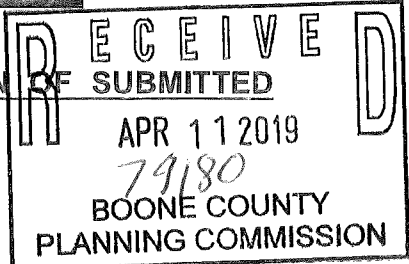


APPLICATION FORM

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)

- 1. (Check One) X Boone Florence Walton Union
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name Burns & McDonnell
4. Description of Request: Rear Yard Setback Variance from 50 feet to 30 feet
5. Name of Development SFC Freezer Expansion
6. Location of Development 7605 Empire Drive Florence, Kentucky 41042
7. Acreage Under Review 28.965 Total Lot, 0.18 proposed addition
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property SFC Global Supply Chain, Inc.
10. Address of Property Owner 115 West College Dr Marshall MN 56258
11. Proposed Use(s) on Site Food Manufacturing
12. Total Square Footage of Existing and/or Proposed Buildings 7900 sq-ft
13. Current Zoning on Property I-2
14. Deed Book D965 Page No. 468 Group No. 2049A
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.

ORIGINAL Property Owner's Signature: Helen Andries CFO

ORIGINAL Applicant's Signature: [Signature]

Burns & McDonnell Food & Consumer Products
 9400 Ward Parkway, Kansas City Missouri 64114
 Phone: (816) 333-9400 | Fax: (816) 822-3416

TRANSMITTAL MEMORANDUM

Transmitted Via: FED EX
Date: 4/10/2019
Transmittal No.: 112409-VEN-TRN-0001

Filed in: Project Folder\Doc Control\Transmittals

ISSUED FOR FOR REVIEW

FROM: Andrew Allen
 (816) 708-6133
 aallen2@burnsmcd.com

TO: Boone County Planning Commission Boone Count
 2950 Washington Street, Room 317
 P.O. Box 958 Burlington, Kentucky 41005
 (859) 334-2264

Internal Distribution (BMCD)

Project File

External Distribution

Boone County Planning Commission

MESSAGE: Burns & McDonnell is providing documents, for review. Please contact the Andrew Allen if questions about the documents.

| Filename | Description | Rev | Rev Date |
|--|---|-----|-----------|
| Board of Adjustment And Zoning Appeals Action Hard Copy, Qty 1 | Board of Adjustment and Zoning Appeals Action 4.10.19 | -- | 4/10/2019 |
| Special Warranty Deed Hard Copy Qty 1, 5 Pages | Special Warranty Deed 4.14.09 5 Pages | -- | 4/14/2009 |
| Burns McD Check \$932.00, CheckNo. 602221 Hard Copy Qty 1 | Burns and McDonnell Check for 932.00 to Boone County Planning Commission Check No. 602221 | -- | 4/5/2019 |
| Adjoining Properties List Hard Copy Qty 1 | Adjoining Properties List 4.10.19 | -- | 4/10/2019 |
| CS101_24x36 Hard Copy Qty 5 | Florence Line 4 Vicinity Map | A | 5/8/2019 |
| CS102_24x36 Hard Copy Qty 5 | Florence Line 4 Site Plan | A | 5/8/2019 |
| CS101_11x7 Hard Copy Qty 1 | Florence Line 4 Vicinity Map | A | 5/8/2019 |
| CS102_11x7 Hard Copy Qty 1 | Florence Line 4 Site Plan | A | 5/8/2019 |

Total Document Count:

8
14
66

STAFF REPORT

#3

APPLICANT: Burns and McDonnell, per Andy Allen, on behalf of SFC Global Supply Chain, Inc.

LOCATION: An approximate 29 acre area located at 7605 Empire Drive, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: May 8, 2019

PROPOSAL

The applicant is requesting a Variance to reduce the rear yard setback from fifty (50) feet to 31.12 feet, to allow a 7,900 square feet freezer addition and modified drive aisle on an approximate 29 acre area located at 7605 Empire Drive, Boone County, Kentucky.

SITE HISTORY

1974 -

1981 Site was developed (based on Boone County GIS aerial photography)

1993 -

2018 The Boone County Planning Commission approved sixteen (16) site plans

APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
 - a. Findings listed in Section 251:
 - (1) Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an

unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (b) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (2) The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

- D. Section 3122 of the Boone County Zoning Regulations states that the setback for a rear yard which adjoins a freeway shall be a minimum of fifty (50) feet for principal structures and twenty (20) feet for accessory structures.
- E. Section 3620 of the Boone County Zoning Regulations requires a Buffer Yard A to be provided when a use adjoins a street. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard A to have a minimum width of ten (10) feet.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. 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.
- B. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Compact, efficient development patterns shall be encouraged for industrial,

commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Interstate commercial uses, as well as the freight logistics industry, shall be in close proximity to interstate interchanges for maximum convenience and economy to the traveling public, while minimizing traffic congestion (Economy Goal B, Objective 4).

Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).

- C. Interstate 71/75 is identified as a freeway.

SITE CHARACTERISTICS

- A. The approximate 29 acre area is located along the west side of Empire Drive, approximately 1,600 feet south of Industrial Road. The site has been developed with a food processing and distribution facility.
- B. The site is located within the 55 DNL of the airport.
- C. The portion of the site that is to be developed is relatively flat, having a slope of 1.7%.

SURROUNDING LAND USES AND ZONING

- North: Manufacturing facility (Van Leer Containers), freight transportation facility (Averitt Express), and vacant land (I-2)
- South: Electric parts distributor (Prestolite Electric) and an electric power substation (I-2)
- East: Manufacturing facility (Duro Bag) (I-2)
- West: Interstate 71/75, multi-family residential dwellings (Saddlebrook Farms Subdivision), and vacant land (SR-1, SR-2/PD/CD, and UR-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
 - 1. Construction of a 7,900 square foot, 45 foot high, freezer building addition.
 - 2. Construction of a minimum 20 foot wide paved access drive.
 - 3. Provision for utilities.

4. Provision of a Buffer Yard A along the proposed improvements.

STAFF COMMENTS

- A. The applicant should address the criteria necessary for granting a variance.
- B. Staff sent out an agency letter to Florence Fire/EMS. They replied that as long as there is a 20 foot wide drive aisle to the rear of the building, they should be good.

CONCLUSION

- A. KRS 100.241 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.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully Submitted,



Michael D. Schwartz
Planner

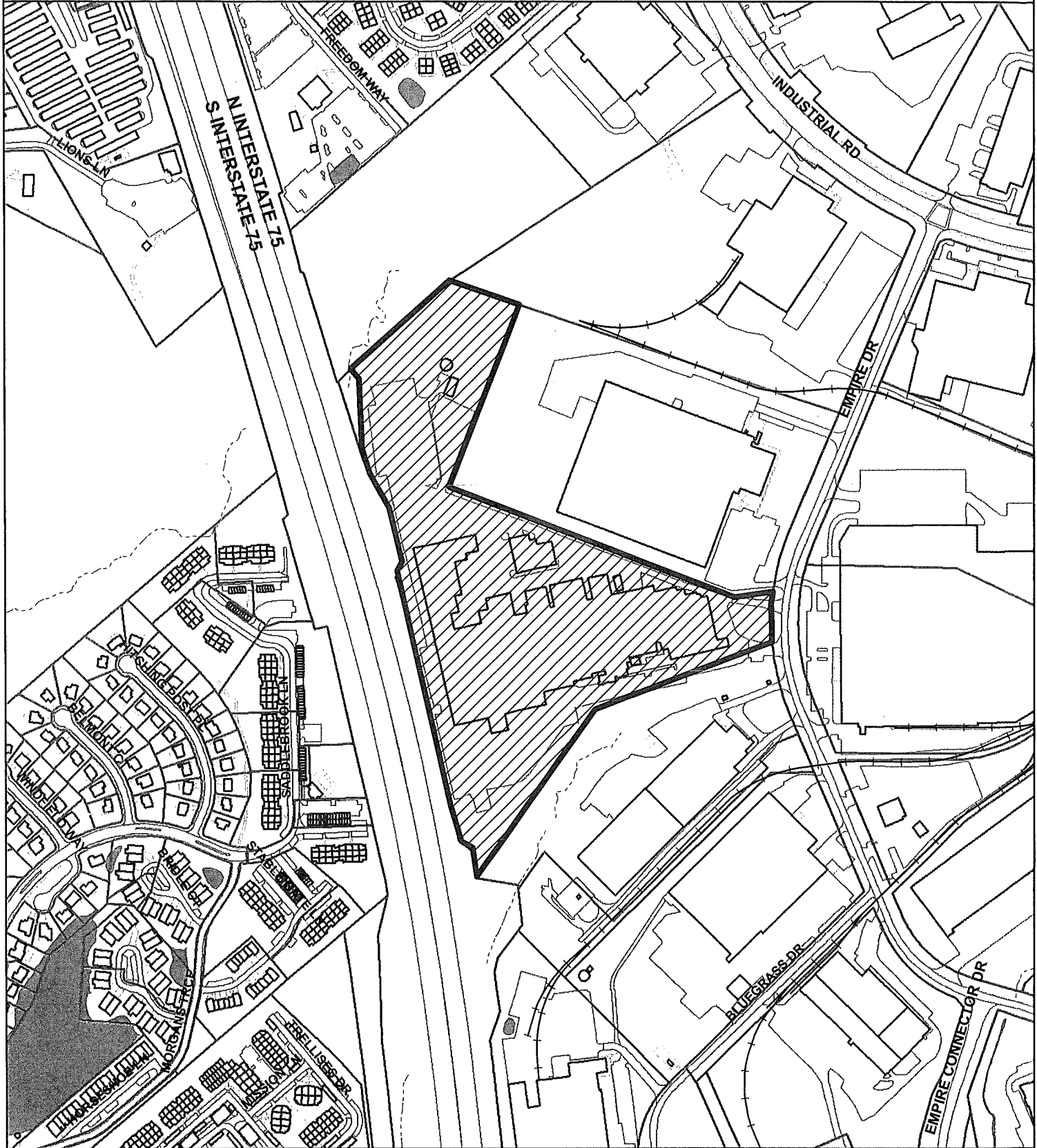
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *2035 Future Land Use Map
- *Noise Contour Map
- *Application
- *Development Plan
- *Email from Florence Fire/EMS

Vicinity Map

www.boonecountygis.com



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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

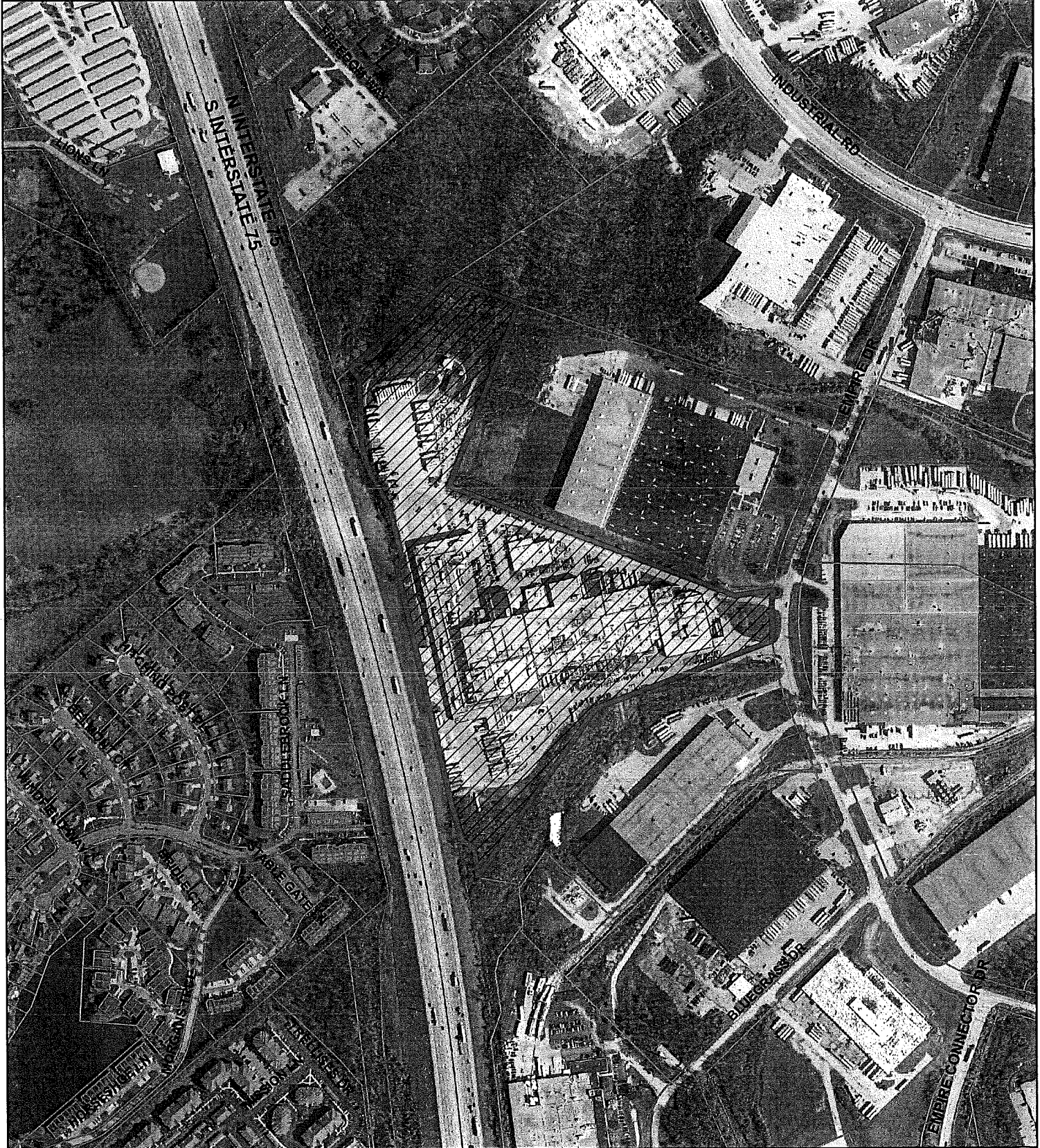


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Boone County GIS
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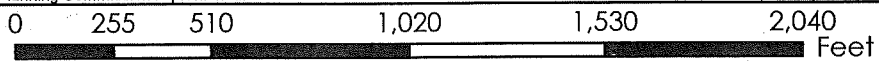
Aerial Map

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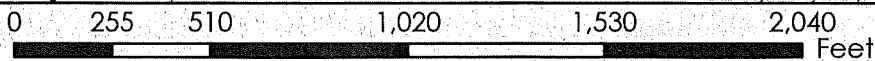
Zoning Map

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Topographical Map

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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet



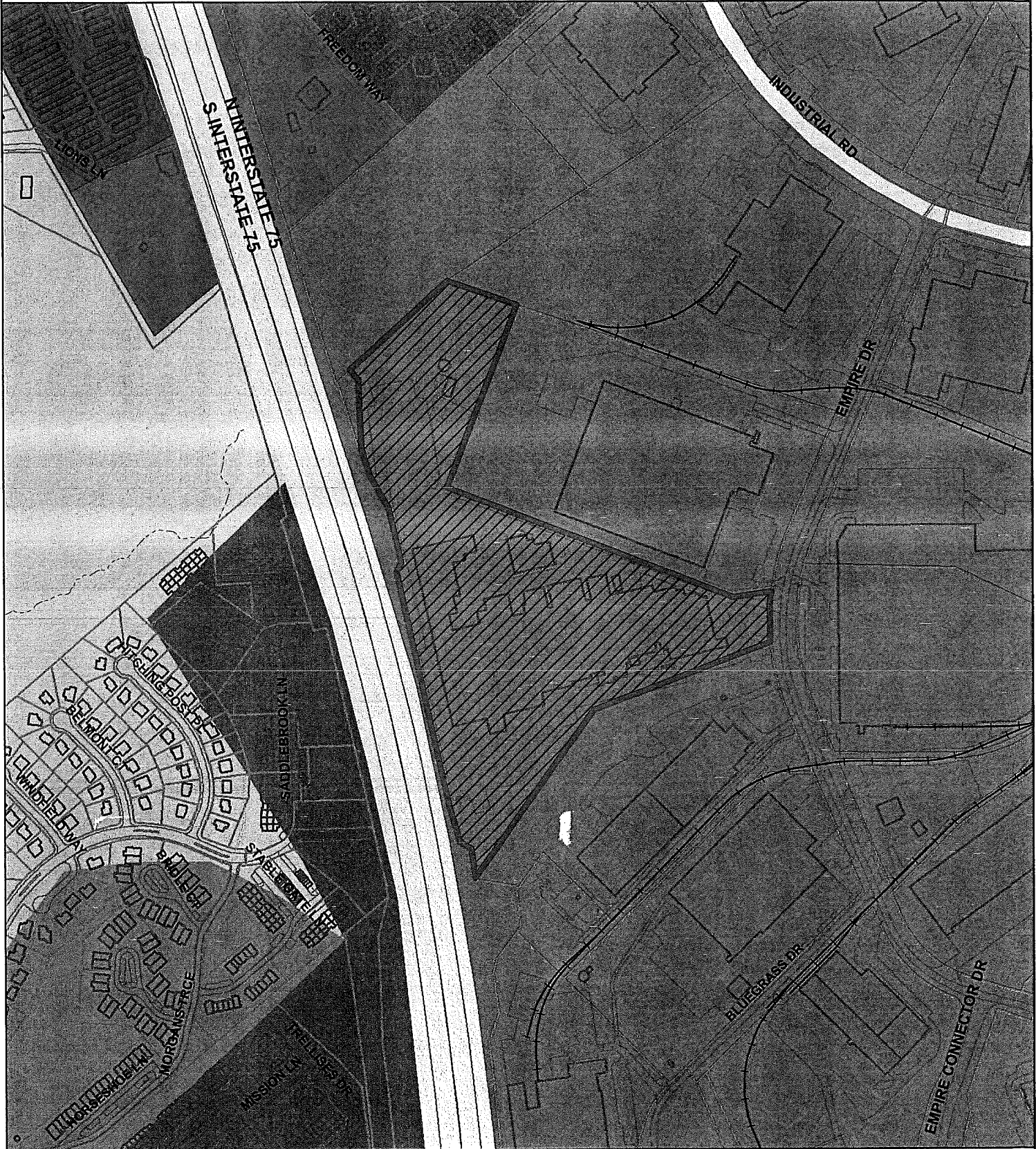
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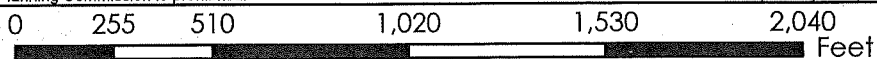
2035 Future Land Use Map

www.boonecountygis.com



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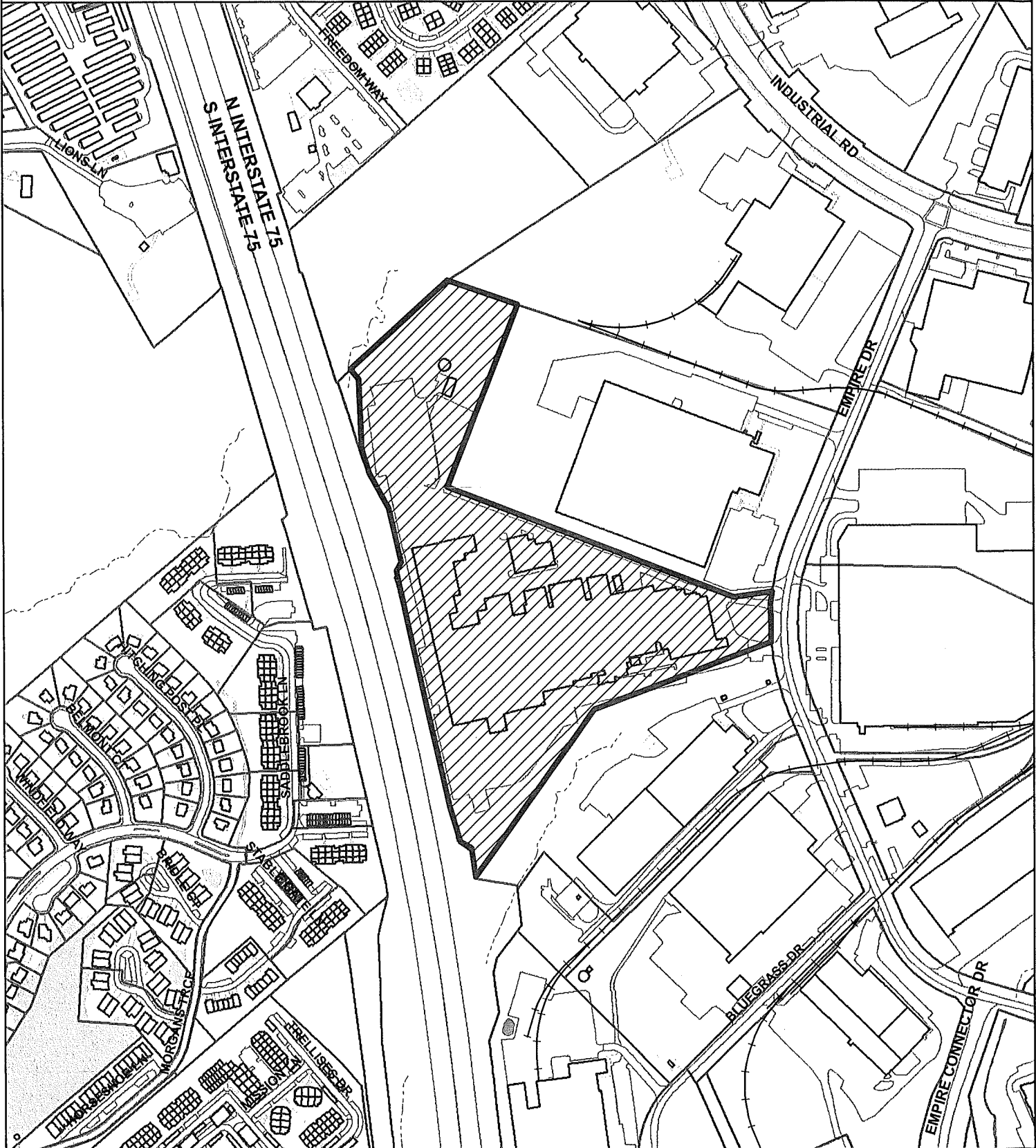


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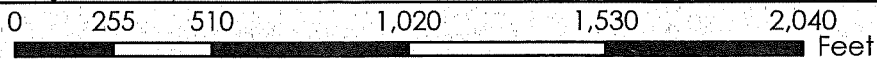
Noise Contour Map

www.boonecountygis.com



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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED APR 11 2019 79180 BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF DRAWINGS ARE REQUIRED See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) X Boone Florence Walton Union
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name Burns & McDonnell
Applicant's Address 9400 Ward Parkway
Kansas City MO 64114
4. Description of Request: Rear Yard Setback Variance from 50 feet to 30 feet
5. Name of Development SFC Freezer Expansion
6. Location of Development 7605 Empire Drive
Florence, Kentucky 41042
7. Acreage Under Review 28.965 Total Lot, 0.18 proposed addition
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property SFC Global Supply Chain, Inc.
Address of Property Owner 115 West College Dr
Marshall MN 56258
10. City State Zip
Phone Number 507-532-3274 Fax No. E-Mail
11. Proposed Use(s) on Site Food Manufacturing
12. Total Square Footage of Existing and/or Proposed Buildings 7900 sq-ft
13. Current Zoning on Property I-2
14. Deed Book D965 Page No. 468 Group No. 2049A
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.

ORIGINAL Property Owner's Signature: Helen Andries CFO

ORIGINAL Applicant'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 4-11-19 Fee Received \$932.00 Receipt # 79180
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
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.

| no. | date | by | chkd | description |
|-----|------|----|------|-------------------|
| A | | | | |
| | | | | ISSUED FOR REVIEW |

RECEIVED
 APR 11 2019
 BOONE COUNTY
 PLANNING COMMISSION

PRELIMINARY - NOT FOR CONSTRUCTION

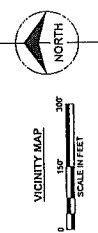
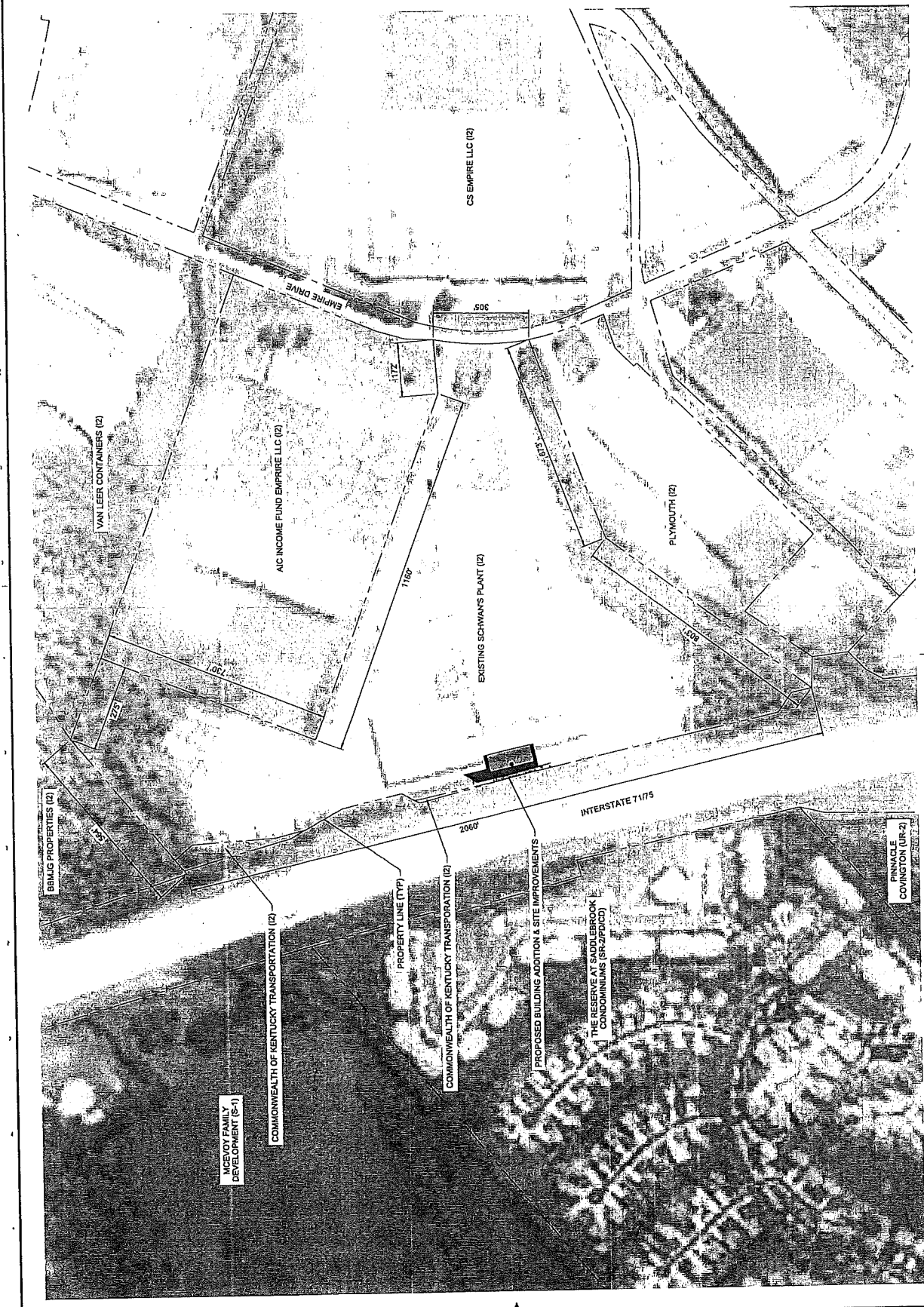
BURNS MEDONNELL
 9400 WARD PARKWAY
 KANSAS CITY, MO 64114
 LICENSE NO. 000165

date: 05/08/19
 designed: G. CANALES
 checked: G. CANALES
 detailed: N. TESSITORE



Boone County, Kentucky
 FLORENCE LINE 4
 VICINITY MAP

project: 112409
 drawing: **CS101**
 sheet 1 of 2
 revision: - A
 date: 05/08/19



| no. | date | by | cd | description |
|-----|----------|-----|----|-------------------|
| A | 05/01/19 | GHC | NT | ISSUED FOR REVIEW |

PRELIMINARY - NOT FOR CONSTRUCTION

BURNS MEDONNELL
 9400 WARD PARKWAY
 KANSAS CITY, MO 64114
 LICENSE NO. 000165

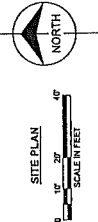
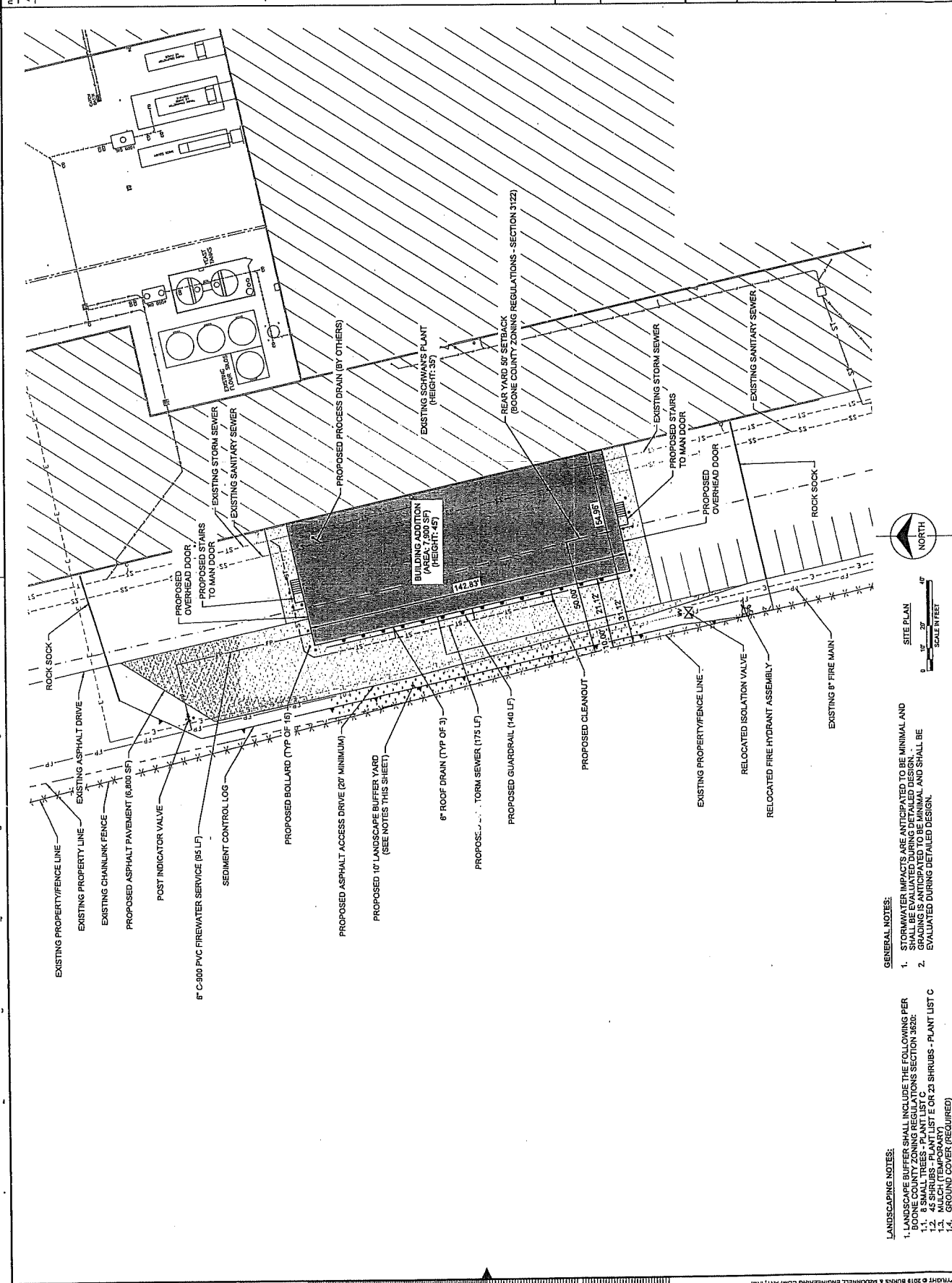
DATE: 05/01/19
 DESIGNED BY: G. CANALES
 CHECKED BY: G. CANALES
 DRAWN BY: N. TESSITORE



Boone County, Kentucky
 FLORENCE LINE 4
 SITE PLAN

| | | | |
|---------|---------|----------|---|
| Project | 1124/09 | Contract | |
| Drawing | CS102 | Rev. | A |
| Sheet | 2 | of | 2 |

File: 112409-CS102.dwg



GENERAL NOTES:

1. STORMWATER IMPACTS ARE ANTICIPATED TO BE MINIMAL AND BOONE COUNTY ZONING REGULATIONS SECTION 31.022.
2. GRADING IS ANTICIPATED TO BE MINIMAL AND SHALL BE EVALUATED DURING DETAILED DESIGN.

LANDSCAPING NOTES:

1. LANDSCAPE BUFFER SHALL INCLUDE THE FOLLOWING PER BOONE COUNTY ZONING REGULATIONS SECTION 36.02:
 - 1.1. 10' MULCH (TEMPORARY)
 - 1.2. 45 SHRUBS - PLANT LIST E OR 23 SHRUBS - PLANT LIST C
 - 1.3. MULCH (TEMPORARY)
 - 1.4. GROUND COVER (REQUIRED)

Michael Schwartz

From: Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov>
Sent: Monday, April 15, 2019 3:20 PM
To: Michael Schwartz
Subject: Schwans

Michael,

I reviewed the proposal for the freezer addition at Schwans. As long as the roadway between the addition and the edge is maintained to a minimum width of 20', we should be good. I have no other comments at this time.

Regards,

Kevin R. Vogelpohl

Battalion Chief/Fire Marshal

Florence Fire/EMS

1152 Weaver Rd

Florence, KY 41042

kevin.vogelpohl@florence-ky.gov

O: (859) 647-5660 F: (859)647-5670



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

SFC Global Supply Chain, Inc.
115 West College Drive
Marshall, MN 56258

2. ADDRESS OF PROPERTY

7605 Empire Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

SFC Freezer Expansion

4. DEED BOOK 965

PAGE NO. 468

GROUP NO. 2049A

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

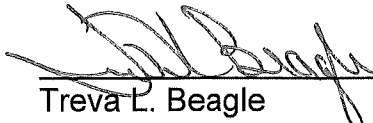
Michael D. Schwartz - Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

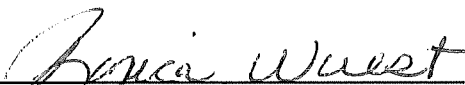
on behalf of the Boone County Planning Commission this 9 day of May, 2019.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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.)