

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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name P.J. HANNAN, BAYER BECKER
Phone Number 513.336.6600 Fax No. 513.398.6818
Applicant's Address 6900 TYLERSVILLE ROAD, SUITE D MASON OH 45040
4. Description of Request: BUILDING ADDITION AND SITE IMPROVEMENTS
5. Name of Development RYAN MUFFLER CENTER, INC.
6. Location of Development 19 BANKLICK STREET FLORENCE, KY 41042
7. Acreage Under Review 1.794
8. Lot Number and Name of Subdivision (if part of a subdivision) PART OF LOTS 3-9 IN NEAD SUBDIVISION and PART OF LOTS 25 & 26 IN RIDGEVIEW SUBI
9. Owner of Property BOB RYAN
Phone Number of Owner 859.525.2166
Address of Property Owner 19 BANKLICK ST, FLORENCE, KY 41042
11. Proposed Use(s) on Site AUTOMOTIVE REPAIR FACILITY
12. Total Square Footage of Existing and/or Proposed Buildings 9700 SF
13. Current Zoning on Property C-2
14.* Deed Book 354 Page No. 152 Group No. 2043A
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? NO (CONCEPT PLAN)
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)

* Additional references:

14A. Deed Book 326 Page No. 105 Group No. 168
14B. Deed Book 421 Page No. 104 Group No. 168

**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 8-21-02 Fee Received \$901.00 RA 32559
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
9-11-02 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 9-11-02 FLORENCE BOA
MEETING MINUTES
7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail**

www.boonecountyky.org

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: Bayer Becker Engineers
LOCATION: 19 Banklick Street, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: September 11, 2002

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow to allow the expansion of Ryan Muffler Center. The business is located at 19 Banklick Street, Florence, Kentucky and is zoned Commercial Two (C-2). The submitted Concept Development Plan indicates that a 4,900 square foot addition, with four additional service bays, is being proposed onto the existing 4,800 square foot building. The plan also indicates that 20 additional parking stalls are proposed to be added to the existing 12 stall parking lot. Access to the site will be provided from a curb cut which exists on the northwestern portion of the property.

SITE HISTORY

On January 9, 1985, the Florence Board of Adjustment approved a Conditional Use Permit to allow the construction of the existing muffler shop. The Board did not impose any Conditions of Approval.

APPLICABLE REGULATIONS

Article 10, Section 1023 of the Boone County Zoning Regulations permits "automotive repair facilities and wash services for vehicles" as a conditional use within the Commercial Two (C-2) district.

Article 40, Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as "A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing."

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

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

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective 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 not be hazardous to existing or future neighboring uses;
4. Will be served adequately 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 such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not 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 designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1023 of the Boone County Zoning Regulations allows automotive repair facilities in the Commercial Two (C-2) district provided that:

- 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, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" and "Urban Density Residential" uses. These designations are described as follows:

Commercial - "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Urban Density Residential - "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

SURROUNDING LAND USES & ZONING

North: Sunoco Mini Market and Metzger Eye Care Center (C-2)

South: Single-Family Residential Dwelling Fronting on Dortha Ave (R) & Banklick Street

East: Contracting Business and Single-Family Residential Dwellings (C-2)

West: Banklick Street, Dental/Law Office, Single-Family Dwellings, and Hair's Inn (C-2)

SITE CHARACTERISTICS

The 1.79 acre site fronts on Banklick Street and contains a 4,800 square foot muffler shop, 12 parking stalls, and a garage. The area of the site where the building and parking additions are proposed contain some mature deciduous trees that will need to be cleared. The southern half of the property is heavily wooded and will not be disturbed by the subject application.

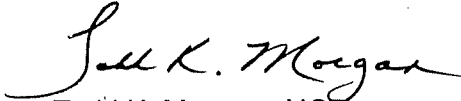
STAFF COMMENTS

1. The applicant has informed Staff that the building addition will be constructed of metal siding, which will match the existing building. The Board needs to determine if this is an appropriate material for the addition because the existing building has an industrial appearance. The area where the addition is proposed is a transitional area between residential and commercial uses.
2. Staff would like the applicant to explain if any additional site lighting is proposed. If so, Staff recommends the Board impose the following conditions regarding site lighting:
 - A. No light poles are permitted on the site.
 - B. A photometric plan will be required during the Site Plan Review process. The average foot candle measurements permitted for the parking lot will be 3.6 and along all property lines will be 1.0 or less.
3. If the Board approves the request, 10' wide buffer yards (Buffer Yard A) will be required where the building addition or new parking lot adjoins the property lines. Staff recommends a condition which would require the large trees on the rear property line to be evergreens due to the proximity of residential dwellings on Dortha Avenue.
4. Staff was hopeful that the requested expansion could have corrected the problem with tractor trailer deliveries backing into the site. Staff met with the applicant and the Florence Public Services Department in regard to adding a second curb cut. Florence Public Services determined that they would not grant an encroachment permit for the second curb cut because it did not eliminate the backing motion of the tractor trailer on Banklick Street. While the property owner does have more land which could possibly be used to fix this problem, it would cause truck traffic to come further down into the residential portion of Banklick Street.
5. Staff received letters in support of the project from six adjoining property owners. These letters are attached to the Staff Report.
6. If the Board grants approval of the request, a Major Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will address building square footage, driveway and parking requirements, landscaping, grading, storm water detention, etc.

Conclusion

KRS 100.237 and Sections 220 and 260 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

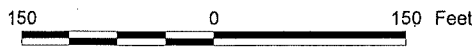
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Topographical Map
- Exhibit F – Aerial Map
- Exhibit G – Pictures of Site
- Exhibit H – 6 Letters From Adjoining Property Owners
- Exhibit I – Application



Ryan Muffler Site Vicinity Map

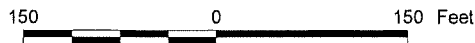


1 inch equals 150 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 5, 2002



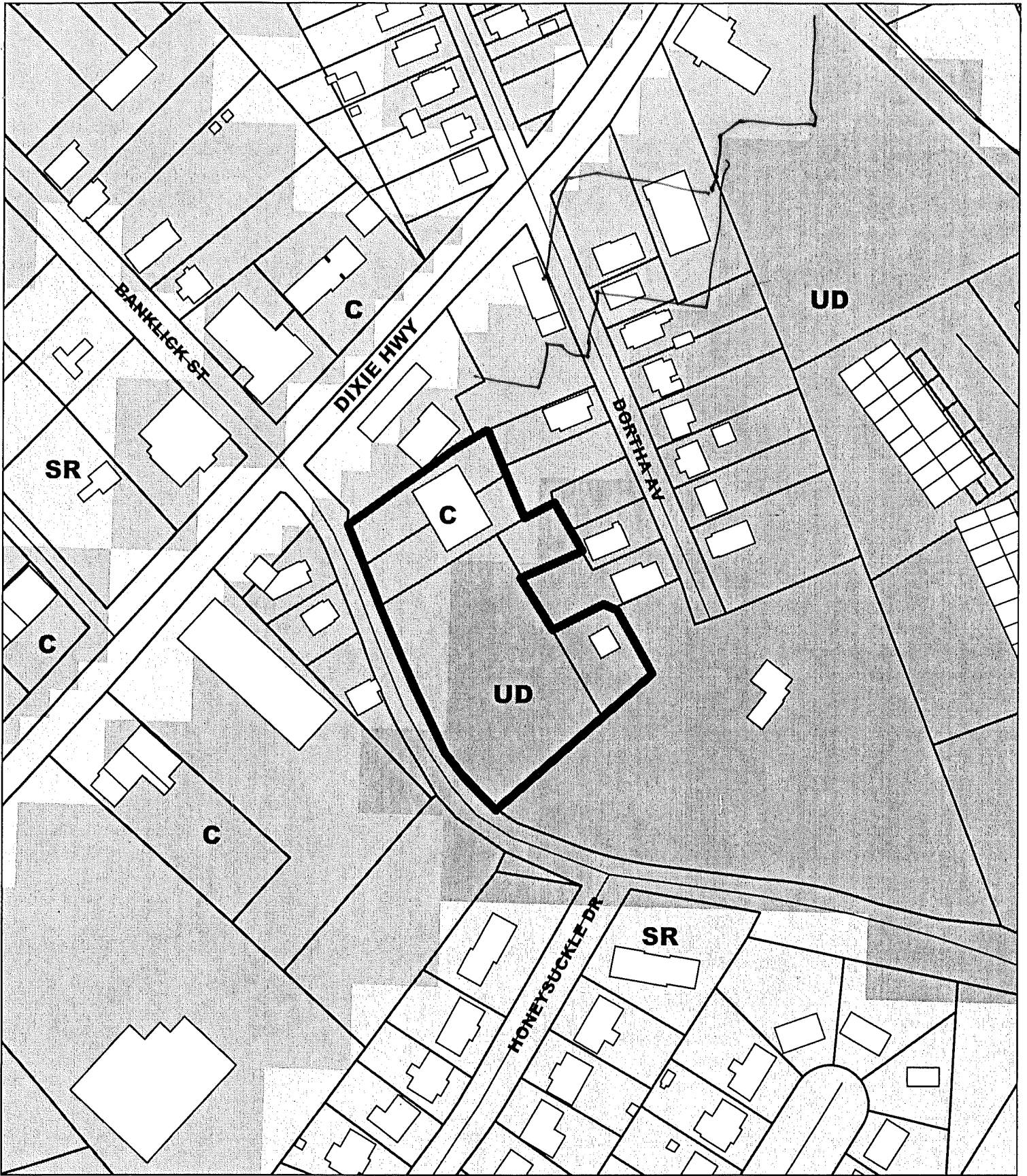


Ryan Muffler Zoning Map



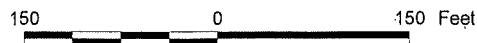
1 inch equals 150 feet
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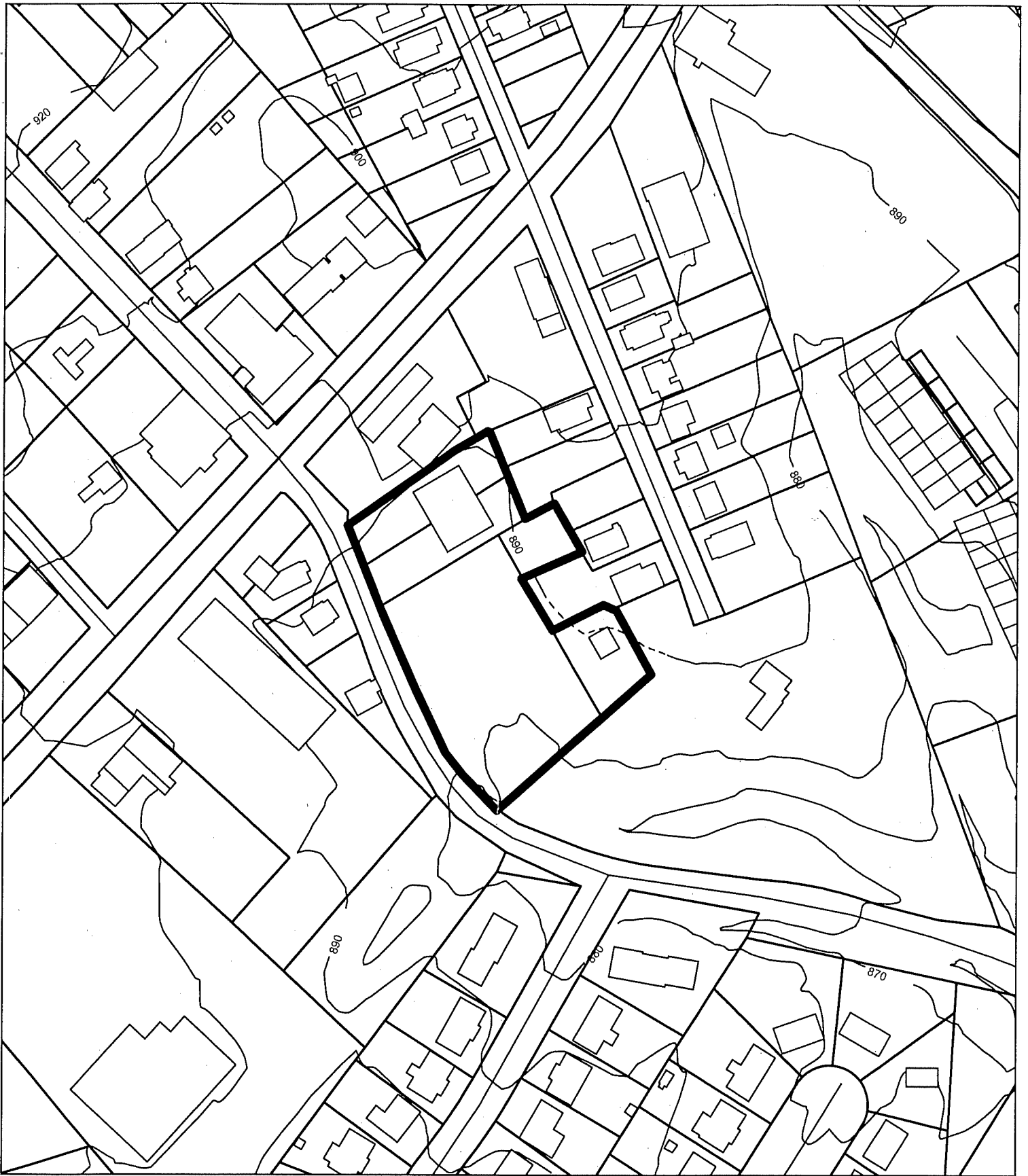
Ryan Muffler

Future Land Use Map

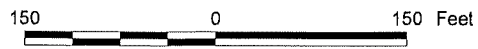


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 September 5, 2002



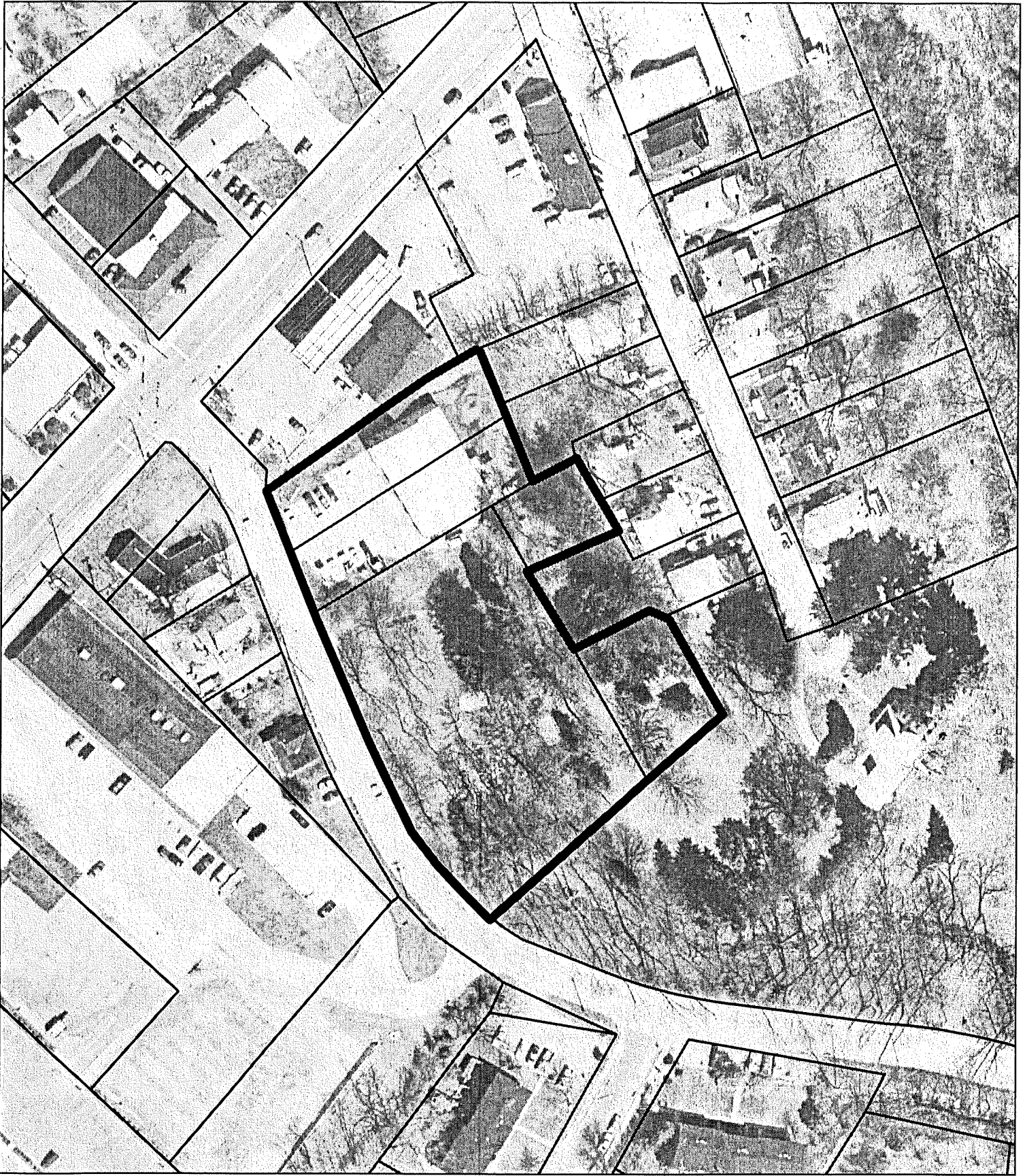


Ryan Muffler Topographical Map

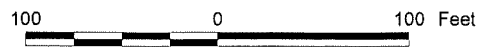


1 inch equals 150 feet
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September 5, 2002





Ryan Muffler Aerial Map

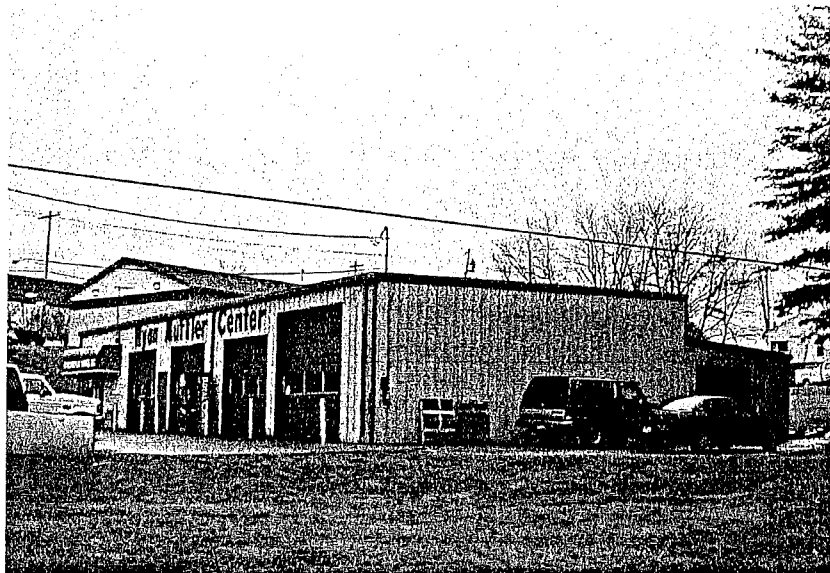


1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 5, 2002





EXISTING BUILDING FRONT



EXPANSION WALL

RYAN MUFFLER CENTER, INC.

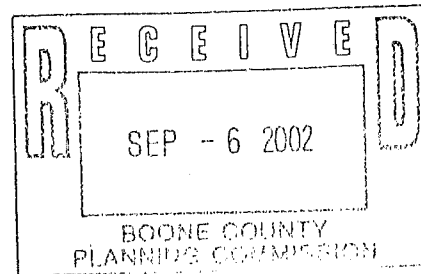
City of Florence, Kentucky

Kocolene Marketing, LLC

1725 East Tipton St., P.O. Box 448, Seymour, IN 47274 - 0448
(812) 522-2224 FAX (812) 522-6264

September 4, 2002

Todd Morgan
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



RE: Ryan Muffler Center Expansion

Dear Mr. Morgan:

I understand that the owner and operator of Ryan Muffler Center, an adjacent property owner to Kocolene's Fast Max/Sunoco facility in Florence, KY, will appear at the September 11th meeting of the Boone County Planning Commission to ask for approval of a plan of expansion of Ryan's muffler operation. The purpose of this letter is to indicate to the Boone County Planning Commission that Kocolene has viewed the proposed plans for Ryan's expansion, and Kocolene has no objections to those plans. Kocolene believes that said expansion plans will have no effect upon Kocolene's Florence property.

Very truly yours,
Kocolene Marketing, LLC

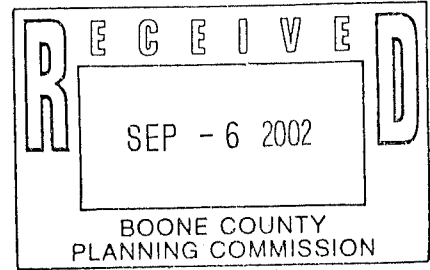
Robert R. Myers
Chairman & CEO

Cc: Robert Ryan, Jr.



10/22/2002

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005



I am unable to attend the Florence Board meeting on September 11th, 2002 regarding the Ryan Muffler Center expansion. Please advise the board that I have seen the Ryan Muffler plan and have no objection. It will have no impact on my property.

David Spille

32 Dortha Ave
Florence, Ky

10/22/2002

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005

I am unable to attend the Florence Board meeting on September 11th, 2002 regarding the Ryan Muffler Center expansion. Please advise the board that I have seen the Ryan Muffler plan and have no objection. It will have no impact on my property.

A handwritten signature in cursive script that reads "Ray Matricia". The signature is written in black ink and is positioned to the left of the typed name and address.

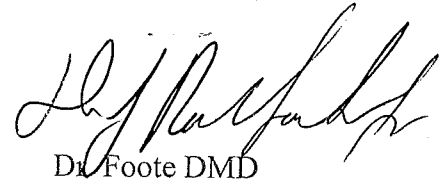
Ray Matricia

26 Dortha Ave.
Florence, Ky

10/22/2002

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005

I am unable to attend the Florence Board meeting on September 11th, 2002 regarding the Ryan Muffler Center expansion. Please advise the board that I have seen the Ryan Muffler plan and have no objection. It will have no impact on my property.

A handwritten signature in cursive script, appearing to read "Dr. Foote".

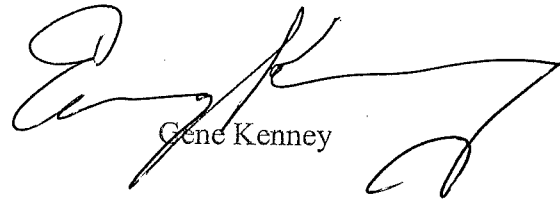
Dr. Foote DMD

14 Banklick St
Florence, Ky.

10/22/2002

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005

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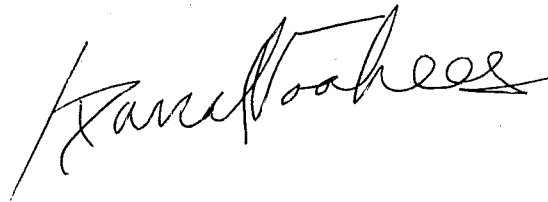
Gene Kenney

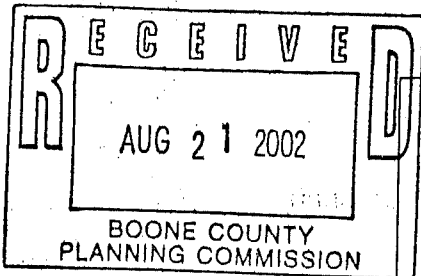
10/22/2002

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005

I live at 18 Banklick St directly across the street from Ryan Muffler Center.

I am unable to attend the Florence Board meeting on September 11th, 2002 regarding the Ryan Muffler Center expansion. Please advise the board that I have seen the Ryan Muffler plan and have no objection. It will have no impact on my property.

A handwritten signature in cursive script, appearing to read "James Toohill". The signature is written in dark ink and is slanted slightly to the right.



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 [checked] Florence [] Walton [] Union []

(Check One)

- 2. [checked] Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use []

- 3. Applicant's Name P.J. HANNAN, BAYER BECKER Phone Number 513.336.6600 Fax No. 513.398.6818 Applicant's Address 6900 TYLERSVILLE ROAD, SUITE D MASON OH 45040 City State Zip

- 4. Description of Request: BUILDING ADDITION AND SITE IMPROVEMENTS

- 5. Name of Development RYAN MUFFLER CENTER, INC.

- 6. Location of Development 19 BANKLUCK STREET FLORENCE, KY 41042

- 7. Acreage Under Review 1.794

- 8. Lot Number and Name of Subdivision (if part of a subdivision)

- 9. PART OF LOTS 3-9 IN NEAD SUBDIVISION and PART OF LOTS 25 & 26 IN RIDGEVIEW SUB

- 9. Owner of Property BOB RYAN

- Phone Number of Owner 859.525.2166 10.

- Address of Property Owner 19 BANKLUCK ST, FLORENCE, KY 41042 City State Zip

- 11. Proposed Use(s) on Site AUTOMDTIVE REPAIR FACILITY

- 12. Total Square Footage of Existing and/or Proposed Buildings 9700 SF 2400 SF

- 13. Current Zoning on Property C-2

- 14.* Deed Book 354 Page No. 152 Group No. 168

- 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? NO (CONCEPT PLAN)

- 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]

Property Owner's Signature: [Signature]

(over)

* Additional references:

14A. Deed Book 326 Page No. 105 Group No. 168 14B. Deed Book 471 Page No. 1114

COPY

CLUR #02-FBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bob Ryan
19 Banklick Street
Florence, KY 41042

2. ADDRESS OF PROPERTY
19 Banklick Street
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Ryan Muffler Center, Inc.

4. DEED BOOKS & PAGES 354/152, 326/105, 421/105 GROUP NO. 2043A

5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment:
 From To Conditional Use Permit
 Development Plan Conditional Zoning
 Subdivision Plat
 (Not Recorded) Other:
 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of September 11, 2002 Certificate of Land Use Restriction (#02-FBOA-002-A), for Bob Ryan, Property Owner(s).

The following conditions will apply:

- 1) No light poles are permitted on the site.
- 2) A photometric plan will be required during Site Plan Review. Average foot candle measurements permitted for the parking lot will be 3.6 and along all property lines will be 1.0 or less.
- 3) Ten-foot wide buffer yards (Buffer Yard A) will be required where the building addition or new parking lot adjoins the property lines and the large trees on the rear property line are required to be evergreens due to the proximity of residential dwellings on Dortha Avenue.
- 4) There is to be no outside storage.
- 5) There is to be no additional signage (no building-mounted signage and no freestanding signage).

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

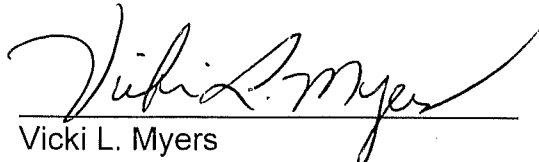
DEED BOOKS & PAGES 354/152, 326/105, 421/105

GROUP NO. 2043A

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

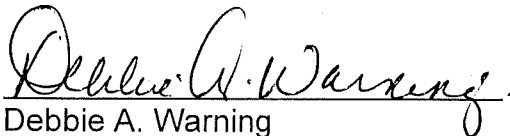
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of September, 2002.



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.)