

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
90540
MAY 21 2024
BOONE COUNTY
PLANNING COMMISSION

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

021

Site Plan Review is not granted by the appropriate Board of Adjustment

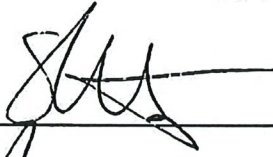
An application consists of all fees paid in full, submitted drawings, and a completed application form

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: Master Provisions, Inc.
Address: 7725 Foundation Drive
Florence KY 41042
City State Zip Code
Phone Number: 859-474-0467 Fax Number: _____
Email: shane@masterprovisions.org (Shane Armstrong)
4. Description of Request:
Per Section 3221(2.) of the Boone County Zoning Ordinance, a proposed development is permitted one access point for each five hundred (500) feet of site frontage. The variance is to reduce the 500' road frontage requirement to 456' +/- to allow the parcel to have two access points on Toebben Drive.
5. Name of Development: Master Provisions
6. Location of Development: 10205 Toebben Drive
Independence KY 41051
City State Zip Code
7. Acreage Under Review: 3.69
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 9, Section Two, of the Enterprise V Park
9. Current Owner: Master Provisions, Inc.
Address: 7725 Foundation Drive
Florence KY 41042
City State Zip Code
Phone Number: 859-474-0467 Fax Number: _____
Email: shane@masterprovisions.org (Shane Armstrong)

10. Proposed Use(s) on Site: Warehouse and office space
11. Total Square Footage of Existing and/or Proposed Buildings: 40,000 SF+/- (proposed)
12. Current Zoning: I-2
13. 1219 / 318 / 3032 2058
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.

Property Owner's Signature:



Applicant's Signature:



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

1. Date Received: 5/21/24 Fee Received: \$966 Receipt #: 90540

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 6/12/2024

5. Board Action: 6/12/2024

- 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#4

APPLICANT: Master Provisions, Inc.

LOCATION: 10205 Toebben Drive, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: June 12, 2024

PROPOSAL

- A. The applicant is requesting a Variance reducing the spacing between curb cuts from five hundred (500) feet to three hundred six (306) feet.

SITE HISTORY

- 1989 On December 13, 1989, the Boone Board of Adjustment approved a Variance reducing the front yard setback from one hundred (100) feet to fifty (50) feet (BCBOA-89-024).
- 1990 On September 28, 1990, the Final Plat for Enterprise V Park, Section 2, was approved, creating the lot in question.
- 2021 On October 13, 2021, the Boone Board of Adjustment approved a Conditional Use Permit to allow auto sales, subject to six conditions (BCBOA-21-032).

APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:
 - 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 1103.A of the Boone County Zoning Regulations states that the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which require sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

E. Section 3221.A.2 of the Boone County Zoning Regulations states that a proposed development is permitted one access point for each five hundred (500) feet of site frontage.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as "Industrial", which is described 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:

1. 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).
2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
3. 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).
4. Employment opportunities for a highly skilled and educated workforce shall be

- encouraged and promoted for the residents and businesses of Boone County (Employment Goal A, Objective 1).
5. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 6. 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).
 7. 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).
 8. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
 9. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).
- C. Toebben Drive is identified as a County maintained subcollector street providing for two way traffic within an approximate twenty-eight (28) foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Industrial uses (I-2)
South: Industrial uses (I-2)
East: Industrial uses (I-2)
West: Industrial uses (I-1 and I-2)

SITE CHARACTERISTICS

- A. The approximate 3.7 acre property is located along the west side of Toebben Drive, approximately one hundred (100) feet north of Fleet Boulevard.
- B. The site has approximately four hundred fifty-five (455) feet of frontage along Toebben Drive.
- C. The site is currently vacant.
- D. The Norfolk Southern Railroad line runs along the west side of the site in question.
- E. Topographically, the site is relatively flat, except for the western quarter of the site which slopes upward toward the railroad line.
- F. There are mature trees along the south and west sides of the site in question.

STAFF COMMENTS

- A. applicant has provided a traffic analysis indicating that the need for the two curb cuts is

to separate passenger vehicle traffic from truck traffic that would visit the site.

- B. Since the requested variance is not for the overall design of the site, staff did not conduct a review of the submitted plan. However, it should be noted that the location of the proposed trash enclosure encroaches within the front yard, contrary to the regulations.

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. Sections 204.D and 204.E 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
Director, Zoning Services

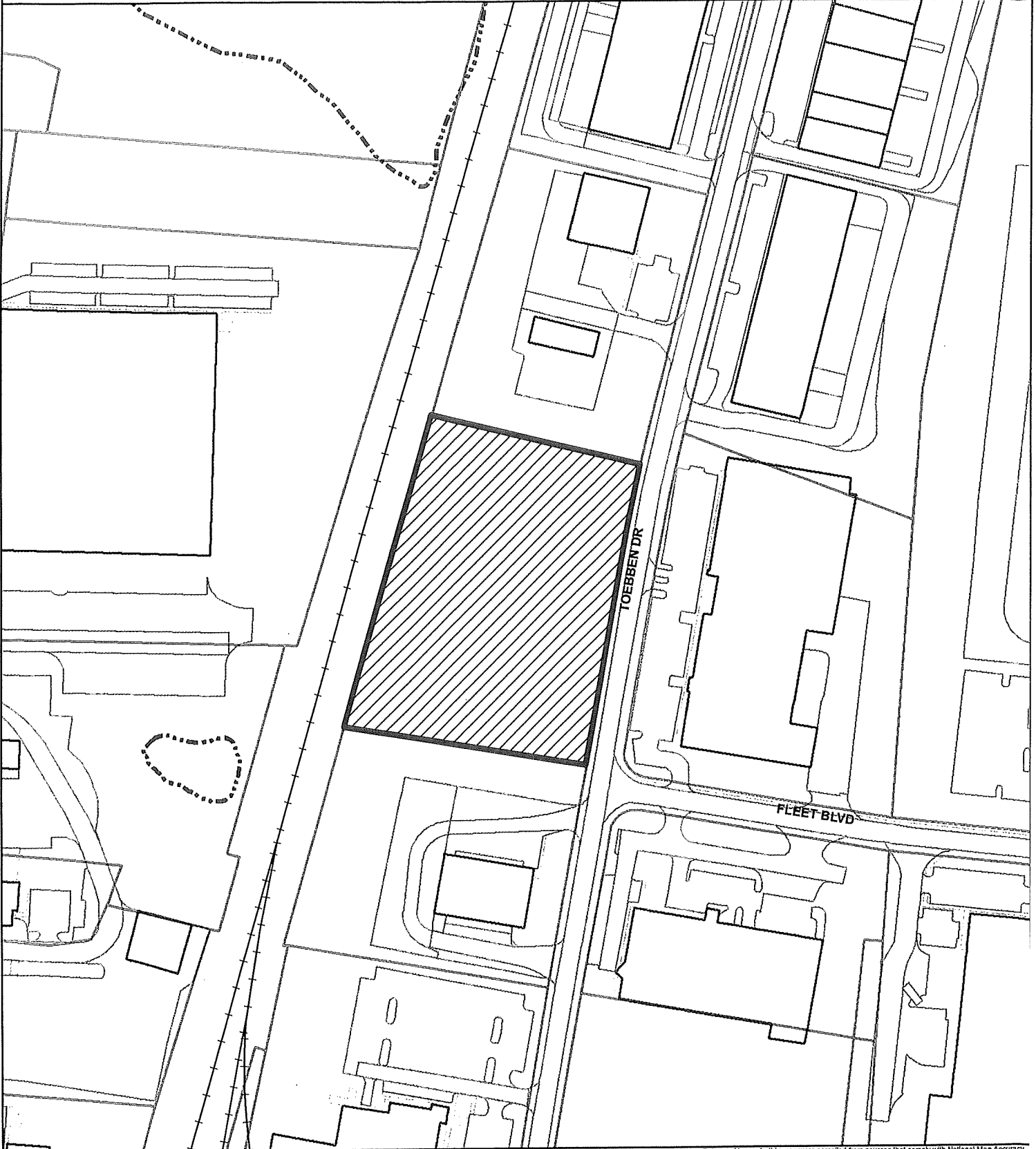
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Traffic Analysis
- *Development Plan

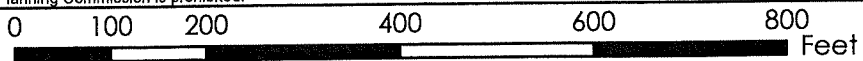
Vicinity Map

www.boonecountygis.com

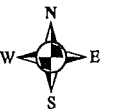


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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

ArcMap Document: *.mxd

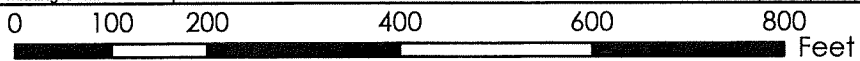
Aerial Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



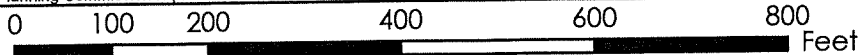
Topographic Map

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1 inch = 200 feet



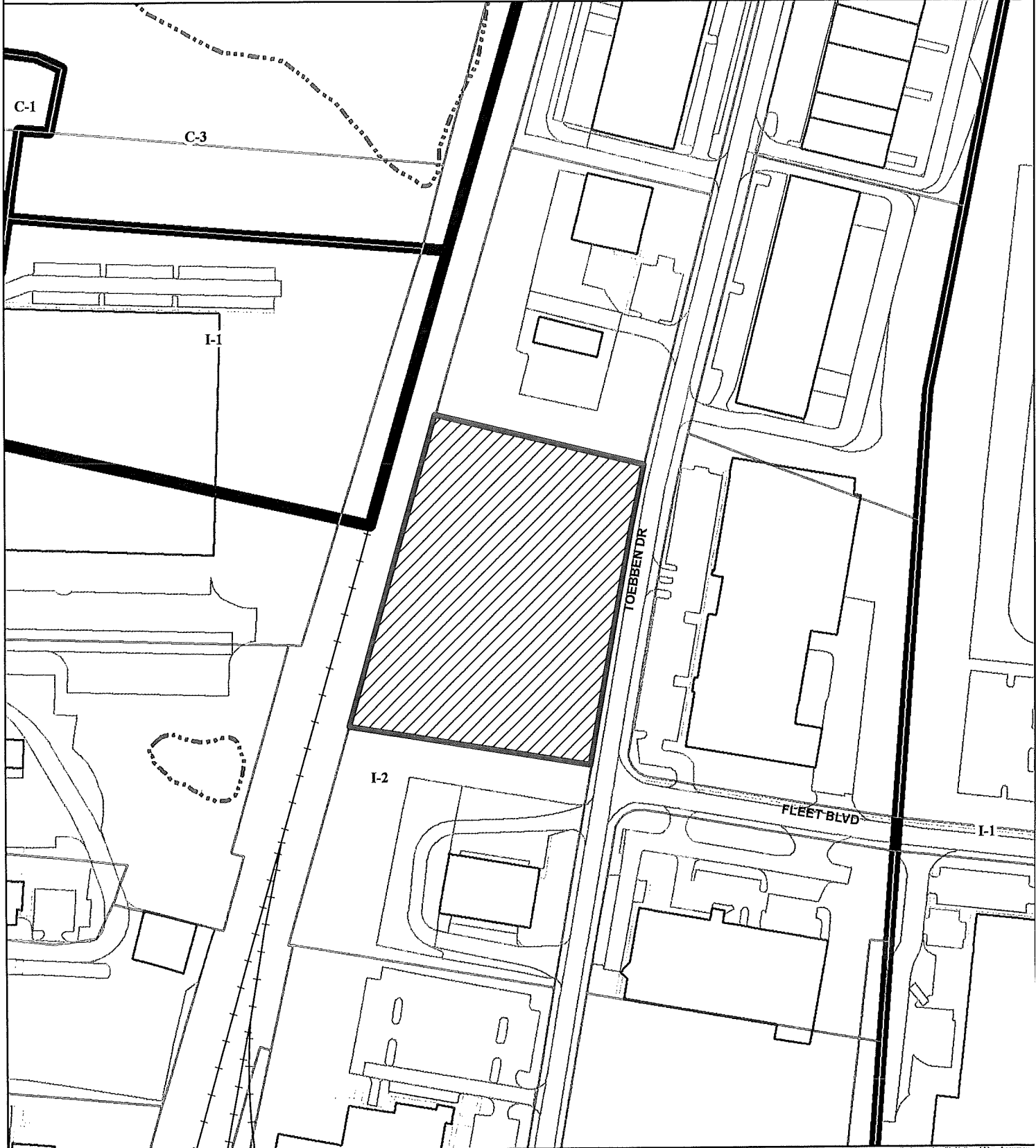
Boone County GIS - Putting Northern Kentucky on the Map

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Boone County GIS
ArcMap Document: *.mxd

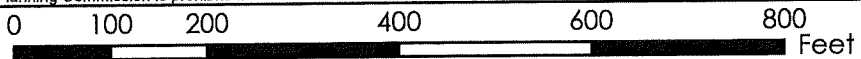
Zoning Map

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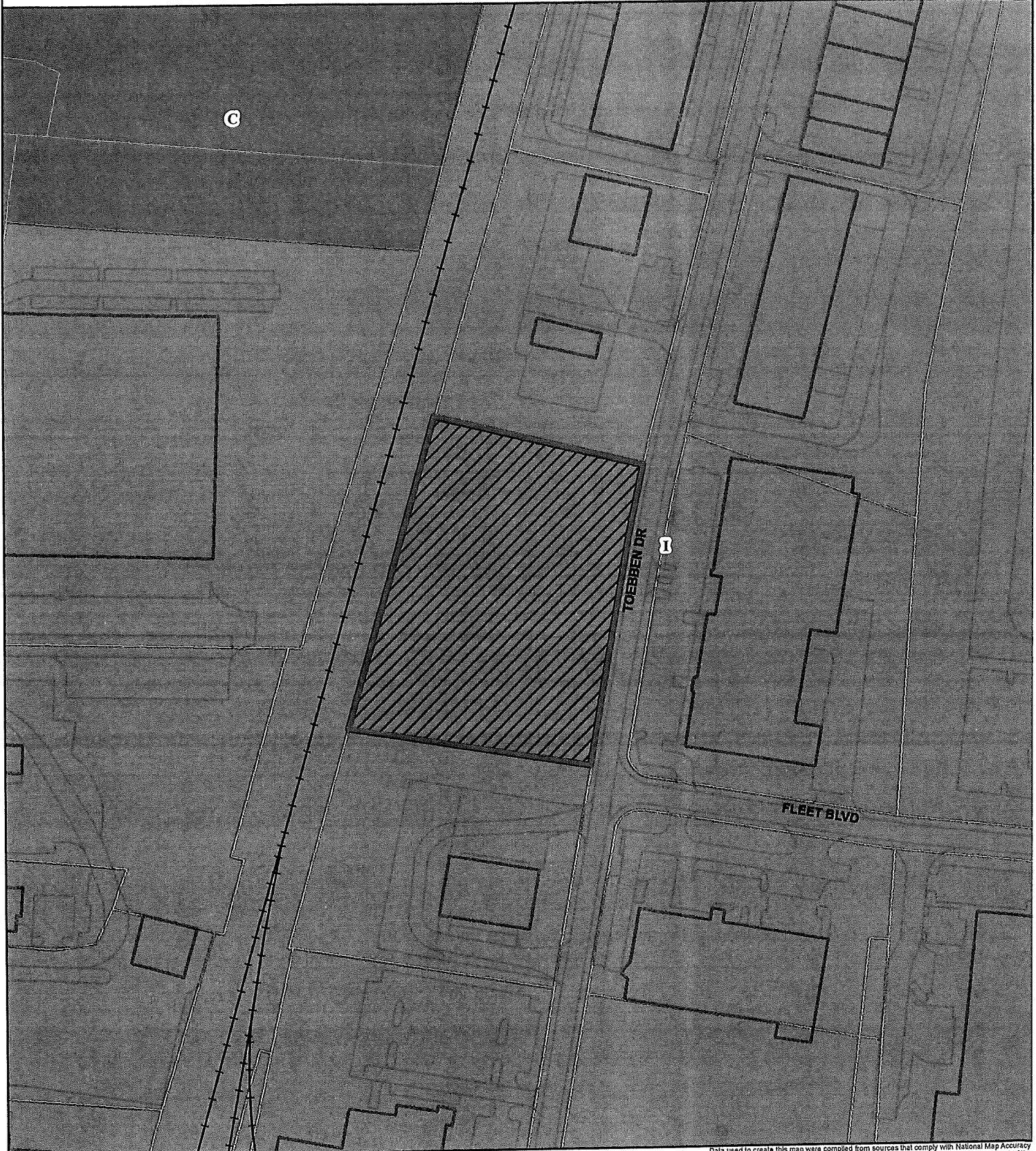
1 inch = 200 feet



Boone

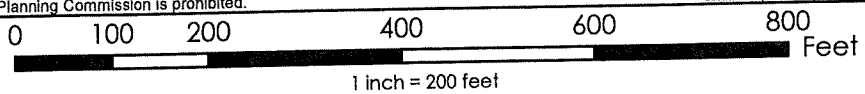
2040 Future Land Use Map

www.boonecountygis.com



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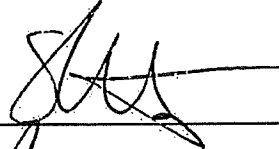
Boone



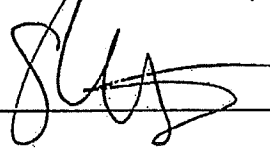
Map File Path: \\boone\gis\2040\2040.mxd
ArcMap Document: *.mxd

10. Proposed Use(s) on Site: Warehouse and office space
11. Total Square Footage of Existing and/or Proposed Buildings: 40,000 SF+/- (proposed)
12. Current Zoning: I-2
13. 1219 / 318 / 3032 2058
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.

Property Owner's Signature:



Applicant's Signature:



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

1. Date Received: 5/21/24 Fee Received: \$900 Receipt #: 90540

2. Is application complete: _____

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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org



Memorandum

Date: May 21, 2024
To: Rob Franxman, P.E., Boone County Public Works
Michael Schwartz, Boone County Planning Commission
cc: Jake Toebben, Toebben Companies
Mike Willenbrink, P.E., Bayer Becker
From: Katie Dillenburger, P.E., Bayer Becker
Subject: Master Provisions – 10205 Toebben Drive
Trip Generation Calculations

Bayer Becker has prepared Trip Generation Calculations for the Master Provisions project, which is to be located at 10205 Toebben Drive, in Boone County, Kentucky.

The site is to consist of an industrial building at approximately 37,900 square feet. Two access points are proposed along Toebben Drive.

Trip generation calculations for the Master Provisions project site were determined for the weekday AM and PM peak hours of adjacent street traffic using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition.

Total site trips are presented in the following table (including passenger cars and trucks).

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Warehousing	150	37.9	TSF	22	6	28	9	22	31

Also per ITE, truck traffic for the warehousing land use is estimated as follows.

Land Use	ITE Code	Size	Units	AM Peak Hour - Trucks			PM Peak Hour - Trucks		
				Enter	Exit	Total	Enter	Exit	Total
Warehousing	150	37.9	TSF	2	4	6	4	3	7

ITE trip generation information excerpts are provided by attachment.

Based on coordination with the end user of the proposed industrial building, confirmation of the ITE trip generation calculations/site trips was provided (i.e., similar traffic volumes are estimated during the AM and PM peak hours considering the number of employees, volunteers, and deliveries expected at the site on a typical day).

As previously identified, two access points for the Master Provisions project site are proposed along Toebben Drive. The north driveway is to serve passenger car traffic only while the south driveway is provided for truck traffic.

The separation of traffic is desired by the end user based on current operations at the existing facility. Volunteers visit the site on a daily basis and are typically unfamiliar with the site and facility. As such, separation of this traffic is preferred and needed for safety purposes.

Furthermore, considering the above trip generation calculations and the two site access points proposed, relatively low traffic volumes are estimated at each of the site driveways.

Land Use: 150

Warehousing

Description

A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas. High-cube transload and short-term storage warehouse (Land Use 154), high-cube fulfillment center warehouse (Land Use 155), high-cube parcel hub warehouse (Land Use 156), and high-cube cold storage warehouse (Land Use 157) are related uses.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Connecticut, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas.

Source Numbers

184, 331, 406, 411, 443, 579, 583, 596, 598, 611, 619, 642, 752, 869, 875, 876, 914, 940, 1050

Warehousing (150)

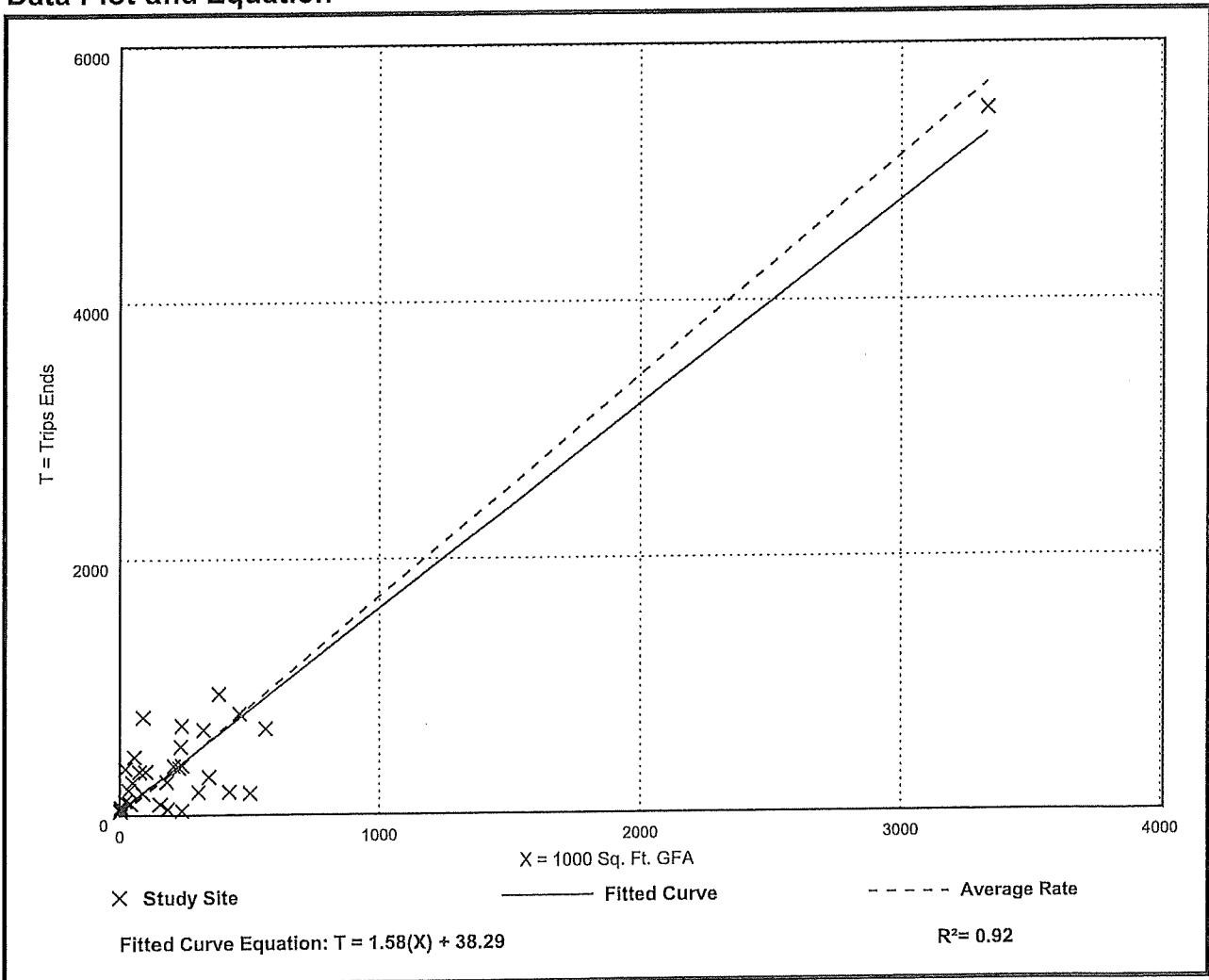
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. 1000 Sq. Ft. GFA: 292
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.71	0.15 - 16.93	1.48

Data Plot and Equation



Warehousing (150)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 36

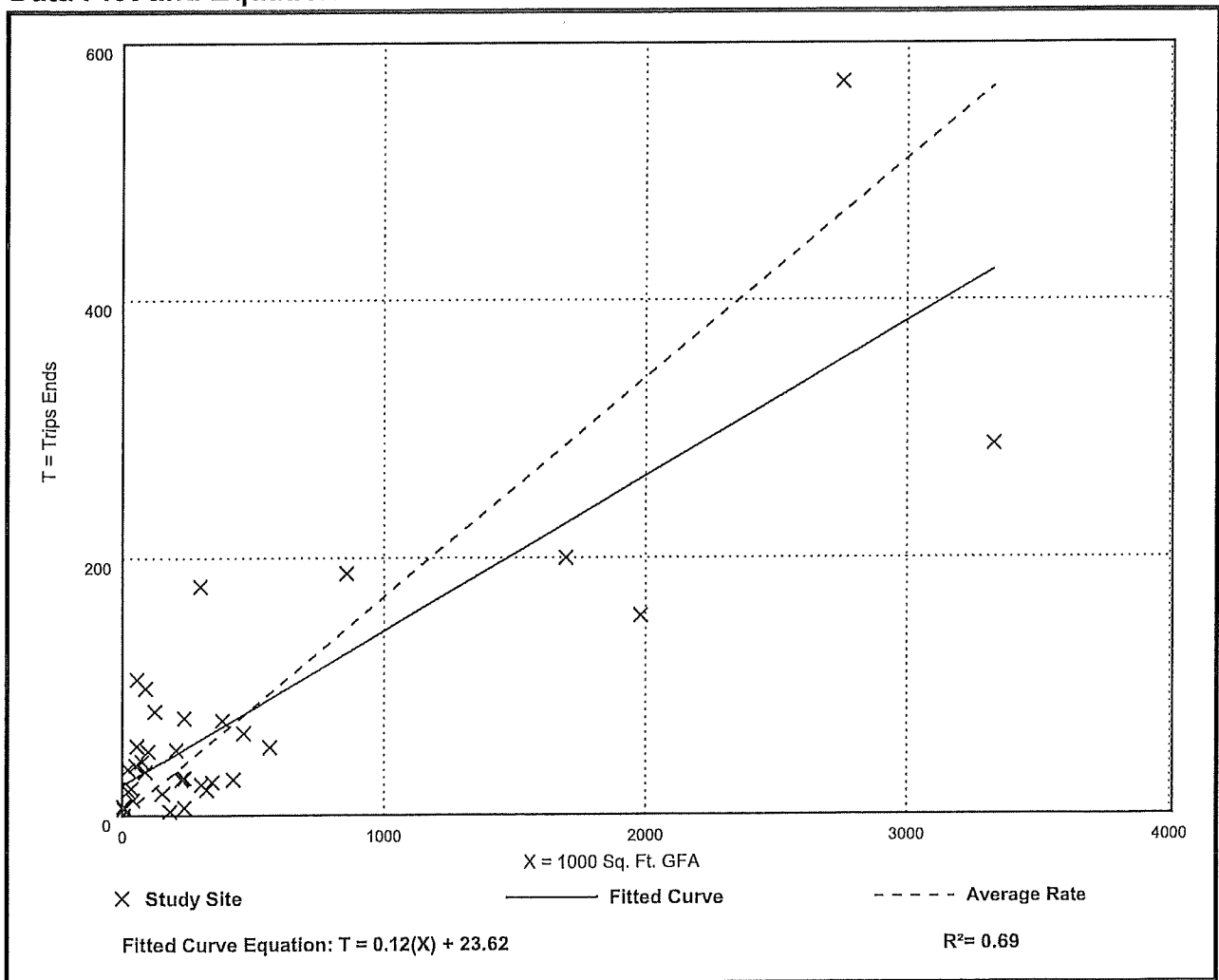
Avg. 1000 Sq. Ft. GFA: 448

Directional Distribution: 77% entering, 23% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.17	0.02 - 1.93	0.19

Data Plot and Equation



Warehousing (150)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

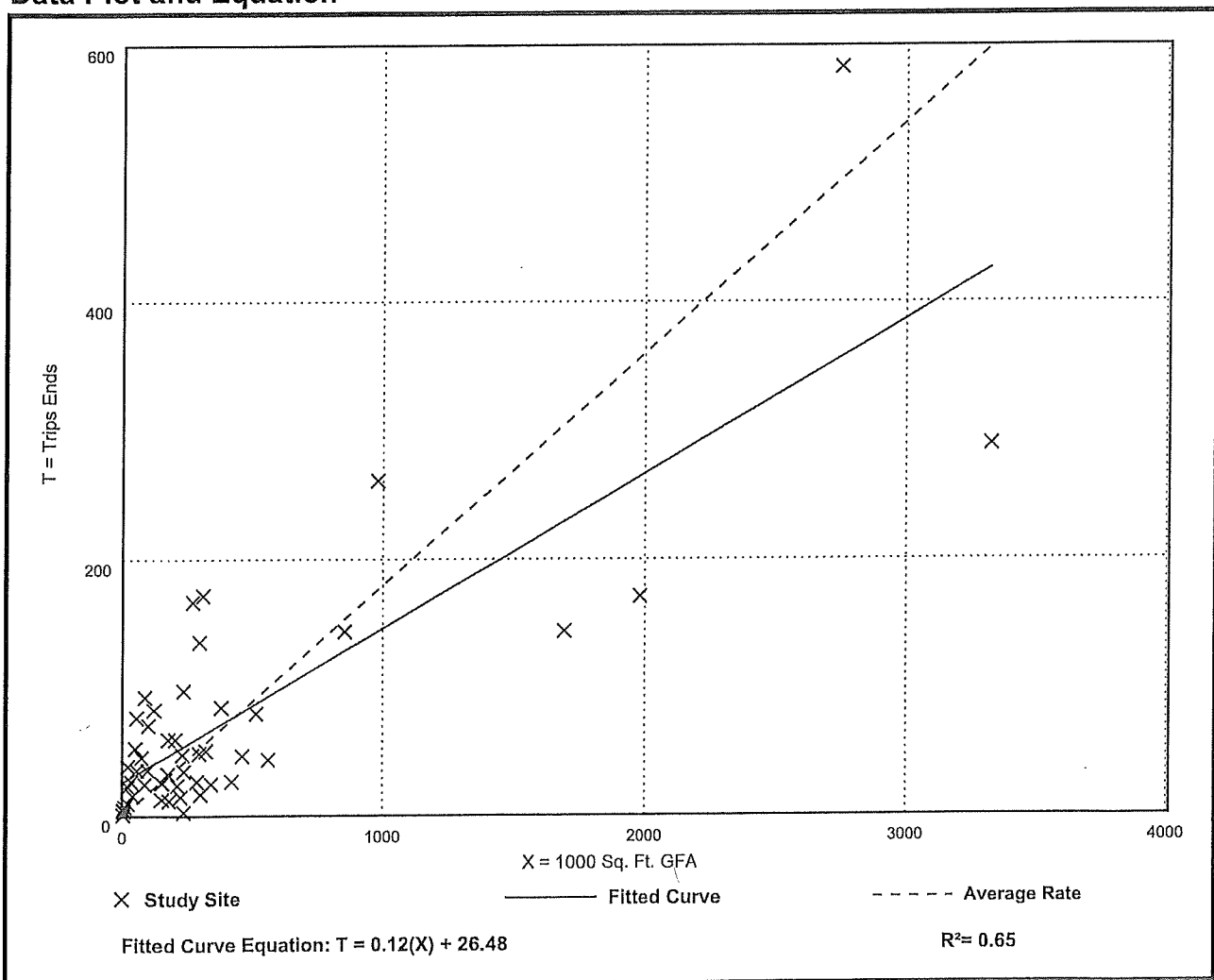
Avg. 1000 Sq. Ft. GFA: 400

Directional Distribution: 28% entering, 72% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.18	0.01 - 1.80	0.18

Data Plot and Equation



Hourly Distribution of Entering and Exiting Truck Trips by Land Use

Source: ITE Trip Generation Manual , 11th Edition

Land Use Code	150		
Land Use	Warehousing		
Setting	General Urban/Suburban		
Time Period	Weekday		
# Data Sites	11		
	% of 24-Hour Truck Trips		
Time	Total	Entering	Exiting
12:00 - 1:00 AM	0.3%	0.3%	0.3%
1:00 - 2:00 AM	0.2%	0.3%	0.0%
2:00 - 3:00 AM	1.3%	1.1%	1.4%
3:00 - 4:00 AM	1.3%	1.7%	0.7%
4:00 - 5:00 AM	2.4%	1.7%	3.1%
5:00 - 6:00 AM	3.5%	3.4%	3.5%
6:00 - 7:00 AM	4.4%	5.2%	3.5%
7:00 - 8:00 AM	5.3%	3.2%	8.0%
8:00 - 9:00 AM	5.5%	4.3%	6.9%
9:00 - 10:00 AM	9.9%	12.1%	7.3%
10:00 - 11:00 AM	9.7%	8.0%	11.8%
11:00 - 12:00 PM	11.2%	10.6%	11.8%
12:00 - 1:00 PM	6.8%	8.0%	5.2%
1:00 - 2:00 PM	8.0%	8.3%	7.6%
2:00 - 3:00 PM	6.1%	6.3%	5.9%
3:00 - 4:00 PM	9.3%	10.6%	7.6%
4:00 - 5:00 PM	6.9%	7.5%	6.3%
5:00 - 6:00 PM	3.9%	3.4%	4.5%
6:00 - 7:00 PM	0.9%	0.9%	1.0%
7:00 - 8:00 PM	0.6%	0.6%	0.7%
8:00 - 9:00 PM	1.6%	1.7%	1.4%
9:00 - 10:00 PM	0.8%	0.3%	1.4%
10:00 - 11:00 PM	0.0%	0.0%	0.0%
11:00 - 12:00 AM	0.2%	0.3%	0.0%

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Master Provisions, Inc.
7725 Foundation Dr
Florence, KY 41042

2. ADDRESS OF PROPERTY

10205 Toebben Dr
Independence, KY 41051

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Master Provisions

4. DEED BOOK 1219

PAGE NO. 318

GROUP NO. 2058

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, Director, Zoning Services
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 12th day of June, 2024.

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
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.)