

APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**

JUN 24 1993

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Mano Botany
Phone Number _____ Fax No. _____
Applicant's Address _____

City State Zip
4. Description of Request: _____

5. Name of Development _____
6. Location of Development 7100 _____
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property _____
Phone Number of Owner _____
10. Address of Property Owner 7100 _____

City State Zip
11. Proposed Use(s) on Site _____

12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property _____
14. Deed Book 364 Page No. 314 Group No. 2039
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. I, or (we), understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.
Applicant's Signature: Mano Botany
Property Owner's Signature: X Joseph Schwan Barbara Schwan

If you need any more (over)
information please call Lisa 341 6233
Mano

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received June 24, 1993 Fee Received 386.⁰⁰ R#1671
2. Is application complete? Yes No
3. Staff Reviewer Planned Agency 6/11/93
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: Boland/Schneider Day Care Center
APPLICANT: Maria Boland & Lisa Schneider
LOCATION: 7109 Hopeful Road Florence, KY 41042
ZONING: Suburban Residential One (SR-1)
DATE: August 11, 1993

The applicants are requesting a Conditional Use Permit for a Day Care Center which would be located in the existing house, garage, and property at 7109 Hopeful Road. The property is located in the county proper and zoned Suburban Residential One (SR-1). It is owned by Joseph and Kathie Schamer.

Article 9, Section 933, Item 4 of the Boone County Zoning Regulations permits nursery and day care centers in a SR-1 with a conditional use permit.

The proposed use will take place in the existing house, garage, and yard. It will eventually accomodate 50 children, but there will be 30 toddlers (ages 2,3, and 4 years) at the start. The daycare will mainly be for toddlers but, according to the owner, there might possibly be an after school program initiated at a later date.

Surrounding Land Uses and Zoning:

North----- Single family homes zoned SR-1
West-----Stonegate Subdivision zoned SR-1/PD
East-----Jehovah's Witnesses Church zoned SR-1
South-----Stonegate Subdivision and Single family homes zoned SR-1/PD &
SR-1

The 1990 Boone County Comprehensive Plan has the following to say about future land use along Hopeful Road.

from C-4: CAMP ERNST AREA

Hopeful Road should continue to serve as a residential corridor, and no commercial uses should occur past the KY 18 or U.S. 42 frontage properties....Undeveloped land to the west of Mall Road commercial establishments should develop as Urban Density Residential uses to

provide a transition to planned and existing High Suburban Density residences along Hopeful Road. A specific study should be conducted regarding the alignment of the northern half of the reconstructed Hopeful Road, to coordinate with a proposed connector road within the Houston-Donaldson Study. In addition, connections should be provided between Hopeful Road and Mall Road, for the use of local residents.

The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Density residential fashion. The Oakbrook Subdivision, for example, should extend south to Pleasant Valley Road, increasing the development pressure on adjoining properties. This area must develop with access and through-road connections as a high priority. Oakbrook Road should be extended south of Pleasant Valley Road to provide the major access to this area.

Subdivisions should provide connector roads, which do not allow parking or driveway access, to facilitate the movement of traffic through the area. Similarly, subdivisions planned along Pleasant Valley Road and Hopeful Road should utilize these roads as collectors, not the principle road for driveway access.

The Board must also consider specific criteria which apply to Conditional Uses in an SR-1 zone:

- a) The activity is an integral and subordinate function of a permitted use;
- b) The activity will not contradict the low density character of the district;
- c) The arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Concerns

1. The house on the site is the only house in the area that is not connected to the sewer line. It has its own septic tank system. There have been recent claims by an adjoining property owner on Surrey Court that the septic system has leaked into his back yard. Representatives from the Florence Water and Sewer Department have taken samples from the back yard on Surrey Court but further tests are needed to make a definite causal link. The present or future owners of the site will have to connect to the existing sanitary sewer line.

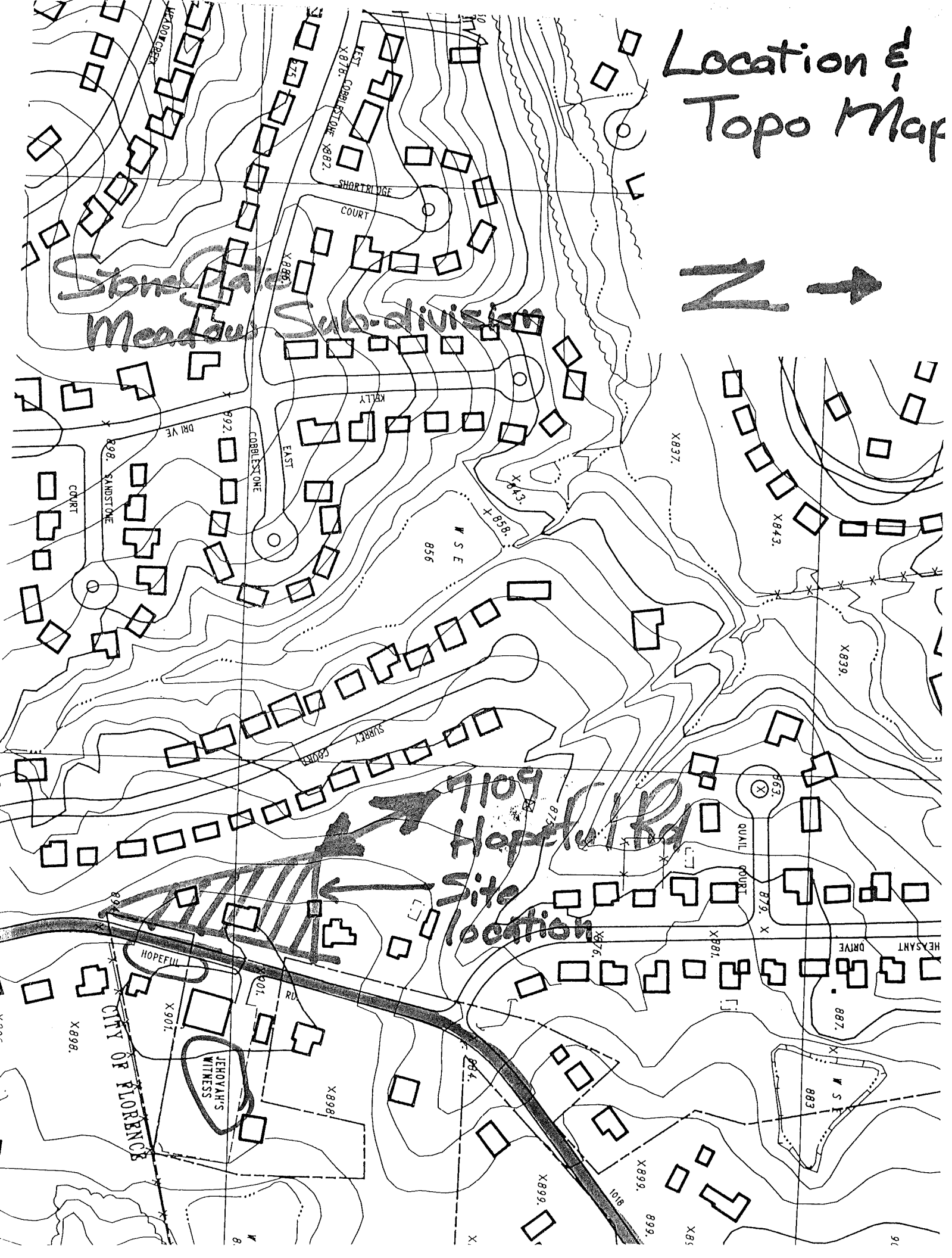
2. Staff is concerned with traffic and parking issues if the use is implemented. The reconstruction of Hopeful Road by the Kentucky Transportation Cabinet will mandate the taking of 14 feet of property along the road. The circular drive will have to be redesigned and parking will have to be built. The applicants would have to apply for a Site Plan Review from the Boone County Planning Commission. Since there will be three classrooms for this daycare center, the zoning regulations mandate there be at least six parking spaces. New vehicle trips (for the combined peak AM and PM hours) on Hopeful Road generated by the daycare center are estimated at 53 per day for 30 students and 81 per day for 50 students.
3. Approaching the proposed site traveling south on Hopeful Road reveals that there is a seven foot rise in elevation from Pheasant Drive to the site's driveway (see attached Location and Topograph Map). Staff has concerns about site distance exiting the site. This problem will be alleviated in the future when Hopeful Road is upgraded and this stretch of Hopeful is flattened and made straighter.

Respectfully Submitted,

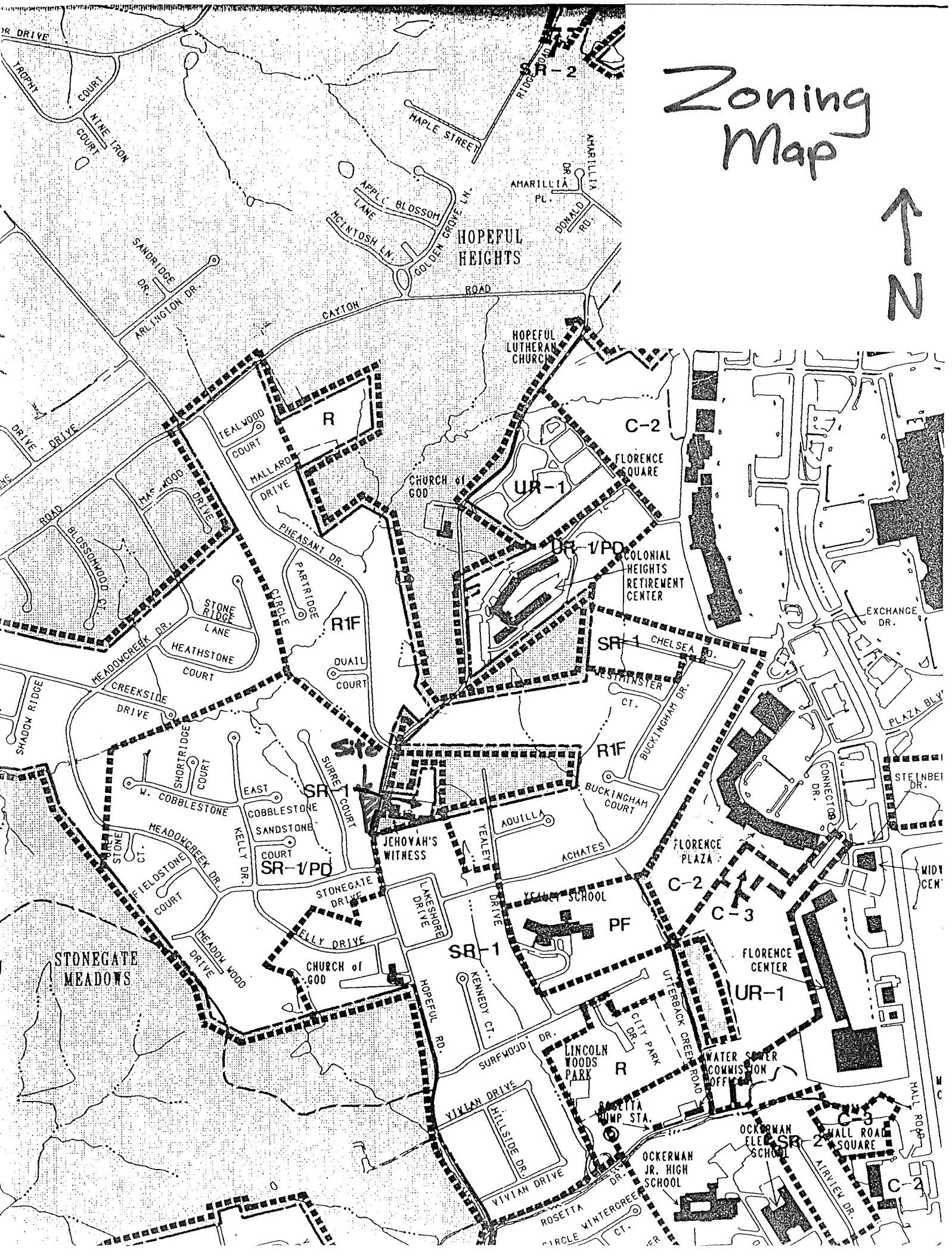
A handwritten signature in cursive script, reading "Dean E. Niemeyer". The signature is written in black ink and is positioned below the typed name.

Dean E. Niemeyer
Planning Assistant

Location & Topo Map



Zoning Map



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Joe and Kathy Schamer
7109 Hopeful Road
Florence, Kentucky 41042
2. ADDRESS OF PROPERTY
7109 Hopeful Road
Florence, Kentucky 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Hopeful Day Care Center

DEED BOOK: 364 PAGE NO.: 314 GROUP NO.: 2039

4. TYPE OF RESTRICTION (S) (Check all that apply)
- | | | | |
|-------|-------------------------------------------|--------------|---------------------------------|
| _____ | Zoning Map Amendment
from ___ to _____ | <u> X </u> | Conditional Use Permit |
| _____ | Development Plan | _____ | Conditional Zoning
Condition |
| _____ | Subdivision Plat
(unrecorded) | _____ | Other: (Specify) |
| _____ | 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


SIGNATURE OF COMPLETING OFFICIAL

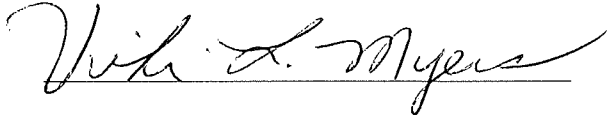
Dean E. Niemeyer, Planner 1
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COPY

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Dean E. Neimeyer on behalf
of the Boone County Planning Commission this 10th day
of December, 1993.

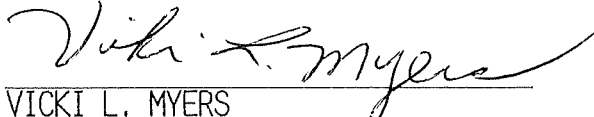


NOTARY PUBLIC, State at Large

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.)

COPY

CLUR# 93-BCBOA-013-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 August 11, 1993, (Certificate of Land Use Restriction # 93-BCBOA-013-A), for Joe and Kathy Schamer, property owner.

The following conditions apply: The Conditional Use Permit be granted for 30 (thirty) children. If they want to increase the number they have to come back and apply for another Conditional Use Permit. Water draining off the parking lot would be in the design of the lot and would be taken care of by the contractor.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 364 PAGE NO. 314 Group No. 2039