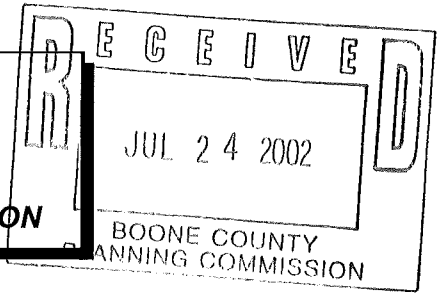


APPLICATION FORM

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

- 3. Applicant's Name Slusher and Associates Inc. dba Ollies Skatepark Phone Number 859 866 7830 Fax No. 859 283 9226 Applicant's Address PO Box 1445

Florence Ky 410222 City State Zip

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

- 5. Name of Development

- 6. Location of Development 1262 Cox Rd Erlanger Ky 41018

- 7. Acreage Under Review [redacted] 6.68 acres

- 8. Lot Number and Name of Subdivision (if part of a subdivision) Mineola Industrial Park, Sec 3, #6 #7

- 9. Owner of Property Brinkman-Jaymont Associates, LLC Phone Number of Owner 513-231-3505

- 10. Address of Property Owner 1598 Bloomingdale Cinti, OH 45230 City State Zip

- 11. Proposed Use(s) on Site Sec # 4

- 12. Total Square Footage of Existing and/or Proposed Buildings 93,750 sq ft

- 13. Current Zoning on Property I-1

- 14. Deed Book 311 [redacted] 322 Page No. 44 [redacted] 235 Group No. 2022

- 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: Brinkman-Jaymont Associates, LLC [Signature] (over)

**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 7-24-02 Fee Received \$1738.00 RH-32155
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
9-11-02 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 9-11-02
BCBOA MEETING MINUTES
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 - 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.

STAFF REPORT

APPLICANT: Slusher and Associates, Inc. (Ollies Skatepark)
LOCATION: 1262 Cox Avenue, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: August 14, 2002

PROPOSAL

The Applicant is requesting a Conditional Use Permit to allow a 93,750 square foot building located at 1262 Cox Avenue to be approved for a skatepark/recreational center use. The 6.68 acre site is zoned Industrial One (I-1).

The applicant provided a letter which indicates that the building will contain the following areas:

- check-in and rental shop (1,000 - 1,200 square feet)
- general offices (4,000 - 6,000 square feet)
- pro shop (1,200 - 1,400 square feet)
- concession stand (1,200 - 1,400 square feet)
- game room (1,000 - 1,400 square feet)
- skating area

APPLICABLE REGULATIONS

Article 33, Section 3312 of the Boone County Zoning Regulations requires all parking areas to be striped to facilitate the movement into and out of parking stalls.

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: Cox Business Center & Brazing and Metal Treating (I-1)

South: Sheppard & Company (I-1)

East: Envelope House (I-1)

West: Bob Sumerel Tire & International Knife & Saw (I-1)

SITE CHARACTERISTICS

The 6.68 acre site is located within Mineola Industrial Park. The parcel contains an approximate 93,750 square foot industrial warehouse building, which is currently unoccupied. The site adjoins other properties which are located within the Industrial Park. Access to the site is provided from two existing curb cuts on Cox Avenue and a single curb cut on Jamike Lane.

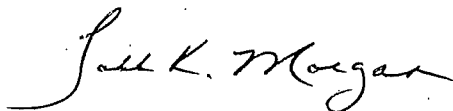
STAFF COMMENTS

1. The applicant's letter indicates that the skating sessions will be approximately three hours in length and will be limited to about 200 participants.
2. If the Board grants approval of the request, Staff recommends a condition that would require the parking lot to be re-striped in accordance with Sections 3311 and 3312 of the Boone County Zoning Regulations. A Minor Site Plan application will be required if the condition is agreed upon.

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,

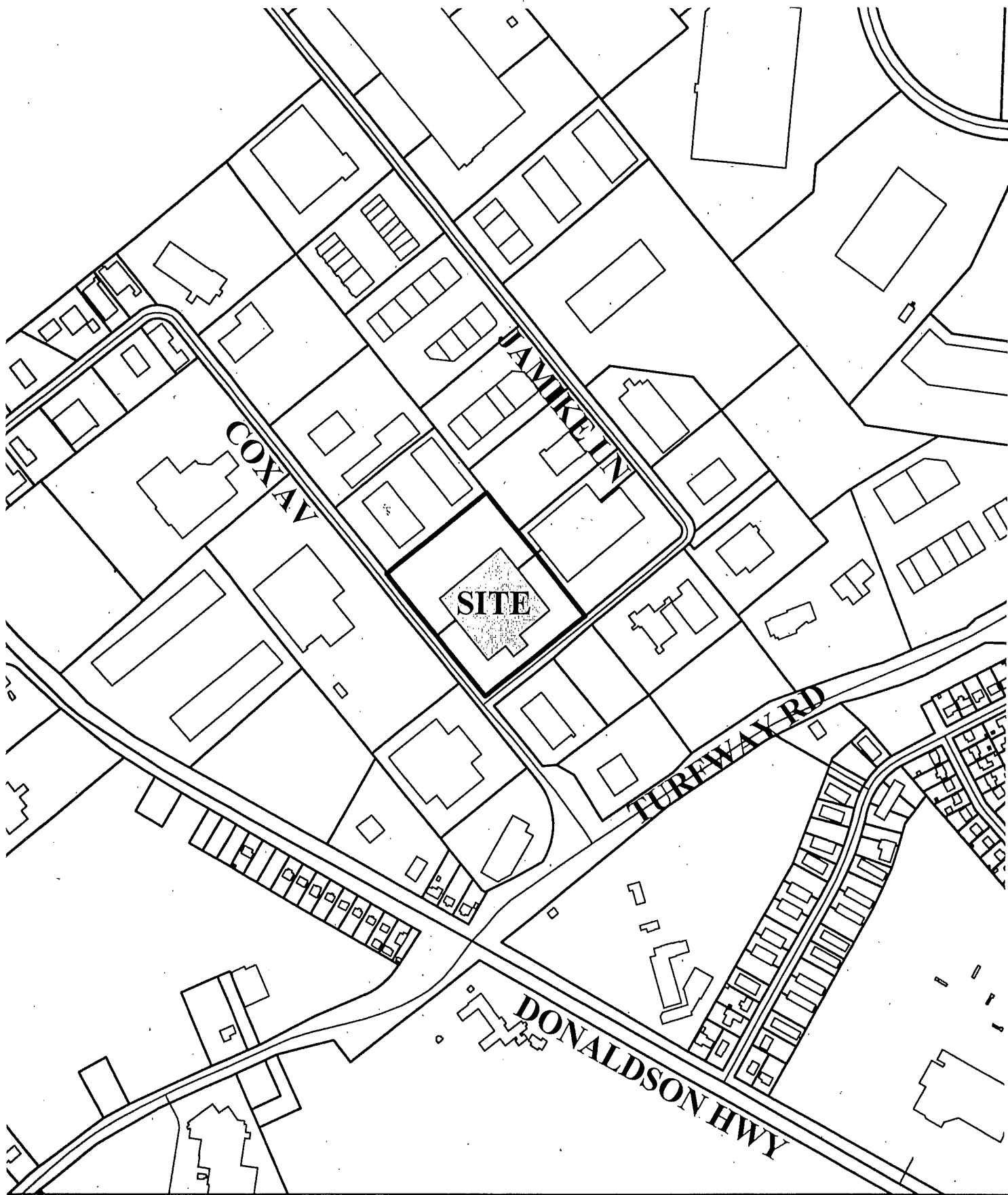


Todd K. Morgan, AICP
Planner, Zoning Services

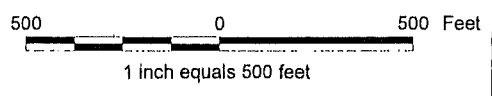
TKM/pr

Attachments

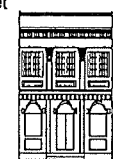
- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Aerial Map of Site
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Application



Blusher & Associates
Site Vicinity Map



Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 26, 2002



To: Kevin Wall
Boone County Planning Commission

From: Tim Slusher

Project: Ollie's Skate park

Date: July 19 2002

Subject: Conditional Use Permit For 1262 Cox Ave Erlanger KY 41018

This Facility is approximately 93,00 sq ft with a parking lot having 127 spaces +/- . The space will be broken down with the approximately these areas.

Check-in and rental shop: 1000 - 1200 Sq Ft

General Offices: 4000-6000 Sq Ft

Pro Shop: 1200-1400 Sq Ft

Concession stand: 1200-1400 Sq Ft

Game Room: 1000-1400 Sq Ft

These are estimates and could change due to the set up of the park and interior access.

We still feel that the number of participants attending any one session would be about 200 broken down as follows:

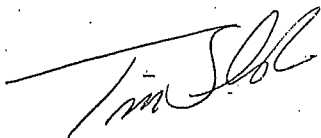
Participants 200

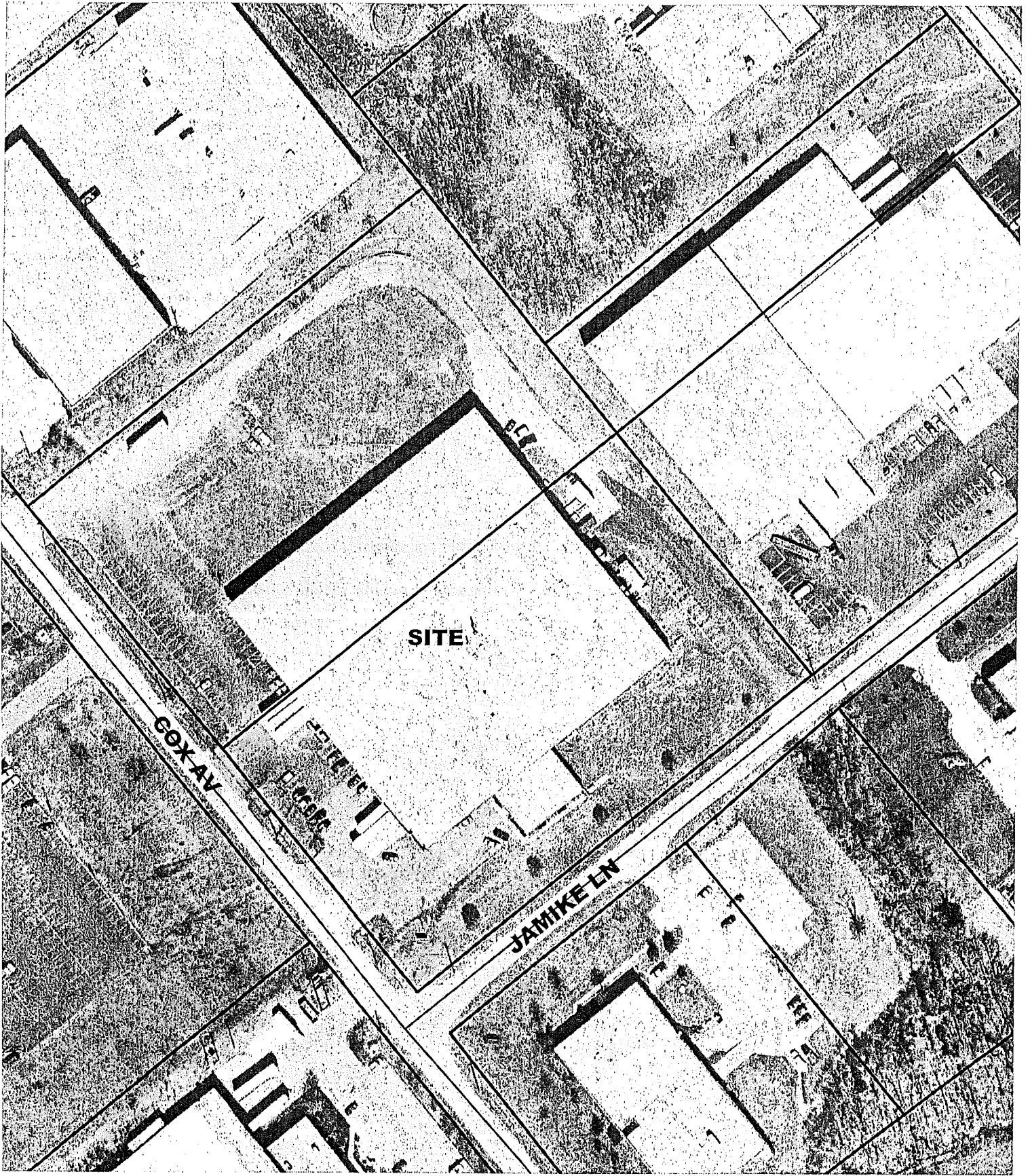
Parents and others 45-50

Employees 10-15

The park will have approximately three hour session and will provide an interior environment of ramps, rails, "half-pipes" , "bowls", and other challenging apparatus. I believe that this use is similar to "gymnasium or entertainment assembly use. Since this is a free-standing building the risks of large truck travel in the parking lot will be curtailed by posting "no Truck " signs.

The purpose of this park is to provide young people a place to a enjoy a very interesting past time Please let me know if you agree with our assessment and if any further information is needed .





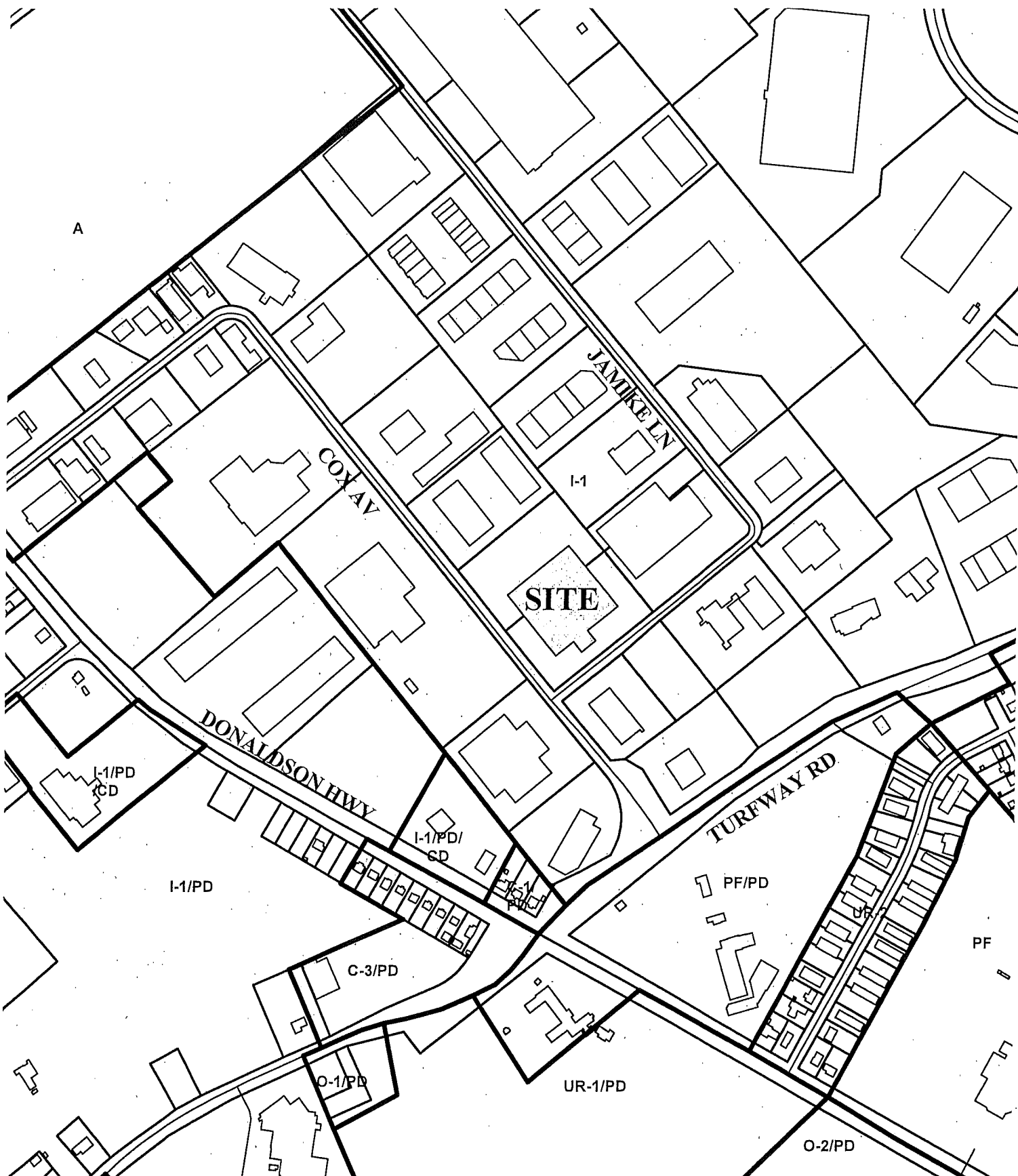
Slusher & Associates Aerial Map



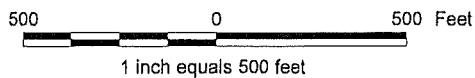
1 inch equals 125 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 30, 2002



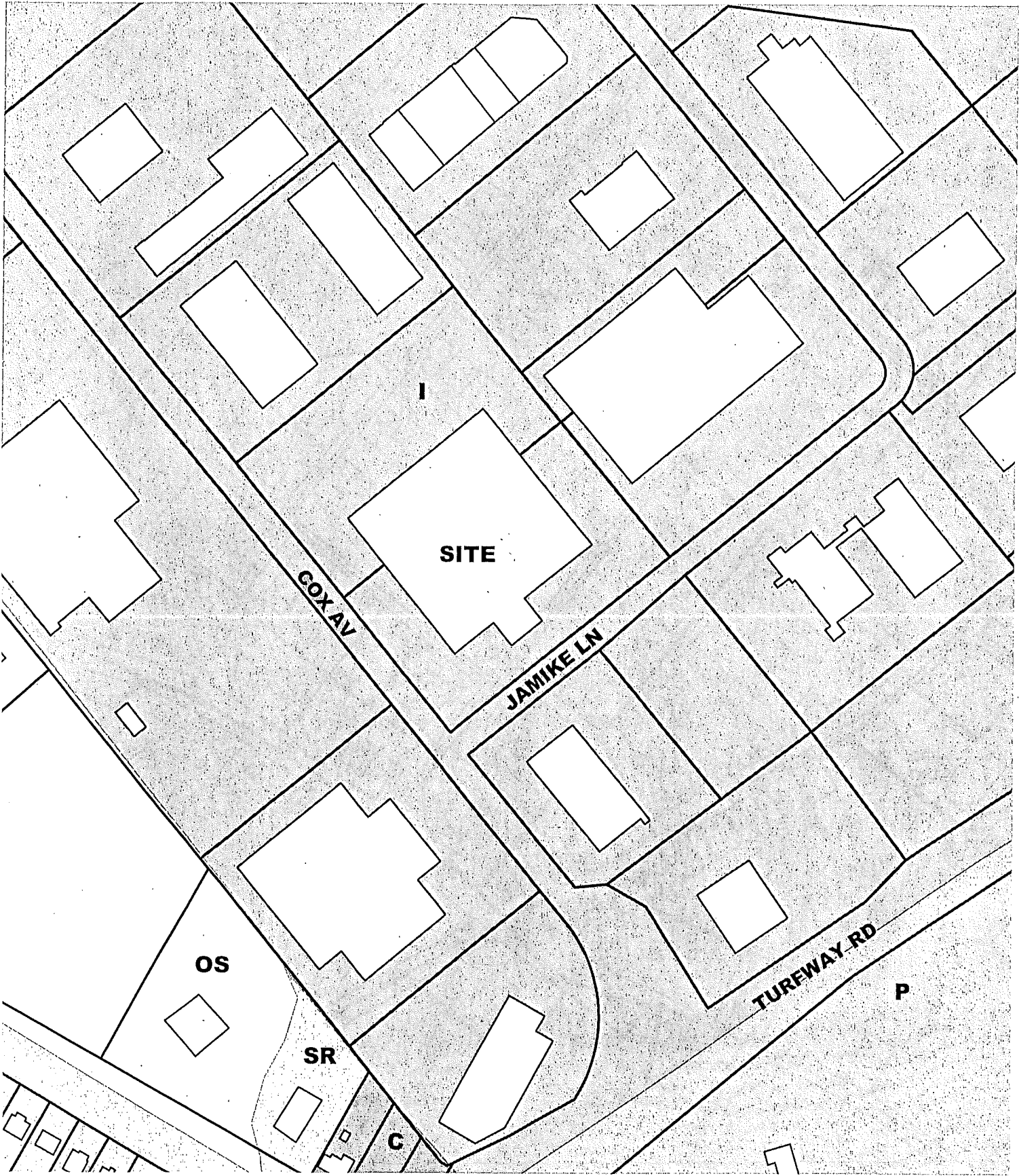


Slusher & Associates Zoning Map

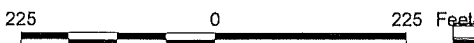


Produced by the
Boone County Planning Commission
GIS Services Division
July 26, 2002





Slusher & Associates Future Land Use Map



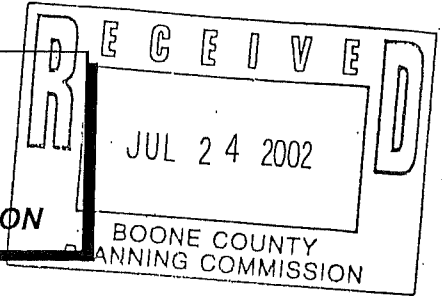
1 inch equals 225 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 30, 2002



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)
 Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name Slusher and Associates Inc. dba Ollies Skatepark
Phone Number 859 866 7830 Fax No. 859 283 9226
Applicant's Address PO Box 1445
Florence _____ Ky 410222 _____
City State Zip
- 4. Description of Request: Allow Conditional use approval of Skatepark/
Recreation Center use.
- 5. Name of Development _____
- 6. Location of Development 1262 Cox Rd
Erlanger Ky 41018
- 7. Acreage Under Review ~~3.22~~ 6.68 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Minnesota Industrial Park, Sec 3, #6 #7
- 9. Owner of Property Brinkman-Jaymont Associates, LLC
Phone Number of Owner 513-231-3505
- 10. Address of Property Owner 1598 Bloomingdale Cinti, OH 45230
City State Zip
- 11. Proposed Use(s) on Site Sec # 4
- 12. Total Square Footage of Existing and/or Proposed Buildings 93,750 sq ft
- 13. Current Zoning on Property I 1
- 14. Deed Book 311 ~~322~~ Page No. 44 ~~235~~ Group No. 2022
- 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: Brinkman-Jaymont Associates, LLC
[Signature]
(over)

COPY

CLUR #02-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Brinkman-Jaymont, Associates, LLC
1598 Bloomingdale
Cincinnati, OH 45230
2. ADDRESS OF PROPERTY
1262 Cox Road
Erlanger, KY 41018
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Ollies Skatepark
4. DEED BOOKS & PAGES 311/44, 322/235 GROUP NO. 2022
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X Conditional Use Permit
 From ___ To ___
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- ___ 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

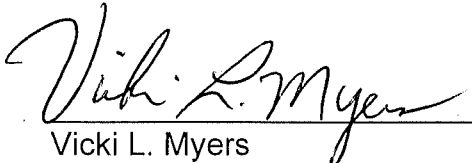

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

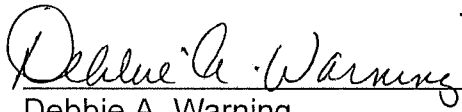
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of September, 2002.



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 September 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-014-A), for Brinkman-Jaymont Associates, LLC, Property Owner(s).

The following conditions will apply:

- 1) The parking lot is to be restriped in accordance with Sections 3311 and 3312 of the zoning regulations and a minor Site plan is to be submitted in regard to this condition.
- 2) The hours of operation are to be within one hour each way (earlier or later) of the stated hours of 3 PM to 10 PM.

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

DEED BOOKS & PAGES 311/44, 322/235 GROUP NO. 2022