

99-026

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 UNITED DAIRY FARMERS - JOHN JOHNSON ARCH/AGENT.  
Phone Number 310.0743 Fax No. 310.5114  
Applicant's Address 3955 MONTECENERY ROAD  
CINCINNATI OHIO 45212  
City State Zip
- 4. Description of Request: ALLOW FOR THE ADDITION OF A SELF SERVICE CARWASH TO THE NEW UNITED DAIRY FARMERS CONVENIENCE STORE ON SR 237 (NORTHBEND RD.) HEBRON, KY
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development SR 237 (NORTHBEND RD) & SOUTH PARK DRIVE - SOUTH EAST CORNER OF INTERSECTION. 2086 North Bend Hebron
- 7. Acreage Under Review 1.49 ACRES
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
2A SOUTH PARK INDUSTRIAL PARK
- 9. Owner of Property HAD ENTERPRISES  
Phone Number of Owner 518.0487 10. Address of Property Owner 2332 ROYAL DRIVE FT. MICHELL, KY 41017  
City State Zip
- 11. Proposed Use(s) on Site CONVENIENCE STORE W/ SELF SERVICE GAS FACILITY & SELF SERVICE CARWASH.
- 12. Total Square Footage of Existing and/or Proposed Buildings STORE @ 3900 SQ FT, GAS CANOPY @ 2000 SQ FT, CARWASH @ 1300 SQ FT.
- 13. Current Zoning on Property C2
- 14. Deed Book 348 Page No. 143 Group No. 47E-2A 2008 TOTAL = 6200 SQ FT
- 15. Is the site subject to a zone change? NO  
If yes, give date of approval \_\_\_\_\_
- 16. Have you submitted a Site Plan with this request? YES
- 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: [Signature]  
JOHN JOHNSON ARCHITECT/AGENT.

Property Owner's Signature: [Signature] - H.A.O. / Dana

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 11-17-99 Fee Received \$ 714.00 R# 22450
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
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:** United Dairy Farmers

**APPLICANT:** John Johnston (Architect)

**LOCATION:** 2086 North Bend Road, Hebron, Kentucky

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

**DATE:** December 8, 1999

### Proposal

The applicant has applied for a Conditional Use Permit to allow the construction of a one bay, self service car wash in conjunction with a previously approved convenience store. The 1.49 acre site is located within Southpark Industrial Park, at 2086 North Bend Road, Boone County, Kentucky. The property is zoned Commercial Two (C-2).

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Article 2, Section 262 and Article 10, Section 1023 of the Boone County Zoning Regulations.

### Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to 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 same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1023

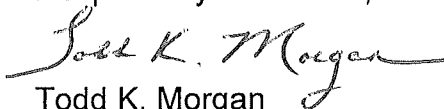
Article 10, Section 1023 of the Boone County Zoning Regulations lists wash services for vehicles as a Conditional Use in Commercial Two (C-2) zoning districts. The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. the activity will further add to, not detract from, the creation of 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.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow a single bay car wash. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations. It is Staff's opinion that the proposed Conditional Use Permit 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 nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

Respectfully Submitted,



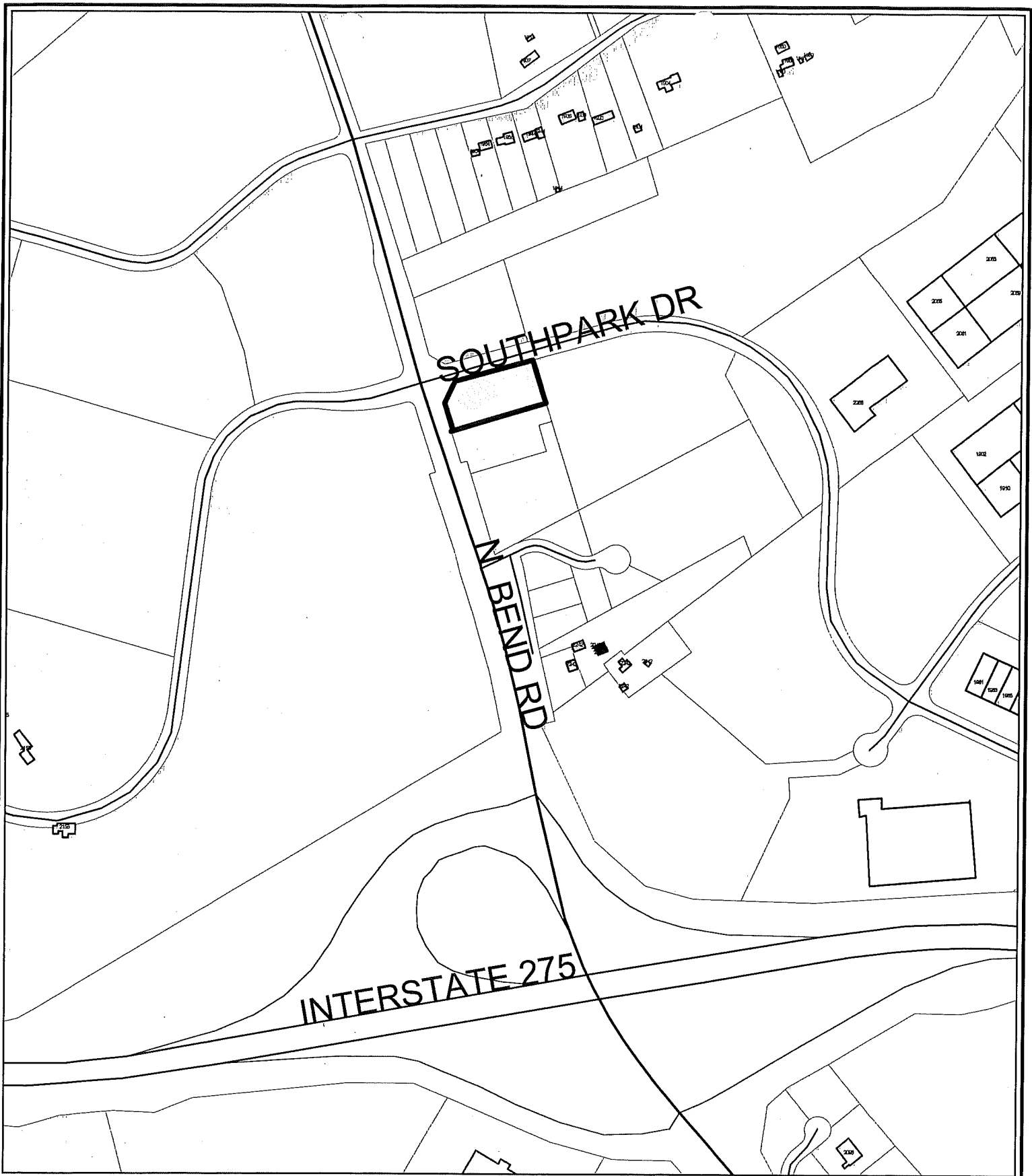
Todd K. Morgan  
Planner

TKM\pr

Attachments

- Site Vicinity Map
- Zoning Map
- Site Plan



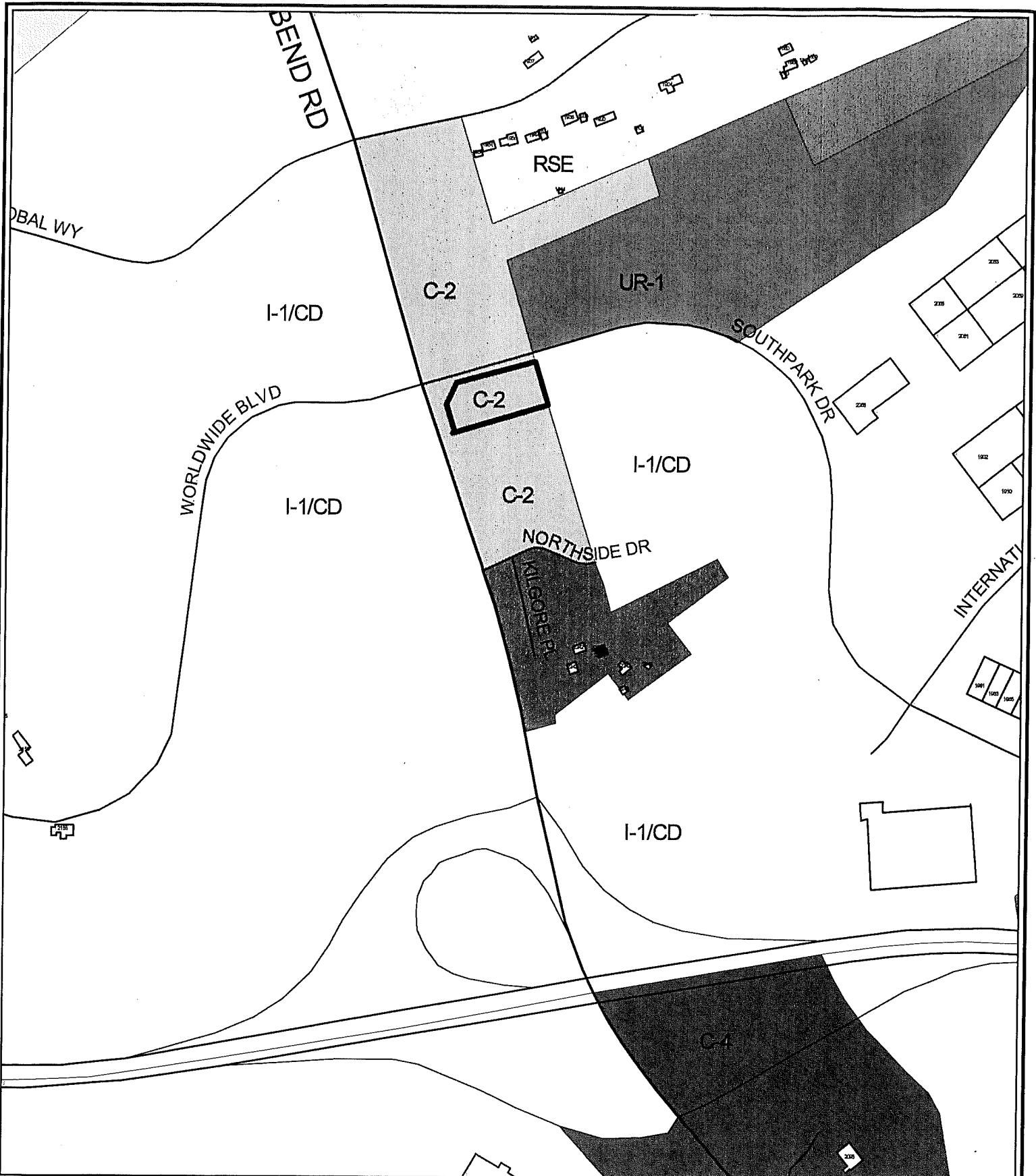


# Site Vicinity Map United Dairy Farmers

500 0 500 Feet

1 inch equals 500 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 1999





# Zoning Map United Dairy Farmers



1 inch equals 500 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 1999



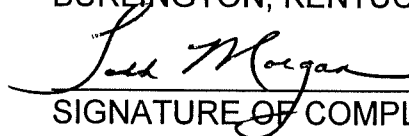
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CLUR #99-BCBOA-026-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
HAD Enterprises  
2332 Royal Drive  
Ft. Mitchell, Kentucky 41017
  
2. ADDRESS OF PROPERTY  
2086 North Bend Road  
Hebron, Kentucky 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
United Dairy Farmers
  
4. DEED BOOK 368                      PAGE NO. 143                      GROUP NO. 2008
  
5. TYPE OF RESTRICTION(S) (Check all that apply)  
  
 Zoning Map Amendment:  
From      To                            Conditional Use Permit  
  
 Development Plan                       Conditional Zoning  
  
 Subdivision Plat                       Other:  
(Not Recorded)  
  
 Variance
  
6. 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

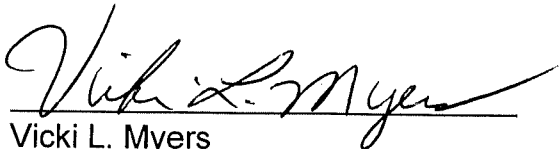
  
SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

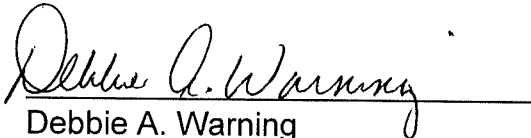
Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the  
Boone County Planning Commission this 9 day of December, 1999.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
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 December 8, 1999 Certificate of Land Use Restriction (#99-BCBOA-026-A), for HAD Enterprises, Property Owners.

The following conditions will apply:

No conditions.

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

DEED BOOK 368

PAGE NO. 143

Group NO. 2008