

\$1,116

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVE

95177

JUL 21 2026

BOONE COUNTY
PLANNING COMMISSION

One (1) scaled copy 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: Emmanuel Barrera
Address: 147 Lakeshore Dr.
Lexington Ky 40502
City State Zip Code
Phone Number: 859-446-8485 Fax Number: _____
Email: mane.lexus22@gmail.com
4. Description of Request: Food Truck in parking lot of 8414 Behind building
5. Name of Development: 8402-8414 US 42 Florence Ky
6. Location of Development: 8402-8414 US 42
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: 1 acre
8. Lot Number and Name of Subdivision (if part of a subdivision):
062.00-00-040.02 Parcel number
9. Current Owner: Christina Griffith
Address: 882 Riverwatch Dr.
Crescent Springs Ky 41017
City State Zip Code
Phone Number: 859-640-1936 Fax Number: _____
Email: rissyski@gmail.com

10. Proposed Use(s) on Site: Food Truck
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: _____
13. 1062-2006 206 2040A
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.

Property Owner's Signature: _____

Applicant's Signature: _____

Christina [Signature]
Emmanuel Barrera [Signature]

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

1. Date Received: 7/21/24 Fee Received: \$1116⁰⁰ Receipt #: 95177
2. Is application complete: ✓
3. Staff Reviewer: Stanley
4. Scheduled Board Action Date: 8-12-26
5. Board Action: 8-12-26

_____ Approved
_____ Approved with Conditions (see #6)
✓ _____ Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: The proposed food truck is within a high traffic corridor. The food truck would increase traffic and interfere with vehicular flow within the already stressed public thoroughfare.

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

STAFF REPORT

#2

APPLICANT: Emmanuel Barrera (Applicant) on behalf of Christina Griffith (Owner)

LOCATION: 8402-8414 US 42

ZONING: Commercial Two/Planned Development (C-2/PD)

DATE: August 12, 2026

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow a food truck within a C-2 Zone.

SITE HISTORY

1981-1985 Historic aerial photography shows that the site was developed between 1981 and 1985.

APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 205.H of the Boone County Zoning Regulations.
1. Findings listed in Section 205.H (Findings for all Conditional Uses):
 - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order.
 - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
 - c. Will be hazardous to existing or future neighboring uses.
 - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - e. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
 - f. Will involve uses, activities, process, materials, equipment and conditions

- of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors.
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
2. Findings listed in Section 1002.2.A (Findings for Conditional Uses within the C-2 district):
- a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service;
- b. The activity will further add to, not detract from, the creation of a compact, multi-purpose, and pedestrian oriented commerce center; and;
- c. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.
- C. Section 1002.A of the Boone County Zoning Regulations states that the purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.
- D. Section 3199 of the Boone County Zoning Regulations provides design standards for sites within designated Business Districts. Those design standards include standards such as architectural style and detail, entrances, windows, roofs, awnings, signage, and screening. Two additional requirements are for building materials and building colors which are as follows:

Building Material

The standard for Building materials state that Exterior wall materials shall include stucco/EIFS, architectural grade CMU, stone, brick or precast concrete. Metal buildings are prohibited. It is recommended that no more than thirty (30) percent of the front and side of a building facing a street shall be made of stucco/EIFS. Concrete block materials may only be used on the rear portion of a building. Fiber cement siding, which resemble traditional wood siding materials, can be used but not to exceed thirty (30) percent of the total amount of building materials used. Metal and vinyl materials may be used for incidental elements such as fascias and soffits.

Building Color

Building colors shall be low reflective, subtle, natural, neutral or earth tones, or dark

color brick. The earth tones include shades of red, brown, gray, and subtle shades of green, and blue. The use of high intensity, bright (sharp contrast), or metallic color shall be prohibited, unless it is used for trim purposes. Color schemes shall be comprehensive and directly relate to the architectural design. Exterior colors shall be paired with features such as differing building materials, openings, and/or three-dimensional changes in the facades.

E. Section 3504.A.4.b of the Boone County Zoning Regulations states the following:

1. Food Trucks shall only be allowed in Commercial districts as a Conditional Use (this applies to the City of Florence only).
2. Must be licensed by the Northern Kentucky Health Department.
3. Must obtain any required occupational license.
4. Must obtain any required right-of-way or business permits.
5. Must be located on a paved, hard surface.
6. Cannot be located in any required parking space, loading/unloading space, or drive aisle.
7. Drive-through service shall be prohibited.
8. Any exterior lighting shall be hooded or shielded.
9. Signage shall be limited to the following:
 - a. Those that are painted on or attached to the exterior of the food truck.
 - b. Those that are secured and mounted flat against the food truck.
 - c. Those that extend no more than six (6) inches from the exterior of the food truck.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2045 Future Land Use Plan designates the site for “Commercial” uses, and Developmentally Sensitive, which are described as follows:

This future land use map classification is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

B. US Highway 42 is a KYTC maintained arterial street, providing for two-way traffic within two lanes in each direction and a center turn median. The posted speed limit on US 42 is 45 mph. There are sidewalks along both sides of the roadway.

SITE CHARACTERISTICS

- A. The approximate 1.5-acre area is located on the north side of US Highway 42 and on the west side of Village Drive.
- B. The site has approximately two hundred and fifty (250) feet of frontage along US Highway 42 and two hundred and fifty (250) feet of frontage along Village Drive.
- C. The site is currently occupied by two multi-tenant buildings totaling approximately 5,800 square feet and 4,700 square feet, respectively. An approximately 1,200-square-foot garage is located at the rear of the property near Village Drive.

SURROUNDING LAND USES AND ZONING

North: Greenwood Village Subdivision (SR-2)
South: Multiple commercial users (C-2)
East: Boone County Board of Education (PF)
West: Vandalia Rental (C-2)

PROPOSED DEVELOPMENT

- A. The applicant is requesting a Conditional Use Permit to allow a food truck on the property.
- B. The plan shows a location adjacent and parallel to US Highway 42 within existing parking spaces, but the applicant has stated they are willing to use any other designated location on the property.

CITY OF FLORENCE COMMENTS

- 1. I would like the applicant to provide the following information:
 - a. Is he leasing a tenant space in one of the buildings? If so, when does he plan to occupy the tenant space?
 - b. What days and hours would he operate from the proposed location?
 - c. Would the food truck be moved behind the building (where it is currently parked) when it is not operating?
- 2. I have a concern about the proposed food truck location because of its proximity to an access point. In my opinion, a location in the entire front parking lot causes safety concerns. Customers would have to stand in the middle of the driveway aisle to order food while vehicles would be entering and exiting the parking lot. I believe the only safe location for a food truck is behind the building at 8402-8406 US Highway 42. It doesn't appear that are any tenants currently occupying the lower level of that building and the parking lot was completely empty when I visited the site on 7/24/26.
- 3. The Zoning Update has begun, and City staff has drafted updated regulations for food trucks. These **draft** regulations read as follows:

Mobile food and beverage vendors shall be permitted as a conditional use within commercial zoning districts if they seek to sell food and drink products from a given property for more than a 15-minute time interval. A Conditional Use Permit shall be required for every commercial property where the mobile food and beverage vendor intends to operate. A Minor Site Plan or Zoning Permit shall be approved once a Conditional Use Permit is approved to verify all conditions of approval have been addressed.

The following standards must be met:

- a. The mobile food/beverage truck, trailer, or cart shall be located on a hard surface area per Section 3314 of the Zoning Regulations.
 - b. The mobile food/beverage truck, trailer, or cart shall not:
 - Be located in a required parking space (the property must have parking that exceeds code).
 - Cause public safety issues, such as obstructing vehicle or building access points, sidewalks, driveway aisles, parking stalls, fire lanes, loading/unloading areas, or sight distance.
 - Have drive-through service, accessory outdoor dining, or set up portable canopies or tents.
 - c. Any exterior lighting shall be hooded or shielded.
 - d. Any propane tanks or generators must be attached to the truck.
 - e. Signage shall be limited to the following:
 - Those that are painted on to the exterior of the food truck, trailer, or cart.
 - Those that are secured and mounted flat against the food truck, trailer, or cart.
 - Those that extend no more than six (6) inches from the exterior of the food truck, trailer, or cart.
 - One portable A frame sign which is located no more than 6' from the food truck, trailer, or cart. The sign shall be no more than 3.5' tall and 6 square feet in area.
 - f. The food truck, trailer, or cart shall vacate the property when it is not being operated unless the operator owns or leases a building tenant space at the subject property. Non-operational food trucks, trailers, or carts shall not be stored in the front yard.
 - g. The mobile food truck and beverage vendor must have the permission of the property owner or right-of-way holder before selling on a property.
 - h. The mobile food and beverage vendor must have a valid Occupational License from the City of Florence and/or Boone County.
 - i. The mobile food and beverage vendor must be licensed by the Northern Kentucky Health Department.
4. Recommended conditions if the application is approved:
- a. The food truck shall only be permitted to operate in the rear parking lot of 8402-8406 US Highway 42.
 - b. When not in operation, the food truck shall be parked behind the building at 8410-8414 US Highway 42. Note – A Google Map photo from October 2024 shows the truck parked behind the building and being visible from Village Drive.
 - c. The proposal shall follow the draft food truck regulation standards. Note – the applicant would need to show he has a lease for the truck to remain on the property when it is not operating.

STAFF COMMENTS

- A. The site is subject to the regulations found in Section 3199 Business District, which have architectural requirements. The Board should evaluate whether a food truck will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- B. This corridor of US Highway 42 has a significantly high volume of traffic. The Board should evaluate whether the use, activities, processes, materials, equipment, and conditions of operation will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic.
- C. The Board should evaluate whether the proposed use has adequate vehicular approaches to the property, which are designed so as not to create interference with traffic on surrounding public thoroughfares.
- D. The Board should evaluate whether the proposed uses meet the findings listed in Section 1002.2.A (Findings for Conditional Uses within the C-2 district):
 - a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service;
 - b. The activity will further add to, not detract from, the creation of a compact, multi-purpose, and pedestrian oriented commerce center; and;
 - c. The arrangement of uses, buildings, or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

CONCLUSION

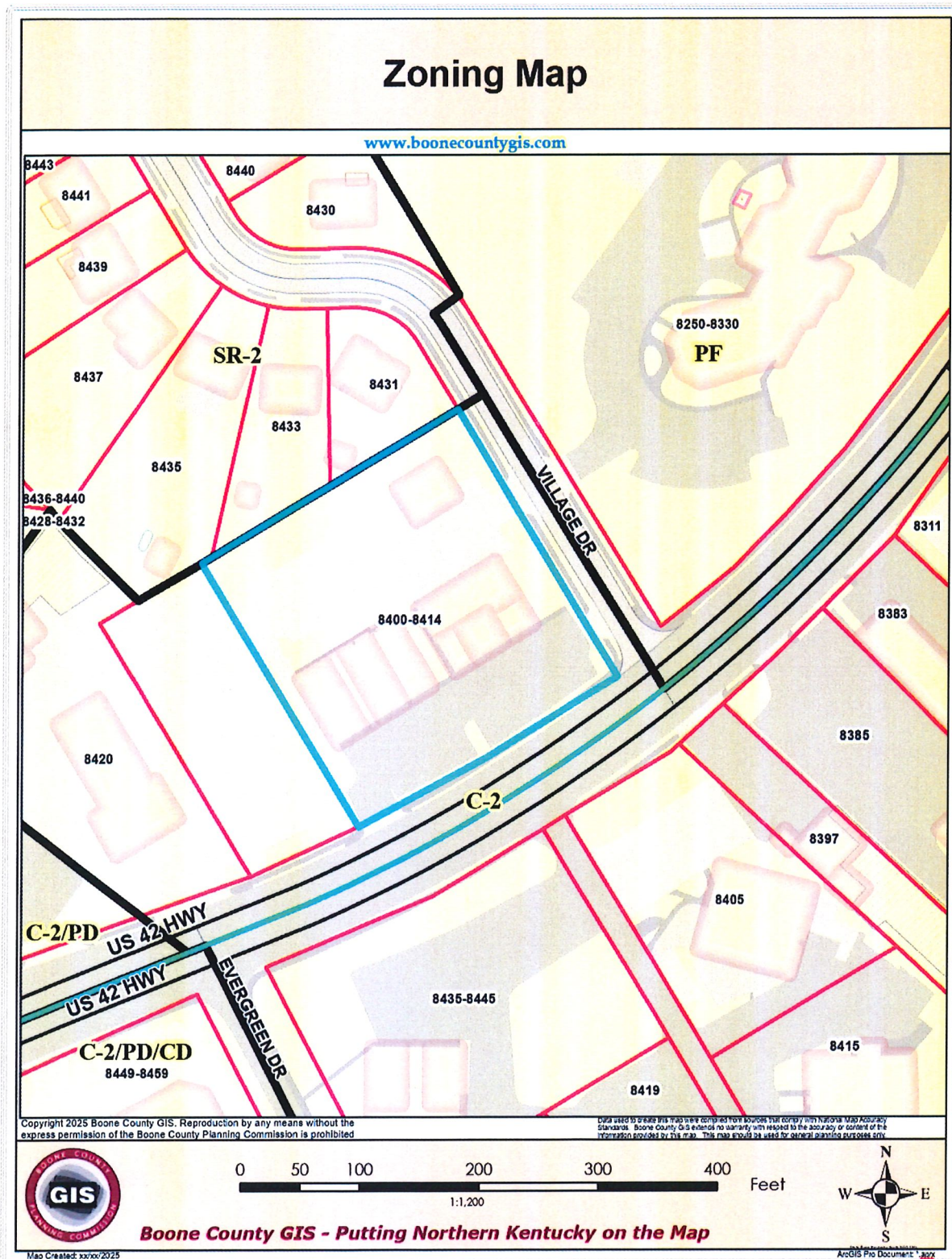
- A. KRS 100.237 and Section 202.C of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit request.

Respectfully Submitted,



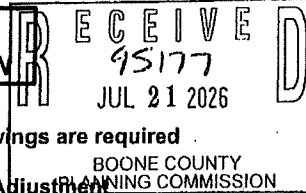
Steven C. Lilly
Planner, Zoning Services

SCL/nd





BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION



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City State Zip Code
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Board of Adjustment
Page 2

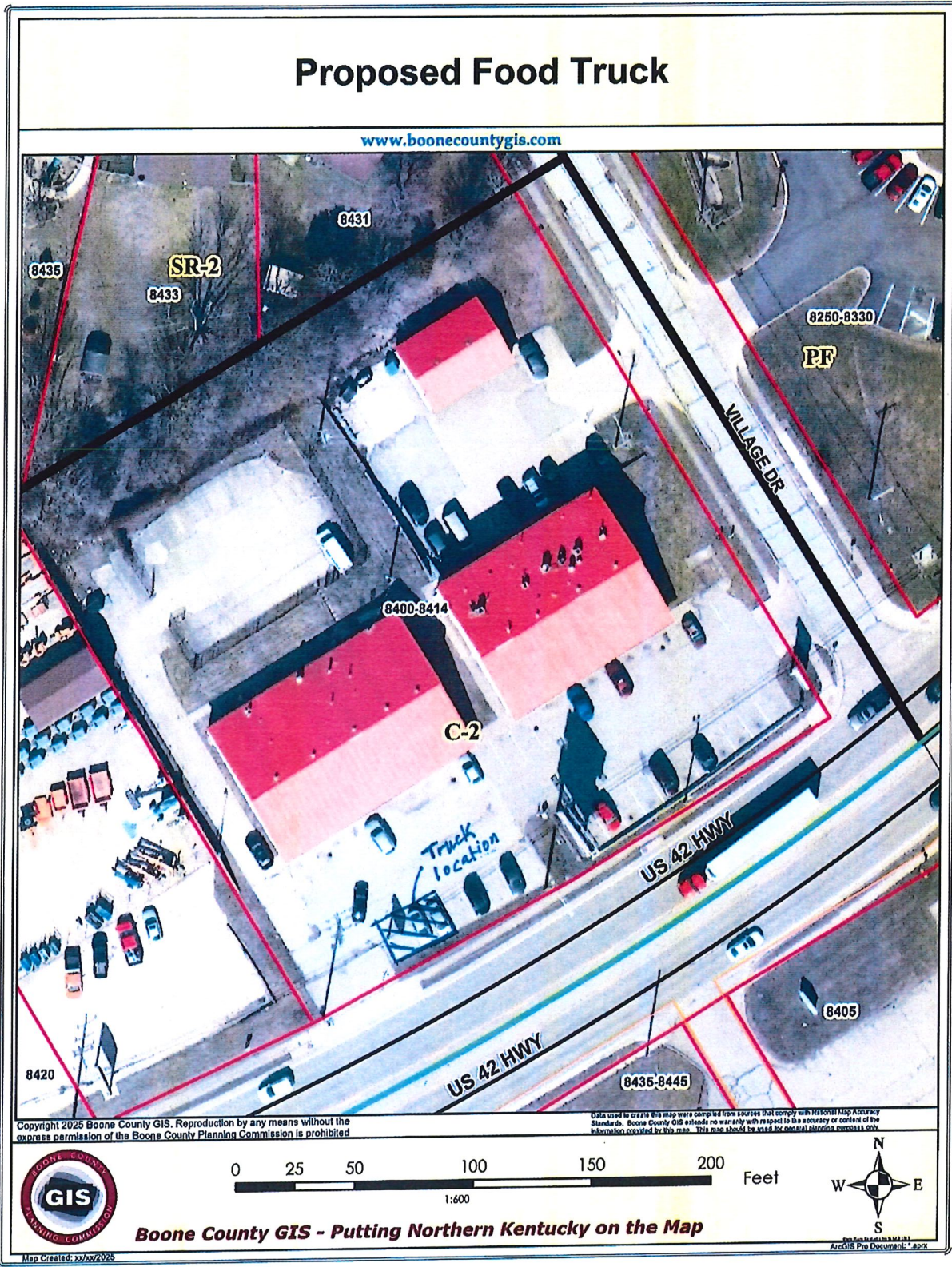
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11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: _____
13. 1062-206 _____
Deed Book Page Group Number
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If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: ☐ Yes ☒ No
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Property Owner's Signature:

Christina [Signature]

Applicant's Signature:

Emmanuel Barrera [Signature]



Proposed Food Truck

www.boonecountygis.com



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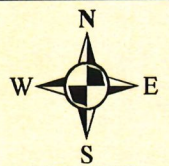
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0 25 50 100 150 200

1:600

Feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2025

ArcGIS Pro Document: *.aprx