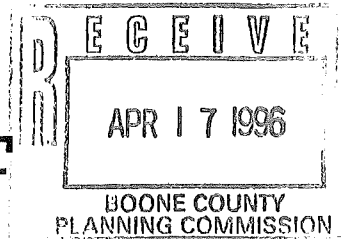


APPLICATION FORM  
**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION**



(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 Raymond Erpenbeck Consulting Engineers  
Phone Number 727-4200 Fax No. 342-5852  
Applicant's Address 4205 Dixie Highway  
Elsmere KY 41018  
City State Zip
4. Description of Request: Conditional Use Permit for Property  
Zoned C-2
5. Name of Development Smith Auto Repair
6. Location of Development 2791 Burlington Pike
7. Acreage Under Review 1.61 AC
8. Lot Number and Name of Subdivision (if part of a subdivision)  
n/a
9. Owner of Property Raymond W. Smith  
Phone Number of Owner \_\_\_\_\_
10. Address of Property Owner 2791 Burlington Pike  
Burlington KY 41005  
City State Zip
11. Proposed Use(s) on Site Auto Repair Shop
12. Total Square Footage of Existing and/or Proposed Buildings  
6,000 SF
13. Current Zoning on Property C-2
14. Deed Book 190 Page No. 386 Group No. 2030
15. Is the site subject to a zone change? No  
If yes, give date of approval n/a
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: Raymond Erpenbeck  
Property Owner's Signature: Raymond Wayne Smith

(over)

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 April 17, 1996 Fee Received 614.00 R#9813
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 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:** Smith Auto Repair

**APPLICANT:** Raymond Erpenbeck Consulting Engineers

**LOCATION:** 2791 Burlington Pike, Boone County, Kentucky

**ZONING:** Commercial Two (C-2)

**DATE:** May 8, 1996

The applicant is requesting a Conditional Use Permit to allow the development of an auto repair shop. The shop would be located in an existing Commercial Two (C-2) zone just outside of Burlington proper. The 1.61 acre site is part of the larger Smith tract which currently contains a single family home (See Map #1). Access to the site is from KY 18 through a shared driveway with the Smith residence.

Article 10 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.

- a) the activity is of 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 is mutually compatible with the organization of permitted and accessory uses to be protected in the district;

### Surrounding Land Uses and Zoning (See Sheet #2)

North: Burlington Elementary School zoned Suburban Residential Two/  
Small Community (SR-2/SC)

- South: Vacant land zoned Commercial Two (C-2) and Kingsgate Crossing Subdivision zoned Suburban Residential One (SR-1)
- East: Single family residence zoned Commercial Two (C-2)
- West: Single-family residences zoned Suburban Residential Two/Small Community (SR-2/SC)

#### Relationship to Comprehensive Plan

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Urban Density Residential. The Land Use Text indicates Burlington proper should continue to experience growth related pressures. Commercial development along KY 18 between Burlington and KY 237 intersection should be discouraged in order to protect the remaining downtown Burlington businesses.

The Housing Element indicates in the Housing Densities Section that high density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged.

Residential development within the immediate Burlington area will be infill housing, as well as the continued growth of the surrounding subdivisions. Overall the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor.

#### Concept Development Plan See Map #3

The applicant's Concept Plan indicates a 6,000 square foot building on a 1.61 acre site. Parking would be located in front of the building and on the east side of the building. This property has a creek which runs through the site where the proposed building would be located. This would require the piping of the creek and relocation to allow the construction of the building. The houses which adjoin the applicant's site to the west would be approximately 10 feet higher than the proposed building floor elevation. The zoning regulations require a 50 feet building setback and a 25 feet bufferyard when a commercial property adjoins a residential property. The applicant is proposing evergreen screening along this west property line.

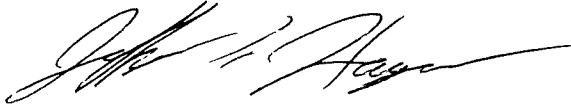
Staff Concerns:

1. The Board should determine if a limit should be established on the maximum number of automobiles which can be stored on the property. The concern is that the site does not become a salvage yard. In addition, the applicant has a large area behind the building which could be used for additional expansion of the building or for outside storage. Staff believes that because of the surrounding residential area screening should be continued along the entire west and south property lines.
2. The Board should review the proposed signage for the site. The zoning regulations would allow a free-standing sign 203 square feet in size and 40 feet in height. Staff believes that this size of a free-standing sign is inappropriate for this area of Burlington. Staff would recommend that a monument sign be considered not to exceed 8 feet in height with a stone or landscaped base.
3. Staff believes that the hours of operation should be addressed and lighting for the site should be for security reason only and directed straight down and away from the residential properties.
4. Staff believes that the Board should examine the design and materials of the building. Staff believes that a material which is compatible with the existing residences should be considered such as brick. Staff believes that if the use is approved that design review should be considered for the building. This could be reviewed during the Site Plan Review procedure.
5. The current Zoning Update of the Boone County Zoning Regulations proposes to rezone the applicant's site from Commercial Two (C-2) to Suburban Residential Two (SR-2). The reason for the change is supported by the Boone County Comprehensive Plan Future Land Use Map and the Land Use Text. Staff believes that the Board should considered this proposed change as it relates to the first of the seven criteria to be used when considering a Conditional Use Permit. This criteria indicates "will be harmonious with and in accordance with the general objective of the County Comprehensive Plan, a specific corridor plan and or the zoning order."
6. All existing trees on the site should be retained if possible. Landscaping should be required along the front property line and the front building face to improve the appearance from KY 18.

Conclusion:

Staff believes that the proposed use is not in agreement with the County's Comprehensive Plan and that without proper building design, landscaping and signage the use will 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 three criteria for a Conditional Use within a Commercial Two zoning district.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jeffrey F. Hayes".

Jeffrey F. Hayes, AICP  
Planner

JFH\par

COPY

CLUR # 96- BCBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Raymond W. Smith  
2791 Burlington Pike  
Burlington, Kentucky 41005

2. ADDRESS OF PROPERTY

2791 Burlington Pike  
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Smith Auto Repair

DEED BOOK: 190

PAGE NO.: 386

GROUP NO.: 2030

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

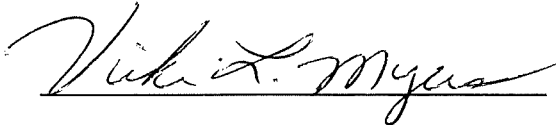
  
SIGNATURE OF COMPLETING OFFICIAL

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 28th day of June 1996.

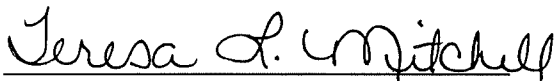


NOTARY PUBLIC, State at Large

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-006-A), for Raymond W. Smith, property owner.

The following conditions will apply: (1).The staff concerns are to be addressed at Site Plan Review; (2) a limit of 25 cars parked outside;(3) a monument sign not to exceed 100 square feet; (4) hours of operation are 8:00 A. M. To 6:00 P.M. and closed on Sunday; (5) a Metal building with brick and glass in front; and (6) landscaping and screening for the adjacent property owners.

The approved conditional use permit as well as the preceding conditions apply to the property

described in: DEED BOOK 190 PAGE NO. 386 Group No. 2030