

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

JAN 20 2004 BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name MICHAEL J. KEMPER Phone Number 384-2024 Fax No. _____ Applicant's Address 10189 ROSWELL LAURE City UNION State KY Zip 41091
4. Description of Request: Convert Retail Store to a Motorcycle Service Shop
5. Name of Development Wheelset Cycle Service
6. Location of Development 2009 BEAVER ROAD UNION, KY 41091
7. Acreage Under Review .94
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property MIKE MONTAGNA Phone Number of Owner 859-491-2701
10. Address of Property Owner 4128 WATKINS STREET #1 Covington KY 41011
11. Proposed Use(s) on Site Motorcycle Service Shop
12. Total Square Footage of Existing and/or Proposed Buildings 1250 SF
13. Current Zoning on Property RS/SL
14. Deed Book 223 Page No. 24 Group No. 2067
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: [Signature]

Property Owner's Signature: SEE ATTACHED LETTER

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 1-20-04 Fee Received \$ 569.00 RT# 3761
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
~~_____~~ Approved
2-11-04 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: SEE 2-11-04
BCBOA 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: Michael J. Kemper
LOCATION: 2009 Beaver Road, Boone County, KY
ZONING: Rural Suburban/Small Community Overlay (RS/SC)
DATE: February 11, 2004

Proposal

The Applicant is requesting a Conditional Use Permit so he can operate a motorcycle service shop in an existing building located at 2009 Beaver Road. The property is zoned Rural Suburban/Small Community Overlay (RS/SC).

The Applicant's submitted Concept Development Plan indicates that he plans to convert the gravel parking lot into a blacktop surface in two stages. The northwest portion of the lot would be paved first and the southeast portion would be paved at a later time. No exterior additions are being proposed to the approximate 1,250 square foot building.

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 "motorcycle sales or bike shops excluding outside storage" as a conditional use within the SC 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 32, Section 3210 of the Boone County Zoning Regulations lists Beaver Road and U.S. Highway 42 as arterial roadways.

Article 32, Section 3216 of the Boone County Zoning Regulations states that the minimum corner clearance of a driveway from an intersecting arterial street shall be at least 115 feet.

Article 32, Section 3221 of the Boone County Zoning Regulations states "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."

Article 32, Section 3223 of the Boone County Zoning Regulations states that whenever the use of a parcel of land changes the existing access permits shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point based on the new property use.

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be stripped to facilitate movement into and out of the parking stalls."

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 33, Section 3325 of the Boone County Zoning Regulations requires two parking stalls per service bay and 1 stall per 250 square feet of office space or storage space.

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:

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 motorcycle sales or bike shops 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.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, restaurants, services, etc."

The Land Use Element (Beaverlick Area, p. 179) states the following regarding this area:

- A. "Beaverlick should remain as a small community with little growth. Any commercial development in this area should locate at the intersection of U.S. 42 and Beaver Road in Beaverlick."

Surrounding Land Uses and Zoning

North: Beaver Road, Single-Family Residential Dwellings, Farm (RS)

South: Farm (RS/SC & A-2)

East: U.S. Hwy. 42, Vacant Parcel (SR-2/SC)

West: Farm (RS/SC & A-2)

Staff Comments

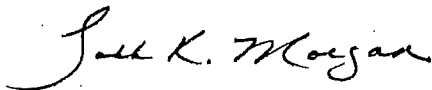
1. Staff would like the applicant to explain the following items:
 - a. What exterior improvements are being proposed to the building? The building is in need of roofing and siding repairs and does not currently have an entrance which a motorcycle could pass through.
 - b. Is any site lighting being proposed?
 - c. What is the time frame for paving the parking lot? The Concept Development Plan indicates that the paving will occur in two phases.
 - d. Are any outside storage areas (motorcycle parts, tires, etc.) being proposed?
 - e. What are the proposed days and hours of operation?

2. The property has two access points along both road frontages. These curb cuts are non-conforming because the property does not have 500 feet of road frontage on Beaver Road or U.S. Highway 42. The curb cuts closest to the intersection are also non-conforming because they do not meet the 115 foot separation requirement from the intersection.
3. Staff is concerned about the noise that will be generated from the motorcycles. There are adjoining single-family residences to the north.
4. Staff recommends that the Board should analyze the following criteria before acting on the Conditional Use Permit:
 - a. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
 - b. The business 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.
 - c. 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;
5. If the Board grants approval of the request, Staff recommends the following conditions:
 - a. The two curb cuts closest to the U.S. Hwy. 42/Beaver Road intersection shall be removed. Curbing will be installed to along the U.S. Hwy. 42/Beaver Road street frontage area to define the two remaining curb cuts.
 - b. Street frontage buffering will be required along Beaver Road and U.S. Hwy. 42. The buffer yards will be 10' wide and will consist of a 5 small trees and 20 shrubs per 100 linear feet of frontage.
 - c. No outside storage, other than trash dumpsters, will be permitted on the site. All trash dumpsters will be screened with an appropriate enclosure (see Article 31 of the Boone County Zoning Regulations).
 - d. Any future building addition(s) will need to come back through the Conditional Use Permit process.
 - e. The entire parking lot will be paved and striped within a year of building occupancy.
 - f. A Minor Site Plan application must be submitted to the Boone County Planning Commission.

Conclusion

KRS 100.237 and Section 220 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.

Respectfully submitted,

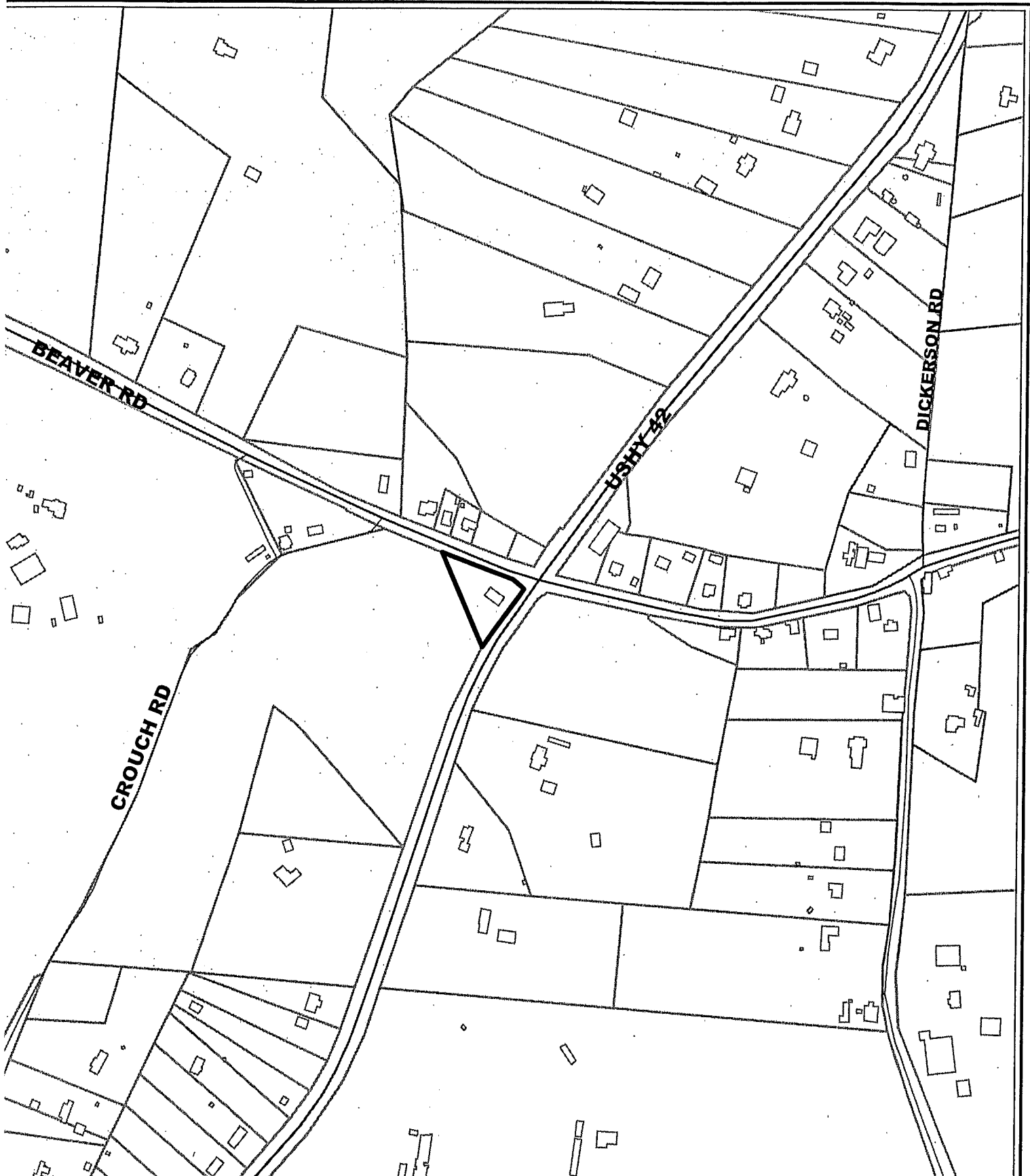


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

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

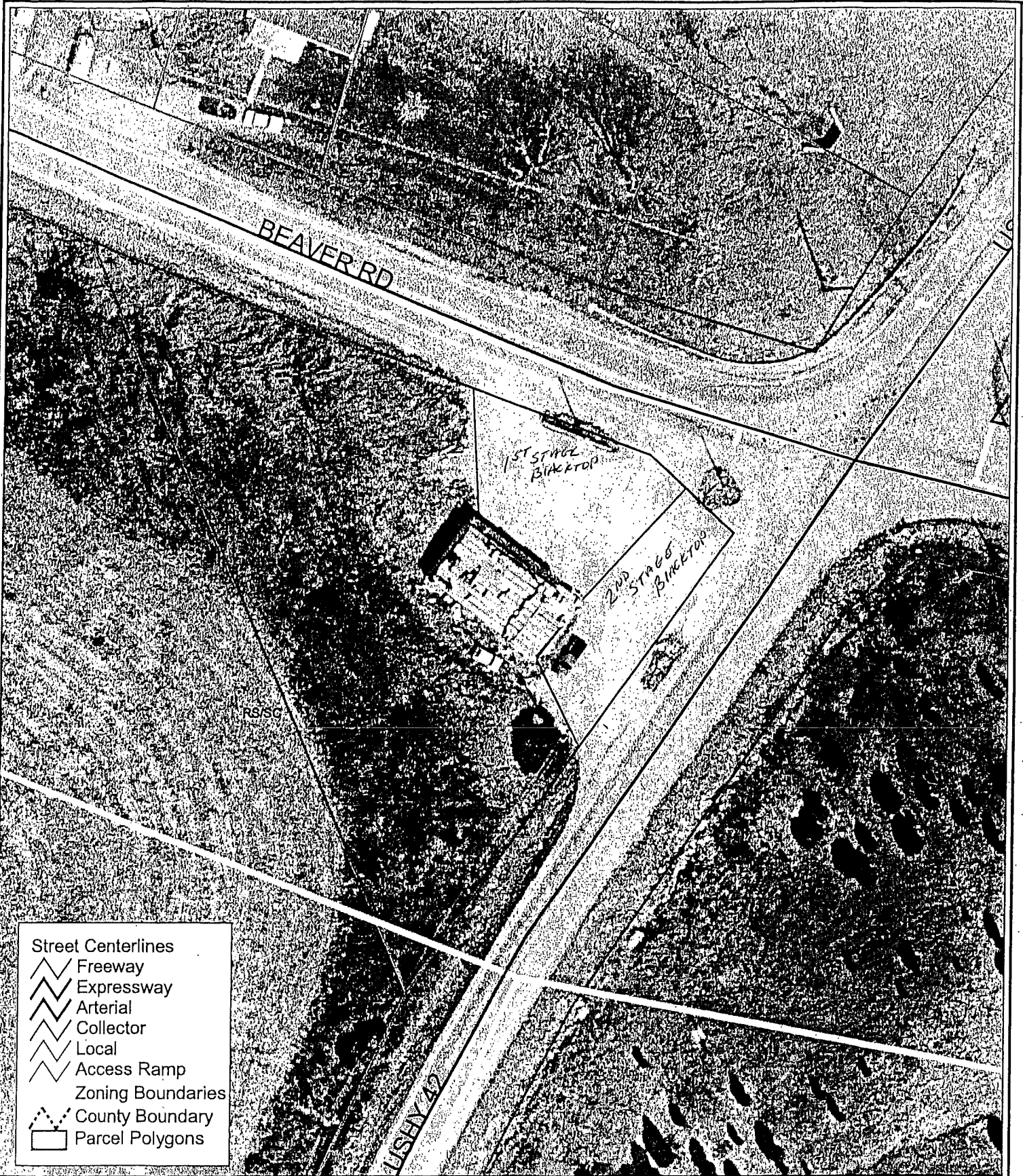










2009 Beaver Road Site Vicinity Map

400 0 400 Feet

1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004





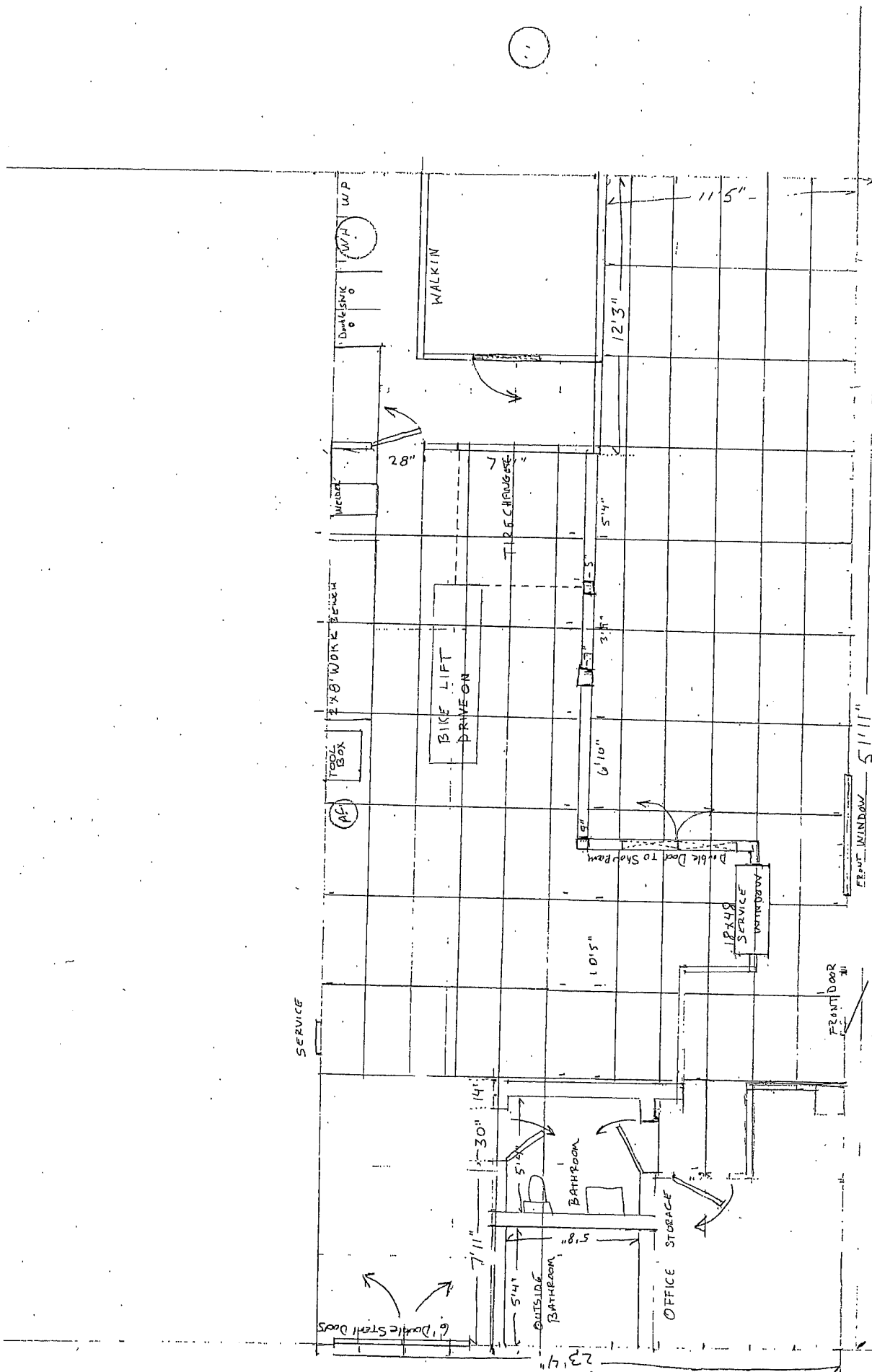
- Street Centerlines
-  Freeway
-  Expressway
-  Arterial
-  Collector
-  Local
-  Access Ramp
- Zoning Boundaries
-  County Boundary
-  Parcel Polygons

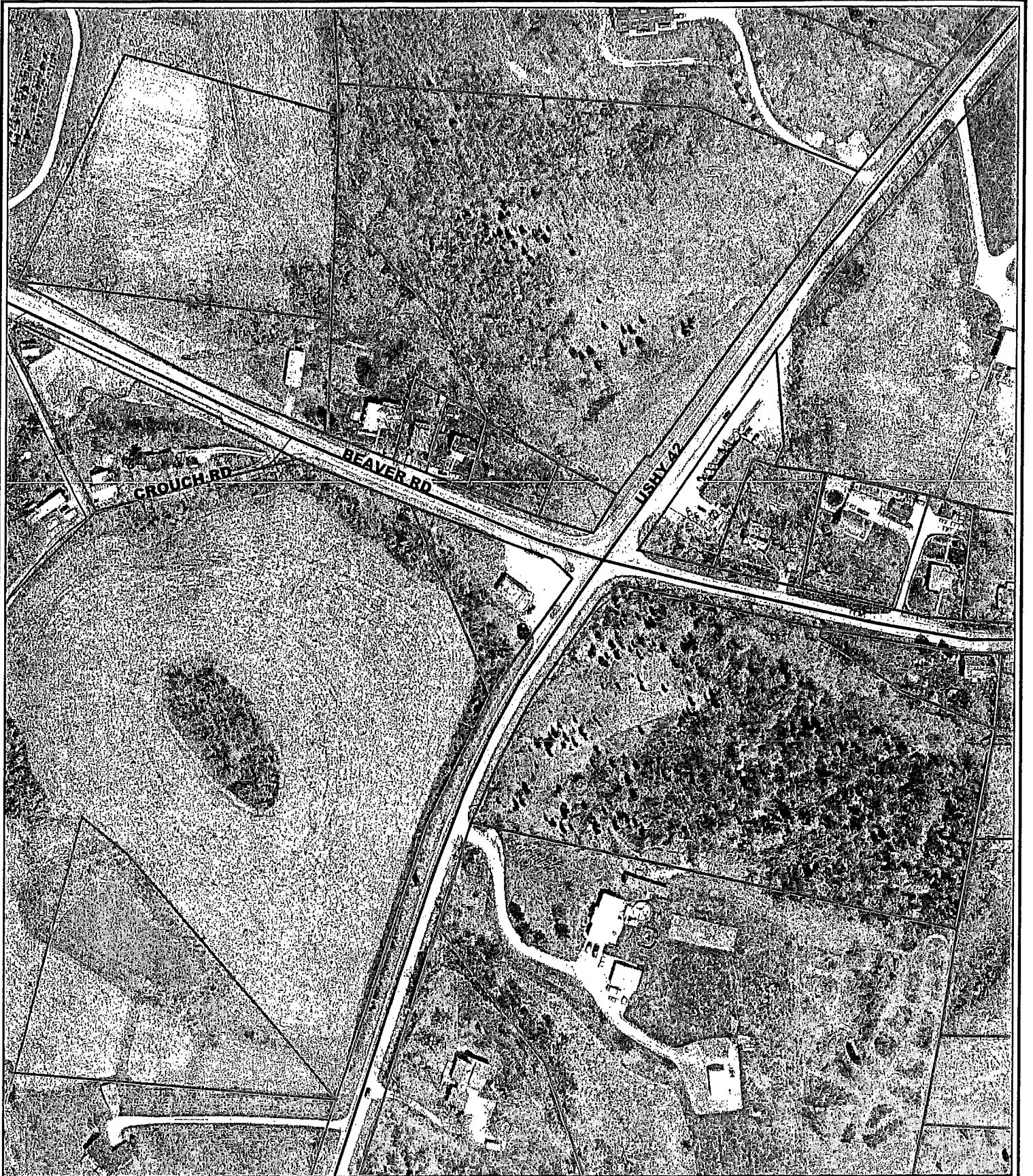
50 0 50 Feet

1 inch equals 50 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 12, 2004



2009 BEAVER RD





2009 Beaver Road Aerial Map

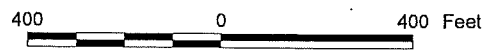
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004



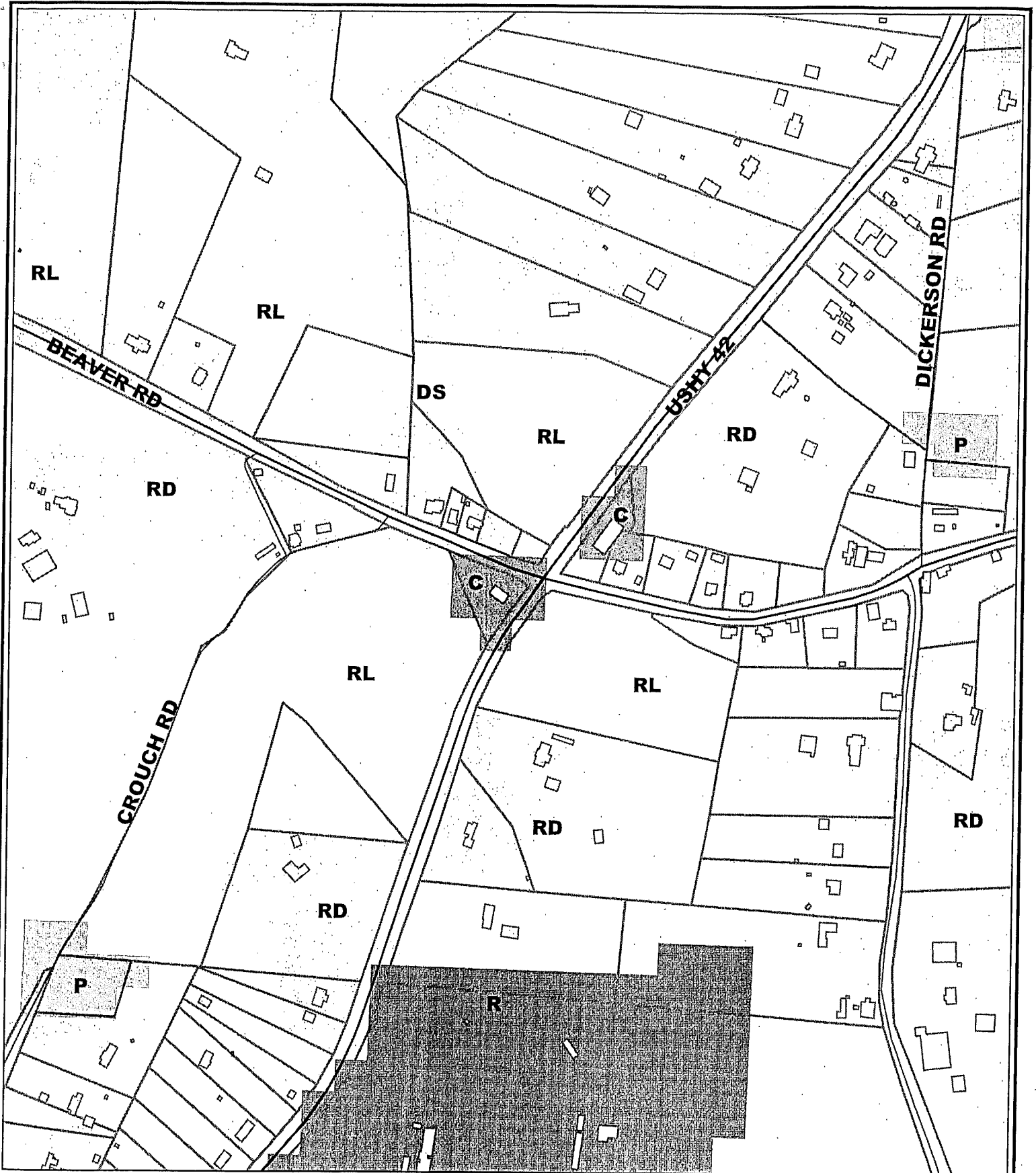


2009 Beaver Road Zoning Map



1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004





2009 Beaver Road Future Land Use Map

400 0 400 Feet

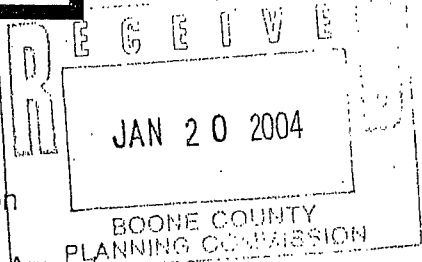


1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 27, 2004



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 J. KEMPER
Phone Number 384-2024 Fax No. _____
Applicant's Address 10189 ROSSELL HARB
City UNION State KY Zip 41091
- 4. Description of Request: Convert Retail store to a motorcycle service shop
- 5. Name of Development: Haleshot Cycle Service
- 6. Location of Development 2009 BEAR ROAD UNION KY 41091
- 7. Acreage Under Review .94
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property MIKE MATRACIA
Phone Number of Owner 859-491-2701
- 10. Address of Property Owner 428 WATKINS STREET P
City COWINGTON State KY Zip 41011
- 11. Proposed Use(s) on Site MOTORCYCLE SERVICE SHOP
- 12. Total Square Footage of Existing and/or Proposed Buildings 1250 SF
- 13. Current Zoning on Property RS/SL
- 14. Deed Book 223 Page No. 24 Group No. 2067
- 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 J. Kemper

Property Owner's Signature: SEE ATTACHED LETTER

COPY

CLUR #04-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mike Matraccia
428 Watkins Street
Covington, KY 41011

2. ADDRESS OF PROPERTY

2009 Beaver Road
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 223

PAGE NO. 24

GROUP NO. 2067

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

___ Zoning Map Amendment:
From ___ To

X 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

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 February 11, 2004 Certificate of Land Use Restriction (#04-BCBOA-005-A), for Mike Matraccia, Property Owner(s).

The following conditions will apply:

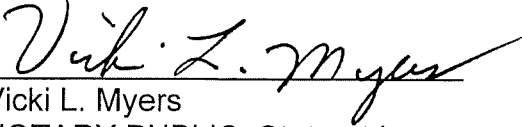
- 1) The two curbs cuts closest to the U.S. 42/Beaver Road intersection are to be removed and curbing is to be installed along the U.S. 42/Beaver Road street frontage area in order to define the two remaining curb cuts.
- 2) A street frontage buffer is required along Beaver Road and U.S. 42. The buffer yards are to be 10 feet wide and consist of 5 small trees and 20 shrubs per 100 linear feet of frontage.
- 3) There is to be no outside storage other than trash dumpsters, which are to be screened with an appropriate enclosure per Article 31 of the *Boone County Zoning Regulations*.
- 4) Any future building addition(s) are to come back through the Conditional Use Permit process.
- 5) The entire parking lot is to be paved and striped within a year of building occupancy.
- 6) A Minor Site Plan application must be submitted and approved by the Boone County Planning Commission.
- 7) A permit for the holding tank must be obtained from the Northern Kentucky Health District.
- 8) Test drives of the motorcycles are to be on U.S. 42.
- 9) There are to be no outside repairs.
- 10) The facility is not to be open for business after 7 PM.
- 11) There is to be no glare or spillover from outside lighting and it is to comply with the *Boone County Zoning Regulations* for outside lighting.

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

COMMONWEALTH OF KENTUCKY

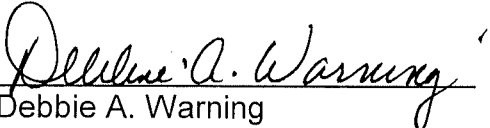
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of February, 2004.


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.)