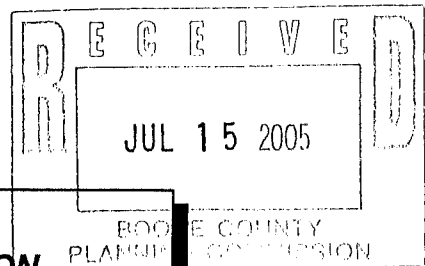


APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project MCGLOSSON - AIRPARK INTERNATIONAL
2. Location of Project ELIJAH'S CREEK ROAD
3. Total Acreage of Site 28.159
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) I1/CD
6. Proposed Uses (please specify each use) INDUSTRIAL
7. Names of Applicant(s) VIDY & VIDY, INC
8. Address of Applicant(s) 466 ERLANGER ROAD
9. Name of Property Owner(s) PAUL HEMMER DEVELOPMENT LLC (BYOPTON)
10. Address of Property Owner(s) 250 GRANDVIEW AVE
11. Proposed Building Intensities (please specify) TOTAL FOR ZONE CHANGE AREA = 239,875 SQ.FT.
12. Are there any existing buildings on the site? NO
13. Deed Book 167/205 Page No. 1/217 Group No. 2009
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff?
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Water and Sewer Dept.
Cinergy/U.L.H.&P. Co.
Sanitation District #1
Cincinnati Bell
Owen County Rural Electric
Boone County Public Works Department
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

# EXHIBIT

“A”

## STAFF REPORT

Request of **Viox & Viox (applicant)** for **Paul Hemmer Development III (owner by option)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

September 7, 2005

### REQUEST

The applicant is requesting to change the zoning directly west of the existing Airpark International Industrial Park from Agricultural Estate (A-2) to Industrial One (I-1) for the purpose of extending Aviation Boulevard and the industrial park. The applicant is requesting to build approximately 210,180 square feet on the 28.159 acre site for a maximum building intensity of approximately 7,500 square feet per acre. The Industrial One (I-1) zone permits a maximum building intensity of 25,000 square feet per acre.

The applicant is requesting the uses permitted in the Industrial One (I-1) zone (see uses attached).

### SITE HISTORY

The original Zoning Map Amendment was approved with conditions in 1991 for 264.4 acres from Agricultural Estate (A-2) to Industrial One (I-1) and Commercial Two (C-2). In 1995, a Zoning Map Amendment was approved with conditions for approximately 52 acres from Airport (A) to Industrial One (I-1). Another Zoning Map Amendment was approved with conditions in 1999 for 7.9 acres from Commercial Two (C-2) to Industrial One (I-1). This removed the C-2 approved in the 1991 Zoning Map Amendment. The committee reports are attached.

### ADJACENT ZONING AND LAND USES

- North: The McGlasson property (112.47 acres) zoned Agricultural Estate (A-2).
- East: Existing Airpark International Industrial Park zoned Industrial One with an approved concept development plan (I-1/CD).
- South: The Kenton County Airport Board owns the properties between Elijah Creek Road and I-275 zoned Agricultural Estate (A-2).
- West: Agricultural property owned by Gripshover (21.61 acres), Shor (9.81 acres) and Gerson (342.06 acres) zoned Agricultural Estate (A-2).

### RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as mostly Business Park (BP) with Rural Lands (RL) and Developmentally Sensitive (DS) areas to the north. The Business Park (BP) classification is defined in the adopted Comprehensive Plan as:

BP: "A mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

The Land Use Element within the 2000 Boone County Comprehensive Plan only refers to this area (Airport Area, page 171) by stating:

"Land to the north of Elijah's Creek Road, including the plateau area known as the Shor Property, should be developed in a Business Park fashion. Access to this area should be by a road connection to KY 20, through Airpark International, and may eventually include a connection to KY 237 at South Park Drive. Access to this area directly from Tanner Road or Route 8 is not desirable due to geologic formations, topography, vegetation, and scenic views. In its current condition, Elijah's Creek Road is not suitable for serving additional traffic. The road should be further improved to allow access to the Shor Property and permit redevelopment of the existing residential uses. Development of this area must be carefully planned, with great care taken in preserving and protecting the surrounding Developmentally Sensitive hillsides and existing vegetation clusters on the site. This will necessitate creative design and construction techniques, sensitive location of buildings, as well as the retention of existing vegetation along the bluff edges."

The Business Activity Element (page 73) refers to this area by stating:

"Property on the north side of KY 20 and near existing and planned Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are property buffered from adjoining uses. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities. This examination can be performed by using the Cincinnati/Northern Kentucky International Airport Master Plan and by conducting an Off-Airport Land Use and Zoning Study. Development of this area should occur with extreme sensitivity to the river view and to the steep slopes."

The adopted 2005 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. Boone County's development policies shall provide equal opportunity for the establishment of a balanced population regardless of age, race, or socio-economic status ("Population," Objective).
- H. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- I. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

STAFF COMMENTS

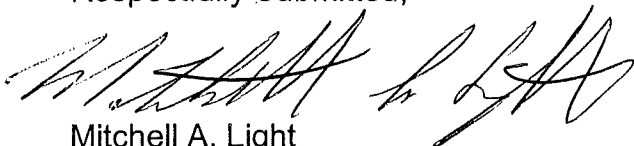
1. The *Boone County Subdivision Regulations* states that 1,200' is the maximum length for a street. The current length of Aviation Boulevard from the intersection of Earhart Boulevard is approximately 3,500'. This reflects the Approved Concept Development Plans for this development as well as the language in the Comprehensive Plan that promotes the extension of Aviation Boulevard west toward South Park.
2. Per Section 1137, of the *Boone County Zoning Regulations*, "Supplemental Zoning Map Amendment Standards" Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment." Section 1609 is attached to this Staff Report.

CONCLUSION

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

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

Respectfully Submitted,

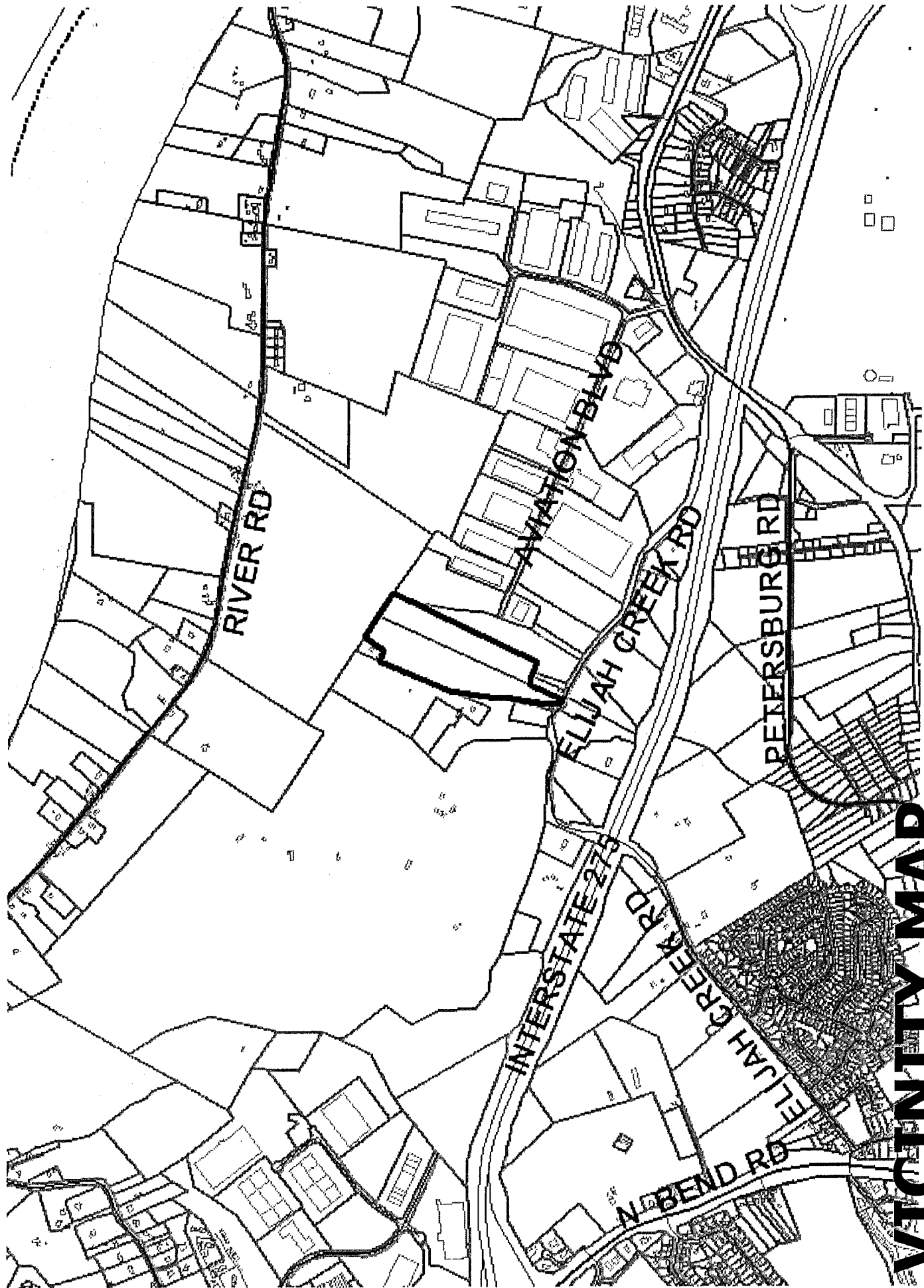


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

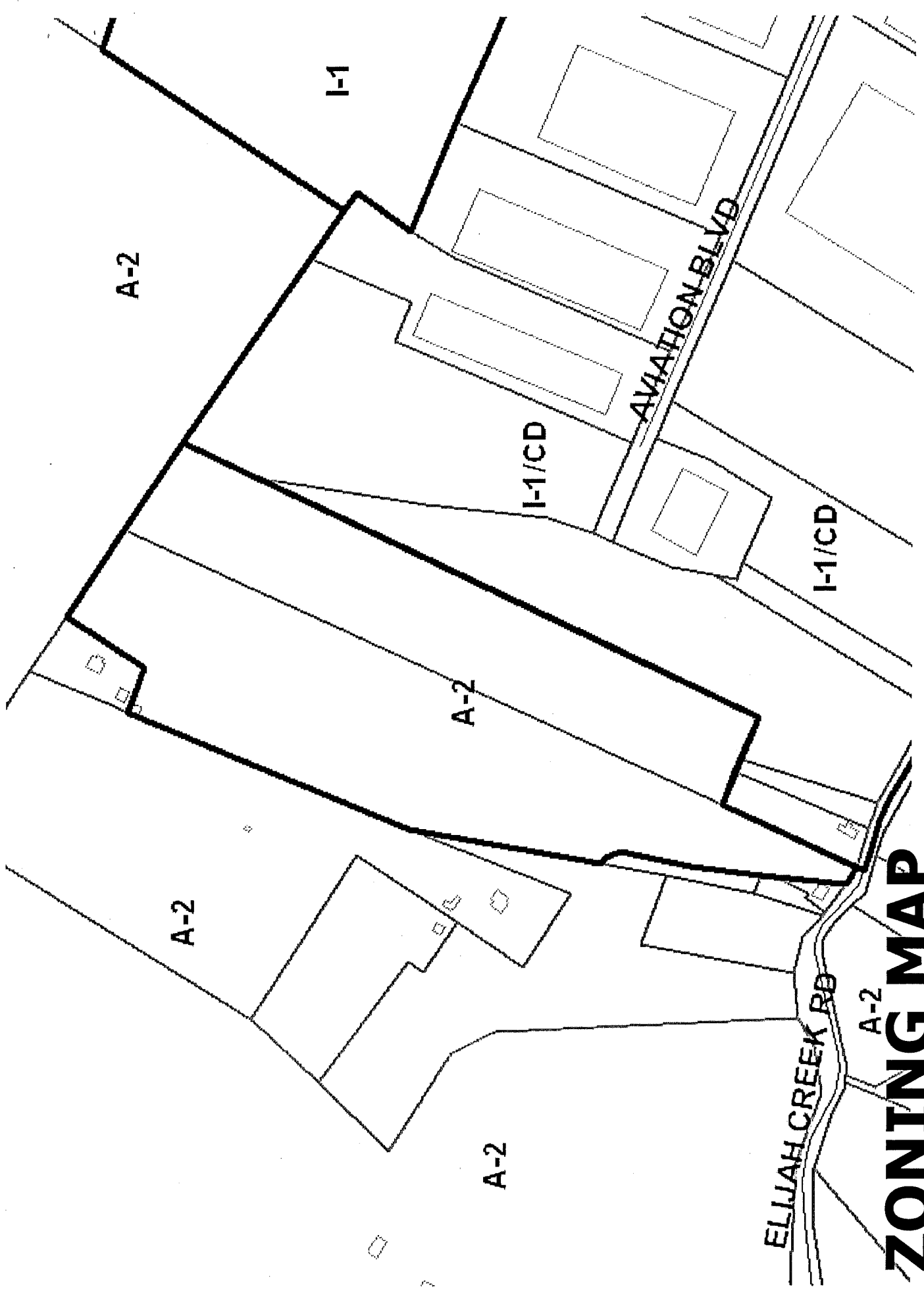
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Attachments:

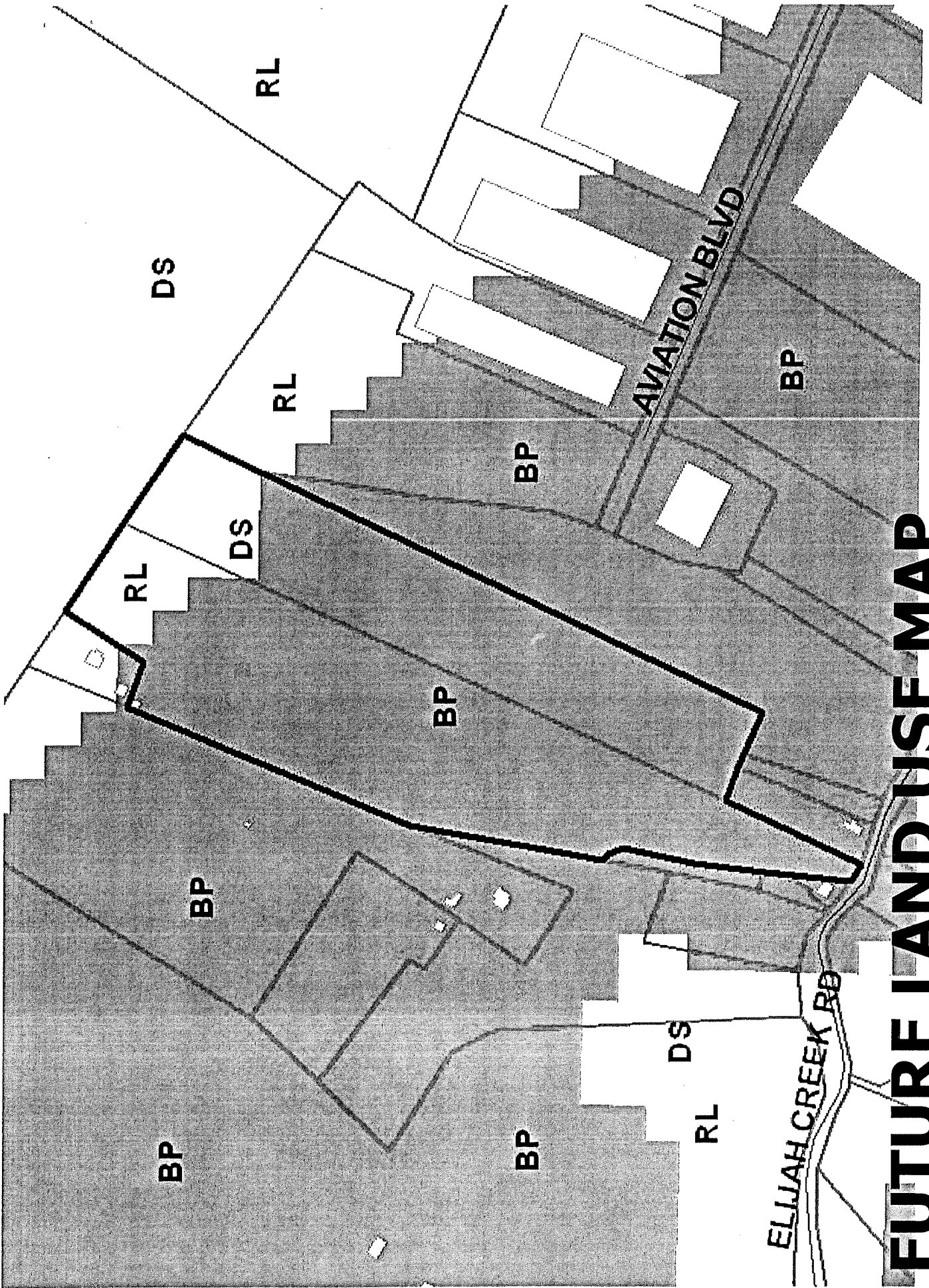
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- Concept Development Plan
- 1991, 1995 & 1999 Committee Reports
- Industrial One (I-1) Uses
- Section 1609 - Design Standards
- E-mail from Dan Tobergte, President/CEO, Tri-ED
- Application



# VICINITY MAP



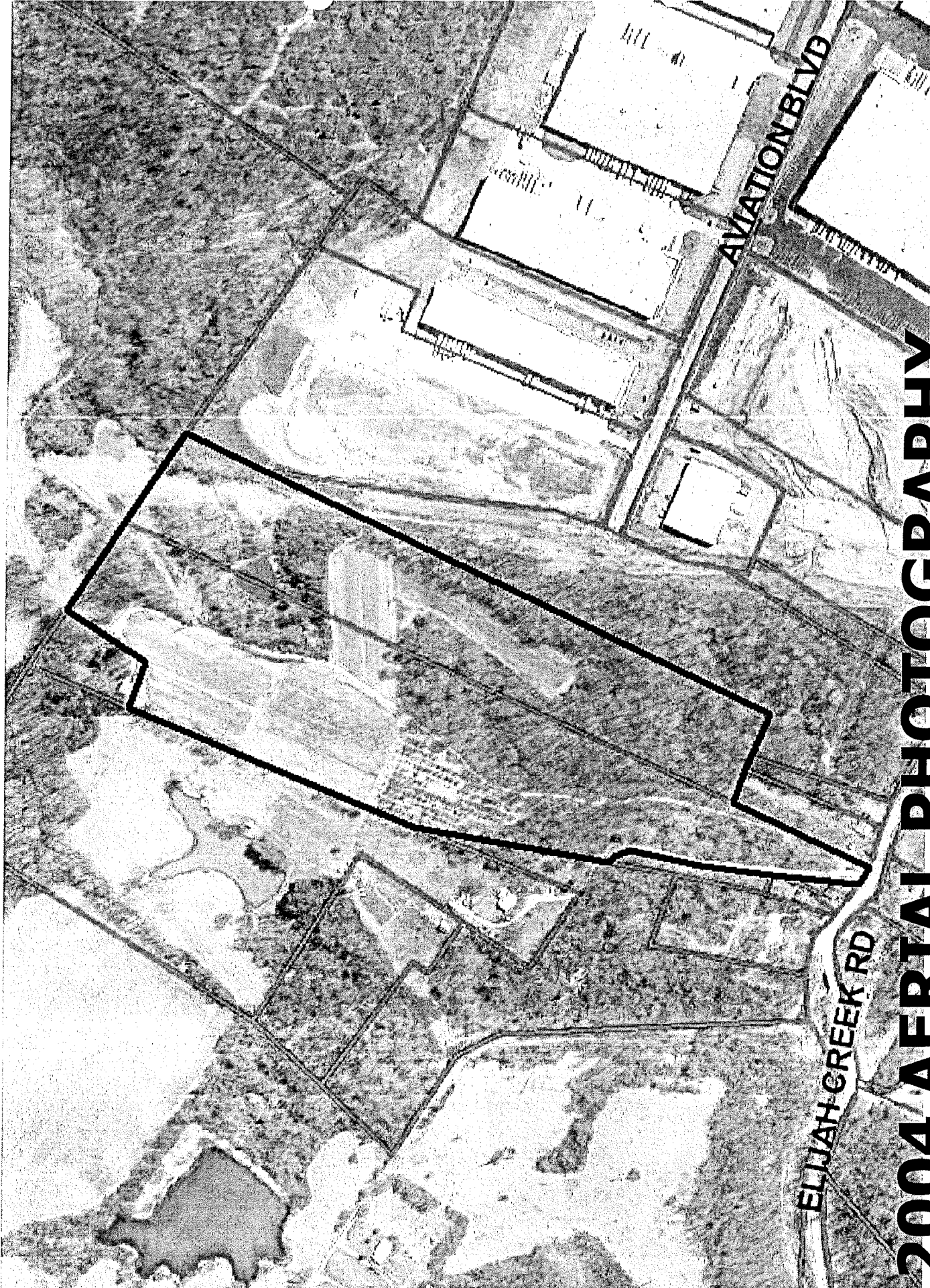
# ZONING MAP



# FUTURE LAND USE MAP



**EXISTING TOPOGRAPHY**



AVIATION BLVD

ELIJAH CREEK RD

# 2004 AERIAL PHOTOGRAPHY



# CONCEPT DEVELOPMENT PLAN

# COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: February 6, 1991

RE: Request of Paul Hemmer Construction Company (applicant) for Paul Hemmer Associates III (owners) for a Zoning Map Amendment for a 264.40 acre site located on the north side of KY 20 and Elijah Creek Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Industrial One (I-1) and Commercial Two (C-2). The proposed project is a mixed-use industrial, commercial and office park named Airpark International.

## REMARKS:

We, the Committee, recommend approval based upon the following Findings of Fact and with the following Conditions:

## FINDINGS OF FACT:

- 1) With the attached conditions in this report, the proposed industrial, office, and commercial development meets the general guidelines of the Comprehensive Plan's Land Use Element, which recommends the Business Park land use classification. Specifically, the street scaping, large building setbacks, retention of existing vegetation, and design review procedure are all recommendations made for future Business Park areas. The request also contains a significant amount of office development which is consistent with the Comprehensive Plan's recommendation for the area. In addition, the applicant has agreed to retain certain areas of existing wooded hillsides, which is consistent with the Comprehensive Plan's designation of Developmentally Sensitive for portions of the site. Specific references to the Comprehensive Plan are made in the 1/16/91 Staff Report.
- 2) Upon evaluating this request, the Committee believes that business park land uses can be developed under Industrial One (I-1) zoning, as long as appropriate development controls for the design of the project are included.
- 3) The applicant has shown that the existing zoning of Agricultural Estate (A-2) is not appropriate for the site because of the airport noise impacts and the fact that a flight path lies directly over this site. The proposed zoning of Industrial One (I-1) is appropriate for the site because it correlates with the airport flight patterns while not adversely affecting existing or planned residential development.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 1/16/91 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

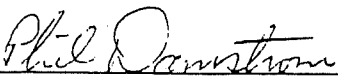
1. In order to give the proposed industrial and office development a business park character and be consistent with the Comprehensive Plan recommendations, all portions of the 264.4 acre development shall undergo architectural design review by the Planning Commission's Technical Committee. The Committee shall use the Houston-Donaldson Study Design Review Standards (attached to this report) to evaluate individual site plan applications. At the Preliminary Plat stage, a sign package shall be designed that includes monument style signs and a consistent sign style. No pole mounted signs shall be permitted in the 264.4 acre development. The design of all industrial buildings shall include an office appearance at the front, consistent building materials, screened loading areas, completely screened air conditioning, ventilation, and electrical equipment. The minimum front yard building setback for the industrial uses shall be 100 feet from the right-of-way.
2. The applicant shall be required to have preliminary archaeological investigations conducted on the 264.4 acre site prior to grading. These investigations shall be comparable to Phase I of the State of Kentucky's requirements for archaeological excavations. This procedure will be conducted to determine if the site contains any significant archaeological resources. The preliminary investigation shall be supervised by the Boone County Planning Commission and conducted by a certified archaeologist agreed upon by the developer and the Boone County Planning Commission (see attached list of certified archaeologists). The developer shall bear the cost of the preliminary investigation. The archaeologist shall submit a copy of the report directly to the Planning Commission. The Planning Commission and developer shall then determine what steps need to be taken and what organizations need to be involved in addressing any significant archaeological findings. The allocation of costs of further investigation shall be negotiated between the developer and proper authorities. In addition, the developer must immediately notify the Planning Commission if any archaeological sites are encountered by construction workers during site work. The Planning Commission may require a portion of the site work to cease until further archaeological investigation is conducted.
3. The development shall be limited to three access points onto KY 20. Truck traffic should be discouraged at the commercial entrance unless the trucks serve the commercial portion of the development. The developer shall work with the Planning Commission and the Airport to try to achieve access between the commercial area and Elijah's Creek Road. The proposed access from KY 20 to the proposed office development shall contain a sufficient level stretch of roadway before proceeding downhill into the development.


In addition, access shall be provided to the residential Walton Road area along KY 20, and to both airport properties. Property along Walton Road should be accessed through the proposed office/warehouse portion of the development, and the existing Walton Road access should be eliminated.

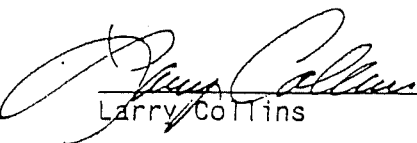
4. All streets in the development shall be publicly dedicated and meet the county street specifications. The proposed roadway serving the industrial portion of the development shall be designed and built as a boulevard. The street shall contain minimum 12 foot wide travel lanes and a planted median which converts to turn lanes at appropriate locations. Undulating berms and street plantings shall be installed along this street to give it a parkway appearance, and to screen all parking areas. The right-of-way shall be required to be a minimum of 60 feet to allow this landscaping and the planted median. Driveway entrances shall be limited and combined wherever possible, and must be coordinated to enable appropriate site access with the median design. The proposed cul-de-sac end shall be eliminated, and a public right-of-way shall be dedicated to the west property line to provide for future access to residential development. The location of this future street connection shall be determined at Improvement Plan review. The location of the end of the proposed major street shall be at least as close to the west property line as shown on the submitted Concept Development Plan, and can include a temporary turn-around. The developer shall dedicate additional right-of-way for future improvements to Elijah's Creek Road if needed through the subdivision review process.
5. All site access points shall include right-hand deceleration lanes on KY 20. In addition, the southernmost entrance shall include a left-turn lane on KY 20, if required by the KY Department of Highways. The design of all turning lanes shall be coordinated with the Planning Commission and KY Department of Highways. As recommended by the submitted traffic study, the main street shall contain two entrance lanes and two exit lanes.
6. The developer shall provide a traffic signal at KY 20 as recommended in the submitted traffic study, when the intersection meets a signal warrant or an unsafe condition becomes apparent.
7. Development plans and site design shall be adjusted to utilize more of the existing vegetation and topography as recommended in the Comprehensive Plan. The wooded areas depicted as undisturbed on the submitted Concept Development Plan shall constitute the minimum remaining wooded areas. The developer shall walk the site with Planning Commission staff and clearly mark all disturbed limits before any site work. Erosion control measures will be required at grading plan or improvement plan review to protect sensitive areas and streams.
8. The development shall include buffering in the form of mixed tree plantings, specifically along the west property line or when Lot 7 is developed and around the Walton Road residential area, wherever existing tree cover or berms do not constitute a sufficient buffer.

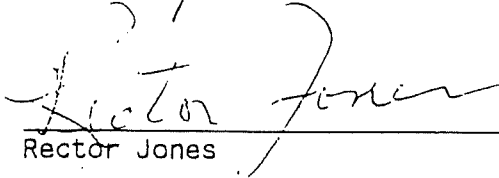
9. The proposed commercial portion of the development shall be designed so that some mature trees are retained in that area. All the commercial buildings shall be of consistent architecture and contain extensive landscaping. Access to the main entrance roads of the development shall be a sufficient distance from KY 20.
10. All development shall be served by public water and sanitary sewer improvements like those referenced in letters submitted by the applicant.
11. The developer agrees to construct a pedestrian network along the proposed roadway network.
12. As indicated in the Boone County Zoning Regulations, the proposed office uses are a conditional use in the I-1 zoning district. The applicant will need to receive a Conditional Use Permit from the Board of Adjustments to develop these uses.
13. The developer is encouraged to contact organizations that may be interested in preserving a portion of the undeveloped hillside area. The Planning Commission will furnish a list of such organizations.
14. The applicant agrees to work with the Hebron Fire District to ensure adequate water pressure.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

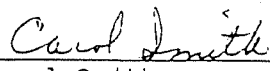
  
\_\_\_\_\_  
Phil Damstrom, Chairman

  
\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
Larry Collins

  
\_\_\_\_\_  
Rector Jones

\_\_\_\_\_  
Barry Neltner

  
\_\_\_\_\_  
Carol Smith

\_\_\_\_\_  
Floyd Sharp

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Millay, Chairman

DATE: April 19, 1995

RE: Request of Mike Hargis representing Paul Hemmer Construction Company (applicant) for Cincinnati/Northern Kentucky International Airport (owner) for a Zoning Map Amendment for two tracts containing a combined total of approximately 52 acres located at SR 20 and I-275, Boone County, Kentucky (Airport International). The request is to rezone the two tracts from Airport (A) to Industrial One (I-1) to allow general I-1 uses.

## REMARKS:

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

### Findings of Fact

1. The Committee believes that the current zoning of Airport (A) is inappropriate and the proposed zoning of Industrial One (I-1) is appropriate. The Committee believes that the two tracts are appropriate areas for expansion of the existing industrial park.
2. The 1990 Boone County Comprehensive Plan makes a 25 year projection of Business Park land uses with supporting commercial uses for the existing Airport International Subdivision. The Committee believes that the parcels in question were not included in this Business Park land use classification because of the ownership by the Cincinnati/Northern Kentucky International Airport and not because the parcels were less suited for Business Park uses. Therefore, the Committee believes that because the Airport no longer needs the property in question for Airport related uses, the appropriate land use classification would be Business Park.
3. With the attached conditions in this report, the proposed industrial development meets the general guidelines of the Comprehensive Plan's Land Use Element, as it relates to Business Park land use classifications.

### Conditions

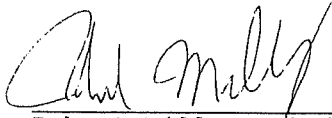
The applicant is being asked to agree to and include these items as part of the Concept Development Plan:

1. In order to give the proposed industrial and office development a business park character and be consistent with the Comprehensive Plan recommendations, all portions of the 52.28 acre development shall undergo


architectural design review by the Planning Commission's Technical Committee. The Committee shall use the Houston-Donaldson Study Design Review Standards to evaluate individual site plan applications. At the Preliminary Plat stage, a sign package shall be designed that includes monument style signs and a consistent sign style. No pole mounted signs shall be permitted in the 52.28 acre development. The design of all industrial buildings shall include an office appearance at the front, consistent building materials, screened loading areas, completely screened air conditioning, ventilation, and electrical equipment.

2. The developer must immediately notify the Planning Commission if archaeological artifacts are discovered during the construction process. The Planning Commission may require a portion of the site work to cease temporarily until an archaeological investigation is conducted by local or State officials.
3. The applicant shall permit an access to the RC Durr property which adjoins Parcel B to the west and the existing Airpark International Subdivision to the north. This access, if needed for the Durr property, shall be permitted if an equitable agreement can be reached by the affected property owners.
4. The mature trees which cover the majority of Parcel B shall be used as a resource for use as firewood, mulch, and/or lumber if possible. The applicant shall work with the Planning Commission to properly utilize these trees during the construction of the property. If the issue of liability can be addressed then the applicant shall allow interested agencies, organizations, businesses, or the general public access to harvest the timber and firewood. The applicant shall be permitted to organize the harvesting of the trees in such away that it does not disrupt the development of the property.
5. The developer shall dedicate additional right-of-way for future improvements to Elijah's Creek Road if needed through the subdivision review process.
6. The developer agrees to construct a pedestrian network along the proposed roadway network.
7. The conditions listed above will only apply when the property being rezoned is developed industrially in accordance with the permitted and conditional uses of Industrial One (I-1) zone.


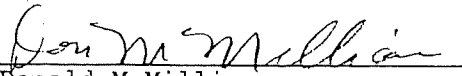
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Robert Millay, Chairman

  
Fred Burch

Phil Damstrom

  
William Bailey

Donald McMillian

  
Barry Neltner

JFH\par

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: September 15, 1999

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

### REMARKS:

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

#### Findings of Fact:

1. The Committee has concluded that the applicant has adequately demonstrated that the request for a zone change to allow light industrial and office uses is an appropriate use for the approximate 7.9 acre site.
2. The applicant has shown that the request is consistent with several recommendations of the 1995 Boone County Comprehensive Plan, specifically, the reference in the Land Use Element which states, in part;
 

"...Land to the north of Elijah Creek Road, including the plateau known as the Shor property, should be developed in a Business Park fashion. Access to this area should be by a road connection to KY 20, through Airpark International, and may eventually include a connection to KY 237 at South Park Drive".
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### Conditions

1. The applicant agrees to provide a 50' minimum setback from the centerline of KY 20 and Aviation Boulevard for all proposed buildings. — SEE 9/15/99 MINUTES R/W

A copy of the Public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

*W. Thomas Chaney*  
\_\_\_\_\_  
**W. Thomas Chaney, Chairman**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Phil Damstrom*  
\_\_\_\_\_  
**Phil Damstrom**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Mark Hicks*  
\_\_\_\_\_  
**Mark Hicks**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

\_\_\_\_\_  
**Bob Newman**  
For \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent

*Lisa Wilson*  
\_\_\_\_\_  
**Lisa Wilson**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

**TOTAL: 4 FOR - AGAINST - ABSTAIN 1 ABSENT**

## **SECTION 1130**

### **INDUSTRIAL ONE (I-1)**

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

## **SECTION 1131**

### **Principally Permitted Uses**

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;

7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Technology and research centers including medical and hospital research establishments;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;

26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Research, development and testing services;
29. Detective and protective services;
30. Photo finishing and other photographic laboratories;
31. Electrical repair and armature rewinding services;
32. Reupholstery and furniture repairing and refinishing services;
33. Scientific research services and laboratories;
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
35. Postal services and related storage, distribution and transfer activities;
36. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
38. Freight forwarding, packing and crating services;
39. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
40. Equipment (light) rental and leasing services including automobiles and trucks;
41. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
42. Manufacture of plastic products but not the primary manufacture of plastics;
43. Welding shops for the repair of industrial machinery and heavy equipment;
44. Truck stops;
45. Recycling centers;

46. Fire stations or fire related or protective services including rescue services;
47. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
48. Commercial recreational vehicle parking facilities;
49. Landscape contracting and wholesale nurseries.

## **SECTION 1132**

### **Accessory Uses**

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

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
  - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
  - b. Historic sites, structures, monuments and other exhibits available public viewing;
  - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
  - d. Golf course and tennis courts;
  - e. Swimming beaches and swimming pools;
  - f. Picnicking, hiking areas, exercise trails and other recreational uses;
  - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
  - h. Recreation/Health centers.
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
4. Marine freight terminals;
5. Employment services;
6. Signage (See Article 34);

7. Parking (See Article 33);
8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
9. Food service for office, manufacturing or distribution uses;
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

### **SECTION 1133**

#### **Conditional Uses and Criteria**

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

1. Uses in which the primary business activity involves the following:
  - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
  - b. bag cleaning;
  - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
  - d. creosote treatment;
  - e. distillation of bones, coal or wood;
  - f. enameling, japanning or lacquering;
  - g. radium or radioactive elements;
  - h. crushing or other reduction or waterproofing;
  - i. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

2. Poultry and small game dressing and packing;

3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Nursery and child care centers;
8. Hotels and motels;
9. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
10. Retail sales or leasing of new and used motor vehicles;
11. Wholesale vehicle sales or auctions;
12. Churches, synagogues, temples and other places of religious assembly for worship.

#### **SECTION 1134**

##### **Intensity**

The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

#### **SECTION 1135**

##### **Minimum Size**

The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

#### **SECTION 1136**

##### **Performance Standards**

Each development in the Industrial One district shall meet the following applicable performance standards pertaining to noise, vibration, air pollution, dust control, heat, lighting and landscaping (See Article 31):

General: No land or structure in an I-1 district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition which may affect any other property, including, but not limited to a) noise, b) vibration or shock, c) air pollution, d) dust control, e) heat, f) lighting, g) landscaping & buffering.

**SECTION 1137**

**Supplemental Zoning Map Amendment Standards**

Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

## **Design Standards**

The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of the design standards contained in this section. Each applicant or developer is required to demonstrate how the proposed Concept Development Plan fulfills the following design standards in a written and/or graphic manner. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. **Height:** The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site, and meet airport clearance regulations;
2. **Placement or location of buildings:** Consideration should be given to the most appropriate location of buildings based upon access and direct visibility. The location of any building should not interrupt a continuous visual pattern from public view or a public street. Building location should be planned to accomplish a transition with the landscaped areas, pedestrian areas, and parking areas. Building setbacks can vary in order to allow appropriate building location. The setback on the perimeter of the planned development district shall be large enough to protect the privacy and amenity of adjoining uses both existing and anticipated;
3. **Preliminary Building Design or Architecture:** Building design should be designed in a compatible architectural style if part of a large commercial, residential, industrial or office center. Individual buildings not part of larger development should be compatible with surrounding structures. All structures shall have a consistent design treatment on all facades. The unified architectural style or building design shall also apply to materials, colors, roof types and entrances, and shall include traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects;
4. **Scale:** Consideration shall be given to the scale of each building and architectural detail, which relates to the size of an individual and the natural environment. In general, planned developments shall have a pedestrian scale and orientation. In rendering this decision, emphasis should be given to building mass and how it relates to open space;
5. **Elevation:** The elevation of any site or structure should be determined by the grade of any existing or proposed public road. Consideration should be given to the relationship between the width and height of the front, side and rear elevation of any building from a public road. Exposed foundations and building elevations from a public street should be minimized;
6. **Historic and Prehistoric Features:** Historic features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible;
7. **Paved Surfaces:** Emphasis should be placed on preserving at a reasonable rate the

amount of open space. The interior road system, sidewalk system, and parking lot should be designed with this in mind. Paved surface refers to cement, brick pavement, asphalt, cobblestone, or other similar type surfaces. Parking areas should be treated with decorative elements, fence, or wall extensions, plantings, berms as other means so as to screen parking areas from public view or soften their visual impact. Large parking lots shall be designed with landscaped islands. Parking lots and driveway aisles should be either asphalt or concrete. Landscaped entrances with trees and bushes should be encouraged near the entrances of any commercial, retail or industrial development;

8. Fences, Walls and Landscaped Berms: Consideration should be given to brick walls, fences and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line or adjacent to a road. These fences, walls shall be designed and maintained in relationship with character of the surrounding land uses and structures;
9. Landscaping: Consideration should be given to the predominance of a quality and quantity of landscaping and an emphasis shall be given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscaped areas, and quantity and quality of landscape materials) within the developed portions of the site. Landscaping details will be evaluated on the entire site and surrounding any proposed structure and shall be reviewed in relation to adjacent properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public's benefit. Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. Plantings should be used to soften the impact of parking and loading areas. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public. The use of landscape design guidelines is required for multi-phased projects;
10. Open Space and Recreational Uses: Residential Planned Developments shall make a provision for preserving open space and devoting an appropriate portion of the site to meet the recreational (either active or passive recreation) needs of the residential population at a minimum. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space;
11. Signage: Signage should be designed to protect the visual order of any site and to minimize the impact of adjacent properties. Consideration should be given to the number, location, size and height of any building mounted sign or free-standing sign. A consistent signage theme shall be provided within a planned development. Except on residential areas, building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects;
12. Utilities: All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible;

13. Detention/Retention Ponds or Lakes: Large detention/retention ponds or lakes should be discouraged in the front yard or in an area subject to public view from a public street if not used both for stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area subject to public view from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties;
14. Transportation Design: Principal vehicular access shall be from major streets and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Maximum separation of vehicular traffic on major roads from pedestrian and recreational areas shall occur. The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned developments unless physically unfeasible or undesirable due to land use characteristics;
15. Multi-Modal Transportation System: Planned developments shall incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc;
16. Location of Land Uses: Land uses shall be located primarily for convenience to the service area and compatibility with the adjoining land uses. If conflicting land uses are intended to be located near each other, measures shall be taken to mitigate the impact of the uses upon each other;

**Mitch Light**

---

**From:** Dan Tobergte [det@NorthernKentuckyUSA.com]  
**Sent:** Friday, August 26, 2005 5:41 PM  
**To:** Mitch Light  
**Subject:** Paul Hemmer Company Rezoning Request

Mitch: Briefly, Tri-ED supports this zone change as presented. Thank you for the opportunity to comment.

Thx.

Daniel E. Tobergte  
President / CEO  
859-344-0040 Office  
888-874-3365 Toll Free  
859-750-4041 Mobile  
[www.NorthernKentuckyUSA.com](http://www.NorthernKentuckyUSA.com)

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APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County  
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project MCGLOSSON - AIRPARK INTERNATIONAL
  2. Location of Project ELIJAH'S CREEK ROAD
  3. Total Acreage of Site 28.159
  4. Current Zoning of Site A-2
  5. Proposed Zoning (Classification being requested) I1/CD
  6. Proposed Uses (please specify each use) INDUSTRIAL
- 
7. Names of Applicant(s) VIOX & VIOX, INC  
Phone Number 859-727-3293 Fax No. 859-727-8452
  8. Address of Applicant(s) 466 ERLANGER ROAD  
ERLANGER KY 41018  
City State Zip
  9. Name of Property Owner(s) PAUL HEMMER DEVELOPMENT III (BYORTON)  
Phone Number 859-341-8300 Fax No. 859-341-6817
  10. Address of Property Owner(s) 250 GRANDVIEW AVE  
FT MITCHELL KY 41017  
City State Zip
  11. Proposed Building Intensities (please specify) TOTAL FOR ZONE CHANGE  
AREA = 239,875 SQ.FT. (BLDG F 83,726 OF 85,202  
ALL OF BLDG G 64,500 & BLDG H 87,480 BLDG I 4169 OF 108,000
  12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_
  13. Deed Book 167/205 Page No. 1/217 Group No. \_\_\_\_\_
  14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
  15. Have you submitted a Concept Development Plan? YES
  16. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_
  17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Water and Sewer Dept.
- \_\_\_\_\_ Cinergy/U.L.H.&P. Co.
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen County Rural Electric
- \_\_\_\_\_ Boone County Public Works Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Services Department
- \_\_\_\_\_ Boone County Building Department

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
September 7, 2005  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:34 PM and introduced the first item on the Agenda:

**Applicant:** Viox & Viox for Paul Hemmer Development III (owner by option)

**Request:** Zoning Map Amendment

**The request of Viox & Viox for Paul Hemmer Development III (owner by option) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28,159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.**

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Mrs. Poston asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, 1838 Beacon Hill, Fort Wright, stated that they have been developing this property

since 1991 with the encouragement of the Planning Commission and the airport. The idea was that at some point the entire ridge, including the approximate 300-acre Shor property and the approximate 300 acres that they have, would be developed as a continuous industrial development. He stated that Aviation Boulevard is being encouraged to go all the way out to KY 237. He stated that there are only two lots left in Airpark International for industrial development and they have tried to obtain additional property to continue the growth. When they bought this property in 1990, the property to the west of the gas line was proposed for residential – but that proposal went away due to the growth of the airport and the runways. They agreed to try to acquire additional property, which the airport supported, because they did not want residential uses in the flight paths. He stated that they want to continue the development of Airpark International with light industrial uses in most of the buildings at 10% - 15% office and 85% warehouse or light manufacturing. Pomeroy Computers is up front and has their office there, but as you get back towards this end of the property there are more problems with the flight path. There is some reluctance to building office buildings in the flight path. They kept the offices up front and are now strictly looking for light industrial uses. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response she asked if there was anyone present who wished to speak in opposition. There was no response.

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

Mr. Carmichael asked if the flights are arrivals or departures. Mr. Hargis responded that he is not an expert in regard to the flight paths, but believes most of the flights are arrivals. He stated that their main entrance on KY 20 is dead center on one of the flight paths. Mr. Costello stated that the subject site is in line with the new north/south runway, which is generally for arrivals from the north.

Mr. Carmichael asked if there will be any connection to Elijah Creek Road from this development. Mr. Light responded "no". Mr. Carmichael questioned approximately where Aviation Boulevard may eventually terminate at KY 237. Mr. Light responded that it would be at SouthPark Drive. Mr. Costello reviewed the Vicinity Map. He stated that when SouthPark developed, the Planning Commission required the developer to dedicate right-of-way to the property line. He stated that the topography changes dramatically there because of the creek and a potential road network would have to hug the interstate. He stated that they looked at the potential of the road hugging the interstate and coming back up the hill and tying into the Shor property. He stated that there should be another access in and out of the development because of its proximity to the airport.

Mr. Breetz stated that this area runs parallel to the river and is up on a hill. Driving down River Road, people can see a lot of the lights from the

development, which could be considered light pollution. He asked if the applicant would consider using light diffusers to protect the view and keep that area dark. Mr. Hargis responded that he has never heard anyone speak of the lights as pollution. He stated that what Mr. Breetz is seeing from River Road is probably the security lights in the dock areas because the backs of the buildings face River Road.

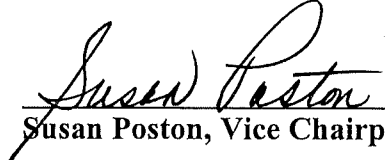
Mr. Breetz questioned to what degree that applicant works with the Airport Board on these developments. Mr. Hargis responded that they worked closely with the airport in 1990 and 1991 when they purchased the property and were looking to see what the future held for this area, but they do not currently let the airport know every time they do something. Mr. Costello stated that there was a land swap with the airport. Mr. Hargis agreed and stated that the airport was willing to trade some land on KY 20 relative to the Pomeroy Computer project. He stated that the airport was notified of this request and does not have anyone here in opposition.

Mr. Breetz that that they plan to develop to the west towards the Shor property and asked if they have communicated with those property owners. Mr. Hargis responded that they have on going discussions with all property owners in that area.

Mrs. Poston questioned Staff Comment #2. Mr. Light responded that per Section 1137, when an area is designated in the Comprehensive Plan as Business Park, there is a requirement to use the Design Standards. He wanted to bring to the Commissioners' attention that it is essentially the PD standards.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on September 21, 2005 at 5:00 PM. This item will be on the Agenda for the Business Meeting on October 5, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing.

**APPROVED:**

  
\_\_\_\_\_  
Susan Poston, Vice Chairperson

**Attest:**

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
October 5, 2005  
7:00 P.M.**

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Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Greg Breetz  
Mr. Kim Bunger  
Mr. Arnold Caddell, Chairman  
Mr. Jim Carmichael  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Bob Schwenke  
Mr. Earl White

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Richard Knock, Temporary Presiding Officer  
Mr. Robert Newman  
Mr. Charlie Reynolds  
Mrs. Lisa Wilson, Secretary/Treasurer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light, Assistant Zoning Administrator/ZEO  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Mrs. Kegley stated that from the beginning this site was to be a transition between the normal development along U.S. 42 and the Union Town Plan area. She stated that the Union Town Plan generally calls for buildings to be close to the road, but there was a compromise on that because of the elevation change, which meant that some of the vehicles would be visible from U.S. 42. She stated that the Committee felt that the pedestrian friendly character would be lost, which was the reason for the denial.

The Chairman asked for a vote on the motion made by Mr. Barlow which found all ten voting members in favor. Mr. Bunger abstained to a commercial interest in the property. The motion carried.

2. **Zoning Map Amendment**

**The request of Viox & Viox for Paul Hemmer Development III (owner by option) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28,159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.**

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

The Chairman allowed the applicant up to five minutes to summarize their position.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, agreed with the Committee Report.

There was no one present in opposition to the request.

**Mrs. Poston moved by Resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Bunger seconded the motion.**

Mr. Breetz stated that this development is next to sensitive hillsides that are highly subject to erosion and the Committee worked with the County Engineer and came up with a post-development discharge that is 75% of the pre-development discharge for two-, five- and ten-year storm events (Condition #3). He stated that the verbiage in Condition #4 is to help with light pollution and visual effects on the river. He commended Staff and the developer for working together diligently.

There being no further discussion, the Chairman asked for a vote on the motion made by Mrs. Poston **and it carried unanimously.**

**3. 2005 Boone County Comprehensive Plan**

**The request of the Boone County Planning Commission Long Range Planning/Comp Plan Committee to hear the 2005 Update of the Boone County Comprehensive Plan. The Goals and Objectives of the Comprehensive Plan were adopted in 2004 and formed a basis for the update of the remaining elements of the 2005 Boone County Comprehensive Plan. The Comprehensive Plan includes the following elements: Population, Environment, Economy, Business Activity, Housing, Recreation and Open Space, Agriculture, Historic Preservation, Public Facilities, Transportation, and Land Use (both text and map).**

The Chairman stated that Agenda Item #3 is recommended for deferral to the October 19, 2005 Business Meeting at 7:00 PM. Mr. Barlow so moved. Mr. White seconded the motion and it carried unanimously.

**NEW BUSINESS:** None

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission:

- 1. Technical-Design Review Committee** will meet briefly after the Public Hearings this evening in regard to Public Hearing Item #2. Since we only have sixty days from the date the application came in to make a recommendation, we are on a short time schedule to get a recommendation to the City of Florence.
- 2. Office Relocation** Mr. Costello is meeting next week with Fiscal Court to go over the final design. There will be a new meeting room on the first floor for Fiscal Court, and the Planning Commission will also meet there. Bids for the work were opened up today. He will do a presentation and show the Commissioners the office layout after it is finalized. The earliest the relocation would occur is in the spring and it is more likely to happen in the summer. Our offices will be behind the elevators on both sides of the hallway on the third floor of this building.
- 3. Planning Study on the Extension of Mary Grubbs Highway** Mr. Costello received a letter from Annette Coffi, Director of the Division of Planning for the Kentucky Transportation Cabinet, requesting our input for the planning study on the extension of Mary Grubbs Highway. The letter was dated September 29, 2005 and they want our input by November 1. Annette Coffi has now retired. He stated that the Kentucky Transportation Cabinet is doing the review in-house. We are

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Susan Poston, Chairwoman

**DATE:** October 5, 2005

**RE:** Request of **Viox & Viox (applicant)** for **Paul Hemmer Development III (owner by option)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

### REMARKS:

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

#### Findings of Fact

1. The Committee has concluded that the existing zoning classification of Agricultural Estate (A-2) inappropriate and that the proposed zoning classification of Industrial One (I-1) is appropriate.
2. The Committee has concluded that the map amendment request is in agreement with the text of the 2000 Boone County Comprehensive Plan for the following reasons:
  - a. The Land Use Element states that "Access to this area should be by a road connection to KY 20, through Airpark International, and may eventually include a connection to KY 237 at South Park Drive. Access to this area directly from Tanner Road or Route 8 is not desirable due to geologic formations, topography, vegetation, and scenic views."
  - b. The Business Activity Element states that the "Property on the north side of KY 20 and near existing and planned Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are property buffered from adjoining uses. The area surrounding the Airport and Airport property should be closely examined to explore industrial and office development opportunities. This examination can be performed by using the Cincinnati/Northern Kentucky International Airport Master Plan and by conducting an Off-Airport Land Use and Zoning Study. Development of this area should occur with extreme sensitivity to the river view and to the steep slopes."

The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

### CONDITIONS

1. The property owner agrees to provide elevation drawings to be reviewed as part of the required Major Site Plan conducted by the Planning Commission staff. The design of all industrial buildings shall include an office appearance at the front, consistent building materials, screened loading areas and HVAC equipment.
2. The developer must immediately notify the Boone County Planning Commission Staff if archaeological artifacts are discovered during the construction process. The Boone County Planning Commission Staff may require a portion of the site work to cease temporarily until an archaeological investigation is conducted by local or State officials.
3. The Developmentally Sensitive hillsides will be taken into consideration with regard to the discharge and design of the storm water detention basins for each site that the post-development discharge will be 75% of the pre-development discharge for the 2, 5 and 10, year storm events. Also, the post development drainage areas will approximate the pre development areas.
4. The property owner understands that a photometric plan is required to be submitted with the Major Site Plan review application in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
September 7, 2005  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Carmichael, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:34 PM and introduced the first item on the Agenda:

**Applicant:** Viox & Viox for Paul Hemmer Development III (owner by option)

**Request:** Zoning Map Amendment

The request of Viox & Viox for Paul Hemmer Development III (owner by option) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28,159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Mrs. Poston asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, 1838 Beacon Hill, Fort Wright, stated that they have been developing this property

since 1991 with the encouragement of the Planning Commission and the airport. The idea was that at some point the entire ridge, including the approximate 300-acre Shor property and the approximate 300 acres that they have, would be developed as a continuous industrial development. He stated that Aviation Boulevard is being encouraged to go all the way out to KY 237. He stated that there are only two lots left in Airpark International for industrial development and they have tried to obtain additional property to continue the growth. When they bought this property in 1990, the property to the west of the gas line was proposed for residential – but that proposal went away due to the growth of the airport and the runways. They agreed to try to acquire additional property, which the airport supported, because they did not want residential uses in the flight paths. He stated that they want to continue the development of Airpark International with light industrial uses in most of the buildings at 10% - 15% office and 85% warehouse or light manufacturing. Pomeroy Computers is up front and has their office there, but as you get back towards this end of the property there are more problems with the flight path. There is some reluctance to building office buildings in the flight path. They kept the offices up front and are now strictly looking for light industrial uses. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response she asked if there was anyone present who wished to speak in opposition. There was no response.

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

Mr. Carmichael asked if the flights are arrivals or departures. Mr. Hargis responded that he is not an expert in regard to the flight paths, but believes most of the flights are arrivals. He stated that their main entrance on KY 20 is dead center on one of the flight paths. Mr. Costello stated that the subject site is in line with the new north/south runway, which is generally for arrivals from the north.

Mr. Carmichael asked if there will be any connection to Elijah Creek Road from this development. Mr. Light responded "no". Mr. Carmichael questioned approximately where Aviation Boulevard may eventually terminate at KY 237. Mr. Light responded that it would be at SouthPark Drive. Mr. Costello reviewed the Vicinity Map. He stated that when SouthPark developed, the Planning Commission required the developer to dedicate right-of-way to the property line. He stated that the topography changes dramatically there because of the creek and a potential road network would have to hug the interstate. He stated that they looked at the potential of the road hugging the interstate and coming back up the hill and tying into the Shor property. He stated that there should be another access in and out of the development because of its proximity to the airport.

Mr. Breetz stated that this area runs parallel to the river and is up on a hill. Driving down River Road, people can see a lot of the lights from the

development, which could be considered light pollution. He asked if the applicant would consider using light diffusers to protect the view and keep that area dark. Mr. Hargis responded that he has never heard anyone speak of the lights as pollution. He stated that what Mr. Breetz is seeing from River Road is probably the security lights in the dock areas because the backs of the buildings face River Road.

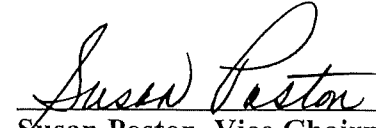
Mr. Breetz questioned to what degree that applicant works with the Airport Board on these developments. Mr. Hargis responded that they worked closely with the airport in 1990 and 1991 when they purchased the property and were looking to see what the future held for this area, but they do not currently let the airport know every time they do something. Mr. Costello stated that there was a land swap with the airport. Mr. Hargis agreed and stated that the airport was willing to trade some land on KY 20 relative to the Pomeroy Computer project. He stated that the airport was notified of this request and does not have anyone here in opposition.

Mr. Breetz that that they plan to develop to the west towards the Shor property and asked if they have communicated with those property owners. Mr. Hargis responded that they have on going discussions with all property owners in that area.

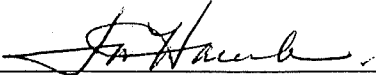
Mrs. Poston questioned Staff Comment #2. Mr. Light responded that per Section 1137, when an area is designated in the Comprehensive Plan as Business Park, there is a requirement to use the Design Standards. He wanted to bring to the Commissioners' attention that it is essentially the PD standards.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on September 21, 2005 at 5:00 PM. This item will be on the Agenda for the Business Meeting on October 5, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing.

**APPROVED:**

  
\_\_\_\_\_  
Susan Poston, Vice Chairperson

**Attest:**

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: September 21, 2005

RE: Request of **Viox & Viox (applicant)** for **Paul Hemmer Development III (owner by option)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

### REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**Paul Hemmer Development III**

September 21, 2005

*Susan Poston*

**Susan Poston, Chairwoman**

For Project  Absent

Against Project  *marked*

Abstain  Deferred

*Randy Barlow*

**Randy Barlow**

For Project  Absent

Against Project

Abstain  Deferred

*Greg Breetz*

**Greg Breetz**

For Project  Absent

Against Project

Abstain  Deferred

*Kim Bunger*

**Kim Bunger**

For Project  Absent

Against Project

Abstain  Deferred

*Janet Kegley*

**Janet Kegley**

For Project  Absent

Against Project

Abstain  Deferred

**Charlie Reynolds (Alternate)**

For Project  Absent

Against Project

Abstain  Deferred

**Earl White (Alternate)**

For Project  Absent

Against Project

Abstain  Deferred

**Lisa Wilson (Alternate)**

For Project  Absent

Against Project

Abstain  Deferred

**TOTAL:**  DEFERRED 5 FOR PROJECT  ABSENT

AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

September 30, 2005

Mr. Mike Hargis  
Paul Hemmer Development IV  
250 Grandview Drive  
Ft. Mitchell, KY 41017

RE: Request of Viox & Viox (applicant) for Paul Hemmer Development III (owner by option) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

Dear Mr. Hargis:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their September 21, 2005 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners, as well as your own, in the spaces provided at the end of this letter, and return the original letter to the Planning Commission office by Monday, October 3, 2005.

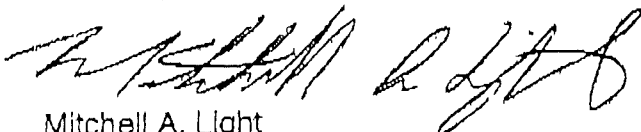
## CONDITIONS

1. The property owner agrees to provide elevation drawings to be reviewed as part of the required Major Site Plan conducted by the Planning Commission staff. The design of all industrial buildings shall include an office appearance at the front, consistent building materials, screened loading areas and HVAC equipment.
2. The developer must immediately notify the Boone County Planning Commission Staff if archaeological artifacts are discovered during the construction process. The Boone County Planning Commission Staff may require a portion of the site work to cease temporarily until an archaeological investigation is conducted by local or State officials.
3. The Developmentally Sensitive hillsides will be taken into consideration with regard to the discharge and design of the storm water detention basins for each site that the post-development discharge will be 75% of the pre-development discharge for the 2, 5 and 10, year storm events. Also, the post development drainage areas will approximate the pre development areas.

Mr. Mike Hargis  
Paul Hemmer Development IV  
September 30, 2005  
Page 2

4. The property owner understands that a photometric plan is required to be submitted with the Major Site Plan review application in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.

Sincerely,

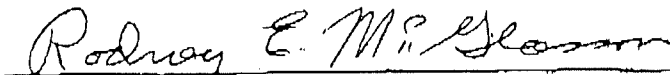


Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/pr

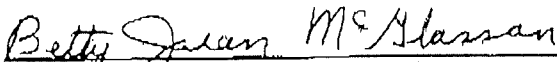
AGREEMENT

We, the property owners and applicant, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky to allow industrial uses.

  
Rodney E. McGlasson (owner)

10-4-05

Date

  
Betty Jean McGlasson (owner)

10-4-05

Date

  
Mike Hargis (applicant)

10/4/05  
Date

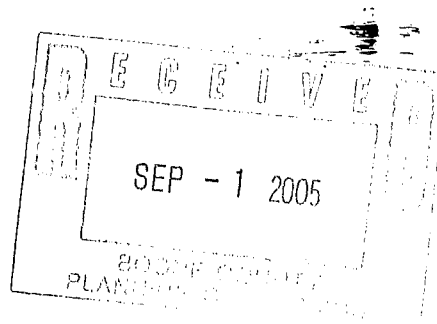


# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452  
www.vioxinc.com



August 31, 2005

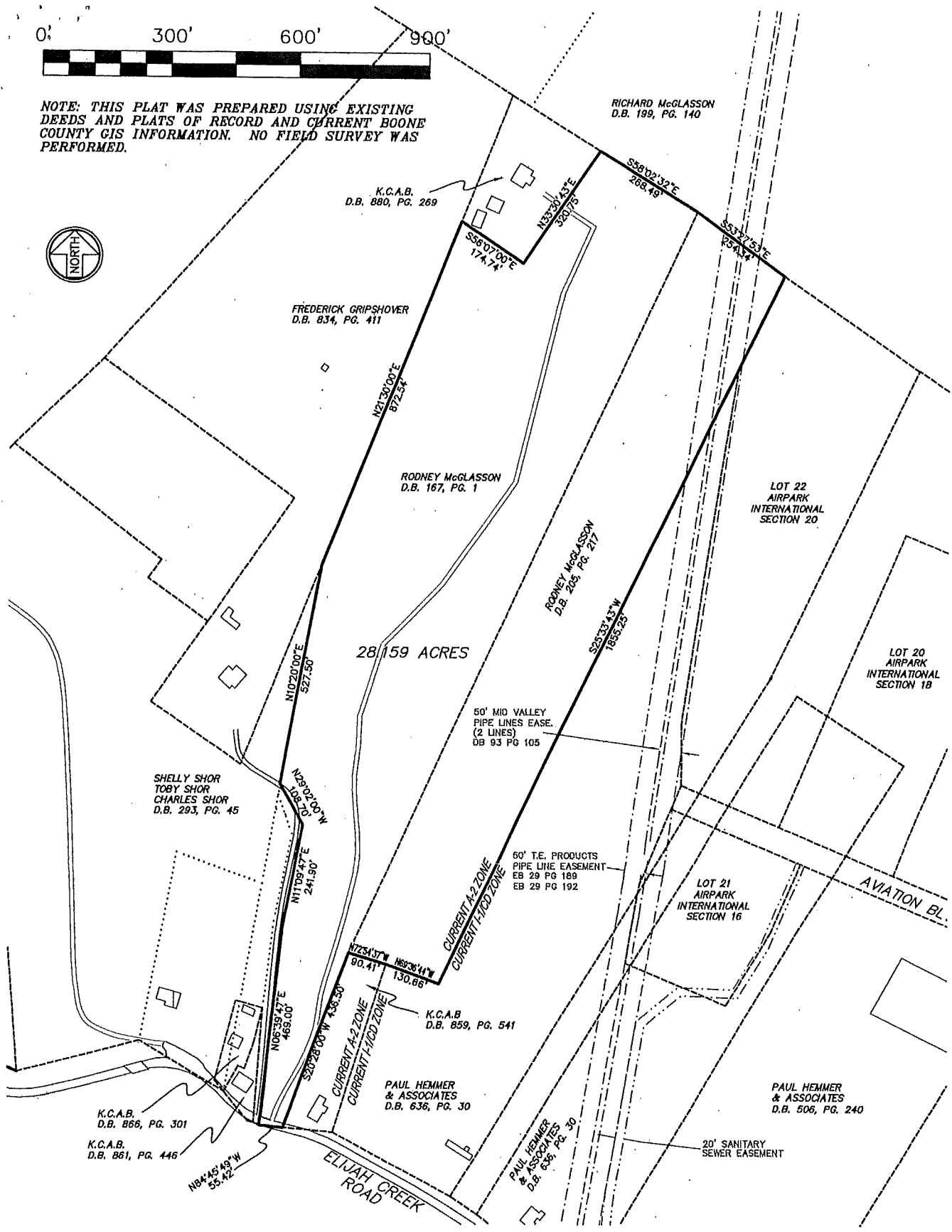
PARCEL OF 28.159 ACRES  
TO BE REZONED

Located in Boone County, Kentucky, lying on the north side of Elijah Creek Road west of Aviation Boulevard and is more particularly described as follows:

Beginning at a point on the centerline of Elijah Creek Road at the common corner of Rodney McGlasson (Deed Book 167, page 1) and the Kenton County Airport Board (Deed Book 859, page 541); thence with said road thence N 84°45'49" W 55.42 feet to a point; thence leaving said road N 06°39'47" E 469.00 feet to a point; thence N 11°09'47" E 241.90 feet to a point; thence N 29°02'00" W 108.70 feet to a point; thence N 10°20'00" E 527.50 feet to a point; thence N 21°30'00" E 872.54 feet to a point; thence S 56°07'00" E 174.74 feet to a point; thence N 33°30'43" E 320.75 feet to a point; thence S 58°02'32" E 268.49 feet to a point; thence S 53°27'53" E 254.34 feet to a point; thence S 25°33'43" W 1855.25 feet to a point; thence N 69°36'44" W 130.66 feet to a point; thence N 72°54'37" W 90.41 feet to a point; thence S 20°28'00" W 436.50 feet to a point; which is the point of beginning, containing 28.159 acres.



NOTE: THIS PLAT WAS PREPARED USING EXISTING DEEDS AND PLATS OF RECORD AND CURRENT BOONE COUNTY GIS INFORMATION. NO FIELD SURVEY WAS PERFORMED.



**PARCEL TO BE REZONED  
FROM A-2 TO I-1**

**BOONE COUNTY KENTUCKY**

**NORTH SIDE OF ELIJAH CREEK ROAD  
WEST OF AVIATION BOULEVARD**

JULY 12, 2005

SCALE: 1" = 300'

**ORDINANCE 05-17**

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF VIOX & VIOX (APPLICANT) FOR PAUL HEMMER DEVELOPMENT III (OWNER BY OPTION) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR A 28.159 ACRE SITE GENERALLY LOCATED AT THE WESTERN TERMINUS OF AVIATION BOULEVARD AND TO THE NORTH AND EAST OF THE PROPERTY AT 1404 ELIJAH CREEK ROAD, BOONE COUNTY, KENTUCKY.

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site generally located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky, which is more particularly described below; and,

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

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

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below is approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for a 28.159 acre site generally located at the western terminus of Aviation Boulevard and to the north and east of the property at 1404 Elijah Creek Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOKS 167 & 205, PAGE NOS. 1 & 217, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

RECEIVED

DEC 22 2005

**ORDINANCE 05-17**

**SECTION II**

That as a basis for the approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

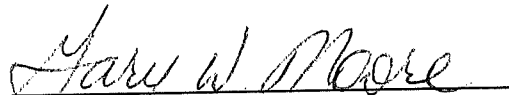
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**SECTION III**

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

Introduced and given First Reading on the 8th day of November, 2005.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20<sup>th</sup> of December, 2005, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



**GARY W. MOORE**  
**BOONE COUNTY JUDGE/EXECUTIVE**

**ATTEST:**



**MICHELE ROBERTS**  
**FISCAL COURT CLERK**



**JAMES R. SCHRAND II**  
**BOONE COUNTY ATTORNEY**

**December 29, 2005**  
**DATE PUBLISHED**

