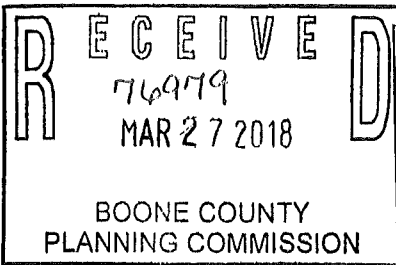


APPLICATION FORM



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 Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name DONALD RAYMOND GODERWIS JR
4. Description of Request USED AUTO SALES UP TO 12 VEHICLES
5. Name of Development DON JRS GARAGE
6. Location of Development 9118 Old Union Rd Union Ky 41091
7. Acreage Under Review 1.92
8. Lot Number and Name of Subdivision
9. Owner of Property DONALD R. GODERWIS JR
10. City State Zip
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property UC
14. Deed Book 801 Page No. 591 Group No. 2046
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
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 3/27/18 Fee Received 1,082.00 Receipt # 76979
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
4/30/18 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 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: Donald Raymond Goderwis, Jr.
LOCATION: 9118 Old Union Road, Union, Kentucky
ZONING: Union Commercial (UC)
DATE: April 30, 2018

PROPOSAL

The applicant is requesting a Conditional Use Permit so used motor vehicles can be sold from Don Jr's Garage. The submitted plan shows that twelve (12) parking stalls in the southern parking lot would be used to store the used motor vehicles that are for sale.

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 2513 of the Boone County Zoning Regulations lists the "sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring the storage of no more than twelve (12) inventory vehicles on the premises" as a Conditional Use in Union Commercial (UC) zoning districts. The passage is only applicable in the City of Union.

The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 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;
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 not 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 such services;
5. 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;
6. 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;

7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

PERTINENT HISTORY

On August 28, 2000, the City of Union adopted the 2000 Union Town Plan and the property was rezoned to Union Commercial (UC). One of the principally permitted uses in this zone is "the expansion of existing auto repair uses, provided the expansion meets the requirements of the Union Town Plan".

On February 5, 2017, the City of Union approved a text amendment to the Boone County Zoning Regulations. The amendment allows the "sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring the storage of no more than twelve (12) inventory vehicles on the premises" as a Conditional Use in the Union Commercial (UC) zone (see City of Union Ordinance No. 2017-22).

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the subject site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element contains the following passages, which relate to the general area:

- A. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2035 Future Land Use Map and also affect the Boone County Zoning Regulations.

New subdivisions should be developed with connecting roads providing alternative routes for residential traffic and decreasing the impact on major roadways. Road connections should include multi-modal elements such as pedestrian paths and bike lanes, and bus stops; Wetherington Boulevard is an example. Further road connections that prohibit driveway access and street parking should occur between U.S. 42, Camp Ernst Road, Longbranch Road, and Hathaway Road. Hathaway Road needs special attention to protect this important east-west route. Water and sanitary sewer infrastructure should accompany such road connections and extensions as to prevent premature, estate-style residential development, and to prevent frontage subdivisions that result in poor access management. Development proposals shall be carefully evaluated relative to the area-wide road network and any necessary contributions to the network (Union Area, pg. 168).

The following goals and objectives relate to the proposal:

- A. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).

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

RELATIONSHIP TO THE 2000 UNION PLAN

The 2000 Union Town Land Use Plan shows the subject property being designated for commercial uses. The design standards would require the following if new improvements (building or parking additions) were proposed:

- Parking in the rear and side yards
- Small front yard building setbacks
- Brick and stone construction
- Buildings to face the main road

SITE CHARACTERISTICS

The subject property is approximately 1.92 acres in area and is located at the southwest corner of the Old Union Road/Longbranch Road intersection. The property contains an approximate 2,400 square foot garage with four bays. The building is constructed with concrete block, siding, and metal roofing. Access to the property is provided from a defined ingress/egress point on Old Union Road and open ingress/egress along the Longbranch Road frontage. The parking lot wraps around the building and is constructed with asphalt. There is a small grass island in the front of the site that separates the parking lot from Old Union Road and there is an overhead utility line that crosses this area. Boone County G.I.S. shows the topography of the site falls from 820' above sea level at the northeast property line to 786' above sea level at the rear property line. Fowler's Fork Creek runs along the rear property line.

SURROUNDING LAND USES AND ZONING

North: Longbranch Road, Bill's Carpet (UC), and Mike Endres Plumbing (C-1)

South: Clarkston Lane and Single-Family Residential Dwelling Farm Fronting on Clarkston Lane (A-2/UTO and RSE/UTO)

East: Old Union Road, Villas of Fowlers Creek Condominiums (SR-2/UTO), Single-Family Residential Dwelling (SR-2/UTO)

West: State Farm Insurance Office (C-1), and Single-Family Residential Dwelling Farm Fronting on Clarkston Lane (A-2/UTO and RSE/UTO)

STAFF COMMENTS

1. Staff has the following questions for the applicant:
 - A. How are the vehicles for sale obtained?
 - B. Will vehicle sales be limited to automobiles, light trucks, vans, and sport utility vehicles?
 - C. Will any of the vehicles for sale be kept outside in a disassembled state?
 - D. Will banners, streamers, or other temporary advertising methods be used to indicate the vehicles are for sale?

2. Staff recommends the following conditions if the request is approved:
 - A. No more than twelve (12) vehicles shall be for sale on the property at any given time.
 - B. Vehicle sales shall be limited to automobiles, light trucks, vans, and sport utility vehicles. Commercial and/or industrial vehicles, recreational vehicles, or equipment shall not be sold.
 - C. No vehicle for sale shall be kept outside in a disassembled state.
 - D. For sale advertisement on any vehicle shall be limited to a 11" x 17" piece of paper.
3. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.

CONCLUSION

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

Respectfully submitted,

Todd K. Morgan, AICP
Senior Planner, Zoning Services

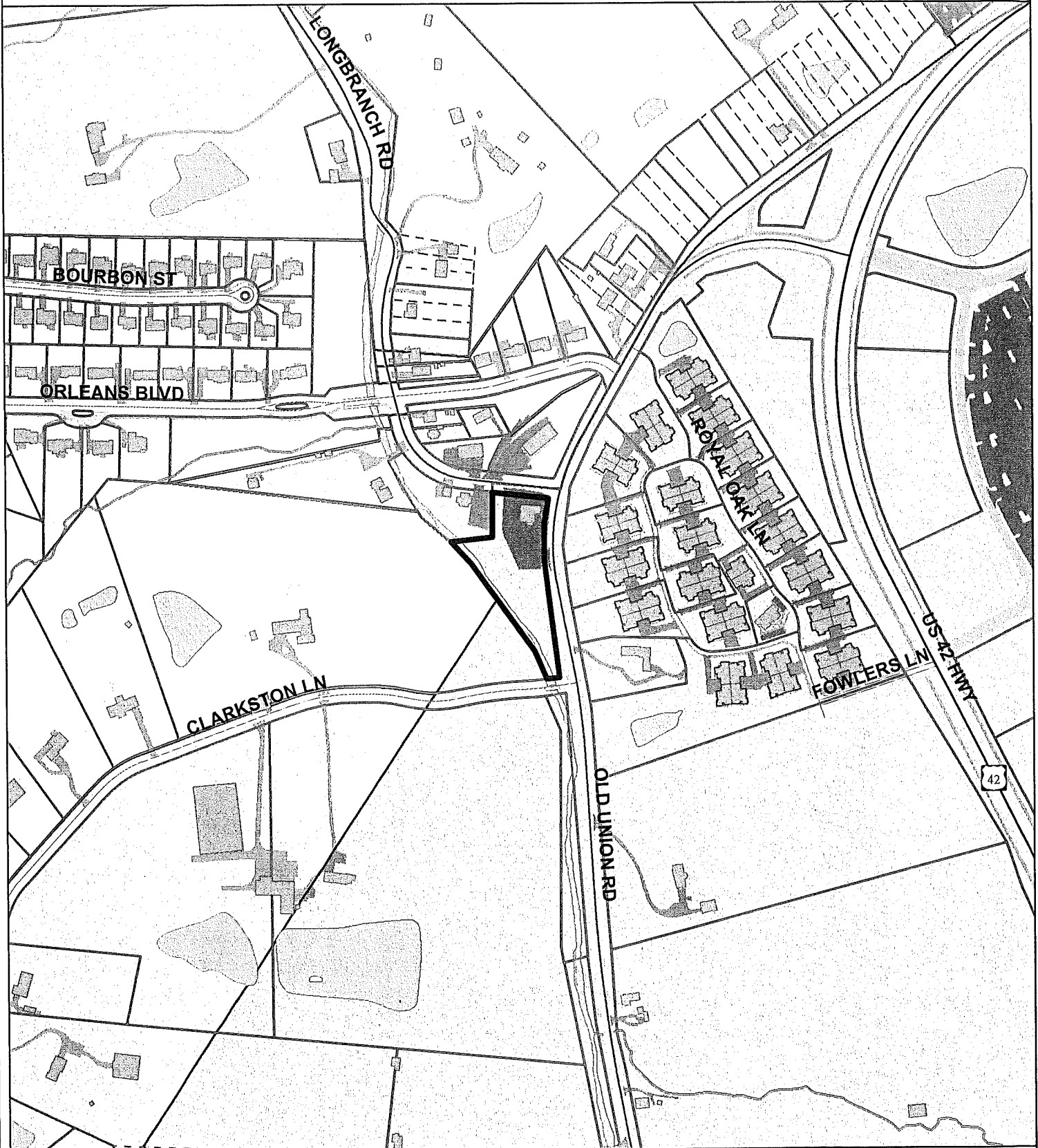
TKM/ss

ATTACHMENTS

- *Site Vicinity Map
- *Proposed Vehicle Sales Area
- *2016 Aerial Map
- *Topographical Map
- *Zoning Map
- *2000 Union Town Land Use Plan
- *2035 Future Land Use Map
- *City Of Union Ordinance No. 2017-22
- *Application

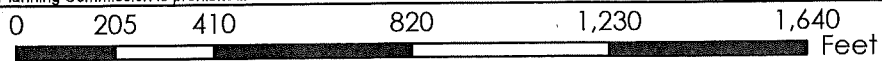
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

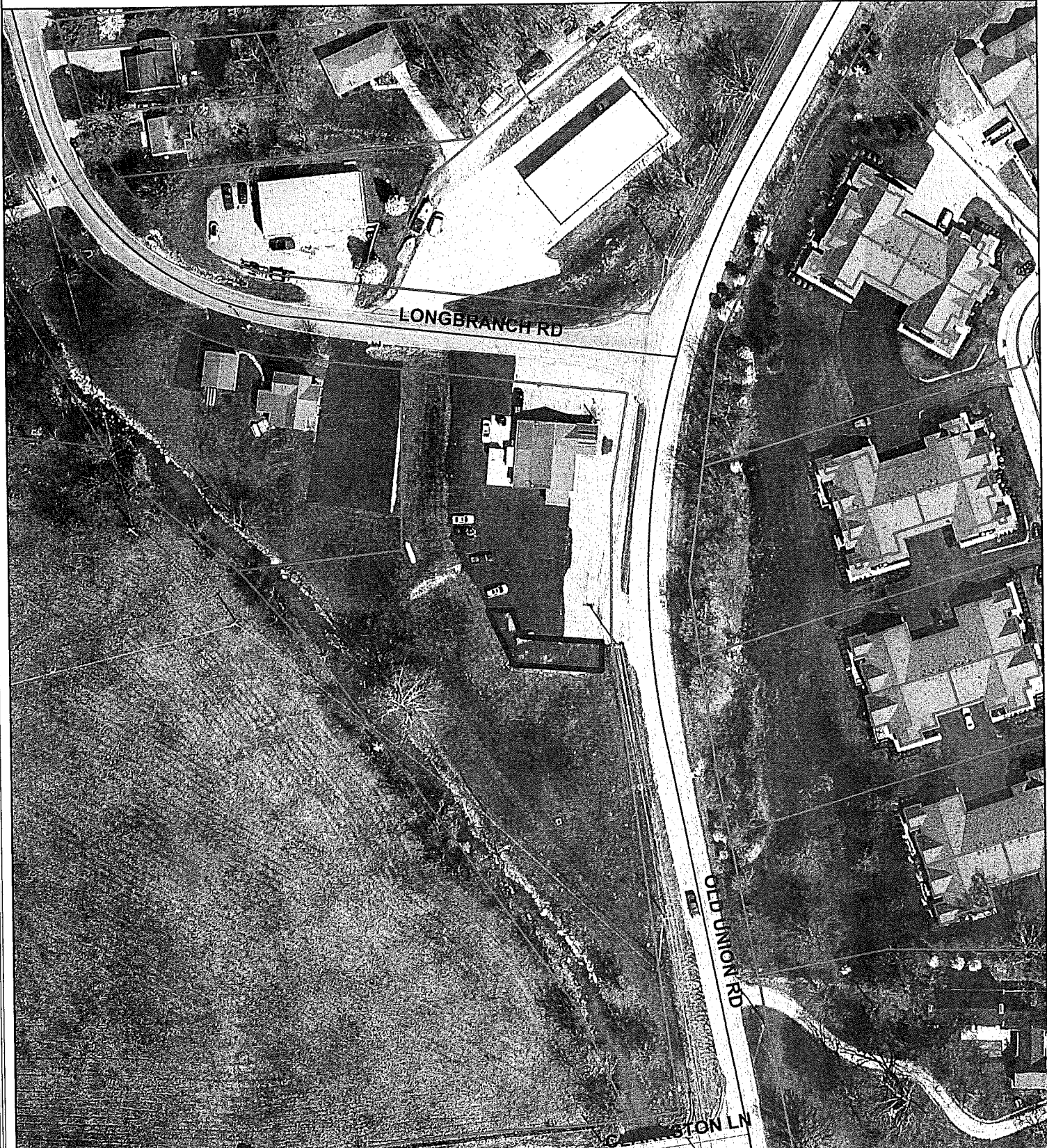


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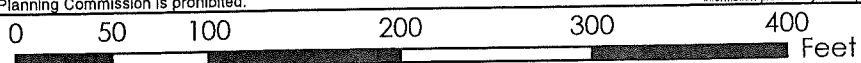
APPRXIMATE VEHICLE SALES PARKING AREA PARKING FOR UP TO 12 VEHICLES

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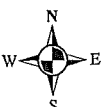


1 inch = 100 feet



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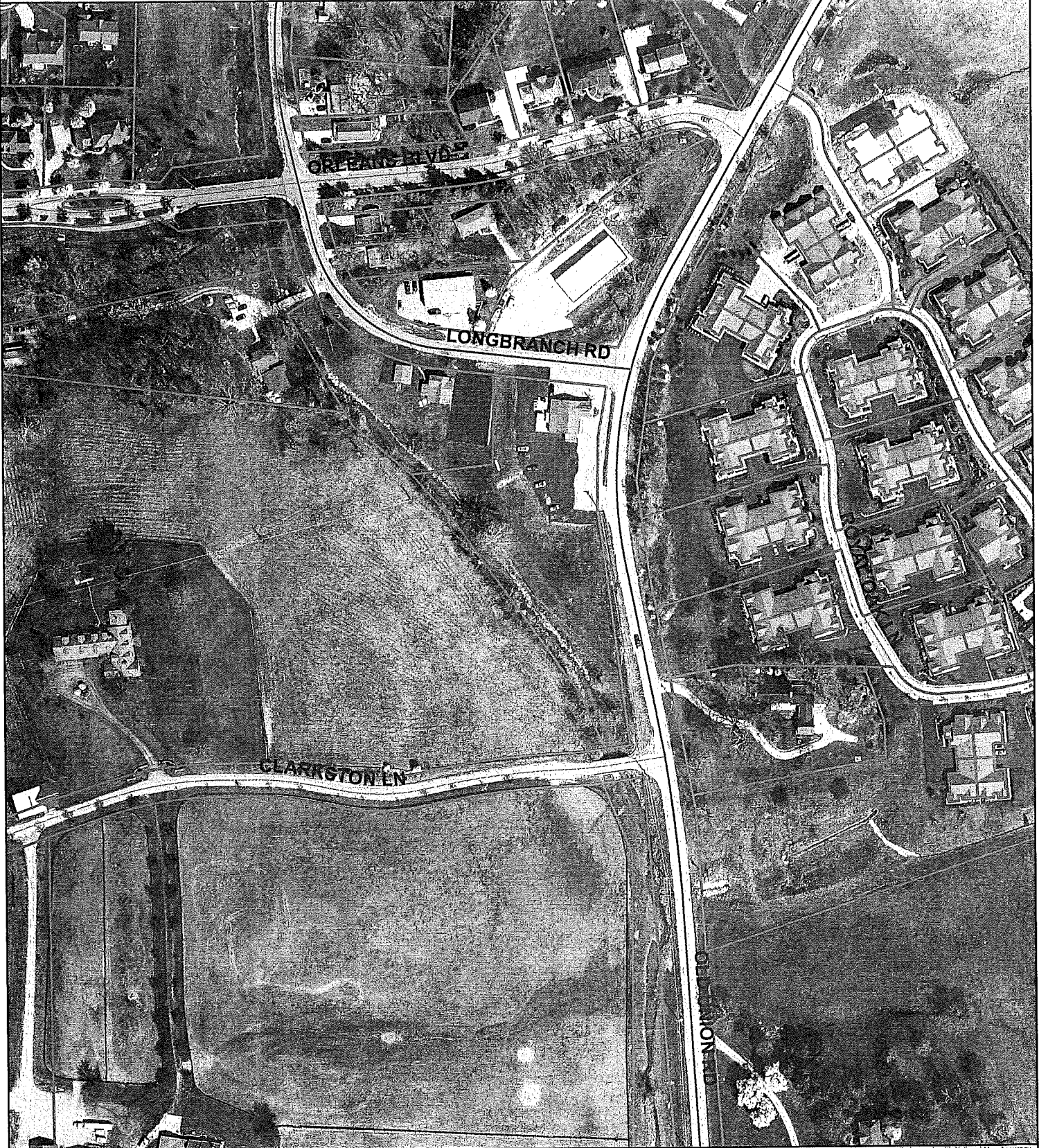
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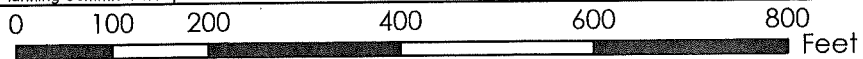
2016 AERIAL MAP

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1 inch = 200 feet



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Boone County GIS
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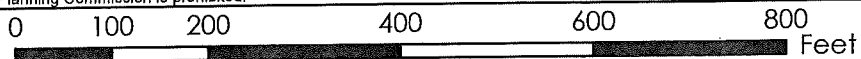
TOPOGRAPHICAL MAP

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1 inch = 200 feet



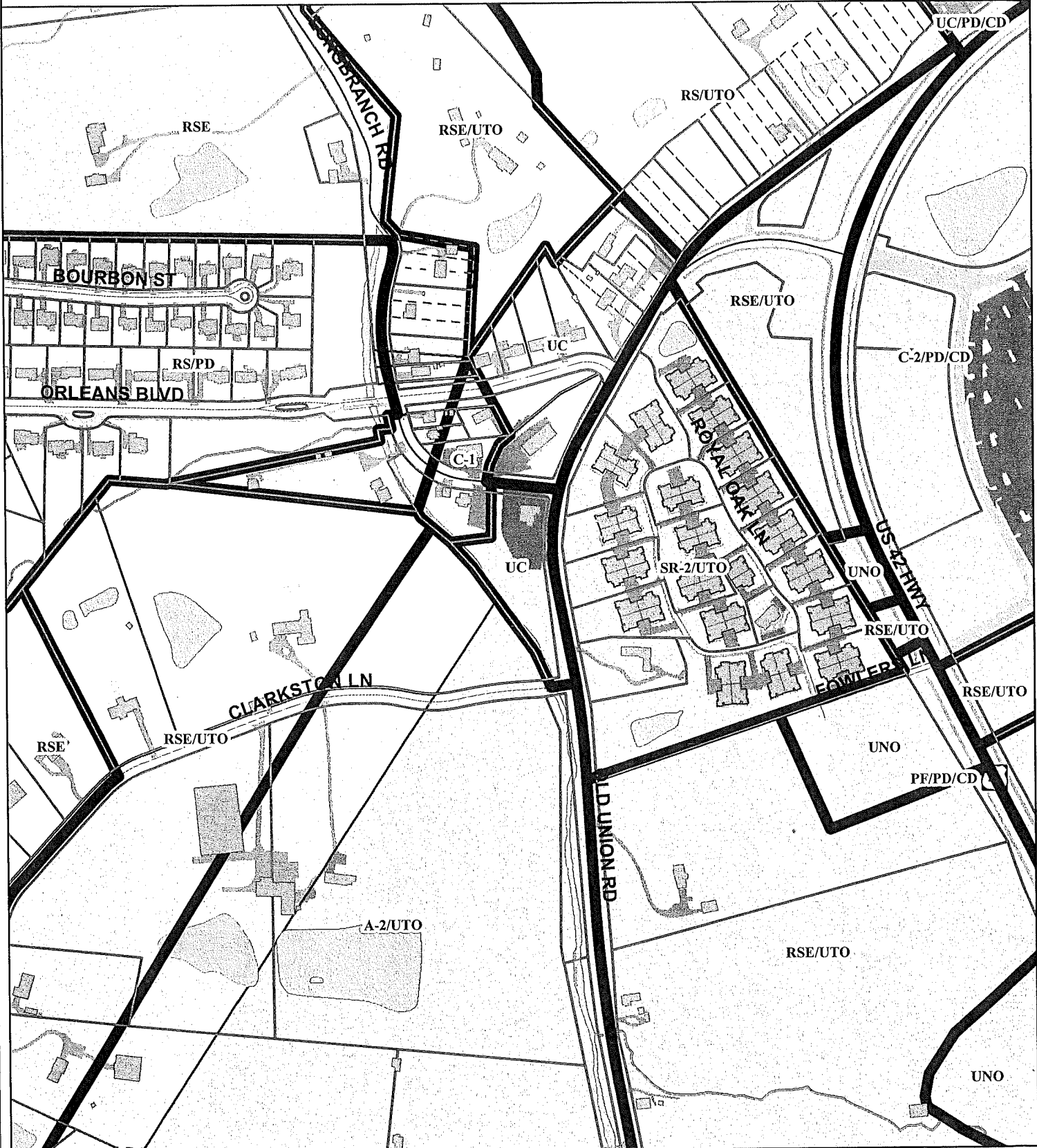
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Public Plans & Utility Service MAP 1119
ArcMap Document: BooneMap (14) mxd

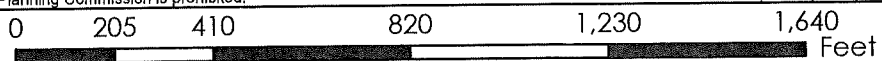
ZONING MAP

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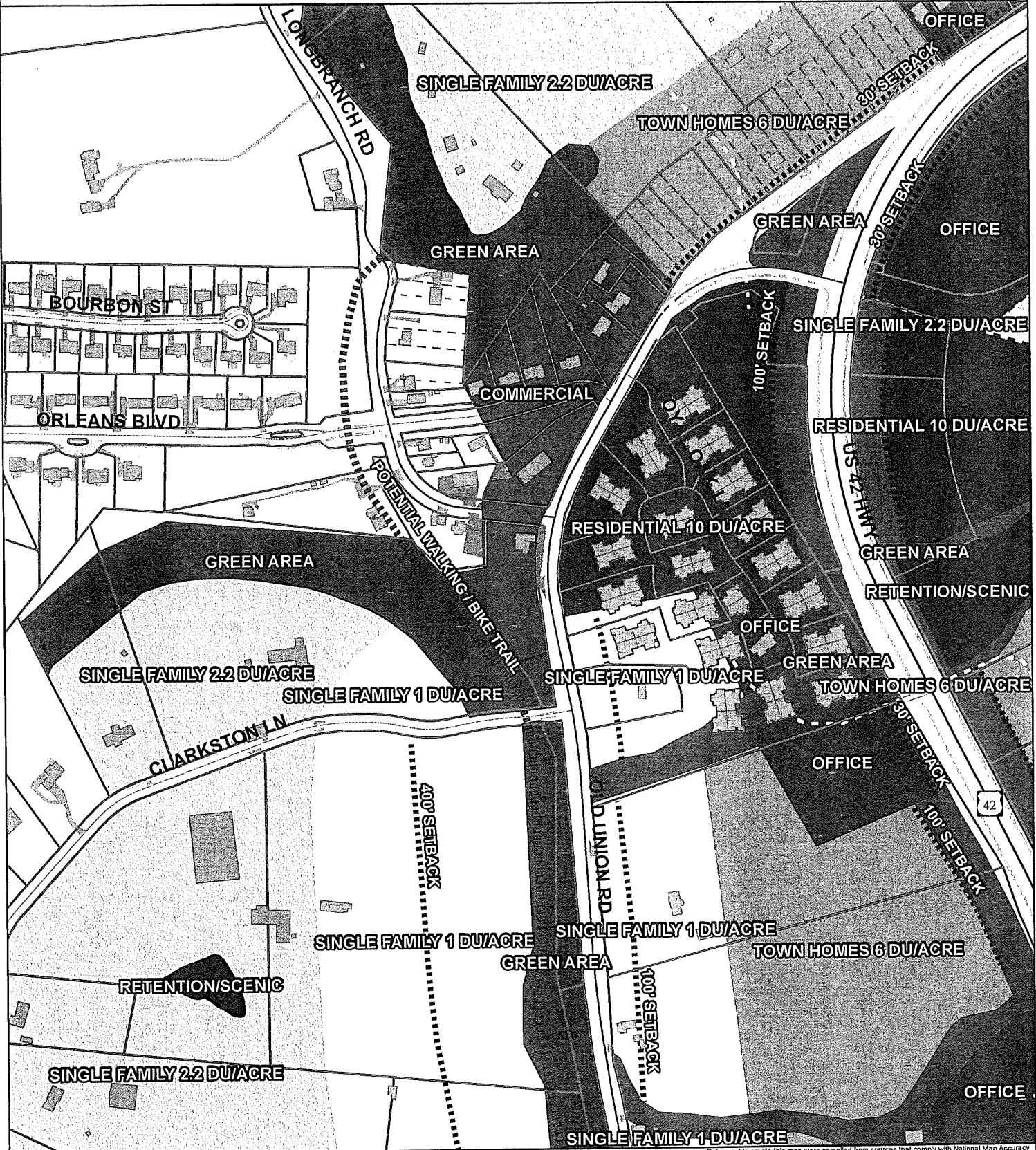


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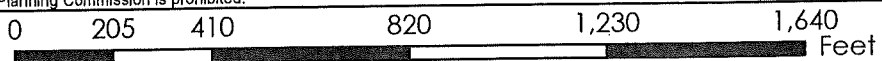
2000 UNION TOWN LAND USE PLAN

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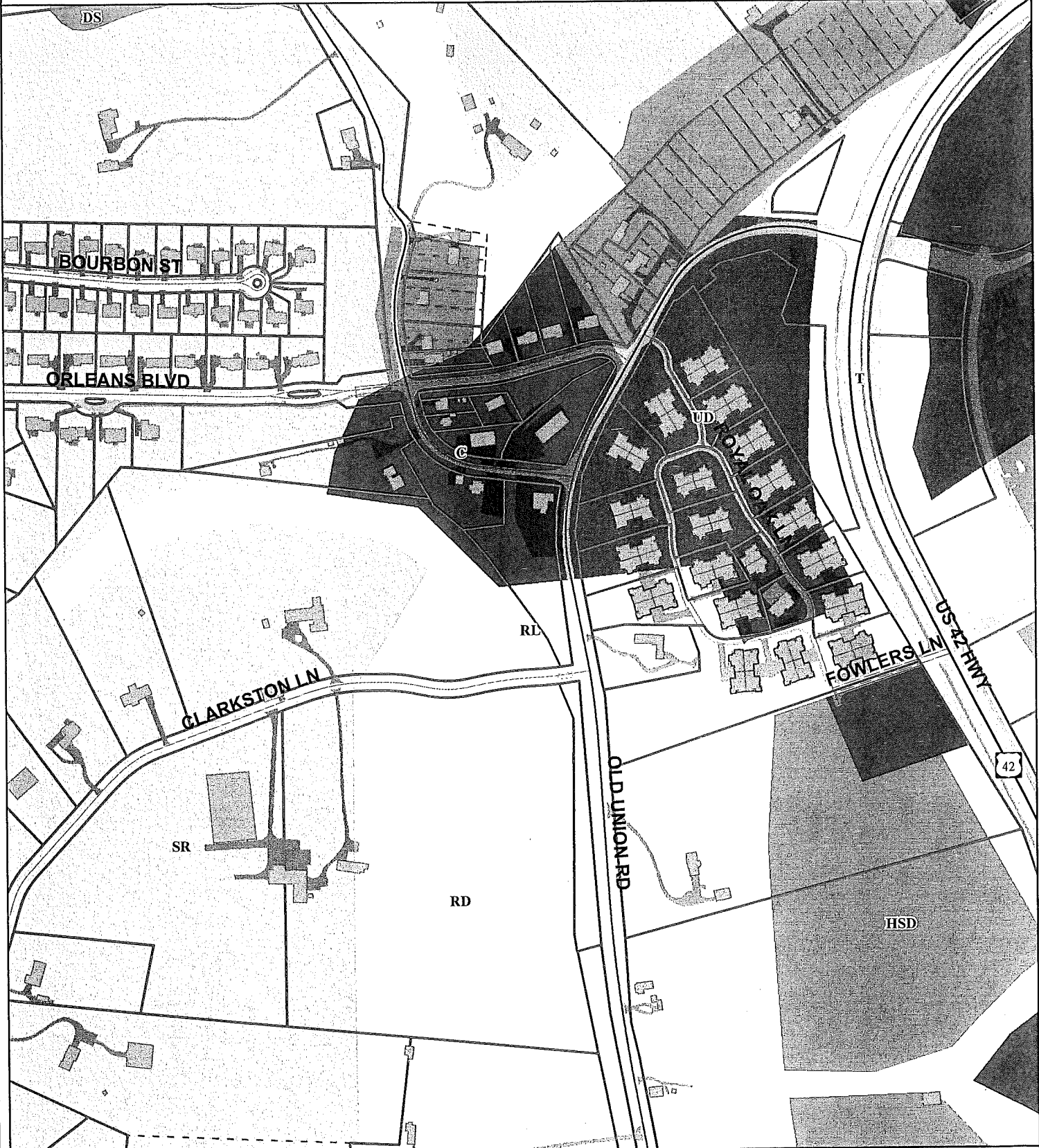
Boone County GIS - Putting Northern Kentucky on the Map

Map Data & Graphics by BOONE GIS
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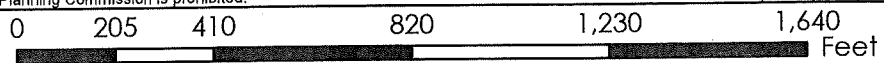
2035 FUTURE LAND USE MAP

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Map File: 2.mxd by: 07/10/2013
ArcMap Document: BooneMap (lite).mxd

Map Created: 07/10/2013

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2017-22**

AN ORDINANCE ADOPTING A ZONING TEXT AMENDMENT TO THE BOONE COUNTY ZONING REGULATIONS, SUCH AMENDMENT TO BE MADE TO SECTION 2513 "CONDITIONAL USES AND CRITERIA" OF THE BOONE COUNTY ZONING REGULATIONS TO PERMIT SALES AND LEASING OF NEW AND USED MOTOR VEHICLES AS A CONDITIONAL USE IN THE UNION COMMERCIAL (UC) DISTRICT.

WHEREAS, the City of Union, Kentucky is a member of the county-wide planning unit, having a county-wide planning commission know as the Boone County Planning Commission; and

WHEREAS, the Boone County Planning Commission received a request for a Zoning Text Amendment to permit the Sales and Leasing of new and used motor vehicles as a Conditional Use and Criteria in the Union Commercial (UC) District; and

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Text Amendment on a 7 to 5 vote; and

WHEREAS, the Boone County Planning Commission by Resolution No. R-17-027-D recommended denial of a Zoning Text Amendment described above; and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

WHEREAS, a majority of the Union City Commission desires to override the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY as follows:

SECTION I

That the request for a Zoning Text Amendment to the Boone County Zoning Regulations such amendment to be made to Section 2513 "Conditional Uses and Criteria of the Boone County Zoning Regulations to permit sales and leasing of new and used motor vehicles as a conditional use in the Union Commercial (UC) District shall be and is hereby approved with conditions; being sales of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring the storage of no more than twelve (12) inventory vehicles on the premises.

SECTION II

That as a basis for overriding the recommendation of the Planning Commission, the Union City Commission sets forth the following findings of fact:

- 1, That although the full Planning Commission voted 7 to 5 to deny the Zoning Text Amendment, the Technical/Design Review Committee voted 3 to 3 (tie). In conjunction with that vote Lori Heilman, Committee Chairwoman, on December 6, 2017 prepared a document which is attached hereto and marked *Exhibit "A"*
2. That the Union City Commission finds that the citizens and residents of Union, Kentucky will benefit from approving the Zoning Text Amendment subject to the conditions set forth in Section I and hereby incorporates by reference those Findings of Fact and Conditions set forth in *Exhibit "A"* as the basis for overriding the Boone County Planning and Zoning Commission denial.

SECTION III

If this approval for a Zoning Text Amendment shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other

zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

SECTION IV

Adoption of the Zoning Text Amendment herein shall have no effect on the current Boone County Subdivision Regulations.

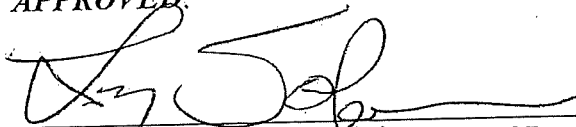
SECTION V

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

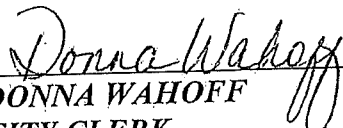
PASSED AND APPROVED ON FIRST READING this the 10th day of January, 2018.

PASSED AND APPROVED ON SECOND READING this 5th day of February, 2018.

APPROVED:


HON. LARRY K. SOLOMON, MAYOR

ATTEST:


DONNA WAHOFF
CITY CLERK

DRAFT

THIS DOCUMENT WAS NOT RECOMMENDED BY THE TECHNICAL/DESIGN REVIEW COMMITTEE DUE TO A TIE VOTE (3-3) AT THE DECEMBER 6, 2017 COMMITTEE MEETING. THIS DOCUMENT WAS READ TO THE FULL PLANNING COMMISSION AT ITS DECEMBER 6, 2017 BUSINESS MEETING BUT WAS NOT ADOPTED.

#5

TECHNICAL/DESIGN REVIEW COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Lori Heilman, Chairwoman

DATE: December 6, 2017

RE: Request of the City of Union to consider a Zoning Text Amendment to Section 2513 "Conditional Uses and Criteria" of the Boone County Zoning Regulations to permit sales and leasing of new and used motor vehicles as a Conditional Use in the Union Commercial (UC) District. The request is to hear and evaluate comments on a proposed zoning text amendment and how it affects the current Boone County Comprehensive Plan, Union Town Plan, and Boone County Zoning Regulations.

REMARKS:

We, the Committee, recommend to the full Boone County Planning Commission that the proposed Zoning Text Amendment to the Boone County Zoning Regulations be approved and recommended for adoption by the Cities of Union and Florence and the Boone County Fiscal Court. The proposal is to add "sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility" as a Conditional Use in the Union Commercial (UC) District. No other changes are under consideration at this time.

Based on the evidence and testimony presented at the November 29, 2017 Public Hearing, the Committee recommends that the following use category be added as Conditional Use #2 in Section 2513:

2. ~~Sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring the storage of no more than twelve (12) inventory vehicles on the premises.~~

FINDINGS OF FACT

The Committee has determined that the proposed Zoning Text Amendment is in general agreement with the 2010 Boone County Comprehensive Plan and the 2000 Union Town Plan. Specific references to the Boone County Comprehensive Plan and the Union Town

EXHIBIT "A"

Plan are outlined in the Staff Report for this request.

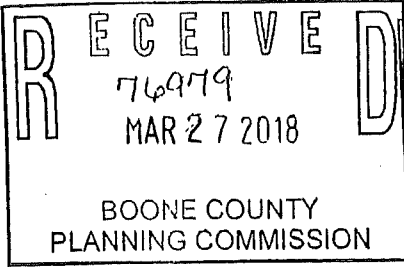
The majority of all four existing UC zone areas are designated as "Commercial" on the Comprehensive Plan's Future Land Use Map. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Regarding the Union Town Plan area, the Business Activity Element ("Recommended Areas of Commercial Activity," p. 68) states "as defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial."

Based on the recommended wording, the proposed Zoning Text Amendment would currently affect only one site that is on the southwest corner of the Old Union Road/Longbranch Road intersection. This site is substantially designated as "Commercial" on the 2000 Union Town Land Use Plan Map. This designation is described as "largely existing commercial zoned areas." The 2000 Union Town Plan text (p. 4) states "planned commercial uses are intended to be local and not regional in scale." Because the proposed motor vehicle sales use must be operated in conjunction with an existing automotive repair facility, and because the size could be further limited upon the determination of appropriate findings by the Board of Adjustment through the Conditional Use Permit procedure, the Committee has concluded that this stipulation will be effectively met.

The Committee has evaluated the testimony and evidence presented at the November 29, 2017 Public Hearing regarding this amendment. No testimony from the general public was presented either for or against the proposal.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Technical/Design Review Committee Vote.

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 Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name DONALD RAYMOND CODERWIS JR Applicant's Address 12749 WIS 42 WALTON KY 41094
4. Description of Request: USED AUTO SALES UP TO 12 VEHICLES
5. Name of Development DON SR5 GARAGE/SHED
6. Location of Development 9118 Old Union Rd UNION KY 41091
7. Acreage Under Review 1.92
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property DONALD R. CODERWIS JR Address of Property Owner 9118 Old Union Rd UNION KY 41091
10. City State Zip
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property UC
14. Deed Book 801 Page No. 591 Group No. 2046
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? APRIL
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] ORIGINAL Applicant's Signature: [Signature]



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Donald R. Goderwis, Jr.
9118 Old Union Road
Union, KY 41091

- 2. ADDRESS OF PROPERTY
9118 Old Union Road
Union, KY 41091

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Don Jr's Garage

4. DEED BOOK 801 PAGE NO. 591 GROUP NO. 2046

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 - Zoning Map Amendment: Conditional Use Permit
 - From _____ To _____
 - Development Plan Conditional Zoning
 - Subdivision Plat Other:
 - (Not Recorded)
 - 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

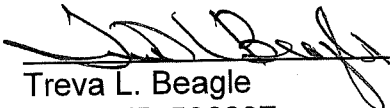
(Copy)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

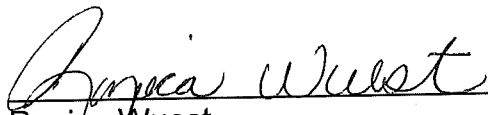
on behalf of the Boone County Planning Commission this 30 day of April, 2018.



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.)

(Copy)

CLUR #18-UBOA-001-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of April 30, 2018 Certificate of Land Use Restriction (#18-UBOA-001-A), for Donald R. Goderwis, Jr., Property Owner(s).

The following conditions will apply:

1. No more than twelve (12) vehicles shall be for sale on the property at any given time.
2. Vehicle sales shall be limited to automobiles, light trucks, vans, and sport utility vehicles. Commercial and/or industrial vehicles, recreational vehicles, or equipment shall not be sold.
3. No vehicle for sale shall be kept outside in a disassembled state.
4. For sale advertisement on any vehicle shall be limited to a 11"x17" piece of paper.

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

DEED BOOK 801

PAGE NO. 591

GROUP NO. 2046