

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
City of Florence Board of Adjustment
Boone County Board of Adjustment
City of Union Board of Adjustment
City of Walton Board of Adjustment
Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
Comprehensive Plan Change
Preliminary Plat Review
Conditional Use Permit
Concept Development Plan Change
Preliminary Development Plan
Change of Non-Conforming Use
Design Review Board and Certificate of Appropriateness
Zoning Map Amendment
Planned Development Overlay Change
Improvement Plat Review
Final or Deed Plat Review
Site Plan Review
Historic District Overlay
Appeal or Variance
Sign or Zoning Permit

Applicant: Michael T. McKinney
Address: 2252 Burlington Pike, P.O., Box 688
Burlington, Kentucky 41005 Telephone: 606/586-9955

- Owner
Agent

Location: Mineola Pike and Jamike Avenue, Boone County, Kentucky

Name of Property Owner: Corporate Property Associates---- The Gap, Inc.

Address of Property Owner: 689 5th Ave., New York; 900 Cherry Ave., San Bruno, Ca.

Zoning District: I-1 Area in Acres: 11.3692 Acres of Lots 15+16

Deed Book: 262 Page Number: 88 Group Number: 1437

Description of Request: Request for variance from setback requirement between adjoining parcels, where both parcels are owned or controlled by the same entity, The Gap, Inc.

Applicant's Signature: Michael T. McKinney, agent

Property Owner's Signature: Michael T. McKinney, agent

Application Fee: 105.00 FOR PLANNING COMMISSION USE ONLY Date Received: 9-19-86 By: JPA

Referred To: Meeting Date:

Action Taken: Date of Action:

STAFF REPORT

DEVELOPMENT: The Gap, Inc.

APPLICANT: Michael T. McKinney

LOCATION: Lots 15 & 16, Mineola Industrial Park, east of Jamike Avenue and south of Mineola Pike, adjacent to the existing Gap Building, Boone County, Kentucky.

ZONING: Industrial One (I-1)

DATE: October 8, 1986

REMARKS:

The applicant is requesting a variance in the sideyard setback on the west side of the proposed building. According to the existing zoning regulations, a minimum of 10 feet is required in all sideyard setbacks unless the I-1 zone adjoins any residential or agricultural zone. The applicant is requesting a variance of 10 feet in order to allow the existing building to connect into the proposed development of the Banana Republic Division. The net effect would be a "zero lot line" resulting in a continuous distribution facility on the entire 25+ acre tract.

The area surrounding the site consists of several industrial buildings on both sides of Jamike Avenue. The proposed site is currently located in the Mineola Industrial Park. The zoning in the immediate area is Industrial One (I-1) in all four directions surrounding the proposed Banana Republic Warehouse. Both the land use and zoning are industrial in nature in the immediate vicinity of the site. There is a Rural Suburban (RS) zoning district just east of Mineola Pike.

As part of this request, the applicant has submitted a plat of the property and a general site plan (see attached copies). In addition, the applicant has submitted reasons for the variance request. These reasons are outlined in a written statement in this staff report. The Board of Adjustment should evaluate this request on the basis of the criteria used for granting a variance.

- 1) The variance request applies to the special circumstances of the site and the owner of the property. Lots 14 (where the existing Gap Building is located), 15, and 16 are currently owned by Corporate Property Associates. Lots 15 and 16 will eventually be sold or transferred to The Gap, Inc. These special circumstances include the sale and potential leaseback of a portion of a parcel of land controlled by The Gap, Inc. Expansion plans of the entire Gap site are based upon the ability to connect into the proposed

Banana Republic Building, a wholly-owned subsidiary of The Gap, Inc. Both land uses are similar in nature. In general, these special circumstances do not apply to every property in the area.

- 2) The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because it would prevent the connection of two similar type manufacturing and distribution facilities even though under the same ownership and may share common services.
- 3) Such special circumstances are not the result of actions of the applicant taken, subsequent to the adoption of the zoning regulation. The official plat or survey of the Mineola Industrial Park was completed prior to the applicant's request or desire to expand.
- 4) I can find no reasons to indicate that the sideyard setback variance would adversely affect the public health, safety and welfare, and will alter the essential character of the general vicinity or cause a hazard or nuisance to the public.

If this variance is granted by the Boone Board of Adjustment, the staff would like to remind the applicant that Site Plan Review is still required before construction of the proposed building.

Respectfully submitted,



Kevin P. Costello
Asst. Director/Sr. Planner

KPC/jdh

Pursuant to KRS 100.243, Applicant represents to the Board of Adjustment as follows:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The circumstances leading to this request for a variance include the sale and leaseback of a portion of a parcel of real estate controlled by The Gap, Inc. Said property is utilized wholly for industrial purposes. Proposed expansions by The Gap, Inc. hinge upon the ability to connect newly proposed facilities to existing facilities immediately adjacent to the property in question.

All setbacks for external boundary lines would remain in accordance with prescribed requirements.

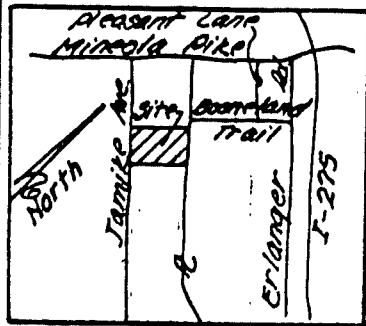
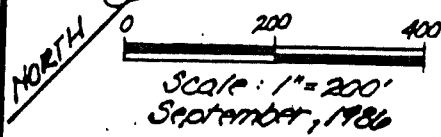
2. The strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant. The most reasonable use of the subject property would be the expansion of The Gap's distribution facilities onto the subject parcel from existing buildings. The inability to expand in a planned and orderly fashion would create unnecessary hardships and curtail reasonable use of the subject property.

3. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.

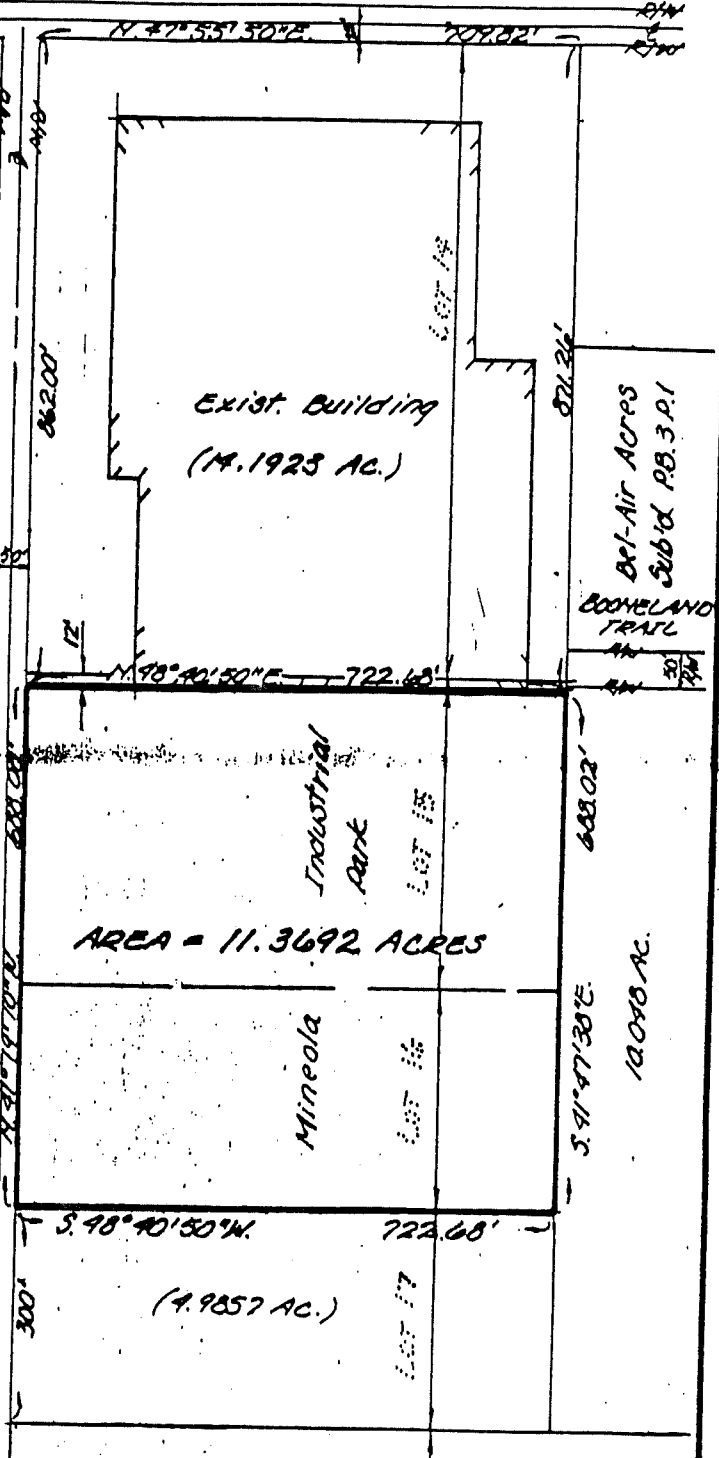
4. Reasons that the variance will not adversely affect the

public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public stem from the premise that the proposed expansion allowed by the variance would occur entirely across internal boundaries, and will have no effect upon existing setbacks along the external boundaries or perimeter of the subject property. The variance will allow for controlled and orderly expansion of the distribution facilities, with great care and detail being given to any potential impacts upon the public and the essential character of the general vicinity. There will be no public nuisances created or maintained by the granting of the variance.

MINEOLA PIKE



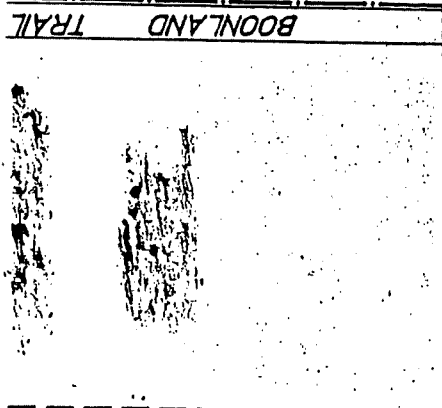
JAMIKE AVENUE



STATE OF KENTUCKY
ROBERT W.
TRENKAMP
L.S. 2124
REGISTERED
LAND SURVEYOR

PLAT OF PROPERTY
PART OF MINEOLA INDUSTRIAL PARK
~ for ~
THE GAP DISTRIBUTING CO.
BOONE COUNTY, KENTUCKY

tga Thomas
Graham
Associates, Inc.
Engineers • Planners • Surveyors
783 Compton Road
Cincinnati, Ohio 45231
513-521-4760



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BOONLAND TRAIL

10 ACRES

EMPLOYEE PARKING

POSSIBLE FUTURE BANANA REPUBLIC EXPANSION

EMPLOYEE ENTRANCE

GAP SELL-OFF STORE

RECEIVING

GAP STORES DISTRIBUTION CENTER

391,000 SQ. FT.

FUTURE HIGH BAY STORAGE

71,500 SQ. FT.

GAP CORPORATE SHIPPING

NEW EXTENSION FOR SHIPPING
22,500 SQ. FT.

SECOND B.R. EXPANSION

116,600 SQ. FT.



WATER TOWER

PROPANE TANK

FUTURE EXPANSION
70,000 SQ. FT.

FUTURE TRAILER STAGING

BANANA REPUBLIC DISTRIBUTION CENTER

210,000 SQ. FT.

RECEIVING

OFFICE

MINIOLA PIKE

JAMIE AVENUE

100' - 0"

205' - 0"

80' - 0"

448' - 0"

100' - 0"

0 - 725'

0 - 725'

BOONE COUNTY BOARD OF ADJUSTMENT

OCTOBER 8, 1986

6:30 P.M.

Chairman Whitton called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Nevel. Staff members present were Messrs: Newton, Costello and Breidenstein. Atty. Dale Wilson was also present.

Minutes of the September 10, 1986 Boone County Board of Adjustment meeting were considered. Mr. Ryan moved to approve the September 10, 1986 Boone County Board of Adjustment Minutes as reviewed. The motion was seconded by Mr. Archambault. The motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Conditional Use Permit

A request of Ohio Valley, CFM, Inc., d.b.a. Convenient Food Marts for a Conditional Use Permit to allow the retail sale of gasoline at 986 Burlington Pike, Boone County. The 0.345 acre site, zoned C-1, is currently owned by Charles and Eileen Deglow and is operated as Chuck's Market.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Report). Mr. Breidenstein presented a slide presentation of the proposed request and the surrounding area.

Director Gerald Newton stated the applicant had presented a letter which dealt with the potential problem of the encroachment owned by the State. Mr. Newton noted that Mr. Forest Rankin of the Kentucky Department of Transportation (K.D.O.T.) felt the problem could be overcome.

Mr. Gene Hancock, representative of the request stated the entire property was zoned Commercial and the store would be primarily an existing use. Mr. Hancock described the utility and landscaping provisions.

Chairman Whitton inquired of any support, opposition or comments on the proposed request.

Ms. Rosie Deaton, adjoining property owner requested that a fence be placed between the back of the store and her property. Ms. Deaton explained that she had failed to sell her home several time because of the view of the back of the store from her property.

Further discussion on the screening between the proposed store and Ms. Deaton's property.

Ms. Wanda Williams, property owner in the area noted there had been numerous accidents at the particular access point and inquired that with the proposed store going in and the increase in traffic volume could a traffic signal be placed at that particular access point. Atty. Dale Wilson explained that the Board of Adjustment could not require the K.D.O.T. to put up a traffic signal. Staff member Kevin Costello advised Ms. Williams to contact the K.D.O.T. Office, District 6 and talk with Mr. Joe Kerns regarding the traffic signal.

Mr. Newton explained that under the proposed zoning, there would be screening provided but currently the screening would be left up to the Board. Mr. Newton stated that under Site Plan Review the regulations required that a 20 foot area be suitably planted. Mr. Newton stated that if the applicant was not able to obtain the right-of-way from the State, there would be a problem in the number of parking spaces required for the store. Mr. Newton again noted that Mr. Rankin with the K.D.O.T. did not feel the right-of-way would be a problem but he could not give anyone a 100% guarantee at the present time.

Mr. Archambault expressed concern of the lighting at night disturbing the residents. Mr. Hancock stated the store would close at 12:00 A.M. and there would not be exterior parking lights on after 12:00 A.M.

After further discussion, Mr. Houston moved to approve the request of Ohio Valley, CFM, Inc. d.b.a. Convenient Food Marts for a Conditional Use Permit to allow the retail sale of gasoline at 986 Burlington Pike, Boone County with the conditions that the applicant go through staff for review of the Site Plan for appropriate screening and lighting and that the encroachment be worked out with the K.D.O.T. The motion was seconded by Mr. Archambault.

Atty. Dale Wilson informed the applicant that if he disagreed to the conditions and the staff's review of the Site Plan, then he would have to come back before the Board again. Mr. Hancock stated he understood and agreed to the conditions of the motion.

After further discussion, the motion carried unanimously.

Variance

A request of Michael T. McKinney (applicant) for the Gap Stores, Inc. (owner) for a variance in the sideyard setback for the construction of an industrial distribution building on a 11 acre site located south of Mineola Pike and east of Jamike Avenue, Boone County, Kentucky. The site is currently zoned

Industrial One, I-1.

Staff member Kevin Costello presented a slide presentation of the proposed site and surrounding area. Mr. Costello presented the Staff Report. (See Staff Report)

Mr. Michael McKinney explained the store's need for the side yard setback based upon his written statement, which was included in the Staff Report. Mr. McKinney made himself available for questions.

Chairman Whitton inquired of support, opposition or comment on the proposed request.

Hearing no response, Mr. Houston moved to approve the request of Michael T. McKinney (applicant) for the Gap Stores, Inc. (owner) for a variance in the sideyard setback for the construction of an industrial distribution building on a 11 acre site located south of Mineola Pike and east of Jamike Avenue, Boone County, Kentucky based upon the Staff Report. The motion was seconded by Mr. Ryan. The motion carried unanimously.

ADMINISTRATION

Mrs. Arlene Jones representing Nationwide Printing, Inc., requested a special meeting to be held by the Boone Board of Adjustment for a change in non-conforming use from a food products manufacturing to wholesale printing located at 5906 North Jefferson Street, Burlington, Kentucky.

Mr. Breidenstein noted the earliest date for the special meeting would be October 23 and the latest date would be November 1, 1986.

After further discussion, Chairman Whitton set October 29, 1986 at 6:30 P.M. as the date for the Special Board of Adjustment meeting for Nationwide Printing, Inc.

Hearing no further questions or comments, Mr. Archambault moved the meeting adjourn. The motion was seconded by Mr. Ryan. The motion carried unanimously.

The meeting adjourned.

APPROVED:

ATTEST:

GEORGE D. WHITTON, CHAIRMAN

DEE ANN BREWER, ADMINISTRATIVE ASST.