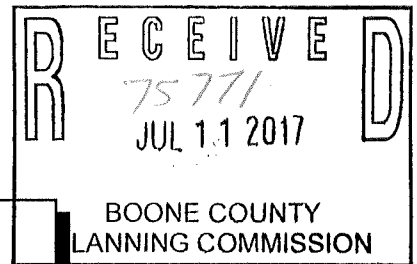


APPLICATION FORM



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) X Boone Florence Walton Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name Specialty Automotive Services Inc
4. Description of Request: Conditional Use #3: Small scale sales or leasing of new and used motor vehicles requiring storage of no more than 50 vehicles
5. Name of Development
6. Location of Development 5981 Peoples Ln Burlington, Ky 41005
7. Acreage Under Review .5
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 1 Burl Park Complex
9. Owner of Property EIO 9 LLC (38A1-1)
10. Address of Property Owner 5848 N. Orient St. Burlington Ky 41005
11. Proposed Use(s) on Site Conditional Use #3 in C2
12. Total Square Footage of Existing and/or Proposed Buildings approx 2000
13. Current Zoning on Property C2
14. Deed Book 834 Page No. 551 Group No. 2025
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? N/A
17. Have you submitted a list of adjoining property owners with this request? YES, Attached
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]
ORIGINAL Applicant's Signature: [Signature]

**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 7-11-17 Fee Received \$1082.00 Receipt # 75771
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 8/9/17 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE 8/9/17 BCBOA meeting  
MINUTES + CLUR
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  
\_\_\_\_\_ - 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: Specialty Automotive Services, Inc.

LOCATION: 5981 Peoples Lane, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: August 9, 2017

### PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow the small scale sale or leasing of new and used motor vehicles on the subject property. Staff contacted the applicant several times regarding the application. Highlights of these conversations and email exchanges include:

- The building is no longer used for corporate training. It is currently used for bookkeeping.
- The proposal will allow three (3) to five (5) collector/classic cars to be for sale on the property at any given time.
- One employee will be involved in the car sales business.
- No vehicle repairs will take place on the property.
- No vehicle parts will be stored on site.

### 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 Use Permits as specified by the zoning order.

The Board needs to evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1023 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.

Section 1023 of the Boone County Zoning Regulations lists "small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises" as a Conditional Use in the Commercial Two (C-2) district provided that:

- A. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- B. The activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- C. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

The Land Use Element (Burlington Area, pg. 174) makes the following statements regarding the general area:

- A. "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. This approach is encouraged in historic Burlington by a limited design review process adopted in the 2008 Boone County Zoning Regulations. 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 indicates 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."

### SURROUNDING LAND USES & ZONING

North: Allen Creek Apartments (UR-2)

South: Burlington Pike, Firehouse Drive, Burlington Fire Department, and Vacant Lot (C-2)

East: Peoples Lane and Burl Park Commercial Strip Center (C-2)

West: Allen Creek Apartments (UR-2)

### SITE CHARACTERISTICS

The approximate 0.34 acre site is located on the northwest corner of the Burlington Pike/Peoples Lane intersection. The property contains an approximate 1,440 square foot office building, which was constructed as a bank. The building is constructed predominately with brick and contains two covered drive through lanes on the south facade. The property is accessed from three separate entrances (two access points on Peoples Lane and one on Peoples Court). The parking lot is an asphalt surface and can easily accommodate 15 vehicles (12 in the rear parking row and 3 in the drive through and by-pass lanes). Some mature landscaping exists along the KY 18 and Peoples Lane frontages and the western property line.

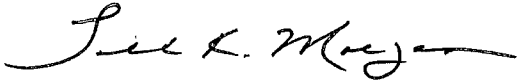
### STAFF COMMENTS

1. Staff observed ten (10) vehicles in the parking lot on July 12, 2017 and Staff estimates that fifteen (15) cars could reasonably fit in the parking lot (12 in the rear parking row and 3 in the drive-through/by-pass lanes. Staff biggest concern is the adequacy of the on-site parking if two separate businesses are operating from the building.
2. Staff has the following recommendations if the request is approved:
  - A. Vehicle sales shall be limited to classic/collector cars.
  - B. No more than 3 classic/collector cars shall be for sale on the property at any given time.
  - C. All vehicles for sale on the property shall be operable. No vehicle for sale shall be on blocks or in a disassembled state.
  - D. No vehicle repairs shall be made on the property.
  - E. The Conditional Use Permit shall be null and void if the current property owner sells the building.

### 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.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

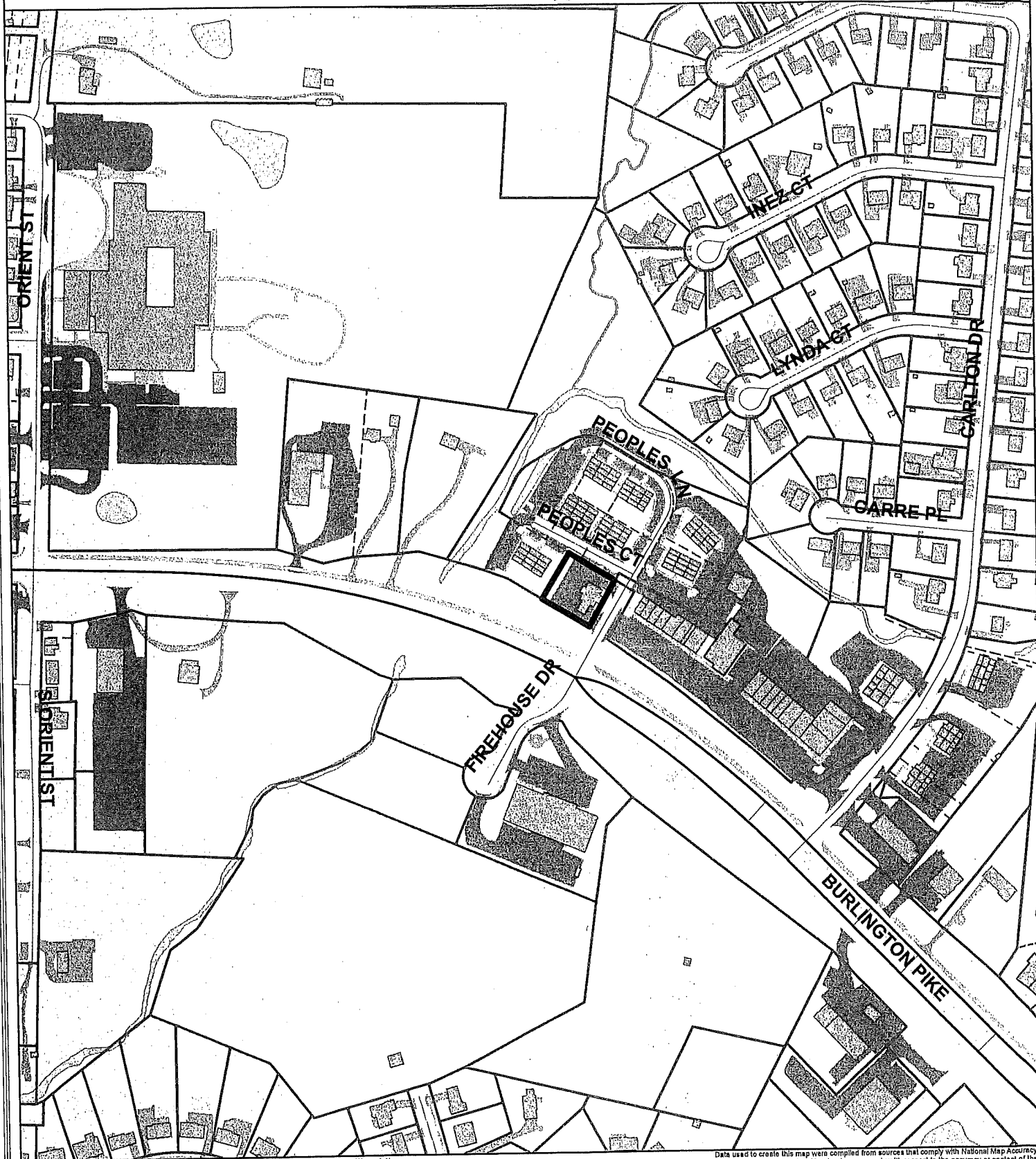
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Email Exchanges with Applicant
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Topographical Map
- \*2016 Aerial Map
- \*Application

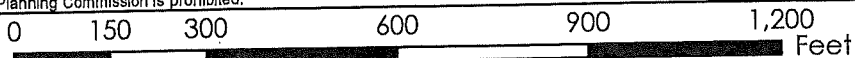
# SITE VICINITY MAP

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1 inch = 300 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map File Path: C:\GIS\BooneMap (site).mxd  
ArcMap Document: BooneMap (site).mxd

Map Created: 07/01/2013

## Todd Morgan

---

**From:** JS QS <quikstops@gmail.com>  
**Sent:** Thursday, July 13, 2017 2:16 PM  
**To:** Todd Morgan  
**Subject:** Re: Conditional Use Permit Application for Small Scale Sales or Leasing of New and Used Motor Vehicles at 5981 Peoples Lane, Burlington, KY

Here you go Todd. I hope this answers your questions. Feel free to call or email me for anything additional.

In general, I am only seeking the minimum that the State of KY requires from me to qualify as a dealer and receive my dealer license. No "car lot" type appearance is necessary for my needs.

Jeff

1. Will the proposed car sales and leasing business occupy the entire building? If not, please explain.  
**No, I plan on a very minimal operation of only a few cars per year. Kentucky auto dealer license requires a commercial location, so I will only need one desk space to meet this. No changes to the current use is contemplated in this application.**
2. What types of vehicles (cars, light trucks, motorcycles, etc.) would be sold or leased from the premises?  
**A few cars per year, classic/collector types.**
3. Will the vehicles be new or used? If used, how would these vehicles be acquired?  
**Used. Collector/classic type. Acquired through collector car auctions etc.**
4. How many vehicles would be for sale/lease on the property at any given time?  
**Zero to five max.**
5. How many employees would work from the premises at any given time?  
**1**
6. Where would vehicle repairs take place?  
**If any repairs or restorations required that will happen elsewhere at other businesses. None at this location.**
7. Would any auto parts or accessories be stored on site?  
**No**

On Wed, Jul 12, 2017 at 10:53 AM, Todd Morgan <[TMorgan@boonecountyky.org](mailto:TMorgan@boonecountyky.org)> wrote:

Mr. Simmons,

I received your Conditional Use Permit application yesterday and the public hearing before the Boone County Board of Adjustment will take place on 8/9/17. You will be mailed a meeting notice approximately two weeks before the meeting and it will provide the meeting location and starting time.

## Todd Morgan

---

**From:** JS QS <quikstops@gmail.com>  
**Sent:** Tuesday, July 25, 2017 12:37 AM  
**To:** Todd Morgan  
**Subject:** Re: Conditional Use Permit Application for Small Scale Sales or Leasing of New and Used Motor Vehicles at 5981 Peoples Lane, Burlington, KY

Per your request.

1. I am approximating that 12 cars could fit in the rear parking lot and that 3 more (single stacked) could fit in the drive through lanes. Does this sound correct? *At least that many could fit on the lot using sided by side facing apartments. With a professional design to optimize it would easily double that. We do not contemplate a need for anyway near even 12 though. Per my previous email we are utilizing this to meet state minimum as a used car dealer. Nothing beyond that is contemplated.*
  
2. How often does corporate training occur in the building? *Specialty sold the 10 QuikStop Oilube locations it owned (my Company) Training is no longer done at this location. Office use now is for accounting etc. We have four desks in office area. One full time employee uses the office at present. Use as auto sales operation would add one part time employee (me).*
  
3. How large is the training room? How many seats are in it? *N/A no longer used.*
  
4. Provide the office area square footage. *Total square feet I would estimate at 1200-1400*
  
5. Would the cars that are being sold be kept in a certain part of the lot? *The occasional one to three collector type cars available for purchase would be placed in the covered drive though area. The type of cars are not the kind that would be exposed to the elements more than absolutely necessary. This is planned to be a very small scale business.*

*Best regards*

*Jeff*

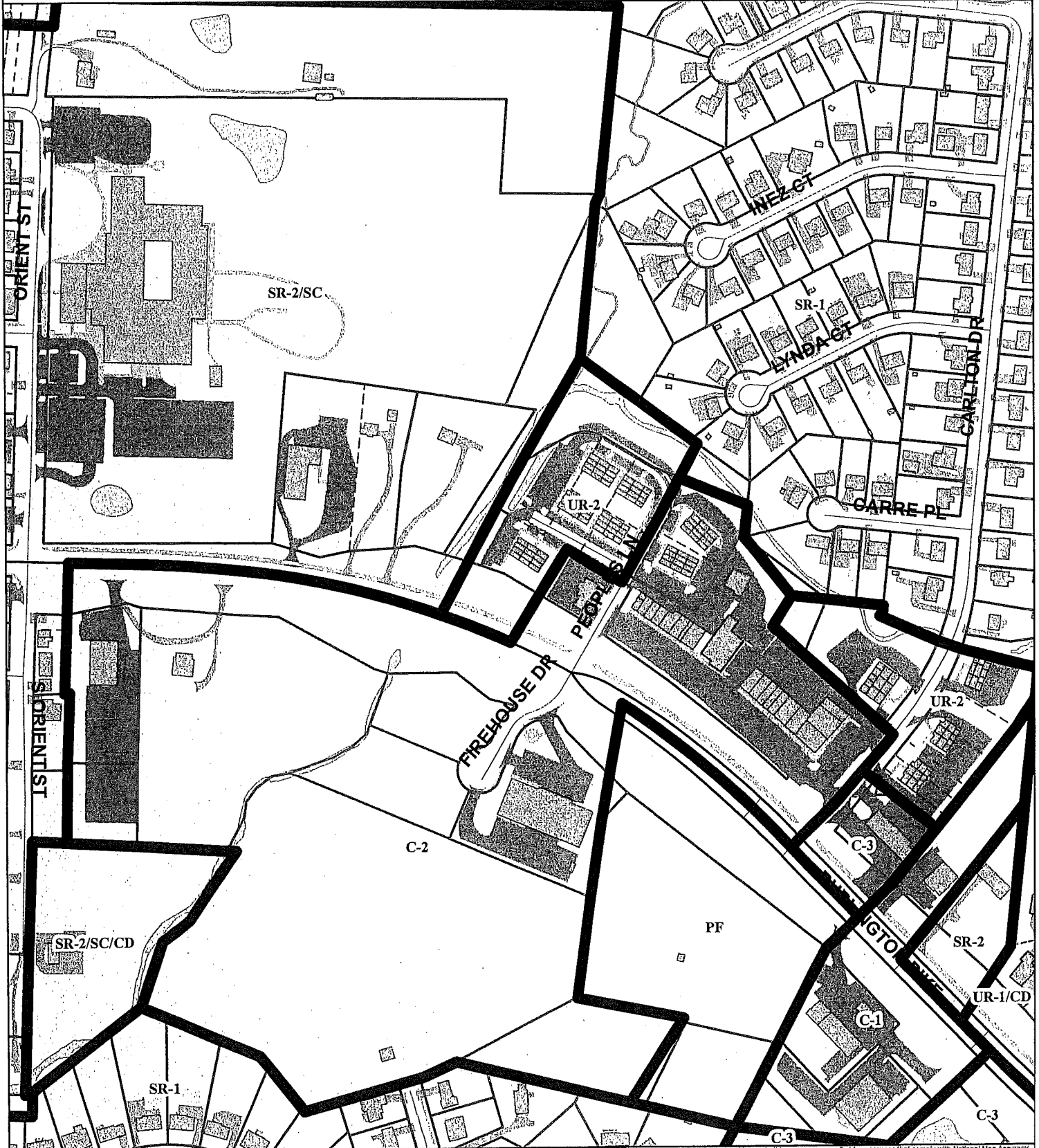
On Mon, Jul 24, 2017 at 4:27 PM, Todd Morgan <[TMorgan@boonecountyky.org](mailto:TMorgan@boonecountyky.org)> wrote:

Mr. Simmons,

I did get your reply email and it was helpful. However, I have some more questions:

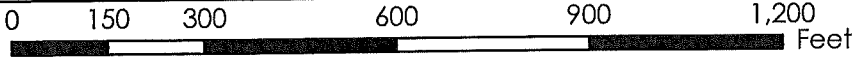
# ZONING MAP

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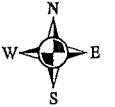
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**Boone County GIS - Putting Northern Kentucky on the Map**

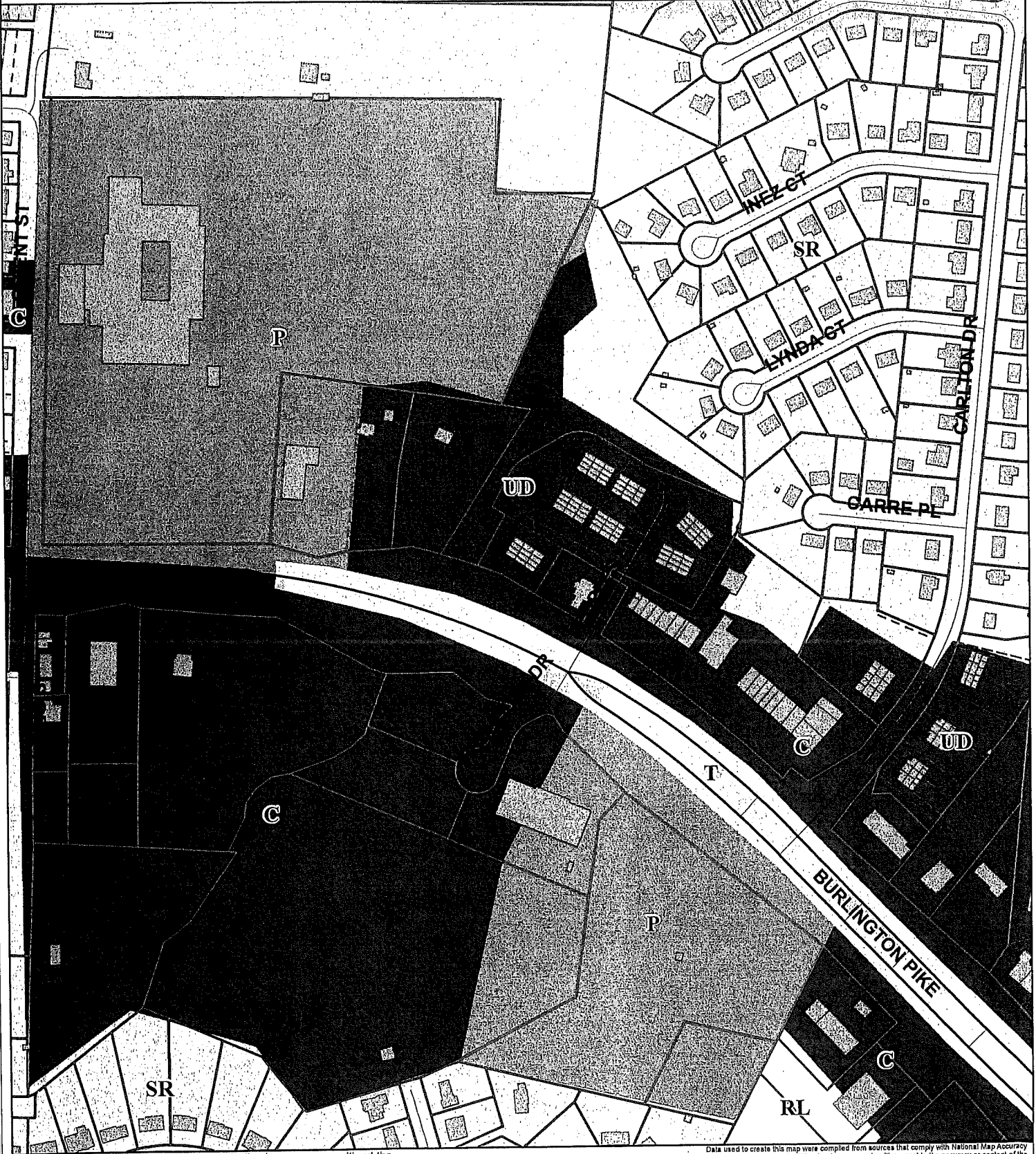


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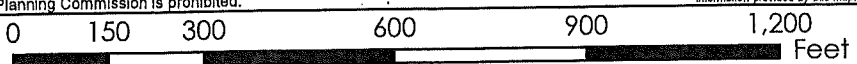
# 2035 FUTURE LAND USE MAP

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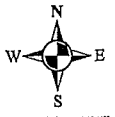


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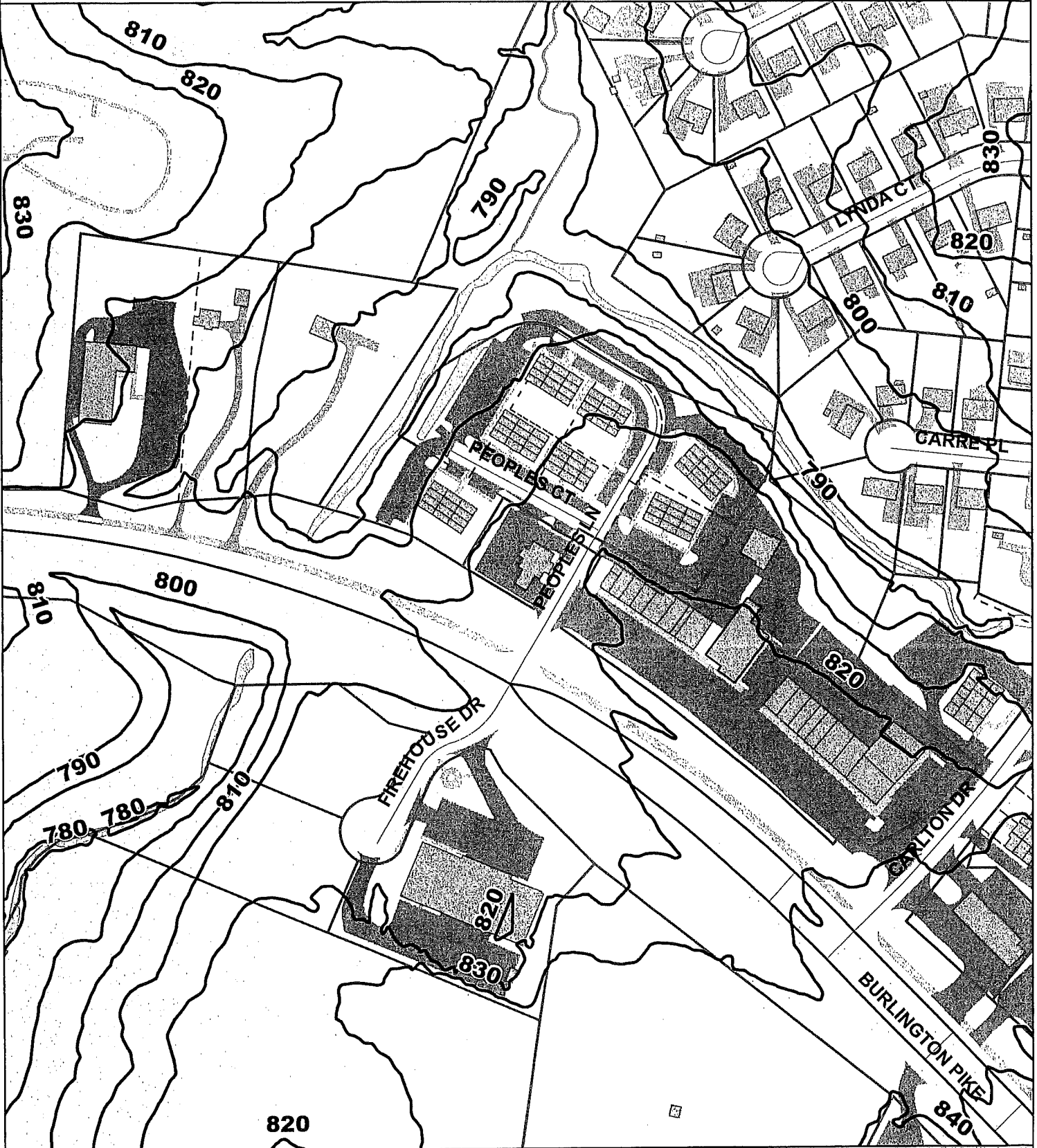
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Map Document: BooneMap (Site).mxd

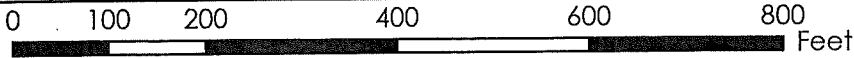
# TOPOGRAPHICAL MAP

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1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

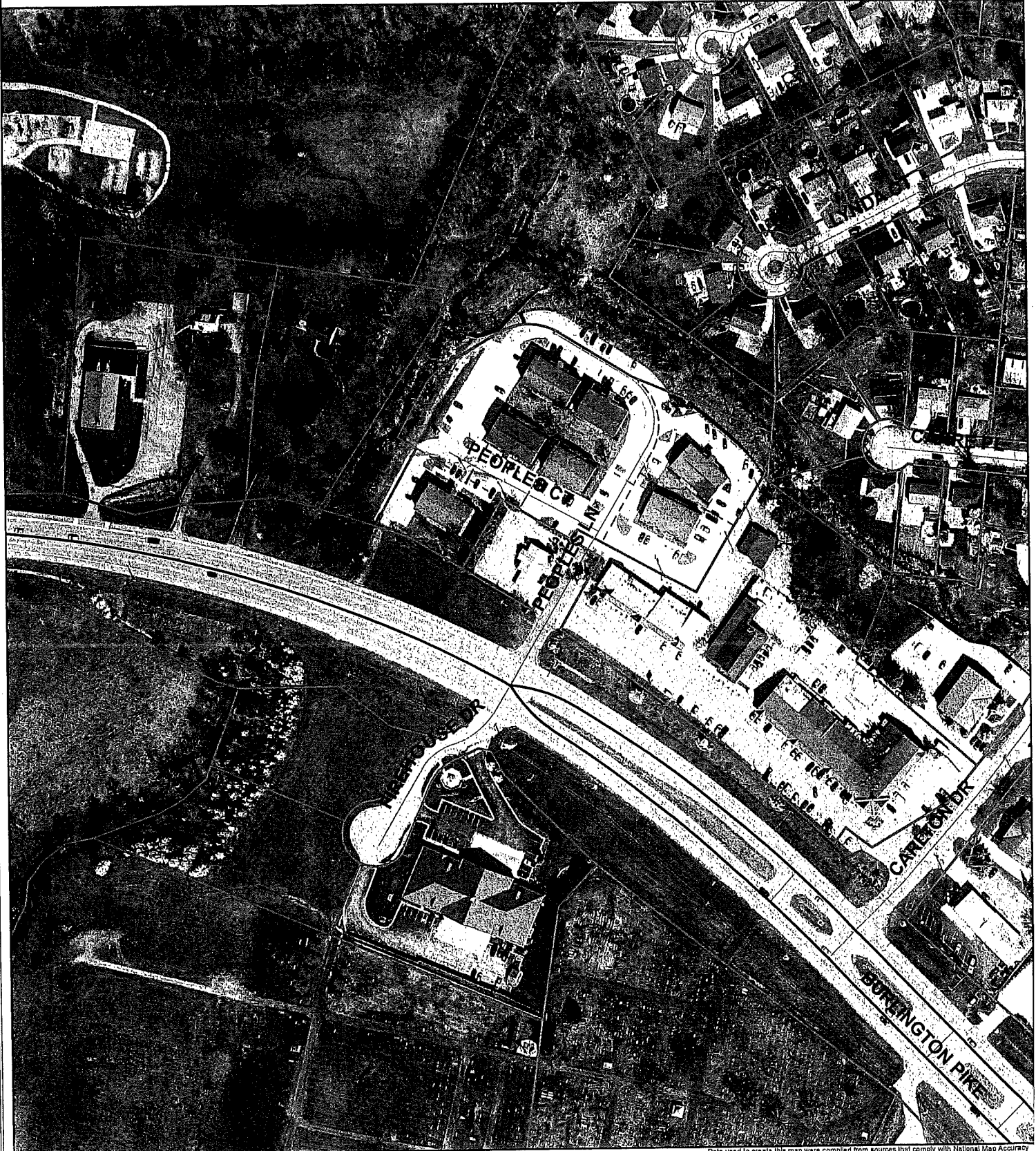


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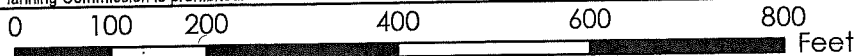
# 2016 AERIAL MAP

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1 inch = 200 feet



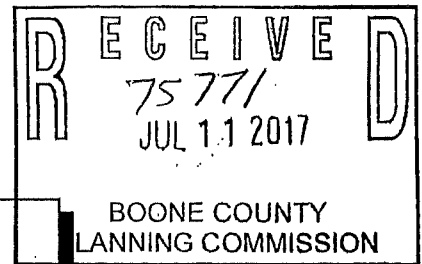
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**Boone County GIS - Putting Northern Kentucky on the Map**



Map Document: BooneMap (file).mxd

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Specialty Automotive Services Inc
Applicant's Address 5981 Peoples Ln. Burlington KY 41005
4. Description of Request: Conditional Use #3: Small scale sales or leasing of new and used motor vehicles requiring storage of no more than 50 vehicles
5. Name of Development
6. Location of Development 5981 Peoples Ln Burlington, KY 41005
7. Acreage Under Review .5
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 1 Burl Park Complex
9. Owner of Property EIO9 LLC (38A1-1)
Address of Property Owner 5848 N. Orient St. Burlington Ky 41005
10. Phone Number 859-466-2291 Fax No. E-Mail Quikstops@gmail.com
11. Proposed Use(s) on Site Conditional Use #3 in CZ
12. Total Square Footage of Existing and/or Proposed Buildings ~2000
13. Current Zoning on Property CZ
14. Deed Book 834 Page No. 551 Group No. 2025
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? N/A
17. Have you submitted a list of adjoining property owners with this request? YES, Attached
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)

(over)

(COPY)

CLUR #17-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

E109 LLC  
5848 N. Orient Street  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5981 Peoples Lane  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Specialty Automotive Services Inc

4. DEED BOOK 834

PAGE NO. 551

GROUP NO. 2025

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

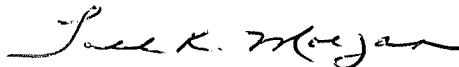
Subdivision Plat  
(Not Recorded)

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, AICP – Senior Planner  
Name and Title of Completing Official

(COPY)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of August 9, 2017 Certificate of Land Use Restriction (#17-BCBOA-011-A), for Specialty Automotive Services Inc., Property Owner(s).

The following conditions will apply:

- 1. **Vehicle sales shall be limited to classic/collector cars.**
- 2. **No more than five (5) classic/collector cars shall be for sale on the property at any given time.**
- 3. **All vehicles for sale on the property shall be operable. No vehicle for sale shall be on blocks or in a disassembled state.**
- 4. **No vehicle repairs shall be made on the property.**

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

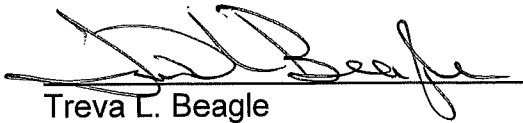
(COPY)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

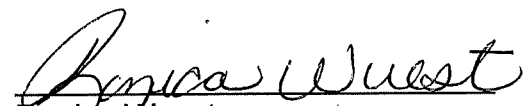
on behalf of the Boone County Planning Commission this 9 day of August, 2017.



Treva L. Beagle  
Notary ID 499309  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2017

This instrument was prepared for recording purposes only by:



Ronica Wuest  
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.)