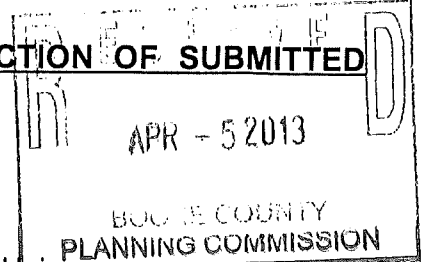


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 _____

3. _____ Change in Non-Conforming Use

Applicant's Name Speedway LLC Co. John Cox

Applicant's Address 500 Speedway Drive

ENON OHIO 45323

City State Zip

Phone Number 859-414-1204 Fax No. 859-426-0236 E-Mail John.Cox@speedway.com

Description of Request: WOULD like to ADD ANOTHER check out to help with TRUCK LANES we would like to INSTALL.

5. Name of Development Speedway #7401

6. Location of Development 5960 Centennial Circle Florence KY 41042

7. Acreage Under Review ~~3.0369~~ 3.0369

8. Lot Number and Name of Subdivision (if part of a subdivision)

2 Centennial Plaza Subdivision

9. Owner of Property Speedway

Address of Property Owner 500 Speedway Drive

10. ENON OHIO 45323

City State Zip

Phone Number 859-414-1204 Fax No. 859-426-0214 E-Mail John.Cox@speedway.com

11. Proposed Use(s) on Site EXISTING Store & Fuel Facility

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property C-3/PD

14. Deed Book [REDACTED] Page No. [REDACTED] 454 Group No. [REDACTED] 2026

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.

ORIGINAL Property Owner's Signature: John Cox (Speedway, LLC Construction Specialist)
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: John Cox Construction Specialist
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

VARIANCE TO
SUEE 1000'
200
CONTR-
FOR ALL
SUB C/F.

1009

**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 4-5-13 Fee Received \$932.00 Receipt # 66611
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions** (See #6)
5/8/13 **Denial** (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: SEE STAFF REPORT + MEETING
MINUTES

**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: Speedway LLC

LOCATION: 5960 Centennial Circle, Boone County, Kentucky.

ZONING: Commercial Service/Planned Development (C-3/PD)

DATE: May 8, 2013

PROPOSAL

The applicant is requesting a Variance to reduce the 1,000 foot road frontage requirement for a development to have three access points on an individual street frontage. The submitted plan (see attachments) shows Speedway's two existing curb cuts on Centennial Circle will remain and a new curb cut is proposed directly across from Delaware Crossing Drive. The third curb cut is being proposed because Speedway wants to demolish their car wash and construct diesel pumps behind the building. The request is to reduce the 1,000 foot road frontage requirement for three curb cuts on Centennial Circle from 1,000 feet to 595.93 feet.

APPLICABLE REGULATIONS

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 3221 of the Boone County Subdivision Regulations states "where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations."

SITE CHARACTERISTICS

The 3.0369 acre site is located on the northeast side of the KY 18/Centennial Circle/Boone Aire Road intersection. The property contains a 4,554 square foot convenience store with a Subway restaurant, gas pumps with a fuel canopy, 18 striped parking stalls, a detached car wash, a monument sign, and a shared retention pond. Access to the site is provided from two curb cuts on Centennial Circle.

SURROUNDING LAND USES AND ZONING

- North: Centennial Circle, McDonald's (C-3/PD), US Diner (C-3/PD), Hammond's Service Center (C-3/PD), and Former Plapp's Outdoors (C-2/PD)
- South: KY 18, Christ Methodist Church (SR-1)
- Southeast: Jake Sweeney Kia and Fiat (C-3/PD)
- East: Tractor Supply (C-2/PD)
- West: Single-Family Residential Dwellings Fronting on KY 18 and Boone Aire Road (SR-1)

STAFF COMMENTS

1. On August 3, 1994, Boone County Planning Commission approved a Site Plan allowing the construction of the gas station, convenience store with a Subway restaurant, and a detached car wash on the subject site. The plan showed access to the site would be provided from two curb cuts on Centennial Circle.

On August 17, 1994, Boone County Planning Commission approved a Site Plan allowing the construction of a McDonald's restaurant on the opposite side of Centennial Circle.

2. Staff asked the County Engineer to provide input regarding the request because the third curb cut is subject to Variance approval by Boone County Board of Adjustment and Encroachment Permit approval by Boone County Public Works (see attachments).
3. Centennial Circle is a two-lane road and does not have center turn lanes.
4. Staff made the applicant aware that they were opposed to the request before the application was submitted and that they should talk with Boone County Public Works about an Encroachment Permit before applying for a Variance. Staff is concerned about the proximity of Speedway's and McDonald's curb cuts to the KY 18/Centennial Circle intersection and their alignment with one another.

Staff would like the Board to consider the following safety issues with Speedway's and McDonald's curb cuts:

Speedway

- A. Large trucks, such as gasoline tankers, currently have a hard time staying in their respective lane when they are making a turning movement into the site. Large truck turning movements into the curb cut nearest KY 18 will probably increase significantly if diesel gas pumps are constructed behind the building.
- B. Both access points provide full access and customers can make left hand turning movements out of the site from the curb cut nearest KY 18. This curb cut is located in close proximity to the KY 18/Centennial Circle intersection and is directly across from McDonald's access points.

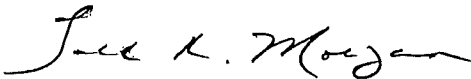
McDonald's

- A. Car stacking problems occur when motorists are trying to enter McDonald's and westbound traffic on Centennial Circle is backed up at the traffic signal.
 - B. The proximity of the egress point to the intersection causes car stacking problems. There is room for 3 cars to stack (6 if cars use the shoulder) between McDonald's egress point and the traffic signal. This problem is at its worst during McDonald's peak times.
5. A Variance will not be needed if the curb cuts are redesigned per the County Engineer's recommendations. The site will have two curb cuts on Centennial Circle.
6. The applicant also needs to contact Kentucky Transportation Cabinet if they plan on constructing the diesel fuel pumps behind the building. Kentucky Transportation Cabinet may require road improvements on KY 18 if there are increased truck turning movements.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

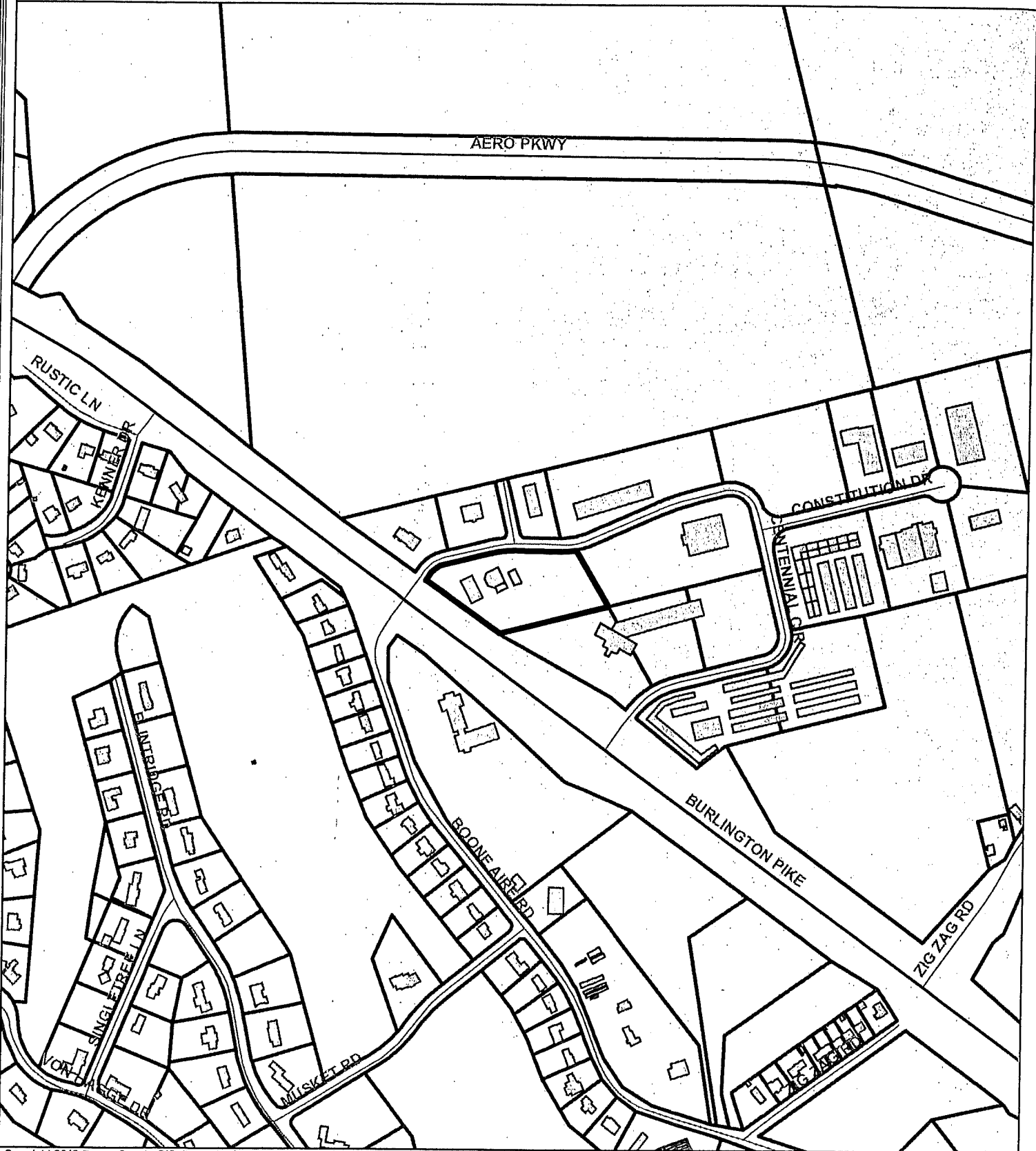
TKM/dw

Attachments

- *Site Vicinity Map
 - *Site Survey
 - *Proposed Plan
 - *2012 Aerial Map
 - *Zoning Map
 - *4/12/13 Email From Todd Morgan to Greg Sketch
 - *4/15/13 Letter From Greg Sketch
- Application

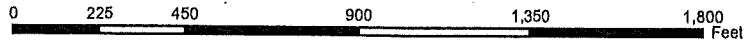
SITE VICINITY MAP

www.boonecountygis.com



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1 Inch = 500 feet

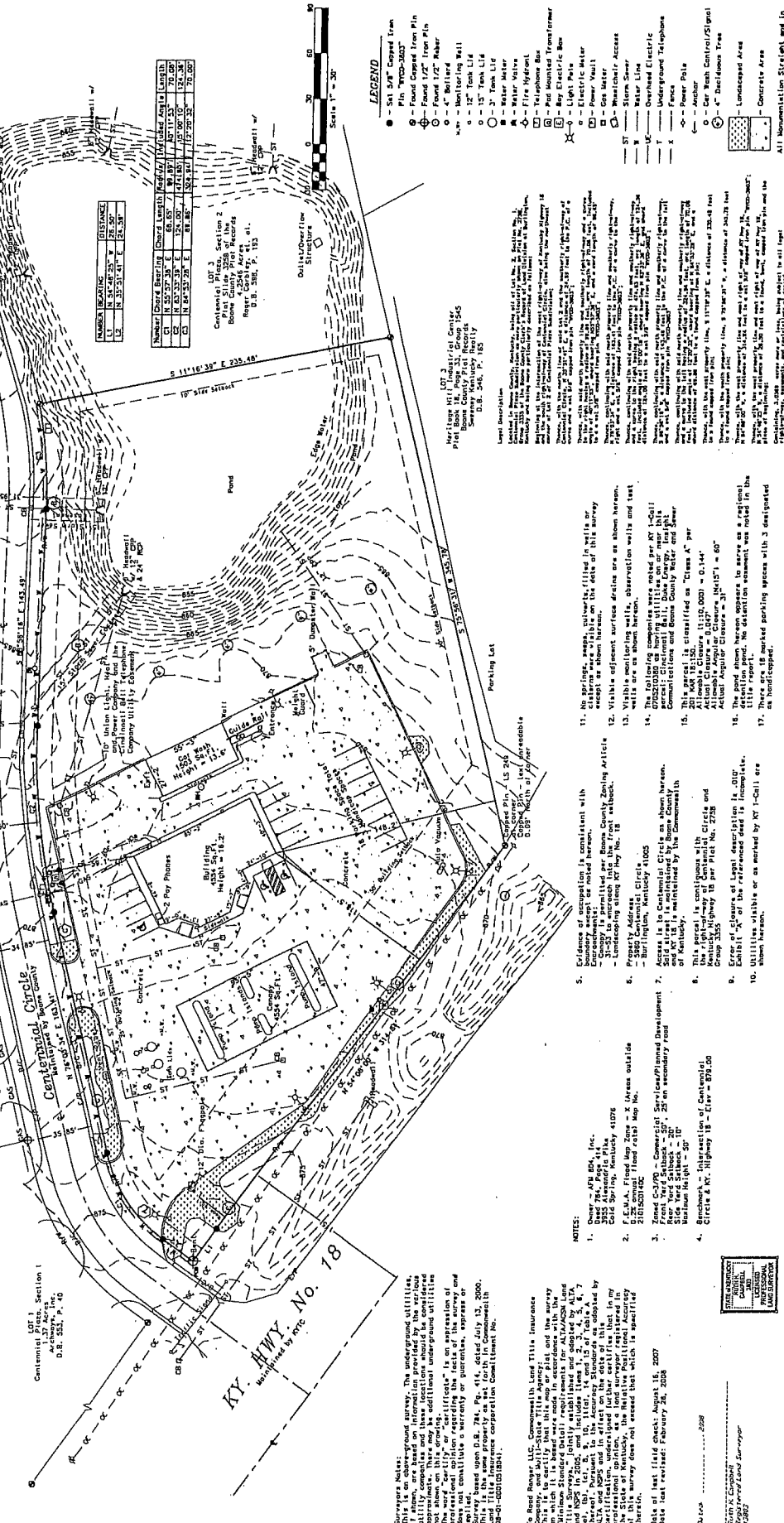
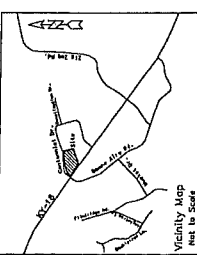
Boone County GIS

"Putting Northern Kentucky on the Map"



Map by Thomas Karamba & Associates, Inc. © 2012

Centennial Circle Shell
 Lot 2, Section 1
 Centennial Plaza Subdivision
 Plat No. 2758, Group 3355
 Boone County, Kentucky
 April, 2007
 3.0365 Acres



LEGEND

- - 5/8" Copied Iron Pin "100-300"
- - Found Copied Iron Pin
- - Found 1/2" Iron Pin
- - Found 1/2" Washer
- - 12" Tank Lid
- - 15" Tank Lid
- - 3" Tank Lid
- - Water Meter
- - Electric Valve
- - Telephone Box
- - Pad Mounted Transformer
- - Ray Electric Meter
- - Electric Meter
- - Gas Meter
- - Wheelchair Access
- - Storm Sewer
- - Water Line
- - Overhead Electric
- - Underground Telephone
- - Power Pole
- - Anchor
- - 4" Deciduous Tree
- - Landscaped Area
- - Concrete Area

TABLE OF BEARINGS AND DISTANCES

LINE	BEARING	DISTANCE
1	S 54° 51' 41" E	124.35'
2	S 52° 51' 41" E	124.35'
3	S 54° 51' 41" E	124.35'
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98	S 52° 51' 41" E	124.35'
99	S 54° 51' 41" E	124.35'
100	S 52° 51' 41" E	124.35'

NOTES:

- Over - APN 804, Inc. Date 7/24, Page 14.
- F.E.M.A. Flood Map Zone - X (Area outside Cold Spring, Kentucky 41076 21076010000 - Flood Risk Map No. 1).
- Zoned C2/VD - Commercial Services/Planned Development 7. From Year Suback - 30', 25' on secondary road. Side Yard Suback - 10'. Building Height - 30'. Circle & KY Highway 18 - Elev. = 870.00.
- Circle & KY Highway 18 - Elev. = 870.00.
- Evidence of this is consistent with boundary except as noted herein. - Easement shown with the front setback.
- Property Address - 3355 Centennial Circle, Boone County, Kentucky 40305.
- Access to this area is shown herein. Said street is maintained by Boone County.
- This parcel is contiguous with Centennial Circle and the right-of-way of Centennial Circle and Group 3355 (Plat No. 2758).
- Error of closure of legal description is .009' in Exhibit X of the referenced deed is incomplete.
- There are 18 marked parking spaces with 3 designated as handicapped.

NOTES:

- No springs, wells, or waterworks, filled in wells or other structures shown on the date of this survey except as shown herein.
- Visible adjacent surface areas are as shown herein.
- Visible monitoring wells, observation wells and test wells are as shown herein.
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WYCO CONSULTING, INC.
 10 Stadia Drive
 Franklin, Ohio 45005
 937-743-9926

Centennial Circle Shell

ALTA/ACSM LAND TITLE SURVEY

ALTA/ACSM LAND TITLE SURVEY

ALTA/ACSM LAND TITLE SURVEY

ALTA/ACSM LAND TITLE SURVEY

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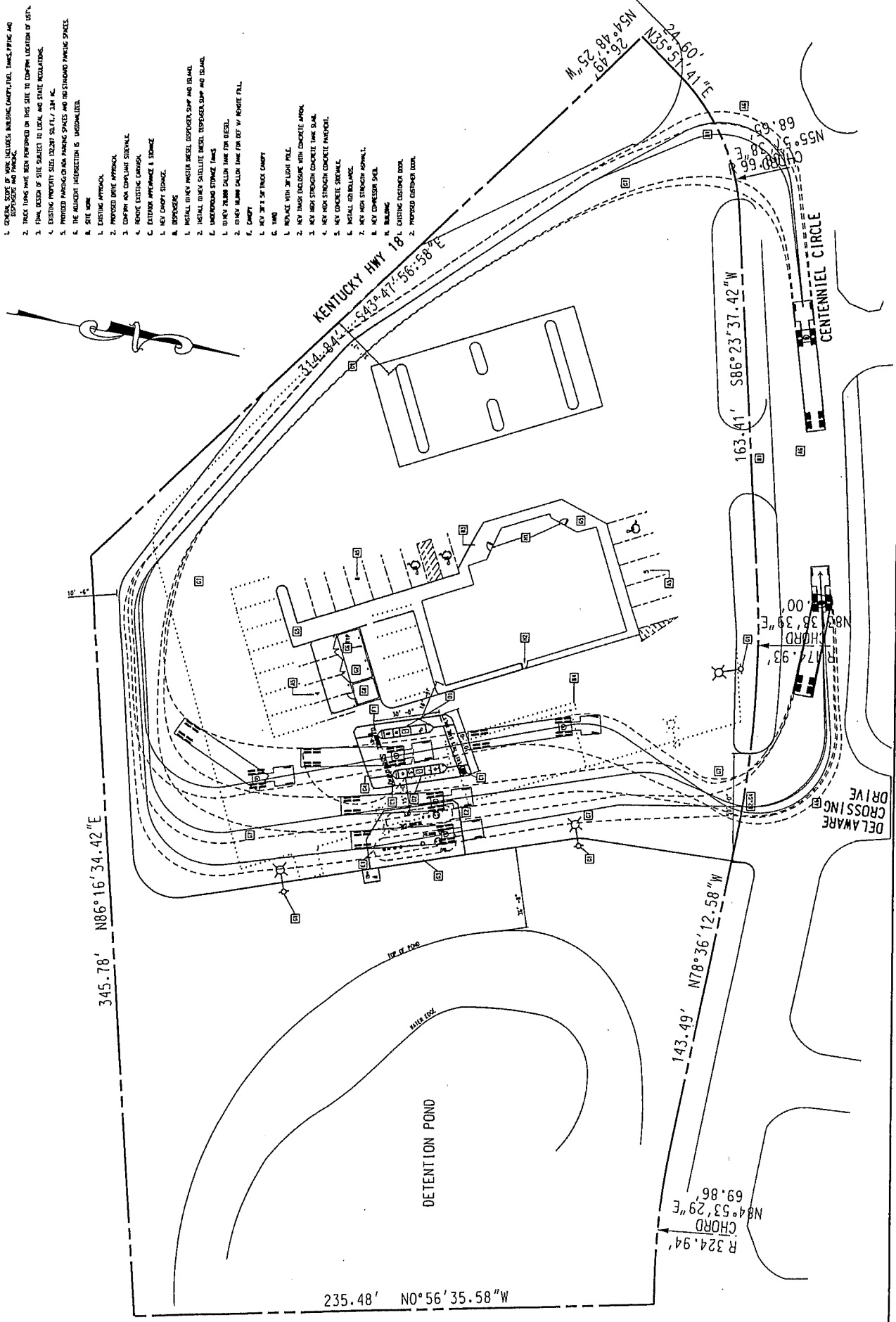
Speedway

Speedway Engineering and Construction Dept.
 10000 Highway 100, Suite 100
 Louisville, KY 40223
 Phone: (502) 452-1111
 Fax: (502) 452-1112
 E-mail: info@speedway.com

CONCEPTUAL PLAN
 DIESEL LANE ADDITIONS
 5960 CENTENNIAL CIR
 BOONE COUNTY
 FLORENCE, KY

PROJECT NO.	0007401
DATE	01/27/01
SCALE	AS SHOWN
DESIGNED BY	AFB
CHECKED BY	AFB
DATE	01/27/01
PROJECT NO.	0007401
DATE	01/27/01
SCALE	AS SHOWN
DESIGNED BY	AFB
CHECKED BY	AFB
DATE	01/27/01

7401 C 3



1. GENERAL SCOPE OF WORK INCLUDES: BUILDING, COMPLETED, EXISTING, PAVING AND IMPROVING AND PARKING.
2. TRUCK LANE ADDITIONS HAVE BEEN PERFORMED ON THIS SITE TO CONFIRM LOCATION OF USE.
3. FINAL DESIGN OF SITE SUBJECT TO LOCAL AND STATE REGULATIONS.
4. EXISTING PROPERTY SIZE: 122,207 SQ. FT. / 2.79 AC.
5. PROPOSED PARKING/DRIVEWAY PARKING SPACES AND NO STRAIGHT PARKING SPACES.
6. THE ADJACENT INTERSECTION IS UNDEVELOPED.

- A. SITE WORK
 1. EXISTING APPROACH
 2. PROPOSED DRIVE APPROACH
 3. CONFORM AND COMPLETE SIDEWALK
 4. REMOVE EXISTING CURBING
 5. EXTERIOR APPEARANCE & SIGNAGE
 6. KEY DRIVEWAY SIGNAGE
 7. DRIVEWAY
 8. DRIVEWAY GULLY TIME FOR DIESEL
 9. DRIVEWAY GULLY TIME FOR EST. W/ REMOVE FILL
 10. DRIVEWAY
 11. KEY 3" X 6" TRUCK DRIVEWAY
 12. DRIVEWAY
 13. REPLACE WITH 3" LIGHT PAVEMENT
 14. NEW TRUCK DRIVEWAY WITH CONCRETE APPROACH
 15. NEW 4000 STRENGTH CONCRETE TRUCK DRIVEWAY
 16. NEW 4000 STRENGTH CONCRETE APPROACH
 17. NEW CONCRETE SIDEWALK
 18. INSTALL GULLY/DRILLAGE
 19. NEW 4000 STRENGTH ASPHALT
 20. NEW COMPRESSION PAVEL
 21. PAVELING
 22. EXISTING EXTERIOR WALK
 23. PROPOSED EXTERIOR DRIVEWAY

345.78' N86°16'34.42"E

235.48' N0°56'35.58"W

R 324.94'
 CHORD
 N84°53'29"E
 69.86'

143.49' N78°36'12.58"W

163.41' S86°23'37.42"W

314.84' S43°47'56.58"E

N54°48'25"W
 26.69'
 24.60' 1.41'E
 N55°57'41"E

68.86'
 68.86'
 68.86'

R 174.93'
 CHORD
 N84°38'39"E

DEL AWARE CROSSING DRIVE

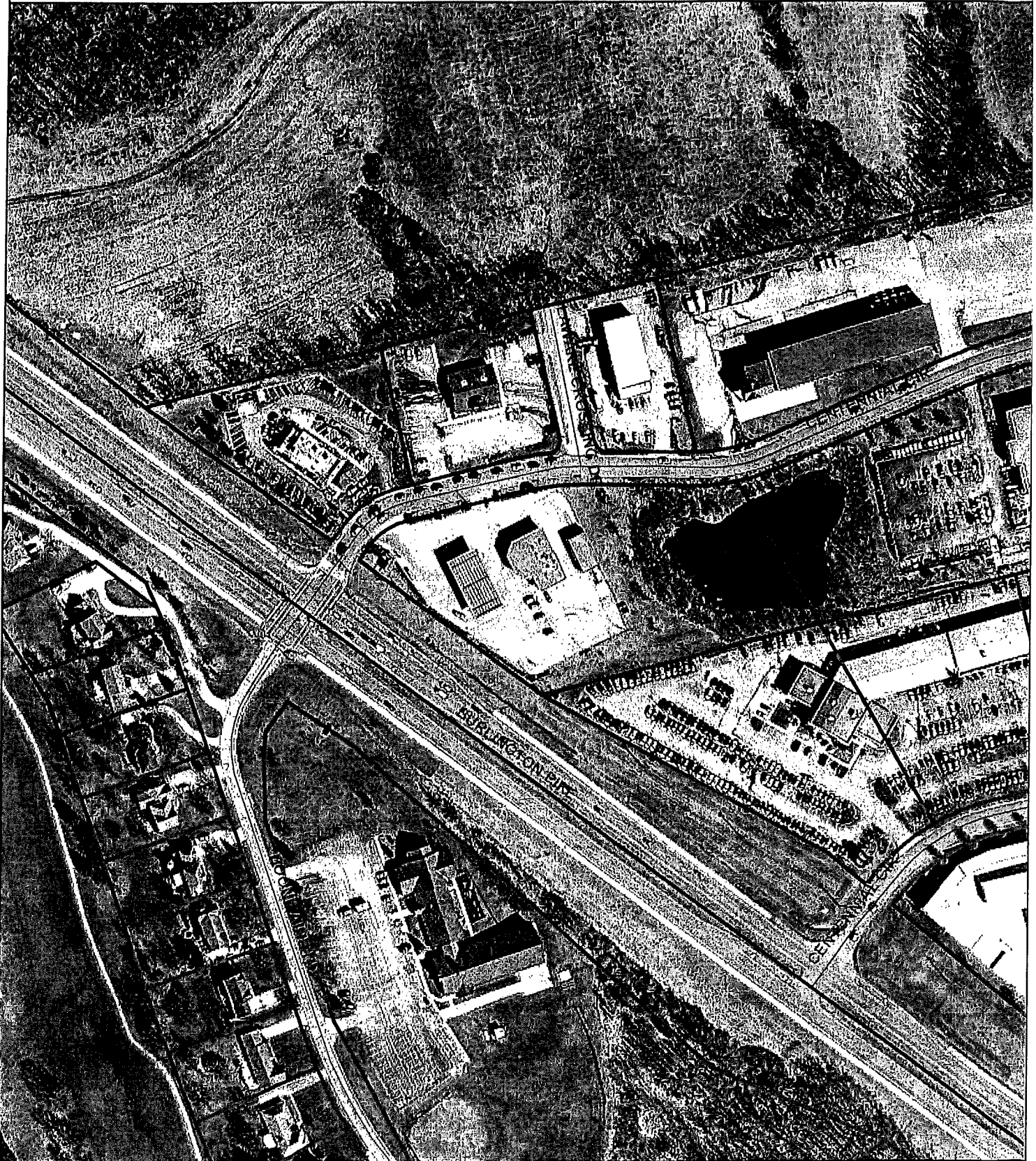
CENTENNIAL CIRCLE

DETENTION POND



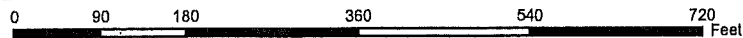
2012 AERIAL MAP

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1 inch = 200 feet

Boone County GIS

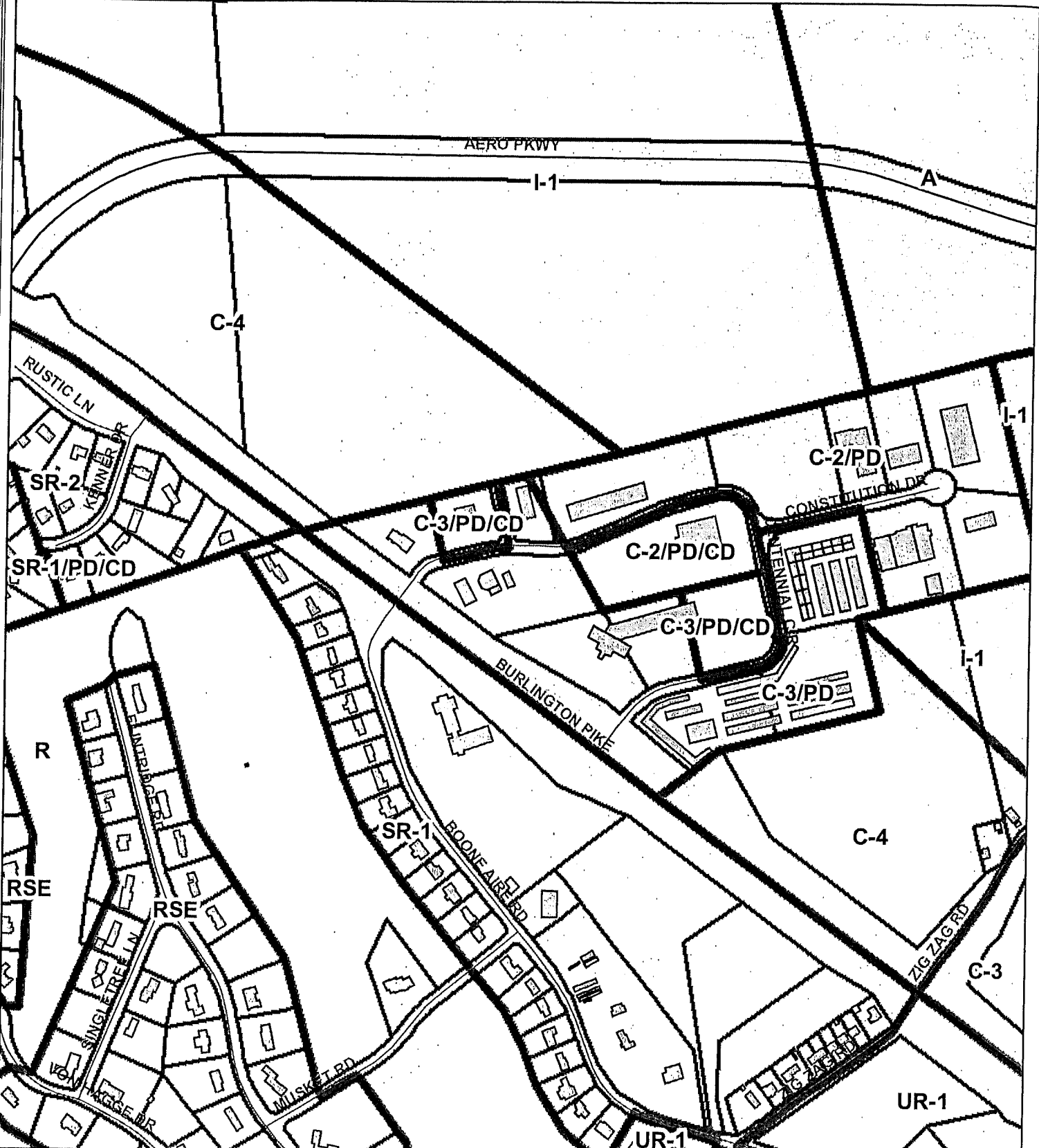
"Putting Northern Kentucky on the Map"



Boone County GIS

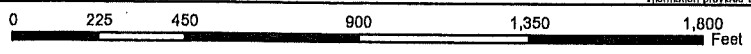
ZONING MAP

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1 inch = 500 feet

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"Putting Northern Kentucky on the Map"



Boone County GIS

Todd Morgan

From: Todd Morgan
Sent: Friday, April 12, 2013 11:25 AM
To: Greg Sketch
Subject: Speedway at 5960 Centennial Circle

Greg:

Speedway has submitted a Variance application to reduce the 1000' road frontage requirement to have three curb cuts on Centennial Circle. The submitted plan shows the two existing curb cuts will remain and a new curb cut is proposed directly across from Delaware Crossing Drive. They want the third curb cut because they are proposing to demolish their car wash and construct diesel pumps behind the building. Can you please evaluate the proposal and provide a written response to the following:

1. Please address the safety issues associated with Speedway's and McDonald's existing curb cuts.
2. It's likely the proposed diesel pumps will add truck traffic to the facility and Centennial Circle. Are increased truck traffic and truck turning movements concerns?
3. Would Boone County Public Works approve an Encroachment Permit for a third curb cut?
 - A. If so, would any alterations be required to the existing curb cuts?
 - B. If not, do you have any recommendations that would improve the two curb cut design.

The Boone County Board of Adjustment meeting for this application is scheduled for 5/8/13, at 6:00 PM. Please provide a written response by 5/2/13 so I can include your comments in my Staff Report.

Thank you.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission

GARY W. MOORE
County Judge-Executive



GREGORY V. SKETCH, PE, PLS
County Engineer

JEFFREY S. EARLYWINE
County Administrator

PUBLIC WORKS DEPARTMENT

www.BooneCountyKy.org

5645 Idlewild Road
Burlington, KY 41006
(859) 334-3600
Fax (859) 334-3598

MEMORANDUM

TO: Todd Morgan, Senior Planner, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Variance Request for the Speedway Station Located at the Intersection of
Burlington Pike (KY 18) and Centennial Circle

DATE: April 15, 2013

This is in response to your request for input concerning the request for the variance for the Speedway Station located at the intersection of Burlington Pike (KY 18) and Centennial Circle. The request is allow a diesel fueling station and add a third curb cut onto Centennial Circle.

The west intersection of Burlington Pike and Centennial Circle continues to have traffic congestion issues due to the proximity of the intersection with the two curb cuts for the Speedway Station and the two curb cuts for the McDonalds restaurant. The proposal to add a diesel fueling station to the Speedway Station will require a third curb cut, directly across from Delaware Crossing Drive. The proposed curb cut would give the Speedway station three curb cuts within 165 feet. The proposal will likely introduce a significant increase in truck traffic that could potentially make this intersection non-functional.

Because of the existing traffic congestion, the Boone County Public Works Department opposes the variance request for a third curb cut onto Centennial Circle. However an encroachment permit for the proposed curb cut would be issued if the existing curb cut closest to the intersection with Burlington Pike would be removed and the second existing curb cut widened to a width that would allow tractor trailers to enter the Speedway site without encroaching into the travel lane of oncoming traffic.

Thank you for the opportunity for input in this matter.

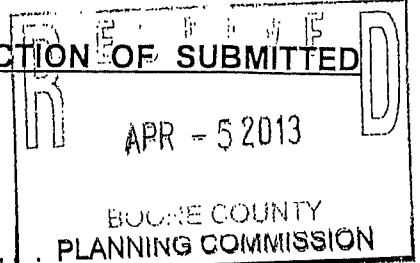
c: Jeff Earlywine, Boone County Administrator

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Speedway LLC do. John Cox
Applicant's Address 500 Speedway Drive
ENON OHIO 45323
City State Zip
Phone Number 859-414-1204 Fax No. 859-426-0236 E-Mail John.Cox@speedway.com
Description of Request: WOULD LIKE TO ADD ANOTHER curb cut to help WITH TRUCK LANES we would like to INSTALL.
5. Name of Development Speedway #7401
6. Location of Development 5960 Centennial Circle Florence KY, 41042
7. Acreage Under Review 3.0369
8. Lot Number and Name of Subdivision (if part of a subdivision) 2 Centennial Plaza Subdivision.
9. Owner of Property Speedway
Address of Property Owner 500 Speedway Drive
10. ENON OHIO 45323
City State Zip
Phone Number 859-414-1204 Fax No. 859-426-0214 E-Mail John.Cox@speedway.com
11. Proposed Use(s) on Site Existing Store & Fuel Facility
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-3/PD
14. Deed Book [redacted] Page No. [redacted] 454 Group No. [redacted] 2026
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.

VARIANCE TO reduce 1000' 2000' FRONTAGE TO ALLOW 4 CURB CUT.

1009

ORIGINAL Property Owner's Signature: John Cox (Speedway LLC Construction Specialist) (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: John Cox Construction Specialist (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)