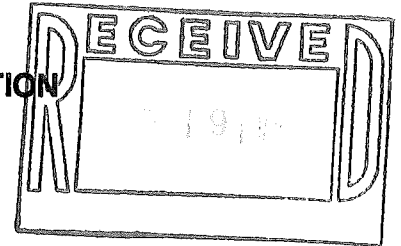


REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION
(See Boone County Zoning Regulations)



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's Name CORPOREX PARKS OF KY, INC.
Phone Number 331-5000
Applicant's Address 3740 OLYMPIC BLVD. SUITE 120
ERLANGER KY HIGH
City State Zip
4. Description of Request: CONDITIONAL USE PERMIT FOR DAY CARE CENTER IN I-1 ZONE. SEE ATTACHMENT OF PREVIOUS APPROVAL IN DIFFERENT LOCATION.
5. Name of Development CIRCLEPORT III BUSINESS PARK
6. Location of Development I-275 & MINNOLA PIKE
7. Acreage Under Review 1.2 ±
8. Lot Number and Name of Subdivision (if part of a subdivision) PART OF LOT #1 - CIRCLEPORT III BUSINESS PARK SUBDIVISION
9. Owner of Property CORPOREX PARKS OF KY INC
Phone Number SAME
10. Address of Property Owner _____
City State Zip
11. Proposed Use(s) On Site DAY CARE FACILITY
12. Total Square Footage of Existing and/or Proposed Buildings 6000 sq ft
13. Current Zoning on Property I-1
14. Deed Book 320 Page No. 197 Group No. 2022
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 (PREVIOUSLY)
17. Have you submitted a list of adjoining property owners with this request? YES
18. Applicant's Signature: Thomas E. Beate
19. Property Owner's Signature: Thomas E. Beate Dev. MISC.

ADJOINING PROPERTY:

1) RON & GLEN NORTH
3324 BOONELAND TRAIL
ERLANGER, KY
41011

2) MELVIN & MARIS MORRISON
3322 BOONELAND TRAIL
ERLANGER, KY
41011

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 6-19-89
2. Fee Received \$12,500.00
3. Is application complete? Yes No
4. Staff Reviewer PAUL R. MILLER
5. Scheduled Board Action Date 7-12-89
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: PREVIOUS CONDITIONAL USE PERMIT GRANTED OCT. 12, 1988
IS REVOKED
8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#2

DEVELOPMENT: Youthland Academy day care center
APPLICANT: Corporex Parks of KY, Inc.
LOCATION: Booneland Trail and Olympic Boulevard, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: July 12, 1989

REMARKS:

The applicant is seeking a Conditional Use Permit to allow the establishment of a day care facility in an industrial zone. The 1.2 acre parcel is a part of Lot #1 of the Circleport III industrial park, and is located at the southeast corner of the intersection of Booneland Trail and Olympic Boulevard, off Mineola Pike, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Corporex Parks of KY, Inc.

On October 12, 1988, the applicant obtained a Conditional Use Permit from the Board for a daycare on a portion of Lot #1 of Circleport III. The permit was for a 1.5 acre portion of the lot which immediately abutted the Booneland Trail/Olympic Boulevard intersection. The other half of the lot was to be used for an industrial development. The applicant is back before the Board because the location of the two proposed uses on Lot #1 are to be switched; the industrial use is proposed to be located on that half of the lot adjoining Booneland Trail, and the daycare is to be located on the remaining portion. To this end, the applicant has received Site Plan Review approval for the industrial use from the Boone County Planning Commission. Because the previously approved Conditional Use Permit was for a different portion of the lot, the applicant must seek another permit to establish the daycare at the currently proposed location.

Surrounding Zoning and Land Uses

north: I-1; the remainder of Lot #1, RS zone beyond, two single-family residences
south: I-1; undeveloped industrial lots
east: I-1; undeveloped industrial lots
west: I-1; undeveloped industrial lots

The following reviews the general criteria applicable to all Conditional Uses in the County:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Industrial. The Land Use Element indicates that this general area of the County has powerful growth forces, in the form of the Mineola and Turfway Interchanges. These make the area prime for airport-related industrial uses. The existing residential uses along Mineola Pike are expected to receive pressure to relocate (p. L-18).

=====

The Business Activity Element indicates that this particular area, Mineola-Circleport-KY 236, is to be one of great industrial growth, and encourages high-tech and airport related services (pp. B-15, 16).

Since a general intent of the Comprehensive Plan is that uses associated with or in support of industrial uses will develop concurrently, the Staff believes the proposed daycare is harmonious and in accordance with the general objectives of the Comprehensive Plan.

2. The proposed daycare will be harmonious and appropriate with the existing and intended character of the general vicinity.
3. The daycare would not be hazardous to existing or future neighboring uses.
4. The daycare will be adequately served by essential public facilities.
5. The daycare will not create additional requirements at public cost for public facilities and will not be detrimental to the economic welfare of the community.
6. The daycare would not involve uses or conditions of operation that will be detrimental to any persons.
7. The proposed vehicular access to the site will not create an interference with traffic on surrounding public thoroughfares, but will create a hazardous internal traffic pattern as currently designed.

In addition, the Board must consider the specific criteria for granting Conditional Use Permits in Industrial One Districts:

1. The proposed daycare is being provided primarily in support of, and will obtain its trade from, the employees of the district.
2. The daycare is subservient to and not of a scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district.
3. The arrangement of the daycare use and building is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

The applicant has submitted a Site Plan for review by the Boone County Planning Commission. Existing deficiencies and problems with the arrangement of traffic through the site is being addressed through this review. The Planning Commission cannot, however, take action on the submitted Site Plan until a decision has been rendered by the Board on the Conditional Use Permit.

=====
Attached to this report is a copy of the Site Plan submitted by the applicant,
and a copy of a portion of the Future Land Use Map.

Respectfully submitted,

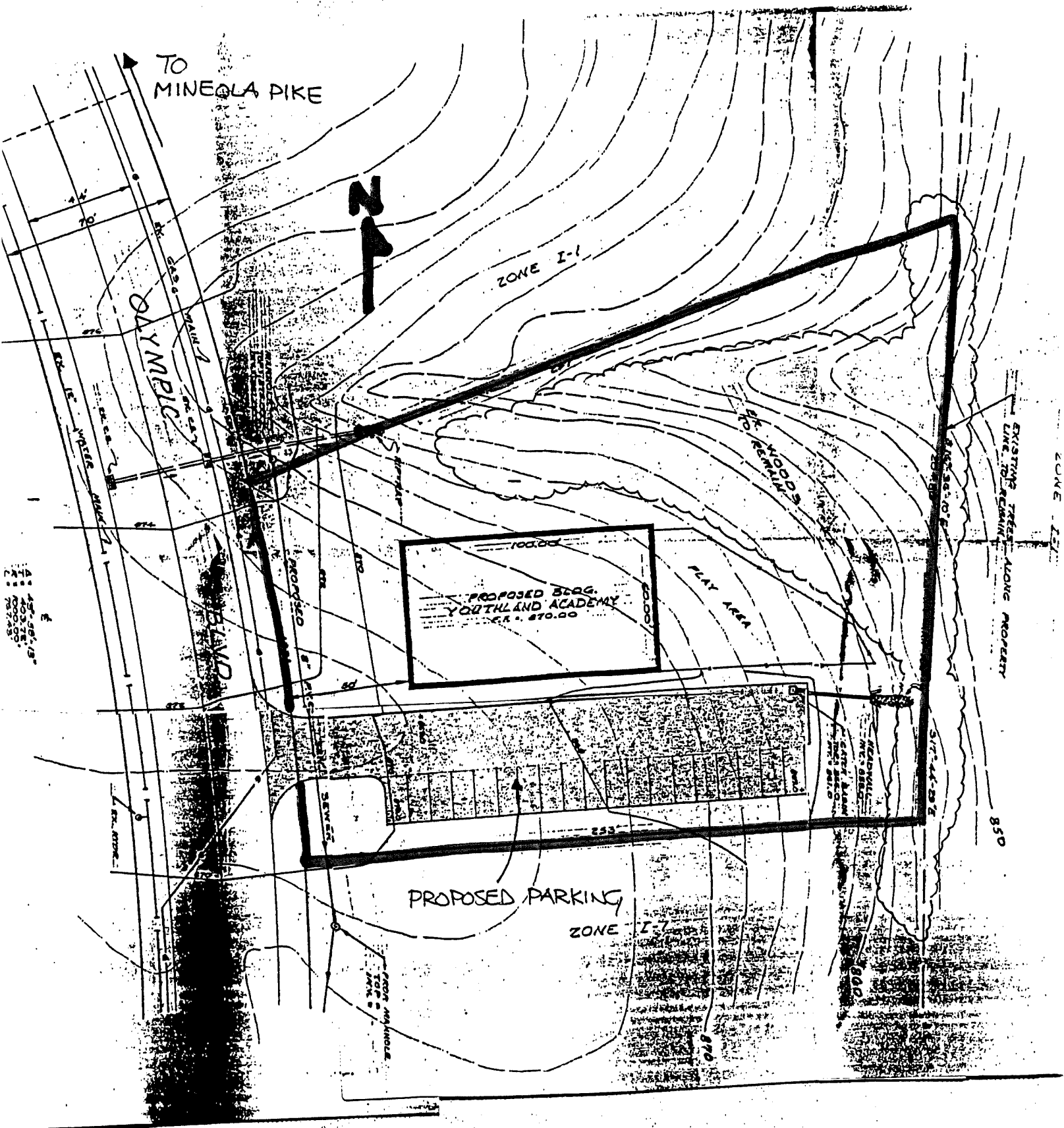
Paul R. Miller
Plans Examiner/Planner

PRM:hs

CORPOREX PARKS OF KY, INC.
CONDITIONAL USE PERMIT
SITE PLAN

7-12-89

BOONELAND TRAIL



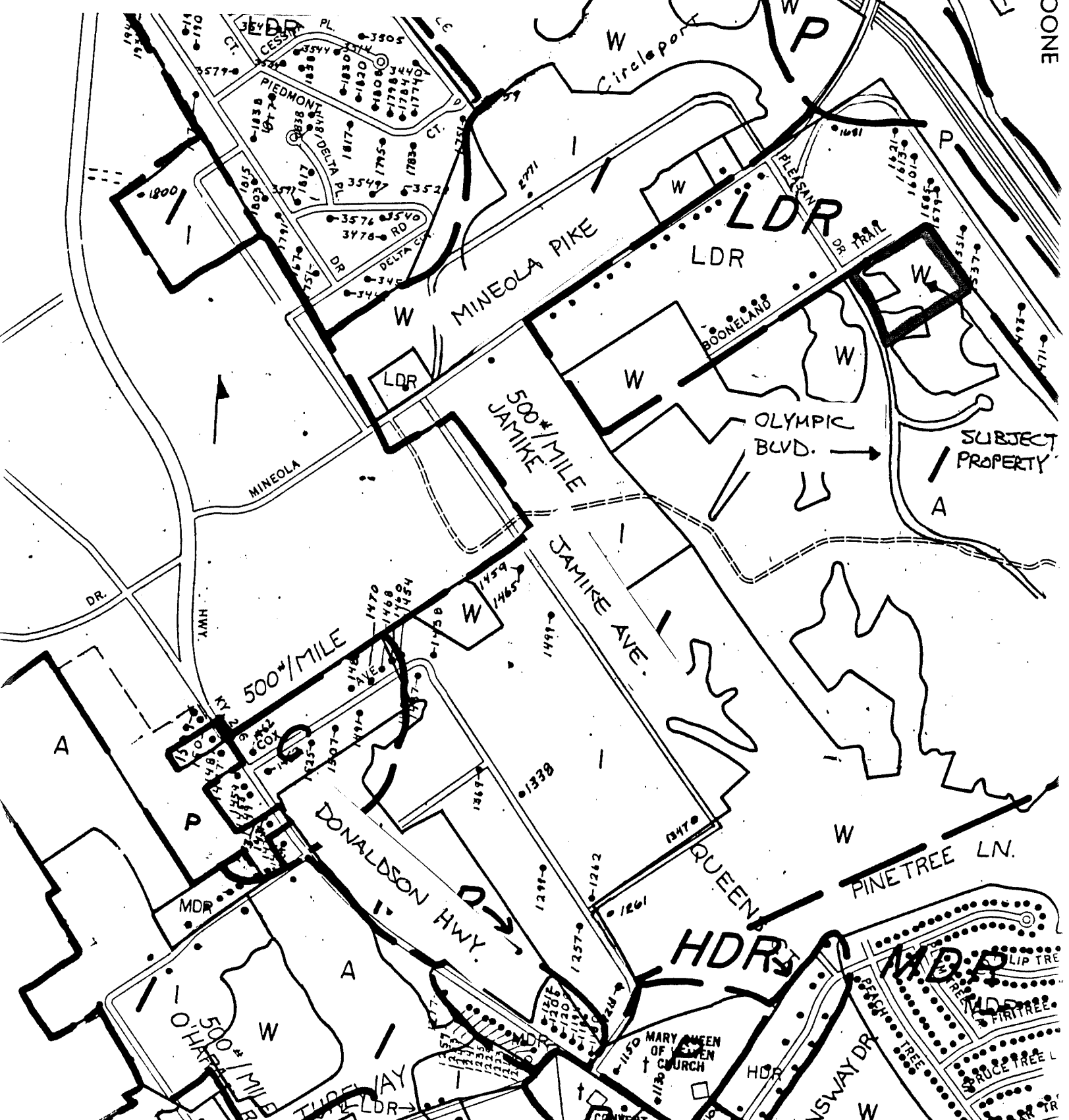
2000 FT

ALDSON



CORPOREX PARKS OF KY, INC.
 CONDITIONAL USE PERMIT
 FUTURE LAND USE MAP

7-12-89



BOONE

SUBJECT PROPERTY

MARY QUEEN OF HEAVEN CHURCH



BOONE COUNTY
BOARD OF ADJUSTMENT

July 12, 1989 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Mr. Archambault at 6:30 P.M..

Mr. Archambault noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of June 14, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Nevel moved that they be approved as mailed. Mr. Ryan seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Timothy R. McNeely for two Variances to allow a reduction in the minimum rear yard building setback for a proposed building, and a reduction in the minimum driveway width for the Flaig Welding Company site. The 2.795-acre site is located at 4072 Limaburg Road, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Robert W. and Cathy H. Flaig.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Tim McNeely stated that the Variance for the rear yard setback is for a 60' x 60' building and a possible building to be constructed in the future. The Variance adjoins the airport property and Mr. Flaig owns a 20-acre tract to the east of this property. The request for the Variance in regard to the driveway is based on a hardship due to water, gas, and property lines. He stated that the applicant will pave the driveway.

Mr. Archambault asked if there was anyone present in opposition to the request. There was no response.

There being no discussion, Mr. Houston moved that the Variances be granted based on the Staff Recommendation, including the condition that the applicant will maintain the row of trees and vegetation in existence between the subject property and the adjoining property to the south. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Corporex Parks of KY, Inc. for a Conditional Use Permit to allow the establishment of a day care facility in an Industrial Zone. The 1.2-acre parcel is a part of Lot #1 of the Circleport III Industrial Park and is located at Booneland Trail and Olympic Boulevard, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Corporex Parks of KY, Inc..

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Tom Banta, Development Manager, stated that when they originally came in, they did not have any other users for the site, so they started on one end of the site and worked across. Jewelcraft has since come along. Jewelcraft is more like an office use where people sit inside and size jewelry. There is a row of trees through the middle of the site which makes a good division between the two buildings. As Jewelcraft is the larger use, if they used the site the other way, they would have to fill the ravine and cut down the trees to fit it on the lot. The proposed layout requires less grading. They originally had a circular drive for people to come in a drop off children, but the company has a policy that you do not drop off your children -- you take them in and check them in. They do not want the driveway through as people will be tempted to drop off their children.

Mr. Archambault asked if there was anyone present in opposition to the request. There was no response.

Mr. Miller advised that the day care is designed to be used by people who will work in Circleport III and is tied in with the planned uses.

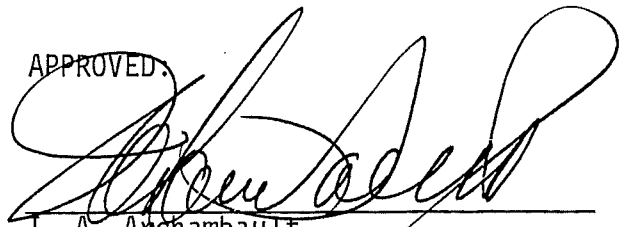
Mr. Banta questioned if it was necessary to do anything to remove the Conditional Use Permit from the other side of the lot.

Counselor Wilson advised that the General Assembly requires a certificate when a Conditional Use Permit is approved. This is recorded so that a title examiner can see it. The previous certificate covers 1.5 acres and this certificate would cover 1.2 acres. He suggested that a condition indicating that the prior certificate is revoked may be appropriate.

There being no further discussion, Mr. Houston moved that the Conditional Use Permit for the 1.2-acre parcel be approved and that the previously granted Conditional Use Permit for the 1.5-acre parcel be revoked. Mr. Ryan seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Nevel moved that the meeting be adjourned. Mr. Archambault seconded the motion. The meeting was adjourned by unanimous consent at 6:50 P.M..

APPROVED:



I. A. Archambault

Attest:



Jan Hancock, Recording Secretary