

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: TOM M. HUEY Sr. Owner
 Agent
 Address: 60 BUTTERMILK PIKE
FT. MITCHELL, Ky 41017 Telephone: 341-0936 - 331-3700

Location: CORNER U.S. 42 + HWY 210.0 RD Union, Ky

Name of Property Owner: SAME AS ABOVE

Address of Property Owner: -

Zoning District: UNION Area in Acres: approx 1/4th ACRE

Deed Book: 283/288/277 Page Number: 26/305/296 Group Number: 2047/2047/2056

Description of Request: SEE COPY of Deed

Applicant's Signature: Tom M. Huey Sr

Property Owner's Signature: Tom M. Huey Sr

FOR PLANNING COMMISSION USE ONLY
 Application Fee: \$ 281.00 Date Received: 10/8/87 By: K. Costello

Referred To: _____ Meeting Date: TO BE DETERMINED

Action Taken: CP-87-24 Date of Action: _____

STAFF REPORT

APPLICANT: Tom M. Huey, Sr.

DEVELOPMENT: New parking lot and furniture repair and refinishing.

LOCATION: Northeast and southeast corners of U.S. 42 and Mt. Zion Road, Union, Kentucky.

ZONE: Rural Suburban with a Small Community Overlay (RS/SC)

DATE: November 5, 1987; 6:00 p.m.

REMARKS:

The applicant is requesting a Conditional Use Permit to allow an expanded parking lot and a furniture repair and antique restoration shop. The 0.25 (approximate) acre site, located at and across from 1991 Mt. Zion Road, Union, is zoned Rural Suburban with a Small Community Overlay (RS/SC) and is owned by Tom M. Huey, Sr.

Currently, the building at the southeast corner of U.S. 42 and Mt. Zion Road is being used as a furniture repair/refinishing shop downstairs and as a wood crafting shop upstairs. Both shops have been operating for over a year. The applicant has recently expanded a residential parking area across Mt. Zion Road from these shops to accommodate the commercial traffic. When staff saw this expansion without a Conditional Use Permit, the applicant was notified to obtain the proper permits.

All surrounding properties are zoned RS/SC. The uses of the surrounding land includes:

- North: barber shop and insurance office (owned by Tom Huey)
- South: property owned by Union Baptist Church (used for parking and driveway)
- East: single-family residence (owned by Tom Huey); Union Baptist Church
- West: EZ Stop convenience store; Central Trust Bank

When evaluating Conditional Use Permits, the Board of Adjustment must use seven general standards (see attachment). The following is staff's review of these standards:

1. The 1986 Boone County Comprehensive Plan Land Use Map indicates the future use of these properties to be Commercial, a classification which the text describes as "Retail, Wholesale, Services, Finance, Insurance, Real Estate and other office uses." The text makes the following statements about the Union area:

"This immediate area should also contain some commercial activity to serve the large numbers of future residents. This commercial area should contain local goods and services, and grow independently of the Mall Road/US 42 cluster in Florence. Regional commercial activity should remain in the Mall Road area.

Additional local scale commercial goods and services with some office uses will occur in, and south of, the center of Union. Access management and parking will be crucial issues there because of the location of existing buildings very close to the roadways. Parking facilities should be adequately separated from the roadway and common access points used wherever possible to minimize conflicts."

2. The furniture and wood shop are located in an existing building which has been unchanged for the use. Since this structure has been a part of the Union landscape for many years, its design is appropriate and harmonious with the existing character of the area. Staff believes, however, that the new parking lot could be designed in a way to be more harmonious with the surroundings. In particular, staff believes the loss of greenery for pavement should be compensated with a row of evergreens.
3. The uses will not be hazardous to existing or future neighboring uses.
4. The sites are adequately served by the essential public facilities.
5. Additional requirements at public cost for public facilities will not be created.
6. The shops and parking do not involve uses or activities which will be hazardous to persons, property, or the general welfare.
7. Vehicular approaches to the property will not create an interference with traffic.

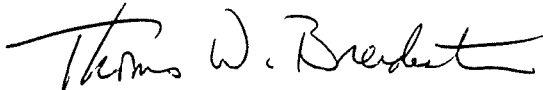
The Board must also consider more specific standards which apply to Conditional Uses in the Small Community (see attachment). The following is staff's review of these criteria:

- a) Staff feels that furniture repair/refinishing and woodworking shops (with their accessory parking lot) are an integral part of Union's functioning as a small community center. The use is not of a scale or nature which detracts from the center of town.

- b) The arrangement of the use is compatible with the organization of permitted uses to be protected.

As touched upon earlier, staff has one concern regarding the use. The northeast corner of Mt. Zion and U.S. 42 has long been a vacant, green lot. With the new parking lot, Union lost some of its greenery. If the permit is granted, staff would suggest, as a condition of approval, that a row of 6-8 foot high evergreens, 10 feet on center, be planted along the western edge of the parking lot. This buffer will soften the visual impact of the paved area and parked cars to the heart of the city.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:mcb

Attachments

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of Articles 6-12 or 16. The Board may consider whether such 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 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 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 public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will 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, 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;

Section 264

Specific Standards Applicable to Conditional Uses in Small Communities

The following uses and appropriate accessories may be permitted subject to the approval and conditions of the Board of Adjustment and Zoning Appeals provided that: a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center; and b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district:

CITY OF UNION
BOARD OF ADJUSTMENT

November 5, 1987 - 6:00 P.M.

Chairwoman Jean Yost called the meeting to order.

BOARD MEMBERS PRESENT

Chairwoman Yost
Mrs. Schubert

BOARD MEMBERS NOT PRESENT

Mr. Sears

LEGAL COUNSEL PRESENT

Mr. Dale T. Wilson

AGENDA ITEM

1. A request of Tom M. Huey, Sr. for a Conditional Use Permit to allow an expanded parking lot and a furniture repair and antique restoration shop. The 0.25 (approximate) acre site, located at and across from 1991 Mt. Zion Road, Union, is zoned Rural Suburban with a Small Community Overlay (RS/SC) and is owned by Tom M. Huey, Sr.

Staff member, Tom Breidenstein, presented the Staff Report (see Staff Report). Mr. Breidenstein explained the reason for the application for this request is the result of the parking lot addition being completed without a permit and was noticed by staff. Mr. Breidenstein further stated that Mr. Huey had been issued a notice of violation for the parking lot and the use of the building for furniture repair and antique restoration without a permit for the past year. Mr. Huey has responded by applying for this Conditional Use Permit.

Mr. Breidenstein stressed the concern of staff that a condition should be placed on the Conditional Use Permit for Mr. Huey to plant a row of 6-8 foot high evergreens, 10 feet on center, along the western edge of the parking lot.

Mr. Breidenstein stated that Mr. Huey has submitted a Site Plan. The Staff Engineer for the Boone County Planning Commission has reviewed the Site Plan and it does meet the minimum requirements of Site Plan Review as required by the Boone County Zoning Regulations.

Chairwoman Yost made the motion the Conditional Use Permit be granted with the condition that the evergreen buffer be planted as stated in the Staff Report, that the buffer be planted in a reasonable amount of time, and that there is no cost to the City of Union for any of this project.

Chairwoman Yost asked if anyone present had any questions or comments regarding this request.

Mrs. Huey questioned whether the buffer had to be evergreen trees. She asked if the buffer could be any kind of shrub or did it specifically have to be evergreen trees?

Mr. Breidenstein stated that evergreens are the standard suggestion of staff for this type of review, however, other suggestions can be made to the Board.

Mr. Tom Huey questioned the visibility onto U.S. 42 if evergreens are placed along the western edge of the parking lot all the way to Mt. Zion Road as requested by Staff. Mr. Huey stated that he does not feel that the buffer is necessary and that it will be very costly but he will not object to placing the buffer.

Mrs. Schubert commented that she is concerned, also, about visibility from Mt. Zion Road onto U.S. 42 and that any tree or shrub planted would need to be along the fence and not down beside Mt. Zion Road.

Mr. Breidenstein clarified that staff is not requesting that the trees be planted all the way to the road. Staff would also expect clear visibility onto U.S. 42.

Mr. Huey inquired how high the trees have to be.

Mr. Breidenstein stated that it is up to the Board. Staff has suggested 6-8 feet, however, 4 foot high screen would be adequate.

Counselor Wilson stated that an amendment could be made to the original motion that the applicant agree to plant a landscape screen of their choice subject to the approval of the Board.

Mrs. Huey questioned if the parking lot had to be blacktopped or could the surface be something on the order of large chipped rock where drainage would still be efficient and a rustic appearance could be maintained.

Mr. Breidenstein stated that the minimum requirement of the Zoning Regulations states that all parking lots must have a hard surface (either pavement or concrete). He further explained that the only places a gravel surface are allowed is in agricultural zones.

Mr. Huey acknowledged that it is a condition that the parking lot be blacktopped or concrete. He stated that the parking will not be concrete due to cost, but that he agrees to blacktop the parking lot.

Chairwoman Yost inquired about the time that should be allowed for planting the buffer.

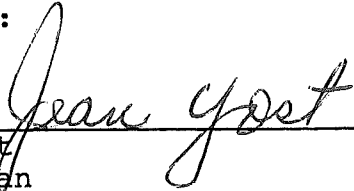
Mr. Breidenstein stated that according to the Zoning Regulations, Mr. Huey would be allowed up to six (6) months for planting and paving.

Chairwoman Yost reinstated the motion that a Conditional Use Permit be granted with the conditions that landscaping plans be submitted to the Board for approval, that the landscaping be planted within the six (6) month time limit, and that there be no cost to the City of Union.

Mrs. Schubert seconded the motion. The request was granted by a unanimous vote.

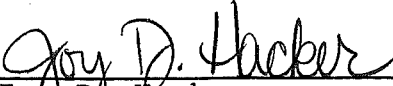
There being no further business, Chairwoman Yost motioned that the meeting be adjourned. Mrs. Schubert seconded the motion. The meeting was adjourned by unanimous consent.

APPROVED:



Jean Yost
Chairwoman

ATTEST:



Joy D. Hacker
Administrative Secretary