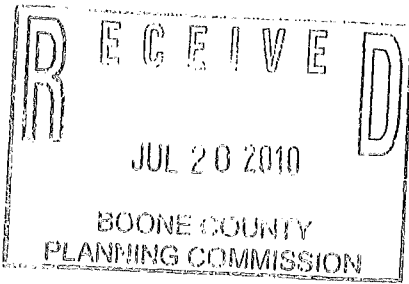


APPLICATION FORM

10-BCBOA-009-A



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____

3. Applicant's Name UC HOLDING
Phone Number 859 466-2305 Fax No. 859 372-0602
Applicant's Address 9597 GUNPOWDER RD. FLORENCE KY 41042
City State Zip

4. Description of Request: EXPANSION OF AN EXIST. CONDITIONALLY PERMITTED USED CAR SALES FACILITY (2) Variance To Reduce Perimeter Landscaping

5. Name of Development _____
6. Location of Development 166 WEAVER ROAD FLORENCE, KY 41042
7. Acreage Under Review 1.06
8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property S.A.
Address of Property Owner S.A. Phone No. S.A.
City State Zip

11. Proposed Use(s) on Site USED CAR SALES

12. Total Square Footage of Existing and/or Proposed Buildings 3,130 EXIST. / 1680 ADD.
13. Current Zoning on Property I-2
14. Deed Book 977 Page No. 960 Group No. 2049A

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.

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff) # 61228

- 1. Date Received 7-20-10 Fee Received \$ 1,132.⁰⁰
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
8/11/10 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
- 6. Conditions of Approval: SEE 8/11/10 BCBOA Meeting Minutes
AND C.L.U.R.
- 7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: UC Holding (d/b/a Midwest Auto Store)

LOCATION: 166 Weaver Road, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: August 11, 2010

PROPOSAL

The Applicant has submitted the following applications:

1. A Conditional Use Permit application to allow the expansion of a used car sales facility. The proposal would allow the following improvements on site:
 - A. Enclose the former bank drive through on the west side of the building and convert it into a 680 square foot (21'-2" x 32'-1") car prep area.
 - B. Allow additional car inventory parking in the front and side yards. The submitted plan shows there will be 39 inventory stalls and 7 customer stalls if the project is approved.
2. A Variance application to allow the 10 foot perimeter buffer yard requirements to be reduced where new parking lot improvements are being proposed. The plans show that some of the parking spaces (stalls 14 and 39) are less than 2 feet from the property lines.

SITE HISTORY

- 5/13/09 - The Boone County Board of Adjustment approves a Conditional Use Permit allowing sales of used motor vehicles (automobiles, light trucks, and motorcycles) from the premises. The following conditions were imposed on the approval:
1. The parking lot striping shall remain unchanged and shall be repainted to make it visible.
 2. All vehicles for sale shall be located in striped parking places.
 3. No major vehicle repairs shall be conducted on site (engine work, transmission repair, auto glass, heating/air conditioning, upholstery, etc.).
 4. No auto parts shall be stored outside.
 5. The landscaping that was removed from the front parking lot shall be replanted along the front property line.
- 7/17/91 - The Boone County Planning Commission approves a Site Plan allowing a 3,100 square foot bank and 14 parking spaces.

- 4/10/91 - The Boone County Board of Adjustment approved an Appeal of the Zoning Administrator's decision. The approval allowed a variance to be sought to reduce the minimum lot size of an Industrial Two (I-2) parcel.
- 4/10/91 - The Boone County Board of Adjustment approved a Conditional Use Permit and two Variances. The Conditional Use Permit allowed a bank to be constructed in an Industrial Two (I-2) zone. The first Variance reduced the front yard setback requirement from 100' to 50'. The second Variance reduced the minimum lot size of an I-2 lot from 2.75 acres to 1 acre.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment is to act on conditional use permits and variance requests.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

The Board should evaluate the applicant's Conditional Use Permit request as it relates to the criteria listed in Sections 262 & 1143 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for 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 11, Section 1143 of the Boone County Zoning Regulations allows "retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage" as Conditional Uses in the Industrial One (I-2) 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.

Section 3312 of the Boone County Zoning Regulations requires all parking lots to be striped to facilitate the movement of vehicles into and out of parking lots.

Section 3311 of the Boone County Zoning Regulations requires a 24 foot wide driveway aisle when parking stalls are located on both sides of a driveway aisle.

Section 3314 of the Boone County Zoning Regulations requires all parking lots to be constructed with either asphalt concrete or portland cement to provide a durable dust free surface.

Section 3323 of the Boone County Zoning Regulations requires a minimum driveway aisle width of 20' for two-way traffic.

Section 3605 of the Boone County Zoning Regulations states that landscaping is required when improvements are made to an existing site that is currently developed. The landscaping is required to align with any new improvements that are made.

Section 3620 of the Boone County Zoning Regulations states that a minimum 10' wide street frontage buffer is required between the front property line and any proposed improvements.

Section 3645 of the Boone County Zoning Regulations states that a 10' wide landscaping buffer (Buffer Yard A) is required when a developing I-2 site adjoins another I-2 site.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Industrial" and "Commercial" uses. These designations are defined as follows:

Industrial - "Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

Commercial - "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Devon Area, pp. 147-148) makes the following statements regarding the general area:

"This section contains the Northern Kentucky Industrial Park, which is the largest park in the metropolitan region. Expansion and continued development of this employment center has slowed some, but is expected to continue over the study period of this Plan. The residential areas to the north of the Park prohibit any expansion in that direction, and industrial expansion should not occur west of the interstate. Development should occur along the east side of the interstate, however, this development should retain the existing tree line to buffer the uses from residential development on the west side of the interstate and to hide the outside storage and parking areas from public view from the interstate. Industries should continue to locate and expand along Industrial Road into Kenton County, and along the length of Empire Drive. The Park should be encouraged to expand to the south along the Empire Road Connector, and the proposed Weaver Road to Sam Neace Boulevard. In addition, development should continue along U.S. 25 and Weaver Road, and near the railways. Tracts of developable land exist in the area and development depends only upon public utility expansion and an improved road network, including upgraded railroad crossings. The Park is now old and is experiencing building vacancies and other signs of being dated, however, the planned Industrial Road widening and reconstruction will give the area new life."

The following Goal from the 2005 Boone County Comprehensive Plan applies to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).
- B. "Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces" (Business Activity, Objective).

SITE CHARACTERISTICS

The approximate 1.07 acre tract is located on the north side of Weaver Road and contains a 3,100 square foot building (former bank) and 17 striped parking spaces. A 15' one-way driveway is located to the east of the building. This driveway connects to the rear parking lot and the former bank drive through (three 8' wide lanes) that is located on the western side of the building. The site contains a driveway connection to Mubea's vacant lot.

SURROUNDING LAND USES & ZONING

North: Bi-County Farm Bureau (I-2 & C-2)

South: Weaver Road, Chap's Lake (I-2), and Mary's Kitchen (C-2)

East: Bi-County Farm Bureau (I-2 & C-2)

West: Mubea (I-2)

STAFF COMMENTS

1. Staff has the following questions and comments:

A. Building Materials

Elevations drawings have not been submitted showing how the car prep area will correlate to the existing building.

- Will the building materials correlate to the existing building?
- How many garage bays are being proposed?
- Will the garage bays be glass or metal?
- Are any other windows or doors being proposed?
- Is the roof being retained or replaced?

B. Site Access

- The proposed driveway aisles in the front parking lot are only 18' wide. The zoning regulations require a 24' wide aisle when parking is located on both sides of the driveway aisle.
- The driveway aisle that leads to the car inventory spaces (8-21) is only 18' wide. The zoning regulations require a 20' driveway aisle.
- The parking stalls (34-37) shown to the west of the car prep area may need to be removed to allow proper site access. A 15' driveway aisle is shown under the existing roof line and Florence Fire Department will need to be contacted to see if this will provide them with adequate access.

C. Car Repairs

What types of work will be performed in the car prep area? One of the conditions from the 5/13/09 Conditional Use Permit approval was that no major vehicle repairs shall be conducted on site (engine work, transmission repair, auto glass, heating/air conditioning, upholstery, etc.)

D. Landscaping

Has the applicant contacted the Kentucky Transportation Cabinet to see if they will allow the proposed landscaping in the Weaver Road right-of-way?

Staff would like to make the Board aware that Street Frontage landscaping will not be required if the Board grants the Variance and the Kentucky Transportation Cabinet denies an Encroachment Permit for landscaping in the right-of-way. It should also be noted that there is an overhead utility line in the right-of-way that could affect the location and type of landscaping that is installed in the right-of-way.

2. Staff recommends the following conditions if the request is approved:

A. Staff Design Review shall occur when the Site Plan for the car prep area is submitted for review. The structure shall be constructed per the following guidelines:

- Other than the garage bays, the front of the building shall be constructed predominately with brick which matches the existing building.
- The side of the building shall be constructed predominately with brick which matches the existing building.
- Any proposed garage bays on the front of the building shall be constructed with windows. Each garage door must be 20% see through.
- The roof shall be constructed with asphalt shingles and shall match the rest of the building.

B. All vehicles for sale shall be located in striped parking places.

C. All driveway aisles and parking spaces shall meet code. The buffer along the eastern property line can be reduced to 8' feet to accomplish this.

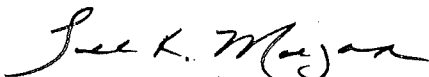
D. There shall be a 10' wide street frontage buffer. The buffer can be located on site or in the right-of-way.

E. No auto parts shall be stored outside.

Conclusion

KRS 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



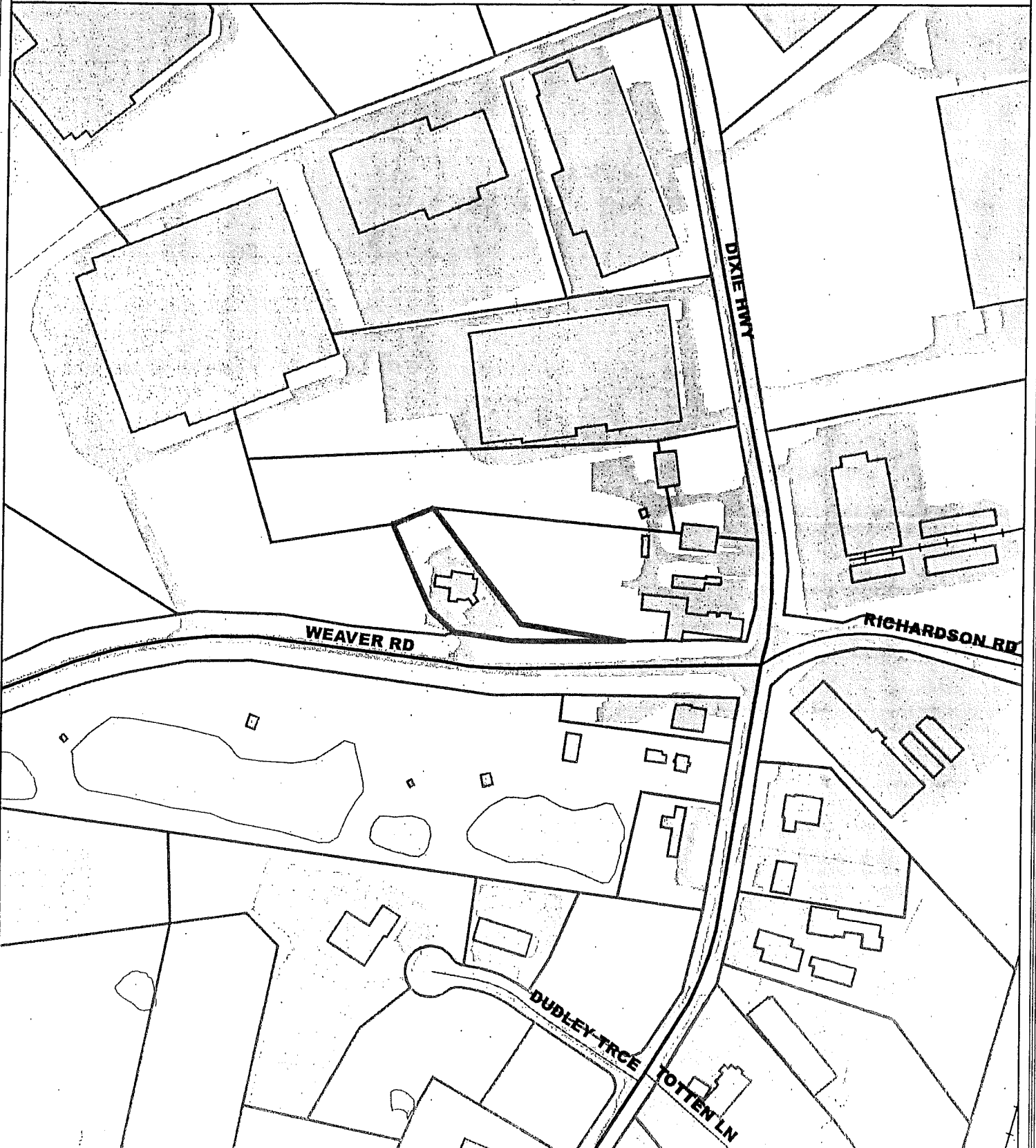
Todd K. Morgan, AICP
Senior Planner, Zoning Services

Attachments

- *Site Vicinity Map
- *Conceptual Site Plan
- *2009 Aerial Map
- *Topographical Map
- *Zoning Map
- *Future Land Use Map
- *Application

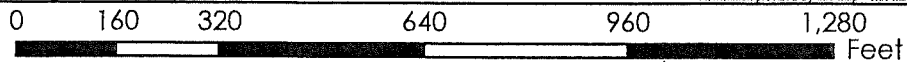
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

From File: Map of Boone County GIS.mxd
ArcMap Document *.mxd

PROJECT SUMMARY:
 CLIENT: UC HOLDING, INC.
 168 WEAVER ROAD
 FLORENCE, KY 41042

SOURCE OF TITLE: D.B. #77, P.C. #60
 EXISTING ZONING: F-3
 ZONING REQUIREMENTS: 10,000 S.F.
 MIN. LOT AREA
 MIN. LOT WIDTH & FRONT SETBACK: 25' FT
 MIN. REAR YARD SETBACK: 30' FT
 MIN. SIDE YARD SETBACK: 30' FT

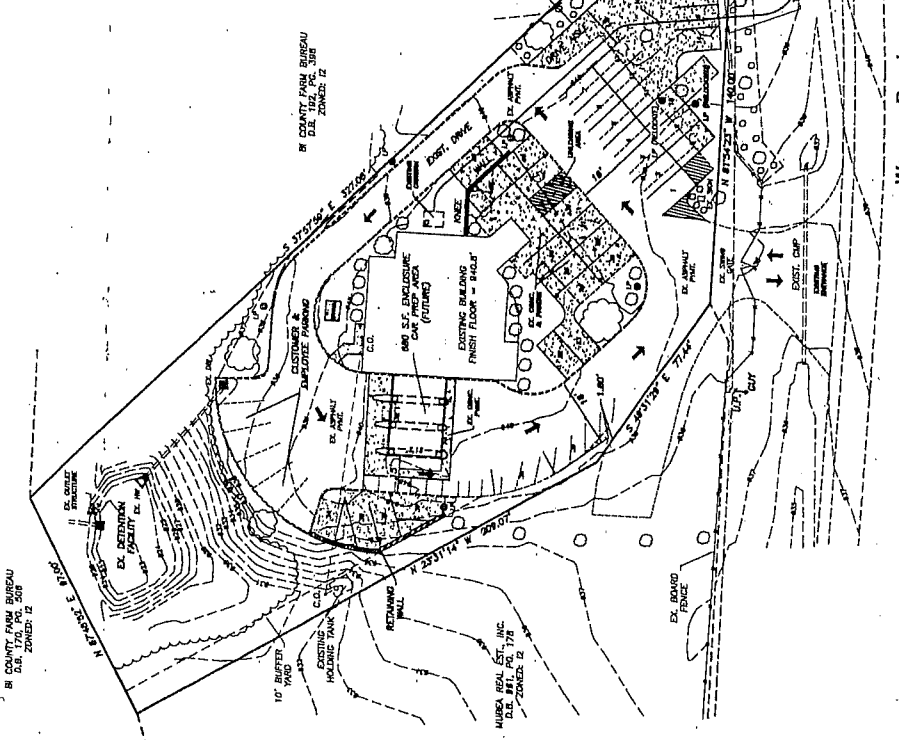
PROJECT AREA: 1.08 ACRES
 DISTURBED AREA: 0.10 ACRES

GENERAL NOTES:
 1) ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE BOONE COUNTY SUBDIVISION REGULATIONS AND THE BOONE COUNTY ZONING REGULATIONS. CERTAINING THAT PER THE AN ENCROACHMENT PERMIT FROM BOON SHALL BE REQUIRED FOR THE EXISTING 10' BUFFER YARD AND WATER EXTENSION AS PROPOSED ON THIS CONCEPT DEVELOPMENT PLAN.

2) THE PARKING CALCULATION FOR THIS PROJECT IS AS FOLLOWS:
 1. PARKING SPACE FOR EVERY 250 S.F. OF SHOWROOM & OFFICE AREA
 CALCULATION:
 786 S.F. OF SHOWROOM & OFFICE AREA = 4 PARKING SPACES
 2. TOTAL SPACES HAVE BEEN PROVIDED FOR CUSTOMERS & EMPLOYEES
 3. TOTAL SPACES HAVE BEEN PROVIDED FOR DISPLAYED VEHICLES
 TYPICAL PARKING SPACE: 200' x 10' FT

4) MATERIALS FOR THE PROPOSED ADDITION INDICATED HEREON SHALL MATCH THE EXISTING STRUCTURE.

5) LANDSCAPING INDICATED HEREON IS FOR REFERENCE ONLY. A LANDSCAPE PLAN SHALL BE SUBMITTED AS PART OF THE SITE PLAN SUBMITTAL FOR THIS PROJECT.



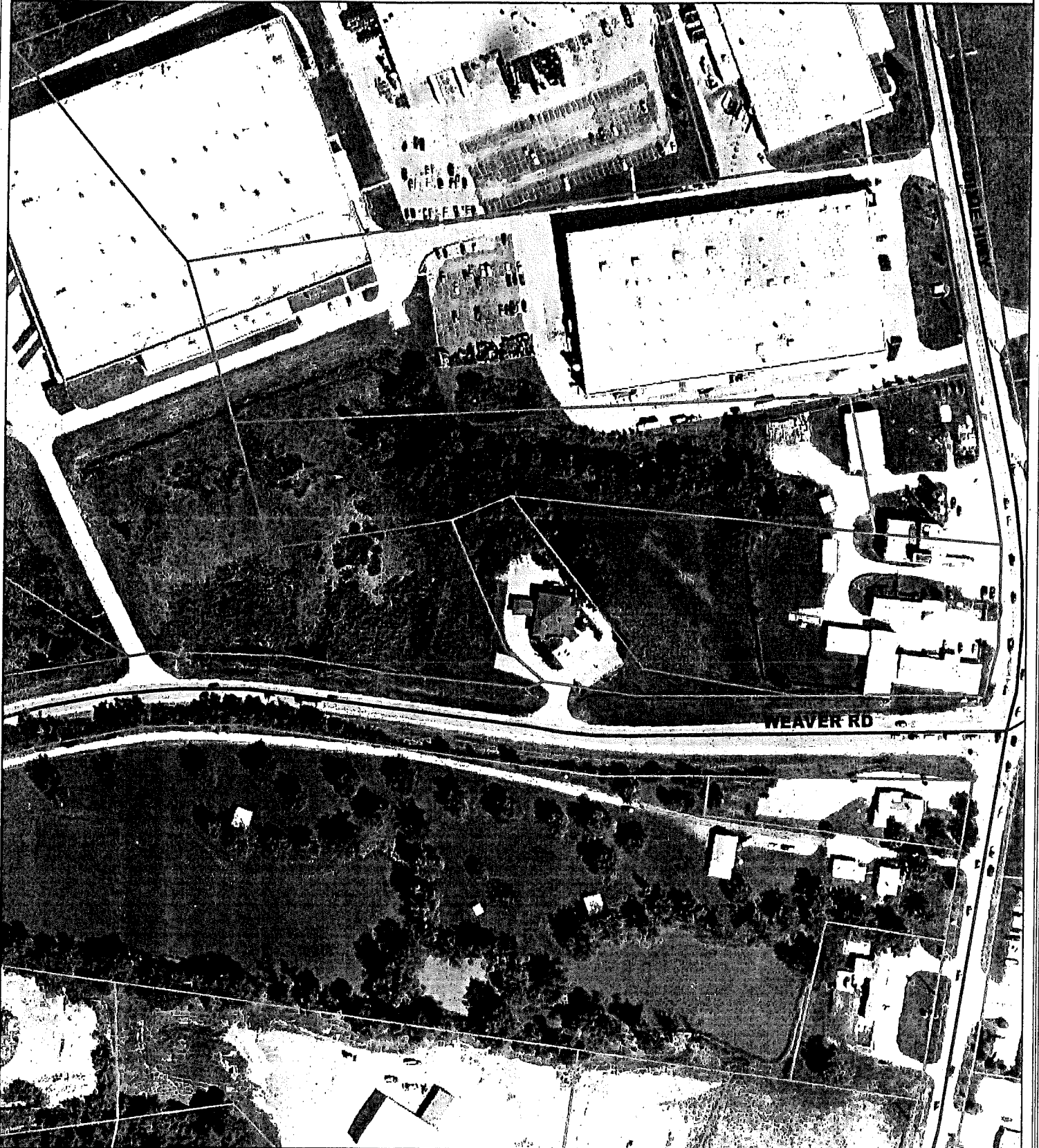
RECEIVED
 JUL 20 2010
 BOONE COUNTY
 PLANNING COMMISSION



	NO.	REVISIONS	DATE	
				Jerry F. Keith, PE KY. PE # 21762 Telephone: (606) 428-0048 Facsimile: (606) 428-0711
				JFK JERRY F. KEITH AND ASSOCIATES, P.L.L.C. 1243 Wood Road Chattanooga, TN 37400 CIVIL ENGINEERING - CONSTRUCTION STAKING - CAD SERVICES
UC Holding, Inc. Concept Development Plan				
168 Weaver Road Florence, Kentucky				
SHEET NUMBER	1 of 1			
168 WEAVER ROAD, FLORENCE, KY 41042				

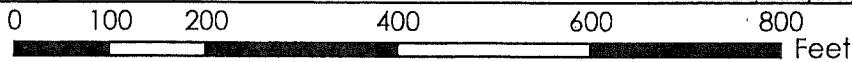
2009 AERIAL MAP

www.boonecountygis.com



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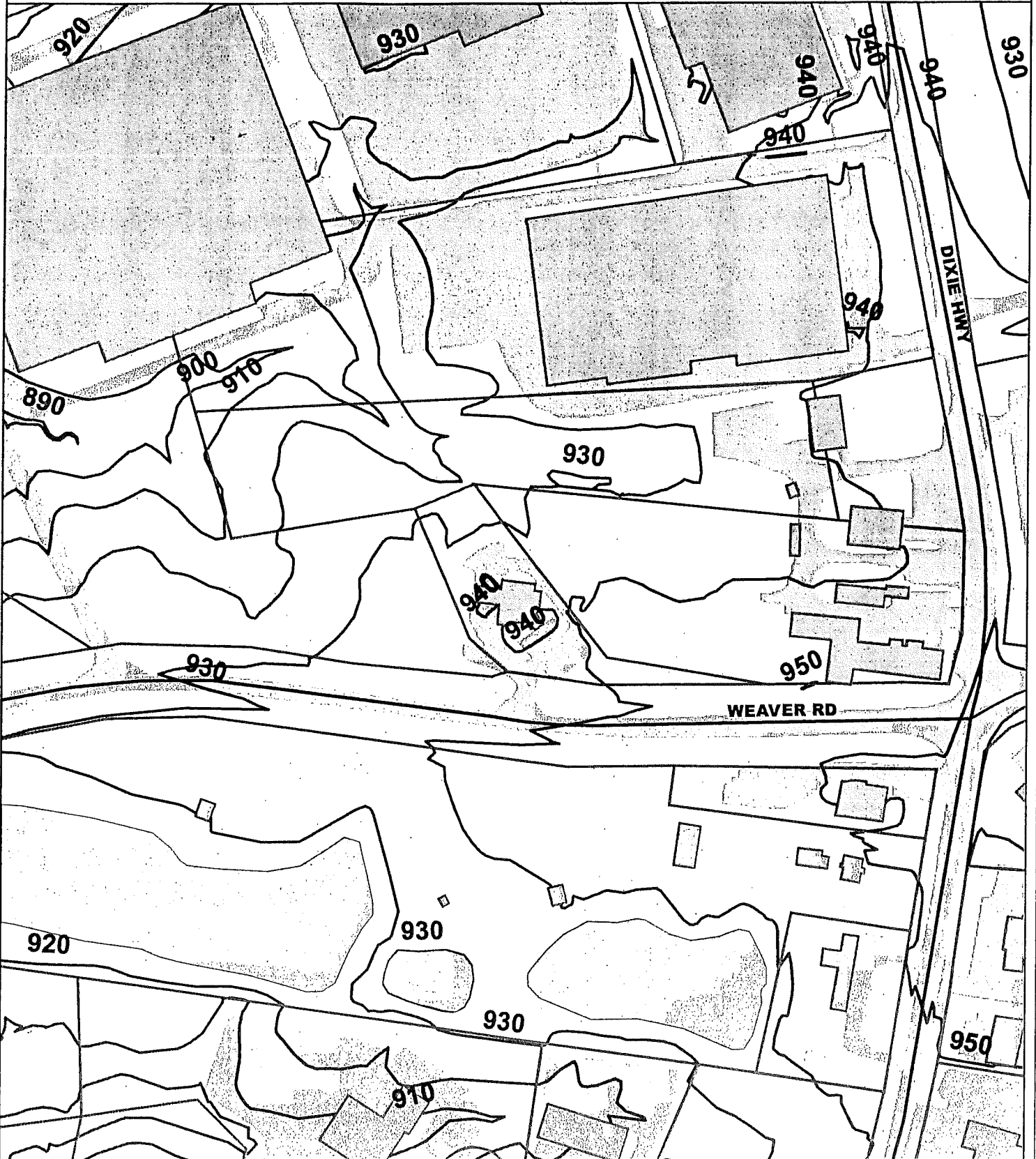
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Boone County GIS - Putting Northern Kentucky on the Map

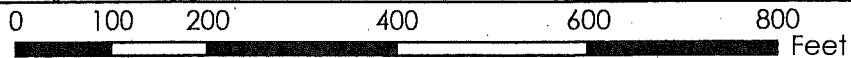
TOPOGRAPHICAL MAP

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

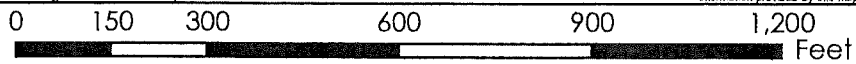
ZONING MAP

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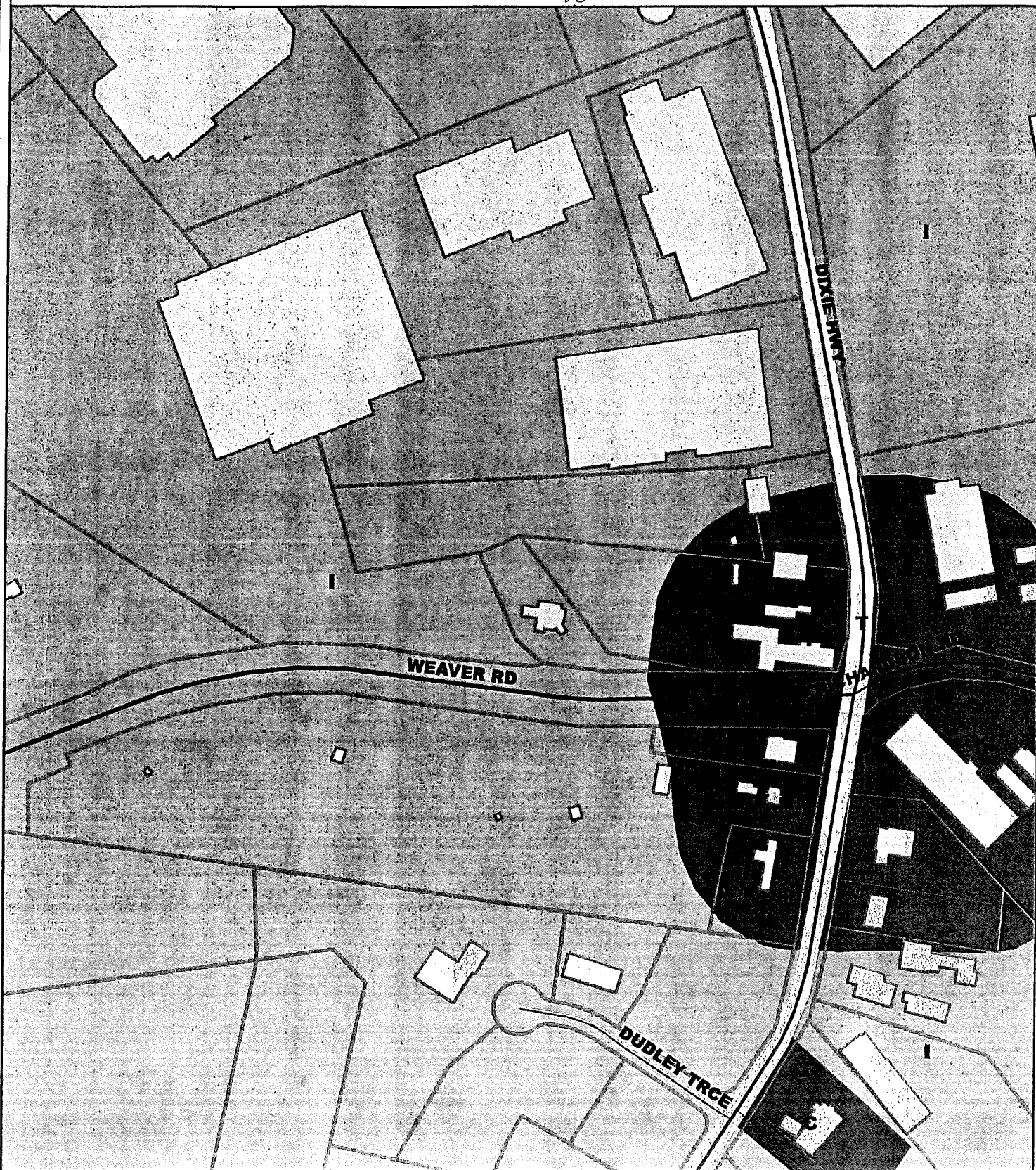
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Boone County GIS - Putting Northern Kentucky on the Map

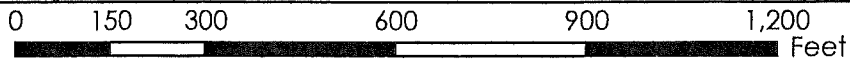
FUTURE LAND USE MAP

www.boonecountygis.com

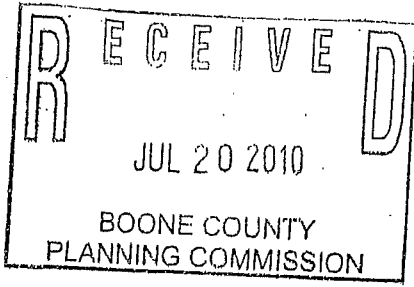


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Boone County GIS - Putting Northern Kentucky on the Map



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. [x] Boone [] Florence [] Walton [] Union

(Check One)

- 2. [x] Conditional Use Permit [x] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name UC HOLDING
Phone Number 859 466-2305 Fax No. 859 372-0602
Applicant's Address 9597 GUNPOWDER RD. FLORENCE KY 41042

4. Description of Request: EXPANSION OF AN EXIST. CONDITIONALLY PERMITTED USED CAR SALES FACILITY

5. Name of Development

6. Location of Development 166 WEAVER ROAD FLORENCE, KY 41042

7. Acreage Under Review 1.00

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

9. Owner of Property S.A.
Address of Property Owner S.A. Phone No. S.A.

10. City SA State Zip

11. Proposed Use(s) on Site USED CAR SALES

12. Total Square Footage of Existing and/or Proposed Buildings 3,130 EXIST. / 680 ADD.

13. Current Zoning on Property I-2

14. Deed Book 977 Page No. 960 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.

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #10-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
UC Holding
9597 Gunpowder Road
Florence, KY 41042
2. ADDRESS OF PROPERTY
166 Weaver Road
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
UC Holding

4. DEED BOOK 977 PAGE NO. 960 GROUP NO. 2049A

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

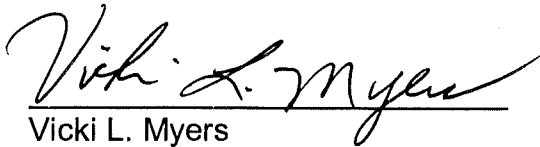
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

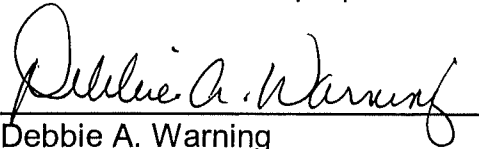
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 19 day of August, 2010.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 August 11, 2010 Certificate of Land Use Restriction (#10-BCBOA-009-A), for UC Holding, Property Owner(s).

The following conditions will apply:

- 1) Staff Design Review shall occur when the Site Plan for the car prep area is submitted for review. The structure shall be constructed per the following guidelines:
 - A. Other than the garage bays, the front of the building shall be constructed predominately with brick which matches the existing building.
 - B. The side of the building shall be constructed predominately with brick which matches the existing building.
 - C. Any proposed garage bays on the front of the building shall be constructed with windows. Each garage door must be 20% see through.
 - D. The roof shall be constructed with asphalt shingles and shall match the rest of the building.
- 2) All vehicles for sale shall be located in striped parking places.
- 3) All driveway aisles and parking spaces shall meet code. The buffer along the eastern property line can be reduced to 8' to accomplish this.
- 4) There shall be a 10' wide street frontage buffer. The buffer can be located on site or in the right-of-way.
- 5) No auto parts shall be stored outside.

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