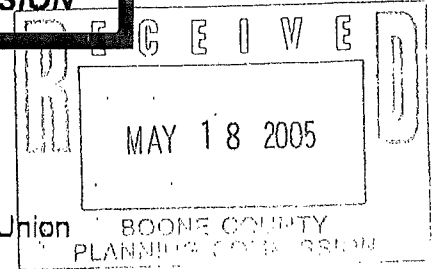


05-BCBOA 010-A

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 \_\_\_\_\_ Varlance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name Chris Meyer  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_  
Applicant's Address 704 Frances Lane  
Covington Ky 41011  
City State Zip
- 4. Description of Request: Add drive thru lane  
per attached drawings
- 5. Name of Development Beau Dick Trading Post, LLC
- 6. Location of Development US 42 & Beaver Rd, Union, Ky 2009  
Boone Co. BEAVER Rd.
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property HRM Enterprises
- 10. Phone Number of Owner 513-335-7663  
Address of Property Owner 2009 Beaver Rd.  
Union Ky 41017  
City State Zip
- 11. Proposed Use(s) on Site Drive thru
- 12. Total Square Footage of Existing and/or Proposed Buildings 1800
- 13. Current Zoning on Property RS/SC
- 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.

X Applicant's Signature: [Signature], member Beau Dick Trading Post, LLC

Property Owner's Signature: [Signature], member, HRM Enterprises

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 \_\_\_\_\_ Fee Received \_\_\_\_\_
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ Approved  
6/8/05 Approved with Conditions (See #6)  
\_\_\_\_\_ Denial (See #7)
6. Conditions of Approval: SEE 6/8/05 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: Chris Meyer  
LOCATION: 2009 Beaver Road, Boone County, KY  
ZONING: Rural Suburban/Small Community Overlay (RS/SC)  
DATE: June 8, 2005

### Proposal

The Applicant is requesting a Conditional Use Permit so he can install a drive-through lane and drive-through window behind the Beaver Lick Trading Post. The subject property is located at 2009 Beaver Road and is zoned Rural Suburban/Small Community Overlay (RS/SC).

The Applicant's submitted Concept Development Plan (see attachments) shows the following improvements will be made to the site: (1) a drive-through lane and window will be constructed behind the existing building; (2) the parking lot will be paved and striped with nine parking stalls and a loading area; (3) the number of curb cuts will be reduced from 3 to 2; (4) the curb cuts will be defined with curbing; and (5) landscape buffers will be installed in the U.S. 42 and Beaver Road right-of-ways.

### Site History

- 02/11/04 – The Boone County Board of Adjustment approved a Conditional Use Permit which allowed a motorcycle repair shop to operate of the existing building. The Board imposed eleven conditions of approval (see attachments).
- 03/08/04 – Minor Site Plan approved by the Boone County Planning Commission (see attachments).

### 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 2010 of the Boone County Zoning Regulations principally permits "grocery stores" and "general merchandise stores" in the SC district if the existing building is less than 2,500 square feet in area and requires 10 parking stalls or less.

Article 20, Section 2012 of the Boone County Zoning Regulations requires a Conditional Use Permit to be issued before a drive-through facility can be constructed onto a SC use (pursuant to Section 3155).

Article 31, Section 3155 of the Boone County Zoning Regulations states that drive-through facilities must be in accord with the following standards:

1. Drive-through facilities must be incidental and subordinate to the principal use of the property.
2. The vehicular lane(s) serving a drive-through facility must be a minimum of 10' wide. This minimum 10 foot wide driving lane is for the exclusive use of the drive-through facility, and parking spaces can not be situated so that vehicles must back into it.
3. Canopies, awnings, or other structural components which are part of drive-through operations shall be attached to the principal building and have a design which is integral with the principal building by using the same materials, colors, and design details or stylistic features.
4. Drive-through lanes, windows, canopies, or other structures, shall be located at the side or rear of the principal structure only.
5. Intercoms or other audio devices used in conjunction with a drive-through facility shall not be audible beyond the property line of the lot containing the drive-through facility.
6. Signage for drive-through facilities shall conform to the requirements of Article 34.

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 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 one parking stall per 250 square feet of the building (gross floor area).

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 a drive-through facility as a conditional use 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."

### Site Characteristics

The property is 0.94 acres in area and contains an approximate 1,200 square foot building that is constructed with concrete block and wood siding. The property currently contains a wide open curb cut on U.S. 42 and two curb cuts on Beaver Road. The property was recently graded without permits to remove the hillside from the parking of the building. It appears that parking lot has recently been freshly graveled. The topography of the property falls from approximately 755 feet above sea level at the rear property line to 730 feet above sea level at the U.S. 42/Beaver Road intersection.

### 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

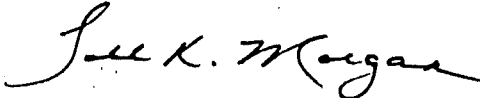
1. The motorcycle repair shop which was conditionally approved in 2004 went out of business before any improvements were made to the exterior of the site. The conditions are not enforceable unless a motorcycle repair shop or similar facility occupies the building.
2. Staff would like the applicant to clarify the following items:
  - A. What are the proposed days and hours of operation?
  - B. Is any site lighting being proposed?

3. Staff believes the Applicant's proposed Concept Development Plan will clean up several non-conformities on the site. The non-conformities include: (1) the number of curb cuts, (2) the proximity of the curb cuts to the U.S. 42/Beaver Road intersection, (3) maximum curb cut width, and (4) a gravel parking lot.
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 existing curb cuts on the property shall be reconstructed as shown on the Concept Development Plan. Curbing will be installed along U.S. Hwy. 42 and Beaver Road to define the two remaining curb cuts. Encroachment Permits from the Kentucky Transportation Cabinet will need to be issued before any modifications to the curb cuts occur.
  - 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. The Kentucky Transportation Cabinet will need to grant encroachment permits to allow landscaping in their right-of-ways.
  - c. Any future building addition(s) will need to come back through the Conditional Use Permit process.
  - d. A Major Site Plan application must be submitted to the Boone County Planning Commission before any more grading or improvements are made to the site. A Major Site Plan is required because grading work will be needed to install the drive-through lane.

### 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,

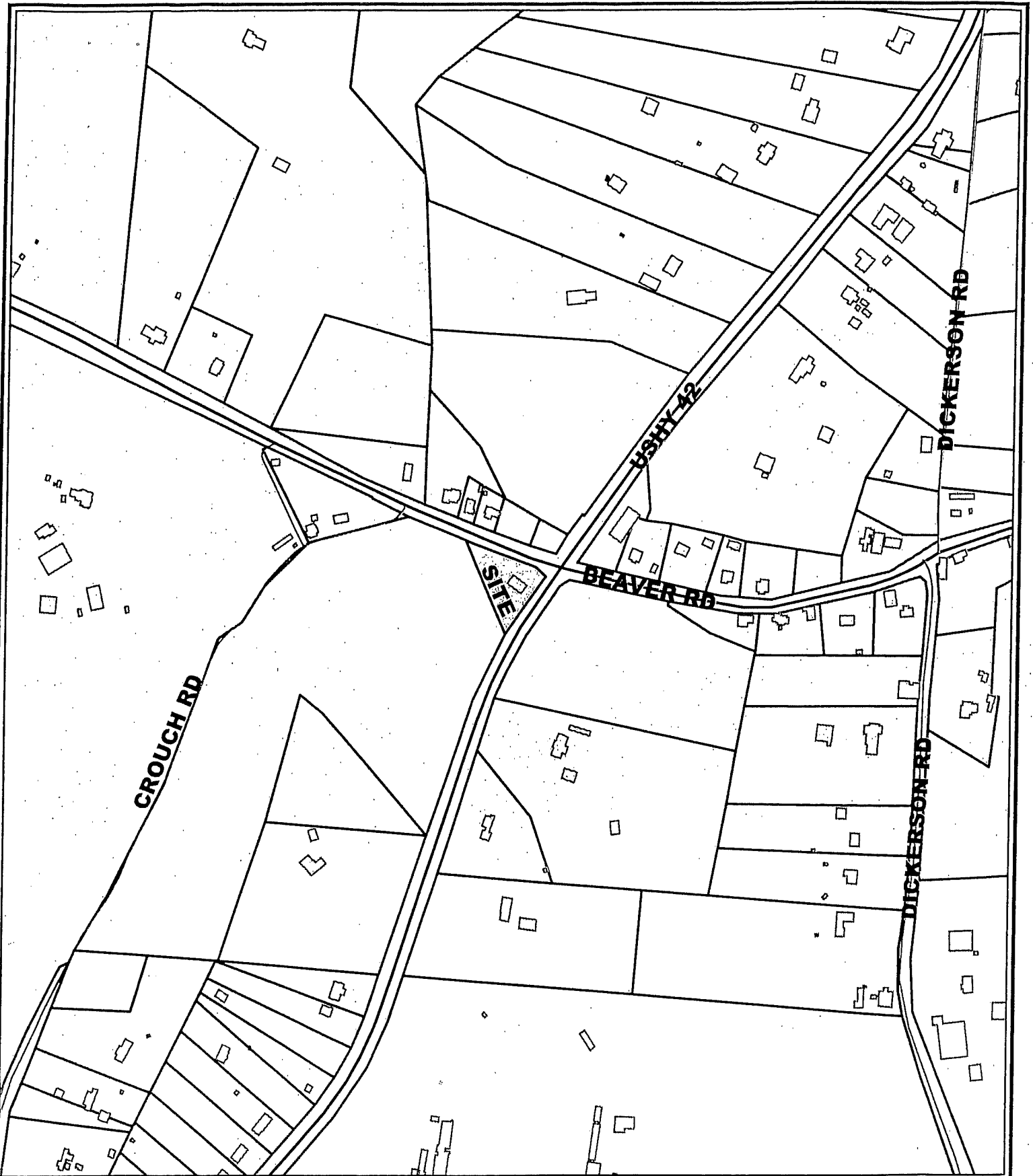


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan (Site Plan)
- Exhibit C – Concept Development Plan (Building Elevation)
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Topographical Map
- Exhibit H – 02/11/04 Conditions of Approval
- Exhibit I – 03/08/04 Minor Site Plan
- Exhibit J – Application



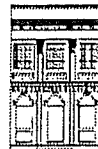
# 2009 Beaver Road Site Vicinity Map

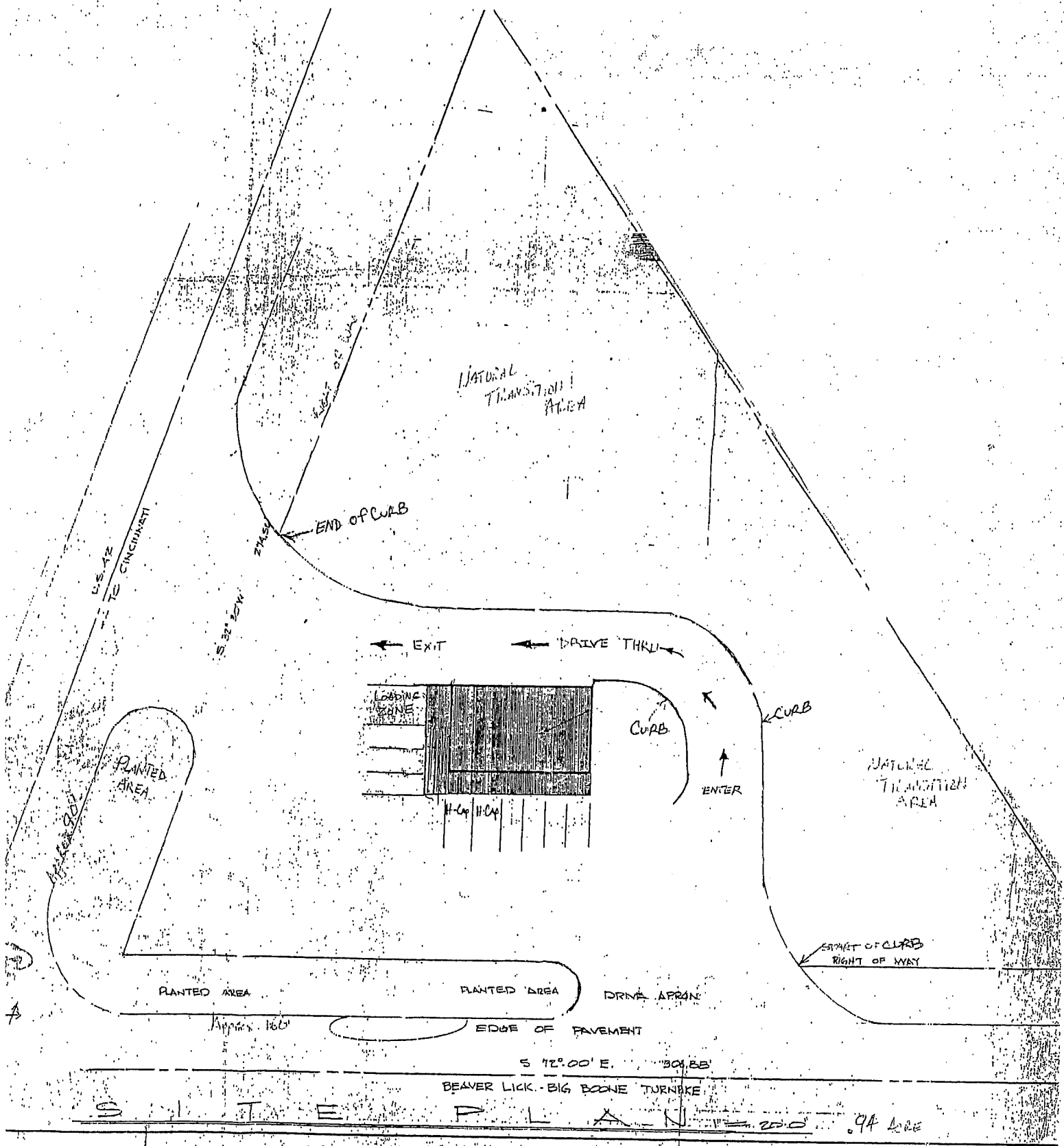
400 0 400 Feet



1 inch equals 400 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 26, 2005





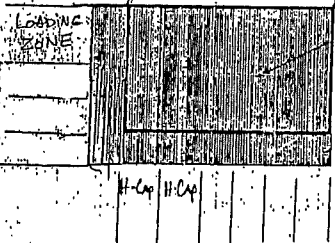
U.S. 42  
 THE CINCINNATI

S. 32° 30' W

NATURAL TRANSITION AREA

END OF CURB

EXIT      DRIVE THRU



CURB

ENTER

CURB

NATURAL TRANSITION AREA

EDGE OF CURB  
RIGHT OF WAY

PLANTED AREA

PLANTED AREA

DRIVE APRON

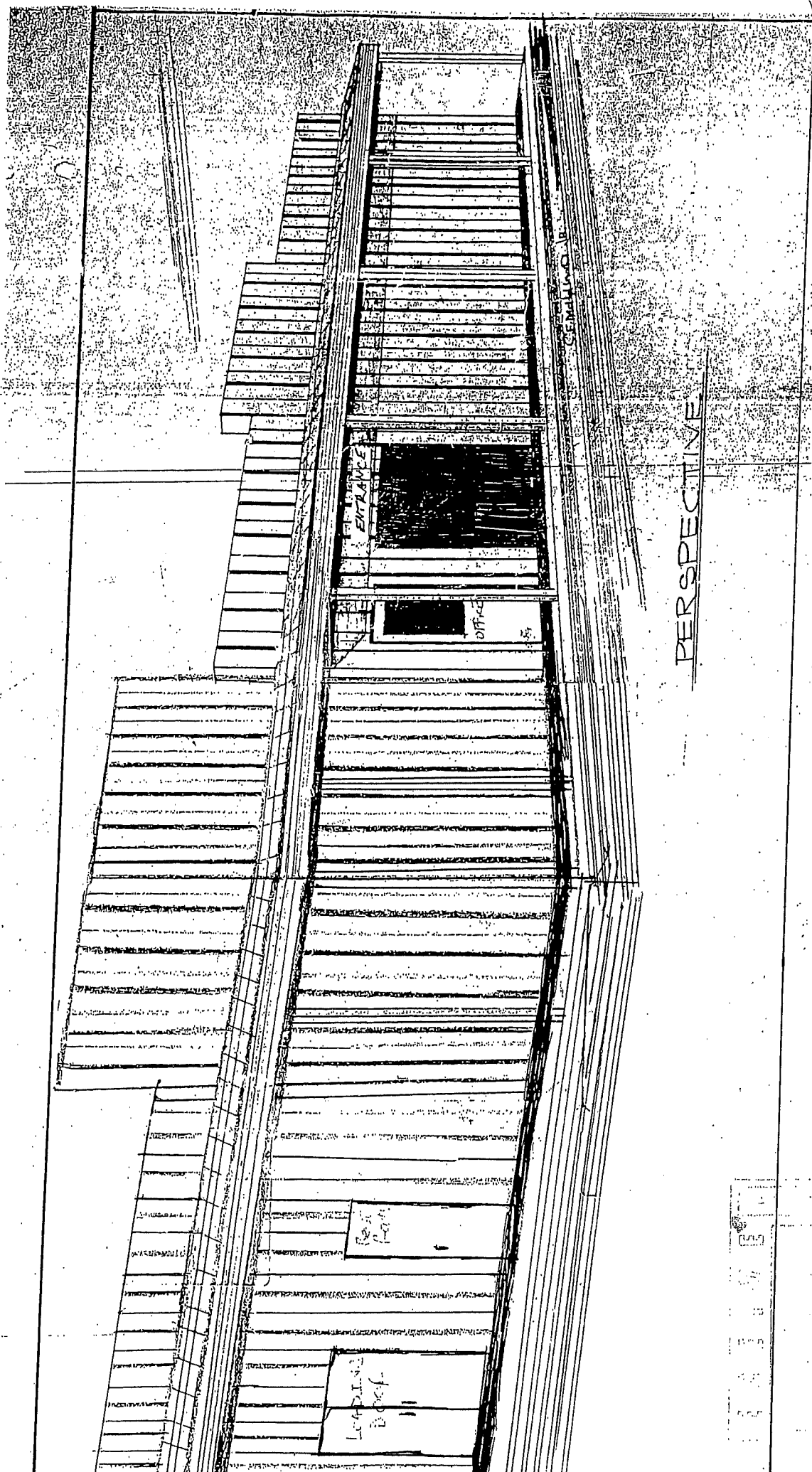
Approx. 160'

EDGE OF PAVEMENT

S 72° 00' E. 304.88'

BEAVER LICK - BIG BONE TURNPIKE

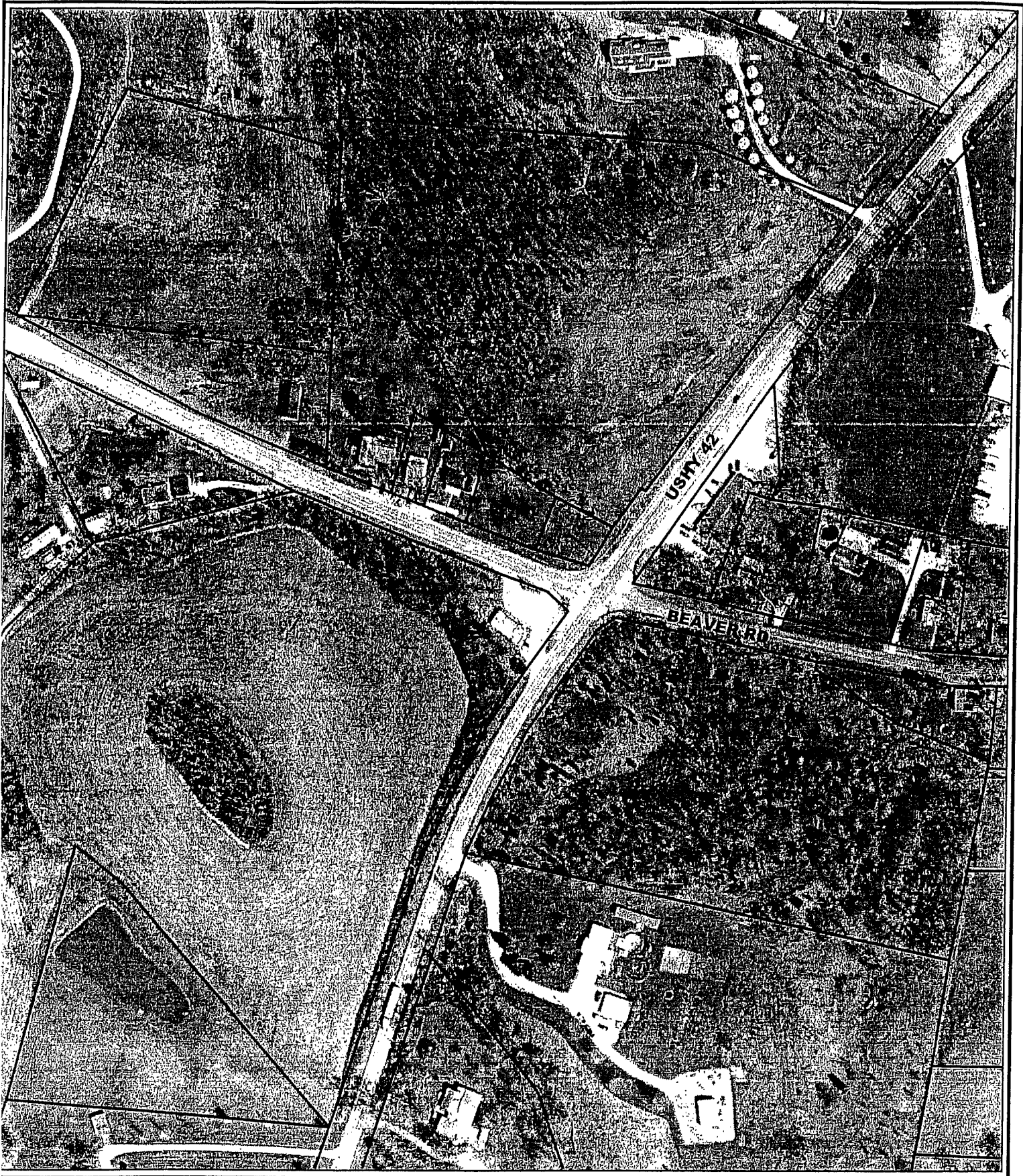
S T A T E P L A N 94 200



PERSPECTIVE

1 2 3 4 5

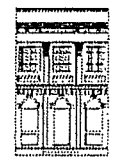
MAY 18 2005

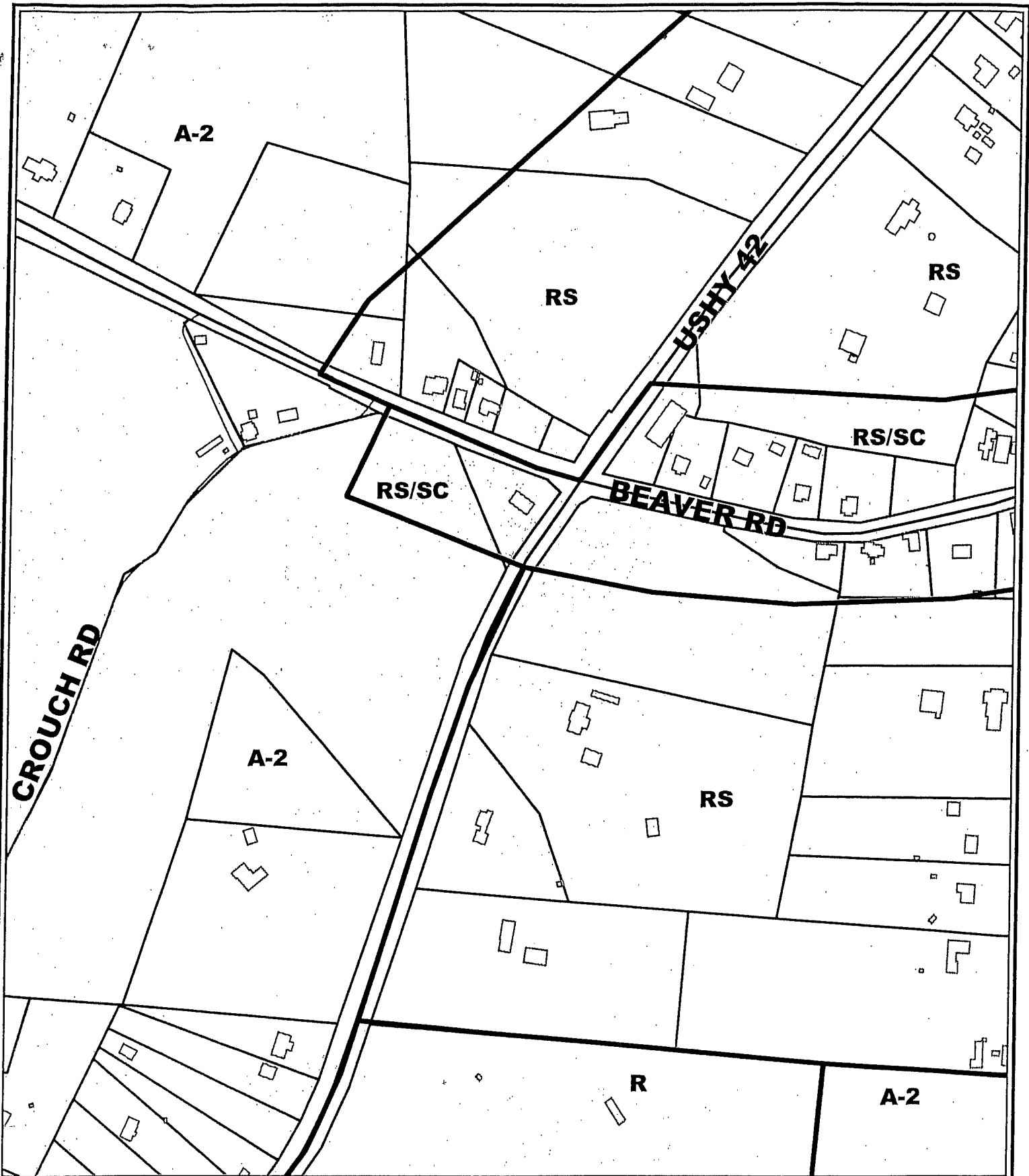


# 2009 Beaver Road Aerial Map

200 0 200 Feet

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 26, 2005





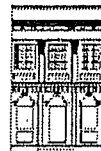
# 2009 Beaver Road Zoning Map

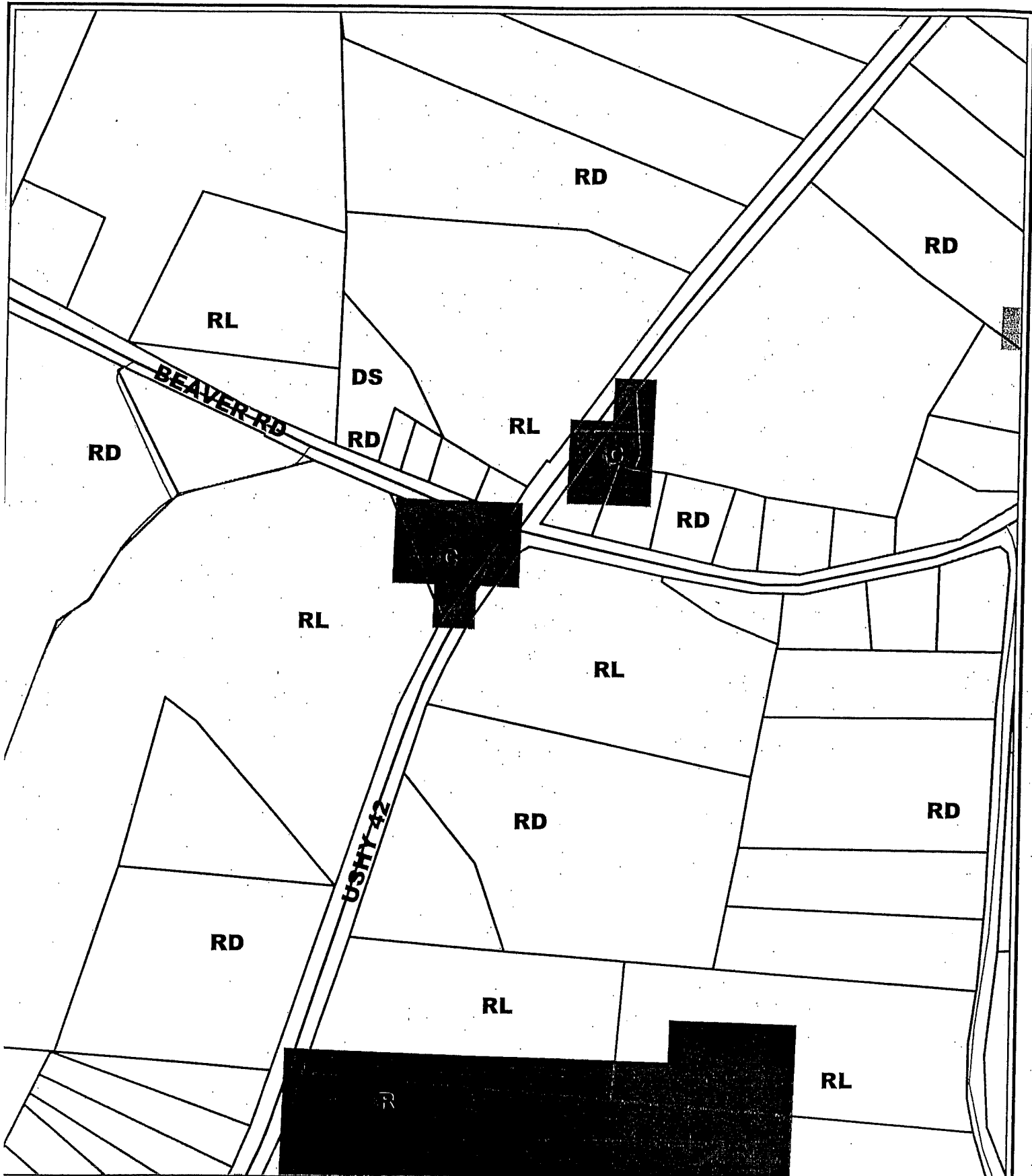
300 0 300 Feet



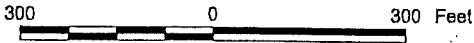
1 inch equals 300 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 26, 2005

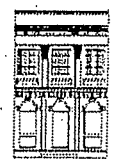


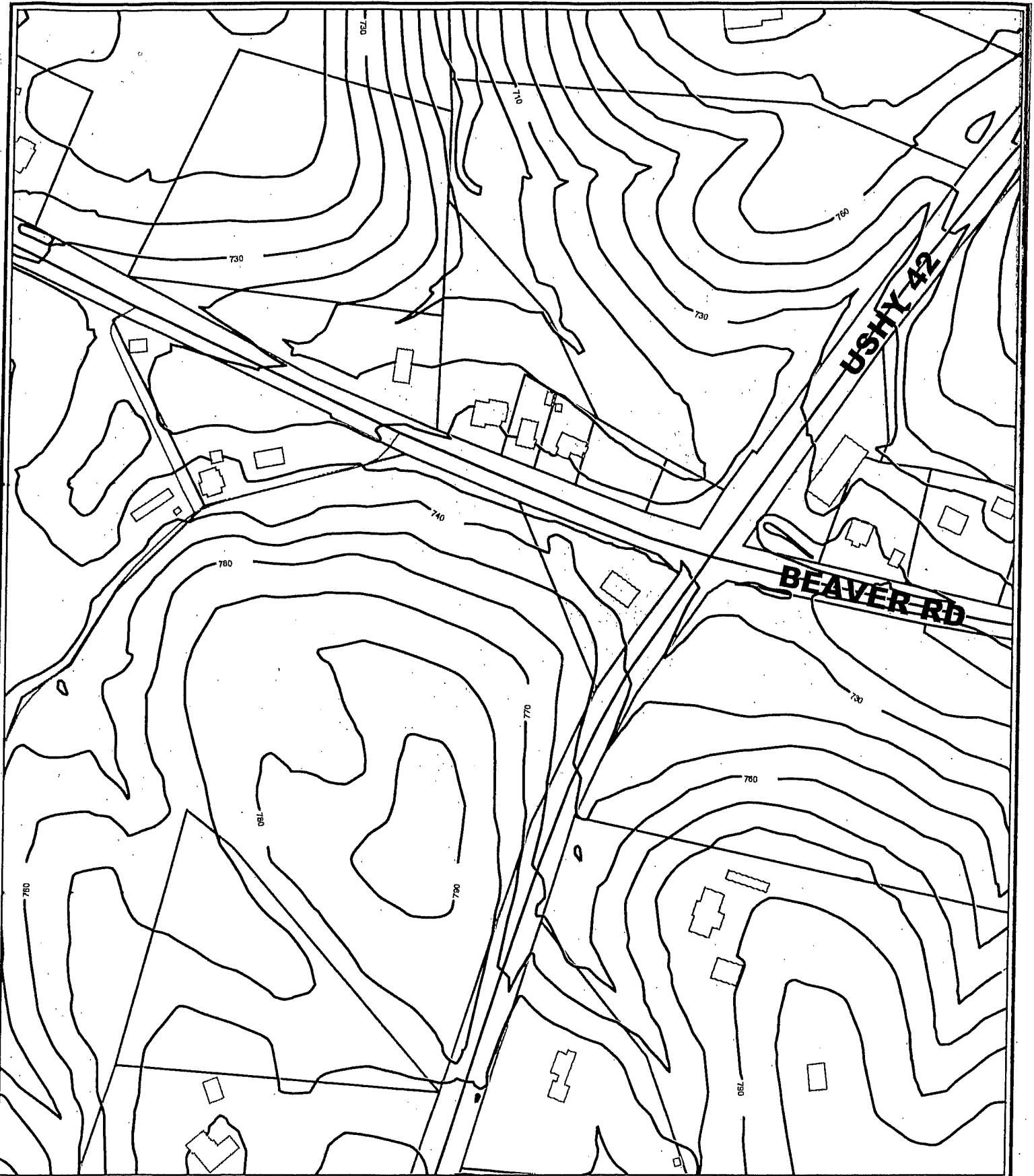


# 2009 Beaver Road Future Land Use Map



1 inch equals 300 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 May 31, 2005





# 2009 Beaver Road Topographical Map

200 0 200 Feet



1 inch equals 200 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 26, 2005



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 Matracia, 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:

**APPROVED**

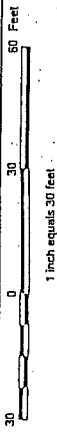
Staff Lee L. McGowan

Date 3/8/04

Boone County  
Planning Commission



Parking Calc. 1,250 sq. FE / 250 = 5 stalls



Produced by the  
Boone County Planning Commission  
GIS Services Unit  
February 18, 2004



- AMUR MAPLE OR SUGAR MAPLE (7)
- + JAPANESE YEW (30)

- \* The DUMPSTER will be screened by Six Foot Tall GATES (stockade Fencing)

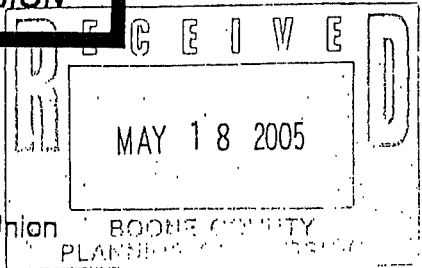
### 2009 Beaver Road

PLANNING COMMISSION

MAR 2 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)

(Check One) 1.  Boone  Florence  Walton  Union BOONE COUNTY PLANNING COMMISSION

(Check One) 2.  Conditional Use Permit  Variance  Appeal  Change in Non-Conforming Use

3. Applicant's Name Chris Meyer Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_ Applicant's Address 704 Francis Park Covington, Ky 41011 City State Zip

4. Description of Request: Add drive thru lane per attached drawings

5. Name of Development Beau Dick Trading Post, LLC

6. Location of Development US 42 & Beau Rd, Union, Ky Boone Co.

7. Acreage Under Review \_\_\_\_\_

8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_

9. Owner of Property HRM Enterprises Phone Number of Owner 513-535-7603

10. Address of Property Owner 2009 Beau Rd. Union Ky 41017 City State Zip

11. Proposed Use(s) on Site Drive thru

12. Total Square Footage of Existing and/or Proposed Buildings 1200

13. Current Zoning on Property RS/SC

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: [Signature], member Beau Dick Trading Post, LLC Property Owner's Signature: [Signature], member HRM Enterprises

COPY

CLUR #05-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
HRM Enterprises  
2009 Beaver Road  
Union, KY 41091
2. ADDRESS OF PROPERTY  
2009 Beaver Road  
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Beaver Lick Trading Post
4. DEED BOOK 223      PAGE NO. 24      GROUP NO. 2067
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

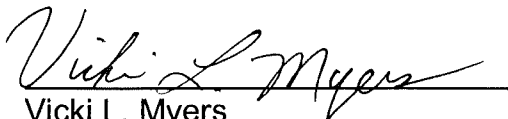
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

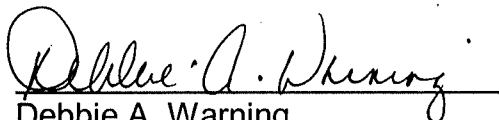
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 20 day of June, 2005.

  
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 June 8, 2005 Certificate of Land Use Restriction (#05-BCBOA-010-A), for HRM Enterprises, Property Owner(s).

The following conditions will apply:

- 1) The hours of operation are to be from approximately 5:30 AM to dusk.
- 2) The existing curb cuts on the property are to be reconstructed as shown on the Concept Development Plan and curbing is to be installed along U.S. 42 and Beaver Road to define the two remaining curb cuts (Encroachment Permit required).
- 3) A Major Site Plan application must be submitted to the Planning Commission, at which time the lighting will be addressed.

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

DEED BOOK 223

PAGE NO. 24

GROUP NO. 2067