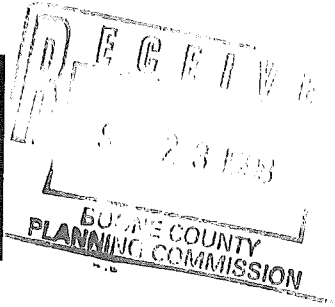


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 KATHLEEN S. LEWIS
Phone Number (606) 342-7132 Fax No. _____
Applicant's Address 489 RIFLE LANE
ELSMERE KY 41018
City State Zip
4. Description of Request: REMODEL EXISTING MED/DENTAL OFFICE FOR A CHILD CARE EDUCATION FACILITY. PARKING REQUIREMENTS ARE (2) PER CLASSROOM ALLOWING DENTAL OFFICE (2)
5. Name of Development (REPORT EARLY LEARNING TO MOVE TO 1120 (NEW BLD. LOWER LEVEL
6. Location of Development 1130 BOONE AVE. (CR) FLORENCE KY 41042
7. Acreage Under Review .01
8. Lot Number and Name of Subdivision (if part of a subdivision)
NA
9. Owner of Property GLENN + JUDITHA WIZ.
Phone Number of Owner 606 371-6649 586 7503 10.
Address of Property Owner _____
City State Zip
11. Proposed Use(s) on Site MEDICAL OFFICE, DENTAL, + CHILD CARE
12. Total Square Footage of Existing and/or Proposed Buildings 12,800
13. Current Zoning on Property O-1
14. Deed Book 89, 211 Page No. 415, 498 Group No. 2032
15. Is the site subject to a zone change? NO YES
If yes, give date of approval 7-26-94 (FISCAL)
16. Have you submitted a Site Plan with this request? EXISTING STRUCTURE
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: _____

Property Owner's Signature: _____

(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 9-23-98 Fee Received B 700.00 R# 18249
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date [Signature]
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: 1 Staff review of plat and fencing/screening.
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

APPLICANT: Kathleen S. Lewis
LOCATION: 1130 Boone Aire Road, Boone County, Kentucky
ZONING: Office One (O-1)
DATE: October 14, 1998

Proposal

The Applicant is requesting a Conditional Use Permit to allow a "child care education facility" at 1130 Boone Aire Road, at the corner of KY 18 and Boone Aire Road in the Utz Professional Offices. The owner of the property, Dr. Glen Utz, was granted a Zoning Map Amendment in June of 1994. The Conditions of Approval for the Zoning Map Amendment did not limit or restrict the uses. Construction began in mid-1996.

Article 11, Section 1113 of the Boone County Zoning Regulations permits "Child and adult care centers" as a conditional use in the Office One (O-1) zone. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1113 of the Boone County Zoning Regulations:

The requested use and appropriate accessories are permitted 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 use; or
- b. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

Surrounding Land Uses and Zoning

Across KY 18 to the north is the Square D facility. To the east across Boone Aire Road is a vacant single family dwelling that was changed to O-1 in 1996 for professional offices. South of the site across Boone Aire Road is Shepard's Service Center zoned Commercial Services (C-3), and to the west is a single family residence zoned Urban Residential One (UR-1).

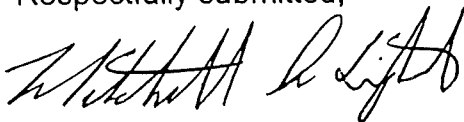
Staff Concerns/Comments

1. A "tot lot" play area has not been proposed with this application. Staff's main concern is with the location of a "tot lot" on the site, in regard to the proximity of the play area to KY 18 and the aesthetics of the play area from KY 18. Architectural grade fencing should be used and the area should be screened from KY 18. A minor site plan could be required in order for staff to review the location and the aesthetics.
2. The parking requirements for a day care as outlined in Section 3325 states "2 spaces per classroom but not less than 6 spaces overall." The development required approximately 27 parking spaces. The site contains 45 parking spaces, therefore the site has adequate parking.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow a child care education facility at 1130 Boone Aire Road, Boone County, Kentucky. It is Staffs' opinion that the Conditional Use will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments

- Location Map
- Aerial Photo

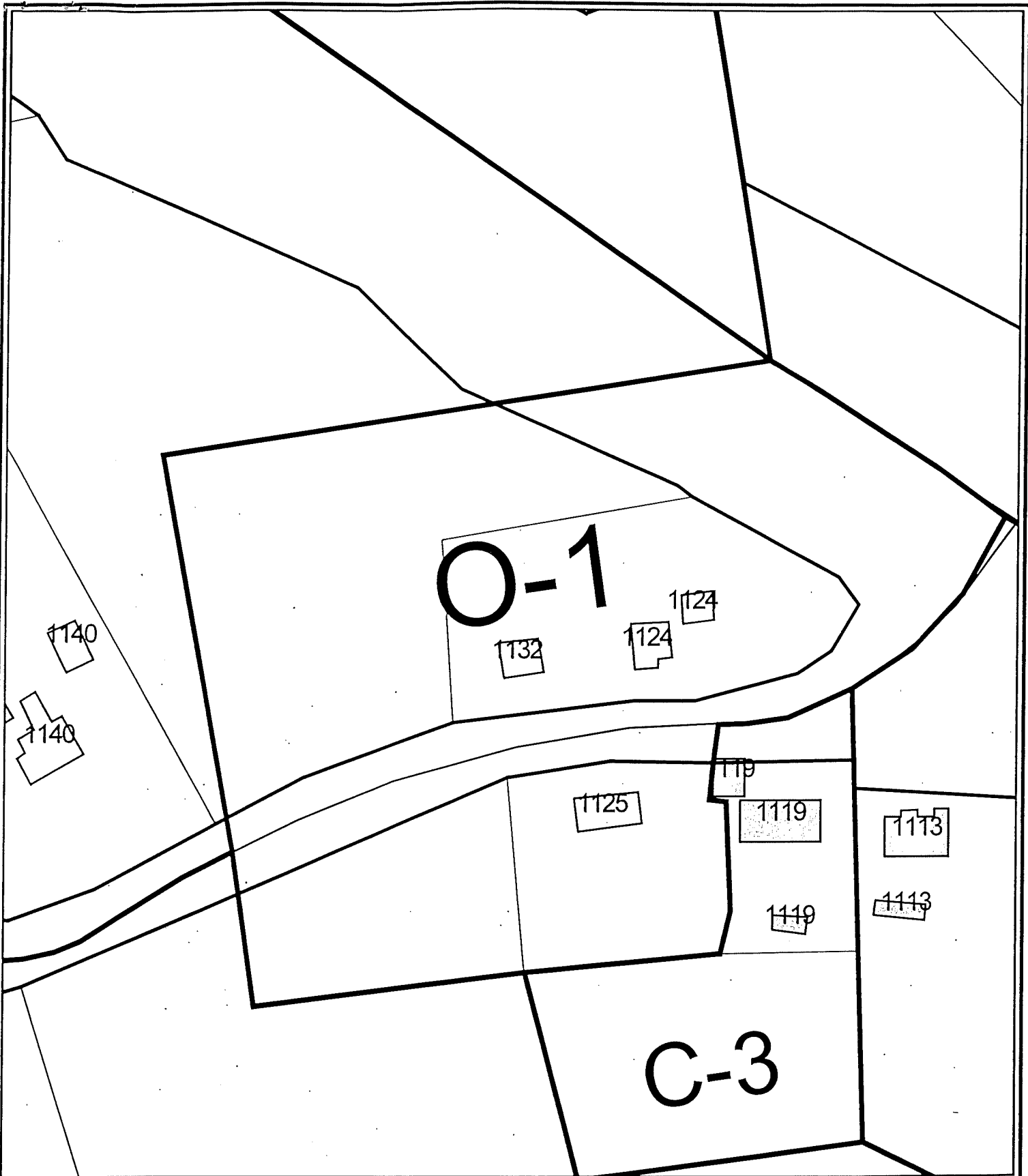


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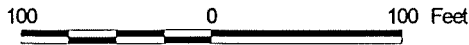
1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 6, 1998



Lewis CUP



Lewis CUP



1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 6, 1998



COPY

CLUR # 98-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Glenn and Juliana Utz
4763 Petersburg Road
Burlington, Kentucky 41005

ADDRESS OF PROPERTY
1130 Boone Aire Road
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Heirport Early Learning Center

DEED BOOK: 89/211

PAGE NO.: 415/498

GROUP NO.: 2032

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

- Zoning Map Amendment: From &
- Conditional Use Permit
- Development Plan
- Conditional Zoning
- Subdivision Plat (Not Recorded)
- 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

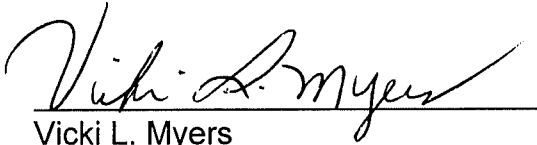

SIGNATURE OF COMPLETING OFFICIAL

Mitchell Light, Asst. Zoning Administrator
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

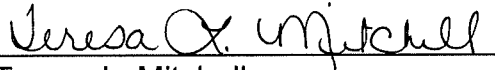
Subscribed, sworn to, and acknowledge before me by Mitchell Light, on behalf of the
Boone County Planning Commission this 10th day of November 1998.



Vicki L. Myers
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 14, 1998 Certificate of Land Use Restriction (# 98 BCBOA -020-A), for Glenn Utz, Property Owners

The following conditions will apply: 1). That the applicant work with the Boone County Staff for appropriate fencing and screening of the site.

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

described in: DEED BOOK 89/211 PAGE NO. 415/498 Group No. 2032