

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
OCTOBER 4, 2017
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Ms. Jamie Nieves

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Robert A. Jonas, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **Hilltop Basic Resources, Inc. (applicant)** for **David J. Biedenbender and James A. Biedenbender (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial Two (I-2) for a 18.03 acre site located at 3202 and 3204 Mineola Pike, Boone County, Kentucky. The request is for a zone change to allow a concrete plant.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 18.03 acre site is located off Mineola Pike and Point Pleasant Road. The request is to rezone the site from Agricultural Estate (A-2) to Industrial Two (I-2) to allow a concrete plant. Access to the site is from Mineola Pike. The concrete plant will be 70 x 100 feet in size and 60 feet in height. There will be an aggregate stockpile area. The site will have a block retaining wall and the highest point of the wall will be 38 feet tall. There will also be a second retaining wall that will be 12 feet high on the southwest side of the site. Other site features include a washout area, 2 office buildings, gravel parking for the trucks and employees, on-site sewage and detention basins. There will be perimeter berming around the plant. Each berm will be 3 feet tall. There are two overhead utility lines on the southwest portion of the site. Mr. Morgan showed photographs of the stockpile material. The stockpiles will be 12-14 feet tall. The berms will be 16 feet wide, 3 feet tall with tree plantings on top. The applicant submitted a truck haul route. The aggregate would originate from the Constance terminal located on River Road (KY 8). Trucks would travel from KY 8 to KY 20 to KY 212 to I-275 to Mineola Pike. The proposed plant is 0.19 miles from the Dolwick/Mineola intersection. The applicant submitted a trip summary with their proposal. Normal hours of operation are Monday through Friday from 7:00 a.m. to 4:00 p.m. There will be occasional half days on Saturday. The average amount of trips will be 56 ready mix concrete deliveries or 112 total trips per day, 33 aggregate deliveries (66 trips total), 5 cement deliveries (10 trips total) and 15 employees (30 trips total). Mr. Morgan showed a topographic map of the site. The site drops off from approximately 896 feet above sea level to 774 feet. He noted the current zoning of the subject property and adjoining properties along with photos of the site. Mr. Morgan noted that Mineola Pike is about 17 feet wide near the existing access point to the subject property. The Future Land Use map designates this site as Developmentally Sensitive (DS), Rural Lands (RL) and Business Park (BP) as outlined in the Staff Report. Other references to the Comprehensive Plan are noted on pages 2-7 of the Staff Report. First, "the KY 237 and Mineola Pike I-275 Interchanges will experience continued industrial development in addition to the previously outlined commercial/office development. The mixture of uses should be carefully designed and planned to minimize negative impacts. The existing and future residential uses must be adequately buffered from the new development in these two interchange areas (Recommended Areas of Industrial and Office Activity, pp. 70-71)." Second, "growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed (Overall, Objective 4)." Third, "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal)." Fourth, "priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation Objective 11)." Mr. Morgan also referenced the criteria for taking action on a Zoning Map Amendment request as described on Page 8 of the Staff Report.

In terms of Staff Comments, the applicant has submitted zone change findings with the application. The second comment relates to the width of Mineola Pike from the intersection with Dolwick Drive. Third, the concrete plant is exempt from the 50' maximum height requirement of the I-1 zone because the tank is unoccupable. Fourth, staff would like the applicant to address the following questions:

- A. Will the aggregate stockpiles be stored in bins?
- B. What is the projected decibel level of the plant when it's operating?
- C. How will dust be mitigated?
- D. Is any lighting proposed?
- E. Where will concrete tanker trucks be coming from?
- F. Is any security fencing/gating being proposed?
- G. The plans shows that grading will occur in a natural drainage swale. Has the Division of Water been contacted to see if any permits would be required?
- H. Has Kenton County Airport Board been contacted regarding the height of the plant?
- I. Overhead utility lines exist along the southeast and southwest property lines. Has landscape buffering been analyzed in these areas?
- J. The applicant has had discussions with the County Administration and Boone County Public Works about making road improvements on Mineola Pike, between the concrete plant access point and the Airport Exchange Boulevard/Dolwick Drive intersection. Can an update be provided of where these discussions stand?

Fifth, the submitted Concept Development Plan shows that the following Waivers are being proposed:

- A. The proposed access point is approximately 80' wide. Table 32.5 of the Zoning Regulations indicates that the maximum width of an industrial access point is 40'.
- B. Allow a gravel parking lot (concrete truck and employee parking). Section 3314 of the Zoning Regulations requires all parking lots to be improved with asphalt concrete or portland cement concrete to provide a durable and dust free surface. Staff questions why the Waiver is needed. The applicant should address if any vehicles that park in this area will be tracked and break up pavement.

Sixth, Staff sent out an agency memo regarding the application and received comments from Point Pleasant Fire, Boone County Sheriff's Department, Northern Kentucky Health Department, Kentucky Transportation Cabinet, Sanitation District No. 1, and Boone County Public Works. These comments are attached to the Staff Report. There were a lot of comments about the condition of Mineola Pike.

Seventh, Staff would like to note that Boone County Fiscal Court Ordinance No. 10-97-04 (see attachments) currently prohibits tandem axle, tri-axle, or semi tractor trailer trucks from using the county maintained portion of Mineola Pike. Scott Pennington's 9/20/17 e-mail addresses this issue. He indicates he would have no issue recommending the County allow trucks from the proposed entrance to the Airport Exchange Blvd./Dolwick Drive intersection if the proper road improvements

are made on Mineola Pike.

Eighth, a Site Plan application will be required to construct the parking lot if the Zoning Map Amendment is approved. The Site Plan will address grading, access, parking, storm water, landscaping, lighting, etc. Finally, the Zoning Map Amendment request needs to be evaluated by Boone County Planning Commission and Boone County Fiscal Court in terms Article 3 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Kevin Sheehan, President of Hilltop Basic Resources, stated that his company is requesting a zone change from A-2 to I-2 to install and operate a ready mix concrete facility. Mr. Sheehan distributed a copy of his PowerPoint presentation (see Exhibit A). The company is a family owned business dating back to 1941 based in Greater Cincinnati. They are located on the riverfront across from Paul Brown Stadium since the 1960s. They own and operate a terminal in Constance in which they distribute sand, gravel and limestone products throughout Northern Kentucky. These products arrive from their mines in Patriot, Indiana and Meade County, Kentucky. They also own a limestone quarry in Pendleton County, Kentucky. They are the only ready mix concrete producer in Greater Cincinnati that also mines sand, gravel and limestone. The proposal adds a unique value to their customers. They specialize in large commercial and industrial customers.

Mr. Bill Viox, Viox and Viox, Inc., stated the site sits lower than Airport Exchange Business Park. He noted the location of the SD1 sewer plant, the utility substations, the pumping station for the Boone/Florence Water Commission and various nearby industrial buildings. He showed photographs of the Biedenbender property. He noted the lack of landscaping from the industrial park to the subject site. There were very minimal landscaping regulations back then. Now Buffer Yard D with an 80 foot wide buffer yard is required. Point Pleasant Road and Mineola Pike are classified as collector roads even though both roads are narrow at some point. Mr. Viox stated that his client is committed to improving Mineola Pike to 25 feet wide from Dolwick Drive to the plant entrance. The ordinance that Mr. Morgan discussed in his Staff Report allows trucks on the road if the trucks go to the properties in the area. Mr. Viox referred to the second handout which includes maps outlining the reason for the zone change. (See Exhibit B).

Mr. Brad Slabaugh, Hilltop Basic Resources, Inc., stated they supplied concrete to Paul Brown Stadium, Great American Ballpark, Queen City Tower, The Banks, Hopple Street viaduct, MLK Interchange, Children's Hospital, UC, I-75, etc. They need to provide quality concrete to the Airport area and various road projects in Boone County and the region. These projects require a high specification and high production ready mix. Why Mineola Pike? This site will provide high quality, cost effective ready mix concrete to meet the demands in the area. It will lower material and delivery costs. It will increase service and expedite schedules. It will reduce the number of heavy trucks on public roads, therefore increasing safety. Mr. Slalbaugh referred to the Concept Development Plan. The proposed access will be 80 feet to provide safe access. The driveway stock area and parking will be made of concrete. The stockpiles will be in a concrete bin. The proposed concrete plant is a low profile Con-E-Co plant. It is 59 feet high and may be 69 feet in the future. It will be painted gray. It is capable of producing 175 yards of concrete per hour. It will

sit 42 feet above the elevation of the Airport Exchange Business Park property line. The offices will be modular and it will include a storage facility. They are a seasonal business. They are not planning to use Airport Exchange Boulevard unless there is a specific job at the business park. Mineola Pike is planned to be widened and then resurfaced. Dust will be controlled with concrete roads rather than gravel roads. A sprinkler system will be installed on the site to sprinkle the stockpiles and pavement areas to mitigate dust. They have a street sweeper. They sweep their locations twice a week. The plant has 4 state of the art dust collection systems on all cement bins and in the batching area. It recycles the dust it accumulates. It will recycle 300 pounds of dust for every 1,000 yards of concrete. The dust will be returned to the concrete mixture. It is not going in the air or the waste pond. Sound emission tests performed on the proposed plant concluded noise at 200 feet is not objectionable or hazardous. At 100 feet, it averaged 74-76 decibels. At 200 feet, it averaged 68-70 decibels. For comparison purposes, a medium size truck traveling 50 mph on a street is at 80 decibels. A passenger car traveling 65 mph is 70 decibels and a shower/dishwasher is 70 decibels. The distance to Airport Exchange Business Park is 400 feet from the plant and to the Point Pleasant Church is 800 feet. The noise levels will be negligible. They will comply with all Federal (EPA/Corps), State and County permitting requirements.

Mr. Brock MacKay, Viox & Viox, Inc., referred to the building/landscaping elevation drawing. (See Exhibit C). He stated that he was going to talk about buffer yards and site design. There was a concerted effort to design the site more to the south and east. It takes the development off the area where the steeper slopes are located and puts it closer to the industrial park/substation area. There are 2 cross sections shown - AA and BB. AA is north-south and BB is east-west. The existing industrial park sits higher. The view of plant will be blocked from the existing industrial building because of the lower elevation of the site. The subject site will not be visually seen from the lower part of Mineola Pike because of topography and trees. Looking east, the existing vegetation will remain and the distance is over 1,000 feet to the plant. Even though the landscaping requirement is only a Buffer Yard A, they are proposing more since they are not removing much vegetation. The shortest buffer yard is about 50 feet located near the adjacent materials storage lot. The site will be wrapped with a 3 foot high berm. Two types of berms are being proposed - one with a woodland edge restoration seed mix to stabilize the area and then allowed to naturalize. The second one would include large evergreens. Mr. McKay showed photographs of landscaping examples. The applicant is proposing berm type #1 on the north side and along the southern property line since the existing industrial building doesn't have windows on the north side. On the east and west sides, he is proposing berm #2.

Mr. Viox referred to a handout that described the request to the Comprehensive Plan. It stresses the economic impact of the Airport, the growth of manufacturing businesses and the need for base industries like their company. There are recommended areas of commercial activities. It notes the decrease of airport activities back in 2012 due to the Delta hub closure and future growth around the I-275/Mineola interchange. Since then the Airport has grown. The Developmentally Sensitive (DS) area can be developed in a careful manner. The Land Use Map shows this area. A lot of things have changed since 2010 and 2012. In 2014, the Airport completed a Site Readiness Plan to evaluate their property. Cargo landing fees have passed passenger landing fees at the Airport. Properties were examined for lease and development potential. The Wayfair building was the first building developed on Airport property. Since then, there have been others. No one anticipated in 2010 those properties would be available. The focus was on Aero Parkway since access to

Airport property improved. The road had no utilities at first. Utilities were provided by the City of Florence and properties were annexed. With all the potential development on Airport property, there is interest to widen Mineola Pike to 5 lanes and then the interchange. Mr. Viox summed up that the Comprehensive Plan Future Land Use Map was heading into the right direction and the text supported that request.

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

Mr. Brett Reedy, Baker Concrete, stated that he was in favor of the request. His company has purchased aggregate and concrete from Hilltop for many years. They have the ability to provide the highest quality and the most technically sound aggregate in the market. Hilltop knows their business. They know how their mixes will perform. They know the needs of the various stakeholders in the area.

Mr. Bernie Suer, Messer Construction, stated that he has worked with Hilltop for over 40 years. Hilltop is very consistent in their business practice. They are honest and ethical. They are the best for specialty concrete.

Mr. Jim Thomas, the Harper Company/Bluegrass Paving, stated that his company has been doing business with Hilltop for many years. They purchase a lot of aggregate from Hilltop. It is a well run company and is very professional. They will be a good neighbor.

Mr. Kevin Gross stated that he represented the Airport Exchange Business Park Association. It is comprised of 12 owners and 50 tenants within the industrial park. It is a mix of hotel, retail and light industrial uses. The association's primary concern is traffic flow along Airport Business Exchange Boulevard, particularly if they use the road, it will be torn up. He questioned the noise from the facility itself. They have problems with roads and parking lots being damaged as a result of water issues. They don't want other heavy traffic that may cause damage. They aren't opposed to the project. They just have questions.

Mr. Rich Oliver, owner of the building at 1820 Airport Exchange Boulevard, stated that his building has windows. His employees are in the health food industry. He is concerned about having a batch plant next to his building with his employees breathing dust. There is a lot of traffic that goes through the intersection.

Mr. Roger Laws, 3202 Dry Creek Road, stated that his problem is flooding on his farm. He submitted pictures showing flooding on his property (See Exhibit D). He also expressed a concern about the use of lime since he has cattle. Cattle drink water from the creek. What about tractor trailers getting stuck on Mineola Pike? Will this proposal attract more trucks since they are widening the road? He mentioned the warehouse off Dolwick causing flooding problems on his property. He expressed his desire to have the flooding problems addressed and not have any more. It should be controlled more. Mr. Laws stated that part of his property adjoins the subject site. He owns 70 acres below and 5 acres on top.

Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Bunger asked if an evaluation of the road from the plant site to KY 8 was performed? Mr. Sheehan replied no since they currently use KY 20 from the Constance site. It was also based upon a discussion with the County. The KY 20 road network is better.

Mr. Mark Faulhaber, Hilltop Basic Resources, Inc., stated that the detention basin will be sized appropriately to handle the storm water. They will have to apply for a KDP permit (Kentucky Discharge Pollutant) for the site in order to limit pH suspended solids.

Chairman Rolfsen asked how the concrete washout works? Mr. Faulhaber responded that the trucks will washout at the concrete pit. That water will be screened to wash out the suspended solids and drop some of the pH out. The water from the washout pit will be pumped out and be used for dust control. It will be used on the roads and stock piles. He replied that SD1 would not regulate the company for the storm water management.

Mr. Hicks asked whether the Planning Commission could get compliance information in order to know what is going in the stream? Mr. Costello responded yes.

Mr. Patton complemented the applicant about the design of the site. He noted that most of the storm water was going to the detention basin. But what about the driveway? Where does that storm water go? Mr. Faulhaber replied that because of the grade, it would go towards Mineola Pike. It would not be much.

Mr. Sheehan noted that the Constance terminal only has customer trucks and not their trucks. The Constance facility is a gravel yard and not a paved facility. The drive is 80 feet wide at Mineola Pike and narrows to 45 feet on the site.

Chairman Rolfsen asked about whether a small basin off Mineola Pike is needed to handle the storm water from the drive? Mr. Viox responded that they are going to catch a portion of the storm water from the drive and direct it to the detention basin. There will be a catch basin. There will be a small amount of water that will drain onto Mineola Pike. Mr. Viox stated that the site is subject to the new storm water regulations. The existing industrial part was subject to older regulations. Now, engineers perform hydrological models. If the storm water was choked down, Mr. Laws might not get as much storm water running across his property. If they need another small detention pond in the area, they will provide it when the site is engineered for construction.

Mr. Hicks asked how the remaining 10 acres will be locked in for no future development? How can it stay as green space and not sold?

Mr. Slabaugh stated they are very sensitive to their neighbors. Their heavy trucks will not use Airport Exchange Boulevard unless the road itself or a parking lot in the subdivision needs cement. He also noted their suppliers will not access Airport Exchange Boulevard. They will go in and out off Mineola Pike. Mr. Slabaugh explained that their business wraps up about 2:30 - 3:00 p.m. each day so it will avoid the 4:30 p.m. rush hour. Mr. Viox also stated that it was announced that Mineola Pike was going to be widened to 5 lanes to the Dolwick Connector. There will be a transition

section going from 5 lanes to the 2 lane section in front of the plant probably just beyond Mr. Othmann's entrance. Mr. Viox also noted that Donaldson Road will also be widened to 5 lanes from Houston Road to Mineola Pike.

Mr. Patton asked what are the time constraints that concrete can stay in a truck? Mr. Slabaugh responded that it is a perishable product and it typically is a 90 minute limit. When temperatures are greater than 80 degrees, there is a 70 minute limit.

Chairman Rolfsen asked if the aggregate arriving at the Constance terminal is transported by barge? Mr. Slabaugh replied yes because it is a distribution terminal.

Mrs. Heilman asked if the applicant would consider changing the landscape berm to Type 2 next to the existing 1820 industrial building? Mr. MacKay replied yes and he would look at putting the trees between the 2 electric easements or move the berm.

Mr. Breetz inquired about the slope of the proposed drive? Mr. Faulhaber responded it is about 8.5%. It tapers down by Mineola Pike so the trucks are safe to enter and exit the site. Mr. Breetz asked what is the travel speed for a truck heading up Mineola Pike? Mr. Faulhaber responded he didn't know. Mr. Breetz thought it would be a problem given the weight of the trucks and the grade. It will affect the traffic flow for cars. Should there be an acceleration lane to go up the hill? Mr. Breetz also expressed a concern about truck warning signs for traffic not to go down the hill on Mineola Pike. More of that activity may occur as a result of the applicant widening the road. Trucks also get stuck and take out the guardrails. Can something be done that is more obvious to alert truckers - signs or flashing lights? Mr. Viox replied that the County would like to direct traffic.

Mr. Breetz asked if the applicant had sand at the Constance terminal? Mr. Sheehan responded yes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 18, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 1, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:05 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

- Exhibit A - Hilltop Basic Resources PowerPoint Presentation**
- Exhibit B - Handout for Reasons for the Zone Change Request**
- Exhibit C - Landscaping Elevation Drawing from Viox & Viox, Inc.**
- Exhibit D - Photographs from Mr. Roger Laws**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
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Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

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LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 9:06 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT, CONDITIONAL USE PERMIT, AND VARIANCE - Kevin Wall, Staff

2. Request of **Bayer Becker (applicant)** for **BEX Farms Inc. (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Industrial Two (I-2), and a Conditional Use Permit and Variance, for an approximate 12 acre area located on the northeast corner of the Production Drive/Resource Drive intersection, including the parcel at 1543 Resource Drive, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow a solid waste transfer station, and a Variance from Section 1143, #14, paragraph "I" of the Boone County Zoning Regulations to allow the spacing requirement between a parcel containing a solid waste transfer station and a parcel containing a single family residence to be reduced.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is a Zone Change from I-1 to I-2, a Conditional Use Permit application and a Variance application. It is the result of a Zoning Text Amendment to allow a solid waste transfer station in an I-2 zoning district. The site is located on the northeast corner of Production and Resource Drives. The site is a total of 12 acres and only a part of it is for the solid waste transfer station. Mr. Wall also showed an aerial photograph of the site. There are other uses proposed on the site but nothing is imminent. The applicant has proposed to exclude some uses from the I-2 zoning district. The site and adjoining properties are currently zoned Industrial One (I-1). The Future Land Use Map from the Comprehensive Plan designates the site as Industrial. The variance request involves the distance between the transfer station and a lot containing an existing residence. The minimum spacing requirement is 600 feet. The lot containing the residence is 300 feet. The residence itself is 1,600 feet away from the proposed transfer station. The transfer station building is 10,000 square feet in size. The vehicular circulation area is located on the east of the proposed building. A scale and weigh station building are also being proposed. Mr. Wall showed photographs of an existing transfer station building in Lawrenceburg, Indiana. The existing house is located in an Industrial One (I-1) zoning district. It is pre-existing, non-conforming. Mr. Wall showed photographs of the site and adjoining properties.

In terms of Staff Comments, Mr. Wall mentioned that Comprehensive Plan text does not refer to the area in detail. There is reference to airport noise and industrial land uses are recommended on the east side of Limaburg Road. Mr. Wall referred to the Goals and Objectives of the Comprehensive Plan on pages 5-7 of the Staff Report. He noted that businesses need to be developed at appropriate locations and are compatible with their surrounding areas. Another goal deals with impacts such as smoke, dust, noise and odor. It shall be kept at a minimum. In addition, the Planning Commission shall consider the legal requirements for action on a Zone Change request. Mr. Wall noted that he prepared an exhibit that is part of the Staff Report which outlines the Conditional Use Permit criteria. There are 3 sets of criteria. The first set are general standards applicable to all Conditional Uses. The second set of criteria relate to the Industrial Two (I-2) zoning district. The final criteria apply specifically to transfer stations only. The applicant has provided a narrative that addresses the criteria. Mr. Wall expressed a concern about the

applicant's odor control plan. Is any treatment or agent going to be applied to neutralize odors? How is the proposed building going to be ventilated once it is closed and waste is stored overnight? Mr. Wall referred to the statutory criteria for the Variance request, which was included in the Staff Report. He mentioned if there are unusual circumstances that don't apply to the other properties. The Future Land Use Map designates the site where the existing house is located as Industrial. The proposed transfer station is oriented away from the existing residence toward the eastern side of the 12 acre site. The applicant has submitted a list of uses they are willing to exclude from the I-2 zoning district for the remainder portion of the property. Staff is okay with exclusion of those uses proposed by the applicant. The applicant did not propose to exclude any Conditional Uses. Staff is concerned about Conditional Use #1 (gases, fireworks, etc.) and one that deals with motor vehicles including junk yards and wrecking. The last one is concentrated animal feeding operations. The existing lot has a fair amount of existing vegetation on the east and south boundaries. It should be retained. The County Engineer has provided a handful of comments. Comments were also provided by Kelly Bowlin, the Boone County Solid Waste Coordinator.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Jay Bayer, engineer for Best Way, referred to his PowerPoint presentation. They are requesting to rezone 12 acres of land, approval of a Conditional Use Permit to construct a solid waste transfer station and a dimensional variance to reduce a required setback.

Ms. Katie Raverty gave an overview of Best Way Disposal. It is a full service waste company operating in Michigan, Kentucky, Indiana and Ohio. They have over 25 years of experience and realize the importance of a good relationship between a community and a transfer station. In 2011, they opened their Division office in Burlington. They service 6 Northern Kentucky counties, Boone, Kenton, Campbell, Grant, Gallatin and Pendleton counties. They employ 85 employees. Weekly, the company services over 33,000 residential customers and numerous commercial and industrial customers. They serve 13,312 residential and 600 commercial customers in Boone County. A transfer station will give Boone County residents an opportunity to dispose of items in a safe and convenient drop off area. This will discourage illegal dumping on rural roads. It reduces truck traffic by reducing larger loads to smaller loads.

Mr. Bill Wise, Manager of Best Way Disposal, referred to photos of the existing Lawrenceburg facility. There will be scales and signage depicting items they don't accept and hours of operations. All incoming waste stops at the scales shall be weighed. This is where they find out who it is, what it is and where it came from in each truck. This is the point they can accept or not accept the waste based on odor. If the load is foul, they don't have to accept it. They operate on a first in, first out basis. Waste is loaded onto semi-tractor trailers carrying off about 38,000 - 40,000 pounds of waste. The walls in the building are 2 feet thick and made of concrete. They do use odor agents if they need to. First in, first out, works most of the time. If waste is held overnight, the doors are closed. Some waste will be stored overnight all days except for Saturdays. On an average, there will be 53 inbound trucks going to the site each day and 9 outbound trucks that go to the landfill. The 53 now represent the existing trucks going to their existing facility next door. Currently, those trucks are going to the transfer station in Dearborn County, Walton and Greensburg. Mr. Wise mentioned that they do not accept hazardous waste, no free flowing liquids, tires (more than 10), batteries and dead animals. Trash is weighed and charged accordingly. Food products in containers from restaurants can be dropped off. Kroger is a big customer. The only separation

involved is if something is identified and it must be taken out.

Mr. Schwenke asked if the applicant spoke to the home owner who owns the residence? Mr. Robert Mathis, Operation Manager, stated that he spoke to several neighbors and property owners. The feedback from the neighbors was exciting since they cleaned up the existing site. They liked to see some growth in the area. He also spoke with Joan Jacobs. She was an elderly lady and he didn't know if she understood what was being proposed but he explained to her that she was getting a letter in the mail.

In response to a comment made by Mr. Shipe, Mr. Wall replied that the distance or setback criteria is based upon the parcel of land recorded at the time the request is submitted.

Mr. Jay Bayer emphasized that the proposed transfer station is oriented to the east. The building will be solid along the west side. He mentioned the site is surrounded by Industrial One (I-1) zoning and they are willing to exclude some I-2 uses previously identified by the applicant and by Mr. Wall. The proposed use is compatible with the industrial uses in the industrial park. The proposed use is in agreement with the Comprehensive Plan as stated previously. Mr. Bayer reviewed the criteria for approving a Conditional Use Permit for a solid waste transfer station (A-K). All activities will occur in the building. The transfer station will be open from 7:00 a.m. to 5:00 p.m. and internal uses will be from 6:00 a.m. to 6:00 p.m.. On Saturdays, they will only operate 7:00 a.m. to 12:00 noon. They will be closed on Sundays. The facility will be staffed during hours of operation. Solid waste will not be stored for more than 24 hours. Hours of operation will be posted. Doors on the transfer station will be closed when the facility is closed. They will provide perimeter fencing around the site. An odor control plan has been provided. The only criteria they don't meet is being 600 feet from a lot containing a single family residence. No runoff from the facility shall leave the property. Finally, the operation will comply with all local, state and federal regulations. They are requesting approval of the Zoning Map Amendment, Conditional Use Permit, and Variance. They meet all the requirements. Mr. Bayer referred to an exhibit from the Staff Report showing the existing building, proposed facility, the 12 acre parcel, the 600 foot limit and all industrial property in the area. One of the adjoining lots is only 300 feet from the site but the house is located 1,600 feet on that same lot. To support the Variance, Best Way chose a location that has the least impact on residential uses by placing it in an existing industrial park and a surrounding I-1 zone. The location is 600 feet from Agricultural, Conservation and Residential Districts and meets the spirit of the code. It is a unique case, the parcel is a large tract of land being 27.19 acres. A residential structure is located approximately 1,665 feet from the subject site. The parcel with the residence is zoned I-1. No additional residences are being considered on the large tract. The proposed facility and activities are carefully positioned towards the east side.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if any Board members had any additional comments or questions? Mr. Schwenke asked if the property was rezoned to I-2 would it diminish the nature of other properties zoned I-1? Mr. Wall replied it doesn't change the buffer requirements.

Mr. Bunger asked if the trucks are always empty at night? Mr. Wise responded no, there are some trucks that may have trash. Mr. Bunger asked if there have been any complaints of items stored

or odors at the current facility? Mr. Wise replied no.

Mr. Breetz asked if the staff notified the residential property owner. Mr. Wall answered yes, even though they are not adjoining property owners.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 18, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 1, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:56 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

