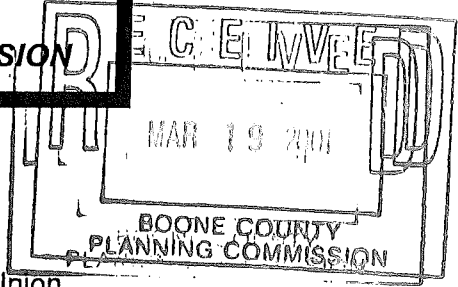


01-BOA DENIED

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)

- 1. (Check One) Boone Florence x Walton Union
2. (Check One) x Conditional Use Permit Variance Appeal Change in Non-Conforming Use
3. Applicant's Name Mary Ann Twombly Neal Phone Number 485-1234 Fax No. 485-2350 Applicant's Address P.O. Box 171 Walton, KY 41094
4. Description of Request: I-1 Conditional Use Permit to allow towing & repair existing business.
5. Name of Development STI Towing & Repair
6. Location of Development 13066 Service Rd., Walton, KY
7. Acreage Under Review 4 of 120
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Quality Forest Products Phone Number of Owner 252 445-2113 x33 Address of Property Owner 21144 Hwy. 301 South, Enfield, NC 27823
11. Proposed Use(s) on Site continuation of existing business for towing & repair
12. Total Square Footage of Existing and/or Proposed Buildings 1,400
13. Current Zoning on Property I-1
14. Deed Book 312 Page No. 1 Group No.
15. Is the site subject to a zone change? no
16. Have you submitted a Site Plan with this request? see attachment
17. Have you submitted a list of adjoining property owners with this request? see attached
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: Mary Ann Twombly Neal, President, STI

Property Owner's Signature: SEE ATTACHMENT FAX SIGNATURE

STAFF REPORT

APPLICANT: Mary Ann Twombly, President, STI
LOCATION: 13066 Service Road, Walton, Kentucky
ZONING: Industrial One (I-1)
DATE: June 17, 1999

Proposal

The applicant is requesting a Conditional Use Permit to allow an automotive repair facility with the accessory storage of vehicles, and the operation of a towing service which is to be subordinate to the principal use (the repair of automobiles and trucks) at 13066 Service Road, Walton, Kentucky (See Site Location Map). The 120 acre site is the previous location of Quality Forest Products, and the applicant is currently utilizing approximately four (4) acres of the site. The existing buildings are approximately 1,400 square feet in area, and are currently utilized for office and dispatch operations.

The property was subject to a Conditional Use Permit application and approval on November 28, 1983, for the construction and operation of a wood treatment facility for Quality Forest Products, Inc. The request was approved by the Boone County Board of Adjustment and Zoning Appeals, subject to the two (2) conditions listed in the Certificate of Land Use Restriction (CLUR) recorded on December 27, 1983. Specifically, the restrictions listed in the CLUR indicate that there be an access road to the plant, and that the tree line along the road easement would have to remain. (See enclosed minutes of BCBOA meeting dated November 28, 1983, and Certificate of Land Use Restriction CP83-11-11, dated December 27, 1983). Existing records also indicate that a Site Plan was approved in conjunction with the Conditional Use Permit application. The subject property has since been annexed by the City of Walton.

Article 11, Section 1133 of the Boone County Zoning Regulations permits automotive repair facilities within an Industrial One (I-1) zoning district as a Conditional Use. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1133 of the Boone County Zoning Regulations:

Conditional Uses and Criteria:

The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals, provided:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or

- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings, or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

North: zoned Industrial One (I-1)

South: zoned Industrial One (I-1)

East: property along Service Road zoned Rural Suburban Estates (RSE)

West: property along Boone Lake Drive, Happiness Lane, and Huey Drive zoned Suburban Residential One (SR-1)

The Boone County Comprehensive Plan Future Land Use Map indicates the area as Industrial (I). The text does not specifically mention the site nor does it mention the area other than to say that the Walton area should experience gradual commercial, residential, and industrial growth.

Staff Comments/Concerns:

- 1. Staff recommends the preservation of all existing vegetative/tree buffer surrounding the perimeters of the site.
- 2. Staff recommends that any automobile parts, tires, and any other items or materials incidental to the operation be completely screened from view of all adjoining properties.
- 3. The site will be required to go through Site Plan Review. Any expansion of the existing buildings, parking areas, or the site beyond the requirements of Section 3004, Minor Site Plans, will require the submittal, Staff review, and approval of a Major Site Plan.

4. The repair of trucks and automobiles should be the principal function and use of the business. The storage of discarded automobile parts, junk and abandoned vehicles, and other items incidental to the business is to be accessory and subordinate to the repair of trucks and automobiles. Staff strongly discourages the establishment of an automobile/truck salvage yard or storage yard. All vehicles towed on-site should be repaired and/or removed in a timely fashion.
5. The 120 acre site would allow for future expansion. Staff suggests that possible limits be established which restricts the size and intensity of the business.
6. Staff is concerned with the current condition of Service Road and feels that special consideration should be given to the impact this use will have on this immediate area.
7. Article 34 of the Boone County Zoning Regulations permit one (1) free-standing sign of 150 square feet in size and 10 feet in height for this site. Staff recommends approval of a Sign Permit application for any proposed free-standing sign. Any requested deviation on the square footage or height of a free-standing sign will require approval of a Variance from the Walton Board of Adjustment and Zoning Appeals.

Conclusion

The subject site is zoned Industrial One (I-1), which allows an automobile repair facility as a Conditional Use. The applicant's proposal must be determined by using the seven (7) criteria the Walton Board of Adjustment and Zoning Appeals must use to determine each Conditional Use request. It should be determined whether the use will create a hazardous situation, and whether the proposed use is harmonious and appropriate with the existing or intended character of the general vicinity.

Respectfully Submitted,



Mark E. Jordan
Planner

MEJ\pr

Attachments

- Site Location Map
- Zoning Map
- Future Land Use Map
- Minutes of the November 28, 1983, Boone County Board of Adjustment and Zoning Appeals Special Meeting
- Certificate of Land Use Restriction CP83-11-11 recorded on December 27, 1983