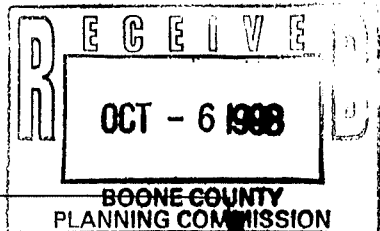


APPLICATION FORM



ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)  
**SECTION A** (To be completed by applicant)

1. Name of Project AIRPARK WEST
2. Location of Project FR. 237 & LOT 20 HERBON KY
3. Total Acreage of Site 44.2±
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) OFFICE, MANUFACTURING, WAREHOUSING, DISTRIBUTION CTL.
7. Names of Applicant(s) W.M. HARGIS / PAUL HERRIER DEVELOPMENT CO III  
Phone Number 341-8300 Fax No. 341-6817
8. Address of Applicant(s) 250 GRANOVEN DR  
FR. MITCHELL KY 41017  
City State Zip
9. Name of Property Owner(s) B. FRAZIER & DOROTHY B. ESCUE  
Phone Number 689-7843 Fax No. —
10. Address of Property Owner(s) 3145 BULLOCK LN  
HERBON KY  
City State Zip
11. Proposed Building Intensities (please specify)  
(500,000 TO 600,000 SF ±)
12. Are there any existing buildings on the site? No  
How many? —
13. Deed Book SEE EXHIBIT Page No. — Group No. 2007
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
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 within the last several months:

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

**EXHIBIT "A"**

## STAFF REPORT

Request of William M. Hargis/Paul Hemmer Development Company III (applicant) for R. Frazier Escue and Dorothy B. Escue (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre tract that is located near the southwest corner of the KY 237/KY 20 intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

November 4, 1998

### REQUEST

This request is for a zone change from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre site that is located at the southern terminus of Bullock Lane. The area in question adjoins an approximate 210 acre area to the east and south that was recently rezoned from RSE, SR-1, SR-2, C-2/PD, and I-1/PD to I-1. This earlier request was conditionally approved by both the Planning Commission and Fiscal Court. The area subject to the current application would be an addition to the 210 acre development.

The application form states that the proposal includes office, manufacturing, warehousing, and distribution center uses and that the tract would have between 500,000 and 600,000 square feet of building area (between approximately 11,400 and 13,600 square feet of building area per acre). The Concept Development Plan illustrates a 150,000 square foot building, a 30,000 square foot building, and two 187,500 square foot buildings (555,000 total square feet of building area shown on the plan).

The plan also illustrates a public road that runs from the main road in the 210 acre portion of the development (intersects with KY 237 at Conner Road) to the property that adjoins the 44 acre tract to the west. This road runs through the center of the 44 acre tract in an east/west manner. The plan also illustrates a vehicular connection from this main road, along the western boundary of the 44 acre tract, to the remaining Escue property. This connection may be either a public road or a private driveway. No vehicular connection to Bullock Lane is proposed.

### SITE HISTORY

1994 The site was part of a zone change request from RSE to SR-1 for a larger tract (Escue property - 104 acres) to allow a subdivision for single family residences. The Planning Commission recommended conditional approval of the application, however, the request was denied by the Fiscal Court.

1996 The site was again part a zone change request for a larger tract from RSE to SR-1 (total area included in this request was slightly different from the 1994 application). The Planning Commission recommended conditional approval of the request, but the application was withdrawn by the applicant before second reading by the Fiscal Court.

### SITE CHARACTERISTICS

As mentioned previously, the site is located at the dead end of Bullock Lane and contains approximately 44 acres. The site is largely rolling pasture and contains a barn in the northeast corner and a large farm pond in the center of the site. Tree lines are located along the east, west, and southern boundaries of the site and the southwest corner of the tract is largely wooded. There is a mostly unobstructed view into the property from the residential properties at the end of Bullock Lane to the north. There is an intermittent blue line stream that runs at/near the west boundary of the site.

### ADJOINING LAND USES/ZONING

The land uses and zoning that adjoin the site include the following:

- A. Pastures with some intermittent wooded areas are located to the east and south (I-1). These areas are part of the 210 acre tract that was recently rezoned to I-1 and that is proposed to be assembled with the subject tract.
- B. Pastures with some intermittent wooded areas are located to the west (RSE).
- C. Detached, single family residences are located to the north along Bullock Lane (RSE). The remaining Escue property (largely pastures, associated agricultural/equestrian facilities, and single family residences) is located to the northwest (RSE).

### RELATIONSHIP TO AIRPORT

The southern portion of the site is within the 65 Ldn contour on the "Official 1997 Noise Exposure Map." The site is not within a noise contour on the "Long Term Noise Abatement Plan - 2003" map. These are the noise exposure maps provided by the Kenton County Airport Board to the Planning Commission.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan designates the site in question for "Suburban Density Residential" uses. The Comprehensive Plan describes this designation as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Area C-2: Hebron Area) makes the following statements that relate to the area in question.

- A. Industrial developments should be designed to direct truck traffic to collector roads and away from KY 20 (pg. 219).
- B. The southwest quadrant of the intersection (KY 237/KY 20) 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 (pg. 219).

The Land Use Element provides the following general statements that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 210).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 210).

- C. 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 vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

- D. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The Business Activity Element makes the following statements that relate to the general area.

- A. Property on the north side of KY 20 and near the existing and planned Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities ("Areas of Future Industrial and Office Activity," pg. 84).

The specific site in question is not designated for commercial or industrial development on the "Future Industrial and Commercial Development" map provided in the Business Activity Element (pg. 87). However, the adjoining area to the east is designated for Commercial development and the adjoining area to the south is designated for Industrial development on this map.

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

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments ("Overall," Objective 2).

- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective 6).
- E. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal).
- F. 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).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible ("Environment," Physical Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- I. Appropriate locations for business compatible with the surrounding areas are provided in Boone County ("Business Activity," Goal).
- J. 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 Objective).
- K. 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," Objective 1).

- L. Effective site placement, architectural design and landscape design for industrial uses shall be encouraged to enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, 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).

#### STAFF CONCERNS

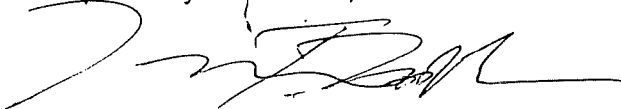
1. As noted previously, the Future Land Use Map designates the property for Suburban Density Residential uses. Although the proposal does not conform to this map, the Planning Commission will need to consider the other relevant portions of the Comprehensive Plan, notably those that pertain to appropriate locations for industrial uses. The Commission will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character. The Commission will need to consider the approved zone change to I-1 for the adjoining 210 acre tract, as well as the proximity of the property to airport noise contours, when evaluating these issues.
2. Adequate buffering needs to be provided for the proposal where the subject tract abuts the adjoining RSE zoned properties. Article 37 of the Zoning Regulations specifies Buffer Yard C in these instances (25' wide buffer area with specified plantings). The Comprehensive Plan also suggests that existing vegetation be retained within developments. Therefore, should the proposal be approved, Staff recommends that the existing tree line along the west boundary of the site be preserved and incorporated into the required buffer area (credit is given toward the landscaping aspect of the buffer requirement for existing trees that are maintained). In order to help provide a better visual barrier of the development from the properties to the north when considering there is no tangible existing vegetation along the north property line, Staff suggests that a berm (or a series of interconnected, meandering berms or similar land forms) be required in addition to the normal planting requirements for the required buffer along the northern boundary of the site. Planting the required trees on a berm or similar land form would help provide greater visual separation due to the additional height.
3. Condition #7 of the zone change approval for the adjoining 210 acre tract requires the submission of a landscaping master plan with the improvement plan application. The Commission should consider expanding this requirement to include the 44 acre tract currently under review as well (see attached Committee Report).

4. Condition #8 of the zone change approval for the adjoining 210 acre tract requires design review approval for the individual projects within the overall development. In order to maintain the aesthetic integrity of the structures on the 44 acre tract as viewed from the adjoining RSE zoned properties and the proposed public street(s), the Planning Commission should consider the same or a similar condition for this request.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if the Planning Commission and Fiscal Court approve this request.

Respectfully submitted,

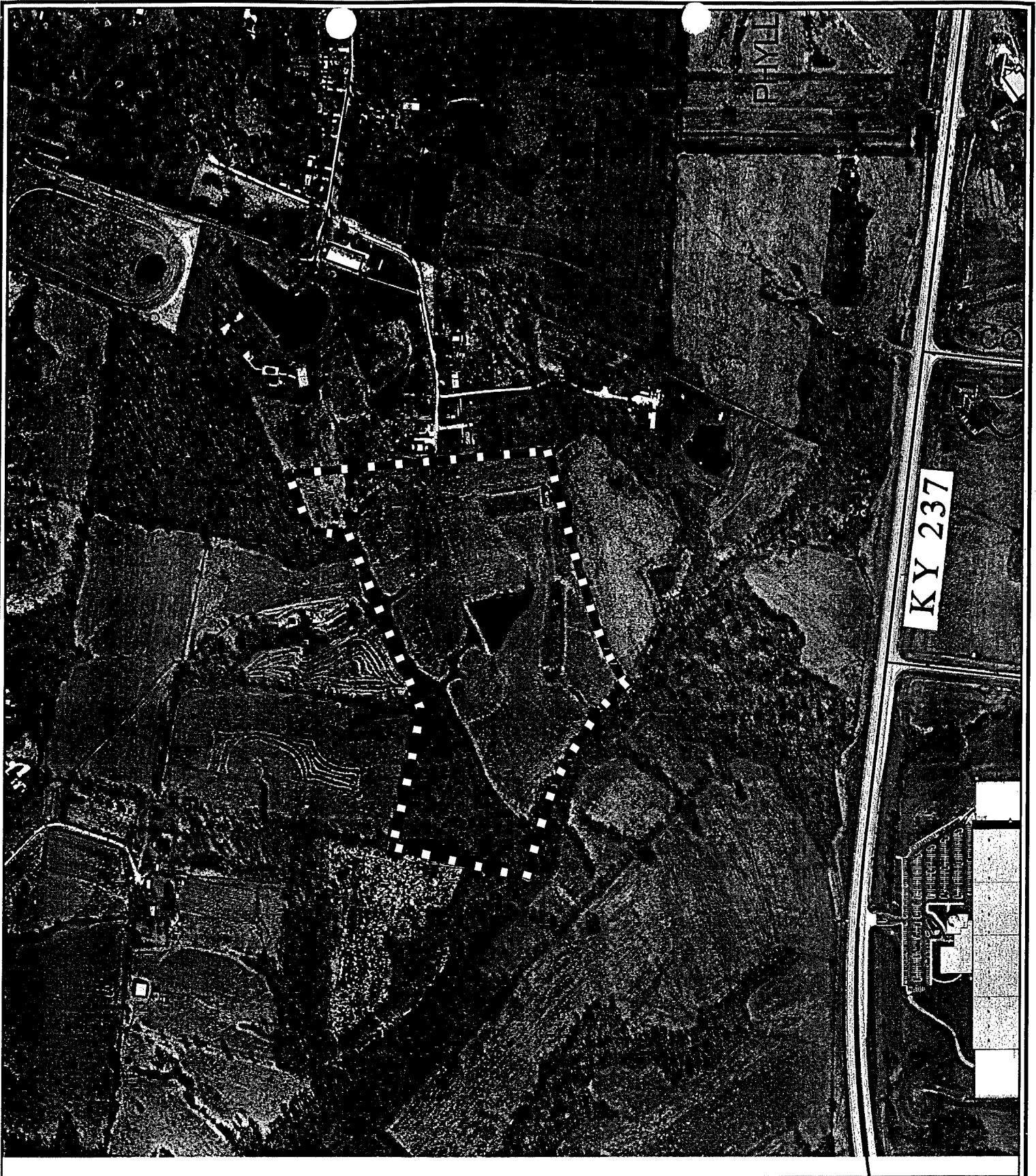


Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTWpr

#### attachments:

- air photo
- future land use map
- application materials including Concept Development Plan
- Committee Report for Hemmer/Jacobs/Crigler/Dolwick/Kenton Co. Airport Board/Bullock/Baker zone change request dated 8/19/98



600 0 600 Feet

1 inch equals 600 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
October 29, 1998



**Hemmer**



KY 237

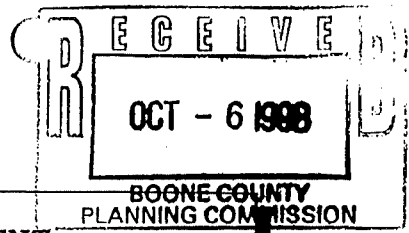
# Future Land Use

500 0 500 Feet

1 inch equals 500 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
October 29, 1998



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 AIRPARK WEST
- 2. Location of Project Rt. 237 & I-75 HEBDON KY
- 3. Total Acreage of Site 44 AC
- 4. Current Zoning of Site RSE
- 5. Proposed Zoning (Classification being requested) I-1
- 6. Proposed Uses (please specify each use) OFFICE, MANUFACTURING, WAREHOUSING, DISTRIBUTIONAL CTR.
- 7. Names of Applicant(s) W.M. HARGIS / PAUL HERRER DEVELOPMENT CO III
- Phone Number 341-8300 Fax No. 341-6817
- 8. Address of Applicant(s) 250 CANTONVIEW DR
- FL MITCHELL KY 41017
- City State Zip
- 9. Name of Property Owner(s) B. FRAZIER & DOROTHY B. ESCUE
- Phone Number 689-7843 Fax No. ---
- 10. Address of Property Owner(s) 3145 BULLOCK LN
- HEBDON KY
- City State Zip
- 11. Proposed Building Intensities (please specify)  
(500,000 TO 600,000 SF +/-)
- 12. Are there any existing buildings on the site? No
- How many? ---
- 13. Deed Book SEE EXHIBIT Page No. --- Group No. ---
- 14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
- 15. Have you submitted a Concept Development Plan? YES
- 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 within the last several months:

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

ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2

- Northern Kentucky Health District.
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

18. Project Jurisdiction/Location  
 Unincorporated Boone County       Walton Union  
 Florence       Florence Union

19. Applicant's Signature Wm Michael King  
 Property Owner's Signature See Attached Contract to Purchase

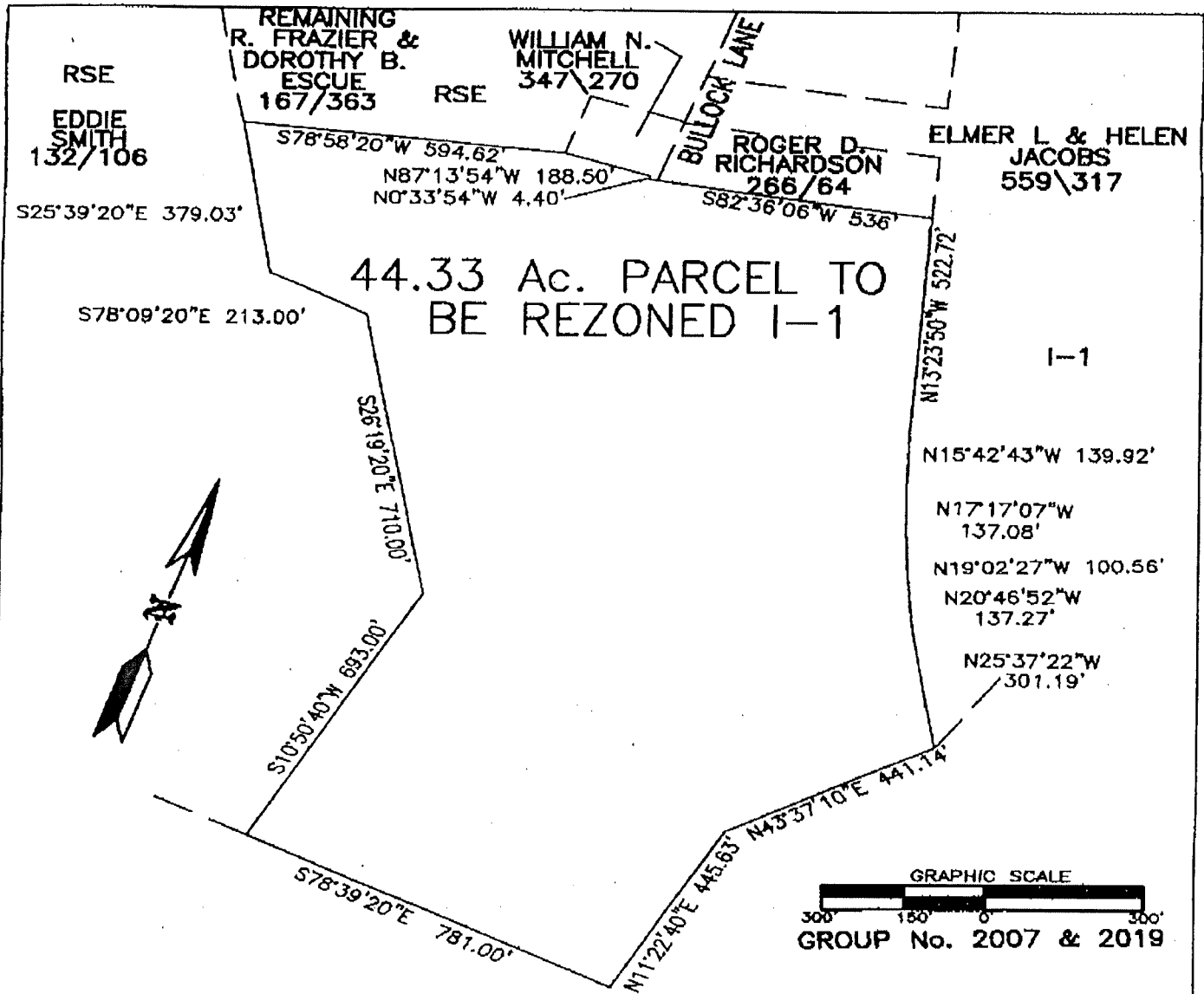
**SECTION B** (To be completed by BCPC Staff)

1. Date Received 10/6/98
2. Review Fee 1,572.00 R 18365
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - Number of copies of plan received
4. Is application complete?  Yes  No
5. Staff Reviewer KEVIN WALL
6. Committee Chairman PAUL ONISTROM
7. Scheduled Public Hearing Date 11/4/98
8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

**\*\* Five (5) Copies Are Required**

Boone County Planning Commission  
 2995 Washington Street  
 Burlington, Kentucky 41005  
 (606) 334-2196 Phone  
 (606) 334-2264 Fax

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.



MARY L. CRIGLER ET.AL.  
 211/379, 211/381, & 381/88  
 I-1

44.33 Ac. PARCEL TO BE REZONED I-1  
 NEAR KY 237 & KY 20  
 BOONE CO. KY  
 SCALE 1" = 300' OCTOBER 5, 1998



**VIOX & VIOX INC.**  
 CONSULTING ENGINEERS & SURVEYORS  
 468 ERLANGER ROAD  
 ERLANGER, KENTUCKY 41018  
 PHONE: (606) 727-3293



RECEIVED  
OCT 29 1998

BOONE COUNTY  
AIRPORT CONSTRUCTION

PRELIMINARY  
SITE PLAN STUDY  
1" = 200'-0"



**HEMMER**  
Paul Hemmer Construction Company



AIRPARK INTERNATIONAL - WEST

SR 237 - HEBRON, KENTUCKY

1" = 200'-0"

PROJECT: SR 237 - HEBRON, KY AIRPARK INTERNATIONAL

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
November 4, 1998  
7:30 P.M.

PUBLIC HEARING

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Mr. David Doerger; Ms. Jan Hancock, Secretary; Mr. Mitch Light, and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Mr. Robert Millay, Chairman, called the meeting to order at 7:45 P.M.. Following an explanation of the Public Hearing process, Chairman Millay introduced the first item on the Agenda:

1. Applicant: William M. Hargis/Paul Hemmer Development Company III for R. Frazier Escue and Dorothy B. Escue (owners)

Request: Zoning Map Amendment

The request of William M. Hargis/Paul Hemmer Development Company III (applicant) for R. Frazier Escue and Dorothy B. Escue (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre tract that is located near the southwest corner of the KY 237/KY 20 intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, stated that Staff had done a good job of presenting the request. He stated that they were going to bring this request to the Planning Commission after the last rezoning effort. He stated that they met with the Zone Change Committee during the process of the 210-acre rezoning. He stated that they will comply with the conditions placed on them at the last rezoning. Mr. Hargis offered to answer any questions.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions. There was no response.

The Chairman asked if there were any questions or comments from the Planning Commission.

Mr. Neltner questioned how close the buildings are to the residential properties and the height of the buildings.

Mr. Hargis stated that the buildings indicated on the plan are a concept. He stated that prior to the approval of the 210-acre parcel, they purchased three homes at the end of Bullock Lane. They gave the property owners the option of selling to them or remaining there and they would buffer them as best they could. Three of the four opted to sell to them.

Mr. Neltner questioned the widths of the lots. Mr. Hargis stated that two are probably 100 feet across and one is about 150 feet across. Mr. Neltner commented that there will be a property owner 100 to 150 feet away from this development. Mr. Hargis stated that he believes they are further away than that. Chairman Millay questioned how far the buildings are from the property line.

Mr. Hargis stated that there has to be a landscaped buffer area because the adjoining property is zoned Residential. He stated that he believes it is a 25-foot "C" type buffer with landscape berms. The buildings could be within 25' - 30' of the buffer. He stated that the requirement is to be 50 feet off the property line.

Mr. Neltner stated that he has a problem with allowing industrial buildings to come up to a residential community. He stated that they could put up a 50' or 60' building with a five-foot berm and 10-foot tall pine trees -- and the people living in the community would not be buffered from the buildings.

Mr. Hargis stated that they are planning distribution-type buildings that are 30' - 32' feet tall. He stated that people will probably be able to see the tops of the buildings from the residential properties and that is why they gave the property owners the option of selling to them. He stated that if the Committee has a suggestion of something they would like them to do, they are willing to listen. He stated that they offered to buy the properties to eliminate any visual impact.

Mrs. Smith questioned the properties at the end of Bullock Lane. Mr. Hargis responded that there are three houses and a trailer owned by Mr. Jacob. There is also a five-acre piece in the curve owned by Mr. Theissen. He opted to stay and said that the industrial would not bother him. Their offer is still open to


purchase the property. Mrs. Smith asked if there will still be people living at the end of Bullock Lane. Mr. Hargis stated that if they owned the property, they would probably lease the house until they decide what to do with it. He stated that they have an option on the remaining Escue property. He stated that if they are able to acquire the remaining Escue property and other properties in the area, then they would include the houses in the zone change application and they would be eliminated.

Mrs. Smith asked if the only entrance into the development will be off KY 237 and through the 210 acres. Mr. Hargis responded "that is correct". Mrs. Smith asked if there will be an entrance off Bullock Lane. Mr. Hargis responded "no" and added that they agreed to that in the rezoning of the 210 acres.

There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on November 5, 1998 at 5 PM in the second floor conference room. This item will be on the Agenda for the Business Meeting on November 18, 1998 at 7 PM.

The Chairman closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
Robert Millay, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
November 18, 1998  
7 P.M.

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Mr. Robert Millay, Chairman, called the meeting to order at 7:03 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. David Doerger  
Mr. David Geohegan, AICP  
Ms. Jan Hancock, Secretary  
Mr. Kevin Wall, AICP, CDT - Director, Zoning Services

4. Zoning Map Amendment

The request of William M. Hargis/Paul Hemmer Development Company III (applicant) for R. Frazier Escue and Dorothy B. Escue (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre tract near the southwest corner of the KY 237/KY 20 intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Mr. Viox stated that he has a conflict in regard to Item #4 as he has provided engineering services for the applicant. Mr. Viox left the meeting room at this time.

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. Wall noted a correction to the Committee Report - On Page 1 in the last line of Findings of Fact #1, the word "west" should be "south". The applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. Damstrom moved to approve the request based on the Staff and Committee Reports. Mr. White seconded the motion. A vote on the motion found all voting members in favor. Mr. Viox was not present and did not vote. The motion carried.

5. Concept Development Plan

The request of Raymond Erpenbeck Consulting Engineers (applicant) for John Bill Keck (owner) to consider a Concept Development Plan for an approximate 1.6 acre tract at 7490 Woodspoint Drive, Florence, Kentucky. The request is for a Concept Development Plan to allow a hotel in a Commercial Services/Planned Development (C-2/PD) zone.

The applicant has requested deferral of the request.

Mr. Neltner moved to defer the request to the December 16, 1998 Business Meeting at 7 PM. Mr. White seconded the motion and it carried unanimously.

6. Houston-Donaldson Study Review - Bob Sumerel  
Donaldson Highway west of Turfway Rd.

Staff Member Kevin Wall stated that the proposal is to construct a 10,000 square foot building for a tire store and changing truck tires on Donaldson Highway. The request was reviewed by the Long Range Planning Committee about a month ago. The Committee recommends the request follow the normal Public Hearing process and Concept Development Plan Review process (see Committee Report).

# EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: November 18, 1998

RE: Request of **William M. Hargis/Paul Hemmer Development Company III (applicant)** for **R. Frazier Escue and Dorothy B. Escue (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre tract that is located near the southwest corner of the KY 237/KY 20 intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the conditions listed below.

### Findings of Fact:

1. The Committee has determined that the applicant has adequately demonstrated that the proposed Industrial One (I-1) classification is the most appropriate zoning for the 44 acre site and the applicant has demonstrated that the proposed use of the property for light industrial development is the most appropriate use of the site. The applicant has also demonstrated that the proposed uses within the I-1 zoning classification, along with the proposed Concept Development Plan, produce a cohesive and coordinated development with the adjoining 210 acre site to the east and west that was recently rezoned to Industrial One.
2. The Committee has concluded that the request is in agreement with the text of the 1995 Boone County Comprehensive Plan due to the following reasons:
  - A. The Land Use Element (pg. 219) states "industrial development should be designed to direct truck traffic to collector roads and away from KY 20" and "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." The proposal will use the main road from the adjoining 210 acre site that is zoned I-1 for access; this road intersects with KY 237. In addition, the applicant has agreed to a condition that prohibits the development from using Bullock Lane for access.

- B. The Business Activity Element (pg. 84) states "the area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities." The Goals and Objectives (Business Activity, Objective 1) state "industrial development shall be encouraged to locate near railroad lines, highways, the Ohio river, the Airport and on Airport owned lands." The site is within proximity to the Airport and Airport owned property, and will have direct access to KY 237 through real property that is zoned I-1.
3. Based on findings of fact numbered 1 and 2 above, the fact that the southern part of the tract is within the 65 Ldn contour on the "Official 1997 Noise Exposure Map," and the fact that past attempts to rezone the site for suburban style residential development have been unsuccessful, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

CONDITIONS:

1. If the vehicular connection that is shown on the Concept Development Plan along the west property line between the main road in the development and the remaining Escue property to the northwest is not a publicly dedicated street, the applicant will provide an access easement to permit the remaining Escue property the right to use this vehicular connection.
2. The applicant shall file an appropriate document with the Boone County Clerk which discloses to any future buyers of the three houses at the end of Bullock Lane that are owned by the applicant that said properties adjoin or are in close proximity to real property that is zoned Industrial One (I-1) and that the property is intended to be used for office, warehouse, manufacturing, and distribution center uses. This document shall explicitly state or illustrate the location and extent of the 44 acre tract in question relative to these three residential structures.

3. The development shall not use Bullock Lane for vehicular access.
4. The development shall be subject to the following conditions that were also conditions of zone change approval for the adjoining 210 acre tract.
  - A. 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 (condition #4).
  - B. 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 (condition #7).
  - C. 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 KY 237 and the entrance road (condition #8).

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

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

*Barry Neltner*  
\_\_\_\_\_  
**Barry Neltner**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*William Viox*  
\_\_\_\_\_  
**William Viox**

For \_\_\_\_\_ Against \_\_\_\_\_  
Abstain  \_\_\_\_\_ Absent \_\_\_\_\_

*Earl White*  
\_\_\_\_\_  
**Earl White**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

**TOTAL: 4 FOR - AGAINST 1 ABSTAIN - ABSENT**

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
November 4, 1998  
7:30 P.M.

PUBLIC HEARING

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Mr. David Doerger; Ms. Jan Hancock, Secretary; Mr. Mitch Light, and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Mr. Robert Millay, Chairman, called the meeting to order at 7:45 P.M.. Following an explanation of the Public Hearing process, Chairman Millay introduced the first item on the Agenda:

1. Applicant: William M. Hargis/Paul Hemmer Development Company III for R. Frazier Escue and Dorothy B. Escue (owners)  
Request: Zoning Map Amendment

The request of William M. Hargis/Paul Hemmer Development Company III (applicant) for R. Frazier Escue and Dorothy B. Escue (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 44 acre tract that is located near the southwest corner of the KY 237/KY 20 intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, stated that Staff had done a good job of presenting the request. He stated that they were going to bring this request to the Planning Commission after the last rezoning effort. He stated that they met with the Zone Change Committee during the process of the 210-acre rezoning. He stated that they will comply with the conditions placed on them at the last rezoning. Mr. Hargis offered to answer any questions.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions. There was no response.

The Chairman asked if there were any questions or comments from the Planning Commission.

Mr. Neltner questioned how close the buildings are to the residential properties and the height of the buildings.

Mr. Hargis stated that the buildings indicated on the plan are a concept. He stated that prior to the approval of the 210-acre parcel, they purchased three homes at the end of Bullock Lane. They gave the property owners the option of selling to them or remaining there and they would buffer them as best they could. Three of the four opted to sell to them.

Mr. Neltner questioned the widths of the lots. Mr. Hargis stated that two are probably 100 feet across and one is about 150 feet across. Mr. Neltner commented that there will be a property owner 100 to 150 feet away from this development. Mr. Hargis stated that he believes they are further away than that. Chairman Millay questioned how far the buildings are from the property line.

Mr. Hargis stated that there has to be a landscaped buffer area because the adjoining property is zoned Residential. He stated that he believes it is a 25-foot "C" type buffer with landscape berms. The buildings could be within 25' - 30' of the buffer. He stated that the requirement is to be 50 feet off the property line.

Mr. Neltner stated that he has a problem with allowing industrial buildings to come up to a residential community. He stated that they could put up a 50' or 60' building with a five-foot berm and 10-foot tall pine trees -- and the people living in the community would not be buffered from the buildings.

Mr. Hargis stated that they are planning distribution-type buildings that are 30' - 32' feet tall. He stated that people will probably be able to see the tops of the buildings from the residential properties and that is why they gave the property owners the option of selling to them. He stated that if the Committee has a suggestion of something they would like them to do, they are willing to listen. He stated that they offered to buy the properties to eliminate any visual impact.

Mrs. Smith questioned the properties at the end of Bullock Lane. Mr. Hargis responded that there are three houses and a trailer owned by Mr. Jacob. There is also a five-acre piece in the curve owned by Mr. Theissen. He opted to stay and said that the industrial would not bother him. Their offer is still open to

purchase the property. Mrs. Smith asked if there will still be people living at the end of Bullock Lane. Mr. Hargis stated that if they owned the property, they would probably lease the house until they decide what to do with it. He stated that they have an option on the remaining Escue property. He stated that if they are able to acquire the remaining Escue property and other properties in the area, then they would include the houses in the zone change application and they would be eliminated.

Mrs. Smith asked if the only entrance into the development will be off KY 237 and through the 210 acres. Mr. Hargis responded "that is correct". Mrs. Smith asked if there will be an entrance off Bullock Lane. Mr. Hargis responded "no" and added that they agreed to that in the rezoning of the 210 acres.

There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on November 5, 1998 at 5 PM in the second floor conference room. This item will be on the Agenda for the Business Meeting on November 18, 1998 at 7 PM.

The Chairman closed this Public Hearing.

APPROVED:

\_\_\_\_\_  
Robert Millay, Chairman

Attest:

\_\_\_\_\_  
Jan Hancock, Recording Secretary

# SUPPORTING INFORMATION

## 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"/>

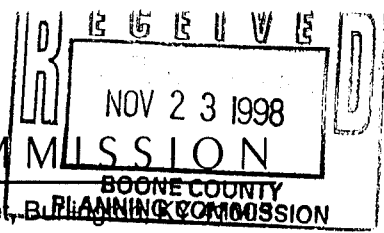
<i>Barry Neltner</i>	
Barry Neltner	
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<i>Earl White</i>	
Earl White	
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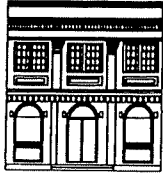
TOTAL:	<u>4</u> FOR	<u>-</u> AGAINST	<u>-</u> ABSTAIN	<u>-</u> ABSENT
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BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Boone County, KY 40303



606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

November 6, 1998

RECEIVED  
NOV 9 0 1998  
PAUL HEMMER  
CONSTRUCTION CO.

Mr. Wm. M. Hargis  
Paul Hemmer Development Co. III  
250 Grandview Drive  
Fort Mitchell, KY 41017

RE: Conditions of Approval for Zone Change from RSE to I-1 for 44 Acre Tract Located at the Southern Terminus of Bullock Lane, Boone County, Kentucky

Dear Mr. Hargis:

The following represents the conditions of approval agreed to by the Planning Commission's Zone Change Committee for the above referenced request. If you, as the applicant, agree to these conditions, please so indicate by signing the line at the end of the letter and returning it to me by Monday, November 16, 1998.

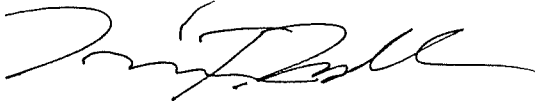
CONDITIONS:

1. If the vehicular connection that is shown on the Concept Development Plan along the west property line between the main road in the development and the remaining Escue property to the northwest is not a publicly dedicated street, the applicant will provide an access easement to permit the remaining Escue property the right to use this vehicular connection.
2. The applicant shall file an appropriate document with the Boone County Clerk which discloses to any future buyers of the three houses at the end of Bullock Lane that are owned by the applicant that said properties adjoin, or are in close proximity to real property that is zoned Industrial One (I-1) and that the property is intended to be used for office, warehouse, manufacturing and distribution center uses. This document shall explicitly state or illustrate the location and extent of the 44 acre tract in question relative to these three residential structures.
3. The development shall not use Bullock Lane for vehicular access.
4. The development shall be subject to the following conditions that were also conditions of zone change approval for the adjoining 210 acre tract.

Mr. Wm. M. Hargis  
November 6, 1998  
Page 2

- A. 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 (Condition #4).
- B. 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 (Condition #7).
- C. 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 towards rights-of-way, particularly KY 237 and the entrance road.

Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

AGREEMENT:

I, Wm. M. Hargis, applicant and authorized agent for the above referenced zone change request, hereby agree to the conditions noted above for the zone change from RSE to I-1 for the 44 acre tract located at the southern terminus of Bullock Lane, Boone County, Kentucky.

Wm. M. Hargis



11/12/98  
Date

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**December 22, 1998**  
**10:00 A.M.**

**ORDINANCE NO. 920.369 - HARGIS/HEMMER/ESCUE**

Judge Burcham read a summary of Ordinance No. 920.369 and declared a Public Hearing open at 10:23 a.m. Hearing no objection, Judge Burcham declared the Public Hearing closed at 10:26

Commissioner Patrick moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920.369, an ordinance of the Boone County Fiscal Court to consider the request of William M. Hargis/Paul Hemmer Development Company III (Applicant) for R. Frazier and Dorothy B. Escue (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Industrial One (I-1) ON an approximate 44 acre site generally located near the southwest corner of KY 237/KY 20 Intersection and near the southern terminus of Bullock Lane, Boone County, Kentucky, recommended (14 Yes – 1 Abstention) by the Boone County Planning Commission via Resolution No. R-98-031-A. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

**ITEM VI.**

**OLD BUSINESS**

**APPOINTMENT**

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve the re-appointment of William Shehan to the Boone County Water District Commission. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

**ORDER/COUNTY CLERK DEPUTIES & ASSISTANTS**

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the salaries and fringes of the County Clerk Deputies and Assistants as presented. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

**COUNTY CLERK BOND**

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the new County Clerk's Bond as presented. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

**BID AWARD 4X4 CREW CAB**

Commissioner Meihaus moved, seconded by Commissioner Campbell, to award the bid for the 4x4 Crew Cab Truck for the Public Works Department to Tri-State Sterling Trucks, Inc. in the amount of \$48,180.00. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

**BID AWARD/CONTRACTED SERVICES & MATERIAL ALTERNATES – PUBLIC WORKS DEPARTMENT**

Commissioner Meihaus moved, seconded by Commissioner Campbell, to award the alternate bids for contracted services and materials for the Public Works Department as presented. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"