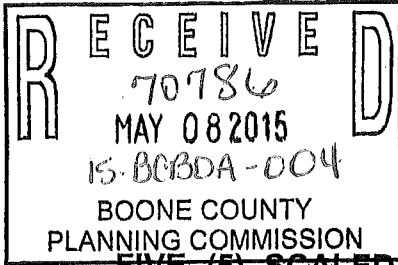


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Happy Feet Legends, LLC (ERIC HENDERSON)

Applicant's Address 5765 CONSTITUTION DRIVE

FLORENCE KY 41042

City State Zip

Phone Number 859-630-4883 Fax No. E-Mail ERIC@NKYHAPPYFEET.COM

4. Description of Request: CONDITIONAL ZONING APPROVAL

5. Name of Development NKY LEGENDS SOCCER CLUB

6. Location of Development 1611 Distribution Dr. Burlington, KY 41005

7. Acreage Under Review 2 acres

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

Commence Park West

9. Owner of Property Conrad Brothers Future Properties, LLC

Address of Property Owner 543 Terry Ln

10. Crescent Springs KY 41017

City State Zip

Phone Number (859) 630-9228 Fax No. E-Mail craigconrad17@gmail.com

11. Proposed Use(s) on Site Soccer practice facility

12. Total Square Footage of Existing and/or Proposed Buildings 11,000 Tenant Space

13. Current Zoning on Property F-1

14. Deed Book 251 Page No. 169 Group No. 2026

15. Is the site subject to a zone change? NO

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.

ORIGINAL Property Owner's Signature: [Signature]

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]

(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 5/8/15 Fee Received \$1082⁰⁰ Receipt # 70786
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/10/15 **Approved**
Approved with Conditions (See #6) 15-BCBOA-004
Denial (See #7)
6. Conditions of Approval: SEE 6/10/15 Meeting minutes
AND CLR
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: Eric Henderson for HappyFeet Legends
LOCATION: 1611 Distribution Drive, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: June 10, 2015

PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow an indoor soccer training facility to occupy a 11,040 square foot (80' x 138') tenant space at 1611 Distribution Drive.

The interior floor plan shows two (2) 68' x 32' painted fields, ten (10) 12' x 20' box soccer courts, 24 bleacher seats, and two restrooms will be provided. Each field can accommodate up to 12 players at a time and the box soccer courts are for one on one play. The facility will provide soccer training for players that range from 6 to 17 years of age.

The hours of operation are listed as follows:

Monday to Friday – 5:00 PM - 10:00 PM (Individual and Team Training)

Saturday – 8:00 AM – 10:00 PM (3 versus 3 and 4 versus 4)

Sunday – 9:00 AM – 9:00 PM (3 versus 3 and 4 versus 4)

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that a duty of the Board of Adjustment is to act on Conditional Use Permit requests.

The Board should evaluate the request as it relates to the criteria listed in Sections 262 and 1133 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.

Section 1133 of the Boone County Zoning Regulations allows "commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields, and baseball fields" 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.

SITE CHARACTERISTICS

The approximate 2 acre site is located in Commerce Park West Subdivision and fronts on the south side of Distribution Drive. The site contains an approximate 23,600 square foot office/warehouse building, which is constructed with metal siding. The site is accessed from three curbs cuts on Distribution Drive and one curb cut on Commercial Drive. The parking lot striping in the front parking lot has faded and is no longer visible.

SURROUNDING LAND USES & ZONING

North: Distribution Drive, Acramold Engineering, Rice Pallet Company, Con-Quip Construction Materials (I-1)

South: Concept Machine & Designs and Aerocrete Precast (I-1)

East: Commercial Drive, A & B Heating and Air, Hold Self Storage (I-1)

West: Advantage Concrete Pumping (I-1)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 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 2010 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements which relate to the proposal:

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

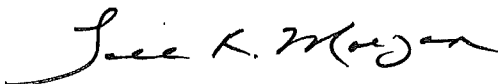
STAFF COMMENTS

1. Spartan Construction and Sherwin occupy the western portion of the building. Staff visited the site several times and observed very few cars in the parking lot.
2. Staff believes the proposed use should have minimal to no impact on the industrial businesses located in the subdivision. The Monday to Friday hours of business operation are from 5:00 PM to 10:00 PM.
2. The Zoning Administrator determined that the following parking needs to be provided for the use:
 - One space per 5 person capacity at any given time (soccer players and Staff).
 - One space per 4 bleacher seats.
3. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.
4. Staff recommends the following conditions if the application is approved:
 - A. The facility shall be used for soccer practice only. No soccer league games shall take place at the facility.
 - B. The business shall not operate before 5:00 PM Monday to Friday.
 - C. The business shall comply with the parking requirements and the front parking lot shall be striped per the Boone County Zoning Regulations. A Minor Site Plan application shall be submitted and approved by Boone County Planning Commission before the lot is striped.

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

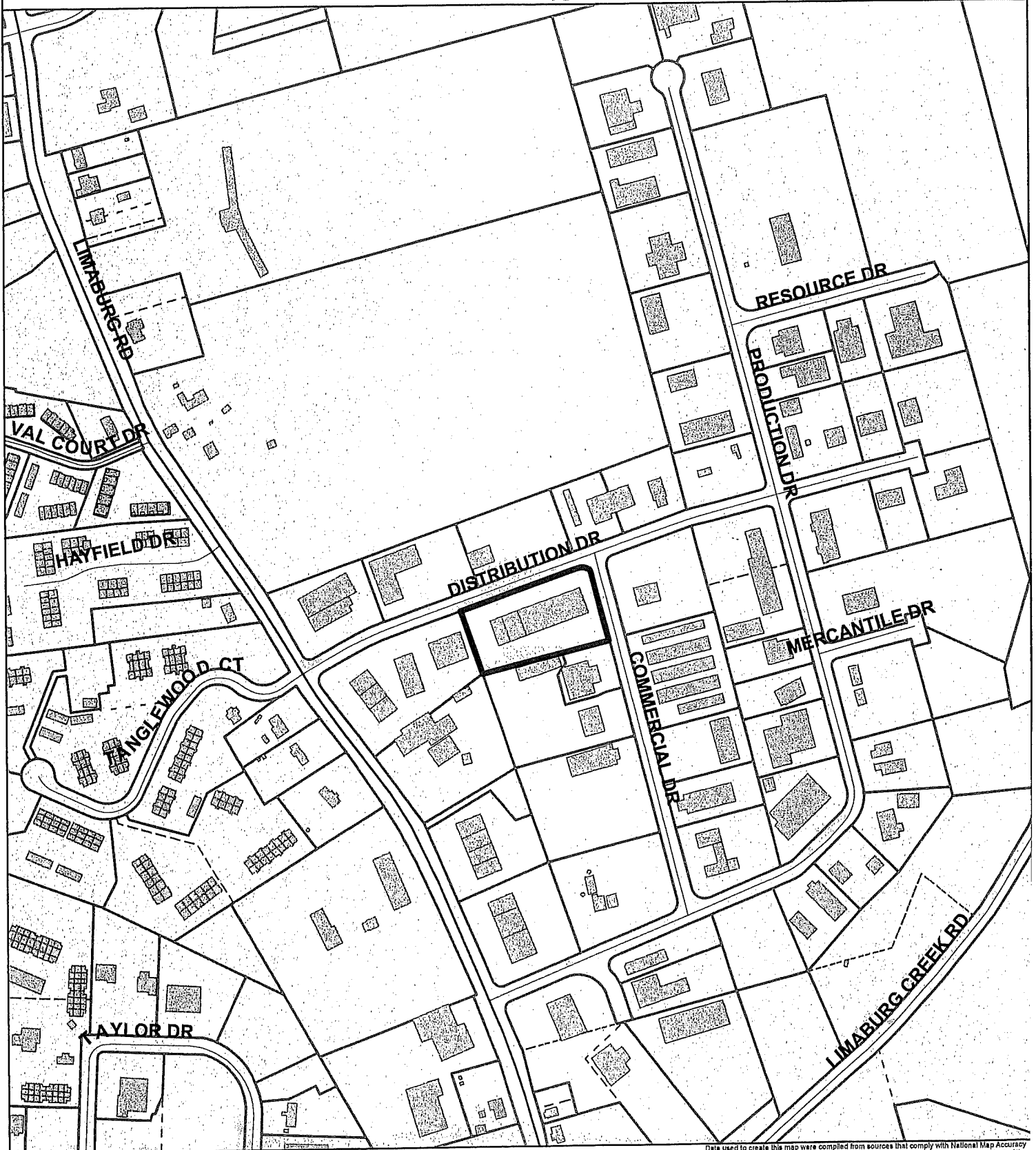
TKM/tlb

Attachments

- *Site Vicinity Map
- *Proposed Business Location
- *Proposed Floor Plan
- *Facility Usage Explanation
- *Letter From Applicant
- *2012 Aerial Map
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Application

SITE VICINITY MAP

www.boonecountygis.com



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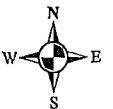
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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet

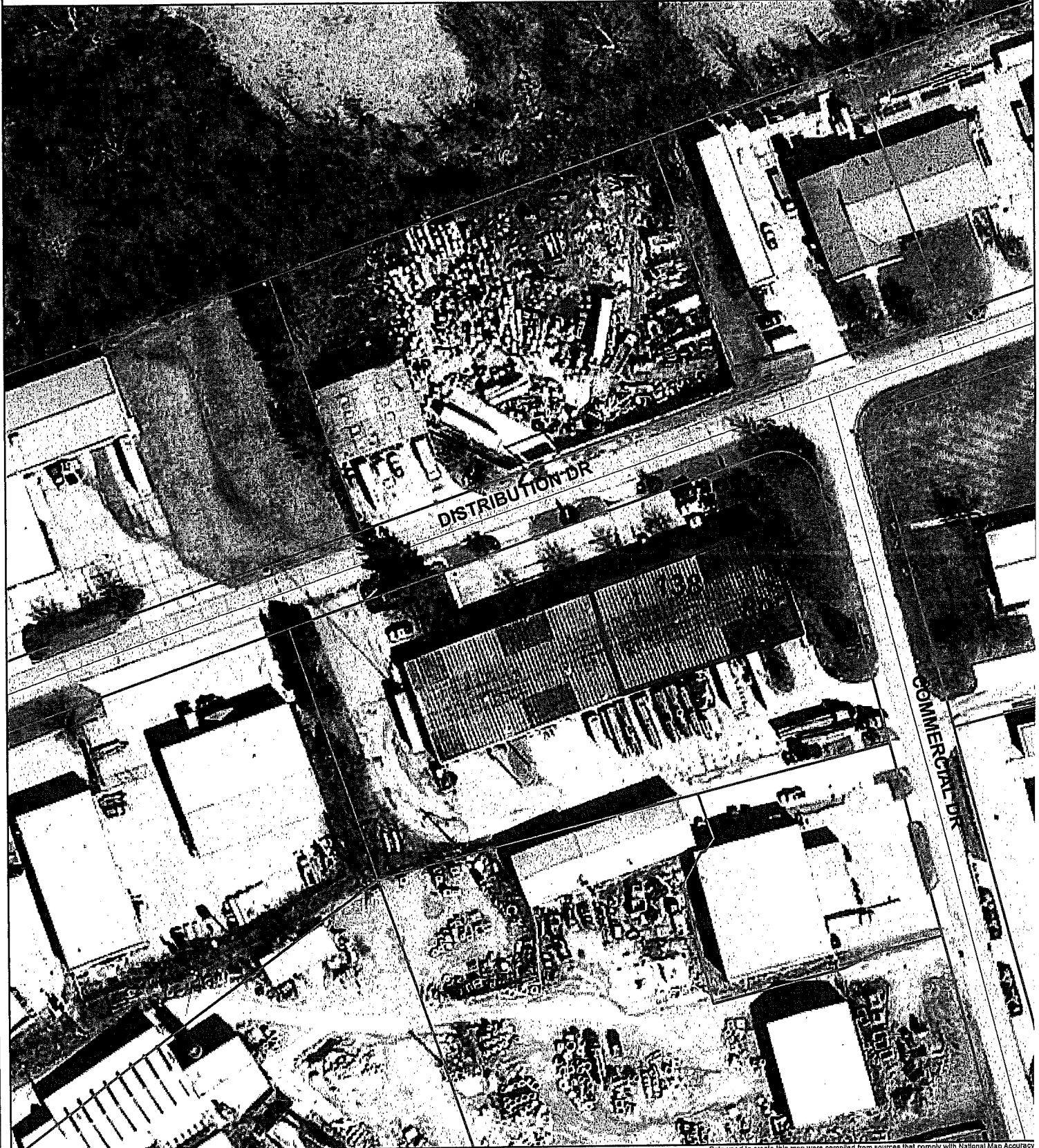


Boone County GIS - Putting Northern Kentucky on the Map



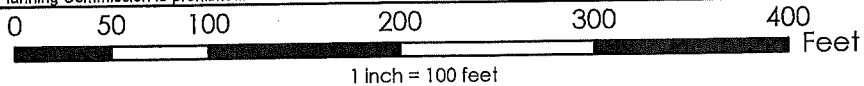
PROPOSED BUSINESS LOCATION

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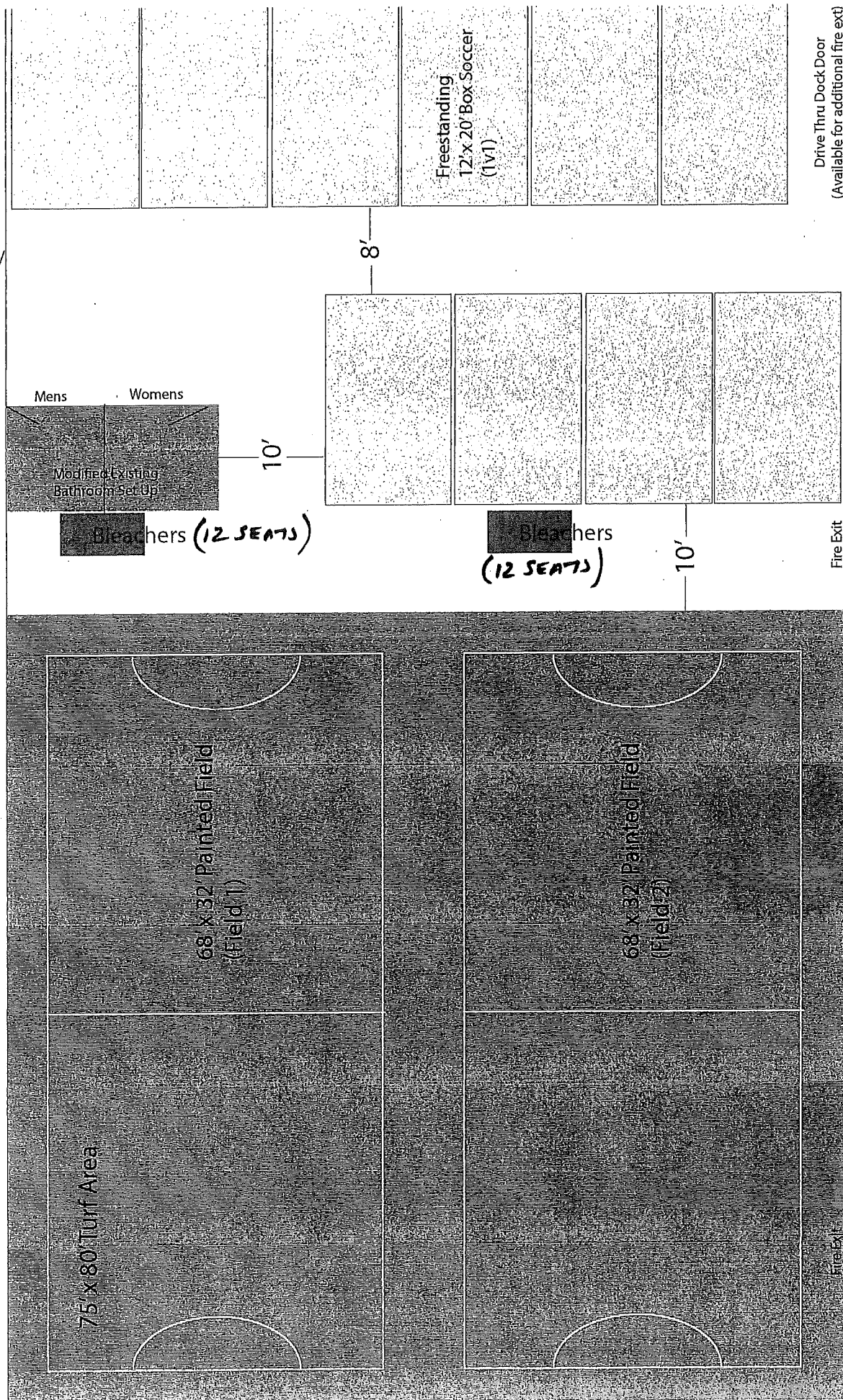
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013

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44 PLAYERS + STAFF
24 BLEACHER SEATS



Facility Usage

Maximum Capacity per area:

Training Field 1: 12 players

Training Field 2: 12 players

Box Soccer Courts: 20 Players

Projected number of parents, coaches & cars per hour: 35-40

This is a training facility. Parents usually carpool and drop their child off for training compared to a more typical game/league format.

Typical Schedule (at max capacity):

Monday – Friday: Individual & Team Training from 5:00pm – 10:00pm
Projected number of cars per hour: 30-35 cars

Saturday: 3v3 & 4v4 Training from 8:00am – 10:00pm
Projected number of cars per hour: 20-30 cars

Sunday: 3v3 & 4v4 Training from 9:00am – 9:00pm
Projected number of cars per hour: 20-30 cars

Available Ages:

Current Ages: 6-12 year olds

Projected Ages in 3 years: 6-15 year olds

Projected Ages in 5 years: 6-17 year olds

NKY Legends Soccer Club
5765 Constitution Drive
Florence, KY 41042

Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, KY 41005

**Re: Zoning Adjustment Application
Eric Henderson
1611 Distribution Dr.
Burlington, KY 41005**

Dear Boone County Planning Commission:

We are hereby applying for a conditional zoning adjustment for the property located at 1611 Distribution Drive, Burlington, KY 41005 (Deed Book 851, Page 169, Group 2026) to allow for recreational use as a soccer training facility within an I-1 zoning status.

Related to the proposal, please find attached the following: Application Form, Payment, Ariel Map of the property with property lines, Boone County GIS Map and Building Layout for the proposed soccer training usage.

The usage will require 2 standalone bleachers, which will hold up to 12 people each. Based on our maximum capacity numbers and seating requirements, we will require 26 parking spots. The building currently has 29 parking spots available. Our hours of operation will be in the evening and after all other tenants of the property are closed.

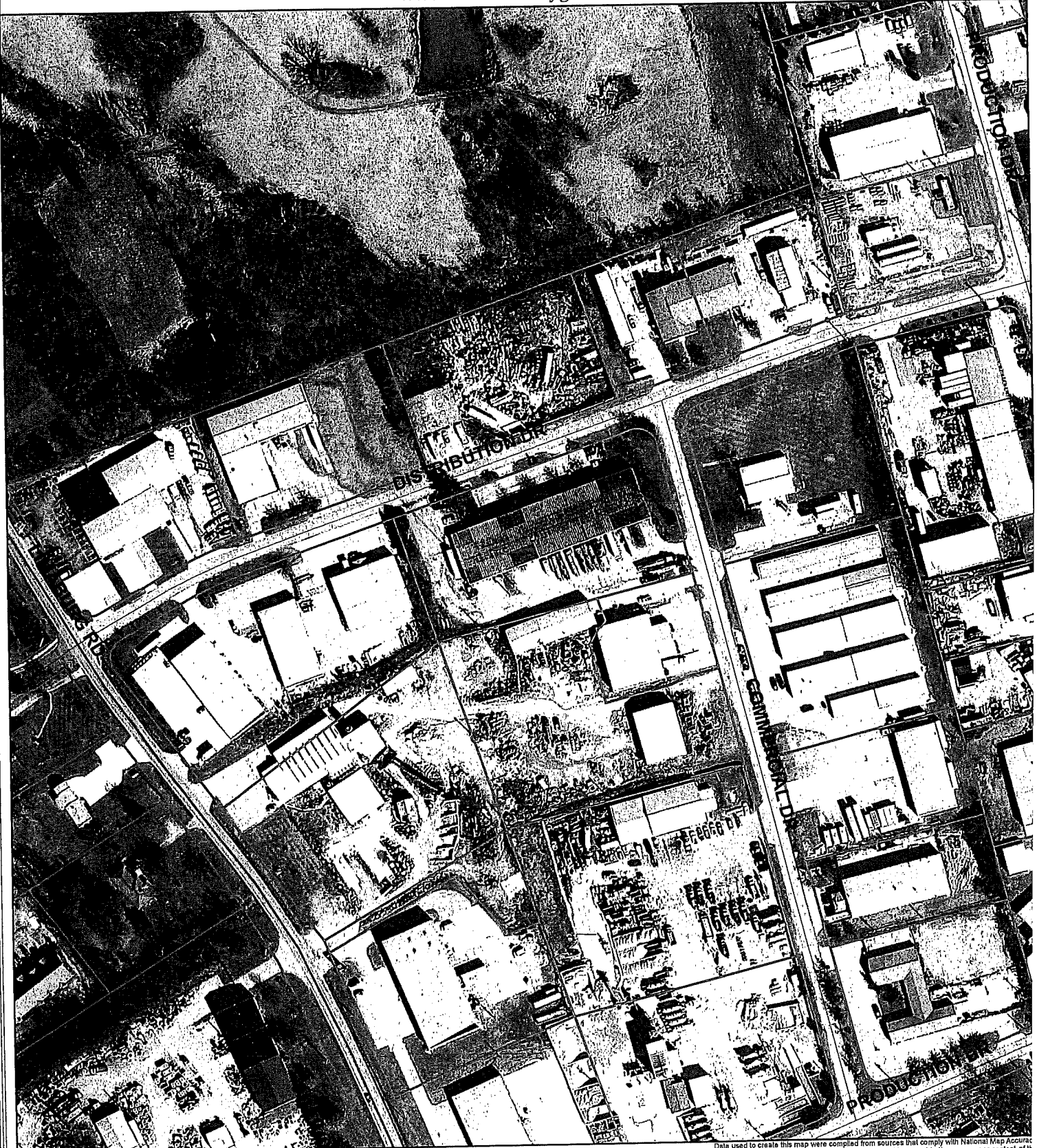
Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric Henderson', with a long horizontal flourish extending to the right.

Eric Henderson

2012 AERIAL MAP

www.boonecountygis.com



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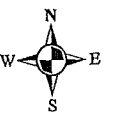
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1 Inch = 200 feet

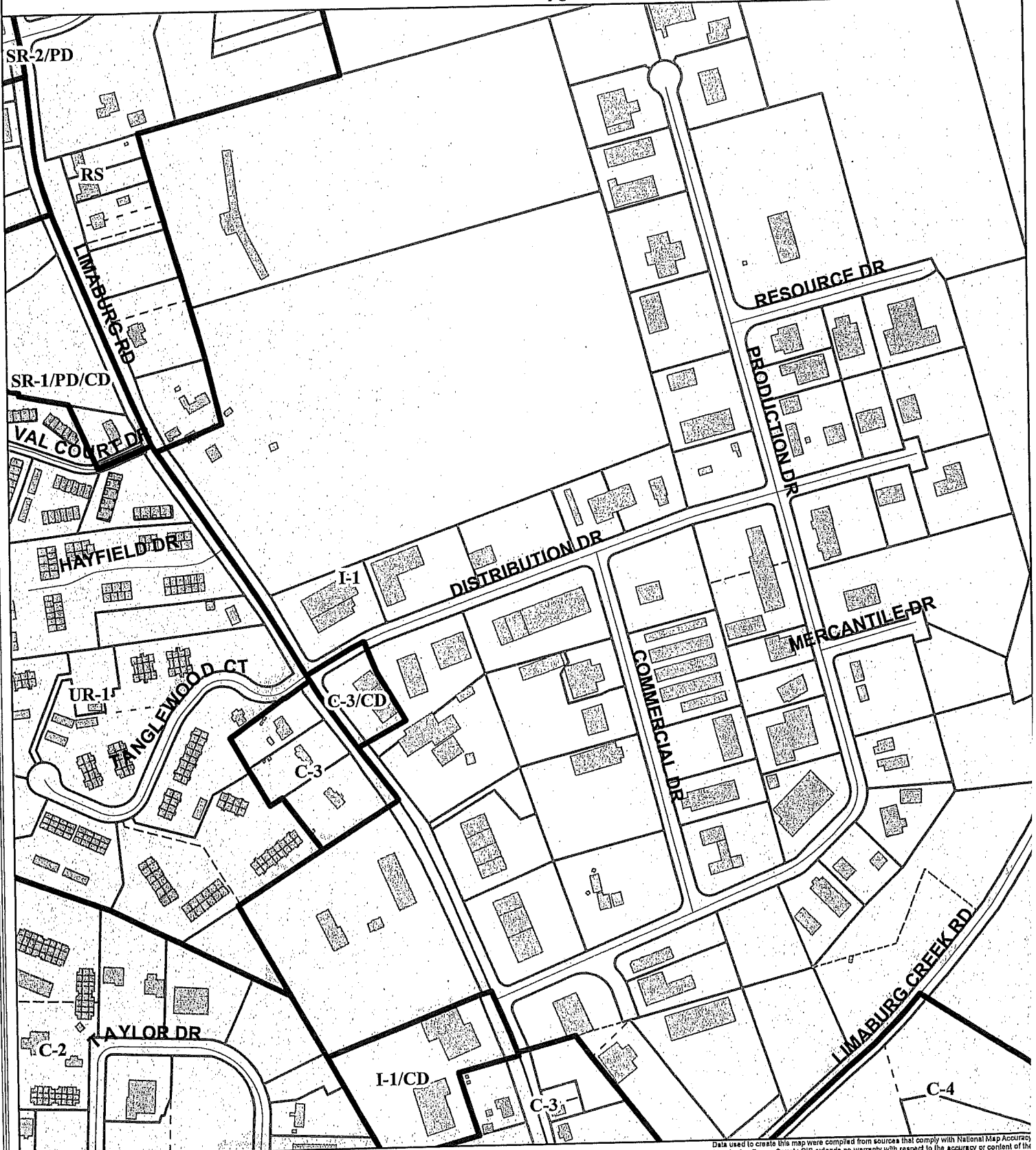


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ZONING MAP

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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

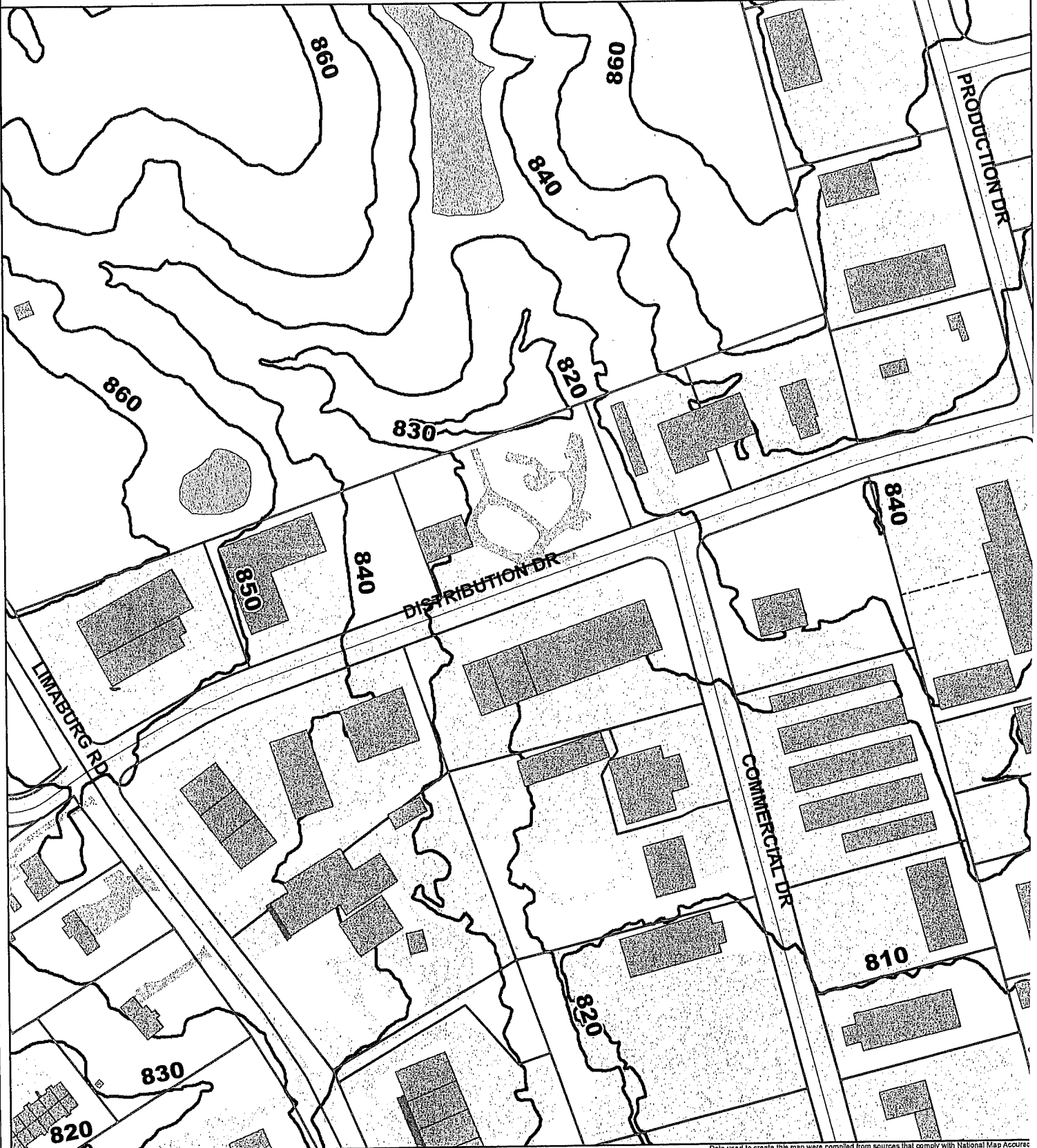


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Scale 1 inch = 400 feet
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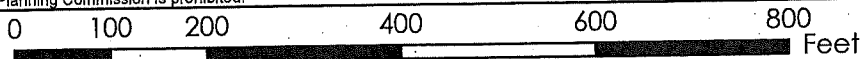
TOPOGRAPHICAL MAP

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1 Inch = 200 feet



Map Created: 07/01/2013

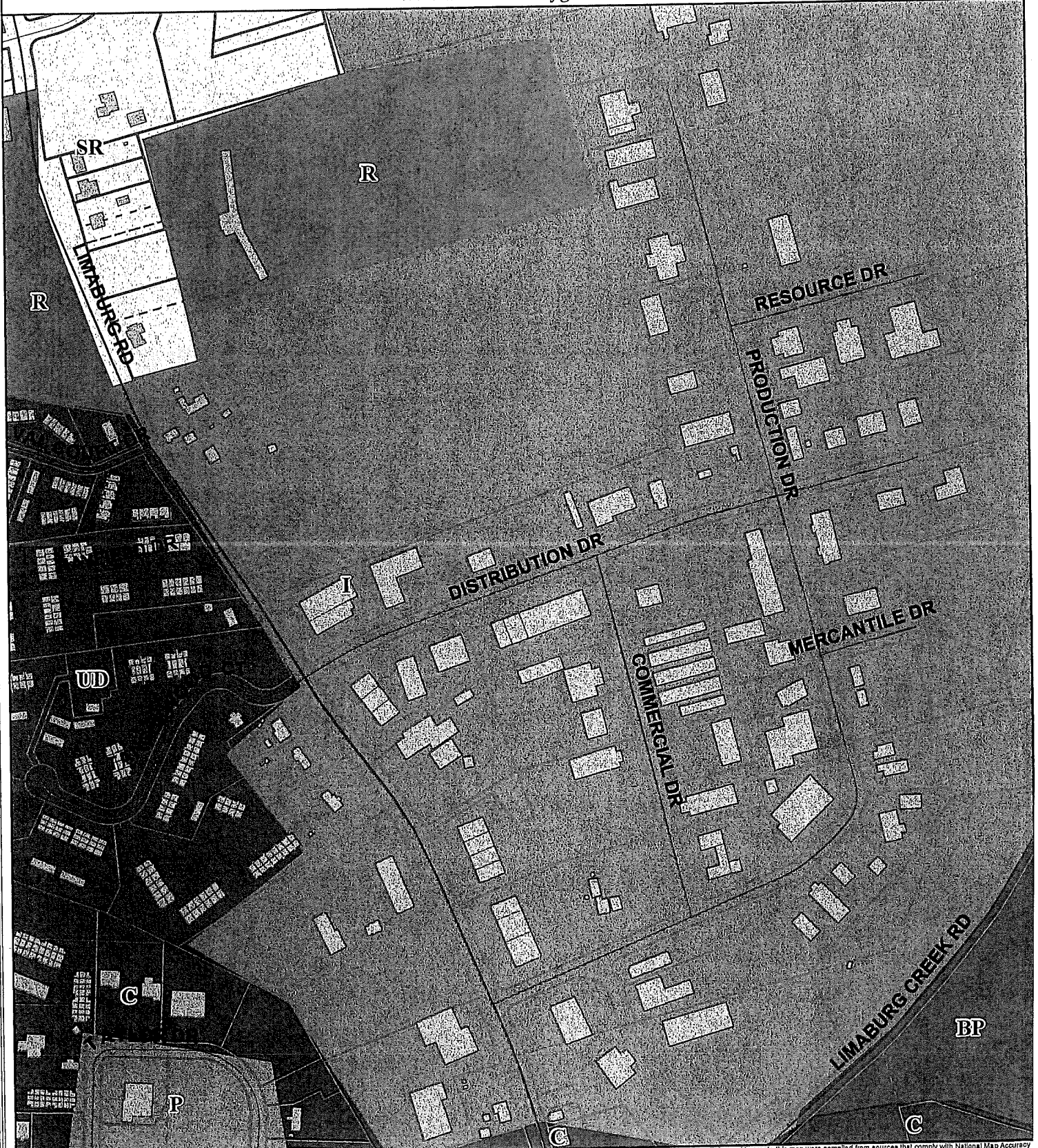
Boone County GIS - Putting Northern Kentucky on the Map



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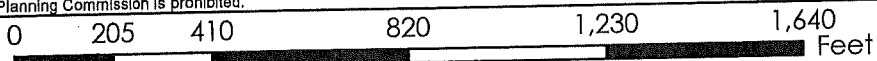
2035 FUTURE LAND USE MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Map File: BooneMap.mxd
ArcMap Document: BooneMap (Site).mxd

Map Created: 07/01/2013

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
70786
MAY 08 2015
BOONE COUNTY
PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Happy Feet Legends, LLC (ERIC HENDERSON)
Applicant's Address 5765 CONSTITUTION DRIVE
FLORENCE KY 41042
City State Zip
Phone Number 859-630-4883 Fax No. _____ E-Mail ERIC@KYHAPPYFEET.COM
 - Description of Request: CONDITIONAL ZONING APPROVAL
 - Name of Development NY LEGENDS SOCCER CLUB
 - Location of Development 1611 Distribution Dr.
Burlington, KY 41005
 - Acreage Under Review 2 acres
 - Lot Number and Name of Subdivision (if part of a subdivision)
Commerce Park West
 - Owner of Property Conrad Brothers Future Properties, LLC
Address of Property Owner 543 Terry Ln
Crescent Springs KY 41017
City State Zip
Phone Number (859) 630-9228 Fax No. _____ E-Mail Craig.conrad17@gmail.com
 - Proposed Use(s) on Site Soccer practice facility
 - Total Square Footage of Existing and/or Proposed Buildings 11,000 Tenant Space
 - Current Zoning on Property F-2
 - Deed Book 851 Page No. 169 Group No. 2026
 - 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.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Conrad Brothers Future Properties, LLC
543 Terry Lane
Crescent Springs, KY 41017

2. ADDRESS OF PROPERTY

5765 Constitution Drive
Florence, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Happy Feet Legends, LLC

4. DEED BOOK 851

PAGE NO. 169

GROUP NO. 2026

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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

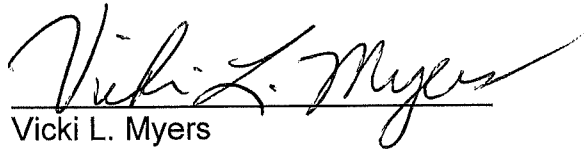
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

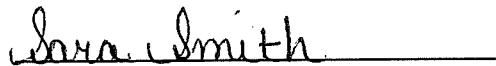
on behalf of the Boone County Planning Commission this 18 day of June, 2015.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2019

This instrument was prepared for recording purposes only by:



Sara Smith
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 Board of Adjustment and in accordance with the current zoning in effect as of June 10, 2015 Certificate of Land Use Restriction (#15-BCBOA-004-A), for Conrad Brothers Future Properties, LLC , Property Owner(s).

The following conditions will apply:

1. Soccer practice is permitted during the week and league play is permitted on Saturdays and Sundays.
2. The facility shall comply with the parking requirements and the parking lot shall be striped according to code. However, a minimum of 25 striped parking spaces shall be required.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 851

PAGE NO. 169

GROUP NO. 2026