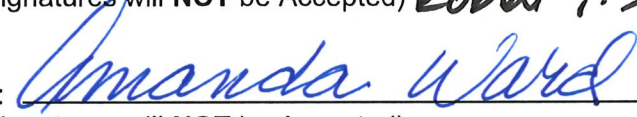


10. Proposed Use(s) on Site: Drive-thru and walk up coffee shop.
11. Total Square Footage of Existing and/or Proposed Buildings: 349 sq. ft.
12. Current Zoning: C-2
13. ~~937~~ 1141 ~~152~~ 798 2034A
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. 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: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) Robert Y. Shasha, manager

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

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 6-17-21 Fee Received: 966.00 Receipt #: 89230

2. Is application complete: _____

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: _____

5. Board Action: 7/21/21

_____ Approved

7/21/21 Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: SEE 7/21/21 Meeting Minutes
AND C.L.U.R.

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#4

APPLICANT: Amanda Ward for CTBW, LLC

LOCATION: Southwest side of Turfway Road and immediately southeast of 6805 Burlington Pike, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: July 21, 2021

PROPOSAL

The applicant is requesting a variance to reduce the perimeter landscaping buffer requirements for a future 0.375 acre Biggby Coffee outlot. The submitted plan shows the outlot is proposed in the northwest corner of the Turfway Plaza parking lot and approximately 53 parking stalls will be eliminated to accommodate the 349 square foot building, drive through, and driveway lanes. The plan also shows that an approximate 175 linear foot area along the northwest and southwest property lines will be striped off as a 10' wide no parking area. This area is not proposed to be curbed or landscaped. The request is to reduce the landscape buffer yard requirements in this area from 10' in width (Buffer Yard A) to 0' in width.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide variance applications.

Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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 request as it relates to the variance criteria necessary 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - 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 of 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 3605 of the Boone County Zoning Regulations states landscaping is required when an existing site is currently developed and new improvements are proposed. New improvements include building additions, vehicular use area expansions or load/unloading area expansion. Only those area adjoining new improvements shall be required to be into compliance with this Article (Article 36).

Section 3645 and Buffer Yard Tables 1 and 2 of the Boone County Zoning Regulations require Buffer Yard A to be installed near the property lines (except access points) when a developing outlot is zoned Commercial Two (C-2) and the adjoining properties are zoned C-2. Buffer Yard A needs to be a minimum of 10' wide and needs to contain the following plantings per 100 linear feet:

- a. 3 large, medium, or evergreen trees from Plant Lists A, B, or D or 5 small trees from Plant List C
- b. 15 large shrubs from Plant List C or 30 small shrubs from Plant List C.

SITE CHARACTERISTICS

The future 0.375 acre outlot is located in the northwest corner of the Turfway Plaza parking lot and is shown with 131.39' of street frontage on Turfway Road. Approximately fifty-three parking stalls will be eliminated to accommodate the new development. The outlot will be accessed from the existing shopping center access points on Turfway Road and KY 18. The existing buffer yard along the Turfway Road frontage is proposed to remain. The existing condition plan shows the buffer is only 4.4' wide. An overhead utility easement and water main is located in the Turfway Road right-of-way.

SURROUNDING LAND USES AND ZONING

Northeast: Turfway Road and Countryside Condominiums (O-2/C-2/PD/HDO)

Northwest: Lee's Famous Recipe Chicken (C-2)

Southeast: Turfway Plaza and ATM in the Parking Lot (C-2)

Southwest: Turfway Plaza (C-2)

STAFF COMMENTS

1. Staff believes the request raises the following safety and aesthetic concerns:

Safety

- a. Staff does not believe the striped island on the exterior of the site will compel motorists to drive safely.
- b. The required buffer yard plantings would be installed in a curbed area just like what is being shown in the southeast corner of the site. These islands would channelize traffic and promote safe turning movements in the parking lot.

Aesthetics

- a. The current parking lot is grandfathered because it doesn't conform with the zoning regulations. The current regulations would require the parking lot to contain 10' wide street frontage buffers and Vehicular Use Area (VUA) landscaping islands in 5% of the parking lot if it were being constructed today.

The landscaping that is required around the outlot would help beautify the parking lot.

2. Staff recommends that the Board should analyze the following variance criteria before acting on the request:
 - a. Will the granting of the Variance adversely affect public safety?
 - b. Will the request allow an unreasonable circumvention of the zoning regulations?
 - c. Will the strict application of the landscaping regulations create an unnecessary hardship on the applicant?
3. Staff recommends the following conditions if the request is approved:
 - a. The landscaping shown along the Turfway Road street frontage shall be required.
 - b. The no parking area shown along the northwest and southwest property line shall be curbed and shall contain trees that meet Buffer Yard A requirements. The required shrubs can be eliminated from the buffer.

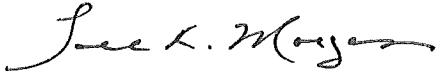
CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Amanda Ward
S.W. Side of Turfway Rd. and Southeast of 6805 KY 18
July 21, 2021

Page 4

Respectfully submitted,



Todd K. Morgan
Senior Planner, Zoning Services

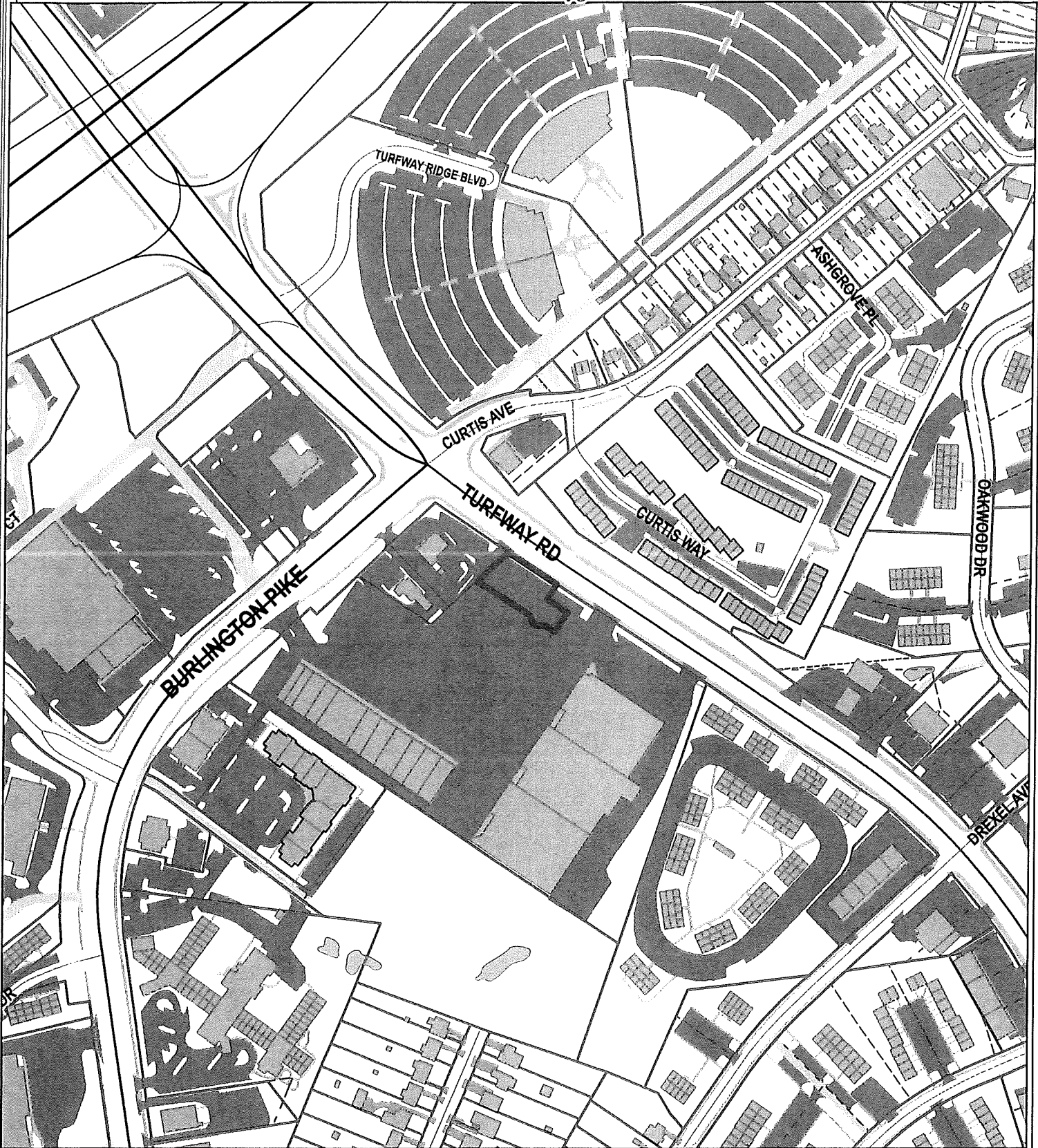
TKM/tlb

Attachments

- *Site Vicinity Map
- *Existing Conditions Plan
- *Proposed Site Plan
- *Proposed Landscaping Plan
- *Zoning Map
- *2020 Aerial Map (Overall Area)
- *2020 Aerial Map (Subject Outlot)
- *Topographical Map
- *Application

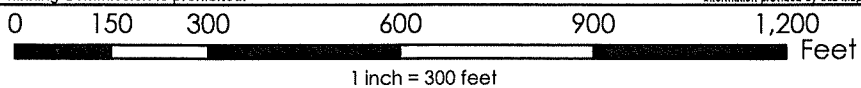
SITE VICINITY MAP

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Map Created: xx/xx/2020

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ArcMap Document: *.mxd

BIGBY COFFEE
TURFWAY ROAD
CITY OF FLORENCE, BOONE COUNTY, KENTUCKY
SITE PLAN

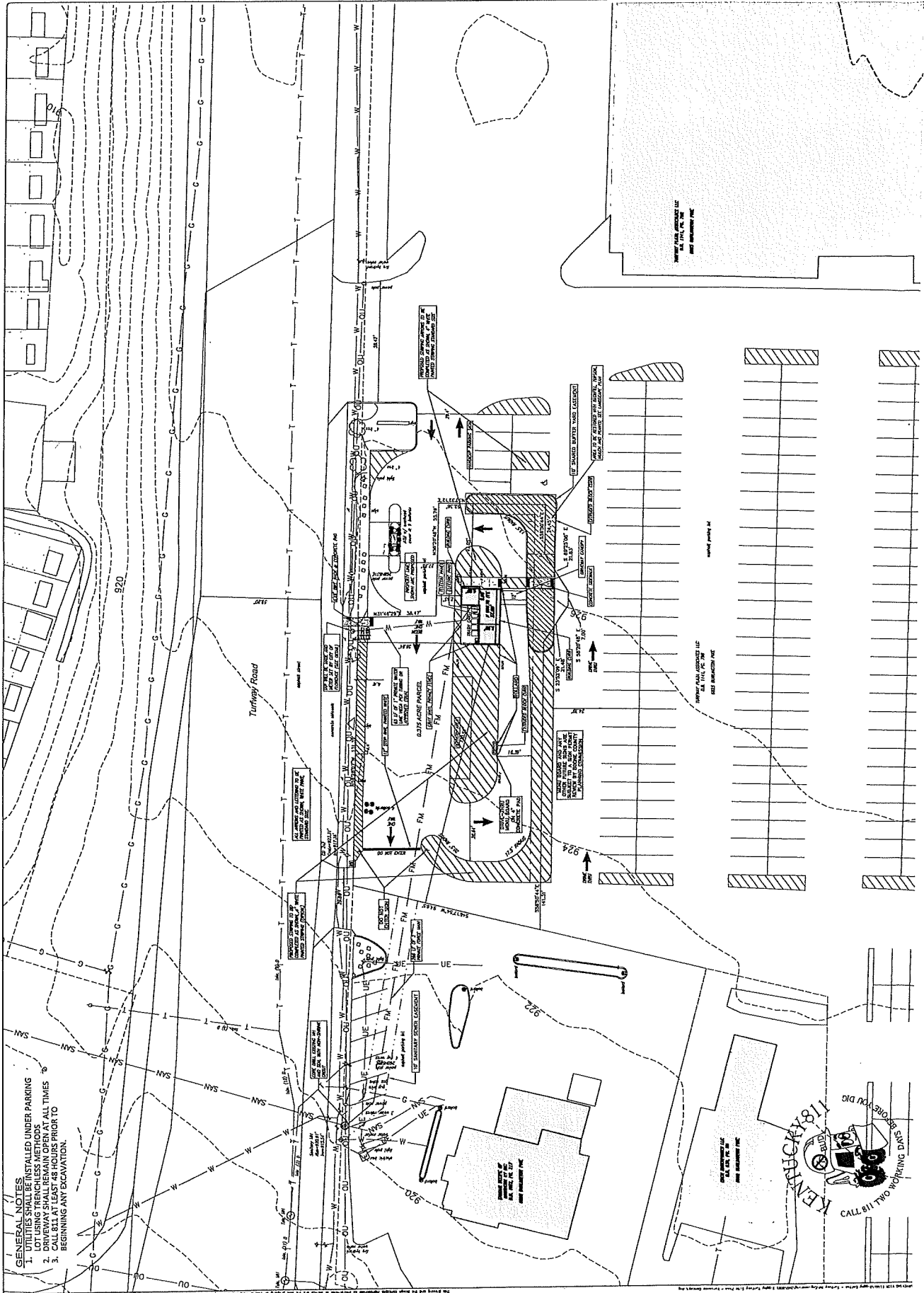
VIOX & VIOX
 CIVIL ENGINEERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
 402 East Main Street • Florence, Kentucky 41034
 Phone: (502) 731-2323 • Fax: (502) 731-1000
 WWW.VIOXVIOX.COM

Scale: 1" = 20'-0"

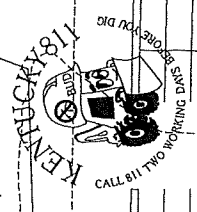
North Arrow

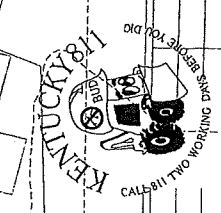
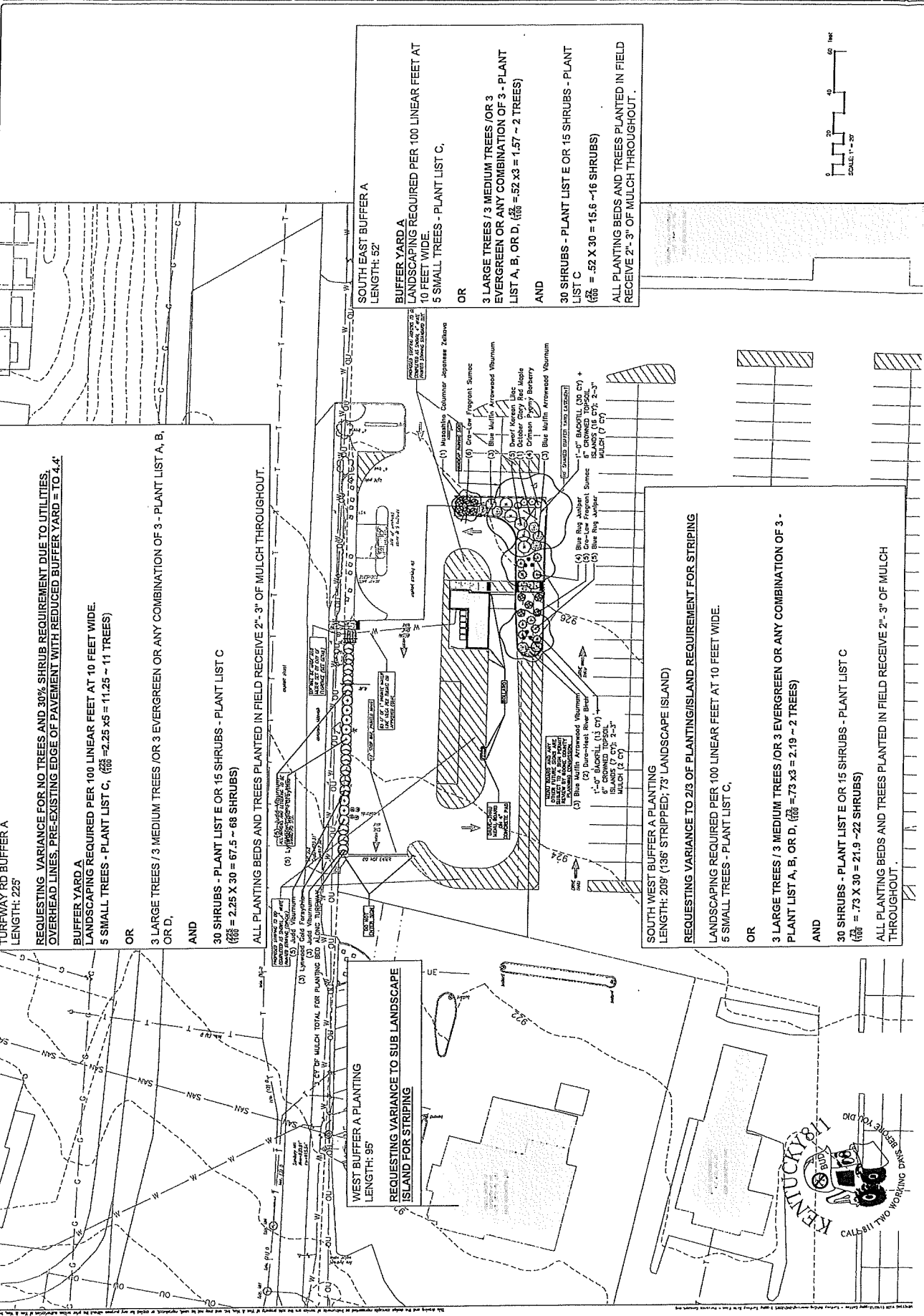
DATE: 11/11/11

PROJECT: BIGBY COFFEE



- GENERAL NOTES**
1. UTILITIES SHALL BE INSTALLED UNDER PARKING
 2. DRIVEWAYS SHALL REMAIN OPEN AT ALL TIMES
 3. CALL 811 AT LEAST 48 HOURS PRIOR TO BEGINNING ANY EXCAVATION.





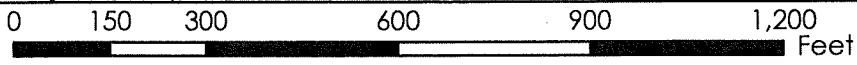
ZONING MAP

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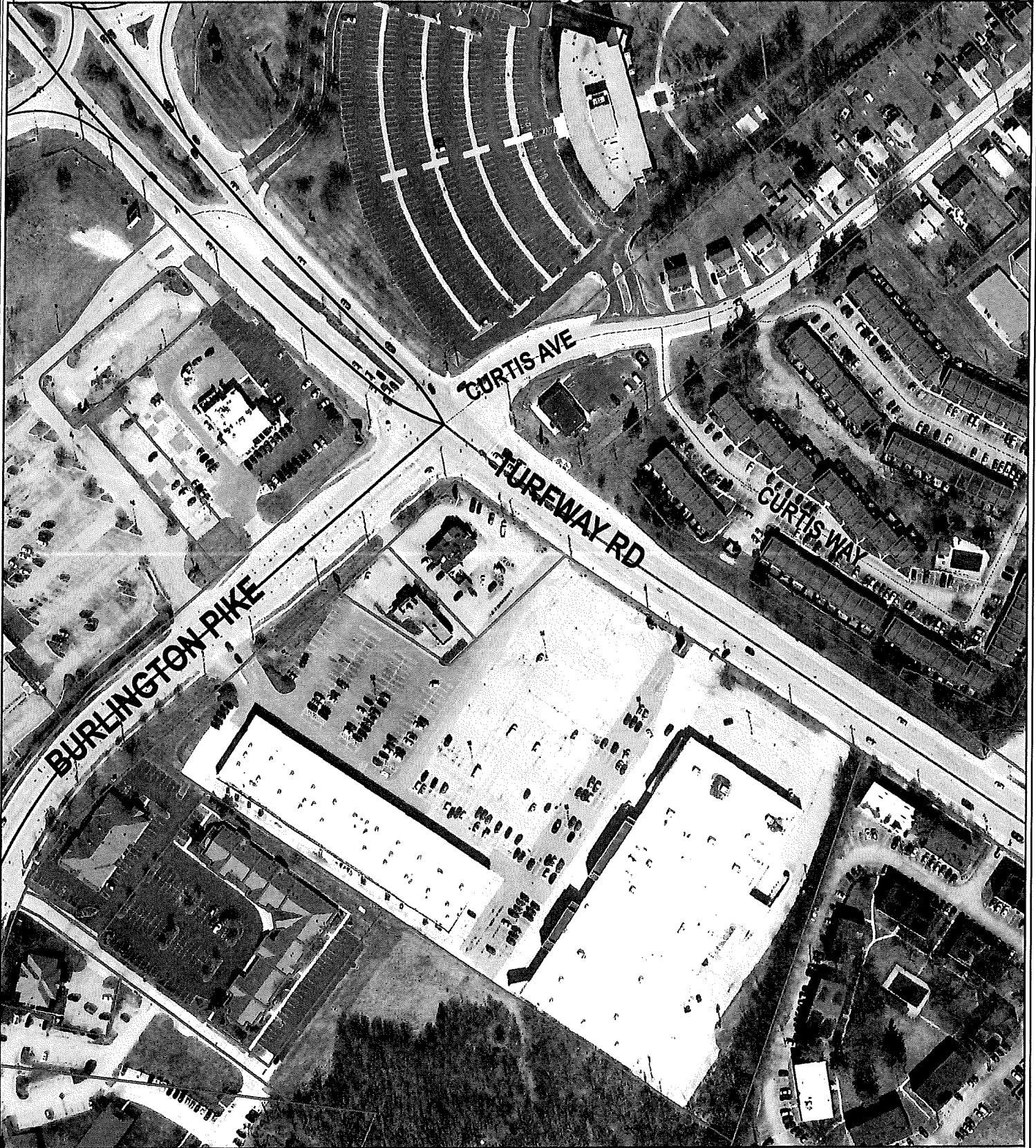
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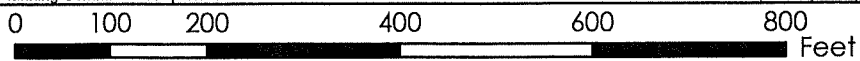
2020 AERIAL MAP

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1 inch = 200 feet



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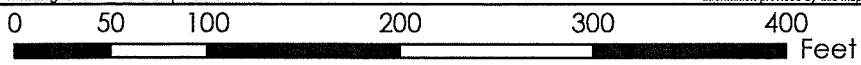
2020 AERIAL MAP

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1 inch = 100 feet



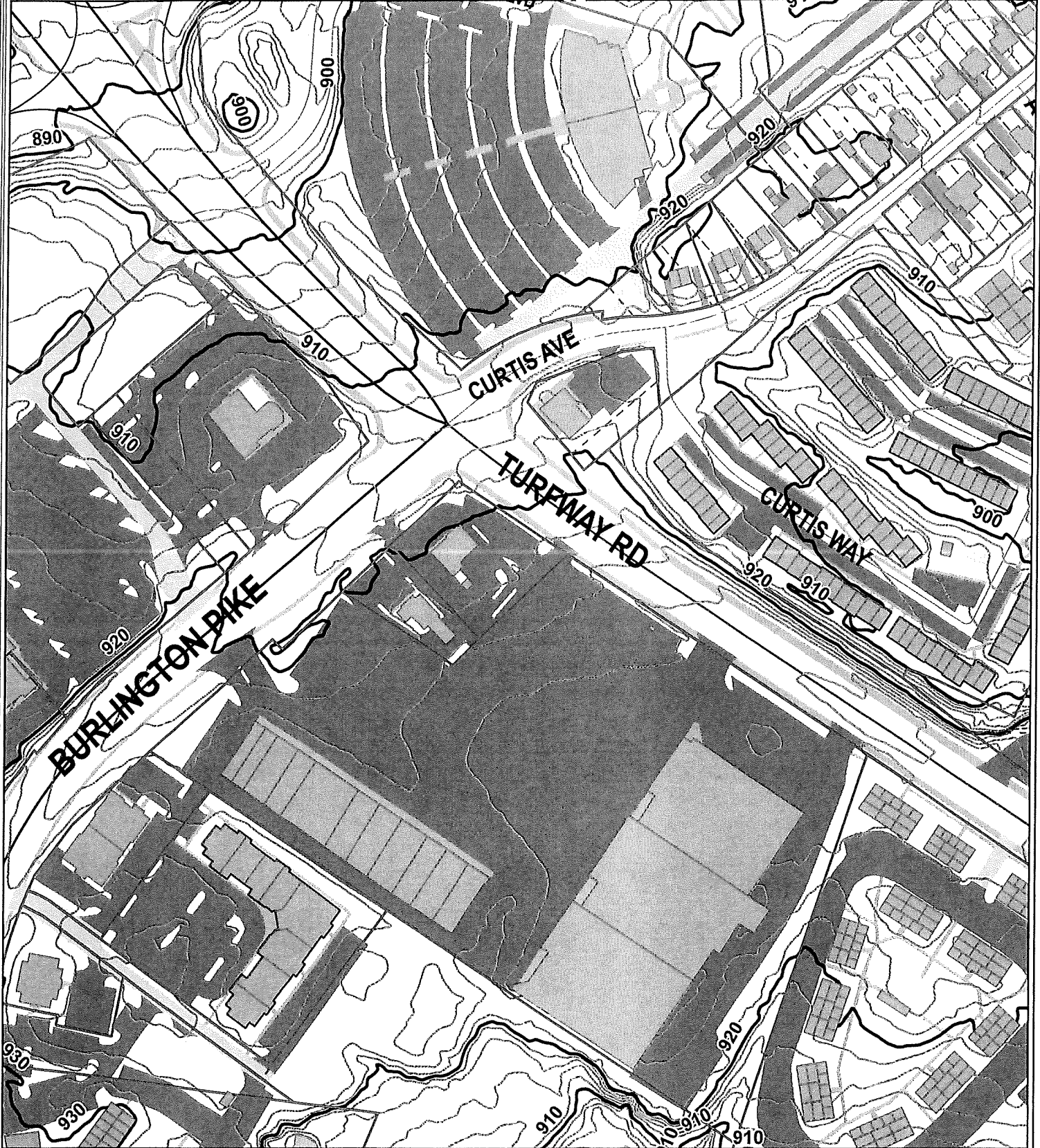
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Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

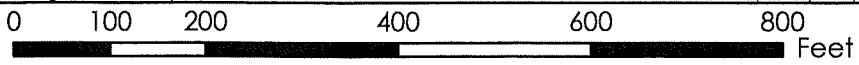
TOPOGRAPHICAL MAP

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Turfway Plaza Associates
550 Mamaroneck Ave, Suite 411
Harrison, NY 10528

- 2. ADDRESS OF PROPERTY
7261 Turfway Road
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Biggby Coffee

- 4. DEED BOOK 1141 PAGE NO. 798 GROUP NO. 2034A

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 - Zoning Map Amendment: From _____ To _____
 - Conditional Use Permit
 - Development Plan
 - Conditional Zoning
 - Subdivision Plat (Not Recorded)
 - Other:
 - 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

Todd K. Morgan
 SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, AICP, Senior Planner
 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 26th day of July, 2021.

Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:

Nicole Dierna
Nicole Dierna
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 variance approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of July 19, 2021 Certificate of Land Use Restriction (#21-FBOA-009-A), for Turfway Plaza Associates, Property Owner(s).

The following conditions will apply:

- 1. Bollards or traffic guards shall be added in the northwestern portion of the striped island (approximate 64' area). The bollards or traffic guards shall be located in the center of the island, spaced 4' on center, and be maintained.

The approved variance as well as the preceding conditions apply to the property described in:

DEED BOOK 1141 PAGE NO. 798 GROUP NO. 2034A

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TURFWAY RD BUFFER A
 LENGTH: 225'

REQUESTING VARIANCE FOR NO TREES AND 30% SHRUB REQUIREMENT DUE TO UTILITIES, OVERHEAD LINES, PRE-EXISTING EDGE OF PAVEMENT WITH REDUCED BUFFER YARD = TO 4.4'

BUFFER YARD A
 LANDSCAPING REQUIRED PER 100 LINEAR FEET AT 10 FEET WIDE.
 5 SMALL TREES - PLANT LIST C, $(\frac{225}{100} = 2.25 \times 5 = 11.25 \sim 11 \text{ TREES})$

OR

3 LARGE TREES / 3 MEDIUM TREES /OR 3 EVERGREEN OR ANY COMBINATION OF 3 - PLANT LIST A, B, OR D,

AND

30 SHRUBS - PLANT LIST E OR 15 SHRUBS - PLANT LIST C
 $(\frac{225}{100} = 2.25 \times 30 = 67.5 \sim 68 \text{ SHRUBS})$

ALL PLANTING BEDS AND TREES PLANTED IN FIELD RECEIVE 2"- 3" OF MULCH THROUGHOUT.

WEST BUFFER A PLANTING
 LENGTH: 95'

REQUESTING VARIANCE TO SUB LANDSCAPE ISLAND FOR STRIPING

SOUTH EAST BUFFER A
 LENGTH: 52'

BUFFER YARD A
 LANDSCAPING REQUIRED PER 100 LINEAR FEET AT 10 FEET WIDE.
 5 SMALL TREES - PLANT LIST C,

OR

3 LARGE TREES / 3 MEDIUM TREES /OR 3 EVERGREEN OR ANY COMBINATION OF 3 - PLANT LIST A, B, OR D, $(\frac{52}{100} = .52 \times 3 = 1.57 \sim 2 \text{ TREES})$

AND

30 SHRUBS - PLANT LIST E OR 15 SHRUBS - PLANT LIST C
 $(\frac{52}{100} = .52 \times 30 = 15.6 \sim 16 \text{ SHRUBS})$

ALL PLANTING BEDS AND TREES PLANTED IN FIELD RECEIVE 2"- 3" OF MULCH THROUGHOUT .

SOUTH WEST BUFFER A PLANTING
 LENGTH: 209' (136' STRIPPED; 73' LANDSCAPE ISLAND)

REQUESTING VARIANCE TO 2/3 OF PLANTING/ISLAND REQUIREMENT FOR STRIPING

LANDSCAPING REQUIRED PER 100 LINEAR FEET AT 10 FEET WIDE.
 5 SMALL TREES - PLANT LIST C,

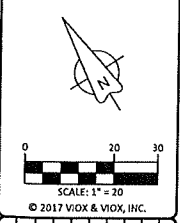
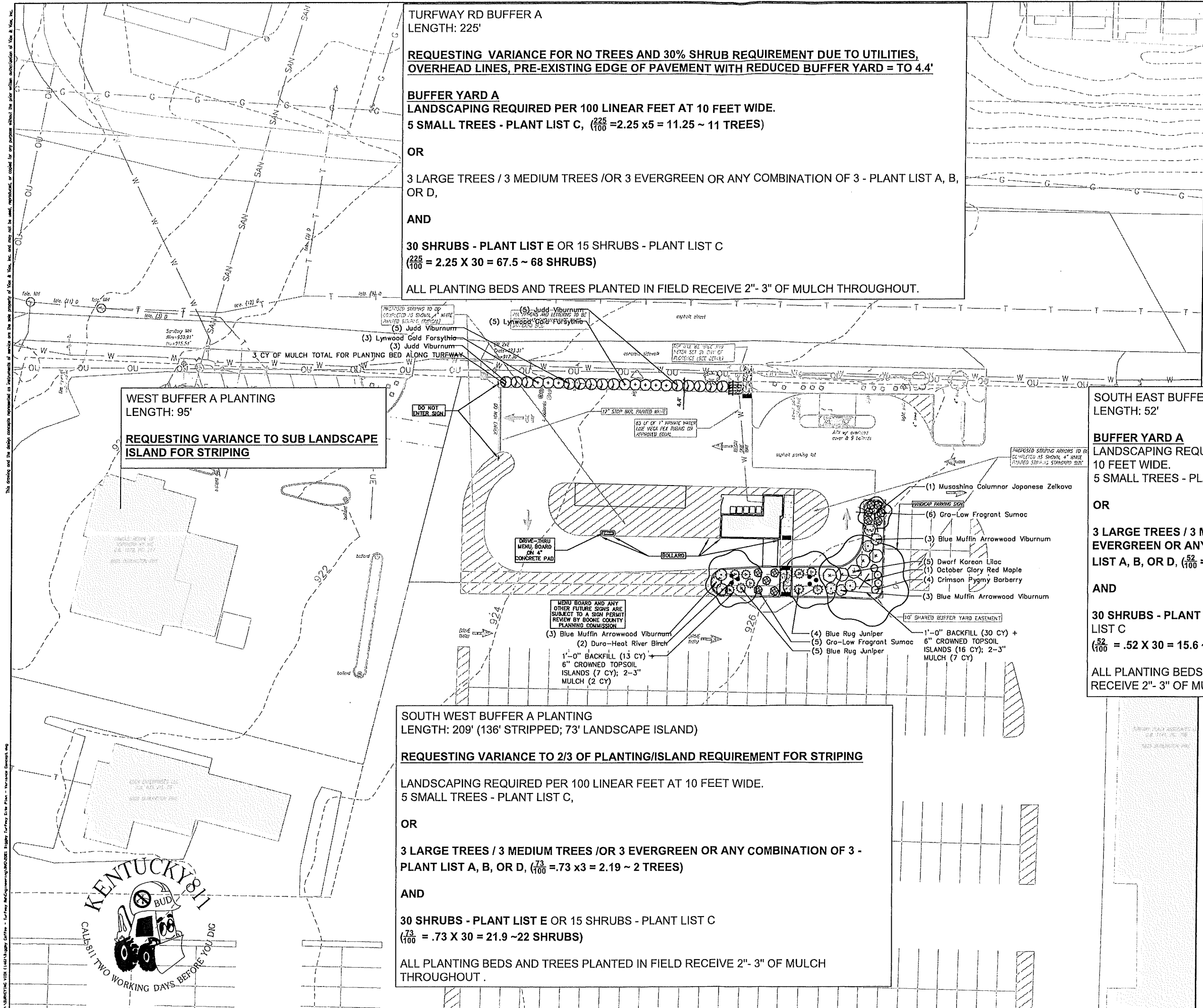
OR

3 LARGE TREES / 3 MEDIUM TREES /OR 3 EVERGREEN OR ANY COMBINATION OF 3 - PLANT LIST A, B, OR D, $(\frac{73}{100} = .73 \times 3 = 2.19 \sim 2 \text{ TREES})$

AND

30 SHRUBS - PLANT LIST E OR 15 SHRUBS - PLANT LIST C
 $(\frac{73}{100} = .73 \times 30 = 21.9 \sim 22 \text{ SHRUBS})$

ALL PLANTING BEDS AND TREES PLANTED IN FIELD RECEIVE 2"- 3" OF MULCH THROUGHOUT .



Rev	By	Date	Description

VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 466 Eranger Road • Erlanger, Kentucky 41018
 402 Lila Avenue • Millard, Ohio 45150
 Ph: Eranger (609)727-3293 • Ph: Millard (513)767-1000
 www.vioxinc.com

BIGGBY COFFEE
TURFWAY ROAD
 CITY OF FLORENCE, BOONE COUNTY, KENTUCKY
 LANDSCAPE PLAN

Project No:	Checked:
Date:	Ref:
6/10/2021	
Sheet:	
4	

