13-BCBOA-017-A

APPLICATION FORM

RECEIVED
JUL 24 2013
BOONE COUNTY PLANNING COMMISSION

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)

(Check One)

1. X Boone _____ Florence _____ Walton _____ Union

(Check One)

2. _____ Conditional Use Permit X Variance _____ Appeal
   _____ Change in Non-Conforming Use
3. Applicant's Name Susan Cox Development, LLC
   Applicant's Address 2768 North Highland Avenue
   City Jackson State TN Zip 38305
   Phone Number (731)660-2391 Fax No. N/A E-Mail scox@susancoxdevelopment.com
4. Description of Request: We respectfully request a variance from Article 20 Section 2015 Item C. A 71' variance from the (10') half of front yard setback on a corner lot side street setback.
5. Name of Development Dollar General
6. Location of Development Corner Of Hwy 20 (Petersburg Rd) and Hwy 3186 (Limaburg Rd.) in Hebron KY.
7. Acreage Under Review 1.04 +/- Acres (45,468 +/- S.F.)
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Terry Roberts - T&S Properties
   Address of Property Owner P.O. Box 526
10. Hebron KY 41049
    City State Zip
    Phone Number 859-743-0663 Fax No. _____ E-Mail trmodel+@gmail.com
11. Proposed Use(s) on Site Dollar General (General Merchandise Retail)
12. Total Square Footage of Existing and/or Proposed Buildings Proposed 9,100 S.F.
13. Current Zoning on Property C-2/SC (Small Community Overlay District)
14. Deed Book 823 Page No. 89 Group No. 2007
15. Is the site subject to a zone change? No
    If yes, give date of approval N/A
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: X Terry Roberts
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Susan Cox
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

(over)

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 7-24-13 Fee Received $ 93.00 Receipt # 67318
2. Is application complete? ___ Yes ___ No
3. Staff Reviewer ___
4. Scheduled Board Action Date ___
5. Board Action:
   ___ **Approved**
   8/14/13 **Approved with Conditions** (See #6)
   ___ **Denial** (See #7)
6. Conditions of Approval: SEE 8/14/13 BCBOA Meeting Minutes + 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: Susan Cox Development, LLC for Dollar General

LOCATION: 3007 Limaburg Road, Boone County, Kentucky

ZONING: Commercial Two/Small Community Overlay (C-2/SC)

DATE: August 14, 2013

Proposal

The applicant has submitted a variance application to increase the 10' maximum corner side yard setback requirement to 81' for a proposed Dollar General Store.

The preliminary Site Plan shows that the former bank and daycare building will be demolished and a 9,100 square foot (70' x 130') store and accessory parking lot will be constructed on site. The building is shown with a 20 foot front yard setback from Petersburg Road and an 81 foot corner side yard setback from Limaburg Road. Access to the property is proposed from a single curb cut on Limaburg Road. The submitted elevation drawings show that the building will be constructed with brick and that the customer entrance is oriented towards the KY 20/Limaburg Road intersection.

Applicable Regulations

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

Section 2015 of the Boone County Zoning Regulations lists the following setback requirements for commercially zoned properties in the Small Community Overlay (SC) district:

Front Yard	20' maximum
Corner Side Yard	One half the required front yard (maximum)
Side Yard	5' minimum
Rear Yard	20 feet minimum when adjacent to private property; 10 feet minimum when adjacent to an alley

Site Characteristics

The subject property is approximately 1.04 acres in area and has 158.48' of frontage on KY 20 and 163.05' of frontage on Limaburg Road. The eastern part of the property contains a vacant building, which was last occupied by a childcare center. Access to the parking lot is provided from a single curb cut on Limaburg Road. The western part of the site is an undeveloped field, which contains some mature deciduous trees . Boone County GIS shows that the topography of the site falls from 890 feet above sea level at the southeast property corner to 872 feet above sea level at the northwest property corner. Overhead utilities are located in the KY 20 and Limaburg right-of-ways and run through the eastern portion of the site.

Staff Comments

1. Staff has been working with the project engineer for several months and analyzed several plan options. One option showed the building could meet the setback requirements but it caused the access point to be located on KY 20. The KY 20 access point was shown in close proximity to the Limaburg Road intersection and McDonald's access point. Kentucky Transportation Cabinet informed the applicant that a Traffic Study curb cut would need to be submitted before a final determination would be made on the KY 20 access point. Kentucky Transportation Cabinet and Planning Commission Staff informed the project engineer that they preferred the current site layout because it placed the curb cut on Limaburg Road and eliminates safety concerns on KY 20.

2. Staff would like to make the applicant aware of the following:

   A. The building mounted signs shown on the elevation drawings are larger than what is permitted by code. Another Variance application will need to be submitted if Dollar General wants to pursue the signs that are shown.

   B. The rear sidewalk does not meet code because the mechanical units are obstructing it. A 6' wide unobstructed sidewalk will be required between the mechanical units and the parking stalls.

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

   A. The site shall be developed per the preliminary plan and elevation drawings. Minor changes may be permitted by the Zoning Administrator.

   B. The sides and rear of the dumspter enclosure shall be constructed with brick that matches the building.

C. An evergreen tree and large evergreen shrubs shall be planted in the Vehicular Use Area (VUA) landscaping island to screen the mechanical units from Limaburg Road.

4. The Board needs to analyze the Variance criteria before acting on the request.

Conclusion

KRS 100.241 and Section 250 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/dw

Attachments
*Site Vicinity Map
*Preliminary Plan
*Exterior Elevations
*Picture of the Mechanical Units
*Alternative Plan Concept that was reviewed by Staff
*2012 Aerial Map
*Zoning Map
*Topographical Map
*Application

SITE VICINITY MAP

www.boonecountygis.com

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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

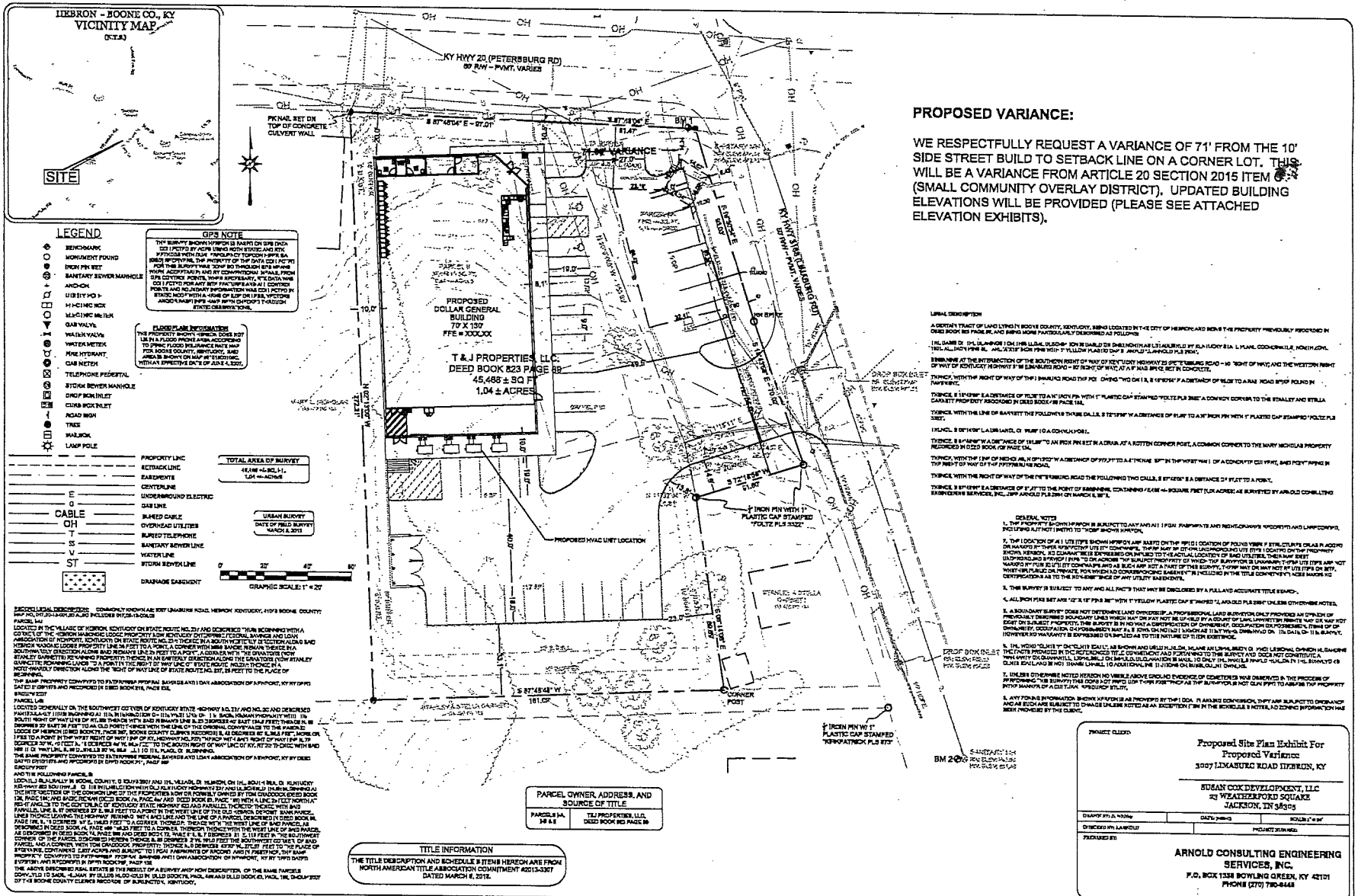
0 90 180 360 540 720 Feet

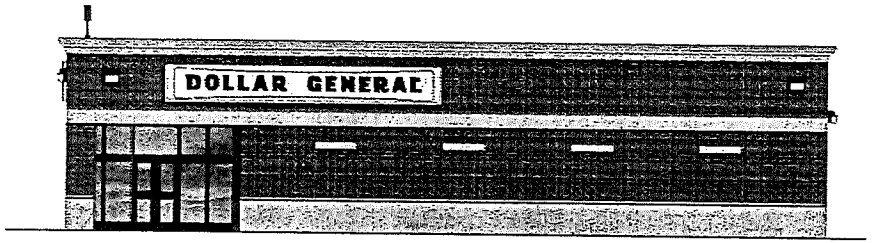
1 inch = 200 feet

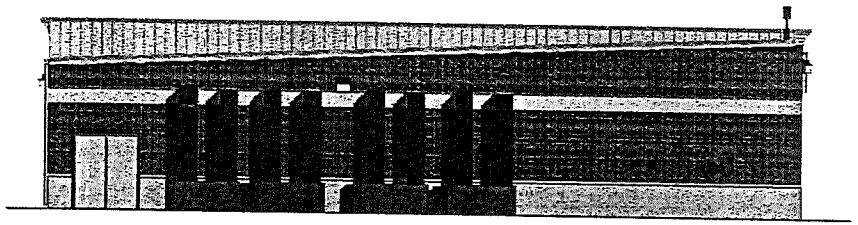
Boone County GIS

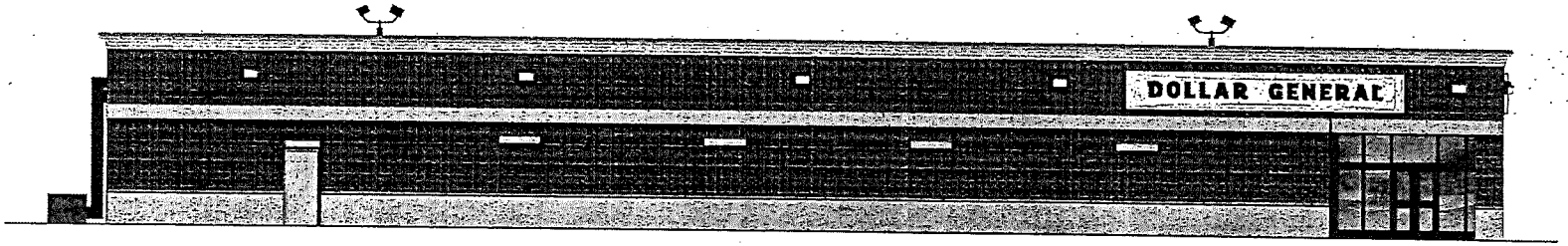
"Putting Northern Kentucky on the Map"

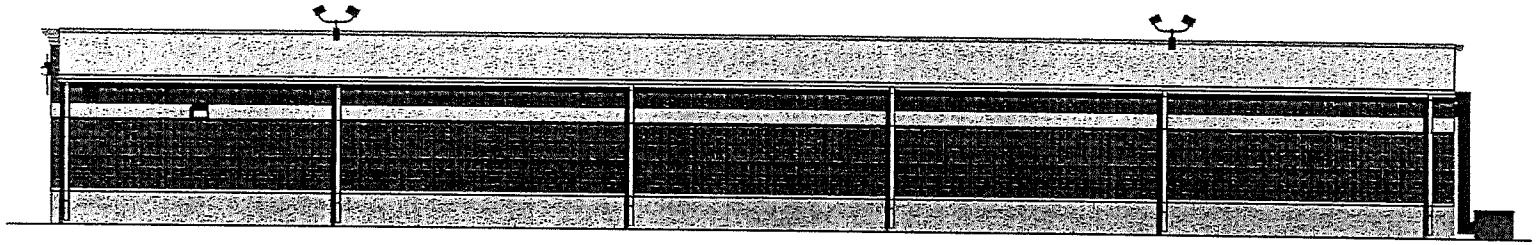
N W E S


HEBRON - BOONE CO., KY
VICINITY MAP
(N.T.S.)
SITE
KY HWY 20 (PETERSBURG RD)
80' R/W - PVMT. VARIES
PROPOSED VARIANCE:
WE RESPECTFULLY REQUEST A VARIANCE OF 71' FROM THE 10' SIDE STREET BUILD TO SETBACK LINE ON A CORNER LOT. THIS WILL BE A VARIANCE FROM ARTICLE 20 SECTION 2015 ITEM C. (SMALL COMMUNITY OVERLAY DISTRICT). UPDATED BUILDING ELEVATIONS WILL BE PROVIDED (PLEASE SEE ATTACHED ELEVATION EXHIBITS).
LEGEND
GPS NOTE
FLOOD PLAIN INFORMATION
PROPOSED DOLLAR GENERAL BUILDING 70' X 130' FFE = XXX.XX
T & J PROPERTIES, LLC. DEED BOOK 823 PAGE 89
45,488 ± SQ FT
1.04 ± ACRES
71'-0" VARIANCE
PROPOSED HVAC UNIT LOCATION
1" IRON PIN WITH 1" PLASTIC CAP STAMPED "FOLTZ PLS 3322"
1" IRON PIN W/ 1" PLASTIC CAP STAMPED "KENPATRICK PLS 873"
PK NAIL SET ON TOP OF CONCRETE CULVERT WALL
CORNER POST
BM 2
TOTAL AREA OF SURVEY
45,488 +/- SQ. FT.+
1.04 +/- ACRES
URBAN SURVEY
DATE OF FIELD SURVEY MARCH 8, 2012
GRAPHIC SCALE: 1" = 20'
PROPERTY LINE
SETBACK LINE
EASEMENTS
CENTERLINE
UNDERGROUND ELECTRIC
GAS LINE
BURIED CABLE
OVERHEAD UTILITIES
BURIED TELEPHONE
SANITARY SEWER LINE
WATER LINE
STORM SEWER LINE
DRAINAGE EASEMENT
PARCEL OWNER, ADDRESS, AND SOURCE OF TITLE
TITLE INFORMATION
THE TITLE DESCRIPTION AND SCHEDULE B ITEMS HEREON ARE FROM NORTH AMERICAN TITLE ASSOCIATION COMMITMENT #2013-3307 DATED MARCH 6, 2012.
Proposed Site Plan Exhibit For Proposed Variance
3007 LIMASURO ROAD HEBRON, KY
SUSAN COX DEVELOPMENT, LLC
23 WEATHERFORD SQUARE
JACKSON, TN 38305
ARNOLD CONSULTING ENGINEERING SERVICES, INC.
P.O. BOX 1338 BOWLING GREEN, KY 42101
PHONE (270) 780-8448





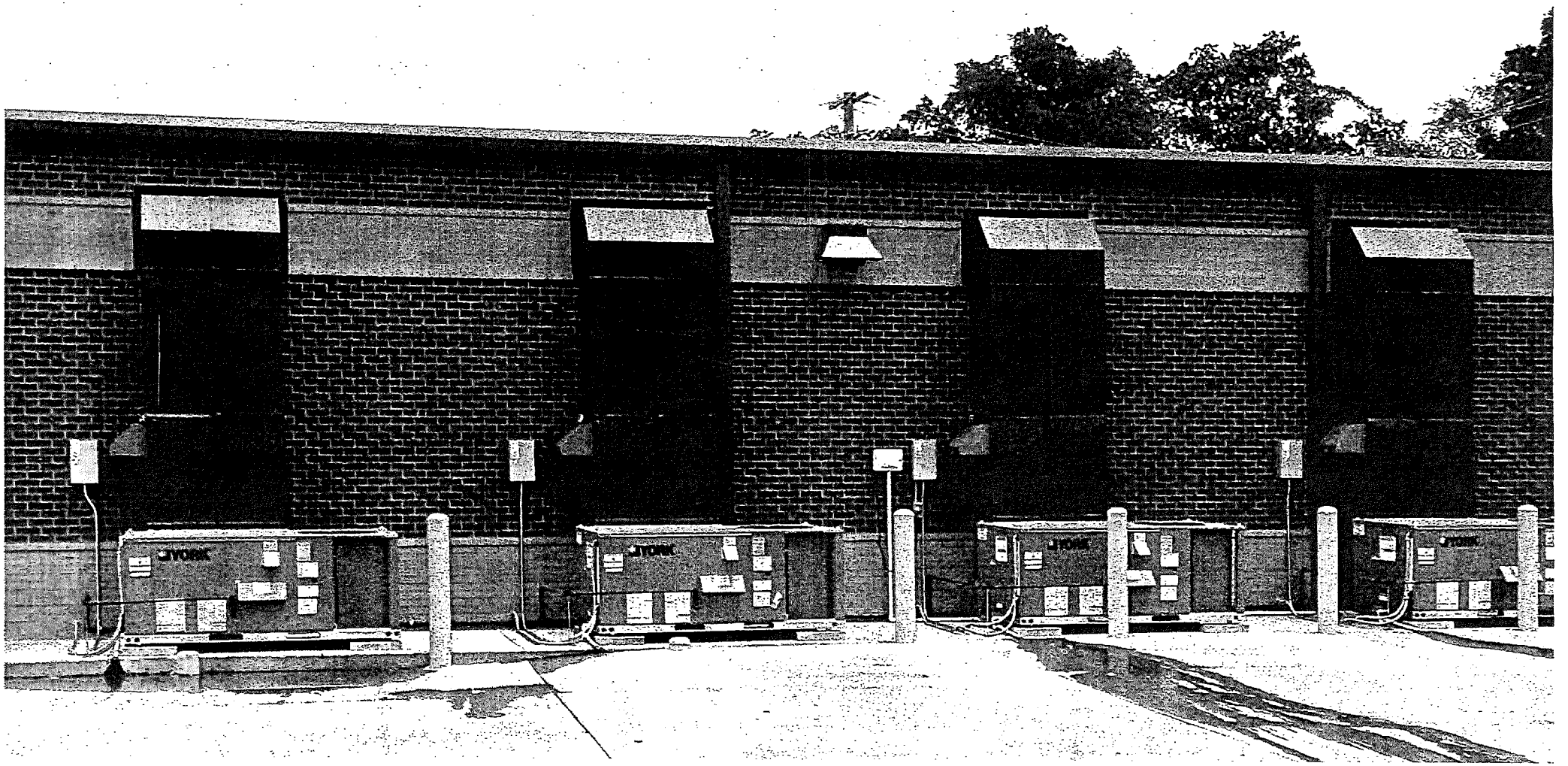




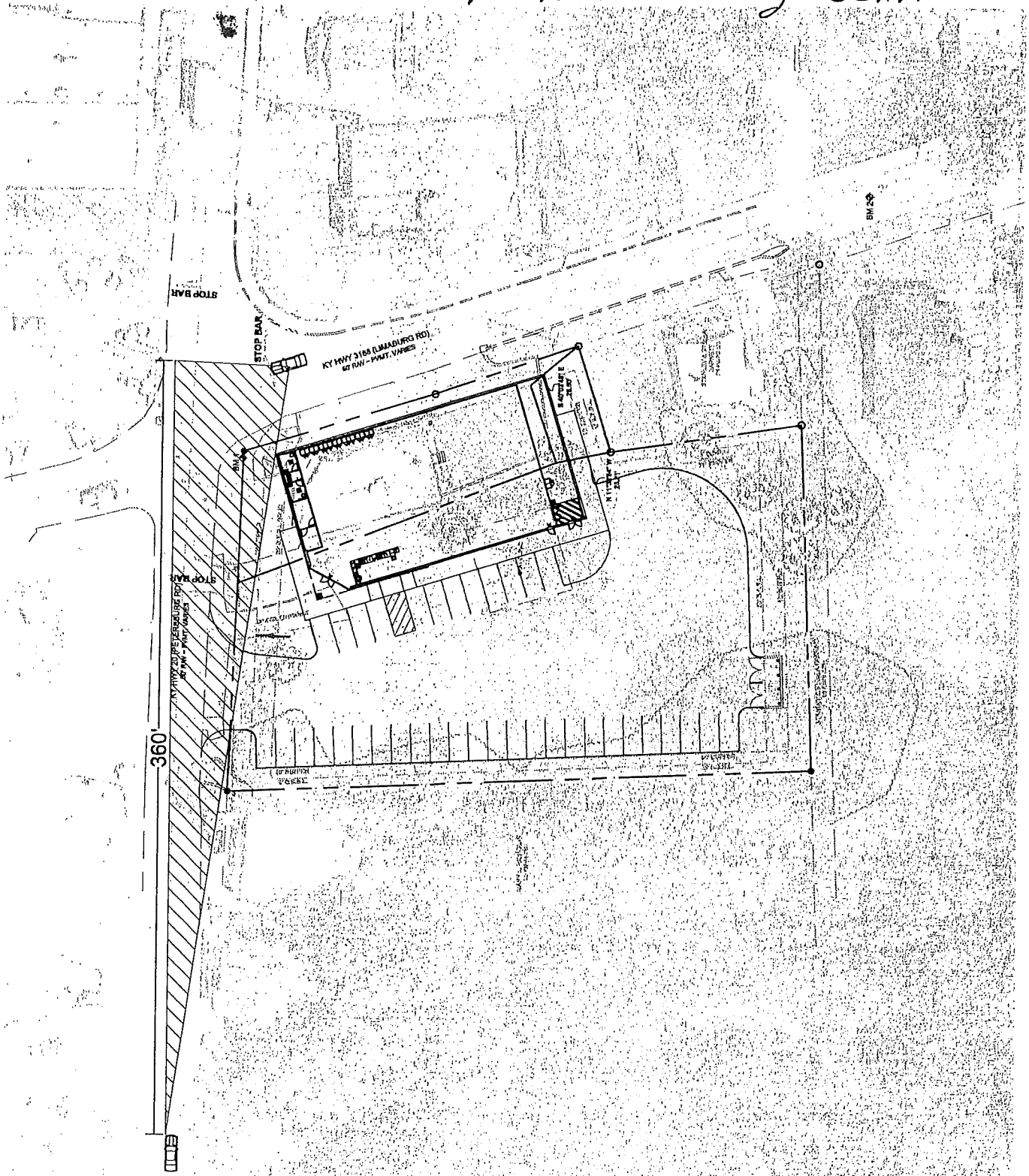
ACES

Dollar General
Petersburg Road
Hebron, Kentucky

SEWELL SEWELL ARCHITECTS

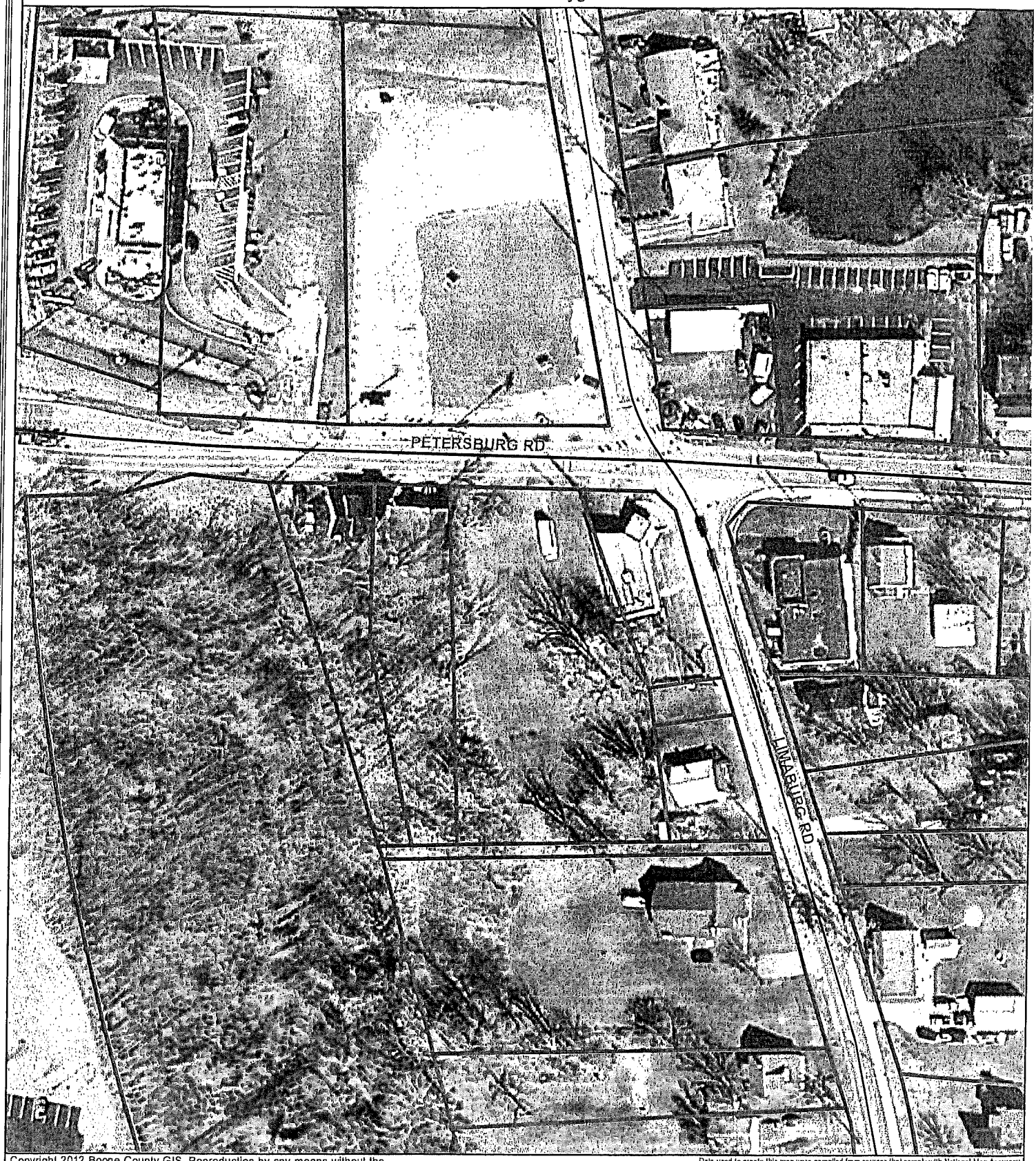

YORK
YORK
YORK
YORK

Alternative Plan Concept Reviewed by STAFF



2012 AERIAL MAP

www.boonecountygis.com



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0 45 90 180 270 360 Feet

1 inch = 100 feet

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N W E S

ZONING MAP

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TOPOGRAPHICAL MAP

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N W E S

APPLICATION FORM

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JUL 24 2013
BOONE COUNTY PLANNING COMMISSION

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)

(Check One)

1. __X__ Boone _____ Florence _____ Walton _____ Union

(Check One)

2. _____ Conditional Use Permit __X__ Variance _____ Appeal
   _____ Change in Non-Conforming Use
3. Applicant's Name **Susan Cox Development, LLC**
   Applicant's Address **2768 North Highland Avenue**
   City **Jackson** State **TN** Zip **38305**
   Phone Number **(731)660-2391** Fax No. **N/A** E-Mail **scox@susancoxdevelopment.com**
4. Description of Request: **We respectfully request a variance from Article 20 Section 2015 Item C. A 71' variance from the (10') half of front yard setback on a corner lot side street setback.**
5. Name of Development **Dollar General**
6. Location of Development **Corner Of Hwy 20 (Petersburg Rd) and Hwy 3186 (Limaburg Rd.) in Hebron KY.**
7. Acreage Under Review **1.04 +/- Acres (45,468 +/- S.F.)**
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Terry Roberts - T&S Properties
   Address of Property Owner P.O. Box 526
10. Hebron KY 41048
    City State Zip
    Phone Number 859-743-0663 Fax No. _____ E-Mail trmodel+@gmail.com
11. Proposed Use(s) on Site **Dollar General (General Merchandise Retail)**
12. Total Square Footage of Existing and/or Proposed Buildings **Proposed 9,100 S.F.**
13. Current Zoning on Property **C-2/SC (Small Community Overlay District)**
14. Deed Book **823** Page No. **89** Group No. _____
15. Is the site subject to a zone change? **No**
    If yes, give date of approval **N/A**
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: X Terry Roberts
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Susan Cox
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

(over)

COPY

CLUR #13-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Terry Roberts/T&J Properties
P.O. Box 526
Hebron, KY 41048

2. ADDRESS OF PROPERTY
3007 Limaburg Road
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Dollar General

4. DEED BOOK 823 PAGE NO. 89 GROUP NO. 2007

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:

__X__ 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, AICP, Senior Planner
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 , 2013.

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:

Debbie 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.)

CLUR #13-BCBOA-017-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of August 14, 2013 Certificate of Land Use Restriction (#13-BCBOA-017-A), for Terry Roberts/T&J Properties, Property Owner(s).

The following conditions will apply:

1) The site shall be developed per the preliminary plan and elevation drawings. Minor changes may be permitted by the Zoning Administrator.

2) The sides and rear of the dumpster enclosure shall be constructed with brick that matches the building.

3) An evergreen tree and large evergreen shrubs shall be planted in the Vehicular Use Area (VUA) landscaping island to screen the mechanical units from Limaburg Road.

4) The required trees in the 51.6' and 89.69' landscape buffers (adjoining Stella Garnett's property) shall be evergreen trees from Plant List D and shall be 10' tall at the time of planting. Planning Commission Staff shall determine which trees are planted in these buffers after researching which species will provide the best coverage.

5) All parking lot lights shall face the Dollar General store and be oriented away from the Garnett property.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 823 PAGE NO. 89 GROUP NO. 2007