

APPLICATION FORM

13-FBOA-003-A

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name Robert J. Brown
Applicant's Address 1967 Sarah Lane
City Burlington Ky State Zip 41005
4. Phone Number (859) 586-6989 Fax No. N/A E-Mail general@ncfuse.net
Description of Request: conditional use permit for the repair of automotive vehicle
5. Name of Development Michael's Garage
6. Location of Development 7401 Dixie Hwy
Florence, Ky
7. Acreage Under Review property is approximately 120 sq. ft / 1/3 acre
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot #1 Scott Subdivision on Shenandoah Dr
9. Owner of Property Robert J & Barbara A Brown
Address of Property Owner 1967 Sarah Lane
10. Burlington Ky State Zip 41005
Phone Number (859) 586-6989 Fax No. N/A E-Mail general@ncfuse.net
11. Proposed Use(s) on Site Automotive repair
12. Total Square Footage of Existing and/or Proposed Buildings 3,328 sq ft
13. Current Zoning on Property C-2
14. Deed Book 365 Page No. 51 Group No. 2043A
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.

ORIGINAL Property Owner's Signature: Robert J. Brown
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Robert J. Brown
(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 3-19-13 Fee Received \$1082.00 Receipt # 66484
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 FBOA Meeting
MINUTES + 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 - 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: Robert J. Brown

LOCATION: 7401 Dixie Highway, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: April 10, 2013

PROPOSAL

The applicant/property owner has submitted a Conditional Use Permit application to allow the property to be converted from a tool rental business to an automotive repair facility. Michael's Garage will be leasing the property and will potentially be purchasing it in the future. Michael's Garage has submitted a letter outlining their proposed hours of operation and the types of repairs they will be performing in the building (see attachments).

SITE HISTORY

The property has been used as tool rental business since the 1970s.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

Article 10, Section 1023 of the Boone County Zoning Regulations lists automotive repair facilities and wash services for vehicles as Conditional Uses within the Commercial Two (C-2) 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 & 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 lists an automotive repair facility as a Conditional Use 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.

Article 31, Section 3199 of the Boone County Zoning Regulations states that properties zoned commercial, office and industrial use in the following corridors are subject to design standards.

- A. Turfway Road (I-75 to U.S. 42/U.S. 25 intersection)
- B. U.S. 25/U.S. 42 (County line to east boundary of Parkway Overlay District at Russell Street intersection)
- C. U.S. 25 (Main Street to Industrial Road)
- D. KY 18 (Turfway Road to I-75)

The following design standards apply to all building improvements:

- 1) **Building Massing** - All new building construction shall be of similar scale and massing to the mode of the buildings on the street. Multi-tenant structures which have individual, separate exterior entrances for different tenant spaces are to be designed to reflect individual buildings. If necessary, the use of projecting or recessed sections to reduce bulk sizes shall be used to avoid a continuous building line over 100 feet. All buildings shall be designed to have a pedestrian focus through the use of awnings, canopies, storefront windows, oversized doorways, etc. This includes adequate spacing for pedestrian entrances and safety.
- 2) **Architectural Style and Detail** - New construction of buildings or building additions may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, thus respecting building scale, proportion, character and materials. The use of special architectural elements such as but not limited to towers, turrets and corner cut-offs are to be used at major street corners to accent structures.

- 3) **Primary Entrances** - The primary entrance of a building shall be easily identifiable and face the primary street. Doors and entry ways shall follow traditional storefront design (a frame with differentiating infill material, usually recessed with an awning or overhand) and shall be compatible with the architectural style of the building.
- 4) **Windows** - The front elevation of commercial and office buildings shall provide a minimum of 60% and a maximum of 85% window transparency. The front building elevation and those facing a public road shall include windows.
- 5) **Roofs** - Roofs on primary and accessory buildings shall be pitched with overhanging eaves or be flat with articulated parapets and cornices. Roof materials shall be dimensional shingles or metal formed to resemble standing seams. If the roof is pitched, then the use of fascias, dormers and gables is encouraged to provide visual interest. Dormers should only be utilized for when they will provide windows for interior occupied space and not as non-functional adornment.. Mansard and gambrel roofs are prohibited.
- 6) **Awnings** - Awnings may be constructed from heavy canvas, matte finish vinyl or fabric. A minimum 8' vertical clearance between the sidewalk and the lowest part of the awning shall be maintained. The color of the awning shall be an accent or complementary to the basic color of the building and shall not be illuminated. Sign copy on awnings is addressed in Article 34.
- 7) **Building Materials** - Exterior wall materials shall include stucco/EIFS, architectural grade CMU, stone, brick or precast concrete. Metal buildings are prohibited. It is recommended that no more than 50% of the front and side of a building facing a street shall be made of stucco/EIFS. Concrete block materials may only be used on the rear portion of a building. Vinyl or fiber cement siding, which resemble traditional wood siding materials can be used but not to exceed 30% of the total amount of building materials used. Metal and vinyl materials may be used for incidental elements such as fascias and soffits.
- 8) **Building Lighting** - Building lighting shall be provided for security and pedestrian safety. Building lighting shall be limited to architectural grade fixtures.
- 9) **Building Color** - Building colors shall be low reflective, subtle, natural, neutral or earth tones. The earth tones include shades of red, brown, gray and subtle shades of green and blue. The use of high-intensity, bright (sharp contrast) or metallic color shall be prohibited, unless it is used for trim purposes.
- 10) **Loading Areas/Docks** - Loading areas/docks shall be incorporated into the overall design of the building so that the visual and acoustical impacts are contained. Screening should be accomplished by wing walls, which match the design and materials of the principal building or dense vegetation.
- 11) **Mechanical Equipment** - All mechanical equipment shall be screened, either with landscaping or a parapet wall designed to be compatible with the existing or proposed building material. This includes roof top and ground-mounted mechanical equipment.
- 12) **Building Signage** - Building signage shall be incorporated into the architectural design and the selection of building materials. Internally lit box cabinet signs are prohibited and individual channel letters are acceptable signs and channel letters are prohibited.

Application and Action

Specific, individual requirements in this section may be modified by the Zoning Administrator provided in the form of a written proposal will create an equivalent or superior solution to the requirement in question, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.

For additions or exterior modifications to existing buildings, these design requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design which may be used as examples are available from the Planning Commission.

As part of the Site Plan Review process, each applicant shall submit architectural drawings showing building materials, dimensions and elevations based upon the above design standards. The Boone County Planning Commission staff shall review and take action on the submitted design drawings. Any applicant can appeal the decision of the staff to the full Planning Commission within two weeks of the decision for final action.

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 and vehicle inspections.

Article 40, Section 4000 of the Boone County Zoning Regulations defines a junk yard 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.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Commercial" and "Suburban Residential" uses. These designations are defined as follows:

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

The following Goals & Objectives from the 2005 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: Shenandoah Drive and Counseling & Diagnostic Center (C-2)

South: Residential Dwelling (SR-2)

East: Single-Family Dwelling Fronting on Shenandoah Drive (C-2)

West: Dixie Highway and Single-Family Dwellings (SR-2)

SITE CHARACTERISTICS

The approximate 0.33 acre site is located on the southeast corner of the Dixie Highway/Shenandoah Drive intersection. The property contains an approximate 3,300 square foot building, which is constructed with metal siding and roofing, and a billboard located near the southwest property corner. The building has four garage bays and an attached awning, which extends out towards Dixie Highway. Access to the property is provided from two curb cuts located on Dixie Highway. The parking lot is mostly concrete except for a small area that is graveled near the northeast property corner. Some of the parking lot is located in the Shenandoah Drive right-of-way and wheel blocks have been installed to keep motorists or customers from accessing the parking lot from the street. The only landscaping on site is a hedge row between the rear of the building and the adjoining household to the east.

STAFF COMMENTS

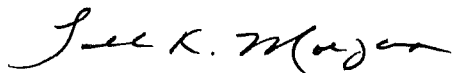
1. Staff has the following questions for the property owner or tenant:
 - A. Could tow trucks be kept on site?
 - B. Would vehicle impounding be part of the business operation?
 - C. Would any vehicle accessories (tires, fluids, etc.) be displayed outside during business hours?
 - D. Are any outside storage areas (tires, etc.) or trash dumpsters being proposed?
 - E. Is any additional exterior lighting being proposed?
 - F. Could the billboard be removed from the property?
2. Staff has the following recommendations if the request is approved:
 - A. The hours of operation shall be limited as follows:
 - Monday - Friday 8 AM - 6 PM
 - Saturday - 8 AM - 2 PM
 - Sunday - Closed for business.
 - B. No auto body or paint work shall be performed on site.

- C. The facility shall only repair automobiles and light trucks.
- D. No vehicle repairs shall be made in the parking lot.
- E. Vehicle impounding shall be prohibited.
- F. Tow trucks shall be stored inside the building.
- G. No vehicle shall be stored in the parking lot for more than fourteen days.
- H. No vehicle shall be stored outside on blocks or in any disassembled state.
- I. Outside display or storage of car parts or accessories is prohibited.
- J. The following driveway/circulation improvements shall be made:
 - The gravel area in the rear parking lot shall be improved with concrete so it matches the rest of the parking lot.
 - The parking lot shall be striped per the Boone County Zoning Regulations.
 - The portion of the parking lot in the Shenandoah Drive right-of-way shall be removed and planted with grass per Florence Public Services specifications.
- K. Customer and employee parking shall occur in striped stalls or garage bays only.
- L. Any proposed building mounted signage shall comply with Section 3199 of the Boone County Zoning Regulations.
- M. Removal of the billboard (if the property owner is agreeable).

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the 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
- *2012 Aerial Map
- *Letter From Michael Vaniglia
- *Zoning Map
- *2035 Future Land Use Map
- *Application

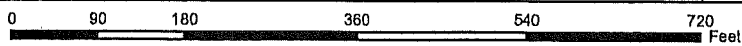
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 200 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



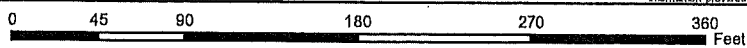
2012 AERIAL MAP

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1 inch = 100 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS

MICHAEL VANIGLIA

MICHAEL'S GARAGE (859) 918-1451

- HOURS OPERATION

- MONDAY - FRIDAY 8AM - 6PM
- SATURDAY 8AM - 2PM

- TYPES OF AUTO REPAIRS

- GENERAL, OIL CHANGES, BRAKES, SHOCKS, BELTS, HOSES
- TRANSMISSION REPAIR
- TIRES
- ALL REPAIRS TO BE MADE INSIDE BUILDING.

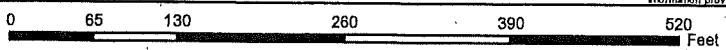
ZONING MAP

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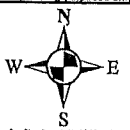
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1 inch = 150 feet

Boone County GIS

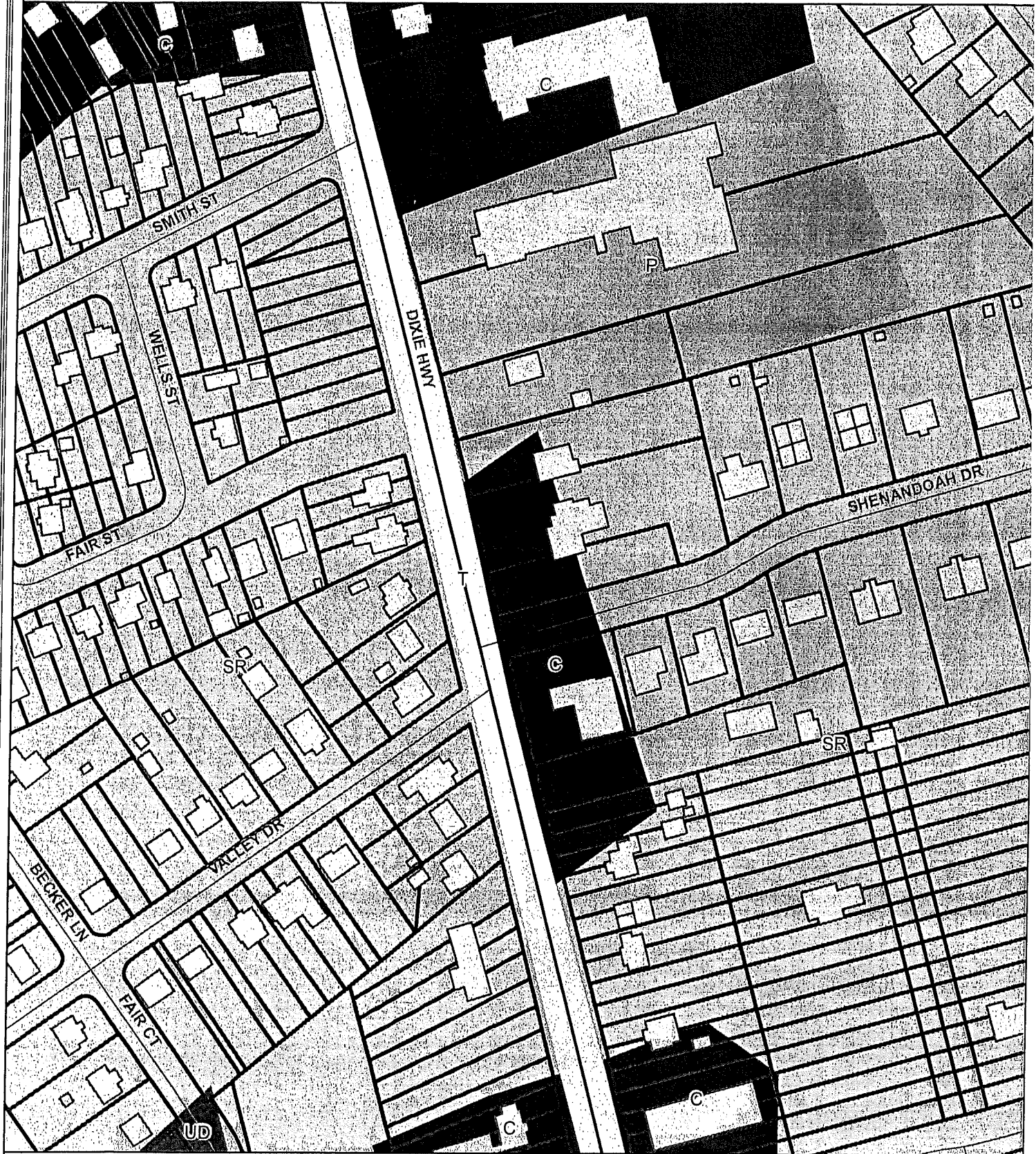
"Putting Northern Kentucky on the Map"



Map Date: 12/15/2011 10:53:00 AM

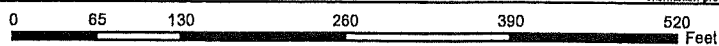
2035 FUTURE LAND USE MAP

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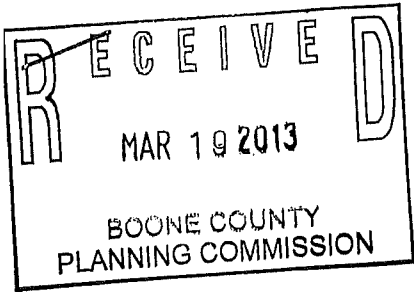
1 inch = 150 feet

Boone County GIS

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Map & Photo Provided by Boone County GIS



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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(Check One)

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(Check One)

2. [x] Conditional Use Permit [] Variance [] Appeal []

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6. Location of Development 7401 Dixie Hwy
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8. Lot Number and Name of Subdivision (if part of a subdivision) Lot #1 Scott Subdivision on Shenandoah Dr

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Address of Property Owner 1967 Sarah Lane
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12. Total Square Footage of Existing and/or Proposed Buildings 3,328 sq ft

13. Current Zoning on Property C-2

14. Deed Book 365 Page No. 51 Group No. 2043A

15. Is the site subject to a zone change? NO

16. If yes, give date of approval

17. Have you submitted a Site Plan with this request? yes

18. Have you submitted a list of adjoining property owners with this request? yes

ORIGINAL Property Owner's Signature: Robert J. Brown

ORIGINAL Applicant's Signature: Robert J. Brown

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 15TH day of April, 2013.



Vicki L. Myers

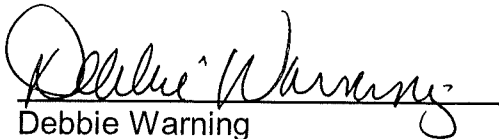
Notary ID 438411

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-003-A), for Robert J. & Barbara A. Brown, Property Owner(s).

The following conditions will apply:

1. The hours of operation shall be limited as follows:
 - Monday - Friday 8 AM - 6 PM
 - Saturday - 8 AM - 2 PM
 - Sunday - Closed for business
2. No auto body or paint work shall be performed on site.
3. The facility shall only repair automobiles and light trucks.
4. No vehicle repairs shall be made in the parking lot.
5. Vehicle impounding shall be prohibited.
6. Tow trucks shall be stored inside the building.
7. No vehicle shall be stored in the parking lot for more than fourteen days.
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10. The following driveway/circulation improvements shall be made:
 - The gravel area in the rear parking lot shall be improved with concrete or blacktop so it matches the rest of the parking lot.
 - The portion of the parking lot in the Shenandoah Drive right-of-way shall be removed and planted with grass per Florence Public Services specifications.

11. Customer and employee parking shall occur in striped stalls or garage bays only.
12. Any proposed building mounted signage shall comply with Section 3199 of the Boone County Zoning Regulations.
13. The existing landscape buffer behind the building shall be maintained.
14. No access points shall be permitted on Shenandoah Drive.
15. Any proposed exterior lighting fixtures shall not be oriented towards residential property lines.

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

DEED BOOK 365

PAGE NO. 51

GROUP NO. 2043A