

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 10/19/95 Fee Received \$370.00 R#8302
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
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: **Dry Cleaners and Retail Shops**

APPLICANT: Michael A. Phillips

LOCATION: 2893 Burlington Pike, Boone County, Kentucky

ZONING: Suburban Residential Two/Small Community (SR-2/SC)

DATE: November 8, 1995

The applicant is requesting a Conditional Use Permit to allow the use of an existing two story single family residence for the purpose of developing a dry cleaning facility and retail shops. The home is located on the south side of KY 18 across from the KOI auto parts store in downtown Burlington (See Map #1). The home is 1950 square feet in size and is situated on an approximate .25 acre tract. To the east of the home is a vacant lot which the applicant is proposing to develop as a parking lot (See Map #2).

Article 20, Section 2012, Item 4 permits the operation of schools with a Conditional Use Permit. In addition to the seven criteria the Board must use to determine the appropriateness of a Conditional Use Permit, the Board must also consider the following:

- 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;
- 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:

Surrounding Land Uses and Zoning (See Sheet # 3)

North: KOI Auto Parts, Duplex dwelling unit zoned SR-2/SC

South: Single family homes zoned SR-2/SC

East: Real Estate Office zoned SR-2/SC

West: Poston Heating and Air Conditioning Repair and installation facility zoned (SR-2)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Commercial land use. The Land Use Text indicates that:

Burlington proper should continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of Burlington.

The Historic Preservation Element identifies on page 146 of the Comprehensive Plan the importance of the Burlington Historic District.

As Boone County's only urban National Register Historic District, and the county seat, Burlington presents a crucial preservation challenge. Efforts must be made to insure that a mixture of governmental, commercial, and residential activity continues to function in Burlington. Burlington has the rare opportunity to capitalize on its unique architectural landscape, small town charm and rural atmosphere. Poorly planned new construction, already apparent in several Burlington locations, will destroy this valuable character.

Concept Development Plan

The applicant is proposing to locate a dry cleaning facility which would be for drop off and pick up only in approximately 500 square feet of the 1950 square foot home. The remaining portion of the home would be utilized for office and retail uses found within Exhibit A of the Staff Report. The vacant lot to the east of the home would be developed to provide parking for 12 automobiles (See Map #2). Public water and sanitary sewer are available for use at this site. The applicant is proposing to make some changes to the outside appearance of the building which may include creating display windows in the front of the house and remodeling the interior of the home.

Staff Concerns:


1. If the Conditional Use Permit is approved the applicant would be required to undergo Site Plan Review for the development of the site and sign permits would be necessary for any proposed signs.
2. The Board should examine the proposed uses found with Exhibit A carefully to determine whether some uses would be compatible with the residential character of Burlington.

3. Staff believes that any changes to the exterior of the building should be sensitive to the character of the building and the character of Burlington. Therefore, Staff would recommend that any changes proposed to the building be reviewed to the satisfaction of the Planning Commission during the Site Plan Review procedure.
4. Staff believes that the Board should determine whether hours of operation should be established, and whether restriction should be placed on the dry cleaning operation regarding the cleaning of garments at the applicant's site.
5. Staff believes that any signage which is permitted should be small scale in nature. Any free-standing sign should be no taller than eight feet in height and no larger than 32 square feet. Any free standing sign should include landscaping around a stone or brick base or some form of distinguishing architectural character which is appropriate to the small town character of Burlington.

Conclusion

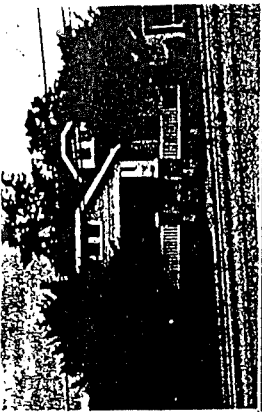
The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the two criteria for a Conditional Use within an Small Community Overlay District.

Respectfully Submitted,

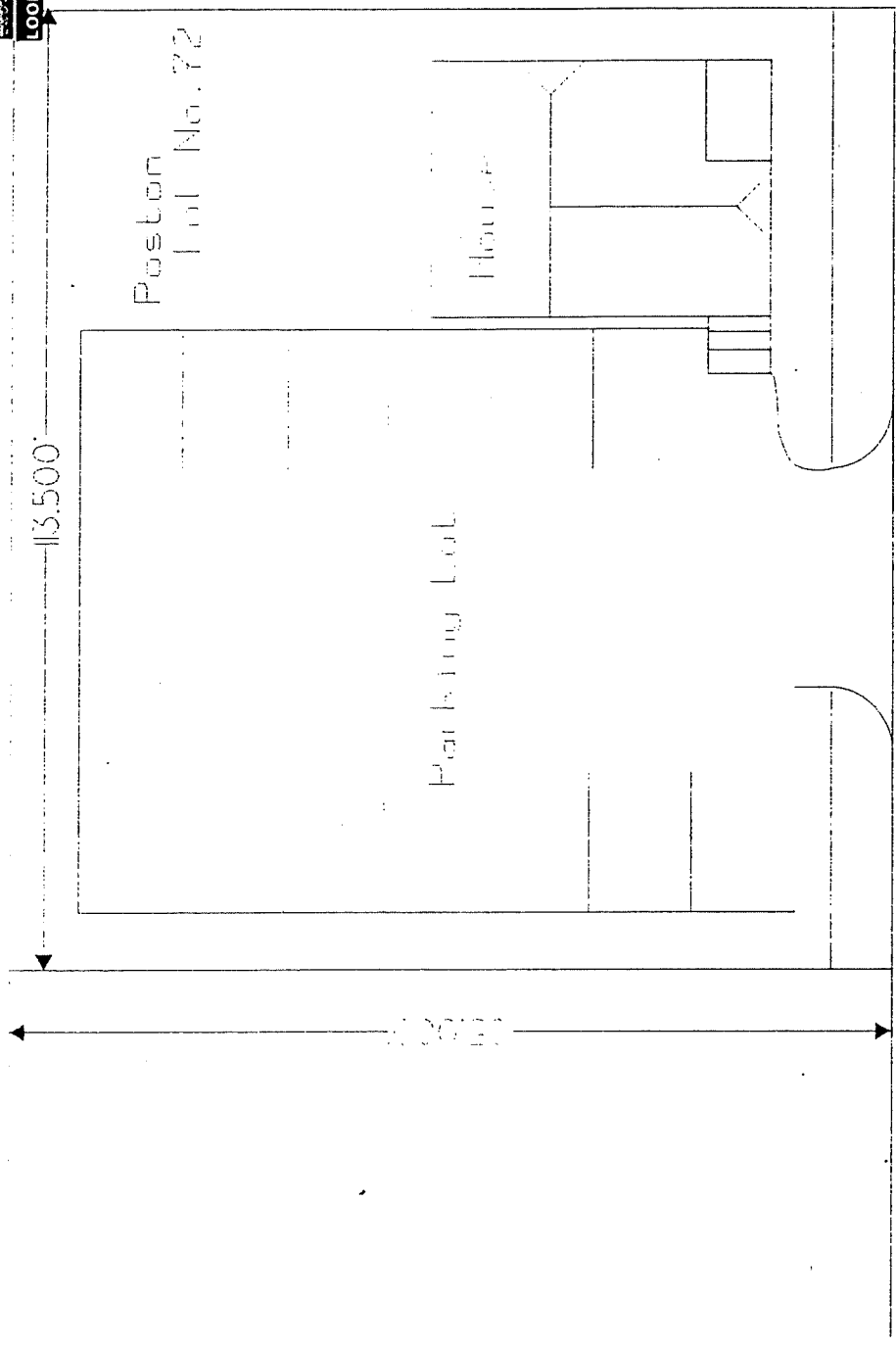


Jeffrey F. Hayes, AICP
Planner

JFH\par



LOOKING FOR OFFICE SPACE IN BURLINGT

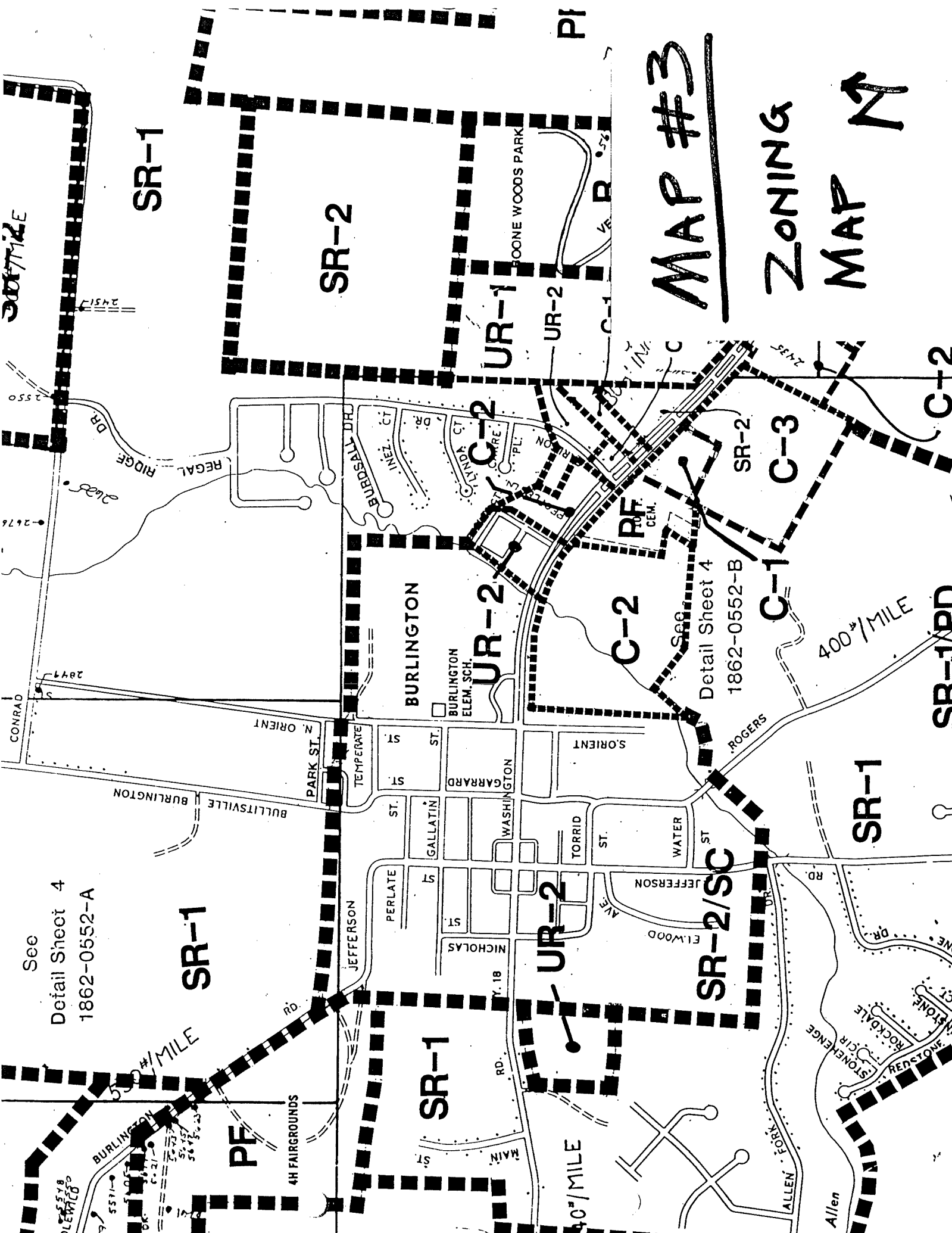


Washington Street

MAP # 2

MAP #3

ZONING MAP



See
Detail Sheet 4
1862-0552-A

Detail Sheet 4
1862-0552-B

400' / MILE

400' / MILE

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EXHIBIT A

Of the approximately 2000 sq. ft. available in this building, on Washington Street, I would like to:

- 1) Install a parking lot to the left of the building, for about (12) twelve cars.
- 2) From this same location I plan to use about 500 sq. ft. of the building for the operation of a Dry Cleaners .
- 3) The remainder of the space would be rented out for office space or some small business.
- 4) My plan is to keep house looking much the same as it is now. I would probably add larger windows, with grids to the front. Change the front door, put on new roof, and a fresh coat of paint. Also some landscaping is needed.
- 5) A sign would also be needed, I would think something in line with what has been done at other business's on the street of Washington.

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6. Convenience stores;
7. ~~Specialty stores~~
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses.

SECTION 1012Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. ~~Indoor swimming pools and athletic facilities;~~
2. Dwelling unit provided the building was originally designed for residential uses, including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Direction and incidental signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. ~~Retail sale of motor vehicles;~~
8. Drive-up photo finishing services and automatic teller services.

SECTION 1013Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, 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:

1. ~~Casino service buildings and related facilities;~~
2. Churches, synagogues, temples and other places of religious assembly for worship.

**SECTION 1020
COMMERCIAL TWO (C-2)**

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians with in the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. ~~Eating and drinking places including alcoholic beverages and with drive-thru facilities;
Eating and drinking places including alcoholic beverages and entertainment, but excluding dining and franchise restaurants (CITY OF FLORENCE ONLY);~~
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;

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21. Medical and dental laboratory services;
22. Medical clinics - out-patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Attached upper story dwelling units of up to three stories provided the building was originally designed for residential use and existing at the time of adoption of this ordinance, including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping an use of appropriate household pets;
26. Art and craft galleries and similar exhibit space;
27. Aquariums, botanical gardens and other natural exhibitions;
28. Arcades and other amusement centers;
29. ~~Motion picture theaters (indoor);~~
30. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. ~~Motels, lodges, and bike shops including bicycle storage;~~

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. ~~Billiard rooms;~~
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. Dwelling unit of the family of the owner-operator provided the building was originally designed for residential use including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Directional and incidental signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental signage (See Article 34);
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Drive-up photo finishing services and automatic teller services;
8. ~~Recycling collection points (See Article 34)~~
9. ~~Indoor storage racks and similar devices~~
10. ~~Recycling collection points (See Article 34)~~
11. Garment and Furniture centers (See Article 31).

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. ~~Business and transient food and eating and drinking places provided they are appropriately related to the character of the trade area being served (CITY OF FLORENCE ONLY)~~
2. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
3. ~~Small scale sales of food and beverages for consumption on the premises~~
4. Churches, synagogues, temples and other places of religious assembly for worship;
5. Funeral homes and crematoriums excluding cemeteries or mausoleums;
6. ~~Small scale sales of food and beverages for consumption on the premises (See Article 34)~~
7. Sale of satellite dishes;

8. ~~Standard for the use of land and commercial vehicles requiring the storage of no more than fifty (50) vehicles on the premises;~~
9. Mini-warehouses or storage facilities.

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

COPY

CLUR # 95-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Daniel and Susan Poston
6182 Saddle Ridge
Burlington, Kentucky 41005

2. ADDRESS OF PROPERTY
2893 Washington Road
Boone County Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

DEED BOOK: 396

PAGE NO.: 146

GROUP NO.: 2030

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

___ Zoning Map Amendment
from _____ To _____

X Conditional Use Permit

___ Development Plan

___ Conditional Zoning

___ Subdivision Plat
(Unrecorded)

___ Other:

___ 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

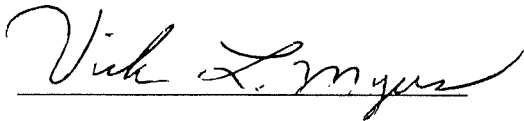
Jeffrey F. Hayes AICP/Planner

Name and Title of Completing Official

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 20th day of December 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.)

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 November 8, 1995 (Certificate of Land Use Restriction # 95-BCBOA-021-A), for Daniel and Susan Poston; property owner.

The following conditions will apply: (1).Any exterior changes to the building go through and be approved by the Planning Commission during Site Plan Review; (2) that the parking lot go through Site Plan Review (3) that any signage, as expressed in the Staff Concerns, be small in nature and appropriate for the character of Burlington, and (4) if the Planning Commission during Site Plan Review feels that there should be any trees or anything at the back, that it be addressed at that time and their recommendation complied with; (5) that items #1, #3, #4, #5(fruit and vegetable stores), #14, #28, and #29 in the C-1 District, and #15, #23, #21 and #24 in the O-1 District be excluded and (6) that the dry cleaning operation be only for pick up and delivery and that no cleaning operations be conducted on the site.

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

described in: DEED BOOK 396

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