

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 3, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:42 p.m. and welcomed the audience to the Planning Commission's August 3, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mrs. Alaina Hagenseker, Planner
Mr. Robert Krebs, Zoning Enforcement Officer
Ms. Jenna LeCount, AICP, Director, Community Development Services
Mr. Matthew Becher, AICP, Rural/Open Space Planner
Mrs. Treva Beagle, Director, Administrative Services
Mrs. Sara Smith, Administrative Assistant
Ms. Nicole Dierna, Staff Assistant

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT, Todd Morgan, Staff

1. Request of **NorthPoint Development, per Mark Gloyeske (developer)** for **Greenfield Farm Inc., per James Dressman (owner)** a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 209 acre area located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road at the northeast quadrant of the Chambers Road/I-75 overpass, and to the north, northeast, and west of the property at 262 Chambers Road, and south of the property at 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow a subdivision for warehousing, distribution, manufacturing, light industrial, and office/warehouse uses.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The site is 209 acres in size. It is located at the terminus of Logistics Boulevard. It has 3,240 feet of road frontage along Dixie Highway, 1,890 feet along Chambers Road and 2,140 feet along I-75. The request involves a mixture of light industrial, warehouse, distribution, manufacturing and office/warehouse uses. Phase 1 includes larger industrial buildings on 124.74 acres with a cul-de-sac road. Four spec buildings totaling 1,368,000 square feet are proposed at 12,098 square feet/per acre. If a build to suit tenant is identified, the proposed building intensity may change and it will not exceed 15,000 square feet per acre. If the plan changes, the setback, buffer yards and screening will not change. No access is proposed onto Chambers Road. The largest building is 448,000 square feet. A small park is proposed for employees. The second phase includes 11 lots on 84.26 acres. The plan shows the extension of Logistics Boulevard to Dixie Highway. A total of 524,000 square feet is proposed in this phase. The buildings range from 24,000 to 75,000 square feet in size. Uses are identified in the Staff Report. The overall density for this phase is 6,698 square feet per acre. Lots could be sold individually or to one user. The second phase might be similar to the Riverview Business Park in the Hebron area. A 40 foot buffer area is proposed on the north side that adjoins agricultural land and along the interstate. A 130 foot wide buffer area is shown along Chambers Road as well as an 80 foot buffer along the Tomlinson property line.

Mr. Morgan reviewed the site history as noted in the Staff Report. The 2021 Concept Development Plan and Zone Change was approved by the Planning Commission but subsequently denied by the Boone County Fiscal Court. Information about the Planning Commission's approval and the Fiscal Court's denial is included in the Staff Report. The site is currently zoned Agricultural Estate (A-2) and Mr. Morgan described the adjoining land uses and zoning. He showed photographs of the site and surrounding properties. Access to Phase I of the project is from Logistics Boulevard and Transport Drive. The 2040 Future Land Use Map designates the site for Industrial (I) use as well as a sliver of land designated as Rural Lands (RL) along Chambers Road. He referred to Page 5 of the Staff Report. The Comprehensive Plan has a 20-25 year planning time horizon. He mentioned letter "C" on Page 6 of the Staff Report. "The area east of I-75 and west of U.S. 25 from Richwood Road to Chambers Road should develop as a Business Park. A buffer should be provided along Chambers Road, to residential uses to the south, and no business park access

should occur on Chambers Road. New industrial or business park development south of the improvements being made to U.S. 25/Dixie Highway as part of the I-75/Richwood Road Interchange rebuild requiring new access to Dixie Highway must be accompanied by a Traffic Impact Study to determine if the existing conditions of the roads are able to support additional truck traffic.” In addition, the Planning Commission shall also look at the Future Development Guidelines on Pages 6 & 7 of the Staff Report, Mr. Morgan highlighted the appropriate Goals and Objectives of the Comprehensive Plan on Pages 9 & 10 of the Staff Report – approximate location for businesses that are compatible with surrounding land uses and freight logistics businesses being located in close proximity to interstate interchanges in order to minimize traffic congestion.

In terms of Staff Comments, Mr. Morgan mentioned the difference between the map and text of the Land Use Element. He described the Business Park land use classification as described on Page 12 of the Staff Report. The applicant’s project overview prohibits several use categories that are normally principally permitted or conditional uses in the I-1 zoning district (see Pages 13 & 14 of Staff Report and project narrative). In regard to buffer yards, Mr. Morgan asked the applicant to provide more cross sections. He is recommending planting street trees on the extension of Logistics Boulevard. Will the proposed retaining walls have an architectural finish? Downlit light fixtures are recommended with less than one foot candles. The Traffic Impact Study is entered into the record. It includes a summary. Mr. Morgan asked why the extension of Logistics Boulevard is tapered down in pavement width? A list of recommended road improvements are mentioned on Page 17 of the Staff Report. Comments have been received from SD1, the Boone County Engineer’s office, the Kentucky Transportation Cabinet, the Boone County Water District and the Walton Fire Protection District. Staff has received 11 emails in opposition to the request. Further Staff received 39 additional emails (1 in favor and 38 against the request since the Staff Report was written).

In addition, the Staff had some additional questions/concerns.

Overall

- A. Has the applicant done any research to see how many logistics warehouses are currently available or soon to be available in Boone County, Kentucky? Is there currently a need for more?
- B. Can grading, storm water, and tree preservation be briefly discussed by the applicant? The project overview indicates that the detention volume provided on the Concept Plan is 15% above minimum.
- C. Can tractor trailer turning movements, queuing, and issues with street parking be more thoroughly addressed by the applicant?
- D. Staff is concerned that the adjoining property owners could experience substantial noise, vibration, and odor impacts from the proposed development. Have these issues been analyzed? In particular, Staff would like to know if the applicant has any decibel or vibration data from other similarly sized logistics warehouse facilities. Would trucks be permitted to run or idle all night on these project sites?

Phase 1

- A. While the Concept Development Plan shows four buildings totaling 1,368,000 square feet in area and a building intensity of 12,098 square feet/per acre in Phase I, the project narrative indicates that a build to suit tenant could develop at 15,000 square feet per acre (maximum building area could increase to 1,696,200 square feet vs. the 1,368,000 square feet shown on the Concept Development Plan). Staff would like the applicant to address if Phase 1 could be constructed with 1 or 2 larger buildings with the proposed wording. It is understood that the setbacks, buffer yards, and screening shown on the Concept Plan will not change.
- B. The project narrative indicates that all the buildings will be smaller than the warehouses to the north. Based on this, what is the largest size warehouse that could be built?
- C. Could all the buildings in Phase 1 be logistics warehouses (will there be a mix of uses in this phase)?
- D. What amenities are proposed in the tract B greenspace?

Phase 2

- A. What is the minimum number of buildings that could be constructed in this phase based on the Project Overview?
- B. The Concept Development Plan shows the largest Phase 2 buildings being 75,000 square feet each (lots 5 and 11) and the project overview indicates the buildings will be similarly sized to those in Riverview Business Park. Staff did some research on some of the larger buildings in this subdivision and found that RelaDyne was 121,200 square feet and Blue Star was 131,000 square feet. Could the buildings in Phase 2 be as large or larger than these buildings?
- C. Could the building intensity be raised to 15,000 square feet of building per acre of land on these lots? If so, is the transition of the buildings getting smaller from west to east guaranteed?
- D. Could a small logistics warehouse be constructed in Phase 2?
- E. Is there a guarantee there will be a mix of uses in Phase 2?

Concerns regarding Traffic Impact Study Addendum:

- A. It shows two manufacturing buildings in Phase I. Is this guaranteed?
- B. The building sizes are based on the Concept Development plan. The Project Overview indicates the square footage the buildings could be enlarged.

- C. Both the Boone County Engineer and the Kentucky Transportation Cabinet indicate that a more conservative approach would be to evaluate Dixie Highway, south of Logistics Boulevard, as if current conditions still existed in 2032. "Nothing beyond a planning study is funded at this point and it's unclear how a future project will rank with other regional needs."

Staff has submitted the following information into the record:

- 4/7/21 Staff Report
- 5/5/21 Boone County Planning Commission Business Meeting Minutes
- The complete 7/5/22 Traffic Impact Study Addendum prepared by Bayer Becker
- 39 emails received in the office
- Email from Shannon Tomlinson

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Marc Gloyeske, NorthPoint Development, stated that the project approved by the Planning Commission in 2021 was much larger in scale. The denial by the Fiscal Court was the result of the project not being in agreement with the Business Park Future Land Use designation. He feels the proposed plan meets the Findings of Fact as noted by the Fiscal Court. The plan produces a Business Park approach. He gave a description of NorthPoint Development. They have an office in Cincinnati but are headquartered in Kansas City, Missouri. They have developed property in West Chester, Ohio. Mr. Gloyeske referred to his PowerPoint presentation. After the denial, they re-examined the development and how it could fit in better. All the vacancies in logistics buildings are gone now. The e-commerce world has changed and the vacancy rate today is less than 1%. About 3.5 million square feet of logistics space is currently under construction. About 900,000 square feet is already leased. The remaining space won't last a year. The timing of the project really fits the market. He described the existing and future land uses. This is explained in the narrative that has been submitted in support of the Zone Change. The Comprehensive Plan states that if property is designated for Business Park and is seeking an I-1 zone, then certain criteria found in Section 1137 of the code must be addressed. There are 15 criteria that an applicant uses to determine whether their project meets the Business Park (BP) designation. This is included in the submitted narrative. Mr. Gloyeske showed a comparison of the previous Concept Development Plan with the proposed Concept Development Plan. The property on the west side of the site will be purchased by NorthPoint while the eastern part will be retained by the seller to sell to individual users or one buyer.

Last year, they asked for up to 3 million square feet in six buildings. There was no mixed uses on the site. The buildings were designed for e-commerce. Originally, access to Dixie Highway was planned in Phase 1 of the request. The old plan only had a setback of 80 from Chambers Road. Detention was only based upon what was required at the time of submittal last year. NorthPoint

wasn't going above and beyond. The new plan has been scaled back. It is only four buildings and 1,368,000 square feet. Building #1 is exactly the same as what was proposed previously.

Building #2 has been reduced in scale. It provides for more buffer yard. By reducing the size of the buildings, it allows for the diversity of uses/businesses. The buildings have fewer docks and trucks than normal. There won't be access to Dixie highway in the first phase. All traffic will exit Logistics Boulevard to Dixie Highway where the road will be improved as part of the interchange project. There is a study going on to widen Dixie Highway south of Logistics Boulevard but there are no construction funds. They are providing 15% more detention than the previous proposal. The applicant noted that they are willing to donate \$250,000 to the State for seed money to start any road construction project in the area of Dixie Highway or Chambers Road. They will dedicate about an acre of ground for park space for employees who work in the area. In regard to building intensity, they would like some flexibility to accommodate small business. They will commit to 12,000 square foot per acre and a total of 448,000 square feet maximum building size. Phase 2 is an unknown commodity. There are not many small sites available with zoning in place and infrastructure. TRI-ED suggested a need for industrial buildings with a size of 50,000 – 125,000 square feet (5-15 acres). They are willing to put conditions or restrictions on the property. The mixture of uses and building sizes speak to the Business Park designation.

Mr. Gloyeske stated that they would like to reduce the road width from 41 to 30 feet along Logistics Boulevard because of truck parking. All truck parking and queuing are located on individual lots and not on the public street. They can make it 41 feet in width if necessary. Also, they would like to create an 8 foot wide multi-use path along the road. This will allow people to walk from a bus stop or the pocket park. The screen wall will be an additional panel that will be extended at the end of Building #4. It will limit the view of the truck court. The truck docks for Building #3 and Building #4 will face the east and away from any residential use. The Traffic Study showed a higher intensity of cars due to manufacturing uses. Mr. Gloyeske showed photographs and tenant names of the West Chester Trade Center project. The project is diverse with manufacturing, warehousing, research and distribution uses. The smallest building at this location is 27,000 square feet. He showed some exterior building pictures. Lastly, Mr. Gloyeske showed a series of sight lines or section views – Section A (I-75), Section B (Chambers Road – near tunnel), Section C (Chambers Road curve), Section D (Tomilson Home) and Section E (Chambers Road).

Mr. Gloyeske noted the relationship to the Boone County Comprehensive Plan. The area has been designated either Industrial or Business Park since 2000. It is a Business Park setting with different uses and sizes. There is an increased buffer along Chambers Road. There is no planned access to Chambers Road. There is an extension of Logistics Boulevard to Dixie Highway, which was touch upon in the Land Use text. The Map Amendment is in agreement with the adopted Comprehensive Plan. He acknowledged that the Future Land Use Map designates the site for Industrial and the text says Business Park. There is a decreasing scale or size of buildings as one travels from I-75 to Dixie Highway.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Shannon Tomlinson, 262 Chambers Road, stated that she owns Ellis Farm. It is a horse farm that has existed for about 100 years. The existing home has been there for the past 150 years. The property is zoned Agricultural and the use has not changed the entire time. The proposed development will impact her and come close to her barn and arena on two sides. When she purchased the property, it was not in a good condition. It has been renovated to make it a premiere boarding and training thoroughbred facility. Polo is also a possibility as she has studied the sport. Her property will be a crown and it will help maintain the integrity of the area as designated in the 2040 Comprehensive Plan. She noted that she did not receive the Staff Report until yesterday and did not receive the new Traffic Study. The last Traffic Study she received was done during Covid. She is not prepared to address it today. Even though the statute only requires one Public Hearing, Ms. Tomlinson requested another Public Hearing to give adequate time to know what is going on and comment. The statute also requires a plan. It is not an open concept plan. What is the plan? The applicant said they will work with you. They will make it fit. They will do whatever. We can't address it here at the Public Hearing because we don't know. The purpose of the Public Hearing is for the public to have meaningful comments. The room is filled with people as well as 75 people watching in another room off-site. We are all impacted by this development as well as other developments. It has been less than a year since the last application was submitted. The Fiscal Court decisively denied the previous request. It is tough reviewing the proposal with only a 14 – 21 notice. Last time, we only had a few speakers oppose the project via Zoom. Now, you will have the opportunity to hear from the community as a whole. The first application to change the site to industrial took place in 2007. It was denied because the roads couldn't handle the traffic. The interchange project was not underway. The interchange is still not complete today. Meanwhile, other industrial and residential developments have been approved. There has been no upgrade to the secondary roads. Only a portion of Dixie Highway is being improved. It is almost obsolete today. We still have bad traffic issues on Chambers Road, Dixie Highway and Richwood Road. She stated that she almost had 3 separate accidents with tractor trailers going to Burlington. Trucks have been stuck in the Chambers Road overpass. Trucks run you off the road. The developer can't control the traffic. By not approving the development, it won't make the problem worse. Chambers Road floods. Standard regulations won't be enough because of the flooding. The proposed 13 acres of green space will not help. Any additional impact will affect flooding. Ms. Tomlinson stated that she has been fighting the project for 4 years. The applicant has applied for a U.S. Corps permit and she fought it by contacting the State Environmental and Historic Preservation offices. The U.S. Corps permit was withdrawn but reapplied for later on. In the previous application, the applicant stated that they were in agreement with the Comprehensive Plan. Not really as the text dominates the map. The text discusses Business Park (BP) and the map designates the site as Industrial (I). There really was no need for the project. The Commission thought the entire property should not be industrial. That property was intended to be a barrier for the existing residences and residential in the area and the uses along Chambers Road. There is more crime in the area as there is a KSP unit devoted to the area because of the

warehouse uses. Theft from these facilities are number 2 in the United States. Stolen freight is common. One load worth 1.5 million was stolen. This type of use brings criminals to the area. That is why crime is increasing. She is supportive of property rights unless it affects adjacent

property owners. If the project goes in, it will destroy her. She isn't opposed to development but just opposed to industrial. That is what Fiscal Court thought. The proposed plan is not guaranteed. Phase 1 is controlled by the developer and phase 2 is on the hands of the property owners. It is build to suit. Why is it not on the plan? The applicant says it meets the requirements of the Business Park. The purpose of a Business Park is to create a campus that is available to be used by the public – pedestrian walkways, community spaces – like a college campus. Business Park not only allows industrial but also requires mixed uses – research or business. It will only be a Business Park when Phase 2 starts in the future. We are speaking about now. In addition, NorthPoint uses explosives to flatten the grade. Explosives shake and crack residential foundations. We have no remedy beyond the Planning Commission. She has filed Open Records requests and one statement referred to the Zoning Administrator keeping the developer in line. The Zoning Administrator replied that it is not within his power. Nothing has really changed. Does it benefit the community? Unemployment levels are relatively low. This type of development creates low paying jobs. It is not worth it. We need your help. Previously, the property was designated for Rural Lands (RL). The Future Land Use was changed as a result of a few people, including the property owner, and Tri-Ed. Ms. Tomlinson submitted a copy of a letter (Exhibit 1). The update of the Comprehensive Plan will occur next year and the citizens will participate. Ms. Tomlinson will work to remove the industrial land use from the Comprehensive Plan. She asked the Board to look at the material closely and review the Concept Development Plan in light of no controls. We will suffer from the impacts. Dig deeper and listen to us. Many of the changes are not in the plan submitted by the applicant.

Mr. Chet Hand, 674 Chambers Road, submitted a PowerPoint presentation. He stated that during a recent campaign for County Commissioner, he knocked on about 11,000 doors. The number one concern was over industrialization and schools was number two. In his opinion, we shouldn't have this conversation right now. The new plan that has been presented has very few distinguishable differences from the one that was presented in 2021. The plan does nothing to remove industrial. It doesn't mitigate the impacts. The trigger point is that industrial planned for the site was a mistake from the beginning point. The property was intended to be a buffer. It should never have been considered as industrial in the 2040 Plan. The Fiscal Court stated out loud and clear last year that Industrial One (I-1) zoning is entirely unacceptable for this parcel. They didn't say that the buildings were unacceptable but industrial zoning was unacceptable regardless of this proposal. Business Park equals industrial. The Boone County Fiscal Court determined that the plan was in error. The Fiscal Court approves the Goals and Objectives of the Comprehensive Plan. The Planning Commission is obligated to follow those goals to create the Comprehensive Plan. It is the Planning Commission's responsibility to meet those goals. Likewise, the Fiscal Court is granted oversight of the Planning Commission's development of the Plan. Whatever comes before the Planning Commission must meet the Goals and Objectives of

the Plan. Mr. Hand submitted a flash drive of exhibits to be included as part of the record (Exhibit 2). References are made to KRS 100. Before any Zoning Map Amendment is granted, the

Planning Commission and the Fiscal Court must find that the request is in agreement with the Comprehensive Plan, or that the existing zoning is inappropriate and the proposed zoning classification is appropriate. That was found to be completely false by the Fiscal Court. Alternatively, there has been major changes of economic, physical or social nature in the area involved that wasn't anticipated in the Comprehensive Plan and which has substantially altered the area. He stated that there has been a significant social change. Mr. Hand submitted a video of a Fiscal Court meeting representing a discussion of the 2021 zone change (Exhibit 3). Commissioner Kenner explained his reasons for voting no on the 2021 zone change. He felt the Business Park designation was an attempt to establish a buffer. He referred to Maher Road and not allowing an industrial access to Dixie Highway. He doesn't agree with going from A-2 to Industrial. He doesn't agree with the Planning Commission's recommendation. There is industrial near Old Lexington Pike but Chambers Road is more residential. The proposed industrial is too much of a leap. There is too much industrial at this time.

Mr. Hand stated that the Fiscal Court had a firm understanding of the Richwood area. Industrial is still on the submitted plan. Having 200 people appear before the Fiscal Court, it takes on a very strong social nature that wasn't considered in the 2040 Comprehensive Plan. This change in social nature is reason enough to deny any future Zoning Map Amendment proposals. The Fiscal Court resoundingly with a unanimous vote found that the proposed zoning classification of I-1 was inappropriate and that the assignment of that designation did not meet the Goals and Objectives they approved. Commissioner Kenner spoke how the industrial zoning was inappropriate. On page 5 of the Comprehensive Plan, it states that "the Elements of the Comprehensive Plan shall be interrelated and consider potential benefits and impacts of regulation and development." Page 6, Section Environment – "Development shall attempt to utilize existing topography and vegetation – and preserve the existing character of the land where practical." Richwood and Chambers Road are a beautiful part of the County and we only get one chance to get it right. Page 8, Section Natural and Cultural Resources – "Significant cultural resources and natural features in Boone County are documented, preserved and interpreted." The Chambers Road neighborhood should not be sacrificed for the edge of industrial development in the region. Page 9, Section Economy – "Boone County businesses are development in appropriate locations and are compatible with surrounding land use." Industrial development should stop where it is today and pickup south of Walton. What is proposed is not Business Park. It is industrial. The developer is wordsmithing it. Page 12, Section Transportation – "The displacement of people.... And disruption of communities shall be minimized." Industrial should have never been in the Comp Plan. Based on the stated 2040 Comp Plan Goals and Objectives, and the subsequent review, recorded commentary and recorded Findings of Fact, the industrial zoning for the Greenfield Farm should never have been in the 2040 Comprehensive Plan. Essentially, the Fiscal Court directed the Planning Commission to note that Industrial One (I-1) was inappropriate, now, or ever in the future. The Chambers Road community did not have adequate input in 2017. Only 1% of the population participated in the 2040 Plan. It was hardly sufficient for the community. People are not aware that they need to

participate. Additional communication is necessary. It must be done way in advance. Our current infrastructure is inadequate. The Land Use Element (21. Richwood East) states "Great care and consideration must be given to the impacts of increased truck traffic in the area as a result of the

development of logistic/warehouse businesses along U.S. 25 corridor." The last few years have shown a dramatic increase in truck and personal vehicle traffic in downtown Walton. The proposed traffic mitigation proposals will not address eastbound traffic on Chambers Road and northbound traffic on Dixie Highway. He has witnessed numerous wrecks. The developer has no way of knowing the direction of the supply chain traffic. The 2040 Comp Plan (21. Richwood East p. 149) has identified a need to improve Dixie Highway between KY 338 and KY 14. A Study is planned, however, no additional phases are planned in the next 6 years. This means that any development will exacerbate semi-truck and personal vehicle traffic in the area, with zero plans to mitigate that serious safety risk anytime in the near future. Section Transportation, Goal B, Objective 9, as well as "Access Management," p. 96, and Transportation and Pedestrian Network, pages 96-97 also make statements about protecting existing roadways and addressing impacts of truck traffic. Given the hyper focus within the 2040 Comp Plan on this issue, it is apparent that any consideration of industrial development along Chambers Road and Dixie Highway should be stayed until after roadway improvements are complete. Some reference has been made to monies appropriated in the 2022-2024 Biennial Highway Construction Plan to improve Chambers Road and the flooding issues. This is false as only \$600,000 was allocated for a planning study and no commitment for any future improvements. Although we believe the Fiscal Court and the 2040 Comp Plan have made it clear that industrial development on U.S. 25 should be halted at its current location adjoining the Greenfield Farm property, and that no future proposals for industrial on that property should be tolerated. We also make the case that at an absolute bare minimum, the timing on this proposal should be pushed out at least 6 years to align with potential future road improvements and allow the community at large to comment on the Comprehensive Plan.

The plan and proposal narrative provided by the developer are inconsistent with one another. The July 27, 2021 Findings of Fact, in regard to the differences between Business Park and Industrial, state open spaces proposed around the perimeter of the site are to buffer adjoining, incompatible land uses rather than to create a park-like, office campus setting. The new proposal places the theoretical layouts of Phase 2 Business Park adjacent to U.S. 25, creating a zero buffer between the industrial and the Chambers Road community. This does not align with the Findings of Fact referenced Comp Plan Land Use text, Section B (p. 95), which states "Developments in Boone County must recognize the potential impacts upon adjoining land uses, and incorporated a transition of land uses." Mr. Hand referred to individual property rights as development under current zoning protect individual property rights. Zoning laws and regulations are devised to protect surrounding property owners and not to provide absolute liberty to the individual property owner. It keeps a strip club or industrial complex from being next to a historic horse farm. If zoning laws were in place to allow property owners to do whatever they want, then there is no need to have zoning. The current investment group does not lose any rights under their existing zoning. They have the right to develop there under the A-2 zoning with zero input from the neighbors

because they purchased their properties with Greenfield Farm already being designated A-2. The investment group has the same right as everyone else on Chambers Road, just not special rights. The opinions of the neighbors should carry more weight than the desires of an out of state developer. NorthPoint indicated that they want to be good neighbors but it is not the case as they want to ram through an almost unanimously unpopular plan. It will be more like a profit motivated adversarial relationship rather than a community focus group. There may be needs in the industry, but that doesn't mean that the subject property had to be the solution. The County has no obligation to guarantee max profits to an investment group. The County has no obligation to mitigate the impact of a bad investment decision, or one based on assumptions of future zone changes. The current situation for NorthPoint and the investment group is not the fault of the Chambers Road community and we should not suffer for it. However, the County does have an obligation to protect the early investors in Boone County, our existing communities and property owners.

In conclusion, the new proposal is not substantially different than the 2021 proposal. The Findings of Fact used to deny the last application are all applicable again for this one. NorthPoint is wordsmithing their proposal narrative to circumvent these objections, but the resulting impact on our community will be the same. Five letters written to the Planning Commission was sufficient to the Planning Commission to change the Comp Plan. Hundreds of people standing up and letters against the proposal should be enough to deny this application. The existing zoning classification is found to be appropriate and in addition, a major change of social nature within the area, not anticipated in the Comp Plan has been identified. The Fiscal Court has indicated that the 2040 Comp Plan has mistakenly identified the 208 acre property along Chambers Road to be Industrial. The question now is are we going to continue with that mistake? Are we going to serve the people or are we going to course correct and assure that we don't get irreparably damaged trying to maximize profits for an out of state developer and investment group. It is perfectly justifiable to deny this zone change. We request that you deny this application submitted by NorthPoint Development. Mr. Hand restated that he submitted his presentation on a flash drive as well as the previous 7 documents. Mr. Hand noted that the previous submittal was not bigger than the one that is under review. Everything is speculative. The buildings are designed to expand into the future. The vacancy rate in the region or Northern Kentucky is not the same in Boone County. The subject property can be developed as residential similar to what has been built along Chambers Road – Oxford Hills and Bedinger's Landing. Chambers Road need to be fixed first then the area can be developed.

Ms. Charlotte Brewer, 233 Chambers Road, stated that her family owns a farm across from the development. It overlooks the development. She bought her 86 acres in 1968. There was nothing out here back then except for an ice cream stand. We already have those types of businesses in the area. She referenced Page 13 of the Staff Report that outlines the statutory criteria for approving a zone change. The current zoning of A-2 is appropriate. There is 65 acres with 5 homes located on it on Dixie Highway as well as 72 acres owned by the Tomlinsons. All this property is entirely residential including hers across the street. There is nothing that says industrial

should be in the middle of this residential area. It is a good reason to leave it residential as well. Park South should be the ending point for industrial.

Ms. Margo Grubbs, 30 Russell Street, stated that her family has a rich history in Boone County. Mary Grubbs (Highway) was her grandmother and Chambers Road and Chambers-Grubb Funeral Home is her family. Both sides of her family date back to the 1700s. She serves on the Richwood Presbyterian Church Cemetery Board. It is a legacy cemetery. She has family buried there. In 1958, U.S. 25 was the only road that went from Walton to Florence. Crime is a problem and more will occur with industrial development. Boone County has boomed and traffic affects travel time. Chambers Road is rural Boone County. Don't take it away. We need the integrity of our historic legacy intact. Please say no to it.

Ms. Jennifer Fitch, 12216 Gaines Way, stated that she agrees with what has been stated before her. They moved to the area during the pandemic and looked for an older house so they didn't have to deal with this situation or problem with new construction. There is an environmental impact from the development – light pollution affecting wildlife and humans (sleep disturbance, diabetes, cancer). In addition, she expects a concern about noise pollution – truck traffic (sleep issues, heart disease, high blood pressure & hearing loss). She did submit comments earlier today. In terms of storm water runoff, there is flooding as well as septic tank overflows. Storm water runoff can have up to 50 different types of chemicals. There will also be a loss of wildlife especially birds – wrens, cardinals, red peckers. Ms. Tomlinson has kestrels nesting on her property. It is a federally protected bird. This is development for development sake.

Mr. Adam Hand, 1190 Oxford Hills Drive, stated he lives next to Steeplechase Elementary School. The 2040 Plan is not a gospel. There are flaws in the Plan. His property is designated SD – Suburban Density Residential. It allows 4 houses per acre on his property. His property is deeded for a single family residence of a minimum 2,500 square feet. I can't legally do anything different. Yet, the Future Land Use Map says 4 units per acre. There are many other flaws in the Comp Plan including the site under review. He will be involved in the next Comp Plan update.

Mr. Jon Holman, 981 Chambers Road, stated that the photographs of the rolling hills and scenic drives from the Staff PowerPoint are proof of how the area looks today. It shows the lack of infrastructure in the area and the reason why he and his wife moved back to Boone County. He bought his uncle's farm and has been back for 10 months. It has been the third zone change that he has experienced. Cornerstone was one of them. It was denied. The subject property was denied twice. He doesn't want to keep coming to these meetings the rest of his life. He is surrounded by farms. The main concern is traffic or the volume of trucks. It took him 15 minutes from the BP gas station to I-75. He has a video to prove it. It takes his wife 45 minutes to get to work. He expressed a concern about the "proposed access". What does it mean? No proposed access? He expressed a concern about flooding. With a good rain event, water goes over his bridge. What will the project do to the value of his property and other homeowner's? I would hope the Board would vote this down.

Ms. Charlin West lives in Verona and expressed a concern about traffic and safety. The big rigs cause a lot of problems. The big trucks can have a big impact on accidents. There is a correlation between traffic and accidents especially involving these big trucks. Traffic jams are inconvenient for everyone. She is concerned about hazardous materials. In 2021, 22% of the accidents were with big trucks. It was 35% in the Walton area. The trend is continuing in 2022 from January to August and it could surpass last year's data. It is about 27.5% in Richwood. Please don't bring more trucks into Southern Boone County. More trucks mean more human error.

Ms. Connie Honeywell, 12419 Hutton Drive, stated that she spoke last year and her comments still apply to the new application. The one concern she had this year is that she has not seen any improvement of Chambers Road. There are no shoulders on the road. The intersection of Dixie Highway and Chambers Road is all torn up due to the truck traffic. There are huge ruts. Trucks have almost hit poles in the area. A tractor trailer carrying cars went down Chambers Road and got stuck at the tunnel. The driver had to back up to Dixie Highway. Someone needs to put a sign up, "No Trucks Allowed." She expressed a concern about stormwater runoff. When she bought her house, there were no flooding signs. Now there are signs on Richwood Road and Chambers Road. What happens when it floods? You can't get to work. People would be fired from their job if they couldn't get to work. She expressed a concern about emergency response if the road is flooded. Police and fire personnel are not trained in swift water rescue. She understands what is involved with rescuing people. Until the road situation is fixed, there should be no further development. The road and the flooding needs to be fixed.

Mr. Dennis Kelley, 12231 Gaines Way, asked when does the industrialization stop? He did a 10 mile survey of warehouses and noticed there were 14 warehouses that were zero filled. There is a school in the area now and it wasn't in the 2040 plan.

Ms. Amy Kelley, 12231 Gaines Way, stated that when she moved to Gaines Way, Chambers Road was a lane and a half in width. The original speed limit on Chambers Road was 30 mph. Now it is 45 mph because of the two way traffic. More and more trucks have been on the road. She has had to go to Dixie Highway to leave Chambers Road because of the trucks at the other end. If flooding occurs, the road floods due to the sandy, clay soil. There is a wetland on the subject property. It will be destroyed if the site is developed. The small wetland helps mitigate the flooding. All wetlands are precious because they protect wildlife. The detention ponds will have oil, residual gas and other toxins. Flooding will occur on Chambers Road and eventually Mud Creek. Mud Creek flows into Gunpowder Creek and then to the Ohio River. It is water pollution. She hasn't seen any environmental studies of the site. Did they submit one? Progress includes nature. Nature takes time to perfect everything.

Chairman Rolfsen noted that the Board understands flooding, traffic, noise, light pollution and crime. The Board has already heard it.

Mr. Joe Garera, 579 Lassing Way, showed some pictures of flooding at 3 different locations. He submitted the pictures (Exhibit 4). He moved into his home 3 years ago. He recalled attending a Public Hearing about Biggs 30 years ago on KY 18. It was turned down. The buffer will allow growth to slow down. He expressed interest in what could go in the buildings. What about smells? It is a beautiful area.

Ms. Sandy McMillian, 12219 Dixie Highway. She is the second house south of Chambers Road. She took pictures of trucks turning left off Old Lexington Pike to Dixie Highway. She has seen multiple accidents and 2 deaths in her front yard. She loves the rural community. She doesn't like the industrial. Can the Planning Commission use bigger signs on the property? She submitted some pictures.

Mr. Rob Tomlinson, 262 Chambers Road, stated there is an email attached to the Staff Report that says there are no funds in the State budget for repairs to Chambers Road. There are only funds for studies. It was based on no improvements to Dixie Highway south of Logistics Boulevard since there are no available funds. Mr. Tomlinson referred to the 2040 Plan and the amount of industrial land in 2017 of 11,087 acres. Is there an update on the number of industrial acres? How many acres are developed for industrial purposes today? Mr. Costello replied that he would provide that information.

Mr. Liam Tomlinson, 262 Chambers Road, stated that he found 39 warehouse spaces in Boone County alone. There is 5,426,000 square feet available (January, 2024). The COO of NorthPoint stated that he wasn't smart enough to be cautious. The developer is wordsmithing everything to get what they want.

Ms. Pam Clayton, 714 Aylor Lane, asked whether NorthPoint had any developments in the middle of a residential area? The West Chester location is in the middle of an industrial area. What about Chambers Road and future school bus traffic? No improvements are scheduled yet.

Mr. Stephen Muff, 11932 Oxford Hills Drive, stated that there are places in his neighborhood for kids to visit farms with animals. The industrial park doesn't belong there. The industrial land use in the plan was a mistake. It can be corrected.

Mr. Henry Ridner, 1799 Whispering Trails, has been a realtor for about 40 years. He has the Cook property located south of the site. The Cooks own property on both sides of the tunnel. There is no City water or sewer. They just farm the property. They would like to sell it to a residential developer and develop it like Wildcat Run Subdivision or Bedinger's Landing Subdivision. Will the industrial developer bring the water down Chambers Road? City water and sewer should be extended to Chambers Road. This would allow the Cooks to get a better price for their property.

Mr. Jim Weaver, 12125 Decker Lane, asked why the Board doesn't evaluate the quality of life with each project? There is so much truck traffic. It took one year to reduce the speed limit from 55 mph to 45 mph. The State won't do anything to Chambers Road. It is a flood zone. Flooding almost got the historic Richwood Presbyterian Church. He has given to Boone County. What are

you going to do for me? This is ridiculous why they are back. All my neighbors care about their community. These people care about their property. Enough is enough.

Ms. Shannon Tomlinson asked for more time to review the Traffic Study since it became available. Mr. Costello asked if anyone from the neighborhood inquired about the traffic study. Mr. Morgan replied no. Mr. Costello noted that the Staff Report, which included the addendum to the original Traffic Study, was available to the public on the Planning Commission's website a day before the Public Hearing. The public could see it before the Board members could read it.

Mr. Wilson suggested offering the Traffic Study material to anyone now and they could comment on it at the Committee Meeting in 2 weeks. The Committee chair will allow them to speak. Mr. Morgan suggested contacting him about the Traffic Study. Mr. Costello stated that the supplemental addendum to the Traffic Study will be posted on the Planning Commission's website.

Mr. Marc Gloyeske mentioned that the original Traffic Study was prepared in 2021. A supplement addendum was prepared in March/April 2022. Chambers Road has been in the flood plan since 1950. Environmental studies have been performed on the site - a streams and wetlands study and an archeological study. There have been 16 accidents on Chambers Road in 2022 and only 3 of them involved commercial vehicles. The list of uses identified were ones that would be prohibited. It excluded lard processing. There is a list of permitted uses. In the Riverview Business Park, there is no building over 200,000 square feet.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 17, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:45 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

See Exhibit list on next page.

Exhibits 1 through 5 are available for review in the Project File at the Planning Commission office.

Exhibit 1 - Letter and Material submitted by Shannon Tomlinson.

Exhibit 2 - Flash drive submitted by Chet Hand of documents included in PowerPoint presentation

Exhibit 3 – Video of Fiscal Court Meeting – July 27, 2021

Exhibit 4 – Pictures of flooding submitted by Joe Garera

Exhibit 5 – Pictures submitted by Sandy McMillian

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 10:46 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

2. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 2.93 acres and located off an access easement approximately 250 feet east of Limaburg Road between Conner Road and Youell Road. The site has approximately 600 feet of frontage along the access easement. It is zoned Rural Suburban (RS) and the request is to rezone the site to Agricultural Estate (A-2). The request is to allow the retail sale of hay, grain and other farm and garden supplies and agriculture related equipment, excluding vehicles. The site is surrounded by Airport property. The Comprehensive Plan's Future Land Use Map designates the site for Transportation (T). Pages 3-5 of the Staff Report refers to the text of the Comprehensive Plan. The existing barn would be used to store agricultural irrigation related materials. The site also has a chicken coop. A 17 stall parking lot is proposed for customers and employees plus an overflow lot if needed in the future. The access drive will also be widened and paved the first 260 feet from Limaburg Road. It will be widened from 12 feet to 20 feet. There is a gravel area that will be replaced with concrete and the applicant will install an irrigation test area in the front yard.

Staff Comments are noted on pages 5 and 6 of the Staff Report. No perimeter landscaping is being proposed since it is not required due to the proposed agricultural zoning. The Planning Commission or Fiscal Court could require it. However, street frontage landscaping is required. Staff would like the applicant to address the ownership of the access security gate. How would vehicles turn around if the gate is locked? How does the two way traffic flow occur around the existing building since it is shown one-way? Will there be any outside storage? Mrs. Hagenseker showed photographs of the site.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Brock MacKay, Viox & Viox, Inc., stated that the owner wants to renovate an existing barn in order to operate his irrigation business. He is agreeable to installing any landscaping that is required. The gate is shared with CVG Airport. It is their desire to have a one way driveway to a certain point. They have no problem widening the driveway to 15 feet.

Mr. John Artero, owner, stated that he has been doing this type of business for about 17 years. His company provides irrigation to agricultural, commercial and residential clients. They have done rooftops within cities. It is a good site for a small business. People always turn around on his property. CVG Airport rarely opens the gate – maybe twice a year. The test area will show customers how the systems work. The gate is open from 7:30 a.m. to 5:00 p.m. each work day.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 17, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 11:01 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director