



BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
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**SECTION B** (To be completed by the Boone County Planning  
Commission Staff)

1. Date Received Sept 11, 95 Fee Received 420.00 R# 7927
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date Oct 11, 95
5. Board Action:  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: See Minutes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:           **Day Care**

APPLICANT:            William C. Vocke Jr

LOCATION:                Lot 57 Haven Manor Subdivision, Union, Kentucky

ZONING:                 Rural Suburban (RS)

DATE:                    October 11, 1995

The applicant is requesting a Conditional Use Permit to allow the development of a day care facility with a capacity of 99 children. The site is located on the south side of Whispering Trails at the corner of U.S. 42 (See Map #1). The applicant is proposing to develop a 5,552 square foot facility on a 1.6 acre tract of land. This facility would also have 19 parking spaces (See Map #2).

The subdivision's sanitary treatment plant was located on this site until it was removed about three years ago with the installation of the public sewer for Ryle High School. The Kentucky Division of Water, EPA Division does not require any special permits to develop on the site, however if during construction any contaminated soil is found it would need to be disposed of properly.

The District 6 Office of the Kentucky Transportation Cabinet has recommended to Frankfort that the new U.S. 42 follow Alternate 6. This alternative would generally follow the existing location of the road and would not effect the proposed location of this day care facility, due to the distance which this proposed facility would be located off the existing U.S. 42. However, Alternative 3 which is the least expensive route would run through the middle of the site if built as proposed.

The Concept Plan indicates that the proposed day care facility would be located approximately 175 feet from the existing U.S. 42 and 70 feet from Whispering Trails. The nearest residence would be located approximately 100 feet to the east.

Article 9 of the Boone County Zoning Regulations permits the development of a day care and nursery center with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit::

- a) the activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use;
- b) the activity will not contradict the semi-rural, open space character of the district;

- c) require or contribute to infrastructure need above that common of the district's permitted uses;
- d) is of direct relation to and in support of the purpose of the district; and
- e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning (See Sheet # 3)

- North: Single-family residences with farm land zoned Rural Suburban (RS)
- South: Vacant undeveloped land zoned Suburban Residential One (SR-1)
- East: Single-family homes zoned Rural Suburban (RS)
- West: Undeveloped property zoned Rural Suburban Estates (RSE)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates Commercial land use for the land area which fronts along of U.S. 42. The text of the Land Use Element does not specifically mention the site, however it does discuss the City of Union as a whole stating that:

In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, the opening of the Mt. Zion Road interchange, and proposed improvements to U.S 42.

The majority of the commercial activity in this area should be limited to the Union city center, anchored by Hathaway Road and U.S. 42 intersection to the north, the Frogtown Road and U.S. 42 intersection to the south and new City Hall to the east with intermittent, small-scaled commercial uses along this portion of Mt. Zion Road. The small community overlay district should be created, to incorporate this entire area and be utilized to encourage the development of a centralized, downtown area that coincides with the final alignment of U.S. 42.

Staff Concerns:

1. If the Conditional Use Permit is approved the applicant would be required to undergo Site Plan Review for the development of the day care facility. This review would contain the detailed engineering plans of how the site would be developed.
2. Staff believes that any type of signage for this site should be of a monument type and small in size and height.

3. The Board should consider whether any conditions should be established for the hours of operation, the size of the facility and the location of the play areas.
4. Staff believes that the design of the building should be sensitive to the residential character of the area and should not take on a commercial appearance. Materials such as brick or stone should be considered so that the facility resembles a residence more than a commercial building.
5. The Board should consider requiring a buffer along the east property line to screen the use from the nearest residence. In addition, the berm along Whispering Trails should remain to screen the parking lot from view along public right-of-ways.
6. The subdivision does have deed restrictions which govern the development of the subdivision. However, it is important to understand that deed restrictions are not enforceable by the Planning Commission nor are they a zoning regulation. These restrictions are private agreements which are the responsibility of the property owners governed by these restrictions to enforce and follow.
7. Staff questions the need for the amount of pavement proposed for the day care facility. The circular parking area could be considerably smaller and still be effective for parking and circulation. This would allow for a substantial reduction in the amount of grading necessary to develop the site and reduce any potential visual impacts.

#### Conclusion

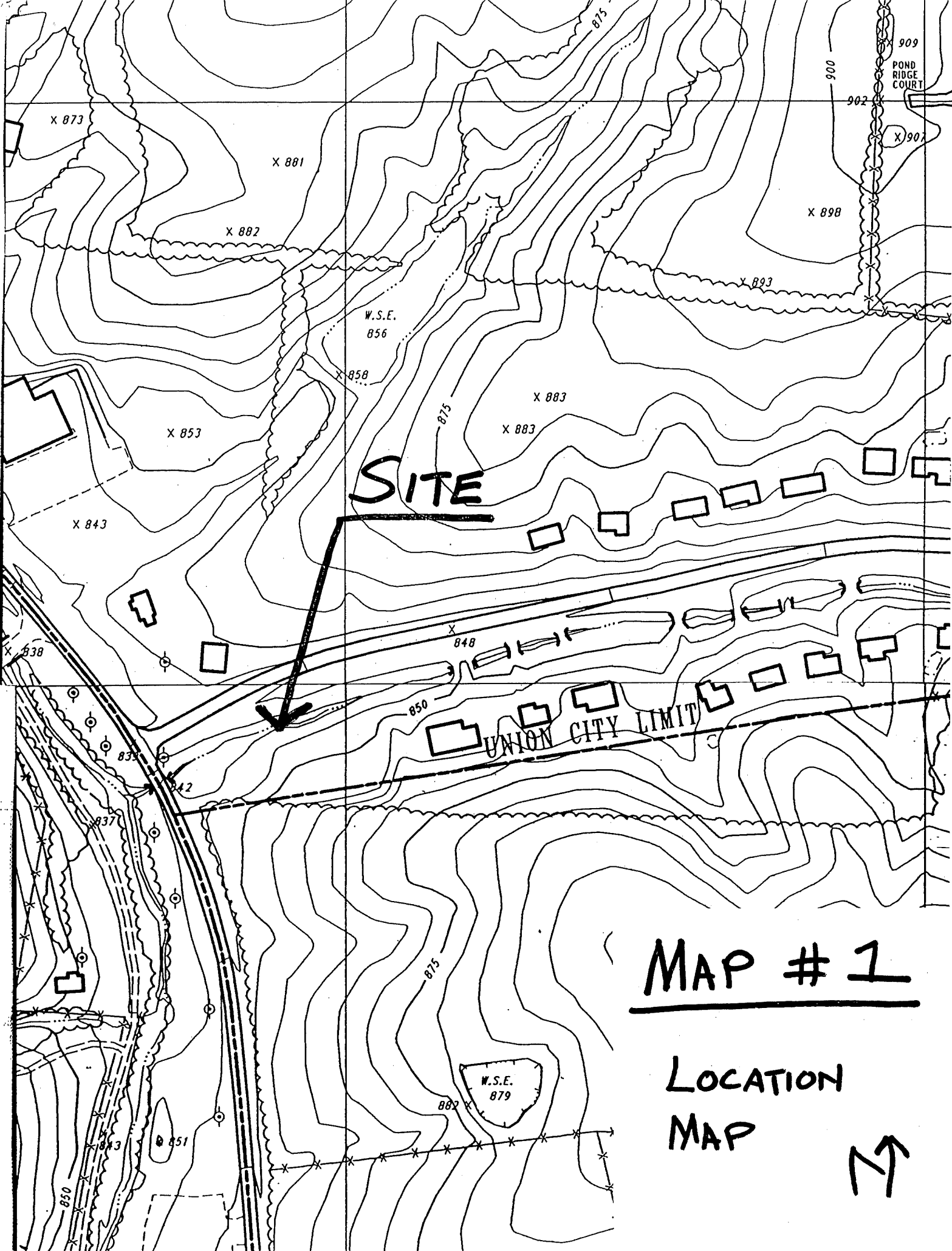
Staff believes that the proposed use if properly buffered and designed will be visually compatible and harmonious with the surrounding residential area. Because of the increasing residential population within the City of Union and surrounding area the demand for this type of facility will increase and will likely be used by the adjoining subdivision. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the five criteria for a Conditional Use within a Rural Suburban zoning district.

Respectfully Submitted,



Jeffrey F. Hayes, AICP  
Planner

JFH\par



SITE

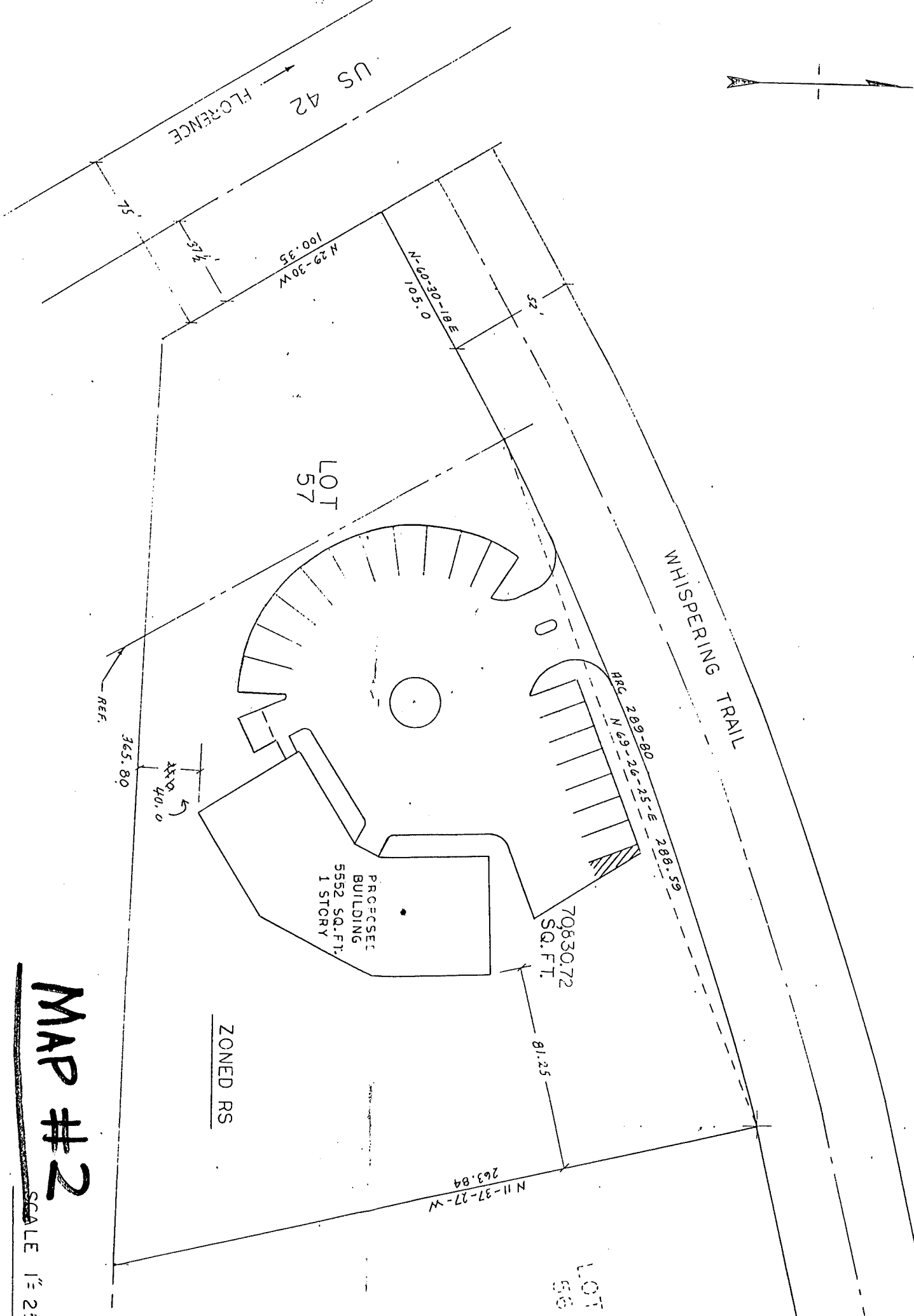
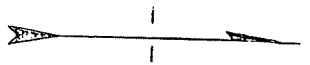


UNION CITY LIMIT

MAP # 1

LOCATION  
MAP





HAVEN MANOR SUBDIVISION  
SECTION II

**MAP #2**

SCALE 1" = 20'

UNION 1777

