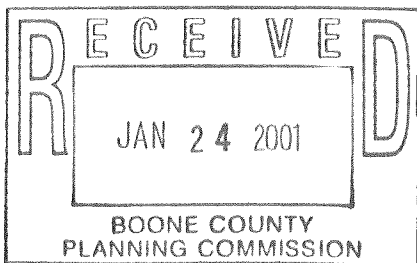


01-BCBOA-010-A

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)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Michael L. Bailey
Phone Number 859-341-4299 Fax No. 513-574-1051
Applicant's Address 3037 Roundhill Ct.
Edgewood KY 41017
City State Zip
- 4. Description of Request: CONDITIONAL USE PERMIT FOR FULL SERVICE / SELF SERVICE CAR WASH
- 5. Name of Development TAYLOR / COX SUBDIVISION
- 6. Location of Development LOT 10, BEHIND BANK ONE ON TAYLOR DRIVE
- 7. Acreage Under Review 1.72 Ac.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
0
- 9. Owner of Property HOME FURNITURE CO. INC. - JOE BRANDEL
Phone Number of Owner WK-812-537-0619 Home # 859-586-0783 10.
Address of Property Owner 20 E. CENTER ST. LAUREL, IN 47025
City State Zip
- 11. Proposed Use(s) on Site Full Service / Self Serve Car Washes
- 12. Total Square Footage of Existing and/or Proposed Buildings 7,200' (approx)
- 13. Current Zoning on Property C2
- 14. Deed Book 339 Page No. 197 Group No. 2025
- 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: Michael Bailey

Property Owner's Signature: HOME FURNITURE CO. / TREATS

(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 1-24-01 Fee Received \$738.00 R# 20540
- 2. Is application complete? Y Yes _____ No _____
- 3. Staff Reviewer Lara Robertson
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 - Approved
 - Approved with Conditions (See #6)
 - Denial (See #7)
- 6. Conditions of Approval: See CLR
- 7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail

www.boonecountyky.org

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

APPLICANT: Michael L. Bailey
LOCATION: Section 2, Lot 6 of Cox & Taylor Commercial Subdivision
Boone County, Kentucky
ZONING: Commercial Two (C-2)
DATE: February 14, 2001

Proposal

The applicant is requesting a Conditional Use Permit in order to construct and operate a full and self service car wash facility on a 1.72 acre site located within a Commercial Two (C-2) District on Taylor Drive. The proposed concept plan depicts a 5,200 square foot full service car wash facility and 2,000 square foot self service car wash facility. The applicant submitted Exhibits A, B, and C as part of the application.

Exhibit A - List of adjacent property owners.

Exhibit B - Deed for the property.

Exhibit C - Concept Plan.

Applicable Regulations

Article 10, Section 1023 of the Boone County Zoning Regulations permits, "*Automotive repair facility and wash services for vehicles*" as a conditional use within a Commercial Two (C-2) district.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "*property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district.*"

Article 33, Section 3321 of the Boone County Zoning Regulations regulates the number and location of access points and specifies, "*Where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations.*"

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1023 of the Boone County Zoning Regulations:

Findings listed in Section 262:

1. 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;
2. 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;
3. Will not be hazardous to existing or future neighboring uses;
4. 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;
5. 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;
6. 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;
7. Will have vehicular approaches to property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1023 of the Boone County Zoning Regulations allows auto repair facilities and wash services as a conditional use in the C-2 district if the proposed facility meets all of the following requirements:

1. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
2. The activity will further add to, not detract from, the creation of a compact, multi-purpose, and pedestrian oriented commerce center; and
3. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

Property adjacent to the site is zoned either Commercial Two (C-2) or Commercial Services (C-3). Little Miracles Child Development Center is located to the north of the property and is zoned Commercial Two (C-2). To the east of the site is Performance Body Repair and Carroll's Auto Service which are zoned Commercial Services (C-3). Bank One, zoned Commercial Two (C-2), is located to the south. Flick Foods is located to the west and is also zoned Commercial Two (C-2).

Staff Concerns/Comments

1. The applicant submitted hand-drawn concept plan with his conditional use permit application which makes it difficult to determine whether the plan will meet the certain requirements of the Boone County Zoning Regulations and if additional conditions should be considered by the Boone County Board of Adjustment and Appeals, should the Board decide to approve the request. However, It is important to note that the applicant is subject to site plan approval by the Boone County Planning Commission accordance with Article 30, Section 3007 of the Boone County Zoning Regulations. The required site plan review will address appropriate parking, buffering, landscaping, signage, etc.

2. The concept plan submitted by the applicant shows two (2) access points for the proposed use. As the property only has approximately 200 feet of road frontage, only one (1) access point can be permitted in accordance with Article 33, Section 3321 of the Boone County Zoning Regulations.
3. The applicant has not specified the construction materials to be used for the proposed car wash facility. Therefore, in order for the use to be compatible with existing uses in the area it is recommended that the car wash structure be constructed with materials consistent with surrounding land uses located on Taylor Lane.

Conclusion

KRS 100.237 and Sections 260 and 1023 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to grant a conditional use permit to operate a “wash service for vehicles” in the Commercial Two (C-2) district. It is the staff’s opinion that the proposed use will not be incompatible with or detrimental to the existing character of the area, not create a need for additional public facilities or services, or be hazardous to adjacent uses if developed in accordance with applicable sections of the Boone County Zoning Regulations to be addressed during the site plan review of the Boone County Planning Commission. Therefore, should the board consider approval of this request, it is recommended that the following conditions of approval apply:

1. All car wash buildings should be constructed of materials consistent in appearance (not concrete block) with adjacent commercial structures. Architectural grade/faced concrete masonry units (CMU) are a potential alternative to concrete block or brick. Staff design review should be included as part of the site plan approval process.
2. The applicant is limited to one (1) access point per Article 33, Section 3321 of the Boone County Zoning Regulations.
3. A site plan depicting appropriate access, buffer yards, landscaping, parking, signage, etc, must be reviewed and approved by the staff of the Boone County Planning Commission in accordance with Article 30 of the Boone County Zoning Regulations.

Respectfully submitted,



Lara B. Robertson, AICP

Attachments

- Exhibit A - List of adjacent property owners.
- Exhibit B - Deed for the property.
- Exhibit C - Concept Plan.
- Exhibit D - Zoning Map.

NAMES/ADDRESS OF ADJOINING PROPERTY OWNERS

Flick's Food Burlington - ROUSE, JUDITH FLICK & ELAINE
1786 Burlington Pike - FISHER, ROBERT FLICK - FLICK'S
Boone County, KY 4972 IDLEWILD RD, BURLINGTON, KY 41005
ATTN: L. PHILLIPS

Bank One - FLORENCE DEPOSIT BANK, ERNST & YOUNG
1750 Wildcat Blvd. 10 WEST BROAD ST, Suite #2300
Boone County, KY COLUMBUS, OH 43215-3400

Little Miracles Child Development Center - SILVANO & JANNIS D'ALESSANDRI
5904 Taylor Drive
Boone County, KY

Carroll's Auto Service - HERBERT CRESS
5941 Limaburg Road 7456 CAMP ERNST RD
Boone County, KY BURLINGTON, KY 41005

Performance Body Repair - WAYNE C. MAXWELL
5923 Limaburg Road P.O. Box 78
Boone County, KY BURLINGTON, KY 41005

HOME FURNITURE CO., INC
20 EAST CENTER ST.
LAWRENCEBURG, IN 47025

PERTAINING TO VACANT LOT BETWEEN PERFORMANCE
Body Repair & PAUL & BELINDA MCCARTHY PROPERTY:

HERBERT CRESS
7456 CAMP ERNST RD
BURLINGTON, KY 41005

IPI PARTNER SHIP
5719 Limaburg Road
Burlington, Ky 41005

Exhibit B

PROPERTY TRANSFER TAX PAID \$ 90.00
JERRY W. ROUSE, CLERK RC

DEED

BOOK 417 PAGE 114

KNOW ALL MEN BY THESE PRESENTS:

That ERWEN J. COX and MARY COX, Husband and Wife; JOHN ROBERT TAYLOR and CHARLOTTE K. TAYLOR, Husband and Wife; and THOMAS R.B. TAYLOR and JANE R. TAYLOR, by and through her Attorney-in-Fact, THOMAS R.B. TAYLOR, Husband and Wife, pursuant to Power of Attorney recorded in Miscellaneous Book 246, Page 243 of the Boone County Clerk's records at Burlington, Kentucky

for and in consideration of -- \$90,000.00 -- and other good and valuable considerations to them paid by the Grantee herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to:

RETURN TO: HOME FURNITURE & APPLIANCE CO., INC., an Indiana Corporation, its successors

and assigns forever, the following described real estate, in the City of Burlington, County of Boone and Commonwealth of Kentucky, to-wit:

GROUP NUMBER 1931

PLAT NUMBER 103-A

Present Street Address Taylor Drive, Burlington, KY 41005

Mailing Address 20 E. CENTER ST. LAWRENCEBURG, IN. 47025

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to Restrictions set out on Exhibit "B" attached hereto and made a part hereof.

Being part of the same property conveyed to the Grantors herein by ELIZABETH DAWN, a Widow, by Deed dated the 8th day of January, 1979 and recorded in Deed Book 255, Page 7 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

HOME FURNITURE & APPLIANCE CO., INC., an Indiana Corporation, its successors

and assigns forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, and that they will WARRANT AND DEFEND the

BOOK 417 PAGE 115

IN WITNESS WHEREOF, the said Grantors, ERWEN J. COX and MARY COX, Husband and Wife; JOHN ROBERT TAYLOR and CHARLOTTE K. TAYLOR, Husband and Wife; and THOMAS R.B. TAYLOR and JANE R. TAYLOR, by and through her Attorney-in-Fact, THOMAS R.B. TAYLOR, Husband and Wife, pursuant to Power of Attorney recorded in Miscellaneous Book 246, Page 243 of the Boone County Clerk's records at Burlington, Kentucky

hereunto set their hands, this 16th day of October, 1989.

Erwen J. Cox
ERWEN J. COX

Mary Cox
MARY COX

John Robert Taylor
JOHN ROBERT TAYLOR

Charlotte K. Taylor
CHARLOTTE K. TAYLOR

Thomas R.B. Taylor
THOMAS R.B. TAYLOR

Jane R. Taylor
JANE R. TAYLOR, BY AND THROUGH HER ATTORNEY-IN-FACT, THOMAS R.B. TAYLOR

STATE OF Kentucky
COUNTY OF Boone

The foregoing instrument was acknowledged before me this 16 day of October, 1989 by ERWEN J. COX and MARY COX, Husband and Wife.

Beverly Burchem
NOTARY PUBLIC
COMM. EXPIRES: April 27, 1993



STATE OF Kentucky
COUNTY OF Boone

The foregoing instrument was acknowledged before me this 16 day of October, 1989 by JOHN ROBERT TAYLOR and CHARLOTTE K. TAYLOR, Husband and Wife.

Beverly Burchem
NOTARY PUBLIC
COMM. EXPIRES: April 27, 1993



STATE OF Kentucky
COUNTY OF Boone

The foregoing instrument was acknowledged before me this 16 day of October, 1989 by THOMAS R.B. TAYLOR and JANE R. TAYLOR by and through her Attorney-in-Fact, THOMAS R.B. TAYLOR, Husband and Wife.

Beverly Burchem
NOTARY PUBLIC
COMM. EXPIRES: April 27, 1993



BOOK 417 PAGE 116

EXHIBIT "A"

GROUP NUMBER: ¹⁹³¹~~1957~~
 PLAT: 103-A

Being Lot Numbered six (6) of the Cox & Taylor Commercial Subdivision, Section 2, as shown on plat recorded in Plat Book 103-A in the office of the Boone County Clerk at Burlington, Kentucky, and described as follows:

A parcel of land lying on the southeasterly side of Taylor Drive in Boone County, Kentucky and being more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of Taylor Drive, said point also being the most northwesterly corner of Lot 4 of Cox and Taylor Commercial Subdivision, Section 1, and running thence:

N. 2-37-30 E., along the southeasterly right-of-way line of Taylor Drive, a distance of 200 feet, to a point; thence S. 87-22-30 E., a distance of 314.05 feet, to a point; thence S. 29-03-17 E., a distance of 235.02 feet, to a point; thence N. 87-22-30 W., a distance of 437.47 feet, to the place of beginning, and containing 1.72 acres more or less.

The above described parcel being subject to any and all easements and/or rights-of-way of record.

BOOK 417 PAGE 117

EXHIBIT "B"RESTRICTIONS

- (1) The part of building facing street must be masonry or equal.
- (2) Lots may not be subdivided except as necessary to facilitate industrial revenue bonds financing of additions to the original project where the subdivision is made for the purpose of releasing a portion of the lot as security for a bond issue so that it can be used as security for other financing, and where, except for the security interests thereby created, ownership of the entire lot is not otherwise divided.
- (3) All parking areas must be paved with asphalt or concrete.
- (4) Outside storage areas must be to rear of buildings and fenced.
- (5) No dirt or overburden to be removed from Cox and Taylor Commercial Development.
- (6) Any business enterprise conducted at this site/sites shall be by the approval of Cox and Taylor Commercial Development, said approval limited to a zoning of C-2.
- (7) Restriction (2) and (6) are to run for a period of ten years from the date of this Deed.

BOOK 417 PAGE 118

COMMONWEALTH OF KENTUCKY }
COUNTY OF BOONE } SCT.

I, JERRY W. ROUSE, Clerk of the County Court, for the
aforesaid, do hereby certify that this instrument of writing
from

ERWEN J. COX and MARY COX, Husband and Wife; JOHN ROBERT
TAYLOR and CHARLOTTE K. TAYLOR, Husband and Wife; and THOMAS
R.B. TAYLOR and JANE R. TAYLOR, by and through her
Attorney-in-Fact, THOMAS R.B. TAYLOR, Husband and Wife

to HOME FURNITURE & APPLIANCE CO., INC., an Indiana Corporation

was this day presented to me in my office,
certified as above, and this day 1981
for record at 2:57 P.M. Whereupon the same, the foregoing
certificate, and this certificate were duly recorded in my
office. Given under my hand this 18th day of OCTOBER
19 89.

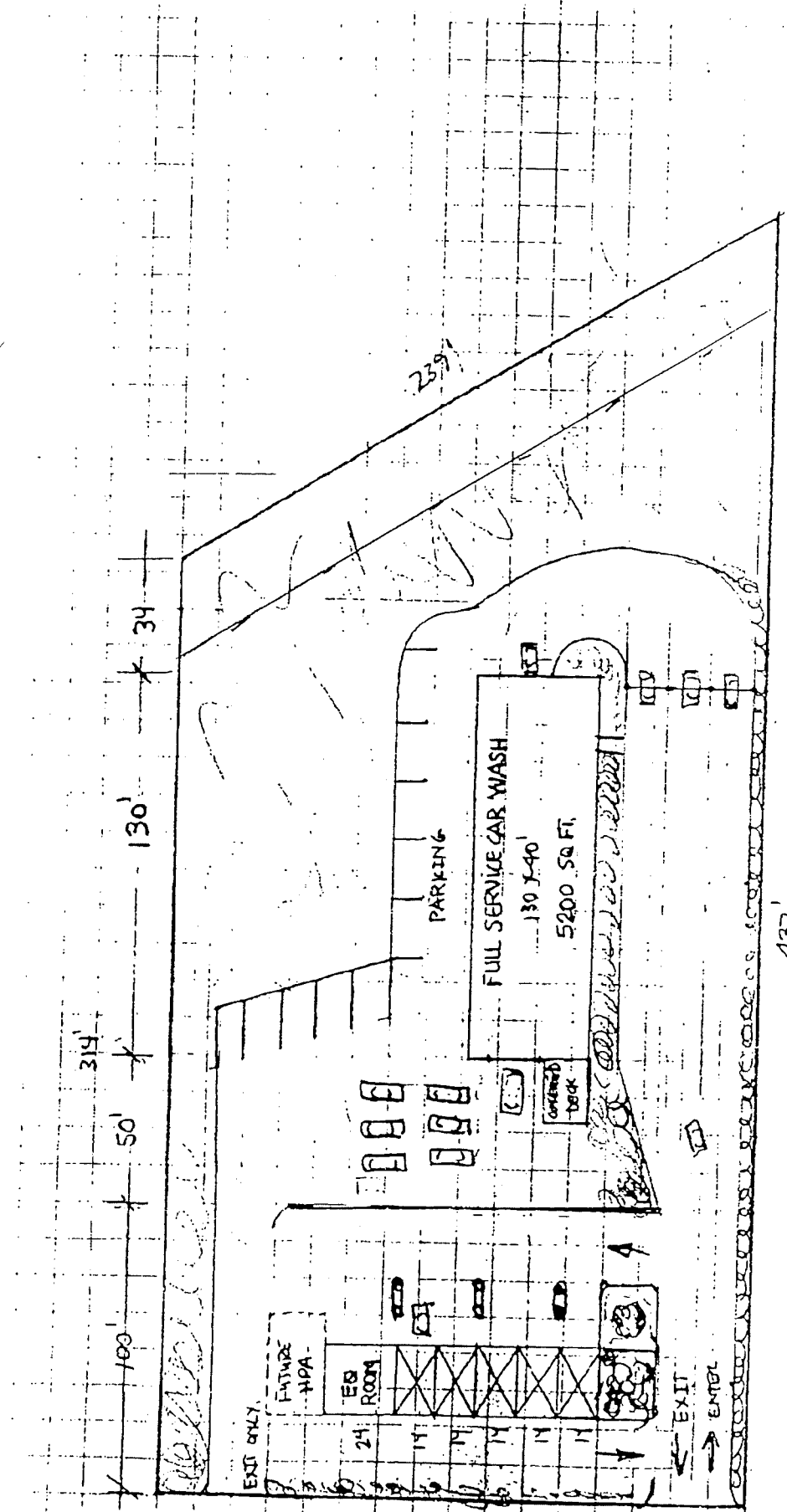
JERRY W. ROUSE, CLERK

BY: Donna Collins
D.C.

This Instrument Prepared By:

Michael M. Gretch

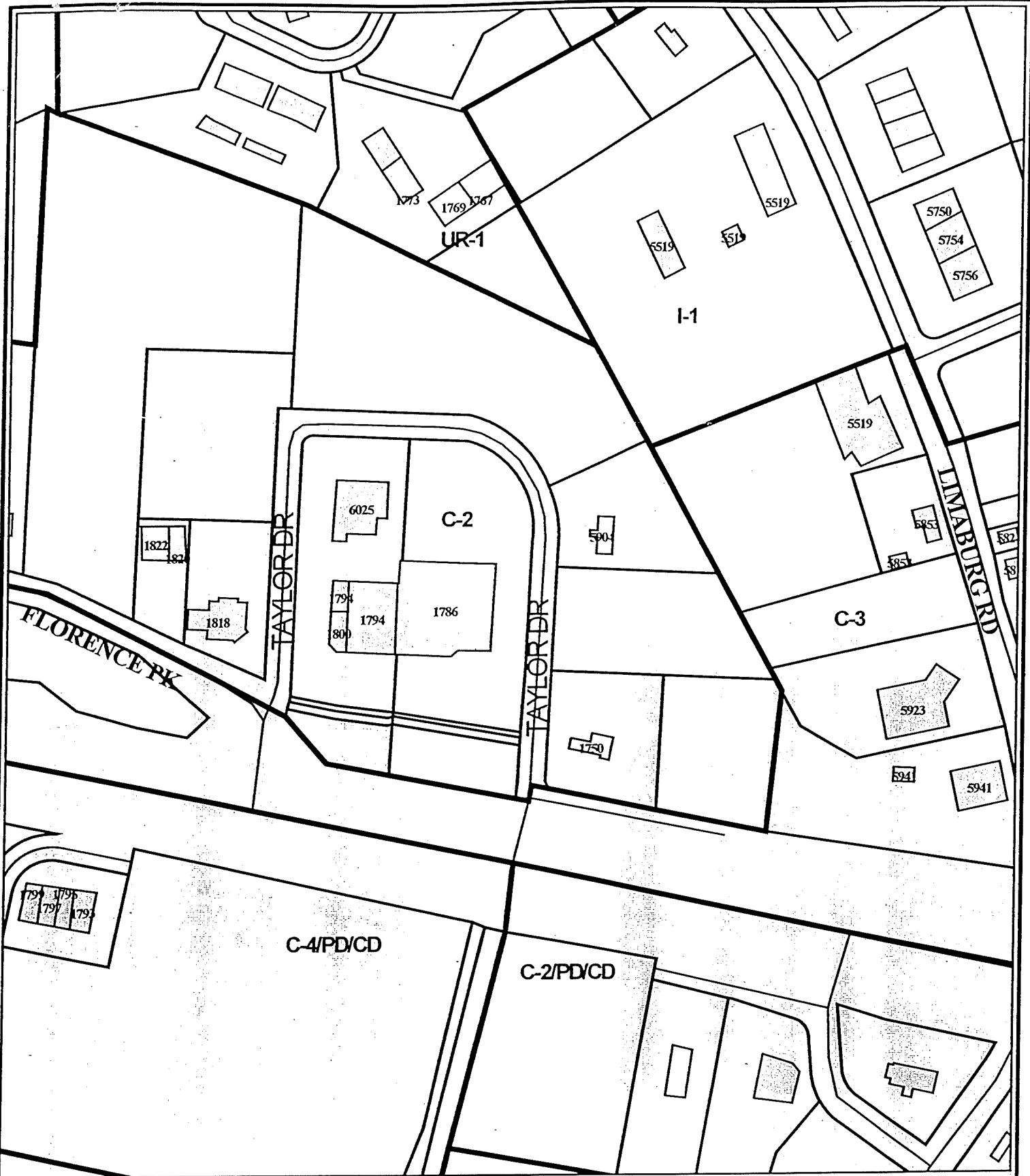
MICHAEL M. GRETCH
Attorney-at-Law
8100 Burlington Pike
Suite 400
P.O. Box 576
Florence, Kentucky 41042



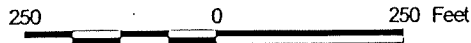
FLORENCE CALY WASH
 MIKE BAILEY
 SCALE 1" = 50'

DANIEL
 1-20-01

213 DRAFT



KY 18/Taylor Drive Zoning Map



1 inch equals 250 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 7, 2001



COPY

CLUR #01-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Home Furniture Company, Inc.
20 E. Center St.
Lawrenceburg, IN 47025
2. ADDRESS OF PROPERTY
Taylor Drive
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 339 PAGE NO. 197 GROUP NO. 2025
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ____ Zoning Map Amendment: X Conditional Use Permit
 From ____ To ____
- ____ Development Plan ____ Conditional Zoning
- ____ Subdivision Plat ____ Other:
 (Not Recorded)
- ____ 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

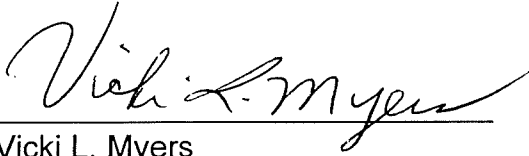

SIGNATURE OF COMPLETING OFFICIAL

Mitchell A. Light, Asst. Zoning Administrator
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

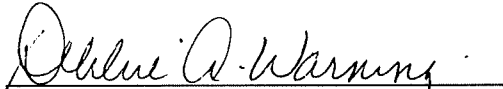
Subscribed, sworn to, and acknowledged before me by Mitchell A. Light on behalf of the
Boone County Planning Commission this 21 day of March, 2001.



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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of March 14, 2001 Certificate of Land Use Restriction (#01-BCBOA-010-A), for Home Furniture Company, Inc., Property Owner(s).

The following conditions will apply:

1. All car wash buildings are to be constructed of material consistent in appearance (not concrete block) with adjacent commercial structures. The block samples presented by the applicant and architectural grade/faced concrete masonry units (CMU) are alternatives to brick. Staff design review is included as part of the Site Plan approval process.
2. A limit of one access point per Article 33, Section 3321 of the *Boone County Zoning Regulations*.
3. A Site Plan depicting appropriate access, buffer yards, landscaping, parking, signage, etc. must be reviewed and approved by Staff.
4. There are to be no silicone based washing detergents or solids on the site that would hamper the operations of the neighbors.

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

DEED BOOK 339

PAGE NO. 197

GROUP NO. 2025