

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 3/23/95 Fee Received \$316.00 RH
2. Is application complete? Yes No
3. Staff Reviewer Staff Hayes
4. Scheduled Board Action Date 4-12-95
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

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: The Arabesque (Mediterranean Cafe)
APPLICANT: Leasa S. Bynum
LOCATION: 5982 Jefferson Street, Burlington, Kentucky
ZONING: Suburban Residential Two/Small Community (SR-2/SC)
DATE: April 12, 1995

The applicant is requesting a Conditional Use Permit to allow the development of an approximately 50 seat outdoor cafe to be located in the existing residence of the applicant (See Sheet 1 & 2). The proposed restaurant is located at 5982 Jefferson Street in Burlington (See Sheet #3). The property is located within a Small Community Overlay which permits commercial uses with a Conditional Use Permit.

Article 20, Section 2012, Item 2 Of the Boone County Zoning Regulations permits all principally permitted, accessory, and conditional uses of the Commercial Two (C-2) district. A restaurant is a permitted use within the C-2 zone.

Surrounding Zoning and Land Uses (See Sheet #4)

North: Auto Repair Garage zoned SR-2/SC
South: Court House zoned SR-2/SC
West: Farmers Mutual Insurance, residences, Billie's Consigning Shop, and CMO Custom Florist zoned SR-2/SC
East: Office of Human Services zoned SR-2/SC

The 1990 Boone County Comprehensive Plan addresses this area specifically by stating that:

Burlington proper should continue to experience growth related pressures. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington.

The Board must also consider specific criteria which apply to Conditional Uses in a Small Community Overlay zone:

- a) The activity is of 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 will being of the center;

- 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. According to the Boone County Zoning Regulations regarding parking, a 50 seat restaurant would be required to provide 25 parking spaces. However, because the majority of the customer traffic will be pedestrians from surrounding business, residences, and government offices the need for parking spaces will be greatly reduced. The applicant is proposing to develop any parking spaces on their property primarily because of the lack of room. Therefore, staff would recommend that a condition be placed on the use which requires the applicant to provide parking on site or through a lease agreement, if the restaurant creates a demand for parking which cannot be accommodated by the available public parking within the area.
2. The tables which are proposed in the front of the house should be located out of any public right-of-way.
3. The applicant should be required to undergo Minor Site Plan Review to verify that the all tables are located on the applicant's property, to identify the area to be used for garbage collection, and any other exterior changes which may be necessary for the proposed use.
4. The hours of operation and the size of the restaurant should be examined to determine if conditions are necessary to regulate these areas.

Conclusion

The Board must use the seven criteria for a conditional use and the two criteria for condition use within Article 20 to judge the appropriateness of this request. Staff believes that the nature of this request will have little impact on the visual character and that the proposed use will be harmonious and appropriate with the intended character of the general vicinity. In addition, staff believes that the proposed use will provide a needed service to the residents, businesses and government employees within the area.

Respectfully submitted,

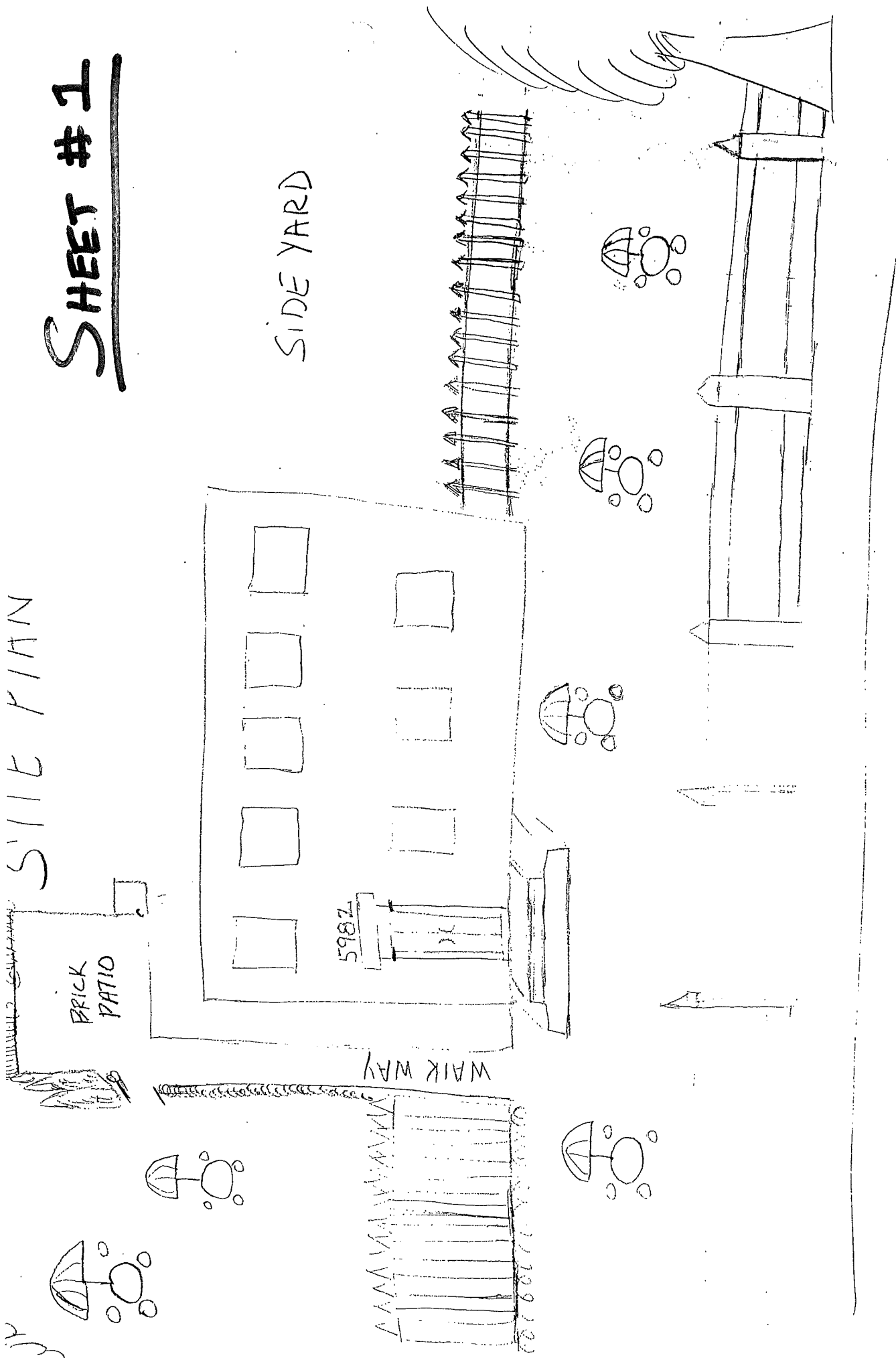


Jeffrey F. Hayes
Planner

JFH\par

SHEET # 1

S'ILE PLAN



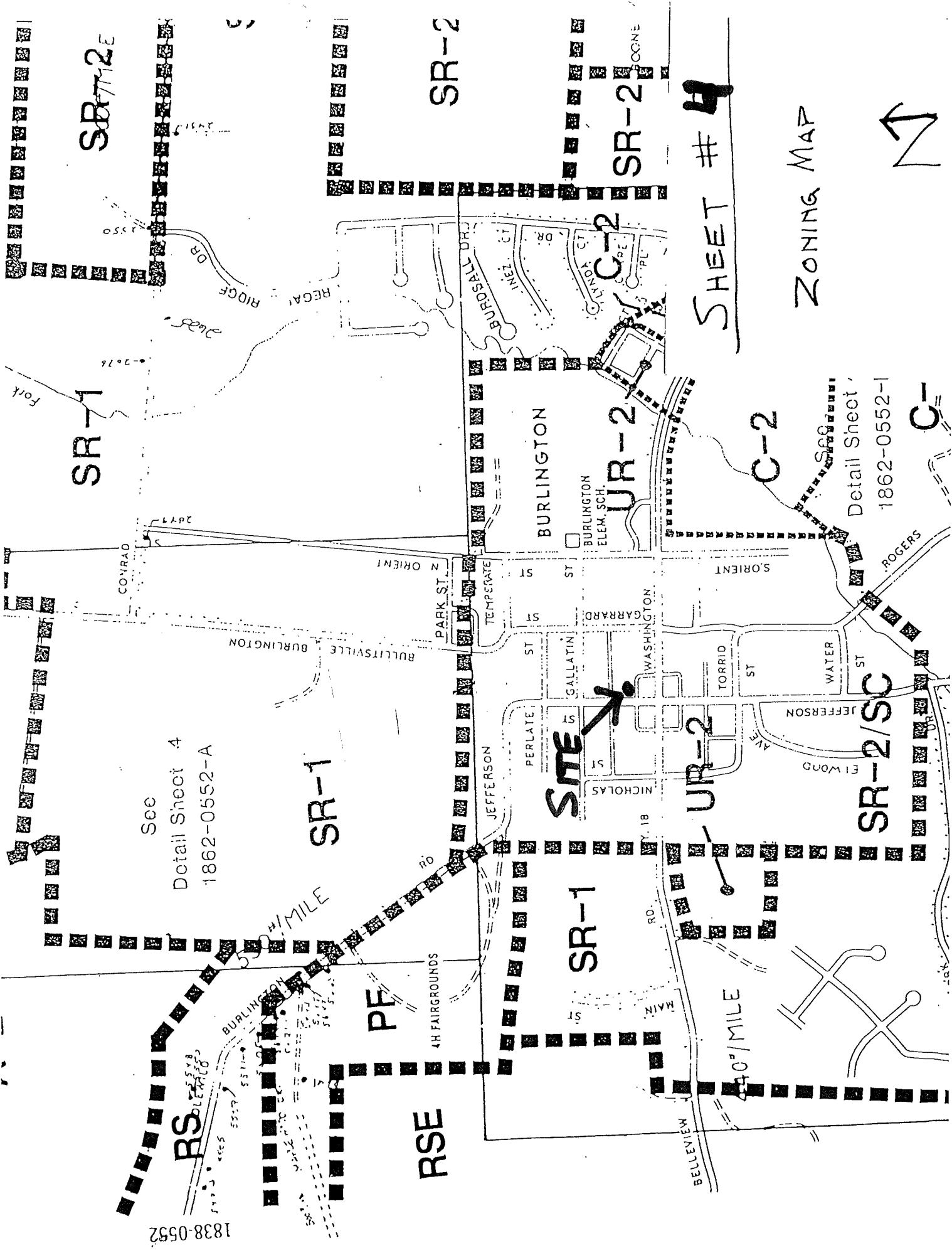
SIDE YARD

BRICK PATIO

5987
Z865

WALK WAY

← N JEFFERSON STREET →



SR-1

SR-2

SR-2

SR-2

SHEET # 4

ZONING MAP



See
Detail Sheet 4
1862-0552-A

SR-1

SITE

UR-2

C-2

Detail Sheet
1862-0552-1

C-

1838-0552

RS

PE

RSE

SR-1

UR-2

SR-2/SC

40' MILE

550' MILE

4H FAIRGROUNDS

BURLINGTON

BURLINGTON
ELEM. SCH.

JEFFERSON
AVENUE

JEFFERSON
ST

TORRID
ST

WASHINGTON
ST

GALLATIN
ST

TEMPERATE
ST

PARK ST
N ORIENT

COVRAD

BULLITVILLE

BURLINGTON

RIDGE DR

REGAL

BURDALL DR

INEL ST

YANOOK CT

PL

SCONE

Fork

2077

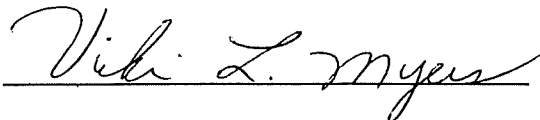
2077

100'

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf
of the Boone County Planning Commission this 30th day
of May, 1995.

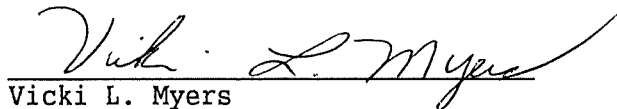


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

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.)

CLUR# 95-BCBOA-004-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of April 12, 1995, (Certificate of Land Use Restriction # 95-BCBOA-004-A), for Lease S. Bynum, property owner.

The following conditions will apply: (1) The Business will not be open prior to 6:00 a.m. or after 10:00 p.m. (2) The tables should be located out of any public right-of-way. (3) Any changes are to be sensitive to the historic preservation of the property.

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

described in: DEED BOOK 529 PAGE NO. 123 Group No. 2018

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Misc. was, on the 9 day of June

1995, at 8:58 A. M, lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.

Given under my hand this 9 day of June
1995.

JERRY W. ROUSE, CLERK

By Jerry Rouse D.C.