

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

- ① Groc. store w/accessory Gasoline filling Island
- ② Front yard set back from 20' to 70'
- ③ 2 Curb Cuts on main

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 2 \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
 Change in Non-Conforming Use
3. Applicant's Name William R. Remke  
Phone Number 559-594-2415 Fax No. 559-594-2415  
Applicant's Address 5881 Snyder Ln  
Boone, KY 40309  
City State Zip
4. Description of Request: Phase II: 3150 sq ft \_\_\_\_\_ \*  
Phase I: 3150 sq ft \_\_\_\_\_
5. Name of Development Phase II: 3150 sq ft \_\_\_\_\_
6. Location of Development 5881 Snyder Ln, Boone, KY 40309 \_\_\_\_\_
7. Acreage Under Review 0.9456 Acs \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lots 104, 108, 109, 110 \_\_\_\_\_
9. Owner of Property Current Owner - North Crest LLC \_\_\_\_\_  
Phone Number of Owner 854-281-6891 \_\_\_\_\_
10. Address of Property Owner 2111 ... \_\_\_\_\_  
Boone, KY 40309  
City State Zip
11. Proposed Use(s) on Site Groc. store w/accessory gasoline \_\_\_\_\_
12. Total Square Footage of Existing and/or Proposed Buildings 30 \_\_\_\_\_ 6,300
13. Current Zoning on Property SK-2/sc \_\_\_\_\_
14. Deed Book 449 Page No. 174 Group No. 2011
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: William R. Remke

Property Owner's Signature: Opie T. Craddock  
Nora Craddock

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 11-18-03 Fee Received \$1917.00 R# 37197
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ Approved *CUP - Approved w/ Conds*  
\_\_\_\_\_ Approved with Conditions (See #6) *VARIANCE # 1 (FRONT SETBACK) APPROVED*  
\_\_\_\_\_ Denial (See #7) *VARIANCE # 2 (2 CURBS) WITHDRAWN*
6. Conditions of Approval: SEE 12-10-03  
B.C.B.O.A. 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](http://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: William R. Remke

LOCATION: Vacant Parcel Bound by Second Street to the North, Third Street to the South, a Public Alley to the East, and Mill Street to the West, Boone County (Petersburg), Kentucky

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: December 10, 2003

### PROPOSAL

The applicant is requesting a Conditional Use Permit and two Variances on a 0.9456 acre parcel, which is bound by Second Street to the north, Third Street to the south, a paper public alley to the east, and Mill Street to the west. The Conditional Use Permit is to allow the construction of a 6,300 square foot grocery store with retail gasoline sales. The first Variance is to allow the maximum front yard setback to be increased from 20 feet to 70 feet. The second Variance is to reduce the road frontage requirement, which is needed for the development to have two curb cuts on Mill Street, from 500 feet to approximately 240 feet.

### SITE CHARACTERISTICS

The 0.9456 acre site is level and contains no buildings, trees, or shrubs. At this time, there are no public water or sanitary sewer mains in Petersburg.

### APPLICABLE REGULATIONS

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

Article 20, Section 2012 of the Boone County Zoning Regulations permits "grocery stores" as a conditional use in the Small Community Overlay District (SC) under the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

Article 20, Section 2012 of the Boone County Zoning Regulations permits a "gasoline filling station" as a conditional use in the Small Community Overlay District (SC).

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 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to All Conditional Uses):

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 20, Section 2012 of the Boone County Zoning Regulations allows "grocery stores" and "gasoline filling stations" as conditional uses in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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 KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - 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 contained in 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 regulation from which relief is sought.
2. 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.

Section 2015 of the Boone County Zoning Regulations states that the front yard setback in the Small Community Overlay District (SC) is a 20 foot maximum. However, in cases where a building is being constructed on a vacant lot, the front yard setback can be made consistent with the principal structures on the adjoining lots, provided that they are on the same side of the street.

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.

Table 32.5 in the Boone County Zoning Regulations states that the maximum width of a commercial driveway in a high pedestrian area should be no more than 30 feet.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals and Objectives from the 2000 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity - Goal).
- B. "Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial, and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity – Objective).
- C. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space" (Business Activity – Commercial Objective #1).

The following Future Land Use Development Guideline from the 2000 Boone County Comprehensive Plan applies to the application:

- A. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects ..." (Buffering, p. 159).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadway..." (Landscaping, p. 159).
- C. Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site (Storm Water Management and Erosion Control, p. 159).
- D. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County (Design, Signs, and Historic Preservation, p. 160).

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described as "single-family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Petersburg Area, pp. 169-170) states the following regarding this area:

- A. "Small commercial services within the town should be provided and designed to reinforce and retain the small town character of Petersburg. The areas in and around this town offer an opportunity for neo-traditional residential and small commercial development."

#### SURROUNDING LAND USES & ZONING

North: Second Street and Single-Family Dwelling (SR-2/SC)

South: Third Street, Single-Family Dwelling, and Sunset Valley Farm (SR-2/SC)

East: Public Alley (Paper), Mobile Home, and Single-Family Dwelling (SR-2/SC)

West: Mill Street, Single-Family Dwellings, Mobile Homes (SR-2/SC)

#### STAFF COMMENTS

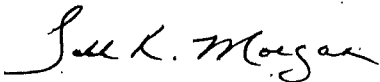
1. Staff talked with Greg Sketch and Daryl Davis, with Boone County Public Works, in regard to the two curb cuts that are being proposed on Mill Street. Mr. Sketch and Mr. Davis indicated that they would not grant encroachment permits for two curb cuts on Mill Street. However, they did indicate that they would be willing to grant Waivers which would allow the width of the curb cuts on Third Street and Mill Street to be increased from 30 feet to 50 feet. They believe that the increased width of the curb cuts will help facilitate turning movements by the delivery trucks and gasoline tankers.
2. Staff is concerned about the adjoining residential properties to the north, south, east, and west. Staff would like the applicant to address the proposed hours of operation, delivery schedule, and site lighting (building, parking lot, gasoline canopy). One of the findings for granting the Conditional Use Permit is that the use will not have activities, processes, materials, equipment or 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.
3. Staff would like the applicant to address the exterior building materials that will be used in constructing the building and roof. One of the findings for granting the Conditional Use Permit is that the building needs to be sensitive to the established character of the Small Community Overlay District. Staff believes that Design of the building should draw from Historical Elements in the immediate area.

4. Staff recommends that the Board should analyze if the strict application of the 20 foot maximum front yard setback requirement would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Staff would like to note that the adjoining residential structures and mini-market to the west are in much closer to the road than the proposed building. As a result, Staff does not believe that the proposed 70 foot front yard setback relates well to the adjoining residential structures or intent of the Small Community Overlay District. It might be possible for the applicant to set the building closer to the Third Street/Mill Street intersection and put the parking and gasoline sales toward the interior of the lot.
5. If the Board grants the Conditional Use Permit, a Major Site Plan application will need to be submitted and approved by the Boone County Planning Commission before construction can proceed. The Site Plan will need to address building setbacks, site lighting, landscaping, parking and aisle dimensions, storm water detention, septic approval, etc.

Conclusion

KRS 100.237 and 100.241 and Sections 220 and 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit and two Variances.

Respectfully submitted,

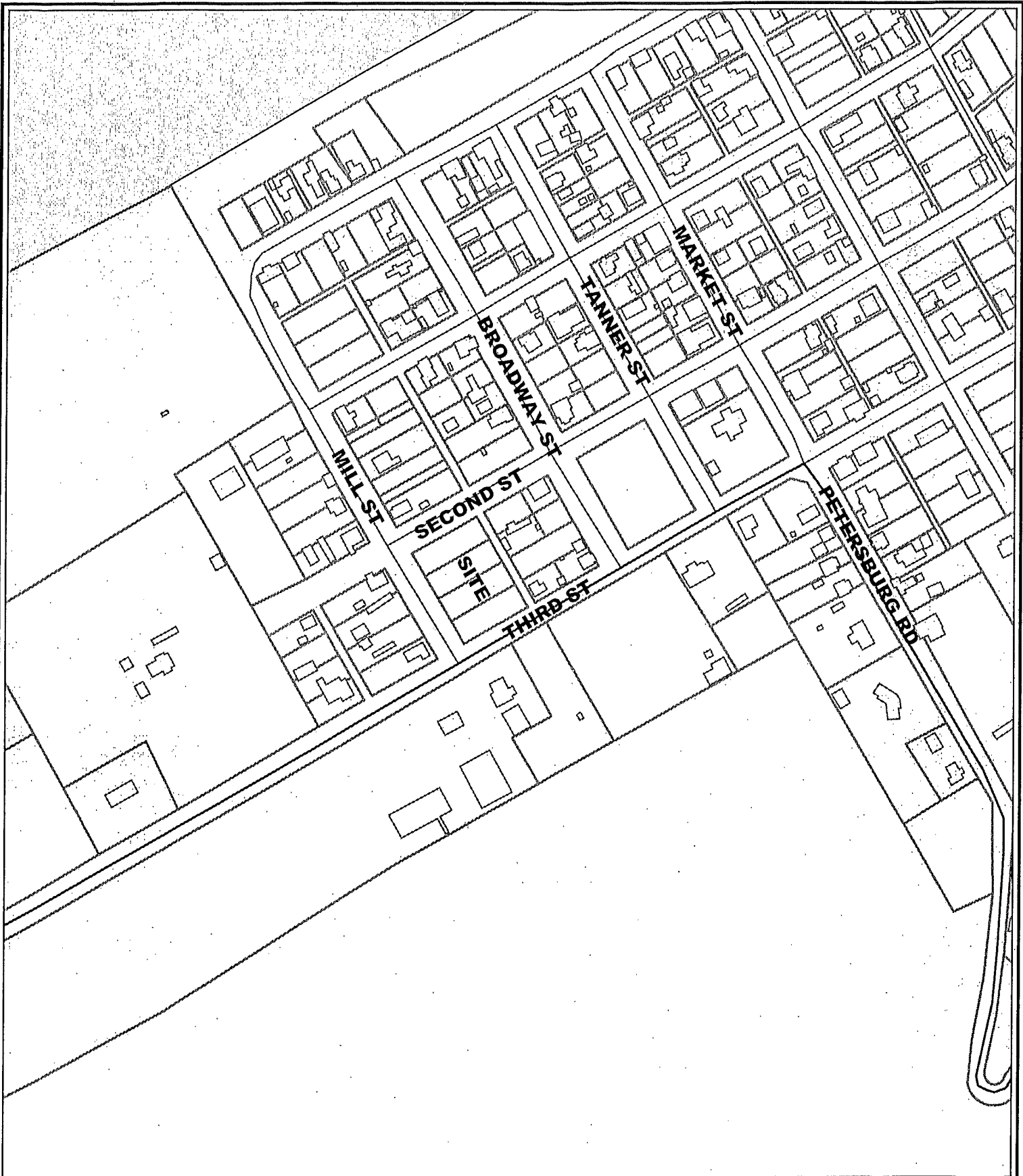


Todd K. Morgan, AICP  
Planner, Zoning Services

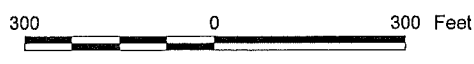
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Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Aerial Map
- Exhibit F – Application



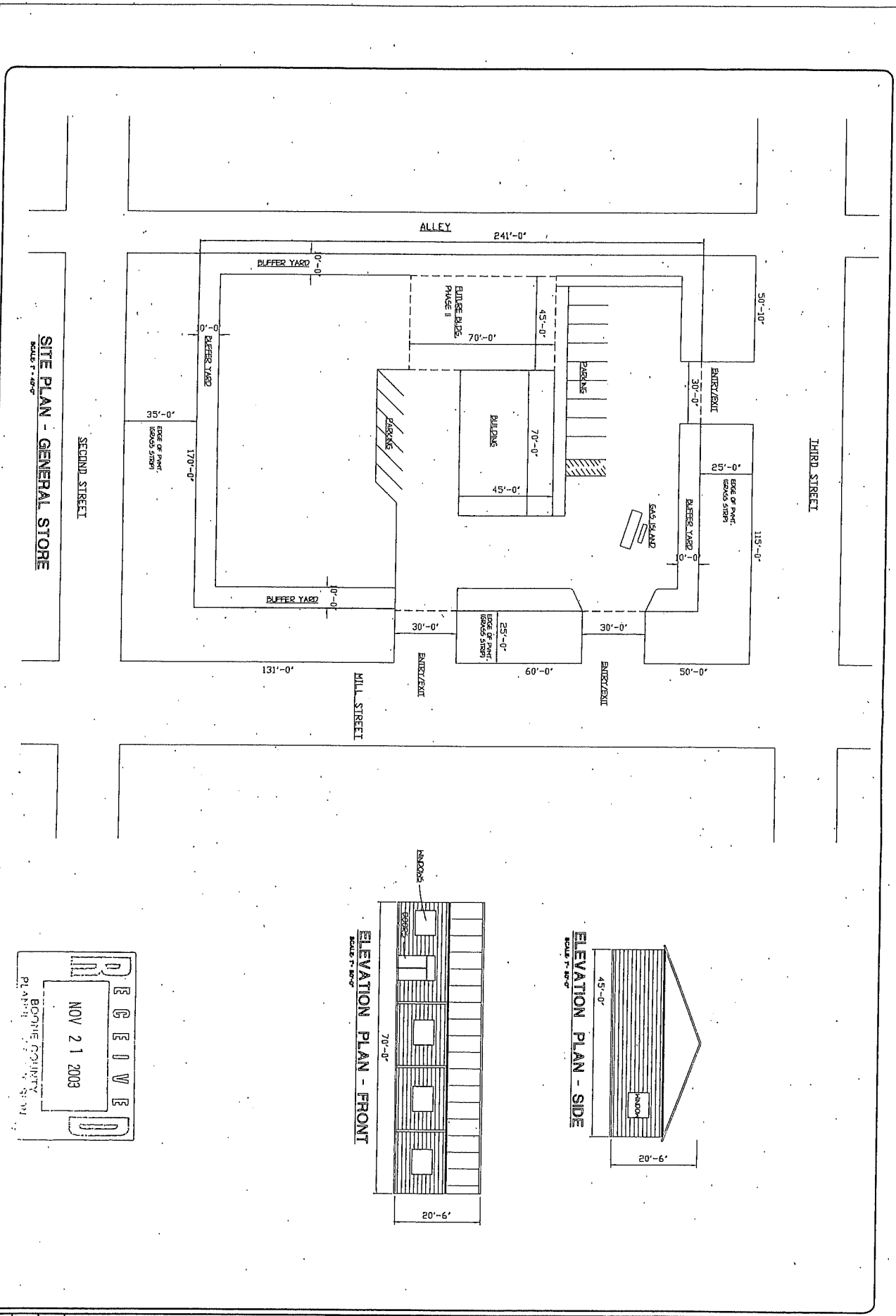
# Petersburg General Store Site Vicinity Map



1 inch equals 300 feet

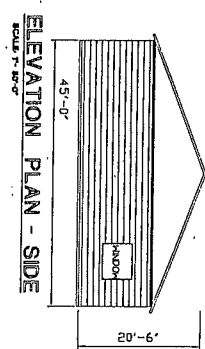
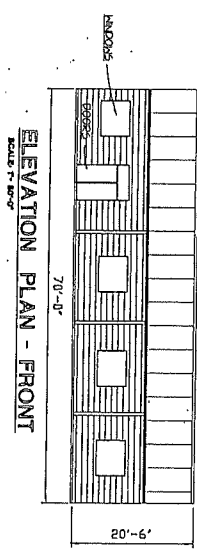
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 2003



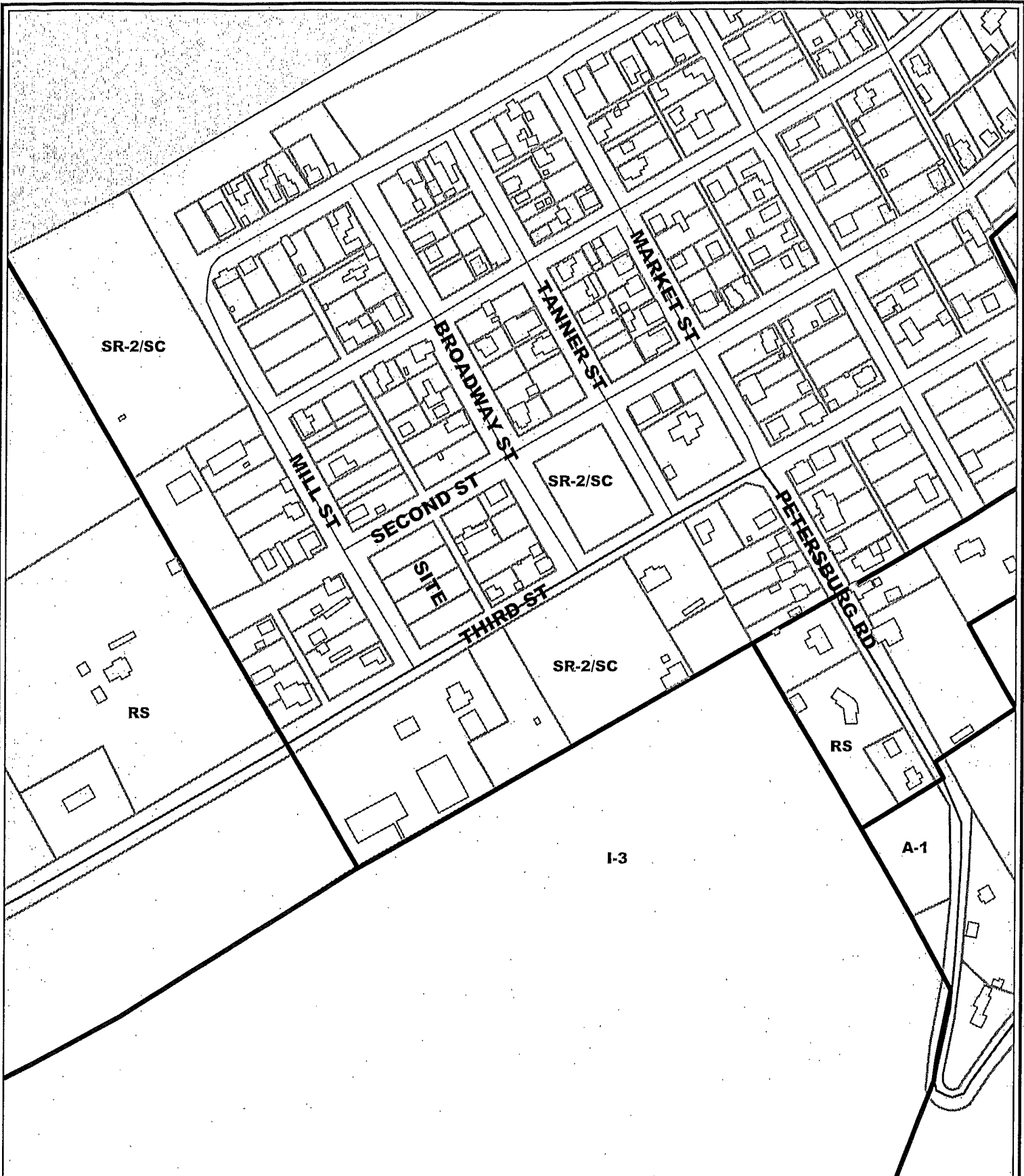


**SITE PLAN - GENERAL STORE**  
SCALE: 1" = 40'-0"

**RECEIVED**  
NOV 21 2003  
BOONE COUNTY  
PLANNING DEPARTMENT



SHEET NO. S-1	PROJECT:	FUTURE BUILDING/SITE: GENERAL STORE	REVISIONS:	BILL REMKE 5881 SYNDER LANE PETERSBURG, KY 41080
	DATE: 11-19-03	PETERSBURG, KY	SHEET TITLE: SITE AND ELEVATION PLAN	



# Petersburg General Store Zoning Map



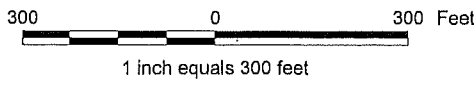
1 inch equals 300 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 2003



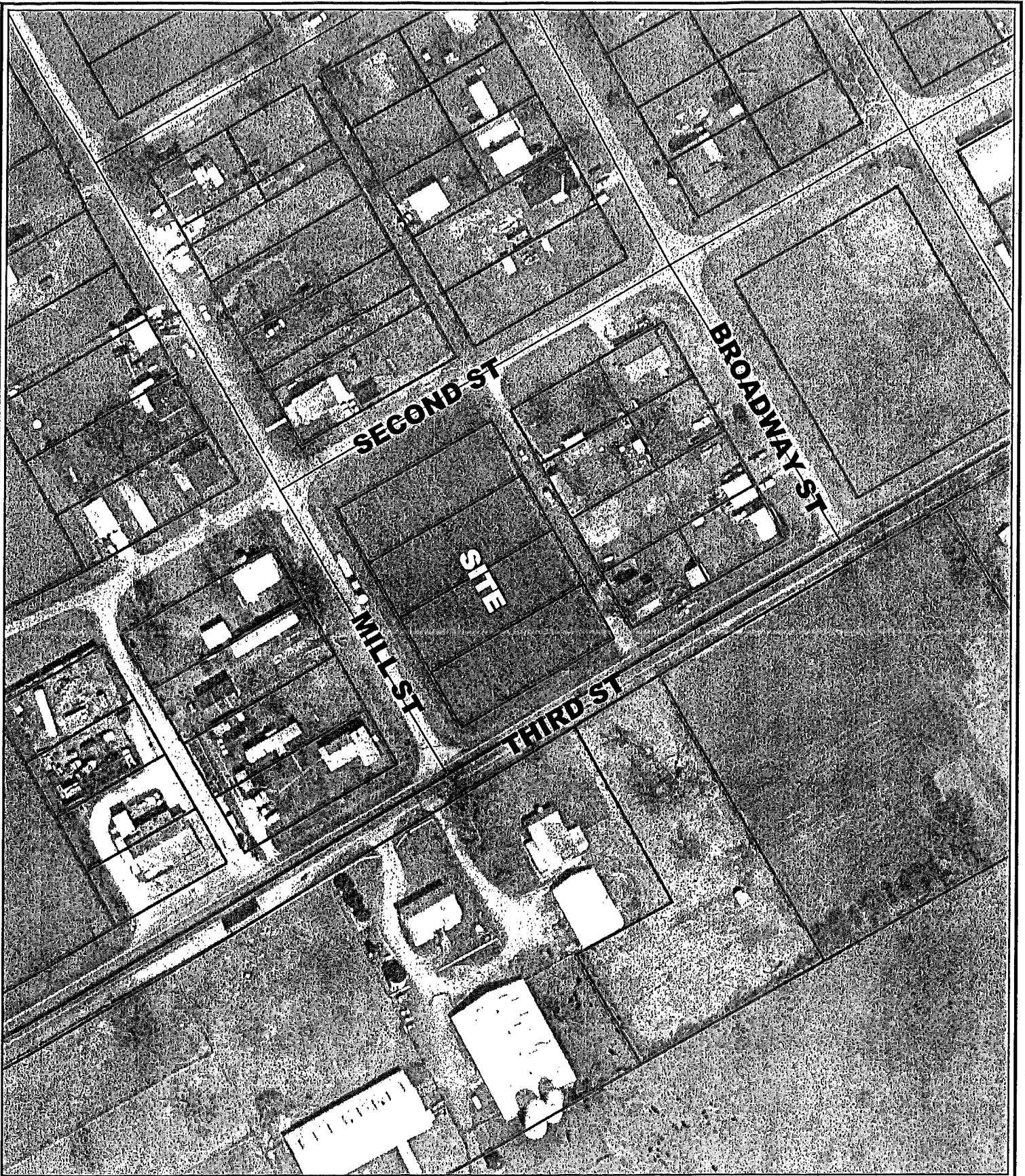


# Petersburg General Store Future Land Use Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 2003





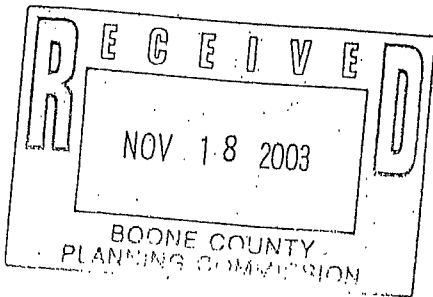
# Petersburg General Store Aerial Map

125 0 125 Feet

1 inch equals 125 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 2003





APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

- ① Groc. Store w/ necessary Gasoline Filling Island
- ② Front Yard Setback from 20' to 70'
- ③ 2 Curb Cuts on Mill S

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 2 Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name William R. Remke  
Phone Number 859-594-3415 Fax No. 859-594-3487  
Applicant's Address 5881 Snyder Ln  
Petersburg KY 41080  
City State Zip
4. Description of Request: Phase I: 3150 SF Grocery Store  
Phase II: 3150 SF " " Expansion
5. Name of Development Petersburg General Store
6. Location of Development Brd + Mill St, Petersburg, KY 41080
7. Acreage Under Review .9456 Acs.
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lots 104, 106, 108, 110
9. Owner of Property Current Owner - Orville Craddock  
Phone Number of Owner 859 586 6841
10. Address of Property Owner 2850 Lawrenceburg Ferry Rd  
Petersburg KY 41080  
City State Zip
11. Proposed Use(s) on Site Grocer Store w/ necessary gasoline
12. Total Square Footage of Existing and/or Proposed Buildings 3500 + 3500 = 7,000
13. Current Zoning on Property SR-2/SC
14. Deed Book 449 Page No. 174 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: William R. Remke

Property Owner's Signature: Orville T. Craddock  
Nora Craddock

COPY

CLUR #03-BCBOA-026-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Orville & Nora Craddock  
2850 Lawrenceburg Ferry Road  
Petersburg, KY 41080

2. ADDRESS OF PROPERTY

Third & Mill Streets  
Petersburg, KY 41080

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Petersburg General Store

4. DEED BOOK 449

PAGE NO. 174

GROUP NO. 2011

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

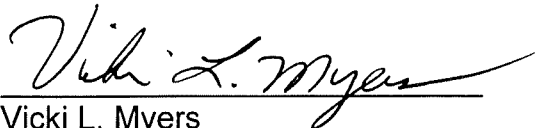
  
SIGNATURE OF COMPLETING OFFICIAL

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 17 day of December, 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 and Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of December 10, 2003 Certificate of Land Use Restriction (#03-BCBOA-026-A), for Orville and Nora Craddock, Property Owner(s).

The following conditions will apply:

- 1) The lighting will not exceed the height of the building.
- 2) The design of the building is to be comparable with the historical elements in the immediate area and be wood or vinyl sided.
- 3) The hours of operation are to be between 6 AM and 10 PM.
- 4) It is preferred that the gas storage tanks are below ground but if it is necessary that they be above ground, then they are to be appropriately screened.
- 5) A Major Site Plan Review is required.

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

DEED BOOK 449

PAGE NO. 174

GROUP NO. 2011