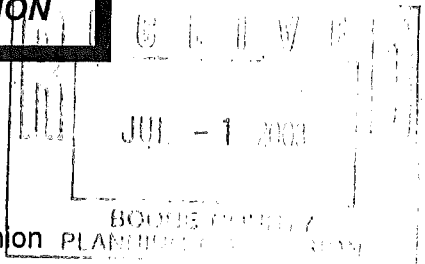


APPLICATION FORM

**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 Mary Ann 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
5. Name of Development STI Towing & Repair
6. Location of Development 13066 Service Road
 Walton, KY 41094
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 10.
Address of Property Owner 21144 Hwy 301 South, Enfield, NC 27823
 City State Zip
11. Proposed Use(s) on Site to increase existing business of
 towing/repair to allow us to auction/sell used vehicles
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. 2082
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? no changes
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 Neal, President, 5-11

Property Owner's Signature: Rudy Martin

**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 7-1-03 Fee Received \$1957.00 R# 35754
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8-21-03 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 8-21-03 WALTON BOARD
OF ADJUSTMENT
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail

www.boonecountyky.org

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: Mary Ann Neal for STI
LOCATION: 13066 Service Road, Walton, Kentucky
ZONING: Industrial One (I-1)
DATE: July 31, 2003

PROPOSAL

The applicant is requesting a Conditional Use Permit so STI can engage in the retail sales and auctioning of used motor vehicles and equipment. The subject property is located at 13066 Service Road, Walton, Kentucky.

Staff met with the applicant and she explained that the proposed operation will consist of auctioning used motor vehicles and equipment that are recovered by STI, trucked in or driven in by automobile dealers, or donated by citizens. Items being auctioned could include cars, pickup trucks, vans, semi trucks and trailers, boats, recreational vehicles, tractors, etc. The applicant's intent is not to have a used car lot with day to day sales. However, the applicant wants the flexibility to allow customers to buy items that were not sold at the auction. The auctioning of vehicles and equipment could occur once a week when the operation begins and could occur up to twice a week after a couple of years. The number of vehicles being auctioned could vary from 100 to 300 units. Items not sold at the auction will be removed from the premises within 30 days. Staff has attached an aerial map which shows where the various aspects of STI's operation will occur.

APPLICABLE REGULATIONS

Article 2, 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.

Article 11, Section 1133 of the Boone County Zoning Regulations permits "retail sales or leasing of new and used motor vehicles" as a conditional use within the Industrial One (I-1) district.

Article 11, Section 1133 of the Boone County Regulations permits "wholesale vehicle sales or auctions" as a conditional use within the Industrial One (I-1) district.

Article 31, Section 3154 of the Boone County Zoning Regulations states that sales, leasing, or rental display areas for vehicles are considered to be parking areas and are subject to all applicable Site Plan requirements.

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement to provide a durable dust free surface."

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1013 of the 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.

Article 11, Section 1133 of the Boone County Zoning Regulations allows "retail sales or leasing of new and used motor vehicles" and "wholesale vehicle sales or auctions" as Conditional Uses in the Industrial One (I-1) district provided that:

- 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.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

SITE HISTORY/TIMELINE

Nov. 1983 - Quality Forest Products had a Conditional Use Permit approved to allow the construction and operation of a wood treatment facility.

Oct. 1996 - City of Walton approves the 1996 Boone County Zoning Regulations. The Industrial One (I-1) zone permits automotive repair facilities as a Conditional Use.

June 1999 - The Walton Board of Adjustment approved a Conditional Use Permit to allow STI to operate an automotive and truck repair facility with towing and storage of vehicles. The following conditions were imposed: (1) The owners will apply and comply with site plan approval. (2) The Conditional Use Permit is granted for a period of nine months.

May 2001 - The Walton Board of Adjustment denies a Conditional Use Permit which would allow the business to continue operations on the site. It is determined that the business is a junkyard. The Board gave the applicant until December 31, 2001 to (1) get the site in compliance, (2) get another site that is properly zoned, or (3) get a zone change to I-2.

Jan. 2002 - STI submits a letter to the Walton Zoning Enforcement Officer indicating that they have bought property in Kenton County and are awaiting the proper approvals before they move. They request that they be allowed to continue operations until the new facility is completed.

July 2002 - The City of Walton Zoning Enforcement Officer files a Mediation Hearing with STI to try to resolve the issue of the business operating without a valid Conditional Use Permit.

Aug. 2002 - City of Walton approves the 2001/2002 Boone County Zoning Regulations. These regulations permit "auto repair facilities, repair for tractor trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking" as a principally permitted use in the I-1 zone.

Aug. 2002 - The City of Walton Enforcement Officer visits the site and inventories the vehicles on site. He finds that STI repair and towing operation has been cleaned and can be considered a permitted use in the I-1 zone.

SURROUNDING LAND USES & ZONING

- North: Single-Family Residential Dwellings (I-1), Farmland (I-1), & Walton Pharmacy (C-2)
- South: Single-Family Residential Dwellings (RSE) & Industrial Uses on Service Road (I-1)
- East: L& N Railroad Right-of-Way & Farmland (I-1)
- West: Single-Family Residential Dwellings (RSE), Agricultural (A-2) & Industrial Land (I-1) on Service Road (I-1)

SITE CHARACTERISTICS

The STI operation is conducted on 4 acres of the approximate 120 acre site. The remainder of the site contains some areas which are farmed and some areas which contain large numbers of mature deciduous trees. The existing buildings are approximately 1,400 square feet in area and are currently used for office and dispatch operations. Access to the site is provided from a gravel driveway which connects to Service Road. The driveway is in poor condition and contains numerous potholes and depressions. The interior parking and storage areas are a mixture of gravel and blacktop.

STAFF COMMENTS

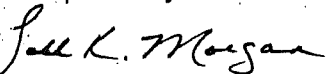
1. Staff believes that the current driveway leading back to the site is unsafe because it contains severe potholes and depressions which prohibit motorists from staying in the appropriate "lane". While the applicant has stated that she plans to make repairs to existing driveway, Staff believes that the entire driveway should be paved due to the number of vehicles and types of vehicles that this use will generate.
2. The areas that the applicant has laid out for the storage and holding of auction vehicles is a mixture of blacktop, broken blacktop, and gravel. Section 3154 of the Boone County Zoning Regulations states that sales, leasing, or rental display areas for vehicles are considered to be parking areas and are subject to all applicable Site Plan requirements. At a minimum, Staff recommends that the circulation areas (driveway lanes) between the storage areas and holding areas should be repaved or converted into a paved surface. If the Board sees fit, they could also require the parking areas to be repaved or converted to blacktop due to the number of vehicles involved in the auctions.
3. Staff is concerned about the number of vehicles (up to 300) being auctioned and the frequency of the auctions (once or twice a week). Staff would recommend the Board to closely analyze the following findings before granting or denying the Conditional Use Permit:
 - a. 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;

- b. 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; and
 - 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.
4. Staff is concerned that zoning enforcement for such a business will be difficult. It will be hard to determine if the operation has become a junkyard under Article 40 of the Boone County Zoning Regulations. Junkyards are only allowed in the I-2 zone with the issuance of a Conditional Use Permit. Junkyards are defined as follows: "the storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard." The applicant has explained to Staff that no auctioned vehicle will be kept on site for more than 30 days.
 5. If the Conditional Use Permit is granted, a Site Plan application will need to be approved before the auctions can occur on site. All improvements shown on the Site Plan will need to be completed within 6 months of approval.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,

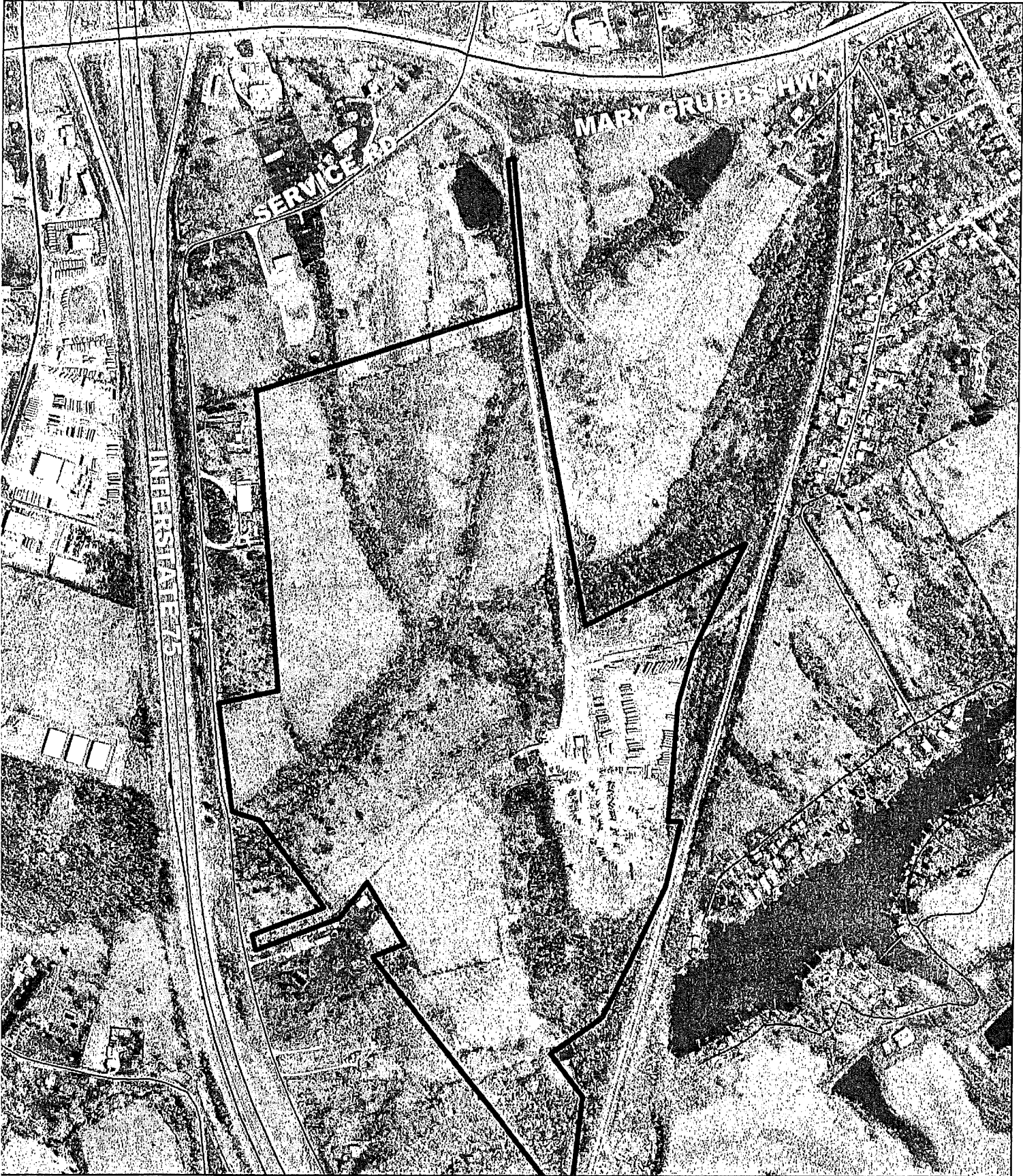


Todd K. Morgan, AICP
Planner, Zoning Services

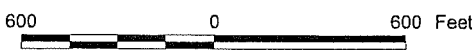
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Application



13066 Service Road Site Vicinity Map

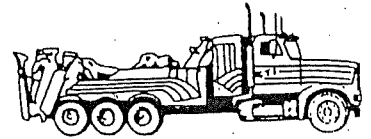


1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 23, 2003





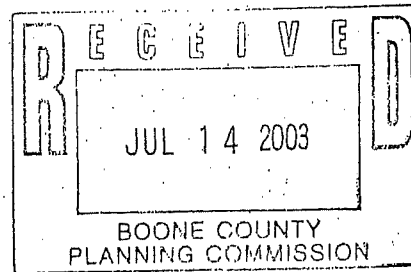
TOWING AND RECOVERY
ROAD SERVICE
TRUCK AND TRAILER REPAIR



P.O. Box 171 • Walton, KY 41094-0171 • I-75, Exit 171

July 7, 2003

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



Dear Todd:

Reference: 13066 Service Road, Walton, KY, Parcel ID# 78-52

Thank you for taking the time to call me regarding the application submitted for a Conditional Use Permit under Article 11, Employment Districts; Section 1130, Industrial One (I-1); Section 1133, Conditional Uses and Criteria; Item 10. Retail sales or leasing of new and used motor vehicles; and Item 11. Wholesale vehicle sales or auctions.

As we discussed, approval of this request would increase our existing business of towing and repair by allowing us to have retail sales for used vehicles such as cars, pickups, vans, trucks, trailers, and other equipment as well as wholesale sales or auctions. Specifically related to the auction activity, we are not aware of any other such auctions in Northern Kentucky; therefore, this would provide an additional service to the consumer in our area. We would begin with one auction per week with a maximum of two auctions per week after the first few years.

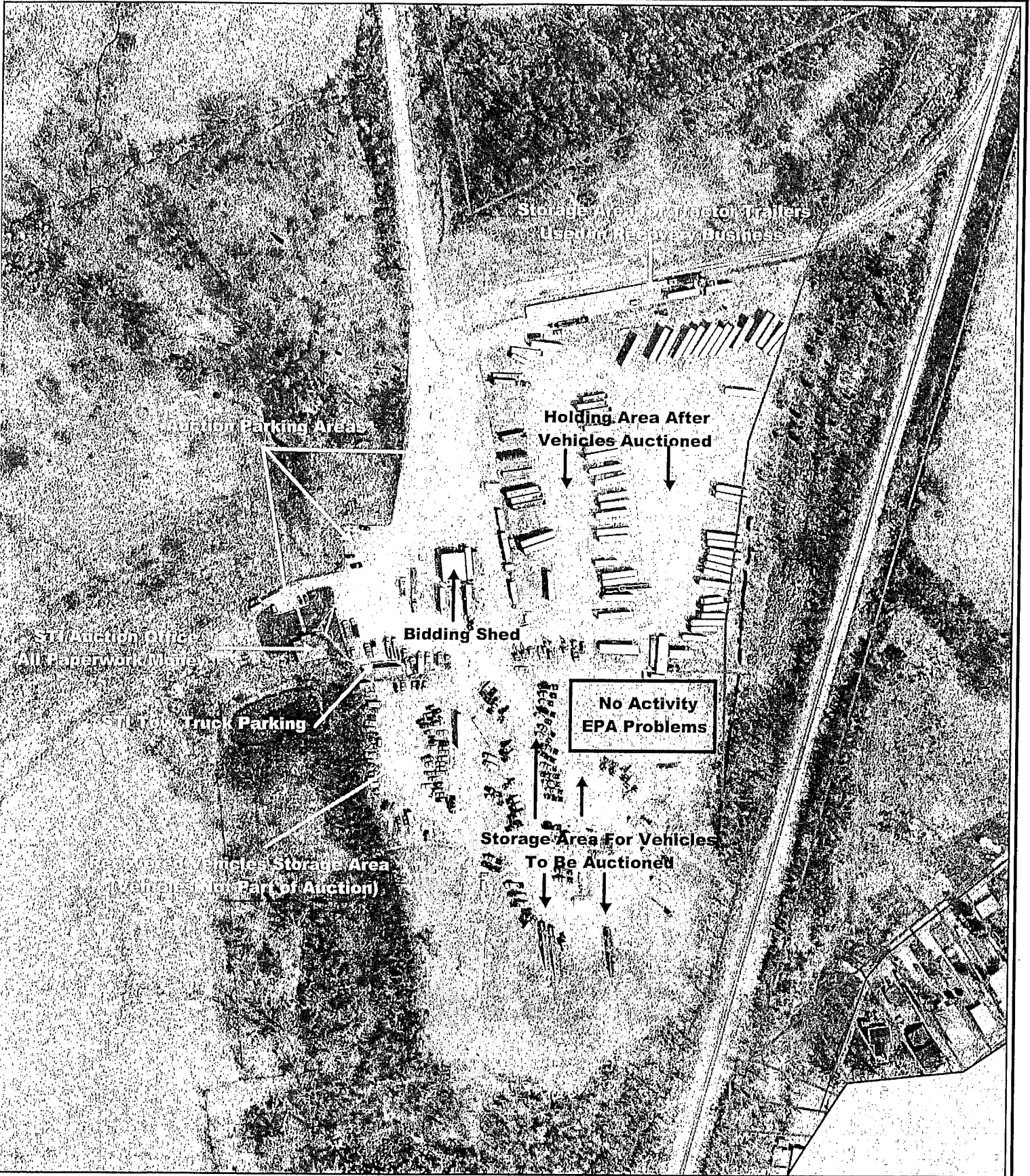
In addition, we anticipate that this would also call for additional staffing adding to the local employment base. This increase would also allow us to maximize the existing facilities (see noted site plan previously approved) that we now have at our location.

We are most eager to begin this operation as soon as possible and appreciate your assistance. Please do not hesitate to call me at 485-1234 or my cell 743-7334 at any time should you need more information.

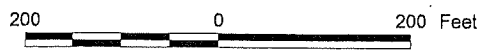
Very truly yours,

Mary Ann Neal

Mary Ann Neal
President

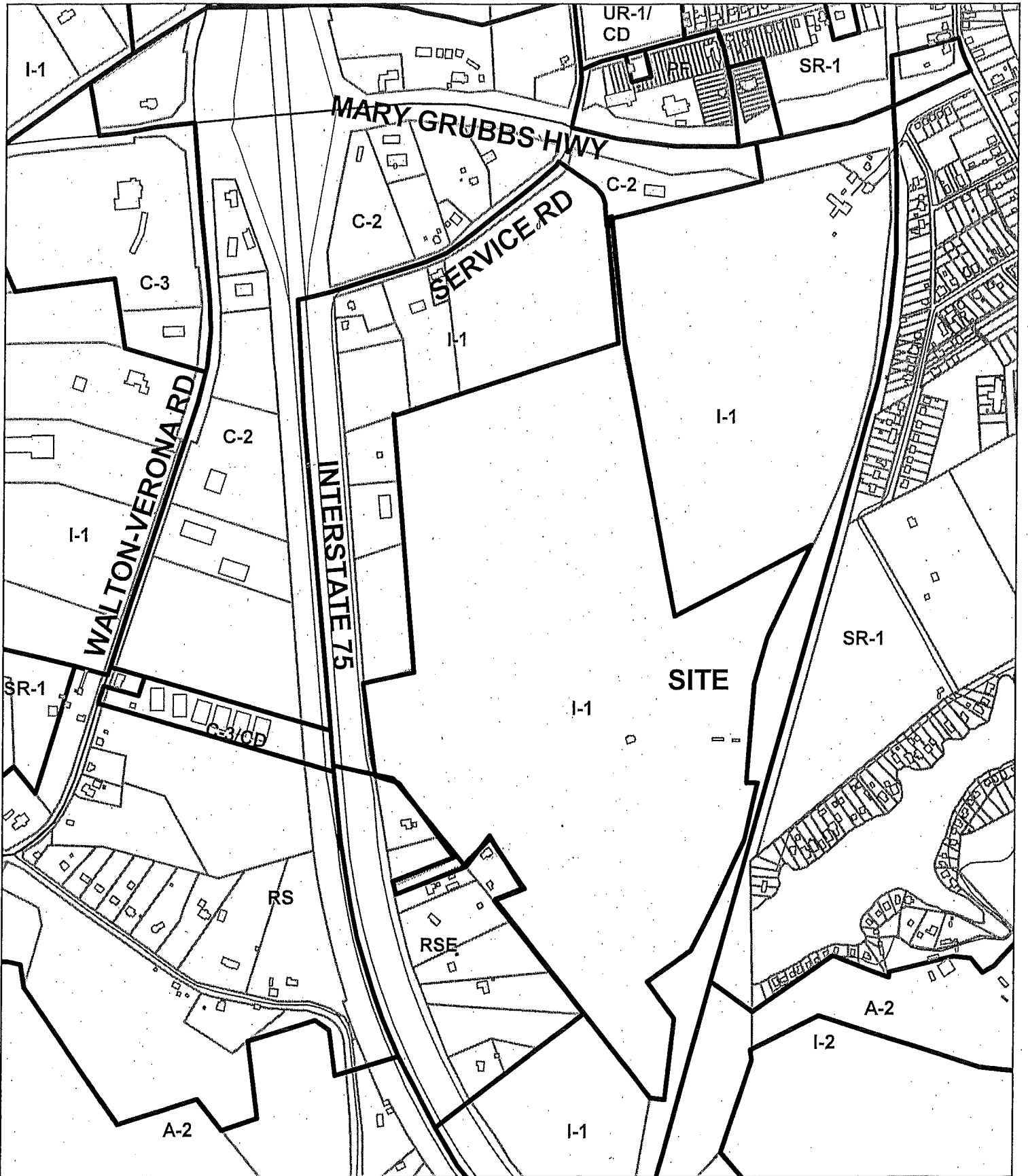


13066 Service Road Aerial Map



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 23, 2003



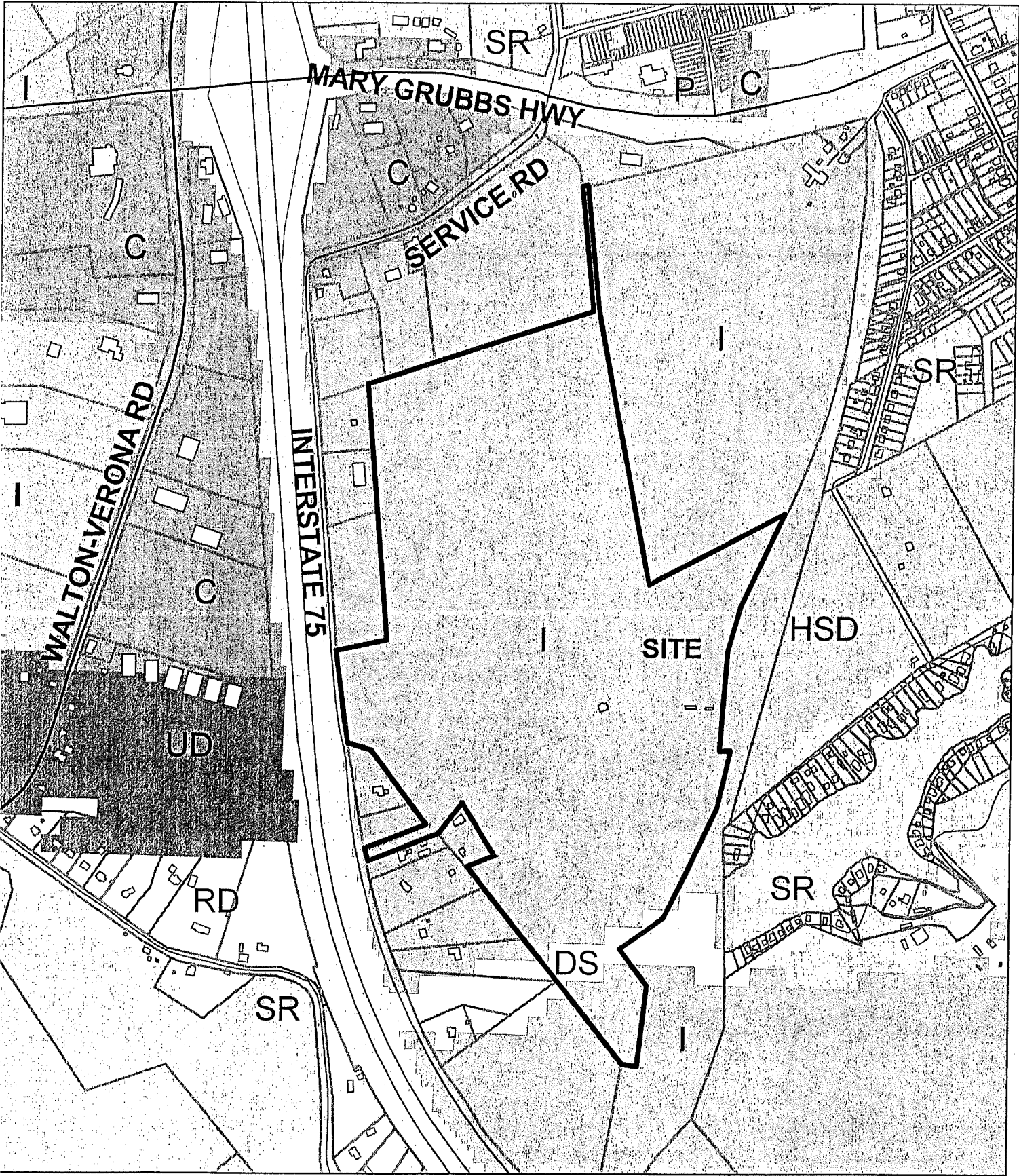


13066 Service Road Zoning Map

700 0 700 Feet

1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 23, 2003

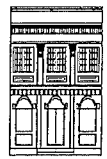




13066 Service Road Future Land Use Map

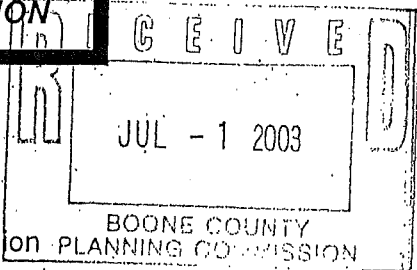


1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 23, 2003



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 Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant's Name Mary Ann Neal
Phone Number 485-1234 Fax No. 485-2350
Applicant's Address P. O. Box 171
Walton, KY 41094
City State Zip

4. Description of Request: I-1 Conditional Use Permit

5. Name of Development STI Towing & Repair

6. Location of Development 13066 Service Road
Walton, KY 41094

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 10.

Address of Property Owner 21144 Hwy 301 South, Enfield, NC 27823
City State Zip

2

11. Proposed Use(s) on Site: to increase existing business of towing/repair to allow us to auction/sell used vehicles

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

If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? no changes

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 Neal, President, 5-11

Property Owner's Signature: Rudy Martin

(over)

COPY

CLUR #03-WBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Quality Forest Products
21144 Hwy. 301 South
Enfield, NC 27823

2. ADDRESS OF PROPERTY

13066 Service Road
Walton, KY 41094

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

STI Towing & Repair

4. DEED BOOK 312

PAGE NO. 1

GROUP NO. 2082

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

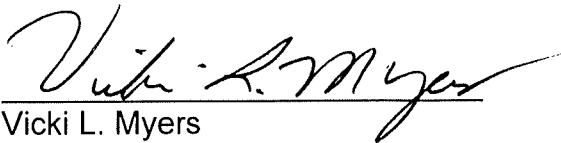

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

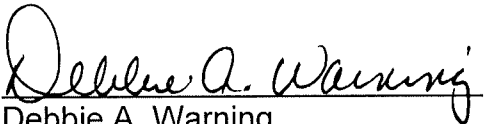
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 28 day of August, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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 Walton Board of Adjustments and in accordance with the current zoning in effect as of August 21, 2003 Certificate of Land Use Restriction (#03-WBOA-003-A), for Quality Forest Products, Property Owner(s).

The following conditions will apply:

- 1) The property shall meet Article 40 of the *Boone County Zoning Regulations* at all times and in particular the operation of a junkyard is prohibited.
- 2) It is suggested, but not required, that the applicant apply for an off-premise sign for the business.
- 3) The sales will take place on Tuesday at 6:00 PM and during the months of January, February, and March an auction will also be allowed on Thursday evening at 6:00 PM.
- 4) For the first six months of business, there will be a maximum of two hundred vehicles brought in per sale, which would be a maximum of four hundred per week in the months of January, February, and March.
- 5) At the end of the first six months, the approximately 800-foot section of driveway shall be constructed of concrete or asphalt and all additional drives shall remain concrete or asphalt and be in good working condition.
- 6) At the end of the first six months, the maximum number of vehicles per sale will be three hundred.
- 7) At the end of one year, paving of the entire storage and parking areas shall be completed as required in the *Boone County Zoning Regulations*.

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