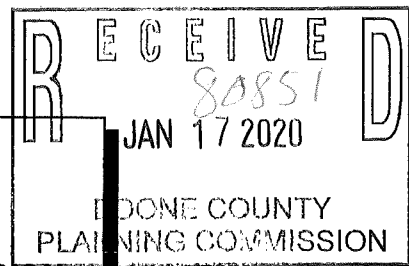


APPLICATION FORM



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name Tim Baeten Ryan Baeten
Applicant's Address 4082 Woodgate Ct. 3870 Timberlake Ave, Apt 3
Burlington, Ky 41005 Erlanger, Ky 41018
City State Zip
Phone Number 859-393-1871 Fax No. E-Mail
4. Description of Request: Conditional use permit for zoning to allow a window tinting business for automobiles and light trucks
5. Name of Development
6. Location of Development 7130 Price Pk. Florence, Ky 41042
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property PFLP, LLC
Address of Property Owner 7450 Industrial Road, Florence, Ky 41042
10. City State Zip
Phone Number 859-525-0887 Fax No. 859-525-0189 E-Mail hans@hollandgroup.us.com
11. Proposed Use(s) on Site Window Tinting Company
12. Total Square Footage of Existing and/or Proposed Buildings 1095 total (office/garage = 831' common area = 264')
13. Current Zoning on Property C-2
14. Deed Book 896 Page No. 500 Group No. 20413
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request?
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: [Signature]
(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 1-17-20 Fee Received \$1,116.⁰⁰ Receipt # 80851
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2/12/20 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 2/12/20 FBOA Meeting
MINUTES AND CLUR
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: Tim and Ryan Baeten
LOCATION: 7130 Price Pike, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: February 12, 2020

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a window tinting business to occupy the former All State Claim Service garage bays and tenant space. The approximate 0.35 acre site is located at 7130 Price Pike, Florence, Kentucky and is zoned Commercial Two (C-2).

PERTINENT SITE HISTORY

On March 1, 1989, the Boone County Planning Commission approved a Site Plan application allowing a single-family residential dwelling to be converted into a hair salon.

On May 9, 2007, the Florence Board of Adjustment approved a Conditional Use Permit allowing an insurance office to construct a two-bay garage addition onto the building for claims inspections. Ten (10) conditions were imposed on the approval (see attached meeting minutes).

On January 3, 2008, Boone County Planning Commission approved a Major Site Plan application allowing a two-bay garage addition to be added onto the existing building. The submitted application shows the existing building was 1,051 square feet and the addition was 780 square feet.

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 uses permits as specified by the zoning order.

Section 1023 of the Boone County Zoning Regulations permits automotive repair facilities and vehicle wash services as Conditional Uses in the Commercial Two (C-2) district.

The Board needs to evaluate the 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;

- B. "Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe access and adequate parking" (Economy, Objective).

SURROUNDING LAND USES & ZONING

- Northeast: Girard Street, Undeveloped Parcel, Barbershop (C-2)
- Northwest: KY 18, Boone County High School (PF/PO) and Strip Center (C-2/PD/PO)
- Southeast: Price Pike, Care Net (C-2), and Single-Family Dwelling on Price Pike (SR-1)
- Southwest: Commercial/Office Building Owned by Seven Hills Church

SITE CHARACTERISTICS

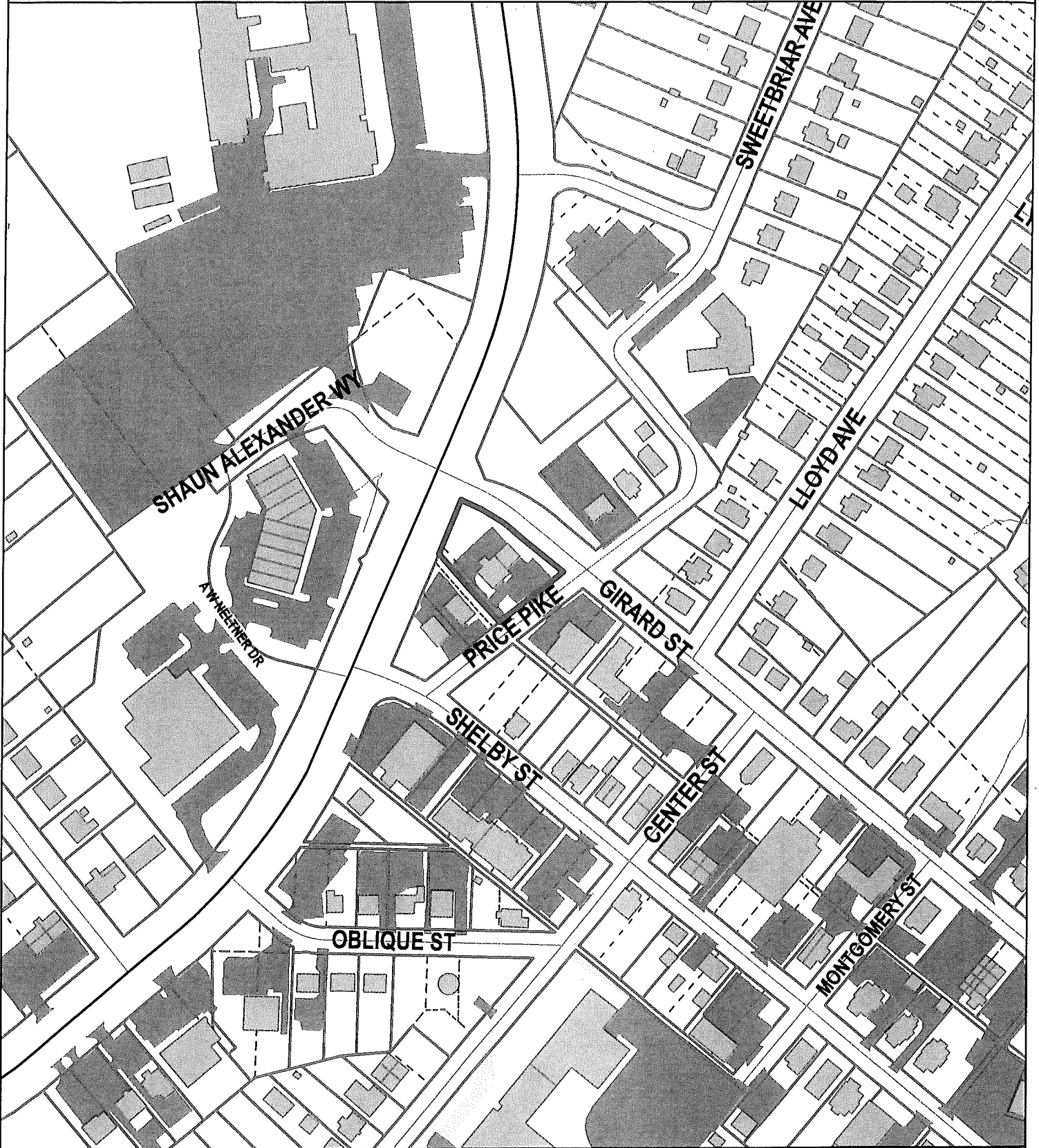
The approximate 0.35 acre site has road frontage on Price Pike, KY 18, and Girard Street. The property contains a one-story building, which is approximately 1,831 square feet in area. The building contains two garage bays, which were added onto the building in 2008. Access to the property is provided from two access points on Price Pike. The first driveway ties directly into the front parking lot and the second ties into the rear parking lot. The 2008 Site Plan showed nine parking spaces on site (5 in the front parking lot and 4 in the rear). Deciduous trees are located along the KY 18, Price Pike, and Girard Street frontages. A pole sign exits along the KY 18 frontage.

STAFF COMMENTS

1. Staff would like the applicants to address the following questions:
 - A. Are all tinting services scheduled?
 - B. What are the proposed business hours?
 - C. Are any improvements proposed to the building exterior?
 - D. Will any equipment/tools be stored outside?
 - E. Could any vehicles stay on-site overnight? If so, would these vehicles be stored in the parking lot or inside the garage bays?
 - F. Are vehicle tinting services limited to automobiles and light trucks?
 - G. The submitted floor plan shows that 2 other businesses (U-drive and Paragon) are located in the building. Can these businesses be described?
2. Staff recommends that the following conditions should be imposed if the Board approves the request:

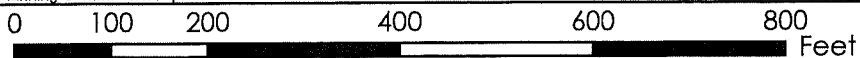
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



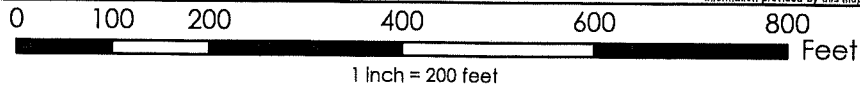
ZONING MAP

www.boonecountygis.com



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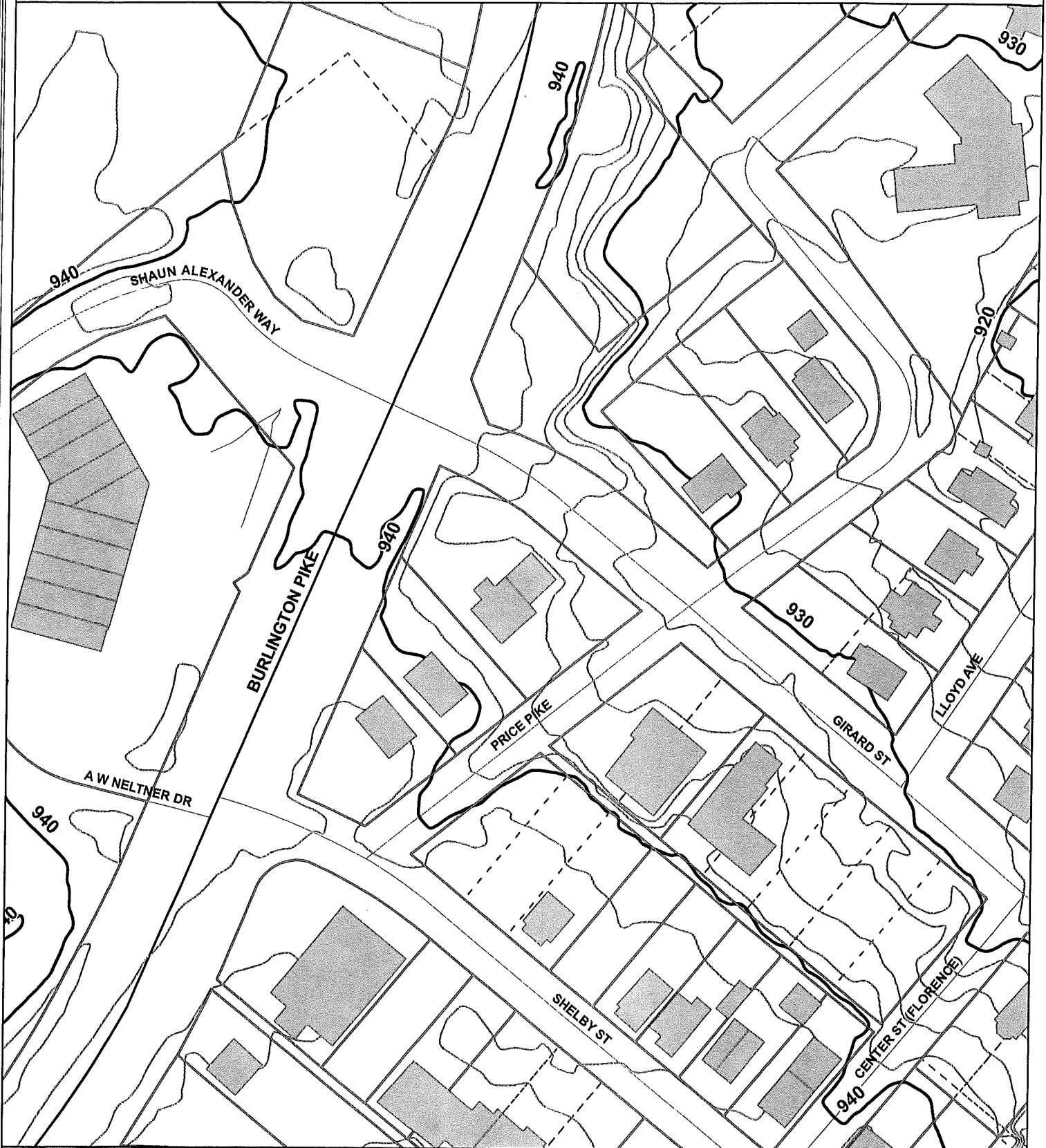
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap (fbo).mxd

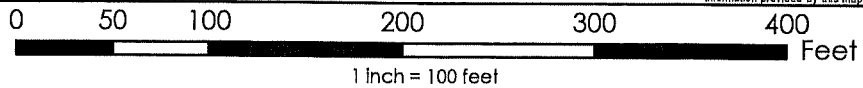
TOPOGRAPHICAL MAP

www.boonecountygis.com



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Boone County GIS - Putting



Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap (lite).mxd

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE CITY BUILDING
BUSINESS MEETING**

**May 9, 2007
7:00 P.M.**

Ms. Evans, Vice Chair, called the meeting to order at 7:25 PM.

BOARD MEMBERS PRESENT:

Ms. Evans – Vice Chair
Mrs. Schaffer
Mr. Schneider
Mr. Sparks - Secretary/Treasurer

BOARD MEMBER NOT PRESENT:

Mr. Pieper – Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Ms. Evans stated that the Board members received copies of the Minutes of the Florence Board of Adjustment Meeting of April 11, 2007. She asked if there were any comments or corrections. There being no changes to the minutes, Mr. Schneider moved that they be approved as mailed. Mr. Sparks seconded the motion. A vote on the motion found all voting members in favor. Mrs. Schaffer abstained. The motion carried.

Agenda Item:

1. **The request of Michael Zimmerman for a Conditional Use Permit to allow an insurance office to construct a two-bay garage addition that will be used for claim inspections. The site is located at 7130 Price Pike, Florence, Kentucky. The property is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

Ms. Evans asked for the applicant's presentation.

out. There will be no tools in the bays - they will look at dents and look under the car and then settle with the person and right a check. They are just vehicles with lesser damage. Vehicles that have to be towed would go to the body shop. The Claims Office will serve about 300 cars a year. Mrs. Schaffer asked if they could have one bay instead of two. Mr. Zimmerman responded that Allstate wants the two bays. He will lease the site to Allstate. Mrs. Schaffer questioned overnight storage of vehicles. Mr. Zimmerman responded that they may leave a vehicle inside, but there would not be overnight outside storage. Mrs. Schaffer questioned why one bay would not be enough if they only serve 300 cars a year. Mr. Zimmerman responded that there could be a vehicle stored inside and Allstate wants two bays.

Mrs. Schaffer questioned the parking requirements. Mr. Morgan responded that if it was all office, the requirement would be one parking space for every 250 square feet of office and two spaces per garage bay. Mrs. Schaffer noted that the plan shows a "future office plan" with an extension out the back of the building. Mr. Morgan responded that it is not part of the request at this time. Mrs. Schaffer questioned how far the additional concrete pad would be from the right-of-way of Girard Street and KY 18. Mr. Morgan responded that the required building setback is 25 feet and the required landscape buffer is 10-feet and they meet the requirements.

Mrs. Schaffer questioned what the garage doors will look like. Mr. Zimmerman responded that they are steel panels and they will be white to match the building if the building is painted white.

In response to questions from Ms. Evans, Mr. Filippo stated that there will be no mechanical work done in the building. People will just pull their cars in and the adjuster will look at the car and write a check. He stated that their current facility is in Crestview Hills, but they want to relocate because no one can find that site. Ms. Evans questioned the hours of operation. Mr. Filippo responded that they are open from 8:30 AM to 5:00 PM Monday through Friday. The current facility is not operating on Saturday. He does not think that this facility will be open on Saturday, but he has not asked Allstate.

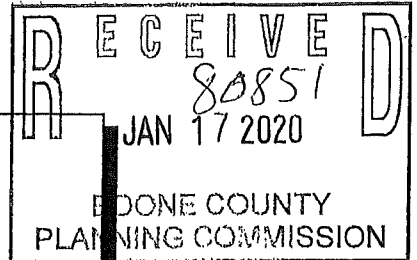
Mrs. Schaffer stated that the two garage doors will be massive. She asked if there will be landscaping to screen the view from Girard Street and KY 18. Mr. Morgan stated that Staff recommends that the perimeter of the site be brought into compliance with the buffer requirements wherever possible. He stated that people will still be able to see the garage doors, but the buffer would help. He stated that this area is evolving into a commercial area. He noted the high school and an auto repair facility nearby. Mr. Filippo stated that the auto/tire repair facility is next to the Allstate office.

Regulations, (3) the southwest property line is to be screened with five small trees per 100 linear feet, (4) the curb cut near KY 18/Girard Street intersection is to be removed per the specifications of the Kentucky Transportation Cabinet, (5) the parking lot is to be striped per Section 3311 of the Boone County Zoning Regulations , (6) the proposed driveway extension is to be at least fourteen feet wide per Section 3323 of the Boone County Zoning Regulations, (7) directional signs are required at both of the Price Pike access points, (8) directional arrows are to be painted in the driveway aisle which connects the front parking lot to the proposed egress point and it is to have a one-way traffic flow, (9) there is to be no overnight parking of vehicles on the site, (10) the roof can be metal and painted a dark blue like the Allstate color (not a royal blue), the exterior of the building is to be non-obtrusive color, and the metal panel garage doors are to be the same color as the exterior of the building. The color scheme can be approved by Staff -- but, if it is questionable, it has to come back in front of the board. Mrs. Schaffer stated that there is an issue with the property line, but they have to meet the 14-foot driveway width requirement and there has to be room for the landscaping. Mr. Sparks seconded the motion and it carried unanimously. (Note – the motion was amended, see Page 6).

Mr. Philipppo expressed concern that if there is an issue with the survey in the area of the driveway, he will not be able to do the expansion. Mr. Morgan stated that he could come back and request a Variance to reduce the width of the one-way drive aisle. Counselor Wilson agreed. Mr. Philipppo asked if they can start building at this time. Mr. Morgan responded that they must first submit a Site Plan showing compliance with the conditions. He stated that he does not know if there is room for the 14-foot driveway and the landscaping until the right-of-way issue is resolved. Counselor Wilson advised that the Board could not grant a dimensional Variance at this time because it was not advertised. He stated that the Board does not have enough information at this time to know if they need a Variance or not, and that will be determined at Site Plan Review. Mr. Morgan stated that they cannot build the garage until they submit a Site Plan that shows conformity with the conditions. Once the Site Plan is approved, he will sign off on it and they can then go to the Building Department for a Building Permit. Mr. Sparks was concerned that the applicant was being held up by the right-of-way issue. He stated that even if they cannot use that driveway, vehicles could still pull in and out. Mr. Morgan stated that they cannot proceed with construction until a Site Plan is submitted and approved.

Following discussion, Mr. Schneider suggested that the conditions be amended to state that if the property line allows for the landscaping, then that condition is imposed – but if there is not room there for the landscaping, then that condition is not imposed. Counselor Wilson advised that the condition could be imposed if the space is available. Mr. Morgan questioned the 14-foot driveway. He stated that the driveway is currently about 9 feet wide. Ms. Evans stated that the motion requires the 14-foot driveway and the landscaping.

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Tim Baeten Ryan Baeten
Applicant's Address 4082 Woodgate Ct. 3110 Timberlake Ave, Apt 3
Burlington, Ky 41005 Erlanger, Ky 41018
City State Zip
4. Phone Number 859-393-1871 Fax No. _____ E-Mail _____
Description of Request: Conditional use permit for zoning to allow a window tinting business for automobiles and light trucks
5. Name of Development _____
6. Location of Development 7130 Price Pike Florence, Ky 41042
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property PFLP, LLC
Address of Property Owner 7450 Industrial Road, Florence, Ky 41042
10. City State Zip
Phone Number 859-525-0887 Fax No. 859-525-0689 E-Mail hans@hollandgroup.us.com
11. Proposed Use(s) on Site Window Tinting Company
12. Total Square Footage of Existing and/or Proposed Buildings 1095 total (office/garage = 831; common area = 264)
13. Current Zoning on Property C-2
14. Deed Book 896 Page No. 500 Group No. 2641B
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request?
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: Hans Thibodeau (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: T. Baeten Ryan Baeten (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

PFLP, LLC
7450 Industrial Road
Florence, KY 41042

2. ADDRESS OF PROPERTY

7130 Price Pike
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Tim Baeten

4. DEED BOOK 896

PAGE NO. 500

GROUP NO. 2041B

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

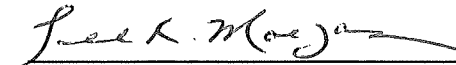
Subdivision Plat
(Not Recorded)

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

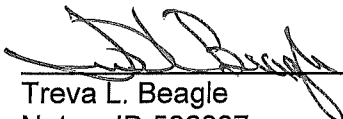
Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

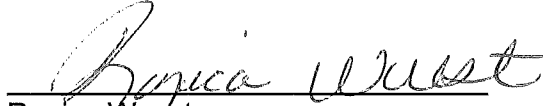
on behalf of the Boone County Planning Commission this 13 day of February, 2020.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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 Adjustment and in accordance with the current zoning in effect as of February 12, 2020 Certificate of Land Use Restriction (#20-FBOA-002-A), for PFLP, LLC, Property Owner(s).

The following conditions will apply:

1. The auto repair facility shall be limited to claim inspections or window tinting.
2. There shall be no outdoor repairs or storage of equipment or tools.
3. The parking lot shall be re-stripped per the 1/3/08 approved Major Site Plan.
4. Vehicles waiting to be repaired shall not be parked in the parking lot overnight. They shall be kept inside one of the two garage bays.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 896

PAGE NO. 500

GROUP NO. 2041B