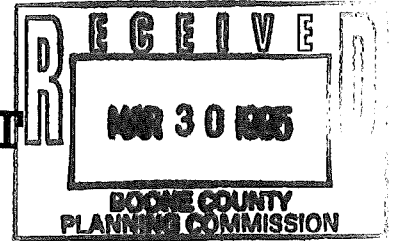


APPLICATION FORM
BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. (Check One) Boone Florence Walton Union
 (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name REVEL ENTERPRISES, INC. (JOHN REVEL)
 Phone Number (606) 624-2792 Fax No. (606) 624-3213
 Applicant's Address 229 CHURCHILL DR.
RICHMOND Ky. 40475
 City State Zip
4. Description of Request: TO ALLOW A DRIVE THRU
FRANCHISE RESTAURANT.
5. Name of Development HARDEE'S RESTAURANT
6. Location of Development US 25 NEAR MANDERLAY
(APPROX 7785 DIXIE HWY)
7. Acreage Under Review 1.6926
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 6 (PARTIAL) 7, 8 + 9 (PARTIAL) OF FITZGERALD SUBDIVISION #2 SECTION #1
9. Owner of Property SPRING MEADOW ASSOCIATES
 Phone Number of Owner (606) 525-8585 FAX (606) 525-8529
10. Address of Property Owner 40 SCULEPER DEVELOPMENT CORP.
1452 DONALDSON HWY. ERLANGER Ky. 41018
 City State Zip
11. Proposed Use(s) on Site DANA NATURAL FAST FOOD RESTAURANT
WITH DRIVE THRU.
12. Total Square Footage of Existing and/or Proposed Buildings
3321
13. Current Zoning on Property C-2
14. Deed Book 335 Page No. 164 Group No. 774
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 - 5 COPIES
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.

Applicant's Signature: John W. Revel
 Property Owner's Signature: John W. Revel James S. Salifer
By James Thomas

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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 March 30, 95 Fee Received \$1636.00 R#6286
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 5-10-95
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: see Minutes

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: Hardee's
APPLICANT: Revel Enterprises Inc.
LOCATION: U.S. Highway 25 next to Remke's, Florence, KY
ZONING: Commercial Two (C-2)
DATE: May 10, 1995

The applicant is requesting a Conditional Use Permit to allow the development of a drive thru Hardee's Fast Food Restaurant. The restaurant is proposed on a 1.6926 acre site which is located on the east side of U.S. 25 between Meadow Lane and Roger Lane (See Sheet #1). The 3,321 square foot building has one access proposed in front of the building and an access to the Remke's parking lot (See Sheet #2).

Article 10, Section 1023, Item 1 of the Boone County Zoning Regulations require a Conditional Use Permit for drive-in and franchise fast food chains and eating and drinking places, provide the activity is appropriately related to the character of the trade area being served. A Conditional Use Permit is required for a drive thru in the City of Florence only.

Surrounding Zoning and Land Uses (See Sheet #3)

North: Strip center with commercial uses zoned Commercial Two (C-2)
South: Remke's Supermarket zoned Commercial Two (C-2)
West: Dominos Pizza and Cincinnati Bell Telephone zoned Commercial Two (C-2)
East: Single family residences zoned Suburban Residential One (SR-1)

The 1995 Boone County Comprehensive Plan Future Land Use Map identifies the area as Commercial. The Text of the Plan however does not specifically address this area, but does state that development should continue along U.S. 25. Although, the Text of the Plan does address Access Management within this area by stating the following:

Commercial development in this section should remain near the arterial roads. These consumer services and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

The Board must also consider specific criteria which apply to Conditional Uses within a Commercial Two zone:

- a) The activity is of 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;
- 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.

Staff Concerns

1. Staff believes that because the proposed restaurant adjoins a residential zone to the east that a double staggered row of evergreen trees should be planted. These trees should be at least six (6) feet in height at the time of planting and should be spaced a maximum of fifteen (15) feet on center and should be of varying species.

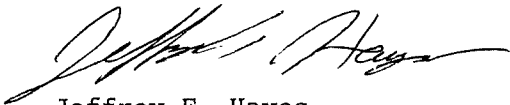
The Boone County Zoning Regulations require that a 25 foot buffer be provided between a Commercial Two (C-2) zone and a residential zone. However, because a 25 feet wide undeveloped public alley adjoins the property to the rear a portion of the alley can be applied to the buffer yard requirement. Although, all trees have to be planted upon the applicants property and not within the public right-of-way. Staff believes that a minimum of fifteen (15) feet will be necessary from the property line to accommodate the planting and that 25 feet would be the ideal dimension.

2. Staff believes that any lighting in the rear should be no higher than ten (10) feet to prevent light from spilling into the residential homes to the east. All other lighting should be no more than 16 feet in height and should be directed straight down.
3. Staff believes that the hours of operation should be examined and that the volume of the drive-thru speaker should not be detectible from beyond the applicant's property line.
4. Staff believes that for the applicant's Conditional Use Permit to be harmonious with and in accordance with the general objective of the Comprehensive Plan, that it will be necessary for the applicant to eliminate the existing curb cut located directly in front of the restaurant along U.S. 25. Staff believes that it is possible to share the existing Remke's access and have access from the existing curb cut to the north. This access is a shared access between the applicant's property and the strip center to the north. Therefore staff believes that the restaurant's main access as proposed should not be permitted because it is possible for the restaurant to have two access points and staff believes that the third access point would be excessive.

Conclusion

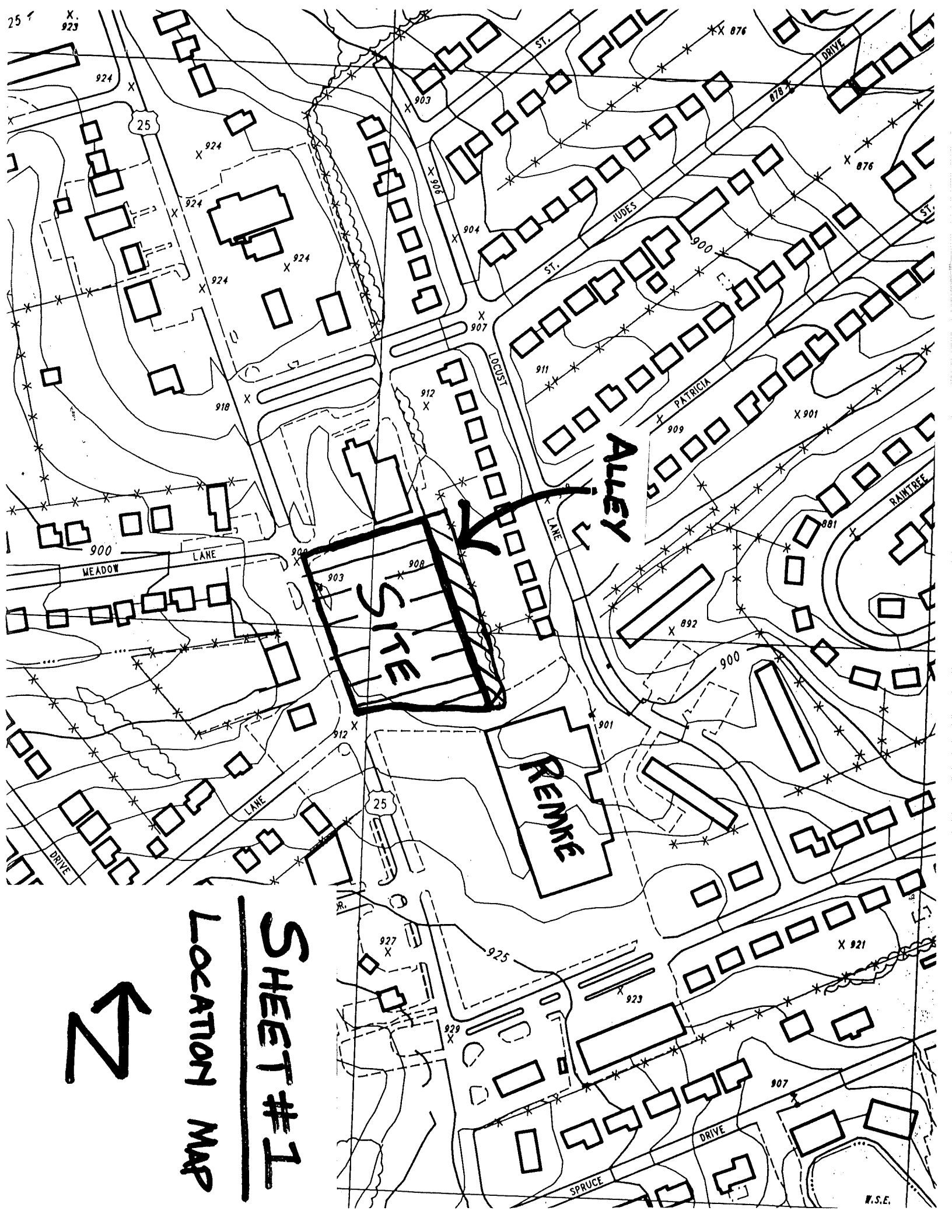
The Board must use the seven criteria for a conditional use and the three criteria for condition use within Commercial Two (C-2) zone to judge the appropriateness of this request. Staff believes that without stringent conditions recommended in the staff concerns the request could present a detriment to the general welfare. Furthermore, without stringent conditions the proposed request may not be appropriate and harmonious with the existing or intended character of the general vicinity.

Respectfully submitted,



Jeffrey F. Hayes
Planner

JFH\par



ALLEY

SITE

RENEW

SHEET #1
LOCATION MAP

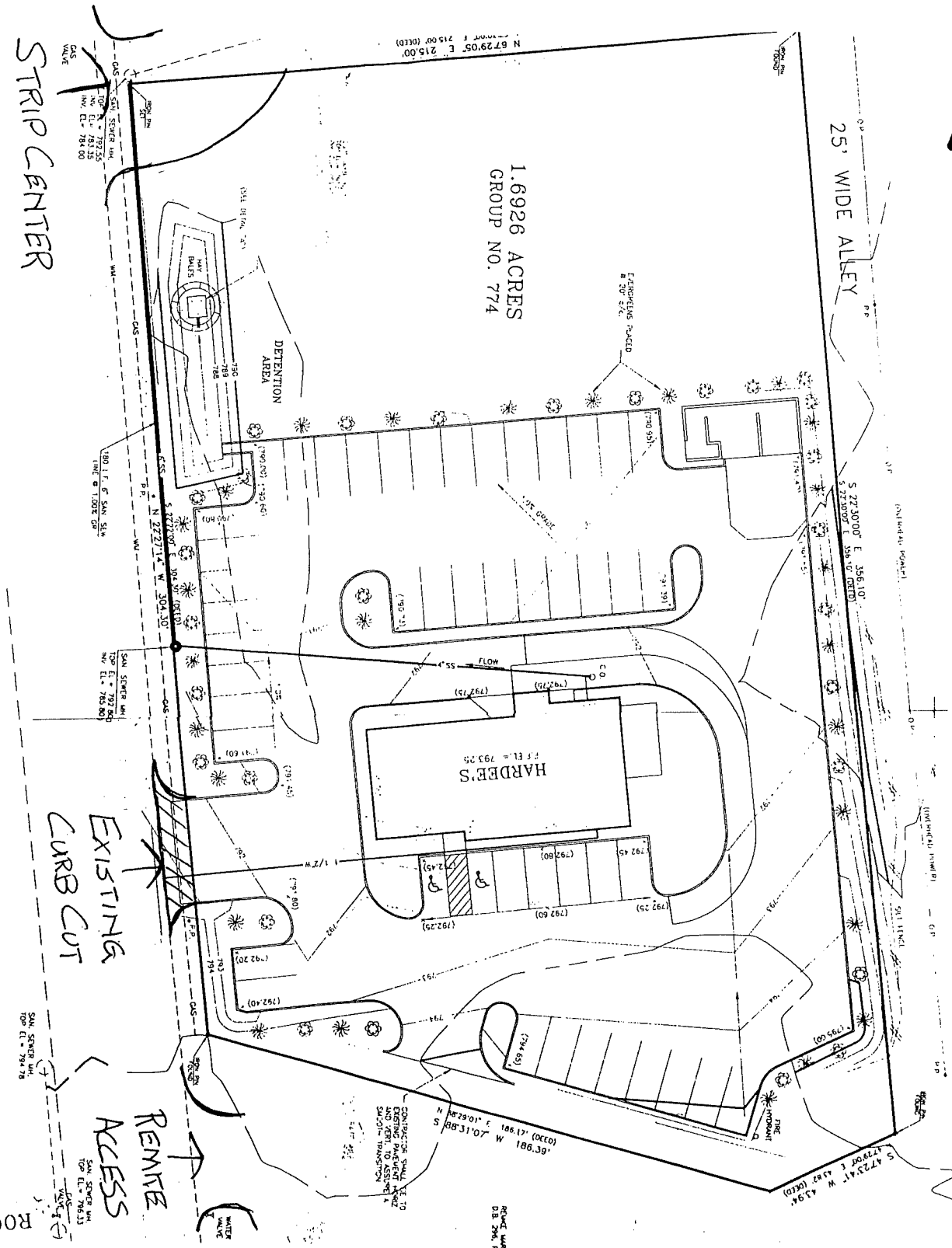




25' WIDE ALLEY

1.6926 ACRES
GROUP NO. 774

STRIP CENTER
ACCESS

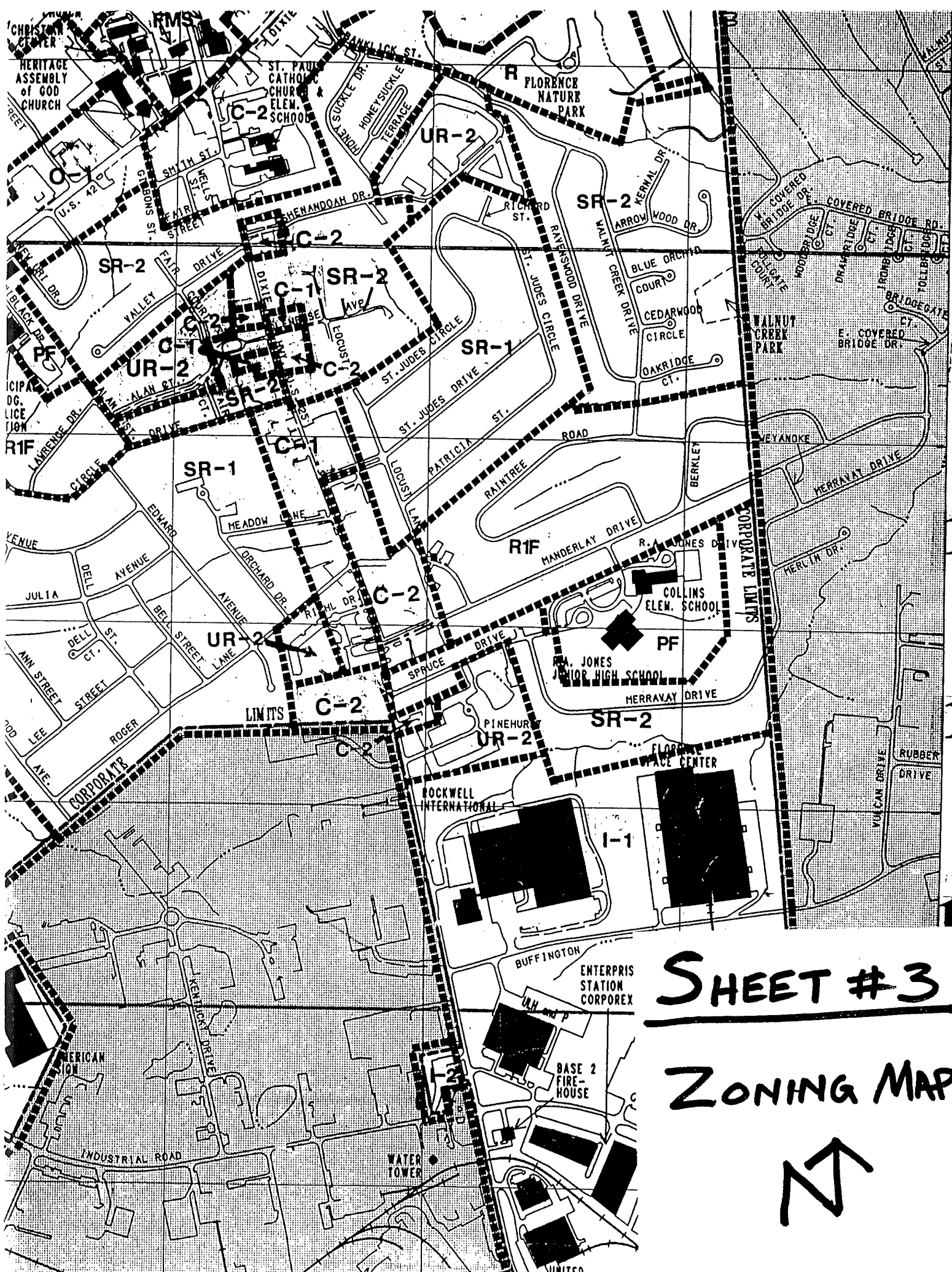


SHEET # 2

EXISTING
CURB CUT

RENTAL
ACCESS

RO



8

9

10

11

12

SHEET #3

ZONING MAP



EXHIBIT A

Boone County Planning Commission
Mr. Jeffrey F. Hayes
2995 Washington Street
Burlington, KY 41015

May 2, 1995

Dear Mr. Hayes:

Inasmuch as I will not be available for the May 10 public hearing with regards to the request by Revere Enterprises for a conditional use permit, I respectfully request that this letter be my voice of objection to the allowance by the Florence Board of Zoning Adjustment to this request.

Must our city continue to be taken over by businesses where there is no room left to live in the peace and quiet of our own home? Our city is becoming a city of businesses rather than a city of people. Isn't it time our city leaders put our interest first and "just say no".

Our area is one of the few left where we have not been invaded but once it is opened up to an establishment such as proposed here, then we are going to be confronted with the same problems that other areas in the city now face.

I would not object to professional buildings being built on that location as they have proven to be good neighbors but I do strongly object to a fast food restaurant and the problems associated with them.

We have enough such restaurants in Florence and we do not need another one, certainly not in our backdoors. It is time to say "enough is enough".

I strongly urge the Planning Commission to reject this request by Revere Enterprises.

Respectfully yours,

Hazel Wooten

Hazel Wooten
111 Locust Lane
Florence, KY 41042

HW/jr