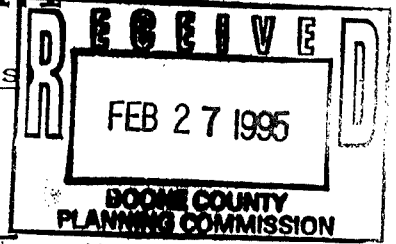


PV

APPLICATION FORM ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project AIRPARK INTERNATIONAL
2. Location of Project SR 20 & 275
3. Total Acreage of Site PARCEL A = 8.829A PARCEL B = 43.4543A
4. Current Zoning of Site A - AIRPORT
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use)
MANUFACTURING, WAREHOUSE / DISTRIBUTION
OR ANY I-1 USE
7. Names of Applicant(s) PAUL HEMMEL CONST Co / MIKE HADGENS
8. Phone Number 341-8300 Fax No. 341-6817
9. Address of Applicant(s) 250 GRANDVIEW DR.
FT. MITCHELL KY 41017
City State Zip
10. Name of Property Owner(s) CINCINNATI / NORTHERN KENTUCKY INTERNATIONAL AIRPORT
11. Phone Number 767-3151 Fax No. 767-3080
12. Address of Property Owner(s) P.O. Box 752000
Lin. OH. 45275-2000
City State Zip
13. Proposed Building Intensities (please specify)
(MAX. 50% BUILDING TO LAND RATIO)
14. Are there any existing buildings on the site? NO
How many? N/A
15. Deed Book SEE * Page No. _____ Group No. _____
16. Are you also applying for:
N/A Conditional Use Permit
Dimensional Variance
17. Have you submitted a Concept Development Plan? NO / NOT REQUIRED
18. Have you had a pre-application meeting with BCPC Staff? NO
- 19.* Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
 Boone County Water and Sewer District
 Florence Water and Sewer Commission
 Union Light Heat and Power
 Cincinnati Bell
 Owen County Rural Electric
 Boone County Public Works Department

(over)

* NOTE: THIS APPLICATION IS BEING SUBMITTED FOR TWO ADJACENT PARCELS TO AIRPARK INTERNATIONAL. BOTH PARCELS ARE OWNED BY CINCINNATI / NORTHERN KENTUCKY INTERNATIONAL AIRPORT.
PARCEL A (DB 236 p.64) = 8.829A
PARCEL B (DB 194 p.85) = 43.4543A

EXHIBIT "A"

STAFF REPORT

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

March 22, 1995

This is a request by the Paul Hemmer Construction Company for a Zoning Map Amendment to rezone 52.28 acres of property currently zoned Airport. This property originally was part of the Wagner tract which under went a Zoning Map Amendment in March of 1991 to develop Airpark International Subdivision. The two sites adjoin the existing Airpark International property which is located on the north side of I-275 and Elijah Creek Road and the west side of KY 20 (See Sheet #1).

Surrounding Zoning and Land Uses (See Sheet #2)

North: Undeveloped property zoned Agricultural Estate (A-2)
South: Undeveloped property zoned Agricultural Estate (A-2) and I-275
East: Undeveloped property of Airpark International Subdivision zoned Industrial One (I-1)
West: Undeveloped property of Airpark International Subdivision zoned Industrial One (I-1)

Site Characteristics

The applicant's site is divided into two separate parcels which are indicated on Sheet #3. Parcel A contains 8.83 acres and has direct road frontage along Elijah Creek Road. This parcel is entirely covered with mature trees and has a creek which runs through the southern end of the site. This lot adjoins the Lemforder Corporation of Airpark International Subdivision to the north and a undeveloped area of the subdivision to the west. Access could be provided to the site from the Elijah Creek Road frontage, however this would require crossing the small creek. A more likely means of access would be provided from the property to the west which is more level. Parcel B is a 43.45 acre site, of which approximately two-thirds is covered with mature hardwood trees which range in height from 60-80 feet. The topography of the site is generally flat, but there is a ten to fifteen foot swale which meanders through the site. Access to the site would have to be provided from Aviation Boulevard which is approximately 800 feet to the south of the site. To the north and west of this site are land locked pieces of property which could be provided access through the applicant's site. Both sites have access and could be served by an extension of the utilities from the existing Airpark International Subdivision.

Relationship to the Comprehensive Plan

The approved 1990 Boone County Comprehensive Plan makes a 25 year projection of Business Park land uses with supporting commercial uses for the existing Airpark International Subdivision. However, the two parcels for which the applicant is requesting the Zoning Map Amendment are designated as Public because they are owned by the Airport (See Sheet #4). North of the applicant's site are areas which are included in the Developmentally Sensitive classification. The text of the Land Use Element indicates that the Business Park classification should incorporate large building setbacks, extensive landscaping, architectural controls, large open areas, and not have an industrial park appearance. Business Park areas were approved for areas that contain attractive existing site features and/or provided an entrance to development not normally compatible with industrial uses. Because of the area's topography, this site should provide access to the Shor property and other future residential areas north of the Elijah's Creek Valley.

The Land Use Text discusses this portion of the county and recommends that the Developmentally Sensitive hillsides be protected from development, and recognizes that Elijah's Creek Road is not suitable for serving much traffic without major reconstruction.

The Environmental Element Goals and Objectives indicates that existing vegetation shall be considered as both an important site characteristic and a community resource and that new development shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible.

The Transportation Element and its Goals and Objectives indicates that proper access to adjoining property should be provided and/or retained when a property develops or redevelops and sufficient right-of-way be reserved along roads that would likely require future widening.

Concept Development Plan

The applicant's have not submitted a Concept Development Plan which indicates how the site will be designed. However, the applicant has indicate that the proposed uses will be similar to the uses previously permitted in the 1991 Zoning Map Amendment. The uses which where indicated include manufacturing, warehouse/distribution or any Industrial One (I-1) use.

Staff Concerns

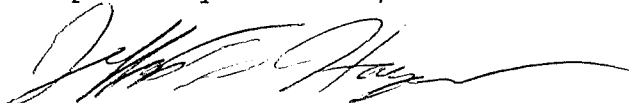
1. Staff believes that the conditions which where applied to the 264.4 acre Airpark International site by the Boone County Fiscal Court should be reviewed by the Committee for the applicability to the two sites under consideration for the Zoning Map Amendment. (See Exhibit A).

2. Staff believes that Parcel A should be consolidated with Lot #5 of Sheet #3 to enable the property to be accessed without crossing the creek which is located in the front of the site along Elijah Creek Road.
3. Staff believes that access should be provided to the property north and west of Parcel B for future development. These two areas would essentially be land lock parcels, if future access is not provided from Parcel B.
4. Parcel B contains an important natural resource because of the dense amount of mature hardwood trees which cover approximately two-thirds of the site. Therefore, development of this site should be sensitive to this resource and trees that must be removed for buildings and parking should be harvested as a product and not discarded as waste. In addition, the location of the buildings and parking areas should be flexible to allow for the largest amount of trees to be retained.

Conclusion

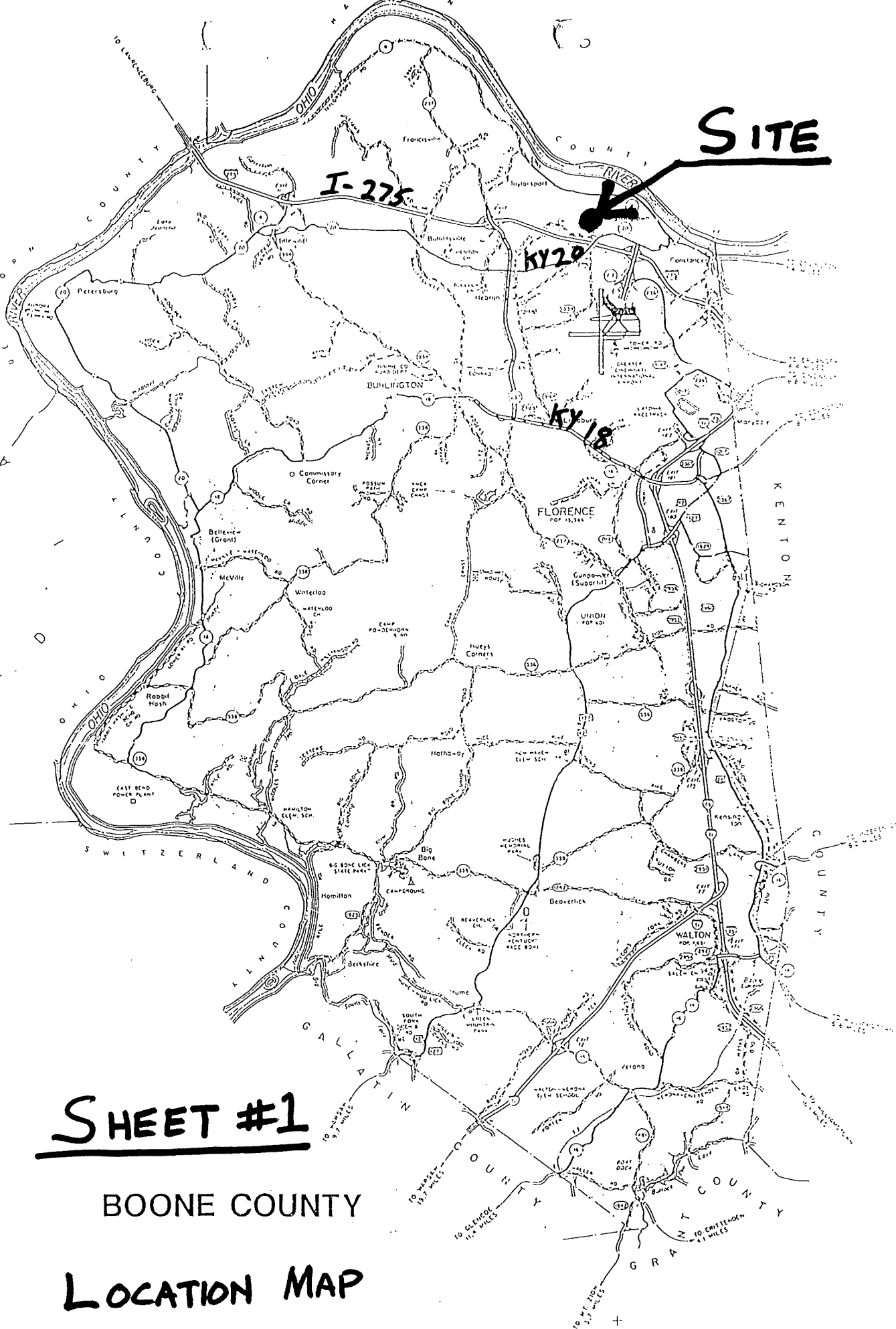
This request is not in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map which indicates the area as Airport. The Planning Commission must consider the three findings of fact necessary to recommend a Zoning Map Amendment. Should the Planning Commission recommend, and the Boone County Fiscal Court approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan Future Land Use Map will need to be updated.

Respectfully Submitted,



Jeffrey F. Hayes
Planner

JFH/par



SITE

I-275

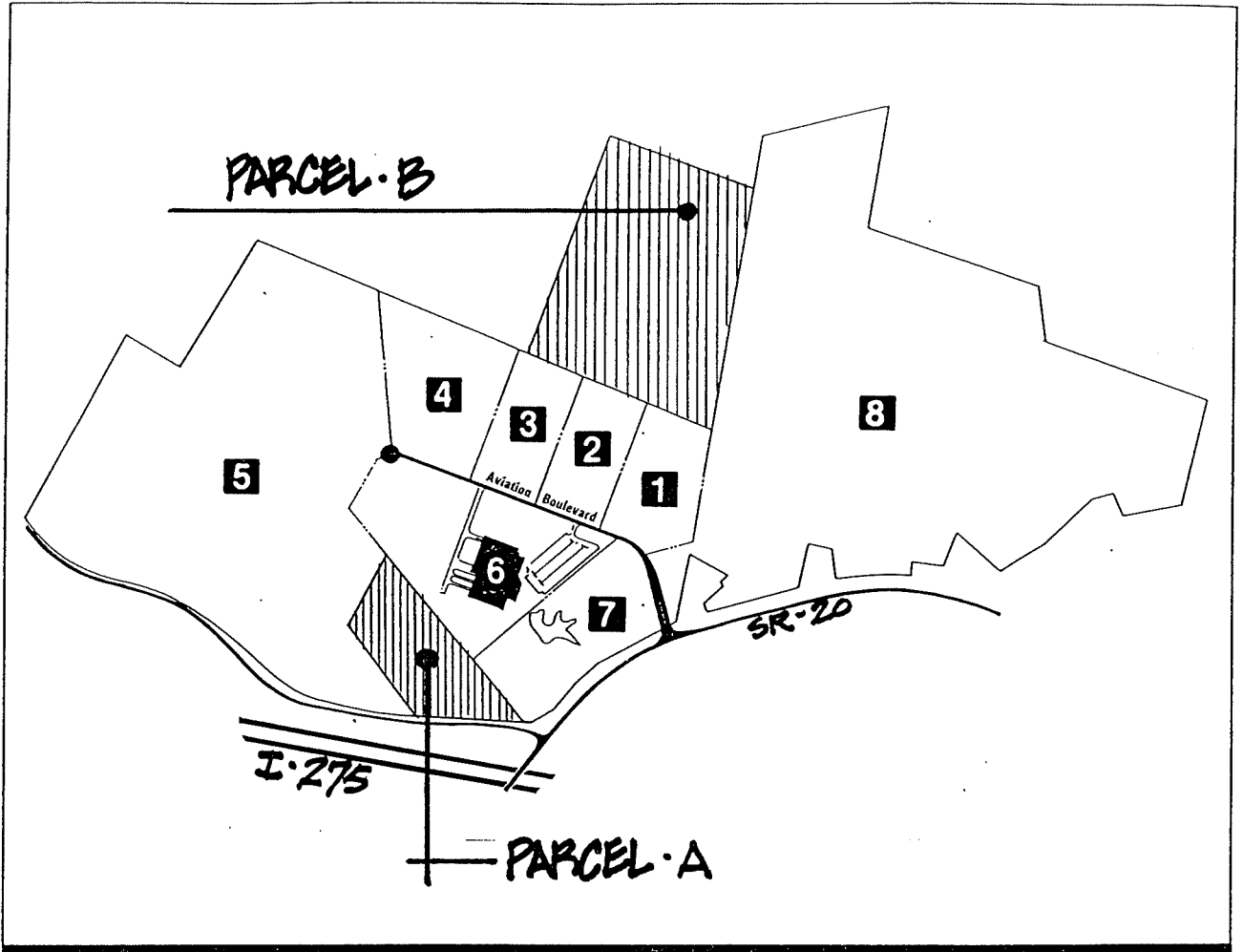
KY 20

KY 18

SHEET #1

BOONE COUNTY

LOCATION MAP

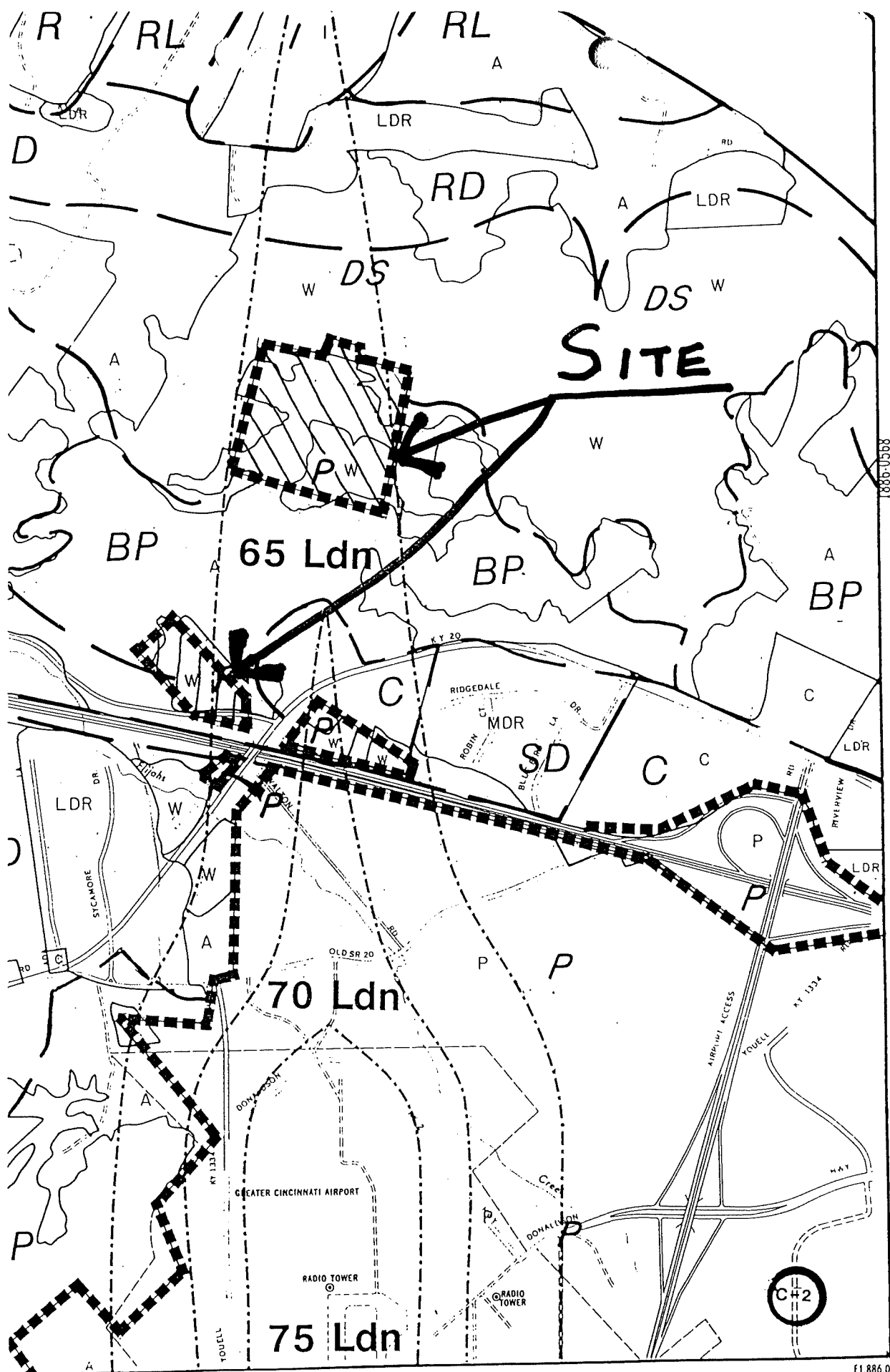


Airpark International
Paul Hemmer and Associates

Boone County, Kentucky

1.	Available	8.7 acres
2.	Available	7.5 acres
3.	Available	7.5 acres
4.	Available	12.5 acres
5.	Available	82.0 acres
6.	Lemforder Corporation	18.8 acres
7.	Commercial	12.5 acres
8.	Phase II	114.5 acres

SHEET # 3



89C-981

668,000

SHEET # 4

LAND USE MAP



(EXHIBIT A)

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: February 6, 1991

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

REMARKS:

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

FINDINGS OF FACT:

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

CONDITIONS

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


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

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

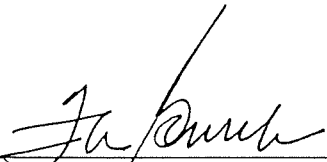
4. All streets in the development shall be publicly dedicated and meet the county street specifications. The proposed roadway serving the industrial portion of the development shall be designed and built as a boulevard. The street shall contain minimum 12 foot wide travel lanes and a planted median which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

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

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



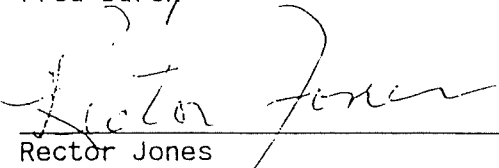
Phil Damstrom, Chairman



Fred Burch

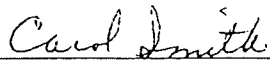


Larry Collins



Rector Jones

Barry Neltner



Carol Smith

Floyd Sharp

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, and Mrs. Smith - Secretary/Treasurer.

Mr. Burch introduced the fourth item on the Agenda:

4. Applicant: Mike Hargis, representing Paul Hemmer Construction Company for Cincinnati/Northern Kentucky International Airport (owner)

Request: Zoning Map Amendment

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

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes provided the Commissioners with an aerial photograph of the area.

Mr. Burch asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, stated that this is "Airpark". Using an exhibit, he indicated the existing 264-acre Airpark property outlined in orange. He stated that over the last two-and-a-half to three years, they have been working with the airport because of their adjacent property. They felt that if the airport would not be using the property for airport related uses, they could bring it into their park to create jobs for the county and to expand their park. He indicated Parcel A of 8.4 acres and Parcel B of 44 acres, both of which were originally part of the Wagner property. Parcels A and B were purchased by the airport in 1971 to install radar equipment, which is now outdated and no longer used. Those properties are setting in the middle of the flight path with no particular use. The airport is interested in properties inside the I-275 belt, which is what made this property available. They have negotiated with the airport to acquire Parcels A and B. He stated that Aviation Boulevard is in. They have since sold a piece of property and the cul-de-sac has been moved. They have agreed to run the road through or provide the right-of-way for access to the rear property as part of the zone change. He noted the location of a future road to serve property that was the Sprague property and was the area of the bulk distribution and warehouse buildings on their original Concept Development Plan. They intend to acquire Parcels A and B and incorporate them into their development. The parcels will be developed along the same lines as Airpark. They have a proposal out on approximately 30 acres for a distribution center for a large local company. They intend to run a new road up through the existing park and into the new property to give them access. The road will bisect the

property and create an additional two lots -- one on each side of the road. There is a proposal for Parcel A that will take the whole front corner and about 300 feet down Elijah Creek. There is an approved access drive. There would be a small office facility in the front and they would like access out to have a circulation pattern. He noted the location of an existing swale and a pond in front of the old farmhouse. The lake and swale area will be preserved. On the other side of the swale, the topography is such that they will be able to gain access to a Elijah Creek about 600 or 700 feet down. The area north of the swale will be combined with property that is part of Lot #5. From the proposed cul-de-sac down through the area is an intermittent blue line stream that is designated as a wetland. They want to stay out of that area as much as possible. Mr. Hargis believes they can improve Elijah Creek Road to handle the traffic in that area. He stated that about two years ago, they were looking at a project for Levi's, which has since selected another site, and at that time the county and the Planning Commission agreed to allow them to stop their road at the point indicated on the exhibit. They would have been able to construct the Levi's facility and the county would have participated in the upgrading of Elijah Creek Road.

Mr. Hargis referred to the conditions and stated that there is a piece of property to the west and there is a ridge line through there. The topography is fairly severe in that area and a lot of grading and site preparation would be required -- but it is not their property. In anticipation of the possibility of being asked to provide access to that property, they met with the owner's representative and have come to a basic agreement in regard to access to the property. The access would be off the end of Aviation Boulevard and up through the swale.

Mr. Hargis stated that the other piece of property Mr. Hayes talked about is adjacent to Parcel B and is the ridge area of about 2.5 to 3 acres next to the large distribution building. He stated that he will not be able to run a road through to serve that piece of property or provide access. He stated that the proposed cul-de-sac is about 800 feet from the back property line. He estimates that extending the road and utilities would cost about \$300,000 and would serve a 2.5-acre piece of property that is dead center in the flight path.

Mr. Hargis stated that they agree 100% in regard to the trees. They would like to find a commercial use for any trees that are removed. They have no problem with the trees that are downed being cut for firewood, rather than being burned on site. They prefer working with an organization in this regard and agree as long as they do not interfere with the progress of the construction activities and they are protected from liability.

Mr. Burch asked if anyone else wished to speak in favor of this request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Ms. Susan Cabot, County Historic Preservation Planner, stated that her comments were neither positive nor negative. Ms. Cabot referred to Condition #2 of the original zone change in 1991 which concerned a preliminary archaeological survey. She advised that the preliminary archaeological survey was completed and the archaeologist found sites that

she felt required further work; but due to lack of an agreement between the developer, the Planning Commission, and the Historic Preservation Review Board, that work was not done and those potential sites have been destroyed. She asked the Commission to consider requiring another archaeological survey on the new piece of property. She stated that if the developer will not continue with any further research, the Historic Preservation Review Board is in a better position to continue with that research. She noted the Staff's concerns regarding the hardwoods and that they be put to some pragmatic use -- either sold by the developer or that an organization, to ensure that the liability is addressed, allow people to come in and cut them for firewood. She stated that this was done with several county projects and it worked well. She noted that there are many people in the county who heat with wood and this is a great public service.

Dorothy Webb stated that she has a farm on Elijah Creek Road and she is concerned about the trees. She noted that many trees were burned for the subdivision. She is concerned that a lot of nice trees will be lost in Boone County.

Mr. Burch asked if there were any comments from the Commission.

Mr. McMillian questioned who landlocked the two acres. Mr. Hargis advised that the two acres are not landlocked and have access off Route 8. He stated that there is a plateau at the top of the hill adjacent to their property. If the plateau is going to be developed, it would make sense for it to be part of their property or that access be off the top of the hill for the owner to develop the property himself. He stated that he is not in a position to provide access for a two-acre piece of property. Mr. McMillian stated that there are two acres in one parcel, but there is more property beyond there. Mr. Hargis disagreed and stated that the rest of the area is developmentally sensitive hillside.

Mr. McMillian questioned the comments made by Ms. Cabot regarding the archaeological work. He noted that Ms. Cabot indicated that they were to be allowed to recover archaeological things from the property where Levi's was to be and they were not allowed to do this. Mr. Hargis stated that the day before the meeting they were given a list of ideas and asked to sign it in order for the request to move forward. They signed with the agreement that they were to provide a preliminary archaeological study. He stated that at the meeting it was indicated that Ms. Cabot's group would provide them with a list of people who would be acceptable to them to do the study. They selected one of the recommendations -- Rebecca Hawkins, who was the head of the Archaeological Department at U.C.. They spent \$10,000 and eight months doing archaeological studies on their property. He stated that he has 11 flint chips that were found, along with the report showing areas that may indicate further study. He stated that the zone change took place and approximately a year later he met with Jim Collins and Susan Cabot. At that time, they gave the report indicating what the artifacts were and what the recommendations were and they felt that they had lived up to their obligation in that they provided the preliminary study information and artifact evidence uncovered at that point. Their position at that time was that if Ms. Cabot's group would like to do further study they should feel free to do so, but they as

developers do not have the resources to do an archaeological dig. He stated that Mr. Collins felt that they had lived up to their obligation and it would be up to the county if they wanted to do further investigation. He stated that he has never heard another word about this since the meeting two-and-a-half years ago. He believes they met their obligation. Mr. Costello advised that he also attended that meeting.

Mr. Neltner noted that Mr. Hargis had indicated having a potential user for about two-thirds of Parcel B. He asked if that use will require the elimination of all of the trees on Parcel B. Mr. Hargis replied "it is not going to leave many trees". He added that there are a lot of mature trees there and they would be happy to cooperate in making use of them commercially or working with an organization to salvage them for firewood.

Mr. Neltner asked if the development will max out the site. Mr. Hargis stated that the building with loading docks on two sides will not immediately take out all of the trees, but the building is planned to have the capability of 100% expansion. He cannot say that in five years they will not expand and take out all of the trees. Mr. John Curtin, Paul Hemmer Construction Company, stated that out of 50 acres, it would be 18 acres initially.

Mr. Millay questioned what kind of trees are there. Mr. Hayes advised that there is a mixture -- oaks, birch, and probably walnut.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on April 3, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

Mr. Burch closed this Public Hearing.

APPROVED:



Fred A. Burch, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
BOONE COUNTY ADMINISTRATION BUILDING
April 19, 1995
8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 8:10 P.M.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Michael McKinney
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. William R. Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall

Approval of Minutes:

Mr. Neltner stated that each Commission member had received copies of the Minutes of the April 5, 1995 Public Hearing and the April 5, 1995 Business Meeting. He asked if there were any comments or corrections.

Mr. Kirby stated that on Page 2, Paragraph 2, the first sentence should read: "Mr. Kirby advised that when this item came up to be scheduled for public hearing, he was involved in a situation and asked that someone else chair the Committee, . . .".

Mr. Kirby moved to approve the Minutes of the April 5, 1995 Public Hearing as mailed and to approve the Minutes of the April 5, 1995 Business Meeting as amended. Mrs. Smith seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

Mr. Neltner advised that the following items are recommended for deferral:

ZONING MAP AMENDMENT - Don McMillian, Chairman; Jeff Hayes, Staff

2. Request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1), for a 2.06 acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT - Robert Millay, Chairman; Kevin Wall, Staff

8. Request of Burlington Realty Development Company, Inc. (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Urban Residential One/Planned Development (UR-1/PD) for approximately 7.4 acres of the site, and the Utilization of an Underlying Zone in a Urban Residential One/Planned Development (UR-1/PD) for approximately 2.6 acres of the site, for a 10 acre site located off Hebron Park Drive, Boone County, Kentucky, for 110 townhouse units as part of Country Place Apartments, Phase II.

1995 BOONE COUNTY COMPREHENSIVE PLAN - Phil Damstrom, Chairman;
Dave Geohegan, Staff

9. Request of the Boone County Planning Commission Long Range Planning Committee/Comp Plan to review the update of the Boone County Comprehensive Plan. In accordance with the adopted Goals and Objectives of the 1995 Boone County Comprehensive Plan the following Elements are being proposed for adoption: Population, Environment, Economy, Business Activity, Housing, Recreation, Agriculture, Historic Preservation, Public Facilities, Transportation, and Land Use (both text and maps).

Mr. McMillian moved to defer items Nos. 2, 8, and 9 to the May 3, 1995 Business Meeting at 8:00 P.M.. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Neltner introduced the first item on the Agenda:

1. Zoning Map Amendment

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

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Millay seconded the motion and it carried unanimously.

The above Minutes are a partial record of the meeting through Agenda Item #1.

Approved:



Barry Neltner,
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Millay, Chairman

DATE: April 19, 1995

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

REMARKS:

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

Findings of Fact

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

Conditions

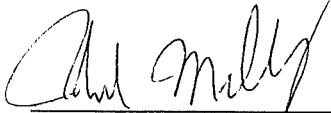
The applicant is being asked to agree to and include these items as part of the Concept Development Plan:

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

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

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

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



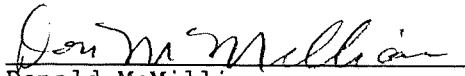
Robert Millay, Chairman

Fred Burch



Phil Damstrom

William Bailey



Donald McMillian



Barry Neltner

JFH\par

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, and Mrs. Smith - Secretary/Treasurer.

Mr. Burch introduced the fourth item on the Agenda:

4. Applicant: Mike Hargis, representing Paul Hemmer Construction Company for Cincinnati/Northern Kentucky International Airport (owner)

Request: Zoning Map Amendment

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

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes provided the Commissioners with an aerial photograph of the area.

Mr. Burch asked for the applicant's presentation.

Mr. Mike Hargis, Vice President of Paul Hemmer Construction Company, stated that this is "Airpark". Using an exhibit, he indicated the existing 264-acre Airpark property outlined in orange. He stated that over the last two-and-a-half to three years, they have been working with the airport because of their adjacent property. They felt that if the airport would not be using the property for airport related uses, they could bring it into their park to create jobs for the county and to expand their park. He indicated Parcel A of 8.4 acres and Parcel B of 44 acres, both of which were originally part of the Wagner property. Parcels A and B were purchased by the airport in 1971 to install radar equipment, which is now outdated and no longer used. Those properties are setting in the middle of the flight path with no particular use. The airport is interested in properties inside the I-275 belt, which is what made this property available. They have negotiated with the airport to acquire Parcels A and B. He stated that Aviation Boulevard is in. They have since sold a piece of property and the cul-de-sac has been moved. They have agreed to run the road through or provide the right-of-way for access to the rear property as part of the zone change. He noted the location of a future road to serve property that was the Sprague property and was the area of the bulk distribution and warehouse buildings on their original Concept Development Plan. They intend to acquire Parcels A and B and incorporate them into their development. The parcels will be developed along the same lines as Airpark. They have a proposal out on approximately 30 acres for a distribution center for a large local company. They intend to run a new road up through the existing park and into the new property to give them access. The road will bisect the

property and create an additional two lots -- one on each side of the road. There is a proposal for Parcel A that will take the whole front corner and about 300 feet down Elijah Creek. There is an approved access drive. There would be a small office facility in the front and they would like access out to have a circulation pattern. He noted the location of an existing swale and a pond in front of the old farmhouse. The lake and swale area will be preserved. On the other side of the swale, the topography is such that they will be able to gain access to a Elijah Creek about 600 or 700 feet down. The area north of the swale will be combined with property that is part of Lot #5. From the proposed cul-de-sac down through the area is an intermittent blue line stream that is designated as a wetland. They want to stay out of that area as much as possible. Mr. Hargis believes they can improve Elijah Creek Road to handle the traffic in that area. He stated that about two years ago, they were looking at a project for Levi's, which has since selected another site, and at that time the county and the Planning Commission agreed to allow them to stop their road at the point indicated on the exhibit. They would have been able to construct the Levi's facility and the county would have participated in the upgrading of Elijah Creek Road.

Mr. Hargis referred to the conditions and stated that there is a piece of property to the west and there is a ridge line through there. The topography is fairly severe in that area and a lot of grading and site preparation would be required -- but it is not their property. In anticipation of the possibility of being asked to provide access to that property, they met with the owner's representative and have come to a basic agreement in regard to access to the property. The access would be off the end of Aviation Boulevard and up through the swale.

Mr. Hargis stated that the other piece of property Mr. Hayes talked about is adjacent to Parcel B and is the ridge area of about 2.5 to 3 acres next to the large distribution building. He stated that he will not be able to run a road through to serve that piece of property or provide access. He stated that the proposed cul-de-sac is about 800 feet from the back property line. He estimates that extending the road and utilities would cost about \$300,000 and would serve a 2.5-acre piece of property that is dead center in the flight path.

Mr. Hargis stated that they agree 100% in regard to the trees. They would like to find a commercial use for any trees that are removed. They have no problem with the trees that are downed being cut for firewood, rather than being burned on site. They prefer working with an organization in this regard and agree as long as they do not interfere with the progress of the construction activities and they are protected from liability.

Mr. Burch asked if anyone else wished to speak in favor of this request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Ms. Susan Cabot, County Historic Preservation Planner, stated that her comments were neither positive nor negative. Ms. Cabot referred to Condition #2 of the original zone change in 1991 which concerned a preliminary archaeological survey. She advised that the preliminary archaeological survey was completed and the archaeologist found sites that

she felt required further work; but due to lack of an agreement between the developer, the Planning Commission, and the Historic Preservation Review Board, that work was not done and those potential sites have been destroyed. She asked the Commission to consider requiring another archaeological survey on the new piece of property. She stated that if the developer will not continue with any further research, the Historic Preservation Review Board is in a better position to continue with that research. She noted the Staff's concerns regarding the hardwoods and that they be put to some pragmatic use -- either sold by the developer or that an organization, to ensure that the liability is addressed, allow people to come in and cut them for firewood. She stated that this was done with several county projects and it worked well. She noted that there are many people in the county who heat with wood and this is a great public service.

Dorothy Webb stated that she has a farm on Elijah Creek Road and she is concerned about the trees. She noted that many trees were burned for the subdivision. She is concerned that a lot of nice trees will be lost in Boone County.

Mr. Burch asked if there were any comments from the Commission.

Mr. McMillian questioned who landlocked the two acres. Mr. Hargis advised that the two acres are not landlocked and have access off Route 8. He stated that there is a plateau at the top of the hill adjacent to their property. If the plateau is going to be developed, it would make sense for it to be part of their property or that access be off the top of the hill for the owner to develop the property himself. He stated that he is not in a position to provide access for a two-acre piece of property. Mr. McMillian stated that there are two acres in one parcel, but there is more property beyond there. Mr. Hargis disagreed and stated that the rest of the area is developmentally sensitive hillside.

Mr. McMillian questioned the comments made by Ms. Cabot regarding the archaeological work. He noted that Ms. Cabot indicated that they were to be allowed to recover archaeological things from the property where Levi's was to be and they were not allowed to do this. Mr. Hargis stated that the day before the meeting they were given a list of ideas and asked to sign it in order for the request to move forward. They signed with the agreement that they were to provide a preliminary archaeological study. He stated that at the meeting it was indicated that Ms. Cabot's group would provide them with a list of people who would be acceptable to them to do the study. They selected one of the recommendations -- Rebecca Hawkins, who was the head of the Archaeological Department at U.C.. They spent \$10,000 and eight months doing archaeological studies on their property. He stated that he has 11 flint chips that were found, along with the report showing areas that may indicate further study. He stated that the zone change took place and approximately a year later he met with Jim Collins and Susan Cabot. At that time, they gave the report indicating what the artifacts were and what the recommendations were and they felt that they had lived up to their obligation in that they provided the preliminary study information and artifact evidence uncovered at that point. Their position at that time was that if Ms. Cabot's group would like to do further study they should feel free to do so, but they as

developers do not have the resources to do an archaeological dig. He stated that Mr. Collins felt that they had lived up to their obligation and it would be up to the county if they wanted to do further investigation. He stated that he has never heard another word about this since the meeting two-and-a-half years ago. He believes they met their obligation. Mr. Costello advised that he also attended that meeting.

Mr. Neltner noted that Mr. Hargis had indicated having a potential user for about two-thirds of Parcel B. He asked if that use will require the elimination of all of the trees on Parcel B. Mr. Hargis replied "it is not going to leave many trees". He added that there are a lot of mature trees there and they would be happy to cooperate in making use of them commercially or working with an organization to salvage them for firewood.

Mr. Neltner asked if the development will max out the site. Mr. Hargis stated that the building with loading docks on two sides will not immediately take out all of the trees, but the building is planned to have the capability of 100% expansion. He cannot say that in five years they will not expand and take out all of the trees. Mr. John Curtin, Paul Hemmer Construction Company, stated that out of 50 acres, it would be 18 acres initially.

Mr. Millay questioned what kind of trees are there. Mr. Hayes advised that there is a mixture -- oaks, birch, and probably walnut.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on April 3, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

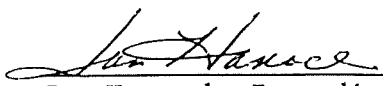
Mr. Burch closed this Public Hearing.

APPROVED:



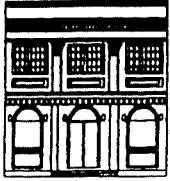
Fred A. Burch, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

April 18, 1995

Mr. Mike Hargis
Paul Hemmer Construction Company
250 Grandview Drive
Ft. Mitchell, KY 41017

RE: Conditions Of Approval For The Zoning Map Amendment

Dear Mr. Hargis:

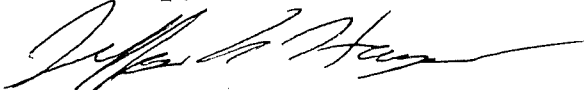
The following represents conditions being discussed by the Zone Change Committee. If you, as the applicant will agree to these conditions, please indicate so by signing your name at the space indicated at the end of this letter and returning it to the Planning Commission before 12:00 PM on Wednesday, April 19, 1995.

1. In order to give the proposed industrial and office development a business park character and be consistent with the Comprehensive Plan recommendations, all portions of the 52.28 acre development shall undergo architectural design review by the Planning Commission's Technical Committee. The Committee shall use the Houston-Donaldson Study Design Review Standards to evaluate individual site plan applications. At the Preliminary Plat stage, a sign package shall be designed that includes monument style signs and a consistent sign style. No pole mounted signs shall be permitted in the 52.28 acre development. The design of all industrial buildings shall include an office appearance at the front, consistent building materials, screened loading areas, completely screened air conditioning, ventilation, and electrical equipment.
2. The developer must immediately notify the Planning Commission if archaeological artifacts are discovered during the construction process. The Planning Commission may require a portion of the site work to cease temporarily until an archaeological investigation is conducted by local or State officials.
3. The applicant shall permit an access to the RC Durr property which adjoins Parcel B to the west and the existing Airpark International Subdivision to the north. This access, if needed for the Durr property, shall be permitted if an equitable agreement can be reached by the affected property owners.

Mr. Mike Hargis
April 17, 1995
Page 2

4. The mature trees which cover the majority of Parcel B shall be used as a resource for use as firewood, mulch, and/or lumber if possible. The applicant shall work with the Planning Commission to properly utilize these trees during the construction of the property. If the issue of liability can be addressed then the applicant shall allow interested agencies, organizations, businesses, or the general public access to harvest the timber and firewood. The applicant shall be permitted to organize the harvesting of the trees in such away that it does not disrupt the development of the property.
5. The developer shall dedicate additional right-of-way for future improvements to Elijah's Creek Road if needed through the subdivision review process.
6. The developer agrees to construct a pedestrian network along the proposed roadway network.
7. The conditions listed above will only apply when the property being rezoned is developed industrially in accordance with the permitted and conditional uses of Industrial One (I-1) zone.


Sincerely,



Jeffrey F. Hayes
Planner

JFH\par

I, the owner/applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment.


Owner
Applicant
PAUL HEMMER CONSULTING

MINUTES
BOONE COUNTY FISCAL COURT
May 23, 1995
5:30 P.M.

Limaburg Road near Timber Lane, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-012-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

ORDINANCE NO. 920.307 - CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT

Judge Lucas declared a Public Hearing open at 6:08 p.m. relative to Ordinance No. 920.306. Mike Hargis & John Curtain presented an overview of the Zoning Map Amendment request. It was noted there will be an access road to Parcel A off Elijah Creek Road. Hearing no objection, Judge Lucas declared the Public Hearing closed at 6:13 p.m.

Commissioner Patrick moved, seconded by Commissioner Campbell, to approve (with the condition that the developer work with the Boone County Public Works Department in upgrading a portion of Elijah Creek Road) on Second Reading Ordinance No. 920.307, an ordinance of the Boone County Fiscal Court to consider the request of Mike Hargis representing Paul Hemmer Construction (Applicant) for Cincinnati/Northern Kentucky International Airport (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Airport (A) to Industrial One (I-1) for an approximate 52 acre site generally located at State Route 20 and I-275, Boone County, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-014-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "K"

ORDINANCE NO. 930.11 - BUILDING CODE APPEALS BOARD

Judge Lucas declared a Public Hearing open at 6:14 p.m. relative to Ordinance No. 930.11. Hearing no discussion, Judge Lucas declared the Public Hearing closed at 6:15 p.m.

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 930.11, an ordinance of the Boone County Fiscal Court relating to creation of a Building Code Appeals Board for Boone County. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "L"

APPOINTMENTS TO BUILDING CODE APPEALS BOARD

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve the following appointments to the Boone County Building Code Appeals Board:

Ed Jody	Alternates:	William Rusk
Chief Rick Albers		Joel Winterberg
Hank Fedders		Doug Keller
George Graeme		Chris Grubbs
Vic Camm		Pat Carroll
		Jim Platus

Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

PUBLIC HEARING - OLD RICHWOOD ROAD - CLOSING RIGHT-OF-WAY

Judge Lucas declared a Public Hearing open at 6:19 p.m. to receive comments concerning the proposed road closing and right-of-way vacation of Old Kentucky State Route 338 East of I-75 (Old Richwood Road). Hearing no discussion, Judge Lucas closed the Public Hearing at 6:20 p.m.

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve the recommendation of the Viewing Committee as presented and attached to these minutes. Judge Lucas called for a vote of the motion and advised he will ABSTAIN, ALL OTHERS PRESENT VOTED AYE. Exhibit "M"