

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

(Check One)

- 1. [X] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

- 2. [X] Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use

Tim Slusher -

- 3. Applicant's Name Slusher and Associates Inc. DBA Ollies Skatepark

Phone Number 859-866-7830 Fax No. 859-283-9236

Applicant's Address P.O. Box 1445

Florence KY 41022 City State Zip

- 4. Description of Request: Allow conditional use approval of Skatepark Recreation Center use.

5. Name of Development Brendamour-Yokkaichi Worldwide Center

6. Location of Development 1670 Dolwick Drive Erlanger, KY 41018

7. Acreage Under Review approx. 8

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 3 Northern Kentucky Business Center

9. Owner of Property B&K Group, Ltd.

Phone Number of Owner (513) 247-0077 ext. 27 Attn: Doug Brendamour

10. Address of Property Owner 11400 Grooms Road

City Cincinnati State Ohio Zip 45242

11. Proposed Use(s) on Site See #4 above

12. Total Square Footage of Existing and/or Proposed Buildings 136,000 sq.ft.

13. Current Zoning on Property I-1

14. Deed Book 315 Page No. 277 Group No. 2014B

15. Is the site subject to a zone change? [ ]

If yes, give date of approval [ ]

16. Have you submitted a Site Plan with this request? yes

17. Have you submitted a list of adjoining property owners with this request? yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: \* by [Signature], member

\* Subject to revision of prime lease for changes necessary by change (over) of use, meeting government code requirement and protective covenant of Northern Kentucky Business Center being met.

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 12-19-01 Fee Received \$ 714.00 R# 29951
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date 1-9-02
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: NONE
7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

BCPC: 12/00

## STAFF REPORT

APPLICANT: Slusher and Associates, Inc. (Ollies Skatepark)  
LOCATION: 1670 Dolwick Drive, Boone County, Kentucky  
ZONING: Industrial One (I-1)  
DATE: January 9, 2002

### Proposal

The Applicants are requesting a Conditional Use Permit to allow a 63,480 square foot lease space, at 1670 Dolwick Drive, to be approved for a skatepark/recreational center use. The 7.33 acre site is zoned Industrial One (I-1).

### Applicable Regulations

Article 11, Section 1133 of the Boone County Zoning Regulations permits "commercial recreation such as recreational centers, gymnasiums, bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields" as a conditional use within the Industrial One (I-1) zoning district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1133 of the Boone County Zoning Regulations.

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 11, Section 1133 of the Boone County Zoning Regulations allows skating rinks and recreational centers as a conditional use in the I-1 district provided that:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

#### Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for Industrial uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

#### Surrounding Land Uses and Zoning

North: Dolwick Drive & Vacant Property (A-2)

South: Northern Kentucky Business Center (I-1)

East: Interstate Drive, Miller Brands Office Warehouse (I-1)

West: Northern Kentucky Business Center (I-1)

#### Site Characteristics

The 136,000 square foot building is divided up into multiple tenant spaces, including Senko America Corporation, Brendamour-Yokkaichi, and UPS Logistics. The proposed 63,480 square foot skatepark would be located in the extreme northwestern part of the building.

The rear of the building adjoins a shared truck court and contains shipping and receiving bays. Automobile parking immediately adjoins the tenant space to the northwest and northeast.

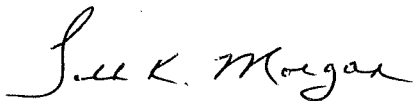
Staff Comments

1. Terry Frank, with Clarisey Frank Architecture, wrote a letter to Kevin Wall on December 12, 2001 to ask if the seventy parking stalls that were allocated to the subject tenant space were sufficient for the skatepark use. Mr. Wall determined that the existing stalls were sufficient (see attachments).
2. Mr. Frank's letter indicates that there will be three hour sessions that will be limited to a maximum of 200 participants.
3. The Applicant has furnished some pictures, time schedules, and admittance fee data for similar facilities in Georgia and New Jersey. Staff is unclear if BMX bikes will be permitted in any of the sessions.

Conclusion

KRS 100.237 and Sections 260 and 1133 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit. It is Staff's opinion that the granting the Conditional Use Permit will not change the essential character of the area and will not be hazardous to existing or future neighboring uses. Furthermore, Staff believes that the use is subservient to and not of scale that will compete, detract or conflict with the purpose and permitted uses of the district.

Respectfully submitted,

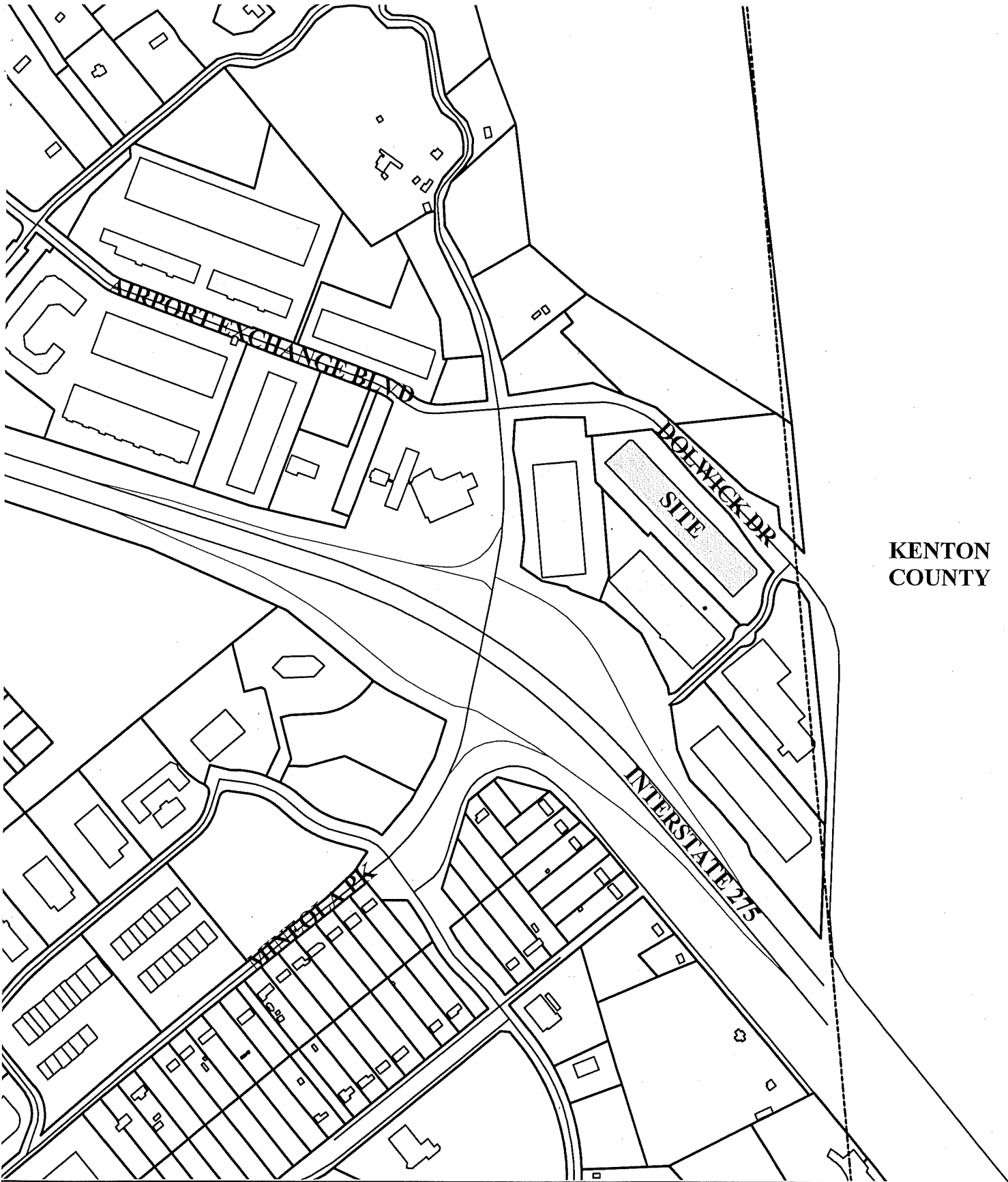


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

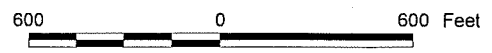
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Aerial Map of Site
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – December 12, 2001 letter from Terry Frank
- Exhibit F – December 12, 2001 reply letter from Kevin Wall
- Exhibit G – Pictures, time schedules, fees of other facility
- Exhibit H – Application



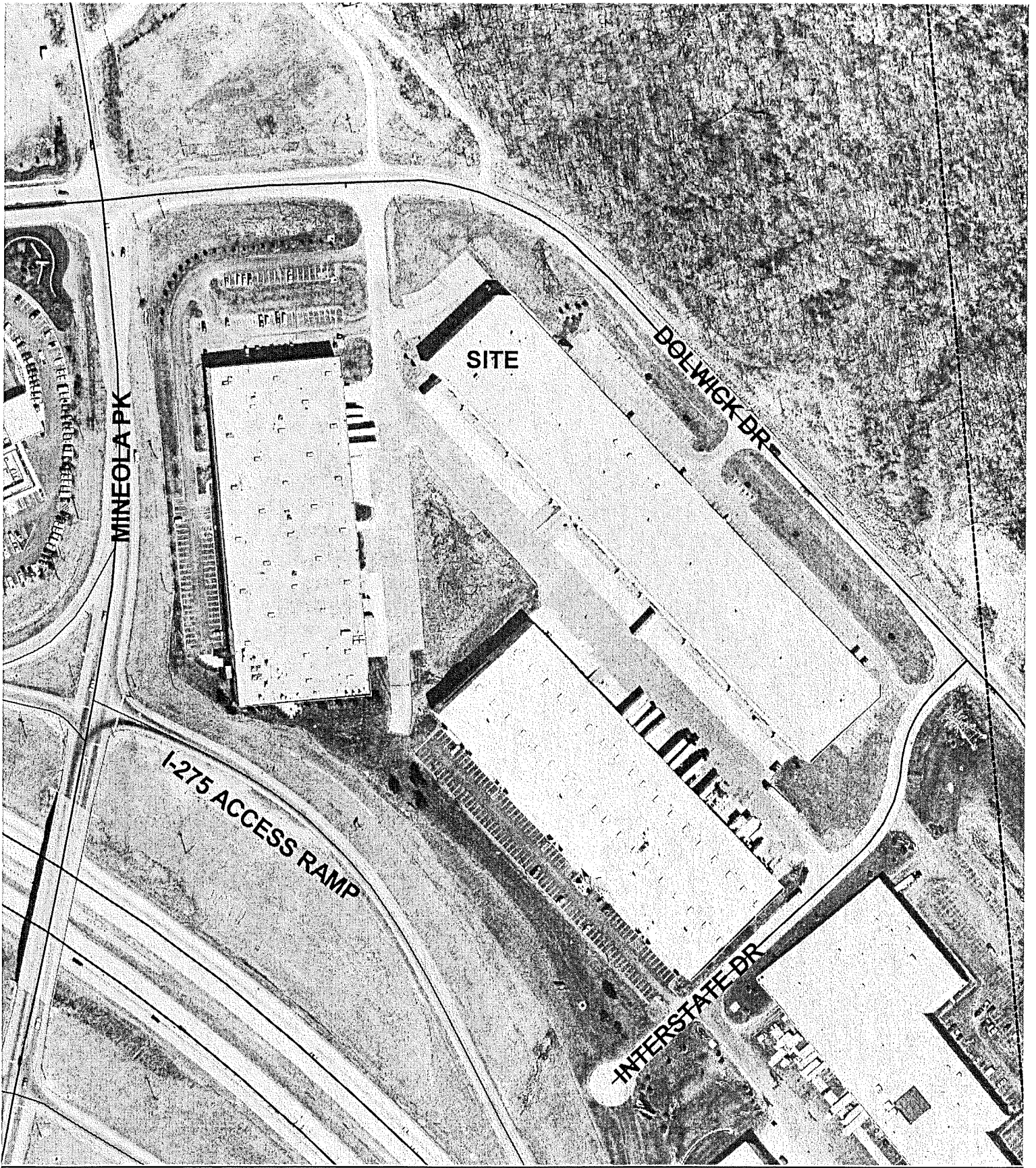
KENTON  
COUNTY

# Slusher & Associates Site Vicinity Map

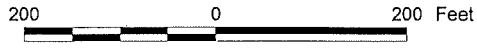


1 inch equals 600 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 20, 2001





# Slusher & Associates Aerial Map



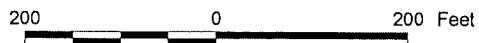
1 inch equals 200 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 20, 2001

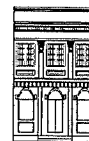


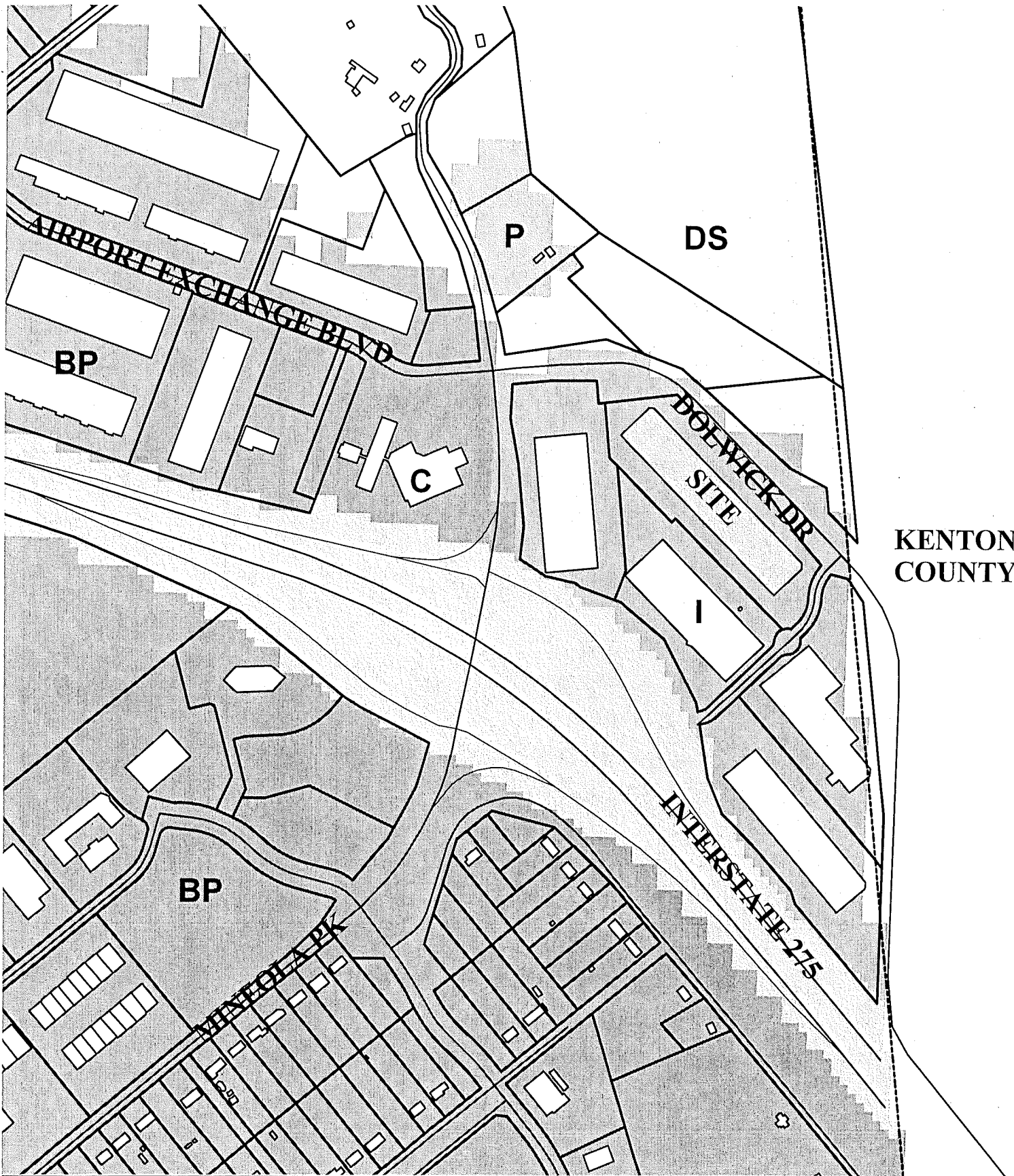


# Slusher & Associates Zoning Map



1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 20, 2001





# Slusher & Associates Future Land Use Map

500 0 500 Feet

1 inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 December 20, 2001

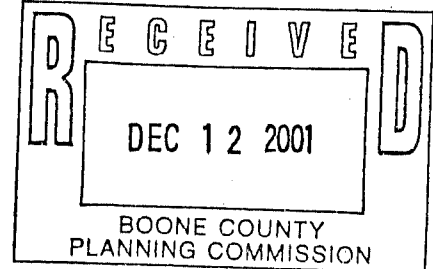


**CLARISEY FRANK**

ARCHITECTURE LTD.

7321 Montgomery Road. Cincinnati, Ohio 45236  
891.4556 fax 891.4532**Memo**

**Project:** Ollies Skate Park  
**Date:** December 12, 2001  
**Subject:** Clarification of parking spaces required  
**To:** Kevin Wall  
 Boone County Planning Commission  
**From** Terry Frank



We are requesting an decision on the required number of parking spaces for the following project:

Our client, Tim Slusher, wishes to lease space (63,480 SF) in a building at 1670 Dolwick Drive for a indoor skate facility for skateboards and inline skates. For safety, logistics, and the enjoyment of the users, the owner will limit the three hour long sessions to a maximum of 200 participants. Most of the interior space will be outfitted with "half-pipes", ramps, "bowls" and other challenging apparatus. They will have a small concession area and retail pro-shop for equipment and parts. We believe this use is similar a "gymnasium" or "entertainment assembly" use. Many of the clients of this facility will be young teens who we anticipate will be dropped off by parents and not require parking spaces.

We therefore propose the following for calculating the required parking:

200 participants  
 30 waiting parents  
 + 10 employees  
 240 occupants at (1 space per 4 seats) = 60 spaces

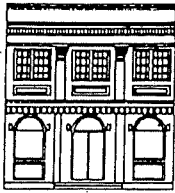
There is an existing parking lot with 30 spaces at the west end of the building solely for the use of this tenant space. A large parking lot on the north side of the building is shared by all the tenants of the building, this tenant space is allocated 40 spaces there. This gives us 70 dedicated spaces total. The heavier use of this facility will be in the evening when the other businesses will be closed. The south side of the building is the truck dock area which will not be used for docks, so perhaps employees could park in that area freeing up spaces for customers.

Please let us know if you agree with our assessment and if a site plan will be required with our submittal to the Building Department. Please call if you need additional information or have any questions.

Thank you

# BOONE COUNTY PLANNING COMMISSION

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2995 Washington Street • Burlington, KY 41005

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

Phone: (859) 334-2196

Fax: (859) 334-2264

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

December 12, 2001

Mr. Terry Frank  
Clarisey Frank Architecture Ltd.  
7321 Montgomery Road  
Cincinnati, OH 45236

FAX: 513-891-4532

RE: Proposed Skateboard Park at 1670 Dolwick Drive, Boone County, Kentucky;  
Industrial One (I-1) Zone

Dear Mr. Frank:

In response to your inquiry, I am providing the following information.

First, the site in question is within an I-1 zone. Skate parks are permitted in the I-1 zone, although the most applicable use category is Conditional Use #11, which is described as "commercial recreation such as recreation centers, gymnasium, bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields." This means that a Conditional Use Permit must be granted by the Board of Adjustment (BOA) through a Public Hearing procedure before the use can be initiated at a specific location. I know this use category is somewhat contradictory to the O-1 zone Principally Permitted Use #29 ("recreation centers, gymnasiums and other related recreational facilities"), which is Principally Permitted in the I-1 zone by reference. However, the Conditional Use category is more specific and more directly correlates to your client's proposal. Additionally, if there are conflicting provisions within the regulations, the more restrictive requirements must be prevailed. You can discuss the BOA application requirements and procedure with Todd Morgan.

Second, the Zoning Regulations do not provide specific parking requirements for skate parks (based on my personal experience, they do not have near as much parking demand as roller rinks, which do have specific parking requirements in the regulations). Based on the comparable use categories outlined in Article 33 of the Zoning Regulations, I agree that seventy (70) parking spaces is sufficient for an indoor skate park which has a total functional occupancy of 240 (or a minimum of one space per four occupants as outlined in your letter). A site plan will need to be submitted if parking spaces will be added or if

Mr. Terry Frank  
December 12, 2001  
Page 2

existing truck dock areas are converted to auto parking areas - you can send over a preliminary plan for our evaluation to determine whether a Major Site Plan or Minor Site Plan is required. Please call me if you have any questions or need any clarifications.

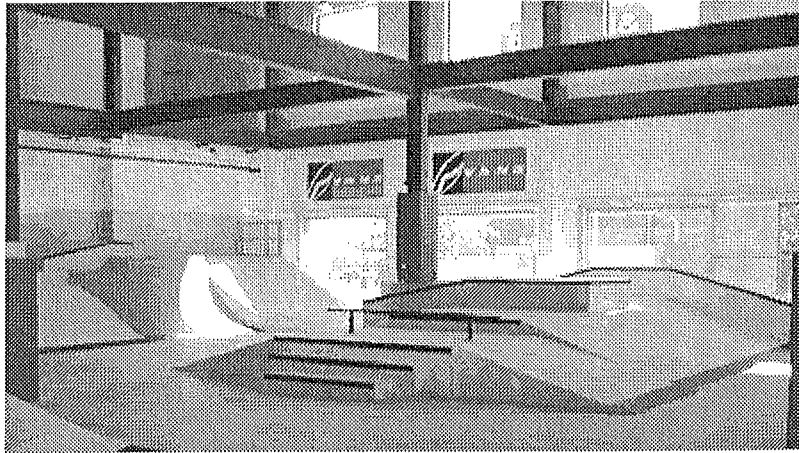
Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', with a long horizontal flourish extending to the right.

Kevin T. Wall, AICP  
Zoning Administrator  
Boone County Fiscal Court

KTW/vlm

cc: Todd Morgan, Planner

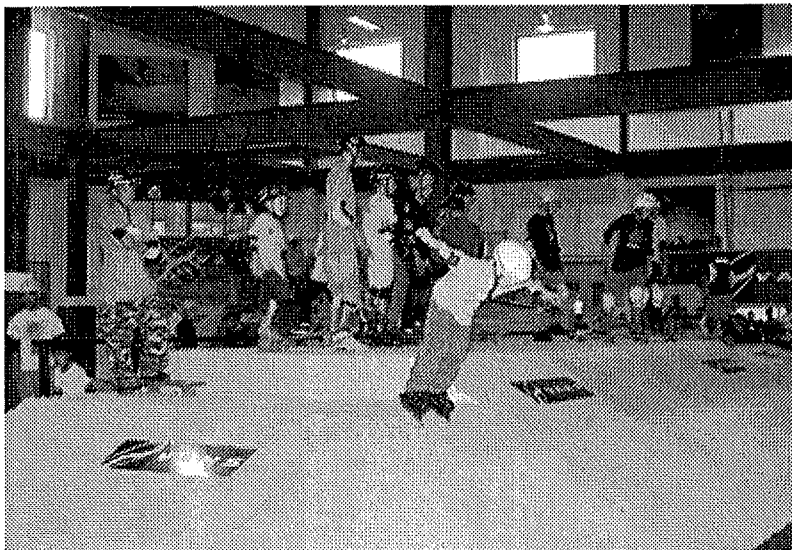


Monday through Friday	Times:	Member Fees:	Non-Member Fees:
Session 1:	10:00 a.m. to 12:00 p.m.	\$7.00 session	\$11.00 session
Session 2:	12:15 p.m. to 2:15 p.m.	\$7.00 session	\$11.00 session
Session 3:	2:30 p.m. to 4:30 p.m.	\$9.00 session	14.00 session
Session 4:	4:45 p.m. to 6:45 p.m.	\$9.00 session	14.00 session
Session 5:	7:00 p.m. to 9:00 p.m.	\$9.00 session	14.00 session
Session 6:	9:00 p.m. to 11:00 p.m.	\$9.00 session	14.00 session

**Some Shots From the Grand Opening:**



BMX ONLY	Member Fees:	Non-Member Fees:
Thursday	9:00 p.m. to 11:00 p.m. session	\$14.00 session
Sunday	7:00 p.m. to 9:00 p.m. session	\$14.00 session



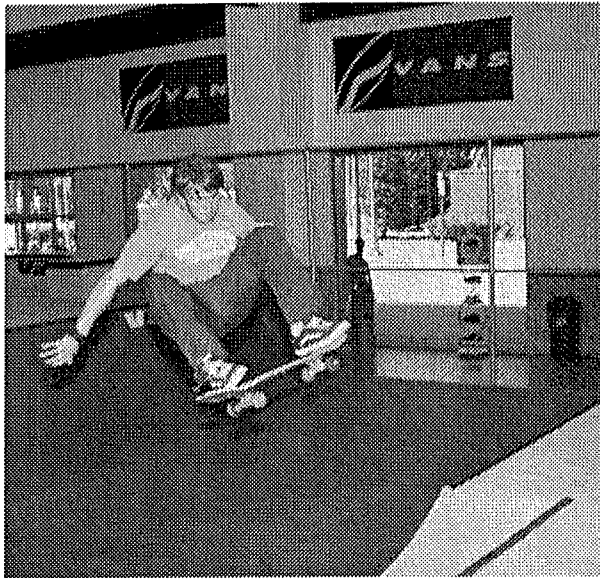
Saturday, Sunday & Holidays	Times:	Member Fees:	Non-Member Fees:
Session 1:	10:00 a.m. to 12:00 p.m.	\$8.00 session	\$12.00 session
Session 2:	12:15 p.m. to 2:15 p.m.	\$8.00 session	\$12.00 session
Session 3:	2:30 p.m. to 4:30 p.m.	\$9.00 session	14.00 session
Session 4:	4:45 p.m. to 6:45 p.m.	\$9.00 session	14.00 session
Session 5:	7:00 p.m. to 9:00 p.m.	\$9.00 session	14.00 session
Session 6:	9:00 p.m. to 11:00 p.m.	\$9.00 session	14.00 session

**MEMBERSHIP: \$50.00 Per Year**

The skate park requires all skaters to wear protective gear while using the facilities, so please be sure to bring knee pads, elbow pads, and a helmet with you for your session. If you do not have any of the three items, rental are available at the skate park.

Rental fees include:

- Elbow pads \$2.00 per session
- Knee pads \$2.00 per session
- Helmet \$3.00 per session
- All \$5.00 per session (includes helmet, elbow, and knee pads)



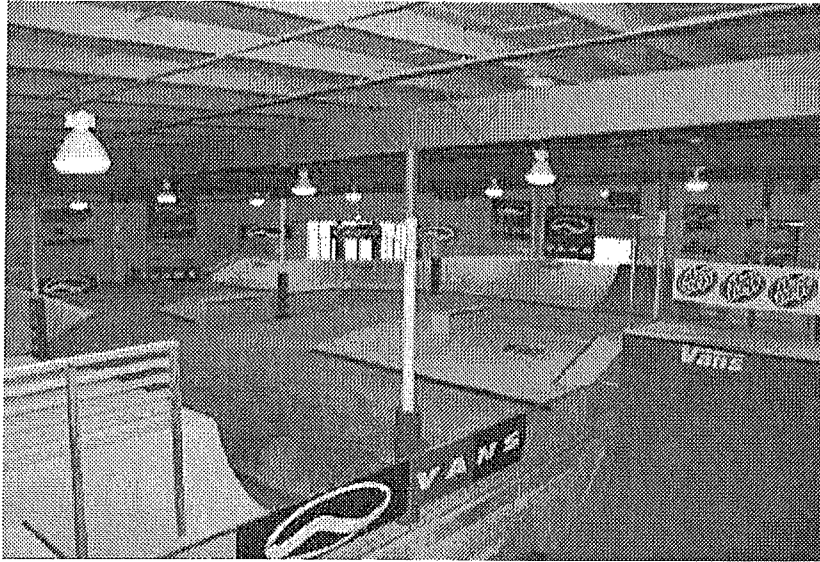
All prices and session times subject to change at Vans discretion.

Vans Skate Park is located at:  
3333 Buford Drive Building C, # 4855  
Buford, GA. 30519  
678-714-2041

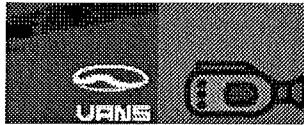
All skaters must sign a release form prior to skating in the park. Anyone under 18 must have a parent or legal guardian present to sign the release form. If a parent or guardian is unable to be present, the form must be notarized.



# VANS MILPITAS SKATEPARK



Monday through Friday	Times:	Member Fees:	Non-Member Fees:
Session 1:	10:00 a.m. to 12:00 p.m.	\$7.00 session	\$11.00 session
Session 2:	12:15 p.m. to 2:15 p.m.	\$7.00 session	\$11.00 session
Session 3:	2:30 p.m. to 4:30 p.m.	\$9.00 session	\$14.00 session
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Session 5:	7:00 p.m. to 9:00 p.m.	\$9.00 session	\$14.00 session
Session 6:	9:00 p.m. to 11:00 p.m.	\$9.00 session	\$14.00 session
Monday & Wednesday BMX only	9:00 p.m. to 11:00 p.m.	\$9.00 session	\$14.00 session



Saturday, Sunday & Holidays	Times:	Member Fees:	Non-Member Fees:
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Sunday BMX only:	9:00 p.m. to 11:00 p.m.	\$9.00 session	\$14.00 session

MEMBERSHIP: \$50.00 Per Year

The skate park requires all skaters to wear protective gear while using the facilities, so please be sure to bring knee pads, elbow pads, and a helmet with you for your session. If you do not have any of the three items, rental are available at the skate park.



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<b>BMX ONLY</b>			
Thursday	9:00 p.m. to 11:00 p.m.	\$9.00 session	\$14.00 session
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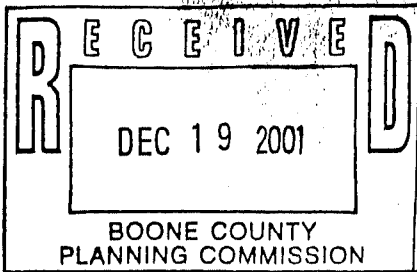
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Rental fees include:

- Elbow pads \$2.00 per session
- Knee pads \$2.00 per session
- Helmet \$3.00 per session
- All \$5.00 per session (includes helmet, elbow, and knee pads)

All prices and session times subject to change at Vans discretion.  
 Vans Skate Park is located the  
 400 Route 38 Space 170  
 Moorestown, NJ. 08057



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) X Boone ... Florence ... Walton ... Union
2. (Check One) X Conditional Use Permit ... Variance ... Appeal
3. Applicant's Name Slusher and Associates Inc. DBA Ollies Skatepark
4. Description of Request: Allow conditional use approval of Skatepark Recreation Center use.
5. Name of Development Brendamour-Yokkaichi Worldwide Center
6. Location of Development 1670 Dolwick Drive Erlanger, KY 41018
7. Acreage Under Review approx. 8
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 3 Northern Kentucky Business Center
9. Owner of Property B&K Group, Ltd.
10. Address of Property Owner 11400 Grooms Road City Cincinnati State Ohio Zip 45242
11. Proposed Use(s) on Site See #4 above
12. Total Square Footage of Existing and/or Proposed Buildings 136,000 sq.ft.
13. Current Zoning on Property I-1
14. Deed Book Page No. Group No.
15. Is the site subject to a zone change? If yes, give date of approval
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations

Tim Slusher

Applicant's Signature: Timothy D. Slusher

Property Owner's Signature: \* [Signature], member

\* Subject to revision of prime lease for changes necessary by change (over) of use, meeting government code requirement and protective covenant of Northern Kentucky Business Center being met.

COPY

CLUR #02-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

B & K Group, Ltd.  
11400 Grooms Road  
Cincinnati, OH 45242

2. ADDRESS OF PROPERTY

1670 Dolwick Drive  
Erlanger, KY 41018

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Ollies Skatepark

4. DEED BOOK 315

PAGE NO. 297

GROUP NO. 2014B

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From      To     

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

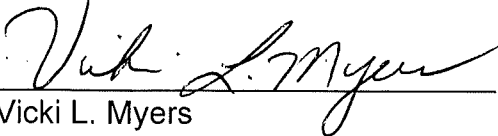
  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

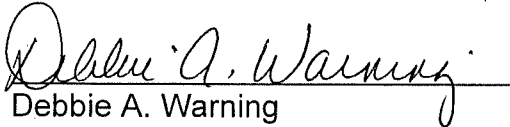
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 10 day of January, 2002.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of January 9, 2002 Certificate of Land Use Restriction (#02-BCBOA-003-A), for B & K Group, Ltd., Property Owner(s).

The following conditions will apply:

No conditions.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

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