

**BOONE COUNTY PLANNING COMMISSION  
VIA LIVE VIDEO TELECONFERENCE  
BURLINGTON, KENTUCKY  
PUBLIC HEARING  
JULY 15, 2020  
7:30 P.M.**

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Chairman Rolfsen opened the Public Hearing at 7:37 p.m. and welcomed everyone to the Planning Commission's July 15, 2020 Public Hearing via Live Video Teleconference.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bunger, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mrs. Katie Nolan  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Tom Szurlinski

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Don McMillian  
Mr. Kim Patton, Vice Chairman  
Mr. Steve Turner, Temporary Presiding Officer

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the first item on the Agenda at 7:37 p.m.

**ZONING MAP AMENDMENT - Kevin Wall, Staff**

1. Request of **Al Neyer (applicant)** for **Patrick Muldoon, Laura Muldoon, Dorothy Jean Webb, and Kenton County Airport Board (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 70.505 acre site located at 1601 and 1669 Elijah Creek Road, at the eastern terminus of Asbury Way, and on the north side of Petersburg Road approximately 415 feet east of the Petersburg Road/Conner Road intersection, Boone County, Kentucky. The request is for a zone change to allow an industrial park.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The request involves rezoning a 70 acre tract from Suburban Residential One (SR-1) to Industrial One (I-1). Two buildings are being proposed. The west building will be 600,000 square feet and the east building is proposed to be 325,000 square feet. The site will have a total of 506 automobile parking spaces, 161 truck docks and 69 truck/trailer parking spaces. Access to the site is from KY 20 and a road will be built on the west side of the site and will include a future right-of-way. The road will have a cul-de-sac until it is extended across Elijah Creek Road and eventually connecting to KY 237. The existing tree cover will be retained along the northern portion of the site along the residential properties. Three detention basins are proposed on the site along with a retaining wall in the southeast corner of the site. The buildings will be made of tilt-up concrete panels. The applicant has submitted a photometric plan and a Traffic Impact Study. Mr. Wall reviewed the adjacent land uses and zoning. The Comprehensive Plan's Future Land Use Map designates the site as Business Park (BP) for the main portion of the site and Transportation (T) for the panhandle portion of the site. Reference to the text of the Land Use Element is noted on page 9 of the Staff Report. More extensive quotes from the Comprehensive Plan and the Boone County Transportation Plan are also referenced in the Staff Report.

Mr. Wall reminded the Board Members of the need to consider the alternative statutory findings necessary for acting on a Zoning Map Amendment request. The proposed use as described on the submitted application is warehouse/distribution. The Board and the Fiscal Court should closely review the trip generation from the Traffic Impact Study and the list of permitted I-1 uses. Inappropriate I-1 uses should be prohibited. Because the site is adjacent to a residential subdivision, the Planning Commission should consider a condition which would prohibit an outdoor public address system and truck horn noise. Mr. Wall referred to Section 1137 or the Standards for an I-1 zoning district. The applicant should provide cross sections for the part of the site that can be seen from the houses in Ridgefield Subdivision. This will address the need for berming and landscaping. Mr. Wall noted the need to have a more finished landscaping plan which addresses any potential aviation and wildlife requirements. He asked the applicant to explain all proposed berming as noted in the narrative. Buffer Yard A is not met at one of the pinch points shown on the submitted drawings. There is sufficient space along the west property line to provide Buffer Yard D plantings.

In regard to building design, the primary concern is the appearance of the building from Elijah Creek Road, I-275, and Ridgefield Subdivision. A sidewalk is required along the entire length of the proposed road. The governing bodies should evaluate whether a multi-use path is warranted. In addition, the applicant should evaluate whether a pedestrian connection from Asbury Way and

the proposed road is feasible. What is the applicant proposing in terms of amenities such as outdoor break areas and the detention areas? Staff also recommends a consistent sign design package for the development. The applicant should also verify that all the utilities will be underground.

The proposed north-south road is part of a bigger road alignment as described in the Comprehensive Plan and the Boone County Transportation Plan. The applicant should explain why the right-of-way is labeled "future". Normally, the right-of-way is dedicated upfront.

In regard to the Transportation Impact Study, the final conclusion suggests that the development will not have a significant effect on the existing intersections. However, a northbound left turn lane is warranted into the development. The Boone County Engineer questioned why there was only one lane in and out of the development and that the future multi-use path needed to be considered in the initial design of the road. Other comments from the Boone County Engineer are in the Staff Report. Further, the applicant needs to explain how adequate truck stacking will be provided on-site? Comments from the Boone County Water District are included in the Staff Report. No comments were received from the Kentucky Transportation Cabinet or Sanitation District No 1. Finally, the project will have to be designed to meet all applicable Site Plan and Subdivision standards. The Site Plan may have to change if multiple building lots are intended.

In conclusion, the Planning Commission and the Fiscal Court need to evaluate the application based on the 3 criteria necessary for approving a Zoning Map Amendment as stated in Article 3 of the Boone County Zoning Regulations, the Our Boone County - 2040 Plan, and the potential impacts on the existing and planned uses in the area. If approved, the Future Land Use Map will need to be amended to indicate "Business Park" for the southern panhandle portion of the site.

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

Mr. Ryan Reardon, Al Neyer, referred to his PowerPoint presentation. He noted that his Company has developed several properties in Boone County and in Northern Kentucky. The site is currently owned by Pat and Laura Muldoon, Dorothy Jean Webb and the Kenton County Airport Board. Viox & Viox, Inc is the civil engineer for the project and SHA Engineering, LLC conducted the Traffic Impact Study. Mr. Reardon showed an aerial photo of the site and its proximity to the Airport runway and I-275. The 70 acre site is currently zoned Suburban Residential One (SR-1). The Future Land Use Map designates the site as Business Park (BP). He presented the Concept Development Plan showing 2 industrial buildings.

Marc Gloyeske, Viox & Viox, Inc., outlined the basis for the zone change request. First, the proposed I-1 zone is consistent with the Future Land Use Map. The Business Park designation calls for a mix of office, warehouse, research, and light industrial uses. Second, the expansion of CVG in the early to mid-2000s, which included the addition of the western most runway, put this property near the flight path and noise contour area which makes this property unsuitable for residential development. Finally, cargo operations at CVG have continued to expand, driving the demand for warehouse space in proximity to the Airport.

In terms of the relationship to the Comprehensive Plan, there are many references in the Land Use

and Economy Elements. Geographic Area 7 (Hebron) is described as allowing future industrial uses only if they have direct access to KY 20 or the KY 237 connection. Further, the County's economy and development goes hand in hand with the expansion at the Airport.

Mr. Gloyeske displayed a map showing the roadway extension identified in the Boone County Transportation Plan and how it is incorporated into the submitted Concept Development Plan. He referred to the submitted Site Plan that shows the grading limits, building layout, and road network. The proposed larger building will sit lower than the houses in Ridgefield Subdivision. He also referred to the Traffic Impact Study. Trip distribution from the development coupled with existing traffic counts resulted in only one off-site improvement - a 220' northbound left turn lane on KY 20 at the proposed access drive. A separate exhibit was submitted as part of the application.

Mr. Brock MacKay, Viox & Viox, Inc., gave an overview of the landscaping plan. Both buildings will be fully landscaped and meet the landscaping requirements. Overall, there is an attempt to retain some of the existing vegetation along the western property line and also plant some trees in areas where grading is necessary. Mr. MacKay showed a close-up drawing of the southwest buffer yard - a buffer that is required to be 60 feet wide. In this area, the existing vegetation will remain. A close-up of the northeast buffer yard was shown which included an area facing I-275. A drawing on Buffer Yard C cross sections was presented. The cross section displayed the change in elevations from 3 areas located along Berwood Lane to the closest building/dock. The 3 examples showed trees being planted at or above the elevation of the building.

Mr. Pat Moore, Al Neyer, showed architectural examples for the types of buildings that will be built on site. He explained the color schemes, building materials, entryways, architectural details and off-sets.

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

Mr. Maynard Leever, 2764 Berwood Lane, stated that he is against the connection with Asbury Way. He is also in favor of the industrial rather than residential. He preferred looking into a light industrial warehouse than the back of a residence or someone's patio that will be closer to his house. As long as the developer plants conifers to screen his property. He feels that he won't lose any property value. The quality of life has not changed. As long as he is not getting more noise from I-275 or the Airport, he is for the development. The proposed building will help buffer the current noise from I-275 and the Airport. He isn't big on the proposed roadway being built next to the subdivision but it is being proposed to be a dead end.

Chairman Rolfsen asked the applicant if Asbury Way would connect to the proposed development? Mr. Reardon replied no. Mr. Leever also noted that he was against the possible path extension. He also inquired whether there would be a possible berm by his house? Mr. Reardon responded yes and referred to cross section drawing. There will be a berm and landscaping.

Ms. Alex McDonald, 2767 Ridgefield Drive, asked if a walking path was going to connect to her neighborhood? She expressed a concern of the effect of the project on her property value, foot traffic and car/truck traffic. The project will bring pollution to her neighborhood. It is an awful lot

of building coming into her area.

Ms. Sally Wagner, 2756 Berwood Lane, noted that the developer will be lowering part of the site. What will be the impact of the construction work on the existing houses? Will the construction work shake the houses or crack the foundation and walls? She has experienced this in the past where they used to live. How will the digging occur without damage to the homes? Will they use explosives?

Mr. Kevin Sterling, 2752 Berwood Lane, asked how the construction of the proposed buildings affect property values? How will it affect the ability to sell the homes within the subdivision? He also expressed a concern about noise. Since he lives next door to the proposed development, how will it be controlled? Trucks make noise - backing up signals and disconnecting trailers. The proposed road will also generate noise. Mr. Costello added that the question about noise relate to operations from tenants in the building. Those tenants are not known yet. Mr. Sterling wants to know how the developer will mitigate the noise. Mr. Sterling mentioned that there is not much noise from the runway since it is an "arrival" runway. Mr. Costello noted that a new Part 150 Study area will begin in a year or so that will confirm the future operational plans for the existing runways. Mr. Costello recommended that the property owners take a close look at the cross sections because it will show the impact of the proposed development. That drawing is available by contacting our Staff.

Mr. Leever asked if the docks were going to be on the other side of the building and not on the same side of the building facing the subdivision?

Ms. Shelby Sterling, 2752 Berwood Lane, asked how she will be protected by other outside noise like barge noise, aircraft noise, interstate noise and train noise if the hill on the site is cut down? This is noise we can hear now but it will get worse with the hill cut down. It will get worse as time goes on. How tall will the trees be at planting? A one year old tree won't block anything.

What about the wildlife being displaced? That occurred when the Amazon site was cleared. Where will the wildlife go when the subject site is cleared? Will it move into their neighborhood? Why can't it be on the other side of the 2 buildings and closer to the highway? The Airport used bombing when they built the runway. It shook their house. Will the developer use explosives? The house closest to Amazon was a mile away and it was impacted. They are located a lot closer.

Ms. Christy Antle, 2794 Berwood Lane, stated that she lives in the area where they are leaving the existing vegetation. What type of trees will they plant? The leaves from the trees behind her house fall off in the Fall and Winter. Evergreens are needed to have an effective screen. About 5 months a year she won't have a screen behind her house. What about lighting and privacy? She didn't buy her house for a warehouse to be located next to her. The warehouse and the road will be in her backyard. If it was in your backyard, you would be upset too. Traffic will also be a problem just like other areas in Hebron. The roads are not wide enough for the truck traffic.

Ms. Greta Webb, 2740 Berwood Lane, stated that she has a concern about the proposed road and the safety of her children. She has 2 young children and sometimes they wander into the fields.

If there are trucks using the proposed road, it will be a problem. How will it be addressed besides vegetation? Children can climb through trees. Could the developer switch buildings? The smaller building doesn't have the truck bays on one side. It would be great to have no truck traffic.

Ms. Kelly Wagoner, 2756 Berwood Lane, asked if the developer considered a 6-8 foot high privacy fence on the berm along with the trees or in lieu of the trees? This could result in more privacy and give the neighborhood more protection.

Ms. Shelby Sterling expressed a concern about the crime rate. She has lived in Hebron almost 25 years. When the factories and warehouses were built, the neighborhood crime rates went up. How will it be controlled? Also, there are thousands of acres of industrial land that are not surrounded by residential uses. Why is the development being proposed next to a residential area or in her backyard?

Ms. Sherri Edmondson, 2704 Berwood Lane, asked whether there will be a traffic light installed at KY 20? It seems like there will be a lot of trucks going in and out each day due to the proposed number of loading docks? Is the applicant going to plant additional trees on the berm as a result of removing some trees? She also noted a concern about light pollution.

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

Mr. Bunger suggested allowing the applicant to provide responses to the list of questions posed by the public first and the Board Members can follow-up if necessary. Chairman Rolfsen invited Mr. Reardon to address the initial questions.

Mr. Ryan Reardon, representing Al Neyer, stated that a walking path connection to the subdivision was not part of the project. He felt it was due to pedestrian safety. The grades also make it prohibitive. In regard to cracked foundations, they had a geotechnical investigation done on the site. The type of rock found on the site will not require the use of explosives. It is called rippable rock and it can be excavated using machinery. This was verified by Mr. Shad Sletto. Mr. Reardon stated that he cannot speak to the effect of the project on property values. He did note that the proposed buildings are high quality with design and materials. In addition, they will review the list of appropriate uses for the site. This will help alleviate any fear about the negative uses. Mr. Reardon noted that the 2 buildings are not leased. They are speculative buildings. Obnoxious uses will be restricted. There are docks located on both sides of Building A. The distance between the docks and the back of the lots is 340 feet - more than a football field away. That is a considerable distance. The proposed road was placed in a location to provide an additional buffer. It causes the building to be pushed away from the residential parcels. Mr. Reardon said that he is open to providing a privacy fence as it might make sense. It would be a safety and visual feature for the neighbors. The proposed road will be dedicated to the County so Neyer won't own it.

Chairman Rolfsen inquired on the reason why the proposed road is located where it is at on the drawing? Mr. Marc Gloyeske, Viox & Viox, Inc., replied there were several reasons. First, the proposed location would keep the buildings further away from the houses. Second, it is recommended in the Boone County Transportation Plan, which gives a broad location and not site

specific. It was intended to be close to the residential area. The proposed location takes into consideration topography and sight distance. The submitted Traffic Impact Study did not warrant a traffic signal at KY 20 due to the low volume and the road was not connected to Elijah Creek Road. In terms of impact on wildlife and streams, there is a separated permitting process for crossing and filling in streams and waterways. They are in that process now as the State is reviewing their permit. A photometric study was submitted to Staff. Lot light spillover is not allowed at the property line.

Chairman Rolfsen asked the applicant if they conducted a noise study? Mr. Sletto responded no but they designed the site with large building setbacks, berms and landscaping. The site sits 25 feet below the residential subdivision. Also, the fact that the buildings will be between the homes and the interstate will help reduce other noise.

Chairman Rolfsen inquired about switching the 2 buildings? Mr. Reardon replied they did look at it and they will look at it again. The constraint is the grading of the site. If it were feasible, they would have put the small building next to the neighborhood.

At this time, Chairman Rolfsen asked if any Board Members had any comments or questions?

Mr. Bunger asked to review the Traffic Impact Study and the potential connection to KY 237. Also, he asked the developer to take a close look at reversing the buildings and being prepared to discuss it at the Committee Meeting. How will it affect the proposed berm, grade and landscaping?

Mr. Lunnemann asked if the sides of the buildings were facing the residential properties in order to reorient the docks? Is that possible? Mr. Reardon responded that they would study it. It could result in some very large retaining walls.

Mr. Szurlinski asked about the sight distance for the proposed intersection on KY 20? What about truck cuing? What is the capacity for the site?

Mr. Gloyeske replied that they studied the sight distance and they are accessing KY 20 in a straight stretch of the road and far from the tunnel. They do meet all of the State sight distance requirements. The drives within the development are 36' in width which allows 2 way traffic while trucks can be parked on one side of the drive. He felt that they had enough storage capacity on-site.

Mr. Bunger asked the applicant to provide the maximum number of trucks that can be stored on-site at the Committee Meeting?

Ms. Gulick agreed with the possibility of requiring the relocation of the docks away from residents. She also asked the applicant to show where the trucks will be parked or staged on the site for cuing purposes?

Mr. Schwenke asked the applicant to provide better information on the amount of trucks that will enter and exit the site from 10:00 p.m. to 6:00 a.m.

Chairman Rolfsen asked why this site when there are thousands of acres available? Mr. Reardon replied that if there were that many acres, they would be bought up quickly. There were very few parcels of this size in close proximity to the Airport. It is an ideal location.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 19, 2020 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on September 2, 2020 at 7:00 p.m.** If someone wants to observe the Committee please contact our office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 9:24 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**