

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Ohio Valley CFM INC Owner
 Agent
 Address: 4150 ALEXANDRIA PIKE
Cold Spring Ln 41076 Telephone: 606-781-3800
 Location: 986 BURLINGTON PIKE BOONE COUNTY
 Name of Property Owner: CHUCK & EILEEN DEGLOW
 Address of Property Owner: 986 BURLINGTON PIKE, FLORENCE 41042
 Zoning District: _____ Area in Acres: +- .345
 Deed Book: 125/208 Page Number: _____ Group Number: 2033A
 Description of Request: FOR INSTALLING TWO ISLAND GASOLINE PUMPS, SELF-SERVICE, CASHIER OPERATED FROM STORE WINDOW ON SIDE OF BUILDING) AS ACCESSORY USE TO GROCERY BUSINESS.

Applicant's Signature: Ohio Valley CFM INC J. Legend Hancock inc pres.
 Property Owner's Signature: [Signature]

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____
 Referred To: _____ Meeting Date: _____
 Action Taken: _____ Date of Action: _____

Staff Report

APPLICANT: Ohio Valley CFM, Inc. d.b.a. Convenient Food Mart

LOCATION: 986 Burlington Pike, Boone County

ZONE: Commercial One, C-1

DATE: October 8, 1986

REMARKS:

The applicant is requesting a Conditional Use Permit to install gasoline pumps at Chuck's Market, which is proposed to become a Convenient Food Mart. The 0.345 acre site, located in the northeast quadrant of the intersection of KY 18 (Burlington Pike) and Green drive, is currently owned by Chuck and Eileen Deglow.

At the time of writing, no formal site plan has been submitted with this request. Staff feels that this site is of such importance that such details as parking, ingress and egress, and storm water drainage should be studied more closely. A second report dealing with the site plan will be submitted. This report will address the conditional use of the retail sale of gasoline only.

The following reviews the general standards found in Article 2, Section 263 of the Boone County Zoning Regulations which apply to all Conditional Uses:

1. The 1980 Boone County Comprehensive Plan Land Use Map shows the future land use of this property as commercial. The text describes one type of commercial development as neighborhood or convenience, which is intended to serve populations under 25,000 and usually much smaller, within close proximity. The text also states:

Neighborhood or convenience oriented commercial districts are much more broadly dispersed throughout the County. These districts should be located closed to their consumer population...(p. 3.7)

The text also describes the Burlington-Florence Corridor:

The development corridor both north and south of KY 18 between Burlington and Florence is a crucial component of the overall land use element. This area is relatively undeveloped, yet is served by a fourlane divided highway and planned between two urban centers. The area could easily become congested and overdeveloped if not well planned and coordinated. The impact of the Airport on this corridor must also be anticipated. (p.3.15)

Similarly, the proposed 1986 Boone County Comprehensive Plan Land Use Map indicates future commercial useage for the site.

2. The final proposed design of the site has not been made available for staff review. The sale of gasoline will not change the essential character of the area.

3. The retail sale of gasoline should not be hazardous to neighboring uses if the appropriate safety codes are followed.

4. The site is adequately served by the essential public facilities.
5. Excessive requirements at public cost for public facilities and services would not be required.
6. The activities and materials used in the operations of a gasoline station would not be detrimental to any persons, property, or the general welfare if the proper safety procedures are followed.
7. The existing vehicular approaches to the property do create an interference with traffic on surrounding public thoroughfares. Staff will review this point when a formal site plan is submitted.

The Board must also consider the specific standards which apply to conditional uses in the Commercial One zoning district:

1. The sale of gasoline is an integral and subordinate function of a convenience store, which is a principally permitted use.
2. The arrangement of uses, buildings and structures has not yet been determined. Their compatibility to the permitted use will be determined during site plan review.

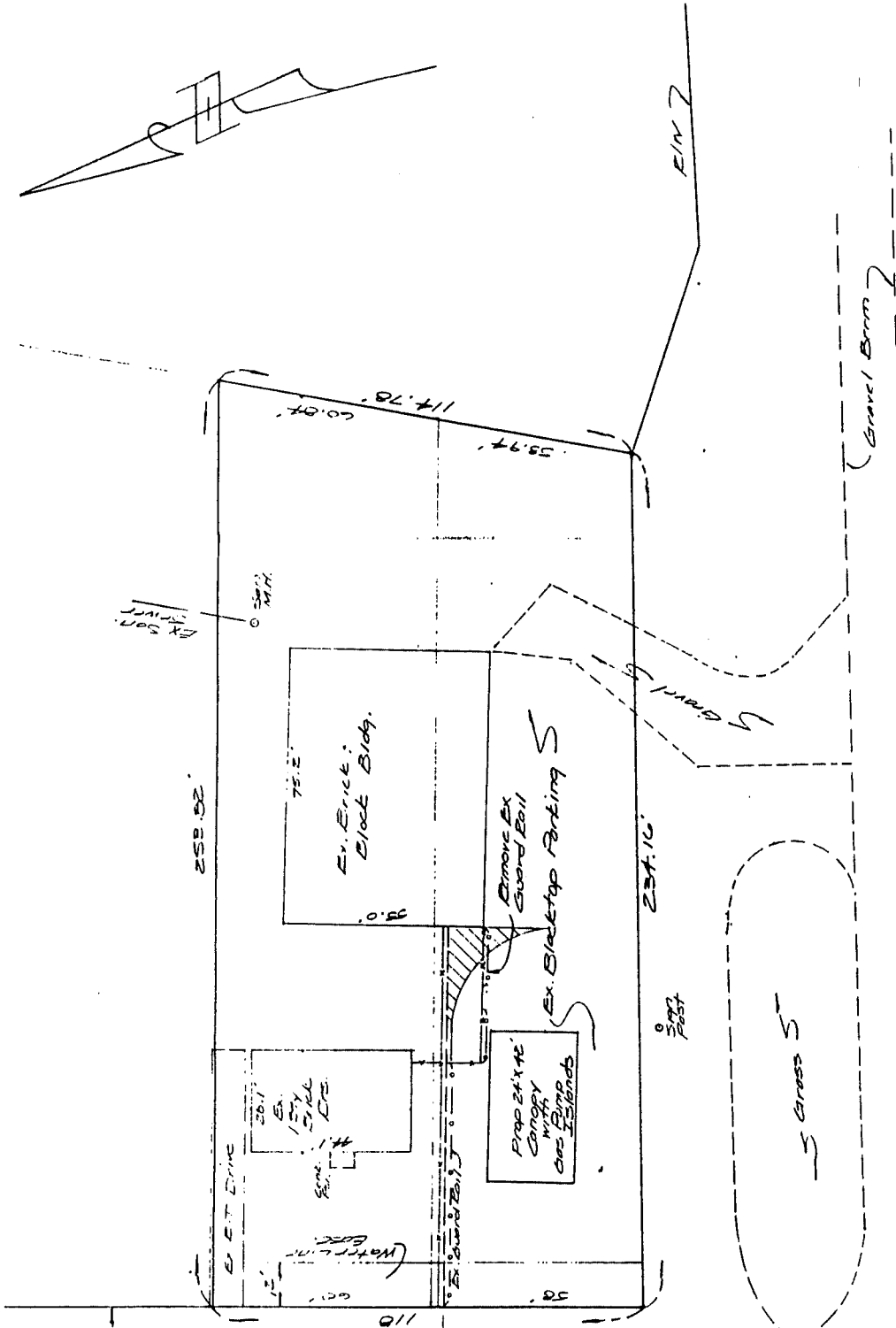
At this time, staff is not prepared to recommend any conditions. A second staff report dealing with the details of the site plan will be prepared and conditions may be suggested at that time.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

need formal site plan



STATE OF KENTUCKY
 R. James Abercrombie
 1987
 REV. REGISTERED
 LAND SURVEYOR

LOCATION PLAT
 BOONE CO., KENTUCKY

Abercrombie & Associates, Inc.
 CIVIL ENGINEERS & SURVEYORS
 5880 Colerain Avenue • Cincinnati, Ohio 45229

| | | | |
|-------------------|-----------------|--------------------|---------------|
| SCALE 1" = 50' | DATE 7-12-87 | JOB NO. 50-2529 | DRAWN E.L. |
|-------------------|-----------------|--------------------|---------------|

BURLINGTON PIKE (KY 18)

BOONE COUNTY BOARD OF ADJUSTMENT

OCTOBER 8, 1986

6:30 P.M.

Chairman Whitton called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Nevel. Staff members present were Messrs: Newton, Costello and Breidenstein. Atty. Dale Wilson was also present.

Minutes of the September 10, 1986 Boone County Board of Adjustment meeting were considered. Mr. Ryan moved to approve the September 10, 1986 Boone County Board of Adjustment Minutes as reviewed. The motion was seconded by Mr. Archambault. The motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Conditional Use Permit

A request of Ohio Valley, CFM, Inc., d.b.a. Convenient Food Marts for a Conditional Use Permit to allow the retail sale of gasoline at 986 Burlington Pike, Boone County. The 0.345 acre site, zoned C-1, is currently owned by Charles and Eileen Deglow and is operated as Chuck's Market.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Report). Mr. Breidenstein presented a slide presentation of the proposed request and the surrounding area.

Director Gerald Newton stated the applicant had presented a letter which dealt with the potential problem of the encroachment owned by the State. Mr. Newton noted that Mr. Forest Rankin of the Kentucky Department of Transportation (K.D.O.T.) felt the problem could be overcome.

Mr. Gene Hancock, representative of the request stated the entire property was zoned Commercial and the store would be primarily an existing use. Mr. Hancock described the utility and landscaping provisions.

Chairman Whitton inquired of any support, opposition or comments on the proposed request.

Ms. Rosie Deaton, adjoining property owner requested that a fence be placed between the back of the store and her property. Ms. Deaton explained that she had failed to sell her home several time because of the view of the back of the store from her property.

Further discussion on the screening between the proposed store and Ms. Deaton's property.

Ms. Wanda Williams, property owner in the area noted there had been numerous accidents at the particular access point and inquired that with the proposed store going in and the increase in traffic volume could a traffic signal be placed at that particular access point. Atty. Dale Wilson explained that the Board of Adjustment could not require the K.D.O.T. to put up a traffic signal. Staff member Kevin Costello advised Ms. Williams to contact the K.D.O.T. Office, District 6 and talk with Mr. Joe Kerns regarding the traffic signal.

Mr. Newton explained that under the proposed zoning, there would be screening provided but currently the screening would be left up to the Board. Mr. Newton stated that under Site Plan Review the regulations required that a 20 foot area be suitably planted. Mr. Newton stated that if the applicant was not able to obtain the right-of-way from the State, there would be a problem in the number of parking spaces required for the store. Mr. Newton again noted that Mr. Rankin with the K.D.O.T. did not feel the right-of-way would be a problem but he could not give anyone a 100% guarantee at the present time.

Mr. Archambault expressed concern of the lighting at night disturbing the residents. Mr. Hancock stated the store would close at 12:00 A.M. and there would not be exterior parking lights on after 12:00 A.M.

After further discussion, Mr. Houston moved to approve the request of Ohio Valley, CFM, Inc. d.b.a. Convenient Food Marts for a Conditional Use Permit to allow the retail sale of gasoline at 986 Burlington Pike, Boone County with the conditions that the applicant go through staff for review of the Site Plan for appropriate screening and lighting and that the encroachment be worked out with the K.D.O.T. The motion was seconded by Mr. Archambault.

Atty. Dale Wilson informed the applicant that if he disagreed to the conditions and the staff's review of the Site Plan, then he would have to come back before the Board again. Mr. Hancock stated he understood and agreed to the conditions of the motion.

After further discussion, the motion carried unanimously.

Variance

A request of Michael T. McKinney (applicant) for the Gap Stores, Inc. (owner) for a variance in the sideyard setback for the construction of an industrial distribution building on a 11 acre site located south of Mineola Pike and east of Jamike Avenue, Boone County, Kentucky. The site is currently zoned

Industrial One, I-1.

Staff member Kevin Costello presented a slide presentation of the proposed site and surrounding area. Mr. Costello presented the Staff Report. (See Staff Report)

Mr. Michael McKinney explained the store's need for the side yard setback based upon his written statement, which was included in the Staff Report. Mr. McKinney made himself available for questions.

Chairman Whitton inquired of support, opposition or comment on the proposed request.

Hearing no response, Mr. Houston moved to approve the request of Michael T. McKinney (applicant) for the Gap Stores, Inc. (owner) for a variance in the sideyard setback for the construction of an industrial distribution building on a 11 acre site located south of Mineola Pike and east of Jamike Avenue, Boone County, Kentucky based upon the Staff Report. The motion was seconded by Mr. Ryan. The motion carried unanimously.

ADMINISTRATION

Mrs. Arlene Jones representing Nationwide Printing, Inc., requested a special meeting to be held by the Boone Board of Adjustment for a change in non-conforming use from a food products manufacturing to wholesale printing located at 5906 North Jefferson Street, Burlington, Kentucky.

Mr. Breidenstein noted the earliest date for the special meeting would be October 23 and the latest date would be November 1, 1986.

After further discussion, Chairman Whitton set October 29, 1986 at 6:30 P.M. as the date for the Special Board of Adjustment meeting for Nationwide Printing, Inc.

Hearing no further questions or comments, Mr. Archambault moved the meeting adjourn. The motion was seconded by Mr. Ryan. The motion carried unanimously.

The meeting adjourned.

APPROVED:

ATTEST:

GEORGE D. WHITTON, CHAIRMAN

DEE ANN BREWER, ADMINISTRATIVE ASST.