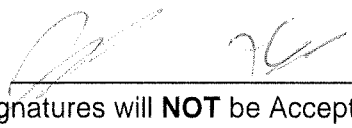




10. Proposed Use(s) on Site: Auto Sales
11. Total Square Footage of Existing and/or Proposed Buildings: 4750 SF
12. Current Zoning: I-1
13. 470 210 2039  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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:**   
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:**  Joshua Honaker  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 1-15-21 Fee Received: \$1,116.<sup>00</sup> Receipt #: 83080

2. Is application complete:

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: 2/10/21

5. Board Action: \_\_\_\_\_

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: SEE 2/10/21 FBOA Meeting  
MINUTES + 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  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

**STAFF REPORT**

APPLICANT: Peach & Cake Auto Sales  
LOCATION: 19 Lendale Drive, Florence, Kentucky  
ZONING: Industrial One (I-1)  
DATE: February 10, 2021

0.81 +/-  
AC

**PROPOSAL**

The applicant is requesting a Conditional Use Permit to allow the sales of used cars and light trucks from the property.

**SITE HISTORY**

On May 9, 2013, the Florence Board of Adjustment approved a variance which allowed Riegler Blacktop to construct two sheds in the 50' rear yard building setback. The submitted plans showed the first shed would be 23' x 45.5' x 18' and the second would be 15' x 33' x 14'. The sheds were shown with a minimum 36' rear yard setback.

The Board imposed a condition which required eight (8) small evergreen trees from Plant List C and twelve (12) large trees evergreen shrubs from Plant List C to be planted in the Pleasant Valley Road right-of-way. The condition required the applicant to evenly divide the landscaping so it screened both of their corner properties at the Pleasant Valley Road/Lendale Drive intersection. The condition was permitted to be voided if KY Transportation Cabinet or a utility company didn't allow the landscaping in their right-of-way or easement. The Planning Commission later received such documentation and the condition was voided.

**APPLICABLE REGULATIONS**

- A. 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, with such additional safeguards as will uphold the intent of the zoning order.
- B. 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.
  1. Findings listed in Section 262 (Findings for all Conditional Uses):
    - a. 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. 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;

- c. Will not be hazardous to existing or future neighboring uses;
  - d. 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;
  - e. 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;
  - f. 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;
  - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
2. Criteria listed in Section 1133 of the Boone County Zoning Regulations (I-1 District):
- a. The activity is provided primarily in support of and obtains its trade from 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. The arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district.
- C. Section 1131 of the Boone County Zoning Regulations identifies “auto repair facilities, repair for tractor trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking as a principally permitted use in the I-1 zoning district.
- D. Section 1133 of the Boone County Zoning Regulations identifies the “retail sales or leasing of new and used motor vehicles” as a conditional use within the I-1 zoning district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 contains a Future Land Use Plan Map which designates the site for “Industrial” uses. This future land use classification is defined as “manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.”

B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Currently accepted and innovative design methods, land use management tools, and coordination among agencies as well as with public infrastructure shall be pursued to produce a healthy, well-designed community that supports residents and businesses (Overall Goal A, Objective 1).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal 4).

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).

### SITE CHARACTERISTICS

The approximate 0.81 acre property is located on the southeast side of Lendale Drive and contains an office/garage building and two sheds. The office/garage is approximately 50' x 100' and is constructed predominately of metal siding. The office portion of the building is two stories and the garage contains four oversized metal garage bays (2 are on the front and two on the rear façade). The front parking lot is surfaced with asphalt and is accessed from two curb cuts on

Lendale Drive. The front parking lot contains 10 parking stalls but no handicapped parking. The rear parking lot is a mix of concrete and asphalt and contains two sheds, overhead utilities, and a wooded hillside. The rear parking lot currently contains no striped parking but vehicles can park in the sheds. Boone County G.I.S. shows the topography of the site falls from 830' above sea level at the rear property line to 800' above sea level at the front property line.

### SURROUNDING LAND USES AND ZONING

North: Lendale Drive and Riegler Blacktop Equipment Storage Lot (I-1)

South: Florence United Methodist Church Fronting on Old Toll Road (UR-1/PD/CD)

East: Homer's Radiator (I-1)

West: Iron Rig Fitness Center (I-1)

### STAFF COMMENTS

1. The applicant did not provide a business description or narrative with the request. Staff would like the applicant to address the following:
  - A. The signs that have been installed for the business indicate that window tinting and auto services will occur on site. Can these auto services be defined?
  - B. What types of vehicle repairs are made on site? Are all repairs made inside the building?
  - C. How much used vehicle inventory could be on site at any given time? *20 to 30*
  - D. Where do these used vehicles come from?
  - E. Will any vehicle parts, fluids, tires, or other accessories be stored outside the building?
  - F. How will the vehicles be displayed for sale on site (paper on windshield, banners, streamers, etc.)?
  - G. How will the two sheds at the back of the property be used?
  - H. What are the proposed hours of business operation?
  - I. How many employees will the business have?
  - J. Will any additional exterior lighting be added to the site?
  - K. Will any freestanding signage be added to the site?
2. One of Staff's biggest concern regarding the request is that there are only 10 striped parking places on site (note - 6 to 7 more could fit in the sheds and 4 more could fit in the garage bays). There could be parking issues depending upon the types of vehicle services that are offered, the number of employees, and the proposed used vehicle inventory. In addition, the first parking space in the front lot needs to be converted to a van accessible handicapped space that complies with Building Code.
3. Staff recommends the following conditions should be considered if the application is approved:
  - A. A condition indicating how much used car inventory can be on-site at any time.

*12*

- OK B. Automobiles, pick-up trucks, and vans are the only types of vehicles that can be sold from the site. Commercial and/or industrial vehicles, recreational vehicles, or equipment shall not be sold.
- OK C. Any vehicle in a disassembled state shall be kept in a completely enclosed structure.
- OK D. All vehicle repairs shall be made in the in a completely enclosed structure.
- OK E. For sale advertisement on any vehicle shall be limited to an 11" x 17" piece of paper.
- OK F. Outside display or storage of car parts or accessories is prohibited.
- Double stacking  
OK G. All vehicle parking shall occur in striped parking stalls, the garage bays, or the sheds. Vehicles shall not be parked in unstriped parking stalls.
- OK H. The front parking lot shall be restriped and contain a van accessible handicapped parking stall. Note – This will require Minor Site Plan approval from Boone County Planning Commission.

CONCLUSION

*Comments From City*

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

Respectfully Submitted,

*Todd K. Morgan*

Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/tlb

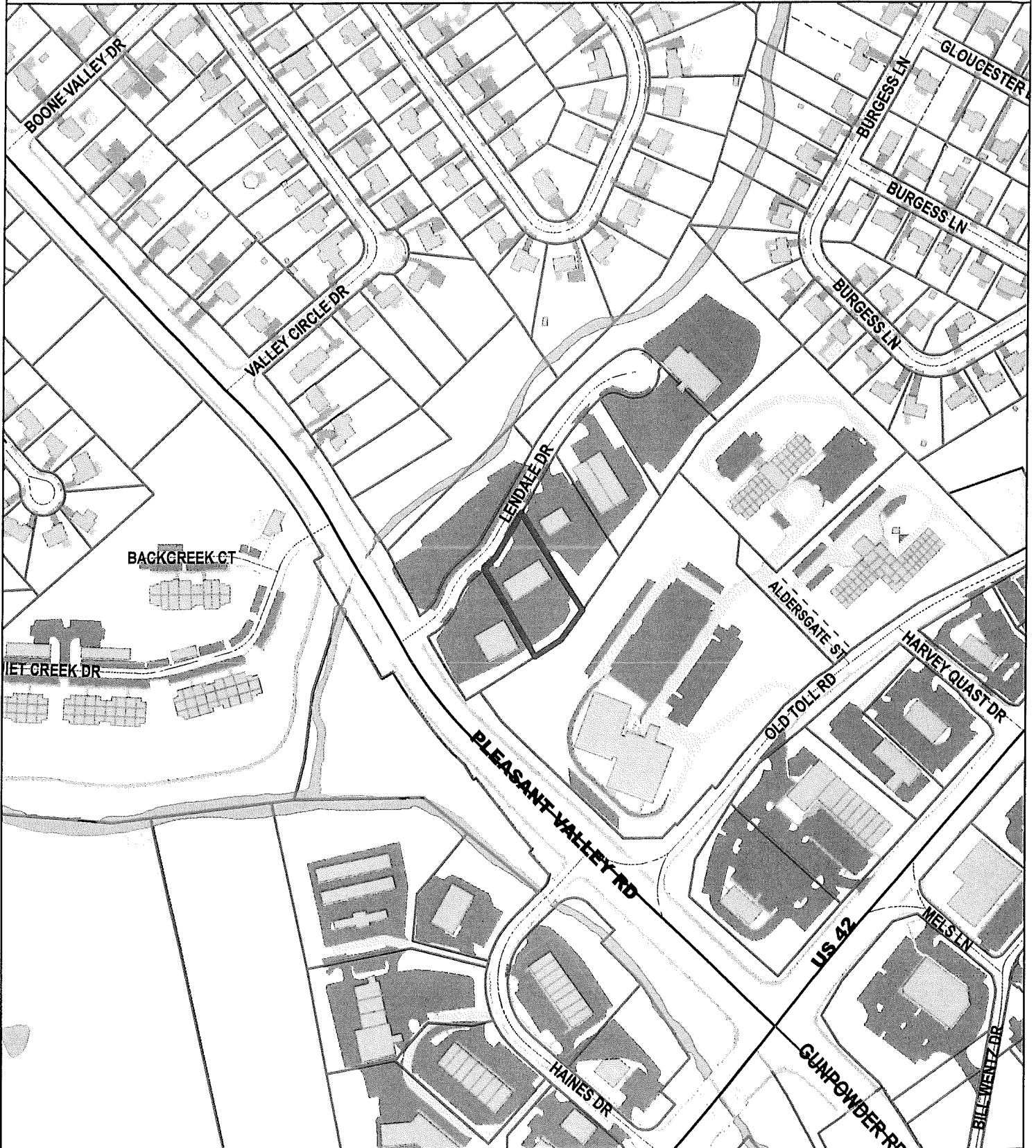
Attachments

- \*Site Vicinity Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*2020 Aerial Map
- \*Topographical Map
- \*Application

*Car repairs  
oil repairs  
Property*

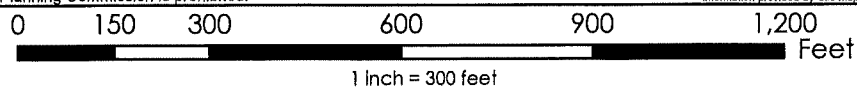
# SITE VICINITY MAP

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Photo Files: # photos by # photo # 1111  
ArcMap Document: \*.mxd

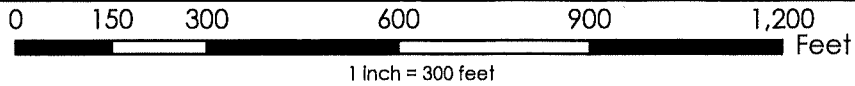
# ZONING MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: x/x/x/2020

Map File: I:\GIS\MapDocs\2020\2020\_03\_23\_2020\_ArchMap Document\_\*.mxd

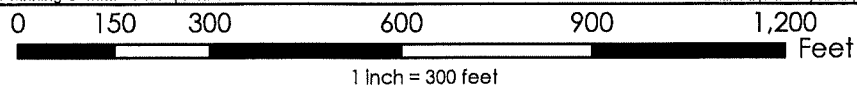
# 2040 FUTURE LAND USE MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Photo Files & Paths by North 2020 11/11  
ArcMap Document: \*.mxd

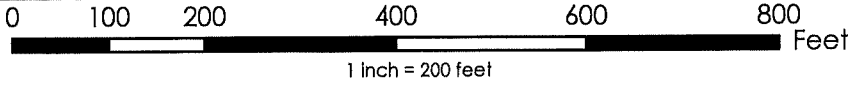
# 2020 AERIAL MAP

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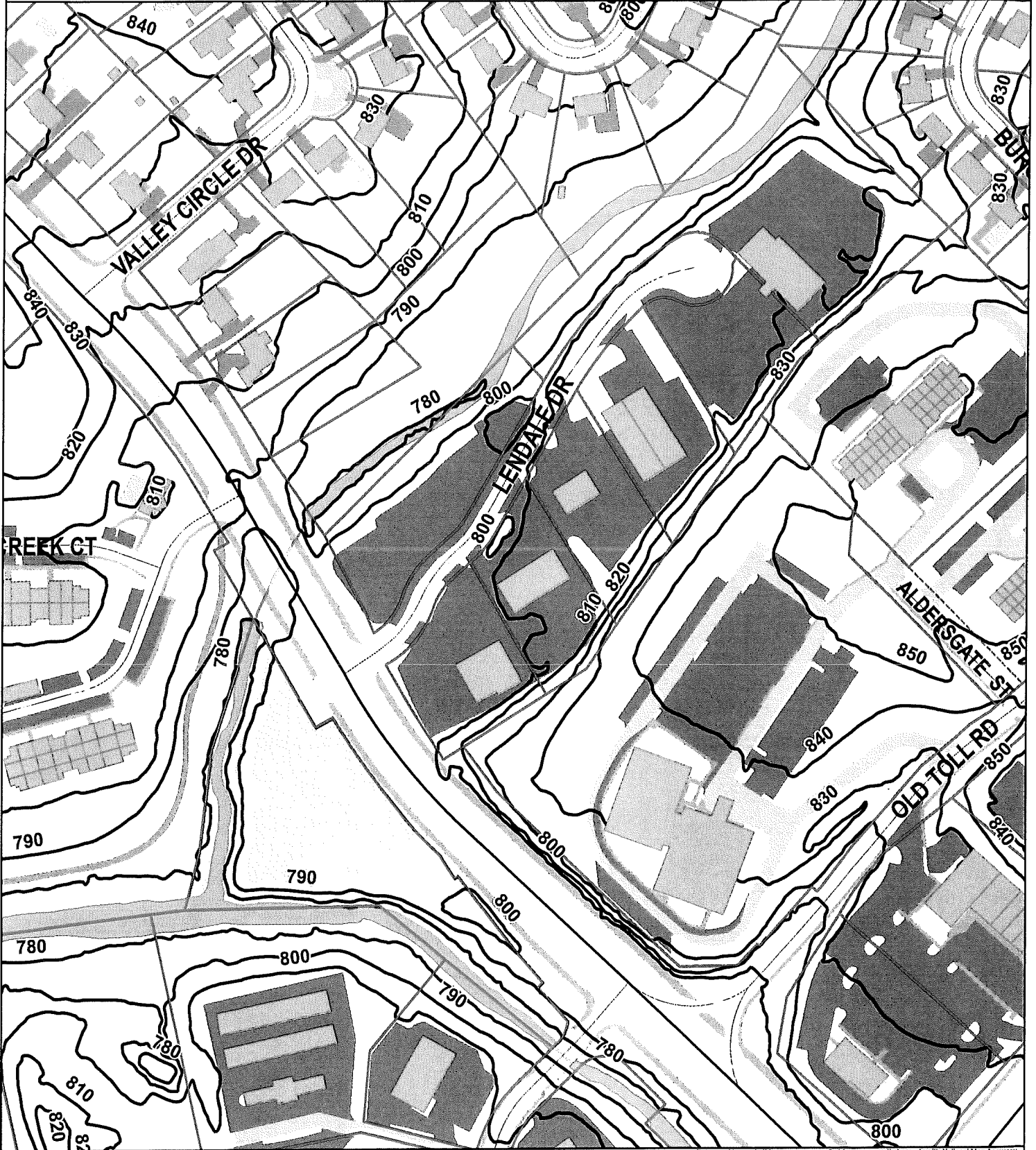
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Small text at the bottom right corner, likely a file path or document name.

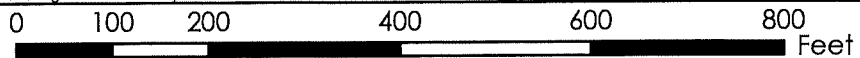
# TOPOGRAPHICAL MAP

www.boonecountygis.com



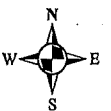
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1 inch = 200 feet

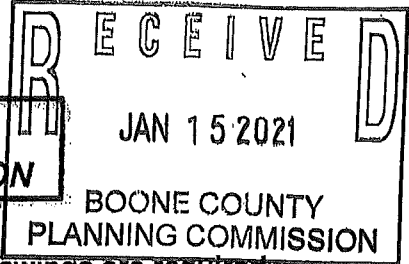
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2020

ArchMap Document: \*.mxd

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

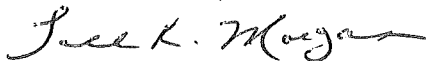
**SECTION A: (To be completed by applicant)**

1. Check One  Boone  Florence  Walton  Union
2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
3. Applicant: Peach and Cake Auto Sales  
Address: 19 Lendale Drive  
Florence Ky 41042  
City State Zip Code  
Phone Number: 859-803-8014 Fax Number: \_\_\_\_\_  
Email: peachandcakeautosales@gmail.com
4. Description of Request: sale of used cars and light trucks
5. Name of Development: Pleasant Valley Industrial Park
6. Location of Development: Corner of Pleasant Valley and Lendale  
Florence Ky 41042  
City State Zip Code
7. Acreage Under Review: .80
8. Lot Number and Name of Subdivision (if part of a subdivision): ~~00000000000000000000~~ Lot 2B Sec 1
9. Current Owner: Len Riegler ~~Blacktop~~ Blacktop  
Address: 165 Weaver Road  
Florence KY 41042  
City State Zip Code  
Phone Number: 859-371-8122 Fax Number: 859-371-8147  
Email: LR@rieglerblacktop.com

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Len Riegler Blacktop  
165 Weaver Road  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
19 Lendale Drive  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Peach and Cake Auto Sales
4. DEED BOOK 470 PAGE NO. 210 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  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

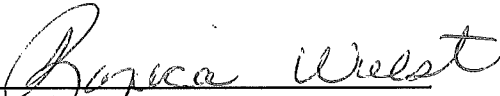
on behalf of the Boone County Planning Commission this 10 day of February, 2021.



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 10, 2021 Certificate of Land Use Restriction (#21-FBOA-003-A), for Len Riegler Blacktop, Property Owner(s).

The following conditions will apply:

1. No more than twelve (12) used vehicles can be for sale on the site at any given time.
2. Automobiles, pick-up trucks, and vans are the only types of vehicles that can be sold from the site. Commercial and/or industrial vehicles, recreational vehicles, or equipment shall not be sold.
3. Any vehicle in a disassembled state shall be kept in a completely enclosed structure.
4. All vehicle repairs shall be made in a completely enclosed structure and all waste fluids shall be stored and disposed of properly.
5. For sale advertisement on any vehicle shall be limited to an 11"x17" piece of paper.
6. Outside display or storage of car parts or accessories is prohibited.
7. All vehicle parking shall occur in striped parking stalls, the garage bays, or the sheds. Double stacked vehicle striping shall only be permitted in the rear parking lot as long as the parking does not obstruct required driveway aisles.
8. The front parking lot shall be restriped and contain a van accessible handicapped parking stall.

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