

APPLICATION FORM
**BOARD OF ADJUSTMENT
 AND
 ZONING APPEALS ACTION**
 (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 DENNIS HUFFMAN AND LILLIE EARLS
 Phone Number 606-283-2991 Fax No.
 Applicant's Address 819 GILVICASTER
FLORENCE KENTUCKY 41042
 City State Zip
4. Description of Request: OPEN USED CAR AND TRUCK RETAIL
SALES BUSINESS - CONSTRUCT AN 2 BAY GARAGE BUILDING WITH
AN OFFICE AND BLACK TOP THE EXISTING GRAVEL LOT.
5. Name of Development
6. Location of Development 192 NORTH MAIN ST., WALTON, KENTUCKY
7. Acreage Under Review APPROX. 1/3 ACRE MORE OR LESS
8. Lot Number and Name of Subdivision (if part of a subdivision)
- NONE -
9. Owner of Property CHESTER ARMSTRONG
 Phone Number of Owner 606-485-4894
10. Address of Property Owner 166 NORTH MAIN ST.
WALTON KENTUCKY 41042
 City State Zip
11. Proposed Use(s) on Site RETAIL CAR AND TRUCK SALES WITH
2 BAY CLEAN-UP AREA.
12. Total Square Footage of Existing and/or Proposed Buildings
864 sq-ft.
13. Current Zoning on Property C-2
14. Deed Book 524 Page No. 146 Group No. 2080
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? YES
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.
 Applicant's Signature: Dennis Huffman - Lillie B. Earls
 Property Owner's Signature: Chester A. Armstrong

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

RECEIVED

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received 12-14-95 Fee Received \$626.00 R# 8739
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 1-29-96
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

7. Reasons for Denial: _____

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: Automobile Dealership

APPLICANT: Dennis Huffman and Lillie Earls

LOCATION: 192 North Main, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 29, 1996

The applicant is proposing to develop a used auto and truck dealership on approximately 1/3 of an acre on east side of US 25 in Walton, Kentucky (See Map #1).

Article 10, of the Boone County Zoning Regulations, permit the development of small scale sales or leasing of new and used motor vehicles requiring storage of no more than fifty (50) vehicles on the premises within a Commercial Two zoning district 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 commercial use, professional or personal service;
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center;
- c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning (See Sheet #2)

North: TK Oil Station zoned Commercial Two (C-2)

South: Network Video Store zoned Commercial Two (C-2)

East: Southern Railroad

West: Single-family residences zoned Suburban Residential One (SR-1)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as commercial. The Land Use Text identifies that commercial development along US 25 should also experience infilling, and should remain local in nature.

Concept Development Plan

The applicant's auto dealership would have a display area of approximately 4,300 square feet, located in front of a building approximately 900 square feet in size (See Map #3). Access to the site would be from a single curb cut located in the middle of the site. The site has approximately 75 feet of road frontage along U.S. 25 and is approximately 140 feet deep on the southern property line. Two lights are proposed in the front of the site and on the building.

Staff Concerns

1. Site Plan Review will be required for the development of the site if the Board approves the Conditional Use Permit.
2. The lighting for the site should be directed straight down with shields to prevent any spill over lighting into the adjoining residential properties to the west. The lighting should not be left on overnight other than that necessary to provide security for the site. The lighting poles should not be any taller than 20 feet.
3. The Board should determine if a limit needs to be established on the number of automobiles which can be stored on the property and what the hours of operation should be for this development. In addition, it should be established that no vehicle repairs will be conducted on the premises.
4. The Boone County Zoning Regulations will permit a free-standing sign of 25 feet in height and 75 square feet in size because of the amount of road frontage this site has along U.S. 25. Staff believes that a sign of this size and height would be inappropriate to the residential homes across from the applicant's site. Therefore, staff would recommend that a low rise monument sign be considered for the site which is smaller in size than 75 square feet.
5. Large deciduous trees should be planted around the perimeter of the site within the six foot grass areas which is indicated on the applicant's concept plan.
6. The Board should examine the design and materials to be used for the building and determine if the building is appropriate to the residential homes to the west. Material such as brick should be used for the front of the building as it faces U.S. 25.

Conclusion

Staff believes, that if the building, lighting, sign, and landscaping are properly designed and the use properly operated, it will be harmonious with the surrounding residential and commercial uses. 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 three criteria for a Conditional Use within a Commercial Two zoning district.

Respectfully Submitted,

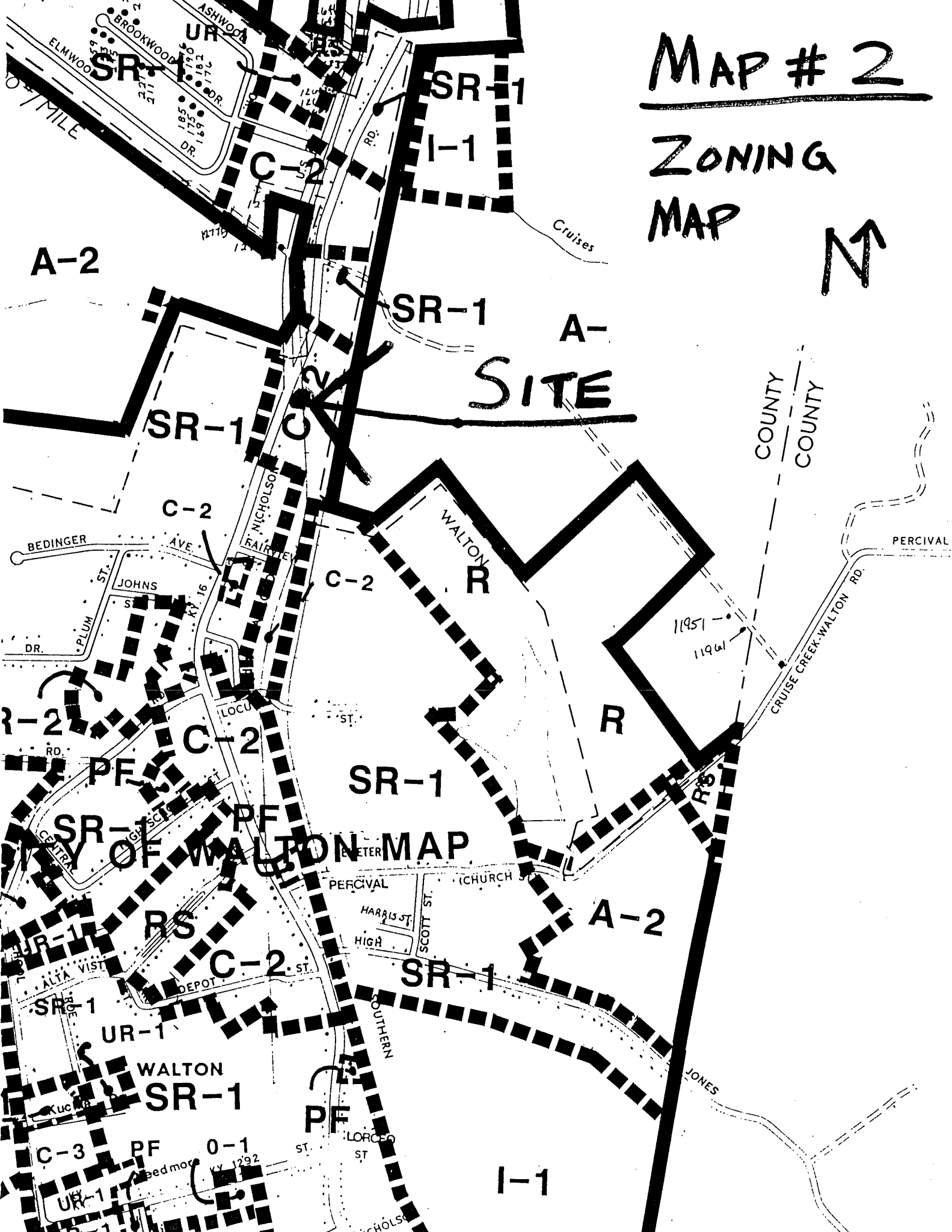
A handwritten signature in black ink, appearing to read "Jeffrey F. Hayes". The signature is fluid and cursive, written over a white background.

Jeffrey F. Hayes, AICP
Planner

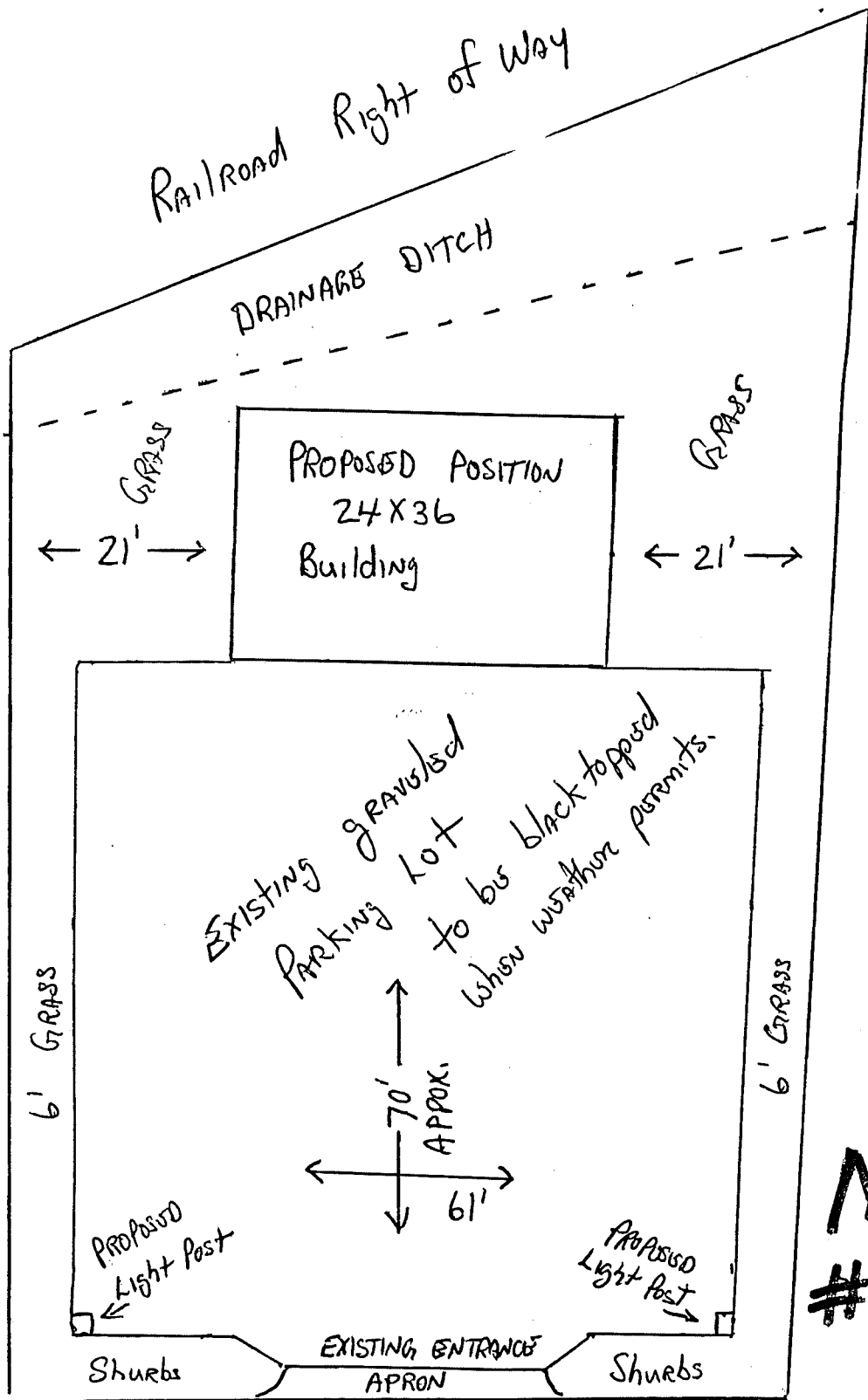
JFH\par

MAP # 2

ZONING MAP



T.R. OIL & OFF ROAD PERFORMANCE CENTER



NET WORK VIDEO

MAP # 3

U.S. 25 - South →

Scale - 1/16" = 1 foot

COPY

CLUR # 96-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Chester Armstrong
166 North Main Street
Walton, Kentucky 41092

2. ADDRESS OF PROPERTY

192 North Main Street
Walton, Kentucky 410921

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Retail Car and Truck Sales

DEED BOOK: 524

PAGE NO.: 146

GROUP NO.: 2080

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

Zoning Map Amendment:: From to Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Unrecorded) Other:

Variance

5. 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

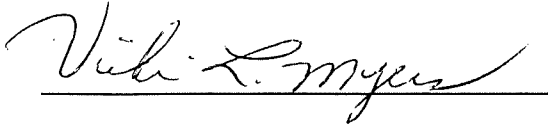

SIGNATURE OF COMPLETING OFFICIAL

Jeffrey Hayes, AICP/Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the
Boone County Planning Commission this 19th day of June 1996.

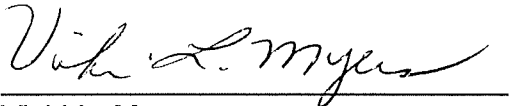


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers
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 as approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of January 29, 1996 (Certificate of Land Use Restriction # 96-WBOA-001-A), for Chester Armstrong property owner.

The following conditions will apply: (1) that the hours be no later than 10 P.M. , (2) that there be no more than 25 cars on the lot, (3) that they put in sidewalks, (4) that there be landscaping in front of the building, (5) that there be deciduous trees on either side, (6) that there be no repairs or body work on the property, (7) that the lights be shielded and direct light on the site, that there be no lighting off site, that they be no higher than 20 feet, and per the discussion regarding brightness, (8) Site Plan Review and (9) they can have a monument sign.

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

described in: DEED BOOK 524

PAGE NO. 146

Group No. 2080