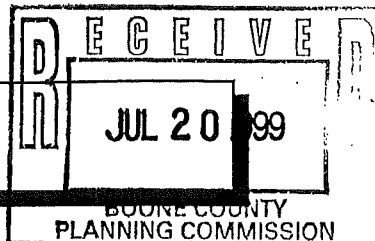


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)

2. Name of Project AIRPARK WEST / CREIGLER PROPERTY
 3. Location of Project 237 1/2 CONNER RD.
 4. Total Acreage of Site 14.6 A ±
 5. Current Zoning C2/PD
 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No

8. Proposed Uses (please specify each use) COMMERCIAL ALONG 237 FRONTAGE
& OFFICE/RESEARCH ON REMAINING PROP.
 9. Proposed Building Intensities (please specify) COMMERCIAL 71,200 SF ±
OFFICE/RESEARCH 137,200 SF ±

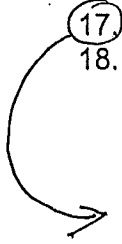
10. Have you submitted a Concept Development Plan? YES
 11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

12. Name of Applicant(s) MIKE HARGIS / PAUL HEMMER COMPANIES
 Phone Number 341-8300 Fax No. 341-6817
 13. Address of Applicant(s) 250 GRANDVIEW DR
FT. MITCHELL KY 41011
 City State Zip

14. Name of Property Owner(s) PAUL HEMMER DEVELOPMENT CO. III / By Option
 Phone Number _____ Fax No. _____
 15. Address of Property Owner(s) (SEE ABOVE)
 City State Zip

16. Are there any existing buildings on the site? YES / 1 HOUSE / BARN
 How many? _____
 17. Deed Book _____ Page No. _____ Group No. _____
 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)



DB 211 P 379
DB 169 P 182
DB 87 P 39
Group No 2007

EXHIBIT
“A”

STAFF REPORT

Request of Mike Hargis/Paul Hemmer Companies (applicants) for Paul Hemmer Development Co. III (owner by option) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre tract located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow commercial and office/research/warehouse uses.

August 18, 1999

Proposal

The applicants have submitted two different Concept Development Plans for the parcel. They have stated that they would like to develop Concept Plan #2, but that they also want some flexibility in case their prospective tenants desire something other than what they have laid out.

Concept Plan #1

The applicant is proposing to develop three office/warehouse buildings. The proposed development contains two curb cuts on Conner Road (one for cars and one for tractor trailers) and one curb cut on Limaburg Road (cars only). The plan also shows two site detention ponds, some interior landscaping, berming along Limaburg Road, and two 8' screen walls to screen the tractor trailer courts from Limaburg Road and Conner Road. The floor area and number of parking stalls for the three buildings are as follows:

- ◆ Office/Warehouse Building #1 contains 57,200 square feet of floor area and 74 parking stalls.
- ◆ Office/Warehouse Building #2 contains 62,920 square feet of floor area and 90 parking stalls.
- ◆ Office/Warehouse Building #3 contains 74,360 square feet of floor area and 76 parking stalls.

Concept Plan #2

The applicant is proposing to develop two office/commercial buildings and two office/warehouse buildings. The proposed development contains two curb cuts on Conner Road (one for cars and one for tractor trailers) and one curb cut on Limaburg Road (cars only). The plan also shows two site detention ponds, some interior landscaping, and an 8' tall screen wall and berm along the frontage of Limaburg Road. The floor area and number of parking stalls for the four buildings are as follows:

- ◆ Commercial Building #1 contains 32,400 square feet of floor area and 153 parking stalls.
- ◆ Commercial Building #2 contains 38,800 square feet of floor area and 172 parking stalls.
- ◆ Office/Warehouse Building #1 contains 62,920 square feet of floor area and 90 parking stalls.
- ◆ Office/Warehouse Building #2 contains 74,360 square feet of floor area and 76 parking stalls.

Site Characteristics

The Concept Development Plan calls for 14.6 acres to be developed. The site is fairly level, except for the portions that front KY 237 and Conner Road. The majority of the site is an open field but there is also a single-family dwelling, a barn, a pond, and some mature trees closer to Limaburg Road. All the structures and natural features are proposed to be removed to accommodate the development.

The site is in very close proximity to the Cincinnati/Northern Kentucky International Airport's East/West runway. The Airport's Year 2003 Noise Abatement Plan shows that the proposed site is approximately 1000 feet from the 65 Level Decibel Noise Contour and 2500 feet from the 70 Level Decibel Noise Contour.

Site History

1986 The 1986 Comprehensive Zoning Map Update changed this area to C-2/PD due to its strategic location along KY 237.

Surrounding Zoning and Land Uses

- North: A single-family home and an agricultural field, which are zoned Commercial-Two/Planned Development (C-2/PD), are located to the north of the subject parcel.
- South: The Levi Strauss Warehouse, which is zoned Industrial One (I-1), is located across Conner Road.
- East: Several single-family homes front Limaburg Road. These dwellings are zoned Rural Suburban (RS).
- West: Airpark West and the recently approved Toyota Distribution Center, which are zoned Industrial One (I-1), are located across North Bend Road.

Relationship to the 1995 Comprehensive Plan

The 2020 Land Use Plan contained in the 1995 Boone County Comprehensive Plan calls for the area to develop with "Business Park" uses. The plan describes this designation as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment " (p. 210).

The "Goals and Objectives" section of the plan states the following for "Business Activities":

- ◆ Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well maintained buffer spaces between the business use and other land usage" (p. 7).
- ◆ Commercial uses should be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space" (p. 7).
- ◆ The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses.

The "Land Use" section of the plan gives a number of development guidelines which are applicable to all future growth in Boone County. These guidelines include provisions for:

- ◆ 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" (p. 210).
- ◆ Buffering — "Developments should provide buffering along public roadways, to soften the visual impact" (p. 210).
- ◆ 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" (p. 210).
- ◆ Access Management — "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. 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" (p. 211).
- ◆ 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 (p. 211).

The Future Land Use Element (Area C-3: Burlington - KY 18 Area, pp. 220 - 222) makes no statements that relate to this specific parcel.

Staff Comments

1. Staff would like to note that warehouses are permitted uses in I-1 and I-2 zoning districts and not permitted in the underlying C-2 zoning district. However, since this parcel falls within a Planned Development overlay, the applicant has the ability to apply for mixed use developments. The Planned Development section of the Boone County Zoning Regulations states that "other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community."

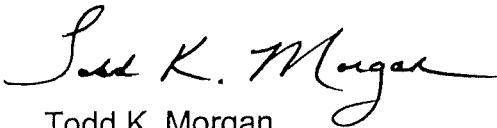
2. Section 1514 of the Boone County Zoning Regulations contains standards that Concept Development Plans in Planned Developments shall fulfill. The following is the list of standards that apply to this project:
 - A. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation and pedestrian orientation.
 - B. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provision of buffer zones, common open space areas, and landscaping. Compatibility measures shall exceed the usual minimum standards.
 - C. **Open Space:** Useable open space(s), in an amount over and above setback areas shall be provided.
 - D. **Preservation of Existing Site Features:** Existing topography, significant tree cover, and water bodies shall be preserved and incorporated into the project design, where appropriate.
 - E. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scapes, buffer zones, and the provision of significant landscaping.
 - F. **Architecture:** A consistent architecture theme shall be provided in planned developments.
 - G. **Signage:** A consistent signage theme shall be provided within a planned development. Freestanding signs shall be monument style and of limited size and height.
 - H. **Conformance with Comprehensive Plan:** All planned developments shall conform to the provisions of the adopted Comprehensive Plan.
3. Staff is concerned about the amount of perimeter landscaping that is shown on the two plans. Article 37, Section 3720 of the Boone County Zoning Regulations states that a Type "A" buffer yard will need to be shown on the street frontages along KY 237, Conner Road, and Limaburg Road. Buffer yard "A" is 10 feet wide and consists of 5 small trees, 3 large trees, and 20 shrubs per 100 linear feet of road frontage. The Interior Landscaping for Vehicular Use Areas (VUAs) will also need to be enhanced. A minimum of 5% of the total VUA shall be landscaped. One 153 square foot parking island is required when a row of parking is unbroken for 180 feet or more.

4. Staff recommends that site lighting should only consist of low intensity security lights on the side of the development that fronts Limaburg Road.
5. The total number of parking stalls will have to be determined at the site plan stage. The number of stalls is contingent upon the gross floor area of commercial, office, and warehouse space within each building.

Conclusion

The request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the criteria necessary for approving a Concept Development Plan and a Planned Development as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the provisions of Article 15, "Planned Development District" of the Boone County Zoning Regulations. If recommended by the Planning Commission and Fiscal Court, the Future Land Use Map would not need to be amended.

Respectfully submitted,

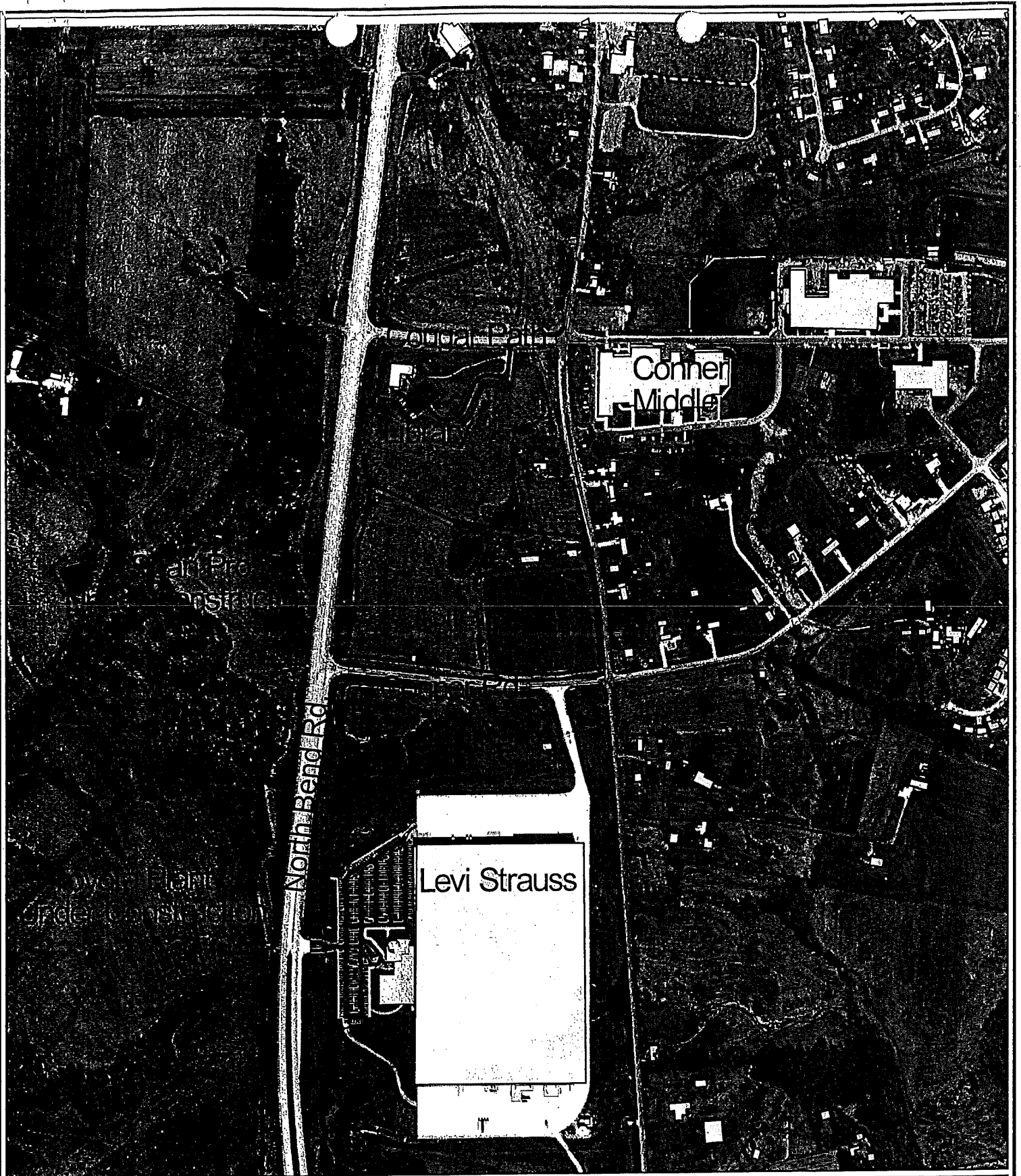


Todd K. Morgan
Planner

TKM/pr

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Proposed Concept Development Plan #1
- Proposed Concept Development Plan #2
- Building Profile



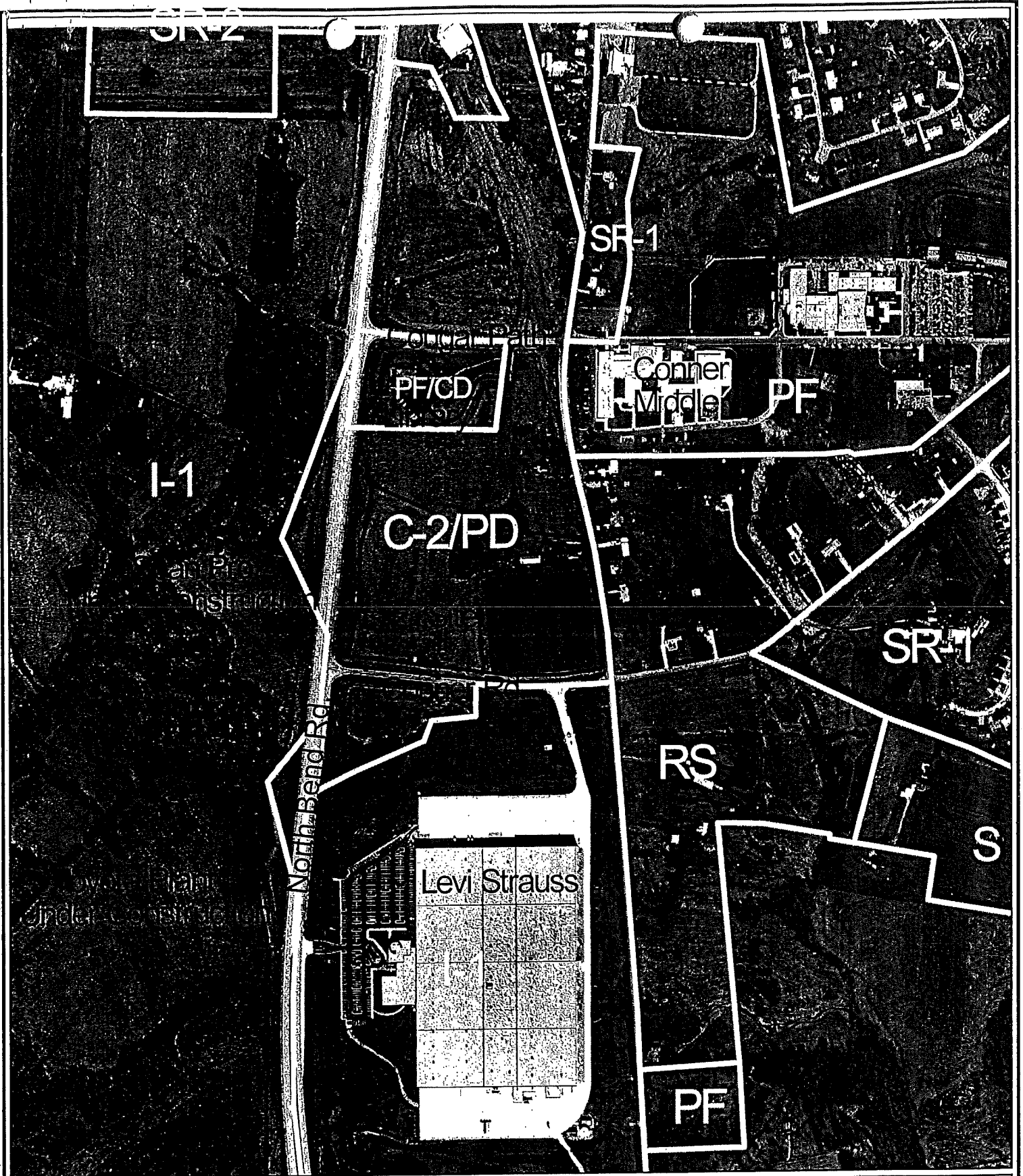
**Airpark West - Creigler Property
Vicinity Map**

550 0 550 Feet

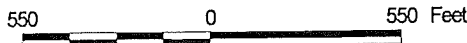


1 inch equals 550 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 9, 1999





**Airpark West - Creigler Property
Zoning Map**



1 inch equals 550 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 9, 1999



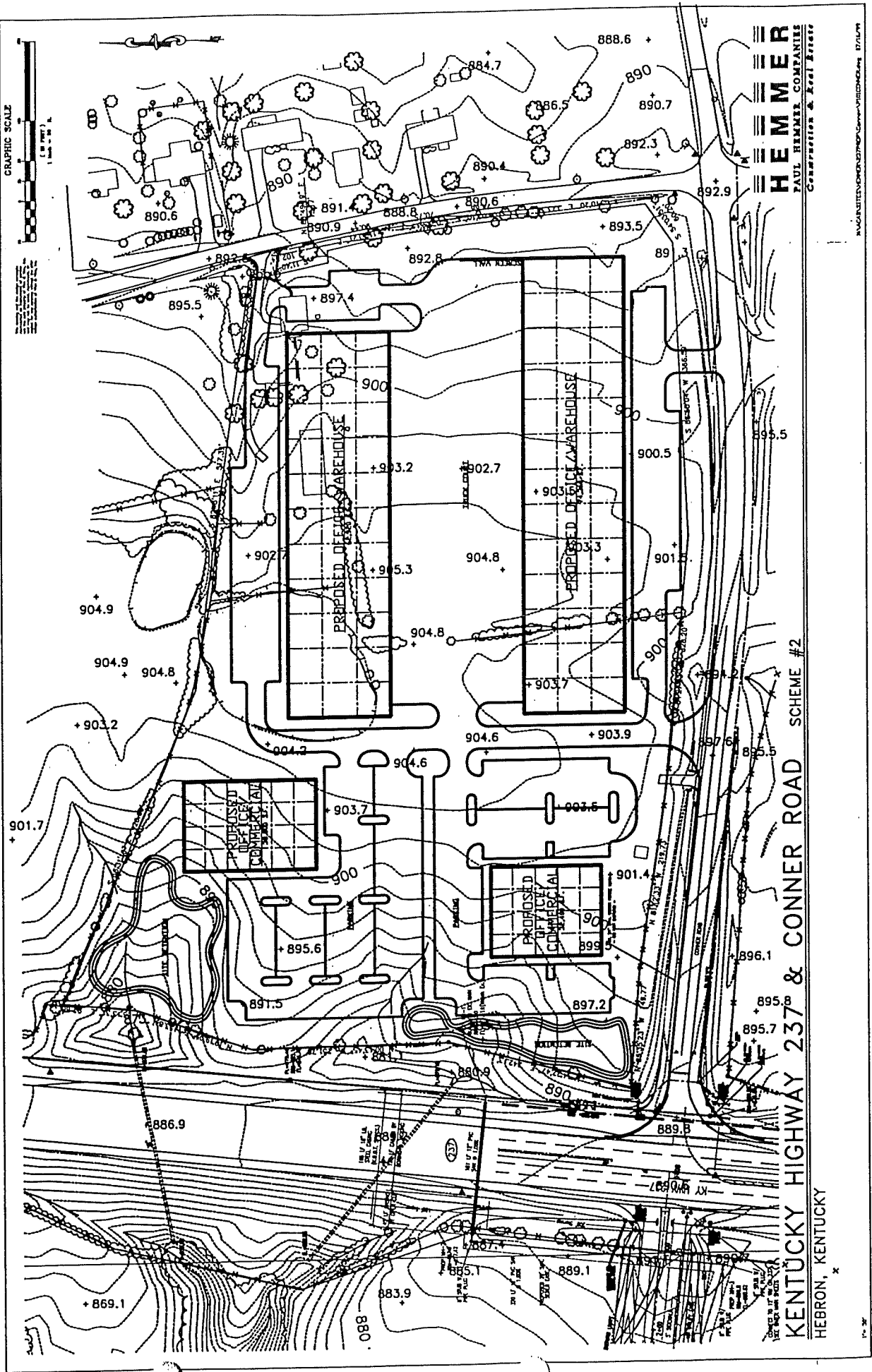
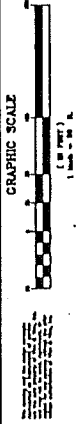


**Airpark West -- Creigler Property
Future Land Use Map**

600 0 600 Feet

1 Inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 29, 1999





HEMER
PAUL HEMER COMPANY
Construction & Real Estate

KENTUCKY HIGHWAY 237 & CONNER ROAD SCHEME #2
HEBRON, KENTUCKY

17/1/79

17-30



Project

Airpark Business Center (Phase II & III)

Contractor

Paul Hemmer
Construction Company

Location

Kentucky State Route 20
Boone County, KY

Description

Office/Warehouse, Distribution &
Light Manufacturing Complex
Phase I: 150,892 Sq. Ft.
Phase II: 376,000 Sq. Ft.
Phase III: 333,690 Sq. Ft.

For more information, contact Paul Hemmer Construction Company at (606) 341-8300

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 18, 1999
8:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. Knock, Mr. McMillian, Mr. Ries, Mr. Schwenke, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:09 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Mike Hargis/Paul Hemmer Companies for Paul Hemmer Development Co. III (owner by option)

Request: Concept Development Plan

The request of Mike Hargis/Paul Hemmer Companies (applicant) for Paul Hemmer Development Co. III (owner by option) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre tract on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow commercial and office/research/warehouse uses.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis with Paul Hemmer Construction Company stated that Staff did a good job of explaining the concept they are trying to develop. They have had the option on this property for about a year and a half. It is their understanding that a mixed use development is encouraged on

the site. It was discussed in a meeting with Staff that their 14.6 acres is an excessive amount of just commercial development for the area in light of the fact that the property is remote from the expressway intersection, the industrial development that is taking place (Levi's, Toyota, etc.), and intersection has been developed with traffic signals to support the industrial development. He stated that the proposed buildings are not just warehouses -- they are office/research and have a higher percentage of office space (20% - 25% of the space is generally developed as office space). Reviewing the exhibit, he explained that the two larger buildings at the back are "office/research" buildings and could have ten to twelve potential tenants. In the meeting with Staff, they also questioned whether they should come back and try to rezone the property from C-2/PD to I-I like the property across the street (Airpark West). They are trying to leave the front of the property for commercial use -- possibly outlet type stores, doctors buildings, etc., but they do not have a client and are trying to get a Concept Plan so that they can start marketing it. If they market this concept on the front of the property and it does not work -- if people do not want to come this far for commercial -- then they would have the second concept which is the other office/research building along the front. They would like some flexibility so that if the site does not develop with two 30,000 square foot buildings, they do not have to come back through a Public Hearing. He stated that Conner Road is newly constructed and there is a new traffic signal at KY 237 and Conner Road to handle the truck traffic and the school traffic. Referring to the exhibit, he stated that they tried to concentrate the truck traffic and have only one driveway with trucks coming into the site. There would be ten to fifteen trucks per day maximum for the office/research buildings. There would be vans, such as the UPS van, since most of these tenants would ship by UPS rather than by semi. The other two driveways (Conner and Hebron/Limaburg) are for the employees and users of the buildings. The front portion of the site would be served by the main driveway which is approximately 450 feet from the KY 237/Conner Road intersection.

Mr. Hargis stated that none of the Staff Concern were unexpected -- they are basically out of the Zoning Regulations. He stated that they understand about the buffer yards. In a meeting with Staff (not with Mr. Morgan, but with Staff when they originally came in with the idea), he was told that they only had to show a concept of the landscaping and not where the buffer yards would be. There is a Site Plan Review process and they would have to meet the landscaping regulations. They are not asking for approval of a Landscaping Plan at this time. The buildings will be of masonry or tilt up concrete (similar to Airpark). The prototype buildings shown on the slide were from Airpark, but the idea is basically the same.

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

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

Mr. Damstrom stated that the applicant has done a good job of working with the Committee in the past in regard to uses which may be obnoxious. He asked if the applicant would work with the Committee in limiting any uses which might be of an obnoxious nature.

Mr. Hargis responded "absolutely". He added that they do not want any uses that would adversely affect the project.

Mrs. Arnett questioned the first driveway being for trucks only. Mr. Hargis explained that the driveway is confined between the buildings so that the buildings buffer the truck area. Reviewing the slide, he explained how trucks would go 450 feet down Conner Road from the main intersection with the traffic signal and make a left into the site.

Mrs. Arnett asked if the same driveway would be feasible to serve outlet stores or doctors offices on the outlots.

Mr. Hargis explained that the term "driveway" has been used, but it is more of a street that would meet the Subdivision Regulations and could even have a turn lane. He stated that the concept of a main road going through the site with the uses branching off is used all of the time to serve this type of site. It is a boulevard type look. The truck traffic is very low impact -- there may be ten or twelve trucks per day, and there are probably more than that on the average street.

Mr. McMillian asked if the truck entrance is across from Levi's entrance. Mr. Hargis indicated the main entrance for Levi's truck traffic. He stated that he centered this entrance with the automobile entrance on the Levi site.

Mr. McMillian questioned the amount of traffic on Limaburg Road. Mr. Hargis responded that this type of building requires one parking space for every 1,200 to 1,500 square feet -- it is a low impact situation. Mr. McMillian commented that he does not want the houses on Limaburg impacted too much by the traffic. Mr. Hargis agreed and explained that the building is remote from the truck access and, from a marketing standpoint, it would be good for tenants to know they had the other access. He indicated the existing curb cut from a previous house. He stated that it is a different function for the curb cut.

Mr. McMillian stated that he is concerned about the cars on the road near the houses. He is not in favor of allowing them to put on the site whatever they can market.

Mr. Damstrom asked if the houses on Limaburg will be bought up by the airport. Mr. Hargis responded "Not that I am aware of". Mr. Damstrom stated that the building will be right in front of those houses and landscaping will be very important for the residents who are still there.

Mr. Hargis responded that they are only required to have a ten-foot buffer yard along there, but he has shown 35' to 50' of green area on their property, as well as the green area in the right-of-way that could be landscaping. Mr. Damstrom asked "Would you object to anything supplemental?". Mr. Hargis responded "No, we would want landscaping and berms to reduce the visual impact".

Mr. Zimmer stated that he is concerned about the entrance on Limaburg Road. He does not agree that people working in the northernmost building will exit at the southern building -- they will exit and go through the residential area. He is concerned about access management, tenants getting in and out, and emergency vehicles getting in and out. He likes the idea of another way in and out, but they may want to limit it to emergency vehicles only. He is concerned about the amount of traffic that will go out that access, and he believes the traffic will increase. He stated that the Comprehensive Plan description of "Business Park" is "parklike setting". He questioned how this is a parklike setting.

Mr. Morgan responded that there is pedestrian orientation and possibly the workers could have picnic lunches on the green space -- which would be "parklike".

Mr. Zimmer asked if the applicant will work with Staff and the Committee to accomplish that. He stated that he does not see anything that resembles any way for pedestrians to get around either on or off the site.

Mr. Hargis responded that they are always willing to work with the Committee. His impression of "parklike setting" was landscaping around the buildings and walkways connecting the buildings -- but just for people on the site not for people outside of the site. This was more of the concept he was thinking about, not a picnic area.

Mr. Morgan commented that "parklike setting" means that people who work there are able to walk around and possibly enjoy their lunchtime outside.

Mr. Zimmer stated that the site is within walking distance of the library and people may want to walk to the library at lunchtime. He asked if there is any provision for walking, biking, or any other mode of transportation along KY 237 from KY 20. Mr. Morgan responded that there are no sidewalks out there currently. If sidewalks are existing, it is typically asked that they be put in. He stated that this site could be the first one to have sidewalks and that could be a condition.

Mr. Hargis explained that they originally discussed sidewalks on KY 237 and in a meeting with Committee and Staff it was decided that it would be better to have an internal pathway system. He indicated how the pathway system that is back from the road would go, for example, from Toyota through Span Pro and on down. He stated that it would be difficult to make sidewalks useable there due to the topography and the

question was "Who would use them?". It is not likely that they would be used by people internal to the park.

Mr. Zimmer suggested that the applicant and Staff look at modes of transportation from this site to the library and Cougar Path so that this site is not closed off from use. He asked if either of the sites have considered a Park & Ride. He stated that the Park & Ride in Hebron is full every day.

Mr. Hargis responded that no one has approached them about this. He does not feel that this would be a good site for a Park & Ride, particularly if the Planning Commission is concerned about a lot of traffic. There may possibly be a good site on the other side of Airpark. If someone wants to contact them about this, they will look at it.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on September 2, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on September 15, 1999 at 7:30 P.M..

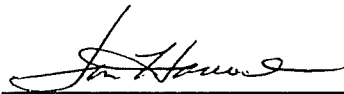
The Chairman closed this Public Hearing at 8:45 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

PUBLIC HEARING ITEM NO. 2:

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Ries, Mr. Schwenke, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

1. Applicant: Mike Hargis/Paul Hemmer Companies (applicant) for Paul Hemmer Assoc. III
Request: Zoning Map Amendment

The request of Mike Hargis/Paul Hemmer Companies (applicant) for Paul Hemmer Assoc. III to consider a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for an approximate 7.9 acre tract on the northwest corner of the intersection of KY 20 and Aviation Boulevard, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis with Paul Hemmer Construction Company stated that they purchased the property in 1989. The property to the west on the ridge was considered residential and there was a requirement for access to that ridge through their industrial park. They did not like the idea, but they agreed to it to get the zone change for the industrial property (Airpark International). Due to the residential property, other conditions included greater setbacks and boulevard streets. This is where the 100-foot setback for the buildings came from, but the I-1 zone now only requires a 50-foot setback for industrial buildings. With 265 acres and a potential 300-acre residential development behind their property with its only access to KY 20 being their main road, it was logical to reserve some of the frontage for commercial uses such as a strip center/gas station type development. They rezoned about thirteen acres in the front for commercial. Pomeroy Computers office

building is in a portion of the C-2 area. There are now only 7.6 acres of the original 13 acres in the front left. They now have a user that Staff considers to be more of an industrial use than a commercial use. They want to rezone the property to allow that project.

Mr. Hargis stated that the airport is buying the property along KY 20 and will close some parts of KY 20 and relocate the road. The airport will start acquiring the property in 2001 and there will be a reduced resident flow. The airport is expanding the runway. Development is taking place at the I-275/KY 20 intersection. They are in partnership with Ashley Construction and are developing approximately sixty acres in the area next to the hotel that is going up in front of KY 20 -- and they believe that is where the commercial should be -- not on the seven acre site in front of the industrial park. He stated that it makes sense to rezone this property to compliment the existing industrial development in the park. They have not been able to attract an office building or commercial users because the site is about a mile from the I-275/KY 20 intersection and the center line of Aviation Boulevard is the center line of the flight path so the planes are coming in very low. Office buildings do not want to locate there and an industrial use for the site is more appropriate. He stated that they do not have a problem with the conditions with the exception of the 100-foot setback. They can comply with it on Aviation Boulevard inside the park, but not on KY 20. He reviewed other setbacks in the area. He stated that they have tried to keep the pond, and there is very little developable area in front of the pond. A 50-foot or 60-foot requirement is workable, but if they have to have 100 feet, that moves the development back into the pond and they would have to get rid of the pond. It is more important to save the pond. They ask to do the regular I-1 50-foot setback along KY 20. They can comply with the other Staff Concerns.

Mr. Hargis indicated the existing curb cut and Pomeroy Computers. When the property was originally zoned, they were granted three curb cuts along KY 20 (one at Ashley Hemmer, one at Aviation Boulevard, and the third is the entrance drive for the old Wagner farmhouse). There is an agreement with Pomeroy Computers to share the 25-foot driveway. It does not connect to Aviation Boulevard and the only traffic will be from a small project (approximately a 20,000 square foot building). A small user may have one or two trucks per day.

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

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

Mr. Chaney questioned the use that requires the property to be rezoned to I-1. Mr. Hargis responded that it is OKI Services that leases and sells lifting equipment (forklift trucks). They also have a parts sales area and maintenance/repair area. There are no forklifts on display and everything is internal to the building. They go out to clients and he believes they sell out of catalogs.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on September 2, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on September 15, 1999 at 7:30 P.M..

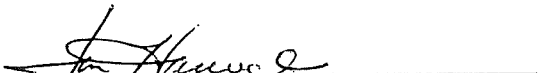
The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 15, 1999
7:30 P.M.

Mr. Phil Damstrom, Vice Chairman, called the meeting to order at 7:32 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. W. Thomas Chaney
Mr. Phil Damstrom, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Robert Ries
Mrs. Carol Smith
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell, Chairman
Mr. Don McMillian
Mr. Robert Newman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mark Jordan, Planner
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT - Director, Zoning Services

Approval of the Minutes:

Mr. Damstrom stated that the Commissioners received copies of the Minutes of the August 25, 1999 Public Hearing and the September 1, 1999 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. Ries seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Brandicorp (applicant) for Joseph B. Aylor, Laura A. Wohrley, and Ruth E. Wohrley (owners) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Four (C-4) for a 1.264 acre site on the northwest corner of the KY 237/Coral Drive intersection, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-4 zone.

Mr. Damstrom stated that Agenda Item #1 is recommended for deferral to the October 20, 1999 Business Meeting at 7:30 P.M.. Mr. Zimmer so moved. Mr. White seconded the motion and it carried unanimously. Mr. Costello stated that the Committee Meeting will be on October 7, 1999 at 5 P.M. in Courtroom 3A.

2. Concept Development Plan

The request of Mike Hargis/Paul Hemmer Companies (applicant) for Paul Hemmer Development Co. III (owner by option) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre tract on the north-east corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow commercial and office/research/warehouse uses.

Staff Member Todd Morgan 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. Chaney moved to approve the request based on the Committee Report. Mr. Hicks seconded the motion.

Mr. Damstrom asked if there were any comments or questions.

Mr. Ries questioned the process for removing conditions once they are included as part of a zone change.

Mr. Costello explained that in this case where a condition excludes uses and is agreed to by the applicant, and approved by Fiscal Court, removing a condition would require another Public Hearing with notification to adjoining property owners. He added that conditions run with the land and are recorded in the County Clerk's Office.

Mr. Zimmer referred to Condition #1, b. and asked if that condition means that carpet cannot be sold on this site or that carpet cannot be manufactured on the site. He believes C-1 allows furniture repair and sale of floor coverings. Mr. Wall responded that the intent was to exclude I-1 uses and prohibit the manufacturing aspect. The Concept Plan asked for some I-1 uses and these are the exclusions (Condition #1, a thru o).

Mr. Hargis stated that it was his understanding that he was eliminating the manufacturing of carpet.

There being no further comments, Mr. Damstrom asked for a vote on the motion made by Mr. Chaney to approve the request based on the Committee Report and it carried unanimously.

3. Zoning Map Amendment

The request of Mike Hargis/Paul Hemmer Companies (applicant) for Paul Hemmer Assoc. III to consider a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for an approximate 7.9 acre tract on the northwest corner of the intersection of KY 20 and Aviation Boulevard, Boone County, Kentucky. The request is for a zone change to allow light industrial and office uses.

Staff Member Mark Jordan presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mr. Ries moved to approve the request based on the Committee Report. Mr. Zimmer seconded the motion.

The applicant asked to speak and was recognized by Mr. Damstrom. Mr. Hargis stated that the intent was for a fifty foot setback from the property line, not from the center line of the right-of-way. Mr. Costello agreed and the Committee Report was so amended.

Mr. Damstrom noted the correction to the Committee Report and asked for a vote on the motion made by Mr. Ries to approve the request based on the Committee Report. The motion carried unanimously.

EXHIBIT
“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: September 15, 1999

RE: Request of Mike Hargis/Paul Hemmer Companies (applicants) for Paul Hemmer Development Co. III (owner by option) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre tract located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow commercial and office/research/warehouse uses.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the submitted Concept Development Plans, which propose commercial and office/research/warehouse uses are in general agreement with the Boone County Comprehensive Plan's Future Land Use Map, which identifies the site for "Business Park" uses. The plan describes this designation as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment".
2. The Committee has concluded that the proposed Concept Development Plans are in general agreement with the listed Goals and Objectives for Business Activities in the Boone County Comprehensive Plan. One of the listed objectives states that the large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the planned development standards section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The future tenants in the development will be prohibited from having a business that performs any of the following Industrial-One (I-1) activities:
 - a. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut. Also prohibited are the primary manufacture of meat and fish, which include the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins;
 - b. Textile mill products, including the primary manufacture of dyes, fibers, felt, and rubber goods;
 - c. The wholesale trade of groceries and related products in enclosed facilities, including animals and raw farm materials and products;
 - d. Automobile and truck rentals;
 - e. Truck stops;
 - f. Recycling centers;
 - g. Fire stations or fire related or protective services including rescue services;
 - h. Storage of explosives, fireworks, gas, or petroleum;
 - i. Blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining, or smelting;
 - j. Creosote treatment;
 - k. Distillation of bones, coal or wood;
 - l. Poultry and small game dressing and packing;
 - m. Bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
 - n. Wholesale vehicle sales or auctions;
 - o. Churches, synagogues, temples and other places of religious assembly for worship.
2. Only monument style security lighting will be allowed in the area between the building and Limaburg Road.

Phil Damstrom
Phil Damstrom, Chairman

For Against
Abstain Absent

W. Thomas Chaney
W. Thomas Chaney

For Against
Abstain Absent

Mark Hicks
Mark Hicks

For Against
Abstain Absent

Bob Newman
Bob Newman

For Against
Abstain Absent

Lisa Wilson
Lisa Wilson

For Against
Abstain Absent

TOTAL: 4 FOR — AGAINST — ABSTAIN 1 ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 18, 1999
8:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. Knock, Mr. McMillian, Mr. Ries, Mr. Schwenke, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:09 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Mike Hargis/Paul Hemmer Companies for Paul Hemmer Development Co. III (owner by option)

Request: Concept Development Plan

The request of Mike Hargis/Paul Hemmer Companies (applicant) for Paul Hemmer Development Co. III (owner by option) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre tract on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow commercial and office/research/warehouse uses.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis with Paul Hemmer Construction Company stated that Staff did a good job of explaining the concept they are trying to develop. They have had the option on this property for about a year and a half. It is their understanding that a mixed use development is encouraged on

the site. It was discussed in a meeting with Staff that their 14.6 acres is an excessive amount of just commercial development for the area in light of the fact that the property is remote from the expressway intersection, the industrial development that is taking place (Levi's, Toyota, etc.), and intersection has been developed with traffic signals to support the industrial development. He stated that the proposed buildings are not just warehouses -- they are office/research and have a higher percentage of office space (20% - 25% of the space is generally developed as office space). Reviewing the exhibit, he explained that the two larger buildings at the back are "office/research" buildings and could have ten to twelve potential tenants. In the meeting with Staff, they also questioned whether they should come back and try to rezone the property from C-2/PD to I-1 like the property across the street (Airpark West). They are trying to leave the front of the property for commercial use -- possibly outlet type stores, doctors buildings, etc., but they do not have a client and are trying to get a Concept Plan so that they can start marketing it. If they market this concept on the front of the property and it does not work -- if people do not want to come this far for commercial -- then they would have the second concept which is the other office/research building along the front. They would like some flexibility so that if the site does not develop with two 30,000 square foot buildings, they do not have to come back through a Public Hearing. He stated that Conner Road is newly constructed and there is a new traffic signal at KY 237 and Conner Road to handle the truck traffic and the school traffic. Referring to the exhibit, he stated that they tried to concentrate the truck traffic and have only one driveway with trucks coming into the site. There would be ten to fifteen trucks per day maximum for the office/research buildings. There would be vans, such as the UPS van, since most of these tenants would ship by UPS rather than by semi. The other two driveways (Conner and Hebron/Limaburg) are for the employees and users of the buildings. The front portion of the site would be served by the main driveway which is approximately 450 feet from the KY 237/Conner Road intersection.

Mr. Hargis stated that none of the Staff Concern were unexpected -- they are basically out of the Zoning Regulations. He stated that they understand about the buffer yards. In a meeting with Staff (not with Mr. Morgan, but with Staff when they originally came in with the idea), he was told that they only had to show a concept of the landscaping and not where the buffer yards would be. There is a Site Plan Review process and they would have to meet the landscaping regulations. They are not asking for approval of a Landscaping Plan at this time. The buildings will be of masonry or tilt up concrete (similar to Airpark). The prototype buildings shown on the slide were from Airpark, but the idea is basically the same.

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

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

Mr. Damstrom stated that the applicant has done a good job of working with the Committee in the past in regard to uses which may be obnoxious. He asked if the applicant would work with the Committee in limiting any uses which might be of an obnoxious nature.

Mr. Hargis responded "absolutely". He added that they do not want any uses that would adversely affect the project.

Mrs. Arnett questioned the first driveway being for trucks only. Mr. Hargis explained that the driveway is confined between the buildings so that the buildings buffer the truck area. Reviewing the slide, he explained how trucks would go 450 feet down Conner Road from the main intersection with the traffic signal and make a left into the site.

Mrs. Arnett asked if the same driveway would be feasible to serve outlet stores or doctors offices on the outlots.

Mr. Hargis explained that the term "driveway" has been used, but it is more of a street that would meet the Subdivision Regulations and could even have a turn lane. He stated that the concept of a main road going through the site with the uses branching off is used all of the time to serve this type of site. It is a boulevard type look. The truck traffic is very low impact -- there may be ten or twelve trucks per day, and there are probably more than that on the average street.

Mr. McMillian asked if the truck entrance is across from Levi's entrance. Mr. Hargis indicated the main entrance for Levi's truck traffic. He stated that he centered this entrance with the automobile entrance on the Levi site.

Mr. McMillian questioned the amount of traffic on Limaburg Road. Mr. Hargis responded that this type of building requires one parking space for every 1,200 to 1,500 square feet -- it is a low impact situation. Mr. McMillian commented that he does not want the houses on Limaburg impacted too much by the traffic. Mr. Hargis agreed and explained that the building is remote from the truck access and, from a marketing standpoint, it would be good for tenants to know they had the other access. He indicated the existing curb cut from a previous house. He stated that it is a different function for the curb cut.

Mr. McMillian stated that he is concerned about the cars on the road near the houses. He is not in favor of allowing them to put on the site whatever they can market.

Mr. Damstrom asked if the houses on Limaburg will be bought up by the airport. Mr. Hargis responded "Not that I am aware of". Mr. Damstrom stated that the building will be right in front of those houses and landscaping will be very important for the residents who are still there.

Mr. Hargis responded that they are only required to have a ten-foot buffer yard along there, but he has shown 35' to 50' of green area on their property, as well as the green area in the right-of-way that could be landscaping. Mr. Damstrom asked "Would you object to anything supplemental?". Mr. Hargis responded "No, we would want landscaping and berms to reduce the visual impact".

Mr. Zimmer stated that he is concerned about the entrance on Limaburg Road. He does not agree that people working in the northernmost building will exit at the southern building -- they will exit and go through the residential area. He is concerned about access management, tenants getting in and out, and emergency vehicles getting in and out. He likes the idea of another way in and out, but they may want to limit it to emergency vehicles only. He is concerned about the amount of traffic that will go out that access, and he believes the traffic will increase. He stated that the Comprehensive Plan description of "Business Park" is "parklike setting". He questioned how this is a parklike setting.

Mr. Morgan responded that there is pedestrian orientation and possibly the workers could have picnic lunches on the green space -- which would be "parklike".

Mr. Zimmer asked if the applicant will work with Staff and the Committee to accomplish that. He stated that he does not see anything that resembles any way for pedestrians to get around either on or off the site.

Mr. Hargis responded that they are always willing to work with the Committee. His impression of "parklike setting" was landscaping around the buildings and walkways connecting the buildings -- but just for people on the site not for people outside of the site. This was more of the concept he was thinking about, not a picnic area.

Mr. Morgan commented that "parklike setting" means that people who work there are able to walk around and possibly enjoy their lunchtime outside.

Mr. Zimmer stated that the site is within walking distance of the library and people may want to walk to the library at lunchtime. He asked if there is any provision for walking, biking, or any other mode of transportation along KY 237 from KY 20. Mr. Morgan responded that there are no sidewalks out there currently. If sidewalks are existing, it is typically asked that they be put in. He stated that this site could be the first one to have sidewalks and that could be a condition.

Mr. Hargis explained that they originally discussed sidewalks on KY 237 and in a meeting with Committee and Staff it was decided that it would be better to have an internal pathway system. He indicated how the pathway system that is back from the road would go, for example, from Toyota through Span Pro and on down. He stated that it would be difficult to make sidewalks useable there due to the topography and the

question was "Who would use them?". It is not likely that they would be used by people internal to the park.

Mr. Zimmer suggested that the applicant and Staff look at modes of transportation from this site to the library and Cougar Path so that this site is not closed off from use. He asked if either of the sites have considered a Park & Ride. He stated that the Park & Ride in Hebron is full every day.

Mr. Hargis responded that no one has approached them about this. He does not feel that this would be a good site for a Park & Ride, particularly if the Planning Commission is concerned about a lot of traffic. There may possibly be a good site on the other side of Airpark. If someone wants to contact them about this, they will look at it.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on September 2, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on September 15, 1999 at 7:30 P.M..

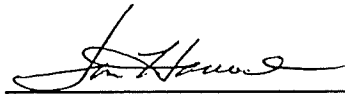
The Chairman closed this Public Hearing at 8:45 P.M..

APPROVED:



Arnold Caddell, Chairman

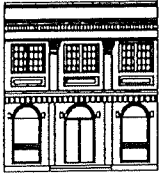
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

September 10, 1999

Mr. Mike Hargis
Paul Hemmer Companies
260 Grandview Drive
Fort Mitchell, KY 41011

RE: Request of **Mike Hargis/Paul Hemmer Companies (applicants)** for **Paul Hemmer Development Co. III (owner by option)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre tract located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow commercial and office/research/warehouse uses.

Dear Mr. Hargis:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change/Concept Plan Committee. If you, as the applicant and representative of the property owner, agree to the following conditions, please indicate so by signing at the space provided below.

Conditions

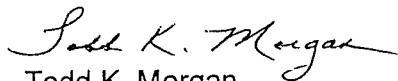
1. The future tenants in the development will be prohibited from having a business that performs any of the following Industrial-One (I-1) activities:
 - a. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut. Also prohibited are the primary manufacture of meat and fish, which include the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins;
 - b. Textile mill products, including the primary manufacture of dyes, fibers, felt, and rubber goods;
 - c. The wholesale trade of groceries and related products in enclosed facilities, including animals and raw farm materials and products;
 - d. Automobile and truck rentals;
 - e. Truck stops;
 - f. Recycling centers;
 - g. Fire stations or fire related or protective services including rescue services;
 - h. Storage of explosives, fireworks, gas, or petroleum;

Mr. Mike Hargis
Airpark West/Creigler Property
September 10, 1999

Page 2

- i. Blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining, or smelting;
 - j. Creosote treatment;
 - k. Distillation of bones, coal or wood;
 - l. Poultry and small game dressing and packing;
 - m. Bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
 - n. Wholesale vehicle sales or auctions;
 - o. Churches, synagogues, temples and other places of religious assembly for worship.
2. Only monument style security lighting will be allowed in the area between the building and Limaburg Road.

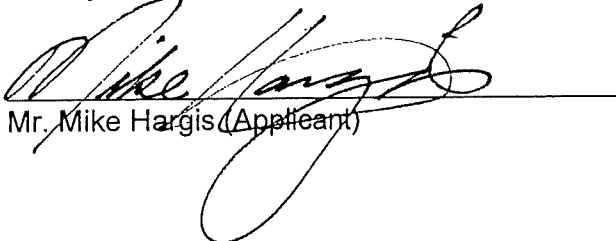
Sincerely,



Todd K. Morgan
Planner

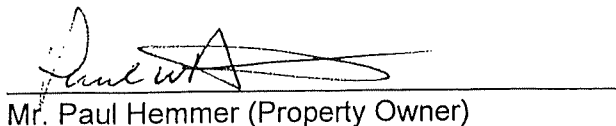
TKM\pr

I, the applicant, agree to the above listed conditions of approval for the request by Mike Hargis on behalf of Paul Hemmer Companies for a Concept Development Plan on an approximate 14.6 acre tract located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky.

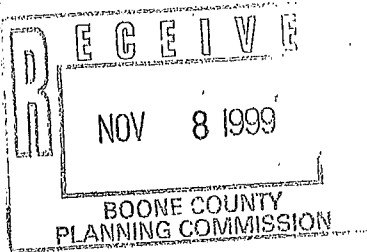

Mr. Mike Hargis (Applicant)

9/14/99
Date

I, the property owner, agree to the above listed conditions of approval for the request by Mike Hargis on behalf of Paul Hemmer Companies for a Concept Development Plan on an approximate 14.6 acre tract located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky.


Mr. Paul Hemmer (Property Owner)

9/14/99
Date



Resolution Of

The Boone County Fiscal Court

Resolution No. 99-237

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST OF MIKE HARGIS/PAUL HEMMER COMPANIES (APPLICANTS) FOR PAUL HEMMER DEVELOPMENT CO. II (OWNER BY OPTION) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE ON AN APPROXIMATE 14.6 ACRE SITE GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF KY 237 AND CONNER ROAD, BOONE COUNTY, KENTUCKY, RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-99-026-A.

WHEREAS, the Boone County Fiscal Court received a request for a Concept Development Plan in a commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre site generally located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre site generally located on the northeast corner of the intersection of KY 237 and Conner Road, Boone County, Kentucky.

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

SECTION I

That the request for a Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 14.6 acre site generally located on the northeast corner of the intersection of KY 237 and Conner road, Boone County, Kentucky. The real estate which is the subject of this request for a Concept Development Plan in a Commercial Two Planned Development (C-2/PD) zone is more particularly described in DEED BOOKS 211, 169 and 87, PAGE NOS. 379, 182 and 39 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 a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone on an approximate 14.6 acre site, the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and

Resolution
Of
The Boone County Fiscal Court

Resolution No. 99-237

official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the committee Report and marked as "Exhibit B".

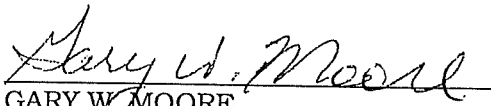
SECTION III

The following additional conditions (2) are hereby incorporated as part of this resolution:

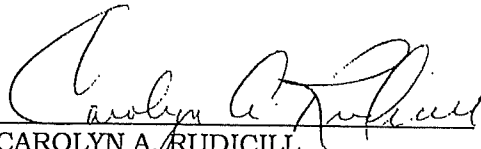
1. Limit the access on Limaburg Road to pedestrian vehicles
2. Provide lighting at the entrance off Conner Road

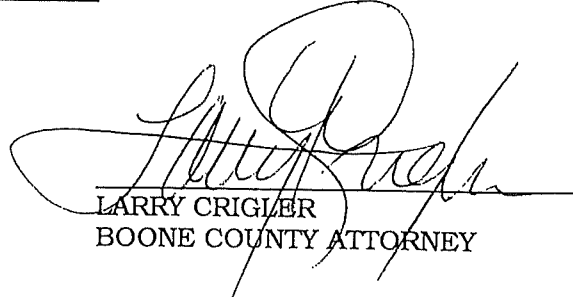
SECTION IV

Adopted by the Fiscal Court of Boone County at a regular meeting on the 26 day of October, 1999, and on the same occasion signed in open session by the County Judge/Executive 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

11-4-99
DATE PUBLISHED