

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(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 DIANE Todd
Phone Number 485-4279
Applicant's Address 2010 VERONA Mudlick Rd., P.O. Box 52
VERONA Ky 41094
City State Zip
4. Description of Request: Tanning Salon
5. Name of Development VERONA Tanning Salon
6. Location of Development 2010 VERONA Mudlick Rd.
INTERSECTION of Hwy. 14, 16 & 391,
7. Acreage Under Review 0.298
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property J. W. Thomas
Phone Number 606-2537
10. Address of Property Owner P.O. Box 71
VANCELEVE Ky. 41385
City State Zip
11. Proposed Use(s) On Site Tanning Salon
12. Total Square Footage of Existing and/or Proposed Buildings
46' x 60' = Tanning Salon - 10 1/2' x 30'
13. Current Zoning on Property SR-75C
14. Deed Book 92 Page No. 575 Group No. _____
15. Is the site subject to a zone change? NO
If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? YES
18. Applicant's Signature: Diane Todd
19. Property Owner's Signature: J W Thomas

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 9-22-88
2. Fee Received \$285.00
3. Is application complete? _____ Yes No
4. Staff Reviewer PAUL R. MILLER
5. Scheduled Board Action Date OCT. 12, 1988
6. Board Action:
_____ Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

NEED COPIES OF DEED

BCPC:7/11/88

STAFF REPORT

DEVELOPMENT: tanning salon
APPLICANT: Diane Todd
LOCATION: 2010 Verona-Mudlick Road, Verona, Kentucky
ZONING: Suburban Residential One/Small Community
DATE: October 12, 1988

REMARKS:

The applicant is seeking a Conditional Use Permit to establish a tanning salon business in an existing building in Verona, Kentucky. The 0.298 acre site is located at the northwest corner of the KY 14/KY 16/KY 491 intersection in Boone County. This site is zoned Suburban Residential One/Small Community and is owned by J.W. Thomas.

Surrounding Zoning and Land Uses

north: SR-1/SC; a single-family residence is immediately behind the building where the business would be located, beyond are agricultural uses
south: SR-1/SC; a restaurant and a used car lot
east: SR-1/SC; a video store, single-family residences (further east is a grocery store and bank)
west: SR-1/SC; a church

The following reviews the general criteria applicable to all Conditional Uses:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial. The Land Use Element of the Plan makes the following statements about the general area:

"This section of Boone County is extremely difficult to forecast in terms of its growth and development. In terms of growth factors, the Verona section is prime for an influx of commercial, industrial and residential development... However, this section does not currently have an impetus for development. Low density residential development has been the only real growth in this section during the past five years. It is entirely feasible and highly likely that any real changes in this area will not occur from the latent growth factors of this section but as a result of development in Walton. This

growth will occur westward on KY 14 and north of Verona proper (p. L-16)."

Goals and Objectives for the Business Activity Element include:

- "1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking.
3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences. (p. G-3)"

In the Staff's opinion, a commercial operation such as a tanning salon is harmonious and in accordance with the general objectives of the Comprehensive Plan.

2. The Board must decide whether the proposed tanning salon will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area. In Staff's opinion a tanning salon would meet this criteria.
3. The tanning salon would not be hazardous to the existing or future neighboring uses.
4. The tanning salon would be adequately served by essential public facilities and services.
5. The tanning salon would not create excessive additional requirements at public cost for public facilities and services and would be beneficial to the economic welfare of the community.
6. The operation of a tanning salon would not be detrimental to any persons.
7. The vehicular approaches to the tanning salon should not create an interference with traffic on surrounding public thoroughfares.

The Board must also consider the specific criteria applicable to Conditional Use Permits in Small Community districts:

1. The Board must determine if the tanning salon is an integral part of the area's function as a small community center. In Staff's opinion, the use would integrate well with the

existing uses in the Verona area. The business would not detract from or conflict with the principal purpose and continued well-being of the center.

2. The arrangement of the use would be compatible with the arrangement of permitted and accessory uses which are to be protected in the district.

Staff Concerns


The proposed use would occupy approximately 315 square feet of the existing building. The changes to the site necessary to establish the tanning salon are of a minor nature, and full Site Plan Review is not necessary. However, there are some minor concerns that need to be addressed.

Commercial establishments are required to provide paved parking spaces based on the square footage of the building in use. Strict application of the zoning regulations would require the applicant to provide one paved parking space, 10 feet by 20 feet for 90 degree parking. The adjoining property to the west, the New Bethel Baptist Church, has a gravel parking lot. The church has verbally indicated a willingness to allow the applicant to park on this lot. The applicant anticipates receiving a letter from the church agreeing to allow the use of the lot for tanning salon parking. The Board may wish to specify that, should the applicant wish to expand the business in the future, independent paved parking spaces will be required.

Additionally, the property currently extends to the center of Kentucky Highways 14 and 14/16. The portion of the subject property on which the highways are located was never deeded to the State. The Board may wish to consider placing a condition of approval that the portion of the subject property on which the highways are located be deeded to the State at this time, or be deeded to the State when and if the applicant sells the property.

Also attached is a copy of a plot plan of the site, provided by the applicant.

Respectfully submitted,



Paul R. Miller,
Plans Examiner/Planner

PRM:kat

TODD CONDITIONAL USE PERMIT - 18-12-88

SURVEY FOR DESCRIPTION

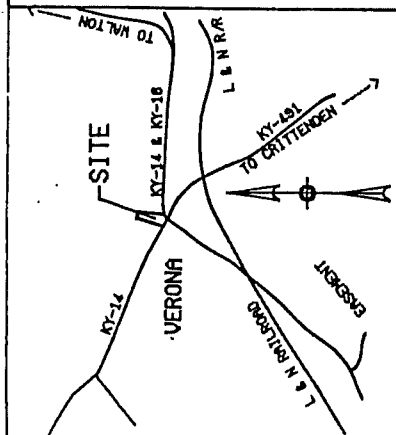
LOCATION: North side of KY-16 and Northeast side of KY-14 at the intersection of KY-14 and KY-16 in Verona, Kentucky

OWNER: Allie A. Chandler

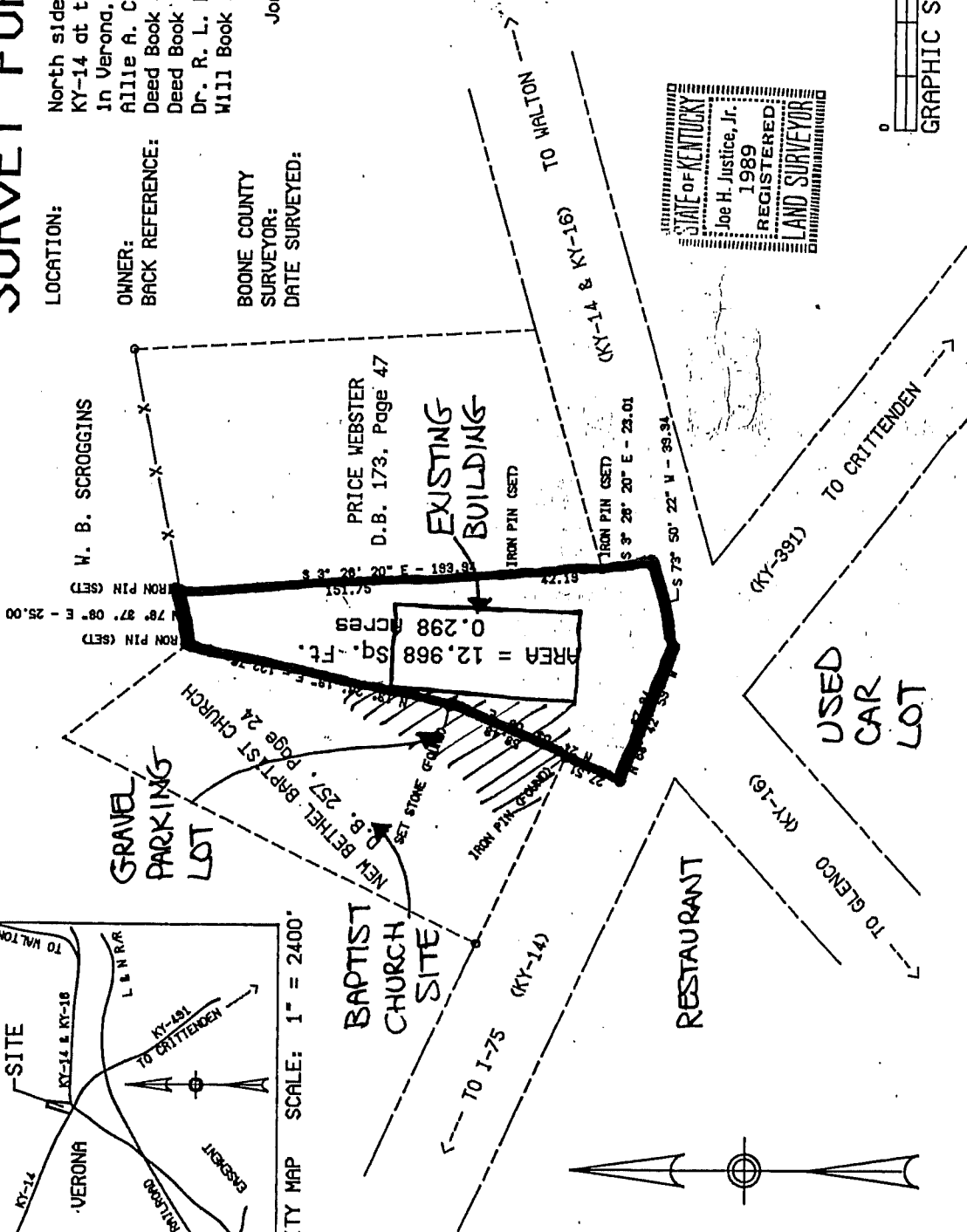
BACK REFERENCE: Deed Book 92, Page 275 (Store Lot)
Deed Book 112, Page 34 (Small Lot known as Dr. R. L. Finnel Office.)
Will Book 18, Page 104

BOONE COUNTY SURVEYOR: Joe H. Justice, Jr.
DATE SURVEYED: February 26, 1987

KENTUCKY LS #1989

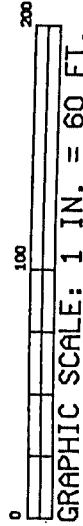


VICINITY MAP SCALE: 1" = 2400'

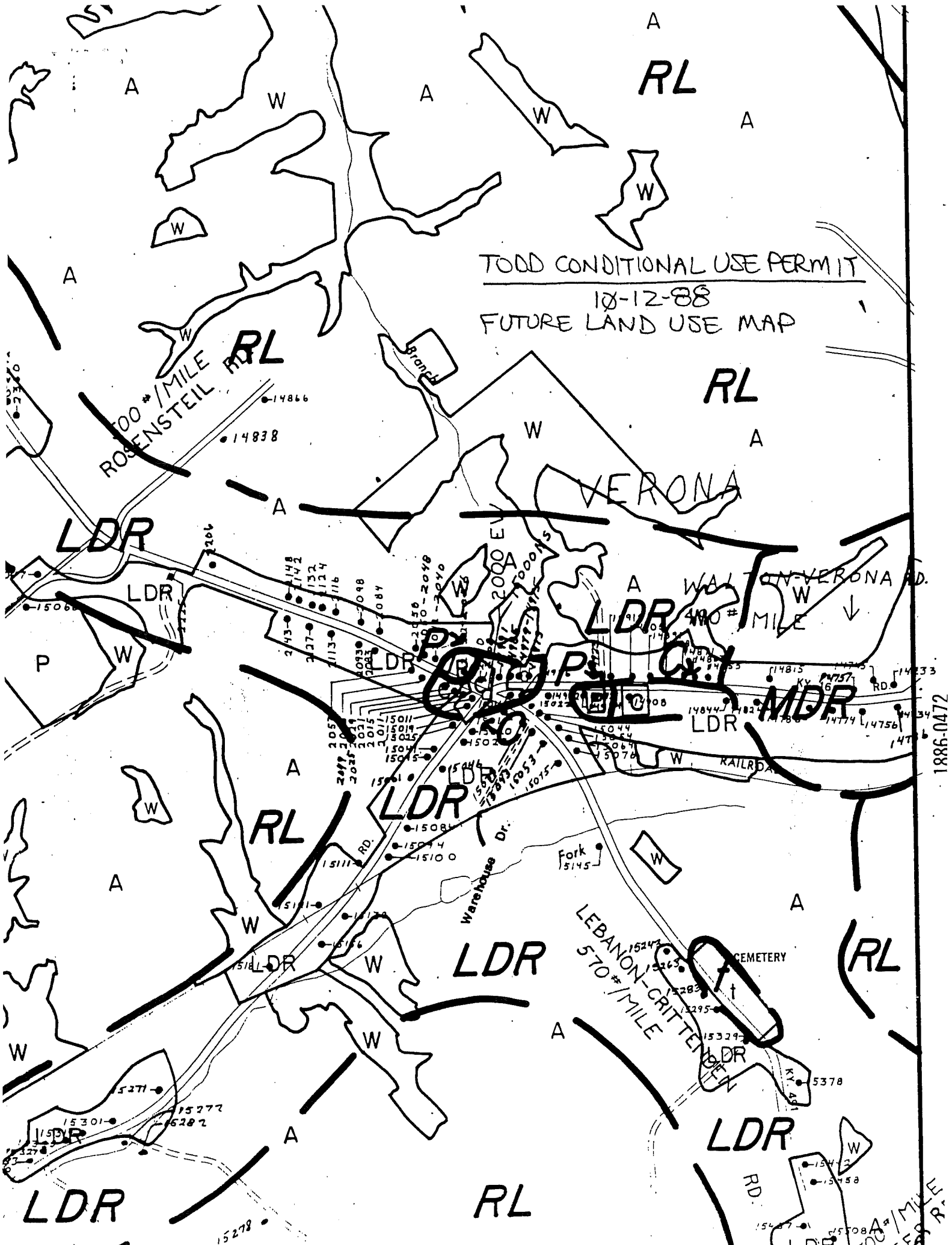


SURVEYOR'S CERTIFICATION:
I do hereby certify that the survey shown hereon was performed under my direction by random traverse. The unadjusted error of closure was 1:5000 and the bearings and distances shown hereon have been adjusted for closure. The bearings shown hereon are magnetic.

Joe H. Justice, Jr.
Joe H. Justice, Jr.
Registered Land Surveyor # 1989
2019 Longview Drive
Georgetown, Kentucky 40324
Phone 502/863-3053



TODD CONDITIONAL USE PERMIT
10-12-88
FUTURE LAND USE MAP



1886-0472

BOONE COUNTY
BOARD OF ADJUSTMENT

October 12, 1988 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel
Mr. Walt Ryan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton called the meeting to order at 6:35 P.M..

AGENDA ITEMS:

1. The request of Lamar Outdoor Advertising for a Conditional Use Permit to erect and maintain an off-premise advertising sign (billboard). The site for the proposed sign is at the intersection of U.S. 25 and KY 536 (Frogtown Road) on property owned by Bruening Bearings, Inc.. The property is zoned Commercial Services (C-3).

Chairman Whitton advised that this item was tabled at the last meeting due to an error in the advertising. The Chairman asked if there was anyone present who wished to speak in regard to this request.

Mrs. Adele Refett, owner of Joy Lynn's Kennel, stated that the intersection is busy now. She had at one time wanted to put a sign on this site but was told prior to coming to Planning and Zoning that she could not do so. She was told that you must own the property on which you want to put a sign and whatever is being advertised must be produced on the site. She

stated that the lot is not large enough to build on and that an out-of-state company should not be able to do something that she could not do. Mrs. Refett stated that there are currently eleven businesses on the corner and there is a lot of traffic when the flea market is open. There is a steady stream of traffic due to many employers in the area. The sign is dangerous and will cause problems for the local business people. She stated that the residents should have the first chance for signs.

In response to a question from Mr. Archambault, Mrs. Refett stated that she does not own the property in question as she did not buy it.

Counselor Wilson stated that the regulations at that time may not have allowed for an off-premise sign. Off-site signs are now permitted as Conditional Uses.

Chairman Whitton asked if there was anyone else present who wished to speak.

Mr. Rod Morris, representing the applicant, stated that he is a native of Kentucky. They have offices all over the southeast. They have lost six locations in this area over the past year and a half. They want to maintain their previous level of signs. He stated that the site is zoned properly and they want to provide a service. He presented pictures of some of their other signs to the Board and to Mrs. Refett. Mr. Morris stated that a United States government study indicates that there has never been an accident attributable to a billboard. He offered to provide a copy of the study.

Chairman Whitton asked if there were any comments from the Board.

Mr. Archambault referred to the comments in the Staff Report under General Criteria in regard to the character of the area and asked for clarification.

Mr. Miller advised that there are no billboards (off-premise signs) within a one-mile radius of the site. The placement of a billboard sign on this site would represent a change to the area. Staff is concerned about traffic hazards in consideration of the placement of the sign and the traffic volume in the area. Traffic is projected to increase. Mr. Miller noted that this property is zoned commercial, as are the surrounding properties. The property to the north will presumably develop commercially and this sign may pose a negative impact on that future development.

Mr. Archambault moved that the request be denied based on the fact that the area is developing and the traffic is predicted to increase. The sign could cause accidents and will not be an asset to the community. Mr. Houston seconded the motion.

Chairman Whitton asked for a roll call vote on the motion which found Mr. Archambault and Mr. Houston in favor. Chairman Whitton was opposed. The motion carried.

2. The request of J. A. Doepker Associates, Inc. for a front yard variance from the required 50 feet to 40 feet to allow the placement of an industrial building. The 5-acre site is located on the south side of Shorland Drive in the Richwood Industrial Park, Boone County, Kentucky. The site is zoned Industrial One (I-1) and is owned by Vagedes Industries.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Miller amended the Staff Report to indicate that should the Variance be granted, the Board may wish to consider requiring additional landscaping in front of the building.

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Larry Geiger of J. A. Doepker Associates, who prepared the Site Plan, stated that their objective was to give the owner as much usable space as possible on the site and to relate the building to the road. They did not want to have the building below the road. The front portion of the building is a one-story office lean-to. The building is a 20' pre-engineered building. In consideration of the way the driveways approach the site, it is necessary to keep the building up.

In response to a question from Chairman Whitton, Mr. Geiger stated that they do not object to the additional landscaping. He noted that there will be underground utilities in the front and they want to keep it attractive.

Mr. Charles Moore, an attorney representing RIDC, the owner of the industrial park, stated that they are in favor of this request, which enables the use of a parcel of property which may not otherwise be usable. They believe the setback requirement creates a hardship on the applicant. They have outgrown their present facilities in Erlanger and are in need of this size of building at this time.

Mr. John Butler stated that the lay of the land has to be seen to appreciate what the architect is trying to do. He stated that this site is directly in front of the Duro Plant. He is a Vice President of Duro and they do not object. He stated that there will probably be others making similar requests in the future and, therefore, they will all be uniform. This will benefit the development.

Mr. Moore stated that it is RIDC's opinion that the granting of this Variance will in no way injure or damage the remaining development within the industrial park.

Mr. Houston moved that the Variance be granted to allow for the use of the land due to the topography. Mr. Archambault seconded the motion and it carried unanimously.

3. The request of Diane Todd for a Conditional Use Permit to establish a tanning salon business in an existing building in Verona, Kentucky. The 0.298-acre site is located at the northwest corner of the KY 14/KY 16/KY 491 intersection in Boone County. The site is zoned Suburban Residential One/Small Community and is owned by J. W. Thomas.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked the applicant for her comments.

Miss Todd stated that there will be ample parking for her customers. She added that she has received verbal permission from the church to use their lot.

Staff noted that strict application of the requirements would require one paved parking space.

In response to questions from Mr. Archambault, Miss Todd stated that there will be three tanning beds and that three cars would easily fit in her driveway. She noted that the letter will be sent from the church to the Planning Commission in regard to the parking.

Mr. Houston questioned if a condition of approval should be that the portion of the property on which the roads are located be deeded to the state at this time or when the applicant sells the property.

Counselor Wilson noted that the state has the right of eminent domain. He questioned if such a condition reasonably related to the proposed Conditional Use. Chairman Whitton stated that it did not. Mr. Archambault agreed.

There being no further comments, Mr. Houston moved that the Conditional Use Permit be granted. Mr. Archambault seconded the motion and it carried unanimously.

4. The request of Corporex Parks of Kentucky, Inc. for a Conditional Use Permit and Site Plan review to construct a daycare center in the Circleport III Subdivision. The 1.5-acre lot is located at the southeast corner of Olympic Boulevard and Booneland Trail, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Corporex Parks of Kentucky, Inc..

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Miller noted a letter written by Mr. Kevin Costello, Assistant Director, which is attached to the Staff Report. The letter notes deficiencies in the submitted Site Plan and that

a Revised Site Plan was to be submitted by October 6, 1988. The Revised Site Plan was received at 4:55 P.M. today and an initial review indicates deficiencies. Mr. Costello asks that no action be taken in regard to the Site Plan at this time or that it be referred to the Planning Commission for full review.

Mr. Tom Bantam, representing Corporex Parks of Kentucky, Inc., stated that they had hired the busiest engineer in the county. Items missing from the Site Plan are minor items -- such as the square footage of the building and location of the handicapped parking. He stated that Circleport is about 600 acres and they plan a complete working environment with 2,000 to 3,000 employees. There will be a mix of office, industrial, restaurants, and commercial uses. A section was approved for commercial use and would have allowed for the daycare center. However, that section is boarded on three sides by roads with high traffic counts. They have decided to move the location. This site is boarded on two sides by residential uses. There is a street on the third side and there will be industrial uses on the fourth side. They believe this is the best location in the park for a daycare center.

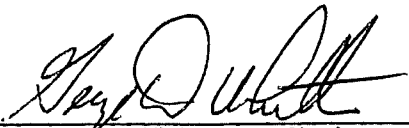
Chairman Whitton asked if there was anyone present in opposition to the request. There was no one.

Counselor Wilson advised that the request could be granted for the Conditional Use subject to the Staff's approval. Mr. Bantam stated that he would not object to this.

Mr. Houston moved that the Conditional Use Permit be granted with the provision that the Site Plan be approved by the Staff. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:25 P.M..

APPROVED:



George D. Whitton, Chairman

ATTEST:



Jan Hancock, Recording Secretary