

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-21-92
2. Fee Received \$ 301.00 R 7420
3. Is application complete? Yes No
4. Staff Reviewer Amey Moore
5. Scheduled Board Action Date June 10, 1992
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: See CLUR
8. Reasons For Disapproval:

STAFF REPORT

#2

DEVELOPMENT: Day Care Center
APPLICANT: Julie Erpenbeck
LOCATION: 8739 U.S. 42, Florence, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: June 10, 1992

REMARKS:

The applicant is seeking a Conditional Use Permit to allow a day care center in an existing single-family dwelling unit. The site is located at 8739 US 42, Florence, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Rose Mary Kahmann.

The Boone County Planning Commission recently approved a Zoning Map Amendment for a five (5) acre tract immediately east of this site. The site was rezoned from SR-1 to Commercial Two (C-2). As part of the approval, a road will be constructed to connect old and new U.S. 42. The existing access to this site is from old U.S. 42. The applicant has proposed that the Conditional Use would instead utilize an access from the proposed road.

Article 9, Section 933 of the Boone County Zoning Regulations lists "Nursery or day care centers" (p. 42) as a permitted Conditional Use.

The Board may consider whether the Conditional Use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order;

The Boone County Comprehensive Plan Future Land Use Map indicates this site to be Suburban Density Residential (SD). SD is defined as "residential uses that do not exceed four dwelling units per acre." (p. 199)

The Land Use Element recommends that commercial development on U.S. 42 should be of a neighborhood scale, and be limited in depth from the road. The element recommends area of local commercial uses in the Farmview Subdivision area, but recommends against the continuous extension of commercial uses from Old Toll Road area past Pleasant Valley Road. (p. 216)

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 area;

The proposed alterations of the site include:

- a. The relocated entrance
 - b. A playground
 - c. The construction of 15 parking spaces in front of the existing structure.
3. Will not be hazardous to existing or future neighboring uses;
 4. Will be adequately served 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 any such services;
 5. Will create excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community;
 6. Will involve uses, activities, process, materials, equipment and conditions of and operation that will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor;
 7. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares.

If the request is approved, the proposed location of the relocated access would be reviewed further during Site Plan Review.

The Board must also consider specific criteria which apply to Conditional Uses in SR-1 zoning districts:

- a. The activity is an integral and subordinate function of a permitted use; or
- b. The activity will not contradict the low density character of the district; and
- c. The arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

STAFF CONCERNS:

1. If the Conditional Use Permit is approved, the applicant will be required to receive Site Plan approval by the Boone County Planning Commission.

2. Access to the site is indicated through another parcel. An agreement with the adjoining property owner will be required to allow this access.
3. Staff is concerned that the proposed curb cut to the site may be located too close to new U.S. 42 and is not coordinated with the anticipated access to the site to the east. The proposed access will be reviewed in greater detail during Site Plan Review.

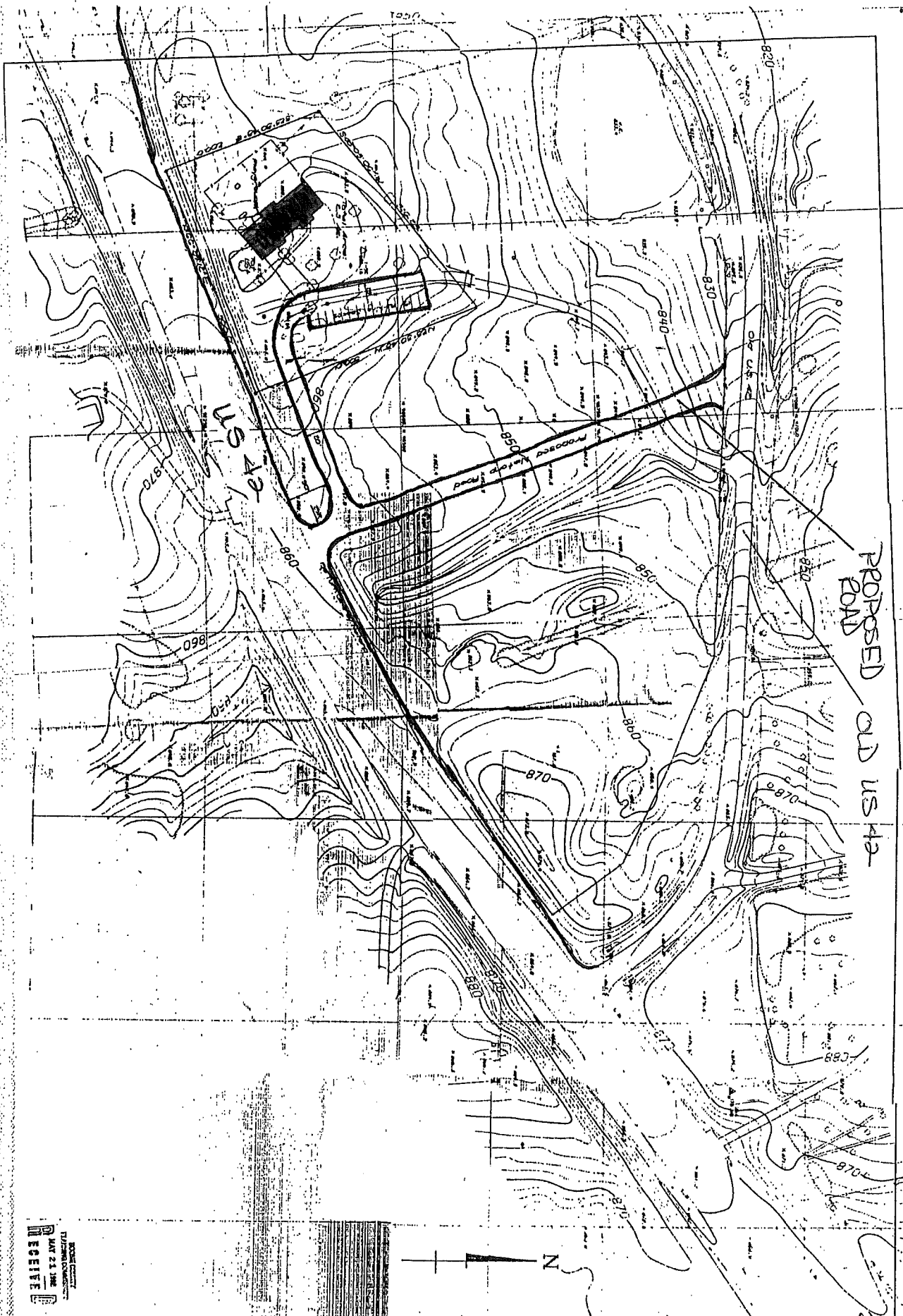
Attached to the Staff Report is a drawing of the site, its existing structure and proposed parking lot.

Respectfully Submitted,



Amy S. Moore
Planner I

Wonder Years Day Care Center - CUP
 June 10, 1992



PROPOSED OLD US 42 ROAD



RECEIVED
 MAY 21 1992
 ENGINEERING DEPARTMENT

SHEET OF SITE PLAN	WONDER YEARS CHILD DEVELOPMENT CENTER FLORENCE BOONE COUNTY KENTUCKY	PRINTED MAY #1 1992	
	OWNER: JULIE ERPENBECK 405 SANDALWOOD COURT EDGEWOOD, KENTUCKY 41017	ENGINEER: RAYMOND ERPENBECK CONSULTING ENGINEERS 4205 DIXIE HIGHWAY ELSMERE, KENTUCKY 41018	

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Rose Mary Kahmann
8720 Vally View Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY

8739 U.S. 42
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Wonder Years Child Development

DEED BOOK: 432

PAGE NO.: 210

GROUP NO.: 2047

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

<input type="checkbox"/>	Zoning Map Amendment from _____ to _____	<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Plan	<input type="checkbox"/>	Conditional Zoning Condition
<input type="checkbox"/>	Subdivision Plat (unrecorded)	<input type="checkbox"/>	Other: (Specify)
<input type="checkbox"/>	Variance		

5. 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

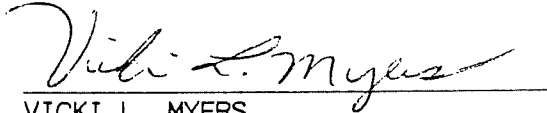
Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner II
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore
on behalf of the Boone County Planning Commission this 10th day
of July, 1992.

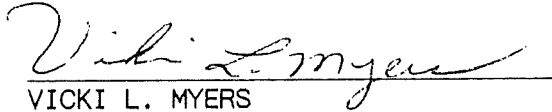


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
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.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 10, 1992, (Certificate of Land Use Restriction # 92-FBOA-005-A), for Rose Mary Kahmann, property owner.

The Conditional Use Permit is approved with the following condition: "Mr. Ashcraft moved that the Conditional Use Permit be granted subject to Site Plan Review and the condition that no after school busing will be permitted and no after school students will be accepted from Board of Education buses until the proposed Natorp's access road, as shown on the drawing, is constructed to public roadway specifications and is school bus accessible."

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 432 PAGE NO. 210 Group No. 2047