

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

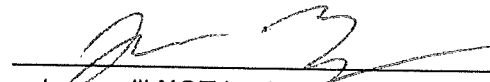
SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: _____ Jordan Zickafoose
Address: _____ 1495 Old Henderson Rd.
_____ Columbus _____ OH _____ 43220
_____ City _____ State _____ Zip Code
Phone Number: _____ 614-459-6992 ext. 242 _____ Fax Number: _____
Email: _____ jordanz@sandsdecker.com
4. Description of Request:
~~To reduce one way bypass lane from 14' to 11.5' next to stacking lane~~
5. Name of Development: _____ Chipotle Improvements
6. Location of Development: _____ 7516 Mall Rd. (Parcel ID: 062.00-25-003.14)
_____ Florence _____ KY _____ 41042
_____ City _____ State _____ Zip Code
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: _____ Village at the Mall Holdings LLC
Address: _____ PO BOX 9068
_____ Cincinnati _____ OH _____ 45209
_____ City _____ State _____ Zip Code
Phone Number: _____ Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: Pickup window for online orders
11. Total Square Footage of Existing and/or Proposed Buildings: 56 SF proposed / 2,801 SF total
12. Current Zoning: C-3/PD/MR
13. 1017 5 2040B
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: Pamela Walls
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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: 7/15/22 Fee Received: 966⁰⁰ Receipt #: 86599

2. Is application complete: ✓

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: _____

5. Board Action: 8/10/22

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: ① The restaurant can have a pickup window only, not a drive through ② Excessive pickup window stacking shall not cause an unsafe environment for patrons. Excessive stacking means that the driveway aisles are blocked, vehicles are trapped in parking stalls, fire lanes blocked,

~~7. Reasons for Denial:~~ etc. The restaurant shall lose the right to use the pickup window until modifications can be made to alleviate the above mentioned concerns.

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

#1

APPLICANT: Jordan Zickafoose for Chipotle

LOCATION: 7516 Mall Road, Florence, Kentucky

ZONING: Commercial Services/Planned Development/Mall Road Overlay District
(C-3/PD/MR)

DATE: August 10, 2022

PROPOSAL

The applicant is seeking a Variance to reduce the width of a one-way driveway, from 14' to 11½', so that Chipotle can install an order pickup lane/window behind their restaurant.

APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. 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.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.

Findings listed in Section 251:

- a. 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:
 - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) 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;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- b. 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.
- D. Section 1030 of the Boone County Zoning Regulations states that the purpose of the Commercial Services district is to provide, control, and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.
- E. Section 3155 of the Boone County Zoning Regulations provides the following standards for drive-through facilities:
 - 1. Drive-through facilities must be incidental and subordinate to the principal use of the property.
 - 2. The vehicular lane(s) serving a drive-through facility must be a minimum of 10 feet wide. This minimum 10 foot wide driving lane is for the exclusive use of the drive-through facility, and parking spaces cannot be situated so that vehicles must back into it.
 - 3. Canopies, awnings, or other structural components which are part of drive-through operations shall be attached to the principal building and have a design which is integral with the principal building by using the same materials, colors, and design details or stylistic features.
 - 4. Drive-through lanes, windows, canopies, or other structures, shall be located at the side or rear of the principal structure only and shall not directly adjoin street frontages which abut the front yard or corner side yard.
 - 5. Intercoms or other audio devices used in conjunction with a drive-through facility shall not be audible beyond the property line of the lot containing the drive-through facility.
 - 6. Signage for drive-through facilities shall conform to the requirements of ARTICLE 34.
- F. Section 3323 of the Boone County Zoning Regulations requires access drives, providing for one-way traffic and having no adjacent off-street parking areas, to be a minimum of fourteen feet (14') in width.

SURROUNDING LAND USES AND ZONING

North: Vitamin Shoppe (C-3/PD/MR)

South: Guardian Savings Bank (C-2/PD/MR)

East: Service Road, Undeveloped Parcel, Duke Substation, and Airport Ford (C-3/PD/MR)

West: Mall Road, Strip Center with Rapid Fired Pizza (C-2/PD/MR)

SITE CHARACTERISTICS

- A. The site is approximately 0.72 acres in area and contains a 2,795 square foot Chipotle restaurant per the approved December 4, 2003 Site Plan.
- B. The approved Site Plan and 2020 aerial imagery shows that the site contains 37 parking stalls.
- C. A one-way driveway currently loops around the back of the building. The approved site plan shows the driveway aisle was a minimum of 14.5' wide.
- D. Access to the site is provided from Mall Road, Mall Access Road/Shared Driveway with Guardian Savings Bank, and driveway connection to the Vitamin Shoppe.

STAFF COMMENTS

- A. The submitted plan shows that Chipotle wants to install an order pickup lane behind the building. The order pickup lane is 10' in width, which meets code. A 11½' wide one-way bypass lane is proposed to the east of the of order pickup lane. A Variance is needed because code requires a minimum 14' wide one-way driveway lane.
- B. The applicant informed Staff that they are seeking the Variance because there is an existing fire hydrant located immediately behind the proposed curb. This fire hydrant is shown on the submitted plan.
- C. The submitted plan shows that a total of 36 parking spaces will remain on site after the improvements are made. 33 of the stalls are conventional parking spaces and three located in the back of the site will be reserved for customers waiting on their pickup orders.

Staff has the following questions regarding the plan:

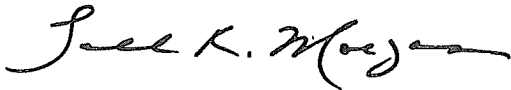
- Is an extra parking space being added in the row of parking located closest to Mall Road?
 - How many seats are located inside the restaurant? Code requires one parking stall to be provided for every 2 restaurant seats.
 - Does Chipotle have any research on similar pickup lanes? Is stacking for 4 vehicles adequate? Staff is concerned that the stacking of 5 vehicles or more from the pickup window could result in traffic issues on site, off-site, and Mall Road.
- D. An inter-departmental email was sent to the City of Florence and Florence Fire Department regarding the request. Their comments are attached.

- E. Staff agrees with Josh Hunt's recommendation and suggested condition. Staff recommends his suggested condition should be imposed if the application is approved.

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 should provide information as to how their application meets this criteria.

Respectfully submitted,



Todd K. Morgan
Senior Planner, AICP

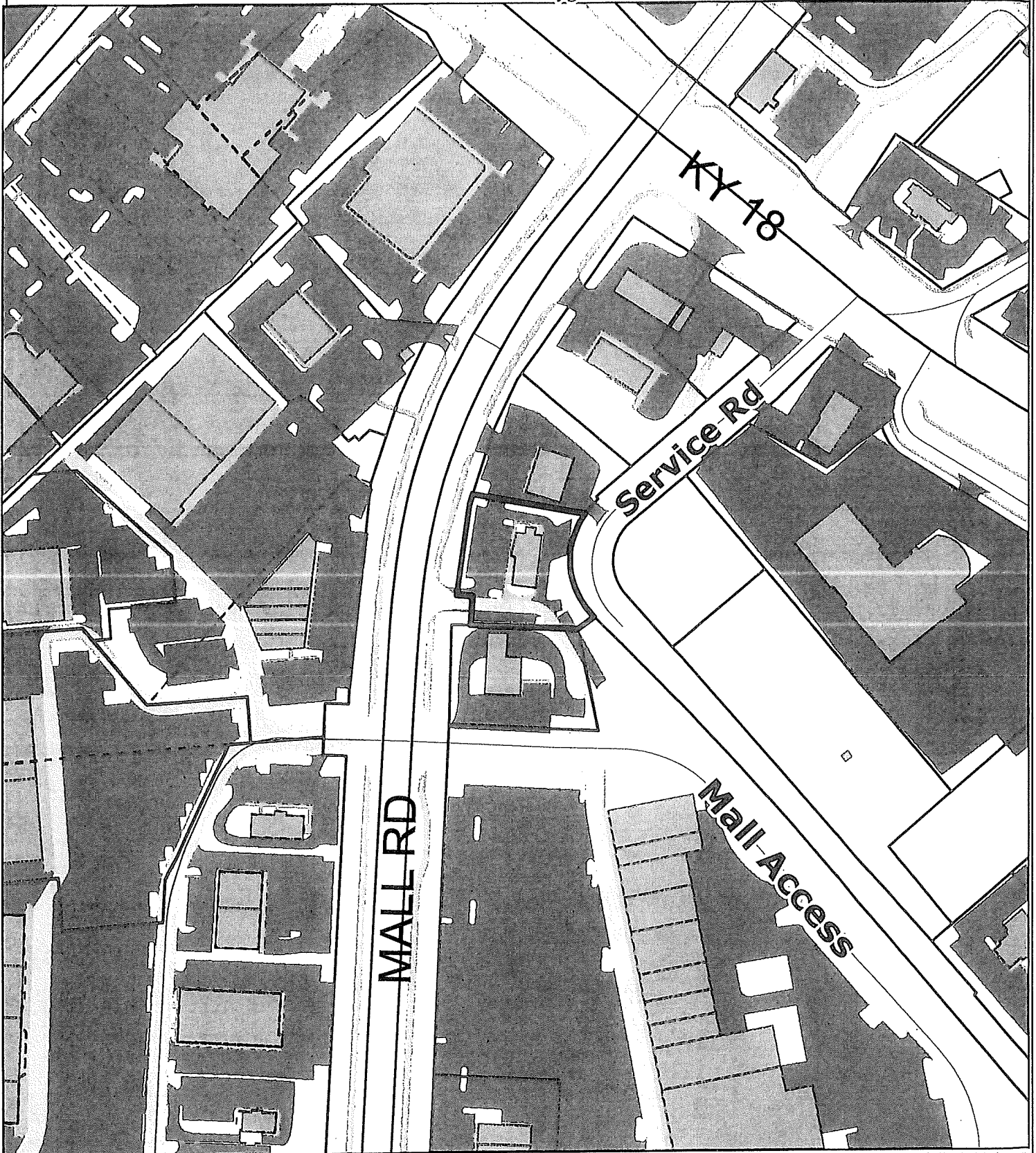
TKM/ss

Attachments

- *Site Vicinity Map
- *Proposed Site Plan
- *Proposed Elevations
- *Zoning Map
- *2020 Aerial Map
- *Topographical Map
- *12/4/03 Approved Site Plan
- *7/28/22 Email from Randy Childress, Florence Fire
- *8/4/22 Email from Josh Hunt, City of Florence
- *Application

SITE VICINITY MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 100 200 400 600 800 Feet

1 Inch = 200 feet

Boone County GIS - Putting Northern Kentucky on the Map





Registered Engineer Date

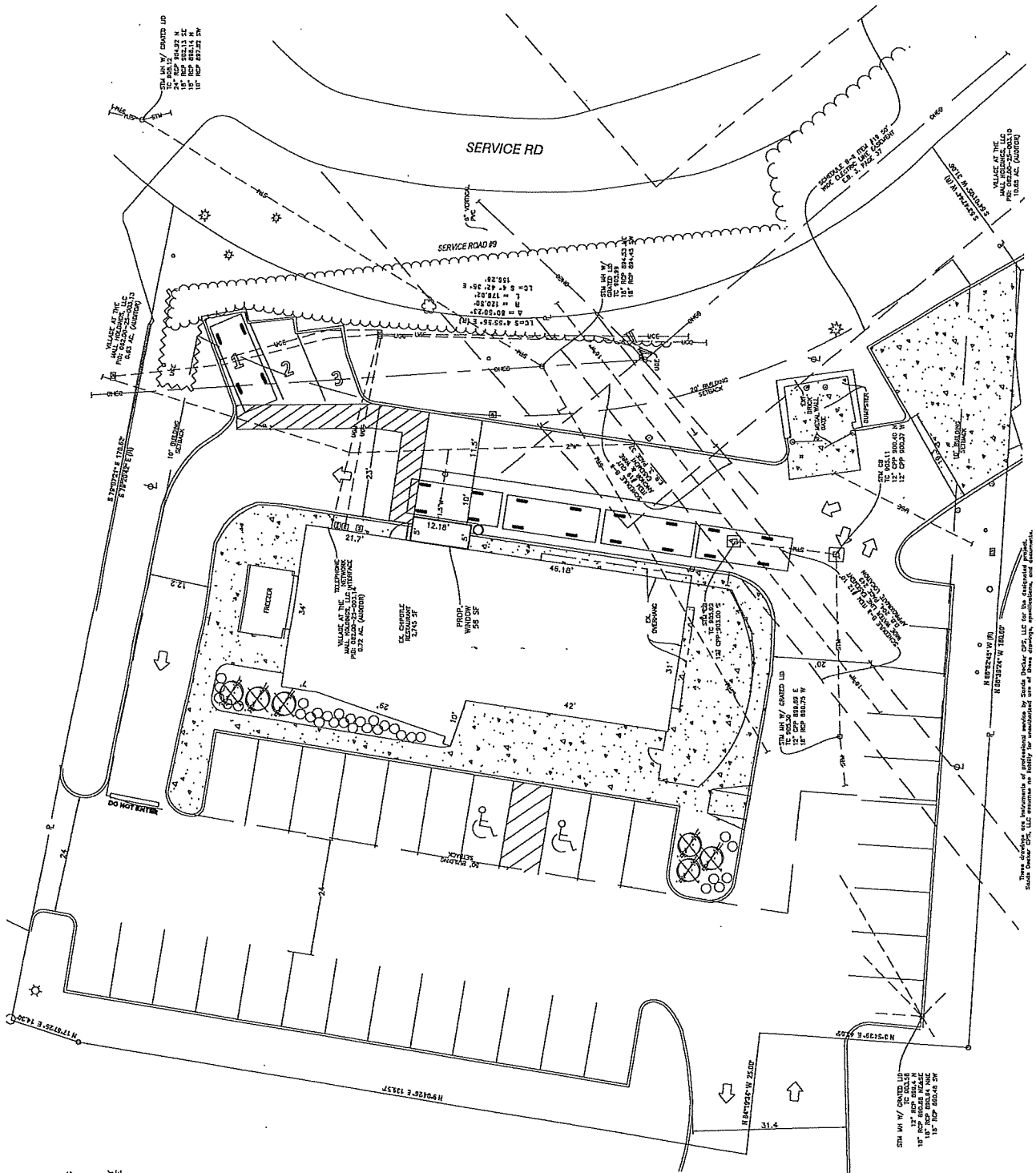


GRAPHIC SCALE
1" = 10'

CHIPOTLANE
STORE #0565
7516 Mail Rd

VARIANCE
07-13-2022

1 OF 1
SD PROJECT NO. 2066



- NOTES**
- THE PROJECT CONSISTS OF MODIFICATION OF AN EXISTING CHIPOTLE RESTAURANT TO PROVIDE A DRIVE THRU WINDOW AND A DRIVE THRU WINDOW AGE PLACED ON AN AS PAVED DRIVEWAY TO BE ARRIVING, REDUCING THE POTENTIAL FOR STACKING AND DELAYS TO CUSTOMERS. THE DRIVE THRU WINDOW MODIFICATIONS WILL BE MADE TO PROVIDE SUFFICIENT STAGING AND ESCAPE LINES AROUND THE DRIVE THRU WINDOW.
 - NO GRADING OR UTILITY CONSTRUCTION NECESSARY FOR CONSTRUCTION OF BUILDING ADDITION OR SITE.
 - PROPOSED BUILDING ADDITION IS 15' IN HEIGHT. SEE BUILDING ELEVATION DRAWING.

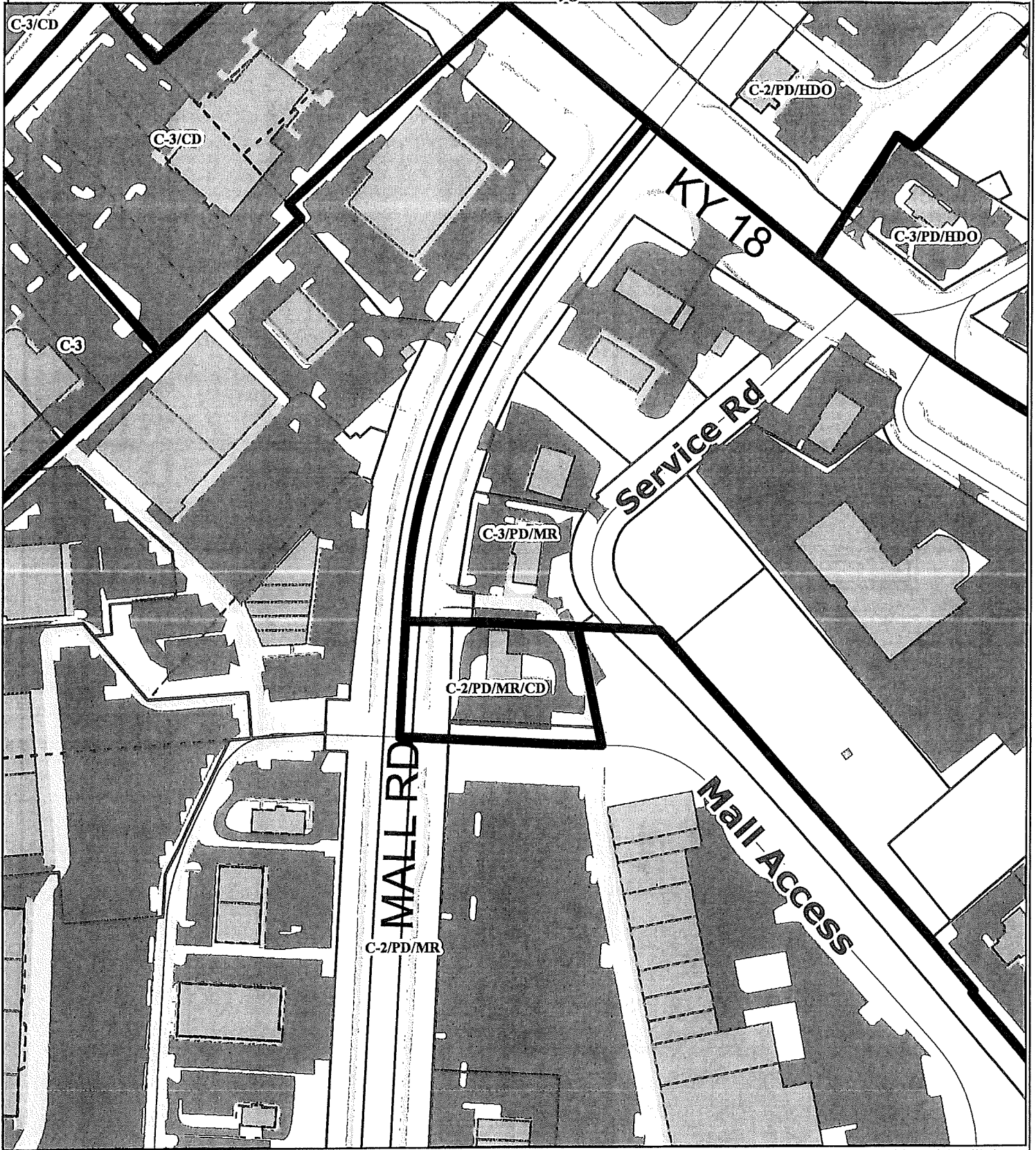
Mail Road

RECEIVED
JUL 15 2022
BOONE COUNTY
PLANNING COMMISSION

1/2022 APPROVED AND OPENED FROM THE STATE OF OHIO FOR THE PURPOSE OF BUILDING 7/15/2022 10:40 AM

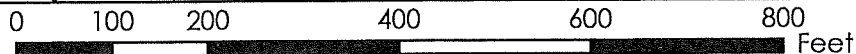
ZONING MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

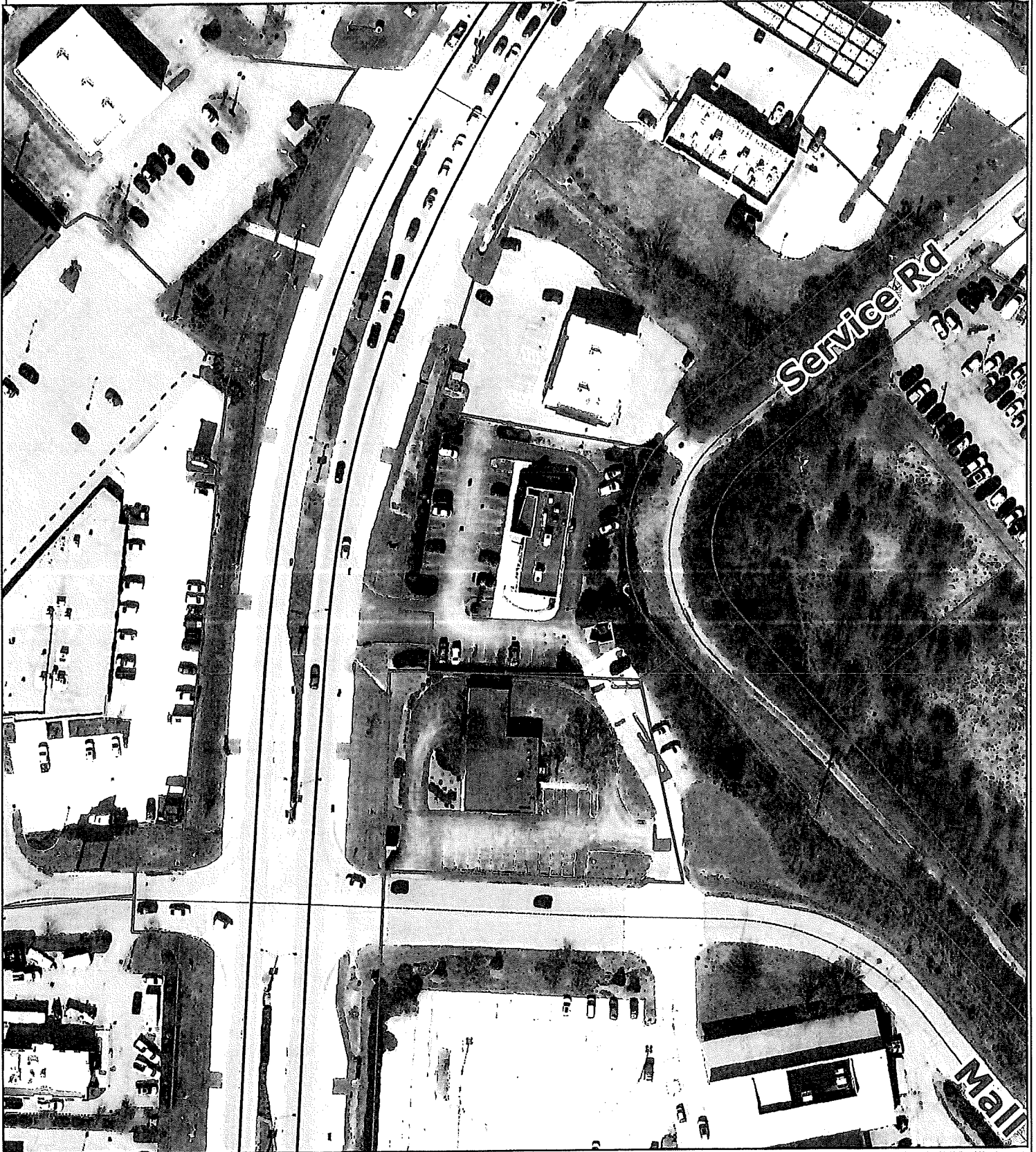


Map Created: x/xx/2020

North Arrow Created by Earth 2002 1.011
ArcMap Document: *.mxd

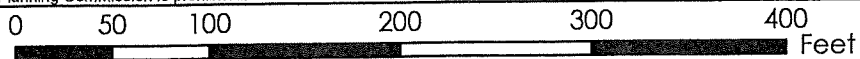
2020 AERIAL MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

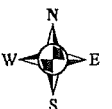
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet

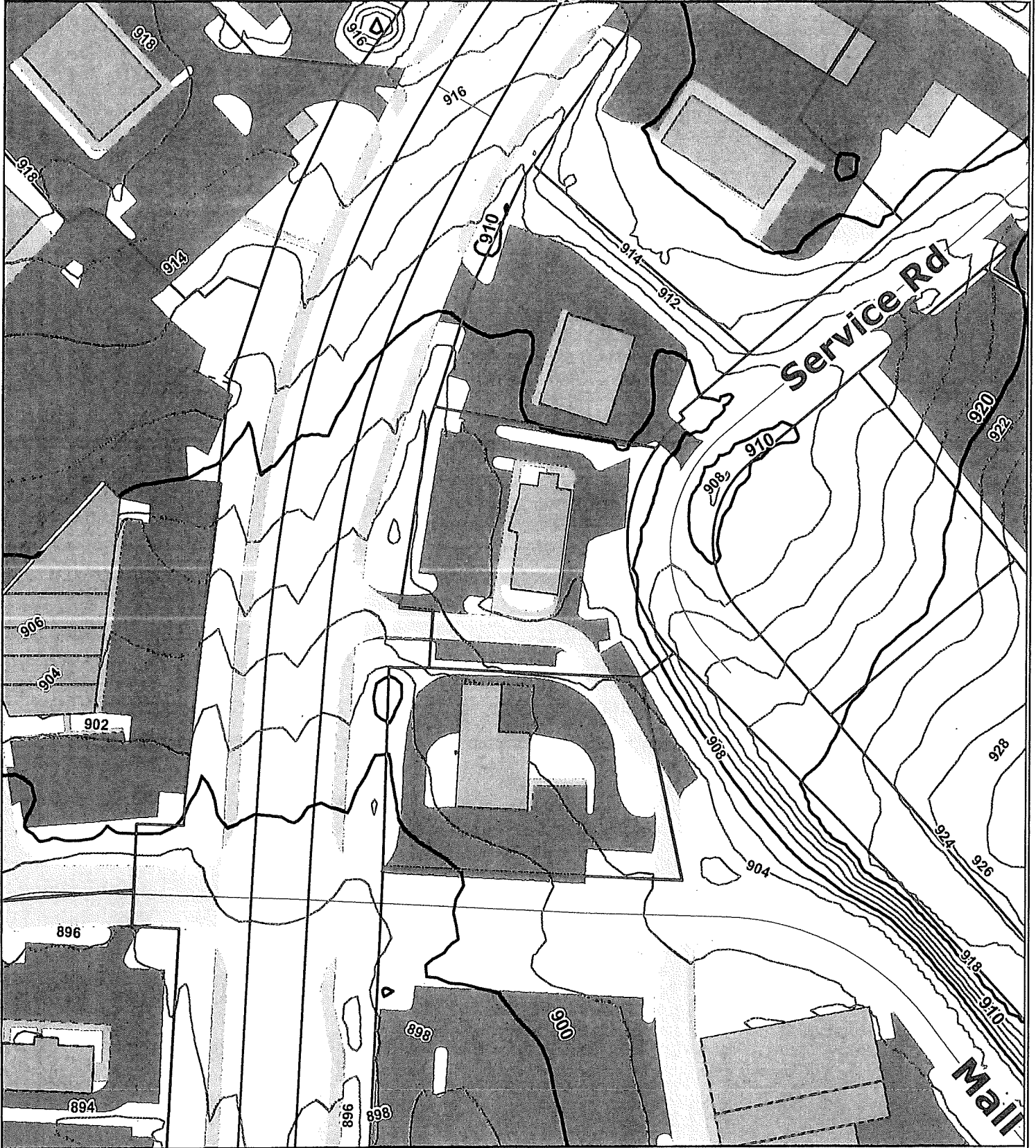


Boone County GIS - Putting Northern Kentucky on the Map



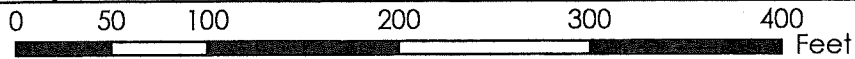
TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



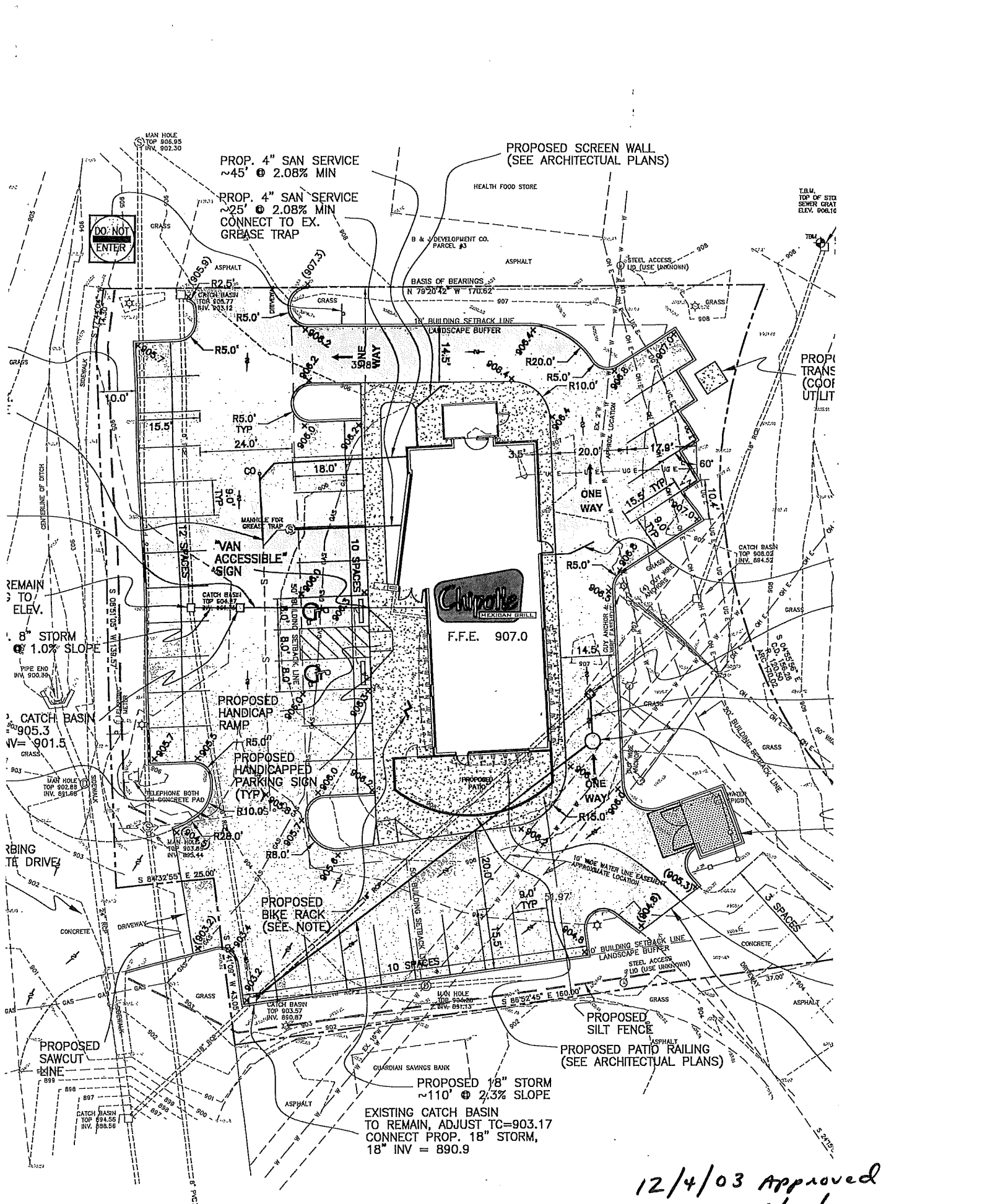
1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

ArchMap Document: *.mxd



PROP. 4" SAN SERVICE
~45' @ 2.08% MIN

PROP. 4" SAN SERVICE
~25' @ 2.08% MIN
CONNECT TO EX.
GREASE TRAP

PROPOSED SCREEN WALL
(SEE ARCHITECTURAL PLANS)

T.B.M.
TOP OF STC
SWMR GRAY
ELEV. 908.10

B & J DEVELOPMENT CO.
PARCEL #3

BASIS OF BEARINGS
N 79°20'42" W 170.82'

10' BUILDING SETBACK LINE
LANDSCAPE BUFFER

PROPI
TRANS
(COOP
UTILIT



F.F.E. 907.0

PROPOSED HANDICAP RAMP

PROPOSED HANDICAPPED PARKING SIGN (TYP)

PROPOSED BIKE RACK (SEE NOTE)

PROPOSED BIKE RACK (SEE NOTE)

PROPOSED BIKE RACK (SEE NOTE)

PROPOSED BIKE RACK (SEE NOTE)

PROPOSED BIKE RACK (SEE NOTE)

PROPOSED BIKE RACK (SEE NOTE)

PROPOSED BIKE RACK (SEE NOTE)

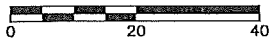
PROPOSED BIKE RACK (SEE NOTE)

PROPOSED 18" STORM
~110' @ 2.3% SLOPE

EXISTING CATCH BASIN
TO REMAIN, ADJUST TC=903.17
CONNECT PROP. 18" STORM,
18" INV = 890.9

12/4/03 Approved
SITE plan

SCALE IN FEET



Todd Morgan

From: Randy Childress <Randy.Childress@Florence-KY.gov>
Sent: Thursday, July 28, 2022 9:52 AM
To: Todd Morgan
Subject: RE: 7516 Mall Rd Variance Application

EXTERNAL MESSAGE

No comments

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Wednesday, July 27, 2022 7:40 PM
To: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Randy Childress <Randy.Childress@Florence-KY.gov>
Subject: FW: 7516 Mall Rd Variance Application

Josh and Randy,

A Variance application has been submitted to allow Chipotle to reduce the width of a one-way driveway behind the building from 14' in width to 11.5' in width. The plans also show that a order pick-up lane is proposed. It's not part of the Variance because it's 10' in width and meets code.

The Variance meeting is scheduled for 8/10/22, at 7:30 P.M.

Please let me know if you have any comments regarding the request.

Thanks,

Todd

From: Jordan Zickafoose <jordanz@sandsdecker.com>
Sent: Thursday, July 14, 2022 9:25 AM
To: Todd Morgan <TMorgan@boonecountyky.org>
Cc: Daniel Morris <DMorris@redarchitects.com>
Subject: 7516 Mall Rd Variance Application

EXTERNAL MESSAGE

Todd,
Please see the attached files for the variance application for the bypass lane to be reduced to 11.5'.
Please call Daniel Morris, who is copied to this email at 614-487-8770 ext. 212 for the fee payment. I believe he is out today but should be able to reach him tomorrow.

Let me know if you have any questions.

Thanks,

JORDAN ZICKAFOOSE
Project Engineer | Sands Decker

Todd Morgan

From: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>
Sent: Thursday, August 04, 2022 1:25 PM
To: Todd Morgan; Randy Childress
Subject: RE: 7516 Mall Rd Variance Application

EXTERNAL MESSAGE

I do not believe there to be sufficient stacking for this drive thru to be approved. The applicant should provide autoturn exhibits showing how vehicles can go around the building with 4 vehicles stacked at the pick-up window. At the very least a condition should be added that if excessive stacking causes a unsafe environment for patrons, meaning the drive isle is blocked, vehicles trapped in designated parking spots, fire lane blocked, etc., the applicant will lose the right to use the pick-up window until modifications can be made to alleviate the before mentioned concerns.

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Wednesday, July 27, 2022 7:40 PM
To: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Randy Childress <Randy.Childress@Florence-KY.gov>
Subject: FW: 7516 Mall Rd Variance Application

Josh and Randy,

A Variance application has been submitted to allow Chipotle to reduce the width of a one-way driveway behind the building from 14' in width to 11.5' in width. The plans also show that a order pick-up lane is proposed. It's not part of the Variance because it's 10' in width and meets code.

The Variance meeting is scheduled for 8/10/22, at 7:30 P.M.

Please let me know if you have any comments regarding the request.

Thanks,

Todd

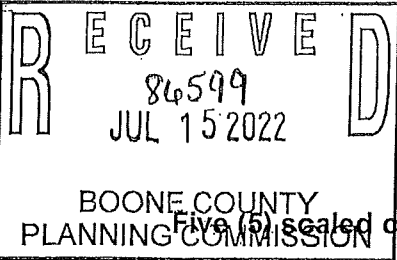
From: Jordan Zickafoose <jordanz@sandsdecker.com>
Sent: Thursday, July 14, 2022 9:25 AM
To: Todd Morgan <TMorgan@boonecountyky.org>
Cc: Daniel Morris <DMorris@redarchitects.com>
Subject: 7516 Mall Rd Variance Application

EXTERNAL MESSAGE

Todd;
Please see the attached files for the variance application for the bypass lane to be reduced to 11.5'.
Please call Daniel Morris, who is copied to this email at 614-487-8770 ext. 212 for the fee payment. I believe he is out today but should be able to reach him tomorrow.

Let me know if you have any questions.

Thanks,



**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union

2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: Jordan Zickafoose

Address: 1495 Old Henderson Rd.

Columbus OH 43220
City State Zip Code

Phone Number: 614-459-6992 ext. 242 Fax Number: _____

Email: jordanz@sandsdecker.com

4. Description of Request:
To reduce one way bypass lane from 14' to 11.5' next to stacking lane

5. Name of Development: Chipotle Improvements

6. Location of Development: 7516 Mall Rd. (Parcel ID: 062.00-25-003.14)

Florence KY 41042
City State Zip Code

7. Acreage Under Review: _____

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

9. Current Owner: Village at the Mall Holdings LLC

Address: PO BOX 9068

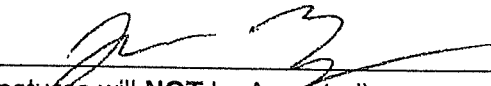
Cincinnati OH 45209
City State Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

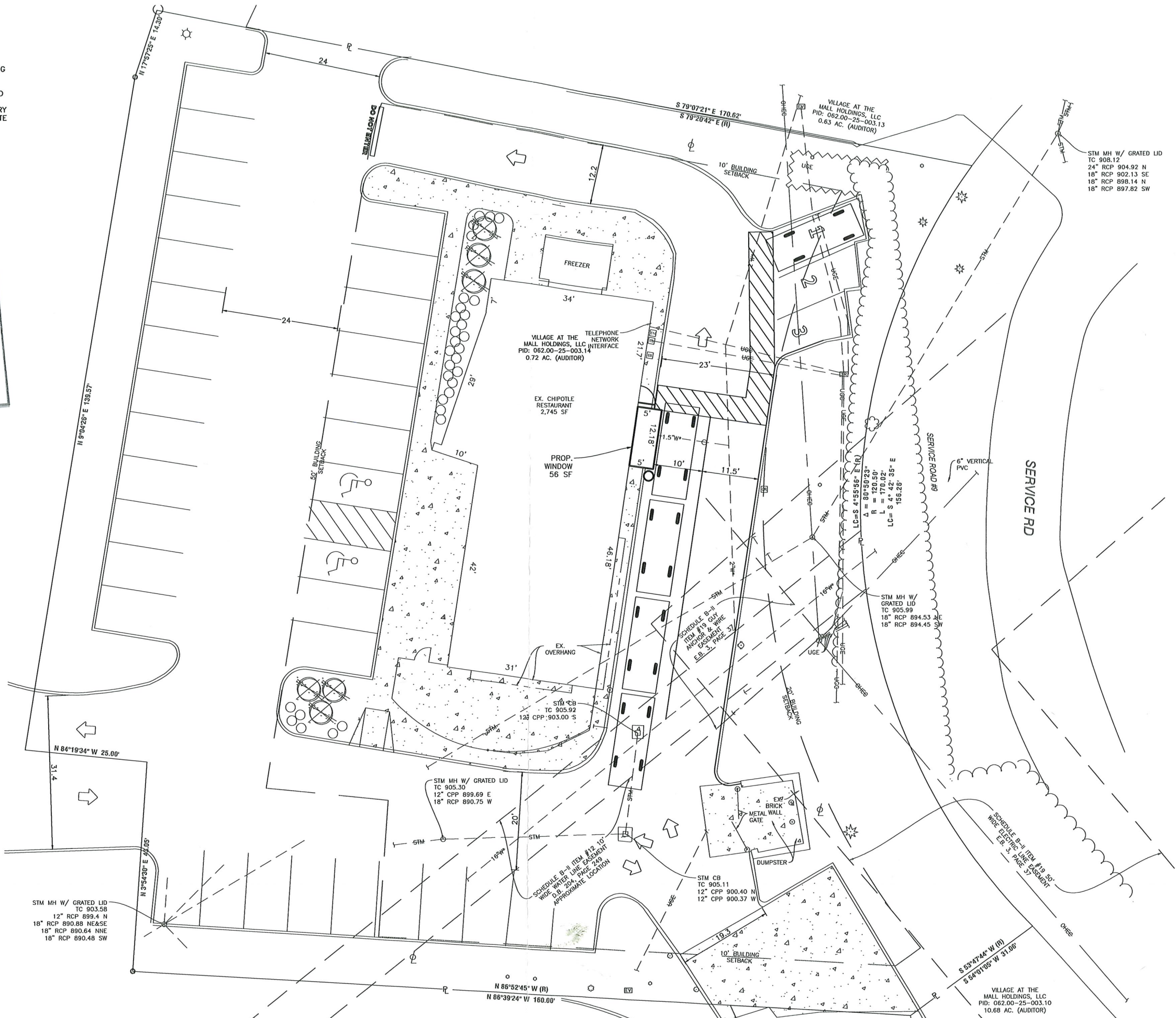
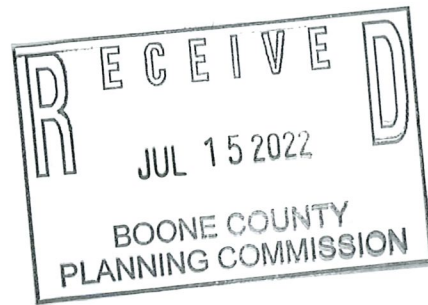
10. Proposed Use(s) on Site: Pickup window for online orders
11. Total Square Footage of Existing and/or Proposed Buildings: 56 SF proposed / 2,801 SF total
12. Current Zoning: C-3/PD/MR
13. 1017 5 2040B
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
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: Pamela Walls
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

NOTES

- THE PROJECT CONSISTS OF MODIFICATION OF AN EXISTING CHIPOTLE RESTAURANT TO PROVIDE A PICK-UP WINDOW AND STACKING LANE. ORDERS ARE PLACED ON AN APP OR WEBSITE PRIOR TO ARRIVING, REDUCING THE POTENTIAL FOR STACKING VEHICLES WAITING TO ORDER. PARKING MODIFICATIONS WILL BE MADE TO PROVIDE SUFFICIENT STACKING AND ESCAPE LANES AROUND THE BUILDING.
- NO GRADING OR UTILITY CONSTRUCTION NECESSARY FOR CONSTRUCTION OF BUILDING ADDITION OR SITE WORK
- PROPOSED BUILDING ADDITION IS 15' IN HEIGHT. SEE BUILDING ELEVATION DRAWING



S:\RD Architecture 3950 Chipotle Florence KY Store 0565 (Dwg)\3950 RD Chipotle Florence KY Master.dwg 7/14/2022 8:20 AM

These drawings are instruments of professional service by Sands Decker CPS, LLC for the designated project. Sands Decker CPS, LLC assumes no liability for unauthorized use of these drawings, specifications, and documents.



OFFICES

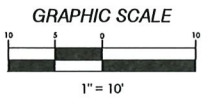
128 East Main Street
Logan, Ohio 43138
740-385-2140

1495 Old Henderson Road
Columbus, Ohio 43220
614-459-6992

507 Main Street
Zanesville, Ohio 43701
740-450-1640



07-14-22
Registered Engineer Date



**CHIPOTLANE
STORE #0565
7516 Mall Rd**


07-13-2022 VARIANCE

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 12th day of August, 2022.



Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:

Sara Smith
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 August 10, 2022, Certificate of Land Use Restriction (#22-FBOA-003-A), for Village at the Mall Holdings, LLC, Property Owner(s).

The following conditions will apply:

- 1.) The restaurant can have a pickup window only, not a drive through.
- 2.) Excessive pickup window stacking shall not cause an unsafe environment for patrons. Excessive stacking means that driveway aisles are blocked, vehicles are trapped in parking stalls, fire lanes are blocked, etc. The restaurant shall lose the right to use the pickup window until modifications can be made to alleviate the above-mentioned concerns.

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

DEED BOOK 1017

PAGE NO. 5

GROUP NO. 2040B