

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) [X] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name THOMAS & KAREN SEAMEN
Phone Number 859-586-8480 Fax No. _____
Applicant's Address 2514 Green Arbor
Burlington Ky 41005
4. Description of Request: Conditional use change on I-1 for A Auto Wash
5. Name of Development Northside Park Subdivision
6. Location of Development Street 237 / Northside Dr
7. Acreage Under Review 1.1 AC +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) 5 & 5A
9. Owner of Property Burlington Realty Development Co.
Phone Number of Owner 859-689-1222
10. Address of Property Owner 2950 Hebron Park Dr.
Hebron Ky 41048
11. Proposed Use(s) on Site Auto Wash
12. Total Square Footage of Existing and/or Proposed Buildings 2862 sq ft
13. Current Zoning on Property I1 & C3
14. Deed Book 547 Page No. 308 Group No. 2008
15. Is the site subject to a zone change? No
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature] Burlington Realty Dev. Co. Inc.

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 9-17-03 Fee Received \$ 845.00 RA# 36633
2. Is application complete? _____ Yes _____ No 10/18/03 RA# 36645
3. Staff Reviewer _____ \$ 24.00
4. Scheduled Board Action Date _____
5. Board Action:
10/8/03 Approved
10/8/03 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: SEE 10/8/03 BCDA MEETING MINUTES

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 - Web Page

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: Thomas & Karen Seamen

LOCATION: Lots 5 & 5A Northside Park Subdivision (Northside Drive), Boone County, Kentucky

ZONING: Commercial Services (C-3) & Industrial One (I-1)

DATE: October 8, 2003

PROPOSAL

The applicants are requesting a Conditional Use Permit to allow an approximate 3,161 square foot car wash to be constructed on lots 5 and 5A of Northside Park Subdivision. Lot 5 is zoned Commercial Services (C-3) and lot 5A is zoned Industrial One (I-1).

The applicants submitted Concept Development Plan indicates that the building will contain two self-service bays, an automatic (conveyor) bay, and an equipment room. Two curb cuts are shown on Northside Drive. The elevation drawings show that the building will be constructed of split face block and a standing seam metal roof.

APPLICABLE REGULATIONS

Article 10, Section 1031 of the Boone County Zoning Regulations principally permits "gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage" in the Commercial Services (C-3) zoning district.

Article 11, Section 1133 of the Boone County Zoning Regulations permits "gasoline filling stations and wash services" as a conditional use within the Industrial One (I-1) zone.

Section 3221 of the Boone County Zoning Regulations states that "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, provide all access points are otherwise in compliance with all applicable sections of these regulations."

Section 3239 of the Boone County Zoning Regulations states that the "Planning Commission may reasonably waive or modify, with conditions, the requirements of these regulations, if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations."

Article 33, Section 3312 of the Boone County Zoning Regulations requires all parking areas to be striped to facilitate the movement into and out of parking stalls.

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to grant conditional use permits as specified in the zoning order.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1133 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 the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 11, Section 1133 of the Boone County Zoning Regulations allows "wash services" as a conditional use in the I-1 zoning district provided that:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" and "Industrial" uses. These designations are described as follows:

Commercial – "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

Industrial – "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

SURROUNDING LAND USES AND ZONING

North: Northside Drive, Vacant Lots in Northside Park Subdivision (C-3 & I-1)

South: Single-Family Residential Dwelling and Construction Business (C-3)

East: Hebron Self Storage (I-1)

West: BP Gas Station/Convenience Store/Dairy Queen (C-3)

SITE CHARACTERISTICS

The two parcels combined total 0.92 acres. The parcels are currently undeveloped and are comprised of overgrown grass. The topography of the site ranges from 860 feet above sea level at Northside Drive to 850 feet above sea level at the southeast property line. There is a 100 foot wide power line easement that bisects the parcels.

STAFF COMMENTS

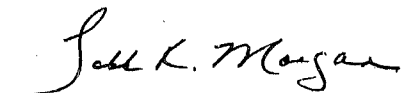
1. The Conditional Use Permit is required because part of the car wash operation is located within the Industrial One (I-1) zone.
2. Staff has learned that the Kentucky Transportation Cabinet may realign Northside Drive and construct a frontage road between it and South Park Drive. The preliminary configuration would affect the frontage and access of the proposed car wash site. Staff has recommended the applicant to contact the Kentucky Transportation Cabinet before doing a final design for the site.
3. If the project is approved, the applicant will need to apply for a waiver from the Boone County Planning Commission to allow the development to have two curb cuts. The two parcels combined currently have 246 feet of road frontage on Northside Drive. The zoning regulations require a development to have at least 500 feet of road frontage to have two curb cuts. The Zoning Administrator will need to analyze the current and new design of Northside Drive when contemplating the waiver.

4. If the project is approved, the applicant will need to obtain a letter or encroachment permit from Cinergy/Union Light Heat & Power which states that they have permission to make improvements (parking, landscaping, storm water detention, etc.) in the utility easement.
5. Staff recommends a condition which would require the building construction to be consistent with the submitted elevation drawings.
6. If the project is approved, a Major Site Plan application will need to be submitted to the Boone County Planning Commission before construction can proceed.

CONCLUSION

KRS 100.237 and Sections 260 and 1133 of the zoning regulations gives the Boone County Board of Adjustment the authority to grant the request for a Conditional Use Permit. It is Staff's opinion that granting the Conditional Use Permit will not change the essential character of the area and will not be hazardous to existing or future neighboring uses. Furthermore, Staff believes that the use is subservient to and not of scale that will compete, detract or conflict with the purpose and permitted uses of the district.

Respectfully submitted,

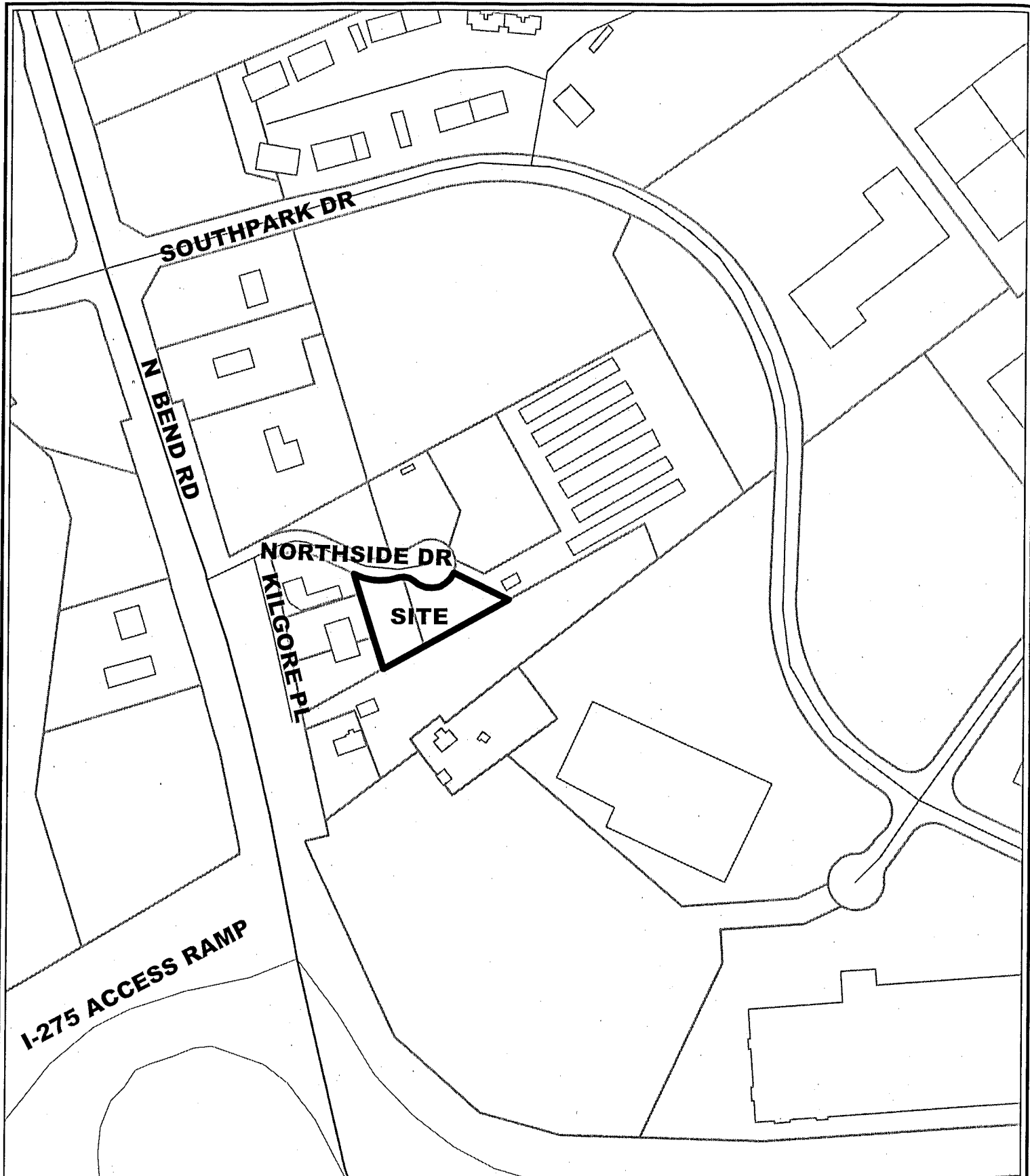


Todd K. Morgan, AICP
Planner, Zoning Services

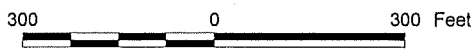
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Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plans
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Topographical Map
- Exhibit G – Final Plat of Northside Park
- Exhibit H – Revised Configuration of Nothside Drive (Preliminary Layout)
- Exhibit I – Application



**Lots 5 & 5A , Northside Park
Site Vicinity Map**



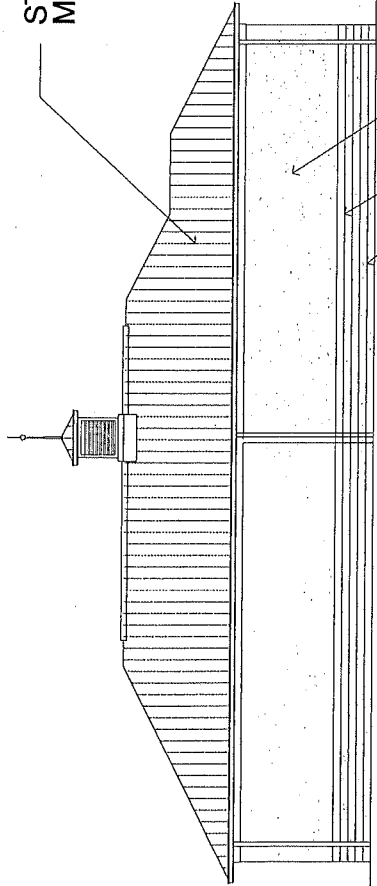
1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 25, 2003



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 BOONE COUNTY
 PLANNING COMMISSION

STANDING SEAM
 METAL ROOFING



SOUTH ELEVATION

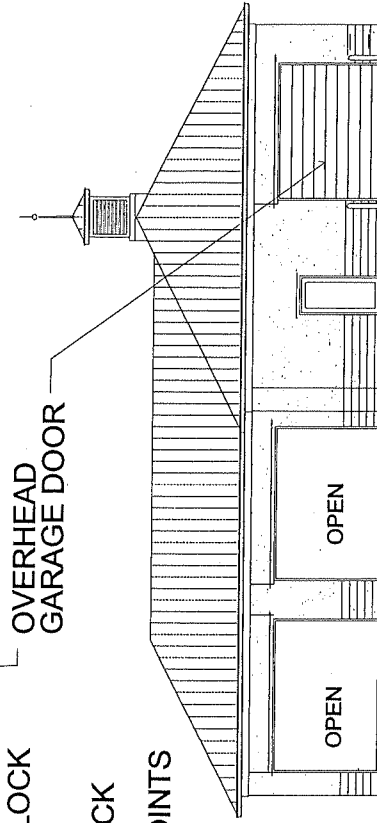
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 WITH FLUSH JOINTS

FLUSH CONG. BLOCK
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SPLIT FACE BLOCK
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WEST ELEVATION

OVERHEAD
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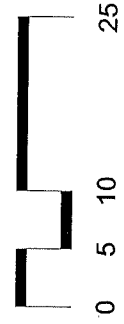
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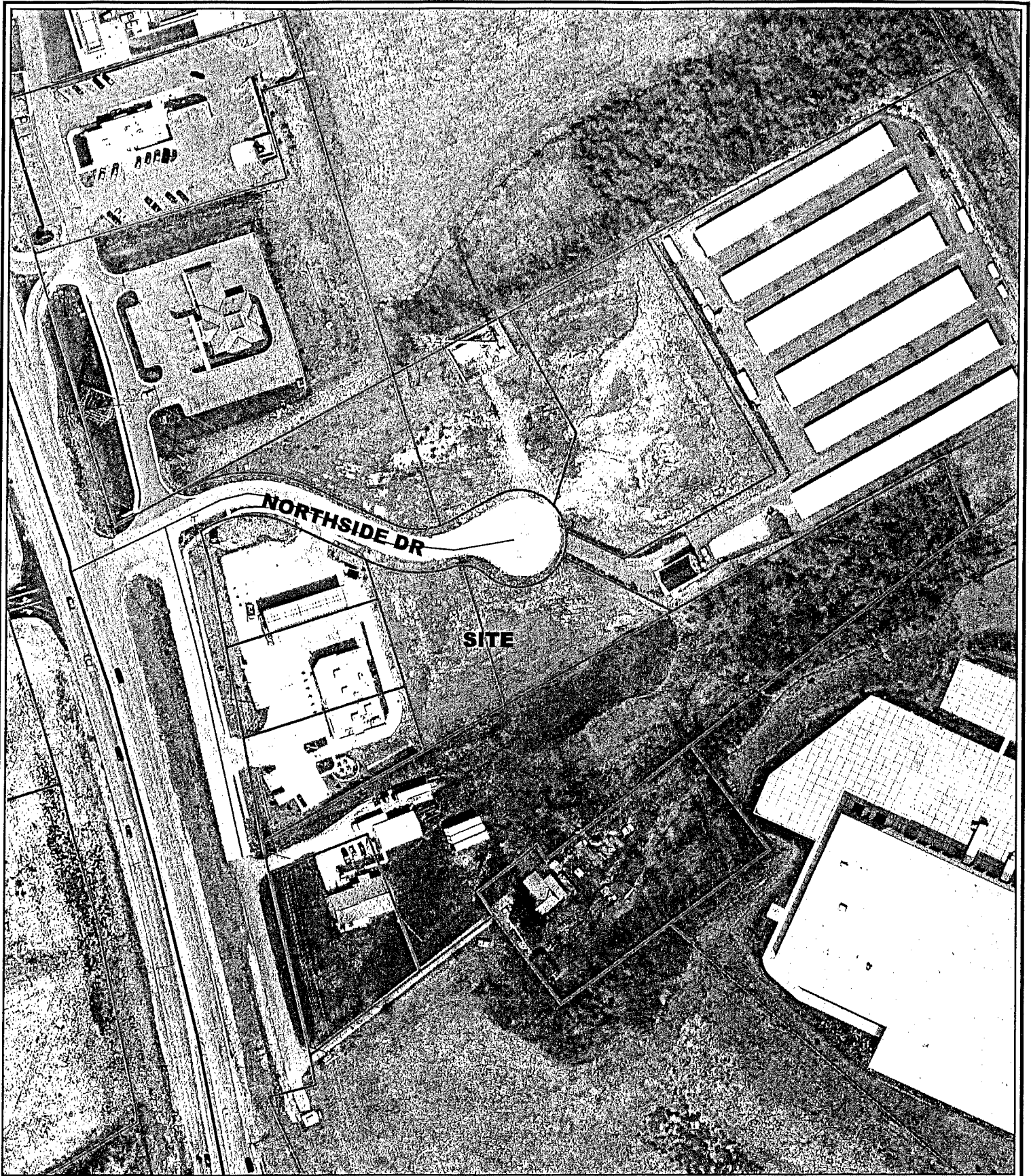
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NORTH ELEVATION

EAST ELEVATION

PROPOSED CAR WASH
 NORTHSIDE PARK BOONE COUNTY KENTUCKY





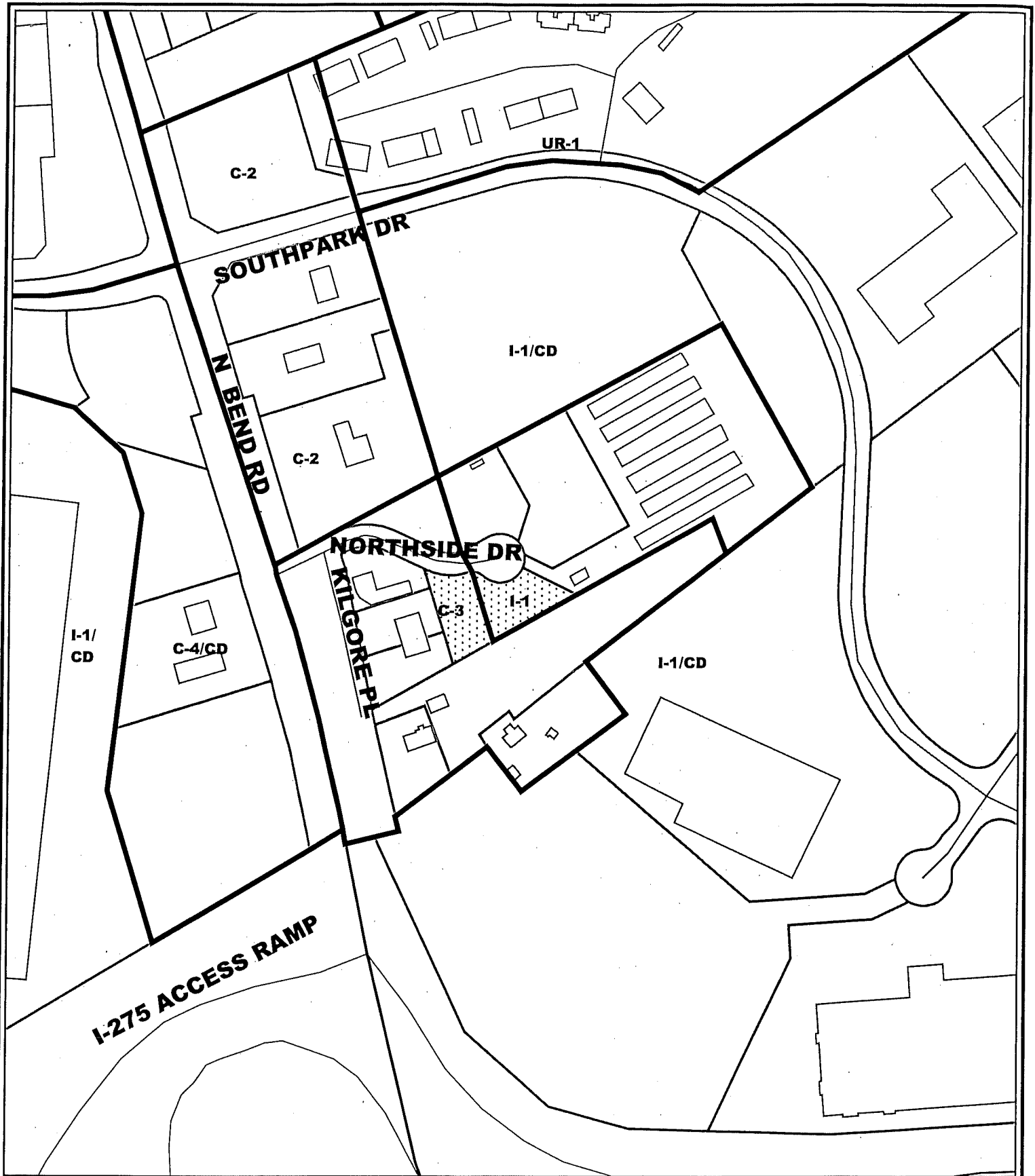
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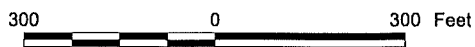
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September 25, 2003



Lots 5 & 5A , Northside Park Aerial Map



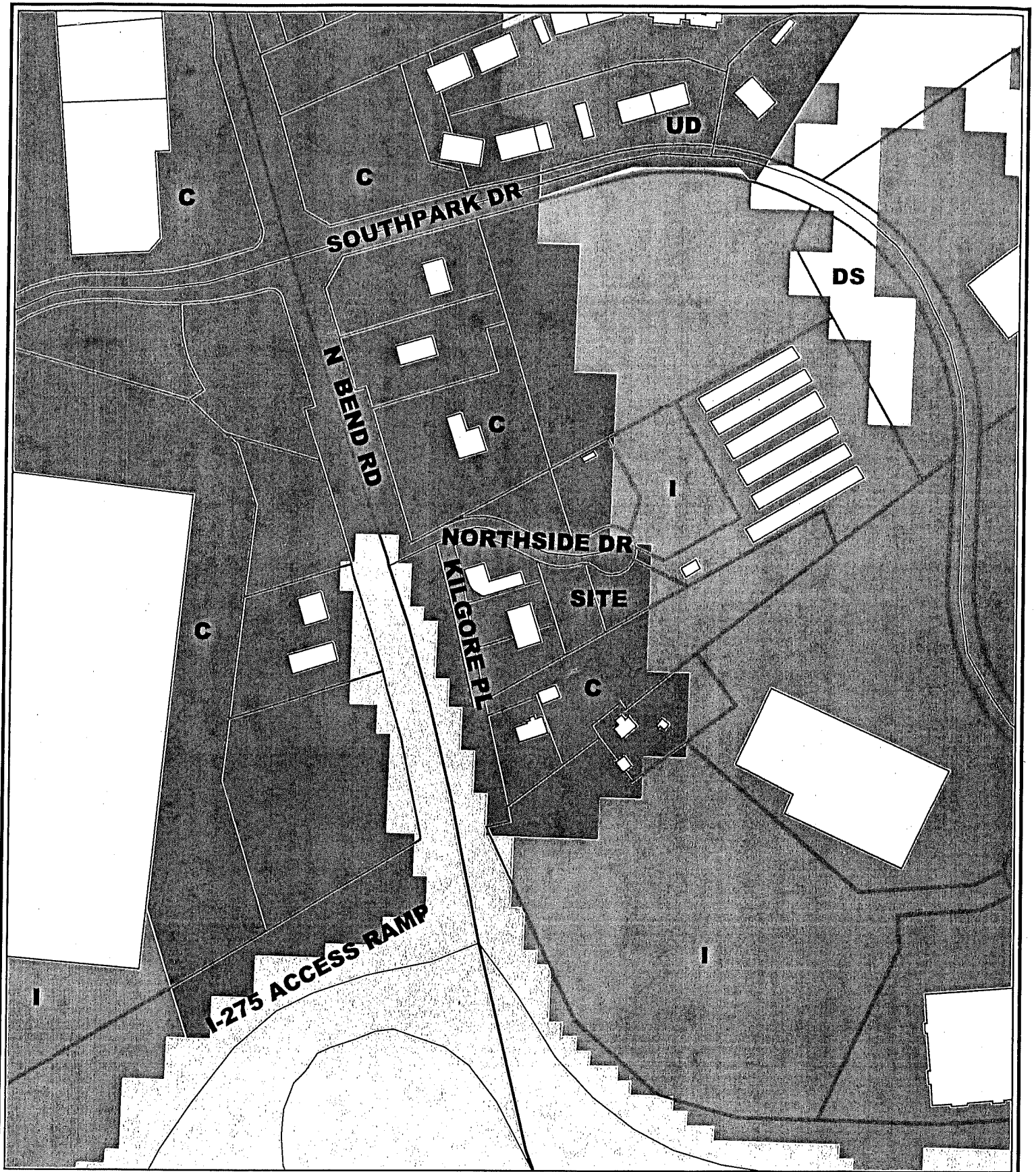
Lots 5 & 5A , Northside Park Zoning Map



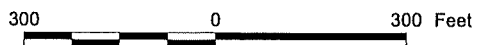
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Boone County Planning Commission
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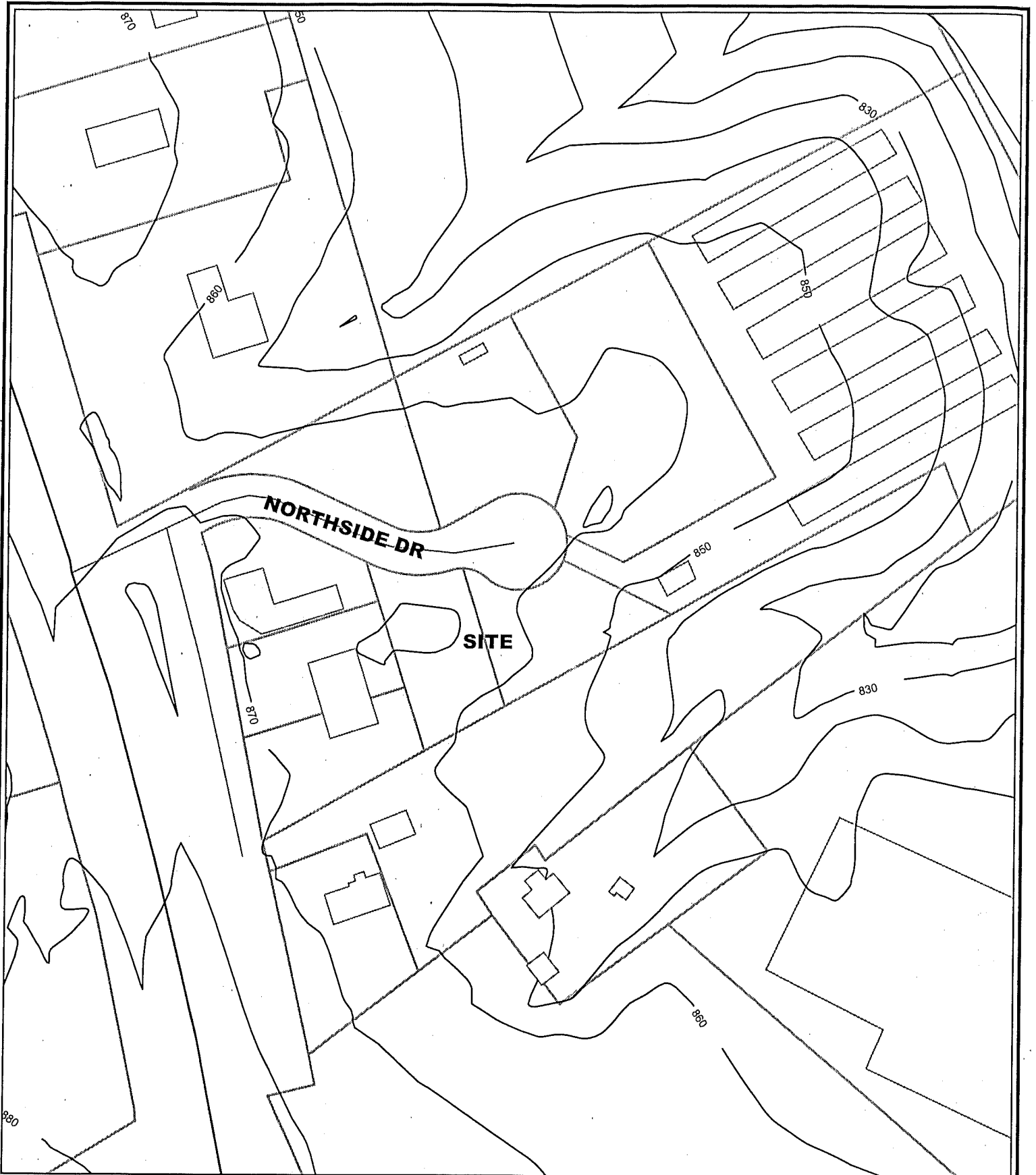
**Lots 5 & 5A , Northside Park
Future Land Use Map**



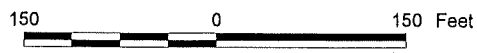
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Produced by the
Boone County Planning Commission
GIS Services Division
September 25, 2003





**Lots 5 & 5A , Northside Park
Topographical Map**

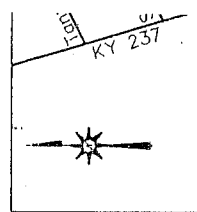
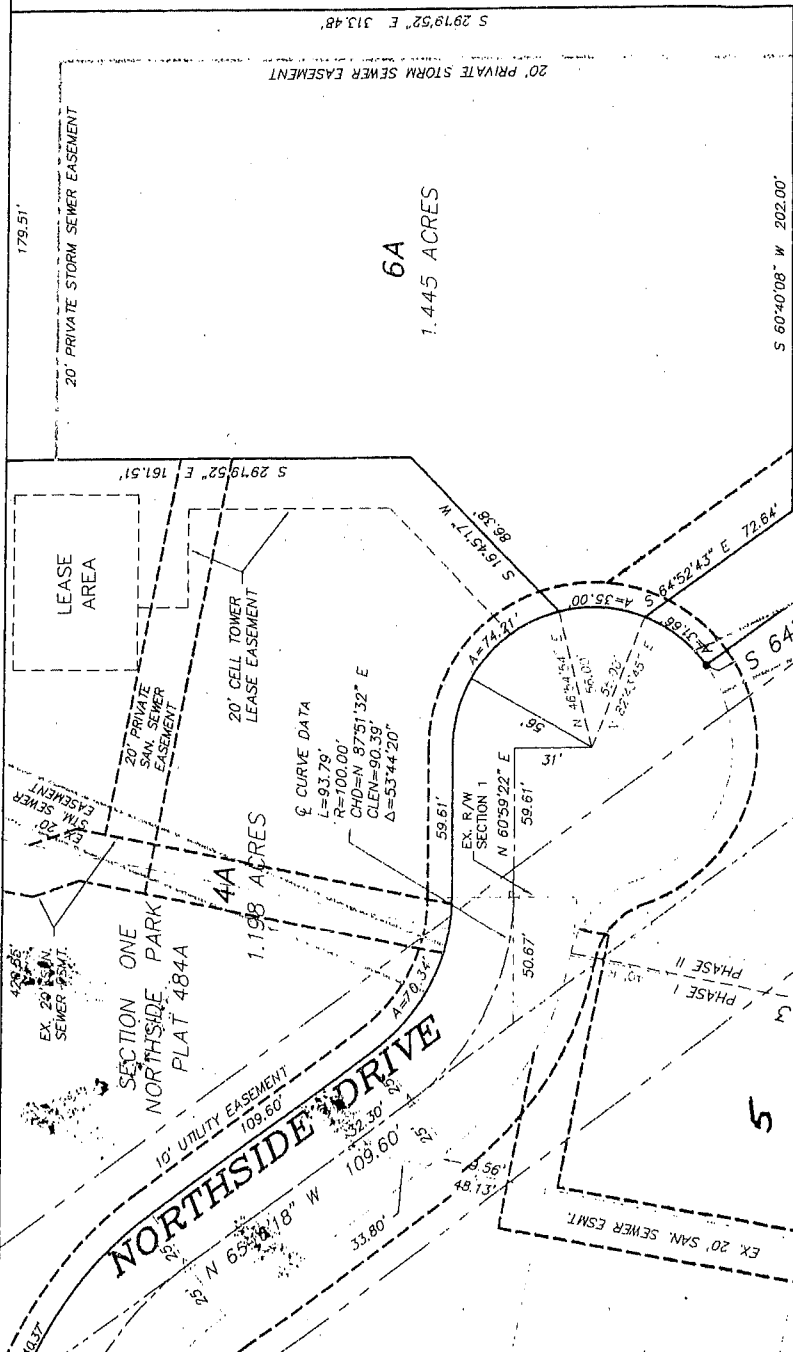


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Boone County Planning Commission
GIS Services Division
September 25, 2003



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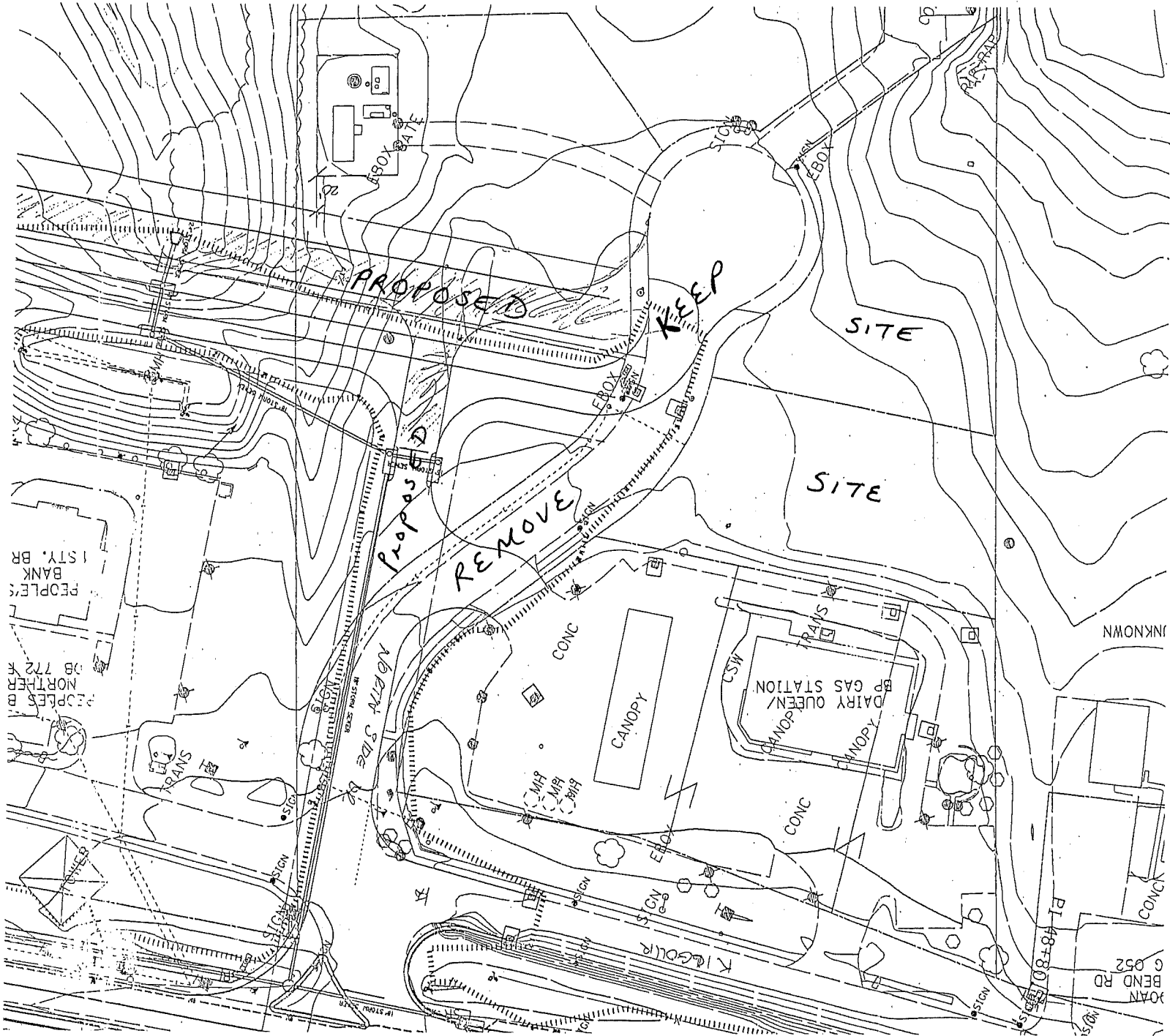
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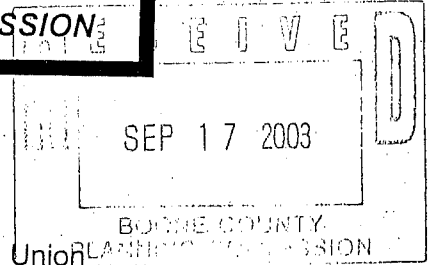
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CONC

APPLICATION FORM

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AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

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Change in Non-Conforming Use _____
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- 7. Acreage Under Review MAC +/-
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S # 5A
- 9. Owner of Property Burlington Realty Development Co.
Phone Number of Owner 859-689-1222
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Hebron Ky 41048
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- 14. Deed Book 547 Page No. 308 Group No. _____
- 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: [Signature]

Property Owner's Signature: [Signature] Burlington Realty Dev. Co. Inc.

COPY

CLUR #03-BCBOA-018-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Burlington Realty Development Company
2950 Hebron Park Drive
Hebron, KY 41048
2. ADDRESS OF PROPERTY
Northside Drive
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lots 5 and 5A, Northside Park Subdivision
4. DEED BOOK 547 PAGE NO. 308 GROUP NO. 2008
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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

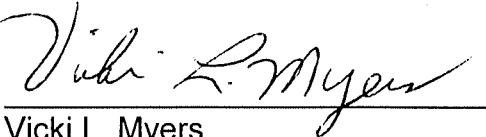

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

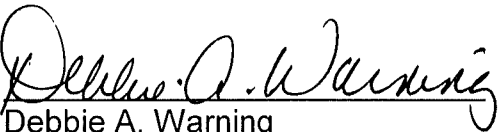
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 3 day of November, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 October 8, 2003 Certificate of Land Use Restriction (#03-BCBOA-018-A), for Burlington Realty Development Co., Property Owner(s).

The following conditions will apply:

- 1) The applicant is to apply to the Planning Commission for a Waiver for the two cuts.
- 2) The applicant is to secure a letter of encroachment from Cinergy.
- 3) Building construction is to be as presented in regard to the type of materials and elevations.
- 4) A Major Site Plan Review is required.

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

DEED BOOK 547

PAGE NO. 308

GROUP NO. 2008