

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: Answers in Genesis
2. Location of Project: East side of Deck Lane & Bullitsburg Church Road & South of I-275
3. Total Acreage of Site: 47.215 acres
4. Current Zoning of Site: RSE
5. Proposed Zoning (Classification being requested): PF
6. Proposed Uses (please specify each use): Museum, religious assembly, office, mail order operation, picnic areas, trails, ornamental monuments, storage, and small loading dock.
7. Names of Applicant(s): Answers in Genesis
Phone Number: (606) 371-9051 Fax No.: (606) 371-5980
8. Address of Applicant(s): c/o PBS&J, 1895 Airport Exchange Blvd., Suite 234
Erlanger, KY 41018
9. Name of Property Owner(s): Answers in Genesis (by option)
Phone Number: (606) 727-2222 Fax No.: (606) 727-2299
10. Address of Property Owner(s): 7080 Industrial Road
Florence KY 41042
11. Proposed Building Intensities (please specify): 1 to 3 buildings for a total of 95,000 s.f. on the 47.215 acre site for a building intensity of 2,012 s.f. per acre.
12. Are there any existing buildings on the site? Yes - a barn
How many? 1
13. Deed Book: 207, 279 Page No.: 514, 310 Group No.: 2003
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:

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

EXHIBIT "A"

STAFF REPORT

Request of **Answers in Genesis (applicant and agent authorized by owner)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47 acre tract located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and a small loading dock.

March 3, 1999

Request and Concept Development Plan

This request is being made by Answers in Genesis who is the owner by option. The current property owner is the Fred D. Riedinger Company which consists of Jerome B. & Barbara Hoffman and Joseph E. & Mary Carol Kathman. The request is to develop the 47.215 acre tract for a museum, religious assembly, office, mail order operation, picnic areas, trails, ornamental monuments, storage and a small loading dock. In 1998, the Zoning Administrator made an interpretation that the proposed uses are Principally Permitted in the Industrial One (I-1) zone. On August 19, 1998, the Boone County Planning Commission voted to deny the applicant's Zoning Map Amendment request of Industrial One (I-1). This denial was upheld by the Boone County Fiscal Court on November 10, 1998. An appeal of this decision and application is pending in Boone Circuit Court. Since then, the applicant has submitted a request for a Public Facilities (PF) zoning district. The facility would include a maximum of 95,000 square feet of building area with an overall intensity of 2,012 square feet per acre. The proposal consists of one and three buildings, however, the total combined building square footage will not exceed 95,000 square feet. The proposal also includes a private on-site well for potable water. A public water main is approximately 2.3 miles from this site along Petersburg Road (KY 20) just west of Watts Road. Water for fire protection is proposed to be drawn from an on site lake. The proposal shows an on-site waste water treatment plant for the disposal of all sanitary sewage. This system and its design must be approved by the State Division of Water.

Surrounding Zoning and Land Uses

- North: The Biedenbender property zoned Rural Suburban Estates (RSE), I-275, the Campbell Estate and the Stevens Family Trust both zoned Agriculture (A-1).
- East: The Hodges property zoned Rural Suburban Estates (RSE).
- South: The Fischer, Weis and Giesel properties zoned Rural Suburban Estates (RSE).
- West: The Moore property zoned Commercial Services (C-3), Bullitsburg Church Road and Deck Lane.

Adjacent existing land uses are Residential and Agricultural.

Site Characteristics

The property is bound by Interstate 275 along most of the northern boundary with direct visibility from I-275. The Campbell property on the north side of I-275 mirrors most of the interstate frontage of the Riedinger/Answers in Genesis property. This is the same site that was subject to a Zoning Map Amendment request in April of 1995 for a cellular tower for Nextel Communications. The Biedenbender residence at 2754 Deck Lane is the closest residence to the project being bound by Deck Lane to the west, I-275 to the north, and the subject property along the south and east. Deck Lane is an approximately 12 foot wide road that was recently paved. A lake that is surrounded by old growth vegetation is almost centered on the property. The proposed building shown on the submitted concept development plan is located north and west of the lake. This area is relatively flat with good visibility between the existing tree lines that run along the interstate. The remainder of the property consists of a cellular tower, barn, smaller pond, and a relatively flat pasture area to the south and east. A "Blue Line" stream, as noted on the Lawrenceburg USGS quad sheet, is located along the common property line with Hodges - this feature is outside of the limits of construction shown on the Concept Development Plan and is not proposed to be disturbed. The Concept Development Plan also depicts some passive and active recreational uses on the southern half of the property. These uses include a wildflower area, nature trails, play fields, picnic areas, toddler areas and volleyball court.

Relationship to the Boone County Comprehensive Plan

The 1995 Boone County Comprehensive Plan's 2020 Land Use Map indicates three (3) future land use designations for the site. The first, is Industrial (I); this designation encompasses approximately 25.6 acres or 54 percent of the site area. The second, for primarily the eastern portion of the site which includes a valley and creek, is Developmentally Sensitive (DS); this designation encompasses approximately 4.6 acres, or 10 percent of the site area. The third, located along the southern portion of the site, is Rural Lands (RS); this designation encompasses approximately 16.8 acres, or 36 percent of the site area. These land use designations are described as follows:

Industrial (I): Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses:

Developmentally Sensitive (DS): Areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have 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 detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing U.S. Department of Natural Resources Conservation (formerly Soil Conservation Service) data and mapping, through the GRASS Geographic Information Systems Program. The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessment will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development, or through a detailed county-wide inventory.

Rural Lands (RL): Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.

The subject site is located in Area B-2 "Idlewild Area". The text of Area B-2 of the Land Use Element does not specifically address this site. However, general statements such as:

"South of the interchange, Bullitsville Church Road should be improved and serve as the only access to the commercial development from the KY 20 Bypass."

"Development in this area should not be accompanied by major sanitary sewer facilities that could commit the Idlewild area to development."

In the "Areas of Future Commercial Activity" section, the Business Activity Element states the following regarding the interchange area in general (pg.83):

The Petersburg/Idlewild Interchange area at KY 8 and I-275 is not likely to experience significant commercial growth in the near future. Eventually, it may support some commercial highway service establishments, especially if casino gambling occurs in Lawrenceburg, Indiana. Parallel roads should be taken in the design and development of the commercial businesses due to the existing topography and character of the surrounding area.

In regard to the Public Services and Facilities Element of the Comprehensive Plan, an objective states that "public facilities and services shall be in locations that are accessible to the population being served."

The Future Land Use Development Guidelines within the Land Use Element of the 1995 Boone County Comprehensive Plan states (pp 210-212):

"There are a number of general development guidelines which are applicable to all future growth in Boone County, regardless of type or scale. These guidelines are intended to mitigate the impacts of growth on the existing land uses, adjoining properties, public infrastructure, and the quality of life and safety in the County. These guidelines represent some of the items which the Planning Commission includes in the review of all projects proposed for Boone County. These guidelines are detailed below.

Utilization of Existing Vegetation and Topography

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.

Buffering

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. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate. Specific greenbelt studies should be conducted that examine Boone County's stream valleys and prominent wooded areas as permanent buffers or community separators. Natural green space benefits the community as well as encouraging developers to create innovative developments through clustering of buildings and impermeable area.

Landscaping

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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps purify the air of harmful pollutants, reducing health impacts. 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.

Stormwater Management and Erosion Control

Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective.

Access Management

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 distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local street should feed into the collector and arterial system.

Transportation and Pedestrian Network

Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. hierarchial 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.

Design, Signs, and Historic Preservation

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. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Finally, this Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County.

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines.

Staff Concerns

1. First, the area proposed for active development on the site is designated for Industrial uses versus Public/Institutional or other possible Future Land Use Classifications. There is not one future land use classification in the Comprehensive Plan, which identically matches the proposed uses on the approximate 47 acre site. The proposed uses could include Public/Institutional (P) Commercial (C), Recreation (R) and possibly Industrial (I) Future Land Use Classifications of the Comprehensive Plan. The Planning Commission still needs to evaluate all of the proposed uses and their impacts to assure that all facets of the proposed uses and their impacts to assure that all facets of the proposal are appropriate for this location and fulfill the three statutory criteria for granting a zone change. Further, Staff will note that the new Concept Development Plan indicates active and passive recreational uses in the area once indicated by construction limits. The question to consider is to whether these uses are in agreement with the Rural Lands (RL) land use designation. Staff will also note that any proposal will need to meet all applicable development standards through the Site Plan review process (setbacks, parking, etc.).
2. Staff is again concerned with the potential traffic that could be generated by the proposed facility, particularly on the north/south leg of Bullitsburg Church Road between Deck Lane and KY 20 (although Staff anticipates most traffic to travel between the subject site and the interchange) because this portion of the road currently experiences little traffic. As of this writing, no traffic analysis has been submitted as part of this application, thus, traffic impacts are not tangibly defined. The applicant should address this issue and outline the types of anticipated traffic, directional distribution, peak hour impacts, and any upgrades to adjacent road system that would be necessitated by this proposal. The traffic analysis should also discuss any traffic impacts on KY 20 and it's associated, existing truck traffic that would be created by the proposal.

Relative to the condition of the adjoining roads, Greg Sketch, P.E., L.S., Boone county Engineer, has commented that because Bullitsburg Church Road (between KY 8 and Deck Lane) and Deck Lane are below current standards, both roads should be upgraded to the current minimum specifications in order to accommodate the proposed development. This would involve upgrading both roads to subcollector specifications (minimum 28 foot pavement width). He has also noted that truck traffic should be prohibited on Bullitsburg Church Road between Deck Lane and KY 20 (see attached memo). An agreement would have to be made with the Fiscal Court concerning possible improvements to Bullitsburg Church Road (if needed).

3. As noted previously, the site has expansive frontage on I-275 and the proposed building(s) will be very visible from the freeway. In addition, this is the first large building proposed to be developed abutting the freeway in the Petersburg Interchange area, and no architectural concepts have been submitted to the Planning Commission's office. Due to these facts, coupled with the Comprehensive Plan's direction regarding design issues, Staff recommends that any approval of this application should include a condition which requires all structures to be subject to Design Review through the Site Plan procedure. This would help assure that the building design is appropriate for the subject site and neighboring sites by using: natural tones and materials; multiple building massings instead of one large massing to help reduce the apparent scale of 95,000 square feet of floor area; and, consistent design detailing on all facades of the structure(s). Because the site is currently in a largely agricultural and large lot residential area (and the adjoining areas to the east and south are planned to largely remain this way), the overall architectural forms and detailing should be reflective of this environment.
4. Staff will note that the proposal is subject to the landscaping requirements outlined in Article 37 "Landscaping: of the Boone County Zoning Regulations. Due to the agricultural/large lot residential character of the area described above, and due to the fact that proposal includes a facility that has somewhat of a "civic" orientation that welcomes the public at large, Staff contends that parking lot landscaping should be provided for all vehicular areas and surrounding the site. This could include maintenance of existing tree lines along each property line.
5. As mentioned above, there is a sole single-family detached residence at the north end of Deck Lane that adjoins the subject site. Although Staff has concluded that the landscaping regulations are adequate to visually buffer the proposed facility from this residence, the Commission will need to determine whether or not the proposal unreasonably interferes with this residence (as well as the other adjoining residential properties) from a compatibility stand point (light, noise, level and types of activity), particularly in light of the conclusions that may be provided in the traffic analysis that is anticipated to be provided by the applicant. The Commission will need to consider the fact that the single residence on Deck Lane is planned for Industrial uses in the future.
6. Staff is concerned with the provision of adequate utility services to the proposed facility, particularly water and sanitary services since the 95,000 square foot facility is proposed to be served by a well (and possibly a cistern) and an on-site waste water system. On one hand, the Comprehensive Plan specifically states "development in this area should not be accompanied by major sanitary sewer facilities that could commit the Idlewild area to development," and on the other, the Plan states in general terms "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed." The provision of private or public utility services shall be provided and documents shall be submitted to the Planning Commission.

Therefore, the Planning Commission will need to determine whether these private, on-site systems are appropriate (could consider requiring taps into the public system when/if they become available to the site), or whether connections to the public systems should be required as a condition of initially developing the site under the PF zone. Relative to these issues, letters (attached) were provided by Steve Divine, R.S., of the Northern Kentucky Independent District Health Department and Gary Aman of Sanitation District #1. Mr. Aman's letter states that Sanitation District #1 currently has no plans to extend sanitary sewer service to this area. The Boone County Water District had no comments relative to this request. Concerns regarding the lack of a public water system are expressed in the attached letter from Lt. James Adams of the Hebron Fire Protection District. When considering that a well is proposed to be used for potable water, the applicant should provide tangible evidence that demonstrates that an adequate water supply is available and that a supplementary/back-up water supply will be available if the well supply is not reliable.

7. The Planning Commission should consider restricting the inappropriate Public Facilities (PF) zoning district uses. A list of all Public Facilities (PF) uses is attached to this Staff Report.

Conclusion

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

If the Planning Commission and/or the Boone County Fiscal Court approve the Zoning Map Amendment request, then the Land Use Map would need to be amended.

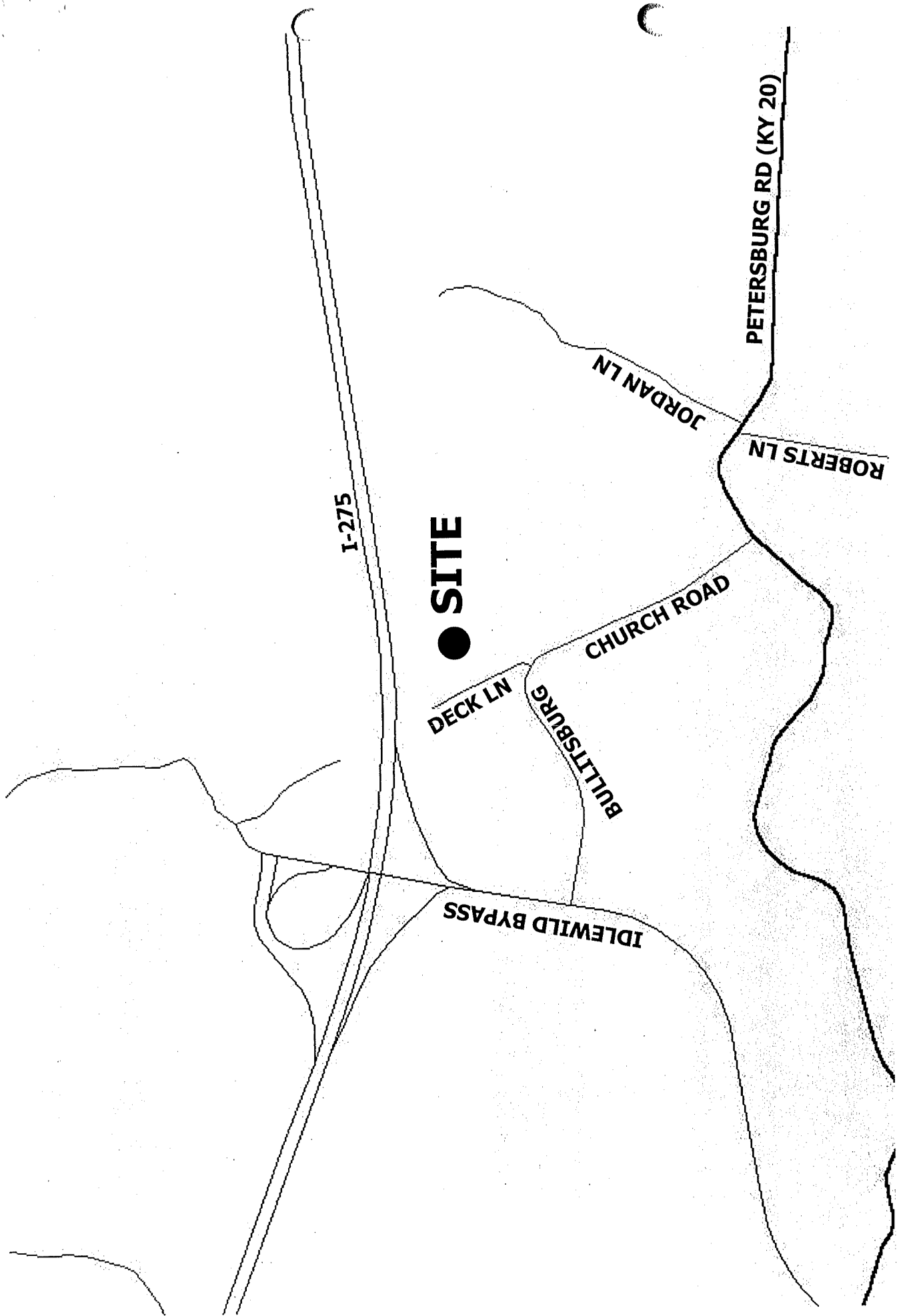
Respectfully Submitted,



Kevin P. Costello, AICP
Executive Director

Attachments

- Vicinity Map
- Concept Development Plans
- Zoning Map Excerpt
- Future Land Use Excerpt
- Memo from Greg Sketch, P.E., L.S., Boone County Engineer
- Letter from Steve Divine, R.S., Northern Kentucky Independent District Health Department
- Letter from Gary Aman, Sanitation District #1
- Letter from Lt. James Adams, Hebron Fire Protection District
- PF Zoning District Uses



VICINITY MAP

ANSYS
PBS

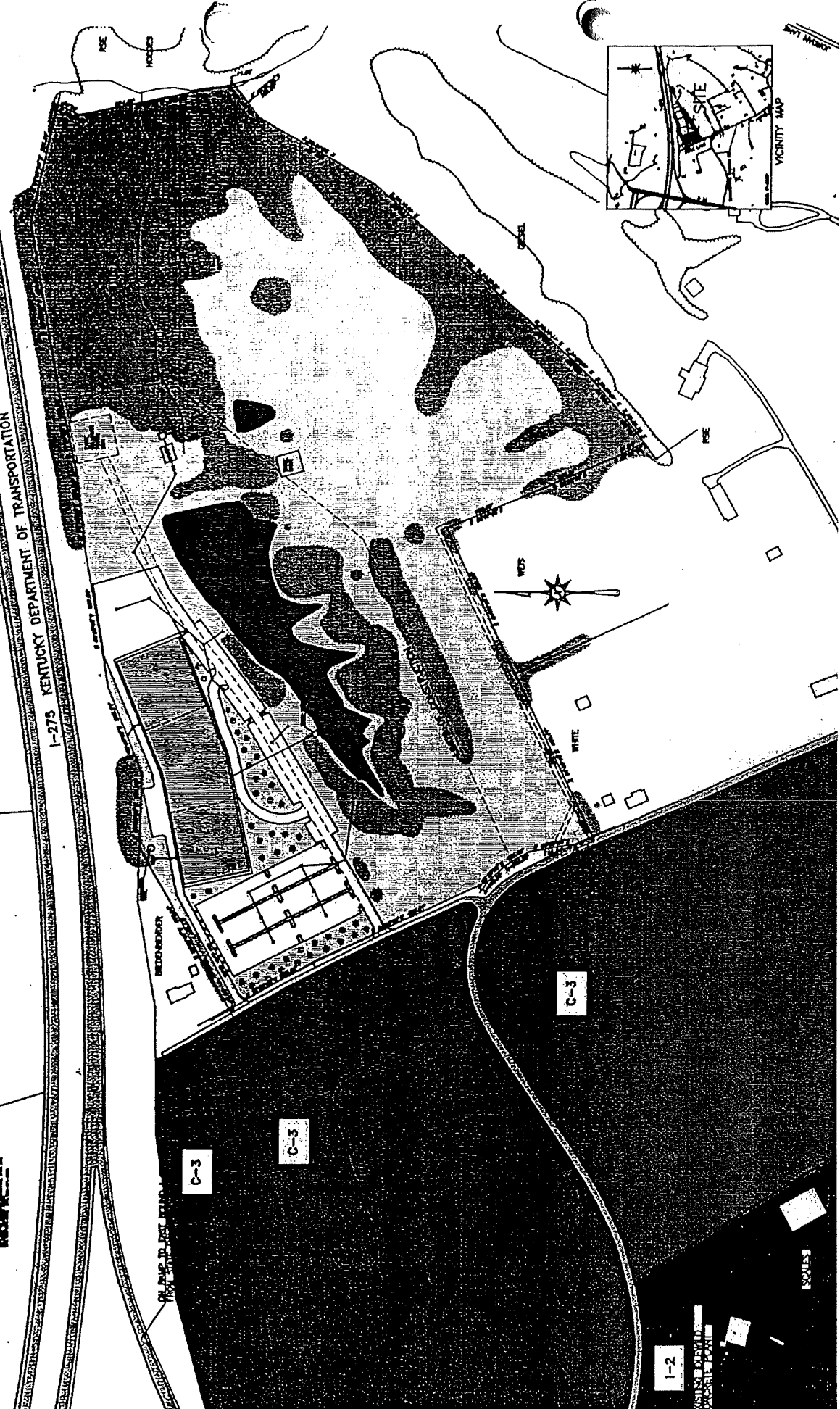
MC CAMPBELL ESTATE

MC CAMPBELL ESTATE

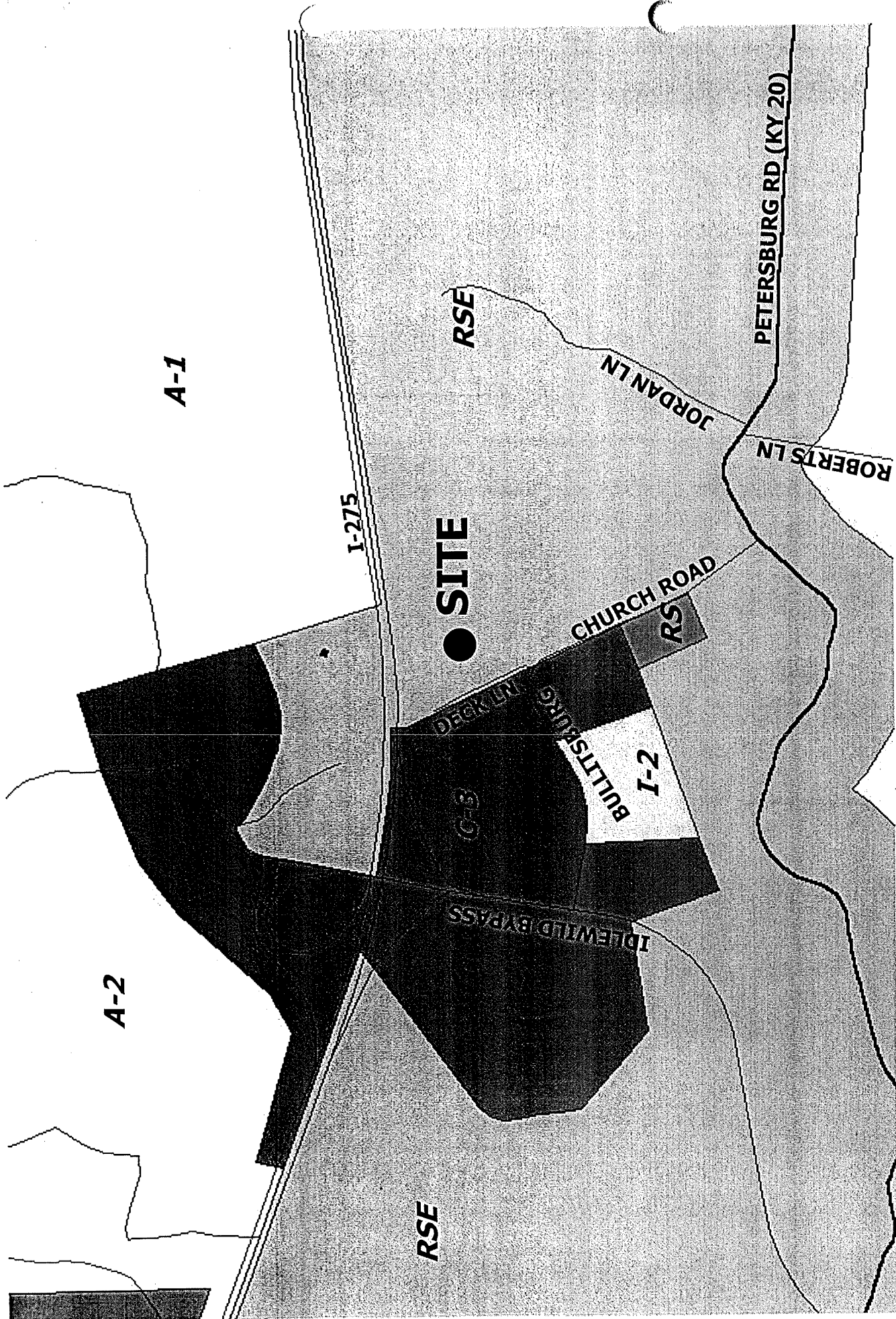
THIS PLAN IS A CONCEPTUAL DEVELOPMENT PLAN FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE CAMPBELL ESTATE. THE DEVELOPMENT IS TO BE SITED ON THE EASTERN PORTION OF THE CAMPBELL ESTATE, WHICH IS A 100-ACRE TRACT OF LAND. THE DEVELOPMENT IS TO BE SITED ON THE EASTERN PORTION OF THE CAMPBELL ESTATE, WHICH IS A 100-ACRE TRACT OF LAND. THE DEVELOPMENT IS TO BE SITED ON THE EASTERN PORTION OF THE CAMPBELL ESTATE, WHICH IS A 100-ACRE TRACT OF LAND.

MC STEVENS FAMILY TRUST

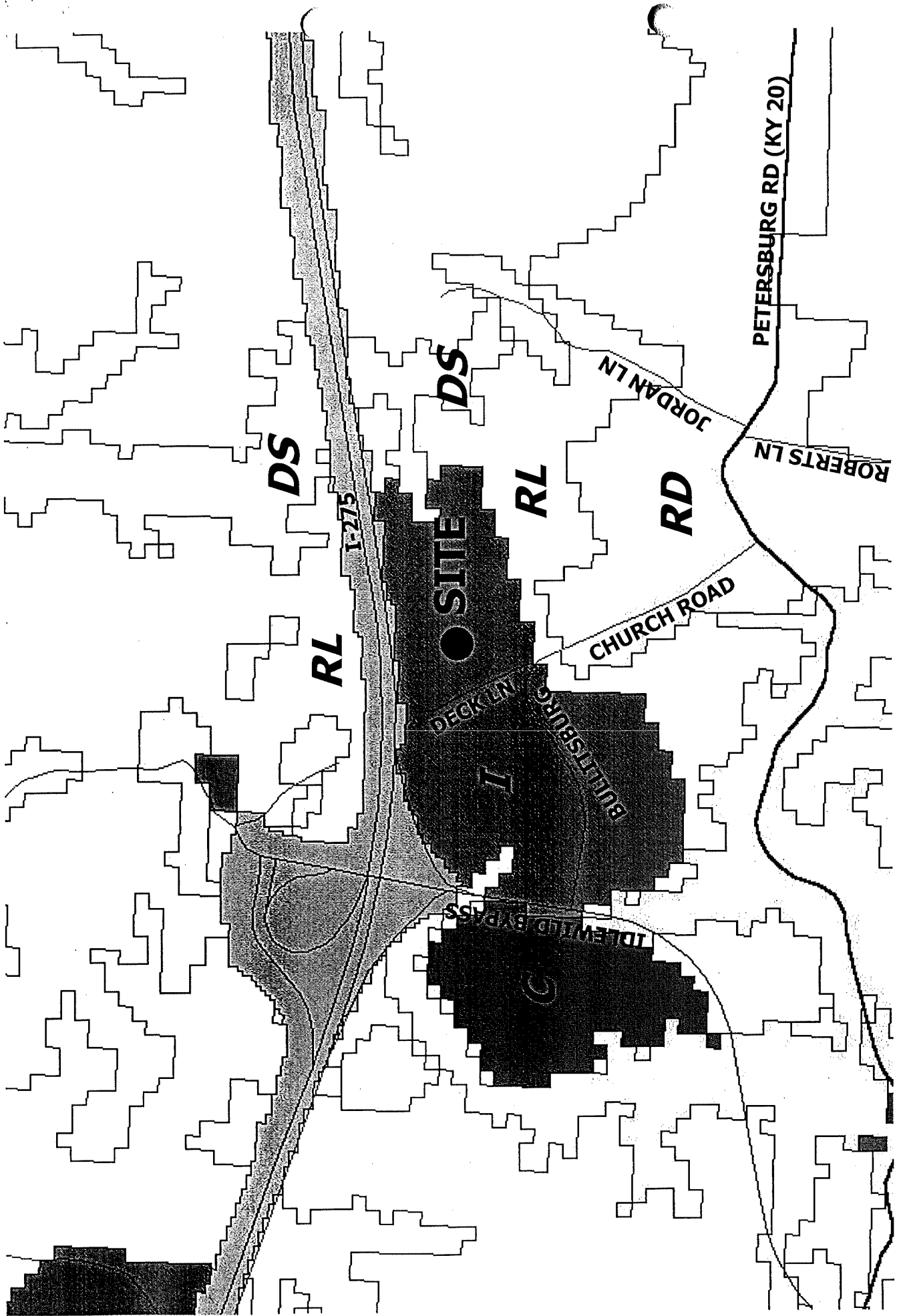
1-275 KENTUCKY DEPARTMENT OF TRANSPORTATION



CONCEPT DEVELOPMENT PLAN
JUNE 24, 1998

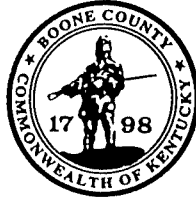


ZONING MAP



FUTURE LAND USE

GREGORY V. SKETCH, P.E., L.S.
County Engineer



HARVEY F. PELLEY, L.S.
Director of Public Services

DEPARTMENT OF PUBLIC WORKS

5645 IDLEWILD ROAD
BURLINGTON, KY 41005

Phone: 606 586-5445
Fax: 606 586-5487

MEMORANDUM

TO: Mitchell Light
Assistant Zoning Administrator
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Answers in Genesis Proposed Zone Change Comments

DATE: June 22, 1998

After reviewing the concept development plan submitted for a proposed zone change for the Answers in Genesis Development located off Deck Lane, I have only one area of concern, the existing condition of Bullitsburg Church Road and Deck Lane. Both are County maintained roads with an average of width of 20 feet and material depth of 10 inches (Bullitsburg Church) and 12 feet and 4 inches (Deck Lane). Although both roads are below the current County street and road specifications, both are adequate for the current number of residents and existing zoning.

If the use would change to an Industrial One (I-1) zone, the County would request that the applicant upgrade these roads (Bullitsburg Church, from K.S.R. 8 to Deck Lane, and Deck Lane, from Bullitsburg Church to the second proposed driveway) to the current County specifications. Also we would request that no truck traffic be allowed through the other section of Bullitsburg Church Road, from Deck Lane to K.S.R. 20.

If you have any questions or need additional input please call.

Thank you for the opportunity for input in this matter.

c: Jim Collins, Boone County Administrator



NORTHERN KENTUCKY INDEPENDENT DISTRICT HEALTH DEPARTMENT

401 PARK AVENUE • NEWPORT, KENTUCKY 41071

MARY ANN BARNES, M.D., CHAIR

KAREN LIPSCOMB, R.N., VICE CHAIR

ROBERT J. SMITH, M.P.H., DIRECTOR

PHONE (606) 491-6611 • FAX (606) 491-6616

HEALTH CENTERS:

BOONE HEALTH CENTER
7505 Burlington Pike
Florence, Kentucky 41042
525-1770, Fax: 647-3594

CAMPBELL HEALTH CENTER
12 East 5th Street
Newport, Kentucky 41071
431-1704, Fax: 655-6386

GRANT HEALTH CENTER
234 Barnes Road
Williamstown, Kentucky 41097
824-5074, Fax: 824-3220

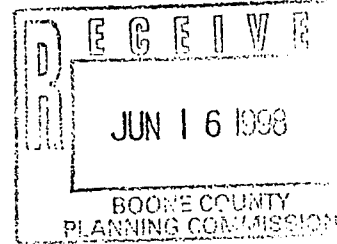
KENTON HEALTH CENTER
912 Scott Street
Covington, Kentucky 41011
581-3886, Fax: 655-6343

DRESSMAN HEALTH CENTER
634 Scott Street
Covington, Kentucky 41011
431-3345, Fax: 655-6374

**HEALTH EDUCATION &
ENVIRONMENTAL CENTER**
610 Medical Village Drive
Edgewood, Kentucky 41017
341-4264, 341-4151
Fax: 578-3689

COMMUNITY HEALTH SERVICES
2388 Grandview Avenue
Covington, Kentucky 41017
578-7660, Fax: 578-7665

Mitchell Light
Asst. Zoning Administration
2995 Washington Street
Burlington, KY 41005



Dear Mr. Light:

As per your request, the office has reviewed the information you provided regarding the Answers in Genesis proposal. At this time, our office has no comment concerning the request for zone change.

Sincerely,

Steve Divine, R.S.
Environmental Coordinator

FAX TRANSMISSION

SANITATION DISTRICT NO. 1

1045 E. LANTON DRIVE
FT. WRIGHT, KY 41017
606/578-7450
FAX: 606/331-2436

CONFIDENTIALITY NOTICE

The information contained in this facsimile message, and in any accompanying documents, constitutes confidential information which belongs to Sanitation District No. 1. This information is intended only for the use of the individual or entity named below. If you are not the intended recipient of this information, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information, is strictly prohibited. If you have received this facsimile message in error, please immediately notify us by telephone to arrange for its return to us. Thank you.

To: Kevin Wall

Date: June 23, 1998

Fax #: 606-334-2264

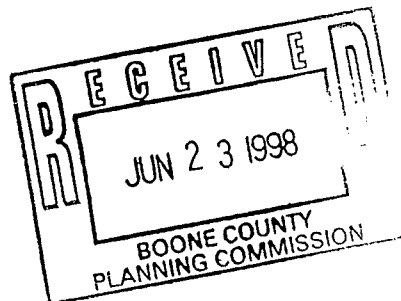
Pages: 1, including this cover sheet.

From: Gary Aman

Subject: Answers in Genesis Zoning

COMMENTS:

The proposed Treatment Plant shown on the site plan will need to be approved by the Division of Water. The District has no plans to extend sewers to this area. If you need additional information, please do not hesitate to call.







HEBRON

Fire Protection District

3120 North Bend Road • P.O. Box 24 • Hebron, Kentucky 41048 • (606) 586-9009

Mitchell Light Asst. Admin./Enf Officer
2995 Washington Street
Burlington, Kentucky 41005

RE : Genesis Project

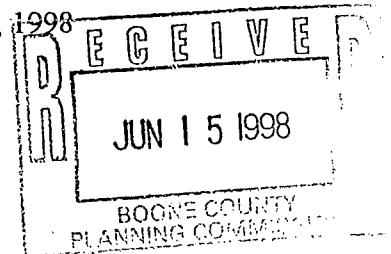
Mitch,

Per your letter dated June 8, 1998, these are the concerns of the Hebron Fire Protection District about the Genesis zoning map amendment.

1. If we allow this project with no public water system, will others try to build in the area? If so, it is not an ideal situation for us to try to protect such large projects without public water.
2. If this project is allowed, access approved by us must be provided for all fire apparatus of the Hebron Fire Protection District.
3. If this project is allowed without public water, before any construction starts, a study of the lake proposed for fire protection must be forwarded on to me for review of amount of water available for fire protection. It must meet all code requirements for suppression, contained in local, state, and NFPA regulations.
4. If the lake meets those requirements then a dry hydrant must be installed with temporary access that will be made permanent and be able to hold fire apparatus during all stages of construction. This access must be within 10 feet of the dry hydrant. The dry hydrant will have to meet the approval of myself or the Fire Chief and pass a test using one of the fire engines of the Hebron Fire Protection District.
5. Proper silt protection must be installed before any dirt is moved to ensure that the lake water level is not affected. If we believe that too much silt has reached the lake we will request another study be completed. The lake also must have a fountain that will move the water so that it will not be covered with algae and pose a problem to the fire pump.
6. Before this building is to be occupied we request a written plan of action of how the lake is going to be kept above the minimum water level to provide fire protection. This plan should also explain how the fire pump will be cared for. We will explain more if the project gets to this stage.

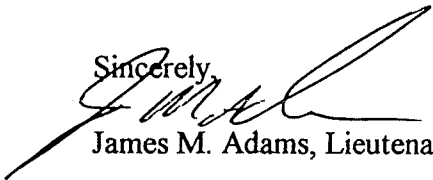
If you have any questions on any of these items please feel free to contact me at 586-9009. Please let me know the action taken by the Planning Commission on this matter.

June 10, 1998



(2)

Sincerely,



James M. Adams, Lieutenant

cc: Chief Harshbarger
Genesis file

ARTICLE

12

PUBLIC FACILITIES DISTRICT

SECTION 1200

PUBLIC FACILITIES (PF)

The purpose of this article is to provide a specific zoning classification for a variety of public facilities to promote the proper location of these uses and insure their long-term continuity and compatibility with adjacent land uses.

SECTION 1201

Mandatory Referral for Public Facilities

See Section 295 "Statutory Exemptions."

SECTION 1211

Principally Permitted Uses

1. Federal, state, regional, county, and local and other governmental offices including executive, legislative, judicial, administrative and U. S. offices, Post Offices.
2. Police, fire, civil defense and other protective and related services;
3. Primary, elementary, and secondary schools;
4. Junior colleges, colleges and universities;
5. Vocational or trade schools, professional schools and special training and schooling facilities;
6. Hospitals, medical outpatient services, sanitariums, convalescent and rest homes and related health facilities;
7. Cemeteries and mausoleums including funeral houses and crematoriums;
8. Libraries, museums art and craft galleries, conservatories and cultural exhibits;
9. Churches or religious assembly uses including apartment dwelling units related to the religious use;

10. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
11. All principally permitted uses in an Office One (O-1) zone.

SECTION 1212

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the district defined to be:
 - a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;
 - b. Historic sites, structures, monuments, and other exhibits available for public viewing;
 - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - d. Golf driving ranges;
 - e. Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;
 - f. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;
 - g. Swimming beaches and swimming pools;
 - h. Yachting, boat rental, boat access sites, and other marina activities;
 - i. Camping, picnicking, hiking areas, trails and other recreational uses;
 - j. Hunting and fishing grounds;
2. Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:
 - a. Private garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping of security dogs, etc.;
3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
4. Signage (See Article 34);
5. Parking (See Article 33);

6. Temporary buildings incidental to construction;
7. Blueprinting and photocopying services;
8. Cafeterias, food service for employees;
9. Books, stationery, and limited sales of office supply articles;
10. Postal Services.

SECTION 1213

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices;
2. Travel, transportation or promotional event ticketing and forwarding services;
3. The writing, publishing, and printing of newspapers, periodicals, and books;
4. Retail sale of drug and proprietary goods;
5. Amphitheatres, theaters, playhouses, and other entertainment assemblies;
6. Stadiums, arenas, field houses, and other sports assembly uses and structures;
7. Prisons and other correctional institutions;
8. Military bases and reservations;
9. Communication Towers.

SECTION 1214

Intensity

The maximum total intensity of all uses in a Public Facility district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1215

Minimum Size

There are no minimum size or extent of land common of Public Facilities uses or districts; rather a district may include a single private or public lot of record, if the general performance of the specified use and its affected land so merits.

SECTION 1216

Minimum Standards

All permitted, accessory and conditional uses, buildings, or structures in this district are subject to:

1. Any resolution or order of Boone County or the Commonwealth of Kentucky or law of the United States regulating nuisances, environment and safety;
2. Any prior conditions which may be prescribed by Boone County Health Department governing provision for or operation of the use, building or structure and its environs;
3. All permitted uses subject to local zoning regulations must meet the requirements of Article 30, Site Plan Review;
4. See Article 31 for dimensional standards for uses that are governed by local zoning regulations.

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
(Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit.

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers.

SECTION 1114

Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115

Minimum Size

The minimum size or extent required of an Office One District is one acre.



BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
March 3, 1999
7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Brown, Mr. Caddell - Chairman, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Rush, Mrs. Smith, Mr. Viox, Mr. White, and Mrs. Wilson.

Staff Members Present: Mr. Kevin Costello, AICP - Executive Director, Ms. Jan Hancock - Secretary

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

2. Applicant: Answers in Genesis (agent authorized by owner)
Request: Zoning Map Amendment

The request of Answers in Genesis (agent authorized by owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47-acre tract along the east side of Deck Lane and Bullittsburg Church Road, and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and small loading dock.

Mr. Kevin Costello, AICP, Executive Director, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

(Prior to the start of the meeting, the applicant distributed to the Commissioners a binder entitled "Answers in Genesis", and provided a copy for the record -- see Exhibit 1).

Attorney Tim Theissen, representing Answers in Genesis, stated that he would cut short portions of his presentation as Staff had done a thorough job. He stated that ten of the fifteen Commissioners have already heard from Answers in Genesis. Answers in Genesis first came before the Planning Commission in 1996, and again last year. He stated that he would make his presentation thorough enough for the five new members of the Planning Commission to follow along.

Mr. Theissen stated that Answers in Genesis originally came in to ask for a zone change on property on U.S. 42. The Planning Commission voted in favor, but it was turned down by Fiscal Court. Answers in Genesis wants to be in Boone County and began a series of communications with Fiscal Court and the Planning Commission Staff to try to determine what site they should look for in the county. He stated that there is a good airport here, and it is an eight to ten hour drive from 60% to 70% of the population. He stated that they do seminars in cities and they fly in and out a lot, as well as traveling to different cities to do their ministry. He has been representing Answers in Genesis the last few months. They had communications with Fiscal Court and the Planning Commission Staff and it was determined that the best zoning district for their intended uses is I-1. They looked throughout Boone County for areas zoned or planned for industrial uses to find a site that meets their needs. They want a site near the interstate with easy access to the airport. They settled on the subject site. He presented an exhibit of the Comprehensive Plan and stated that the industrial area at the interchange is shown in blue. They were able to get this site under contract. The site is close to the interchange and has about one-half mile of visibility from I-275 where the land is approximately the same topographical level as the road. He stated that they can build a nice looking building there and presented an artist's rendering of the proposed building of masonry construction and glass. He stated that Answers in Genesis is well funded and it will be a nice building.

Mr. Theissen stated that Answers in Genesis came before the Planning Commission in 1998 and the Planning Commission recommended against their request. Fiscal Court did not conduct a Public Hearing -- they had a brief meeting and voted to approve the Planning Commission's recommendation to deny the zone change. He was then retained. His firm and a firm in Cincinnati filed suit, which is still pending. The new Fiscal Court took office in early January. In the meantime, there was discussion and meetings, which were attended by Counselor Wilson for the Boone County Planning Commission. He stated that Answers in Genesis does not want to pursue a lawsuit. He stated that there were a couple of zoning districts that would allow museums and offices, and it was suggested that a Public Facilities Zone would be more palatable to the Planning Commission, Fiscal Court, and the community. An agreement was entered into in court, called an "Agreed Order",

which puts the lawsuit on hold while application is made to go back through the zoning process and ask for the same property to be zoned Public Facilities in an effort to settle the lawsuit.

Mr. Theissen stated that Answers in Genesis is a 501C3 organization (a non-profit organization under the IRS code). They do not pay income taxes or property taxes, but their employees pay property taxes. Their organization is currently in the Florence Industrial Park and their employees pay Boone County payroll taxes. The organization is exempt from real estate taxes. The organization is a ministry and a religious organization, but it is not a church. They do not conduct services or have a large group of people arrive on Sunday morning. The use will be a museum, offices, and a small distribution center. Their money comes in from donations and the sale of tapes, books, and videos which propagate their beliefs. They are not a cult and do not hold seances, burnings, or mass suicides. They do not intend to conduct rallies on the site. They sometimes conduct seminars, but they go to a city and tens of thousands of people attend. This site in Boone County will not be used for rallies or seminars. The site will be their international headquarters and distribution facilities for books and records. They will not have large meeting rooms and will have a facility for a few hundred people at most.

Mr. Theissen presented the Development Plan for Answers in Genesis and stated that it is almost the same as the previous Development Plan with two changes: (1) Buffering and Landscaping - the 47 acres is more than enough land for their use and they are willing to do the landscaping and buffering to protect the adjacent property owners. They are showing the preservation of all the perimeter vegetation and will add trees in the breaks in the vegetation. They will buffer the adjacent neighbors to the south with vegetation wherever there are not enough trees now. There will be berming and trees to protect the Biedenbender home on Deck Lane; and (2) Southern Half of the Property: They planned passive recreation, but did not show it on the previous plan. They do not plan to build a gym or bleachers, but might have a gazebo and picnic table -- temporary structures, not concrete foundations. They have put together a proposal of uses on the southern half of the property, including a toddler play area, volley ball courts, picnic area, ballfields, wildflower area along the southern border, and bark-type trails through the woods. He stated that the Development Plan is about what it was before, except that one building might be divided into two. He noted parking and a turn-around. He stated that the small loading dock is for no more than one truck at a time. They do not have a lot of truck traffic.

Mr. Theissen stated that they have hired an architect and designed the building. He presented an exhibit to show the intended uses inside the structure with the museum being 50% of the overall floor space. He stated that a lot of their presentations include large

structures, such as dinosaurs. Twenty percent of the floor space will be the book store, and twelve percent will be children's workshops and classrooms. They hope to attract people who home school their children. He stated that they currently employ about fifty people, and anticipate another ten once the facility is built, for a total of sixty employees. He noted the area for research library. The distribution and storage area is 9% of the floor area. He stated that they currently have a small storage garage where they store their books and video tapes -- it is bigger than his house but it is not a huge warehouse. They will have a loading dock for one truck. He stated that there is a cell tower on the site. He noted that the new plan shows seven black squares, which are small concrete structures to make it feel like a museum. They are not at the entrance. Since the initial proposal, they have moved the access point off Deck Lane and onto Bullittsburg Church Road. They will not use Deck Lane for their access. He stated that the land is next to I-275 and the decibel level is in excess of 65 -- which is the cut off level for where you would normally want residential. At 65 decibels, you would probably have to do something to insulate for sound if you build a house there. Most people would not want to live right along I-275 with that decibel level.

Mr. Theissen referred to the Comprehensive Plan, and noted that most of this is covered in the Staff Report. He stated that the places where there will be active development on the site are shown in blue, which is industrial. The steep hillsides will be kept as trees and may have bark-type hiking trails. He indicated the area of the site that is Rural Lands, which is where the playfield and wildflower areas will be. They are not developing any active uses on the part of the site that is Rural Lands. He stated that the property is zoned Industrial and more than one place in the Comprehensive Plan shows it as Industrial. On Page 87, the Future Development Map in the Comprehensive Plan shows the site as Industrial. In the Goals and Objectives Element on Page 7 it talks about Industrial development being encouraged along and near interstates and railroads, and offices are suggested along major highways and interchanges -- which is consistent with their proposal. If you get off the interstate, once you get to the end of the exit, it is less than three tenths of a mile to their site, and the ramp leaving the site is about two tenths of a mile away. He stated that this is the first exit from Indiana and the casinos. He stated that there is indication in the Comprehensive Plan that it may be appropriate in the future for this interchange to develop commercially, and there may be gambling or casino-type uses, shops with restaurants, and hotels. He referred to the exhibit and stated that on the other side of KY 8 is Commercial. He believes that the Comprehensive Plan where it talks about this interchange for commercial development and casino-type uses was referring to the other side of KY 8 as opposed to this side, which was proposed for Industrial. The section also says the development should not

be accompanied with major sanitary sewer facilities that would commit the area to development. The Comprehensive Plan does not show this being another Florence or there being major development - but it does provide for development along the interchange. He stated that one of the primary Goals on Page 4 of the Comprehensive Plan is that future growth should be accompanied by adequate infrastructure and services. It does not say there has to be city sewer and water.

Mr. Theissen referred to the binder "Answers in Genesis". He stated that the first section is about potable water. He stated that they will have a cistern. They have four options for drinking water on the site. They could build a well, build a roof drainage supply system, sanitize the lake water, or buy water from a water hauling company. There is a good possibility they may be able to get enough water on site to meet their needs and they will try to do a well first. They have done an analysis of the roof drainage supply system. He stated that on an annual basis, there would be 2,232,000 gallons of water per year. The estimated use on the site is 5,000 gallons per day, which is 1.8 million gallons per year. The next idea is the lake water being treated and made usable. He noted a letter in the binder from a water company in Erlanger confirming that they can provide water. He noted a list in the binder of fifteen developments that use cistern or well water. He noted information from Gretchen Bartley of the Natural Resources and Environmental Protection Cabinet (see Exhibit 2). He stated that there was concern about fire protection. They intend to use a sprinkler system that is pressured up and the water will be taken from the lake. There will be a hydrant that is sourced from the lake. He stated that in 1999, the Fire Department raised six questions in a letter. He noted that there is a letter in the binder from the Hebron Fire District saying that Answers in Genesis has tentatively answered those concerns. There is a letter from Dalmation regarding sprinkler systems from lakes and how they provide in the event of a power outage. Also in the binder is information showing how the pumps work. There is a letter from another pumping company (Harrington Group) confirming that the lake is a viable system for fire protection. There is an estimate done by Dwight Clayton regarding the capacity of the lake, which is just over five million gallons. He stated that the amount of water necessary to put out the entire 95,000 square foot building is less than one million gallons.

Mr. Theissen referred to Section 3 of the binder in regard to wastewater treatment. He stated that there are not city sewers, and they plan to build a treatment plant for 5,000 gallons per day. Answers in Genesis will pay Sanitation District #1 to take over the maintenance of the treatment plant. He stated that there is a letter from the state Resources and Environmental Protection Cabinet saying that the 5,000 gallon treatment plant is satisfactory for the site. He stated that a package treatment

plant has to have access to a blue line stream and there is a blue line stream on the far right hand side of the site. They will not need an easement. The letter confirms that potable water can be supplied. He stated that there is a letter from Vitech, which builds and installs package treatment plans. The author of the letter, Greg Brown, is present. He stated that the letter says that it is a favorable site for a package treatment plan and the stream it will go into is satisfactory. The letter talks about the property having access to a blue line stream. Answers in Genesis will not need to install holding tanks because they have treatment plant capabilities. He stated that there is a FAX from the Sanitation District that says they will not put sewer lines in in the reasonable near future, so building a package treatment plant is a reasonable alternative. The last page of Section 3 shows existing Boone County developments on package treatment plants. These developments are larger than Answers in Genesis. He stated that there are about one hundred package treatment plants operating in Boone County today. He has verified that sixteen are at least as large or larger than Answers in Genesis. He stated that a 5,000 gallon plant is not a large plant.

Mr. Theissen referred to Section 4 of the binder in regard to traffic. He stated that an employee of Answers in Genesis' distribution facility will talk about traffic. Mr. Theissen stated that almost all of their traffic is cars and there is very little truck traffic. He noted a Technical Memorandum from Neil Freschman, a traffic engineer with Dwight Clayton Company dated March 2, 1999, as well as a memorandum from June 17, 1998 when the request came before the Planning Commission the last time. That memorandum was based on book data -- but there was not a museum in the book, so he used a library. A library has more traffic than this use, so the March 2, 1999 memorandum is a more realistic projection of the traffic. He referred to a map in the binder which projects that KY 8 after the development would have about 4,105 vehicles per day with the Answers in Genesis traffic. Bullittsburg Church Road would have 1,600 cars per day (average daily traffic). He referred to the last page of Section 4 and a list of existing two-lane roads similar to Bullittsburg Church Road that have comparable pavement widths. He stated that a lot of those roads have in excess of 10,000 cars per day. On Bullittsburg Church Road, there will be 1,600 cars per day after the development, and on KY Route 8 there will be 4,105 cars per day. He stated that Mr. Freschman's report concluded that it will still be an "A" road -- top quality road capacity. He referred to Section 5 of the binder and a memorandum from Jim Key saying that at the request of Fiscal Court, Dwight Clayton sat down with him and he found that water supply, potable water, and fire protection were satisfactory.

Mr. Theissen submitted petitions that have been accumulated by Answers in Genesis over the last three months. He stated that they contain 2,670 signatures, of which 910 are Boone County residents (see Exhibit 3). The petitions are in favor of the request. He stated that a lot of letters have been written to Fiscal Court and of the 562 letters supporting this development, 136 were from the tri-state area.

Mr. Theissen referred to the Staff Report. He stated that he does not know that there is a definition of active versus passive recreation. They do not intend to build a stadium or gymnasium or structures on the south side of the property. He referred to Page 6 of the Staff Report and stated that Deck Lane has been upgraded by the county and Deck Lane will remain access to only one residence. They have moved their access off Deck Lane. He noted that the Staff Report mentions minimum 28 foot pavement width and stated that if you measure the pavement of a lot of roads on the list, you will not find many that are 28 feet wide. Normally on a 28-foot wide street there is parking on one side. In most cases, standard 11-foot wide lanes are adequate for the type of traffic they have. He would like to discuss this issue with the Committee.

Mr. Theissen introduced Mr. Mike Zovath, General Manager of Answers in Genesis; Mr. Greg Brown with Vitech; Mr. Kurt Streutker who will discuss traffic from the distribution facility; and Mr. Dwight Clayton. He stated that there are others present from Answers in Genesis who can also answer questions.

Mr. Knock asked Mr. Theissen to explain a 501C Corporation and what taxes they pay.

Mr. Theissen stated that a 501C Corporation goes through process with the IRS where they qualify to be non-profit. They do not pay federal or state income taxes on money that comes into the company. They are exempt from federal income taxes. They do not pay property taxes. Their employees pay taxes.

Mr. Knock asked if there are balance sheets available.

Mr. Theissen responded that Answers in Genesis is a member of the Evangelical Council for Financial Accountability (ECFA), which does the accounting and audit work for non-profit organizations to make sure they are run properly. They are required to make public their financial statements, which can be reviewed at their office.

Mr. Knock asked if Answers in Genesis is managed by another organization. Are all of their employees paid directly from Answers in Genesis, or are they a managed company?

Mr. Theissen responded that they are an independent company with their own Board of Directors. All of the employees are paid by Answers in Genesis and are not employees of any other organization.

Mr. Mike Zovath, General Manager of Answers in Genesis, stated that he is in charge of day-to-day operations of the ministry. He believes this is a good compromise plan that answers all of the questions that have come up in the last eight months regarding the rezoning process. He stated that they can provide adequate infrastructure for the project in compliance with the Comprehensive Plan. They are committed to a quality development and want to provide an innovation, educational, and recreational attraction to the county. They feel that the project will enhance the quality of life in the area. As a ministry, they have a higher standard than mere zoning regulations or building codes. It will be a first class quality project.

Mr. Greg Brown, President of Vitech, stated that he is a Kentucky registered engineer who manufactures, designs, and builds wastewater treatment plants. He stated that all facilities are governed and reviewed by the Division of Water. He stated that the 5,000 gallon per day design criteria is conservative. He stated that they are looking at a warehousing and low foot traffic museum type facility. He stated that the total daily flow would be collected and evenly administered for an effluent discharge rate of 3.5 gallons per minute. In his estimation, as well as that of Gretchen Bartley, with the over 1,500 foot distance in the stream basins to the blue line stream, the impact on the environment would be non-realizable. He stated that a blue line stream is a type of stream that has a characteristic of never going dry and having suitable velocity. In this situation, the receiving stream would be one to three feet deep and 15 to 25 feet wide, high organic content, and no additional loading. This stream is capable of handling 3.5 gallons of effluent.

Mr. Kurt Streutker, an employee of Answers in Genesis in the mail order department, stated that he processes orders that come in, which is about 80 a day. They have one UPS truck that comes each day, which is the same type of truck that comes to someone's house. They may have one or two Federal Express trucks a week. They have two or three semis that drop off a pallet of books, or they load things on them sometimes.

At this time, the Chairman called for a short recess.

At 9 PM, the Chairman reconvened the meeting and asked if the applicant's presentation was concluded.

Mr. Theissen responded "yes".

Chairman Caddell stated that public comments would be taken at this time. He asked those speaking to come to the microphone and state their name and address. Comments are to be addressed to the Chair. He asked those who agree with the comments made by others to say they agree and not be redundant. Mr. Costello began calling names from the sign up sheets, beginning with Pastor Charles Wagner.

Pastor Charles Wagner, 15848 Teal Road, Verona, stated that he is Pastor of the Calvary Baptist Church in Covington. One of their members is Ken Hamm, and they have other people who work for Answers in Genesis. He can vouch for their integrity and faithfulness. Ten years ago, he was affiliated with a college in Michigan and Ken Hamm and Answers in Genesis came to their Science Department and lectured faithfully. He can vouch for them.

Mr. Paul Braun, 15 Sanders Drive, Florence, agreed with Pastor Wagner. He feels that Mr. Theissen and the consultants did a more than adequate job of addressing the issues. He asked that the request be endorsed.

Mr. Tim Laughlin, 14 Raintree Drive, Melbourne, Kentucky, stated that he, his wife, and their four children are looking forward to this exposure in the Northern Kentucky area to balance some of the more negative things that have come into the area. He stated that his brother moved from California to work for Answers in Genesis.

Ms. Patsy Ligon, a resident of 2963 Bullittsburg Church Road for 31 years, stated that she is for the request. She stated that from I-275 to the entrance of this facility, there is only one home.

Brenda McCourt, 6262 Stewart Avenue, Cincinnati, stated that a lot of people in the Cincinnati area will come to see this museum and spend money. It will be an asset to the community.

Reverend Cliff J. Ravenscraft, 4974 Petersburg Road, Pastor of the Church of the Nazarene and a licensed insurance man, stated that he lives a mile from the site and is for Answers in Genesis. He stated that there were concerns at some of the public hearings that Answers in Genesis may start their project and run out of money. He stated that Answers in Genesis is a member of the ECFA, which is nearly impossible to get in if you do not have integrity in finances. They are audited yearly. They have the financial ability to put up the appropriate landscaping to provide privacy for the neighbors. He is 100% behind this.

Mr. Glenn Schmitt, 5800 Vice Lane, Burlington, stated that he and his wife and four children are excited about the project. It would be a wonderful family and educational opportunity. He stated that it cost \$5 million to develop the exhibits and prepare them. They will have a 54-foot long fish people can walk through and a 14' x 26' human cell, as well as life size fossils and minerals. They

will have touch screen computers. They have made an investment to bring something nice to this area, which will give us something unique. He believes people from Ohio, Indiana, and Kentucky will come. He supports the application.

Sharon Smith, 2587 Bethlehem Lane, Hebron, lives about four miles from the site. She is excited to have some place to take her children that is God based and Bible based.

Ms. Bennie Hopius, 4923 Woolper Road, agreed with the others. She is a member of Bullittsburg Baptist Church and Answers in Genesis will make a good neighbor to her church.

Mr. Mark Truebenbach, 11500 Victory Schoolhouse Road, stated that he has been a part of developing youth and family ministry in Boone County. He stated that reasonable men and women can work out all of the issues. He found through the presentation that it became a win-win situation. The applicant has offered an opportunity to do what is right.

Mr. Joseph Owen, 46 Amherst Drive, Erlanger, lives less than a mile from the present facility. He read a letter written by Richard and Susan Merkle, 206 Buckingham Drive, Florence, in support of the application. Mr. and Mrs. Merkle could not be present this evening. They feel that Answers in Genesis has worked honestly and sincerely to find a good location that fits the Boone County Land Use Plan. They have visited the site and see no conflict with the existing land use. Their family would use the facility and they feel that a museum would be an asset to the community (see Exhibit 4).

Mr. Robert Wheeler, a resident of 4275 Burlington Pike for over 25 years, wishes his six children could have visited a museum like this. He asked that the necessary permits be granted to get the project started.

Carol Downey, 38 Carriage Hill, Kenton County, works for a major Boone County hotel and tries to bring business to the area. She has a good rapport with the Christian community and this use would be a selling tool for her to book guest rooms. She stated that everybody pays the 4.24% tax whether it is a Christian organization or not.

Pat Moran, 3243 Ridgetop Way, Erlanger, has visited the site and toured with Ken Hamm. He stated that the presentation did a outstanding job showing how the building would fit there and, with the exception of the house on Deck Lane, the other neighbors will not see the building due to the hills and trees. Most of the neighbors can see the cell tower, and it ruins their view more than anything Answers in Genesis can build. He attends Calvary Baptist Church in Covington and has had dinner with Ken Hamm and his

family. He is privileged to know them. He is excited to take his family to a museum that supports the Christian view of creation. He stated that if the opponents are allowed to talk about religious viewpoints, then the proponents want rebuttal time to debate the religious issues.

Pastor Mike Jones did not respond when called.

Mr. David Jolly, 1252 Farmcrest Drive, Union, stated that he is a staff member of Answers in Genesis. He stated that the employees are not tax exempt and he pays property taxes in Boone county. A number of other staff members have relocated from other states. He presented a statement from Oakbrook resident David Krigler (see Exhibit 5). Mr. Krigler says that very little traffic will be added to the Idlewild area. Most of the traffic will come from the interstate and will pass very few homes. He will bring his friends to the museum.

Mr. Larry Kunkel, 10989 Big Bone Church Road, Union, is in favor of the use because it will be educational to him and to his family. He questioned how many factories in the county would include a wildflower area, picnic tables, volleyball courts, and recreational areas that are open to the public. They will save the tax payers a lot of money by not being federally or state owned.

Mr. Dan Aylor, 11050 Big Bone Church Road, has been a resident of Boone County all his life. He supports Answers in Genesis and agrees with the comments made by the others. He asked that the zone change be granted.

Mr. Joe Anglin, 10403 Big Bone Church Road, Boone County, stated that he has been a resident for 36 years. He recommends Answers in Genesis as a family-oriented place to take his family. He stated that he is a member of Big Bone Baptist Church and Ken Hamm came to them in January and went over everything.

Linda Barton, 2416 Anderson Road, Crescent Springs, stated that she owns property in Boone County which fronts on KY 20 and an arm of the property goes over to the intersection where Answers in Genesis will be. When they bought the property, they were concerned that the Industrial zoning would create an area they would not like to see when they build a house on their property. They are pleased that Answers in Genesis is proposing to go there because they would prefer to see a museum rather than a factory.

Mr. Ron Stinson, Pastor of Big Bone Baptist Church, 2616 Bullittsburg Church Road, stated that their church is on the opposite side of I-275 from the proposed Answers in Genesis site. Their church has spearheaded a movement in their area about the zoning. Their church has been there for 205 years. They have been opposed to underground mining and their members are concerned about

the area. They are not opposed to change, but they did not want to open the area up to underground mining. They were concerned about the Industrial zoning, but Answers in Genesis was not responsible for the I-1 zoning. He stated that the proposal for Public Facilities zoning is an asset to them and they welcome it.

Mr. Bill Krantz, 4 Sassafras, stated that he is a Boone County real estate agent. He and his family support Answers in Genesis and their project. He stated that the property has been in the multiple listing system for over three years and advertised for sale with a four-foot sign on I-275 that was visible to thousands of cars every week. Answers in Genesis was the first purchasing prospect to come up with an offer suitable to the seller. They bought the property at current market value.

Mr. Mark Franco, 2645 Clifton Avenue, stated that he is a student at U.C. and can attest to the high interest in this project. He stated that a lot of people from U.C. will come to the museum. He supports the request.

Courtney Jung, 102 East 8th Street, Covington, stated that if she were growing up in Burlington, she would appreciate something nearby to go to rather than going to the cities. She would like to be employed by Answers in Genesis.

Mr. Mark Looy, 8430 Woodcreek Drive, stated that he works for Answers in Genesis. He stated that Pastor Dunn has the flu and asked him to read his letter (see Exhibit 6). He stated that the letter says that Answers in Genesis is a reputable Bible-preaching ministry beyond reproach and there is wide acceptance of Answers in Genesis in the area. A phone poll conducted by The Post had 95% response in favor of the museum. The project fits with the Comprehensive Plan, Future Land Use Map, and Zoning Regulations and they stand behind Answers in Genesis. Mr. Looy also submitted a resolution from the Ohio Valley Baptist Association in support of Answers in Genesis and its creation museum (see Exhibit 7).

This completed testimony from those who signed slips in opposition to the request. The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Kurt Streutker, 7793 Bridgegate Court, Florence, stated that he came from California to work for a ministry he believed in highly. He wants to see this ministry in Boone County to effectively proclaim the truth of creation.

Mr. Rick Wood, 6169 Maple Ridge Drive, Taylor Mill, stated that he is a graphic designer and illustrator and has worked with people at Answers in Genesis. He stated that there could be no better neighbor than Answers in Genesis -- they are congenial and honest.

Judge David Grossman (retired) stated that he was presiding Judge of Hamilton County Juvenile Court for many years. He is acquainted with Answers in Genesis. They are a highly professional group, extremely well operated, and of high integrity. He cannot think of anything better to help the problems of children -- which is something he has spent his life addressing. He supports the request and has many friends and contacts who also support this work.

Mike Carney, 2906 Damascus Road, Hebron, stated that he works for the Boone County Board of Education. He agrees with what has been said and supports Answers in Genesis. He asked the Planning Commission not to penalize Answers in Genesis for being a non-profit organization and to give them equal consideration.

Mr. Kelly King, a resident of Erlanger, stated that he has a house under construction in Boone County. He stated that as a non-profit organization, there will be some tax base loss, but he is more than happy to pay extra taxes. He does not think 47 acres of land out of tax production is a bad idea because of all the benefit to the community. He stated that people will come to the area and stay at the hotels, which will be a gain.

There being no one else present who wished to speak in favor of the request, the Chairman asked for comments from those who signed slips in opposition to the request, beginning with Ron Brady.

Mr. Ron Brady, 2947 Bullittsburg Church Road, stated that he is opposed to the request. He moved to his home twelve years ago, and it is secluded and quiet. He stated that the land could be used for houses. Bullittsburg Church Road has potholes and the shoulders are slipping away. They can hardly drive up the ramp because of the traffic, and any more traffic out there will not help them.

Mr. Tom Roberts, 3175 Roberts Lane, Burlington, lives one-half to three quarters of a mile from the property in question. He has a problem with the traffic in the area and it has not been properly addressed. He referred to the 1,600 anticipated cars per day and asked how many will be going towards the south to KY 20. He stated that anyone on the south side of the area will most likely not use I-275, they will use KY 20 -- which is curvy with a lot of blind areas. You have to pull out on KY 20 from Bullittsburg Church Road to see if you are going to get hit before you get out. The traffic will be a nightmare and the roads out there are not good. The residents are having a hard time getting in and out of their driveways because of the excess traffic. In regard to tax money and money being brought into Boone County, he feels that people coming from Cincinnati and around the area will go to this facility and go right back out of state. He does not think there will be a lot of income from this facility. He is opposed.

Vanessa Wiechers, 4052 Petersburg Road, stated that their property is adjacent to property that is adjacent to this site. She and her husband are opposed to any rezoning of this area. They moved there twelve years ago and that land was Residential Suburban Estates and the only way it could be change was if there was infrastructure -- and there is not. There is no water and no sewer. The residents voted down water and sewer. She stated that they want the rural life style. She thinks a museum would be wonderful, but she has a problem with this tract of land that is zoned Residential. She wants her home to remain a lovely home in a rural area. She suggested that Planning & Zoning conduct a study and reassess what the residents in this area of western Boone County want. She has read in The Boone County Recorder that we want to preserve the western quadrant as a nature preserve and have industrial development in the east section. She stated that Answers in Genesis can have their museum in Florence, on I-75, or on land that is zoned Industrial. She stated that she has seen the stream dry in several areas and it is not three feet deep in all areas in the summer.

Ruth Tanner, a resident of 4949 Idlewild Bypass for 25 years, which is approximately one mile from the site, stated that there are obvious concerns of water, sewer, and traffic. She stated that there are many other areas in the county that have the infrastructure for this type of facility. She asked Planning & Zoning to study the interchange to determine the best use for this area. She and her husband are in favor of denying the zone change. She stated that it is essential that the conditions set by Planning & Zoning in the Fall of 1998 are met.

Debbie Cummings, 4062 Petersburg Road, stated that she and her husband are opposed to the zone change because there is no sanitation. She stated that the proposed wastewater treatment plant is a small plant that empties into Garrison Creek. She stated that Answers in Genesis is planning to build a public facility with a 322 vehicle parking lot. The sanitation plant is 5,000 gallons per day, which will accommodate 50 people in an institution or 160 people in a home. The plant at Kelly Elementary is three times the size plant Answers in Genesis is proposing, and Answers in Genesis could potentially have the same number of people as Kelly Elementary if the parking lot is full with cars with one person. She is concerned that the creek cannot accommodate a larger treatment plant. The stench is a concern. She stated that there is no water. They have tried to drill a well and so have their neighbors, but there is no water. They have a cistern and have been without water, especially when there is a decrease in rainfall. They may be without water for twelve hours until it is delivered. Water trucks will not deliver in inclement weather. She questioned how a public facility will function without water. She stated that Bullittsburg Church Road can only accommodate light

traffic. She stated that there are signs at the end of Bullittsburg Church Road prohibiting truck traffic and 1,600 cars per day is too many. Keeping the land Residential Suburban Estates will generate tax money when it is developed. She questioned what could go in these buildings with no access to water or sanitation if Answers in Genesis were to relocate or go bankrupt. She asked if the building will be aluminum sided or brick. She stated that if the property is rezoned, they want conditions to preserve the rural character including: 1) That the rezoning be restricted to the 15 acres adjacent to I-275; 2) That everything in Office One and Public Facility be excluded, except museum, office space, and small warehouse; 3) That the museum be the primary use -- not the distribution center; 4) That there be "NO TRUCK TRAFFIC" signs posted at the KY 20 entrance and the Answers in Genesis entrance; 5) That Sanitation District #1 operate and maintain the treatment plant; 6) That when sanitation comes to the area, Answers in Genesis be required to connect; 7) That the motors of the sanitation treatment plant be enclosed in a small building to eliminate noise; 8) That the treatment plant not expand as the area grows; and 9) That there be no animated walking trails, amphitheater, outside lights or PA system, no obtrusive signage, and height limits on signs and lighting. She questioned what kind of penalty would occur if the restrictions are violated. She stated that this is a beautiful area and one of the last areas of Boone County. It is the first exit people encounter from Indiana. They would like the KY 20 corridor studied. Mrs. Cummings submitted her comments (see Exhibit 8).

Aimee Boese, 5673 Petersburg Road, lives about two miles from the site and travels the interchange as often as six times a day. She stated that a Public Facilities Zone would seem better than the originally requested Industrial Zone -- provided all the uses in PF O-1, other than the museum, are excluded; that the museum is the primary use, and office and warehouse space are solely to support the museum. She stated that the questions of water, sewer, and traffic remain. She stated that 400 - 600 gravel trucks per day use the interchange, as well as the local residential traffic. Within the past week, there have been two accidents with injuries on KY 20. She stated that the past traffic study did not consider traffic coming down KY 20 past Bullittsburg Church Road, and it used a library for the traffic comparison. Mr. Theissen now says the traffic will be lighter than originally predicted, and she takes issue with that. She stated that Answers in Genesis has said on their web site and in media reports that they intend for the museum to be a national attraction -- in which case it would be more fitting to compare the project to the Cincinnati Natural History and Science Museum. In 1998, the Science Museum (not the Children's Museum or Omnimax) averaged 29,000 visitors per month -- and in their biggest month 44,500 visitors. She stated that Answers in Genesis has proven they can attract people and drew 24,000 people to a seminar in Colorado. All it will take to make

this a national attraction is marketing. School buses and tour buses will visit the museum. She stated that last time, Answers in Genesis agreed that their parking lot would be no larger than 350 spaces and parking would not be allowed on the grass or roadsides. What happens when car number 351 comes? She believes they will use this building for seminars. She stated that there must be a mechanism to prevent Answers in Genesis from hosting large events at this location. She stated that Staff told her that Public Facilities zoning will not protect them from mining any more than Suburban Residential Estates would.

Mary Brady, 2947 Bullittsburg Church Road, is concerned about the sewage, the size of the treatment plant, and the stench. She does not believe that a package treatment plant can totally eliminate the stench. She does not believe the 5,000 gallon treatment plant will be enough. She stated that the parking lot is for 350 cars, so you know there will be more than 350 people. She asked if the treatment plant will be contained. Will rain water run off from the parking lot and roof and into the treatment plant increasing the outflow into the creek? They want to make sure the Sanitation District does the inspections. They would like to see Bullittsburg Church Road from the interstate to the property to KY 20 stay off limits to the trucks. At the interchange, trucks and cars are driving at top speed to the interstate. Coming out of Bullittsburg Church Road, vehicles are rounding the curve on the bypass heading to I-275 and with this traffic from Petersburg, in can be dangerous pulling out -- especially for unsuspecting visitors. She stated that Public Facilities zoning would be the best alternative for the area, but some restrictions need to be addressed. They would like to see only the museum, office space, and small warehouse on the fifteen acres; no bright lights, no PA system, no camping facilities; and that the change to Public Facilities be restricted to the fifteen acres. She stated that the 1995 Comprehensive Plan says the infrastructure needs to be in before any development. She stated that the Comprehensive Plan mentions Industrial zoning and 2020, so it is early for that. She asked how they can be guaranteed that the picture the applicant showed is all they are going to do on the property. If this organization is there ten or fifteen years from now, how can they be guaranteed that the things in the picture will still be the only things on the property?

Mr. Bob Grant had no comments.

Mr. David Merrell, 2829 Jordan Lane, lives within a two minute walk of the site. He stated that the creek does not always run full in the summer. He stated that it was said this evening that there would probably be only one or two tractor trailers in and out of the site, but on Answers in Genesis' web site they say they have already purchased items from Baltimore on ten tractor trailers. He believes they would be bringing them to the museum, so they would have to have ten tractor trailers to haul them to this site if it

takes ten tractor trailers to haul them from Baltimore. Are these ten tractor trailers in addition to the two that come on a weekly basis? He stated that Mr. Theissen said there would be no large groups at this site and he would like this to be a restriction if the request is approved, as well as that there not be any large seminars or family camps at the site. He talked to someone in Ben Chandler's office and they stated that Answers in Genesis is not legally allowed to collect money in Kentucky.

Jennifer Warner, 2510 Stevens Road, lives about two miles from the site and is against the request. The more research she has done about Answers in Genesis and heard the public speak, the more contradictions she has heard. She stated that a lot of the signatures on the petitions are from people who thought that by agreeing to this zoning they would not get the Industrial zoning. She stated that they do not want Martin Marietta in there and people do not realize the two are related. One of the many inaccurate things Ken Hamm has stated is that this area is zoned Industrial, and it is zoned Rural Suburban Estates. She stated that there has not been one reason to change the zoning for Answers in Genesis. The story they heard at Bullittsburg Baptist Church has changed. She is astounded at the difference in what they were told last Wednesday night -- they said the people of Boone County would not be allowed to use this facility. It is not a park area. They said the people could not use it. She questioned how many supporters came up and said this would be park land. They were told Answers in Genesis would not have religious assembly, but it is listed as an activity. They were told by Answers in Genesis that their mail order operation would not be here, but it is. She stated that they were only going to ask for 25 acres to be changed and the rest would be left, but this proposal says 47 acres. Everything she sees is a contradiction. She stated that people could not get into their web site recently and questioned why. She questions Answers in Genesis' ethics. She stated that she will FAX her letter tomorrow to Staff.

Mr. Costello stated that the letter will be available to anyone who wants to see it.

Mr. Thomas Fischer, 2924 Bullittsburg Church Road, stated that he purchased his property last August. His property will adjoin the site. He agrees with his neighbors and people who have spoken against the request. He is not against the project per se, but is against the use of the land. If the building had been there, he would not have bought his land. He stated that there is nothing else in the area like Answers in Genesis and there are other places available for this use.

This concluded the comments by those who signed slips to speak in opposition to the request. The Chairman asked if there was anyone present who wished to speak in opposition who did not sign up.

Sheila Merrell, 2829 Jordan Lane, Burlington, stated that the residents are opposed to the rezoning based strictly on land use concerns and not on religious concerns.

Chairman Caddell asked if there was anyone else present who wished to speak in opposition. There being no response, he asked if there were any comments from the Commissioners.

Mr. Hicks stated that there is concern about the sewage treatment plant going into the creek. He questioned why it could not be dumped into the lake like Turfway Park does.

Mr. Greg Brown responded that the discharge of Turfway Park into the lake is a grandfathered activity. The Division of Water prefers not to have discharge effluent go into non-designed, non-aerated ponds. The pond was not designed and constructed for that use. In response to additional questions, Mr. Greg Brown added that the pond could be drained and reconstructed for that use. He stated that his earlier point regarding blue line streams is that is the way the USGS identifies streams as continuously flowing. It was his experience in a typical section of the stream to see it in a 1' - 3' deep area. It is the Division of Water that determines the suitability of the stream. He stated that he could discuss how this differs greatly from a school type operation where there is food preparation.

Mr. Viox stated that he thinks the museum is a good idea, but the problem he sees is that the infrastructure is not there and the area is not quite ready to develop. He stated that whether it is Industrial or Public Facilities, the building is a little less than WalMart in Florence -- it is a big building. It is a regional draw and there are a lot of places in Northern Kentucky or greater Cincinnati that are suitable and have infrastructure for this facility. Why have they zeroed in on this site in this rural area that is in the Comprehensive Plan for 2020? The infrastructure is not there yet. He stated that this may be a use that everyone wants, but this may not be the place. He stated that we have gone through this twice before and he thought it was settled that they were going to reduce their application down to just the portion on that side of the lake and not bother the other areas -- but they have come back and gotten more intense. He stated that we were agreed that there would not be any activity on the other side of the lake and now we see all the pathways and things over there. His statements are centered around the infrastructure and the lack of it, and whether we are ready to develop this area.

Mr. Theissen stated that 95,000 square feet is not a bad size building. It is a building that has museum, distribution center, and office, and it only produces less than 5,000 gallons per day of sanitation use and only uses 5,000 gallons per day of water, which

is a very small amount. It is not a big infrastructure user. He stated that if they were building a 50,000 square foot building that produced 25,000 gallons per day and there were serious problems about whether the stream was adequate, he would appreciate those issues. He stated that it is not fair to turn down a development because of infrastructure issues when the infrastructure demand of the type of development being proposed is very small -- smaller than a school. The only water and sanitation to be used is restrooms for fifty or sixty employees and the guests. The facility is open from 9 AM to 5 PM. He stated that the infrastructure is not a justification for denial. He stated that he submitted a letter from the state regarding developments in Boone County with treatment plants. He asked "Why should this little 4,000 gallon per day user and 5,000 gallon per day treatment plant be the one we say *no* to because the infrastructure is not there?". He stated that they have more than adequate treatment of the sanitation and more than adequate water. He stated that there are four different alternatives for water supply. Infrastructure is not a justification to turn this development down. He stated that there was a lot of discussion about the south side of the property the last time this went before the Planning Commission. He stated that the south side of the property does not have one structure on it. He stated that there are probably buffering requirements when someone builds Public Facilities or Commercial and the widest is probably 100 feet.

Mr. Costello commented that the widest is 80 feet.

Mr. Theissen stated that the buffer between the development and the adjacent property to the south is probably 200 feet to 300 feet. There will be a picnic area and trails and ballfields -- which is something people have in their backyards. It is not a use that is offensive. He stated that the Comprehensive Plan calls for a rural type use. He stated that there is not a zoning justification to turn this down. What is happening on the south side is passive recreation which is permitted in the zone. He stated that part of the reason they were asked to propose things on the south side is because if they show it on the Development Plan, they are locked into it. It is no different than what they ever wanted on the south side. It is passive recreation.

Mr. Viox asked if they are willing to commit to architectural review. Mr. Theissen responded "yes".

Mr. Newman asked if it is 4,000 gallons per day considering only employees.

Mr. Theissen stated that they did a calculation based on the anticipated attendance and employees. It is a conservative estimate of how much is used and how much is produced.

Mr. Newman stated that there are 300 parking spaces. Mr. Theissen responded that there are 332 parking spaces. Mr. Newman questioned there being 332 people plus sixty employees each day. Mr. Theissen stated that they did a parking space requirement analysis, and they did not change the planned number of parking spaces from the last time. He believes the Development Plan probably shows more parking spaces than are required by about fifty. He referred to Tab 4 in the handout and stated that they would be required to have 280 parking spaces. He stated that they have to meet the code. He stated that the Planning Commission wants to make sure they have adequate water supply and treatment facility, but once they get zoning approval, they also have to get approval from the Division of Water. If they need to do more, they will have to do more -- they would not be able to build without it.

Mr. Damstrom asked if the size of the sewer plants takes growth into consideration. He stated that the peak time (the time that people are there) use of the sewer plant has to be taken into consideration so that untreated effluent does not go into the blue line stream.

Mr. Theissen responded that there is a holding tank facility so that it discharges on an average basis.

Mr. Damstrom questioned growth in terms of people using the site -- what are the provisions to increase the size of the plant?

Mr. Greg Brown referred to "peak significant run off" and stated that the proposed design would include a flow equalization tank that will receive all of the flow during the significant run off period. The average flow will be 3.5 gallons per minute. The holding tank will be sized for the peak demand period. He stated that they will make a submission to the Division of Water based on the facility today. If in ten years they wish to expand the facility, that would require resubmission to the Division of Water for an Upgrade Permit. The Division of Water would review the facility and see if the stream is capable of meeting the additional growth or not. If not, then they have no capacity for growth.

Mr. Damstrom stated that there is no one to monitor if the numbers are increasing. He questioned monitoring by the Sanitation District.

Mr. Greg Brown responded that even if they do not monitor the effluent requirements, review of the treatment plant is required. If it is determined that the usage of the facility is impacting the treatment plant in a negative capacity, they will require upgrading or reduce the effluent to within the limits.

Mr. Damstrom stated that the state only monitors the plant about once a month. In the meantime, if they dumped a lot of sewage and the tank did not handle it, and there was rain and it was flushed away, that would not be monitored. He stated that they only take samples from the tank.

Mr. Greg Brown stated that the Division of Water will require the Sanitation District to upgrade the treatment plan and their method is daily monitoring. He feels comfortable that the Sanitation District being a contracted operator for the facility would be a suitable governing authority to assure that in the event a situation arose where the facility was seeing flow in excess of the design, it would be in their best interest to alert the Division of Water and Answers in Genesis. He reviewed how the system was designed (breaking it down into sections and assigning flow based on the square footages of the sections). He stated that the Division of Water will review the plans with great scrutiny. He stated that it is an aerobic treatment process and the issue of stench is not a consideration. He stated that the Sanitation District will operate the facility and they currently operate a lot of facilities in Northern Kentucky.

Mr. Damstrom commented that he has not seen a sewer plant yet that did not smell.

Mr. Greg Brown responded that there are a lot of sewer plants that are poorly operated. He stated that Sanitation District No. 1 of Northern Kentucky is well promoted by the Division of Water as being a class municipal operating district with 160 employees.

Mr. Ries stated that his concern is fire protection. He stated that the fire protection is based on the lake water, but it is dry July to October and lakes are about one-half level. What will they do during that time to provide fire protection?

Mr. Theissen responded that the estimates in the handout show that the lake has five million plus gallons of water. The actual water supply requirement according to the Hebron Fire District is 126,000 gallons -- so they are well over the minimum requirement and would probably still have enough if the lake were below half full. It is a very large lake. In the driest time, there will be more than enough water.

Mr. Ries questioned who would monitor it. What if a dam broke -- who determines what they have to do for fire protection?

Mr. Theissen responded that he does not know, but can address this at the Committee meeting if necessary. He stated that Answers in Genesis' insurance carrier is going to want to make sure they have adequate protection. The Fire District has looked at this and

their letter says that as long as they build what they say and it is done properly, the Fire District is comfortable it can be protected from fire.

Mr. McMillian questioned how the project would be phased if it is approved. What would they build first?

Mr. Theissen responded that they told him they want to build the museum first. They currently have an office and a warehouse facility, but they do not have a museum. They may build the whole thing at one time -- it depends on the funds. Mr. McMillian questioned when the warehouse would be built. Mr. Theissen responded that it is a small storage room. They have a loading dock facility and one truck. He does not know when it will be built. They want to put all their facilities in one place. The goal is to build a headquarters where everything is in one place.

Mr. McMillian stated that he is concerned about a warehouse in Public Facilities. He asked, if they are not going to have any seminars there, what will the park be used for?

Mr. Theissen responded that public schools, which includes most of the schools in the community, would not be allowed to come because of the separation of church and state -- but they could get a bus load of children from a private school who could go through the museum and have a picnic. Families could come there for the outdoor picnic area. He stated that it is privately owned land and there are liability concerns if they allowed children from the neighborhood to come. He stated that the Judge/Executive has asked if they would be interested in entering into a contract with the county to use their soccer field if they build there and they said they would consider it.

Mr. McMillian responded "You told them no". Mr. Theissen stated that they asked if it would be a recreational area that anyone in the neighborhood could come in and out and that is not what it is intended for. Mr. McMillian stated that it is a private facility. Mr. Theissen responded "It is privately owned". Mr. McMillian stated that we do not have a Private Facilities zone. Mr. Theissen stated that the zoning district is Public Facilities, but that does not mean the government has to own it. It is a use the public would come to. Mr. McMillian responded that a public school cannot come. Mr. Theissen explained that that is because of the separation of church and state. That is the schools' rules -- not Answers in Genesis' rules.

Mrs. Wilson asked if there is no other property in Boone County that more closely meets their needs.

Mr. Theissen stated that he has no doubt that the applicant could find some place else to go, but this site is uniquely suited for

Answers in Genesis. It is an Industrial zone, but it does not have a lot of factories around it. It is close to the interstate and his visibility. It is close to the interchange. The site is particularly suitable for the use and they have it under contract.

Mr. Newman questioned the blue line stream and how their use of it would affect future use. Would it restrict others from using that stream?

Mr. Theissen responded "no".

Mr. Viox noted that Mr. Theissen said that the property was zoned Industrial. Mr. Theissen responded that he mis-spoke and he has not alleged that it is zoned industrial.

Mr. Viox stated that he believes Ms. Boese brought up a concern about another undesirable zone that would perhaps be on the other side of the expressway, which the community has feared. He stated that he believes action taken here does not affect action that may take place on the zoning on the other side of the expressway. He has heard the rumors that "we better do something or we will get the I-4 zone" and he does not think that is true.

Mr. Theissen stated that they do not promote mining and they do not want to be next to a mine either.

Mr. Knock questioned why they do not seek out a zoned area where the infrastructure is in place for their facility.

Mr. Theissen responded that they thought they did that. Over a period of one to two years they did an analysis of the zoning maps and the Comprehensive Plan to find a place that is industrial and meets their needs. They are in the middle of an industrial park now, and that is not the kind of industrial site they want to be in. He noted that the Comprehensive Plan says "adequate infrastructure" -- but that is not to say you have to have city water or sewer. He has presented a list of developments that do not have city water or sewer. He stated that they have presented convincing information that there is adequate water and adequate method for treating the sanitation. He does not see where they do not have adequate infrastructure. He stated that they have adequately addressed water and sanitation.

Mrs. Arnett stated that in the original zone change request in 1996, one of the things on the plan was overnight camping. She stated that with Public Facilities, camping is allowed. She asked if they have plans for camping. Mr. Theissen responded "Absolutely not". Mr. Hovath responded "That is not our desire". Mr. Theissen stated that they will agree to a condition that there will not be camping.

Mrs. Arnett asked Mr. Theissen to address the citizens' concerns.

Chairman Caddell asked if there were any other questions from the Planning Commission.

Mr. Damstrom stated that there is a concern in the Staff Report about the number of inappropriate uses in the Public Facilities zone that would not pertain to this site. He asked if the applicant would be willing to limit the uses in the Public Facilities zone to answer the concerns in the Staff Report.

Mr. Theissen responded that they do that as a developer when they come in with a Development Plan. If they change uses, they have to get approval. He stated that on the application is a list of what they plan to do and that is all they are planning to do. He stated that any changes would have to come back before the Planning Commission. He stated that they do not have a problem with making a commitment that there will not be a campground.

Chairman Caddell stated that the applicant and the Committee can address all of the Principally Permitted uses listed in Public Facilities and see which ones can be eliminated by agreement.

Mr. Theissen stated that one of the reasons they are asking for Public Facilities is the idea that if Answers in Genesis went out of business and wanted to sell. He stated that the Planning Commission does not want a factory there with smoke stacks and a 50,000 gallon per day package treatment plant. He stated that there was concern in I-1, but he does not think the same concerns exist in Public Facilities.

Counselor Wilson asked if they agree that the records from the prior two applications will be incorporated into this record. He noted that during the evening they made a lot of comments about the other applications without having those records included. He asked if they agree to incorporate them.

Mr. Theissen responded that he does not see why not.

Mr. Theissen stated that one of the big issues is the protection of the rural nature of the community -- and they are not trying to affect the rural nature of the community. This is property along I-275 and the Comprehensive Plan allows non-rural type uses at the interchange, which is smart planning. He stated that the interchange of an interstate should end up with development. He commented that from here to Chicago on I-74 there is a lot of farmland -- but at the interchanges are gas stations and hotels. He stated that they do not want industrial or commercial for miles and miles down KY 8 or KY 20. The decibel level on the property is over 65 and it is not a quiet rural site. He stated that they have addressed the issues about the treatment plant. They have given

numbers of what they anticipate the traffic to be on KY 8 and on Bullittsburg Church Road -- and the road levels remain "A". He noted the comment about ten truck loads of stuff, and stated that when they move into the property, they will have to bring the exhibits -- but that is a one time thing. It will normally be one or two 18-wheelers per week, plus the UPS and Federal Express trucks. He stated that they were offended about the comments made that the group is unethical and that people have been getting different stories -- he does not think the comments were accurate or that they mis-spoke at the last meeting or at this one. They have been consistent about their plans.

Mr. Knock asked if records were made at the last meeting. Mr. Theissen responded that there was an audio tape made, but the audience stayed in their seats when they spoke and their comments may not be on the audio tape. He stated that the Planning Commission is welcome to the audio tape. Mr. Knock stated that it needs to be part of the record. Mr. Theissen responded that they would be happy to submit it.

Mr. Theissen referred to the traffic issue and stated that there is a traffic report. He stated that the Natural History Museum on a square foot basis is much larger than this museum will be. They have calculated traffic, parking, and water use on the square footage of the building and the reasonable capacity of the building. He stated that with any development, enforcement is an issue. He stated that all of the things they commit to and that are on their Development Plan are things that can be enforced. He thanked the Planning Commission for their consideration.


There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on March 11, 1999 at 5 PM in this room. There will not be any new testimony introduced at that time. People are welcome to attend, but it will be up to the Chairman of the Committee as to how much discussion is permitted. This item will be on the Agenda for the Business Meeting on March 17, 1999 at 7:30 P.M. in this room. The Chairman closed this Public Hearing at 11:20 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
March 17, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Brown
Mr. Arnold Caddell, Chairman
Mr. Phil Damstrom, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Mike McKinney
Mr. Don McMillian
Mr. Robert Newman
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White
Mrs. Lisa Wilson

COMMISSION MEMBER NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT - Director, Zoning Services

Staff Member Kevin Wall presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Hicks moved by resolution to Fiscal Court to deny the request based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

The Chairman asked if there was any discussion. There was no response.

Counselor Wilson stated that a "yes" vote is a vote to deny the request.

The Chairman asked for a vote on the motion made by Mr. Hicks to deny the request and it carried unanimously.

3. Zoning Map Amendment

The request of Answers in Genesis (agent authorized by owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47-acre tract located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and a small loading dock.

Mr. Costello stated that letters regarding this request were received after the Public Hearing and those letters will be forwarded to Fiscal Court.

Mr. Costello presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions. Mr. Costello noted that there is an attachment to the original Committee Report in regard to Condition #6.

Mr. Knock moved by resolution to Fiscal Court that the Committee's recommendation be accepted. Mr. Damstrom seconded the motion.

The Chairman asked if there was any discussion.

Mr. Brown stated that the Committee Report is not binding on the Planning Commission. He stated that he will vote against the request for several reasons, none of which are based on religious bias. He stated that he voted only for the conditions of the zone change, but not necessarily for the overall approval for several reasons (1) the

Committee was using unapproved Public Hearing minutes which on Page 24 state that the two prior records would be used, but they were not provided to the Committee. They are not here now, so the information in those two prior records cannot be discussed. He was not here for those two prior processes; and (2) the Planning Commission is currently being sued by the applicant for various comments made during those public records, which were not provided. The applicant is video taping this meeting and video taped the Committee meeting. He does not consider that to be a trustful act on the part of the applicant.

Mr. Brown stated that he did not want this item to come before the Planning Commission without agreed upon conditions. There were no conditions being placed on this and he believes all eleven conditions were his. He stated that now that the minutes have been approved, he would like to discuss the three criteria required for a zone change under KRS 100 -- which were not discussed to any degree during the Committee meeting. Findings of Fact (1 - 4) in the Committee Report were not discussed. In regard to the first criteria "Has the area seen major changes of an economic, physical, or social nature that were unforeseen in the Comprehensive Plan and, if so, have they substantially altered the basic character of this area?". He commented "I don't think so, and I don't believe they have proven that those changes have taken place". He stated that the roadway is inadequate, there is no potable water, and no public community-wide sewers. He stated that this is a rural residential area and that is what it is meant to be. In regard to the second criteria "Is the existing zoning classification given to the property inappropriate and is the proposed zoning classification more appropriate?". He stated that this entire area is Rural Residential, except for an old established cement plant. This area is not planned for anything but Rural Residential except for one very small area on the Future Land Use Map, which may be developed by 2020 as Industrial. He stated that this proposal calls for a regional/national attraction museum and a warehouse use that does not fit into a Rural Residential area. In regard to the third criteria "Is the proposed zone in agreement with the current zone?". He stated that the current zone is Rural Residential and the applicant has stated that they are proposing a rural/national museum draw. He stated that the new aquarium in Newport expects to draw 500,000 to one million people, and that is a regional/national draw. The applicant is saying that they want 300 - 400 people a day -- and he does not see how they can have a successful museum with those numbers. He stated that it does not fit a Rural Residential Zone, which is the current zone, and they are not in agreement with the current zone. He does not believe they have proven that they meet the criteria and he will not vote in favor of the request.

Mr. Viox stated that he will also not vote for the request. He stated that the decision is not made for religious or political reasons, but for land use reasons. He stated that this is the third

time the applicant has applied for a site that had to go through the Public Hearing process. He stated that there are other sites in greater Cincinnati and in Boone County where this use would be permitted. He stated that typically development has occurred from the Kenton County line out and we have resisted "hopscothing" into rural areas with development. We have developed from Kenton County from east to west. He stated that it was indicated at a recent workshop that our biggest migration comes from Kenton County. It is not a direct line -- we have the airport, Burlington, and Union -- and so it is more of a half moon shape, but the development is creeping slowly out from Kenton County into the rural areas. He stated that the Comprehensive Plan was correct. The Staff and the Planning Commission looked at the data and saw that this area would develop sometime in the future when the infrastructure got there. Considering what has happened recently, the infrastructure will probably come from the North Bend Road exit because that is where the adequate infrastructure is. In 1995, the infrastructure was in the center of North Bend Road, and it is slowly creeping towards Graves Road. There has been a natural progression toward this interchange -- we have not just hopped out to it to create a development area. He feels that there will be very little change in this area in the Comprehensive Plan Update. It looks like it will be about 2007 or 2010 before infrastructure gets to this area -- unless a powerful developer decides to go out there (such as a convention center) that would have the financial backing and backing of the state to run the utilities the long distance they still have to go to get there. He stated that for these reasons, he will vote "no".

Counselor Wilson stated that the Committee Report is incorporated into the motion and contains findings that the request is in agreement with the Comprehensive Plan. Therefore, the motion is based on one of the three findings for a zone change.

There being no further comments, the Chairman asked for a roll call vote on the motion made by Mr. Knock which found Chairman Caddell, Mr. Damstrom, Mr. Knock, Mr. Newman, Mr. Ries, and Mr. White in favor. Mr. Brown, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Rush, Mrs. Smith, Mr. Viox, and Mrs. Wilson were opposed. With 6 votes in favor and 8 opposed, the motion did not carry.

Mr. Viox asked Mr. Costello to present the minority Committee Report.

Mr. Costello presented the minority Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Viox moved to deny the request based on the second Committee Report. Mrs. Smith seconded the motion.

The Chairman asked if there was any discussion.

Mr. Ries stated that if Finding of Fact (A) is used for denial, half of the projects in the county would probably not pass. He questioned the twenty-year projection of the Comprehensive Plan. Isn't it a five-year update?

Staff Member Dave Geohegan stated that different communities have different planning horizons, and Boone County has a 25 year planning horizon. The five-year update is a requirement of KRS examine the Comprehensive Plan to see if it needs to be updated or not.

Mr. Ries stated that the Comprehensive Plan was just updated. Mr. Geohegan stated that it was updated in 1995. Mr. Ries questioned why the Comprehensive Plan was not changed in 1995 if this area was not intended for industrial. Mr. Geohegan stated that there are a lot of issues. In the past, some lands have been changed to industrial for the long-term outlook to try to prevent non-conforming uses from occurring. If we looked at an area for 25 years to be industrial, but it is kept shown as residential, there could be uses occurring there that would be inconsistent land uses when the industrial occurred. It also provides the community with an outlook so that people know what the future of an area is going to be.

Mr. Ries stated that the Planning Commission has gone against the Comprehensive Plan on many occasions. He stated that he can see this property being an I-1 use and if he lived in the area, that would scare him. What can come out of some of the buildings in the I-1 zone would scare him. In most cases at interchanges like this there are apartment complexes, and he knows what apartment complexes can do to intersections. He stated that when you look at the alternatives, maybe this is not so bad. He stated that the Findings of Fact in Section A are vague.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Viox which found Mr. Brown, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Rush, Mrs. Smith, Mr. Viox, and Mrs. Wilson in favor. Chairman Caddell, Mr. Damstrom, Mr. Knock, Mr. Newman, Mr. Ries, and Mr. White were opposed. The motion carried by a vote of 8 to 6.

Counselor Wilson stated that the Planning Commission's recommendation will go to Fiscal Court for their ultimate decision. Fiscal Court may chose to have a Public Hearing, but they are not required to. Fiscal Court can go along with the Planning Commission's recommendation or override it.

NEW BUSINESS: None.

EXHIBIT "B"

REPORT AND FINDINGS PRESENTED TO THE FULL PLANNING COMMISSION AT THE MARCH 17, 1999 BUSINESS MEETING. REPORT AND FINDINGS APPROVED BY A VOTE OF 8-6.

COMMITTEE/COMMISSION REPORT

#3

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: March 17, 1999

RE: Request of **Answers in Genesis (agent authorized by owner)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47 acre tract located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and a small loading dock.

REMARKS:

We, the Committee/Commission, recommend denial of this request based on the following findings of fact.

FINDINGS OF FACT

1. The Committee/Commission has concluded that the Zoning Map Amendment and Concept Development Plan are not in agreement with the 1995 Boone County Comprehensive Plan due to the following reasons:
 - A. The Goals and Objective (Overall Objective #4, pg. 4) states that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed." The Committee/Commission has concluded that the zone change request is not in agreement with this objective because the proposal involves a 95,000 square foot multi-use building that will rely exclusively on private, on-site domestic water and wastewater treatment systems. Due to the fact that the proposed use is a public facility, a regional and national attraction capable of attracting thousands of visitors annually and employs over 50 employees, access to a public water supply is critical to assure appropriate water capacity for fire protection purposes and water quality for drinking purposes. The applicant is not willing to pursue and commit to extending public water to serve this site.

In addition, the applicant has not documented that the proposed sanitary sewage treatment plant will be owned and maintained by the Sanitation District No. 1 to assure public health and safety in the area. It is the conclusion of the Committee/Commission that such private on-site systems proposed by the applicant should not be endorsed or encouraged for large, intensive facilities in comparison with others in the area, such as the one proposed based on the Comprehensive Plan. The Public Facilities Element of the Comprehensive Plan

discourages the use of individual package sewage treatment plants on individual tracts of land. The proposed use could be located on property in another area of Boone County with existing supporting infrastructure.

- B. The future Land Use Map designates the area of the site where the building is proposed to be "Industrial". This classification is a 25 year projection for industrial uses on the subject site. It also suggests that at the appropriate time, industrial uses are appropriate along with commercial and residential uses and zoning at the I-275/Petersburg Idlewild interchange and not Public Facilities uses and zoning. The Comprehensive Plan describes the industrial land use classification as "manufacturing wholesale, warehousing, distribution, assembly, mining and terminal uses." The proposed uses on the site are not consistent with this classification as described above.
- C. The Committee/Commission has not found that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate since the only development activity in the immediate area has been residential in the past ten years. There have been no major changes of an economic, physical, or social in nature not anticipated in the 1995 Boone County Comprehensive Plan that substantially alter the area's character, and the applicant has offered no facts to support either of these alternate findings.

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.

<hr/>			
Phil Damstrom, Chairman			
For	_____	Against	_____
Abstain	_____	Absent	_____

<hr/>			
Larry Brown			
For	_____	Against	_____
Abstain	_____	Absent	_____

Mark Hicks

For _____ Against _____
Abstain _____ Absent _____

Bob Newman

For _____ Against _____
Abstain _____ Absent _____

Bill Viox

For _____ Against _____
Abstain _____ Absent _____

TOTAL: ___ FOR ___ AGAINST ___ ABSTAIN ___ ABSENT

REPORT AND FINDINGS PRESENTED TO THE FULL PLANNING COMMISSION AT THE MARCH 17, 1999 BUSINESS MEETING. REPORT AND FINDINGS WERE REJECTED BY FULL PLANNING COMMISSION BY A VOTE OF 8-6.

COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: March 17, 1999

RE: Request of Answers in Genesis (agent authorized by owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47 acre tract located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and a small loading dock.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the Zoning Map Amendment and Concept Development Plan are in agreement with the 1995 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates most of this site as Industrial (I) and Rural Lands (RL) and the proposed uses are generally in agreement with these classifications and with the permitted uses in the Public Facilities (PF) zoning district.
2. The Comprehensive Plan's Land Use Element states that "development in this area should not be accompanied by major sanitary sewer facilities that could commit the Idlewild area to development." The proposed facility would use an on-site sanitary disposal system, thus the construction of a sanitary system that would commit the area at large to development is not part of this proposal.
3. The Committee has concluded that the request with the attached conditions is in general agreement with the "Future Land Use Development Guidelines," which are outlined in the Comprehensive Plan's Land Use Element.
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 and 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. The applicant shall be responsible for resurfacing Bullitsburg Church Road from its proposed entrance to KY 8 (Idlewild Bypass) according to the requirements of the Boone County Engineer.
2. The applicant shall be responsible for installing directional signage from the site to KY 20/Idlewild Bypass. A "No Truck Traffic" sign shall be installed on southbound Bullitsburg Church Road.
3. All lighting on the site shall be self-contained and directed away from adjoining properties. Lighting shall only be used for security and safety reasons.
4. The applicant shall provide copies of all approved sanitary sewage and water permits to the Boone County Planning Commission.
5. The proposed uses on the site shall be limited to those uses indicated on the applicant's application. No other Public Facilities (PF) uses will be allowed unless a new application is filed and a new Public Hearing process is held.
6. The proposed uses on the site shall be in accordance with the breakdown or percentage as identified by the applicant at the March 3, 1999 Public hearing (see Attachment #1). The primary use of the site shall be the museum.
7. There shall be no outside animated, mechanical or moving, brightly illuminated and loud sounding figures on the site.
8. Camping and recreational vehicles (overnight stays) shall be prohibited on the site. An amphitheater is also not permitted on the site.
9. The parking of vehicles shall be limited to paved parking areas on the site and indicated on the Concept Development Plan.
10. The proposed religious uses on the site are tied to uses identified in Attachment #1 and shall be limited to inside the proposed building.
11. The applicant shall submit architectural drawings for the Design Review process. The proposed building shall consist of masonry brick or decorative block materials and be similar to the materials and design shown at the March 3, 1999 Public Hearing (see Attachment #2).

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.

Phil Damstrom

Phil Damstrom, Chairman

For Against _____
Abstain _____ Absent _____

W. Jay Brown

Larry Brown

For Against _____
Abstain _____ Absent _____

Mark Hicks

Mark Hicks

For _____ Against
Abstain _____ Absent _____

Bob Newman

Bob Newman

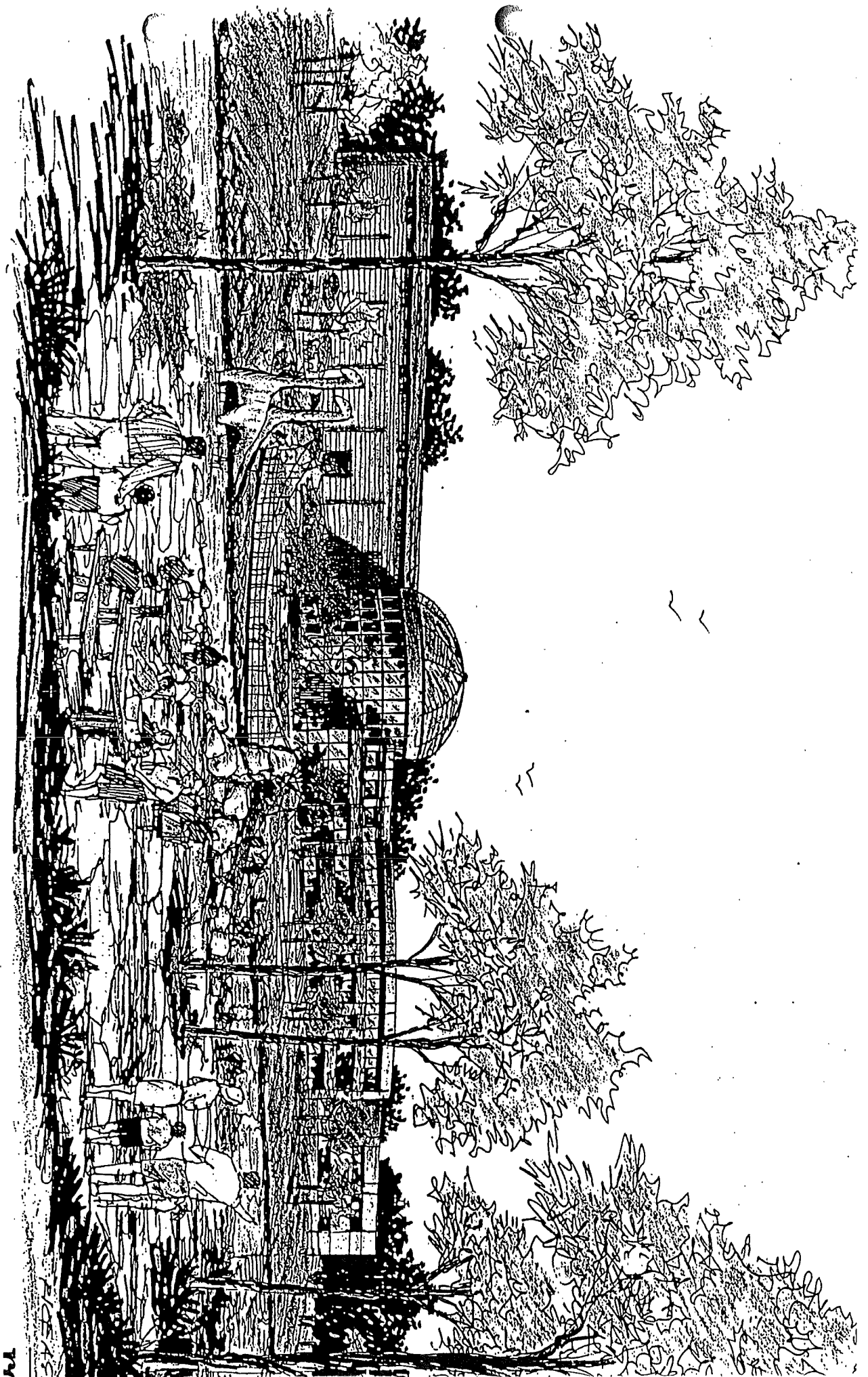
For Against _____
Abstain _____ Absent _____

Bill Viox

Bill Viox

For _____ Against
Abstain _____ Absent _____

TOTAL: 3 FOR 2 AGAINST 0 ABSTAIN 0 ABSENT



Answers *for General*

MUSEUM
EXHIBIT AND GENERAL PURPOSE AREA
50%

CHILDRENS WORKSHOPS
& CLASSROOMS
12%

BOOK
STORE
2%

RESEARCH
LIBRARY
2%

MUSEUM
DEVELOPMENT
3%

OFFICES
20%

MAINTENANCE
2%

DISTRIBUTION
& STORAGE
9%

ORDINANCE NO. 99-10
BOONE COUNTY FISCAL COURT
ANSWER IN GENESIS

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT GRANTING THE REQUEST OF ANSWERS IN GENESIS (AGENT AUTHORIZED BY OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO PUBLIC FACILITIES (PF) ON AN APPROXIMATE 47 ACRE SITE GENERALLY LOCATED ALONG THE EAST SIDE OF DECK LANE AND BULLITSBURG CHURCH ROAD AND ALONG THE SOUTH SIDE OF I-275, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) on an approximate 47 acre site generally located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Committee of the Boone County Planning Commission which reviewed the proposed project recommended approving the request by a vote of 3-2.

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Map Amendment; and

WHEREAS, the Boone County Fiscal Court believes that the Boone County Planning Commission's recommendation is not appropriate and that the applicant's request should be approved.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby granted, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) on an approximate 47 acre site generally located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOKS 207 & 209, PAGE NOS. 514 & 310, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for this Zoning Map Amendment request are the findings of fact and conditions of the Committee of the Boone County Planning Commission which considered the matter. The Committee Report, which recommended approval of this request subject to conditions is attached hereto and incorporated herein as Exhibit A.

Further, the Fiscal Court finds the applicant's request to be consistent with the Boone County Comprehensive Plan. That plans call for the area in question to be developed as industrial at some time. The proposed use qualifies as an industrial use, but it is also consistent with the permitted uses in the Public Facilities (PF) zoning classification. This PF classification allows the area in question to be developed consistent with the Comprehensive Plan, while not encouraging other development in the area before the infrastructure is built to handle more intense development which will take place in the future.

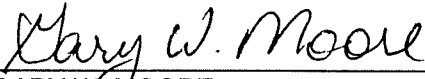
ORDINANCE NO. 99-10
BOONE COUNTY FISCAL COURT
ANSWER IN GENESIS

SECTION III

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


Introduced and given First Reading on the 27th day of April, 1999.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 6th day of May, 1999, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

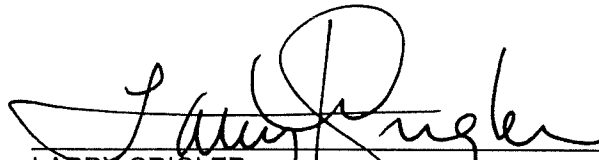


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



CAROLYN A. RUDICILL
FISCAL COURT CLERK



LARRY CRIGLER
BOONE COUNTY ATTORNEY

May 20 1999

DATE PUBLISHED

REPORT AND FINDINGS PRESENTED TO THE FULL PLANNING COMMISSION AT THE MARCH 17, 1999 BUSINESS MEETING. REPORT AND FINDINGS WERE REJECTED BY FULL PLANNING COMMISSION BY A VOTE OF 8-6.

COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: March 17, 1999

RE: Request of **Answers in Genesis (agent authorized by owner)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47 acre tract located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and a small loading dock.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the Zoning Map Amendment and Concept Development Plan are in agreement with the 1995 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates most of this site as Industrial (I) and Rural Lands (RL) and the proposed uses are generally in agreement with these classifications and with the permitted uses in the Public Facilities (PF) zoning district.
2. The Comprehensive Plan's Land Use Element states that "development in this area should not be accompanied by major sanitary sewer facilities that could commit the Idlewild area to development." The proposed facility would use an on-site sanitary disposal system, thus the construction of a sanitary system that would commit the area at large to development is not part of this proposal.
3. The Committee has concluded that the request with the attached conditions is in general agreement with the "Future Land Use Development Guidelines," which are outlined in the Comprehensive Plan's Land Use Element.
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 and 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. The applicant shall be responsible for resurfacing Bullitsburg Church Road from its proposed entrance to KY 8 (Idlewild Bypass) according to the requirements of the Boone County Engineer.
2. The applicant shall be responsible for installing directional signage from the site to KY 20/Idlewild Bypass. A "No Truck Traffic" sign shall be installed on southbound Bullitsburg Church Road.
3. All lighting on the site shall be self-contained and directed away from adjoining properties. Lighting shall only be used for security and safety reasons.
4. The applicant shall provide copies of all approved sanitary sewage and water permits to the Boone County Planning Commission.
5. The proposed uses on the site shall be limited to those uses indicated on the applicant's application. No other Public Facilities (PF) uses will be allowed unless a new application is filed and a new Public Hearing process is held.
6. The proposed uses on the site shall be in accordance with the breakdown or percentage as identified by the applicant at the March 3, 1999 Public hearing (see Attachment #1). The primary use of the site shall be the museum.
7. There shall be no outside animated, mechanical or moving, brightly illuminated and loud sounding figures on the site.
8. Camping and recreational vehicles (overnight stays) shall be prohibited on the site. An amphitheater is also not permitted on the site.
9. The parking of vehicles shall be limited to paved parking areas on the site and indicated on the Concept Development Plan.
10. The proposed religious uses on the site are tied to uses identified in Attachment #1 and shall be limited to inside the proposed building.
11. The applicant shall submit architectural drawings for the Design Review process. The proposed building shall consist of masonry brick or decorative block materials and be similar to the materials and design shown at the March 3, 1999 Public Hearing (see Attachment #2).

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.

Phil Damstrom

Phil Damstrom, Chairman

For Against _____
Abstain _____ Absent _____

W. Jay Brown

Larry Brown

For Against _____
Abstain _____ Absent _____

Mark Hicks

Mark Hicks

For _____ Against
Abstain _____ Absent _____

Bob Newman

Bob Newman

For Against _____
Abstain _____ Absent _____

Bill Viox

Bill Viox

For _____ Against
Abstain _____ Absent _____

TOTAL: 3 FOR 2 AGAINST 0 ABSTAIN 0 ABSENT

APR. -22' 99 (THU) 10:00

BOONE COUNTY PLANNING COMM

TEL: 606 334 2264

P. 004

BOONE COUNTY PLANNING COMMISSION *KPC*

2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

March 16, 1999

Mr. Mark Looy
Answers in Genesis
7080 Industrial Road
Florence, KY 41042

RE: Recommended Conditions of Approval for Zone Change Application from RSE to PF for a 47 Acre Tract Located on the East Side of Bullitsburg Church Road and Deck Lane, Boone County, Kentucky

Dear Mr. Looy:

The following represents recommended conditions of approval for the above referenced zone change request as agreed by the Boone County Planning Commission's Zone Change Committee at their March 11, 1999 meeting. If you, as the applicant's authorized representative, agree to these conditions, please so indicate by signing on the line provided at the end of this letter and return the original to me by 4:00 p.m. on March 17, 1999.

1. The applicant shall be responsible for resurfacing Bullitsburg Church Road from its proposed entrance to KY 8 (Idlewild Bypass) according to the requirements of the Boone County Engineer.
2. The applicant shall be responsible for installing directional signage from the site to KY 20/Idlewild Bypass. A "No Truck Traffic" sign shall be installed on southbound Bullitsburg Church Road.
3. All lighting on the site shall be self-contained and directed away from adjoining properties. Lighting shall only be used for security and safety reasons.
4. The applicant shall provide copies of all approved sanitary sewage and water permits to the Boone County Planning Commission.
5. The proposed uses on the site shall be limited to those uses indicated on the applicant's application. No other Public Facilities (PF) uses will be allowed unless a new application is filed and a new Public Hearing process is held.

APR -22' 99 (THU) 10:00

BOONE COUNTY PLANNING COMM

TEL:606 334 2264

P. 005

03/17/99 09:58 FAX 6067272299

Answers in Genesis

002

FROM: BOONE COUNTY PLANNING

TO:

6067272299

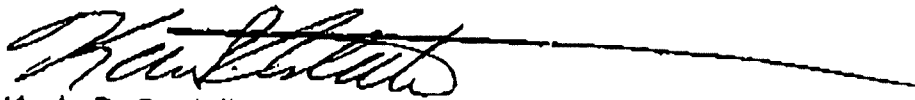
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- 6. The proposed uses on the site shall be in accordance with the breakdown or percentage as identified by the applicant at the March 3, 1999 Public hearing (see Attachment #1). The primary use of the site shall be the museum.
- 7. There shall be no outside animated, mechanical or moving, brightly illuminated and loud sounding figures on the site.
- 8. Camping and recreational vehicles (overnight stays) shall be prohibited on the site. An amphitheater is also not permitted on the site.
- 9. The parking of vehicles shall be limited to paved parking areas on the site and indicated on the Concept Development Plan.
- 10. The proposed religious uses on the site are tied to uses identified in Attachment #1 and shall be limited to inside the proposed building.
- 11. The applicant shall submit architectural drawings for the Design Review process. The proposed building shall consist of masonry brick or decorative block materials and be similar to the materials and design shown at the March 3, 1999 Public Hearing (see Attachment #2).

Sincerely,



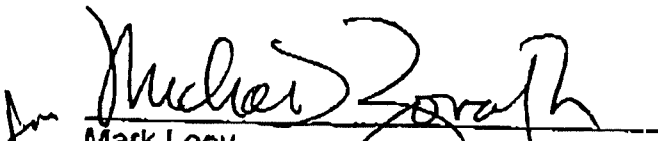
Kevin P. Costello, AICP
Executive Director

KPC/vlm

Enclosures

AGREEMENT

I, Mark Looy, representing Answers in Genesis and agent authorized by the property owners, hereby agree to the conditions of approval listed herein for the Answers in Genesis zone change request from RSE to PF for the 47 acre tract located on the east side of Bullitsburg Church Road and Deck Lane, Boone County, Kentucky.


Mark Looy
Answers in Genesis
(Agent Authorized by Owner)

17 MARCH 99
Date

Answers *for Genesis*

MUSEUM
EXHIBIT AND GENERAL PURPOSE AREA
50%

**CHILDRENS WORKSHOPS
& CLASSROOMS**
12%

**BOOK
STORE**
2%

**RESEARCH
LIBRARY**
2%

**MUSEUM
DEVELOPMENT**
3%

OFFICES
20%

MAINTENANCE
2%

**DISTRIBUTION
& STORAGE**
9%

