

APPLICATION FORM

07-BCBOA-007-A

**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 Florence Walton Union

(Check One)

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

3. Applicant's Name Vogelpohl Fire Equipment / Wm L Vogelpohl
Phone Number 859-282-1000 Fax No. 859-282-1550
Applicant's Address 2770 Circleport Drive
Erlanger KY 41018
City State Zip

4. Description of Request: See Attached

Sale of Fire Trucks and Ambulances

5. Name of Development Airport Business Center

6. Location of Development 2770 Circleport Drive

- Erlanger, KY 41018

7. Acreage Under Review 7.99

8. Lot Number and Name of Subdivision (if part of a subdivision)

Lot 2 of Circleport, I, Section No 1 Plat Book 19 Page 14

9. Owner of Property Schleper Airport Associates

Address of Property Owner 1452 Donaldson HWY Phone No. 859-525-8585

10. Erlanger KY 41018

City State Zip

11. Proposed Use(s) on Site See Attached

Sale of Fire Trucks and Ambulances

12. Total Square Footage of Existing and/or Proposed Buildings 15,000

13. Current Zoning on Property Industrial One (I-1)

14. Deed Book 547 Page No. 207 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: Wm L Vogelpohl

Property Owner's Signature: Timothy J. Schlegel
SCHLEPER AIRPORT ASSOCIATES
PRESIDENTS OF GEN. PARTNER

**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 6-14-07 Fee Received \$ 921.00 (at) 53790
2. Is application complete? Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/13/07 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 6/13/07 BCBOA
MEETING MINUTES
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: William L. Vogelpohl for Vogelpohl Fire Equipment
LOCATION: 2770 Circleport, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: June 13, 2007

PROPOSAL

The applicant is requesting a Conditional Use Permit so ambulances and fire trucks can be sold within an approximate 15,000 square foot lease space which is located at 2770 Circleport Drive, Boone County, Kentucky.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

Article 11, Section 1133 of the Boone County Zoning Regulations permits "retail sales or leasing of new and used motor vehicles" as a Conditional Use within the Industrial One (I-1) 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 1013 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

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 "retail sales or leasing of new and used motor vehicles" as a Conditional Use in the Industrial One (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 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Business Park" uses. This designation is defined as "a mix of office, warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

SURROUNDING LAND USES & ZONING

North: Circleport Drive, Home Builders Association of Northern KY, and SpecTape (I-1)

South: Mineola Pike, Werner Distribution Center (I-1), and Single-Family Dwellings (RS)

East: Light House Embroidery, Florida Tile, Insight Automation, Rich Certified Services (I-1)

West: Circleport Drive, Ancra, and Tressa (I-1)

SITE CHARACTERISTICS

The approximate 8 acre parcel is located in Circleport I Subdivision and has road frontage along Circleport Drive and Mineola Pike. Two office/warehouse buildings are located on the site. The first building is 57,647 square feet in area and has 94 parking spaces in the front yard and truck docks which face Mineola Pike. The second building is 22,780 square feet in area and has 60 parking spaces facing Mineola Pike and truck docks which face the first building. Access to this buildings and truck court is provided from three curb cuts which are located on Circleport Drive. A large retention lake is located in the southeastern corner of the property.

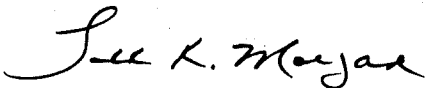
STAFF COMMENTS

1. The applicant's letter indicates that they typically sell 12 to 15 apparatus a year.
2. Staff would like the applicant to verify the following:
 - A. All ambulances and fire trucks are kept indoors until they are sold; and
 - B. No major repairs are made on the ambulances and fire trucks on site.

Conclusion

KRS 100.237 and Section 220 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.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Airport Business Center
- *Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Application



Vogelpohl Fire Equipment, Inc

2770 Circleport Dr. Erlanger, Ky 41018
Office: 859-282-1000 Fax: 859-282-1550 800-797-8317

May 21, 2007

Boone County Panning Commission
2950 Washington Street, Rm 317
Burlington, Ky 41005

Gentleman:

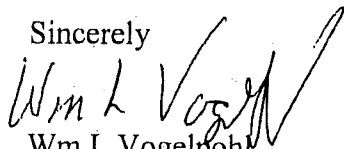
Please find the attached request for Board of Adjustment and Zoning Appeals Action, for a Conditional Use Permit for our business located at 2770 Circleport Dr. Boone County, Ky. As listed in our application form we sell fire trucks and ambulances as well as a full line of fire and rescue equipment. We have been incorporated since July 1989, providing services and equipment to all of the fire and rescues departments located in Kentucky, Ohio, and Indiana, we currently have fourteen (14) full time and one (1) part time employees, we have a annual equipment sales volume in excess of 5 million dollars, we also sell a average of 12 to 15 apparatus a year.

In order to sell ambulance vehicles in the state of Kentucky we need a Restricted Dealer License, however no license is required to sell fire trucks in any state. In our application to the state of Kentucky for the ambulance dealer license we must provide a zoning statement to show that we comply with the zoning requirements for our location.

We are requesting conditional use permit for our Circleport address which is zoned INDUSTRIAL ONE our request would fall into item 10 of the Conditional Uses and Criteria, Retail sales or leasing of new and used motor vehicles. If you need more information or have any question please contact me at the above address or phone numbers.

Thank you for your consideration with this request

Sincerely


Wm L Vogelpohl
President

AIRPORT BUSINESS CENTER

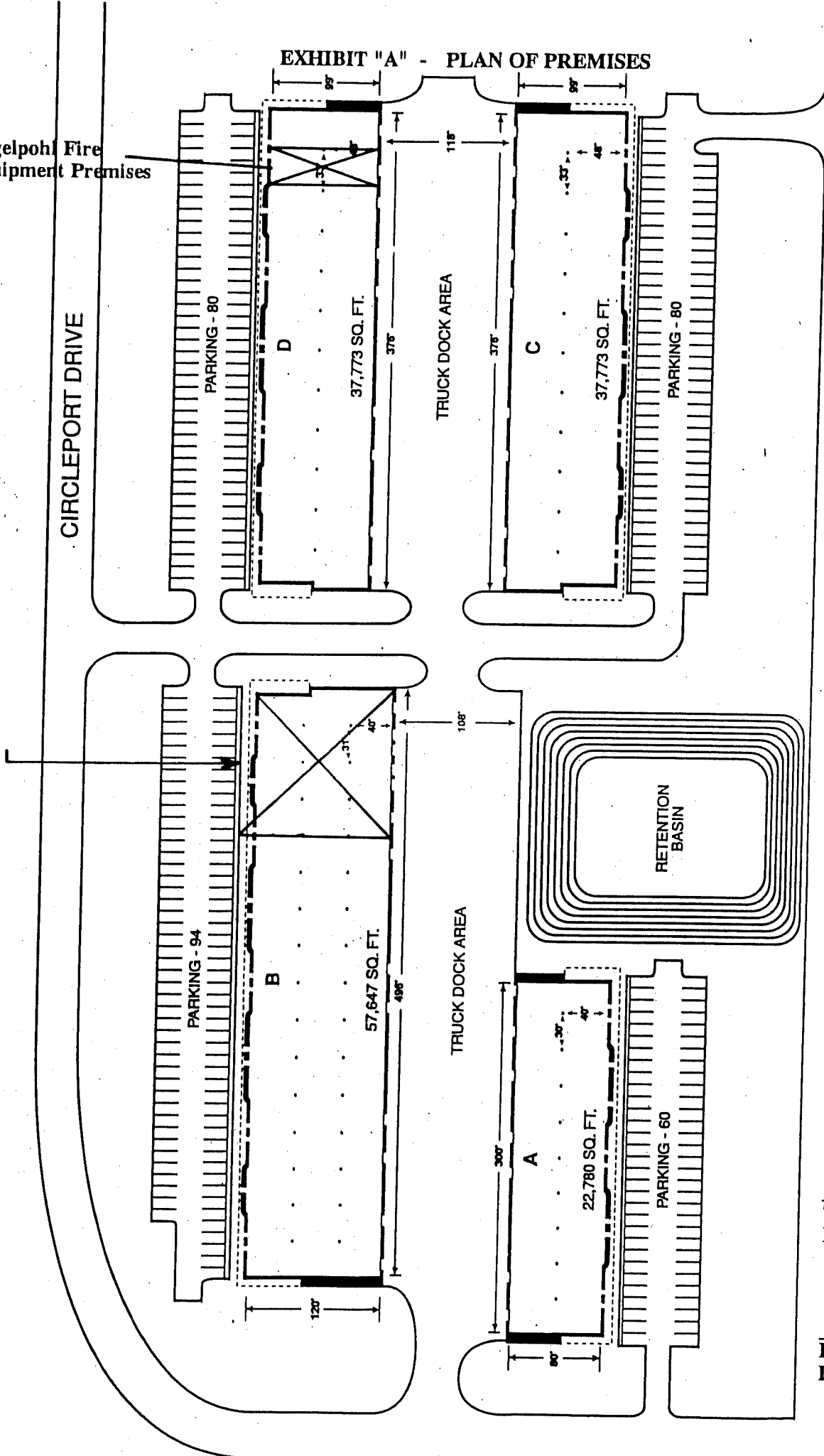
NEW VOGELPOHL FIRE PREMISES
2770 CIRCLEPORT DA

ADDRESS
070

Vogelohl Fire
Equipment Premises

CIRCLEPORT DRIVE

EXHIBIT "A" - PLAN OF PREMISES



MINEOLA PIKE

TO I-275 →

Tenant
Initial

Landlord
Initial

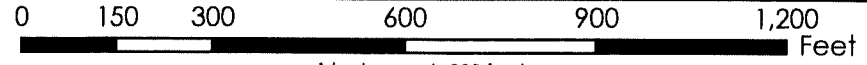
Aerial Map

www.boonecountygis.com



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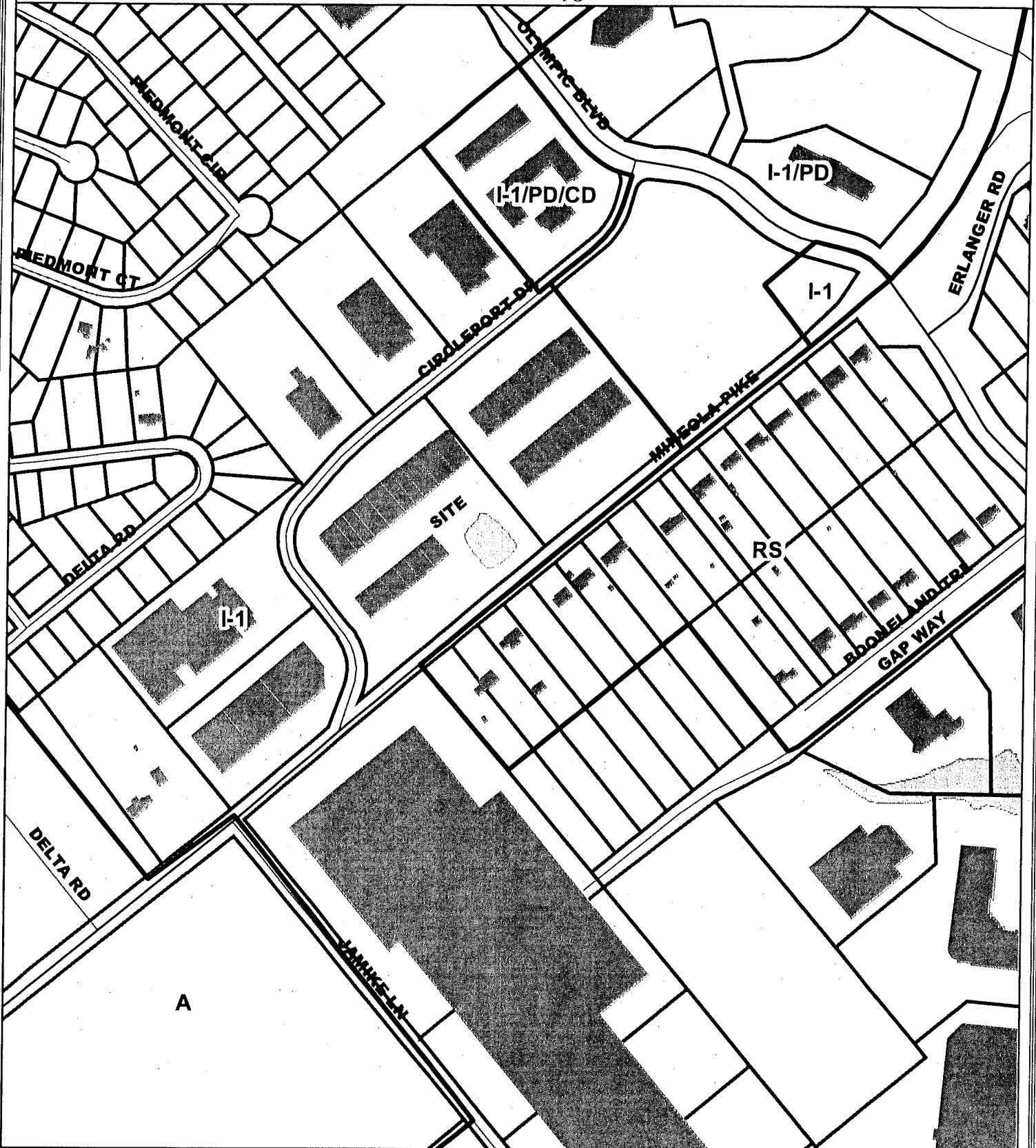


Boone County GIS - Putting Northern Kentucky on the Map



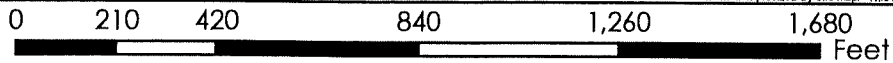
Zoning Map

www.boonecountygis.com



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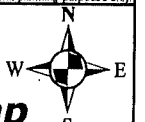
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1 inch equals 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

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(Check One)

2. Conditional Use Permit _____ Variance _____ Appeal
_____ Change in Non-Conforming Use

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City State Zip

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6. Location of Development 2770 Circleport Drive

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7.99

Lot 2 of Circleport, I, Section No 1 Plat Book 19 Page 14

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Address of Property Owner 1452 Donaldson HWY Phone No. 859-525-8585

Erlanger KY 41018
City State Zip

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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: Wm L Vogelpohl

Property Owner's Signature: Thom A. Schlyer

SCHLEPER AIRPORT ASSOCIATES
PRESIDENTS OF GEN. PARTNER

COPY

CLUR #07-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Schleper Airport Associates
1452 Donaldson Highway
Erlanger, KY 41018

- 2. ADDRESS OF PROPERTY
2770 Circleport Drive
Erlanger, KY 41018

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Vogelpohl Fire Equipment

- 4. DEED BOOK 547 PAGE NO. 207 GROUP NO. 2022

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

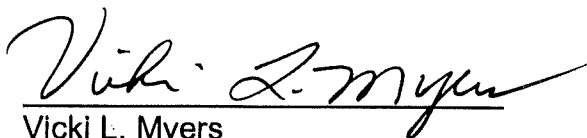
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

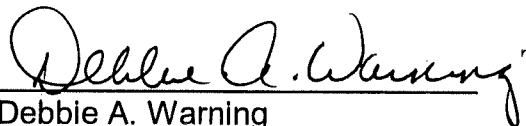
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of June, 2007.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 June 13, 2007 Certificate of Land Use Restriction (#07-BCBOA-007-A), for Schleper Airport Associates, Property Owner(s).

The following conditions will apply:

- 1) All ambulances and fire trucks are to be kept indoors until they are sold.

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

DEED BOOK 547 PAGE NO. 207 GROUP NO. 2022