

NOV 15 1991

REVIEW NO. _____

RECEIVED

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 Thomas Sunderman
Phone Number 689-4633
Applicant's Address 4054 RIVER Rd.
Coastal Ky 41048
City State Zip
4. Description of Request: CONDITIONAL USE FOR GENERAL/
CONVENIENT STORE, RESTAURANT AND CARRY OUT FOOD SERVICE
5. Name of Development _____
6. Location of Development 4054 RIVER Rd, Coastal Ky
7. Acreage Under Review 1.604 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property N/A Thomas C. & Cynthia A. Sunderman
Phone Number 689-4633
10. Address of Property Owner 4054 RIVER Rd.
PURCHASING ON LAND CONTRACT Coastal Ky 41048
City State Zip
11. Proposed Use(s) On Site GENERAL STORE, RESTAURANT AND CARRY OUT FOOD SERVICE
12. Total Square Footage of Existing and/or Proposed Buildings _____
1683 proposed for business - Another 2400 used for Residence
13. Current Zoning on Property SR-1/SC
14. Deed Book 274 Page No. 263 Group No. 2014 A
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? _____
17. Have you submitted a list of adjoining property owners with this request? yes
18. Applicant's Signature: [Signature]
19. Property Owner's Signature: [Signature]

Jim Wainwright, Attorney
261-5771

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 11-15-91
2. Fee Received \$ 276.00 R 7342
3. Is application complete? Yes No
4. Staff Reviewer Denny Moore
5. Scheduled Board Action Date 12/11/91
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: Staff Site Plan approval paved parking behind building
8. Reasons for Disapproval: _____

STAFF REPORT

#2

DEVELOPMENT: convenience store and a restaurant
APPLICANT: Thomas C. and Cynthia A. Sunderman
LOCATION: 4054 River Road (KY 8), Constance, Kentucky
ZONING: Suburban Residential One/Small Community (SR-1/SC)
DATE: December 11, 1991

REMARKS:

The applicant is seeking a Conditional Use Permit to operate a convenience store and a restaurant. The uses are to be located at 4054 River Road (KY 8), Constance, Kentucky. The 1.604 acre site is zoned Suburban Residential One/Small Community (SR-1/SC) and is owned by Thomas C. and Cynthia A. Sunderman.

The applicant has indicated to Staff that the building has been previously used as a post office, a retail store and a residence. If this request is granted, the first floor will be used for the convenience store and restaurant and the property owners will live on the second floor.

Article 6, Section 613 of the Boone County Zoning Regulations states that two Conditional Uses permitted on any site zoned SC are "Convenience stores" and "Eating and drinking places including alcoholic beverages, but excluding drive-in and franchise food chains."

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 1990 Boone County Comprehensive Plan generally describes the Constance area as:

"The river bottoms in this section have very limited development potential, and should remain largely residential and agricultural in character, with occasional local commercial development." (p. 219)

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.

At the time of this writing, the applicant has not indicated to Staff that any exterior alterations will be made to the existing building itself. A parking lot is illustrated behind the building.

3. The activity will not be hazardous to existing or future neighboring uses.
4. The activity will 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 parking that presently serves that site is located between the existing building and River Road (KY 8). Automobiles that park in this area must back out directly onto the road. This type of parking is not currently permitted under the Boone County Zoning Regulations. Section 1823 reads:

"Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion." (p. 18-4)

Another general requirement of Article 18, Off-Street Parking and Loading Facilities, also applies to this Conditional Use Permit request. Section 1800 of the Boone County Zoning Regulations reads:

"No building or structure shall be erected, substantially altered, or its use changed unless permanent maintained off-street parking and loading spaces have been provided in accordance with the provisions of this order;" (p. 18-1)

The Board must also consider specific criteria which apply to Conditional Uses in SC 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 continues well-being of the center; and"

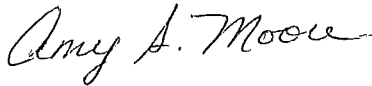
- b. "the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses with are to be protected in the district."

STAFF CONCERNS:

1. Staff is concerned that the parking that presently serves that the site is inadequate and does not meet the current Boone County Zoning Regulations. Although Site Plan Review is not automatically required for sites in Small Community Overlay zoning districts, Staff feels that the Board should consider requiring it to provide adequate parking for the proposed uses.
2. The submitted plat indicates that the proposed parking lot behind the existing building will be gravel. The current Boone County Zoning Regulations states that all parking areas "shall be improved with either asphalt concrete or portland cement to provide a durable and dust free surface." (18-2)

Attached to this Staff Report are a reduction of a survey of the site and a drawing illustrating the proposed interior layout of the existing building.

Respectfully Submitted,

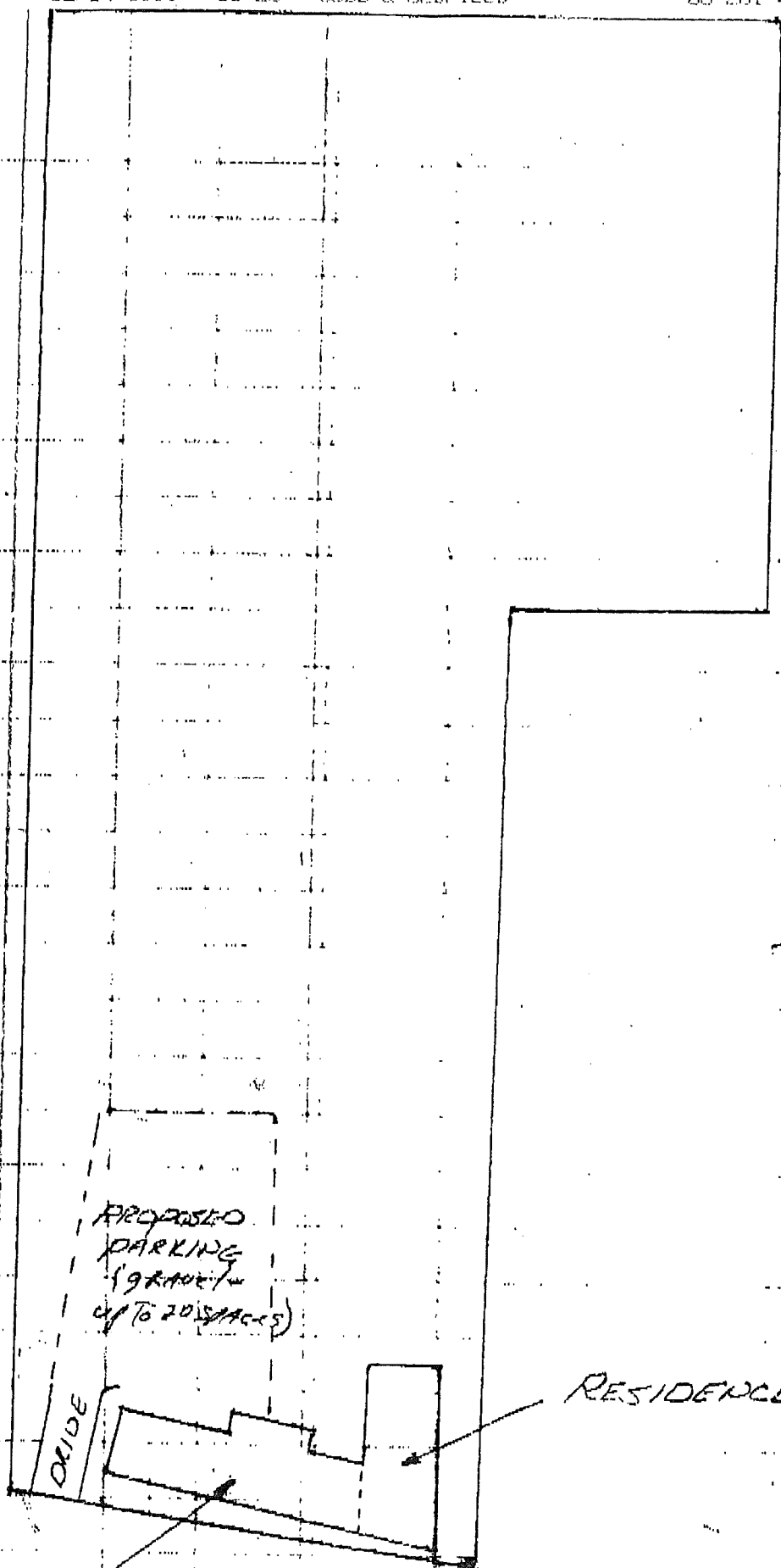


Amy S. Moore
Planner I

ASM:kat

JOHN RIVER

SUNDERMAN



PROPOSED
PARKING
(GRAVEL)
(UP TO 20 SPACES)

DRIVE

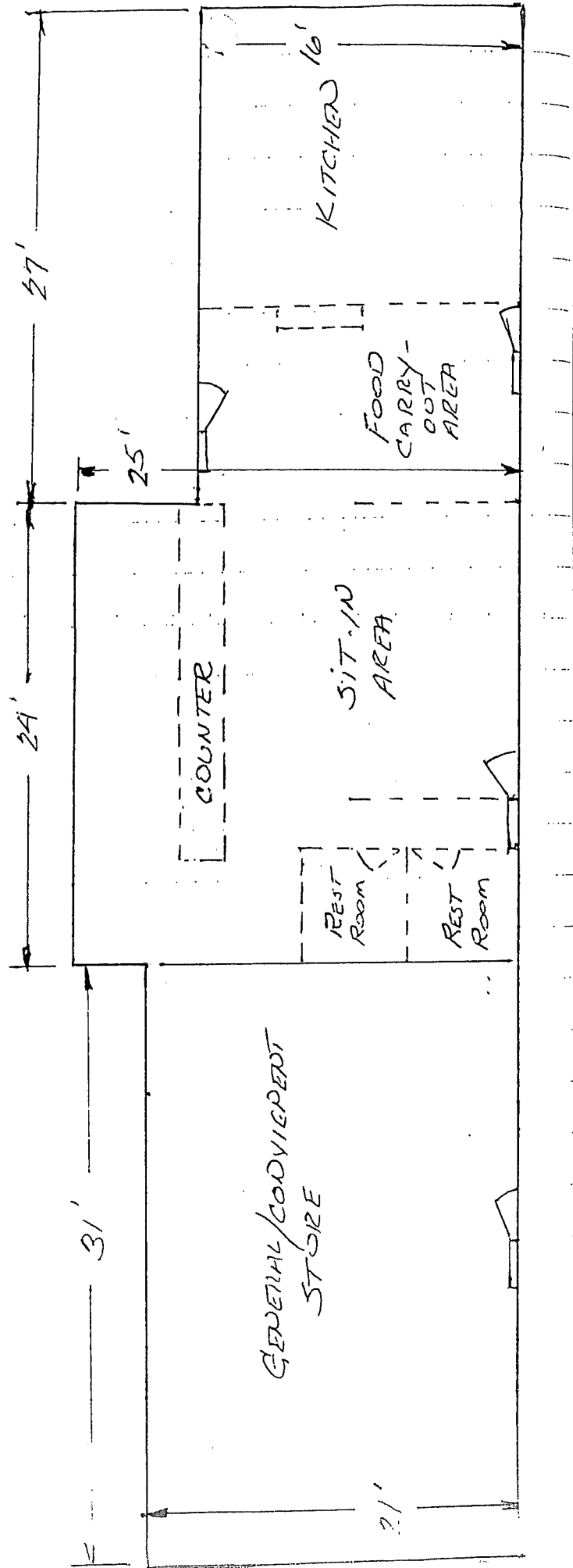
RESIDENCE

PROPOSED BUSINESS - RT R -

SUNDERMAN - CONDITIONAL USE PERMIT

SCALE: (APPROX.) 1/8" = 1'

DIMENSIONS SHOWN ARE INSIDE



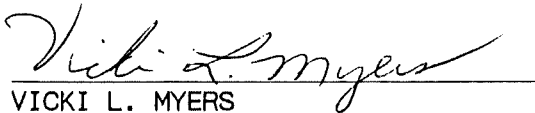
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

on behalf of the Boone County Planning Commission this 19th day

of February, 1992.

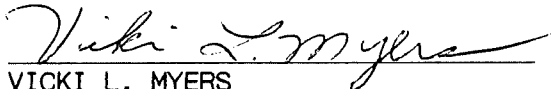


VICKI L. MYERS
NOTARY PUBLIC, State at Large

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

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 December 11, 1991, (Certificate of Land Use Restriction # 91-BCBOA-028-A), for Thomas C. & Cynthia A. Sunderman, property owners.

The Conditional Use Permit is approved subject to Staff Site Plan approval and paved parking behind the building.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 274 PAGE NO. 263 Group No. 2014A