

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

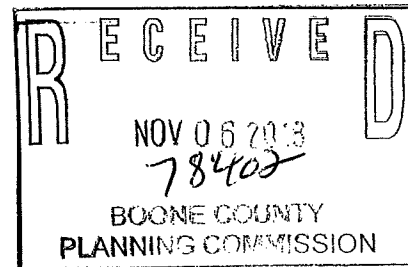
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

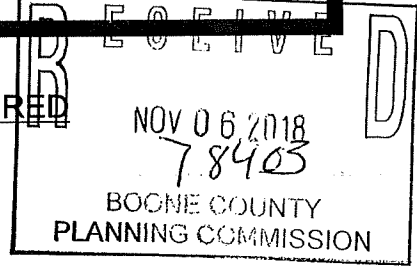
- 1. Name of Project Vesper Mixed Use
2. Location of Project S.R. 18 and Aero Parkway
3. Total Acreage of Site 11.39 acres (I-1 = 7.91 acres and UR-3 = 3.48 acres)
4. Current Zoning of Site C-4, I-1 & UR-3
5. Proposed Zoning (Classification being requested) I-1 and UR-3
6. Proposed Uses (please specify each use) All uses permitted within the I-1 and UR-3 zones subject to certain restrictions of record.
7. Names of Applicant(s) Al Neyer, LLC
8. Address of Applicant(s) 302 West 3rd St. #800 Cincinnati Ohio 45202
9. Name of Property Owner(s) Aero Commerce Master Developer, LLC
10. Address of Property Owner(s) 302 West 3rd St. #800 Cincinnati Ohio 45202
11. Proposed Building Intensities (please specify) As permitted by the requested zoning district
12. Are there any existing buildings on the site? no
13. Deed Book 1117 Page No. 529 Group No. 2026
14. Are you also applying for: no Conditional Use Permit no Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- X Boone County Water District
n/a Florence Public Services Dept.
X Duke Energy
X Sanitation District #1
X Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
X Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change \_\_\_ Technical Design \_\_\_ Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project Vesper Mixed Use
- 3. Location of Project S.R. 18 and Aero Parkway
- 4. Total Acreage of Site 66.313 total acres / 54.926 not in ZMA (I-1 = 47.197 acres and UR-3 = 7.729 acres)
- 5. Current Zoning C-4, I-1 & UR-3
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 10/9/18
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) n/a
- 8. Proposed Uses (please specify each use) industrial warehouse and multi family residential housing
- 9. Proposed Building Intensities (please specify) As permitted by the requested zoning district
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
  - n/a Conditional Use Permit
  - n/a Dimensional Variance
- 12. Name of Applicant(s) Al Neyer, LLC  
Phone Number 513-271-6400 Fax No. \_\_\_\_\_ E-Mail jbumgarner@neyer.com
- 13. Address of Applicant(s) 302 West 3rd St. #800  
Cincinnati Ohio 45202  
City State Zip
- 14. Name of Property Owner(s) Aero Commerce Master Developer, LLC  
Phone Number 513-271-6400 Fax No. \_\_\_\_\_ E-Mail rreardon@neyer.com
- 15. Address of Property Owner(s) 302 West 3rd St. #800  
Cincinnati Ohio 45202  
City State Zip
- 16. Are there any existing buildings on the site? no  
How many? \_\_\_\_\_
- 17. Deed Book 117 Page No. 529 Group No. 2026


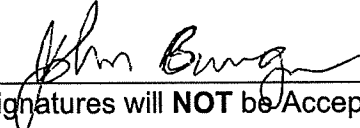
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**ADDENDUM TO ZONING MAP AMENDMENT OR  
CONCEPT DEVELOPMENT PLAN APPLICATION  
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION**

***Waiver of 60 Day Time Requirement by Originator  
for Final Planning Commission Action***

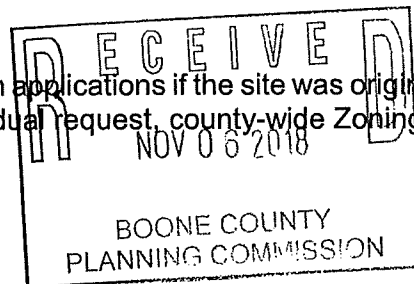
1. Name of Project Vesper Mixed Use
2. Location of Project S.R. 18 & Aero Parkway
3. Names of Applicant(s) Al Neyer, LLC  
Phone No. 513-271-6400 Fax No. \_\_\_\_\_ E-Mail jbumgarner@neyer.com
4. Address of Applicant(s) 302 W. 3rd Street, Suite 800  
Cincinnati OH 45202  
City State Zip
5. Name of Property Owner(s) Aero Commerce Master Developer, LLC.

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan\* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on FEBRUARY 7, 2019.

6. **ORIGINAL Property Owner's Signature**   
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)
  
- ORIGINAL Applicant's Signature**   
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**Note:**

\*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.



**EXHIBIT**

**“A”**

**STAFF REPORT**

Request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of the Burlington Pike/Aero Parkway intersection, Boone County, Kentucky; and the request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Change in Approved Concept Development Plan in Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The requests are to allow uses permitted in the UR-3 and I-1 zones on the 66.313 total acre site.

December 5, 2018

**PROPOSAL**

The subject property is a 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, and along the south side of Aero Parkway, in unincorporated Boone County. Zone changes from C-4 to UR-3 for 12.8 acres of the site and from C-4 to I-1 for 47.2 acres of the site were conditionally approved by the Boone County Fiscal Court on 10/9/18 (approval documents are attached). The C-4 zone was retained for 6.3 acres along the KY 18 frontage. The UR-3 phase was approved for 250 apartment units (19.53 units per acre). Two options were approved for the I-1 phase. The first option was for two industrial buildings which totaled 685,918 square feet and the second option was for one 886,920 square foot industrial building (attached).

The current proposal is to eliminate the remaining C-4 area with a zone change from C-4 to UR-3 for 3.481 acres and a zone change from C-4 to I-1 for 2.82 acres. The eastern-most part of the current UR-3 zone (5.086 acres) is proposed to be rezoned to I-1. If the zone changes are approved, the total I-1 area will be 55.109 acres and the total UR-3 area will be 11.204 acres. A Change in Concept Development Plan application was also submitted to eliminate the public street connection of Delaware Crossing Drive from its current dead end in Centennial Plaza Subdivision to Aero Parkway.

A Concept Development Plan was submitted with this request. The industrial phase shows one building which has 1,069,320 square feet (1,876' X 570'). Truck docks and truck/trailer

parking are proposed along the "long" sides (north and south) of the building facing Aero Parkway and Centennial Plaza Subdivision. Auto parking is proposed along the "short" sides (east and west) of the building and at the corners of the building. One access point is proposed at each end of the industrial phase along Aero Parkway (two total). Both access points are proposed to be full access and include both left and right turn ingress lanes. Detention basins are proposed in the northwest and southwest portions of this phase.

The residential phase shows eight multi-family buildings. A total of 240 units are proposed for a density of 21.4 units per acre. The apartment buildings are three stories high and otherwise vary in size. A clubhouse with a pool is shown in the approximate center of the residential phase's Aero Parkway frontage. Driveways and parking areas form a loop around this phase. One right-in/right-out access point with a right turn ingress lane is proposed for this phase on KY 18. One access point which has a left turn ingress lane and which prohibits outbound left turns onto Aero Parkway is proposed near the Aero Parkway/KY 18 intersection. A driveway connection is shown between the residential and industrial phases (one way from the residential phase to the industrial phase). A 10 foot wide multi-use path is proposed along the site's KY 18 frontage.

The application materials including the plan mentioned above, a project narrative, and the "Findings and Conclusions" section of the Traffic Impact Study are attached. The project narrative commits to following the conditions of approval for the application that was approved in October except for Condition #8 which pertains to the extension of Delaware Crossing Drive and the portions of Conditions #7 and 9 which pertain to Delaware Crossing Drive. As stated above, the Delaware Crossing Drive extension is proposed to be eliminated.

#### SITE HISTORY

The previously mentioned Zoning Map Amendment which rezoned portions of the site from C-4 to UR-3 and I-1 was approved by the Boone County Fiscal Court on 10/9/18. The entire tract was zoned C-4 before this approval. The zoning for the eastern portion of the site (approximately 900 feet from the KY18 right-of way to the east property line) was changed from I-1 to C-4 through the 2012-13 Boone County Zoning Update at the request of the property owner. The approximate 900 feet wide area along Burlington Pike was already zoned C-4 at that time.

#### ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. A combination of pastures and wooded areas are located to the north on the

opposite side of Aero Parkway (C-4 and I-1). This area is part of the future Amazon site.

- B. A combination of pastures and wooded areas are located to the east on both sides of Aero Parkway (A). The area on the north side of Aero Parkway is part of the future Amazon site.
- C. Commercial subdivisions are located to the south along Centennial Circle, Constitution Drive, and Delaware Crossing Drive (Centennial Plaza and Heritage Hill Industrial Center; C-2/PD and C-3/PD).
- D. A residential subdivision (Boone Acres) and the intersection with Oakbrook Drive are located to the south/southwest on the opposite side of Burlington Pike (SR-2). Oakbrook Subdivision is located further to the south/southwest (SR-1/PD). Another residential subdivision is located to the south/southeast at the intersection with Boone Air Road (Boone Aire Country Estates; SR-1). An electric substation is located diagonally across the Burlington Pike/Aero Parkway/Oakbrook Drive intersection from the subject site (O-1).

### SITE CHARACTERISTICS

The overall project site contains 66.313 acres. The site has approximately 1,500 feet of frontage on Burlington Pike and approximately 3,150 feet of frontage on Aero Parkway. There are no structures on the tract. This site is largely open pasture with a wooded area in the central and eastern parts and tree lines along the south and east property lines.

The site is fairly hilly with a plateau that generally runs from the southwest corner by the Burlington Pike frontage to the northeast corner along Aero Parkway. The high point of the site is along the eastern part of the site's Aero Parkway frontage at approximately el 904 and the low point is along the western part of the site's Aero Parkway frontage at approximately el 824. Public water and sanitary sewer lines adjoin the site in the Burlington Pike right-of-way and exist in Centennial Plaza Subdivision to the south. Soil types include Jessup silt loam (JeD) and Rossmoyne silt loam (RsB, RsC). A planned street connection (Delaware Crossing Drive) dead ends into site along the south property line.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map provides the following designations for the site:

Business Park (BP) for the eastern part of the site (approximately 48% of the total site area). This designation is described as "a mix of office warehouse, research,

office, and light industrial uses in a park-like, office campus 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.”

Commercial (C) for the western part of the site (approximately 52% of the total site area). This designation is described as “retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”

The Land Use Element provides the following quotes that relate to the proposal and/or general area. Aero Parkway is referred to as “South Airfield Road.”

- A. Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts (“2. Houston-Donaldson/Mall Road,” p. 167).
- B. The development of the South Airfield Road connection will also affect the Houston Road area as a connection to this new road will be made to the intersection of Houston and Spiral Drive. Commercial development and Business Park or Industrial uses could occur as a result. Further study on this area needs to occur now that the road has become a reality (“2. Houston-Donaldson/Mall Road,” p. 167).
- C. Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip. Existing pockets of mature wooded areas should remain intact to provide a visual transition into the industrial uses planned north of KY 18 and along South Airfield Road as indicated on the Future Land Use Map. Industrial development should be served by South Airfield Road as recommended in the Northeast Boone County Transportation Study and the Boone County Transportation Plan. Planned commercial and industrial development may be supplemented by other land uses along the north side of KY 18, however, all development must be interconnected, and connections must be provided to South Airfield Road as opposed to utilizing Old Limaburg Creek Road for primary access. The plan also recommends a roadway extending west from this connection to the

KY 237/Conrad Lane area. The primary function of both roads should be to move traffic through the area, not to serve as access for adjoining parcels ("13. Burlington," p. 175).

- D. The construction of South Airfield Road opens up approximately 500 to 600 acres for potential industrial, office, and commercial development. Because some of this land is owned by the airport, it is beneficial for the property owners in the area to work with city and county officials in order to maximize development opportunities. A coordinated planning approach prior to developing this corridor will assure quality development, proper expansion of infrastructure, and new employment growth ("13. Burlington," p. 175).

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and

around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," p. 163).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. ("Access Management," p. 163).
- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns ("Transportation and Pedestrian Network," pp. 163 and 164).
- F. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the

early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention.

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," p. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Airport" region where the subject site is located is estimated to change to 4,141 in 2020, and to 3,886 in 2030.

The Business Activity Element makes the following statements regarding the overall area.

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points ("Recommended Areas of Commercial Activity," p. 68).
- B. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community and create neighborhood centers rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area ("Recommended Areas of Commercial Activity," p. 68).
- C. Property on the north side of KY 20 and near existing Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly 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 ("Recommended Areas of Industrial and Office Activity," p. 71).

The Housing Element makes the following statements that relate to the project or the overall area.

- A. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," p. 79).
- B. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan.

Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents ("Housing Types," pp. 79-80).

- C. It is important to offer a variety of housing units, not only in terms of economics, but also because of the county's demographics. As stated previously, the youthful population, divorcees, and elderly often select a multi-family unit or manufactured home to satisfy their housing needs. In the case of the young, this housing provides their first independent housing unit. In order for Boone County to retain its youth, the county must provide both jobs and housing, otherwise, an out-migration of the young and educated population will occur. Divorcees often select multi-family housing immediately following a separation. Elderly select these units for reasons

usually related to economics and the need for a secure environment near their daily needs. The variety of multi-family housing includes nursing homes, retirement housing, apartments, townhouses, and condominiums all ranging greatly in price per unit. These types of units are increasing in demand outside of the established urban areas. As the county's population ages and land values rise, the need for higher density residential and planned unit developments will likely increase ("Housing Types," p. 80).

- D. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed.

Housing development density has become an issue of concern to many existing residents in established, large lot subdivisions in suburban Boone County. Many of these areas developed during the 1960's to the 1980's when land prices were relatively low, few utilities were present, the surrounding land was agricultural, and urban/suburban development had not yet extended out to these areas. Many of these older subdivisions contain two-acre lots or larger. By contrast, most new subdivisions in Boone County are developing at around three units per acre and sponsor sewer construction if sanitary sewer is not currently available to the site. The issue arises when these new higher density subdivisions are proposed near established low density areas and centers mainly around development impacts on infrastructure and the residential character of the area ("Housing Densities," p. 81).

- E. It is important that the construction of new residential development, that would be built in areas impacted by high airport noise levels (65DNL plus), should have stipulations that would mandate that builders in these developments construct their buildings with materials that would reduce excess noise from the outside. The general guidelines for new residential construction within 65 DNL or greater is that it should be built with enough sound insulation to provide an outdoor to indoor Noise Level Reduction (NLR) of at least 30 decibels, and 35 decibels if the outside area is within 70 DNL ("Airport Noise Impacts on New Residential Development," p. 83).
- F. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to

promote safe and easy transportation access. Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor ("Florence/Burlington Area," p. 84).

The "KY Transportation Cabinet Six Year Plan" section in the Transportation Element lists a project described as "construction of South Airfield Road - construction underway" (p. 146). This description is for Aero Parkway which has since been completed.

The "Summary of the 2006 Boone County Transportation Plan Recommendations" section in the Transportation Element lists the following Recommended Capacity Projects that are in the general area (p. 146).

- KY 18 Access Management study
- KY 18 speed study

The "Street Connections" section in the Transportation Element lists a recommended connection in the general area described as "South Airfield to KY 237 at Conrad Lane" (p. 148).

The adopted 2017 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Mixing of residential and other land uses shall be encouraged where appropriate ("Overall," Objective 2).
- B. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems ("Overall," Objective 3).
- C. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population ("Demographics," Goal A, Objective 3).
- D. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County ("Demographics," Goal A, Objective 4).
- E. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs ("Demographics," Goal B, Objective 1).
- F. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary

- consideration given to dwelling unit type and density ("Demographics," Goal B, Objective 4).
- G. Airport noise levels shall be considered when new residential development is proposed near the Airport ("Demographics," Goal B, Objective 5).
  - H. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses ("Demographics," Goal B, Objective 6).
  - I. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features ("Demographics," Goal B, Objective 8).
  - J. Housing development shall be phased to coordinate with the provision of infrastructure, services, and education facilities ("Demographics," Goal B, Objective 9).
  - K. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design ("Environment," Objective 2).
  - L. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical ("Environment," Objective 7).
  - M. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy ("Economy," Goal A, Objective 2).
  - N. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses ("Economy," Goal B).
  - O. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses ("Economy," Goal B, Objective 1).
  - P. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems ("Economy, Goal B, Objective 2)

- Q. Interstate commercial uses, as well as the freight logistics industry, shall be in close proximity to interstate interchanges for maximum convenience and economy to the traveling public, while minimizing traffic congestion ("Economy," Goal B, Objective 4).
- R. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned ("Economy," Goal B, Objective 5).
- S. Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed ("Economy," Goal B, Objective 6).
- T. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies ("Economy," Goal B, Objective 7).
- U. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions ("Transportation," Goal A, Objective 1).
- V. Development of mixed use designed to lessen vehicle travel shall be encouraged ("Transportation," Goal A, Objective 8).
- W. New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets ("Transportation," Goal B, Objective 5).
- X. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," Goal B, Objective 6).
- Y. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, major streets and interstates, public facilities, and parks ("Transportation," Goal B, Objective 8).
- Z. Developers of planned, mixed-use developments shall design such projects so that residential, retail, office, and compatible light-industrial land uses can be served by transit stations or stops, pedestrian and bicycle facilities, open space, and public uses ("Transportation," Goal C, Objective 4).

### BOONE COUNTY TRANSPORTATION PLAN 2030

- A. Exhibit 6-1 (p. 6-2) lists "KY 18 Burlington Pike" (Map ID 21) as a "Recommended Project." This project is described as "access management retrofit projects from I-71/75 to KY 237" with details explained on pages 6-7 and 6-8. This is listed as a medium priority project (11 - 20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (p. 6-20).
- B. Exhibit 6-7 "Year 2030 Traffic Volumes and Levels of Service - Recommended Transportation Plan Network" (p. 6-10) illustrates LOS F on Burlington Pike at the intersection with Aero Parkway and LOS E for Burlington Pike between this intersection and the Houston Road/Hopeful Church Road intersection. This same exhibit illustrates LOS C for Aero Parkway.
- C. Exhibit 6-18 "Multi-Use Trail Network" (p. 6-29) illustrates "planned" trails along the sections of Burlington Pike and Aero Parkway which adjoin the subject site.

### STAFF COMMENTS

#### 1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates approximately 48 percent of the overall site as Business Park (BP) and approximately 52 percent as Commercial (C). The Future Land Use Map does not apply any type of residential designation to this site. The Business Park designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus 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 commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The subject site is within Area 2 "Houston-Donaldson Mall Rd" on Exhibit 12.1 (p. 165) in the Land Use Element and adjoins Area 13 "Burlington" on said map. The Area 2 "Houston-Donaldson/Mall Road" text of the Land Use Element (p. 167) states, "the development of the South Airfield Road connection will also affect the Houston Road area as a connection to this new road will be made to the intersection of Houston and Spiral Drive. Commercial development and Business Park or Industrial uses could occur as a result. Further study on this area needs to occur now that the road has become a reality."

The Area 13 "Burlington" text of the Land Use Element (p. 175) states, "existing pockets of mature wooded areas should remain intact to provide a visual transition into the industrial uses planned north of KY 18 and along South Airfield Road as indicated on the Future Land Use Map. Industrial development should be served by South Airfield Road as recommended in the Northeast Boone County Transportation Study and the Boone County Transportation Plan. Planned commercial and industrial development may be supplemented by other land uses along the north side of KY 18, however, all development must be interconnected, and connections must be provided to South Airfield Road as opposed to utilizing Old Limaburg Creek Road for primary access. The plan also recommends a roadway extending west from this connection to the KY 237/Conrad Lane area. The primary function of both roads should be to move traffic through the area, not to serve as access for adjoining parcels."

The Burlington section of the Land Use Element (p. 175) also states, "the construction of South Airfield Road opens up approximately 500 to 600 acres for potential industrial, office, and commercial development. Because some of this land is owned by the airport, it is beneficial for the property owners in the area to work with city and county officials in order to maximize development opportunities. A coordinated planning approach prior to developing this corridor will assure quality development, proper expansion of infrastructure, and new employment growth."

The Business Activity Element ("Recommended Areas of Commercial Activity," p. 68) states, "a mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points." This Element ("Recommended Areas of Industrial and Office Activity," p. 71) also states, "property on the north side of KY 20 and near existing Airport runways should be developed with a planned combination of industrial and office uses if existing and future land uses are properly 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."

The Housing Element ("Florence/Burlington area," pp. 84) states, "new subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor." This Element ("Airport Noise Impacts on New Residential Development," p. 83) also states, "it is important that the construction of new residential development, that would be built in areas

impacted by high airport noise levels (65DNL plus), should have stipulations that would mandate that builders in these developments construct their buildings with materials that would reduce excess noise from the outside.”

The Housing Element also makes the following statements which pertain to multi-family and attached housing in general terms.

- A. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided (“Population Needs,” pg. 79).
- B. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan (“Housing Types,” pp. 79 and 80).
- C. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents (“Housing Types,” pp. 79 and 80).
- D. As the county’s population ages and land values rise, the need for higher density residential and planned unit developments will likely increase (“Housing Types,” pg. 80).
- E. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands

of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed (“Housing Densities,” pg. 81).

Applicable excerpts from the Land Use Element’s Future Land Use Development Guidelines and the adopted 2017 Boone County Comprehensive Plan Goals and Objectives are outlined in the body of this report. Of particular relevance to this proposal is whether the complete elimination of the existing C-4 zone, and the modifications to the UR-3 and I-1 phases, are in agreement with the Comprehensive Plan. The governing bodies will also need to consider the alternate statutory findings for the requested zone change of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area’s character. The statutory criteria are discussed in the applicant’s project narrative.

## 2. SECTION 1137 (1609) OF ZONING REGULATIONS

Section 1137 “Supplemental Zoning Map Amendment Standards” of the zoning regulations requires zone change 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,” to be “assessed” in relation to the standards in Section 1609 “Design Standards” (EPD/RPD zones) through the zone change process. Section 1137 formally applies to the requested I-1 zone in terms of the zoning regulations standards, but several of the topics and principles in this section also apply to the requested UR-3 zone relative to compatibility, community impacts, and the generally applicable provisions of the Comprehensive Plan. Section 1137 is intended to implement the principles outlined in the Comprehensive Plan’s Business Park description. Compliance with Section 1137 (1609) is also addressed in the applicant’s project narrative.

The governing bodies determined that the zone change application that was conditionally approved on 10/9/18 was in compliance with Section 1137. The issues addressed in the conditions of approval include architectural and design standards (#1), permitted uses in the I-1 phase (#2), a prohibition of the manufacturing of food products (#3), landscaping and screening along Aero Parkway (#4), adherence to the formal Design Review process (#5), sound attenuation for the residential structures due to the site’s proximity to the airport (#6), the provision of sidewalk connections (#7), the construction of the Delaware Crossing Drive extension as a public street (#8), and the completion and further study of certain road improvements (#9) (refer to attached 9/5/18 Committee Report). Since loading docks and truck/trailer parking are now proposed to face KY 18, Staff recommends that a dense landscape screen reflective of natural woods (combination of berming, evergreen

trees, and native hardwood trees) be provided along the KY 18 frontage of the I-1 phase (refer to Subsection 9 "Landscaping" of Section 1609 of the zoning regulations).

As stated above, the project narrative commits to following the conditions of approval for the application that was approved in October except for Condition #8 which pertains to the extension of Delaware Crossing Drive and the portions of Conditions #7 and #9 which pertain to Delaware Crossing Drive. The Delaware Crossing Drive extension across the west part of the site to Aero Parkway is proposed to be eliminated. Subsection 14 "Transportation Design" of Section 1609 states, "the provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, and sidewalks, bicycle facilities) shall be provided in all planned developments unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans."

The existing section of Delaware Crossing Drive was constructed as a temporary dead end that was intended to extend into the subject site, and street connections are advocated by several sections of the Comprehensive Plan. Section 305.O "Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas" of the Boone County Subdivision Regulations can be used for guidance on this issue (attached).

### 3. TRAFFIC STUDY

The "Findings and Conclusions" section of the Traffic Impact Study is attached. This section outlines specific access management recommendations from the applicant's traffic consultant. Staff has no comment on the Study as it relates to the applicant's proposal. Linzy Brefeld, P.E., District Permit Engineer with KYTC District 6, has stated "KYTC has no additional comments. We are almost finished with our final review of their TIS" (11/26/18 e-mail is attached).

### 4. PUBLIC SERVICES AND INFRASTRUCTURE

The following officials have provided the comments outlined below regarding public services and infrastructure.

- A. Greg Haggard, Project Coordinator with SD1, has commented that "SD1 provided a letter of sanitary sewer availability to AI Neyer, Inc. in March 2018" (11/26/18 e-mail is attached).

- B. The Boone County Water District has stated that they have no comments on this proposal.
- C. Scott Pennington, P.E., Boone County Engineer, has stated that he has no comments on this proposal.

Staff has requested comments on the proposal from Boone County Schools, Burlington Fire District, and the Kenton County Airport Board. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

5. OTHER ISSUES

For the applicant's information, an exhaustive site plan type review was not conducted due to the conceptual nature of the plan. The project will need to meet all applicable requirements at the site plan stage. Specific issues identified at this point include: 1.) the plan notes state that the UR-3 phase has 434 parking spaces and 444 are required based on the number of 1 and 2 bedroom units indicated; and 2.) there are several additional sidewalk links that will need to be added.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the application in terms of the requirements of Article 3 "Amendment" of the Boone County Zoning Regulations, Section 1609 "Design Standards" which is referenced by Section 1137 "Supplemental Zoning Map Amendment Standards" of the zoning regulations, the 2010 Boone County Comprehensive Plan, the 2017 Boone County Comprehensive Plan Goals and Objectives, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended to reflect additional land area devoted to multi-family residential and industrial uses if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

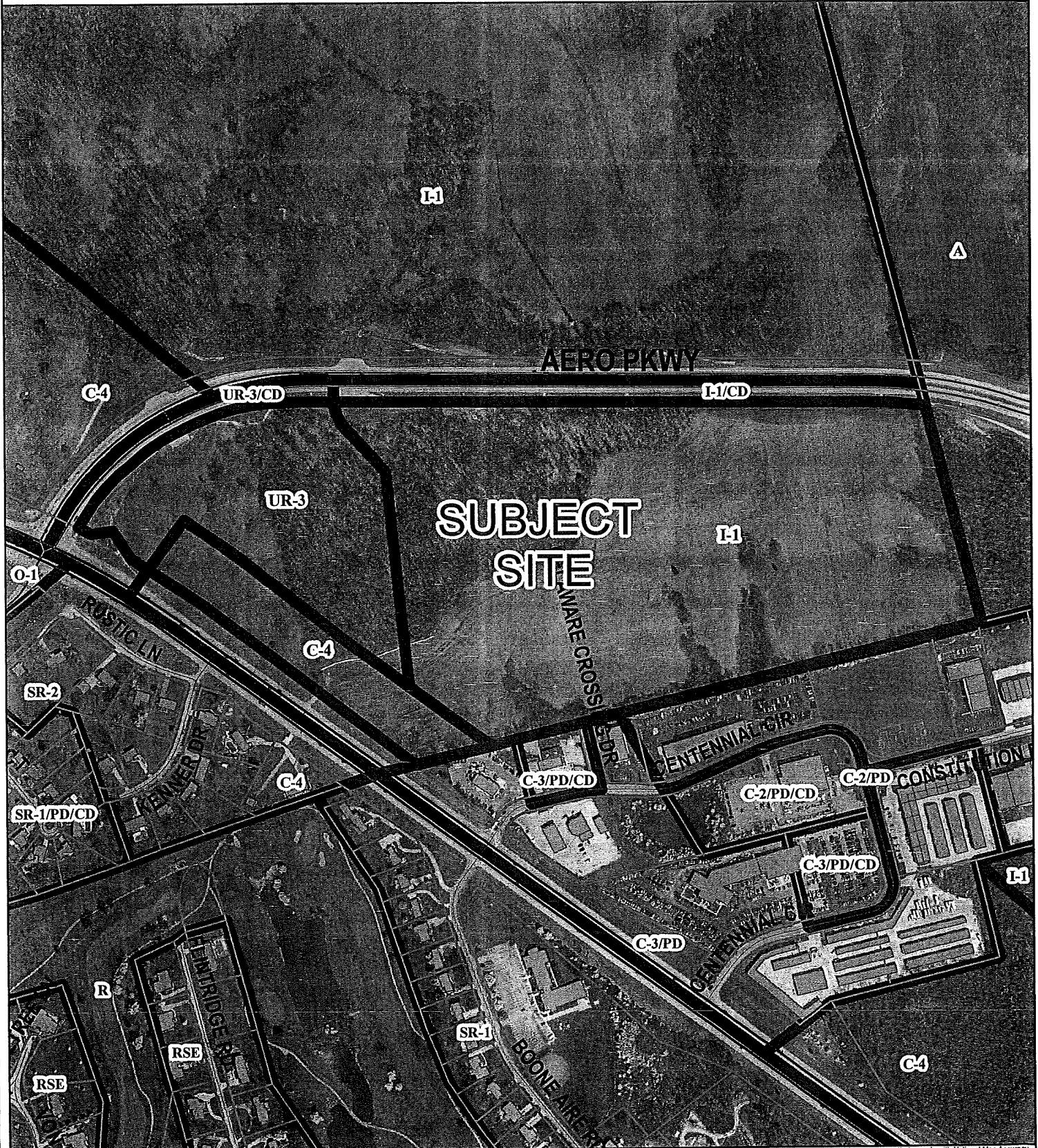
**Attachments:**

- Location map
- Aerial photograph with zoning
- 2035 Future Land Use Map excerpt
- Topographic map
- Approved Concept Development Plan options, 9/5/18 Committee Report, Resolution R-18-007-A, and Ordinance No. 2018-15 for previous Neyer/Vesper zone change approval
- Section 305.O "Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas" of Boone County Subdivision Regulations
- 11/26/18 e-mail from Linzy Brefeld, District Permit Engineer, KYTC District 6
- 11/26/18 e-mail from Greg Haggard, Project Coordinator, SD1
- Amazon Prime Air map exhibit
- Application materials including project narrative, plan sheets, and Traffic Impact Study "Findings and Conclusions" section



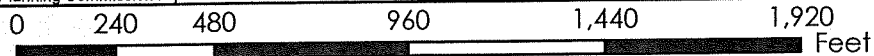
# Zoning

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1 inch = 472 feet

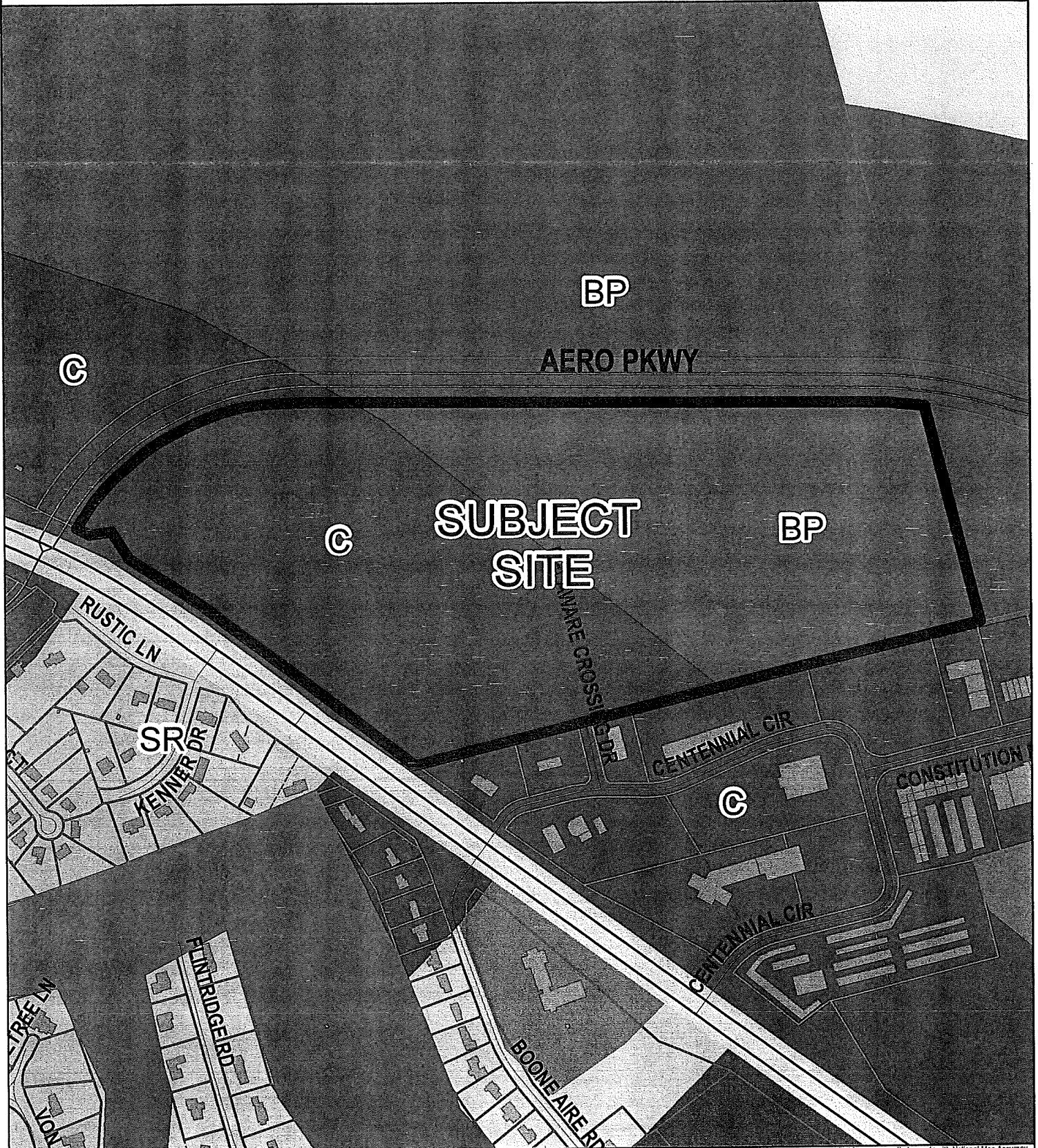


**Boone County GIS - Putting Northern Kentucky on the Map**



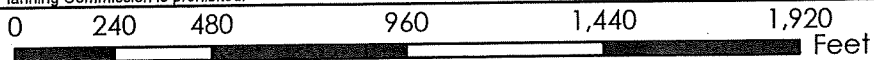
# 2035 Future Land Use

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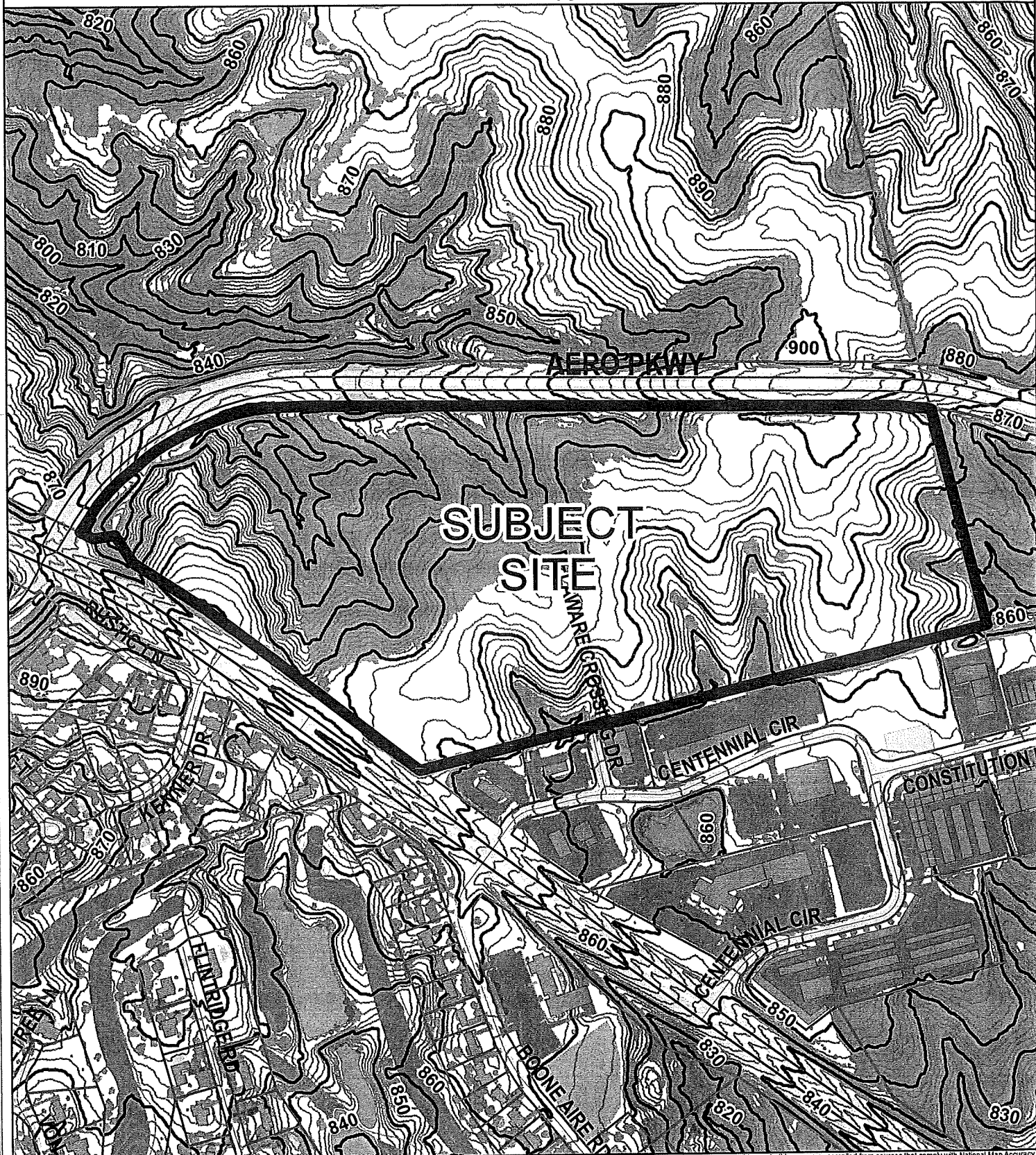


**Boone County GIS - Putting Northern Kentucky on the Map**



# Topography

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**SUBJECT  
SITE**

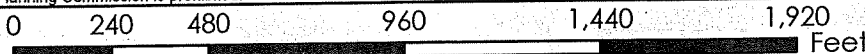
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**GENENIAL CIR**

**CONSTITUTION**

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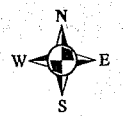
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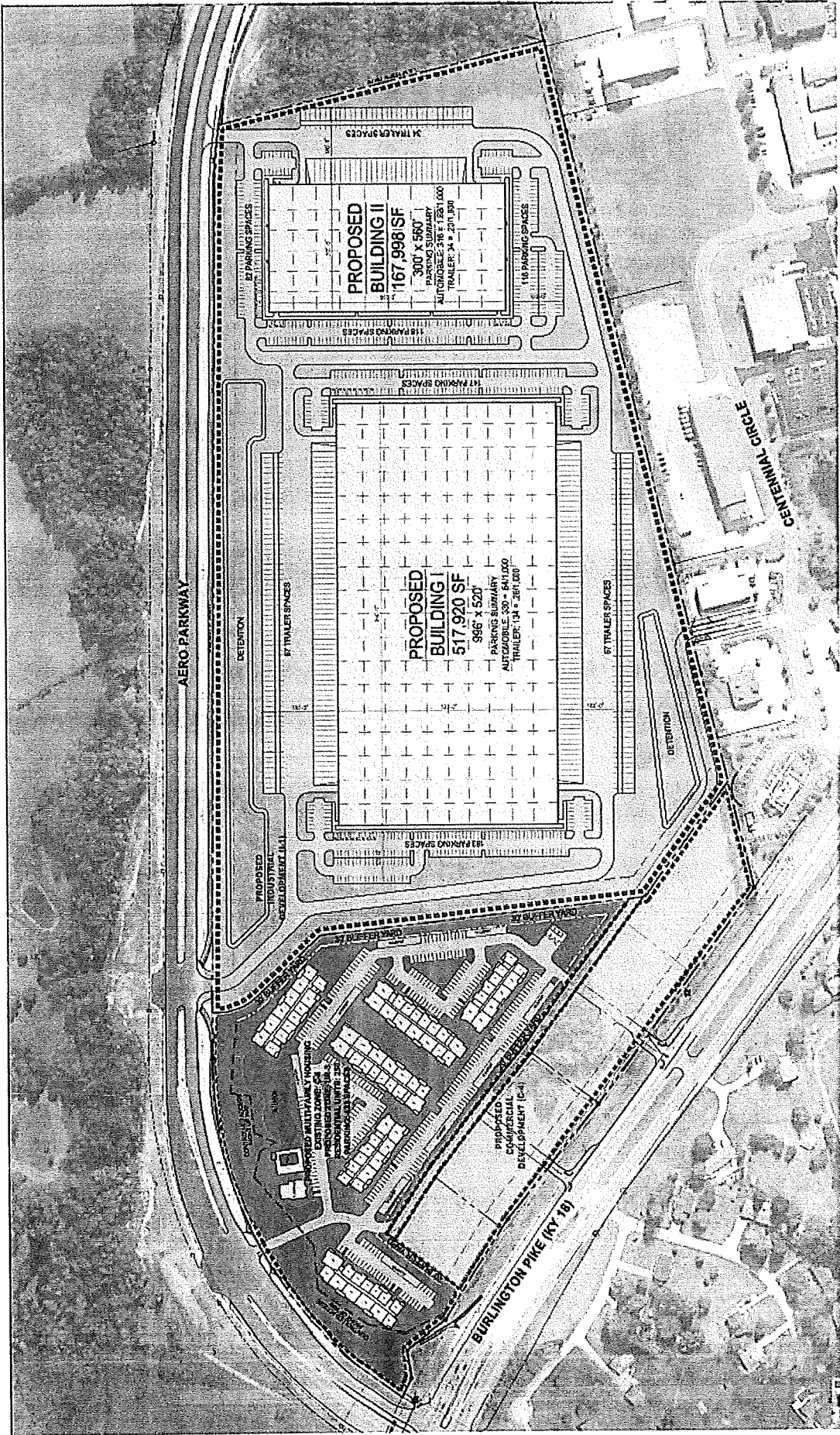


**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd



# AERO COMMERCE CENTER

## PROPOSED SITE PLAN



SCALE 1"=100'-0"

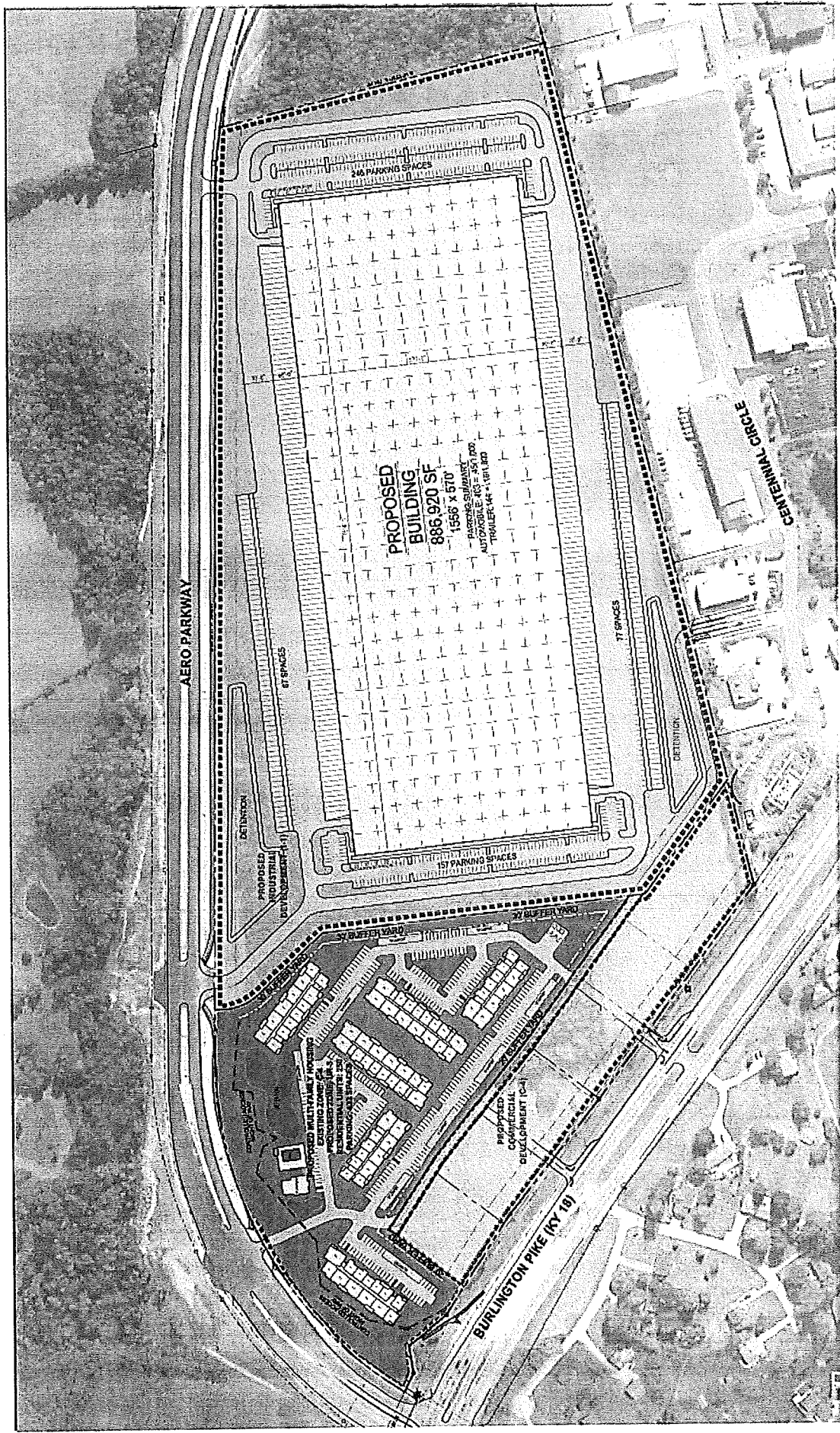


July 3, 2018

C1

### Approved Concept Development Plan Option 1

NEYER ENGINEERING, INC.  
 10000 W. 10th Avenue, Suite 100  
 Golden, CO 80401  
 Phone: 303.440.2200  
 Fax: 303.440.2201  
 www.neyereng.com  
 Project No. 18-001-001  
 Date: July 3, 2018



PROPOSED SITE PLAN

**AERO COMMERCE CENTER**

B1  
NEAYER ENGINEERING, INC. 1000 W. MAIN STREET, SUITE 200, CINCINNATI, OH 45202  
 PHONE: 513-251-1328  
 FAX: 513-251-1329  
 WWW.NEAYERENGINEERING.COM

July 3, 2018



Approved Concept Development Plan Option 2

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: September 5, 2018

RE: Request of **Al Neyer, Inc./Matt Blankenship (applicant)** for **KY 18 Acres, LLC c/o Paul Vesper (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The request is for two zone changes to allow uses permitted in the UR-3 and I-1 zones.

**REMARKS:**

We, the Committee, recommend approval of the above referenced requests based on the following findings of fact and with the following conditions:

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Zoning Map Amendments are in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates a substantial part of the zone change area as "Business Park." This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus 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 proposed I-1 phase is for light industrial uses which have been limited per the agreed conditions. The qualitative aspects of the Business Park designation are codified through Section 1137 "Supplemental Zoning Map Amendment Standards" of the Boone County Zoning Regulations. This section requires zone change applications that 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," to be "assessed" in relation to the standards in Section 1609 "Design Standards" (EPD/RPD zones) through the zone change

process. The Committee has concluded that the qualitative aspects of the Business Park designation, and the requirements of Section 1137 of the zoning regulations, have been fulfilled through the Concept Development Plan and the agreed conditions which address uses, building, signage, and landscaping design issues, and certain amenities.

The Area 2 "Houston-Donaldson/Mall Road" text of the Land Use Element (p. 167) states, "the development of the South Airfield Road connection (note - now called Aero Parkway) will also affect the Houston Road area as a connection to this new road will be made to the intersection of Houston and Spiral Drive. Commercial development and Business Park or Industrial uses could occur as a result." The Area 13 "Burlington" text of the Land Use Element (p. 175) refers to "industrial uses planned north of KY 18 and along South Airfield Road as indicated on the Future Land Use Map," and states, "planned commercial and industrial development may be supplemented by other land uses along the north side of KY 18, however, all development must be interconnected, and connections must be provided to South Airfield Road as opposed to utilizing Old Limaburg Creek Road for primary access." The "Recommended Areas of Industrial and Office Activity" section of the Business Activity Element (p. 71) recommends, "a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses."

The majority of the site is proposed to be used for certain light industrial uses per the agreed conditions and will use Aero Parkway for access. The industrial phase is located exclusively along Aero Parkway and is separated from the Burlington Pike corridor by the remaining C-4 area and the proposed UR-3 phase. A public road connection will be provided between Aero Parkway and Delaware Crossing which also fulfills the 2017 Transportation Goals and Objectives. The "Burlington" section of the Land Use Element contemplates that the proposed I-1 phase and the existing C-4 zone will be "supplemented by other land uses" such as the multi-family residential in the proposed UR-3 phase.

The proposed UR-3 phase agrees with the following directives regarding multi-family housing in the Housing Element.

- A. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," pg. 79).
- B. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan ("Housing Types," pp. 79 and 80).

- C. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people ("Housing Types," pp. 79 and 80).
- D. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged ("Housing Densities," pg. 81).
- E. The KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor ("Florence/Burlington area," pp. 84).

The UR-3 phase is located at the intersection of two major thoroughfares, one of which is the "KY 18 Corridor" which was identified as a "prime opportunity to promote high density residential uses." The adjoining sites on the north side of Burlington Pike are currently undeveloped but are planned for Commercial and Business Park uses. The UR-3 phase is in close proximity to commercial services and employment, some of which will be provided on the same parent tract which will result in convenience for the future residents and a reduction in vehicular trips. Urban services are available to the site.

- 2. The Committee understands that a national air cargo hub and distribution operation, which will encompass hundreds of acres and employ a substantial number of new employees, will be located on the direct, opposite side of Aero Parkway and on the Airport property. Based on this understanding, the Committee has concluded that there have been major changes of an economic nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- 3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan, the 2017 Boone County Comprehensive Plan Goals and Objectives, and Section 1137 "Supplemental Zoning Map Amendment Standards" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

### CONDITIONS

- 1. The overall development shall follow the submitted Concept Development Plan options except where modified by the agreed conditions outlined below. The Concept Development Plan includes additional materials that were provided by the

applicant in response to the issues raised at the 7/11/18 Public Hearing. These materials (attached) include "Conceptual Grading Plan" (sheet C-1.0), "Concept Cross Sections" (sheet C-2.0), "Concept Road Profile" (sheet C-3.0), "Access Exhibit" (air photo sheet C-1.0), "Aero Commerce Center - Industrial Building Design Parameters," "Aero Commerce Center - Industrial" (photo collage exhibit), "Aero Commerce Center - Residential Design Guidelines (rev)," "Aero Commerce Center - Multifamily" (photo collage exhibit), and "Multifamily Signage" (photo collage exhibit).

2. The following uses shall be prohibited in the I-1 phase of the development.

I-1 Zone Principally Permitted Uses (Section 1131)

42. Truck stops;
43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;
47. Landscape contracting, grounds keeping, and wholesale nurseries;
48. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;
49. Crematoriums.

I-1 Zone Accessory Uses (Section 1132)

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;

I-1 Zone Conditional Uses (Section 1133)

1. Uses in which the primary business activity involves the following:
  - a. the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum; (see Note A below)
  - 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; (see Note B below)

2. Poultry and small game dressing and packing;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Day care centers;
8. Hotels and motels;
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;
13. Kennels for household pets; City of Florence only - kennels for household pets only when not adjoining a residential zoned property;
14. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C);
15. Fireworks retail sales. (Does not apply in the City of Union and City of Walton).

Note A: Accessory fuel storage for use by on-site fleet vehicles is permitted.

Note B: This category applies to bulk storage of chemicals and not containerized chemicals.

O-1 Zone Principally Permitted Uses (Section 1111) Principally Permitted in the I-1 Zone by Reference

27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;

O-2 Zone Principally Permitted Uses (Section 1121) Principally Permitted in the I-1 Zone by Reference

4. Convenient stores;
  8. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
3. The manufacturing of food products shall be prohibited under I-1 zone Principally Permitted Use #2 (Section 1131). Warehousing and distribution of food products is permitted. This use category is described as "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 refining or processing of biodiesel, 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 or any tanning, curing or storage of rawhides or skins."
  4. The "Landscaping Along Street Frontages" required by Section 3620 of the Boone

County Zoning Regulations shall not include any small trees from Plant List C along Aero Parkway. Berming shall be provided in the street frontage landscaping area along Aero Parkway where feasible. It is understood that loading docks shall be screened from public view in accordance with Section 3635 "Loading/Unloading Areas, Storage Areas, Utility and Mechanical Equipment and Trash Collection Areas" of the Boone County Zoning Regulations.

5. All buildings, and the freestanding sign in the UR-3 phase, shall follow the Design Review process outlined in the Houston-Donaldson Study including submission of a formal application and fee, a review and recommendation of the proposal by the Planning Commission's Technical/Design Review Committee, and a final decision by the full Planning Commission at a regular Business Meeting. The Design Review standards are outlined in the attached documents, "Aero Commerce Center - Industrial Building Design Parameters," "Aero Commerce Center - Industrial" (photo collage exhibit), "Aero Commerce Center - Residential Design Guidelines (rev)," "Aero Commerce Center - Multifamily" (photo collage exhibit), and "Multifamily Signage" (photo collage exhibit).
6. The residential buildings shall comply with the construction standards for sound attenuation in Section 3196 "Structures Requiring Protection" of the Boone County Zoning Regulations based upon the site's proximity to airport taxi ways, runways, and storage facilities.
7. Hard surfaced pedestrian connections which minimally meet the sidewalk standards in the Boone County Subdivision Regulations shall be provided between the industrial phase and the residential phase, and the industrial phase and Delaware Crossing Drive. It is understood that Section 3327 "Pedestrian/Bicycle Improvements" of the Boone County Zoning Regulations requires other sidewalk connections to be provided.
8. The road connection between Aero Parkway and the current dead end of Delaware Crossing Drive in Centennial Plaza Subdivision shall be constructed and dedicated as a public street in accordance with the Boone County Subdivision Regulations. This street may follow the urban street section permitted under these regulations. Any requested waivers from the street standards in the subdivision regulations shall be evaluated through the normal waiver procedure outlined in said document.
9. The access and road improvements recommended in the Traffic Impact Study, and as approved by the Kentucky Transportation Cabinet, shall be completed before any buildings in the applicable phase are occupied. A study which evaluates and recommends improvements for Delaware Crossing and Centennial Circle shall be submitted to the Boone County Engineer for review and approval.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT  
Al Neyer/Blankenship/KY 18 Acres/Vesper  
September 5, 2018

Page 7

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.



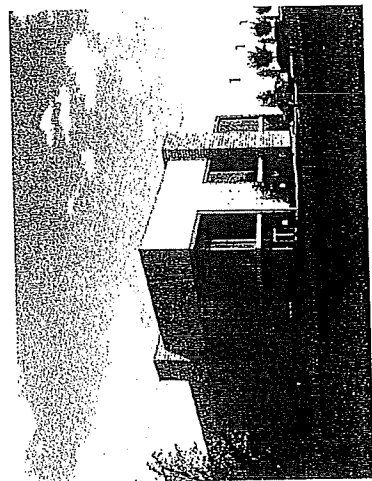
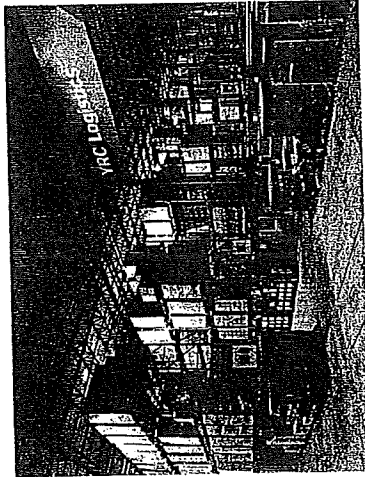
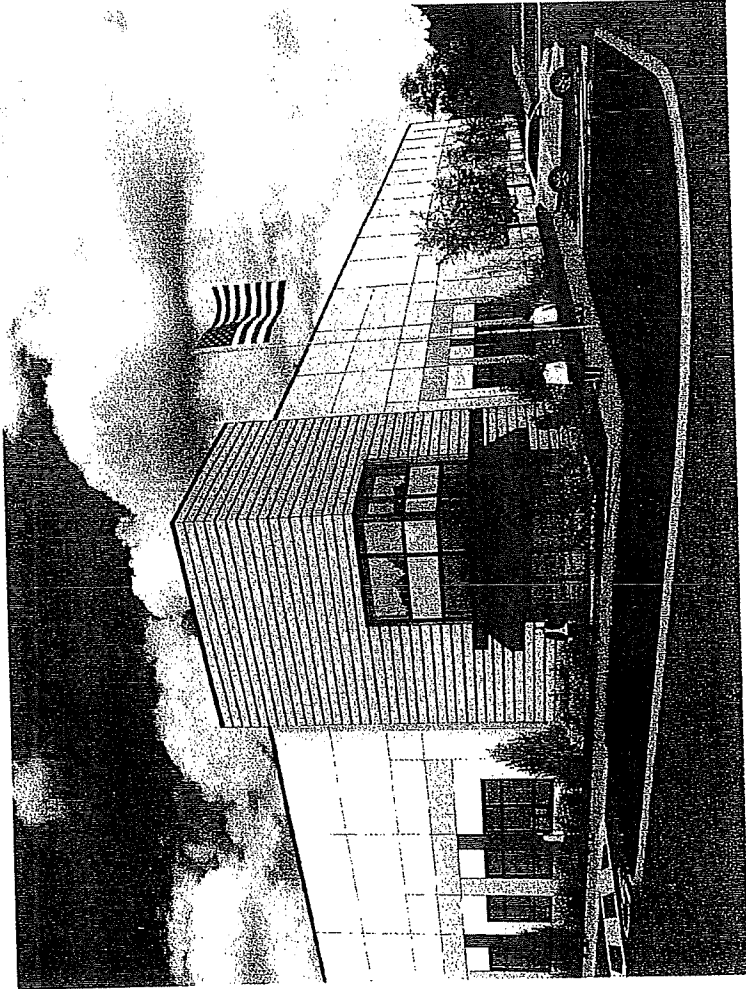
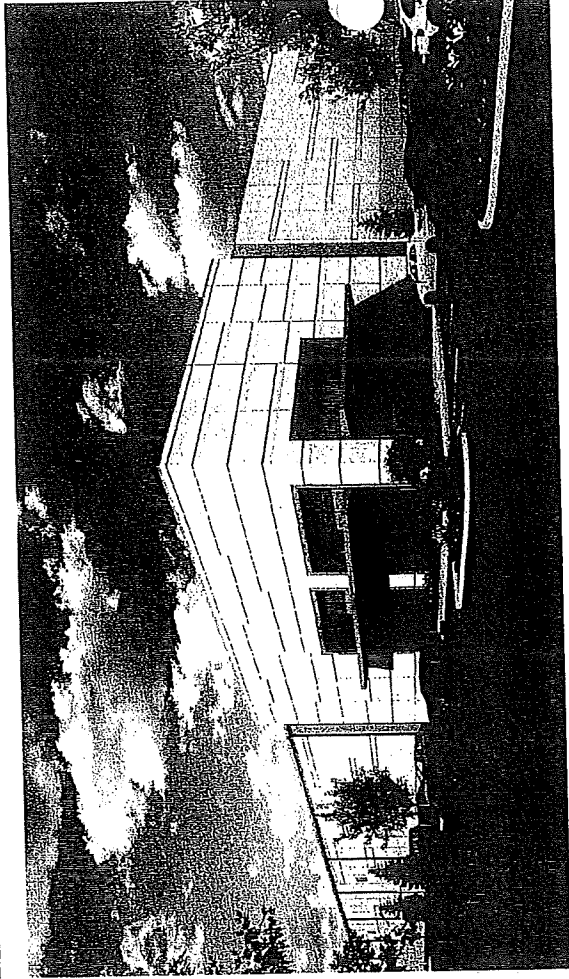
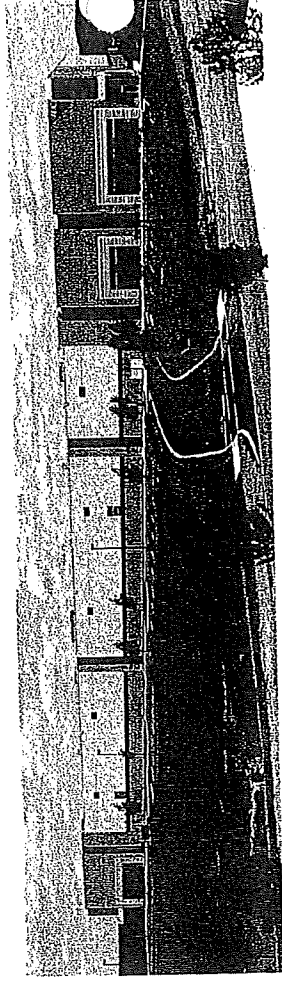
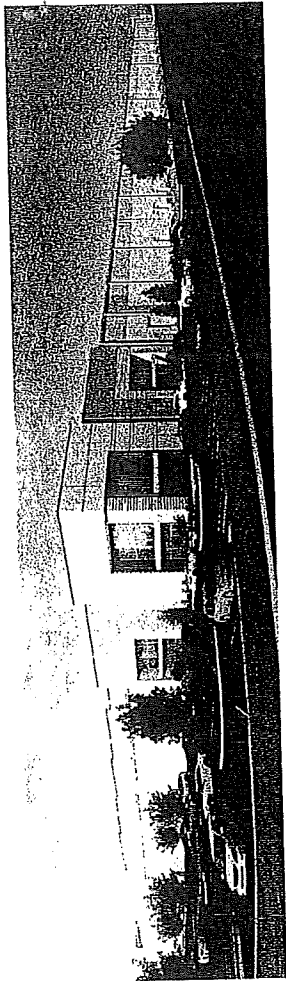






### Aero Commerce Center – Industrial Building Design Parameters

Industrial building design to consist of tilt-up or precast concrete panel and conventional steel frame construction (no pre-engineered metal building) – height to comply with I-1 zoning requirements. Design features to include minimum of 3 earth tone (grays and beiges) paint colors (textured finish) with minimal accent color to break up the overall scale of the building. Building corner design to include blend of varied wall heights, decorative reveal patterns, stepped back facade or lapped panel, with curtainwall entries to contribute to the overall design composition.”



**AERO COMMERCE CENTER - INDUSTRIAL**

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1. "Aero Commerce Center – Residential Design Guidelines (rev)

a. Purpose:

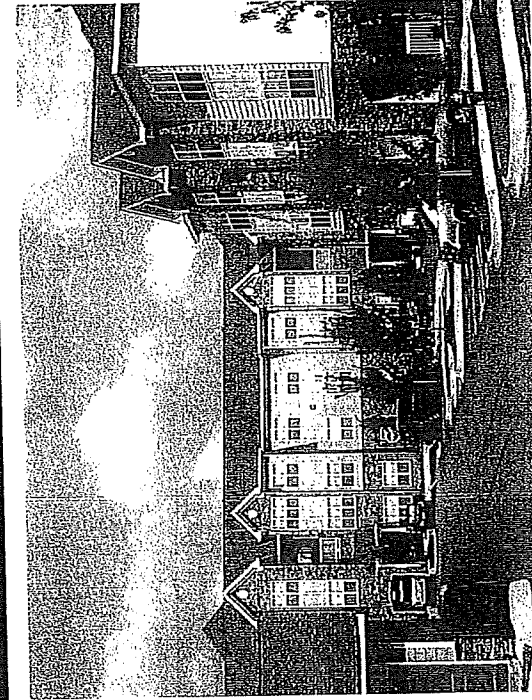
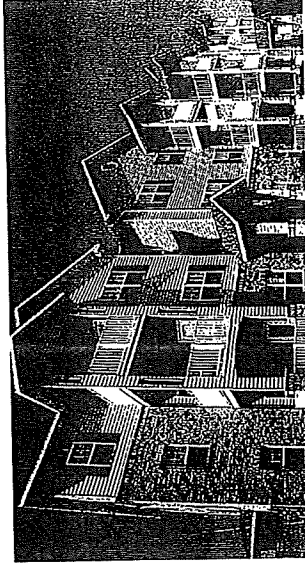
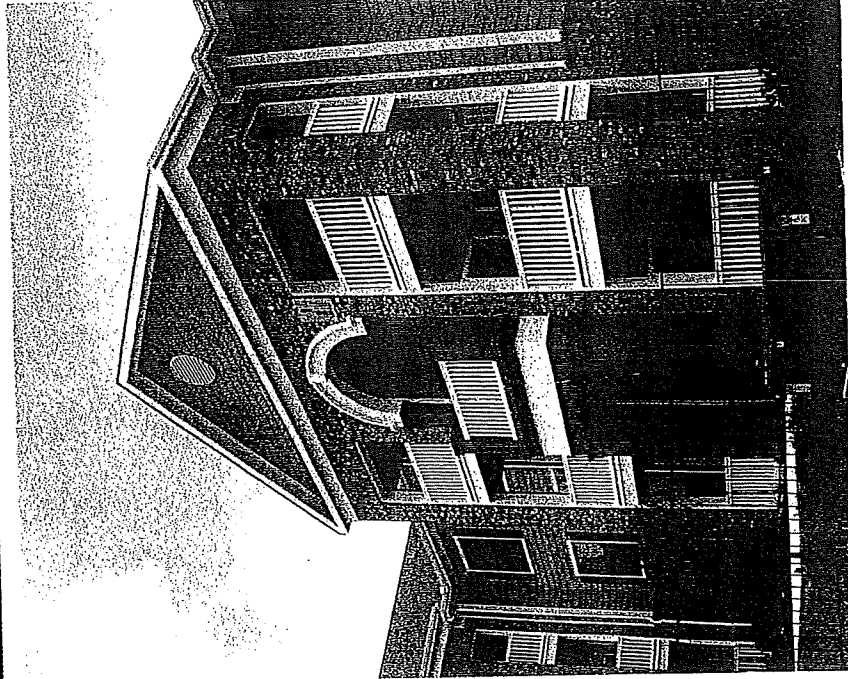
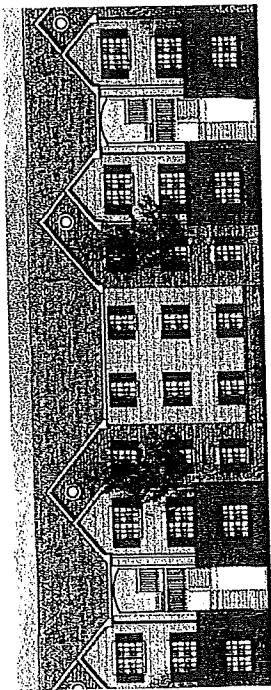
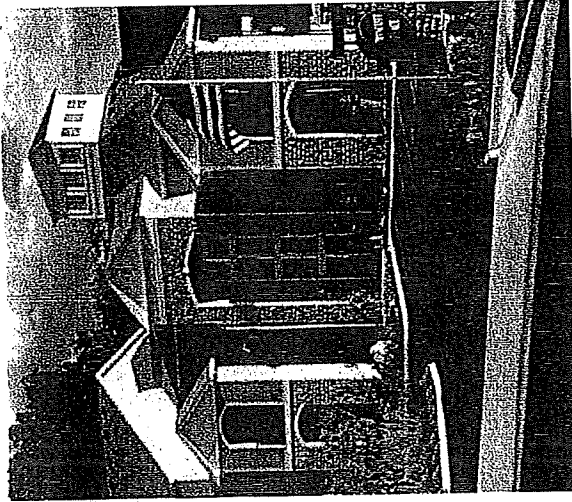
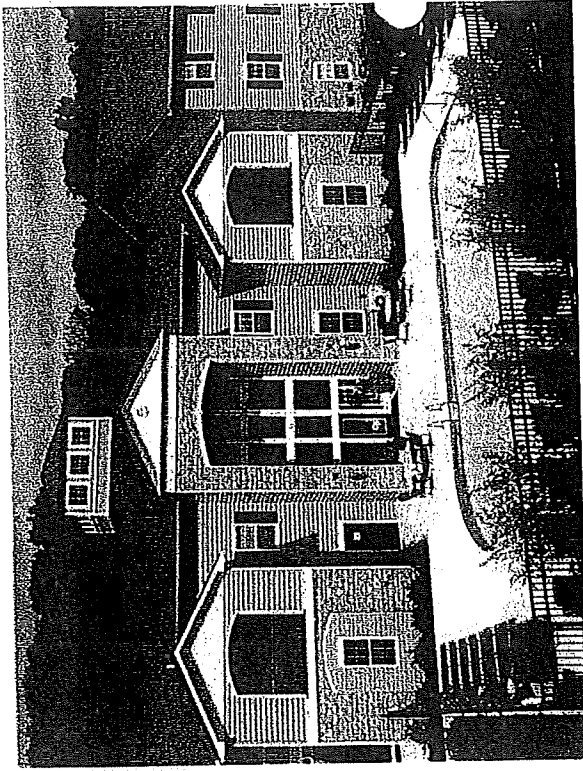
- i. It is the intent of these design guidelines to assist the developer of each parcel to achieve an attractive, durable, and cohesive assemblage of adjacent products that add to the community's value aesthetically and economically.

b. Strategy:

- i. Developers will submit materials as required in the Concept Development Plan submission of the Boone County Planning Commission, and follow the approval process outlined therein.

c. Aesthetic Guidelines:

- i. Residential and associated amenity structures of the residential community shall be built of wood-framed, and masonry construction consistent with local building codes.
- ii. Color Palette for the residential and associated amenity structures shall feature earth tones (warm greys and beiges), as well as accent stain or paint colors to achieve variety while establishing a coherent architectural character.
- iii. Design features of the residential structures will include hips or gables and pitched roof eave-lines. Main roof slopes to be 6/12 or greater.
- iv. Exterior materials shall include masonry, masonry accent features, a variety of siding materials to further add interest and character to the facades, as well as dimensional shingle roofs. Siding materials may be synthetic or vinyl but have the look of "natural" materials. Proposed material samples will be submitted as part of a comprehensive design package for approval.
- v. Stone or brick will be provided at the base of all residential facades (except carport and garage structures). The height of the masonry base will vary to create visual interest. Brick or stone will be used at important corners or points of high visual importance.
- vi. Carports and garages will have sloped or trussed roofs with dimensional shingles matching the residential structures. Roof slopes to be 6/12 or greater. The exterior walls will be siding using the same color palette as the apartments.
- vii. Developer will submit a cohesive design package for all proposed fencing, ground mounted entry-signage, signage lighting, general public lighting, building mounted lighting, as well as street and pedestrian wayfinding signage. To the extent possible, a consistent design theme will be carried throughout the Residential, Commercial and Industrial portions of the development.
- viii. A collage of residential building images (*fig. 1*) included here provides applicants additional guidance in the design of structures in the residential community. Additionally, a collage of signage images provides a basis of design intent for signage at the residential development.



AERO COMMERCE CENTER - MULTIFAMILY

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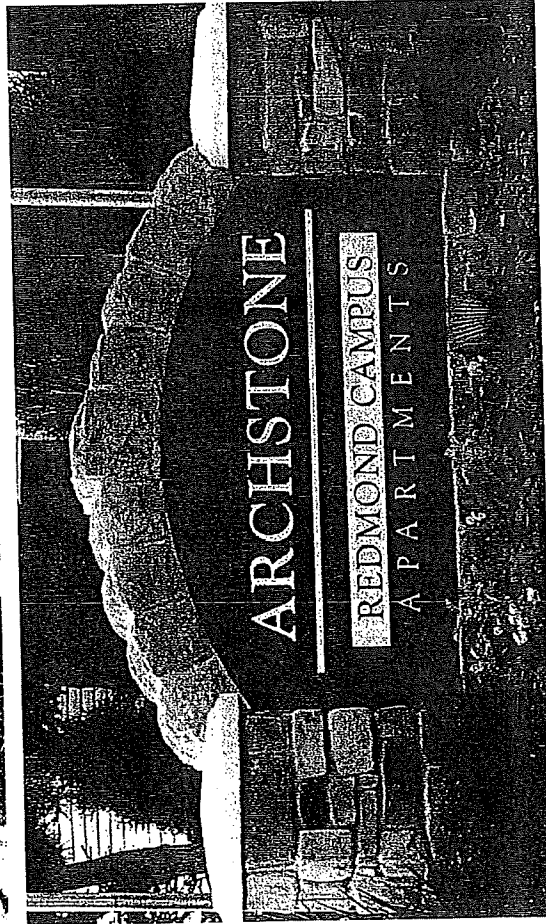
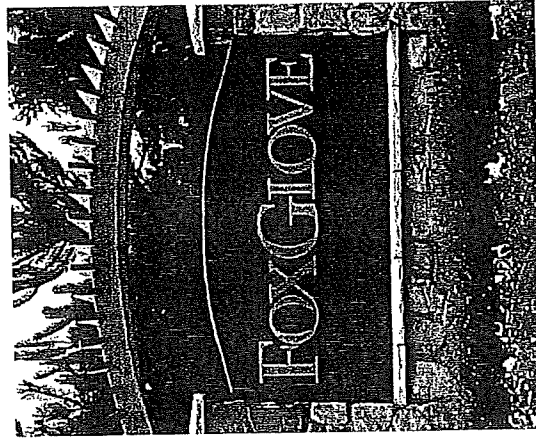
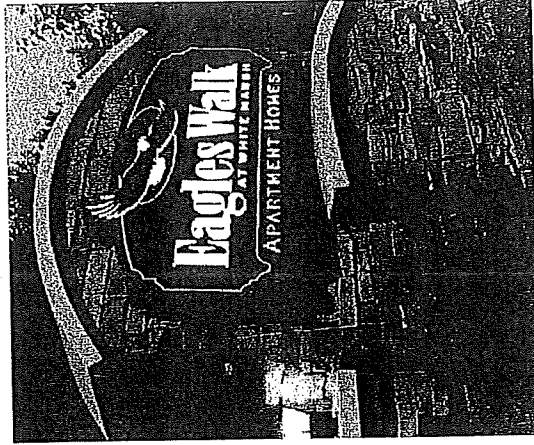
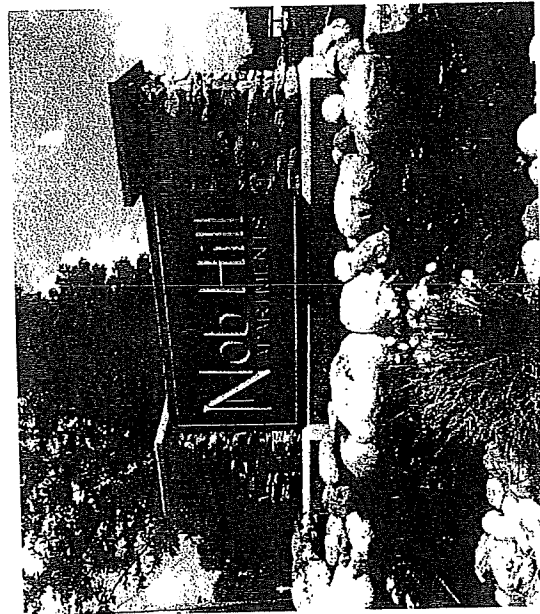
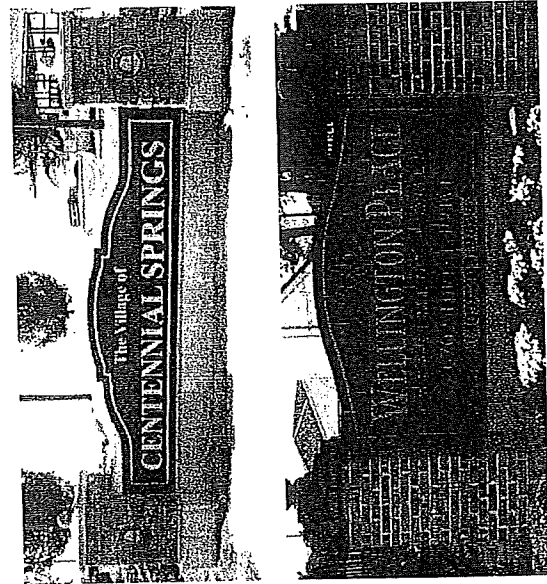
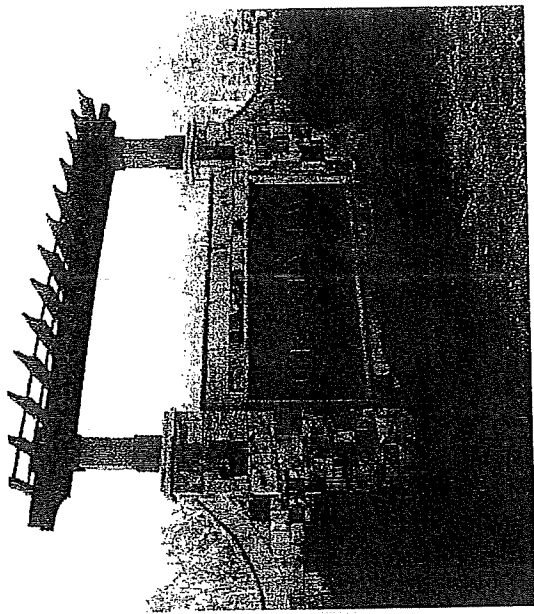
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elevation  
DESIGN GROUP



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MULTIFAMILY SIGNAGE

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## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 15, 2018

### ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Kevin Wall, Staff

1. Request of Al Neyer, Inc./Matt Blankenship (applicant) for KY 18 Acres, LLC c/o Paul Vesper (owner) for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The request is for two zone changes to allow uses permitted in the UR-3 and I-1 zones.

#### 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.

Al Neyer/KY 18 Acres, LLC/Vesper

August 15, 2018

\_\_\_\_\_

**Greg Breetz**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Steve Turner**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

*Kim Bunger*

**Kim Bunger**

For Project  Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Randy Bessler (Alternate)**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

*Janet R. Kegley*

**Janet Kegley, Chairwoman**

For Project  Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Lisa Heilman, (Alternate)**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Kim Patton**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Mark Hicks (Alternate)**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

*Richard Lunnemann*

**Richard Lunnemann (Alternate)**

For Project  Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

**TOTAL:** \_\_\_ DEFERRED \_\_\_ FOR PROJECT \_\_\_ ABSENT

\_\_\_ AGAINST PROJECT \_\_\_ ABSTAIN

RESOLUTION R-18-007-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF AL NEYER, INC./MATT BLANKENSHIP (APPLICANT) FOR KY 18 ACRES, LLC C/O PAUL VESPER (OWNER), FOR A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO URBAN RESIDENTIAL THREE (UR-3) FOR 12.8 ACRES, AND A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO INDUSTRIAL ONE (I-1) FOR 47.2 ACRES, BOTH WITHIN A 66.3 TOTAL ACRE TRACT THAT IS LOCATED ON THE NORTHEAST CORNER OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, ALONG THE SOUTH SIDE OF AERO PARKWAY, AND TO THE NORTH OF THE PROPERTIES AT 5945, 5965, 5975 AND 5985 CENTENNIAL DRIVE, AND 5785 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR TWO ZONE CHANGES TO ALLOW USES PERMITTED IN THE UR-3 AND I-1 ZONES AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, 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 from Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The request is for two zone changes to allow uses permitted in the UR-3 and I-1 zones, 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 RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The real

**BOONE COUNTY PLANNING COMMISSION  
RESOLUTION R-18-007-A  
PAGE TWO**

estate which is the subject of this request for a Zoning Map Amendment in a Commercial Four (C-4) zone is more particularly described in DEED BOOK 991, PAGE NO. 331 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the recommendation of approval for a 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 Resolution and marked as "Exhibit A."

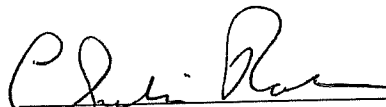
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

**SECTION III**


That a copy of this Resolution recommending approval, with conditions, for a Zoning Map Amendment for a zone change from Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky, shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

**PASSED AND APPROVED ON THIS 19TH DAY OF SEPTEMBER, 2018.**

**APPROVED:**

  
\_\_\_\_\_  
**CHARLIE ROLFSEN  
CHAIRMAN**

**ATTEST:**

  
\_\_\_\_\_  
**TREVA L. BEAGLE  
MANAGER, ADMINISTRATIVE SERVICES**

CR/tlb

**ORDINANCE NO. 2018 - 15**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, THE REQUEST OF AL NEYER, INC./MATT BLANKENSHIP (APPLICANT) FOR KY 18 ACRES, LLC C/O PAUL VESPER (OWNER), FOR A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO URBAN RESIDENTIAL THREE (UR-3) FOR 12.8 ACRES, AND A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO INDUSTRIAL ONE (I-1) FOR 47.2 ACRES, BOTH WITHIN A 66.3 TOTAL ACRE TRACT THAT IS LOCATED ON THE NORTHEAST CORNER OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, ALONG THE SOUTH SIDE OF AERO PARKWAY, AND TO THE NORTH OF THE PROPERTIES AT 5945, 5965, 5975 AND 5985 CENTENNIAL DRIVE, AND 5785 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR TWO ZONE CHANGES TO ALLOW USES PERMITTED IN THE UR-3 AND I-1 ZONES.**

**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 Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The request is for two zone changes to allow uses permitted in the UR-3 and I-1 zones, 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 FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

**SECTION ONE**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Commercial Four (C-4) to Urban Residential Three (UR-3) for 12.8 acres, and a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 47.2 acres, both within a 66.3 total acre tract that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial Four (C-4) zone is more particularly described in DEED BOOK 991, PAGE NO. 331 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION TWO**

That as a basis for this approval of 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 and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

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


**SECTION THREE**

This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

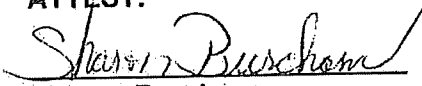
First Reading the 25<sup>th</sup> day of September, 2018.

Second Reading the 9<sup>th</sup> day of October, 2018.

ADOPTED THIS 9<sup>th</sup> DAY OF October, 2018. Yes 3 No 0

  
GARY W. MOORE, JUDGE/EXECUTIVE  
BOONE COUNTY FISCAL COURT

ATTEST:

  
Sharon Burcham  
Fiscal Court Clerk

Proposed intersections with existing streets shall not be closer than one hundred and twenty five feet (125') to an intersection of two existing streets as measured from intersection point to intersection point.

- M) Cul-de-Sacs Streets - Proposed cul-de-sac streets designed to have a permanently closed end shall not be more than twelve hundred feet (1200') long for industrial, commercial or Conventional Residential Subdivisions, as measured from the intersection of the centerlines of the cul-de-sac and the intersecting street (from station 0+00 of the cul-de-sac street). Residential subdivision with cul-de-sacs more than nine hundred feet (900') from an intersection shall be built with a radius equal to a commercial/industrial design. The Planning Commission may require the connection of streets internal to a subdivision to facilitate connectivity.
- N) Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas - Dead-end streets of a temporary nature and street connections with adjoining undeveloped tracts shall be required by the Commission. Reasons for this include the layout of the subdivision, the staging of development, the opportunity for reasonable access alternatives to adjoining tracts, the necessity of providing through connections between collector or arterial streets, to distribute traffic patterns by providing alternative routes, and to provide convenient and efficient access for emergency vehicles, street maintenance, school buses, postal delivery, and other essential services. The street connection with adjoining property shall be constructed upon Final Plat recording of seventy five percent (75%) of the subdivision lots as approved on the Preliminary Plat, or if a contributing street in the subdivision is within 300 feet of the connection to the adjoining property.

The Commission shall consider the following criteria for requiring street connections to adjoining property:

1. The adjoining land must be compatible with the subject development as determined by the current zoning and/or the Future Land Use Map as specified in the current Comprehensive Plan.
2. Street connections to adjoining properties will not be required if significant grading (as determined by the County Engineer or applicable City Engineer) and/or the construction of a bridge would be necessary to make such connections.
3. Future desired transportation patterns as described by the current Comprehensive Plan and special funding projects recommended in the Transportation Plan shall be considered. The Planning Commission may require a subdivision to include or extend a Limited Access Residential Street in areas that are recommended as Suburban Residential density or greater on the adopted Future Land Use Map without existing or committed through-streets subject to no individual lot access. The Boone County Comprehensive Plan, adopted Transportation Plan or Thoroughfare Plan, and planned street connections between properties shall be considered in determining this requirement. This provision is intended to avoid subdivision streets with direct lot frontage serving as connections between traffic generating development areas and the major street network.
4. Subdivisions required to provide subcollector or collector streets (as described in the street classification table in Article 5) shall be required to provide for connection of such streets to other collector or arterial streets or connection to adjoining lands.
5. The Planning Commission may require the connection of local streets to adjoining tracts or areas in order to prevent the local street from becoming a cul-de-sac street which exceeds the maximum length permitted for a cul-de-sac street.

6. Proposed connections to the existing street system will be consistent with the existing conditions and the design of adjoining streets.
7. All temporary dead-end streets that will continue onto adjoining property or connect with another roadway will have a sign posted at the temporary dead end that informs the public of the planned street connection.
8. All temporary dead-end streets will be terminated with a temporary turn-around. Storm water flow at a temporary dead-end shall be managed in accordance with the requirements stated herein.
9. In instances where a street connection can not be constructed all the way to a shared property line due to grading or other construction feasibility issues until development occurs on an adjoining tract, the connection shall be constructed as far as practical toward the property line. The developer shall deposit the cash amount plus contingency with the applicable legislative body for the estimated costs of the remaining street construction to the property line. The developer shall be responsible for constructing the remaining street segment when the adjoining tract develops, or for making arrangements to cause the construction to occur at that time.

O) Private Streets or Roads - Private streets or roads are permitted only in following zoning districts:

- Agriculture (A-1)
- Agricultural Estate (A-2)
- Recreation (R)
- Residential Zoning Districts as part of an Open Space or Cluster Subdivision
- Planned Development (PD)

Private streets may only consist of cul-de-sacs or local streets. The use of private streets are allowed in all Planned Development (PD) overlay zones, but must be approved by the Planning Commission as part of the Concept Development Plan. Similarly, private streets are permitted in Open Space and Cluster Subdivisions, but must be approved by the Planning Commission as part of the Preliminary Plat. In A-1, A-2 and R zones, all private streets must be centered within a right-of-way; this right-of-way must be at least thirty (30) feet in width, or at least 10 feet greater than the pavement width of the private road, whichever is greater. The right-of-way in the Agricultural Zoning Districts shall consist of a deeded access easement and maintenance agreement tied to each lot.

Newly proposed private streets in the A-1, A-2, and R zones may serve no more than five (5) buildable lots. There is no limitation on the number of permissible buildable lots that may be subdivided on private roads that were existing as of March 4, 1998. The surfacing for a newly proposed private street in the A-1, A-2, and R zones shall consist minimally of tar and chip pavement, and the minimum pavement width shall be at least 18 feet. Any newly proposed private street in the A-1, A-2, and R zones that will dead end shall terminate with a T turn-around or a cul-de-sac. Street grades shall meet the requirements in Section 305.I. Street names for private streets shall be proposed and approved through the Preliminary Plat process. Signage for private streets shall be installed in accordance with the policies of the applicable legislative body prior to Final Plat approval. Sidewalks shall be provided along private streets or roads in accordance with Section 305.Q for conventional subdivisions and Section 302 for Open Space and Cluster Residential Subdivisions.

## Kevin Wall

---

**From:** Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>  
**Sent:** Monday, November 26, 2018 1:20 PM  
**To:** Kevin Wall; Scott Pennington  
**Subject:** RE: Neyer Development on KY 18/Aero Pkwy - Zoning Map Amendment

KYTC has no additional comments.  
We are almost finished with our final review of their TIS.

Thanks,

**Linzy Brefeld, P.E.**  
Transportation Engineer Supervisor  
Traffic & Permits Section  
KYTC, District 6  
421 Buttermilk Pike  
Covington, KY 41017  
859-341-2700 ext. 248  
[Linzy.Brefeld@ky.gov](mailto:Linzy.Brefeld@ky.gov)

---

**From:** Kevin Wall [<mailto:KWall@boonecountyky.org>]  
**Sent:** Monday, November 26, 2018 1:06 PM  
**To:** Brefeld, Linzy M (KYTC-D06) <[Linzy.Brefeld@ky.gov](mailto:Linzy.Brefeld@ky.gov)>  
**Subject:** FW: Neyer Development on KY 18/Aero Pkwy - Zoning Map Amendment

FYI.

---

**From:** Scott Pennington  
**Sent:** Monday, November 26, 2018 12:12 PM  
**To:** Kevin Wall  
**Subject:** Neyer Development on KY 18/Aero Pkwy - Zoning Map Amendment

Kevin,

No comments concerning the zoning map amendment request for the Neyer development at the corner of KY 18 and Aero Pkwy.

If KYTC had additional comments, would you mind passing those along?

Thank you.

Scott D. Pennington, P.E.  
County Engineer/Director of Public Works  
Boone County Public Works  
[spennington@boonecountyky.org](mailto:spennington@boonecountyky.org)

## Kevin Wall

---

**From:** Haggard, Greg <ghaggard@sd1.org>  
**Sent:** Monday, November 26, 2018 1:42 PM  
**To:** Kevin Wall  
**Cc:** Daniel Doss; Aman, Andy  
**Subject:** Aero Parkway Development Request for Comments

Kevin,

This email is in response to your request for comments dated November 9, 2018 regarding the subject development. SD1 provided a letter regarding sanitary sewer availability and capacity to AI Neyer, LLC in March of this year. To date, capacity has not been reserved.

Please let us know if you have any questions.

Best regards,

--

Greg Haggard

Project Coordinator  
Engineering Services Group  
SD1  
ph 859-578-6763  
fax 859-578-6897  
email: [ghaggard@sd1.org](mailto:ghaggard@sd1.org)

I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at [\(859\) 331-2436](tel:(859)331-2436) or via email to [records@sd1.org](mailto:records@sd1.org). Your request will not be forwarded.

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Cut the clutter. [Sign up for e-bills](#) today through our customer portal run by Paymentus, SD1's secure electronic billing provider. Learn more at [www.sd1.org](http://www.sd1.org).

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**Public Records Notice:** I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at (859) 331-2436 or via email to [records@sd1.org](mailto:records@sd1.org). **Your request will not be forwarded.**

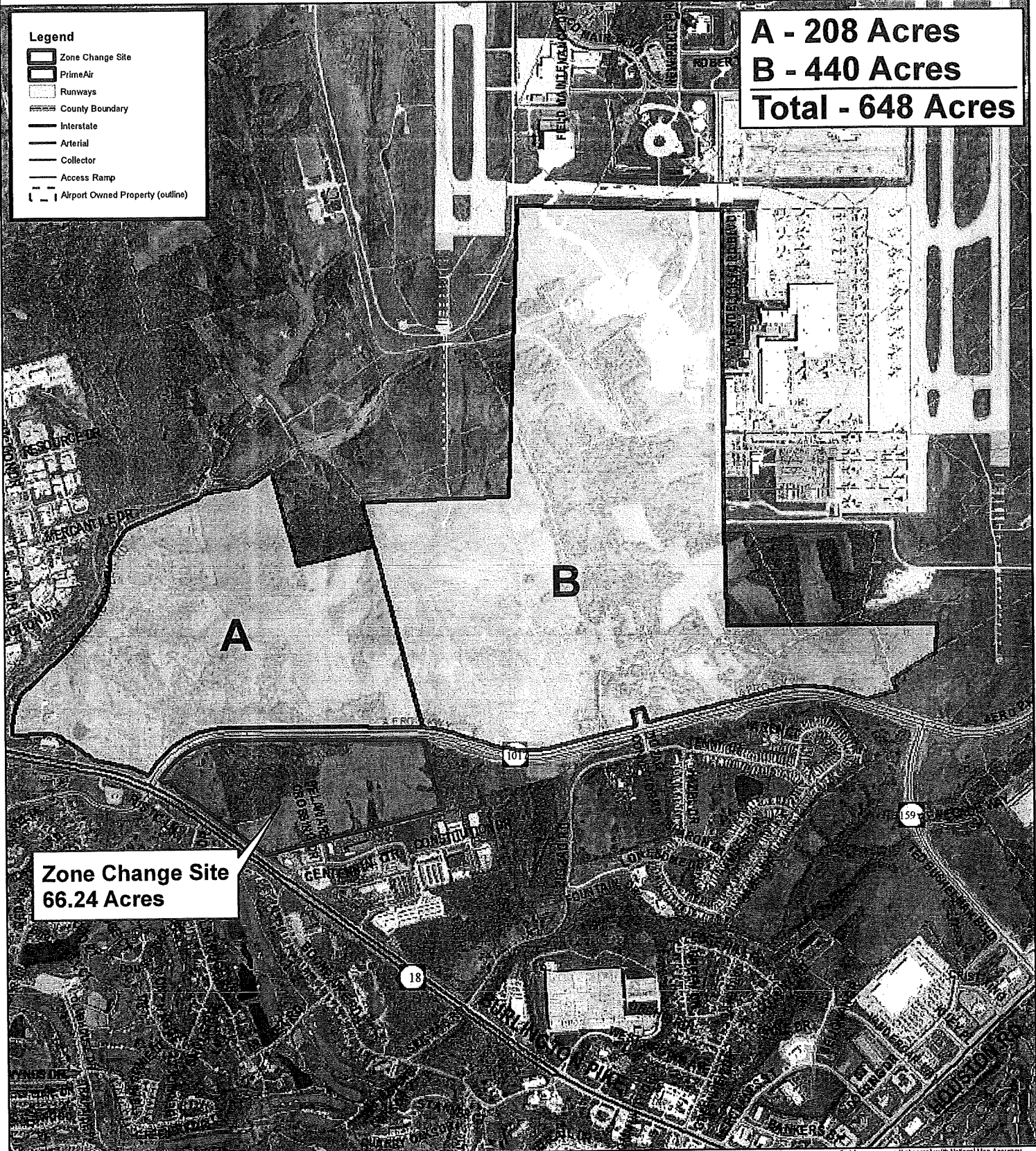
# Amazon Prime Air

www.boonecountygis.com

**A - 208 Acres**  
**B - 440 Acres**  
**Total - 648 Acres**

**Legend**

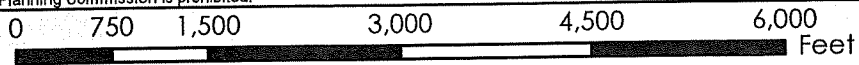
-  Zone Change Site
-  PrimeAir
-  Runways
-  County Boundary
-  Interstate
-  Arterial
-  Collector
-  Access Ramp
-  Airport Owned Property (outline)



**Zone Change Site**  
**66.24 Acres**

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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 1,500 feet



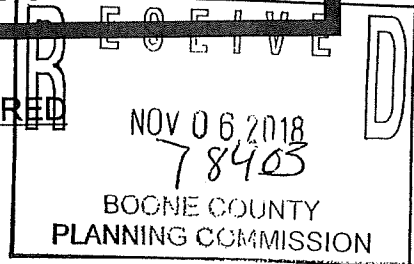
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/26/18  
 ArcMap Document: \*mxd

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change \_\_\_ Technical Design \_\_\_ Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project Vesper Mixed Use
- 3. Location of Project S.R. 18 and Aero Parkway
- 4. Total Acreage of Site 66.313 total acres / 54.926 not in ZMA (I-1 = 47.197 acres and UR-3 = 7.729 acres)
- 5. Current Zoning C-4, I-1 & UR-3
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 10/9/18
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) n/a
- 8. Proposed Uses (please specify each use) industrial warehouse and multi family residential housing
- 9. Proposed Building Intensities (please specify) As permitted by the requested zoning district
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
  - n/a Conditional Use Permit
  - n/a Dimensional Variance
- 12. Name of Applicant(s) Al Neyer, LLC  
Phone Number 513-271-6400 Fax No. \_\_\_\_\_ E-Mail jbumgarner@neyer.com
- 13. Address of Applicant(s) 302 West 3rd St. #800  
Cincinnati Ohio 45202  
City State Zip
- 14. Name of Property Owner(s) Aero Commerce Master Developer, LLC  
Phone Number 513-271-6400 Fax No. \_\_\_\_\_ E-Mail rreardon@neyer.com
- 15. Address of Property Owner(s) 302 West 3rd St. #800  
Cincinnati Ohio 45202  
City State Zip
- 16. Are there any existing buildings on the site? no  
How many? \_\_\_\_\_
- 17. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. \_\_\_\_\_

- 18. Have you had a pre-application meeting with BCPC Staff? yes with Kevin Wall on 11/02
- 19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- n/a Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

- 20. Concept Development Plan Jurisdiction/Location
  - Unincorporated Boone County
  - Florence
  - Walton Union

21. ORIGINAL Property Owner's Signature [Signature]  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature [Signature]  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B (To be completed by BCPC Staff)**

- 1. Date Received 11-6-18 Fee Received \$3,098.52 RH 78403
- 2. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Addresses of Adjoining Property Owners
  - No. of copies of plan received \*\*
- 3.  Date Application is Administratively Complete as Defined in KRS 100.211
- 4. Staff Reviewer KEVIN WALL
- 5. Committee Chairperson \_\_\_\_\_
- 6. Scheduled Public Hearing Date 12/5/18
- 7. Boone County Planning Commission Action:
  - Approved
  - Approved With Conditions
  - Denied
  - Resolution # \_\_\_\_\_
- 8. Other: \_\_\_\_\_

Boone County Planning Commission  
 Boone County Administration Building  
 2950 Washington Street, Room 317  
 P.O. Box 958  
 Burlington, Kentucky 41005  
 Phone (859) 334-2196 - Fax (859) 334-2264  
 plancom@boonecountky.org - E-Mail  
 www.boonecountky.org - Web Page

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

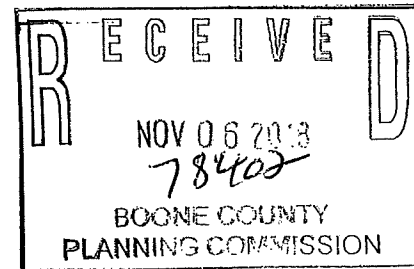
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Vesper Mixed Use
2. Location of Project S.R. 18 and Aero Parkway
3. Total Acreage of Site 11.39 acres (I-1 = 7.91 acres and UR-3 = 3.48 acres)
4. Current Zoning of Site C-4, I-1 & UR-3
5. Proposed Zoning (Classification being requested) I-1 and UR-3
6. Proposed Uses (please specify each use) All uses permitted within the I-1 and UR-3 zones subject to certain restrictions of record.
7. Names of Applicant(s) Al Neyer, LLC
Phone No. 513-271-6400 Fax No. E-Mail jbumgarner@neyer.com
8. Address of Applicant(s) 302 West 3rd St. #800
Cincinnati Ohio 45202
City State Zip
9. Name of Property Owner(s) Aero Commerce Master Developer, LLC
Phone No. 513-271-6400 Fax No. E-Mail rreardon@neyer.com
10. Address of Property Owner(s) 302 West 3rd St. #800
Cincinnati Ohio 45202
City State Zip
11. Proposed Building Intensities (please specify) As permitted by the requested zoning district
12. Are there any existing buildings on the site? no
How many? n/a
13. Deed Book 1117 Page No. 529 Group No. 2026
14. Are you also applying for:
no Conditional Use Permit
no Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

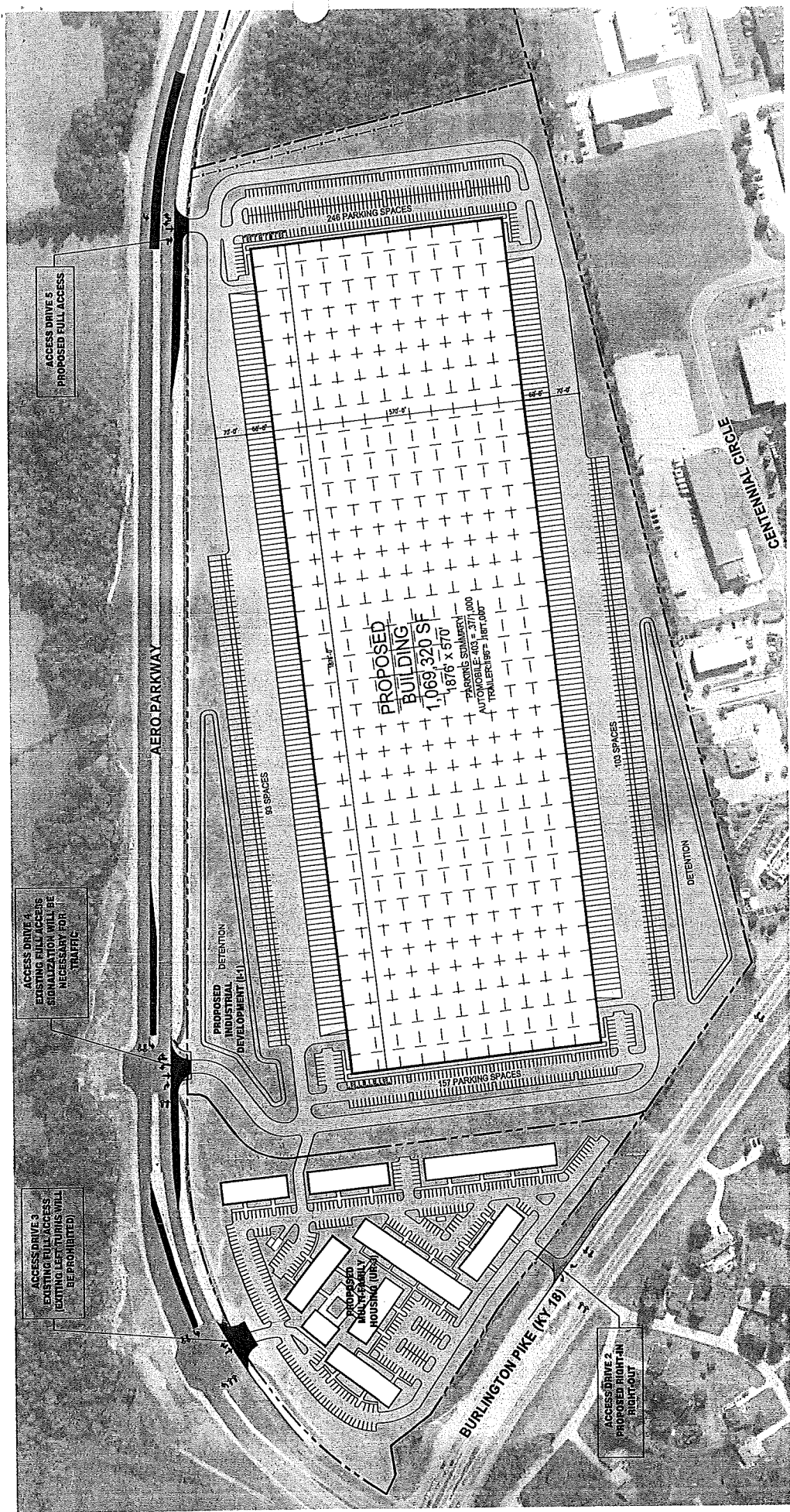
- X Boone County Water District
n/a Florence Public Services Dept.
X Duke Energy
X Sanitation District #1
X Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
X Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)











ACCESS DRIVE 4  
EXISTING FULL ACCESS  
SIGNALIZATION WILL BE  
NECESSARY FOR  
TRAFFIC

ACCESS DRIVE 3  
EXISTING FULL ACCESS  
LEAVING LEFT TURNS WILL  
BE PROHIBITED

ACCESS DRIVE 5  
PROPOSED FULL ACCESS

ACCESS DRIVE 2  
PROPOSED RIGHT-IN  
RIGHT-OUT

PROPOSED  
BUILDING  
1,069,320 SF  
1,876 x 570  
- PARKING SIGNMARKET  
- AUTOMOBILE: 403 = 371,000  
- TRAILER: 196 = 187,000

**MASTER PLAN INFO:**  
**RESIDENTIAL:**  
 240 UNITS  
 [72] 1 BED  
 [168] 2 BED  
 434 PARKING SPACES (1-.81/UNIT)  
**INDUSTRIAL:**  
 1,069,320 S.F. BLDG.  
 403 PARKING SPACES (.37/1,000 S.F.)  
 196 TRAILER SPACES (.18/1,000 S.F.)



**PROPOSED SITE PLAN**

**Aero Commerce Center**



NOVEMBER 5, 2018

A1

NEYSER ARCHITECTS, INC. IS AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, ANCESTRY, COLOR, SEX, OR AGE. ALL RIGHTS RESERVED. © 2018 NEYSER ARCHITECTS, INC. PROJECT: AERO COMMERCE CENTER, 1000 S. 10TH ST., OMAHA, NE 68102. DATE: 11/5/18. BY: JMM





Basis for Zone Change  
UR-3 and I-1  
Boone County, Kentucky  
2010 Boone County Comprehensive Plan  
Adopted June 6<sup>th</sup>, 2012

The area under consideration for zone changes of Industrial One (I-1) and Urban Residential Three (UR-3) is located east of the intersection of Burlington Pike (SR 18) and Aero Parkway and is known as the Vesper property. This property is approximately 66 acres.

#### Land Use

The subject property is currently vacant with no buildings and is used for agricultural purposes. The 2035 Future Land Use Map identifies this land as both commercial and business park. It is within the Houston-Donaldson Mall Road geographic area identified in Figure 12.1 of the 2010 Comprehensive Plan. The text within this portion of the plan anticipates that *“Commercial development and Business Park or Industrial uses could occur as a result”* of the South Airfield Road Connection (Aero Parkway).

On October 9<sup>th</sup> 2018, Boone County Fiscal Court approved of the zoning change consisting of changing 14.72 acres of C-4 to UR-3, changing 50.78 acres from C-4 to I-1 and leaving 6.30 acres of C-4 zoning along Burlington Pike.

This application will revise the zone change to encompass UR-3 and I-1 zoning designations, with no zoning use proposed of C-4. This application zone change will consist of 5.09 acres of UR-3 to I-1, 3.70 acres of C-4 to I-1, and 6.66 acres of C-4 to UR-3.

#### LAND USE TO THE NORTH

The land to the north of Aero Parkway was recently sold to Amazon.Com Services, Inc and is currently vacant land and used for agricultural purposes. The 2035 Future Land Use Map identifies this land as both commercial and business park. The property is zoned both C-4 and I-1.

#### LAND USE TO THE SOUTH

The land to the south of this site is currently used as commercial and contains fast food restaurants, retail strip center and other commercial buildings. The 2035 Future Land Use Map identifies this area as commercial, consistent with its use and the C-2 and C-3 zoning.

#### LAND USE TO THE EAST

The land to the east is vacant and currently owned by Boone County, Kentucky. The 2035 Future Land Use Map identifies this land as business park. This property is zoned agricultural.

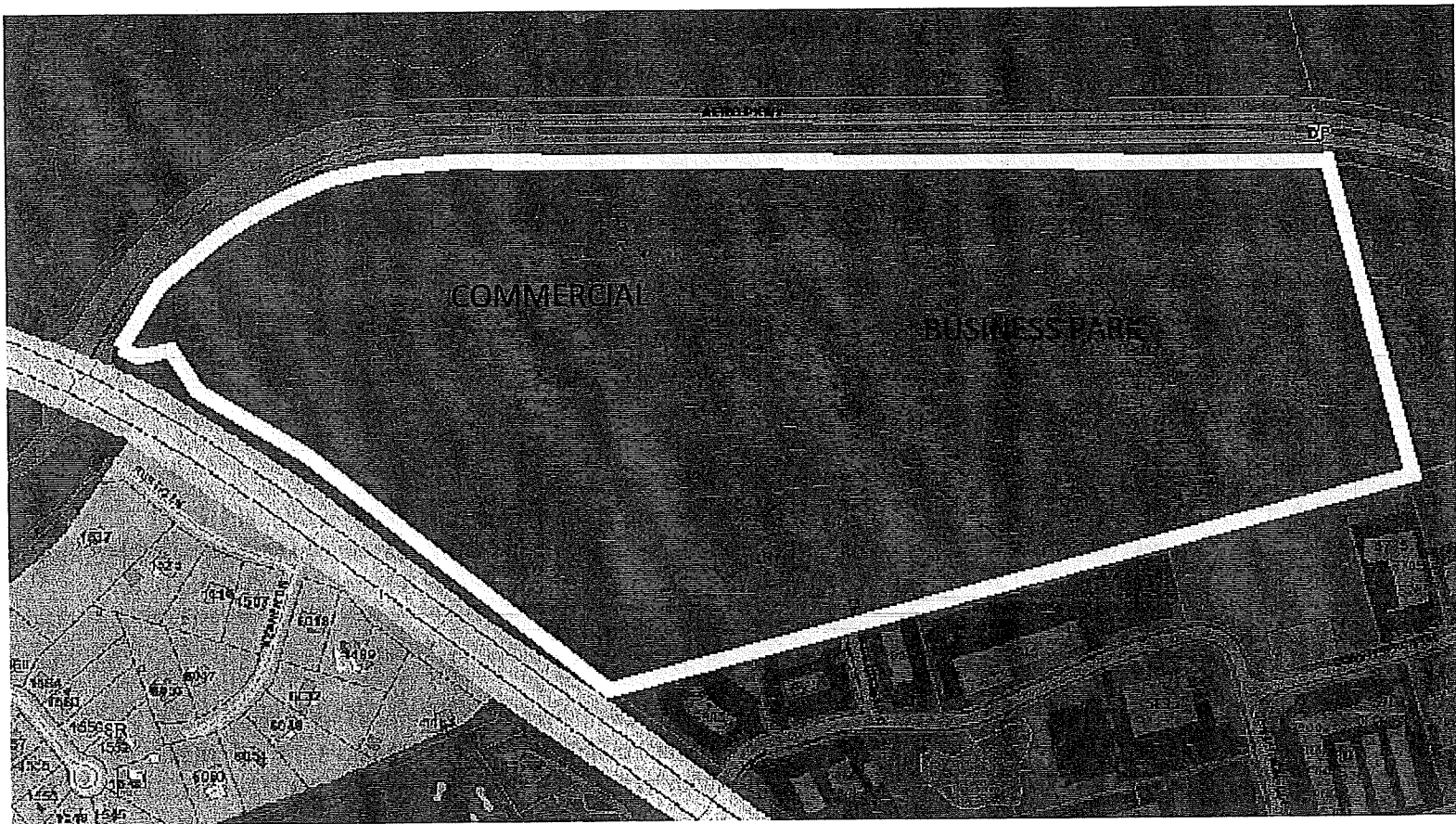
#### LAND USE TO THE WEST

The land to the west of this site, on the west side of Burlington Pike is currently single family residential. The 2035 Future Land Use Map identifies this area as suburban residential, consistent with its use and the SR-2 zoning.

Exhibit One on the following page depicts the property as it relates to the 2035 future land use map.

The business park designation as described in the 2010 Comprehensive Plan refers to "A mix of office warehouse, research, office, and light industrial uses in a park-like, office campus 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

## EXHIBIT ONE



treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses.

While the 2035 Future Land Use map does not identify the subject property for residential development, the text of the 2010 comprehensive plan recognizes the need to integrate

transportation and land use. It states, *"OKI's most recent regional transportation plan has established a regional Commission on Land Use that would generate recommendations and policies that may be implemented in local zoning ordinances that would 'promote land use patterns.'" The text goes on to state that Unlike the usual form of suburban development of the last 40 years that adhered to the separation of uses, this new type of planned development would incorporate a mixture of uses including **residential**, retail, office, **light-industrial**, public parks, and other public uses in a tastefully-designed, compact development.*

This application for re-zoning combines uses rather than separating them. This approach will minimize the need for new highway construction and will foster travel by bicycle and walking. Developing a high density residential development directly adjacent to a large industrial site and adjacent to an existing commercial and retail center will work to reduce vehicular traffic. This plan encourages travel by bicycle and walking.

The application justifies the removal of the commercial development due to the access restrictions as directed by Kentucky Transportation Cabinet. Due to the limitation of a Right In / Right Out access point on KY 18, the traffic counts both in and out of the project site along this ROW would not be conducive to a commercial use.

#### Utilities:

The site is currently served by an 8" sanitary sewer along Burlington Pike and a 24" sanitary trunk sewer along Limaburg Creek where it crosses under Burlington Pike. There is an existing 12" watermain along Burlington Pike owned by the Boone County Water District. Duke Energy has gas & electric along Burlington Pike. The applicant has had preliminary discussion with Boone County Water, Sanitation District No. 1 and Duke Energy to determine preliminary availability of service.

#### Access Management

The property is currently served by two access points on Aero Parkway and one on Burlington Pike. A third access point on Aero Parkway was anticipated, but never constructed. The applicant has met with the Kentucky Department of Transportation to discuss this plan and has completed a traffic study in accord with an agreed upon scope with the cabinet. As shown on the plan, an additional access point is anticipated on both Burlington Pike and Aero Parkway.

#### Transportation and Pedestrian Network:

The proposed site is located at the intersection of Burlington Pike and Aero Parkway. Aero Parkway was constructed with the anticipation of Industrial Development to support the airport and other areas of the community. A 10' multi-use path will be constructed along Burlington Pike similar to the existing one on Aero Parkway. This will serve to connect the residential component of this project with the surrounding commercial areas and help to reduce vehicular traffic.

#### Design Standards

1. The height of the structures within the residential portion of this development will be compatible with the existing buildings in the area. Specifically, the proposed multi-family development proposed within the UR-3 zone, will consist of multi-story buildings

similar in size and type to other apartment and condominiums in the area. These multi-story buildings will be a good transition from the existing C-4 buildings to the approximate 45' tall industrial type warehouse building that is anticipated within the I-1 zone.

2. The placement of multi-family buildings within the UR-3 zone will utilize the access point from S.R. 18 and internal private access drives throughout the site giving connectivity over to Aero Parkway. There is currently approximately 50-60' of green area between the existing edge of pavement and the right of way of S.R. 18. Within this green area, a 10' wide multi-use path will be constructed to connect to the existing multi-use path on Aero Parkway. Buildings will be located to allow for proper buffering, parking and pedestrian access within the front yard areas. The buildings, landscaping and other amenities will have direct visibility from the intersection of S.R. 18 with Aero Parkway and will lessen the visual impact of the buildings within the I-1 zone.
3. Building Design shall be compatible with surrounding structures of similar use. The intent is to buffer multi-family use from the industrial and existing commercial uses while still providing connectivity and walkability.
4. Much consideration has been given to the pedestrian orientation to produce an environment where it is possible to live work and play. By mixing uses, rather than separating them and by installing a 10' wide multi-purpose path, residents and customers will have the ability to move from Aero Parkway (with pedestrian access over to Turfway Road / Park) to S.R. 18, Oakbrook and to the existing retail / restaurants on Centennial Circle.
5. The elevations and grading of the sites will be such that exposed foundations that are visible from the front will be minimized.
6. No historic or prehistoric features exist on site.
7. Parking / Paved areas will be integrated with landscape islands, berms, and other hardscape features. Entrances will be landscaped with trees and bushes to demarcate the entry points.
8. Fences, walls and landscape berms will be used as necessary to maintain the character of the surrounding land uses and structures.
9. Landscaping will be provided in accord with the Boone County Zoning Ordinance with emphasis on streetscape areas, buffer zones and a provision of significant landscaping within the developed areas. Plantings will be used to soften the impact of parking and loading areas.
10. There will be sidewalks within the UR-3 zone that will connect residents and customers to the multi-purpose path on Aero Parkway and S.R 18 giving them access to a much broader area of the community.
11. Signage will be designed to comply with the Boone County Zoning Ordinance, to protect the visual order of any site and to minimize the impact of adjacent properties.
12. All utility services lines to the building and main lines will be installed underground.
13. Several detention / retention basins will be used throughout the site and may be in the front yard subject to view from a public street. These basins will be properly screened from view or will be designed retention basins (lakes) for aesthetic purposes. Surface drainage and floodwater retention will be planned to not adversely impact the adjoining properties.
14. All principal access will be from S.R. 18 and Aero Parkway and designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to

vehicular or pedestrian traffic. The applicant has had meetings with both the Kentucky Department of Transportation and the developers of the property to the north of Aero Parkway to discuss both traffic and coordinated access.

15. Pedestrian, Vehicular and bicycle traffic will be encouraged through this development with interconnectivity between the uses as well as the existing multi-purpose path on Aero Parkway and the proposed multi-purpose path on S.R. 18.
16. The different land uses were located to provide convenience to the service area. The intent is to buffer multi-family use from the industrial and existing commercial uses while still providing connectivity and walkability.

#### Basis for Zone Change

1. The I-1 zone is consistent with land use map and comprehensive plan. The Business Park designation specifically calls for a mix of office warehouse, research, office, and light industrial uses.
2. 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. While the 2010 Boone County Comprehensive Plan may have anticipated industrial and commercial development along Aero Parkway, it did not anticipate the massive investment into the area by Amazon and the immediate need for housing. In early 2017, Amazon announced that it would be bringing their shipping hub to the Greater Cincinnati International Airport. This includes the following:
  - 1.5-Billion-dollar investment at the airport.
  - 50-year lease on approximate 900 acres at the airport.
  - Creation of 600 full-time jobs.
  - Creation of 1,400 part-time jobs.

Amazon, has already begun to implement their plan as evidenced by the recent purchase of approximately 190 acres directly to the north, across Aero Parkway.

Because of this investment much land is now needed for Industrial Development. This is evidenced by the recent development of the Erlanger Cinemas Property which sat dormant for over ten years and recent completion of warehousing space at the end of Litton Lane in Hebron.

Due to the size and scope of Amazon's investment much housing is needed. The Boone County Fiscal Court is taking a pro-active approach to traffic concerns and congestion in and around the airport by working with the Kentucky Department of Transportation Cabinet to look for ways to facilitate this growth. Developing housing within this industrial development will help to reduce the vehicular traffic in the area and fill the need for residential housing.

3. The existing zoning classification of C-4 across the entire 66 acres known as the Vesper property is in conflict with the land use map designation of BP and inappropriate given the large number of commercial projects already developed in the area. Aero Parkway was constructed with the intent to foster the development of both commercial, business park and industrial projects, however with the recent commitment of Amazon,

it is clear that much more industrial and residential property is necessary. Industrial zoning mixed with the high density urban residential development will facilitate the growth around the airport. Mixing uses rather than separating them will help to reduce vehicular traffic and will encourage pedestrian and bicycle traffic.

The document dated August 21, 2018 provided by Kevin Wall of the Boone County Planning Commission detailed the Recommended Conditions of Approval for Vesper/Neyer Zoning Map Amendment Applications regarding the August 15, 2019 meeting. These conditions of approval are stated below, along with the accompanying remark of applicability as it pertains to this updated application.

### CONDITIONS

1. *The overall development shall follow the submitted Concept Development Plan options except where modified by the agreed conditions outlined below. The Concept Development Plan includes additional materials that were provided by the applicant in response to the issues raised at the 7/11/18 Public Hearing. These materials (attached) include "Conceptual Grading Plan" (sheet C-1.0), "Concept Cross Sections" (sheet C-2.0) "Concept Road Profile" (sheet C-3.0), "Access Exhibit" (air photo sheet C-1.0), "Aero Commerce Center – Industrial Building Design Parameters," "Aero Commerce Center – Industrial" (photo collage exhibit), "Aero Commerce Center – Residential Design Guidelines (rev)," "Aero Commerce Center – Multifamily" (photo collage exhibit), and Multifamily Signage" (photo collage exhibit).*

RESPONSE: This application will follow the amended documents provided herein this development package.

2. *The following uses shall be prohibited in the I-1 phase of the development.*

RESPONSE: The development will adhere to the use restrictions

#### I-1 Zone Principally Permitted Uses (section 1131)

42. *Truck stops;*
43. *Recycling centers;*
44. *Fire stations or fire related or protective services including rescue services*
45. *Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;*
46. *Commercial parking facilities and commercial recreational vehicle parking facilities;*
47. *Landscape contracting, grounds keeping, and wholesale nurseries;*

48. *Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;*
49. *Crematoriums.*

*I-1 Zone Accessory Uses (Section 1132)*

8. *Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted used, and which are conducted in accordance with Section 3154;*

*I-1 Zone Conditional Uses (Section 1133)*

1. *Uses in which the primary business activity involves the following:*
  - a. *the storage of explosives or fireworks according to State Law, gas, biodiesel, or petroleum; (see Note A below)*
  - 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; (see Note B below)*
2. *Poultry and small game dressing and packing;*
5. *Gasoline filling stations and wash services;*
6. *Labor unions and similar labor associations;*
7. *Day care centers;*
8. *Hotels and motels;*
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;*
13. *Kennels for household pets; City of Florence only – kennels for household pets only when not adjoining a residential zoned property;*
14. *Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2) (C);*
15. *Fireworks retail sales. (Does not apply in the City of Union and City of Walton).*

*Note A: Accessory fuel storage for use by on-site fleet vehicles is permitted. Note B: This category applies to bulk storage of chemicals and not containerized chemicals.*

*O-1 Zone Principally Permitted Uses (Section 1111) Principally Permitted in the I-1 Zone by Reference*

27. *Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;*

*O-2 Zone Principally Permitted Uses (Section 1121) Principally Permitted in the I-1 Zone by Reference*

4. *Convenient Stores;*  
8. *Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;*

3. *Manufacturing of food products shall be prohibited under I-1 zone Principally Permitted Use #2 (Section 1131). Warehousing and distribution of food products is permitted. This use category is described as "food and kindred products, including the manufacture or processing of grain, sugar, oil, fats, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose, and sauerkraut but excluding refining or processing of biodiesel, 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 or tanning, curing or storage of rawhides or skins."*

RESPONSE: The development will adhere to this restriction and will not manufacture food products.

4. *The "Landscaping Along Street Frontages" required by Section 3620 of the Boone County Zoning Regulations shall not include any small trees from Plant List C along Aero Parkway. Berming shall be provided in the street frontage landscaping area along Aero Parkway where feasible. It is understood that loading docks shall be screened from public view in accordance with Section 3635 "Loading/Unloading Areas, Storage Areas, Utility and Mechanical Equipment and Trash Collection Areas" of the Boone County Zoning Regulations.*

RESPONSE: The landscaping along Aero Parkway will adhere to Section 3620 and 3635, as well as berming provided where feasible.

5. *All buildings, and the freestanding sign in the UR-3 phase, shall follow the Design Review process outlined in the Houston-Donaldson Study including submission of a formal application and fee, a review and recommendation of the proposal by the Planning Commission's Technical/Design Review Committee, and a final decision by the full Planning Commission at a regular Business Meeting. The Design review standards are outlined in the attached documents, "Aero Commerce Center-Industrial Building Design Parameters." "Aero Commerce Center – Industrial" (photo collage exhibit), "Aero Commerce Center – Residential Design Guidelines (rev)", "Aero Commerce Center- Multifamily" (photo collage exhibit), and "Multifamily Signage" (photo collage exhibit).*

RESPONSE: Signage will adhere to the signage criteria.

6. *The residential buildings shall comply with the construction standards for sound attenuation in Section 3196 "Structures Requiring Protection" of the Boone County Subdivision Regulations based upon the site's proximity to the airport taxi ways, runways, and storage facilities.*

RESPONSE: Residential buildings will adhere to sound attenuation criteria.

7. *Hard surfaced pedestrian connections which minimally meet the sidewalk standards in the Boone County Subdivision Regulations shall be provided between the industrial phase and the residential phase, and the industrial phase and the Delaware Crossing Drive. It is understood that Section 3327 "Pedestrian/Bicycle Improvements" of the Boone County Zoning Regulations requires other sidewalk connections to be provided.*

RESPONSE: Pedestrian connections will adhere to the regulations between the industrial and residential phase. The Delaware Crossing Drive connection does not apply to this application.

8. *The road connection between Aero Parkway and the current dead end of Delaware Crossing Drive in Centennial Plaza Subdivision shall be constructed and dedicated as a public street in accordance with Boone County Subdivision Regulations. This street may follow the urban street section permitted under these regulations. Any requested*

*waivers from the street standards in the subdivision regulations shall be evaluated through the normal waiver procedure outlined in said document.*

RESPONSE: The Delaware Crossing Drive connection does not apply to this application.

9. *The access and road improvements recommended in the Traffic Impact Study, and as approved by the Kentucky Transportation Cabinet, shall be completed before any buildings in the applicable phase are occupied. A study which evaluates and recommends improvements for Delaware Crossing and Centennial Circle shall be submitted to the Boone County Engineer for review and approval.*

RESPONSE: It is understood that access and road improvements shall be completed before issuance of a Certificate of Occupancy. The Delaware Crossing Drive connection does not apply to this application.

## 7. Findings and Conclusions

The preceding analysis and recommendations listed below are based on the typical procedure used for evaluating the impact of the proposed development on the adjacent roadway infrastructure and usual customary traffic engineering standards.

The findings of the analysis completed for the three existing intersections and Proposed Access Locations are summarized below.

### Intersection of KY 18 and Aero Parkway

The intersection is operating as a signalized intersection. The analysis completed for the intersection shows the intersection operates at an acceptable LOS during the AM Peak Hour. The analysis shows an increase in average delay of 0.9 seconds/vehicles for 2022 No Build & Build traffic volumes, and no increase in the delay for 2032 No Build and Build traffic volumes. However, the analysis at the intersection during the PM Peak Hours shows the several movements at the intersection will operate at a LOS F. The analysis completed using 2022 Build traffic volumes show an increase in average delay of 2.2 seconds/vehicles (4.3%), from 51.0 to 53.2 seconds/vehicle. The average delay at the intersection for the 2032 Build scenario is observed to be 104.2 seconds/vehicle compared to 99.5 seconds/vehicle for the No Build scenario, an increase of about 4.7%. ***The intersection volumes during the peak hour are excessive; particularly the eastbound and westbound through traffic, eastbound left turns and southbound right turns.***

### Intersection of KY 18 and Limaburg Road

The intersection is operating as a signalized intersection. The analysis completed for the intersection shows the intersection operates at an acceptable LOS D when analyzed using 2022 AM Peak Hour No Build traffic volumes; whereas 2032 No Build scenario show a LOS F. The comparison of 2022 No Build and Build scenario shows an increase in average delay of 1.4 (2.6%) seconds/vehicle. Similarly, a comparison of average delay between 2032 No Build and Build scenarios shows no increase in the average delay at the intersection. The analysis indicates several movements operate at LOS F when analyzed for the 2032 No Build and Build scenarios.

The analysis at the intersection during the PM Peak Hours shows the intersection will operate at a LOS E and F respectively for 2022 and 2032 No Build traffic volumes. A comparison of intersection average delay for the No Build and Build traffic volumes shows no significant change in the average delay at the intersection. ***The intersection volumes during the peak hour are excessive; particularly the eastbound and westbound through traffic.***

### Intersection of KY 18 and Centennial/Boone Aire Road

The intersection is operating as a signalized intersection. The analysis completed for the intersection during AM Peak hour shows the intersection operates at an acceptable LOS C and D for the 2022 and 2032 No Build scenarios. The analysis for the Build scenarios shows LOS D as well. The analysis shows a minimal increase in the average delays for the No Build and Build traffic volumes.

The analysis completed during PM Peak Hour also shows the intersection will operate at LOS D with majority of the movements indicating LOS D or better. The analysis completed with the Build scenarios shows minimal increase in the average delay at the intersection. ***The intersection volumes during the peak hour are excessive; particularly the eastbound and westbound through traffic. However, the side street volumes are relatively low as compared to the intersections at Aero Parkway and Limaburg Road.***

### Intersection of KY 18 and Access Drive 2

The analysis was completed at the Proposed Access Drive 2 with a stop control on the southbound approach. The results of the capacity analysis indicate LOS B and C with 2022 and 2032 Build traffic volume for the southbound right turns from Drive 2 to westbound on KY 18.

The turn lane warrants completed at the intersection indicates an exclusive westbound right turn lane is warranted.

### Intersection of Aero Parkway and Access Drive 3

The analysis was completed at the Proposed Access Drive 3 with a stop control on the westbound approach. The results of the analysis indicate the westbound right turns will be operating at a LOS B for the 2022 and 2032 Build scenarios.

The turn lane warrants completed at the intersection indicate that an exclusive southbound left turn lane is warranted. The turn lane warrants for the exclusive right turn lane is not warranted.

### Intersection of Aero Parkway and Access Drive 4

The analysis was completed at the Proposed Access Drive 4 with a stop control on the westbound approach. The results of the analysis indicate that the westbound approach will operate at a LOS E with AM and PM Peak Hour Build traffic volumes; whereas LOS F is observed with 2032 Build traffic volumes. The traffic signal warrants were completed for the intersection and the results indicate a traffic signal is not warranted with estimated opening

day traffic volumes. However, it is anticipated with AMAZON traffic added to the existing development traffic will warrant the traffic signal at this location.

The turn lane warrants completed at the intersection indicate that an exclusive southbound left turn lane is warranted. The turn lane warrants for the exclusive right turn lane are not satisfied; however, it may be feasible to build exclusive right turn lane to separate the truck traffic access the site. This will minimize the impact on the northbound through traffic on Aero Parkway.

#### **Intersection of Aero Parkway and Access Drive 5**

The analysis was completed at the Proposed Access Drive 5 with a stop control on the westbound approach. The results of the analysis indicate the westbound left turns will be operating with a LOS D and E for the 2022 and 2032 for AM Peak Hour; whereas LOS F is observed for the PM Peak Hour. The westbound right turns will operate with a LOS B or better.

The turn lane warrants completed at the intersection indicates exclusive lanes for the southbound left turn is warranted; whereas the northbound right turn lane is not warranted. However, it may be feasible to build exclusive right turn lane to separate the truck traffic access the site. This will minimize the impact on the northbound through traffic on Aero Parkway.

#### **Analysis with Amazon Traffic**

The analysis was completed with Amazon traffic volumes estimated for the AM and PM Peak Hours (Scenario F, 2032 Build Traffic with Amazon Traffic). When compared with 2032 Build traffic volumes only with Aero Parkway development, the analysis show a significant increase in average delays at the three existing signalized intersections on KY 18 during AM Peak Hour. However; the analysis show no significant increase in the average delay and signal operations during the PM Peak Hours as the estimated new trips from Amazon development are very low.

Similarly the analysis completed for the proposed driveways on KY 18 and Aero Parkway show an increase in the average delays during AM Peak Hour with Amazon traffic; however no significant changes are observed for the PM Peak Hour. Please note, the analysis completed at the intersection of Aero Parkway and Access Drive 4 with Amazon traffic volumes is completed assuming a traffic signal will be installed. The results with traffic signal at this location show a LOS C at the intersection during the AM and PM Peak Hours.

## Recommendations

### General

Implementation of all work to be completed as part of the recommendations in this report shall be completed using the standards followed by KYTC. This will include the construction for installation of new lanes, pavement markings & signage, and the installation of new traffic signals.

*KY 18 (Burlington Pike) in the vicinity of the site is carrying a significantly high number of vehicles during AM and PM Peak Hour. Significant growth is expected in the area and the traffic volumes may increase further. KYTC and Boone County may have planned to study the corridor in depth, for potential improvements along the corridor.*

#### Intersection of KY 18 and Access Drive 2

- A 340' long lane for the westbound right turns from KY 18 to northbound on Drive 2 should be built.
- The southbound approach along Drive 1 shall be constructed with one incoming and one outgoing lane.

#### Intersection of Aero Parkway and Access Drive 3

- A 220' long lane for the southbound left turns from Aero Parkway to eastbound on Drive 3 should be built.
- The westbound approach along Drive 3 shall be constructed with one incoming and one outgoing lane.

#### Intersection of Aero Parkway and Access Drive 4

- A 220' long lane for the southbound left turns from Aero Parkway to eastbound on Drive 4 should be built.
- A 220' long lane for the northbound right turns from Aero Parkway to eastbound on Drive 4 should be built.
- The westbound approach along Drive 4 shall be constructed with one incoming and two outgoing lanes; an exclusive lane for the left and right turn.

#### Intersection of Aero Parkway and Access Drive 5

- A 220' long lane for the southbound left turns from Aero Parkway to eastbound on Drive 5 should be built.
- A 220' long lane for the northbound right turns from Aero Parkway to eastbound on Drive 5 should be built.
- The westbound approach along Drive 4 shall be constructed with one incoming and two outgoing lanes; an exclusive lane for the left and right turn.

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: January 2, 2019

RE: Request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of the Burlington Pike/Aero Parkway intersection, Boone County, Kentucky; and the request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Change in Approved Concept Development Plan in Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The requests are to allow uses permitted in the UR-3 and I-1 zones on the 66.313 total acre site.

## REMARKS:

We, the Committee, recommend approval of the above referenced requests based on the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendments and Change in Approved Concept Development Plan are in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates a substantial part of the site as "Business Park." This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus 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 proposed expansion of the I-1 phase is for light industrial uses which have been limited per the agreed conditions. The qualitative aspects of the Business Park designation are codified through Section 1137 “Supplemental Zoning Map Amendment Standards” of the Boone County Zoning Regulations. This section requires zone change applications that 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,” to be “assessed” in relation to the standards in Section 1609 “Design Standards” (EPD/RPD zones) through the zone change process. The Committee has concluded that the qualitative aspects of the Business Park designation, and the requirements of Section 1137 of the zoning regulations, have been fulfilled through the Concept Development Plan and the agreed conditions which address uses, building, signage, and landscaping design issues, and certain amenities.

The Area 2 “Houston-Donaldson/Mall Road” text of the Land Use Element (p. 167) states, “the development of the South Airfield Road connection (note - now called Aero Parkway) will also affect the Houston Road area as a connection to this new road will be made to the intersection of Houston and Spiral Drive. Commercial development and Business Park or Industrial uses could occur as a result.” The Area 13 “Burlington” text of the Land Use Element (p. 175) refers to “industrial uses planned north of KY 18 and along South Airfield Road as indicated on the Future Land Use Map,” and states, “planned commercial and industrial development may be supplemented by other land uses along the north side of KY 18.” The “Recommended Areas of Industrial and Office Activity” section of the Business Activity Element (p. 71) recommends, “a planned combination of industrial and office uses if existing and future land uses are properly buffered from adjoining uses.”

The majority of the site is proposed to be used for certain light industrial uses per the agreed conditions and will use Aero Parkway for access. The I-1 phase is mostly located along Aero Parkway and is largely separated from the Burlington Pike corridor by the UR-3 phase. The agreed conditions require extensive landscape buffering along the Burlington Pike frontage where the I-1 phase would abut said road. The “Burlington” section of the Land Use Element contemplates that the proposed I-1 phase will be “supplemented by other land uses” such as the multi-family residential in the UR-3 phase.

The proposed reconfiguration of the UR-3 phase agrees with the following directives regarding multi-family housing in the Housing Element.

- A. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However,

established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," pg. 79).

- B. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan ("Housing Types," pp. 79 and 80).
- C. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged ("Housing Densities," pg. 81).
- D. The KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor ("Florence/Burlington area," pp. 84).

The UR-3 phase is located at the intersection of two major thoroughfares, one of which is the "KY 18 Corridor" that was identified as a "prime opportunity to promote high density residential uses." The UR-3 phase does not immediately abut a single-family housing area and is in close proximity to commercial services and employment. Employment opportunities will be available on the same parent tract which will result in convenience for the future residents and a reduction in vehicular trips. Urban services are available to the site.

- 2. The Committee understands that a national air cargo hub and distribution operation, which will encompass hundreds of acres and employ a substantial number of new employees, will be located on the direct, opposite side of Aero Parkway and on the Airport property. Additionally, the applicant has stated that based on the access restrictions imposed by the Kentucky Transportation Cabinet for the site's Burlington Pike frontage, commercial uses are not viable for the existing C-4 zone. Based on these understandings, the Committee has concluded that there have been major changes of an economic and physical nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- 3. Zoning Map Amendments from C-4 to UR-3 and I-1 were conditionally approved for this site by the Boone County Fiscal Court on October 9, 2018. The project narrative submitted for the current application agrees to follow all of the previous conditions outlined in the September 5, 2018 Committee Report except for: 1.) Condition 8 which requires Delaware Crossing Drive to be extended through the subject site and to Aero Parkway as a public street; 2.) Condition 7 as it pertains to sidewalk connections to the Delaware Crossing Drive extension; and 3.) the second sentence in Condition 9 which states, "A study which evaluates and recommends improvements for Delaware Crossing and Centennial Circle shall be submitted to

the Boone County Engineer for review and approval.” The Committee has determined that extending Delaware Crossing Drive through the subject site would facilitate an undesirable mix of residential and industrial (truck) traffic from the subject site and commercial traffic from Centennial Plaza Subdivision, leading to potential stacking issues on Centennial Circle at the intersection with Burlington Pike and on the subject site at the intersection with Aero Parkway, and present security issues for the industrial phase. Thus, the Committee agrees with the proposal to eliminate the extension of Delaware Crossing Drive through the subject site and the requested exceptions to the previous conditions of approval.

4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan, the 2017 Boone County Comprehensive Plan Goals and Objectives, and Section 1137 “Supplemental Zoning Map Amendment Standards” of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The overall development shall follow the submitted Concept Development Plan sheets and the “Vesper Mixed-Use Zone Change Narrative” (dated 11/6/2018) submitted with the original application (attached to the 10/5/18 Staff Report) except where modified by the agreed conditions outlined below. This includes, as stated in pages 6 through 10 of the “Vesper Mixed-Use Zone Change Narrative” (dated 11/6/2018), the agreement to follow the conditions of the previous zone change approval outlined in the 9/5/18 Committee Report, except for Condition 8 in its entirety regarding the extension of Delaware Crossing Drive and the portions of Conditions 7 and 9 that pertain to Delaware Crossing Drive and Centennial Circle, as explained in the referenced narrative.
2. The development shall follow the attached exhibits specifically as they pertain to screening the I-1 phase from Burlington Pike and enhancing the appearance of the I-1 phase from Burlington Pike. These exhibits were presented at the 12/19/18 Zone Change Committee meeting in response to the issues raised at the 12/5/18 Public Hearing. The exhibits entitled “Proposed Site Plan” (sheet A1), “Conceptual Grading Plan” (sheet C-1.0), “Concept Cross Sections” (sheet C-2.0), “Concept Cross Sections” (sheet C-2.1), and “Conceptual Grading Plan” (sheet L1 with detailed landscaping for the KY18 frontage) shall be followed in relation to landscaping, berming, and grading. The exhibit entitled “Aero Commerce Center” (photo collage exhibit) shall be followed in relation to enhancing the design of the building corner facing Burlington Pike to appear as a primary “office” facade.

3. The 10 foot multi-use path that is proposed to be constructed along the site's Burlington Pike frontage on page 3 of the "Vesper Mixed-Use Zone Change Narrative" (dated 11/6/2018) shall be extended eastward in the Burlington Pike right-of-way to the Centennial Circle intersection.

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.

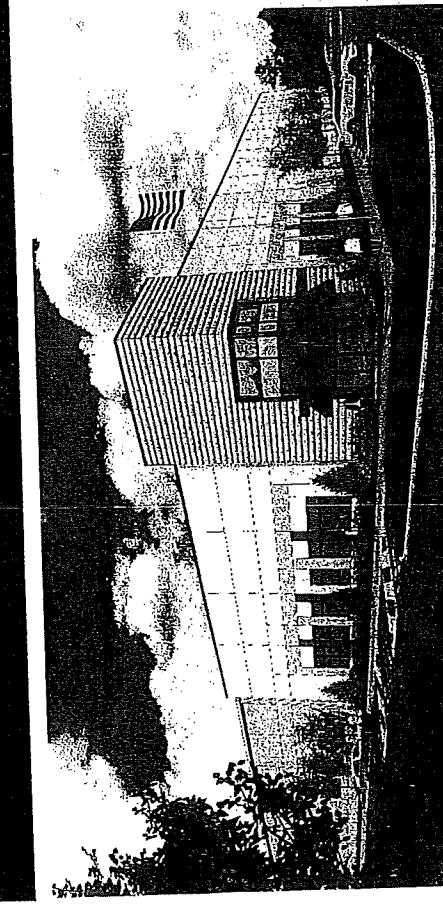
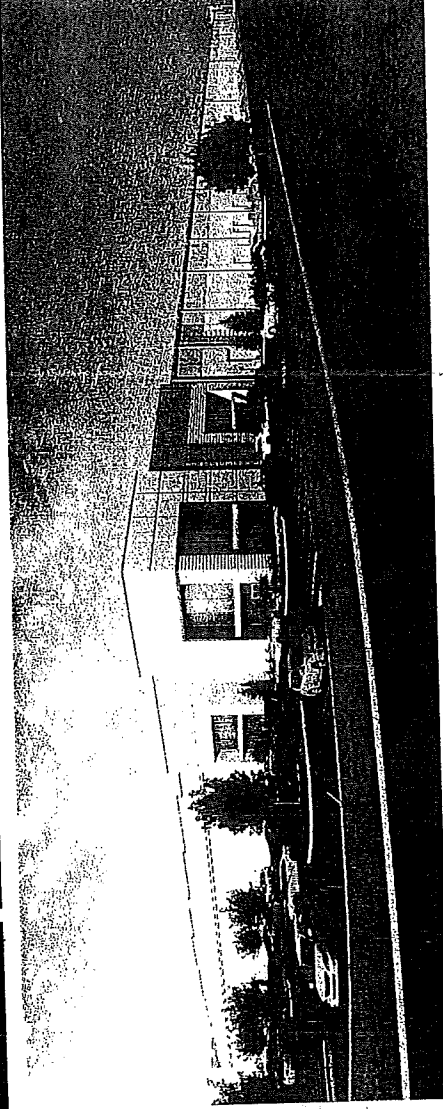
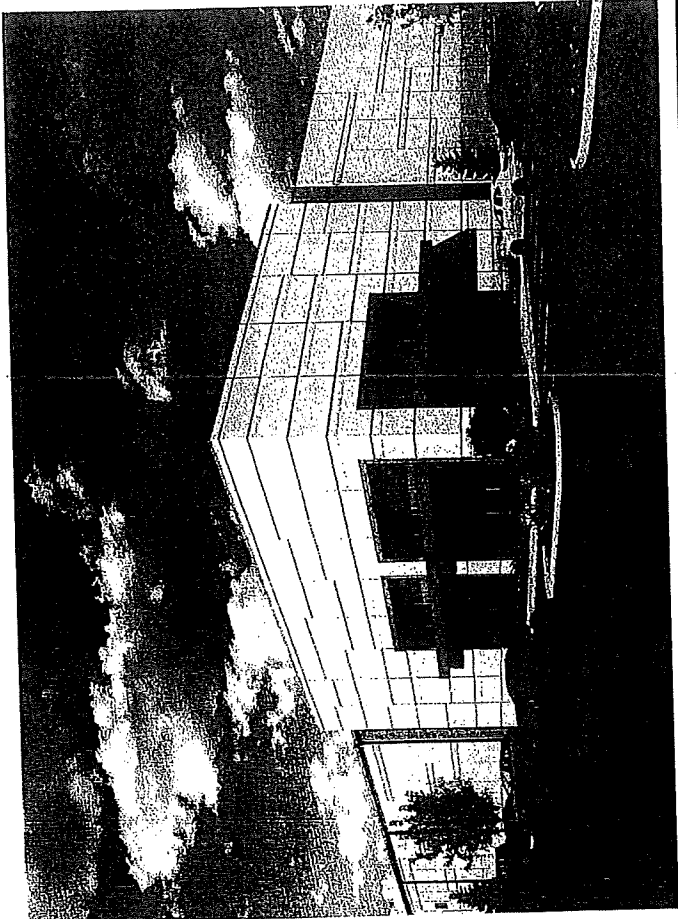












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302 WEST THIRD STREET - SUITE 800 - CINCINNATI, OHIO 45202



## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: December 19, 2018

### ZONING MAP AMENDMENT AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

4. Request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of the Burlington Pike/Aero Parkway intersection, Boone County, Kentucky; and the request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Change in Approved Concept Development Plan in Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The requests are to allow uses permitted in the UR-3 and I-1 zones on the 66.313 total acre site.

#### 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.

\_\_\_\_\_  
**Greg Breetz**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

*Steve Turner*  
\_\_\_\_\_  
**Steve Turner**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

*Kim Bunger*  
\_\_\_\_\_  
**Kim Bunger**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Randy Bessler (Alternate)**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_

*Janet Kegley*  
\_\_\_\_\_  
**Janet Kegley, Chairwoman**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Lisa Heilman, (Alternate)**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Kim Patton**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Mark Hicks (Alternate)**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

*Richard Lunnemann*  
\_\_\_\_\_  
**Richard Lunnemann (Alternate)**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

**TOTAL:** \_\_\_ DEFERRED \_\_\_ FOR PROJECT \_\_\_ ABSENT \_\_\_  
\_\_\_ AGAINST PROJECT \_\_\_ ABSTAIN \_\_\_

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
DECEMBER 5, 2018  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mr. Mark Hicks  
Mr. Kim Patton  
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. Todd K. Morgan, AICP, Senior Planner  
Mr. Michael D. Schwartz, Planner

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

building from KY 18. It is based upon the Comprehensive Plan and the landscaping regulations. This includes screening dock areas along public roads and retaining wooded areas along KY 18. The site should have a year round screen and have a "woods" look. Finally, the Planning Commission needs to evaluate the request based upon the three criteria used in approving/denying a Zoning Map Amendment request.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Ryan Reardon, Al Neyer, LLC (applicant), stated that the reason they are back before the Planning Commission relates to the viability of the commercial area along KY 18. Specifically, the Kentucky Transportation Cabinet would not allow one of the curb cuts and restricted the second curb cut to right in, right out instead of a full access. That determination resulted in their Company re-evaluating the site and the viability of it. What is being request now is the result of their re-evaluation of the site. It is a better plan for their company and for the County. The traffic demands will be greatly reduced due to no commercial uses. It will be multi-family and industrial uses now.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if any Board Members had any questions or comments? Chairman Rolfsen asked if all the entrances are now off Aero Parkway? Mr. Reardon replied there is one right in and right out curb cut off KY 18. There will be a three quarter access point off Aero Parkway. There is no viable connection to Delaware Crossing Drive due to the new concept. Traffic from the adjoining retail area will not go through the multi-family area. If a street connection would occur, it would serve industrial traffic and it will impact Delaware Crossing Drive with a lot of trucks. Chairman Rolfsen asked what landscaping will be installed along KY 18 that will screen the proposed large building? Mr. Reardon responded there will be a landscape buffer installed according to the submitted plan and profile. Mr. Joe Kramer, Cardinal Engineering, distributed a cross section drawing (See Exhibit A) of the area in question. It is concept at this stage. It will be defined much better later on. They are showing Plant List A. Mr. Bunger asked what are the buffer requirements? How was the size of the building determined? Could it be reduced to accommodate a better buffer? Mr. Wall responded that there are two different requirements. The first one is the street frontage requirement of ornamental trees from Plant List A. The other requirement deals with loading and unloading areas. It addresses it from a more qualitative perspective. Will it do its job? He read Section 3635 from the Boone County Zoning Regulations. Does it require a berm? Mr. Wall replied that it could be a combination of things to adequately screen the development.

Mr. Schwenke asked what was the distance from the KY 18 right-of-way and the corner of the building? Mr. Kramer responded about 175 feet. Mr. Schwenke thought there was quite a bit of an area to work on installing a good buffer at the corner. He cited some examples of site in Ohio with a stepped up wall, berm and landscaping. Mr. Kramer noted that the area in question is the tightest in terms of space.

Mr. Shipe stated that he would like to see the same stacking of trees from Plant List A, B and C along Aero Parkway to "GG" Area. Can all three sizes be installed there? Mr. Kramer replied yes. Chairman Rolfsen suggested that the applicant come up with a more detailed drawing for the Committee Meeting.

Mr. Lunnemann asked if the corner of the building will have an architectural feature or quality to it. He also asked if the building architecture would stay the same as previously approved. Mr. Kramer replied yes.

Mr. Pat Moore, Al Neyer, LLC, explained that the primary (office areas) corners of the building face Aero Parkway and the secondary corners face KY 18. The secondary corners would not have glass because there are no office areas. The building panels and colors will vary in this area.

Mr. Bunger inquired about access to the residential area. Mr. Kramer replied Access Drive #3 will be right in and right out. To make a left turn from the apartment development, one would have to use an access point serving the industrial building. From the apartment site to the industrial area, it will be exit only. Residential traffic cannot enter the industrial area site. They will control it by designing the throat to be narrower and arching it with a 15 foot one way lane. What would have to be done to have the Delaware Crossing Drive connection? Mr. Kramer stated that the only way to make the connection is through the industrial. Truck traffic might be able to be controlled but there is a security issue with a fenced in area and a guard shack. The site can't be secured. Mr. Bunger asked if all the residential buildings will be 3 stories? Mr. Reardon replied yes just like the previous application. It is more economically viable. Mr. Kramer noted that the multi-family housing site sits 10-20 feet below KY 18.

Mr. Lunnemann stated that the previous application had a real mix - residential next to commercial and industrial. The residents could have the option of walking to the commercial area and also have a vehicular connection to Centennial Drive. Now the residential component is an island unto itself surrounding the industrial with no connection to any commercial whatsoever. Mr. Reardon responded that they are providing a multi-use path along KY 18 for residents to walk to the adjoining commercial area. There is also a planned pedestrian connection to the industrial area. However, there would be a gap at the property short of reaching Centennial Circle.

Mr. McMillian inquired about access management? How do you get to the residential area? Mr. Reardon responded that access to the residential area can be made off KY 18 and Aero Parkway. Mr. McMillian asked if its confusing to the applicant, how do you expect residents to get there? Mr. Reardon replied that the site will have appropriate signage as submitted. Mr. McMillian asked how will you get out? Mr. Reardon explained how to make a left turn from the development. Mr. McMillian commented that it is not a simple way to do it. Mr. Kramer stated that residents living on the site will know there way in and out. It is not the simplest but it is the best they can do given the restraints the State has put on them.

Mr. Bunger noted there is usually a transition from industrial to commercial to residential. This is unique that there is no transition. It will be very heavy industrial because of the activities on the site and residential. He asked the applicant to evaluate the site with no residential uses but just commercial and industrial? The need for buffering would be different. Mr. Kramer responded that the residential was a softer approach to growing the industrial use towards KY 18. Mr. Reardon stated that they did evaluate it. There is a need for affordable workforce housing especially with what will happen across the street. Mr. Bunger asserted that the proposed industrial building location will have a high impact on KY 18. Mr. Reardon stated making the site all Commercial is not a possibility. What about the connectivity to Delaware Crossing? Mr. Reardon replied that he

**ZONING MAP AMENDMENT AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN -  
Kevin Wall, Staff**

1. Request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of the Burlington Pike/Aero Parkway intersection, Boone County, Kentucky; and the request of **AI Neyer, LLC (applicant)** for **Aero Commerce Master Developer, LLC (owner)** for a Change in Approved Concept Development Plan in Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The requests are to allow uses permitted in the UR-3 and I-1 zones on the 66.313 total acre site.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). This site in question was reviewed a few months ago. Previously, the request was from C-4 to UR-3 and I-1. The main purpose of the request is to eliminate the C-4 zoning district that is located along KY 18. Mr. Wall gave an overview of the current zoning of the site and adjoining properties. The 2035 Future Land Use Map designates the site as Commercial (C) and Business Park (BP). The site is located at the edge of the 65 DNL. Mr. Wall reviewed the previous approvals. There were two options. The first option had two industrial buildings and 250 apartments. Next to both options was the remaining C-2 zoned property located along Burlington Pike. There was a planned road connection from Aero Parkway to Delaware Crossing Drive. The second option showed one large industrial building and the 250 apartment units. The request involves changing the existing C-4 area and rezoning portions of it to UR-3 and I-1. The proposed Concept Development indicates one large industrial building (1,069,320 square feet) and 240 apartment units. The street connection from Aero Parkway to Delaware Crossing would be eliminated. Mr. Wall showed photographs of the site.

In terms of Staff Comments, Mr. Wall stated that the applicant is proposing to follow all of the nine conditions previously approved with the exception of the public street connection to Delaware Crossing Drive (Condition #8) and the portions of Condition #7 and #9 that pertain to the Delaware Crossing Drive connection. This connection is advocated in the Comprehensive Plan and the Subdivision Regulations. A second concern is the mere concept of what is being proposed. The Comprehensive Plan suggests commercial at the site. This request would eliminate it. A minor concern is how to deal with the industrial use viewed from Burlington Pike. There are recommendations in the Staff Report of better landscaping requirements to screen the industrial

doesn't know how to make that connection. Mr. Bunger noted that the plan depicts heavy residential next to heavy industrial. In his mind, it will be the only place where this will exist at the Gateway to Burlington and the Airport.

Mr. Schwenke suggested that the applicant evaluate parking and stacking requirements because shift changes could affect the residential traffic. It would be good to evaluate trip generation and assignments of the uses during the peak hours.

Mrs. Heilman asked if the two previous building options for the site was possible? If the buildings were scaled back in size, then the buffering may not be needed as much on the corner. Mr. Reardon responded that the submitted Concept Development Plan showing one building is in response to market feedback as it is a speculative building. There is a current demand for this product. Mrs. Heilman suggested that the applicant go back to the two buildings in order to make the transition better? Mr. Reardon responded that they will reconsider it even though the market is different now.

Chairman Rolfsen stressed that the issue is how close the building sits to KY 18 or specifically the "GG" Area. KY 18 is the Gateway to Burlington. This will be the first building along KY 18. Perhaps the building size could be reduced to put an adequate buffer in place. If the building is shrunk, a better buffer could be installed to better accommodate two different uses. It would help the residents in the multi-family portion by providing more green space. They won't have to look at a large industrial building and trucks.

Mr. Schwenke expressed a concern of not knowing the tenant. Depending on the tenant, the applicant may need more parking and it can't be provided because the building is maxed out. It needs to be reduced.

Mr. Bunger suggested that the applicant look at all of the alternatives in order to obtain any approval of the submitted plan.

Mr. Lunnemann stated that if the industrial building is shrunk, then it will provide an opportunity for a street connection to Delaware Crossing Drive for the residential portion of the development. It could be a pedestrian or vehicular street connection.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 19, 2018 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 2, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:25 P.M.**

**APPROVED:**

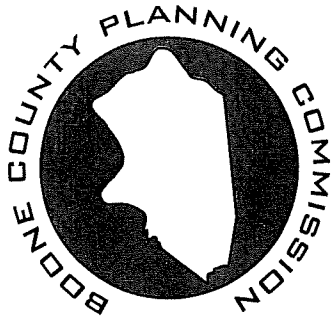
\_\_\_\_\_  
**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**Exhibit A - Aero Commerce Center Handout**

# SUPPORTING INFORMATION



# **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

December 20, 2018

Mr. Ryan Reardon  
AI Neyer, LLC  
302 West 3<sup>rd</sup> Street  
#800  
Cincinnati, OH 45202

RE: Recommended Conditions of Approval for AI Neyer, LLC Zoning Map Amendment Applications from C-4 to UR-3, C-4 to I-1, and UR-3 to I-1, and Change in Approved Concept Development Plan, for 66.313 Total Acre Tract Located on Northeast Corner of the Burlington Pike/Aero Parkway Intersection, Boone County, Kentucky.

Dear Mr. Reardon:

The following represents the recommended conditions of approval for the above referenced applications as discussed by the Planning Commission's Zone Change Committee at their December 19, 2018 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, December 28, 2018.

## CONDITIONS

1. The overall development shall follow the submitted Concept Development Plan sheets and the "Vesper Mixed-Use Zone Change Narrative" (dated 11/6/2018) submitted with the original application (attached to the 10/5/18 Staff Report) except where modified by the agreed conditions outlined below. This includes, as stated in pages 6 through 10 of the "Vesper Mixed-Use Zone Change Narrative" (dated 11/6/2018), the agreement to follow the conditions of the previous zone change approval outlined in the 9/5/18 Committee Report, except for Condition 8 in its entirety regarding the extension of Delaware Crossing Drive and the portions of Conditions 7 and 9 that pertain to Delaware Crossing Drive and Centennial Circle, as explained in the referenced narrative.
2. The development shall follow the attached exhibits specifically as they pertain to screening the I-1 phase from Burlington Pike and enhancing the appearance of the I-1 phase from Burlington Pike. These exhibits were presented at the 12/19/18 Zone Change Committee meeting in response to the issues raised at the 12/5/18 Public Hearing. The exhibits entitled "Proposed Site Plan" (sheet A1), "Conceptual Grading Plan" (sheet C-1.0), "Concept Cross Sections" (sheet C-2.0), "Concept

Mr. Ryan Reardon  
December 20, 2018  
Page 2

Cross Sections" (sheet C-2.1), and "Conceptual Grading Plan" (sheet L1 with detailed landscaping for the KY18 frontage) shall be followed in relation to landscaping, berming, and grading. The exhibit entitled "Aero Commerce Center" (photo collage exhibit) shall be followed in relation to enhancing the design of the building corner facing Burlington Pike to appear as a primary "office" facade.

3. The 10 foot multi-use path that is proposed to be constructed along the site's Burlington Pike frontage on page 3 of the "Vesper Mixed-Use Zone Change Narrative" (dated 11/6/2018) shall be extended eastward in the Burlington Pike right-of-way to the Centennial Circle intersection.

Sincerely,



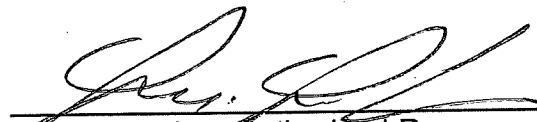
Kevin T. Wall, AICP  
Director, Zoning Services

KTW/tlb

Enclosures

### AGREEMENT

I, the authorized representative of the property owner of the 66.313 total acre tract located on the northeast corner of the Burlington Pike/Aero Parkway intersection, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment and Change in Approved Concept Development Plan applications.



---

Ryan Reardon, Authorized Representative for  
Al Neyer, LLC

12/28/2018

Date

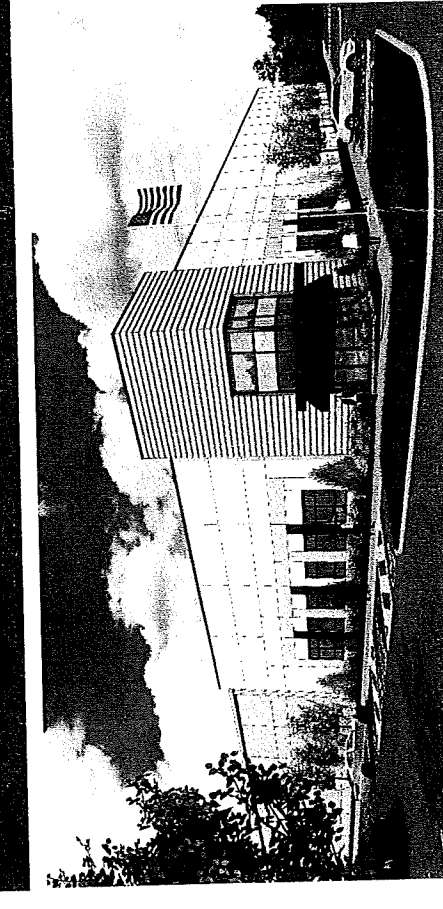
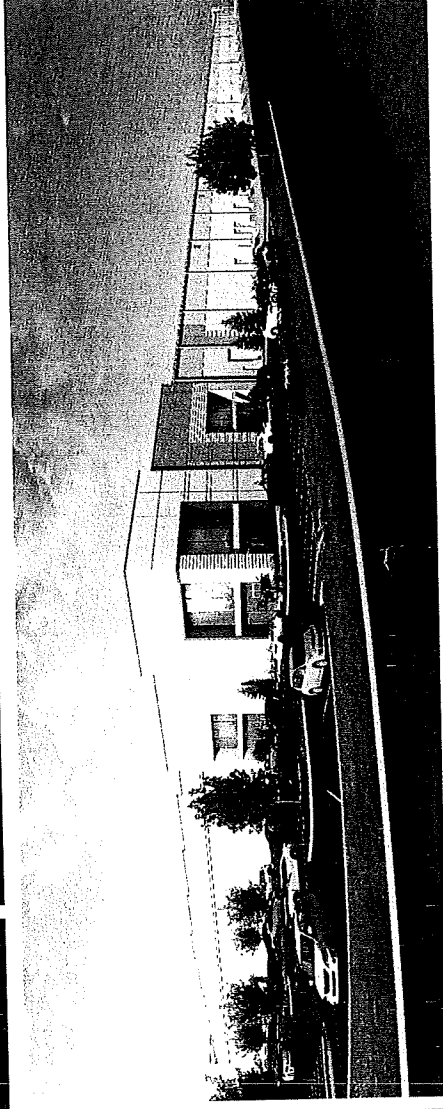
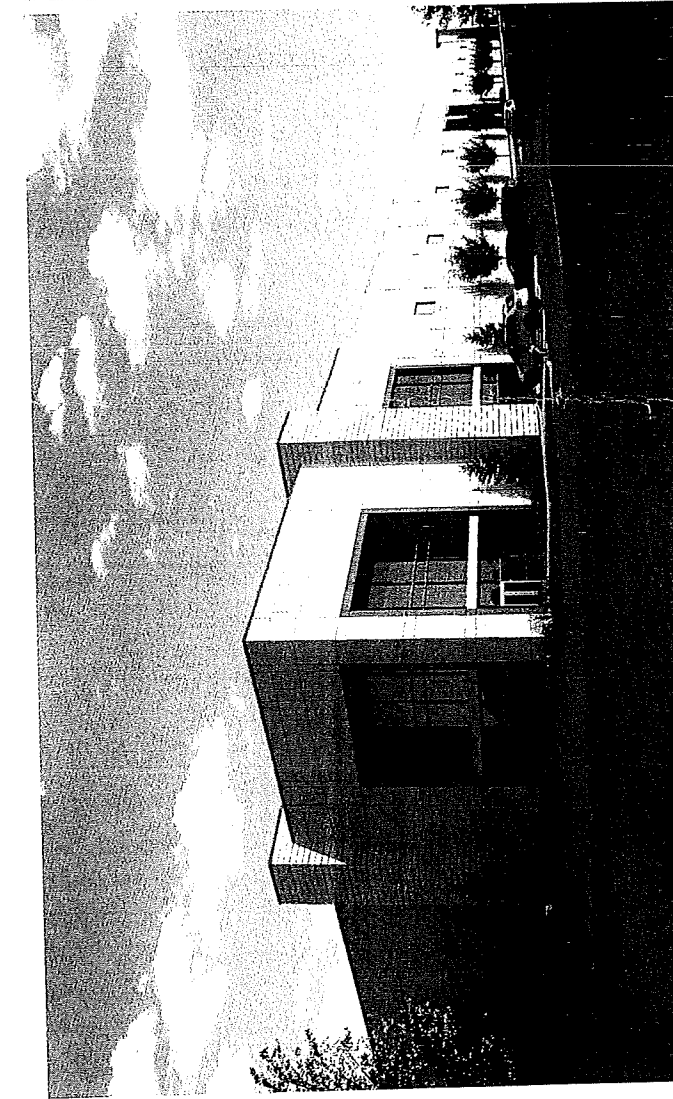
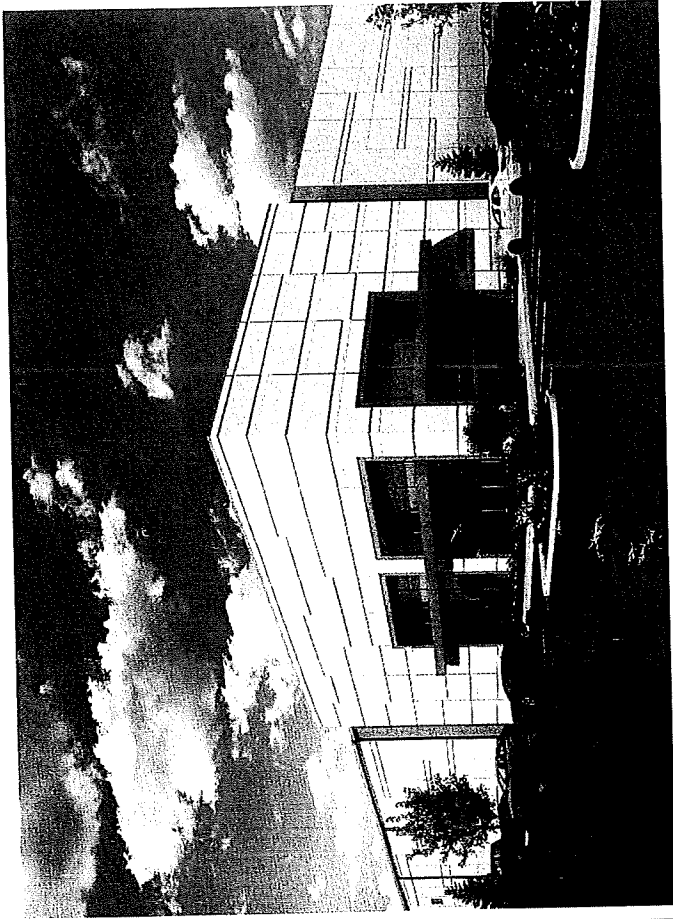












WWW.NEYER.COM

302 WEST THIRD STREET - SUITE 800 - CINCINNATI, OHIO 45202



**ORDINANCE NO. 2019 - 06**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF AL NEYER, LLC (APPLICANT) FOR AERO COMMERCE MASTER DEVELOPER, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO URBAN RESIDENTIAL THREE (UR-3) FOR 3.481 ACRES LOCATED ON THE NORTH/EAST SIDE OF BURLINGTON PIKE APPROXIMATELY 250 FEET EAST OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO INDUSTRIAL ONE (I-1) FOR 2.82 ACRES LOCATED ON THE NORTH/EAST SIDE OF BURLINGTON PIKE AND IMMEDIATELY WEST OF THE PROPERTY AT 5985 CENTENNIAL CIRCLE, AND A ZONING MAP AMENDMENT FROM URBAN RESIDENTIAL THREE (UR-3) TO INDUSTRIAL ONE (I-1) FOR 5.086 ACRES LOCATED ON THE SOUTH SIDE OF AERO PARKWAY APPROXIMATELY 1,070 FEET EAST OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF AL NEYER, LLC (APPLICANT) FOR AERO COMMERCE MASTER DEVELOPER, LLC (OWNER) FOR A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN URBAN RESIDENTIAL THREE (UR-3) AND INDUSTRIAL ONE (I-1) ZONES FOR A 54.926 ACRE PORTION OF THE 66.313 TOTAL ACRE SITE THAT IS LOCATED ON THE NORTHEAST CORNER OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, ALONG THE SOUTH SIDE OF AERO PARKWAY, AND TO THE NORTH OF THE PROPERTIES AT 5945, 5965, 5975 AND 5985 CENTENNIAL DRIVE, AND 5785 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY. THE REQUESTS ARE TO ALLOW USES PERMITTED IN THE UR-3 AND I-1 ZONES ON THE 66.313 TOTAL SITE.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of Burlington Pike/Aero Parkway intersection, Boone County, Kentucky; and a Change in Approved Concept Development Plan in Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for unincorporated Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendments and a Change in an Approved Concept Development Plan.

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

## SECTION ONE

That the request for Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of Burlington Pike/Aero Parkway intersection, Boone County, Kentucky and a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions in a Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky. The real estate which is subject to all 4 requests is described in DEED BOOK 1117, PAGE NO. 529 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## SECTION TWO

That as a basis for this approval, with conditions, of a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of Burlington Pike/Aero Parkway intersection, Boone County, Kentucky and a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions in a Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its Minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for the requests based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

**SECTION THREE**

That a copy of this Ordinance recommending approval, with conditions, for a Zoning Map Amendment from Commercial Four (C-4) to Urban Residential Three (UR-3) for 3.481 acres located on the north/east side of Burlington Pike approximately 250 feet east of the Burlington Pike/Aero Parkway intersection, a Zoning Map Amendment from Commercial Four (C-4) to Industrial One (I-1) for 2.82 acres located on the north/east side of Burlington Pike and immediately west of the property at 5985 Centennial Circle, and a Zoning Map Amendment from Urban Residential Three (UR-3) to Industrial One (I-1) for 5.086 acres located on the south side of Aero Parkway approximately 1,070 feet east of Burlington Pike/Aero Parkway intersection, Boone County, Kentucky and a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions in a Urban Residential Three (UR-3) and Industrial One (I-1) zones for a 54.926 acre portion of the 66.313 total acre site that is located on the northeast corner of the Burlington Pike/Aero Parkway intersection, along the south side of Aero Parkway, and to the north of the properties at 5945, 5965, 5975, and 5985 Centennial Drive, and 5785 Constitution Drive, Boone County, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

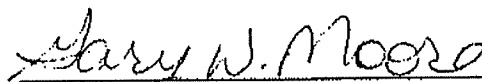
**SECTION FOUR**

This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.

First Reading the 19<sup>th</sup> day of February, 2019.

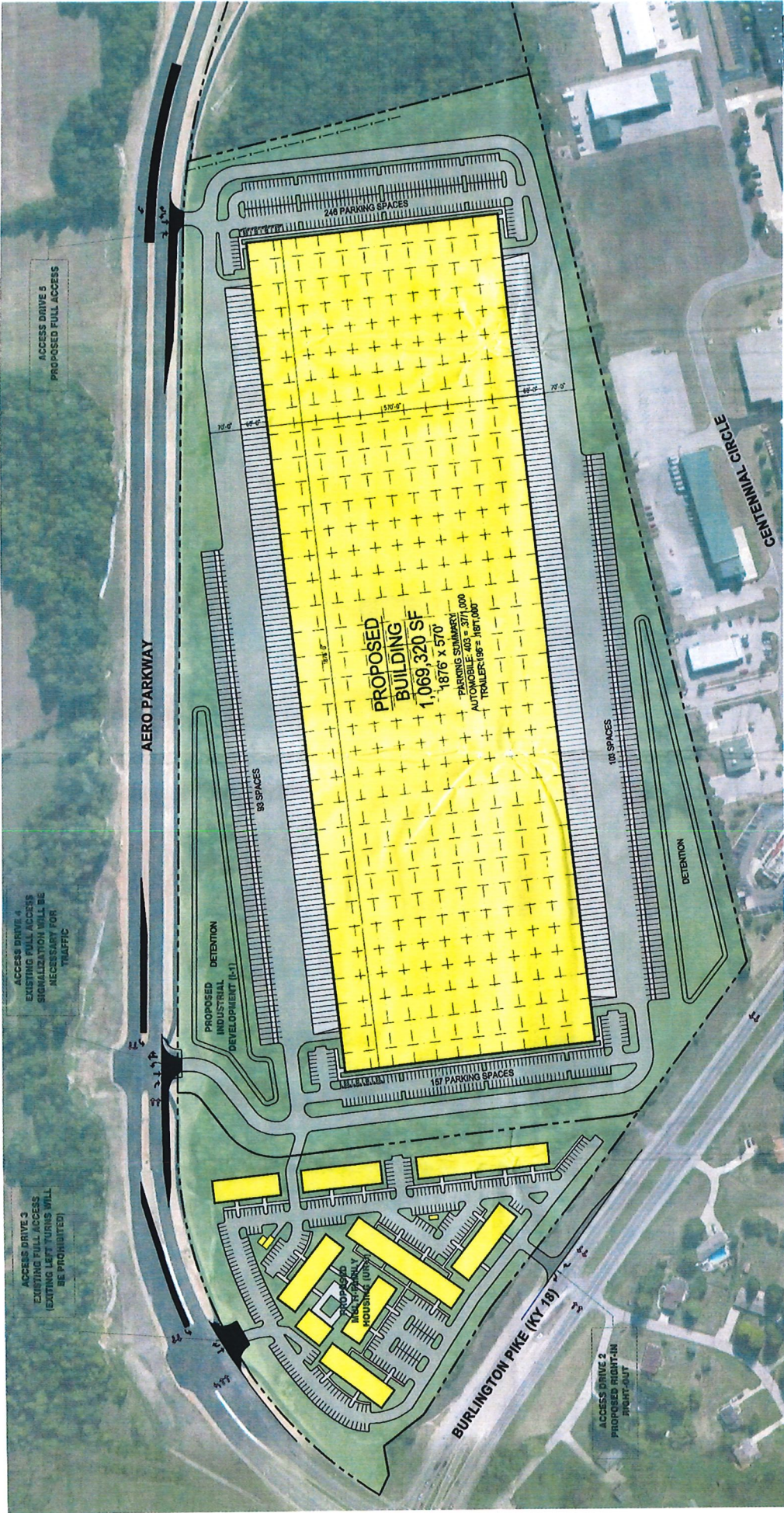
Second Reading the 26<sup>th</sup> day of March, 2019.

ADOPTED THIS 26<sup>th</sup> DAY OF March, 2019. Yes 4 No 0

  
\_\_\_\_\_  
GARY W. MOORE, JUDGE/EXECUTIVE  
BOONE COUNTY FISCAL COURT

ATTEST:

  
\_\_\_\_\_  
Sharon Burcham  
Fiscal Court Clerk



ACCESS DRIVE 5  
PROPOSED FULL ACCESS

ACCESS DRIVE 4  
EXISTING FULL ACCESS  
SIGNALIZATION WILL BE  
NECESSARY FOR  
TRAFFIC

ACCESS DRIVE 3  
EXISTING FULL ACCESS  
EXISTING LEFT TURNING WILL  
BE PROHIBITED

**PROPOSED BUILDING**  
1,069,320 SF  
1876' X 570'  
PARKING SPACES: 248  
AUTOMOBILES: 371,000  
TRAILERS: 187,000

PROPOSED INDUSTRIAL DEVELOPMENT (4-1)  
55 SPACES

187 PARKING SPACES

248 PARKING SPACES

100 SPACES

DETENTION

CENTENNIAL CIRCLE

BURLINGTON PIKE (KY 187)

ACCESS DRIVE 2  
PROPOSED RIGHT-IN  
RIGHT-OUT

**MASTER PLAN INFO:**  
RESIDENTIAL:  
240 UNITS  
[72] 1 BED  
[168] 2 BED  
434 PARKING SPACES (1.81/UNIT)

**INDUSTRIAL:**  
1,069,320 S.F. BLDG.  
403 PARKING SPACES (.37/1,000 S.F.)  
196 TRAILER SPACES (.18/1,000 S.F.)

APPROVED  
Date: 11/5/18  
Boone County  
Planning Commission



**PROPOSED SITE PLAN**

**Aero Commerce Center**

SCALE: 1"=100'-0"  
0 50 100 150 200 250 300

NOVEMBER 5, 2018

A1







