensive landscaping and earth berms along KY 237 and the entrance road shall be provided. This landscaping plan shall be submitted as part of the improvement plan review.

8. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights of way, particularly toward KY 237 and the entrance road.

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.

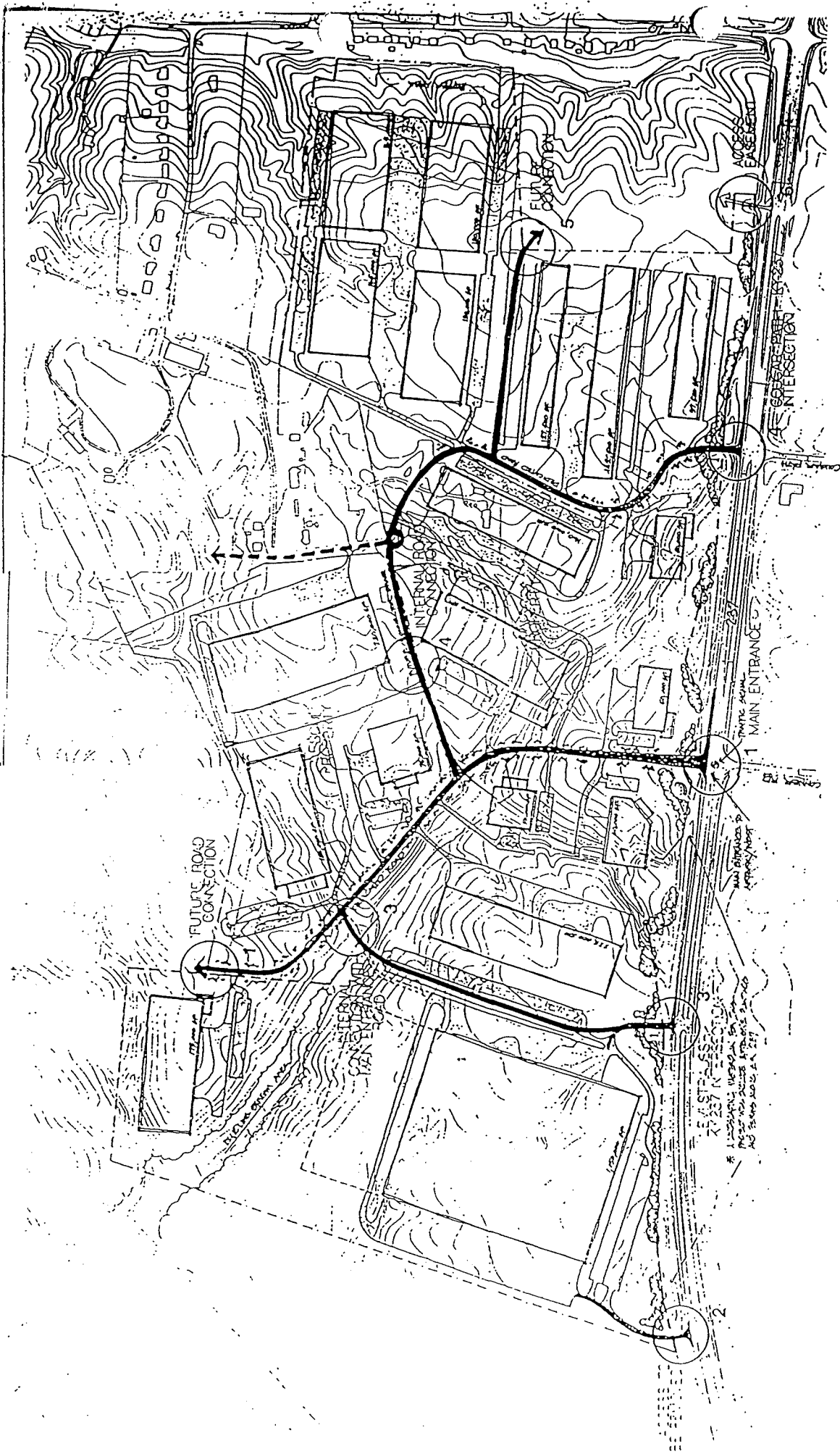
<i>Phil Damstrom</i>			
Phil Damstrom, Chairman			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Arnold Caddell</i>			
Arnold Caddell			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Barry Neltner</i>			
Barry Neltner			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Earl R. White</i>			
Earl White			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL:	<u>4</u>	FOR	<u>—</u>	AGAINST	<u>—</u>	ABSTAIN	<u>—</u>	ABSENT
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H E M M E R
 Paul Hemmer Construction Company

237 SITE
 BOONE COUNTY, KENTUCKY

~ AIRPARK/WEST ~

DATE: 11/15/2011 11:58 AM

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
July 1, 1998
6:30 P.M.

PUBLIC HEARING

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Caddell, Mr. McMillian, Mr. McKinney, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mr. Ries, Mrs. Schaffer, and Mrs. Smith.

Mr. Robert Millay, Chairman, called the meeting to order at 6:35 PM and introduced the item on the Agenda:

1. Applicant: Wm. M. Hargis/Paul Hemmer Development Co. III for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al. Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners)
Request: Zoning Map Amendment

The request of Wm M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Mrs. Arnett, Mrs. Schaffer, and Mr. Newman arrived during the presentation of the Staff Report.

Chairman Millay asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, stated that Mr. Coleman did a good job of explaining what they are attempting to do. They have been working with the local property owners for about two years and the submitted plan involves six property owners. They have talked to another three or four property owners, but at some point they had to cut it off and proceed with the zoning effort because options that were agreed to a year or six months ago are coming due.

Mr. Hargis stated that the Staff Report talks about more of a comprehensive circulation system and, looking at the entire area, he would agree -- but he does not have control of the properties to the west and does not want his development contingent on circulation patterns through someone else's property. He stated that the entrances shown are the approved entrances along KY 237 and they are not creating any new entrances. He stated that the plan is not cast in stone. He stated that they do not have buildings in the blue line stream area or the environmentally sensitive areas. They have bridged that area with their road system because you can only disturb 200 linear feet of a blue line stream.

Mr. Hargis noted the areas that the Comprehensive Plan shows as Suburban Residential and stated that there could potentially be 516 residences on the areas zoned SR-1 and SR-2. At two children per household, there would be a thousand children. He stated that elementary schools can have 800 children and, therefore, more than one new elementary school would have to be built to support this property. He met with the Boone County School Board and they are supportive of the plan. He stated that the Commissioners can talk with Mr. Roger Brady in this regard. He stated that they have adequate services and utilities, and the road systems are adequate for the development. He stated that the area has been developing industrially with Levi's and Corporex Parks to the south, and a southern boundary for industrial development has been established. He stated that they are not interested in Commercial development. The corner property is owned by the Conner family and would provide for commercial development.

Mr. Hargis stated that they anticipate no access points that would put traffic on Petersburg Road (KY 20). He stated that they are setting fifty feet above the residents located along KY 20. There is a wooded hillside and a ravine there, and then the topography goes back up to the houses. They feel that they can maintain the buffers for those residences. It will be 500 - 600 feet (two football fields) from the Bullock Lane residence to the industrial. He stated that there is also a requirement to buffer the back of their property. He stated that there is no problem with the architectural controls and they have their own Architectural Review Committee. They will work with the county in regard to the Houston-Donaldson Study. He believes this property will develop similar to AirPark International at KY 20 and Elijah's Creek Road. Mr. Hargis

offered to answer any questions. He stated that Mr. Jack Gehrum was present to answer any questions regarding traffic.

This concluded the applicant's presentation.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There was no response.

Chairman Millay asked if there was anyone present in opposition to the request or having questions.

Attorney David Koenig stated that he and his law partner, Steve Dallas, were present on behalf of Mr. Fray Escue, the adjacent property owner (100 acres) to the west. He stated that Mr. Escue is one of the people Hemmer spoke with and he did not join in. Mr. Koenig stated that this proposal to some extent landlocks the Escue property, which is adjacent to I-1/PD and to the area the Land Use Map shows as "Business Park". He stated that the Comprehensive Plan requires that developments take into account their impact on surrounding land and provide where necessary any features to assist in any other development. The Comprehensive Plan indicates that Bullock Lane is not an appropriate means of access to the Escue property if it develops. He stated that the answer is in the first paragraph of the Staff Recommendation regarding traffic, providing circulation within the development, and potential access to any other development.

Mr. Koenig stated that Mr. Escue does not necessarily object to this zone change, but he objects to the Comprehensive Plan as it has been presented to the Planning Commission and requests that the Planning Commission stipulate that the Staff's comments be facilitated.

There being no further comments from the public, the Chairman asked if there were any comments or questions from the Commissioners.

Mr. McMillian questioned why there would not be access to the property to the west.

Mr. Hargis stated that they do not own the property to the west. They are trying to show a Development/Concept Plan that facilitates the property they have under control. He has no idea of how the property to the west will develop, but they are receptive to taking a look.

Mr. McMillian stated that the Planning Commission requires access to other properties and there has to be a commitment to the access.

Mr. Hargis reviewed the plan. He indicated the Escue property. He showed the road coming in and the bridge and cul-de-sac.

which is adequate to support access into the Escue property. He noted that there is another 120 acres of Smith property back there, but they were not interested in joining this effort. He stated that they also looked at an area where they have worked with Mr. Escue and owners of smaller residential uses and, if they were able to work with them, the road could be looped and come around -- which opens up another 200 acres. But he does not have that property now and it does not make sense to show a development concept for that property. He stated that while some of the people who have joined in this effort support the industrial zoning, they are not ready to commit that they want their land to be immediately developed. They want the triangular piece owned by the Jacobs family rezoned industrial and it will be developed potentially later on, but he cannot depend on being able to route traffic through there to access property to the north.

Mr. McMillian questioned access to the Escue property.

Mr. Hargis stated that the access would have to cross the Jacobs property, which was the problem when this came through for residential zoning -- there was not access to KY 237 for residential use. He stated that because they have been able to assemble this number of acres, the airport for the first time has been willing to release some of its land and put it back into use and will work with them on an industrial basis. They will not work with them if any of this property becomes residential. If residential is allowed around the flight paths, it will kill 80 acres of development and a piece of property owned by the Crigler family will not be accessible. He stated that this property will be cut in half if access is granted through their industrial property to someone else's property without any constraints on what can be done with that property. They have indicated to people that they can provide access through their property as long as the property is developed in a similar fashion and the properties are willing to go along with the restrictions that are placed on them. He stated that he heard for the first time this evening about a linear park along their property.

Mr. McMillian stated that they cannot landlock other property. Mr. Hargis stated that it would not be an intent on their part. When they did AirPark, there was a restriction because R.C. Durr had property back on a ridge and if they built Aviation Boulevard they would landlock him. They worked out an agreement with him based on a condition that was established by the Planning Commission that he would have access. They are not trying to block anyone out, but they can only work with what they have.

Mr. McMillian stated that he does not want them to landlock anyone. Mr. Hargis responded "That's fine -- that's reasonable".

Mr. Caddell questioned why the applicant spoke with the Boone County Board of Education about an industrial development. Mr. Hargis stated that it was the recommendation of one of their consultants that they touch base with the School Board because their main access would be coming out at Kugler Path and Conner Road. The School Board indicated that the school was overcrowded at this time and residential development would be an undue burden on them. They felt that the taxes generated by industrial development -- without the introduction of new students -- would be beneficial to Boone County. They also felt that the traffic situation could be handled.

Mr. Caddell stated that it is difficult for him to deal with a Concept Development Plan of this size in which they state some of the "connections", but building on the different properties is based largely on when those properties might be available to be developed for the use they are seeking. Mr. Hargis stated that there is only one situation like that. He indicated the former Crigler property, the Bullock Lane property, and the Jacobs property. He stated that they brought the road system over and back to a cul-de-sac so that in the future they could come off the cul-de-sac. This leaves the Jacobs property untouched by the development, but provides an access point for the properties if they decide to develop. They could bring a side road off the main road to the Jacobs property.

Mr. Caddell asked Mr. Hargis to delineate the boundaries and the property owners for the Zone Change Committee Meeting.

Mrs. Schaffer stated that the I-1 uses proposed are offices, manufacturing, and light industrial. She suggested that the Committee look at the other uses in I-1 that may not be appropriate. She stated that the intensity is only half what is allowed, which is good. She is concerned about the buffering against the residential area at Bullock Lane and KY 20.

Mr. Steve Escue questioned if he were to use the access off KY 237 through airport property to the property to the west of this development, would the use have to be consistent with this plan or could the property be used for residential purposes. Mr. Hargis responded that their agreement with the airport is that any access to KY 237 through airport property cannot facilitate residential development because of the problems it will cause them in regard to noise control. Mr. Costello stated that the property is zoned A-2 and would have to be rezoned residential. Mr. Escue questioned that if the main access point makes use of airport property, would that restrict use of the property to the west? Mr. Millay stated that these issues are not part of the current request.

Mr. Costello stated that he can invite Mr. Huber to attend the Committee Meeting.

Chairman Millay asked if there were any further comments or questions.

Mona Richardson, 3250 Bullock Lane, stated that her property is connected to the Escue property. She stated that this property is not suitable for a subdivision. She lives at the end of the property and there is airport noise. It is not suitable to put people in this noise zone.

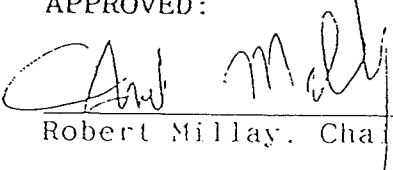
Mr. Fray Escue stated that he owns 104 acres that is connected to this property. He stated that he is not able to see and has to rely on what he has heard. He has talked to Hemmer about his property. He did not know Hemmer was talking about rezoning anything except what was on KY 237. He adjoins some of the property on KY 237, and he adjoins the Jacobs property. He stated that he has no objection to the rezoning of this property for industrial, but feels that his property should be considered for the same zoning. He feels that the whole area should be opened up for industrial.

Ray Teeson, a resident of Bullock Lane, stated that he has five acres and he agrees with Mr. Escue. He asked if his property can also be considered for industrial zoning. Chairman Millay advised Mr. Teeson that he would have to make a separate application. Rezoning his property is not possible under the current application.

Mr. Teeson asked if rezoning on three sides of his property will reduce his property value. Counselor Wilson explained that the Planning Commission does not focus on property values, whether increased or decreased. The Planning Commission focuses on land use and its impact on properties.

The Chairman asked if there was anyone else present who wished to speak. There being no response, Chairman Millay stated that the Committee Meeting for this item will be on July 21, 1998 at 5 P.M. in this room. This item will be on the Agenda for the Business Meeting in this room on August 5, 1998 at 7:30 P.M.. The Chairman closed this Public Hearing and called for a short recess.

APPROVED:


Robert Millay, Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

Mr. Mike Hargis
August 18, 1998
Page 2

7. A landscaping master plan that includes extensive landscaping and earth berms along KY 237 and the entrance road shall be provided. This landscaping plan shall be submitted as part of the improvement plan review.
8. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights of way, particularly toward KY 237 and the entrance road.

Sincerely,

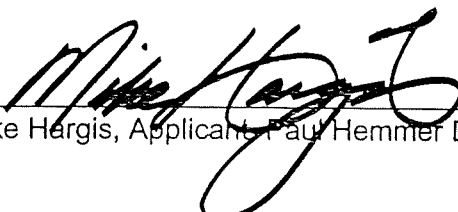


Edward Coleman
Planner

EC\pr

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment for the properties located along KY 237 and KY 20 near the KY 237/KY 20 intersection in Boone County.



Mike Hargis, Applicant, Paul Hemmer Development Company

MINUTES
BOONE COUNTY FISCAL COURT
September 29, 1998
5:30 P.M.

ORDINANCE NO. 09-98-02 - BOONE COUNTY DEPUTY SHERIFF MERIT BOARD

Judge Burcham read a summary of Ordinance No. 09-98-02 and declared a Public Hearing open at 5:52 p.m. Hearing no objection, Judge Burcham closed the Public Hearing at 5:53 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 09-98-02, an ordinance of the Boone County Fiscal Court relating to the establishment of the Boone County Deputy Sheriff Merit Board. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

ORDINANCE NO. 920.362 - PBS&J/DANIELS INVESTMENTS

Judge Burcham read a summary of Ordinance No. 920.362 and declared a Public Hearing open at 5:54 p.m. Hearing no objection, Judge Burcham closed the Public Hearing at 5:55 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.362, an ordinance of the Boone County Fiscal Court to consider the request of PBS&J (Applicant) for Daniels Investments (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Commercial Services (C-3) to Commercial Four (C-4) on a 1.94 acre site located at 377 Mt. Zion Road, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-98-017-A. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

ORDINANCE NO. 920.363 - HARGIS/HEMMER/JACOBS/CRIGLER/DOLWICK/KENTON COUNTY
AIRPORT BOARD/BULLOCK/BAKER

Judge Burcham read a summary of Ordinance No. 920.363 and declared a Public Hearing open at 5:57 p.m. Mr. Mike Hargis, applicant, presented an overview of the proposed project. Discussion ensued relative to the amount of green space, access road and buffering. Having had the concerns addressed and hearing no further discussion, Judge Burcham declared the Public Hearing closed at 6:20 p.m.

Commissioner Patrick then moved, seconded by Commissioner Meihaus, to approve (with an additional condition placed by the Fiscal Court that the Jacobs property be granted access through this development to KY 237) on Second Reading Ordinance No. 920.363, an ordinance of the Boone County Fiscal Court approving the request of William M. Hargis/Paul Hemmer Development Co. III (Applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen Jacobs, Mary L. Crigler, Et Al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker And Hazel Baker (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) on an approximate 210 acre site generally located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution R-98-018-A. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"