98-BCBOA-092-A

RECEIVED
JAN 21 1998
BOONE COUNTY PLANNING COMMISSION

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. X Boone ____ Florence ____ Walton ____ Union

(Check One)

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

3. Applicant's Name Mark English, RA, VP Architecture & Design
Phone Number (513) 891-1066 Fax No. (513) 794-2594
Applicant's Address Winegardner & Hammons, Inc.
4243 Hunt Rd. Cincinnati, Ohio 45242
City State Zip

4. Description of Request Variance from maximum 50' height to allow a bldg. height of 101'. Variance from maximum allowable square footage on primary sign.
Variance to increase height and sq. footage of directional restaurant entry sign.

5. Name of Development Cincinnati Airport Marriott Hotel in Skyport 275 Development.

6. Location of Development Lots 1, 2 & 3 Skyport 275 @ Progress Drive & Kentucky State Highway 20.

7. Acreage Under Review 8.62 acres for hotel on Lots 1, 2 & part of 3

8. Lot Number and Name of Subdivision (if part of a subdivision)
Lots 1, 2 & 3 Skyport 275 Development

9. Owner of Property Duke Realty Investments
Phone Number of Owner (513) 956-4400

10. Address of Property Owner 4555 Lakeforest Dr. Suite 400, Cincinnati, Ohio 45242
City State Zip

11. Proposed Use(s) on Site 8 story 295 room hotel (101' to top of arch) with 1-story conference facility w/13,100 s.f. meeting space, 170 seat restaurant, indoor pool exercise fac. lobby, offices.

12. Total Square Footage of Existing and/or Proposed Buildings 215,057 s.f.

13. Current Zoning on Property I-1 Industrial One District

14. Deed Book 131 Page No. 145 Group No. 2009

15. Is the site subject to a zone change? Yes
If yes, give date of approval 4.17.96

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.

Applicant's Signature: Mark M. English

Property Owner's Signature: Robert D. Fessler - Duke Realty

(over)

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 1-22-98 Jan 21 1998 Fee Received $400.00 R# 15744 932.00 R# 15715
2. Is application complete? Yes ____ No
3. Staff Reviewer Carol Coleman
4. Scheduled Board Action Date 2/11/98
5. Board Action:

   ____ Approved
   X Approved with Conditions (See #6)
   ____ Denial (See #7)

6. Conditions of Approval: SEE THE MINUTES FROM THE BCBOA DATED 2/11/98
7. Reasons for Denial: ____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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.

BCPC: 11/96

STAFF REPORT

APPLICANT: Mark English for Duke Realty Investments

DEVELOPMENT: Cincinnati Airport Marriott Hotel

LOCATION: Lots 1 & 2, Skyport Industrial Park, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: February 11, 1998

Proposal

The applicant is requesting a variance to allow an increase in the height of a building (101 feet), a variance to allow an increase in the square footage of a building mounted sign (234 sq. ft.), and a variance to allow the increase in the height (6 feet) and size (30 sq. ft.) of a directional sign for a proposed Marriott Hotel development on Lots 1 and 2 in the Skyport Industrial Park. The 8.62 acres were part of zoning map amendment and conditional use approval in April of 1996. The site is zoned Industrial One (I-1) and has been approved for hotel and/or restaurant uses.

Boone County Zoning Regulations

The maximum height of a structure permitted in an Industrial One (I-1) zoning district is 50 feet. The height of the proposed building is 101 feet. The applicant is seeking a 51 foot variance of the maximum building height.

Article 34, Section 3413 of the Boone County Zoning Regulations, states the following for building mounted signs in an industrial district:

> A business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width of the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one side may be divided up to allow for up to three (3) separate building mounted signs on that elevation. For the purpose of this order, signs or awnings are considered in the total square footage of building mounted signage permitted for that elevation. Only the copy area on the awnings will be calculated for square footage.

Based on the length of the building (82 feet), the maximum allotted signage for the front elevation (south) of the proposed hotel is 164 square feet. The proposed building mounted sign is 234 square feet in area. The applicant is seeking a 70 square foot variance for the primary building mounted sign.

Article 34, Section 3411 of the *Boone County Zoning Regulations*, states the following concerning directional signage in an Industrial One (I-1) zoning district:

> One (1) directional sign shall be permitted near each entrance of a commercial, industrial, or office zoned property with a maximum sign area of six square feet. Advertising on such a sign shall include the words "enter" "exit" or arrows and the name of an office complex or subdivision, commercial establishment, or shopping center. Signs directing and guiding traffic and parking on private property, such as drive-thru lanes, but bearing no advertising matter shall be permitted on any property. Such directional signs shall not exceed ten (10) square feet in area and five (5) feet in height.

The applicant is proposing a directional sign at six feet in height and with a sign area of 30 square feet. The applicant is seeking a one foot variance of the height and a 24 square foot variance of the area of a directional sign.

Site History

On December 19, 1995, Duke Realty Investments, on behalf of the property owner, requested before the Boone County Planning Commission, a Zoning Map Amendment and Conditional Use Permit to change the current zoning of the front 30+ acres to Industrial One (I-1) and for approval of restaurants and/or hotels as conditional uses on the southern most 10 acres of the site.

On April 17, 1996, the Boone County Planning Commission made a recommendation to the Boone County Fiscal Court to approve the request.

On May 21, 1996, the Boone County Fiscal Court approved the request as Ordinance 920.331.

Dimensional Variance

A Variance is defined 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 K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, landscaped buffers and signs. Lot frontages, the size

of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

Staff Concerns/Comments

1. The directional sign proposed by the applicant advertises a restaurant that will be located within the hotel. The location of this sign is within the parking lot near the building entrance to the restaurant and not near the intersection of Progress Drive and the entrance to the site. The directional sign proposed by the applicant is being used as a free standing monument sign within the site. The Boone County Zoning Regulations do not permit more than one free standing sign on an individual site. The purpose of directional signs is to direct automobile traffic where to turn off a road or street into a site. In this instance, if the sign is used for "directional purposes", the sign should be located near the Progress Drive/site entrance intersection where there will already be a free standing advertising the restaurant. An alternative is an attractive modestly sized building mounted sign near the entrance to the restaurant that would be permitted by the Boone County Zoning Regulations.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for the three variances for the building height, building mounted sign, and directional sign for the proposed Marriott Hotel development.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

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 regulations from which relief is sought.

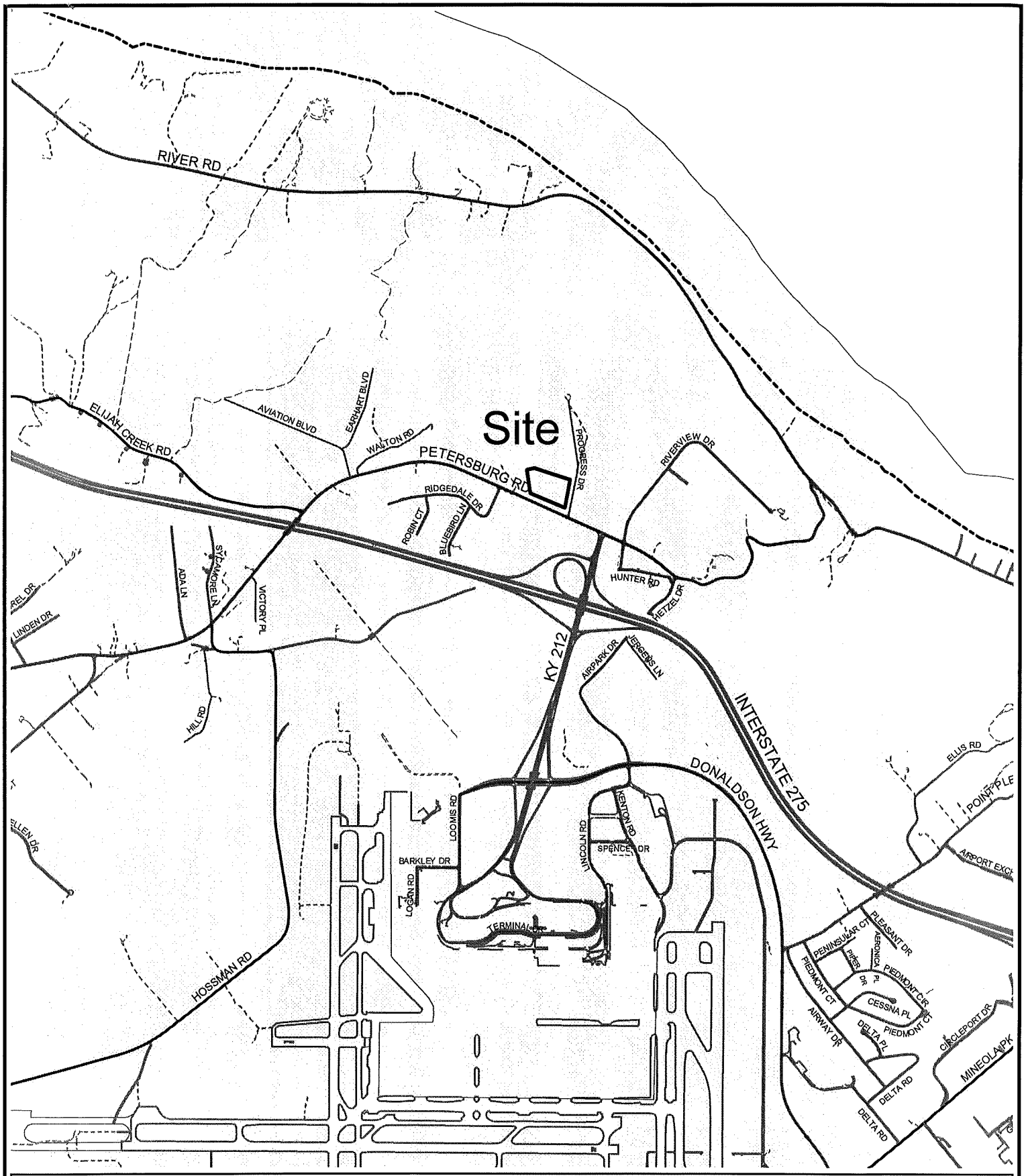
The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Respectfully Submitted,

Edward Coleman
Planner

EC\pr

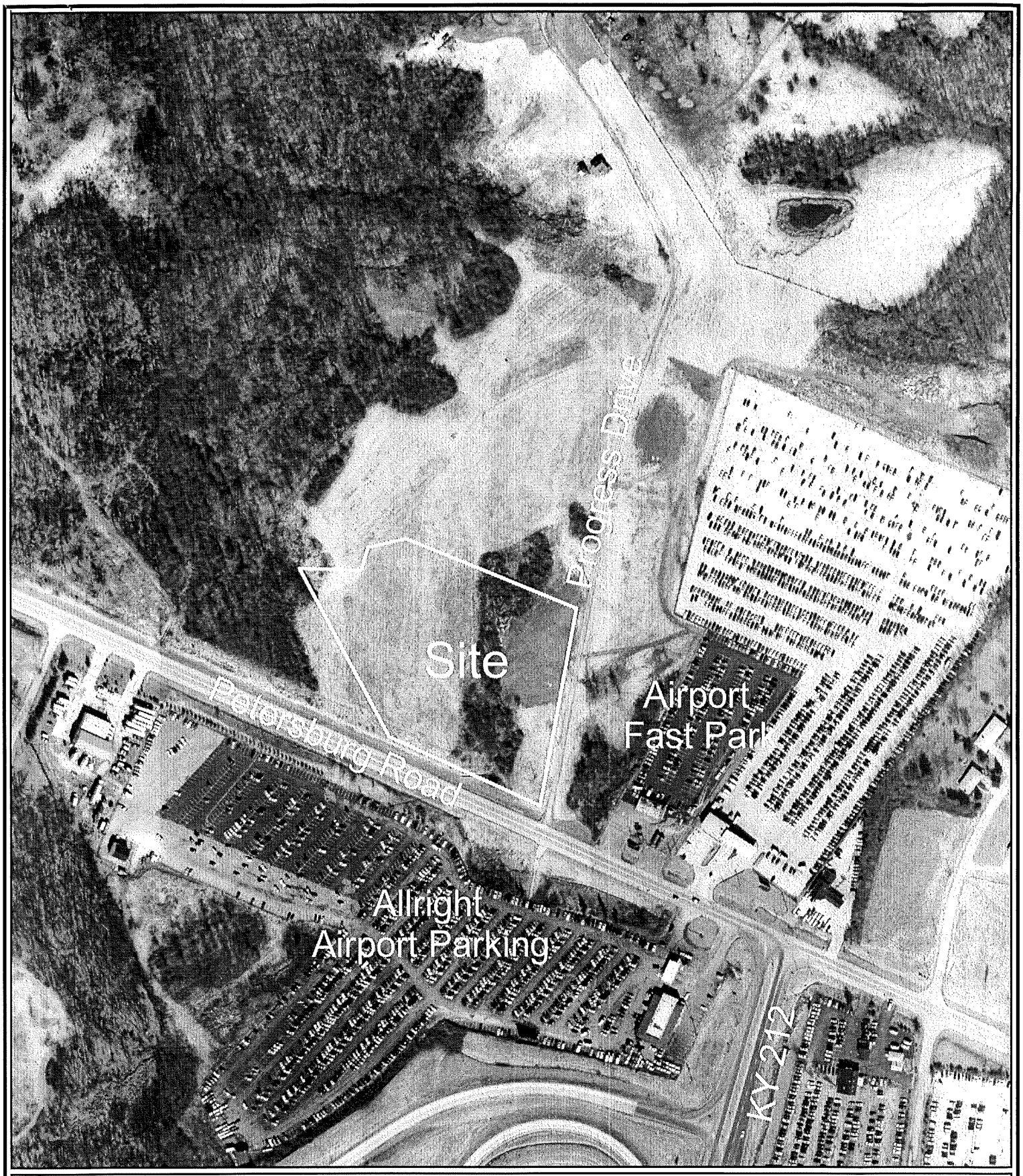
Attachments
-Location Map
-Site Map
-Site Plan
-Building Elevation with Sign
-Directional Sign
-Applicant's Proposal



Marriott Hotel
Skyport Industrial Park

2100 0 2100 Feet

1 inch equals 2100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 5, 1998

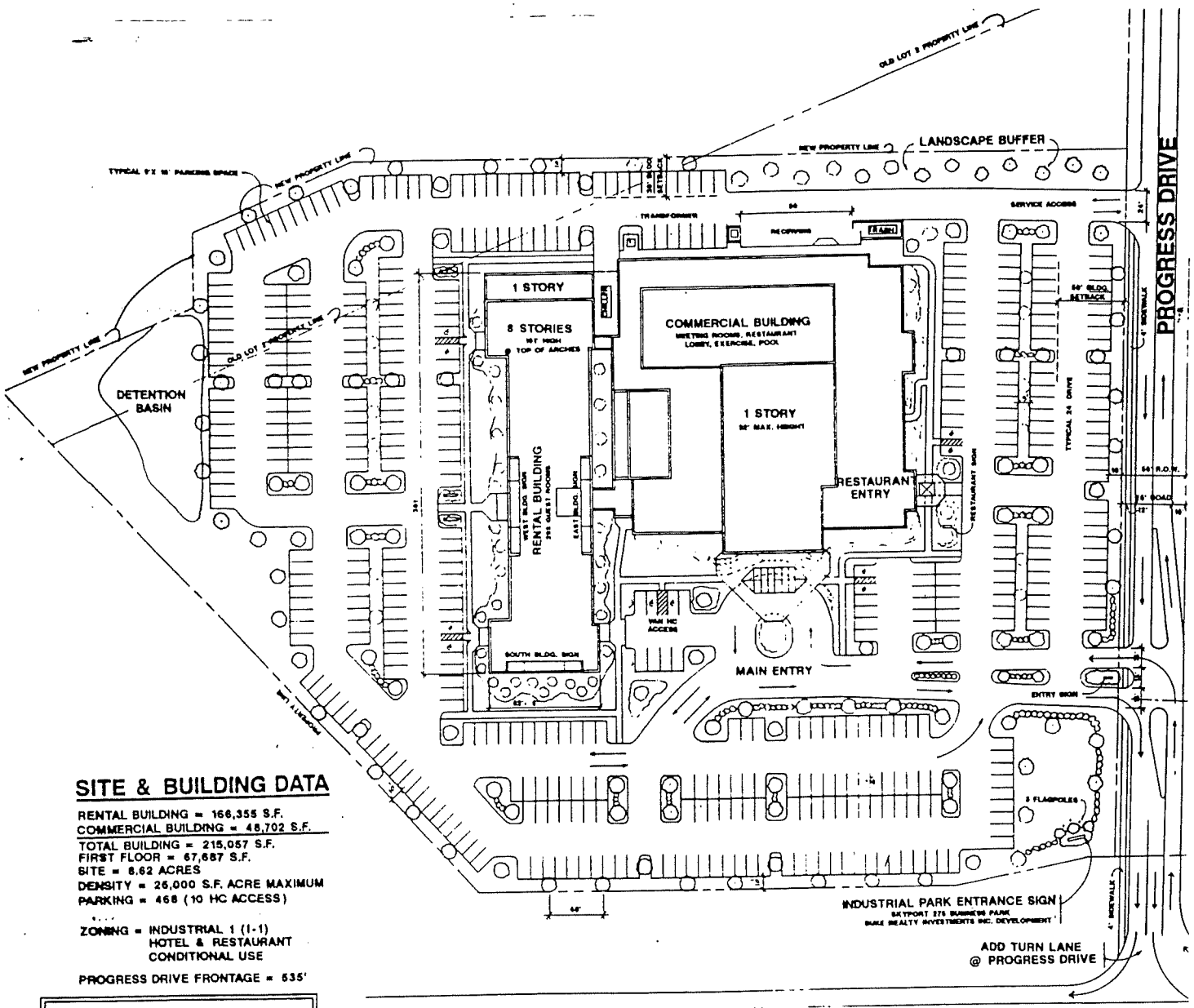


Marriott Hotel
Skyport Industrial Park

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 6, 1998

N W E S



SITE & BUILDING DATA

RENTAL BUILDING = 166,355 S.F.
COMMERCIAL BUILDING = 48,702 S.F.

TOTAL BUILDING = 215,057 S.F.
FIRST FLOOR = 67,687 S.F.
SITE = 8.62 ACRES
DENSITY = 26,000 S.F. ACRE MAXIMUM
PARKING = 468 (10 HC ACCESS)

ZONING = INDUSTRIAL 1 (I-1)
HOTEL & RESTAURANT
CONDITIONAL USE

PROGRESS DRIVE FRONTAGE = 535'

Wiegandner & Hawkins, Inc.
4343 HUNT ROAD
CINCINNATI, OH 45242
513-891-1066

CINCINNATI AIRPORT
MARRIOTT HOTEL
SKYPORT 275 DEVELOPMENT

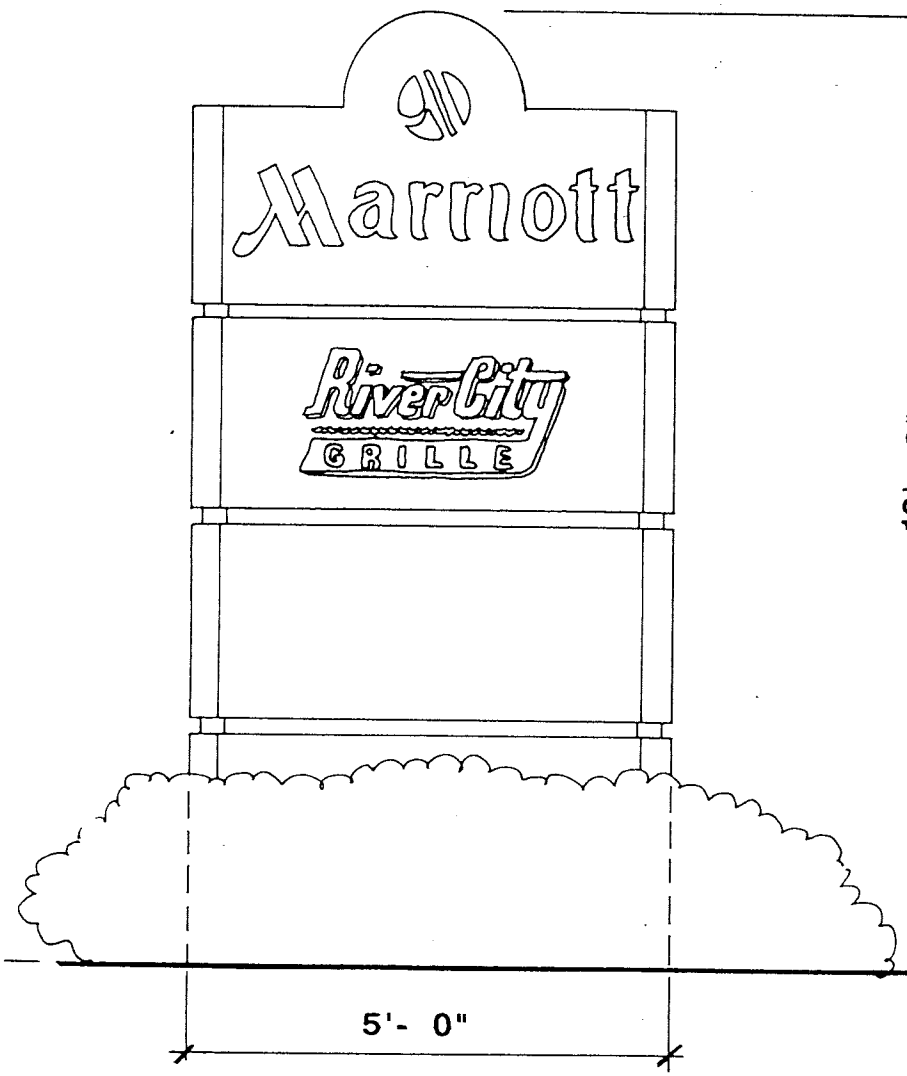
KENTUCKY HIGHWAY 20

CINCINNATI AIRPORT MARRIOTT HOTEL

1" = 50'

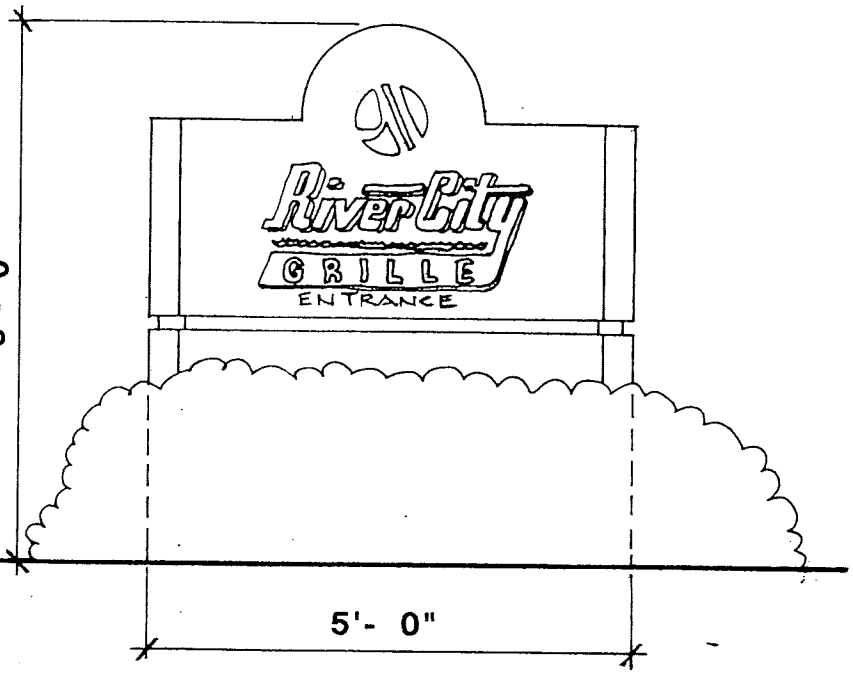
SKYPORT 275 DEVELOPMENT

JANUARY 21, 1998



ENTRY SIGN

1/2"=1'- 0"
50 SQ. FT.
TWO-SIDED
ILLUMINATED



DIRECTIONAL RESTAURANT SIGN

1/2"=1'- 0"
30 SQ. FT.
TWO-SIDED
ILLUMINATED

SOUTH ELEVATION

SCALE: 3/32"=1'-0"

CINCINNATI AIRPORT MARRIOTT HOTEL
LOTS 1, 2 & 3 - SKYPORT 275 DEVELOPMENT
VARIANCE SUMMARY

VARIANCE 1: HEIGHT VARIANCE

A variance is requested to increase the maximum height from 50' (per Table 31.1 for I-1 Zoning District) to allow a maximum height of 101'.

Per the FAA guidelines, we believe that we are well below the "imaginary surface" they project from the two (2) adjacent flight paths to determine an acceptable margin of safety. Therefore, we are confident that we "will not cause a hazard to the public" or "adversely affect the public health, safety or welfare."

Ultimately the FAA and the Kentucky Division of Aeronautics will have final authority since they have to approve our proposed construction height of 101'.

We do not believe that the granting of this height variance will unreasonably circumvent the zoning regulations since this site has been granted a conditional hotel use and this hotel use is the "special circumstance" within the I-1 district that requires the rental building to be 8-stories tall in order to maintain the parking and open-space/landscape requirements and to maximize the allowable 25,000 building s.f./acre density. Additionally, the 8-stories are needed to provide the 295 rooms required to make this full-service hotel/meeting facility financially feasible. A strict application of a 50' maximum height will not allow this project to be built since we could not achieve the required number of rooms and the project would be financially unfeasible.

We believe the character of the general vicinity will be appreciably enhanced by our first class hotel/conference facility which is designed to maximize aesthetic appeal with architectural elevations composed to break down the building mass. The 8-story rental building is composed of a 2-story base, 5-stores of vertical shaft and a 1-story cap with 2 levels of parapets and central arches on both of the long elevations. The building exterior will be constructed with two colors of iron spot brick (light and dark) with cast-stone bull-nose horizontal string courses at the 3rd and 8th floor levels, and a capping bullnose cast-stone piece at the two (2) parapet levels. The 1-story conference/restaurant building will be architecturally integrated with the same brick colors and will have two skylit public entrances to the main lobby and the restaurant. The 1-story building will be capped with a continuous brandywine colored metal mansard, set back from the roof parapet, to screen views of roof-top mechanical units. The site will be extensively landscaped to Boone County standards to enhance the site, building perimeter, entrances and to break down the parking areas.

In conclusion, we believe that our proposed maximum 101' height is safe, aesthetically desirable to achieve our stepped roof configuration, and necessary to maximize the use of the land and to make this project financially feasible.

SGJAN16A/ENGLISH

VARIANCE 2: SIGN VARIANCE

A variance is requested to increase the size of the south building mounted sign on the primary building elevation (facing KY 20) from 165 s.f. (building width of 82'-6" x 2) to 234 s.f. (7' high x 28'-7" long + 6'-4" high x 5'-3" wide). The remaining two additional elevations (facing east to Progress Drive and west to east bound traffic on KY 20 and I-275) will be downsized to 234 s.f. which is below the allowable 301 s.f. (building width of 301 s.f. x 1) to compensate for the increase of the primary sign. We are downsizing 134 s.f. (2 x 67 s.f.) on the long elevation signs to increase the primary sign, on the short elevation facing KY 20, by 69 s.f.

We believe that this redistribution of allowable signage square footage is consistent with the intent of the sign ordinance, does not pose a hazard or a nuisance to the pubic and is intended to compensate the marginal increase in the size of the sign facing KY 20 with a more substantial decrease in the two flanking signs. The end result is that we will have three (3) signs which together total 668 s.f. (200 s.f. + 2 x 234 s.f.) which is less than the 767 s.f. total allowed by the sign ordinance (165 s.f. + 2 x 301 s.f.). In effect we are redistributing less than the allowable signage on three (3) elevations.

This redistribution is necessary to maximize our exposure to KY 20 and I-275, which in turn is critical to the readability and accessibility of this hotel to our potential guests. We must enhance the public's awareness of our hotel location to facilitate the renting of our guest rooms on a nightly basis. Ultimately this is the key to maintaining the financial feasibility of the hotel.

VARIANCE 3: DIRECTIONAL SIGN VARIANCE

A variance is requested to increase the allowable square footage and height of the proposed directional restaurant sign from 10 sq.ft. to 30 sq.ft. and from 5'-0" high to 6'-0" high.

We believe that this redistribution of signage square footage is consistent with the intent of the sign ordinance, and is intended to compensate this 20 square foot increase in the directional restaurant entry sign with the down sizing of the hotel entry sign from 100 sq.ft. allowable to the 50 sq.ft. we are proposing. This increase in the height from 5'-0" to 6'-0" is due to the Marriott arch on top of the sign which gives the sign character and consistency with the hotel entry sign. The majority of the sign is below the 5'-0" height. We believe this integrates the signage on the site and the building to create an integrated and handsome sign package.

It is critical for the convenience of our guests and the proper functioning of our hotel that both the hotel site entry and the restaurant entrance be signed in a consistent and integrated way. We also believe that this directional restaurant entry sign with proper landscaping at its base will be aesthetically more pleasing than a wall mounted sign on the building.

COPY

CLUR # 98-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Duke Realty Investments
4555 Lakeforest Dr. Suite 400
Cincinnati, Ohio 45242

2. ADDRESS OF PROPERTY
Lots #1, 2, 3 Skyport Development
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Skyport 275 Development

DEED BOOK: 131 PAGE NO.:145 GROUP NO.:2009

4. TYPE OF RESTRICTION (S) (Check all that apply)

___ Zoning Map Amendment: From____ to____

____ Conditional Use Permit

_____ Development Plan

____ Conditional Zoning

_____ Subdivision Plat

_____ Other:

_X_ Variance

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman behalf of the Boone County Planning Commission this 27th day of March 1998.

Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:

Teresa L. Mitchell
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CLUR# 98-BCBOA-001-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 11, 1998 Certificate of Land Use Restriction (# 98-BCBOA -001-A), for Duke Realty Investments, property Owners

The following conditions will apply: (1) The variance for the sign of the front of the building be approved provided the building mounted sign on the west and east sides be restricted to no larger than what was presented at the meeting. (2). The Board moved to deny the variance on the Directional sign based on the definition of a directional sign in the Boone County Zoning Regulations Book.

The approved Variance as well as the preceding conditions apply to the property

described in: DEED BOOK 327 PAGE NO. 19 Group No. 2032