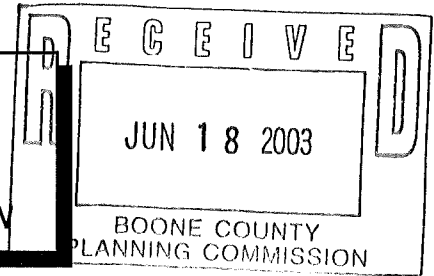


APPLICATION FORM

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. Boone [checked] Florence _____ Walton _____ Union _____
(2) Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name ED SCHUMPF
Phone Number (859) 657-6555 Fax No. (859) 657-6555
Applicant's Address 8739 US 42 FLORENCE KY. 41042
4. Description of Request: ALLOW CHILD CARE/PRESCHOOL CENTER TO OCCUPY APPROX. 5000sq ft IN KINGSGATE STATION PROF. OFF. BLDG.
5. Name of Development KINGSGATE STATION PROF. OFF. BLDG. (LOT #1)
6. Location of Development EXIST. BLDG. - FIRST FINANCIAL DRIVE (SOUTH SIDE) AT INTERSECTION OF KINGSGATE DRIVE
7. Acreage Under Review EXIST. LOT. 2.39 Ac.
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT #1 - KINGSGATE STATION
9. Owner of Property JULIAN MACKENZIE IV, LLC
Phone Number of Owner p. (513) 563-1991 f. (513) 563-4543
10. Address of Property Owner 10 TECH VIEW PL. CINCINNATI, OHIO 45215
11. Proposed Use(s) on Site EXIST. SINGLE-STORY PROF. OFFICE BUILDING; MULTI-TENANT; MIXED USE
12. Total Square Footage of Existing and/or Proposed Buildings EXIST. BLDG 22,735sq ft
13. Current Zoning on Property PF
14. Deed Book 811 Page No. 48 Group No. 2030
15. Is the site subject to a zone change? NO
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: [Signature]

**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 6-18-03 Fee Received \$543.00 R# 35604
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: _____

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: Ed Schumpf
LOCATION: 6159 First Financial Drive
ZONING: Public Facilities (PF)
DATE: July 9, 2003

PROPOSAL

The Applicant is requesting a Conditional Use Permit to permit an approximately 5,000 square-foot child care facility in the existing Kingsgate Station professional office building, located on First Financial Drive.

The Concept Development Plan indicates that the facility will feature five classrooms: a 368 square foot room for one-year-olds, a 272 square foot room for two-year-olds, a 660 square foot room for toddlers, a 660 square foot preschool room, and a 660 square foot kindergarten, in area. An outside play area, shown to be 3,050 square feet in area, adjoins the site on the east and the south. Additionally, there will be an office, a break room, laundry facilities, a pantry, storage facilities, and restrooms. The applicant has indicated that the proposed hours of operation are from 6:30 AM to 6:00 PM. Approximately 100 children would be enrolled in the daycare.

SITE HISTORY

2001 The Boone County Fiscal Court approved a Change in an Approved Concept Development Plan for the subject property. This Change allowed the construction of a medical and professional office building on Lot 1 of Kingsgate Crossing. Through the revised Concept Development Plan, certain principally permitted and conditional uses allowed in the Office One (O-1) zone were to be permitted on the site, which is zoned Public Facilities (PF). Under the 1996 Zoning Regulations, child care centers were permitted as a conditional use in the O-1 zone.

APPLICABLE REGULATIONS

Article 33, Section 3325 of the Boone County Zoning Regulations requires the following total parking spaces based on land uses:

“nursery and child care facilities”	2.00 spaces per classroom but not less than 6.00 spaces overall (p. 33.10)”
-------------------------------------	---

“office, business, research
and service uses in C-1, C-2,
C-3, C-4 or O-1, O-2, I-1, I-2
or I-3 districts

1.00 space per 250 gfa. plus
1.00 space for each automobile
used in the business, plus any
additional parking area as required
by Section 3326 (p. 33.9)”

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 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 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
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.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for Commercial uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial, recreation, restaurants, services, etc (p. 158)."

SURROUNDING LAND USES AND ZONING

- North: Out lots of Kingsgate Station Subdivision, zoned Public Facilities/Planned Development (PF/PD)
- South: Kingsgate Crossing Subdivision, zoned Suburban Residential Two (SR-2)
- East: Goldstar Chili, zoned Commercial Two (C-2) and Office Two (O-2)
- West: Landscape Supply, zoned Commercial Services (C-3)

SITE CHARACTERISTICS

The subject property is located within the professional and medical office building in the Kingsgate Station subdivision. This building is located on a 2.37 acre parcel, with relatively flat topography ranging from 854 feet above sea level at the extreme southeastern corner of the lot to 866 feet above sea level at the north of the lot. The three lots in the subdivision share an access drive and a single curb cut on Kingsgate Drive, which provides the ingress to and egress from the site.

STAFF COMMENTS

1. The Board will need to consider the potential impact that the proposed land use could have on adjoining property owners. Noise, in particular, could affect the residences located in the Kingsgate Crossing subdivision to the south, given the proximity of the daycare's outdoor play area to these residences.
2. Staff will require parking calculations when the applicant applies for a building permit. The site currently features sufficient parking for a daycare center as required under Section 3325 of the Zoning Regulations. However, the applicant has not indicated if there will be any vehicles used in business. If there are any vehicles used in the business, the applicant will need to note these in the parking calculations.

CONCLUSION

KRS 100.237 and Sections 260 and 1113 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,

A handwritten signature in cursive script, appearing to read "Patty Bachman", with a long horizontal flourish extending to the right.

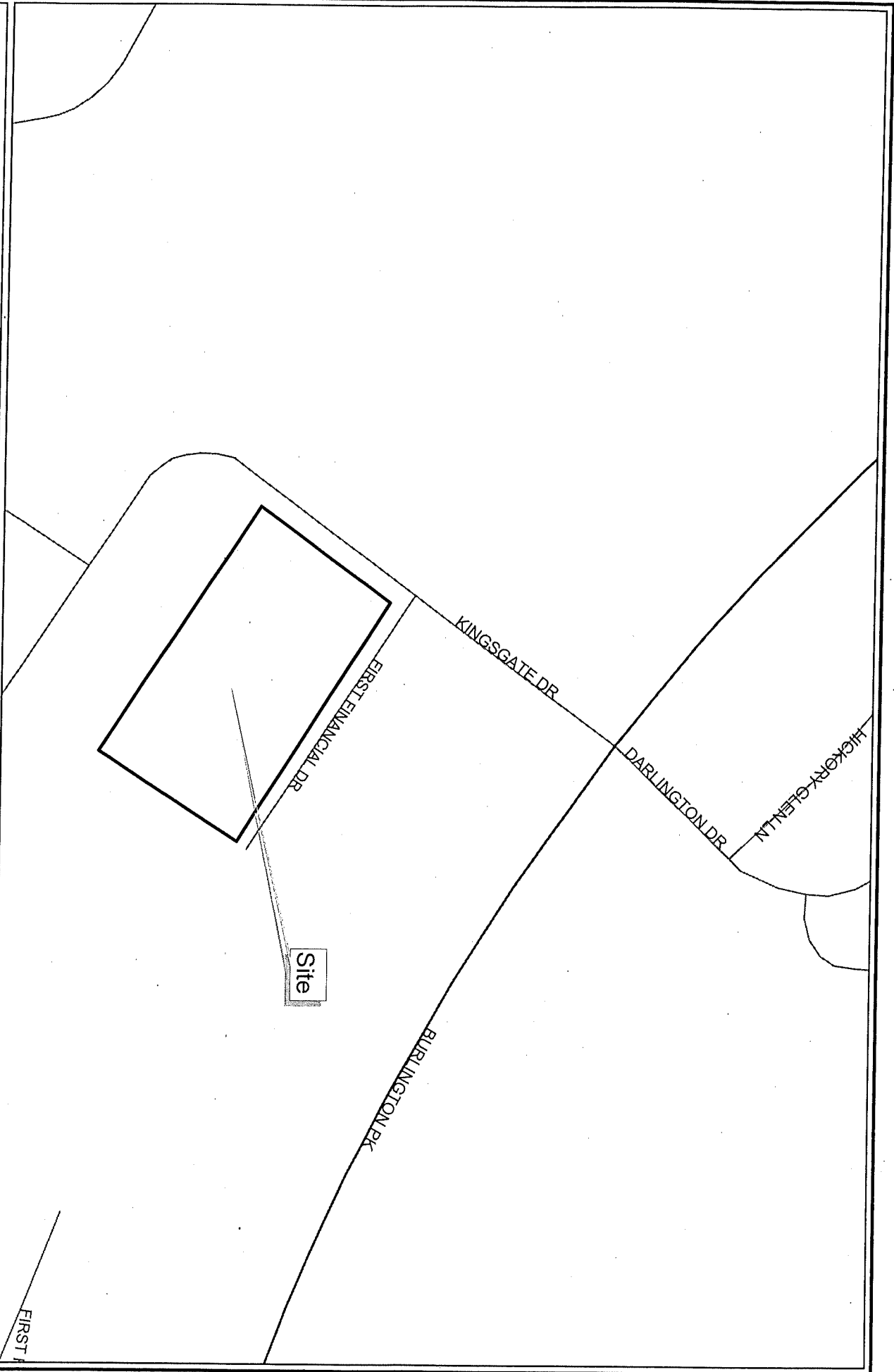
Patty Bachman
Planner, Zoning Services

MPB/pr

Attachments

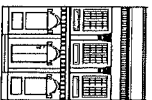
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Preliminary Floor Plan
- Exhibit D- Aerial Map of Site and Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F- Application

Kingsgate-Vicinity Map



1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 2, 2003



KINGS GATE DRIVE

FIRST FINANCIAL DRIVE

N 37°12'27" W
433.52

N 36°26'35" E

222.25'

25' BUFFER YARD

S 32°36'52" W 520.50'

APPROX. 15' x 90'
(1,350A) OUTSIDE
AREA FOR 1#2 YR. OLDS

APPROX. 20' x 85' (1700A)
PLAY AREA FOR 3,4#5 YR. OLDS

DAVID
0-2

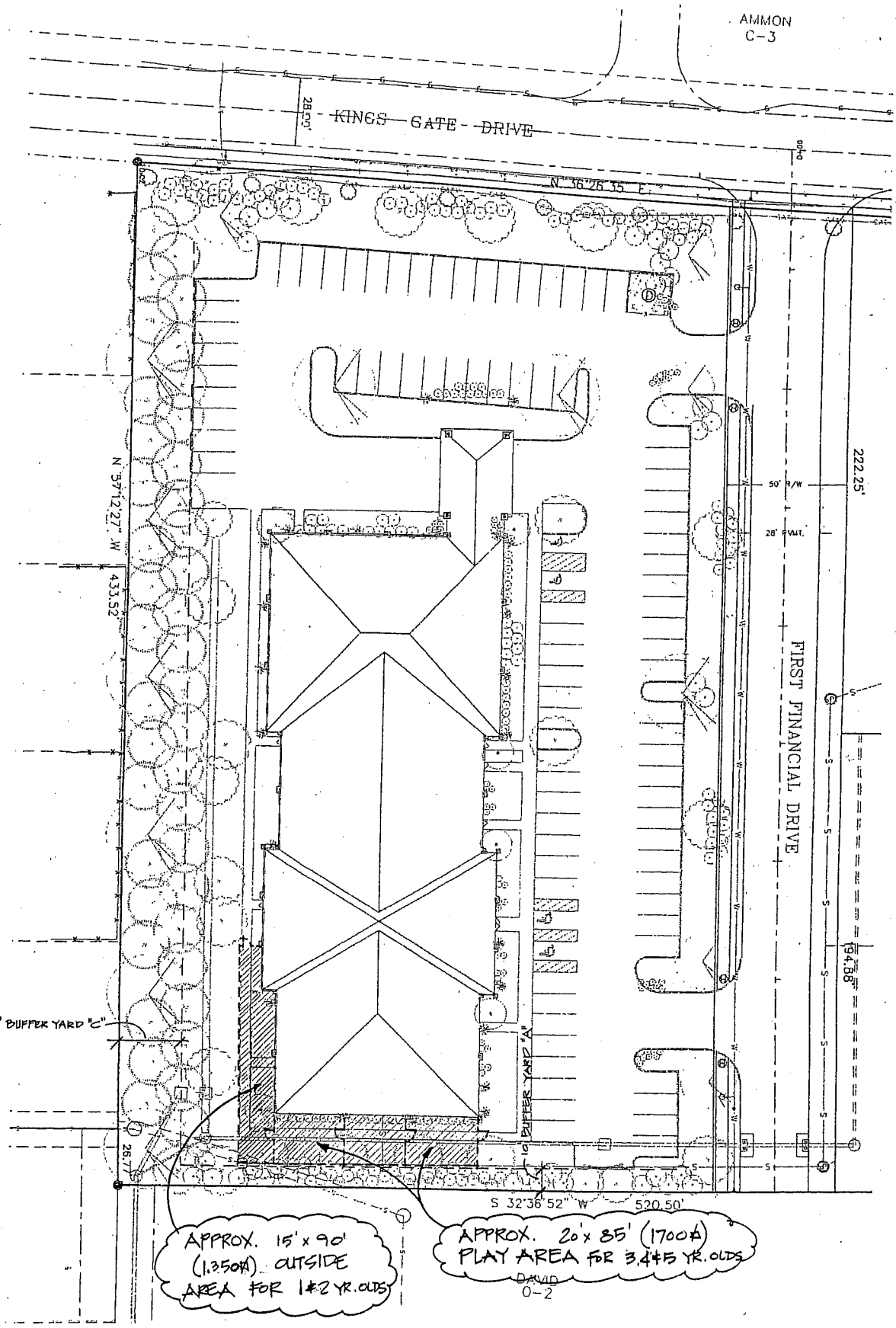
SITE PLAN

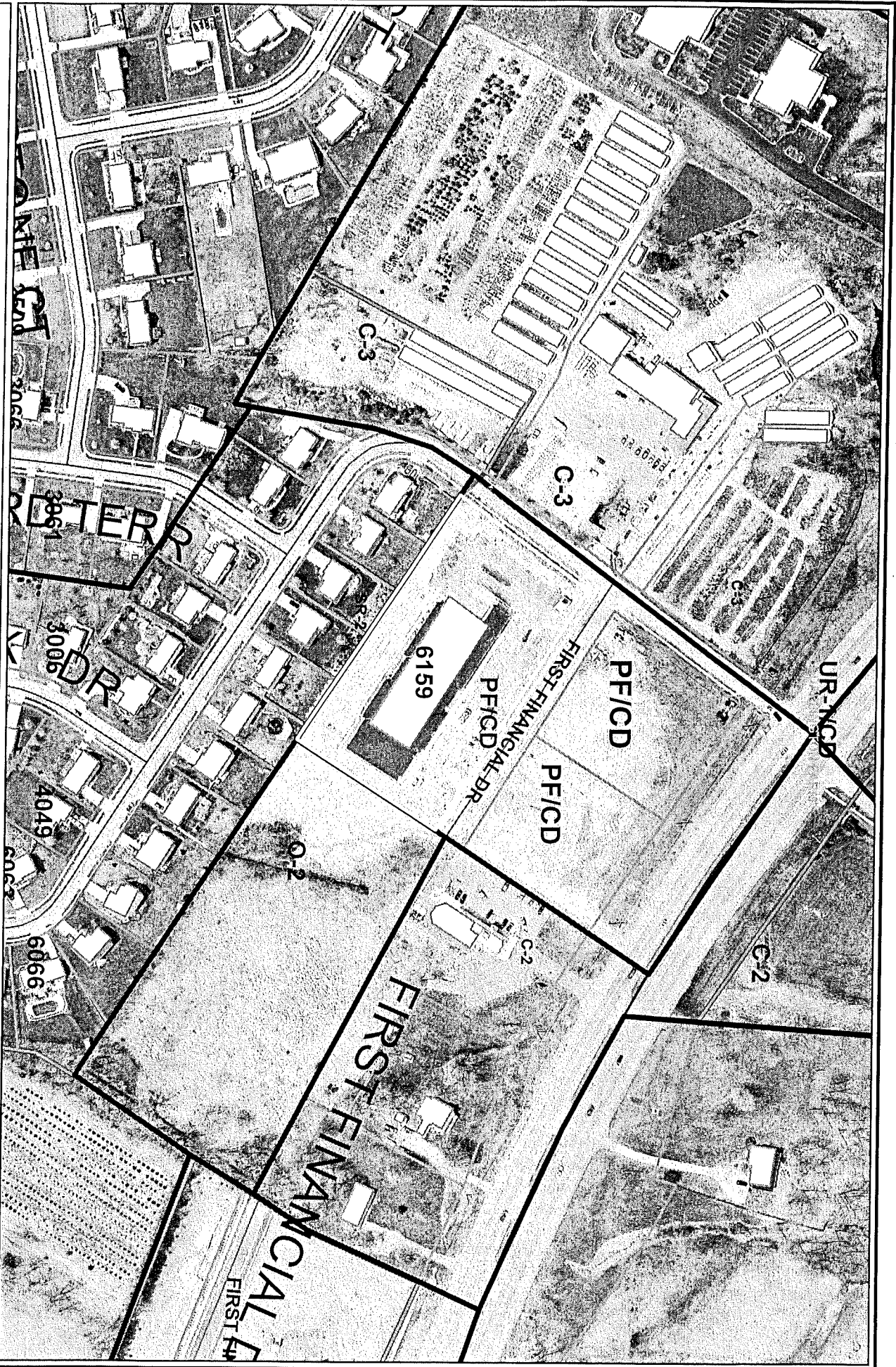
KINGSGATE STATION

BURLINGTON, KENTUCKY

1" = 40'-0"

JMP ~~6-5-2003~~
6-15-2003 (REV.)

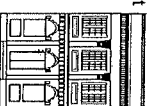




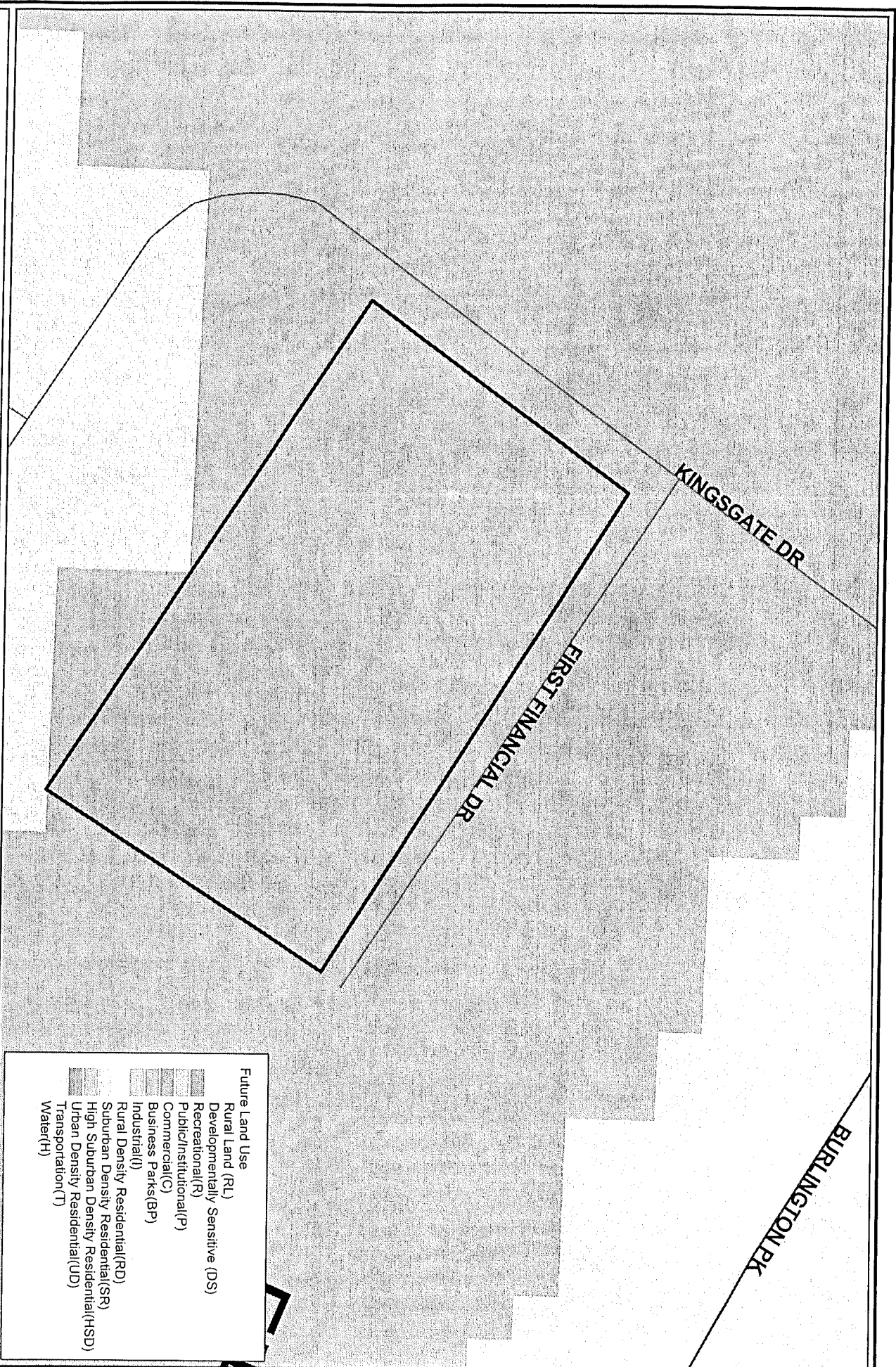
Kingsgate-Zoning and Aerial Map



Produced by the
Boone County Planning Commission
GIS Services Division
July 2, 2003



Kingsgate-Future Land Use



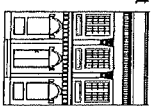
Future Land Use

- Rural Land (RL)
- Developmentally Sensitive (DS)
- Recreational (R)
- Public/Institutional (P)
- Commercial (C)
- Business Parks (BP)
- Industrial (I)
- Rural Density Residential (RD)
- Suburban Density Residential (SR)
- High Suburban Density Residential (HSD)
- Urban Density Residential (UD)
- Transportation (T)
- Water (H)



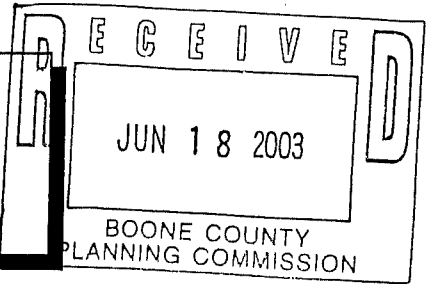
1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 2, 2003



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)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
 - Applicant's Name ED SCHUMPF
Phone Number (859) 657-6555 Fax No. (859) 657-6555
Applicant's Address 8739 US 42
FLORENCE KY. 41042
City State Zip
 - Description of Request: ALLOW CHILD CARE/PRESCHOOL CENTER TO OCCUPY APPROX. 5000sq IN KINGSGATE STATION PROF. OFF. BLDG.
 - Name of Development KINGSGATE STATION PROF. OFF. BLDG. (LOT #1)
 - Location of Development EXIST. BLDG. - FIRST FINANCIAL DRIVE (SOUTH SIDE) AT INTERSECTION OF KINGSGATE DRIVE
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LOT #1 - KINGSGATE STATION
 - Owner of Property JULIAN MACKENZIE IV, LLC
Phone Number of Owner p. (513) 563-1991 f. (513) 563-4543
 - Address of Property Owner 10 TECH VIEW PL. CINCINNATI, OHIO 45215
City State Zip
 - Proposed Use(s) on Site EXIST. SINGLE-STORY PROF. OFFICE BUILDING ; MULTI-TENANT ; MIXED USE
 - Total Square Footage of Existing and/or Proposed Buildings EXIST. BLDG 22,735sq
 - Current Zoning on Property PF
 - Deed Book 811 Page No. 48 Group No. 2030
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES
 - Have you submitted a list of adjoining property owners with this request? YES
 - 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: Edward Schumpf

Property Owner's Signature: Julian Mackenzie IV LLC Goldenwith Properties Co. Member Stewart. Clark

(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 6-18-03 Fee Received \$543.00 R# 35604
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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.

COPY

CLUR #03-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Julian MacKenzie IV, LLC
10 Tech View Place
Cincinnati, OH 45215
2. ADDRESS OF PROPERTY
First Financial Drive
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Kingsgate Station
4. DEED BOOK 811 PAGE NO. 48 GROUP NO. 2030
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

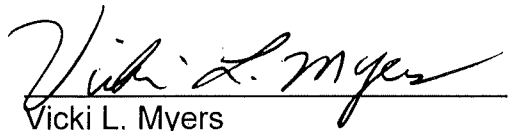

SIGNATURE OF COMPLETING OFFICIAL

Patty Bachman, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

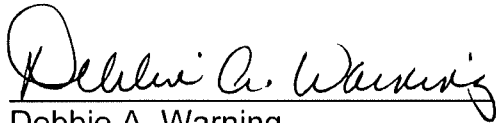
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the
Boone County Planning Commission this 22 day of July, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 July 9, 2003 Certificate of Land Use Restriction (#03-BCBOA-013-A), for Julian MacKenzie IV, LLC, Property Owner(s).

The following conditions will apply:

- 1) Parking calculations are required at the time of Building Permit Application.

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

DEED BOOK 811

PAGE NO. 48

GROUP NO. 2030