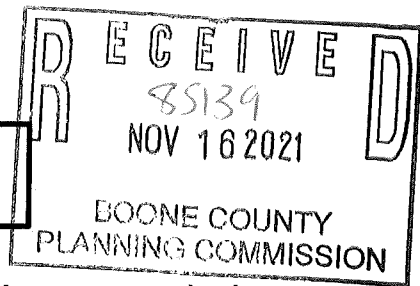


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**SECTION A: (To be completed by applicant)**

1. Check One  Boone  Florence  Walton  Union

2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: Ken Brown

Address: 600 Rivers Breeze Drive

Ludlow KY 41016  
City State Zip Code

Phone Number: (859) 393-6695 Fax Number: —

Email: Ken Brown 644 @ yahoo.com

4. Description of Request:  
Request for outside storage (8 spots)

5. Name of Development: Cube-IT self storage

6. Location of Development: Hebron KY 41048 2993 Phyllis Ct.  
Hebron KY 41048  
City State Zip Code

7. Acreage Under Review: 2.38

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

9. Current Owner: Ken Brown

Address: 600 Rivers Breeze Dr

Ludlow KY 41016  
City State Zip Code

Phone Number: 859-393-6695 Fax Number: —

Email: Ken Brown 644 @ yahoo.com

10. Proposed Use(s) on Site: Self storage w/ 8 outside storage spaces

11. Total Square Footage of Existing and/or Proposed Buildings: 2.38 acres

12. Current Zoning: C-2

13. 1112 395 2006  
Deed Book Page Group Number

14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_

15. Have you submitted a Site Plan with this request:  Yes  No

16. Have you submitted a list of adjoining property owners with this request:  Yes  No

17. 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)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 11/16/21 Fee Received: \$ 1116 Receipt #: 85139

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/18/2021

5. Board Action: 12/18/2021

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, CLUR

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7. Reasons for Denial: \_\_\_\_\_

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Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## CONDITIONS OF APPROVAL

APPLICANT: KLB3 Investments, Inc., per Ken Brown

LOCATION: 2983 Phyllis Court

ZONING: Commercial Two (C-2)

DATE: December 8, 2021

1. The recreational vehicle spaces shall be designated and striped.
2. A site plan shall be submitted to, and approved by, the Boone County Planning Commission prior to allowing any outdoor storage. Mrs. Hempfling seconded the motion.

## STAFF REPORT

#5

APPLICANT: KLB3 Investments, Inc., per Ken Brown

LOCATION: 2983 Phyllis Court

ZONING: Commercial Two (C-2)

DATE: December 8, 2021

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to remove a condition from a previously approved Conditional Use Permit prohibiting outdoor storage.

### SITE HISTORY

- 1995 On June 27, 1995, the Boone County Fiscal Court adopted resolution Number R-06-06-95-01-PZ, concurring with the planning commission's recommendation of denial for a zoning map amendment for the site, and adjacent areas, from C-2 to UR-1/PD (R-95-022-D).
- 1997 On February 19, 1997, the Boone County Planning Commission approved a Final Plat for Commercial Park Subdivision, Section 4, creating the lot in question.
- 2018 On March 14, 2018, the Boone Board of Adjustment approved a Conditional Use Permit to allow a self storage facility on the site in question, subject to the following conditions (BCBOA-18-004):
1. The approval shall be based on the submitted plan and pictures. Minor changes can be approved by the Zoning Administrator
  2. Outdoor storage shall be prohibited.
  3. The dumpster enclosure shall be constructed with brick or decorative concrete block and shall comply with Section 3151 of the Boone County Zoning Regulations.
  4. The property shall comply with the following site lighting requirements:
    - a. Exterior lighting shall be limited to fixtures mounted on the exterior of the storage units. No light poles shall be permitted.
    - b. All light fixtures shall be directed downwards and inwards towards the subject site.
    - c. All light fixtures shall be controlled automatically by motion sensor technology.
    - d. A photometric plan shall be required. Foot candle readings at the proposed parking lot boundaries shall not exceed 1 foot candle.
  5. The property shall comply with the following fencing requirements:
    - a. Decorative security fencing shall be required and be consistent with the submitted pictures. Barbed wire, razor wire, etc., shall be

- prohibited.
  - b. Redundant security fencing shall be prohibited.
  - c. The front gate shall be located so that a vehicle can park on site and not obstruct the Phyllis Court right-of-way.
  - d. All security fencing shall be located behind the required landscaping buffer yard plantings.
6. The Petersburg Road street frontage area shall be screened with Buffer yard B landscaping plantings.
7. The property shall comply with the following signage conditions:
- a. Freestanding signage shall be limited to an 8' tall, 48 square foot monument sign.
  - b. Building mounted signs shall be prohibited in locations where they are visible from adjoining residential properties.

2018 On July 13, 2018, the Boone County Planning Commission approved a Major Site Plan for the existing storage facility.

#### APPLICABLE REGULATIONS

- A. 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, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262, and 1023 of the Boone County Zoning Regulations.
1. Findings listed in Section 262 (Findings for all Conditional Uses):
- a. 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;
  - b. 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;
  - c. Will not be hazardous to existing or future neighboring uses;
  - d. 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;

- e. 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;
  - f. 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;
  - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
2. Criteria listed in Section 1023 of the Boone County Zoning Regulations (C-2 District):
- a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
  - b. The activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
  - c. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses 10.6 to be protected in the district.
- C. Section 1020 of the Boone County Zoning Regulations states that “The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.”
- D. Section 1023.5 of the Boone County Zoning Regulations identifies mini-warehouses or storage facilities as a conditional use within the C-2 district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Commercial” uses which is described as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- 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 Goal A, Objective 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).

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

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

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).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- C. Phyllis Court is identified as a county maintained local cul-de-sac street providing for two way traffic. Sidewalks are provided along both sides of the roadway. Petersburg Road is identified as a state maintained arterial street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

#### SITE CHARACTERISTICS

- A. The approximate 2.18 acre site is located at the northwest corner of the intersection of Petersburg Road with Phyllis Court.
- B. The site has approximately 230 feet of frontage along Petersburg Road and approximately 268 feet of frontage along Phyllis Court.
- C. The site is currently occupied by five (5) self storage buildings.
- D. Access to the site is from a curb cut onto Phyllis Court, approximately 240 feet north of Petersburg Road.
- E. Topographically, the site has been graded for the existing development.

- F. The site is located within the 55 day/night noise level of the Greater Cincinnati/Northern Kentucky International Airport.

SURROUNDING LAND USES AND ZONING

- North: Country Place Apartments (UR-1/PD)  
South: Single family residential dwellings (SR-2)  
East: Stith Funeral Home and a vacant lot (C-2)  
West: Nor-Com (C-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to provide outdoor parking for a maximum of eight (8) recreational vehicles.

STAFF COMMENTS

- A. The location of the proposed outdoor parking spaces will reduce the drive aisle width to less than twenty-four (24) feet. Therefore, a one-way traffic circulation system will have to be implemented.
- B. On June 9, 2021, the Boone Board of Adjustment approved a Conditional Use Permit to allow a mini-warehouse storage facility along with outdoor recreational vehicle and boat storage on property located at 2134 Petersburg Road (BCBOA-21-019).
- C. Should the Board take action to approve the submitted request, the following condition should be considered as part of that action:
1. A site plan shall be submitted to, and approved by, the Boone County Planning Commission prior to allowing any outdoor storage.

CONCLUSION

- A. KRS 100.237 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 Conditional Use Permit request.

Respectfully Submitted,



Michael D. Schwartz  
Director, Zoning Services

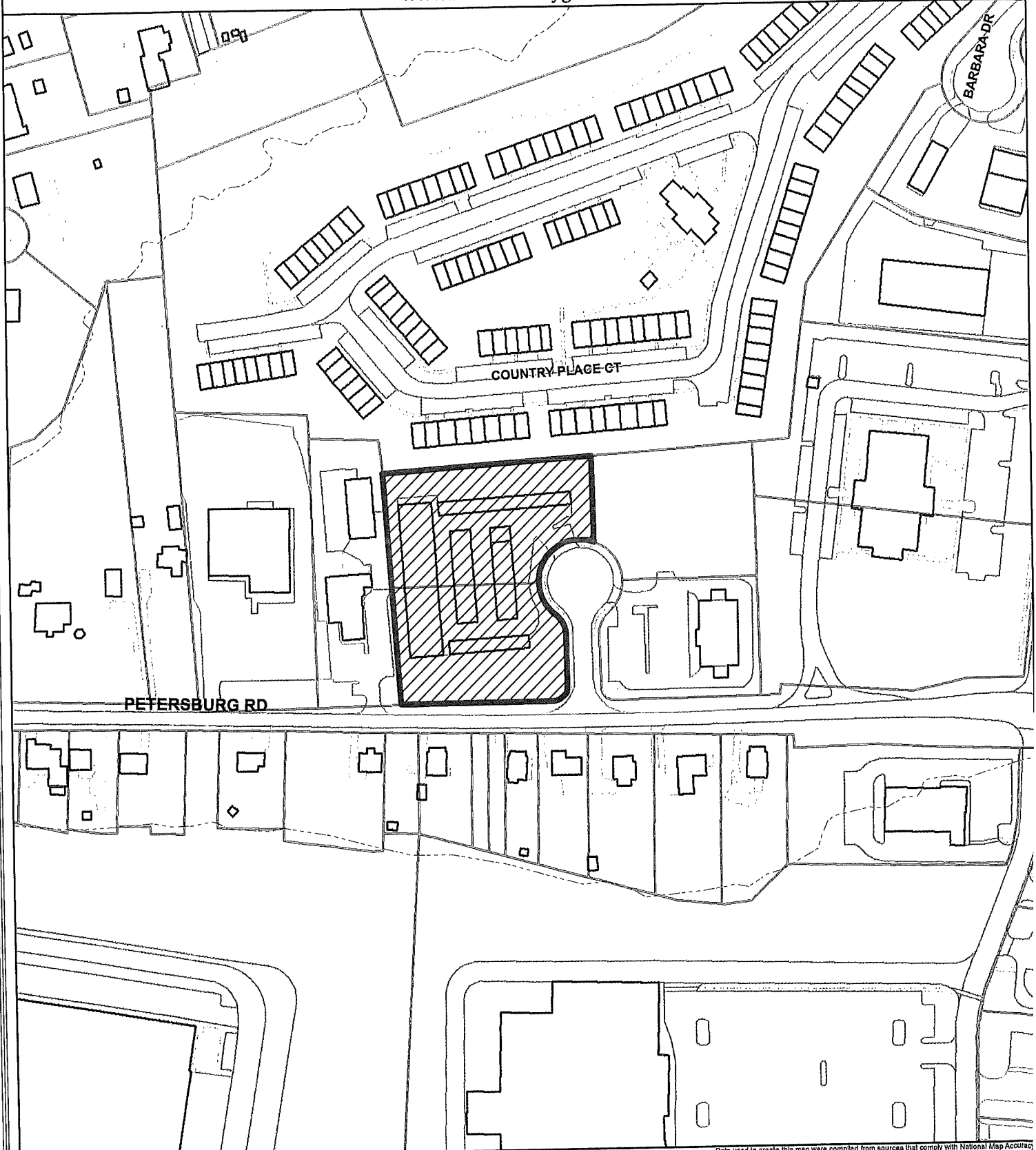
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Noise Contour Map
- \*Application
- \*Concept Development Plan

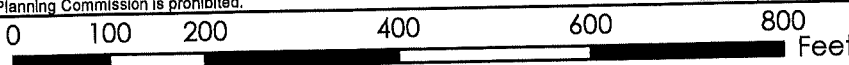
# Vicinity Map

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1 inch = 200 feet



**Boone**

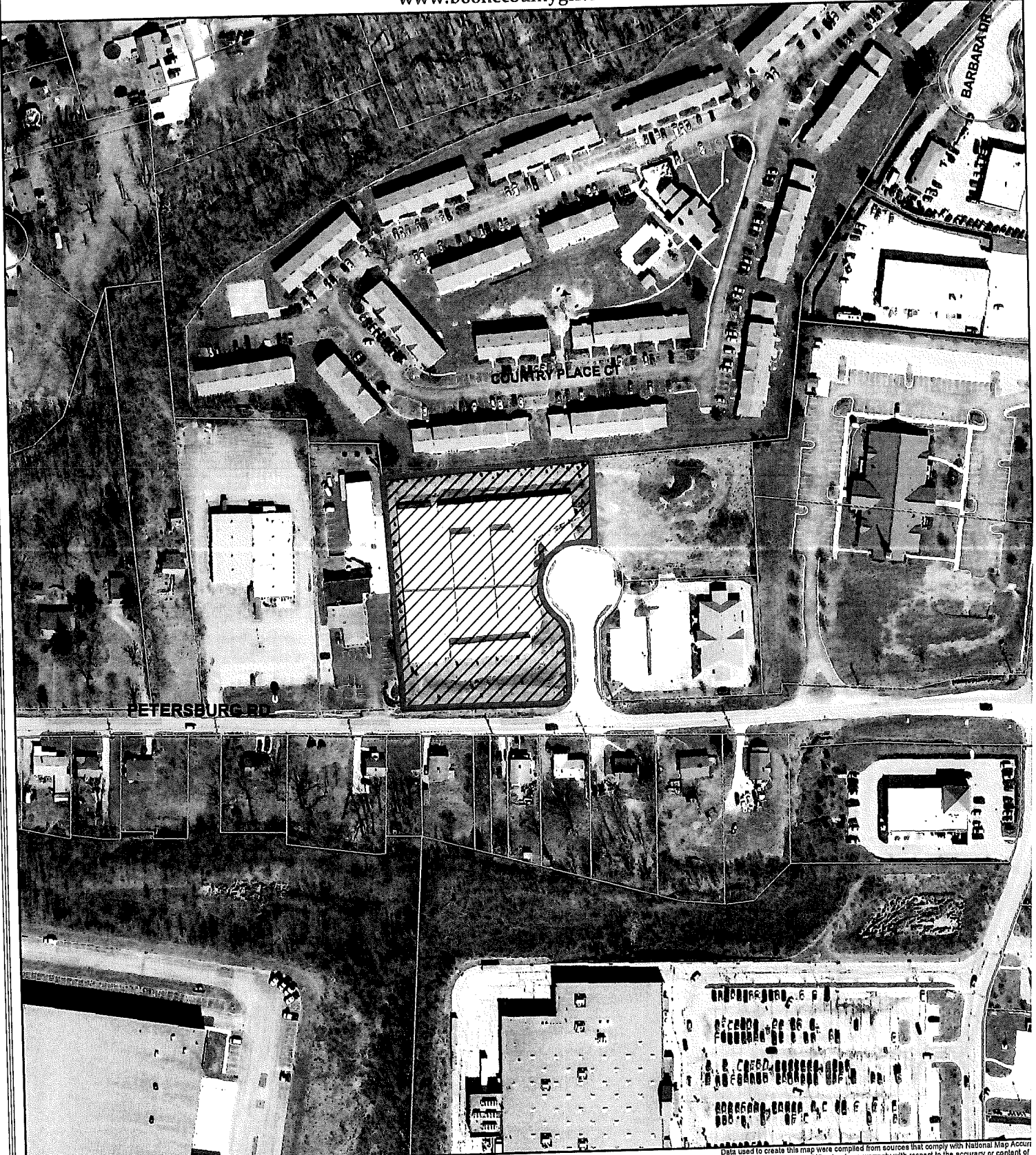


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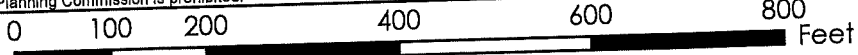
# Aerial Map

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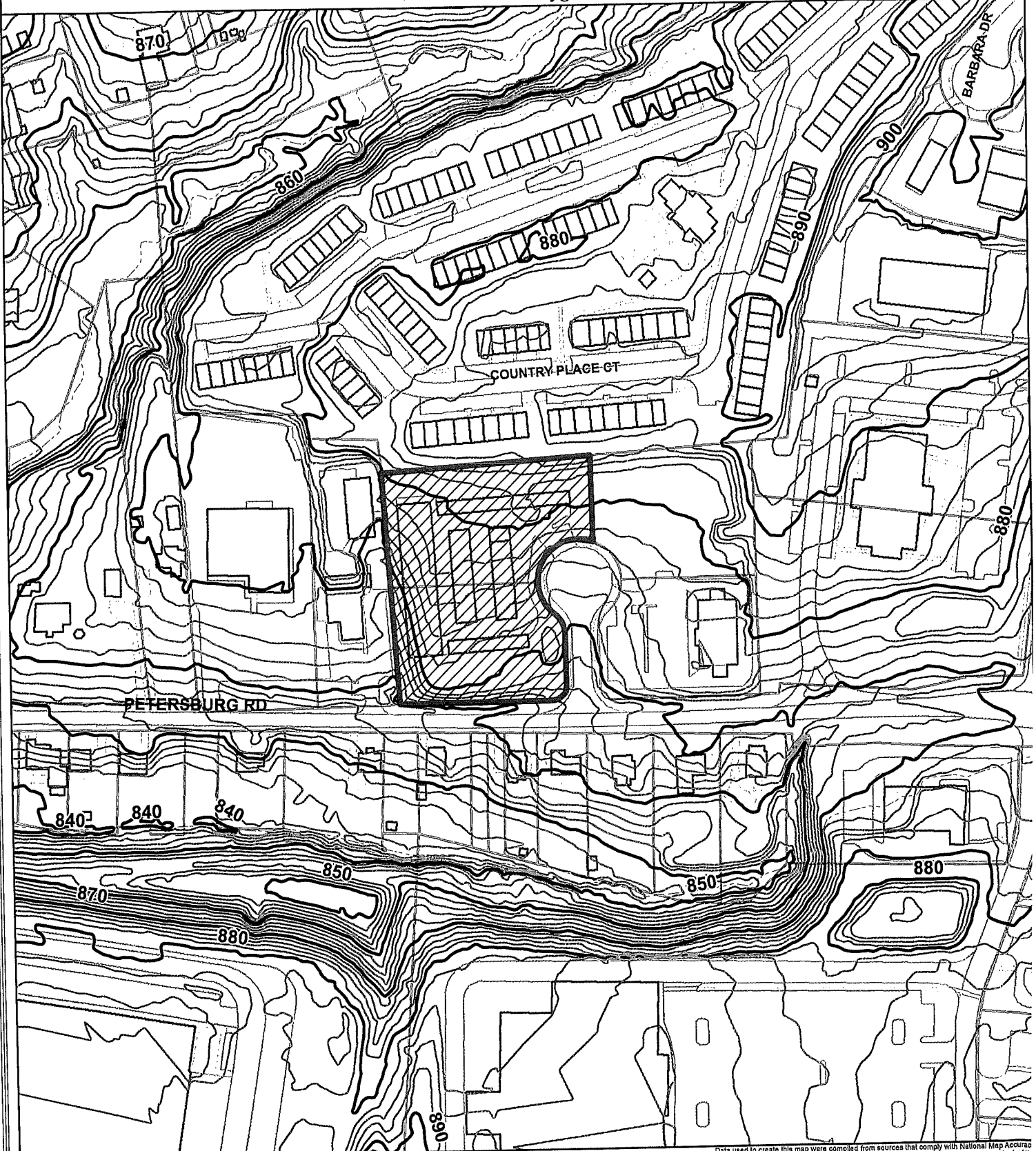
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Boone County GIS  
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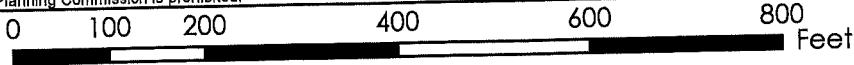
# Topographical Map

www.boonecountygis.com

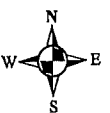


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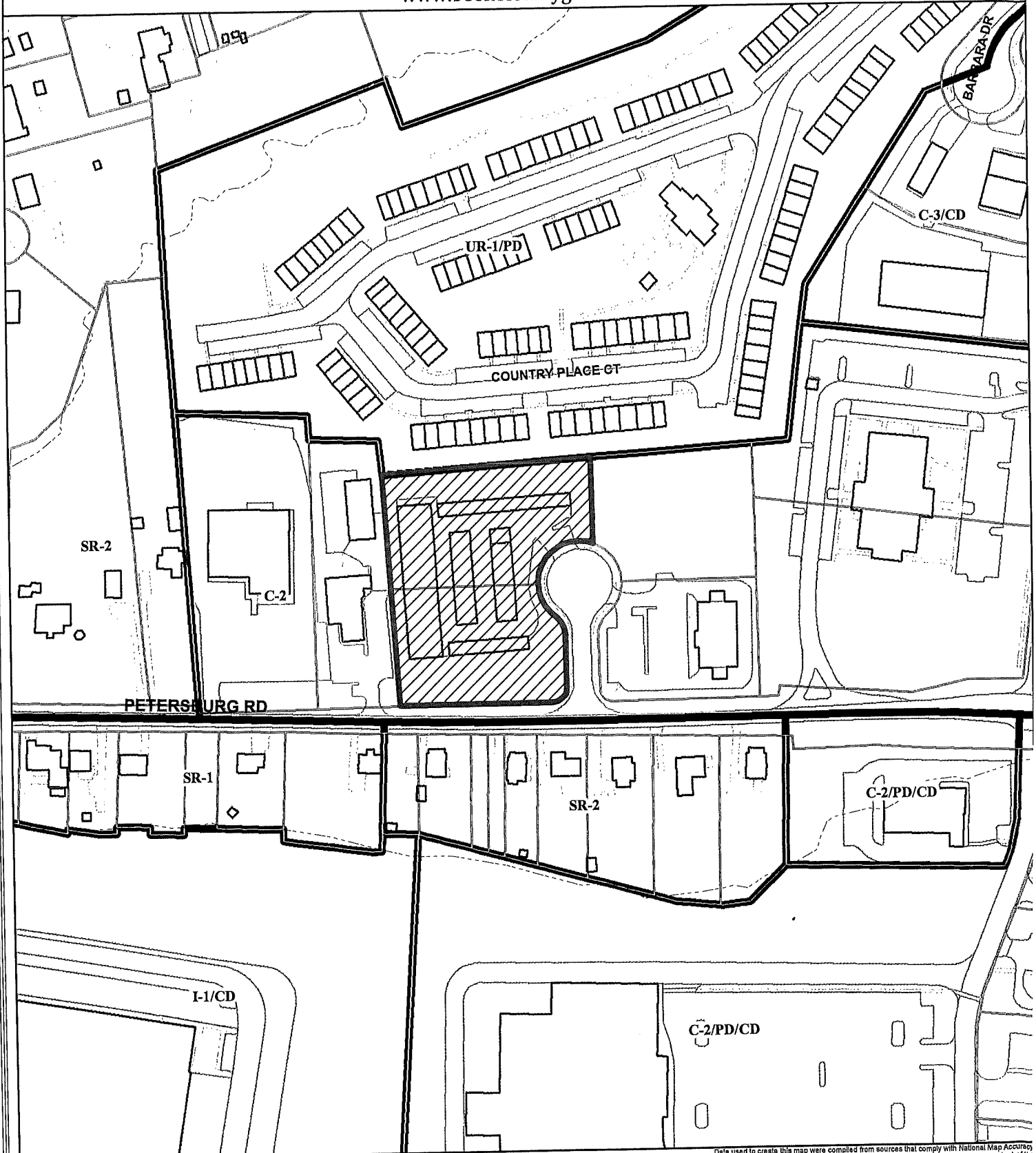
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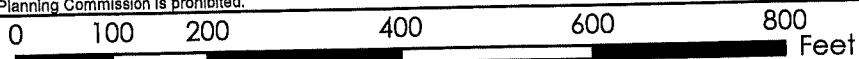
# Zoning Map

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**Boone County GIS**



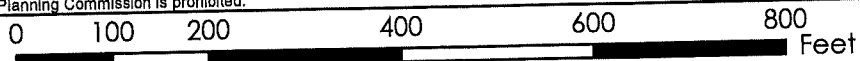
# 2040 Future Land Use Map

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1 inch = 200 feet



Map Created: xx/xx/2021

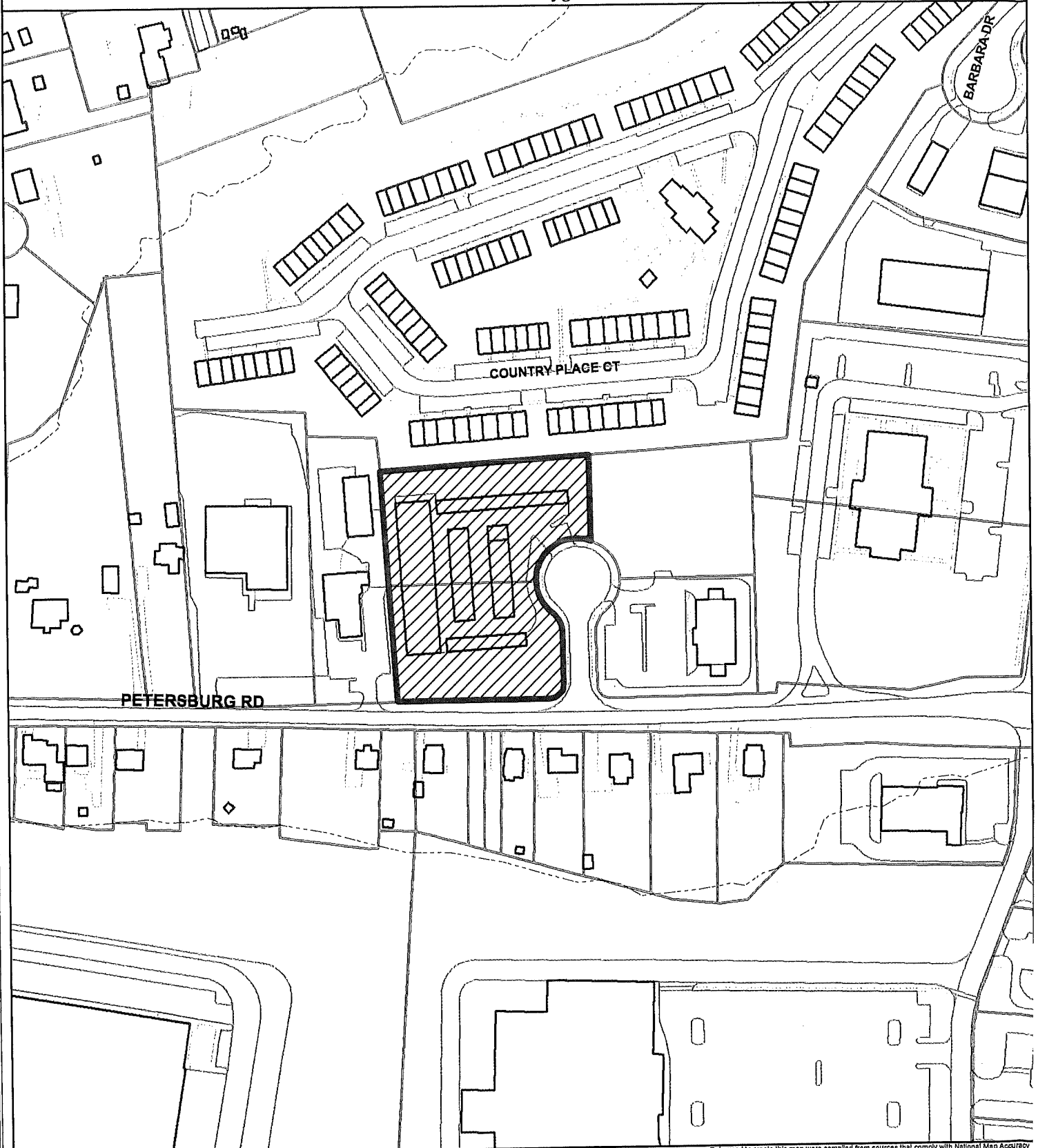
**Boone County GIS - Putting Northern Kentucky on the Map**



Boone County GIS - Putting Northern Kentucky on the Map  
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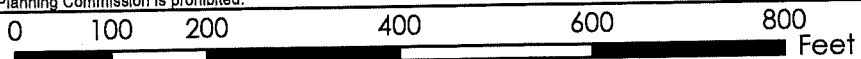
# Noise Contour Map

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1 Inch = 200 feet



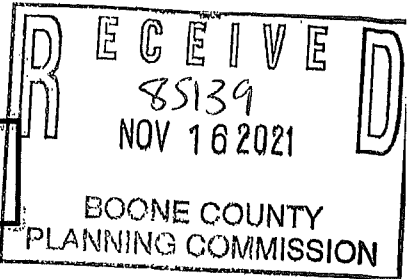
**Boone County GIS**



Map File: C:\gis\maps\Noise.mxd  
ArcMap Document: \*.mxd

Map Created: 10/20/2021

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**SECTION A: (To be completed by applicant)**

1. Check One  Boone  Florence  Walton  Union

2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: Ken Brown

Address: 600 Rivers Breeze Drive  
Ludlow KY 41016  
City State Zip Code

Phone Number: (859) 393-6695 Fax Number: —

Email: Ken Brown (859) 393-6695 @ yahoo.com

4. Description of Request:  
Request for outside storage (8 spots)

5. Name of Development: Cube-IT self storage

6. Location of Development: Hepson KY 41048 2983 Phyllis Ct.  
Hepson KY 41048  
City State Zip Code

7. Acreage Under Review: 2.38

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

9. Current Owner: Ken Brown

Address: 600 Rivers Breeze Dr  
Ludlow KY 41016  
City State Zip Code

Phone Number: 859-393-6695 Fax Number: —

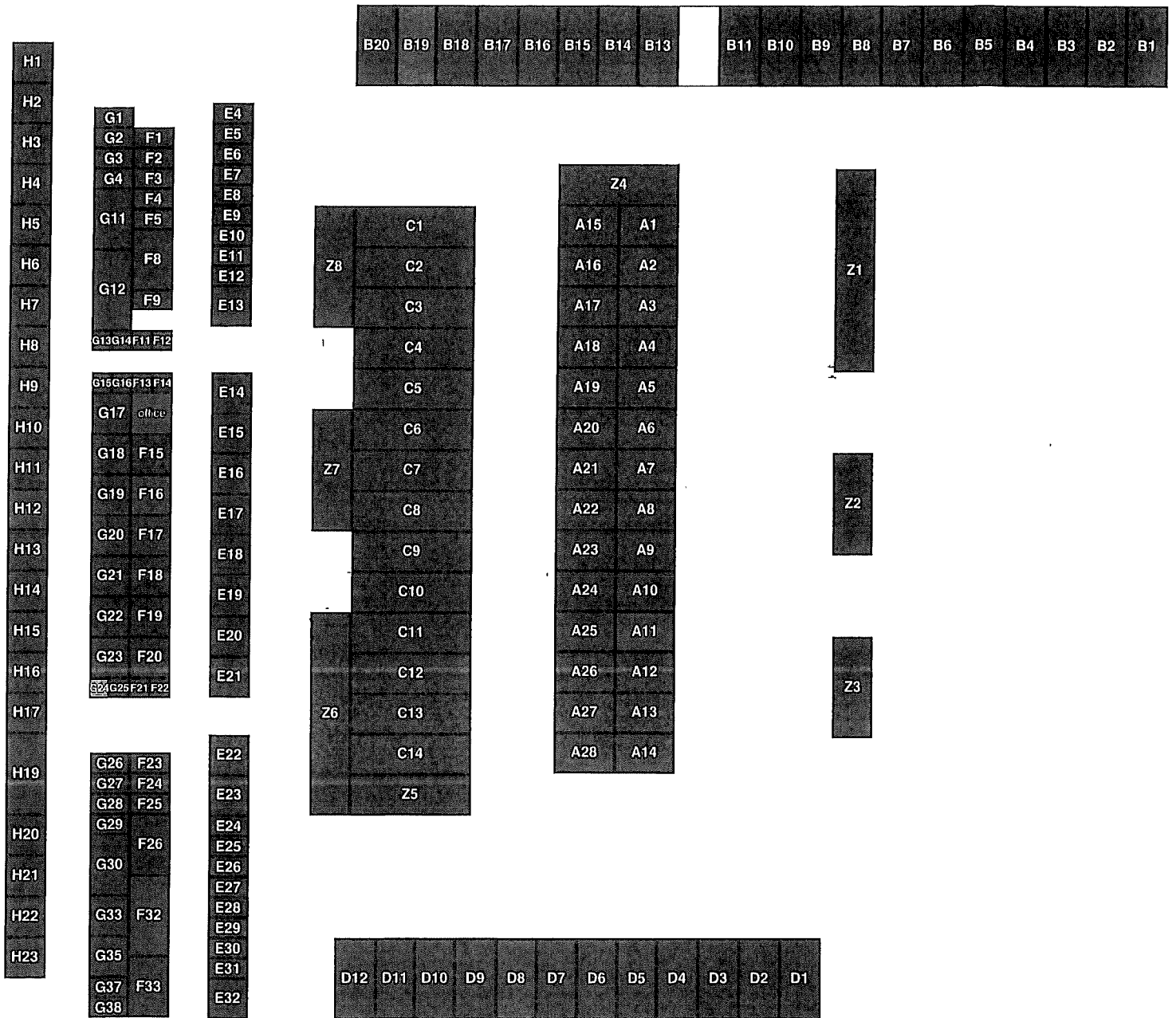
Email: Ken Brown (859) 393-6695 @ yahoo.com

10. Proposed Use(s) on Site: Self storage w/ 8 outside storage spaces
11. Total Square Footage of Existing and/or Proposed Buildings: 2.38 acres
12. Current Zoning: C-2
13. 1112 325 2006  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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:** *Kimberly L. Brown*  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** *Kimberly L. Brown*  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

# Site Map



## Legend

Available	Late	Locked Out	Moving Out	Pre-Use	Rented	Reserved	Unavailable
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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<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

Nicole Dierna  
Nicole Dierna  
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 Adjustment and in accordance with the current zoning in effect as of December 8, 2021, Certificate of Land Use Restriction (#21-BCBOA-044-A), for Ken Brown, Property Owner(s).

The following conditions will apply:

1. The recreational vehicle spaces shall be designated and striped.
2. A site plan shall be submitted to, and approved by, the Boone County Planning Commission prior to allowing any outdoor storage.

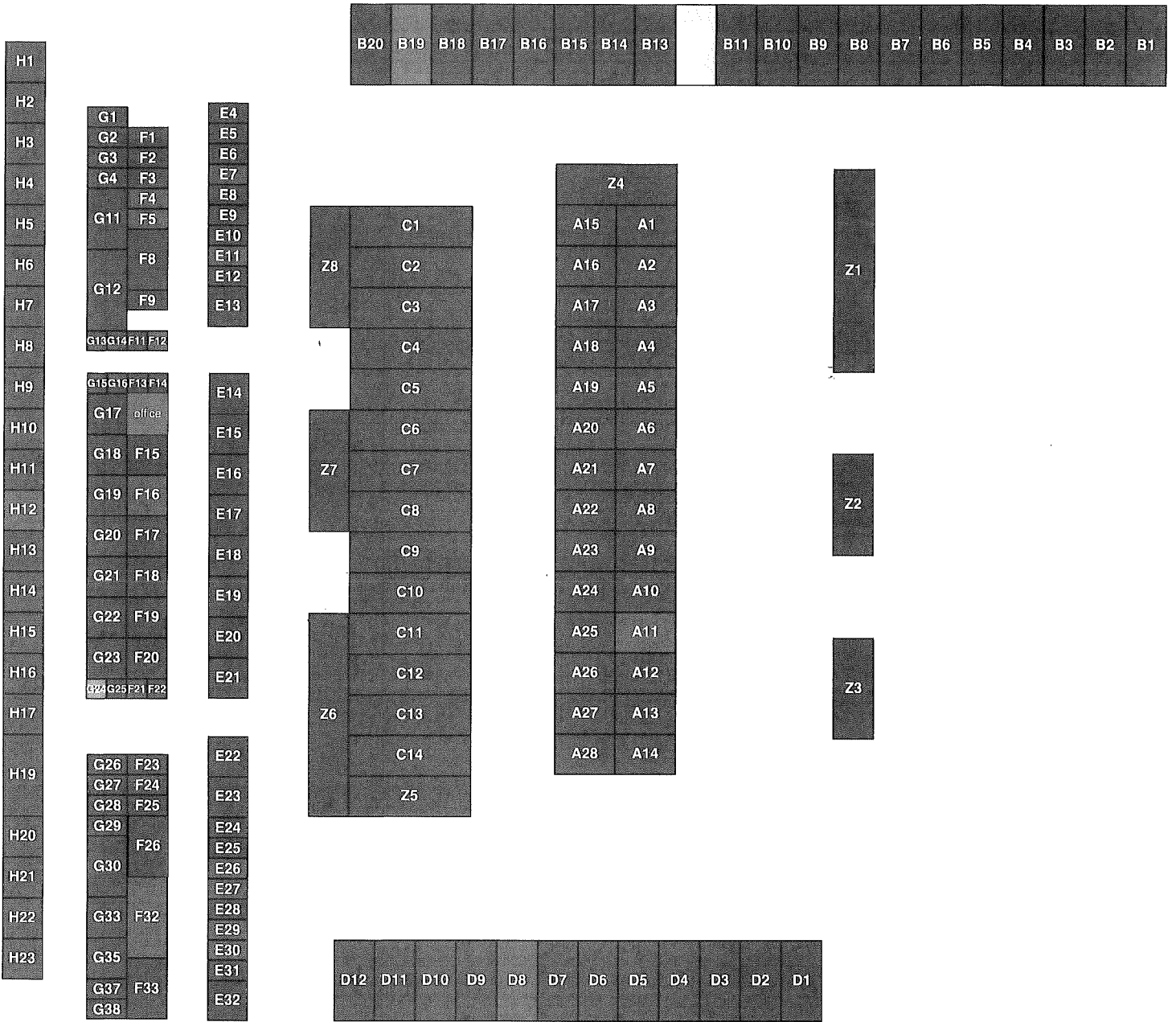
The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1112

PAGE NO. 395

GROUP NO. 2006

# Site Map



## Legend

