

TRI-STATE POLYSTEEL
4100 RIVER RD
.29
.29

N/A

KENNETH ZIRKELBACH
606-727-0471 606-342-8878
123 FLORAL CT
ELSMERE, KY 41018

KEN ZIRKELBACH
606-727-0471 606-342-8878
123 FLORAL CT
ELSMERE KY 41018

26'
0

1152'

TO INSTALL 24' X 48' BUILDING
TO USE FOR TRI-STATE POLY AS AN OFFICE. WE ARE
REQUESTING A ZONING CHANGE TO SMALL BUSINESS AND
POSSIBLE RESIDENTIAL BACK-UP.

NO
YES/NOT SURE

533

YES
APPLYING
R51 SC OVERLAY
214

2014A
YES

✓
✓

State Department
Department of Agriculture
Public Services Dept
County Building Department
Southern Kentucky South District
U.S. Soil Conservation Service
Order

19. Are any of the improvements within a public utility right of way or involve the extension of utility lines?

Yes No

Sanitary Sewer
Storm Sewer

Are they installed? No

Ken G. Helber
Ken G. Helber

STAFF REPORT

DEVELOPMENT: Office Building & Apartment

APPLICANT: Kenneth Zirkelbach

LOCATION: 4100 River Road, Boone County

ZONING: Suburban Residential One/Small Community (SR-1/SC)

DATE: September 11, 1996

The applicant is requesting a Conditional Use Permit to allow an office building and apartment on a .29 acre tract located at 4100 River Road, Boone County, Kentucky (Sheet 1-Location). The property is currently zoned Suburban Residential One with a Small Community Overlay District (SR-1/SC) and owned by Kenneth Zirkelbach.

Article 20, Section 2012, of the Boone County Zoning Regulations permits all principally permitted uses of the Commercial Two (C-2) district and Urban Residential One (UR-1) district as conditional uses within an SR-1/SC zone. Offices are principally permitted uses of a Commercial Two district and apartments are principally permitted used of the Urban Residential One district. The Board must use the following criteria from Section 2012 in addition to the seven criteria (General Standards Applicable to All Conditional Uses, Section 262, BCZR) used to judge a Conditional Use Permit.

- 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 and;
- 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

The surrounding zoning to the south, east, and west of the property is SR-1/SC. The property borders the Ohio River to the north. Residences are located on both adjoining properties to the east and west. A residence is also located across River Road from the property to the south. The property adjacent to the west, in addition to the residence, also contains a covered storage area for boats (Sheet 2-Zoning).

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the applicant's site as Suburban Density Residential.

The Land Use Section of the Comprehensive Plan for the Constance Area states:

"The river bottoms in this section (Constance Area) have very limited development potential, and should remain largely residential and agricultural in character, with occasional local commercial development" (p.225).

Concept Development Plan

The applicant is proposing to build a small office building for Tri-State Polysteel with a maximum of 10 employees. The applicant has indicated that if the business fails, he would then seek to convert the building into a two bedroom house. The plan shows an 1152 square foot building with parking located in front. (Sheet 3-Concept Development Plan).

Staff Concerns and Comments

1. Staff is concerned about what activities if any may take place outside of the building. In addition, Staff would like to know what the operating hours would be? Would there be light or noise pollution that would adversely affect the adjoining property owners?
2. Staff asks the applicant to clarify whether or not the site would contain an office use and residential use at the same time.
3. Staff asks that the Board determine whether the proposed size of the building is appropriate and if any limitations should be placed on the buildings size and height if the applicant wanted to expand the parameters of the building?
4. The applicant has not addressed signage. Staff suggests that if any signage is proposed, it be of monument style, with a maximum size of 16 square feet.
5. If the Board approves the Conditional Use Permit, a Site Plan Review will be required by the Boone County Planning Commission Staff before development is to occur.

Conclusion

Staff believes that the proposed office and apartment use could be harmonious with and in accordance with the general objectives of the Comprehensive Plan and that the activity can be an integral part of the area's function as a small community center if the concerns of the Staff and the Board can be adequately addressed. The Board should base its decision on the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and two criteria for a Conditional Use within a Small Community Overlay district.

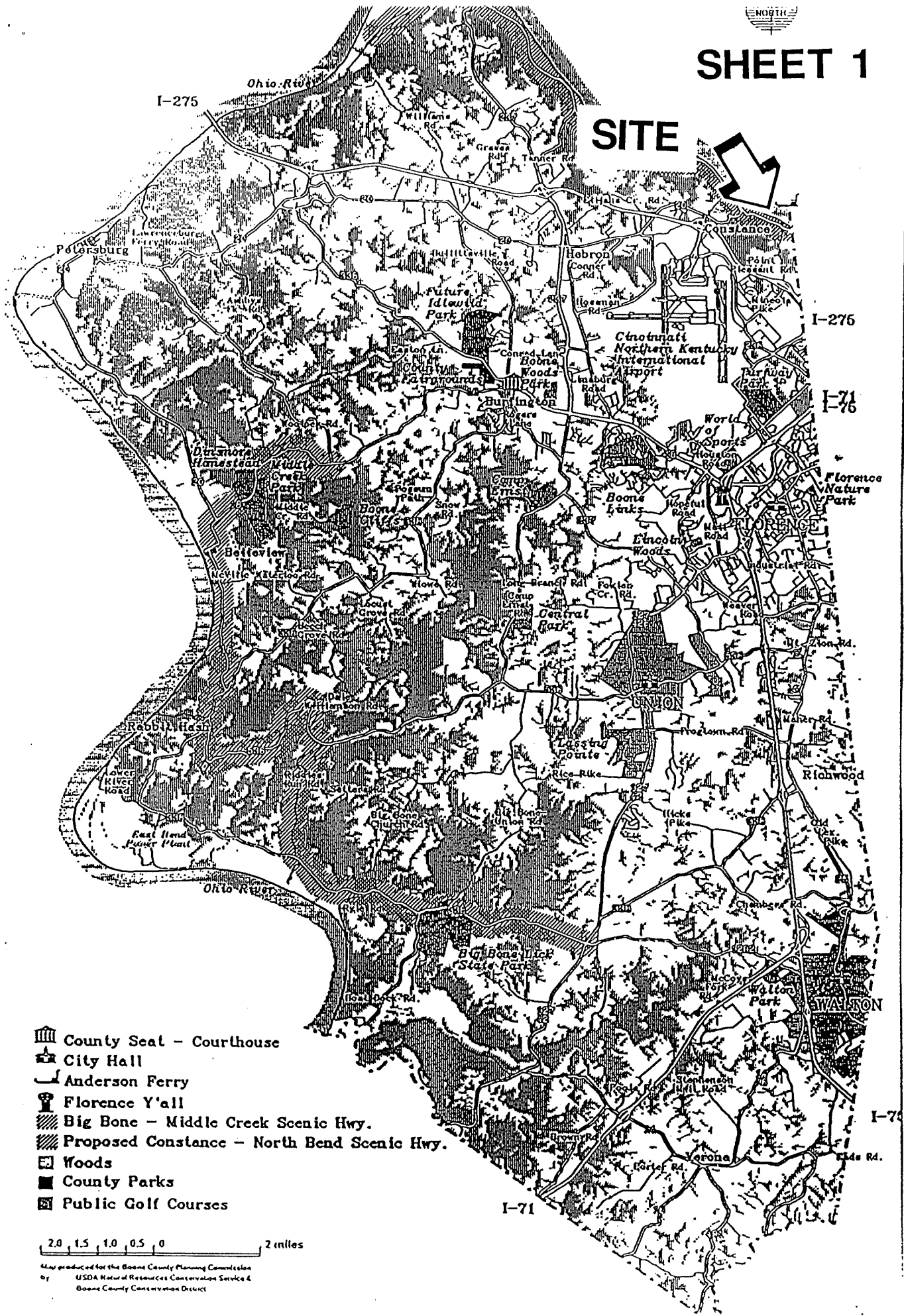
Respectfully Submitted,












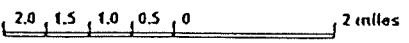
Edward Coleman
Planner

EC\par

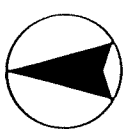
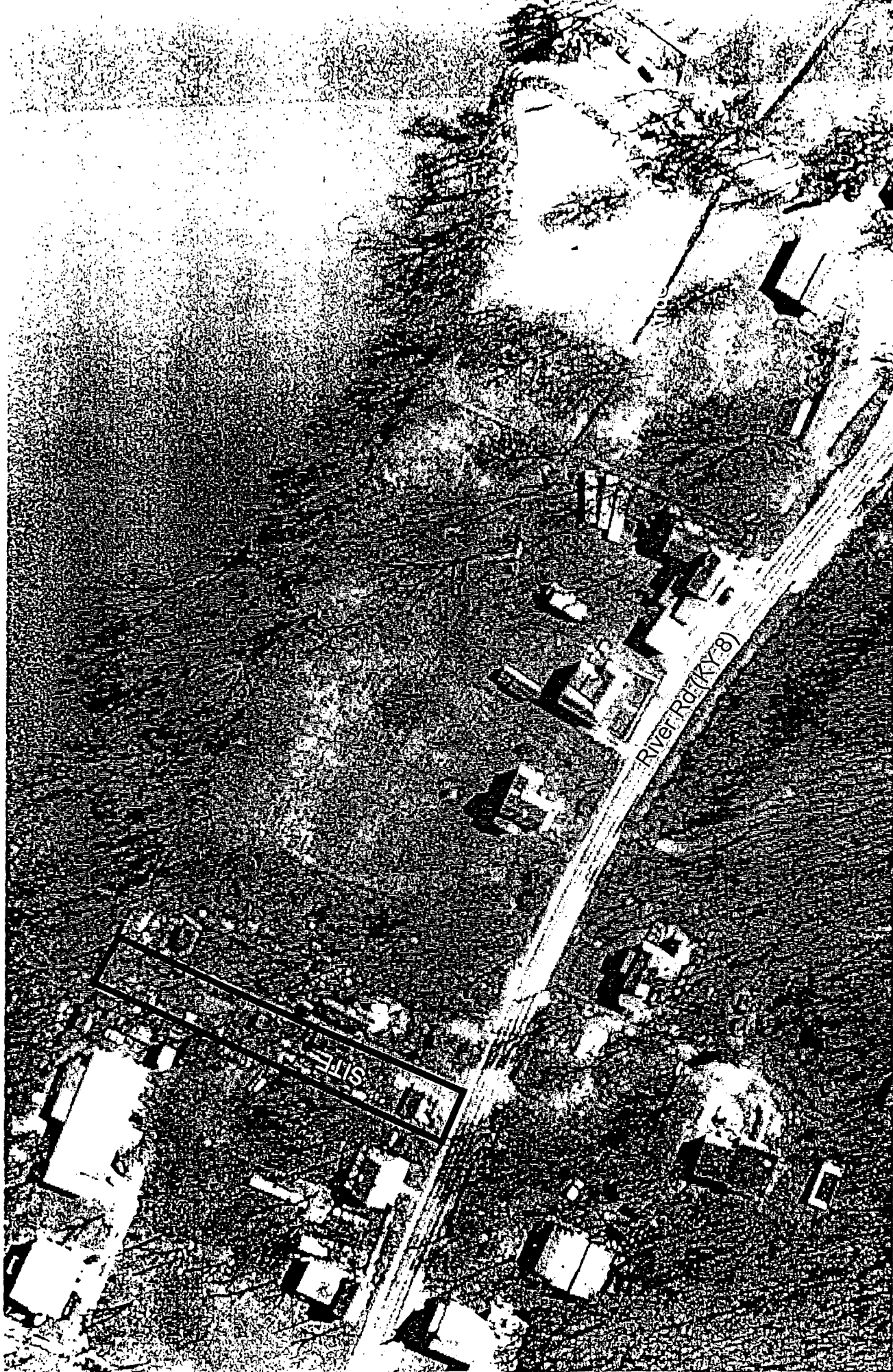
SITE



-  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



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



Zirkelbach

Boone County Planning Commission - GIS Services Division

COPY

CLUR # 96- BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Kenneth Zirkelbach
123 Floral Court
Elsmere, Kentucky 41018

2. ADDRESS OF PROPERTY

4100 River Road
Hebron, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Tri - State Polysteel

DEED BOOK: 533

PAGE NO.: 214

GROUP NO.: 2014A

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



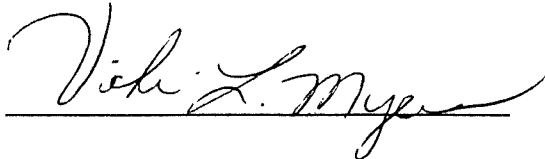
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of
the Boone County Planning Commission this 11th day of September 1996.

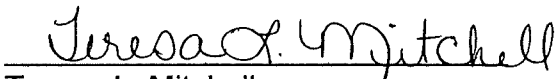


NOTARY PUBLIC, State at Large

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 September 11, 1996 Certificate of Land Use Restriction (# 96-BCBOA-015-A), for Kenneth Zirkelbach property owner.

The following conditions will apply: (1). There be a maximum of five employees, (2) the hours of operation would be from 8 AM to 6 PM Monday thru Friday and 8 AM to noon or 1 PM on Saturday, and (3) Site Plan Review is required. (4)that it be a one-story building and (5) that there be no outside storage.

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

described in: DEED BOOK 533 PAGE NO. 214 Group No. 2014A