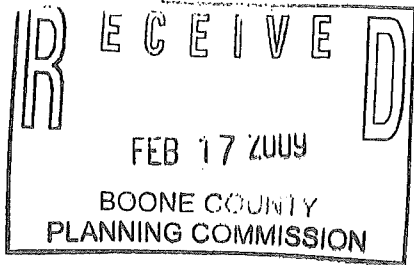


APPLICATION FORM



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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal PHILIP RUSSO
3. Applicant's Name IRON WORKERS LOCAL NO. 44 LARRY OBERDING
4. Description of Request: APPROVAL FOR USE AS UNION HALL, OFFICES + APPRENTICE TRAINING
5. Name of Development VICTORY PARK LOT #1
6. Location of Development 1125 VICTORY PLACE HEBRON, KY 41048
7. Acreage Under Review 4.8862
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT #1 VICTORY PARK
9. Owner of Property MUELLER BUILDING CENTER, INC.
10. ATTD: JACK MUELLER MASON, OH 45040
11. Proposed Use(s) on Site UNION HALL, OFFICES, APPRENTICE TRAINING
12. Total Square Footage of Existing and/or Proposed Buildings 16,200
13. Current Zoning on Property I-1
14. Deed Book 649 Page No. 274 Group No. 2010
15. Is the site subject to a zone change?
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.

ORIGINAL Property Owner's Signature: [Signature] JOHN MUELLER (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] PHILIP RUSSO (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 2/17/09 Fee Received \$1,082⁰⁰ RA#58101
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: SEE 3/11/09 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: Iron Workers Local No. 44

LOCATION: 1125 Victory Place, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 11, 2009

PROPOSAL

Iron Workers Local No. 44 submitted a Conditional Use Permit application so their labor union can occupy an approximate 16,650 square foot office/warehouse located at 1125 Victory Place, Boone County, Kentucky. A letter was submitted indicating that 40 parking spaces exist on the site and that they plan to stripe about 15 spaces in the loading dock area. The letter also indicates that their typical building operations would be as follows:

- Monday - Friday from 7 a.m. to 4 p.m. - Office Hours with 5 Staff Members;
- 1st Tuesday of Month at 7:30 p.m. - Union Meeting (typical attendance 50-65 people);
- 3rd Tuesday of Month at 7:30 p.m. - Executive Board Meeting (no more than 15 officers);
- Monday - Saturday from 6 p.m to 9 p.m. - Apprentice training in the shop and classroom areas of the building. Individual classes range from 12 to 25 students. The largest school night is Thursday when 4 classes are conducted and 63 students attend plus 4 instructors. Classes will not overlap with other union activities to ensure there is adequate parking.

SITE HISTORY

4/13/05 – The Boone County Board of Adjustment approves a Conditional Use Permit allowing the building to be converted to a church.

APPLICABLE REGULATIONS

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.

Section 1133 of the Boone County Zoning Regulations permits "labor unions and similar labor associations" as a Conditional Use within the Industrial One (I-1) district.

Section 3325 of the Boone County Zoning Regulations lists the following parking requirements:

- auditoriums and other miscellaneous assembly - 1 space per 4 seats
- office uses - 1 space per 250 square feet of gross floor area and 1 space per company vehicle that is used in the business
- business, vocational or trade schools - 1 space per two students

The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1133 of the 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 "labor unions and similar labor associations" as Conditional Uses 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 "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following Goals and Objectives relate to the application:

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

The Transportation Element contains the following passage which relates to the proposal

"The part 150 Study is currently being updated again mainly to revise the nighttime program (see revised Noise Exposure Maps). The Study is in response to a dramatic increase in nighttime passenger flights in the last five years and presents 12 possible noise mitigation measures. The Study takes into account airport operations projects to the year 2010 and the absence of DHL in 2005" (The Cincinnati/Northern Kentucky International Airport, pp. 125-126).

SURROUNDING LAND USES & ZONING

North: KY 20 & Cincinnati/Northern KY. International Airport Property (I-1 & A)

South: Victory Place Center (I-1)

East: Cincinnati/Northern KY. International Airport Property (I-1 & A)

West: Victory Place & Cincinnati/Northern KY. International Airport Property (I-1)

SITE CHARACTERISTICS

The approximate 4.9 acre tract is located at 1125 Victory Place and is zoned Industrial One (I-1). The property contains an approximate 16,650 square foot office/warehouse, which is constructed mostly of decorative concrete block. Forty (40) striped parking lots adjoin the southern and western building facades. A warehouse dock and large garage door are located on the rear building facade.

The topography falls from 838' above sea level at the shared driveway and loading dock to 784' above sea level where Elijah Creek cuts through the northern portion of the lot.

STAFF COMMENTS

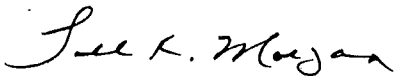
1. A union hall is a Conditional Use in the Industrial One (I-1) zone because it is an assembly use which has concentrated peak time traffic. The Board needs to determine if the use is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the Industrial One (I-1) district.
2. Staff is concerned about the adequacy of the on-site parking. Forty parking spaces exist on-site and approximately 15 more will be added in the dock area at the rear of the building. The applicant's letter indicates that typical union meeting attendance ranges between 50 and 65 people and that Thursday night apprentice training can have up to 67 people (63 students and 4 instructors).
3. Staff is concerned that the union meetings and classroom activities could be greatly impacted by noise from existing and proposed runways at the Cincinnati/Northern Kentucky International Airport. Staff would like the applicants to explain if they have considered noise impacts from these runways.

4. Staff recommends the following conditions if the request is approved:
 - A. A Minor Site Plan shall be submitted and approved before the loading dock area is striped off as a parking area.
 - B. The applicant shall contact the adjoining property owner and seek permission to use their parking lot as an overflow parking lot for night time operations. Documentation from the adjoining property owner shall be provided to the Boone County Planning Commission when the Minor Site Plan application is submitted for review.
 - C. The applicant shall not hold the Boone County Board of Adjustment or Kenton County Airport Board responsible for any existing or future noise impacts which are generated from aircraft that are arriving or departing from the Cincinnati/Northern Kentucky International Airport.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

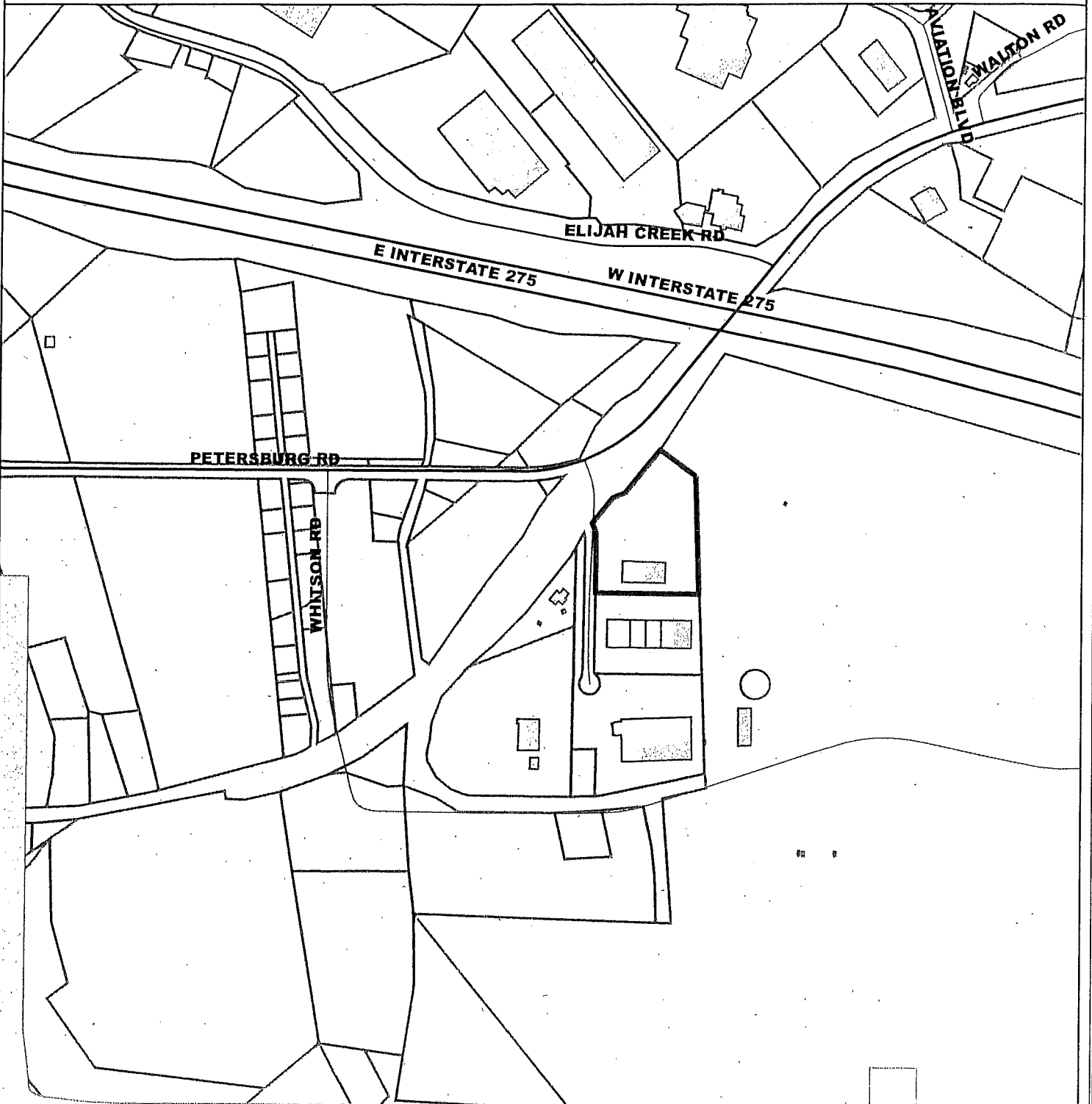
TKM/pr

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Proposed Floor Plan
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *Future Land Use Map
- *2006 Noise Exposure Map
- *2011 Noise Exposure Map
- *Application

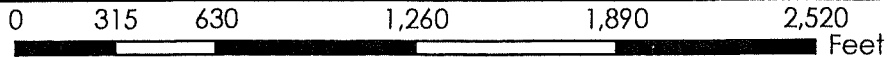
SITE VICINITY MAP

www.boonecountygis.com



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1 inch equals 600 feet

Boone County GIS - Putting Northern Kentucky on the Map



DANIEL KREBS, President
PHILLIP P. RUSSO, Financial Secretary & Treasurer
CHARLES D. TREMPER, Jr., Business Manager
LAWRENCE E. OBERDING, Business Agent



4850 Madison Road
Cincinnati, Ohio 45227
Office: (513) 271-4444
Fax: (513) 271-8888

**INTERNATIONAL ASSOCIATION OF
Bridge, Structural and Ornamental Iron Workers
Machinery Movers & Riggers
LOCAL UNION NO. 44**

February 17, 2009

Dear Sirs:

I would like to outline the proposed usage of our space should we purchase the property located at 1125 Victory Place in Hebron, Kentucky. The property has 40 parking spaces currently and has the potential for approximately 15 more at the rear of the building in the loading dock area.

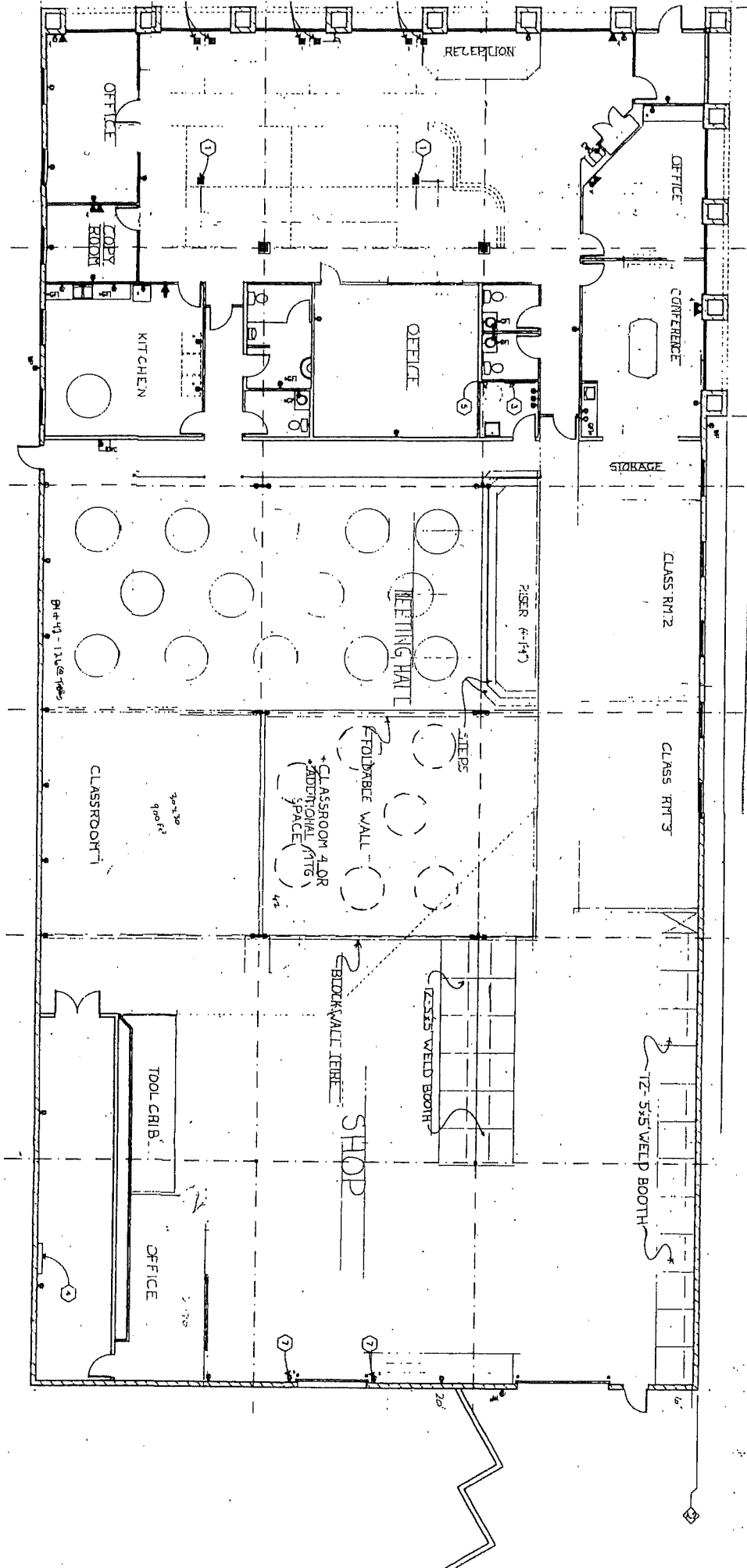
During the day, from Monday through Friday, the space will be used as our offices. There are five people on our staff. Our hours of operation are from 7am to 4pm. Our regular meeting is held on the first Tuesday of each month and is attended by 50 to 65 people, including Members and Officers. The third Tuesday of each month is our Executive Board meeting and it is attended by no more than 15 officers. Each of these meetings begins at 7:30 pm.

The shop and classroom areas will be utilized by our Apprentice Program. Our classes begin at 6pm and conclude at 9pm from Monday through Saturday. Classes range in size from 12 to 25 students. Our largest school night is on Thursdays when four classes are conducted and 63 total students attend plus four instructors. We will schedule our classes and other Union activities to ensure that no functions overlap. This should keep us well within the Boones County parking requirements.

If you have further questions please do not hesitate to contact me at (513) 271-4444 ext. 11.

Sincerely yours,

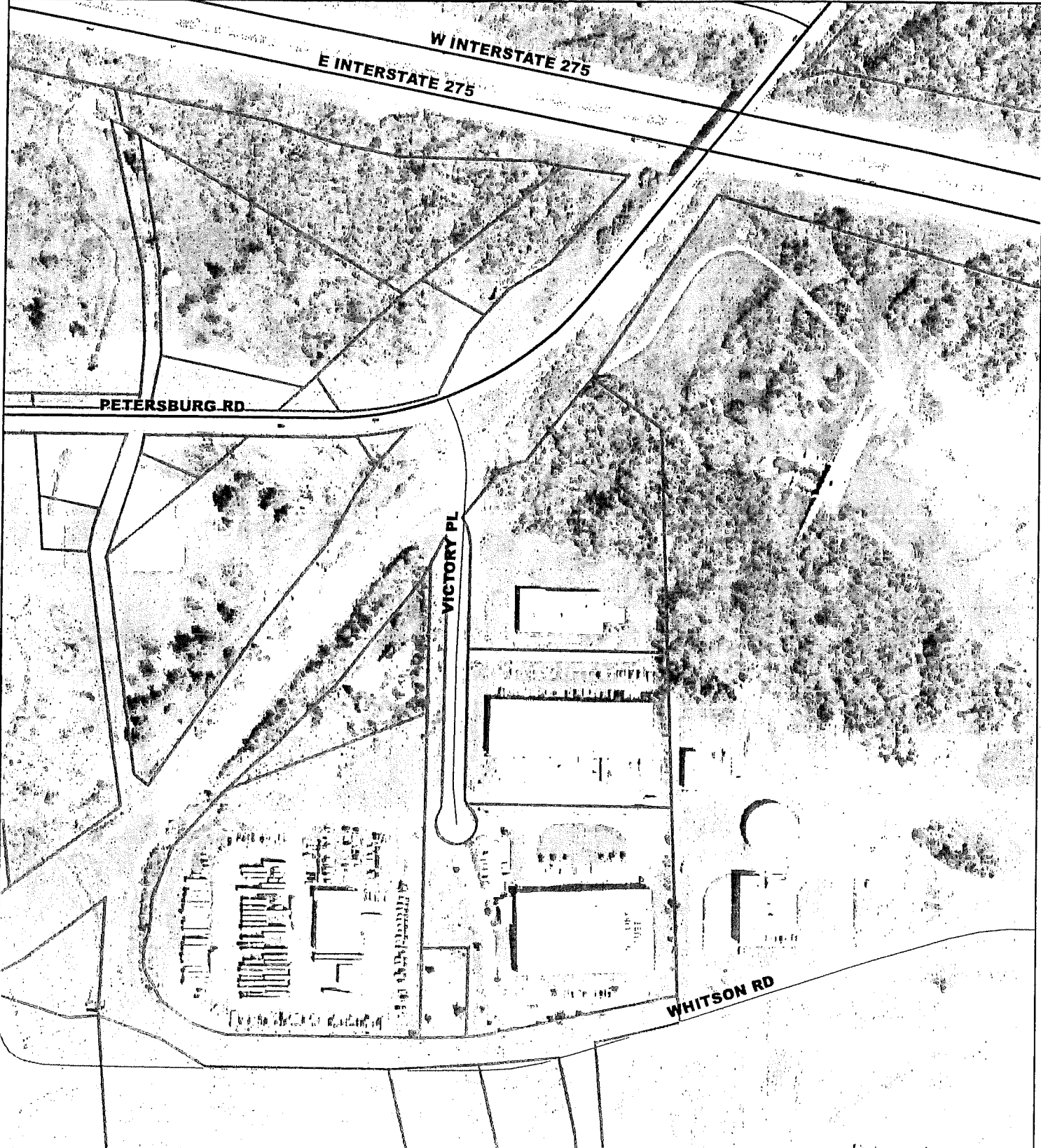
Philip P. Russo
Financial Secretary – Treasurer



POWER PLAN
 1/8" = 1'-0"
 NORTH

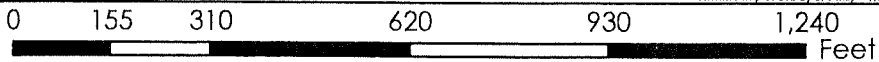
AERIAL MAP

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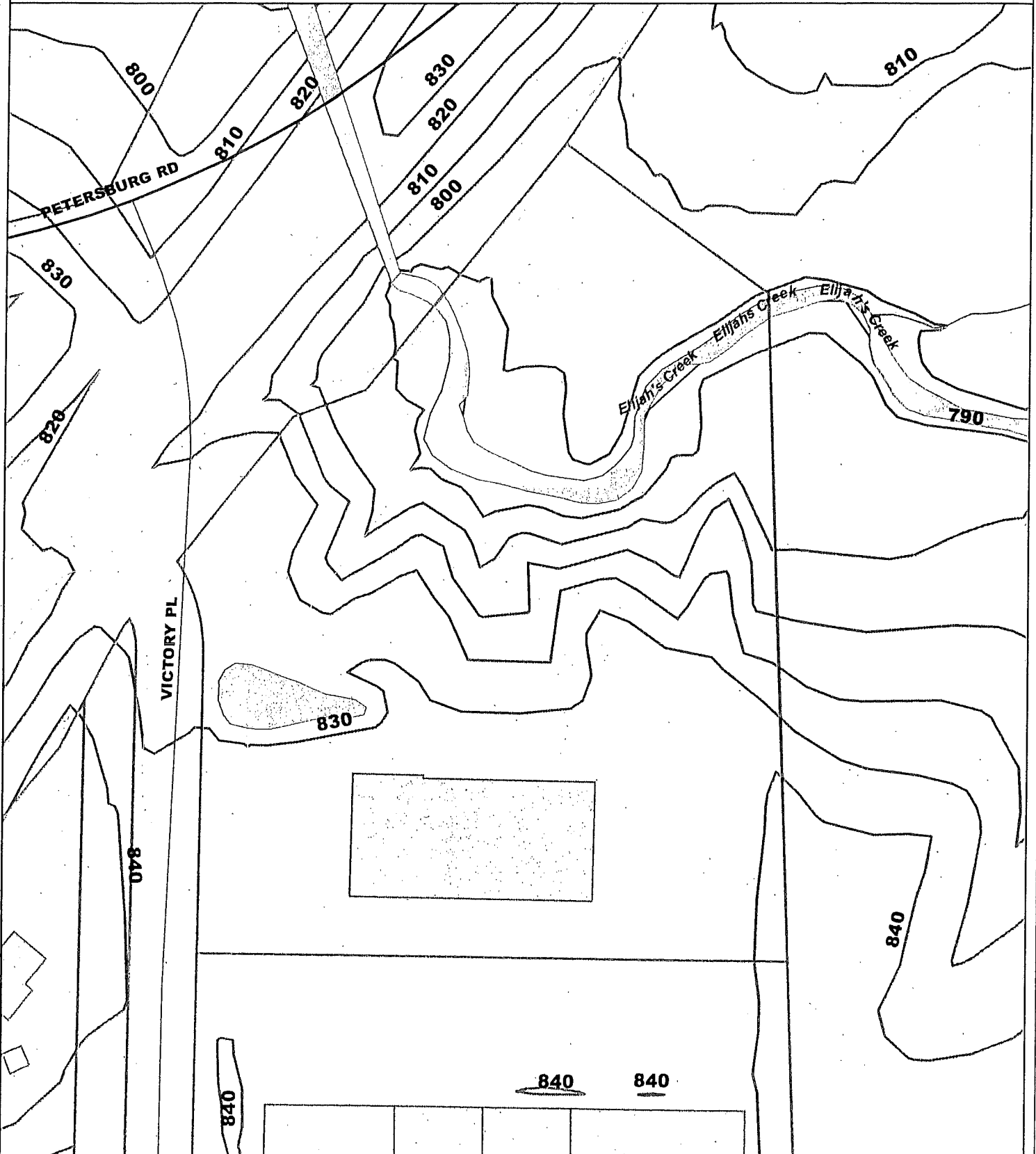
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Boone County GIS - Putting Northern Kentucky on the Map

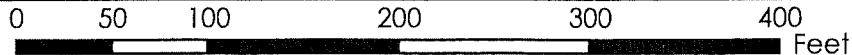
TOPOGRAPHICAL MAP

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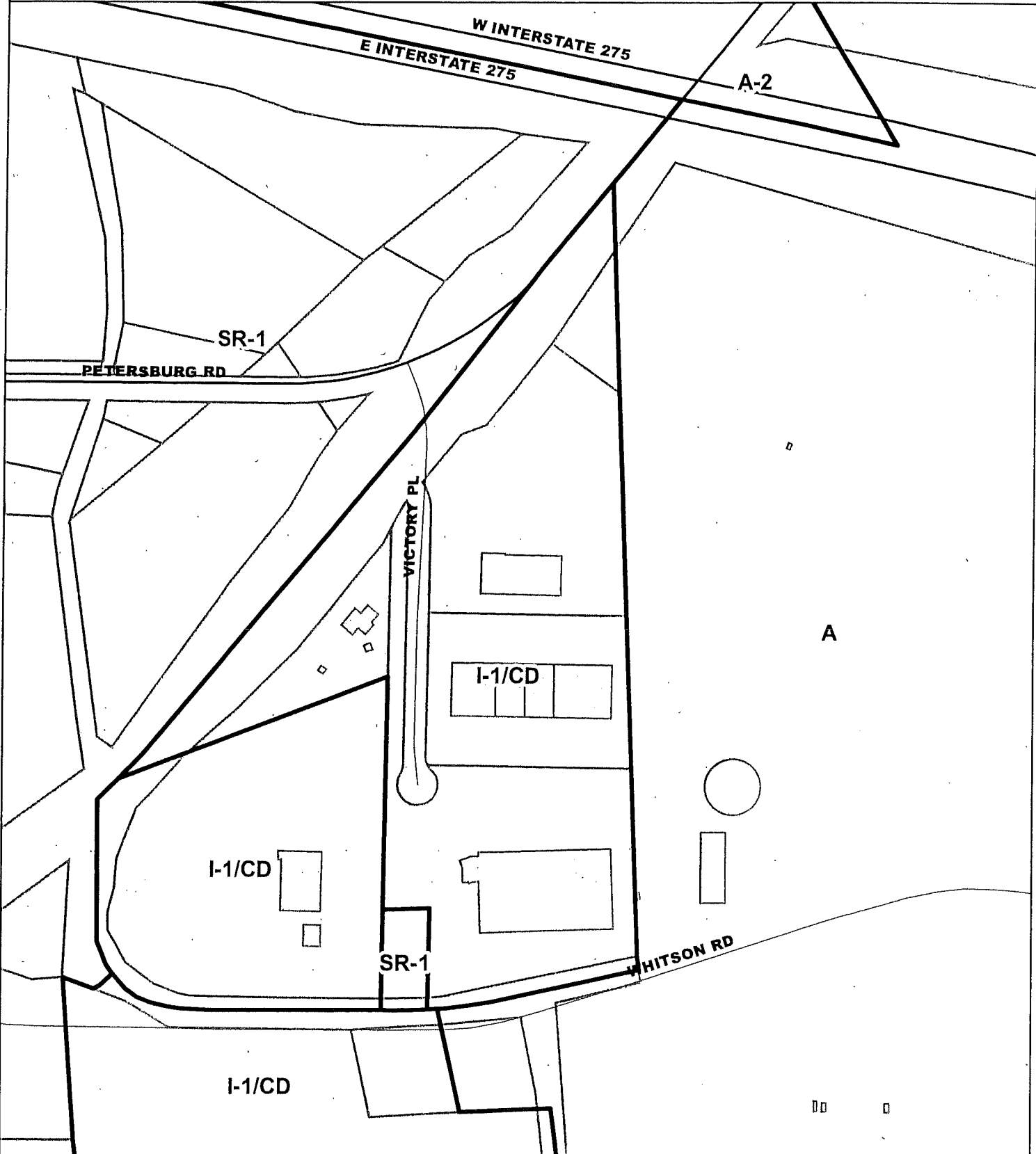
1 inch equals 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

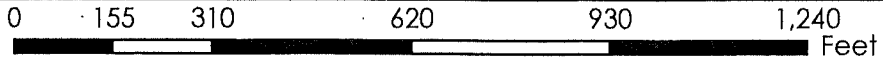
ZONING MAP

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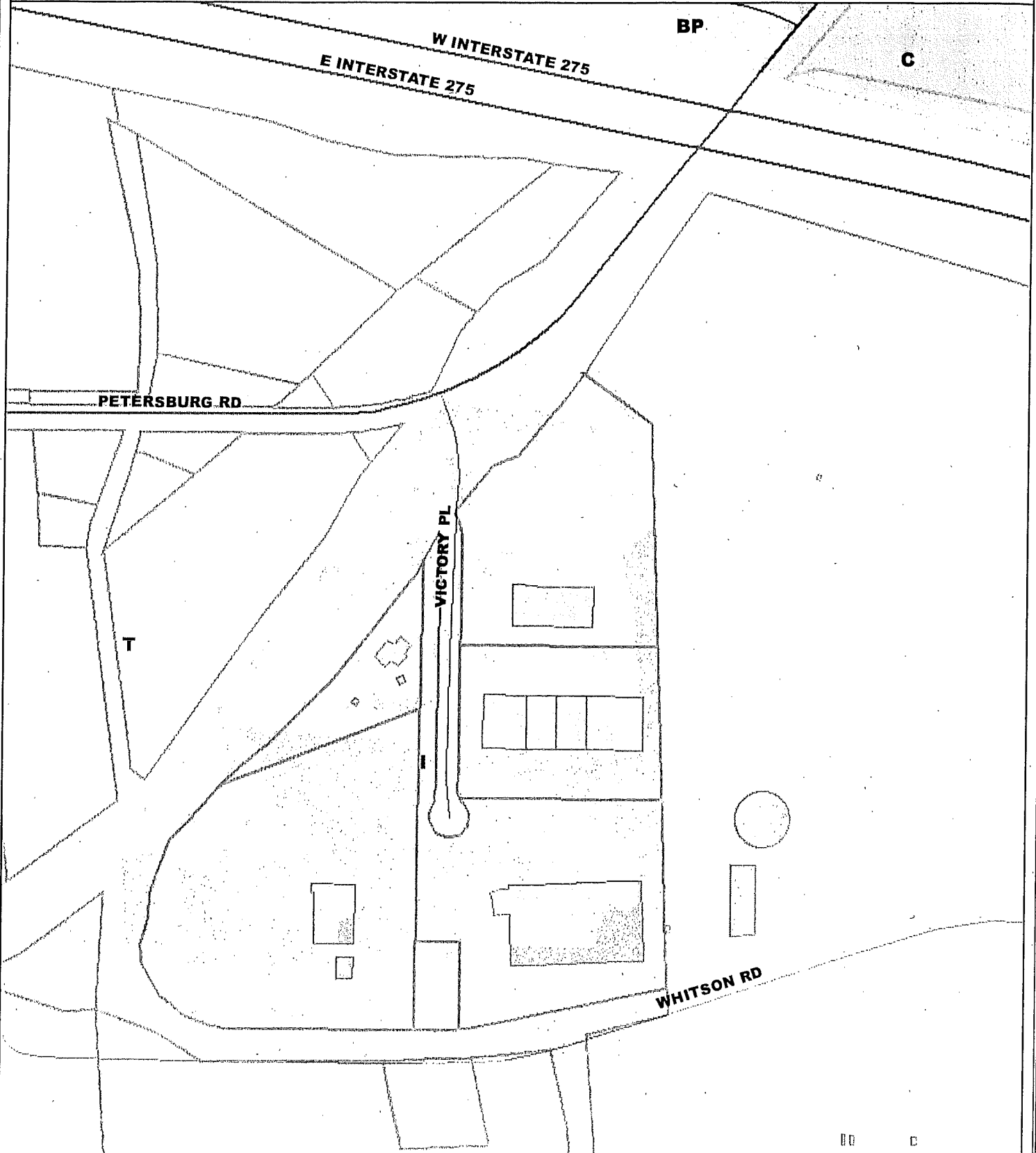
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Boone County GIS - Putting Northern Kentucky on the Map

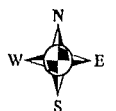
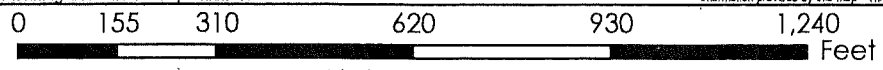
FUTURE LAND USE MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

**Existing (2006)
 Noise Exposure Map**

LEGEND

2006 NEM
 Noise Exposure Contour

- Church
- School
- Nursing Home
- Hospital
- Library

See Table E-2 in Appendix E for the
 list of Existing Noise-Sensitive Facilities

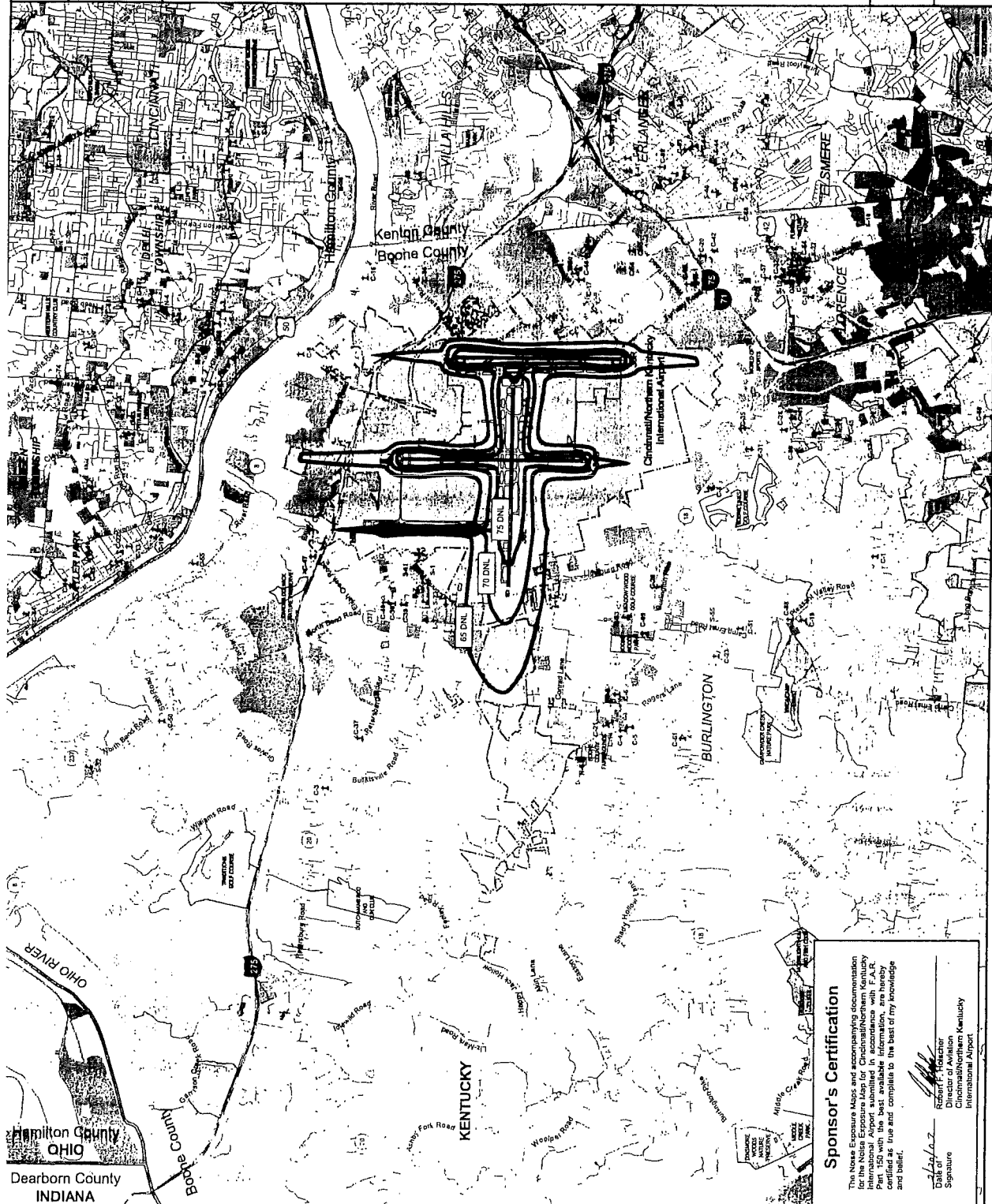
- Runway Centerlines
- Airport Property
- Park
- Jurisdictional Boundary
- County Boundary
- State Line

Generalized Existing Land Use
 Hamilton, Boone, Kenton Counties

- Single-Family
- Multi-Family/Mobile Home Park
- Commercial/Industrial
- Institutional
- Agricultural/Open Space
- Transportation



EXHIBIT
 NEM-1



Sponsor's Certification

The Noise Exposure Maps and accompanying documentation for the Noise Exposure Map for Cincinnati/Northern Kentucky International Airport, FAR Part 150 with the best available information, are hereby certified as true and complete to the best of my knowledge and belief.

Robert F. Hatcher
 Robert F. Hatcher
 Director of Aviation
 Cincinnati/Northern Kentucky
 International Airport

Date: 10/2/07
 Signature

Future (2011) Noise Exposure Map/ Noise Compatibility Program

LEGEND

(2011) NEM/NCP Noise Exposure Contour

- Church
- School
- Nursing Home
- Hospital
- Library

See Table E-2 in Appendix E for the list of Existing Noise-Sensitive Facilities

- Runway Centerlines
- Airport Property
- Park
- Jurisdictional Boundary
- County Boundary
- State Line

Generalized Existing Land Use
 Hamilton, Boone, Kenton Counties

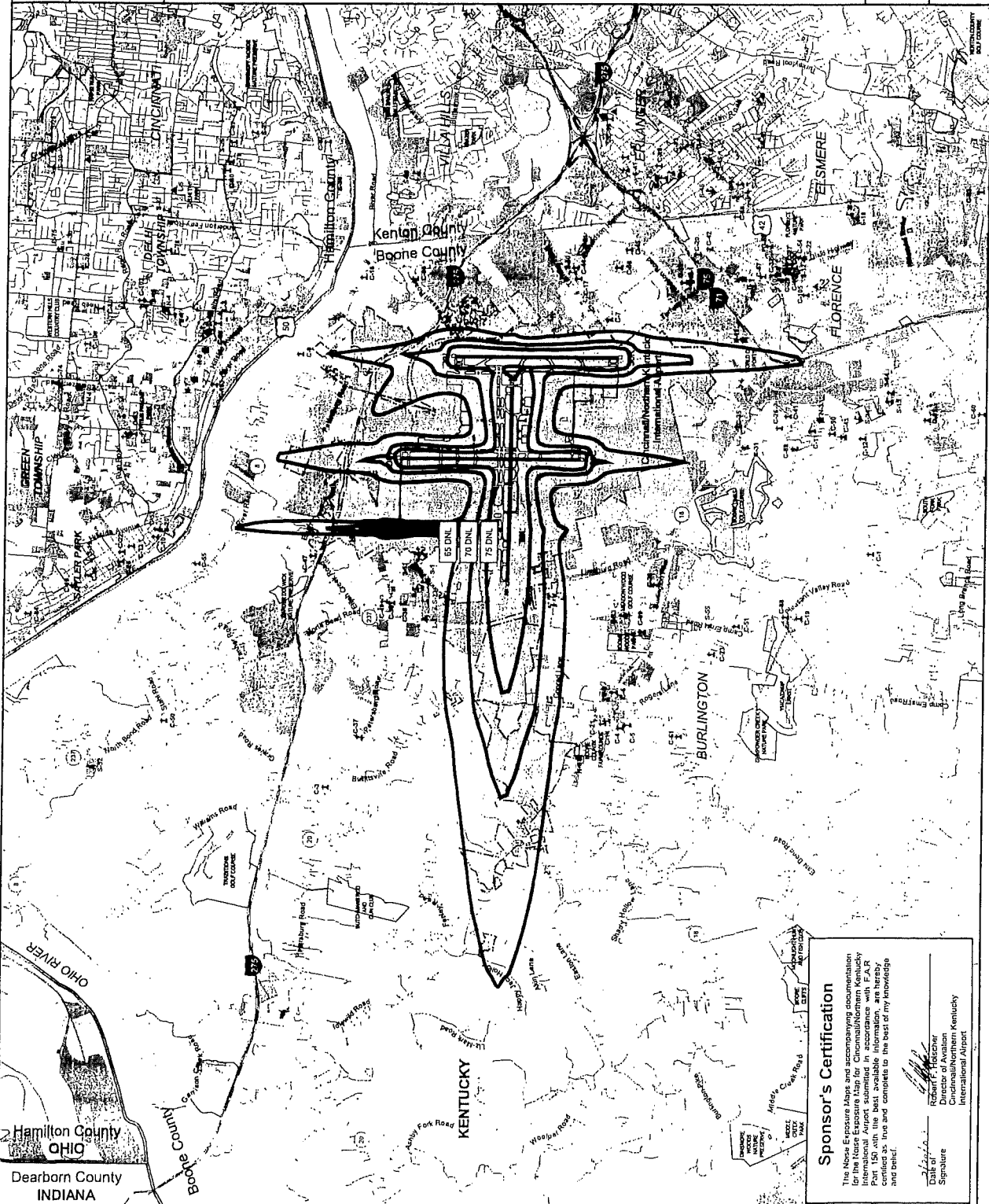
- Single-Family
- Multi-Family/Mobile Home Park
- Commercial/Industrial
- Institutional
- Agricultural/Open Space
- Transportation



171120006
 Prepared by Landrum & Brown
 11/11/2006
 Cincinnati/Northern Kentucky International Airport
 Future (2011) Noise Exposure Map

Landrum & Brown
 Since 1945

EXHIBIT NEM-2



Sponsor's Certification

The Noise Exposure Map, and accompanying documentation for the Noise Exposure Map for Cincinnati/Northern Kentucky International Airport submitted in accordance with FAR Part 150, and the available information, are hereby certified as true and correct to the best of my knowledge and belief.

 Robert W. Hatcher
 Director of Aviation
 Cincinnati/Northern Kentucky International Airport

Hamilton County OHIO
 Dearborn County INDIANA

APPLICATION FORM

RECEIVED
FEB 17 2009
BOONE COUNTY
PLANNING COMMISSION

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 PHILIP RUSSO
Change in Non-Conforming Use _____

3. Applicant's Name IRON WORKERS LOCAL NO. 44 LARRY OBERDING
Phone Number 513-271-4444 x13 Fax No. 513-271-8888
Applicant's Address 4850 MADISON ROAD

CINCINNATI OH 45227
City State Zip

4. Description of Request: APPROVAL FOR USE AS UNION HALL OFFICES

* APPRENTICE TRAINING

5. Name of Development VICTORY PARK LOT # 1

6. Location of Development 1125 VICTORY PLACE
HEBRON, KY 41048

7. Acreage Under Review 4.8862

8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT #1 VICTORY PARK

9. Owner of Property MUELLER BUILDING CENTER, INC.

Address of Property Owner 6791 TYERSVILLE RD Phone No. 513-300-1224

10. ATTN: JACK MUELLER MASON, OH 45040
City State Zip

11. Proposed Use(s) on Site UNION HALL, OFFICES, APPRENTICE TRAINING

12. Total Square Footage of Existing and/or Proposed Buildings 16,200

13. Current Zoning on Property I-1

14. Deed Book 649 Page No. 274 Group No. 2010

B-15. Is the site subject to a zone change? _____
If yes, give date of approval _____

B-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.

ORIGINAL Property Owner's Signature: John W Mueller, Pres.
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) JOHN MUELLER

ORIGINAL Applicant's Signature: Philip Russo FST
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

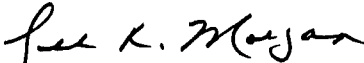
COPY

CLUR #09-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Mueller Building Center, Inc.
6791 Tylersville Road
Mason, OH 45040
2. ADDRESS OF PROPERTY
1125 Victory Place
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Iron Workers Local No 44
4. DEED BOOK 649 PAGE NO. 274 GROUP NO. 2010
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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



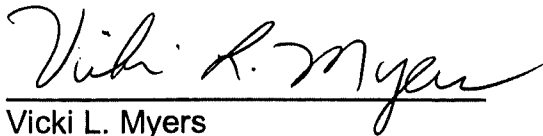
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

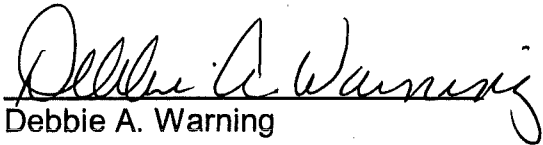
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 19 day of March, 2009.



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 March 11, 2009 Certificate of Land Use Restriction (#09-BCBOA-001-A), for Mueller Building Center, Inc., Property Owner(s).

The following conditions will apply:

- 1) A Minor Site Plan shall be submitted and approved before the loading dock area is striped off as a parking area.
- 2) The applicant is required to contact the adjoining property owner and seek permission to use their parking lot as an overflow parking lot for night time operations. Documentation from the adjoining property owner shall be provided to the Boone County Planning Commission when the Minor Site Plan application is submitted for review.
- 3) The applicant shall not hold the Boone County Board of Adjustment or Kenton County Airport Board responsible for any existing or future noise impacts which are generated from aircraft that are arriving or departing from the Cincinnati/Northern Kentucky International Airport.

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

DEED BOOK 649 PAGE NO. 274 GROUP NO. 2010