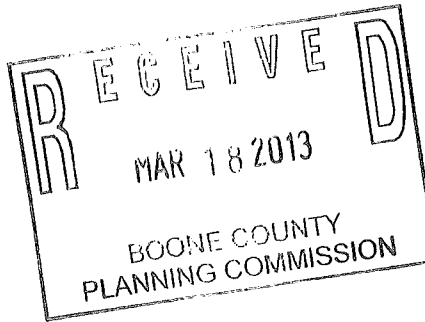


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence [ ] Walton [ ] Union [ ]
2. (Check One) [X] Conditional Use Permit [ ] Variance [ ] Appeal [ ]
3. Applicant's Name Leo Thomas Frankman
Applicant's Address 11 Lendale Drive
Florence, KY 41042
4. Description of Request: to allow for sales of fire trucks and ambulances
5. Name of Development 911 Fleet + Fire
6. Location of Development 11 Lendale Drive Florence KY 41042
7. Acreage Under Review Approximate 0.93 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Alpha Omega Industries
Address of Property Owner 11 Lendale Drive Florence KY 41042
10. Phone Number 859 594-4367 Fax No. 859-371-0131 E-Mail Sposton@911Fleet.com
11. Proposed Use(s) on Site sales & service
12. Total Square Footage of Existing and/or Proposed Buildings approx 11,000 - 12,000 SF
13. Current Zoning on Property I-1
14. Deed Book 996 Page No. 297 Group No. 2039
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] COO Alpha Omega Ind. (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 3-18-13 Fee Received \$1,082.00 Receipt # 66477
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
4/10/13 **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: SEE 4/10/13 Meeting Minutes  
AND C.L.U.R.
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**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: Leo Thomas Franxman for 911 Fleet & Fire Equipment  
LOCATION: 11 Lendale Drive, Florence, Kentucky  
ZONING: Industrial One (I-1)  
DATE: April 10, 2013

### PROPOSAL

The applicant is requesting a Conditional Use Permit so his business can sell ambulances and fire trucks at 11 Lendale Drive. A letter was submitted indicating that the vehicles are sold to departments and private companies throughout Ohio, Kentucky, and Indiana by a sales force that works remotely. They will be applying to the Commonwealth of Kentucky for a restricted dealer license since they only deal with specialty vehicles and carry no stock vehicles on premises.

### APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Section 1131 of the Boone County Zoning Regulations lists automotive repair facilities as a principally permitted use in the Industrial One (I-1) district.

Section 1133 of the Boone County Zoning Regulations lists "retail sales or leasing of new and used motor vehicles" as a Conditional Use in the Industrial One (I-1) district.

Section 1143 of the Boone County Zoning Regulations lists "retail sales and service on new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage as a Conditional Use in the Industrial Two (I-2) district.

Section 4000 of the Boone County Zoning Regulations defines a junkyard as "the storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered as a junkyard."

The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1133 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.

Section 1133 of the Boone County Zoning Regulations allows "retail sales or leasing of new and used motor vehicles" as a Conditional Use in the Industrial One (I-1) district provided that:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following Goals & Objectives from the 2010 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

### SURROUNDING LAND USES & ZONING

North: Lendale Drive, Lonkard Construction Company, Riegler Blacktop (I-1)

South: Florence United Methodist Church (UR-1/PD)

East: Lonkard Construction Company (I-1)

West: Homer's Radiator (I-1)

### SITE CHARACTERISTICS

The subject property is approximately 0.93 acres in area and is located on the south side of Lendale Drive. The property contains an approximate 13,000 square foot office/warehouse with four service bays. Access to the property is provided by a single curb cut from Lendale Drive and approximately 18 parking spaces are located on the lot. The driveway aisle behind the building has been converted to an outside storage area that includes vehicle parts, tires, empty oil drums, and pallets. Boone County GIS shows that the topography of the parcel falls from 824 feet above sea level at the south property line to 802 feet above sea level at the Lendale Drive street frontage.

### STAFF COMMENTS

1. Staff would like the applicant to address the following questions:
  - A. Approximately how many fire trucks and/or ambulances could be on site at given time (repair and new vehicles)?
  - B. Are new fire trucks and ambulances brought back to this facility for final detailing or are they delivered directly to the purchaser?
  - C. What is the largest size fire truck that could be brought to the site?
  - D. Are the materials being stored behind the building refuse or are they being used in the business operation?
  - E. Staff noticed that several disabled ambulances were located on the adjoining property to the west (Homer's Radiator). Staff would like the applicant to explain his business arrangement with Homer's Radiator and how long these vehicles have been located on the lot.

Per the Boone County Zoning Regulations, the presence of two or more nonoperational vehicles in Homer's Radiator parking lot would constitute a junkyard if they were there for more than 30 days.

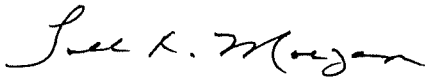
2. Most of the businesses on Lendale Drive have pre-existing nonconforming outside storage areas and landscaping buffers.

3. Staff recommends the following conditions if the request is approved:
- A. The outside storage area behind the building shall be eliminated or be brought into compliance with the Boone County Zoning Regulations. The storage of refuse, motor vehicle parts, scrap metal, old oil drums, machinery, etc. for a period of more than 30 days constitutes a junkyard per the Boone County Zoning Regulations.
  - B. The business shall not be run as a junkyard or cause any other business to be classified as a junkyard per the Boone County Zoning Regulations.

CONCLUSION

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives Florence Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/dw

Attachments

- \*Site Vicinity Map
- \*Letter From Applicant
- \*2012 Aerial Map
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Application

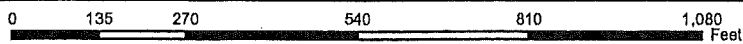
# SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 300 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map Date Issued: March 2012

11 Lendale Drive  
Florence, KY 41042



Phone: 859-594-4367  
Fax: 859-371-0131

March 18, 2013

Todd Morgan  
Boone County Planning and Zoning

Todd;

911 Fleet and Fire Equipment is in the business of selling new Wheeled Coach Ambulances, manufactured in Orlando, FL and new Spartan ERV Fire Apparatus manufactured in Brandon, SD. These trucks are sold to departments and private companies throughout Ohio, Kentucky, and Indiana by a sales force working remotely.

We also service these same apparatus here at our building on Lendale Drive and remotely with a fleet of mobile service vehicles. We have 4 bays consisting of approximately 11,000 SF of shop and 2,000 SF of office. We have 3- 4 mechanics daily and 4 office personnel.

We will be applying to the Commonwealth of KY for a restricted dealer license since we only deal in specialty vehicles and carry no stock vehicles on premises.

Thank you for your consideration, and please contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Thomas Franxman'.

L. Thomas Franxman  
Chief Operating Officer



[www.911fleet.com](http://www.911fleet.com)



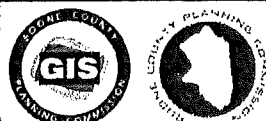
# 2012 AERIAL MAP

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0 65 130 260 390 520 Feet

1 inch = 150 feet

**Boone County GIS**

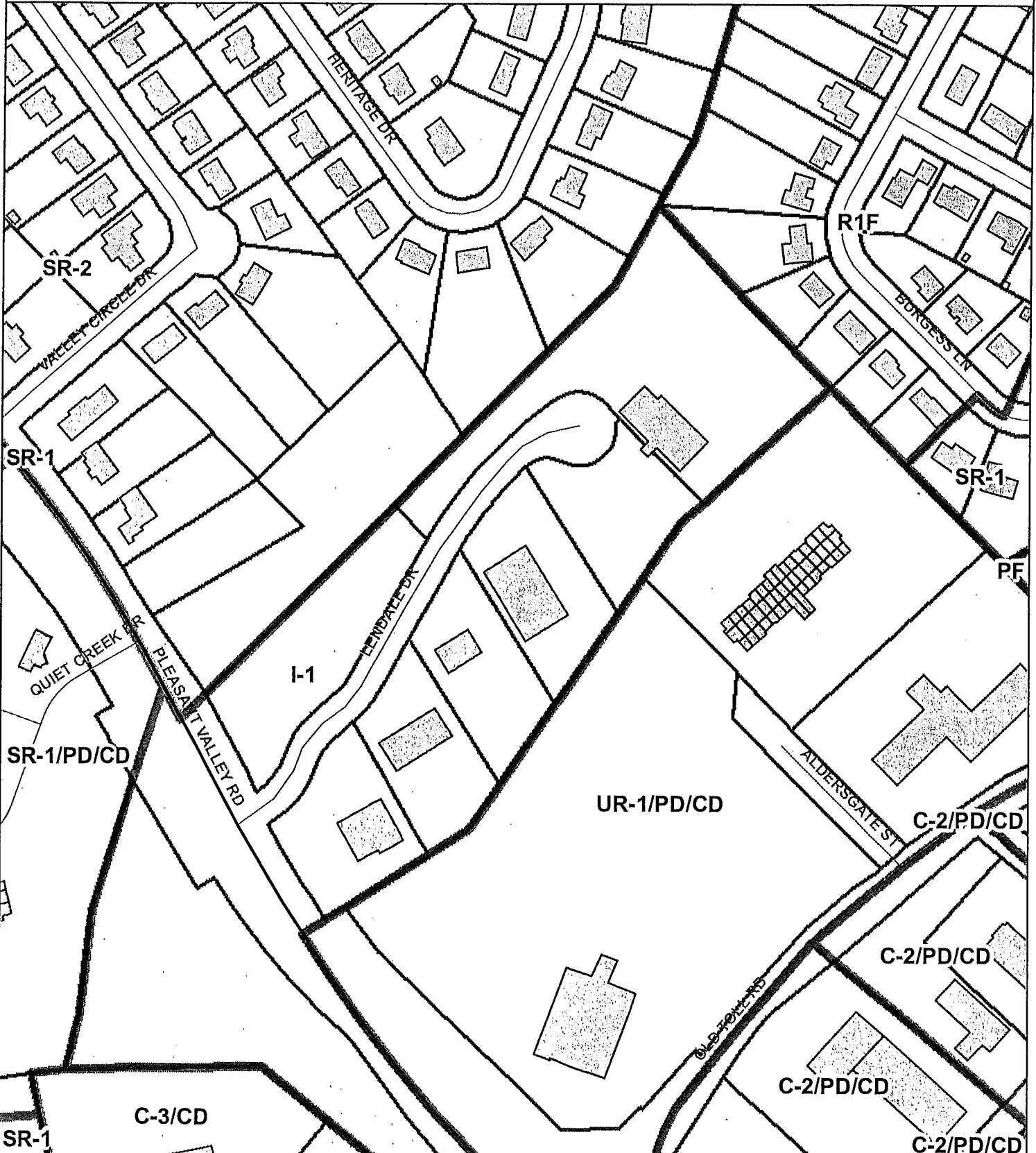
**"Putting Northern Kentucky on the Map"**



Map Data Provided by ESRI

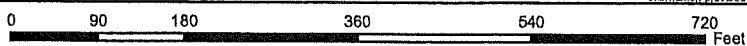
# ZONING MAP

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1 inch = 200 feet

Boone County GIS

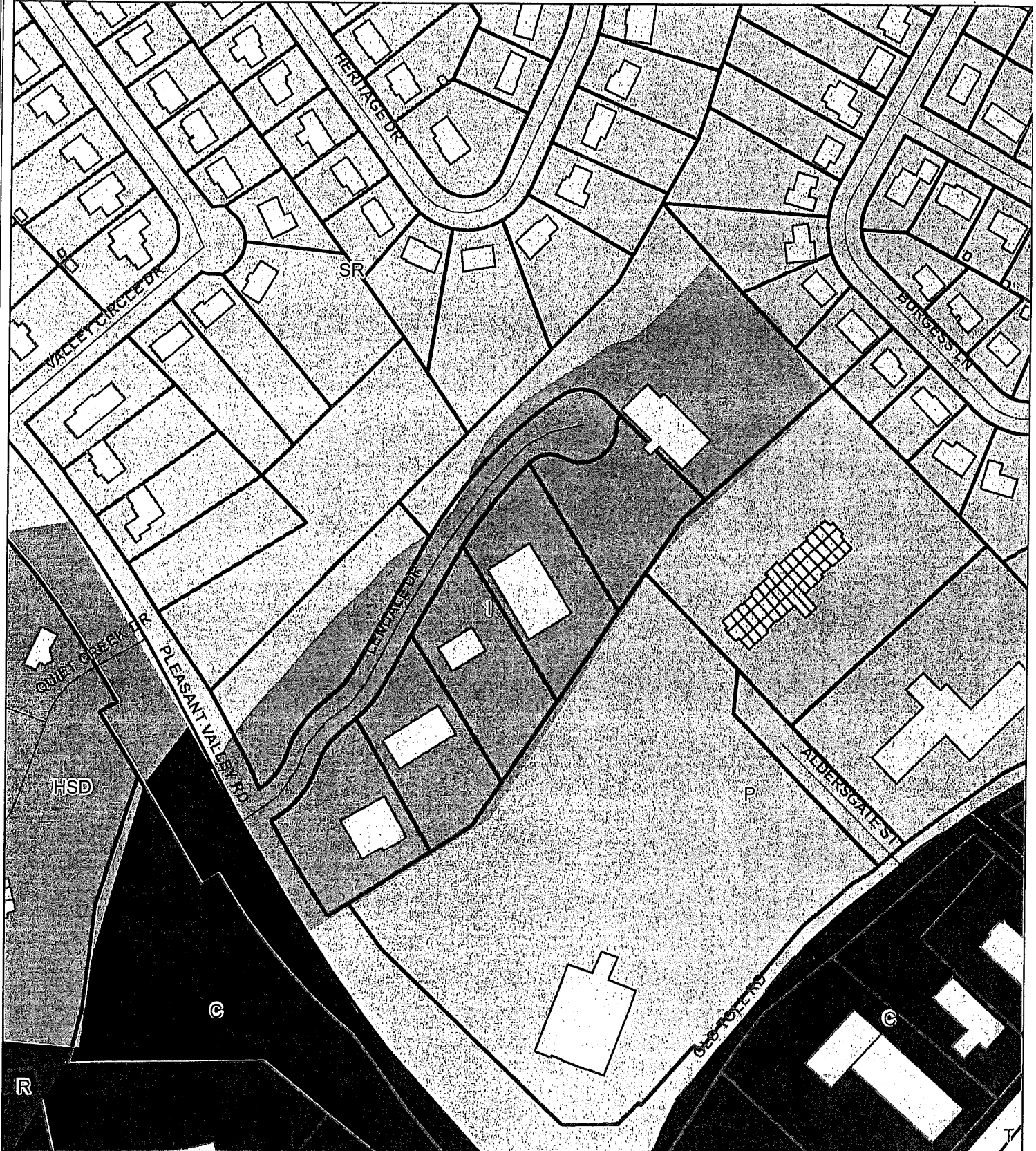
"Putting Northern Kentucky on the Map"



Boone County GIS

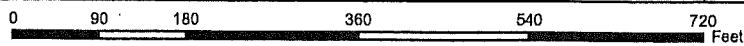
# FUTURE LAND USE MAP

www.boonecountygis.com



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1 inch = 200 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS



COPY

CLUR #13-FBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Alpha Omega Industries  
11 Lendale Drive  
Florence, KY 41042

2. ADDRESS OF PROPERTY

11 Lendale Drive  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 996

PAGE NO. 297

GROUP NO. 2039

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

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

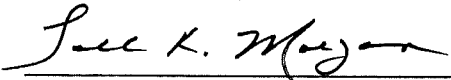
Subdivision Plat  
(Not Recorded)

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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

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 18<sup>th</sup> day of April, 2013.



Vicki L. Myers

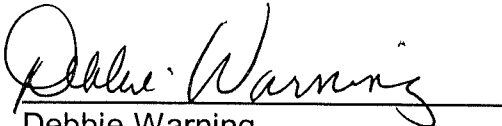
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie Warning

Boone County Planning Commission

2950 Washington Street, Room 317

P.O. Box 958

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 Florence Board of Adjustments and in accordance with the current zoning in effect as of April 10, 2013 Certificate of Land Use Restriction (#13-FBOA-002-A), for Alpha Omega Industries, Property Owner(s).

The following conditions will apply:

1. The outside storage area behind the building shall be eliminated or be brought into compliance with the Boone County Zoning Regulations. The storage of refuse, motor vehicle parts, scrap metal, old oil drums, machinery, etc. for a period of more than 30 days constitutes a junkyard per the Boone County Zoning Regulations.
2. The business shall not be run as a junkyard or cause any other business to be classified as a junkyard per the Boone County Zoning Regulations.
3. The front and northeastern parking lots shall be striped and all vehicles parked there shall be located in striped parking stalls. Vehicle parking can also occur in the shared gravel lot to the southwest of the building or inside the building.

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

DEED BOOK 996

PAGE NO. 297

GROUP NO. 2039