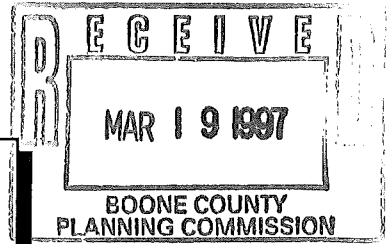


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- (Check One) 1. Boone [ ] Florence [x] Walton [ ] Union [ ] (Check One) 2. [x] Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use 3. Applicant's Name Entire Auto Care, Inc. Phone Number 525-8060 (home) 491-8863 (bus) Fax No. 491-1849 Applicant's Address 7209 Burlington Pike Florence KY 41042 City State Zip 4. Description of Request: Applicant has acquired an option to purchase next door property at 41 Shelby St. and desires to use said property as a drive way and parking lot adjacent to principle business. 5. Name of Development same as above 6. Location of Development same as above 7. Acreage Under Review 32 feet X 129 feet 8. Lot Number and Name of Subdivision (if part of a subdivision) S.W. corner of KY 18 and 41 Shelby St. Florence 9. Owner of Property Elmo Tanner and wife Phone Number of Owner 594-4545 10. Address of Property Owner 128 Center Florence, KY. 41042 City State Zip 11. Proposed Use(s) on Site parking lot and drive way 12. Total Square Footage of Existing and/or Proposed Buildings none 13. Current Zoning on Property C-2 14. Deed Book 126 Page No. 365 Group No. 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, Estes has final drawing 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.

Applicant's Signature: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

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 3/19/97 Fee Received 720.00 R# 12916
2. Is application complete? [Signature] Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 5/14/97
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE MINUTES FROM MAY 14, 1997
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

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

**DEVELOPMENT:** Entire Auto Care, Inc.  
**APPLICANT:** Entire Auto Care, Inc.  
**LOCATION:** 41 Shelby Street, Florence, Kentucky  
**ZONING:** Commercial Two (C-2)  
**DATE:** April 9, 1997

### Location & Proposal

The site is located at 41 Shelby Street, directly behind Entire Auto Care, Inc., which is located at the corner of Shelby Street and Hwy 18. The property is zoned Commercial Two (C-2) and is approximately .13 acres in size, (See Location Map). The applicant is requesting a Conditional Use Permit to allow the expansion of a parking lot and drive way behind the existing Entire Auto Care center. The creation of the parking lot and drive way would enable Entire Auto Care, Inc., the ability to access proposed garage bays on the rear side of the building through an addition that was approved by Site Plan in September of 1996. The Concept Development Plan contains one curb cut along Shelby Street and a parking area with 13 spaces. The dimensions of the parking lot are 123' x 41.5'. The property currently contains a single family residence.

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustments and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted.

Article 2, Section 262 of the Boone County Zoning Regulations outlines the general standards applicable to all Conditional Uses. The Board should consider whether or not, the intended use:

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 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 school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately and such services;
5. Will created 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 involve uses, activities, process, materials, equipment and conditions of operation that will not 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 designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1023 of the Boone County Zoning Regulations permits automotive repair facilities as a Conditional Use in a Commercial Two (C-2) zoning district provided the Board finds the following:

- 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.

#### Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "Commercial" which is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

Surrounding Land Uses and Zoning

North of the site is an Allstate insurance agency, Price Pike and a vacant lot. Directly adjoining the property to the east is a single family residence. Just east of this house is a small office building on the same side of Shelby (south) with three single family residences across the street. South of the site are two businesses, Got A Go Rentals and Ray Cook Tax Service. West of the Site, along Hwy 18 is a single family residence and the existing Entire store. All properties surrounding the applicant's site are within the Commercial Two (C-2) zoning district, (See Zoning Map).

Staff Concerns/Comments

1. It is Staffs' opinion that the proposed expansion of the Entire Auto store is appropriate as a Conditional Use based on the Commercial Two (C-2) zoning classification and the existing surrounding uses. The Board should consider however, that a single family residence would still exist immediately east of the proposed parking lot.
2. The Concept Development Plan, submitted by the applicant, does not contain the minimum side and rear landscaping buffer yards as adopted in Article 36 of the Boone County Zoning Regulations. The 10 foot buffer yards must contain the following landscaping materials per 100 linear feet:  

5 small trees, 3 large, medium, or evergreen trees, (or a combination of), and 30 shrubs.
3. If the Conditional Use Permit is approved by the Board, a Site Plan will have to be reviewed and approved by the Boone County Planning Commission Staff before construction shall occur.

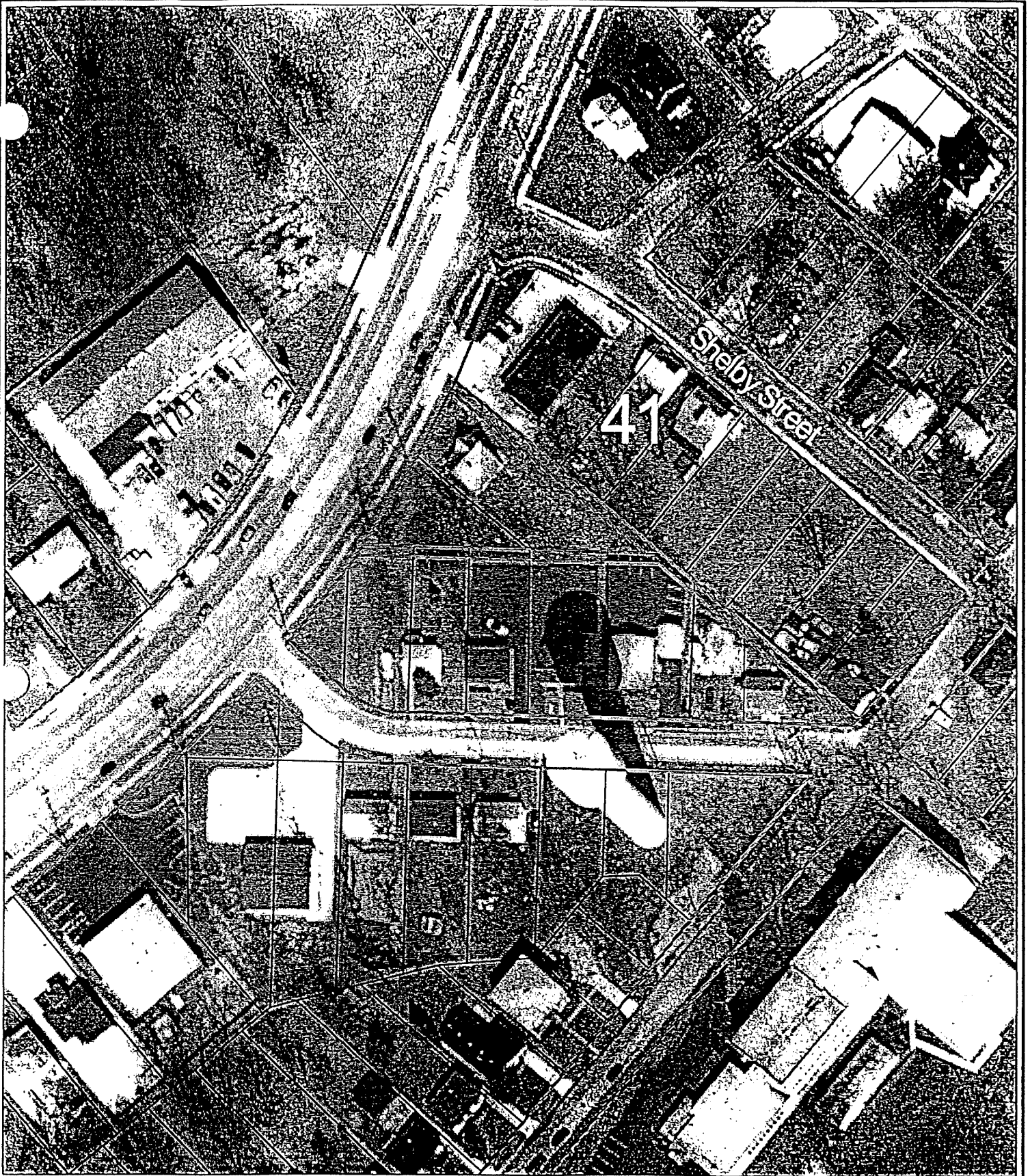
Conclusion

K.R.S. 100.237 gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use to permit the expansion of a parking lot and drive way behind the existing Entire Auto Care center. It is Staff's opinion that the proposed Conditional Use Permit will not adversely affect the Public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully Submitted,

Edward Coleman  
Planner

EC\par



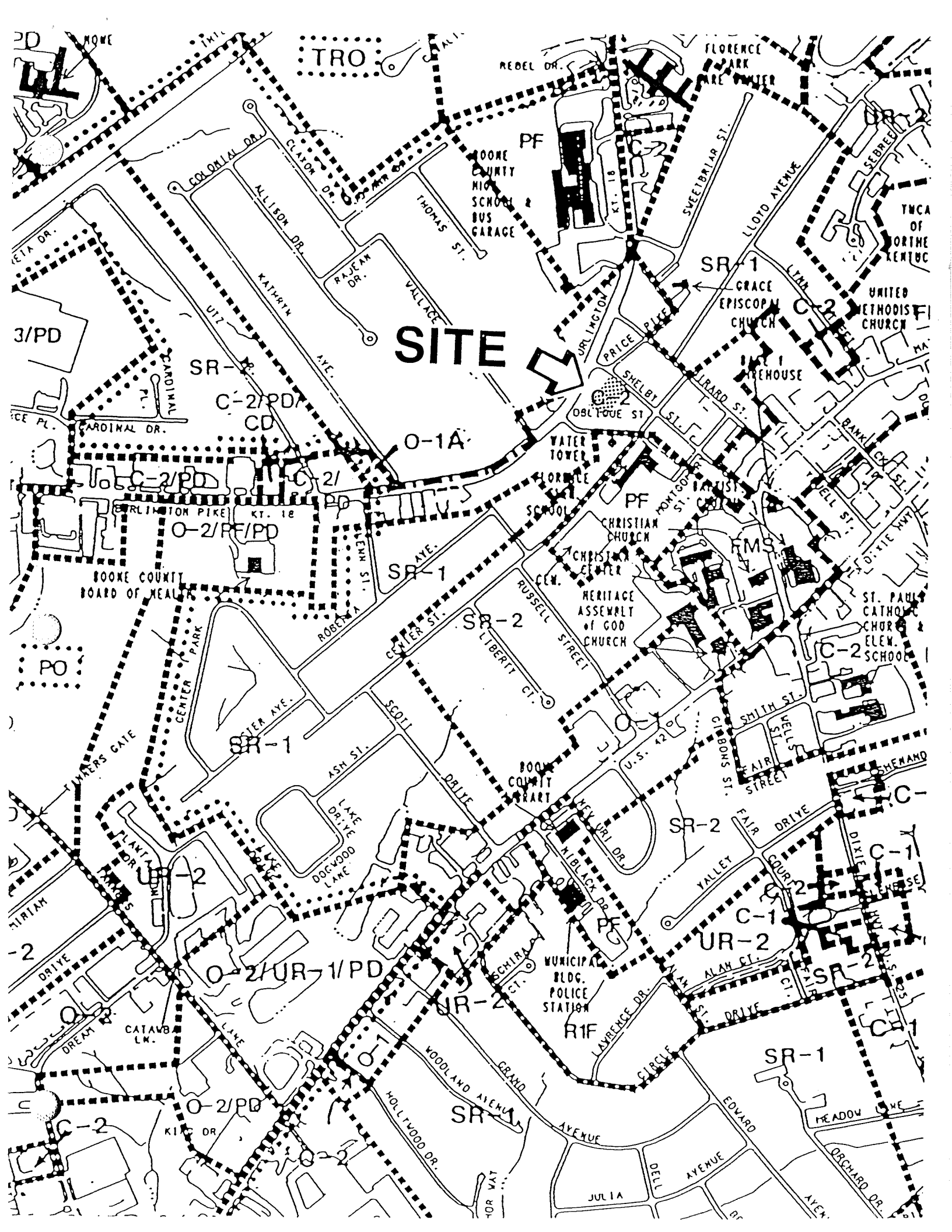
Entire Auto Care, Inc.

100 0 100 Feet

1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 25, 1997







**SITE**

TRO

PF

O-1A

SR-1

SR-2

SR-1

SR-1

C-2/PD  
CD

O-2/PF/PD

SR-1

SR-2

O-2/UR-1/PD

SR-1

UR-2

O-2/PD

SR

SR-1

3/PD

PO

-2

C-2

YMCA OF THE KENTUCKY

UNITED METHODIST CHURCH

ST. PAULS CATHOLIC CHURCH & ELEM. SCHOOL

MUNICIPAL BLDG. POLICE STATION

BOONE COUNTY HIGH SCHOOL BUS GARAGE

GRACE EPISCOPAL CHURCH

CHRISTIAN CHURCH

HERITAGE ASSEMBLY OF GOD CHURCH

BOONE COUNTY BOARD OF HEALTH

CENTER PARK

BOONE COUNTY COURT

CATAMBA LK.

MEADOW LK.

COPY

CLUR # 97-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Elmo Tanner  
128 Center  
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

7209 Burlington Pike  
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Entire Auto Care, Inc.

DEED BOOK: 126

PAGE NO.:365

GROUP NO.:2041 B

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

Zoning Map Amendment: From      to            Conditional Use Permit

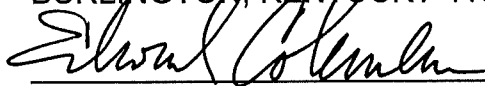
Development Plan       Conditional Zoning

Subdivision Plat (Unrecorded)       Other: Site Plan

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



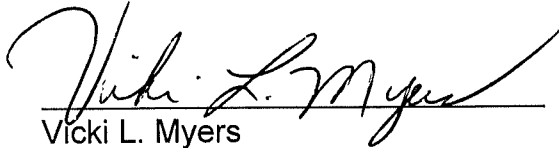
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of  
the Boone County Planning Commission this 9th day of June, 1997.

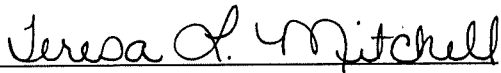


Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell  
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.)

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 May 14, 1997 Certificate of Land Use Restriction (# 97-FBOA-004), for Elmo Tanner, Property Owners

The following conditions will apply: 1). Must meet landscaping through the Site Plan Review. 2). The use is limited to parking facilities and only operational vehicles are permitted to be parked on the property. 3). No work or repairs are to be performed on any cars in the parking lot. 4). Only a dumpster shall be permanently stored on the property. 5). No cars shall be stored in the parking lot for a period greater than 3 days. 6). The parking lot shall have lighting with shields that are directed away from the residential property. 7). The screening between the parking lot and the Craddock property is to be maintained by the applicant (Entire).

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

described in: DEED BOOK 126

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Group No. 2041B