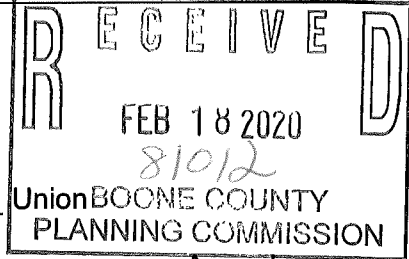


APPLICATION FORM

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 ...
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name THE KLEINGERS GROUP
Applicant's Address 6219 CENTRE PARK DRIVE
WEST CHESTER OHIO
City State Zip
Phone Number 513-779-7851 Fax No. 513-779-7852 E-Mail KEVIN.ELLIOTT@KLEINGERS.COM
4. Description of Request: REQUEST REDUCTION IN BUFFER YARD FROM 80' TO 20' FOR ACCESS TO UNDEVELOPED AREA TO CONSTRUCT A NEW PARKING LOT. CURRENTLY THE 80' BUFFER WILL RESTRICT DEVELOPABLE LAND.
5. Name of Development SKYPORT BUILDING #1 PARKING LOT ADDITION
6. Location of Development 2360 PROGRESS DRIVE, HEBRON, KY 41048
7. Acreage Under Review 15.1507 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT# 2 SKYPORT 275 BUSINESS PARK
9. Owner of Property DUGAN FINANCING, LLC. C/O DUKE REALTY
Address of Property Owner PO BOX 40509
10. INDIANAPOLIS INDIANA 46240
City State Zip
Phone Number 317-808-6000 Fax No. 317-808-6650 E-Mail PAUL.JENNINGS@DUKEREALTY.COM
11. Proposed Use(s) on Site I-1/CD- ADDITIONAL PARKING
12. Total Square Footage of Existing and/or Proposed Buildings 340,000 SF
13. Current Zoning on Property I-1/CD
14. Deed Book 789 Page No. 436 932 Group No. 3835 2009
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 2-18-20 Fee Received \$ 966.00 Receipt # 81012
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 3/11/2020
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@boonecountky.org - E-mail
www.boonecountky.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

#3

APPLICANT: The Kleingers Group, per Kevin Elliott on behalf of Dugan Financing, LLC, per Ryan O'Leary

LOCATION: 2360 Progress Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 11, 2020

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required buffer yard width along the east property line from eighty (80) feet to twenty (20) feet.

SITE HISTORY

- 1994 to
1997 Based on information contained in the Boone County GIS, the site was developed.
- 1996 On May 1, 1996, the Boone County Planning Commission recommended approval of a zoning map amendment changing the zoning of the southeastern portion of the site from C-3 to I-1 (R-96-009-A). On May 21, 1996, the Boone County Fiscal Court adopted Ordinance Number 920.331, approving the zoning map amendment.
- 1998 A final plat for Skyport 275 Business Park was approved.

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.
1. Findings listed in Section 251:
- a. 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:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) 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;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. 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 3645 of the Boone County Zoning Regulations requires a buffer yard D, having a minimum width of eighty (80) feet, to be provided where property in an I-1 district abuts property in a residential district.
- E. Section 1130 of the Boone County Zoning Regulations states that “the purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 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 Our Boone County Plan 2040 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 Objective A, Goal 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Employment opportunities for a highly skilled and educated workforce shall be encouraged and promoted for the residents and businesses of Boone County (Economy Goal A, Objective 1).

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).

Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).

- C. Progress Drive is identified as a local street. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 15.1 acre property is located along the east side of Progress Drive, approximately 1,200 feet north of Petersburg Road.
- B. The site is currently occupied by an approximate 316,000 square foot office/warehouse building with 39 truck bays and 124 off-street parking spaces.
- C. At its steepest point, the site sits approximately twenty-five (25) feet lower than the adjacent property to the east.

SURROUNDING LAND USES AND ZONING

North: Office/Industrial uses (I-1)

South: Truck Parking and vacant (C-3 and C-3/PD)

East: Vacant (SR-1)

West: Office/Industrial uses (I-1)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to:
1. Construct an off-street parking area for forty-three (43) vehicles.
 2. Construction of a retaining wall having a maximum height of approximately nineteen (19) feet.
 3. Provide for a minimum 29.7 foot
 4. Provide for a twenty (20) foot wide buffer yard.

STAFF COMMENTS

- A. The area to the east of the site, which will be the most affected area of the proposed variance, is currently vacant and owned by the Kenton County Airport Board. Due to its location within the airports noise contour lines, it is unlikely that this area will be developed with residential uses. If this area is developed, it will likely be with commercial or industrial uses.
- B. Section 3645 of the Boone County Zoning Regulations requires a buffer yard B, having a minimum width of twenty (20) feet, to be provided where property in an I-1 district abuts property in a commercial or office district and a buffer yard A, having a minimum width of ten (10) feet, to be provided where property in an I-1 district abuts property in an industrial district.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give 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,

A handwritten signature in black ink, appearing to be 'MS', written in a cursive style.

Michael D. Schwartz
Planner

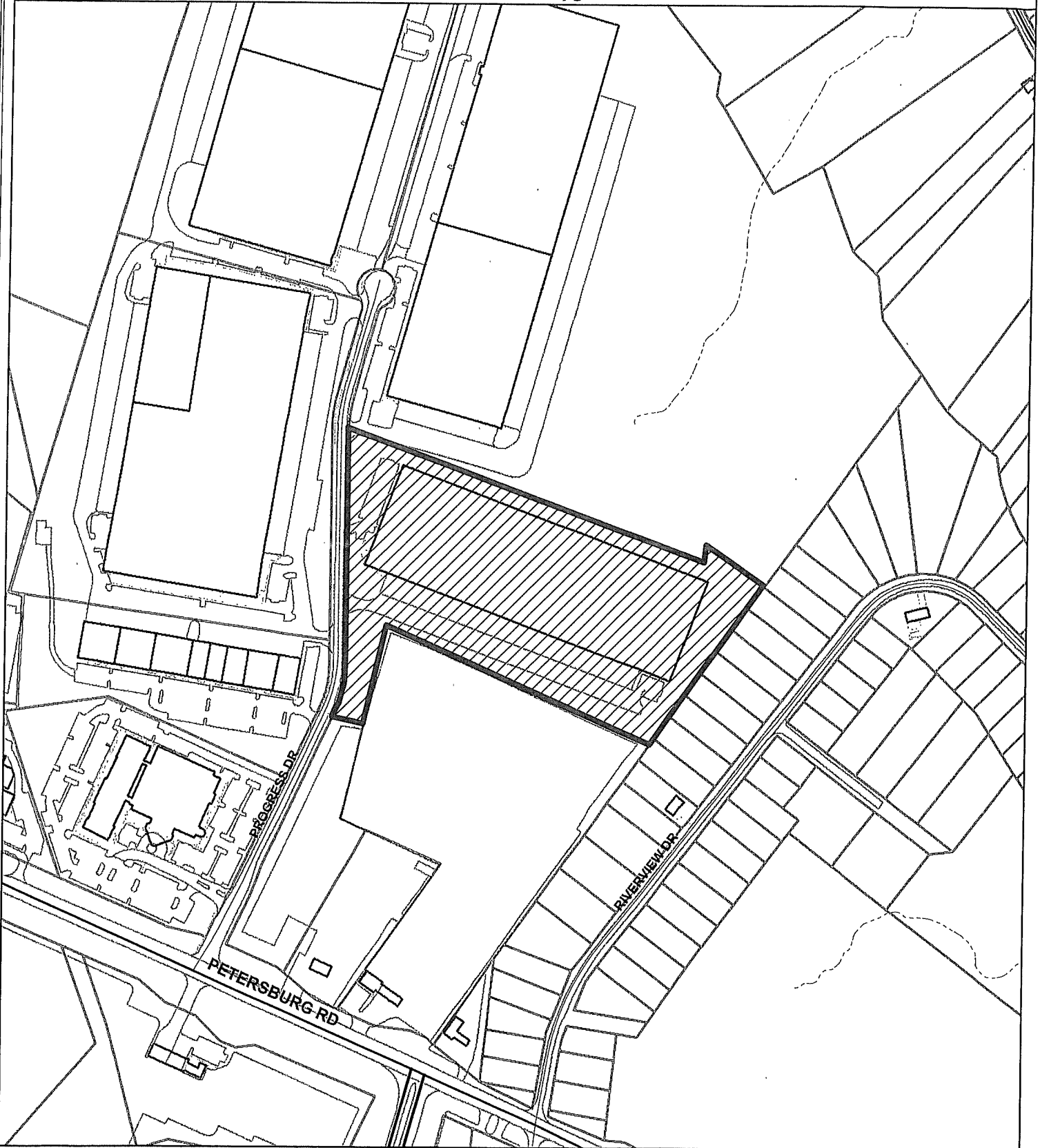
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Development Plan
- *Reason For Variance Request (submitted by applicant)

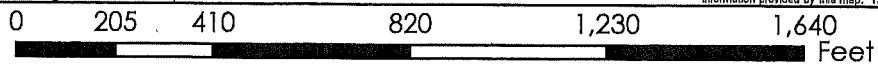
Vicinity Map

www.boonecountygis.com



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1 Inch = 400 feet

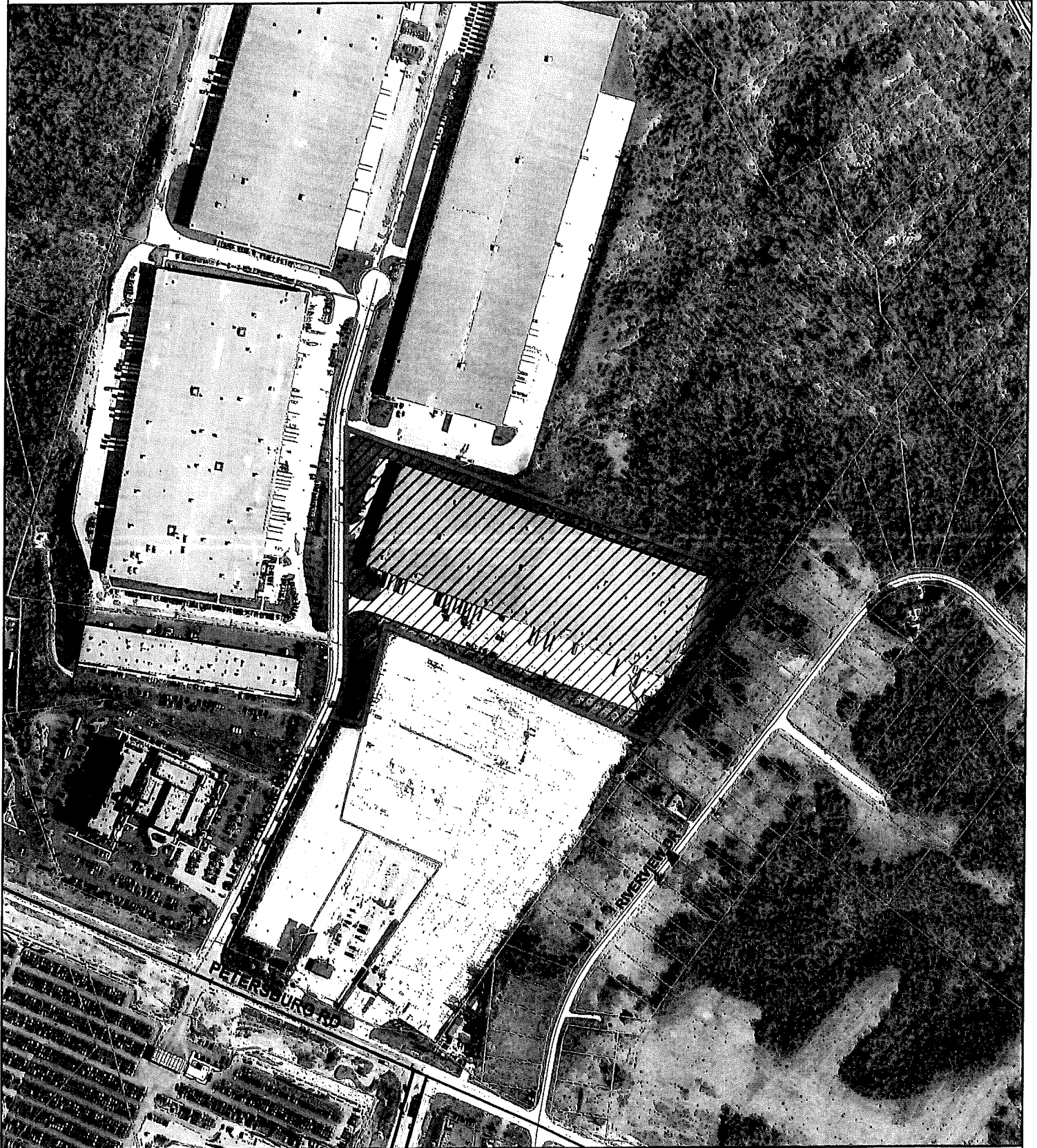


Boone County GIS - Putting Northern Kentucky on the Map



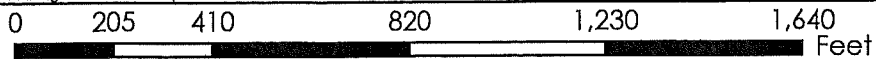
Aerial Map

www.boonecountygis.com



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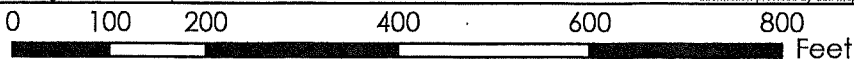
Topographical Map

www.boonecountygis.com

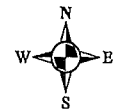


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Boone County GIS - Putting Northern Kentucky on the Map

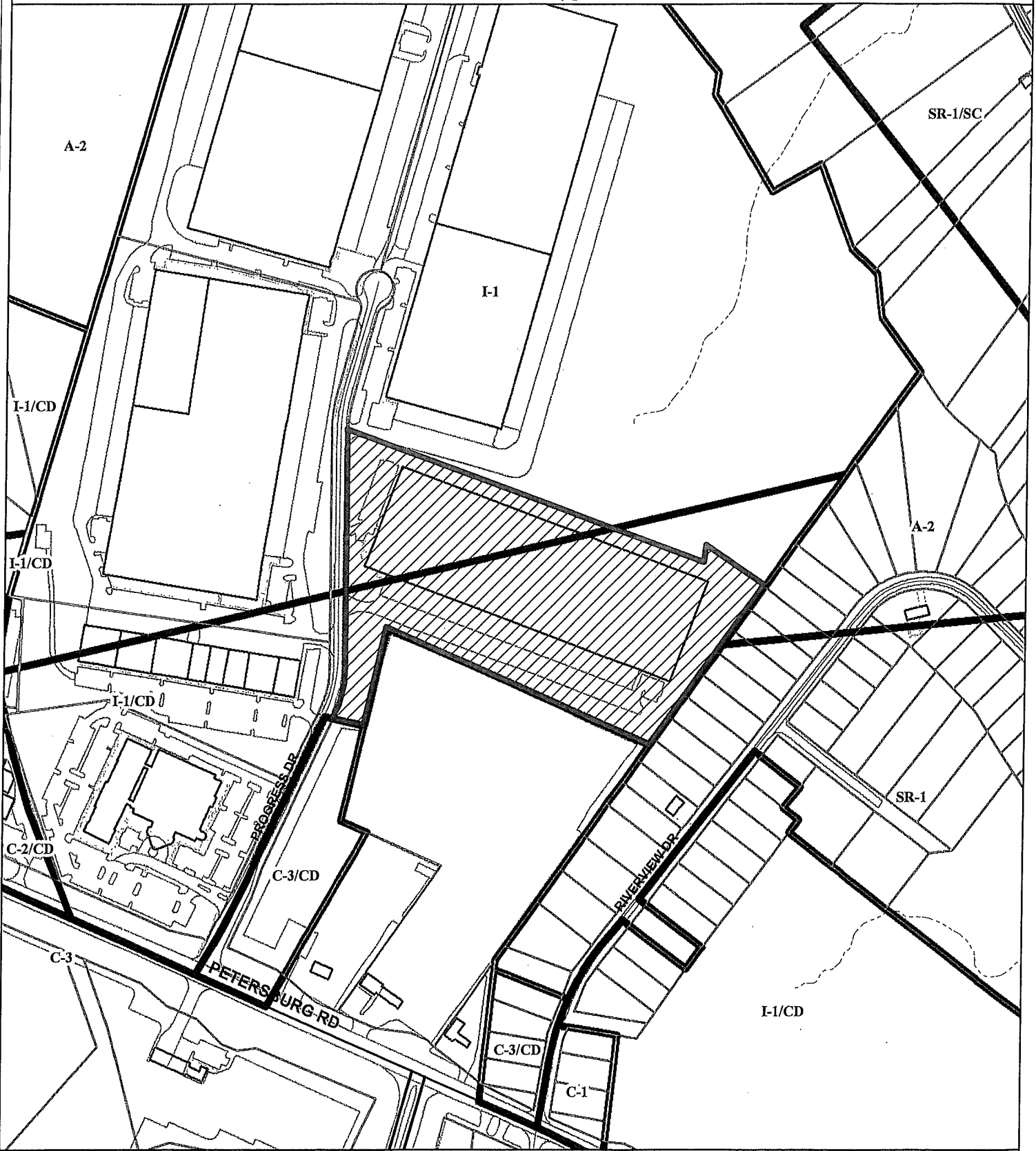


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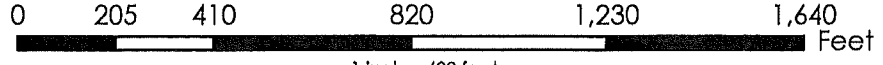
Zoning Map

www.boonecountygis.com



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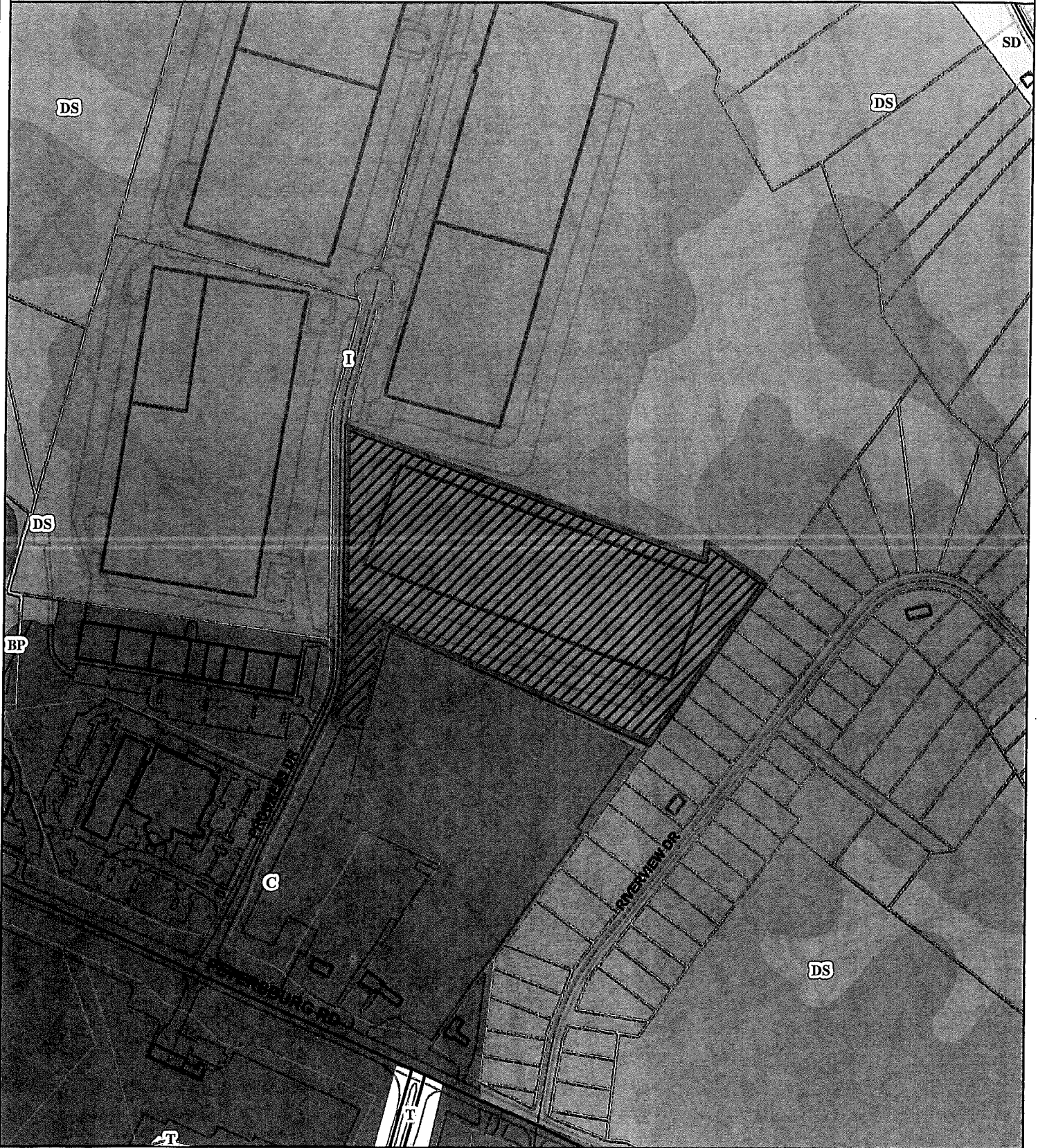
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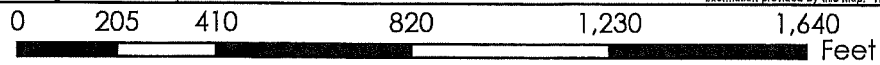
2040 Future Land Use Map

www.boonecountygis.com



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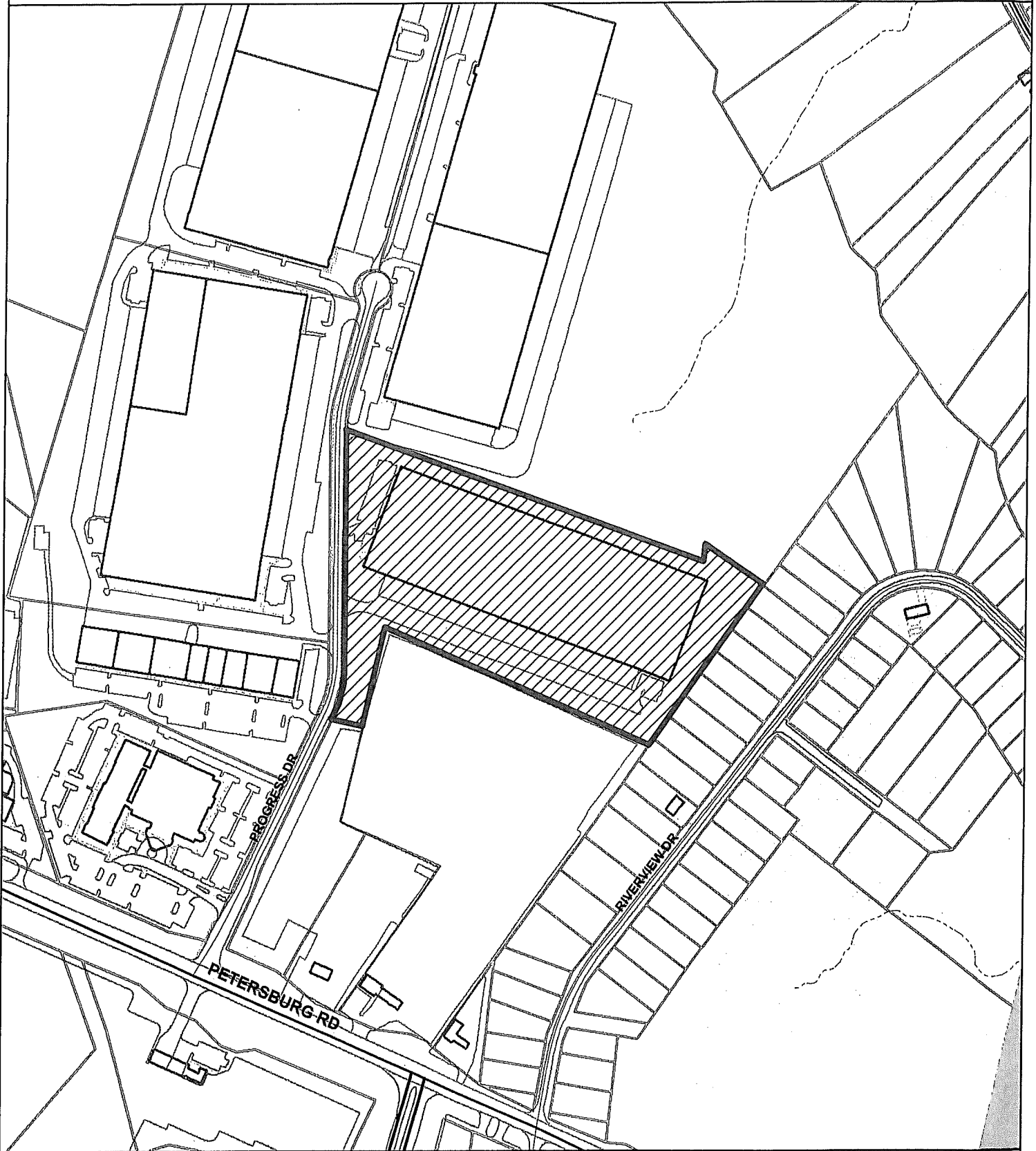


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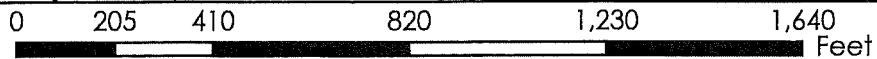
Noise Contour Map

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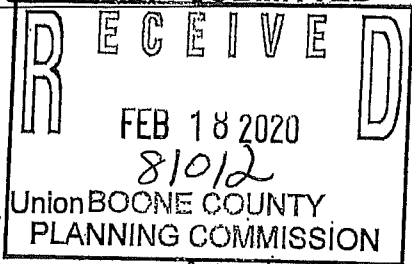


APPLICATION FORM

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. X Boone _____ Florence _____ Walton _____

(Check One)

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

3. Applicant's Name THE KLEINGERS GROUP

Applicant's Address 6219 CENTRE PARK DRIVE

WEST CHESTER OHIO

City State Zip

Phone Number 513-779-7851 Fax No. 513-779-7852 E-Mail KEVIN.ELLIOTT@KLEINGERS.COM

4. Description of Request: REQUEST REDUCTION IN BUFFER YARD FROM 80' TO 20' FOR ACCESS TO UNDEVELOPED AREA TO CONSTRUCT A NEW PARKING LOT. CURRENTLY THE 80' BUFFER WILL RESTRICT DEVELOPABLE LAND.

5. Name of Development SKYPORT BUILDING #1 PARKING LOT ADDITION

6. Location of Development 2360 PROGRESS DRIVE, HEBRON, KY 41048

7. Acreage Under Review 15.1507 ACRES

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

LOT# 2 SKYPORT 275 BUSINESS PARK

9. Owner of Property DUGAN FINANCING, LLC. C/O DUKE REALTY

Address of Property Owner PO BOX 40509

10. INDIANAPOLIS INDIANA 46240

City State Zip

Phone Number 317-808-6000 Fax No. 317-808-6650 E-Mail PAUL.JENNINGS@DUKEREALTY.COM

11. Proposed Use(s) on Site I-1/CD- ADDITIONAL PARKING

12. Total Square Footage of Existing and/or Proposed Buildings 340,000 SF

13. Current Zoning on Property I-1/CD

14. Deed Book 789 Page No. 436 432 Group No. 3835 2009

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)



KLEINGERS GROUP
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 1000 W. MARKET ST., SUITE 200
 CINCINNATI, OH 45202
 TEL: 513.525.1000
 WWW.KLEINGERSGROUP.COM

NO. TITLE DESCRIPTION

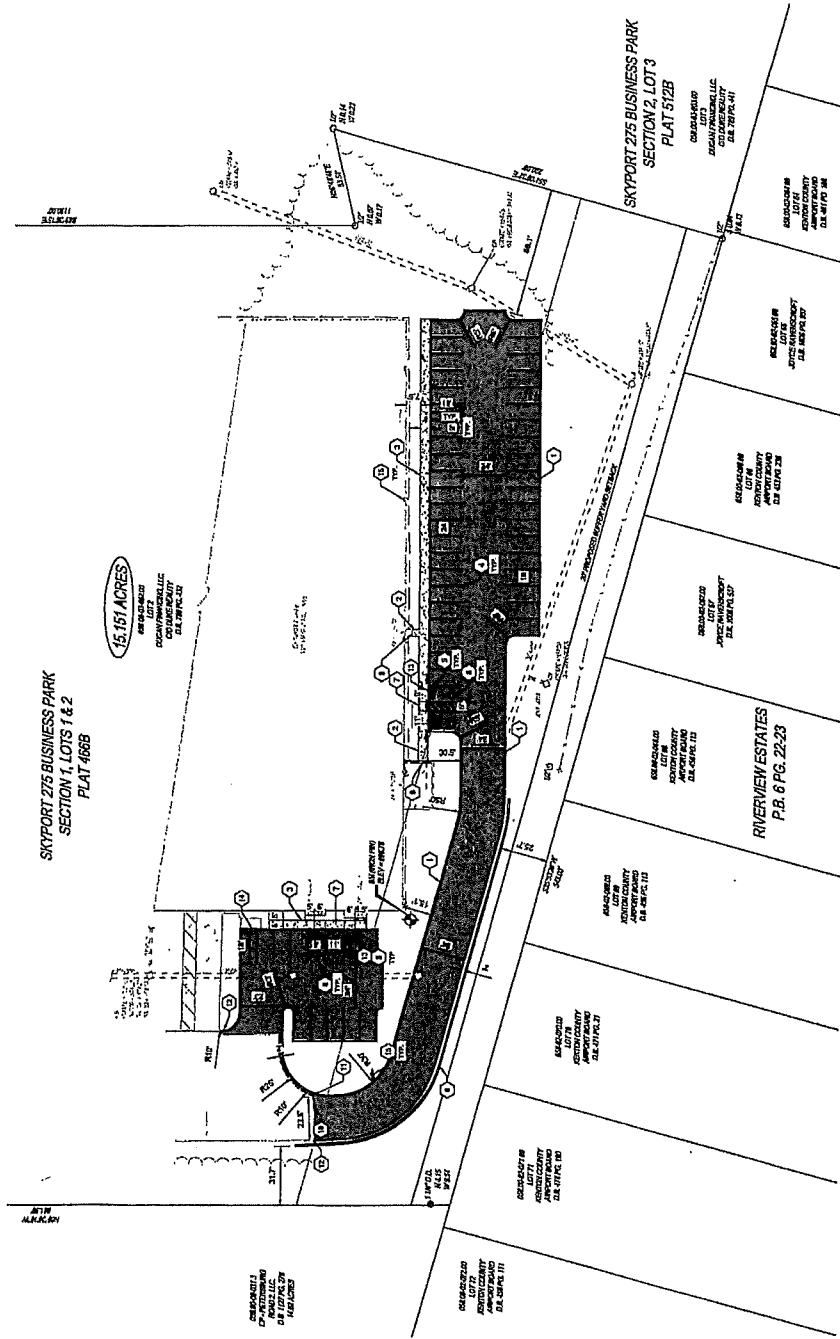
DATE

SKYPORT PARKING
 HENRIETTA, KENTUCKY

PROJECT NO. 2018-0002
 SHEET NO. 001
 DATE 08/14/2018

LOCATION PLAN

C-300



PARKING LEGEND

SYMBOL	DESCRIPTION
④	NUMBER OF PROPOSED SPACES
①	NUMBER OF REQUIRED ADA SPACES (1 VAN)
②	NUMBER OF ADA SPACES PROVIDED (1 VAN)

- LOCATION PLAN KEY NOTES**
- ① PROPOSED NUMBER CURB
 - ② PROPOSED EXTERIOR WALL
 - ③ PROPOSED INTERIOR WALL
 - ④ PROPOSED PARKING LOT EXTERIOR WALL PANEL
 - ⑤ PROPOSED ACCESSIBLE PARKING SPACING
 - ⑥ PROPOSED WALL, SEE INCLUDED RETAINING WALL PLAN
 - ⑦ PROPOSED ACCESSIBLE PARKING PAVEMENT
 - ⑧ PROPOSED ACCESSIBLE PARKING PAVEMENT
 - ⑨ CONSTRUCT NEW WALK TO EXISTING STOOD, EXISTING WALK
 - ⑩ CONSTRUCT NEW WALK TO EXISTING STOOD, WITH JOINT WATCH EXISTING GRADE
 - ⑪ CONSTRUCT NEW WALK TO EXISTING STOOD, WITH JOINT WATCH EXISTING GRADE
 - ⑫ NUMBER CURB TRANSITION
 - ⑬ PRECAST WHEEL STOP METAL
 - ⑭ PROPOSED ROLLBACK
 - ⑮ PROPOSED LIGHTING - SEE ELECTRICAL PLANS FOR DETAILS

- LOCATION PLAN LEGEND**
- STANDARD CURB ASHLEAF PAVEMENT
 - CONCRETE WALL





CINCINNATI
COLUMBUS
DAYTON
LOUISVILLE

1100 Envoy Circle
Louisville, KY 40299
phone ► 502.365.9950
mobile ► 502.667.2525
www.kleingers.com

February 18, 2020

Boone County Planning Commission
3rd Floor, Administration Building
2950 Washington St. Rm 317
PO Box 958
Burlington, KY 41005

ATTN: Michael Schwartz
Planner

RE: Skyport Building#1 Parking Lot Addition
Variance

Mr. Schwartz

As the applicant representing Duke Realty for the variance of the Skyport Building#1 Parking Lot Addition, I would like to provide the following additional information for explaining the need for the Variance adjustment from 80' to 20' along the east property line abutting a SR-1 zone. The majority of the adjacent properties are owned by the Kenton County Airport Board therefore the potential for development of the adjacent lots are limited as a residential use. The site topography has prevented the development of additional parking along the east property line. This area is wooded and has an elevation difference up to approx. 29' from the adjacent east property line to the existing building finish floor. A retaining wall will be required to allow vehicular access to the rear of the building. Not only will this provide employee access, but also access for emergency vehicles to the rear of the building. Also with the addition of the parking lot, the building can be marketed as a dual tenant building versus a one tenant building as it currently exists. We appreciate your time in the consideration for our setback variance.

Sincerely,
THE KLEINGERS GROUP

Kevin Elliott
Project Manager

cc: FILE

Job #: 190637.000

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Dugan Financing, LLC
P.O. Box 40509
Indianapolis, IN 46240

- 2. ADDRESS OF PROPERTY
2360 Progress Drive
Hebron, KY


- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Skyport Building #1

- 4. DEED BOOK 789 PAGE NO. 432 GROUP NO. 2009

- 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



SIGNATURE OF COMPLETING OFFICIAL

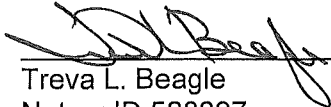
Michael D. Schwartz, Planner

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 13th day of March, 2020.



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:



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.)