

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: Flick's 16A Owner Agent

Address: P.O. BOX 149

HEBRON Ky Telephone: 689-4411 / 586-7655

Location: 1972 PETERSBURG RD.

Name of Property Owner: GEORGE & EVADEANE SOWERS

Address of Property Owner: 2087 PETERSBURG RD. HEBRON

Zoning District: CR SE Area in Acres: .9

Deed Book: 134 Page Number: 66 Group Number: _____

Description of Request: TO OBTAIN CONDITIONAL USE PERMIT TO FACILITATE THE USE OF GAS PUMPS FOR RETAIL SALE OF GAS.

Applicant's Signature: Robert A Flick Trustee

Property Owner's Signature: George S. Sowers

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Flick's I.G.A.
LOCATION: 1972 Petersburg Road, Hebron
ZONE: Commercial Two (C-2)
DATE: September 10, 1986

REMARKS:

The applicant is requesting a Conditional Use Permit to install gasoline pumps next to an existing grocery store in Hebron. The 0.9 acre site, located just west of Flick's I.G.A. in Hebron, is currently owned by George and Ivadeane Sowers.

At this time, no formal site plan has been submitted for this request. The applicant expects that a detailed plan will be completed before the above meeting date. This report will address the conditional use of retail sale of gasoline only. A second report dealing with the specifics of the site plan will be submitted at a later date.

Article 9, Section 923 of the Boone County Zoning Regulations lists "gasoline service stations including normal maintenance, repair, and wash services" as a conditional use in the C-2 zoning district. This request is for permission to sell gasoline only.

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

- 1) The 1980 Boone County Comprehensive Plan Land Use Map shows this part of Hebron to be commercial. The plan text describes this area as a future "community commercial center" which is designed to serve population from 25,000 to 100,000 people within a five to ten mile radius. Similarly, the proposed 1986 Boone County Comprehensive Plan Land Use Map shows this site to be commercial. The text states "the land area between old and new KY 237 should become commercially developed".
- 2) The design of the site has not yet been made available to staff review. The sale of gasoline will not change the essential character of the area, especially when one considers that a gasoline station presently exists across old KY 237 from Flick's I.G.A.
- 3) The retail sale of gasoline will not be hazardous to neighboring uses if the appropriate safety codes are followed.
- 4) This site will be adequately served by the essential public facilities.
- 5) Excessive additional requirements at public cost for public facilities and services would not be required.
- 6) The activities and materials used in the operation of a gasoline service station will not be detrimental to any persons, property, or the general welfare if the proper safety procedures are followed.
- 7) It has not yet been determined if the vehicular approaches to the property will be designed so as not to create an interference with traffic. Again, this feature will be studied during site plan review.

The Board must also consider the specific standards which apply to conditional

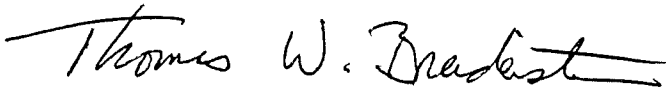
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uses in the Commercial Two zoning district:

- 1) The retail sale of gasoline will be an integral and subordinate function of the supermarket, which is a principally permitted use.
- 2) The arrangement of uses, buildings, or structures has not yet been determined. Their compatibility to the permitted uses to be protected in the area 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 site plan will be prepared, and conditions may be suggested at that time.

Respectfully Submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB/jdh

Preliminary SITE Plan

Flick's I.G.A.

Plot Plan

100'

BOB FLICK

Kt. 20, Hazard, Boone Co. KY.

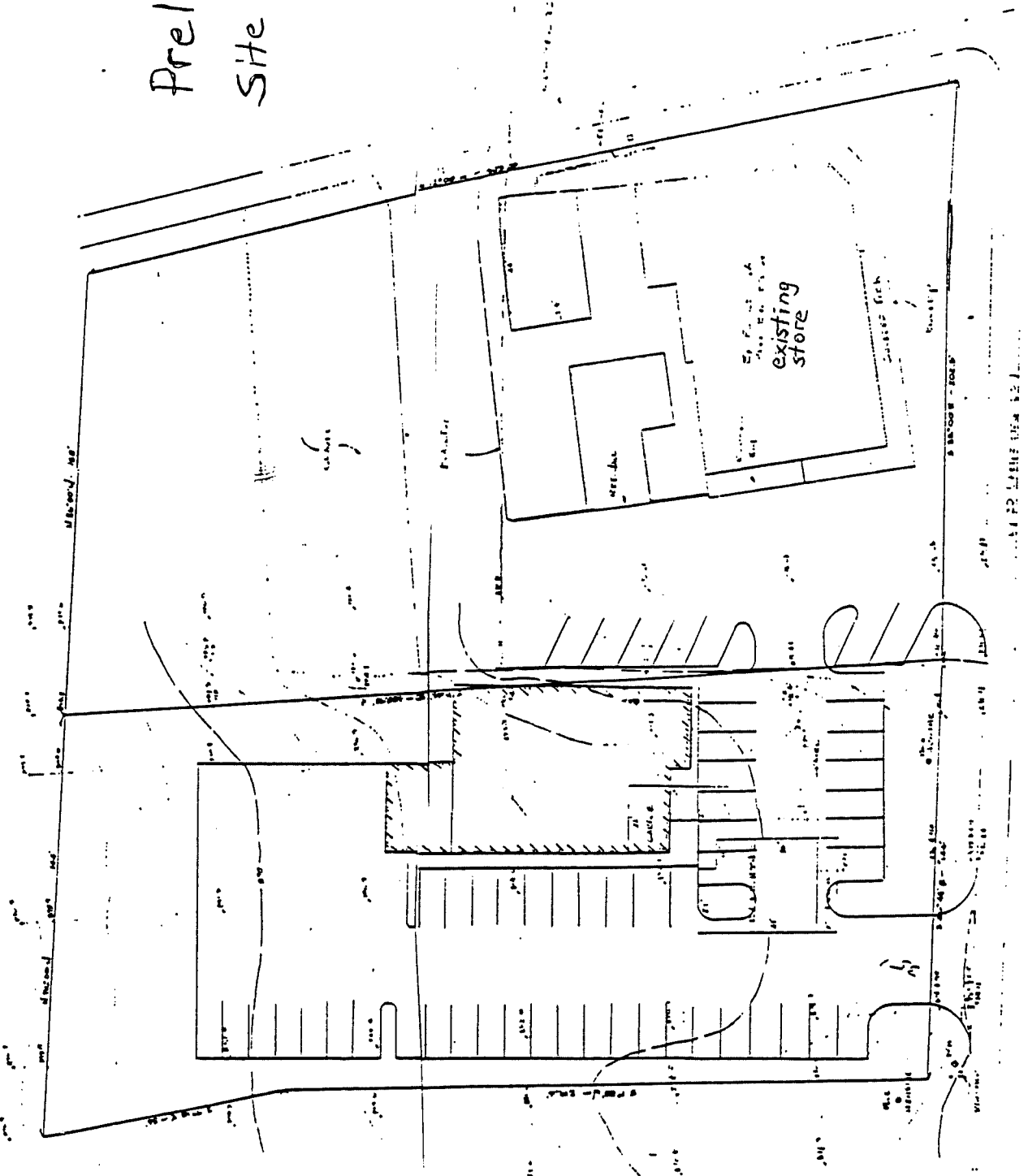
SCALE 1"=20'

AUG 6, 1985

MOX & Vior PSC

CIVIL ENGINEERS

LEAKERS, KY.



BOONE COUNTY BOARD OF ADJUSTMENT

SEPTEMBER 10, 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. Archambault. Staff members present were Messrs: Costello, Breidenstein, Geohegan and Mrs. Brewer. Atty. Dale Wilson was also present.

Minutes of the July 9, 1986 and August 13, 1986 Boards of Adjustment meetings were considered. Mr. Nevel moved the July 9, 1986 and August 13, 1986 Boone County Board of Adjustment Minutes be approved as reviewed. The motion was seconded by Mr. Ryan. After further discussion, the motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Variance

A request of Harold Walton for a Variance in the minimum front and rear setback for two adjoining residential lots. The required front and rear setbacks are 30 foot, the request is for 23 foot, 6 inch front setbacks on both lots and for an 18 foot and 13 foot setback on the rear of the lots.

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

Mr. Harold Walton made himself available for questions.

Chairman Whitton referred to the submitted drawing and inquired where the houses would be located. Mr. Walton pointed out the location of the houses on the drawing.

Chairman Whitton inquired if the request was approved then there should be a condition that the applicant must maintain a sewer and the sewer be maintained in the center of the easement. Mr. Geohegan stated yes.

Atty. Wilson stated the Board of Adjustment did not have the authority in itself to approve the building storm sewer easement. Chairman Whitton agreed but noted the Board did have the right to require a storm sewer easement.

Further discussion followed on the storm sewer easement.

Mr. Nevel moved to approve the request of Harold Walton for a Variance in the minimum front and rear setback for two adjoining residential lots with the condition the storm sewer

easement be properly relocated and maintained and the sewer be maintained in the center of the easement based upon the Staff Report. The motion was seconded by Mr. Ryan. The motion carried unanimously.

Variance

A request of Peter Blackmore for a Variance in the minimum frontage requirement in an Agricultural Two zone. The required frontage is 150 feet and the request is for an 80 foot frontage.

Mr. Breidenstein distributed an aerial photograph of the proposed site. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Mr. Ryan inquired of any problems on the setbacks. Mr. Breidenstein stated no building plans had been submitted. Atty. Wilson noted that the Variance was in the road frontage not in the setback requirements.

Ms. Nancy Blackmore stated a house was planned to be built for her mother and she described the topography of the land. Ms. Blackmore stated the 150 feet of required frontage would take almost the whole front pasture of the property.

Chairman Whitton referred to legal counsel and inquired of any problem with the proposed variance. Atty. Wilson stated he had no problem with the requested variance.

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

Hearing no questions or comments, Mr. Ryan moved to approve the request of Peter Blackmore for a Variance in the minimum frontage requirement in an Agricultural Two zone of 150 feet to 80 feet based upon the Staff Report. The motion was seconded by Mr. Houston. The motion carried unanimously.

Conditional Use Permit

A request of Robert Flick for a Conditional Use Permit to allow the retail sale of gasoline in connection with an existing grocery store.

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

Asst. Director Kevin Costello, referred to the applicant, Mr. Robert Flick and inquired if he intended to close the existing entrance to the existing building. Mr. Flick stated no, he was not able to see how that could be done.

Mr. Flick explained his need for the Conditional Use Permit was because the parking for his IGA store in Hebron, Kentucky was restricted on parking space. Mr. Flick stated he purchased the lot next to him and could not justify the amount of money for just parking space, therefore, decided to utilize some of the space for gas pumps. Mr. Flick pointed out the need in the Hebron area for gas availability and noted the grocery store would not become too large (convenient type). Mr. Flick described the ingress and egress to the proposed site and the interconnection to his current IGA store..

Mr. Costello stated Mr. Flick needed to contact the State about encroachment on the state road. Mr. Flick noted he had already talked with the state in generality about the site.

Atty. Wilson noted he saw no problem with granting the Conditional Use Permit.

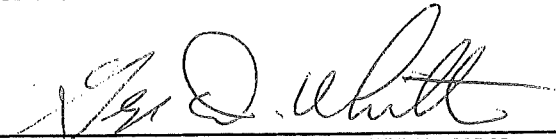
Chairman Whitton inquired if the current plan was reviewed by staff's engineer and approved. Mr. Breidenstein stated yes.

After further discussion, Mr. Nevel moved to approve the request of Robert Flick for a Conditional Use Permit to allow the retail sale of gasoline in connection with an existing grocery store based upon the Staff and Engineer's Reports. The motion was seconded by Mr. Houston. The motion carried unanimously.

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

The meeting adjourned.

APPROVED:



GEORGE D. WHITTON, CHAIRMAN

ATTEST:



DEE ANN BREWER, ADMINISTRATIVE ASSISTANT