

REVIEW NO. _____

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 Darrell Joseph Alford
Phone Number 926-7820
Applicant's Address 2150 S. Florence St. #10
City Boone State MO Zip _____
- 4. Description of Request: to allow home based food truck & business for public use
- 5. Name of Development _____
- 6. Location of Development 2150 S. Florence St. Boone, MO 64606
- 7. Acreage Under Review 1.00
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Same
Phone Number _____
- 10. Address of Property Owner Same
City _____ State _____ Zip _____
- 11. Proposed Use(s) On Site Restaurant & food preparation
- 12. Total Square Footage of Existing and/or Proposed Buildings 2150 sq ft
- 13. Current Zoning on Property _____
- 14. Deed Book 19 Page No. 3 Group No. 2011
- 15. Is the site subject to a zone change? _____
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. Applicant's Signature: _____
- 19. Property Owner's Signature: _____

10/13/91

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

1991
PAGE 2

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 9-19-91
- 2. Fee Received \$276.00 R7106
- 3. Is application complete? Yes No
- 4. Staff Reviewer Cheryl Moore
- 5. Scheduled Board Action Date Oct. 9, 1991
- 6. Board Action:

- Approval
- Approved with Conditions (See #7)
- Disapproved (See #8)

7. Conditions: (1) Site Plan Review, (2) Associated Tanks must be secured by landscaping low weeds and landscaping and (3) Water Use Marshall final approval

8. Reasons for Disapproval: _____

STAFF REPORT

#1

DEVELOPMENT: convenience store and a gasoline service station
APPLICANT: Darryl Joseph Black
LOCATION: 3113 3rd Street, Petersburg, Kentucky
ZONING: Suburban Residential Two/Small Community (SR-2/SC)
DATE: October 9, 1991
REMARKS:

The applicant is seeking a Conditional Use Permit to allow a convenience store and a gasoline service station. The uses are to be located at 3113 3rd Street, Petersburg, Kentucky. The property is zoned Suburban Residential Two/Small Community (SR-2/SC) and is owned by Darryl Joseph Black.

An approximately 3,660 square foot building presently exists on the site. The building has been used as a restaurant and bar for many years. At this time, it is considered a pre-existing use and does not have a recorded Conditional Use Permit. The applicant has indicated that the fuel pumps and tanks are to be installed behind the existing building and the convenience store will be located inside the building.

Article 16, Section 1612 of the Boone County Zoning Regulations states that two Conditional Uses permitted on any site zoned SR-2/SC are "Convenience stores" and "Gasoline service stations."

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order.

The Boone County Comprehensive Plan briefly addresses the Petersburg area:

"The town of Petersburg has few external growth factors. Petersburg must continue to contend with its isolation from the urban service areas of Boone County and poor accessibility during the winter months." (p. 204)

2. The activity 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 area.
3. The activity will not be hazardous to existing or future neighboring uses.

If this request is approved, the applicant will be required to receive a permit from the State Fire Marshall prior to the installation of the fuel tanks and pumps.

4. The activity be adequately served by essential public facilities and services.
5. Excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.
7. The vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets.

The Board must also consider specific criteria which apply to Conditional Uses in SC overlay zoning districts:

- 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; and
- 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.

STAFF CONCERNS:

1. As mentioned above, Staff is concerned that above ground fuel tanks may be unsafe and an inappropriate use located next to residences. The properties directly to the north, south, and east are also zoned SR-2/SC and the property to the west is currently zoned Rural Suburban (RS). The applicant will need to receive a permit from the State Fire Marshall for the tanks prior to their installation. Staff has been assured by the Assistant State Fire Marshall who issues the permits that the applicant will be required to show that adequate safety measures will be taken prior to the issuance of a permit.
2. Staff is also concerned with the visual impact that the gasoline fuel tanks and pumps may have on the surrounding residents. The applicant has not indicated that any fencing will be erected or landscaping planted around the property to buffer the surrounding residents from the proposed use.

3. Section 1812 of the Boone County Zoning Regulations states that "All parking and loading spaces set forth in Section 1811 and 1813, including driveways, aisles, and other vehicle circulation areas, shall be improved with either asphalt cement or portland cement concrete to provide a durable and dust-free surface.... Exceptions to these regulations shall be determined by the Zoning Administrator upon written request of an applicant." This requirement will be examined during Site Plan review if it is required by the Board.
4. Section 1731 of the Boone County Zoning Regulations states that "All surface runoff created by the development of lands must be adequately and safely handled by existing natural drainage channels, storm sewers, culverts, or other drainage improvements..." If Site Plan Review is required by the Board, this requirement may also be handled at that time.
5. Due to the impact of the proposed uses, Staff suggests that the Board require the applicant to receive Site Plan approval by the Boone County Planning Commission prior to construction.

Respectfully submitted,

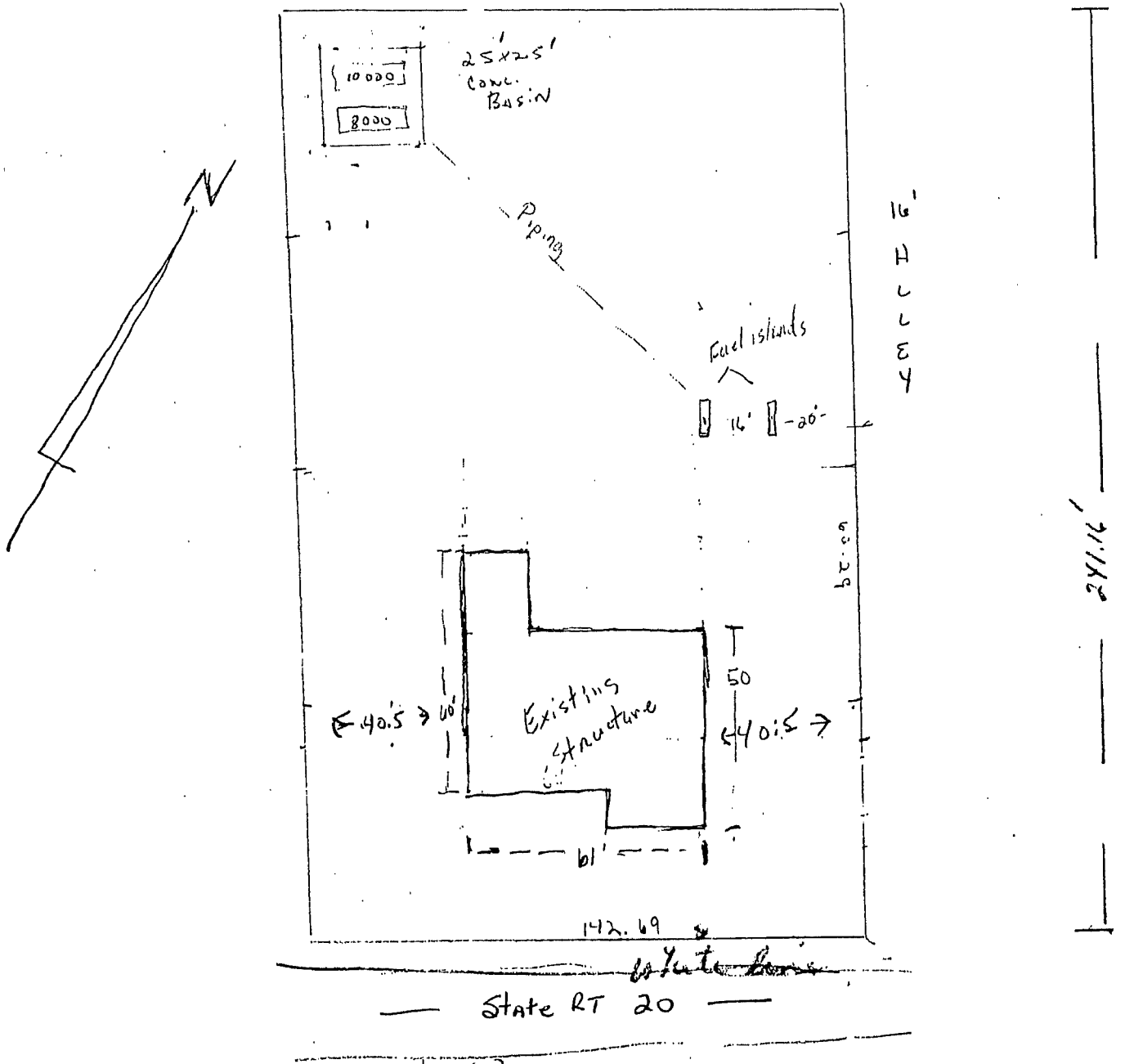
Amy S. Moore

Amy S. Moore
Planner I

ASM:kat

BLACK
CONDITIONAL USE PERMIT

Second Str
County Property



53' front of building
to white line on
High

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Darryl Joseph Black
3858 Belleview Road
Petersburg, Kentucky 41080

2. ADDRESS OF PROPERTY

3113 Third Street
Petersburg, Kentucky 41080

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Tanner Station

DEED BOOK: 10

PAGE NO.: 8

GROUP NO.: 2011

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

<input type="checkbox"/>	Zoning Map Amendment from _____ to _____	<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Plan	<input type="checkbox"/>	Conditional Zoning Condition
<input type="checkbox"/>	Subdivision Plat (unrecorded)	<input type="checkbox"/>	Other: (Specify)
<input type="checkbox"/>	Variance		

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

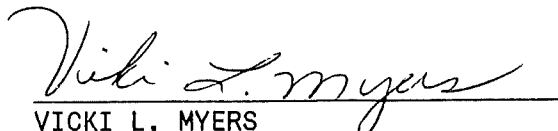
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 20th day

of November, 1991.

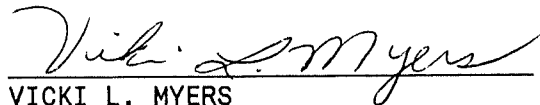


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CLUR# BCBOA-91-024-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 9, 1991, (Certificate of Land Use Restriction # BCBOA-91-024-A), for Darryl Joseph Black, property owner.

The Conditional Use Permit is approved with the following conditions:
1) Subject to Site Plan Review. 2) Gasoline tanks must be screened by landscaping or walls and landscaping. 3) Subject to State Fire Marshall's final approval.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 10 PAGE NO. 8 Group No. 2011