

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 Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Bob Heckel
Phone Number 859-393-2585 Fax No. 859-491-0871
Applicant's Address 8562 Cranbrook way
Florence KY 41042
City State Zip
4. Description of Request: Allow motorcycle sales inside existing building
5. Name of Development Balance Dynamics Motorcycle Training
6. Location of Development 142 Mullen Dr
Walton KY 41094
7. Acreage Under Review 1.97
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 7 Sec 3 North Walton Commerce Park
9. Owner of Property Balance Dynamics Motorcycle Training
Address of Property Owner 142 Mullen Dr Phone No. 485-29253
Walton KY 41094
City State Zip
11. Proposed Use(s) on Site Motorcycle sales
12. Total Square Footage of Existing and/or Proposed Buildings 1800
13. Current Zoning on Property I-1
14. Deed Book 872 Page No. 517 Group No. 2080
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request?
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] William Meiss
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Bob Heckel
(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 12/9/10 Fee Received \$1,082⁰⁰ R#62003
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
1/13/11 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: NONE

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: Bob Heckel for Balance Dynamics Motorcycle Training

LOCATION: 142 Mullen Drive, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: January 13, 2011

PROPOSAL

The applicant is requesting a Conditional Use Permit in order to allow motorcycles to be sold inside an existing building at Balance Dynamics Motorcycle Training. The applicant informed Staff that the motorcycles would be sold to customers that received training at the facility.

SITE HISTORY

03/12/01 – The City of Walton approved an Ordinance which rezoned an approximate 115 acre site from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) to allow light industrial uses. There were no conditions which limited any of the principally permitted I-1 uses.

02/27/04 – Boone County Planning Commission approves a Site Plan allowing a motorcycle training facility to be constructed on the 1.9961 acre lot. The plan shows a 1,800 square foot (60' x 30') building, a motorcycle driving range, 20 parking stalls, a single curb cut on Mullen Drive, and a storm water detention basin (see attachment).

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 1133 of the Boone County Zoning Regulations permits a business which "stores gas" as a Conditional Use within the Industrial One (I-1) district.

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 & 1133 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.

Section 1133 of the Boone County Zoning Regulations allows "the retail sales of new and used motor vehicles" as a Conditional Use 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 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan applies to the application:

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

SITE CHARACTERISTICS

The 1.9961 acre site is located in North Walton Commerce Park and is zoned Industrial One (I-1). The property contains a motorcycle training facility which was developed in 2004. The topography of the site is approximately 930' above sea level at the center of the site and falls gradually towards the front and rear property lines. The site contains some street frontage landscaping and a mature deciduous tree line along the rear property boundary.

SURROUNDING LAND USES & ZONING

- Northeast: 37.5 Acre Agricultural Tract (RS & A-2)
- Northwest: Vacant Lot in North Walton Commerce Park (I-1)
- Southeast: Best Sanitizers (I-1)
- Southwest: Mullen Drive and Future Lots in North Walton Commerce Park (I-1)

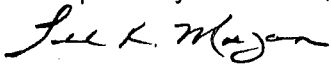
STAFF COMMENTS

1. Staff does not believe the proposal will alter the essential character of the area or have adverse impacts on adjoining properties.
2. The Board needs to analyze the conditional use permit criteria before voting on the request.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

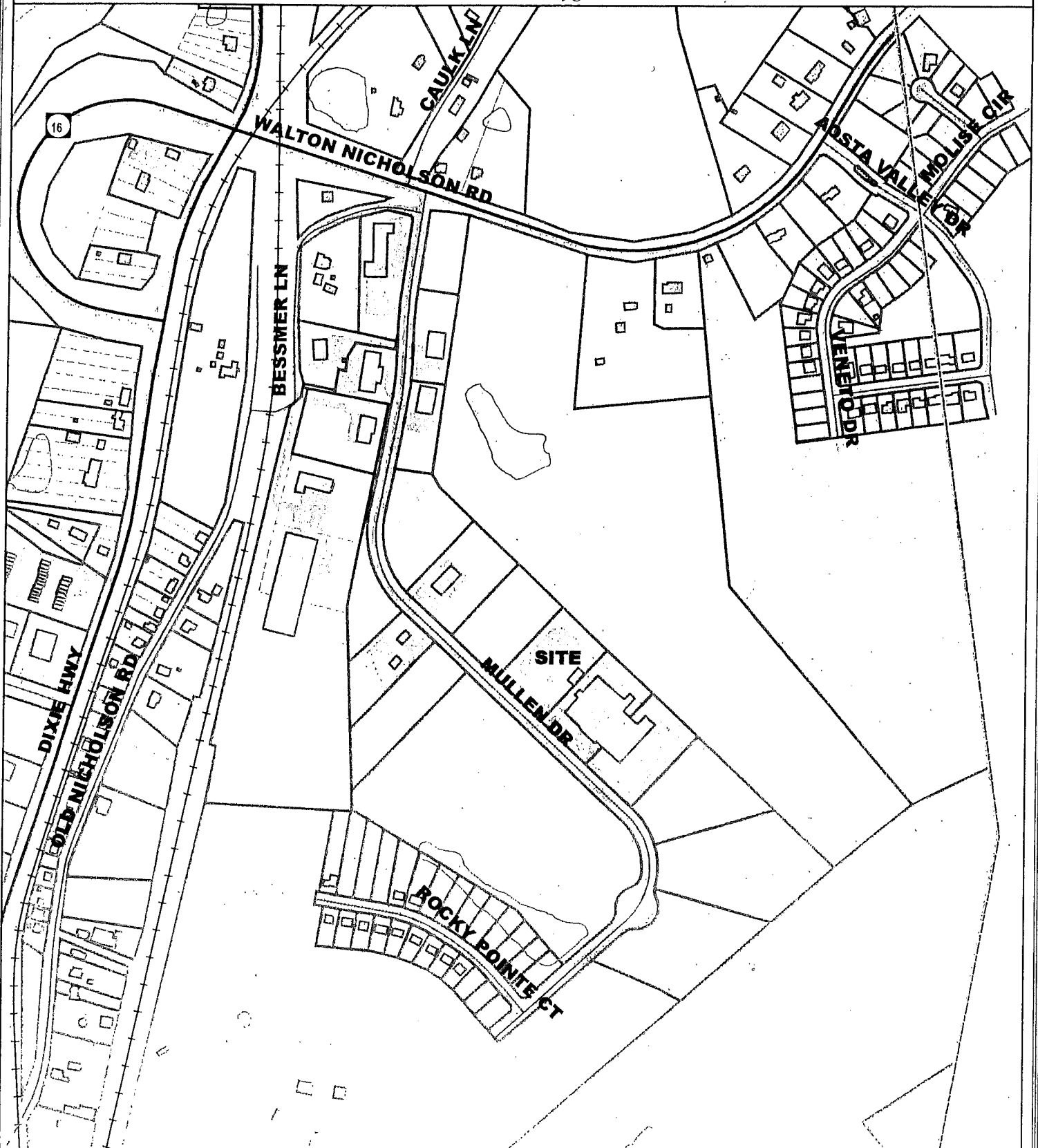
TKM/pr

Attachments

- *Site Vicinity Map
- *2009 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *2/27/04 Site Plan
- * Application

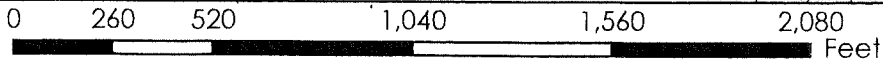
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

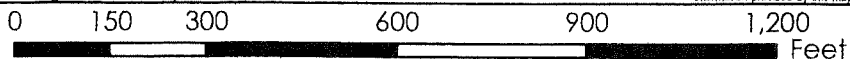
2009 AERIAL MAP

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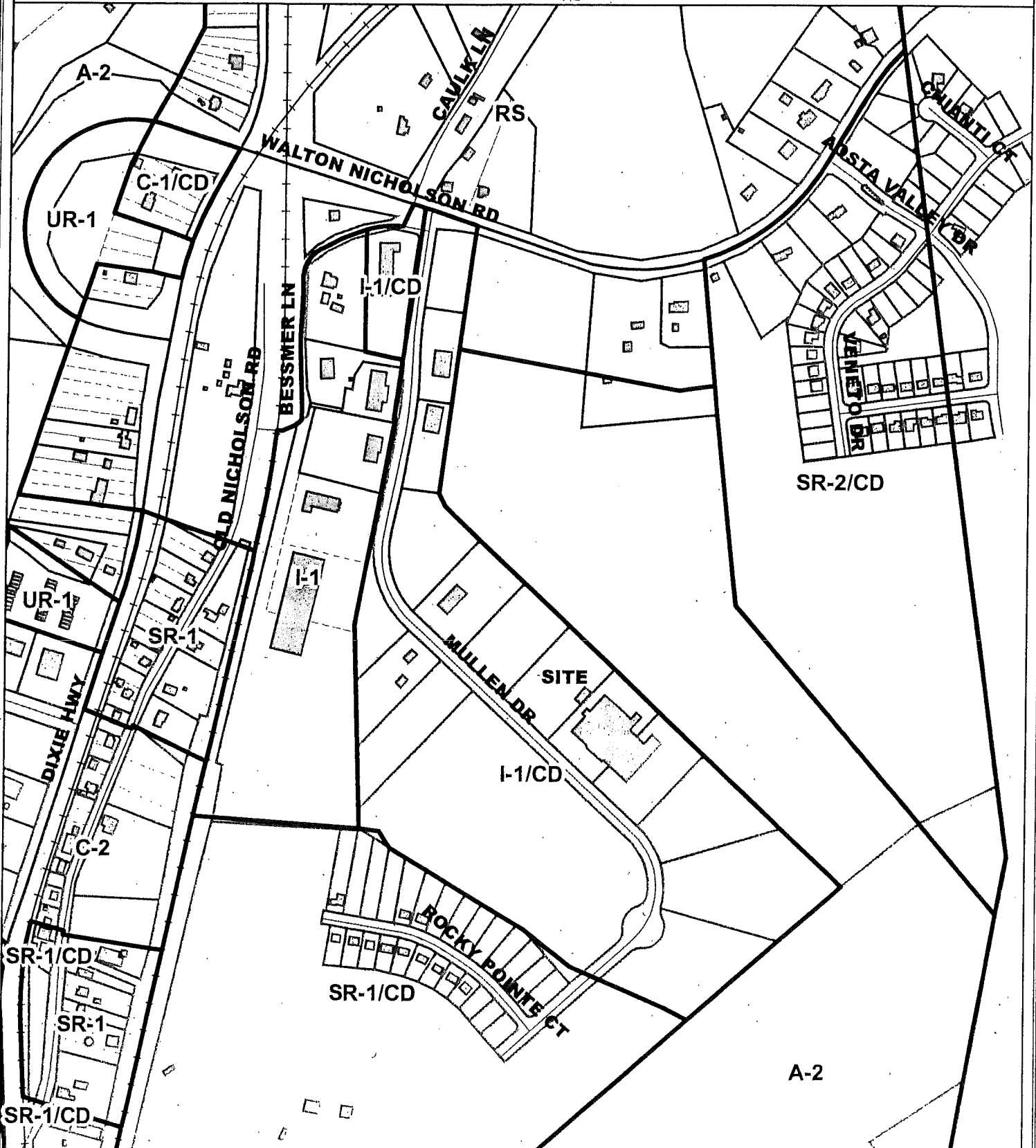


Boone County GIS - Putting Northern Kentucky on the Map



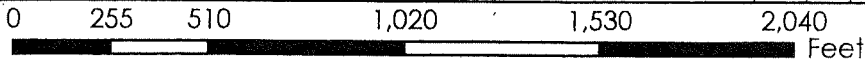
ZONING MAP

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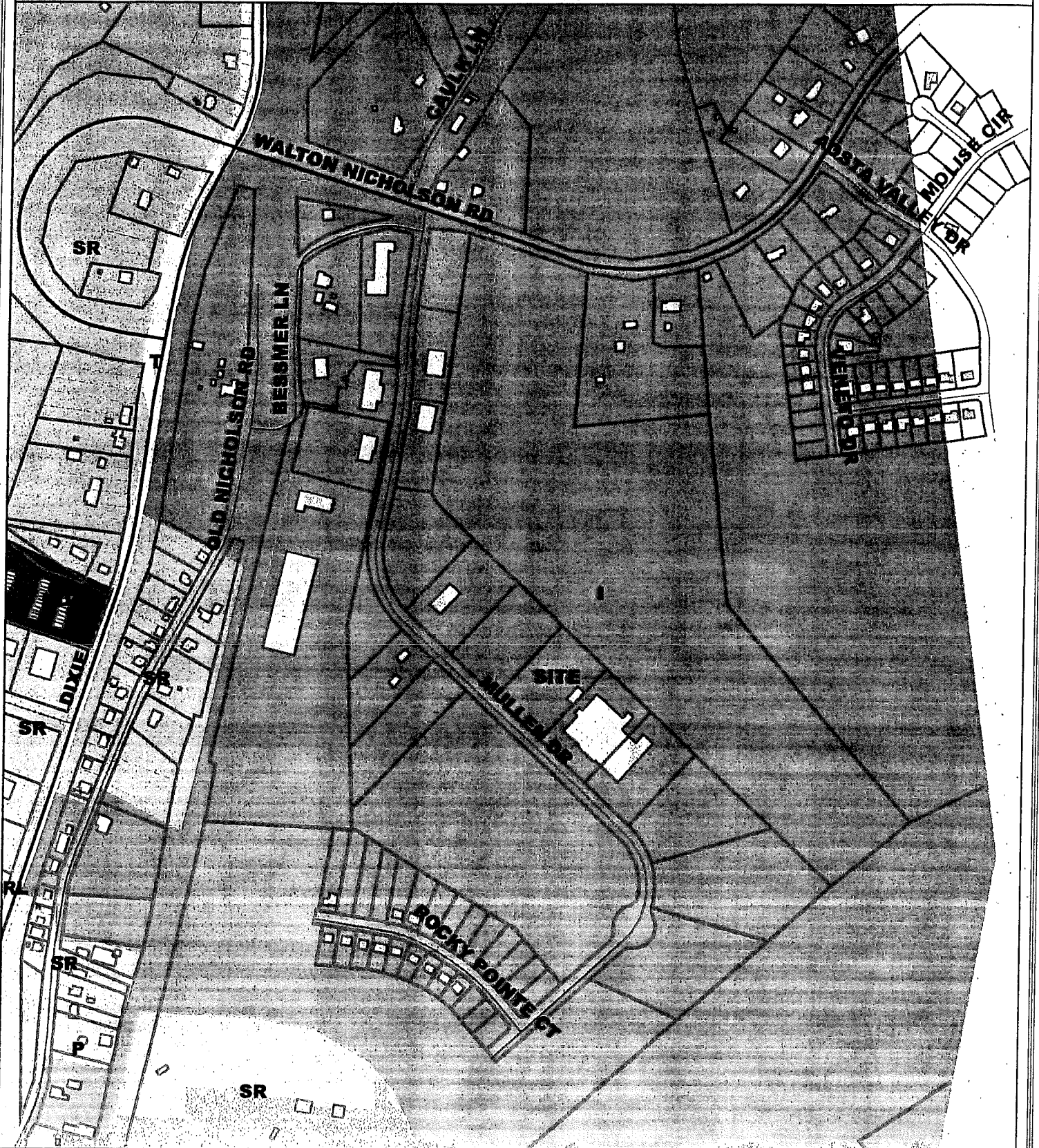


Boone County GIS - Putting Northern Kentucky on the Map



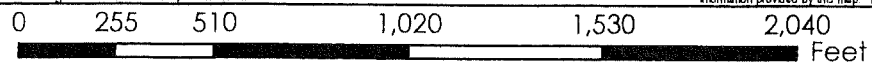
FUTURE LAND USE MAP

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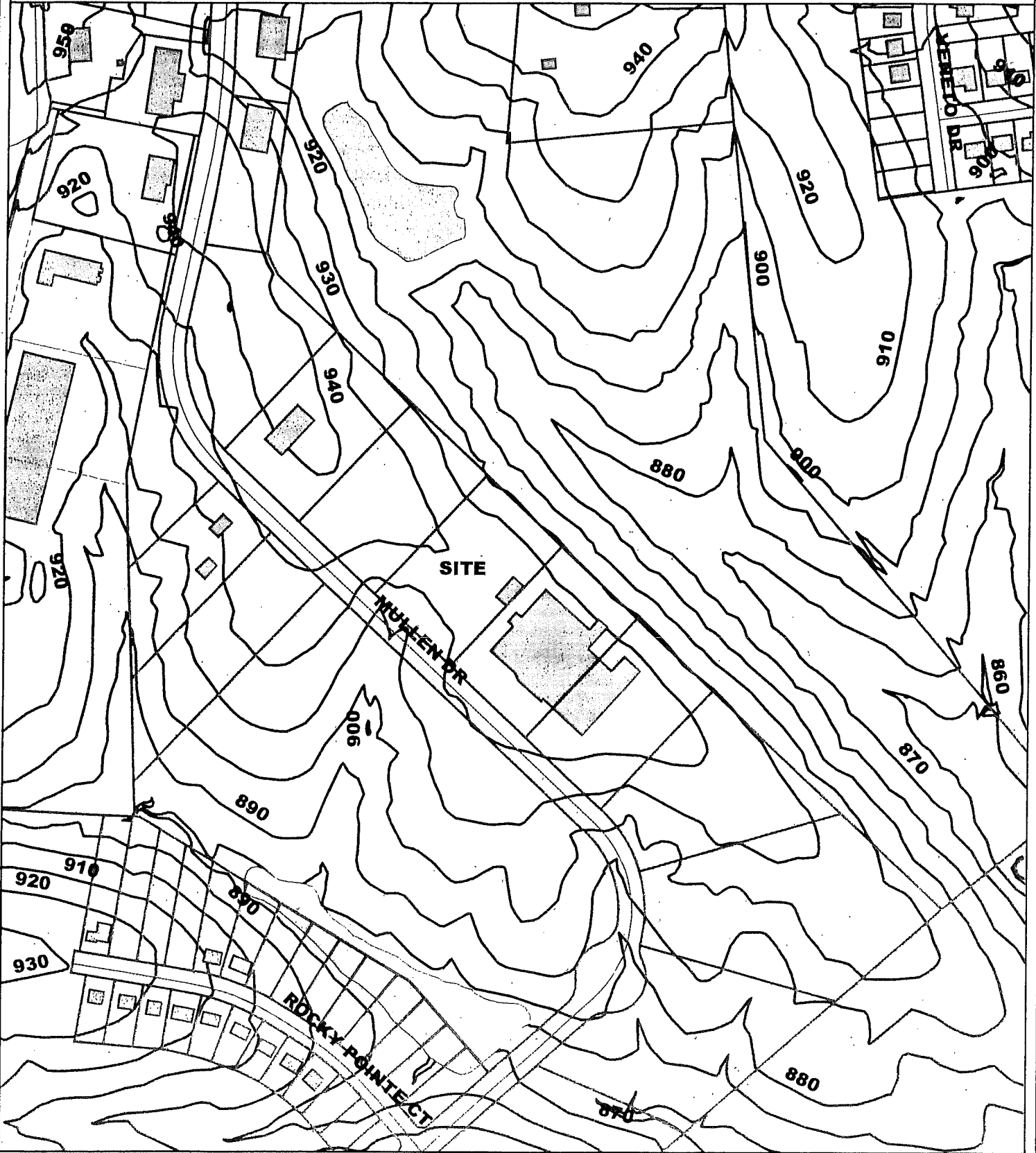


Boone County GIS - Putting Northern Kentucky on the Map



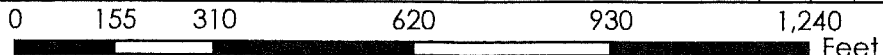
TOPOGRAPHICAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

2/27/04 Approved SITE Plan

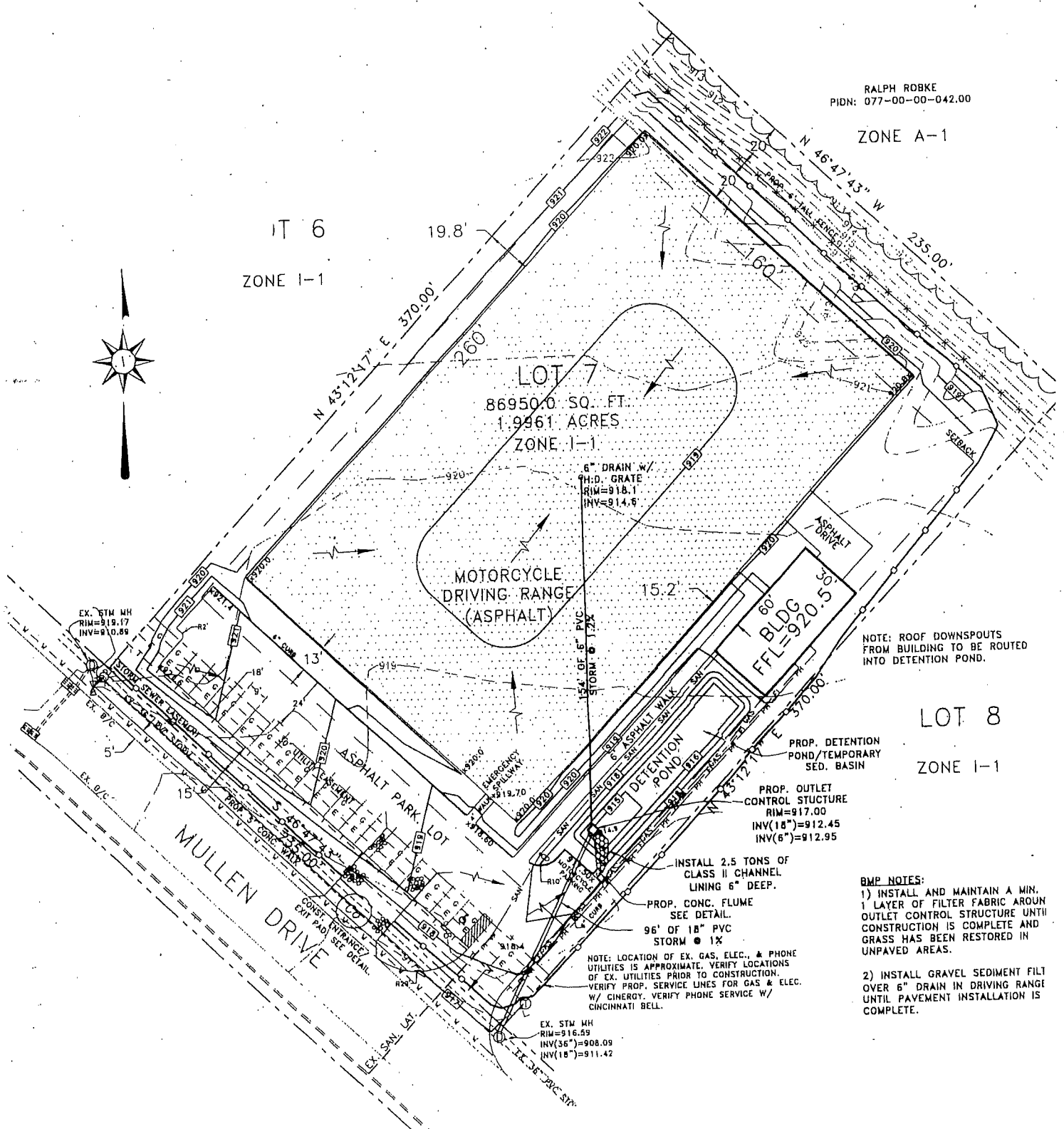
RALPH ROBKE
PIDN: 077-00-00-042.00

ZONE A-1

IT 6

19.8'

ZONE I-1



NOTE: ROOF DOWNSPOUTS FROM BUILDING TO BE ROUTED INTO DETENTION POND.

LOT 8

ZONE I-1

- BMP NOTES:**
- 1) INSTALL AND MAINTAIN A MIN. 1 LAYER OF FILTER FABRIC AROUND OUTLET CONTROL STRUCTURE UNTIL CONSTRUCTION IS COMPLETE AND GRASS HAS BEEN RESTORED IN UNPAVED AREAS.
 - 2) INSTALL GRAVEL SEDIMENT FILT OVER 6" DRAIN IN DRIVING RANGE UNTIL PAVEMENT INSTALLATION IS COMPLETE.

NOTE: LOCATION OF EX. GAS, ELEC., & PHONE UTILITIES IS APPROXIMATE. VERIFY LOCATIONS OF EX. UTILITIES PRIOR TO CONSTRUCTION. VERIFY PROP. SERVICE LINES FOR GAS & ELEC. W/ CINCINNATI BELL.

EX. STM MH
RIM=916.59
INV(36")=908.09
INV(18")=911.42

EX. STM MH
RIM=919.17
INV=910.86

MULLEN DRIVE

ASPHALT PARK LOT

MOTORCYCLE DRIVING RANGE (ASPHALT)

PROP. BLDG
FFL=920.50

PROP. DETENTION POND/TEMPORARY SED. BASIN

PROP. OUTLET CONTROL STRUCTURE
RIM=917.00
INV(18")=912.45
INV(6")=912.95

INSTALL 2.5 TONS OF CLASS II CHANNEL LINING 6" DEEP.

PROP. CONC. FLUME SEE DETAIL.

96" OF 18" PVC STORM 1X

6" DRAIN W/ H.D. GRATE
RIM=918.1
INV=914.6

154" OF 6" PVC STORM 1X

6" ASPHALT WALK

DETENTION POND

6" ASPHALT WALK

6" ASPHALT WALK

6" ASPHALT WALK

6" ASPHALT WALK

6" ASPHALT WALK

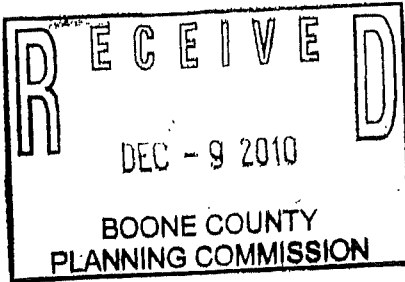
6" ASPHALT WALK

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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 Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
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4. Description of Request: Allow motorcycle sales inside existing building
5. Name of Development Balance Dynamics Motorcycle Training
6. Location of Development 142 Mullen Dr, Walton, KY 41094
7. Acreage Under Review 1.97
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 7 Sec 3 North Walton Commerce Park
9. Owner of Property Balance Dynamics Motorcycle Training, Address of Property Owner 142 Mullen Dr, Phone No. 485-2925, Walton, KY 41094
10. City State Zip
11. Proposed Use(s) on Site Motorcycle sales
12. Total Square Footage of Existing and/or Proposed Buildings 1800
13. Current Zoning on Property I-1
14. Deed Book 872 Page No. 517 Group No. 2000
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
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] William Meist (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] Bob Heckel (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #11-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Balance Dynamics Motorcycle Training
142 Mullen Drive
Walton, KY 41094
2. ADDRESS OF PROPERTY
142 Mullen Drive
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Balance Dynamics Motorcycle Training
4. DEED BOOK 872 PAGE NO. 517 GROUP NO. 2080
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

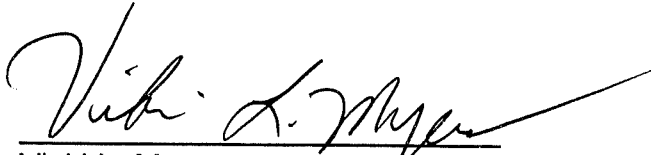

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

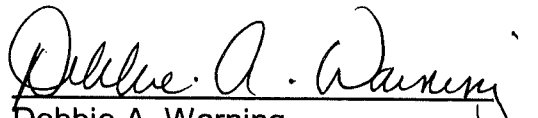
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 14 day of January, 2011.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of January 13, 2011 Certificate of Land Use Restriction (#11-WBOA-001-A), for Balance Dynamics Motorcycle Training, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 872 PAGE NO. 517 GROUP NO. 2080