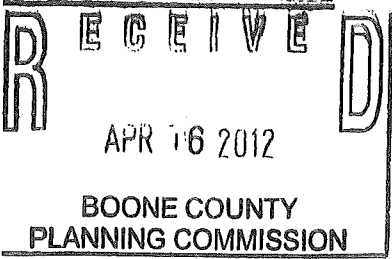


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Doug Simpson
Phone Number 859-344-1363 Fax No. 859 647-2937
Applicant's Address 8534 US Hwy 42
Florence Ky 41042
City State Zip
- 4. Description of Request: change of use from a plumbers office
TO a office for a used car, truck, motorcycle, Boat
sales
- 5. Name of Development GP motor sales L.L.C.
- 6. Location of Development 11552 Dixie Hwy
Walton, Ky. 41094
- 7. Acreage Under Review .3498 AC
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Doug Simpson / GP motor sales L.L.C.
Address of Property Owner 8534 US 42 Phone No. _____
- 10. Florence Ky 41092
City State Zip
- 11. Proposed Use(s) on Site used auto sales lot
- 12. Total Square Footage of Existing and/or Proposed Buildings 1960
- 13. Current Zoning on Property I 1
- 14. Deed Book 1003 Page No. 355 Group No. 2073
- 15. Is the site subject to a zone change? conditional use
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? _____
- 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: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's 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)

1. Date Received 4-10-12 Fee Received \$1,082.00 Receipt # 1041050
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action: _____
_____ **Approved**
5-9-12 **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: STAFF COMMENTED 4A - 4E

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: Doug Simpson

LOCATION: 11552 Dixie Highway, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: May 9, 2012

PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow a used automobile and light truck sales business to occupy the building at 11552 Dixie Highway. A Preliminary Site Plan was submitted showing that a parking lot addition is being proposed and that 8 parking spaces will be provided in the lot (1 stall is a handicapped space). The applicant informed Staff of the following:

- 1) Up to 5 vehicles could be for sale at any given time;
- 2) Vehicle maintenance and repair will be performed at the repair garage next door; and
- 3) Up to two employees will work from the business at any given time.

APPLICABLE REGULATIONS

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

Section 1133 of the Boone County Zoning Regulations permits "retail sales or leasing of new and used motor vehicles" as a Conditional Use in the Industrial One (I-1) zoning district.

The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1133 of the 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 1133 of the Boone County Zoning Regulations allows "retail sales or leasing of new and used motor vehicles" as Conditional Uses in the Industrial One (I-1) 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. the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The following Goals and Objectives relate 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 surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objectives).

SURROUNDING LAND USES & ZONING

North: Heritage Agency and Florence Steel Workers (I-1)

South: Enhance Auto Body and Repair (I-1)

East: Railroad Right-of-Way and Undeveloped Property on Old Lexington Pike (I-1)

West: Dixie Highway, Logistics Boulevards, Park South at Richwood Industrial Subdivision (I-1)

SITE CHARACTERISTICS

The approximate 0.3498 acre tract is located on the east side of Dixie Highway and is directly across from Logistics Boulevard. The property contains an approximate 2,000 square foot building, which was formerly a single-family residential dwelling. A concrete parking lot was constructed on site sometime between 2007 and 2009. The topography of the parcel is flat.

STAFF COMMENTS

1. The applicant/owner bought the property from Heritage Bank at the end of March. The property had been a bank foreclosure.
2. The previous owner converted the house into a business and installed a parking lot without approvals. Boone County G.I.S. shows that the concrete parking lot was constructed sometime between 2007 and 2009.
3. The parking requirement for an automotive sales facility is one space per 250 square feet of office/showroom area and 1 space for each vehicle that will be displayed in the parking lot. The Zoning Administrator has indicated that he will approve a Waiver to reduce the parking requirement to 8 striped stalls if the application is approved.
4. Staff recommends the following conditions if the request is approved:
 - A. No more than 5 vehicles shall be for sale on the property at any given time.
 - B. All vehicles for sale shall be displayed in striped parking stalls per Section 3154 of the Boone County Zoning Regulations
 - C. Vehicle repair work shall not occur on site.
 - D. A sidewalk which complies with Sections 3321 and 3327 of the Boone County Zoning Regulations shall be installed between the building and the adjoining parking stalls.
 - E. The applicant shall provide documentation to Boone County Planning Commission that they have contacted Kentucky Transportation Cabinet regarding an Encroachment Permit.
5. Staff would like to make the applicant aware that a Site Plan will be required if the Conditional Use Permit is approved. The plan will address the parking addition, landscaping, and improvements that were installed illegally. All proposed improvements must meet the applicable requirements from the Boone County Zoning Regulations.

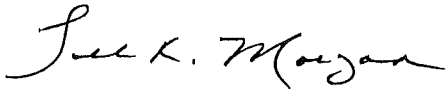
Conclusion

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 act on the request.

STAFF REPORT - Doug Simpson/11552 Dixie Highway
May 9, 2012

Page 4

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

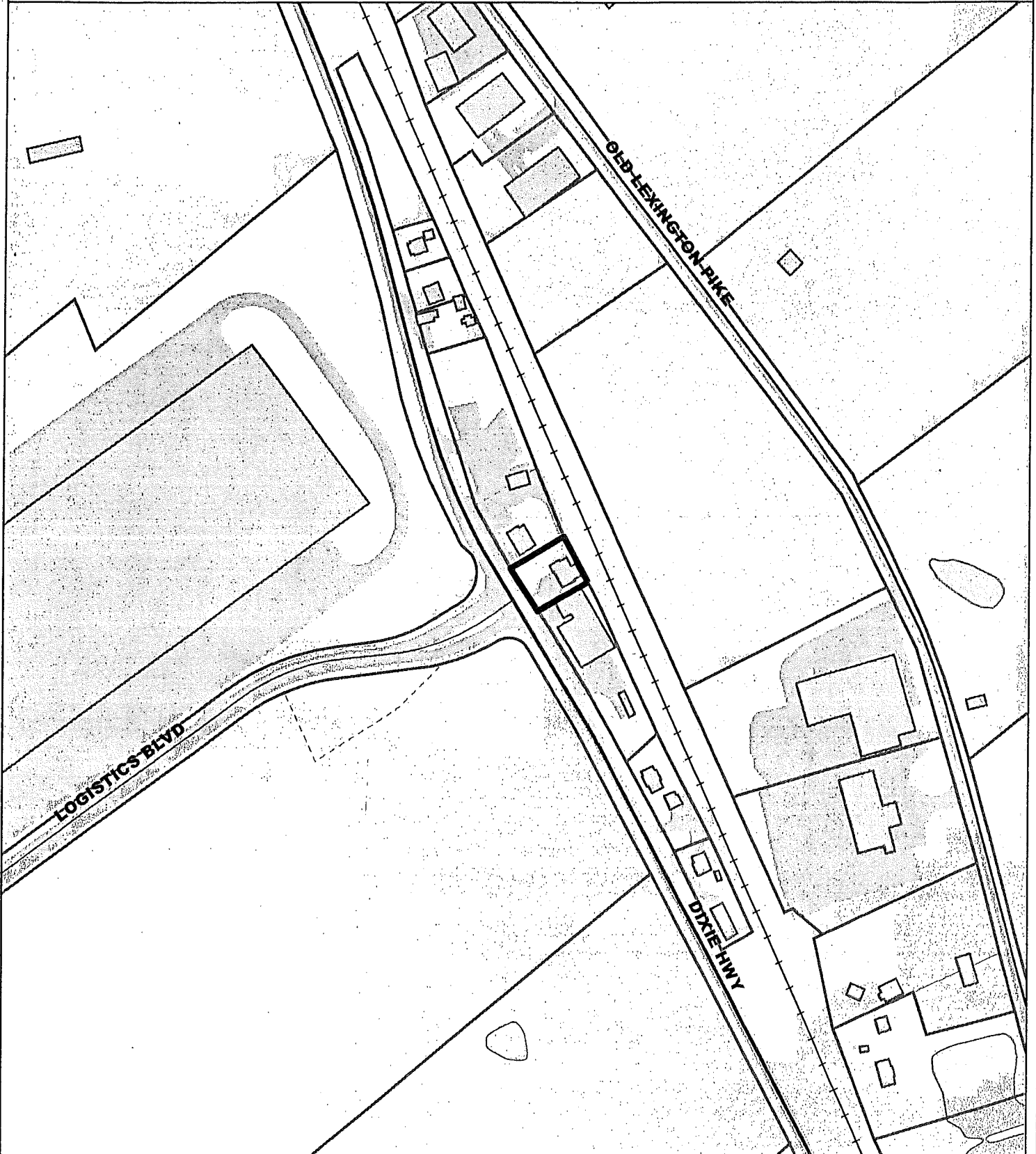
TKM/dw

Attachments

- *Site Vicinity Map
- *Preliminary Site Plan
- *2001 Site Survey
- *2007 Aerial Map
- *2009 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Application

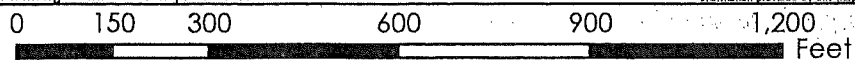
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 6/18/2008

Boone County GIS
ArcMap Document: .mxd

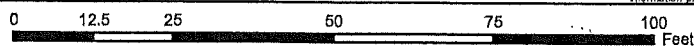
Boone County GIS Map

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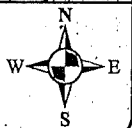
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1 inch = 30 feet

Boone County GIS

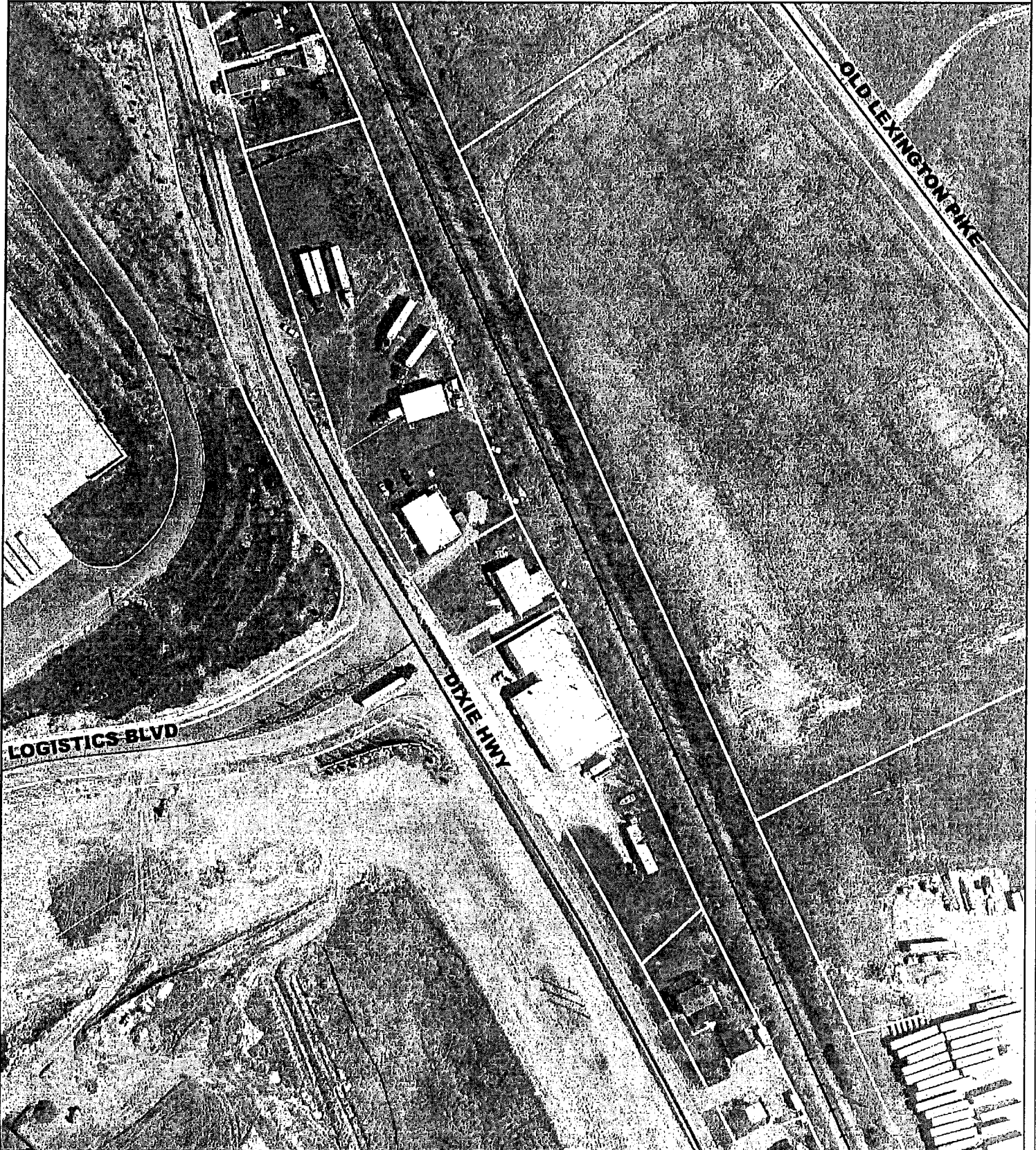
"Putting Northern Kentucky on the Map"



Boone County GIS, Boone County, KY 40303

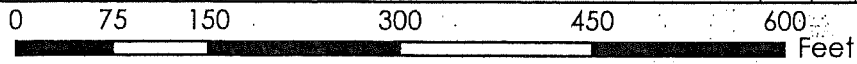
2007 AERIAL MAP

www.boonecountygis.com



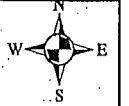
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Map Created: 01/01/2008

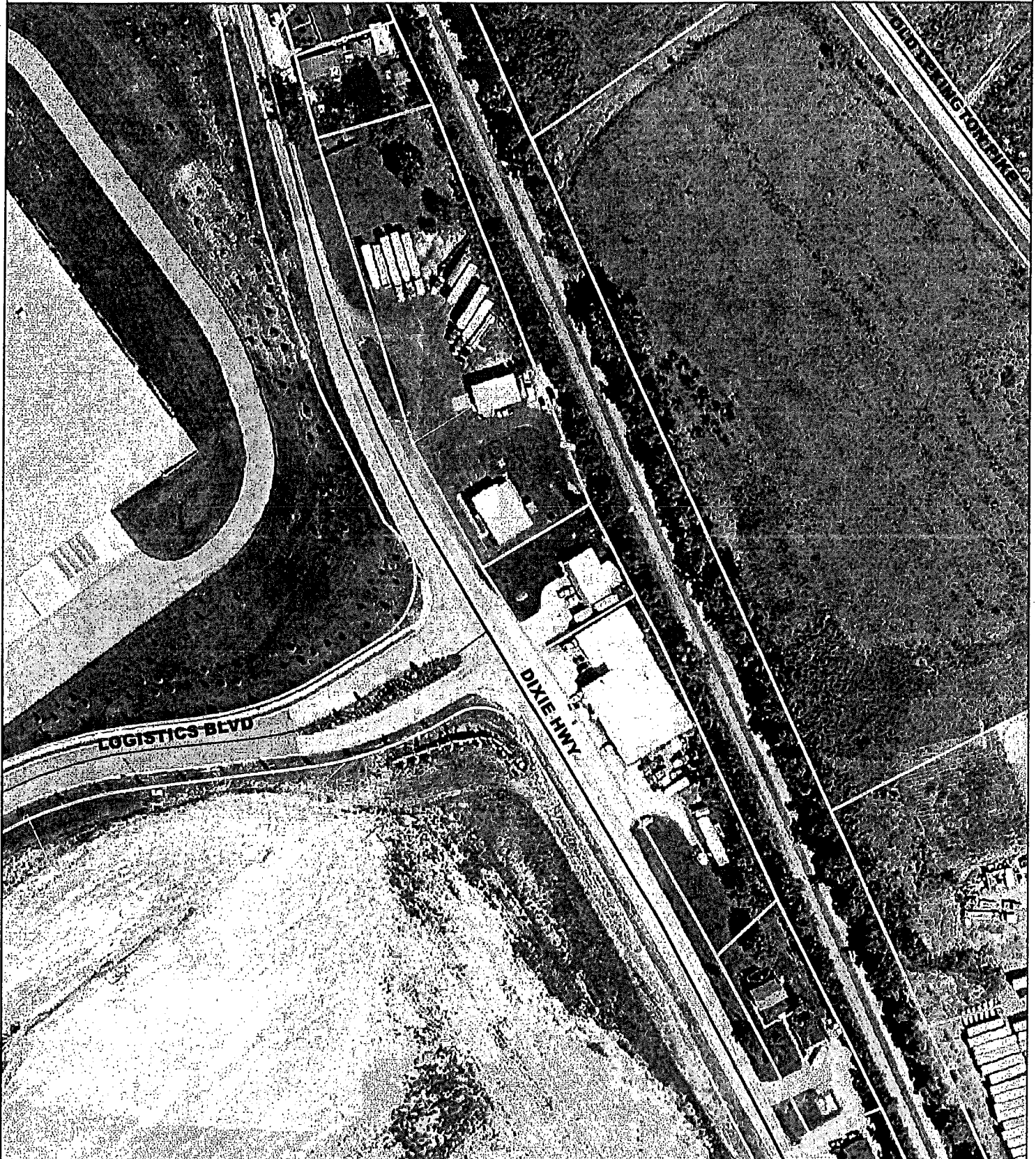
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ArcMap Document *.mxd

2009 AERIAL MAP

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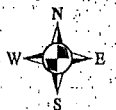
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Feet

1 inch = 83,333 feet

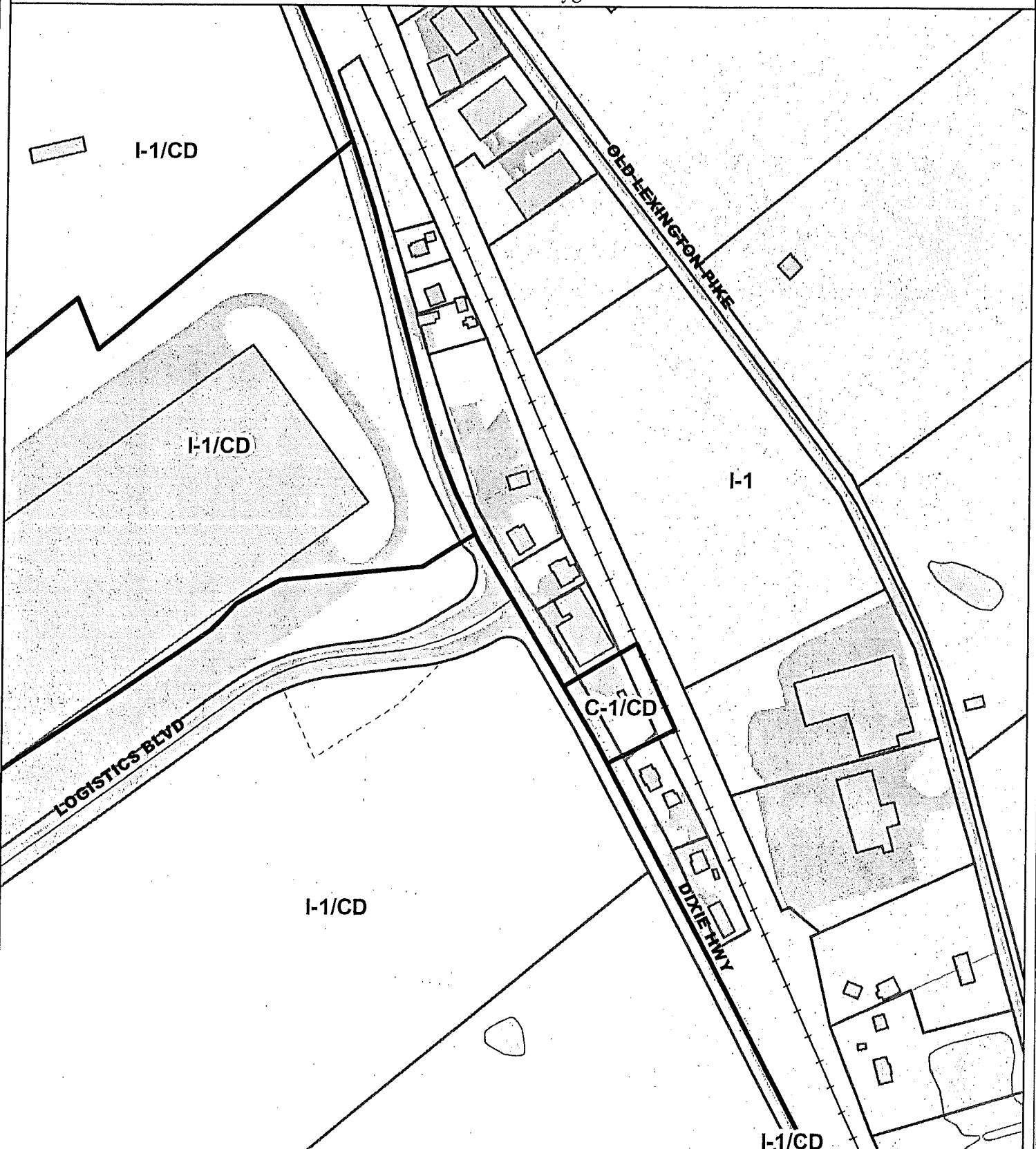


Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

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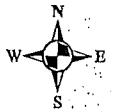
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Feet

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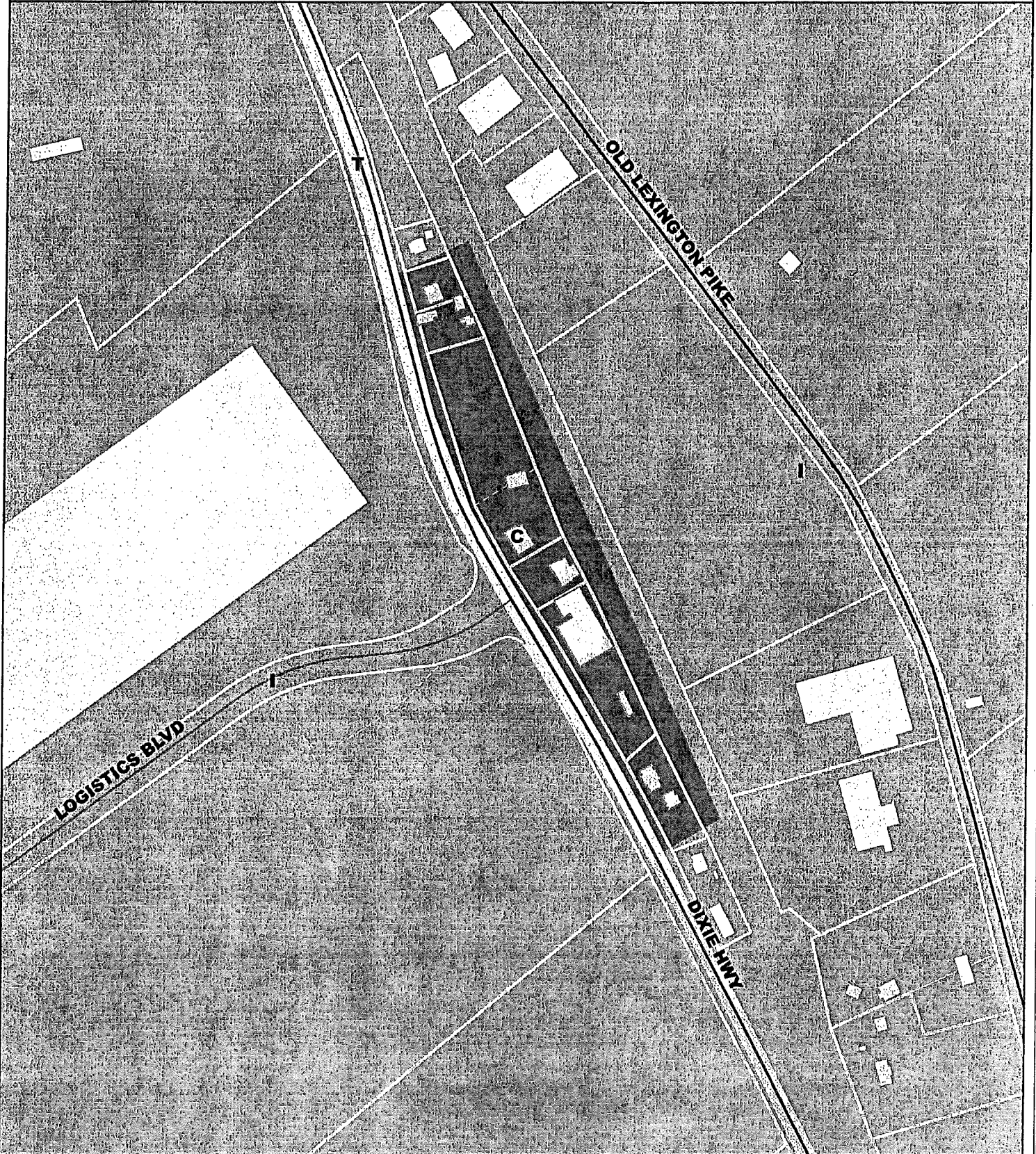


Boone County GIS - Putting Northern Kentucky on the Map



FUTURE LAND USE MAP

www.boonecountygis.com



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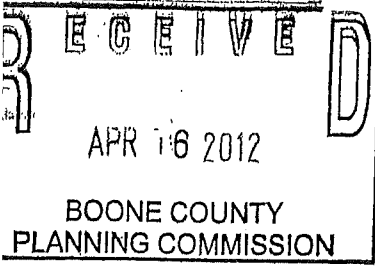
Feet

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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

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Doug Simpson, Phone Number 859-344-1363, Fax No. 859-647-2937, Applicant's Address 8534 US Hwy 42 Florence KY 41042
4. Description of Request: Change of use from a plumbers office TO a office for a used car, truck, motorcycle, Boat sales
5. Name of Development GP motor sales L.L.C.
6. Location of Development 11552 Dixie Hwy WALTON, KY 41094
7. Acreage Under Review .3498 AC
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Doug Simpson / GP motor sales L.L.C., Address of Property Owner 8534 US 42 Phone No.
10. City Florence KY State KY Zip 41092
11. Proposed Use(s) on Site Used Auto Sales Lot
12. Total Square Footage of Existing and/or Proposed Buildings 1960
13. Current Zoning on Property I1
14. Deed Book 1003 Page No. 355 Group No. 2073
15. Is the site subject to a zone change? Conditional use
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Doug Simpson
8534 U.S. 42
Florence, KY 41042

2. ADDRESS OF PROPERTY

11552 Dixie Hwy
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

GP Motor Sales

4. DEED BOOK 1003

PAGE NO. 355

GROUP NO. 2073

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

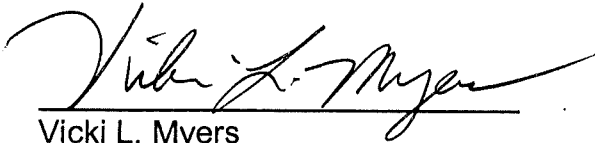
Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

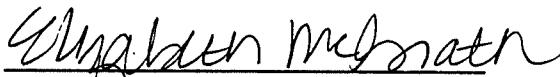
on behalf of the Boone County Planning Commission this 11th day of May, 2012.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath
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 May 9, 2012 Certificate of Land Use Restriction (#12-BCBOA-003-A), for Doug Simpson, Property Owner(s).

The following conditions will apply:

1. No more than 5 vehicles shall be for sale on the property at any given time.
2. All vehicles for sale shall be displayed in striped parking stalls per Section 3154 of the Boone County Zoning Regulations
3. Vehicle repair work shall not occur on site
4. A sidewalk which complies with Sections 3321 and 3327 of the Boone County Zoning Regulations shall be installed between the building and the adjoining parking stalls
5. The applicant shall provide documentation to Boone County Planning Commission that they have contacted Kentucky Transportation Cabinet regarding an Encroachment Permit.

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

DEED BOOK 1003

PAGE NO. 355

GROUP NO. 2073