

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name John & Julie Steele OBA Steele's HomeTown Tire & Auto Serv
Phone Number 859 393-9269 Fax No. 859 534-5902
Applicant's Address 2502 Burlington Pl Burlington Ky 41005
4. Description of Request: Requesting a conditional use permit to do automobile & Lt. Truck Repair in Building at 3035 Tarrid St from
5. Name of Development Burlington Pentecostal Church a church
6. Location of Development 3035 Tarrid St. Burlington Ky 41005
7. Acreage Under Review 0.6 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Impact Life Ministries
Address of Property Owner 5740 Linaburg Rd Phone No. 371-0821 or
10. Burlington Ky Kelly Floyd 859 547-7477
11. Proposed Use(s) on Site Automotive and Lt. Truck Repair and storage of parts & Tires (inside only)
12. Total Square Footage of Existing and/or Proposed Buildings 3900 sq-ft.
13. Current Zoning on Property SR-2/SC
14. Deed Book 981 Page No. 346 Group No. 2029
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request?
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: Kelly Floyd (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Jacqueline M. Stahl (V. Pres.) (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)

1. Date Received 8/16/10 Fee Received \$ 780⁰⁰ RA 61362
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 9/8/10 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 9/8/10 BCBOA meeting minutes
AND C.C.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

APPLICANTS: John & Jackie Steele
LOCATION: 3035 Torrid Street, Boone County, KY
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: September 8, 2010

Proposal

The Applicants are requesting a Conditional Use Permit to allow an automotive and light truck repair business to operate out of the former Burlington Pentecostal Church. The subject property is located at 3035 Torrid Street, Boone County, Kentucky and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

The Applicants letter and plan indicate that they will install one 12' x 12' overhead garage door on the west side of the building and possibly add another identical door on the front of the building sometime in the future.

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.

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 (Finding 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 20, Section 2012 of the Boone County Zoning Regulations allows "automobile repair facilities" 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.

Article 20, Section 2020 of the Boone County Zoning Regulations states that construction proposals in the SC overlay district that are within the Burlington Town Plan Strategic Plan area, and that require site plan review (major or minor), are subject to specified design standards contained in that Plan. The design standards are outlined in pages 17 through 19 of the Burlington Town Plan Strategic Plan in the sections entitled Site Layout, Architectural Details/Ornamentation for Existing Historic Buildings, Exterior Siding, Windows and Doors, Building Roofs, and New Construction and Additions. Review of construction proposals for compliance with these design standards shall be performed by the Planning Commission staff through the site plan procedure. Proposals subject to these standards shall submit architectural drawings as outlined in Section 3004, #21.

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, 1 stall per 250 square feet of office space, and 1 stall per company vehicle.

Article 40, Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as "a business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicles inspections."

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 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 does not preclude low density or estate residential developed as a formal subdivision."

The following Goals and Objectives relate to the proposal:

- 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).

The Land Use Element contains the following passages which relate to the proposal:

- 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; existing site features should be used in meeting this guideline..." (Future Land Use Development Guidelines, Buffering, Pg. 141).
- 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 roadways. ..." (Future Land Use Development Guidelines, Landscaping, Pg. 141).
- C. "Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington. As Boone County grows, there will be a greater need for public facilities and services. The 2002 Burlington Town Strategic Plan addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area. The new Boone County Justice Center and the Boone County Public Safety Center Complex have reinforced Burlington as the hub of local government activity. Some private investment, mainly in restaurant and shop uses, as well as the TEA-21 Transportation Enhancement Grant for sidewalks indicate momentum for investment in the town center. Appropriate architecture and placement of new or renovated buildings is critical to respect the established character of the town" (Burlington Area pp. 150-152).

Site Characteristics

The approximate 0.65 acre site is located on the south side of Torrid Street and contains a 3,200 square foot (80' x 40') building and parking lot which was last used by Burlington Pentecostal Church. The building is constructed of metal siding and an asphalt shingle roof. There is evidence that an overhead garage door used to exist on the northwest facade of the building. The parking lot is not striped and is a mixture of concrete and gravel. According to Boone County G.I.S., the property also contains a residential driveway, which is located on the western extreme of the lot. This driveway provides access to an adjoining household to the southwest. The topography of the property falls from about 824 feet above sea level at the rear property line to 808 feet above sea level at the northwest property corner. There are a couple of mature deciduous trees located in the rear yard.

Surrounding Land Uses and Zoning

North: Torrid Street, Steele's Hometown Tire & Auto Service, Nicholas Street, and Burlington Baptist Church Recreation Building (SR-2/SC)

South: Single-Family-Residential Dwellings Fronting on Torrid Street and Elwood Avenue (SR-2/SC)

East Barber Shop and Single Family Residential Fronting on Elwood Avenue (SR-2/SC)

West Single-Family Residential Dwelling Fronting on Torrid Street (SR-2/SC)

Staff Comments

1. On December 11, 2002, the Boone County Board of Adjustment approved a Conditional Use Permit to convert the former Burlington Firehouse into an automotive repair facility (Steele's Hometown Tire & Auto Service).

On February 11, 2004, the Boone County Board of Adjustment approved a Conditional Use Permit allowing a 972 square foot building addition and parking lot improvements at the Steele's Hometown Tire & Auto Service facility located at 3026 Torrid Street. The approval also allowed a spray in bed liner business to operate out of a 2,400 square foot tenant space.

The conditions of approval for both requests have been attached to the Staff Report.

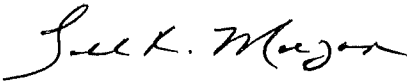
2. Staff has the following questions for the applicant:
 - A. Will the proposed business and business across the street do the same type of repairs?
 - B. What type of repairs will be performed on-site?
 - C. What are the proposed hours of operation?
 - D. Are any tow trucks kept on site?
 - E. Is vehicle impounding part of the business operation?
 - F. Are any vehicle accessories (tires, fluids, etc.) displayed outside during business hours?
 - G. Are any outside storage areas (tires, parts, etc.) being proposed?
 - H. Is any additional lighting being proposed?
3. Staff has the following comments and concerns regarding the proposal:
 - A. The proposed business could have noise and aesthetic impacts on adjoining residential properties. Noise is a concern because of some of the tools that will be used in the business. It should be noted that automotive repair facilities tend to leave their bays open when they are open for business in the spring, summer, and fall months. Aesthetic impacts could be generated from the number of vehicles that will be stored in the lot on a year around basis.

- B. The building and parking lot are in a state of decline. The building could use some facade improvements and some paint to make it more attractive and the parking lot surface is a mixture of gravel and broken up concrete.
 - C. There is little landscaping on the subject site.
4. Staff recommends the following conditions if the request is approved:
- A. The overhead garage door proposed on the front of the building shall be constructed first. The garage door shall have windows as presented.
 - B. Other facade and parking lot improvements shall be required when the first garage door is constructed. The following improvements shall be required:
 - A new door and window shall be installed on the front of the building per the attached Staff exhibit. The new door and window shall be covered with a fabric awning.
 - The entire building shall be repainted with a neutral or earth tone color.
 - The gravel parking area in the front parking lot shall be converted to a hard surface parking lot.
 - The entire parking lot will be striped in accordance with the Boone County Zoning Regulations.
 - C. The following landscaping shall be required when the building is converted to an automotive repair facility:
 - Buffer Yard A shall be required between the parking lot and residential driveway on the subject lot.
 - The area between the rear parking lot and rear property line shall be screened with 6 evergreen trees from Plant List D.
 - D. The automotive/light truck repair facility shall not do body work, painting, automotive upholstery, auto glass, towing, or vehicle impounding.
 - E. All repairs shall be performed in the building.
 - F. All vehicles waiting to be repaired shall be kept in striped parking stalls.
 - G. There shall be no outdoor storage or tires, auto parts, or accessories.
 - H. All proposed lighting shall be directed downwards and inwards toward the subject building and parking lot. A photometric plan which complies with the zoning regulations shall be approved before any new lighting is installed.
 - I. The principal use of the property shall not be a storage lot for the automotive repair facility across the street.
5. The Board needs to analyze the findings for granting or denying the Conditional Use Permit before acting on the request.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

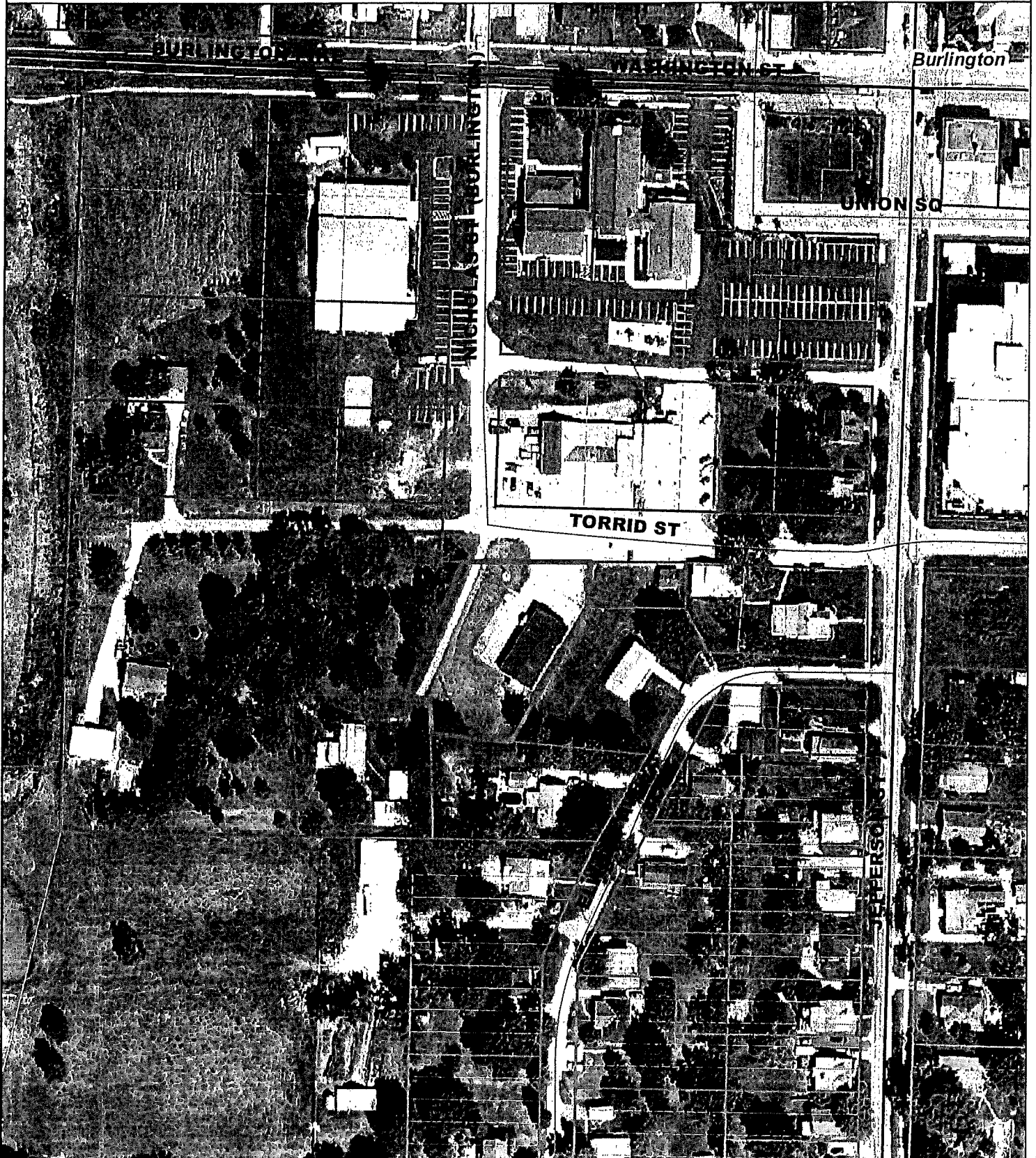
TKM/pr

Attachments

- *2009 Aerial Map
- *Letter and Plan From Applicant
- *Picture of Proposed Garage Bays
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Pages 17-19 of the Burlington Strategic Plan
- *Picture of Front Facade with Staff Recommendations
- *12/11/02 and 2/11/04 Conditions of Approval for 3026 Torrid Street
- *Application

2009 AERIAL MAP

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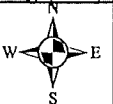
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0 75 150 300 450 600 Feet

1 inch = 150 feet



Boone County GIS - Putting Northern Kentucky on the Map

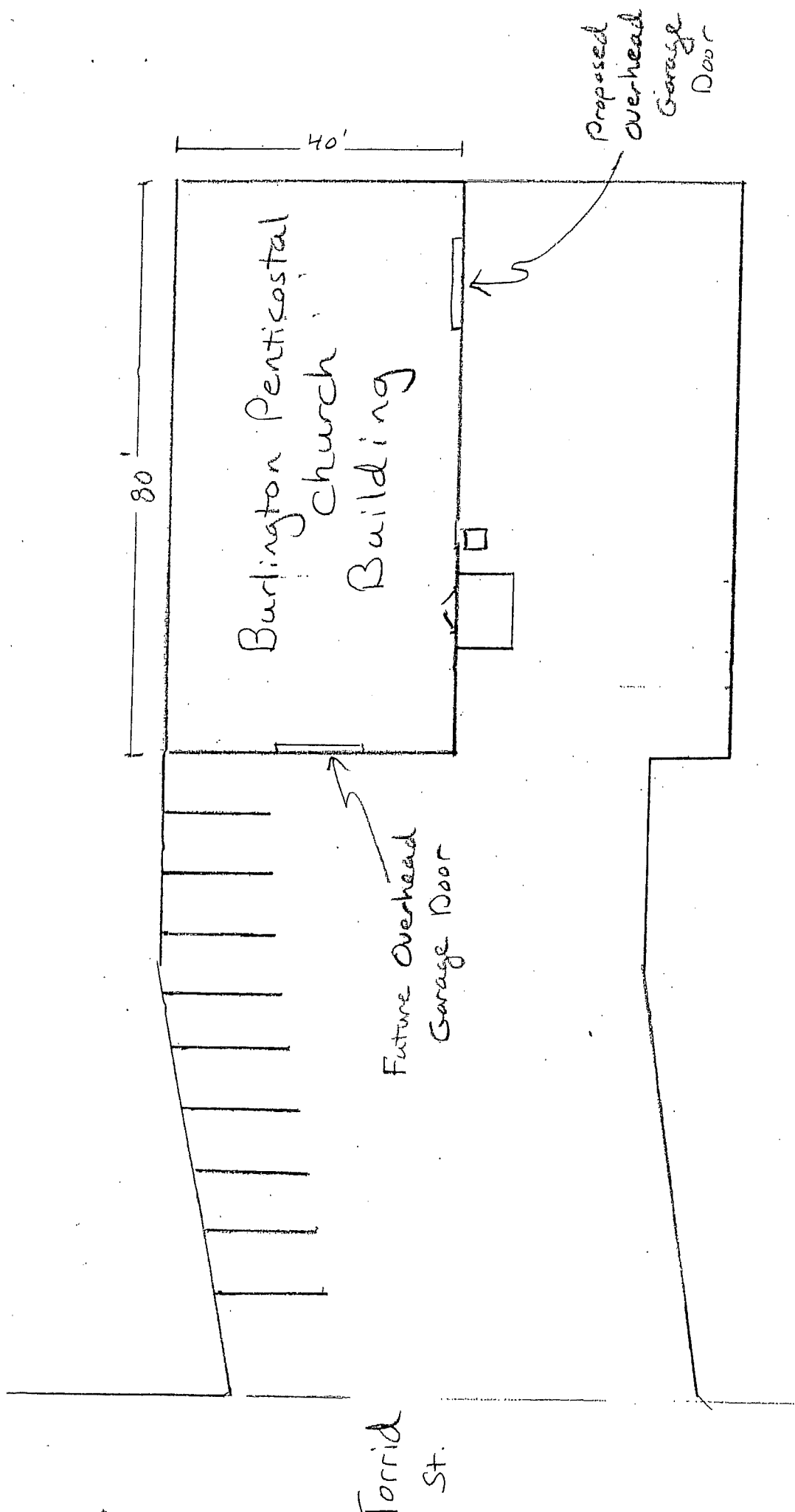
Map Created: 01/01/2008

Esri File Geodatabase Software 9.3.1
ArcMap Document (*.mxd)

Changes to Building

Building would remain the same except to install one (1) 12' x 12' overhead garage door on the west side of the building now and possibly adding one more identical overhead door in the future.

(see picture of proposed garage door)



Burlington Pentecostal
Church
Building

80'

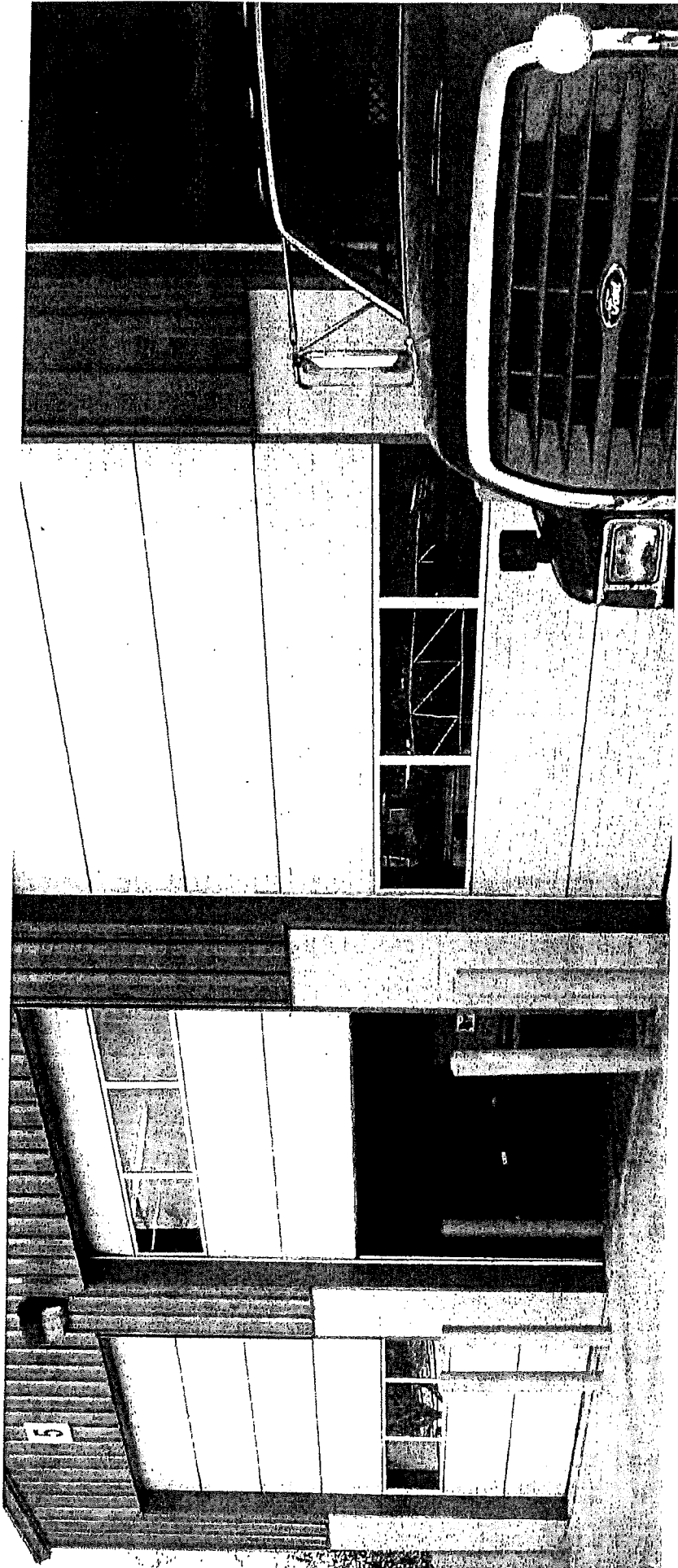
40'

Future Overhead
Garage Door

Proposed
Overhead
Garage
Door

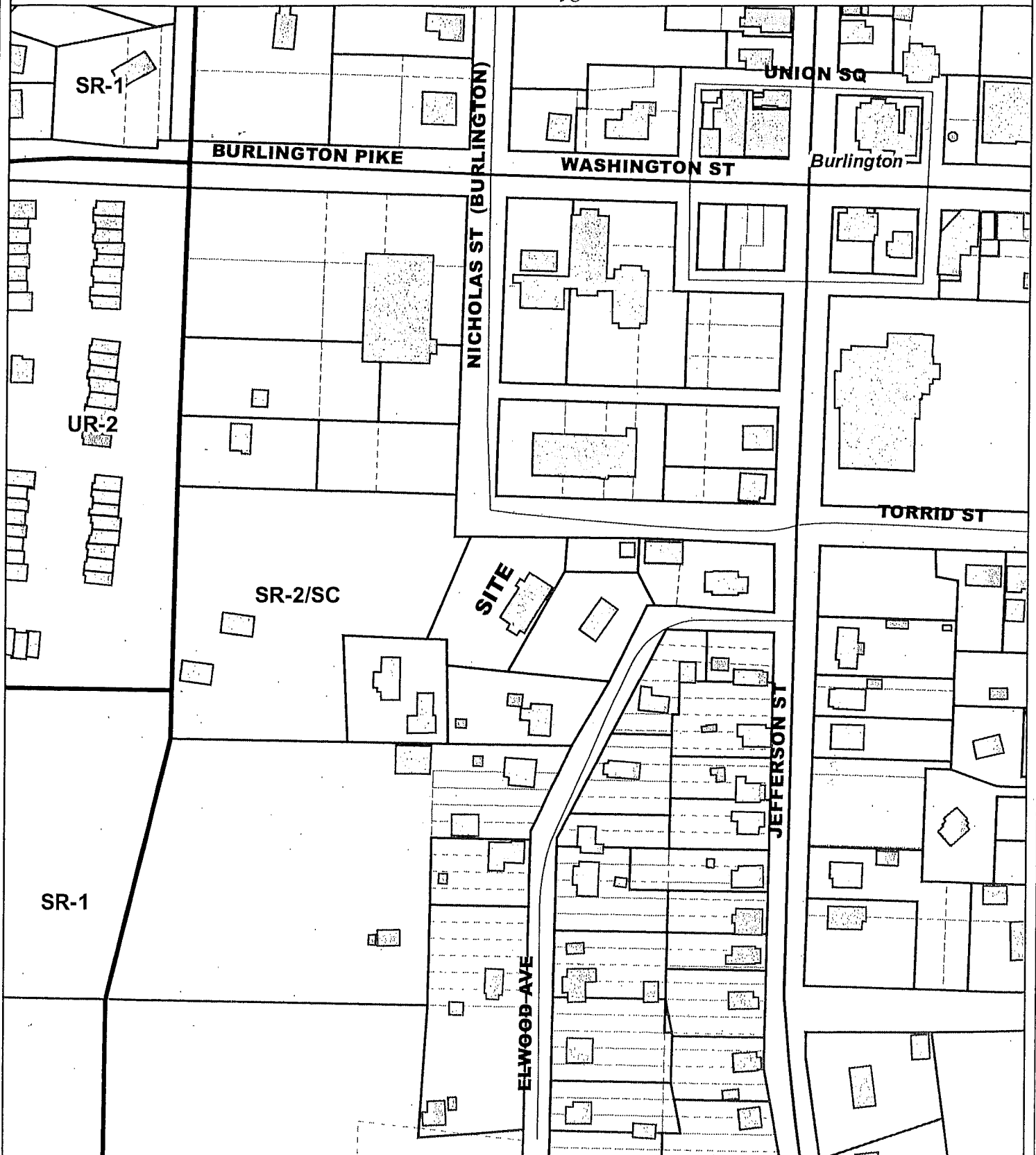
Torrid
St.

Scale
1" = 20'



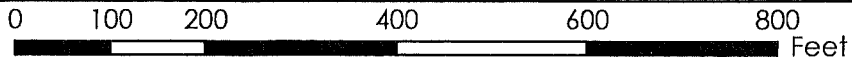
ZONING MAP

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1 inch = 200 feet

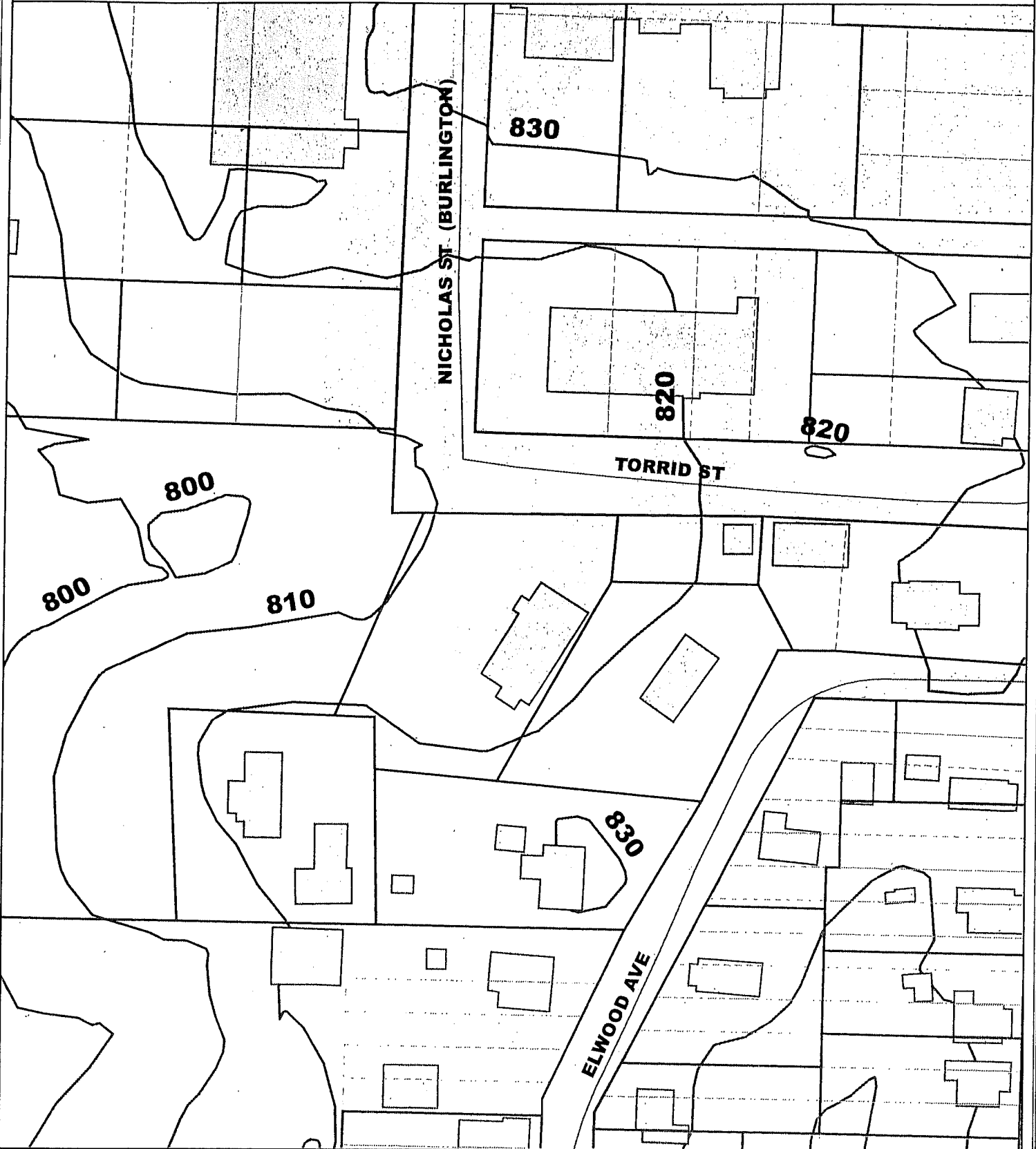


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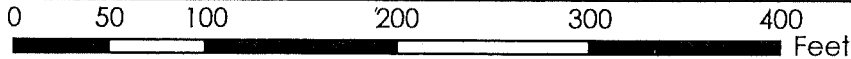
TOPOGRAPHICAL MAP

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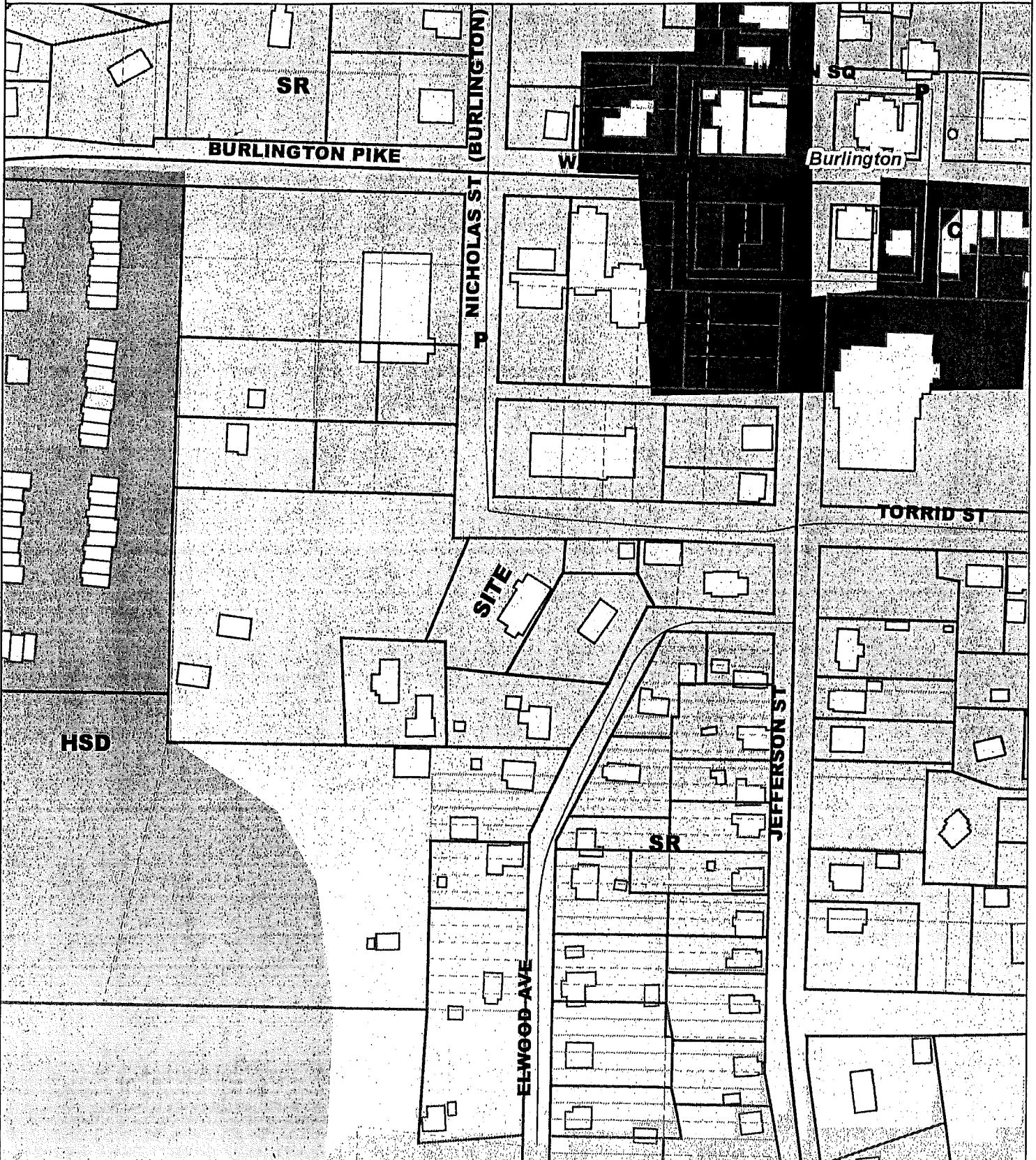
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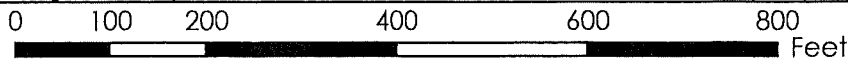
FUTURE LAND USE MAP

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Boone County GIS - Putting Northern Kentucky on the Map

opposite side of the street. The maximum front yard for commercial, office, industrial, or public facilities uses shall be 20 feet.

- B. Side yard minimum adjacent to private property - five (5) feet
- C. Side yard minimum adjacent to right-of-way - ten (10) feet
- D. Rear yard minimum adjacent to private property - twenty (20) feet
- E. Rear yard minimum adjacent to alley - five (5) feet

Site Layout

- A. Non-residential building facades facing public street shall be designed as the building front.
- B. Sidewalk connections shall be provided to all existing and planned sidewalks, and to alleyways.
- C. Off-street parking shall be located on the side and/or rear of the primary building.
- D. On-street and shared parking can fulfill parking requirements if demonstrated to the Zoning Administrator that they are sufficient.

Architectural Details/Ornamentation for Existing Historic Buildings:

- A. Existing architectural details and ornamentation, including existing porch elements, shall be retained, maintained, and repaired where necessary with matching materials. Removal shall only occur in cases of substantial deterioration and every effort shall be made to replicate removed elements with materials and design matching the original;
- B. All replacement materials shall be similar to the original materials of the detail or ornamentation in question or be appropriate to the style of the building;
- C. Removal of existing brick chimneys and replacement with metal or other materials is not permitted.

Exterior Siding

- A. Exterior metal wall sheeting is not permitted;
- B. Replacement of existing exterior wood siding and corner boards shall be with new wood to match original wood;
- C. In no case shall an historic brick or stone building be covered with any type of siding.

Windows and Doors

- A. Existing windows and doors shall be retained and repaired as needed. Repair or replacement of deteriorated window and door elements should imitate the original elements in dimension, profile, size, shape, arrangement and pattern. Window and door repair must reuse as much of the original material as possible;
- B. When window and door replacement is unavoidable, new units should match original design as closely as possible;

- C. The installation of modern picture windows, bay windows, or other openings not in scale with the building shall not be installed on the main or side facades. The addition of large windows or walk-out (i.e., sliding) glass doors on the rear facade or side facades which are not readily visible is discouraged but permitted;
- D. The use of glass block in foundation windows is not permitted on front or readily visible side facades.

Building Roofs

- A. Historic roof materials, such as metal or slate shall be retained, maintained and repaired when necessary. They should not be replaced just to match any new construction if not deteriorated;
- B. The application of composition shingles to replace deteriorated composition or metal standing seam roofs is acceptable;
- C. Roof forms and pitch shall not be altered on the main facade. Alterations shall not occur on side facades where such alterations would be visible from the street. Alterations in the rear one-half to one-third of a building may be allowable if not readily visible from the major street facade(s). In no instance should more than one-story be added to any existing building;
- D. Original box gutters shall be retained and maintained, or repaired or replicated;
- E. If soffits are damaged, they should be repaired or replaced with wood or solid non-vinyl materials to replicate the original materials;
- F. Skylights are permitted as long as they are located in the rear one-third to one-half of a building depending on visibility from the street facade(s).

New Construction and Additions

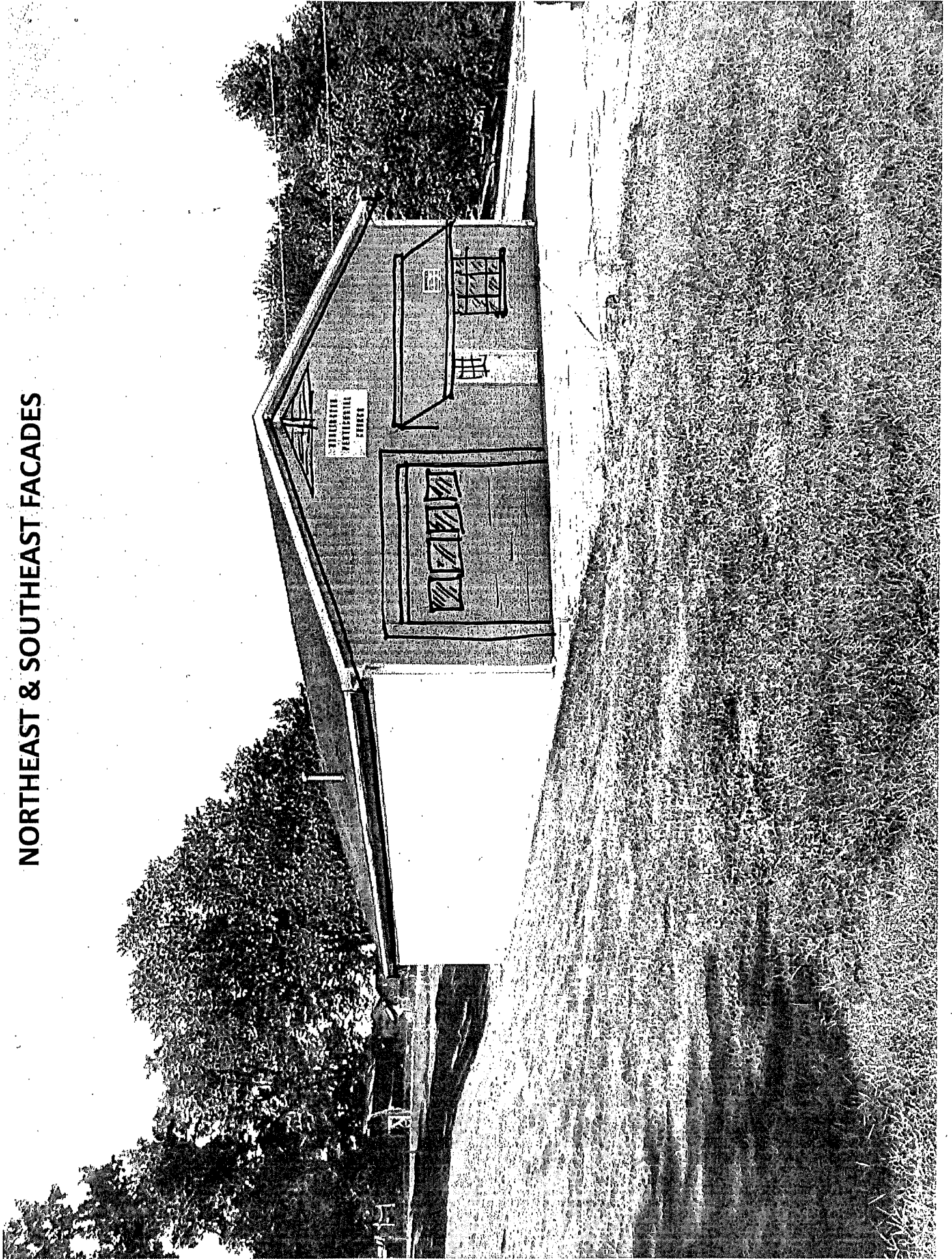
- A. Proposed new construction or additions to existing structures shall be designed to be consistent with existing buildings within the same street block. The developer or builder shall submit architectural plans for review by the Technical/Design Review Committee. The Committee may contract with a registered architect to help review the proposal according to the following detailed standards:
- B. The height of new construction shall be compatible with existing structures on the block;
- C. The floor area of new construction shall be compatible with existing structures on the block;
- D. New construction shall be compatible with existing structures on the block in terms of number and spacing of window and door openings;
- E. Materials of new construction shall be compatible with existing buildings on the block. The texture and color of brick or wood siding should be carefully considered to ensure compatibility with existing buildings. Frame buildings should maintain materials and design found throughout the community;
- F. Roofs for new construction should be consistent with existing structures on the

- block. New construction may have roofing which changes roof lines in the rear one-half or one-third of the building in a stepped fashion if not readily visible from the major street facade(s);
- G. Siding of new construction shall be compatible with existing buildings on the block. Traditional or new technological materials that replicate traditional materials should be used instead of vinyl or aluminum siding. Painted concrete block should not be used;
 - H. Exposed concrete foundations or retaining walls shall be faced with brick or stone, screened, or painted to complement the rest of the building. Interlocking block with opportunity for vines or ground cover vegetation is encouraged for retaining wall applications;
 - I. HVAC and other mechanical equipment must be screened or camouflaged from public view whether on roof or ground;
 - J. Additions to historic buildings in the Small Community Overlay Zone must conform to the setback requirements listed above. Additions to historic buildings shall not occur on a main facade or readily visible side facade. Additions shall follow existing roof lines, trim lines, material and massing of the building.

Conclusions and Next Steps

This Plan contains many detailed recommendations. To achieve them, they will need to be prioritized and spread out over time. Many of these put responsibilities on the Boone County Fiscal Court and will have to be evaluated in terms of fiscal resources and timing issues. This Plan recommends that during late 2002, and early 2003, a public process be implemented through the Planning Commission that prioritizes the entire list of recommendations in a way that could lead to a future capital improvements program.

NORTHEAST & SOUTHEAST FACADES



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 December 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-029-A), for Burlington Fire Department, Property Owner(s).

The following conditions will apply:

- 1) No exterior building improvements are allowed with this approval.
- 2) The parking lot is to be paved and striped in accordance with the *Boone County Zoning Regulations*.
- 3) No outside storage of any kind permitted on the site with the exception of cars waiting for repairs, a waste oil storage container, and a used anti-freeze storage container.
- 4) Any future expansions (building or parking) will need to be approved by the Boone County Board of Adjustment.
- 5) The rear yard shall be screened with Buffer Yard C. This buffer is a minimum of 25' wide and contains 8 evergreens and 4 large trees per 100 linear feet. The eastern property line shall be screened with 5' wide hedge row. The southwestern portion of the site shall contain another landscape island. This island will be similar in size to the existing landscape island and will contain at least 1 large tree and some shrubbery.
- 6) The principally permitted uses (numbers 5-35) of the SC district will be permitted in the 3,000 square foot lease space.
- 7) The proposed businesses will be operated and maintained so that they are harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

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

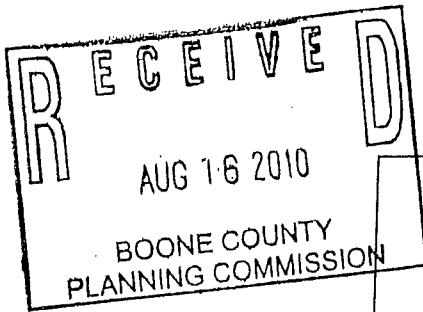
CONDITIONS OF APPROVAL

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 12, 2004 Certificate of Land Use Restriction (#04-BCBOA-006-A), for J & J Properties, Property Owner(s).

The following conditions will apply:

- 1) The parking lot is to be paved and striped in accordance with the *Boone County Zoning Regulations*.
- 2) No outside storage of any kind permitted on the site with the exception of cars waiting for repairs, a waste oil storage container, and a used anti-freeze storage container used in the Steele's Hometown Tire business.
- 3) Any future expansions (building or parking) will need to be approved by the Boone County Board of Adjustment.
- 4) The entire rear yard shall be screened with Buffer Yard C; except for an area where 2 to 3 parking stalls were shown encroaching into this buffer. (See concept plan in Planning Commission Office). This buffer is a minimum of 25' wide and contains 8 evergreens and 4 large trees per 100 linear feet. The eastern property line shall be screened with 5' wide hedge row. The southwestern portion of the site shall contain another landscape island. This island will be similar in size to the existing landscape island and will contain at least 1 large tree and some shrubbery.
- 5) The proposed exterior changes (building and roof materials, paint color and garage doors) are to be identical to those being used on the existing building.

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



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name John & Jackie Steele DBA Steele's Hometown Tire & Auto Serv Phone Number 859 393-9269 Fax No. 859 534-5902 Applicant's Address 2502 Burlington Pl Burlington KY 41005
4. Description of Request: Requesting a conditional use permit to do automobile & Lt. Truck Repair in Building at 3035 Torrid St farm
5. Name of Development Burlington Pentecostal Church a church
6. Location of Development 3035 Torrid St Burlington KY 41005
7. Acreage Under Review 0.6 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Impact Life Ministries Address of Property Owner 5740 Linaburg Rd Phone No. 371-0821 or Kelly Floyd 859 547-7477
10. Proposed Use(s) on Site Automotive and Lt. Truck Repair and storage of parts & Tires (inside only)
11. Total Square Footage of Existing and/or Proposed Buildings 3200 sq-ft.
12. Current Zoning on Property SR-2/SC
13. Deed Book 981 Page No. 346 Group No. 2029
14. Is the site subject to a zone change? NO
15. If yes, give date of approval
16. Have you submitted a Site Plan with this request?
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: Kelly Floyd (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Jacqueline M. Stahl (V. Pres.) (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

COPY

CLUR #10-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Impact Life Ministries
5740 Limaburg Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

3035 Torrid Street
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Steele's Hometown Tire & Auto Service

4. DEED BOOK 981

PAGE NO. 346

GROUP NO. 2029

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



SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

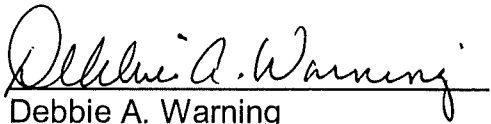
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of September, 2010.



Vicki L. Myers
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
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of September 8, 2010 Certificate of Land Use Restriction (#10-BCBOA-010-A), for Impact Life Ministries, Property Owner(s).

The following conditions will apply:

- 1) The overhead garage door proposed on the front of the building shall be constructed first. The garage door shall be centered on the front façade and shall have windows as presented. Faux windows that are covered by fabric awnings shall be installed on both sides of the garage door.
- 2) Other façade and parking lot improvements shall be required when the first garage door is constructed. The following improvements shall be required:
 - A. The entire building shall be repainted with a neutral or earth tone color.
 - B. The gravel parking area in the front parking lot shall be converted to a hard surface parking lot.
 - C. The entire parking lot will be striped in accordance with the Boone County Zoning Regulations.
- 3) Landscaping shall be installed on site per the applicants submitted exhibit (see exhibit at the Boone County Planning Commission Office).
- 4) The automotive/light truck repair facility shall not do body work, painting, automotive upholstery, auto glass, towing, or vehicle impounding.
- 5) All repairs shall be performed in the building.
- 6) All vehicles waiting to be repaired shall be kept in striped parking stalls.
- 7) There shall be no outdoor storage or tires, auto parts, or accessories.

- 8) All proposed lighting shall be directed downwards and inwards toward the subject building and parking lot. A photometric plan which complies with the zoning regulations shall be approved before any new lighting is installed.
- 9) The principal use of the property shall not be a storage lot for the automotive repair facility across the street.

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

DEED BOOK 981 PAGE NO. 346 GROUP NO. 2029