

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION


RECEIVED  
FEB 16 2000  
BOONE COUNTY  
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1.  Boone  Florence  Walton  Union
  2. (Check One)  
 Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
  3. Applicant's Name David E. Estes Engineering, Inc.  
Phone Number 606-342-6100 Fax No. 606-342-8725  
Applicant's Address 7075 Industrial Road  
Florence KY 41042  
City State Zip
  4. Description of Request: Request for conditional use permit for the sale of used or new automobiles. This will require construction of a 30 car lot.
  5. Name of Development Sullivan Auto Sales
  6. Location of Development Corner of 18 and Oblique Street, Florence, KY
  7. Acreage Under Review 0.401 acre
  8. Lot Number and Name of Subdivision (if part of a subdivision)
  9. Owner of Property Mark Hollowell  
Phone Number of Owner 606--371-7006 10.  
Address of Property Owner 234 Main Street, Florence, KY 41042  
City State Zip
  11. Proposed Use(s) on Site Used and new car dealership
  12. Total Square Footage of Existing and/or Proposed Buildings 726 Sq. Ft.
  13. Current Zoning on Property C-2
  14. Deed Book 481 Page No. 271 Group No. 2041 B
  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: \_\_\_\_\_

Property Owner's Signature:  \_\_\_\_\_

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 2-16-00 Fee Received \$738.00 RA 23200 + 23201
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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:** David E. Estes Engineering, Inc.  
**LOCATION:** Lot 50 & 51 Oblique Street, Florence, Kentucky  
**ZONING:** Commercial Two (C-2)  
**DATE:** March 8, 2000

### Proposal

The applicant has applied for a Conditional Use Permit to allow vacant property to be developed and used for the sale of new or used automobiles. The .401 acre site is located at the intersection of KY 18 and Oblique Street, Florence, Kentucky. The property is zoned Commercial Two (C-2). The property in question is at the entrance of a street containing a mixture of both residential and commercial uses.

The applicant is required to apply for a Conditional Use Permit because small scale sales or leasing of new and used motor vehicles requiring the storage of no more than 50 vehicles on the premises within a Commercial Two zone is a Conditional Use.

### 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 small scale sales or leasing of new and used motor vehicles requiring the storage of no more than 50 vehicles on the premises 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 a compact, multi-purpose and pedestrian oriented commerce center; and
- c. the arrangement of uses, building or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Comments

1. Should the Conditional Use Permit be granted, special care should be taken to assure that adequate buffering exists to diminish the visual impacts on both the neighboring residential use and traffic from KY 18.
2. There is a concern about the hours of operation as it pertains to intense lighting often found at automobile dealerships.
3. There is a concern about excessive noise levels generated by public address systems often found at automobile dealerships.
4. There is a concern regarding the promotional methods used by many automobile dealerships and their visual impact on the surrounding area.

5. Should the Board approve the Conditional Use Permit, a site plan review will be required by the Boone County Planning Commission Staff before development is to occur.

Conclusion

K.R.S. 100.237 gives the Florence Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow the development of a small scale new and used automobile sales center. 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.

Respectfully Submitted,

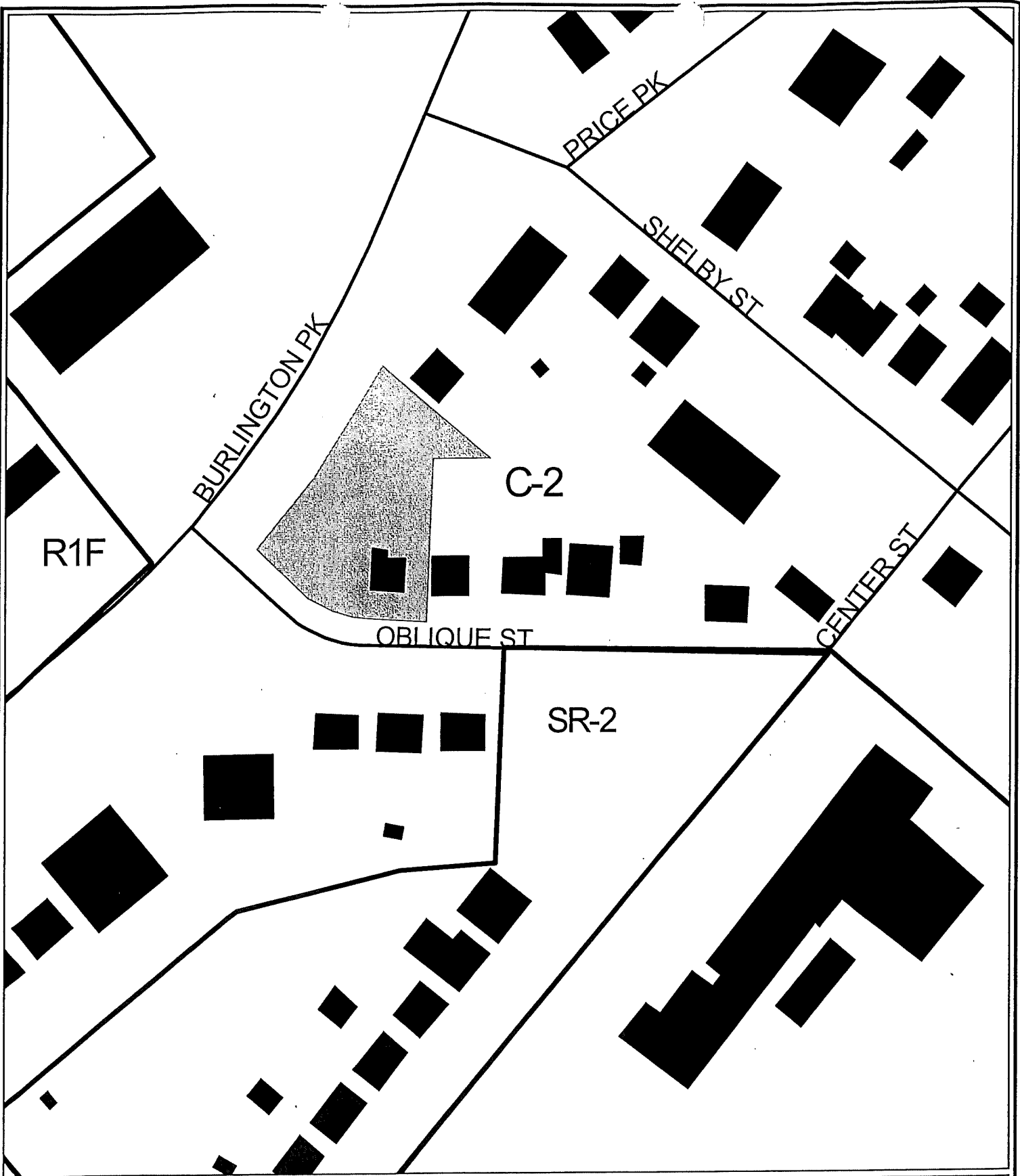


Mike Homer  
Planner

MH\pr

Attachments

- Vicinity/Zoning Map
- Site Plan
- Conditional Use Application Form



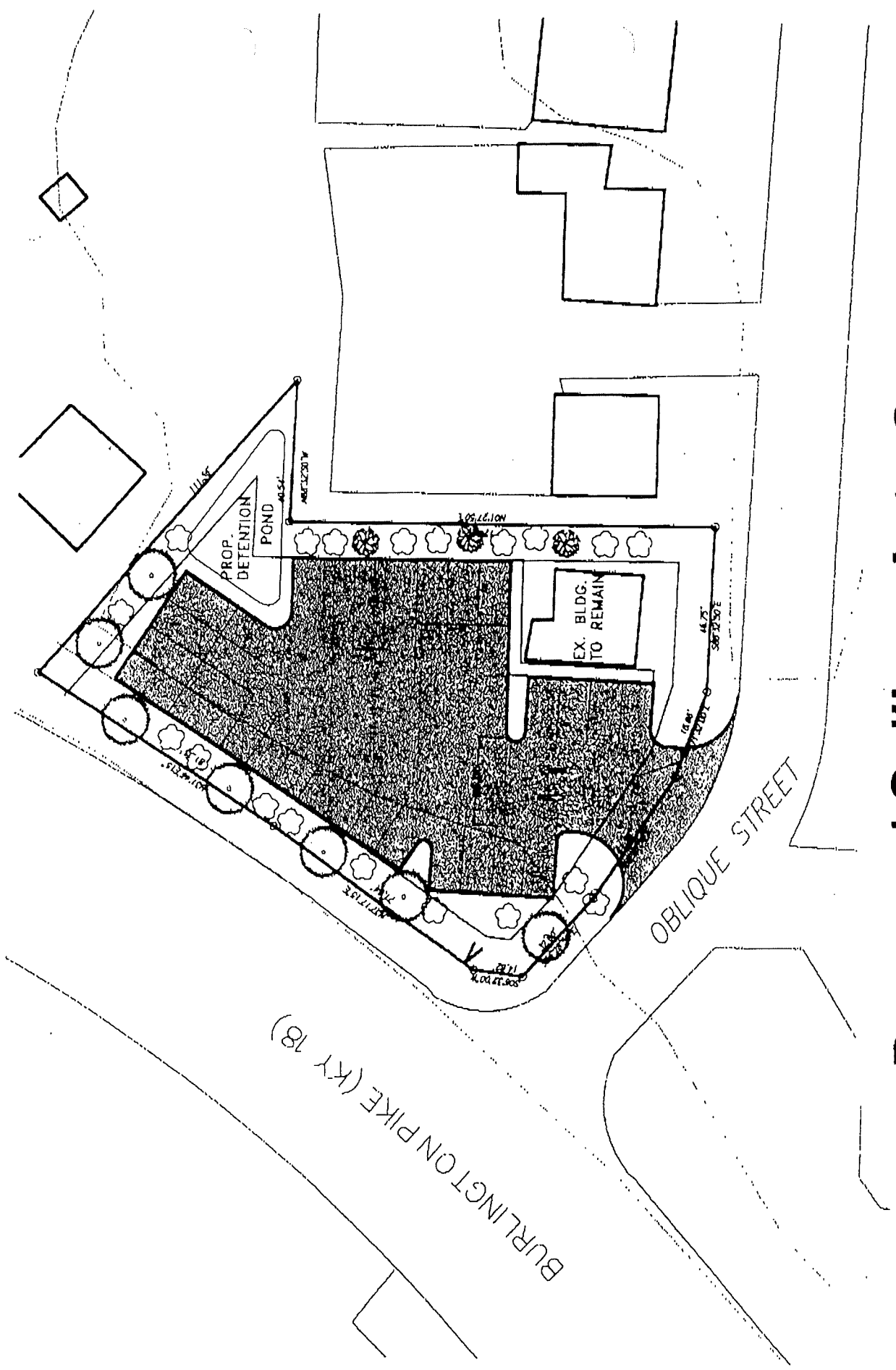
# Vicinity/Zoning Map

## Lot 50 & 51 Oblique Street

100 0 100 Feet

1 inch equals 100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 February 25, 2000





# Proposed Sullivan Auto Center

APPLICATION FORM

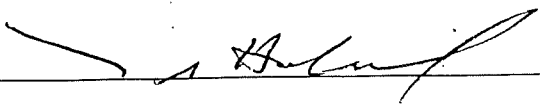
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