

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 3/20/94 Fee Received \$614.00 RHC/SJS
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 4-10-96 & 5-8-96
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: Truck Maintenance Facility

APPLICANT: Gary King

LOCATION: 4796 Limaburg Road, Boone County, Kentucky

ZONING Commercial One (C-1) and Industrial One (I-1)

DATE: April 10, 1996

The applicant is requesting a Conditional Use Permit to allow the development of a vehicle maintenance facility on a three (3) acre tract of land. The shop would be located in both an existing Industrial One (I-1) and Commercial One (C-1) zoning district. The property is located on the east side of Limaburg Road where it intersects with Conrad Lane. The property also includes the old Trader's Restaurant (See Map #1). The property to the east and north of the applicant's site is zoned Industrial while the property to the south is zoned Public Facilities. The property to the west is zoned Rural Suburban (See Map #2).

Articles 10 and 11 of the Boone County Zoning Regulations permits the development of gasoline service stations and vehicle maintenance facilities with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit.

In the Commercial One (C-1) district:

- a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service;
- 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.

In the Industrial One (I-1) district:

- a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or

- b) the activity is of integral relation to the purpose of the district;
- c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district;

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Commercial and Industrial. The Land Use Text indicates that due to the impacts of noise from the Airport, industrial uses are recommended along the east side of Limaburg Road, from Hossman Road south to KY 18.

The applicant has submitted a Concept Development Plan which indicates how the site will be developed. The site would contain a 2,500 square feet office and 4,000 square feet shop area. There would be a gravel area large enough for 25 tractor trailers to be parked and 34 parking spaces for employees (see Map #3). The trucking company will primarily have only 20 to 30 trucks on the site at any one time because the majority of the trucks will be on the road. The Airport recently purchased the single-family residence which adjoins the applicant's property to the west and has plans to raze the house in the near future.

Staff Concerns:

1. The Board should determine if a limit should be established on the hours of operation. The applicant has indicated that there will be two shifts which would run to about 11 PM or 12 AM. If the late hours are permitted, Staff believes that trucks which are to be repaired should be located within the shop after a certain hour to avoid starting trucks outside during the late hours. In addition, the shop should be ventilated to allow the doors to remain closed during the evening hours. Truck drop off hours should also be controlled in order to prevent trucks from entering the site beyond a certain hour.
2. A 25 feet bufferyard will be required between the existing C-1 and I-1 property. Staff believes that evergreen trees should be planted which screen this use from the adjoining residential homes.
3. Staff believes that any lighting for the applicant's site should be for security only and should be directed straight down.

Conclusion:

Staff believes that the proposed use if properly operated and screened can 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. 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 criteria for a Conditional Use within an a Commercial One and Industrial One zoning district.

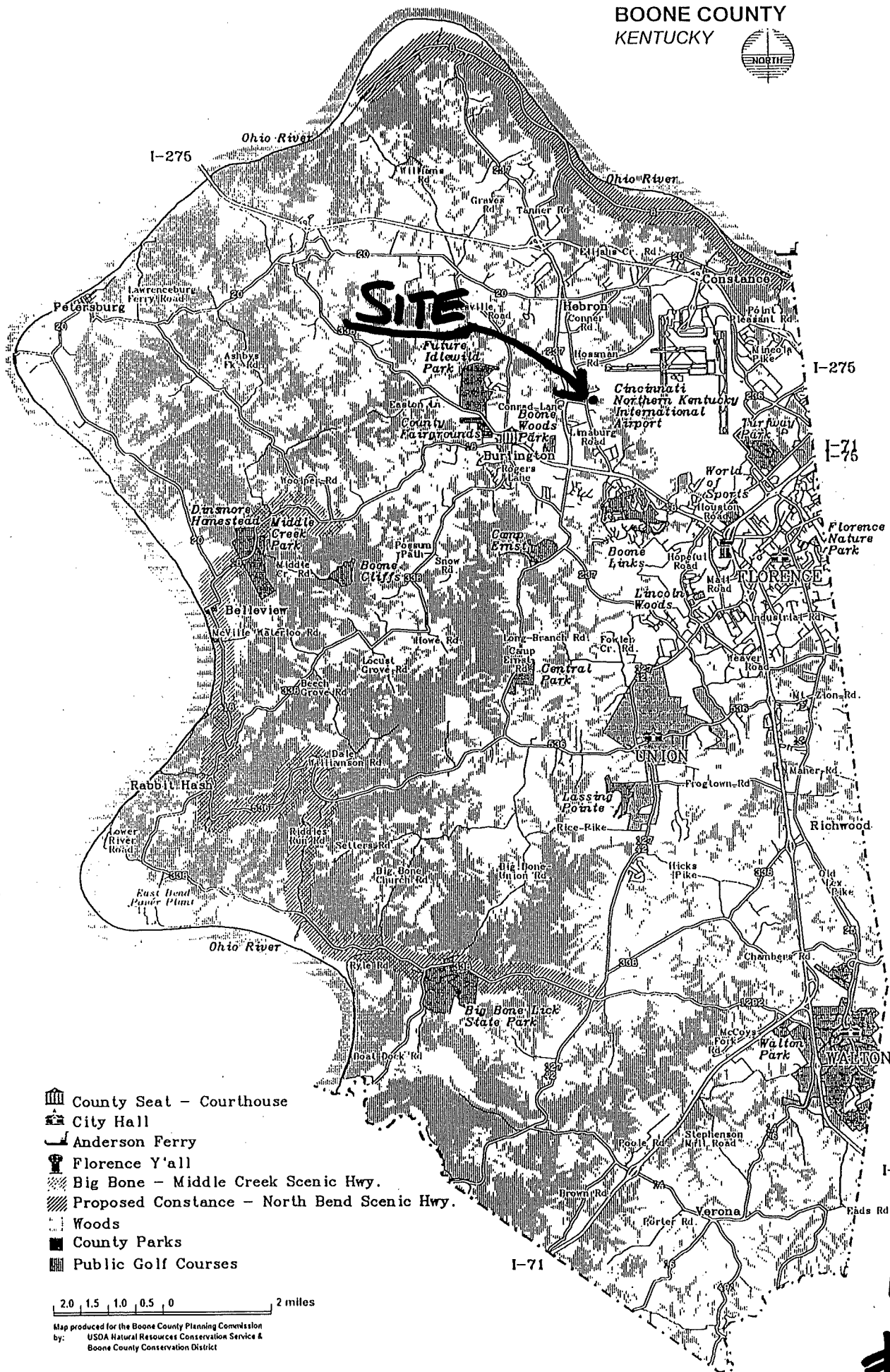
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffrey F. Hayes", written in a cursive style.

Jeffrey F. Hayes, AICP
Planner

JFH\par

BOONE COUNTY
KENTUCKY

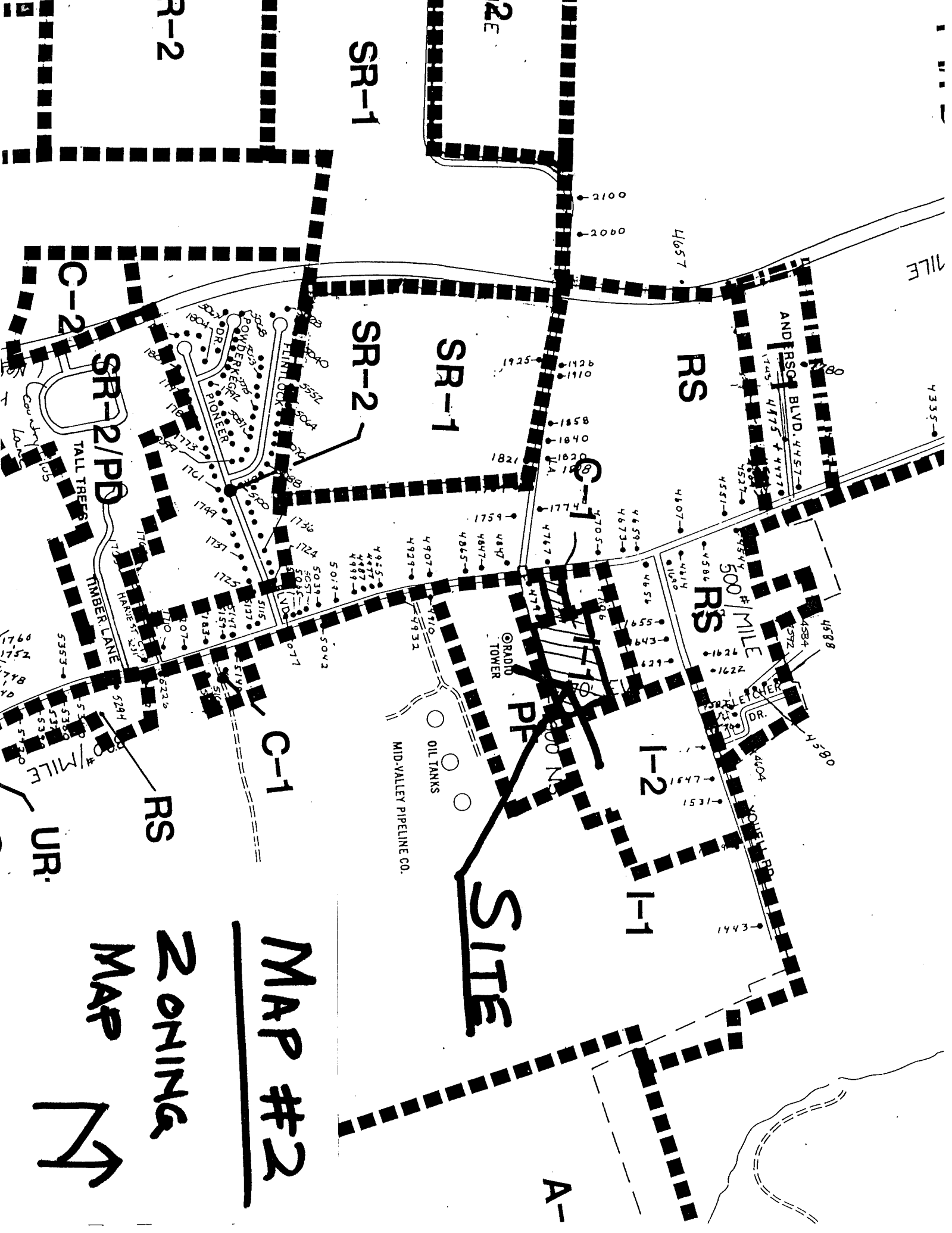


- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses

2.0 1.5 1.0 0.5 0 2 miles

Map produced for the Boone County Planning Commission
by:
USDA Natural Resources Conservation Service &
Boone County Conservation District

I-75
I-76
I-71
I-71
MAP
#1



SITE

MAP #2

ZONING

MAP



SR-1

SR-2

RS

RS

C-2

SR-2/PD

C-1

I-2

I-1

UR

RS

A-

ANDRUSQ BLVD. 4457-7

TIMBER LANE

RADIO TOWER

MID-VALLEY PIPELINE CO.

OIL TANKS

500 #/MILE

4004

1443

4457

12E

R-2

71E

4335

4475 + 4477

4531

4607

4659

4673

4705

4767

4847

4847

4845

4907

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COPY

CLUR # 96-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Spartan Construction/Larry Brossart
50 Superior Drive
Ft. Mitchell, Kentucky 41017

2. ADDRESS OF PROPERTY

4796 Limaburg Road
Hebron, Kentucky 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 592

PAGE NO.: 28

GROUP NO.: 2021

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

Zoning Map Amendment:: From ___ to ___ 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



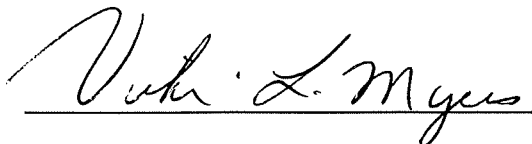
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey 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 June 1996.

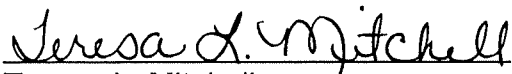


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 May 8, 1996 (Certificate of Land Use Restriction # 96-BCBOA-004-A), for Spartan Construction, property owner.

The following conditions will apply: (1) A 25 foot buffer yard will be required along the existing C-1 zone. (2) Lighting will be for security reasons only and directed straight down..

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

described in: DEED BOOK 592

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Group No. 2021