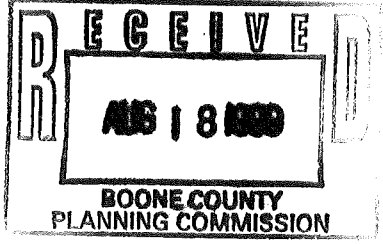


CUR



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. Boone Florence Walton Union

(Check One)

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

3. Applicant's Name Brian Hubbard
Phone Number (513) 891-1066 Fax No. (513) 794-2594
Applicant's Address 4243 Hunt Road
Cincinnati Ohio 45242
City State Zip

4. Description of Request: Variance of increasing maximum allowable square footage on primary sign and one secondary sign.

5. Name of Development Cincinnati Airport Marriott Hotel in Skyport 275 Development
6. Location of Development 2395 Progress Drive, Hebron, KY 41048

7. Acreage Under Review 8.64

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

9. Owner of Property Skyport Hotel Limited Liability Company
Phone Number of Owner (513) 891-1066
Address of Property Owner 4243 Hunt Road, Cincinnati, OH 45242 10.

11. Proposed Use(s) on Site Full Service Marriott Hotel
City State Zip

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

13. Current Zoning on Property I-1

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

Applicant's Signature: *Brian Hubbard*

Property Owner's Signature: *[Signature]*

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 Aug 18, 1999 Fee Received 532.00 R# 21622
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 - _____ Approved
 - Approved with Conditions (See #6)
 - _____ Denial (See #7) EAST
- 6. Conditions of Approval: The ELEVATION is Permitted 301 Sq. Feet of Building Mounted Signage. The SOUTH ELEVATION will stay at 234 Square Feet. The West ELEVATION will stay at 234 Square Feet of Building Mounted Signage
- 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.

STAFF REPORT

DEVELOPMENT: Cincinnati Airport Marriott Hotel

APPLICANT: Brian Hubbard for Skyport Hotel Limited Liability Company

LOCATION: 2395 Progress Drive, Hebron, Kentucky

ZONING: Industrial One (I-1)

DATE: September 16, 1999

Proposal

The applicant is requesting a Variance to allow an increase in the size of a building mounted sign. The Variance would permit a 294 square foot building mounted sign on the primary building elevation, (side facing Kentucky 20) which is 82' 6" in width. The request is 129 square feet over code because primary building elevations are only allowed 2 square feet of sign area per linear foot of building width.

The applicant is attempting to compensate for the sign Variance on the primary elevation by reducing the building mounted signage that is permitted on each secondary elevation. The proposal is to lower the east elevation signage from 301 square feet to 294 square feet and the west elevation signage from 301 square feet to 228 square feet. The overall reduction in secondary building mounted signage would be 80 square feet.

Dimensional Variance

Article 34, Section 3413 of the Boone County Zoning Regulations states that "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 linear of building width for the elevation upon which it is mounted. Any additional elevations shall be permitted one square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall an establishment be allowed more than three elevations of building mounted signage."

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 land owners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscape buffers and signs.

Site History

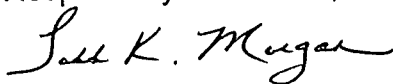
On February 11, 1998, Duke Realty Investment requested three Variances for on the subject parcel. The three Variance requests were:

1. To allow an increase in the height of proposed Marriott Hotel from 50 feet to 101 feet. The Board approved this request (see attached meeting minutes);
2. To allow an increase in the height and size of a directional sign from 5 feet in height and 10 square feet to 6 feet high and 30 square feet in size. The Board denied this request (see attached meeting minutes);
3. To allow an increase in the size of a building mounted sign on the primary elevation of the building from 165 square feet to 234 square feet. The applicant proposed to compensate for the Variance by reducing the building mounted signage on each secondary elevation from 301 square feet to 234 square feet. The Board approved this request (see attached meeting minutes).

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 a Variance to increase the size of a building mounted sign. Staff agrees that the request for variance will not adversely affect the public health, safety or welfare of the public. However, this request could alter the essential character of the general vicinity because other businesses will want the same amount of signage in the future. Furthermore, Staff believes that granting the Variance may be an unreasonable circumvention of the requirements of the zoning regulations. The development has already been granted a Variance, which allowed the development to have increased building mounted signage on the primary elevation of the building. The new proposal is not only increasing the signage on the primary elevation but also on one of the secondary elevations as well. The reduction of the permitted building mounted signage on the secondary elevations is what the original applicant used to justify the approval of the Variance. Staff contends that the original Variance awarded the development ample signage.

Respectfully Submitted,

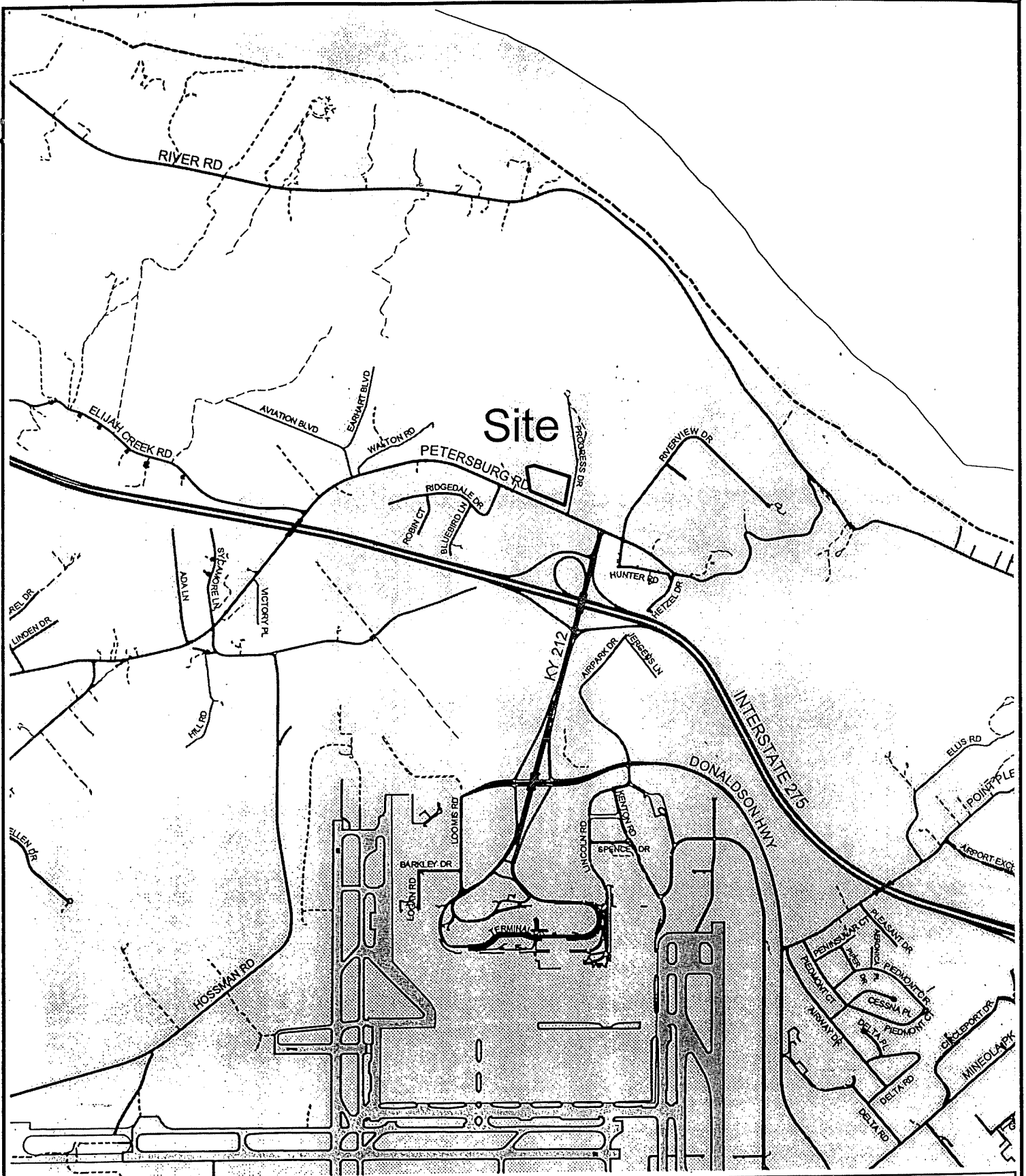


Todd K. Morgan
Planner

TKM/pr

Attachments

- Site Vicinity Map
- Zoning Map
- Letter and Building Profiles from Applicant
- 2/11/98 BCBOA Meeting Minutes

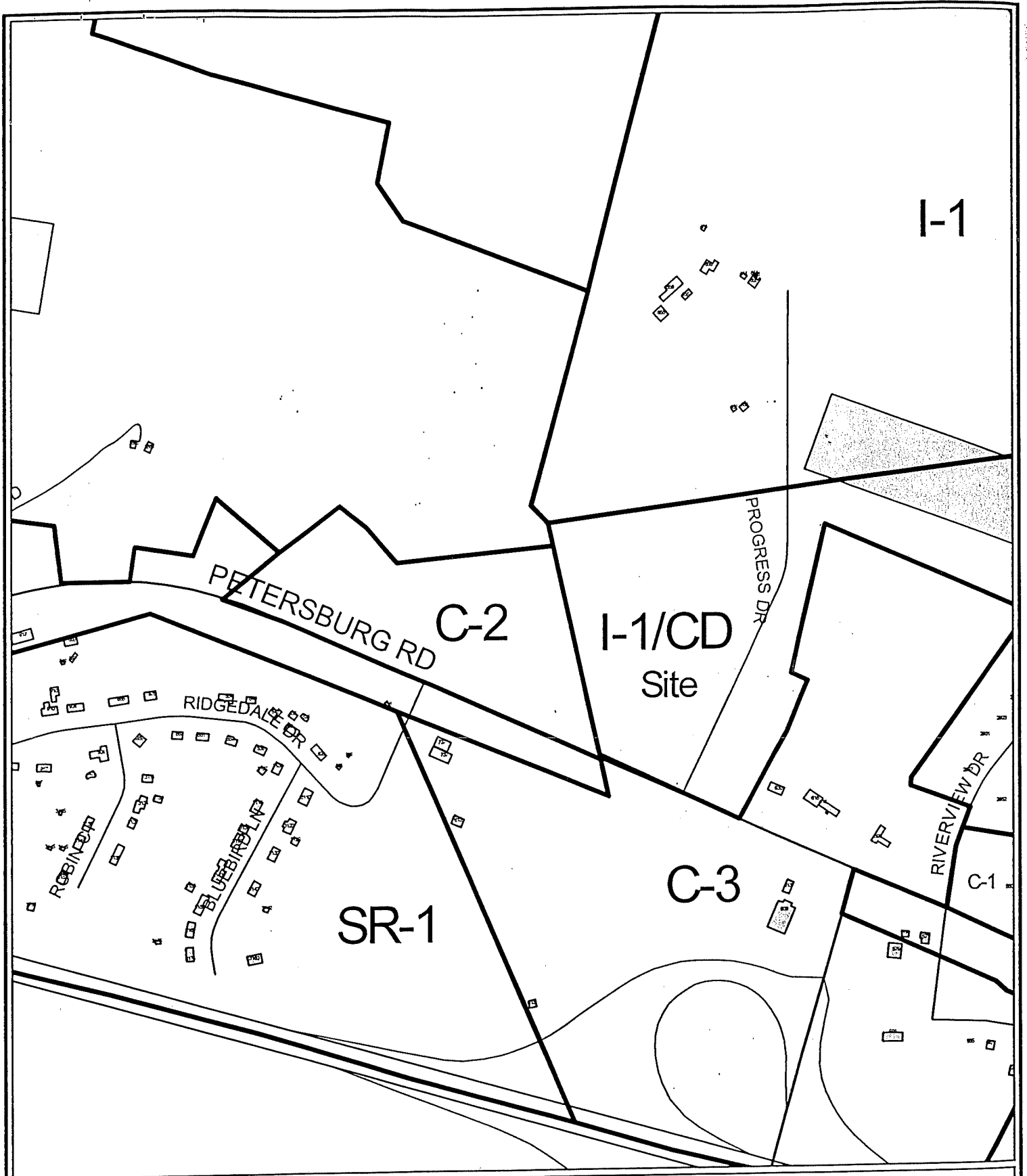


Marriott Hotel Skyport Industrial Park

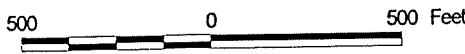
2100 0 2100 Feet

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





Marriott Hotel Zoning Map



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 8, 1999





Winegardner & Hammons, Inc.

4243 Hunt Road
Cincinnati, Ohio 45242
513-891-1066

August 17, 1999

Board of Adjustment & Zoning Appeals
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Re: Summary of Variance Request
Cincinnati Airport Marriott Hotel
2395 Progress Drive
Hebron, Kentucky

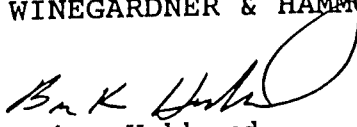
A variance is requested to increase the total allowable square footage of signage for the hotel building. The total allowable footage is (82'-6" x 2) primary south plus east and west walls (2 x 301') = 767 sq.ft. Our proposal is for 294 sq. ft. (primary south), 294 sq.ft. (east), and 228 sq.ft. (west) for a total of 816 sq.ft. This is within 6% of the original allowable square footage of signage, as approved by the original signage variance.

We believe this signage proposal is consistent with the intent of the signage ordinance, and does not pose a hazard or a nuisance to the public. This is critical to the readability and accessibility of this hotel to our potential guests.

Please review our request. A small scale site plan and the proposed building signage elevations are provided for review.

Sincerely,

WINEGARDNER & HAMMONS, INC.

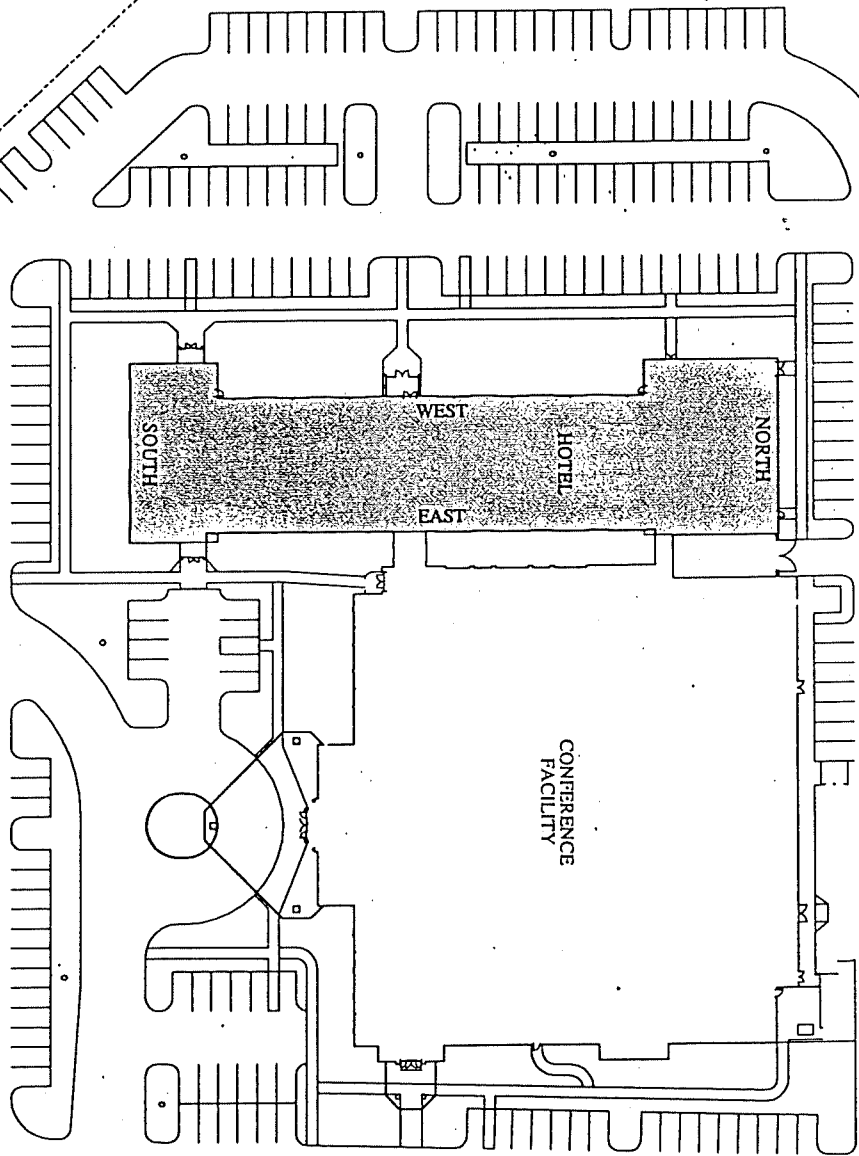

Brian Hubbard
Architectural Designer

BH/sg

cc: T. Dammeyer
M. English
J. Penker
J. Johnston
Desk/Chrono

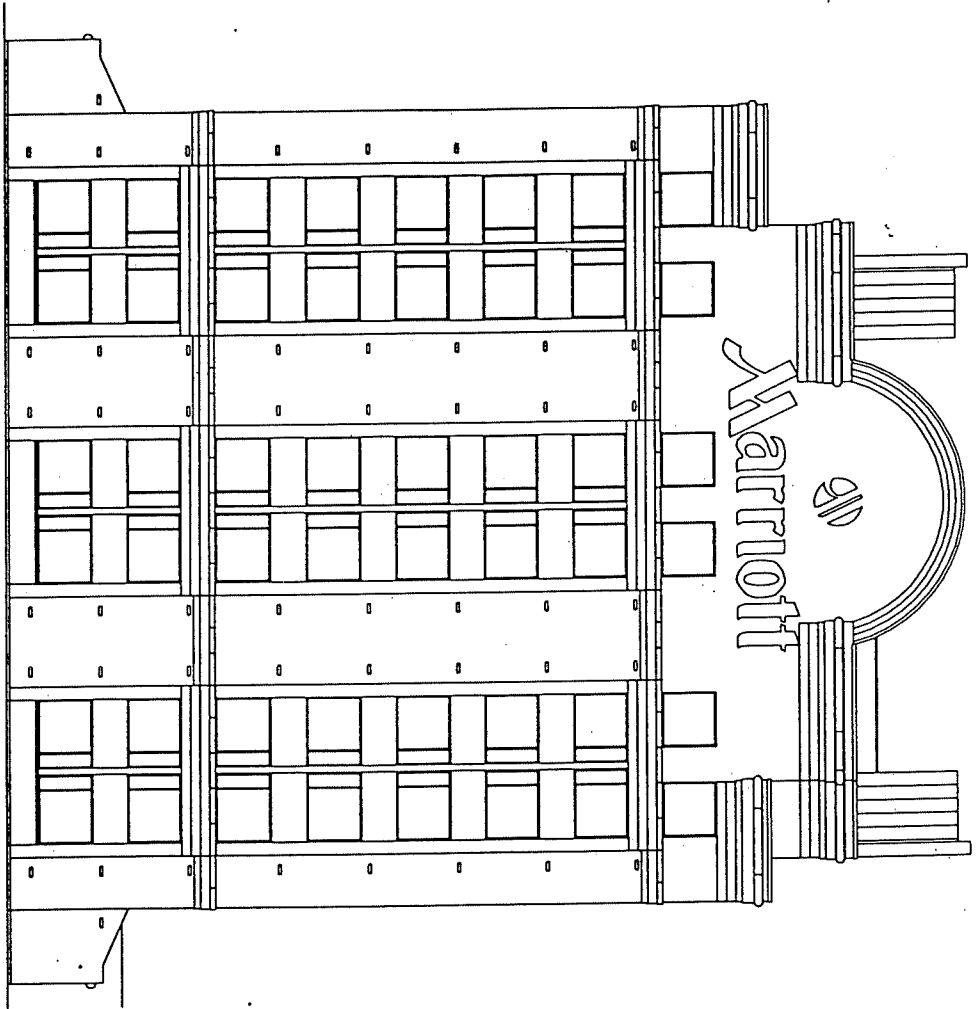
SGJUL21A/BHUBBARD

CINCINNATI
AIRPORT
MARRIOTT HOTEL

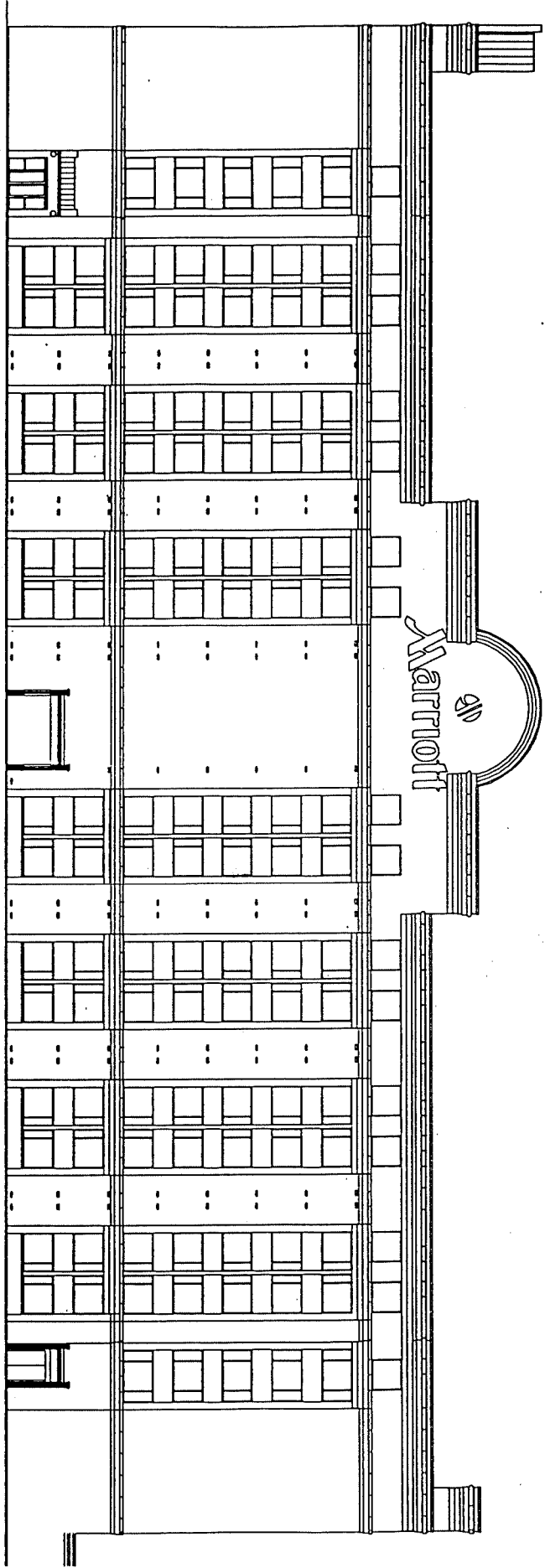


PROGRESS DRIVE

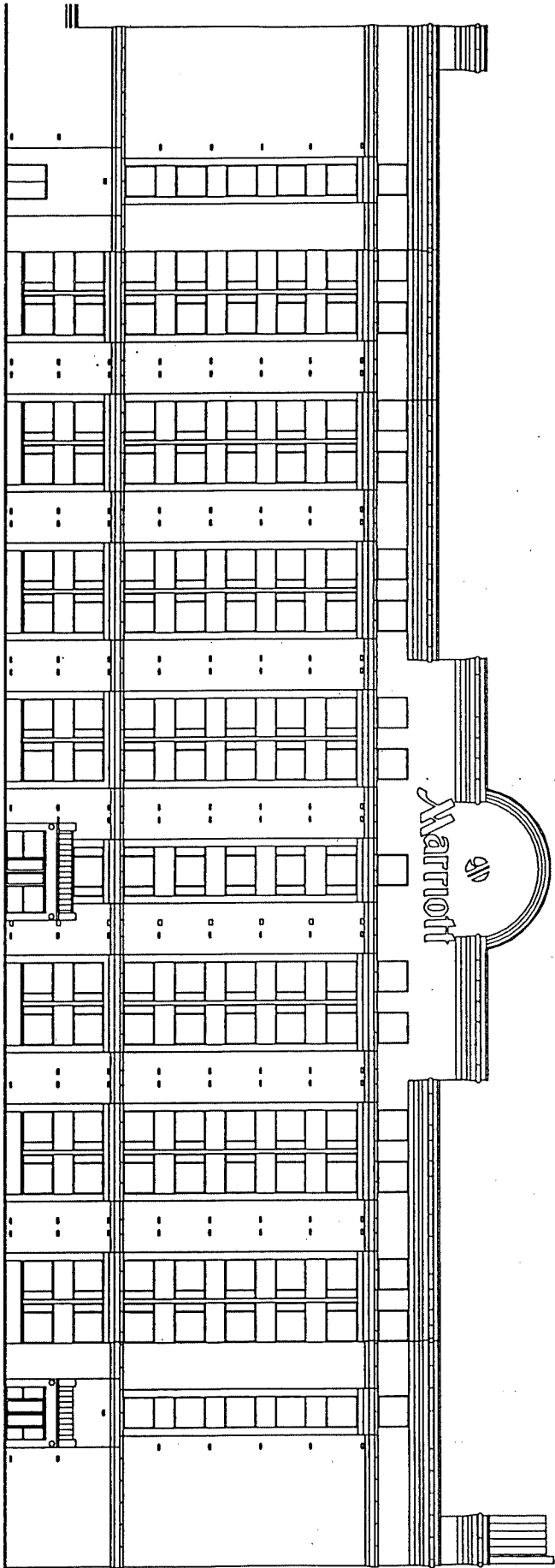
KENTUCKY HIGHWAY 20



SOUTH ELEVATION (PRIMARY)
(294 SQ. FT.)



EAST ELEVATION
(294 SQ. FT.)



WEST ELEVATION
(228 SQ. FT.)

Agenda Items:

1. The request of Mark English for Duke Realty Investments for a Variance to allow an increase in the square footage of a building-mounted sign and a Variance to allow the increase in height and size of a directional sign for a proposed Marriott Hotel development on Lots 1 and 2 of the Skyport Industrial Park, Boone County, Kentucky. The site is currently zoned Industrial One (I-1) and has been approved for hotel and/or restaurant uses.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). Mr. Coleman reviewed an exhibit of the plan in regard to the directional sign, which the applicant wants to locate near the entrance to the restaurant.

Chairman Whitton questioned why this sign would not be a monument sign. Mr. Coleman explained that it is a monument sign -- and any site is only allowed one monument sign. He stated that they are asking for an increase in the number of monument signs, which is a violation of the zoning regulations. They are really asking for another free-standing sign, rather than a directional sign. A directional sign typically would be located at the entrance to the site, but they want the sign at the entrance to the restaurant. They are requesting a six-foot high sign, which is a Variance of one foot in the height, and 30 square feet versus 10 square feet in area. Chairman Whitton asked if Staff would still consider the directional sign to be a monument sign if it complied dimensionally. Mr. Coleman responded, "In it's proposed location, yes".

Chairman Whitton asked if there were any questions from the Board.

Mr. Ryan asked if the "Marriott" sign goes on top of the building. Mr. Coleman advised that it does, and it is 101 feet to the top.

Chairman Whitton asked for the applicant's presentation.

Mr. Mark English with Winegardner & Hammons stated that they have optioned the property from Duke and representative of Duke are present, including Jay Smith, Bob Bessler, and Ann Valusi. Chuck Van Arsdale with Estes Engineering was also present. Estes Engineering will do the civil engineering for the project.

Mr. English stated that there are three components of the Variance request. He reviewed an exhibit of the map in regard to the location of the site on the north side of the airport. He noted the location of the site in relation to the flight paths and stated that they are making applications to the FAA to get clearance for construction of the building. They believe they have over 100 feet of clearance beyond the height of 101 feet to the imaginary plain of safety that the FAA projects up from the site. The FAA will not allow the construction of the building if they violate any of the safety

parameters. He stated that they are not violating the public health, safety, or welfare with the request for a height Variance. They expect a response in 40 - 45 days from the FAA in regard to their application.

Mr. English stated that they have created a high profile corner site and it will be one of the most highly landscaped site in Boone County. They are willing to negotiate in regard to the square footage and location of the signs. They are trying to stay within the Marriott franchise requirements. He stated that they want to downsize the two signs on the long side of the building. They are under the allowing signage on the long sides of the building by 67 square feet on either side (a total of 134 square feet below what zoning would allow on the length of the building) and are asking for a 70 square foot increase on the south side. He stated that they are asking for a modest increase in the sign facing south, which is critical because it faces the throughway. He stated that they are voluntarily downsizing the monument sign at the entrance to one half the size allowed by the zoning code, and they want to increase the sign at the restaurant entrance. It is critical to the operators of the hotel and the restaurant to create identities for those functions. It is critical that the guests be able to maneuver on the site. He stated that they in essence have two buildings that are connected: 1) the meeting facility with over 13,000 square feet of meeting space, which is the engine that runs the hotel and captures the corporate market; and 2) the restaurant space with the lobby, kitchen and service functions -- that is well below the allowable height allowed on the site. The perimeter parapet is 15'4", and the highest part of the building over the atrium is 32 feet -- which is 18 feet below the allowable 50 foot height. The guest portion of the building is 8 stories and is less than 101 feet tall for the majority of the building. He stated that they are trying to create visual interest in the elevations -- they do not want a flat-top, bland building. He reviewed the exhibit and indicated the arch configuration that is 100'8" high, which occurs at three points -- on the long side of the building and on the short side of the building. He stated that there is a progressive stepping of secondary and primary parapets on the building. The primary parapets are a 79'8" and the secondary parapets are at 88'8". The parapets also mask the elevator tower. He stated that it is a solid brick building with architectural detailing and it will be a handsome addition to Boone County. The signage is consistent with the architecture. The construction of the lower building is also all brick and all of the mechanical units will be screened. There will be extensive landscaping around the building. He presented the plan in regard to the layout of the building. He indicated the lobby, atrium, the ballroom -- which can be divided into meeting rooms, and the separate restaurant entrance for "River City Grille". He stated that they are trying to build brand identify for the restaurant. There are separate entrances for the hotel and the restaurant.

Chairman Whitton asked for an elevation showing the entrance to the restaurant. Mr. English presented the elevation and indicated the entrance to the restaurant. Chairman Whitton questioned why there could not be a building-mounted sign for the restaurant. Mr. English stated that it would not work architecturally and there is not a good place to put it. Chairman Whitton questioned putting it to the side of the entrance. Mr. English stated that he would rather have a sign on site than one plastered on the side of the building. Chairman Whitton asked Counselor Wilson to comment in regard to a second monument sign.

Counselor Wilson stated that they are only allowed one monument sign. If there are two monument signs -- no matter what the sizes -- the Board does not have the flexibility to grant a Variance for a second monument sign. Mr. Coleman agreed and stated that they could have a directional sign similar to what they are proposing, but it would have to be on a smaller scale. He added that Staff feels that they are trying to get around the fact that they are only allowed one monument sign.

Mr. English asked the Board to consider the scale of the building.

Chairman Whitton explained that it is still a second monument sign and it is a circumvention of the zoning ordinance. It is not a request for scaling up a permitted sign -- it is a sign that is not permitted and the Board cannot grant relief for a sign that is not permitted. Mr. English stated that this is not the primary issue.

Chairman Whitton asked if there were any further questions of the applicant.

Mrs. Millar asked if the height of the building is a concern of the Fire Department -- do they have the necessary equipment if there would be a fire. Mr. Coleman explained that if the Variance is approved, they would still have to go through Site Plan Review and the Building Inspector. The Building Codes would require the buildings to be sprinklered. Mr. English stated that they are working closely with local officials. They will fully sprinkler the building and pressurize the stairwells. He stated that it is not in their best interest to endanger the lives of their guests.

Mrs. Millar asked if they intend to operate a convention center and have that classification. Mr. English responded "no" and stated that they will have conference facilities with meeting space to compliment the guest functions of the building. They are not typically involved in convention-type functions and trade shows, but there will be a percentage of them. The primary function is corporate meeting space.

Mr. Ryan asked if there is any other building this tall in the area of the airport. Mr. English stated that the Radisson is 8 stories. Mr. Coleman stated that the Radisson is not on this side of KY 20. Mr.

Ryan questioned hotels around the airport being this tall. Mr. Coleman explained that there are some this tall, but they are primarily in locations that are zoned differently.

Mr. English stated that the Conditional Use Permit for the hotel has been granted. He stated that they want to maximize the 25,000 square foot per acre density and this is the size building they need to create. The 295 rooms is the required amount to make this venture financially viable. He stated that they have addressed the fundamental issues of public health, safety, and welfare and intend to continue to do that with the FAA approval process.

Chairman Whitton asked if there were any further questions of the applicant. There being no response, he asked if there was anyone else present who wished to speak. There was no response.

Chairman Whitton stated that there are three different issues. He asked if a motion should be made to address all three. Counselor Wilson advised that the Board can address the requests in one motion or do them individually.

Mrs. Millar moved that 1) the request for the Variance in the height of the building to 101 feet be approved, and 2) to approve the Variance to increase the square footage of the building-mounted sign as presented, with the condition that the two building-mounted signs on either side of the building be decreased as presented. Mr. Archambault seconded the motion and it carried unanimously.

Mrs. Millar moved that the request for the increase in the proposed monument sign be denied based on the fact that the Zoning Regulations do not permit more than one free-standing sign on a site. Mr. Archambault seconded the motion and it carried unanimously.

Mr. English stated that he is assuming that the wall mounted sign for the restaurant is acceptable. Mr. Coleman advised that as long as it meets the square footage requirements, they can apply for a building-mounted sign. Chairman Whitton stated that the size should not be a problem on that expanse. Mr. English stated that they would not want a sign that big.

2. The request of Mitch and Teresa Pennington for a Conditional Use Permit to allow the use of their residence for a bed and breakfast at 3058 Caribou Drive, Boone County, Kentucky. The property is currently zoned Agricultural Estate (A-2).

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). Mr. Coleman showed the Board pictures of the site provided by the applicant.

Chairman Whitton asked for the applicant's presentation.

COPY

CLUR # 99-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Skyport Hotel Limited Liability Company
4243 Hunt Road
Cincinnati, Ohio 45242
- 2. ADDRESS OF PROPERTY
2395 Progress Drive
Hebron, Kentucky 41048
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Skyport 275

3. DEED Bk #131 PAGE #145 GROUP #2009

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

- Zoning Map Amendment: Conditional Use Permit
From To
- Development Plan Conditional Zoning
- Subdivision Plat
(Not Recorded) Other:
- 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

Todd Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, Planner, Zoning Services
Name and Title of Completing Official

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 September 16, 1999 Certificate of Land Use Restriction (#99-BCBOA-020-A), for Skyport Hotel Limited Liability Company, Property Owners.

The following conditions will apply:

- 1) The east elevation is permitted 301 square feet of building mounted signage.
- 2) The south elevation will stay at 234 square feet of building mounted signage.
- 3) The west elevation will stay at 234 square feet of building mounted signage.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 131

PAGE NO. 145

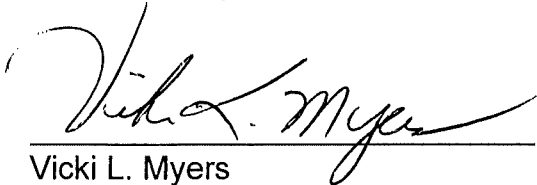
Group No. 2009

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Todd Morgan on behalf of the

Boone County Planning Commission this 4 day of October, 1999.

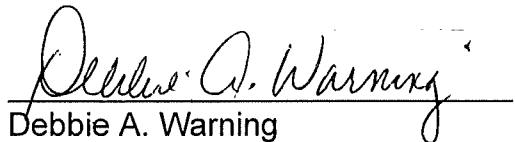


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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.)