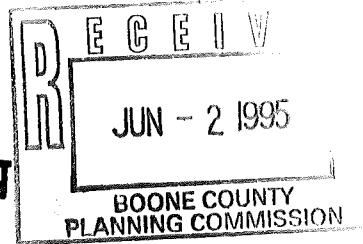


APPLICATION FORM
**BOARD OF ADJUSTMENT
 AND
 ZONING APPEALS ACTION**

(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. (Check One) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name GENERAL PARTS, INC.
 Phone Number 606-252-1476 Fax No. 606-254-2714
 Applicant's Address 1324 RUSSELL CAVE ROAD
LEXINGTON, KY 40506
 City State Zip
4. Description of Request:
a. ALLOW BRAKE DRUM LATHE ON SITE FOR USE BY EMPLOYEES
b. ALLOW SUFFICIENT NUMBER OF DELIVERY VEHICLES TO
CONDUCT RETAIL OPERATIONS.
5. Name of Development _____
6. Location of Development 252 MAIN STREET
LEASE PREMISES FLORENCE, KY 41042
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property BERNICE DENHAM
 Phone Number of Owner 606-371-5184
10. Address of Property Owner 7551 DOGWOOD LANE
FLORENCE, KY 41042
 City State Zip
11. Proposed Use(s) on Site CARQUEST AUTO PARTS STORE
12. Total Square Footage of Existing and/or Proposed Buildings
LEASE PREMISES - 4000 SQ FT - 2 FLOORS
13. Current Zoning on Property C-2
14. Deed Book 524 Page No. 172 Group No. 2034-A
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? NO
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: Phillip K. Offman
 Property Owner's Signature: Bernice J. Denham

(over)

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 6/2/95 Fee Received \$701.00 R#6905
- 2. Is application complete? Yes No
- 3. Staff Reviewer KEVIN WALL
- 4. Scheduled Board Action Date 7/12/95
- 5. Board Action:

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

WITHDRAWN BY
APPLICANT AS PER
7/12/95 LETTER

- 6. Conditions of Approval: _____

- 7. Reasons for Denial: _____

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: Carquest - Appeal
APPLICANT: General Parts, Inc.
LOCATION: 252 Main Street, Florence
ZONING: Florence Main Street (FMS)
DATE: July 12, 1995

REQUEST

In accordance with Sections 201, 220, 230, 240, 245, 253 and 254 of the Boone County Zoning Regulations, an Appeal of the Zoning Administrator's interpretation of the zoning regulations has been filed before the Florence Board of Adjustment and Zoning Appeals. Specifically, General Parts, Inc. (also known as "Carquest") on behalf of Bernice Denham (owner), has filed an Appeal of the Zoning Administrator's decision regarding the use of a brake drum lathe (i.e., machinery used in the repair of auto brake drums) and the use of a delivery fleet of an unlimited size, both in conjunction with the sales of auto parts and accessories. The Zoning Administrator determination in question is explained in the attached letter to Mr. Phillip Huffman dated 5/4/95. The site in question is located at 252 Main Street, Florence, Kentucky, and is within the Florence Main Street Zoning Study (FMS) zoning district.

DUTIES OF ZONING ADMINISTRATOR AND BOARD OF ADJUSTMENT AND ZONING APPEALS

Section 201 of the Boone County Zoning Regulations describes the authority of the Zoning Administrator. One of the roles of the Zoning Administrator is to determine the classification of any use of land, buildings or structures as a principally permitted, accessory, or conditional use in a specific zoning district based on an interpretation of the stated and implied requirements of the zoning regulations. This includes the classification of new uses or uses not specifically identified in the regulations. In addition, one of the Board's duties is to hear and decide Appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant or refusal made by the Zoning Administrator.

DESCRIPTION OF SITE

The site in question is located at 252 Main Street, Florence, Kentucky (former Denham's Drug Store). The site contains a one story structure, with a full basement, that is located along the south/southwest property line. In addition to the larger retail space at the front of the structure, smaller commercial tenants occupy the rear portion of the building. With the exception of the building, virtually the entire site is covered with asphalt paving.

PERTINENT HISTORY OF SITE AND REQUEST

In January 1993, the City of Florence and the Planning Commission requested that students from the University of Cincinnati, School of Planning, prepared a study for Main Street in Florence. The study, which included the recommendation that a special zoning district be created, was presented in March 1993. A study for the Main Street area was a concept that was set forth in the 1990 Boone County Comprehensive Plan.

In November 1993, the City of Florence requested that the Planning Commission study the Main Street area in terms of creating a special zoning district. The study was carried out over the next few months; the study process included public involvement from property owners and residents in the Main Street Area. Subsequently, the Boone County Planning Commission held a public hearing on a draft Florence Main Street Zoning Study on July 20, 1994.

In November 1994, the Florence Main Street Zoning Study (FMS) zoning district was adopted by the Florence City Council. The text of the FMS zone was subsequently incorporated into the actual text of the zoning regulations, and the "freestanding" Florence Main Street Zoning Study document was incorporated into the zoning regulations by reference. In addition, the "FMS" zone officially replaced the prior Commercial Two (C-2) zone that was applied to the area.

In December 1994, the Official Zoning Map of the City of Florence was physically updated to reflect the FMS designation around the Main Street area, and copies of the updated map were made available for use by the public.

On March 7, 1995, the Zoning Administrator received a letter from Phillip Huffman, General Manager of General Parts, Inc., regarding zoning for the site in question. The full description of the intended use was indicated through the statement that "we operate clean, well-kept auto part stores, selling primarily retail to the do-it yourself customer as well as to local car dealers, etc. We do not service cars or trucks and sell only new and remanufactured auto parts and supplies" (refer to attached letter dated 2/17/95). In response to this inquiry, the Zoning Administrator replied in letter form by stating that he would consider the proposed use, as described in Mr. Huffman's letter, to be a principally permitted use within the FMS zone.

When the applicant applied for an Occupational License with the City of Florence, questions arose regarding the full scope of the proposed operation, particularly the issue of whether any auto repair would be conducted on site. The Planning Commission then contacted the applicant to arrange a tour of their facility in the area that "most closely resembled" the operation proposed for the Main Street location.

On March 29, 1995, the applicant gave a tour of the Sharonville, Ohio store to Kevin Costello, the Planning Commission's Executive Director, Kevin Wall, Director of Zoning Services (also Zoning Administrator), and Jeff Koenig, Public Services Director for the City of Florence. It was discovered that the facility was located within a light industrial district and had six delivery vehicles on

site at the time of the tour. The tour also revealed that several brake drum lathes were operated within the building. On that same day the officials noted above also visited a Carquest store in Colerain, Ohio.

On April 3, 1995, the applicant and the owner's representative gave a tour of the Main Street location to the Zoning Administrator and Don Martin, former Zoning Enforcement Officer for the City of Florence. At this meeting the Zoning Administrator told the applicant that the concern with the proposal, relative to the use of the facility, dealt with the proposed auto repair machinery and the fact that the operation could be construed as a wholesaling/distribution operation due to the delivery fleet.

On April 11, 1995, officials of the Planning Commission and the City of Florence met with General Parts, Inc. representatives to discuss concerns relative to information learned from the above mentioned site visits. In particular, the Planning Commission and City officials expressed concern regarding the use of auto repair machinery and the size of the delivery fleet. According to the Executive Director, Mr. Huffman verbally agreed to eliminate the brake drum lathe from the proposed operation and to limit the number of vehicles in the delivery fleet to two at this meeting (the Zoning Administrator did not attend the meeting due to another engagement). Mr. Huffman also agreed to address these and several other issues in letter form.

On May 1, 1995, a letter was received by the Planning Commission from Mr. Huffman. In addition to addressing other issues, the letter stated that the operation would use one brake drum lathe and that the operation would start with two delivery trucks. In a follow-up telephone conversation with the Zoning Administrator, Mr. Huffman confirmed that it was the intent of Carquest to use one brake drum lathe and not limit the size of the delivery fleet to any specific number, but to increase its size as the market allowed.

On May 4, 1995, a letter that set forth the Zoning Administrator's determination regarding the use of a brake drum lathe and the use of a delivery fleet of "unlimited" size in the FMS zone was sent to the applicant (i.e., the aforementioned letter that is attached to this report).

The Appeal now under consideration was filed on June 2, 1995.

ISSUE

The Zoning Administrator classified the proposed uses of: 1.) the retail sales of auto parts and accessories; 2.) the use of a brake drum lathe; and, 3.) the use of a commercial delivery fleet with a potentially unlimited size - all relative to the Florence Main Street Zoning Study (FMS) zoning district. It was the conclusion of the Zoning Administrator that: 1.) the retail sales of auto parts and accessories falls within the scope of the principally permitted uses within the FMS zone; 2.) the use of the brake drum lathe is not permitted at all in the FMS zone because the zoning regulations specifically identify this activity as "auto repair" and auto repair is not listed as a principally permitted, accessory, or conditional use in the FMS zone, although it is identified as an acceptable use in other zones; and, 3.) a delivery fleet that has no specific size limitations is not acceptable within the FMS zone because it is indicative of a distribution and/or warehouse use, which are specifically

allowed in certain zones but not listed within the text of the FMS zone - however, if the size of the fleet was incidental to the retail use (up to two delivery vehicles), it would be considered to be an appropriate accessory use.

The applicant has appealed the Zoning Administrator's determination regarding the use of the brake drum lathe and the limitations on the size of the proposed delivery fleet. Specifically, the applicant has described the "nature of the request" on the BOA application form as: "A.) allow brake drum lathe on site for use by employees; B.) allow sufficient number of delivery vehicles to conduct retail operations."

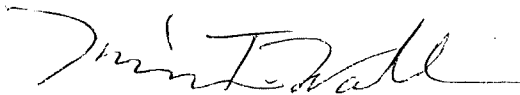
DECISION AND BASIS FOR DECISION

The decision in question, and the basis for the decision, are fully described in the previously mentioned letter dated 5/4/95 from Kevin Wall, Director of Zoning Services, to Phillip Huffman, General Manager of General Parts, Inc..

CONCLUSION

As provided in Article 2 of the Boone County Zoning Regulations, an appeal of the Zoning Administrator's decision may be granted by the Board of Adjustment and Zoning Appeals when it has been demonstrated that the decision is in error. The applicable FMS zone is fairly liberal in the broad categories of land uses permitted (residential, office, commercial), however, it is relatively narrow in the scope of uses permitted within these broad categories (much more so than the former C-2 zoning for the site). As is demonstrated by the list of the principally permitted, accessory, and conditional uses provided in the Florence Main Street Zoning Study, the uses permitted in the FMS zone are all relatively low impact and pose few potential nuisances.

Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

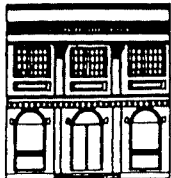
KTW\par

attachments:

- letter from Kevin Wall to Phillip Huffman, dated 5/4/95
- FMS zone text regarding permitted uses
- FMS zone map
- letter from Phillip Huffman to Kevin Costello, received 5/1/95
- letter from Kevin Costello to Phillip Huffman, dated 5/2/95
- letter from Phillip Huffman to Kevin Wall, received 3/7/95
- letter from Kevin Wall to Phillip Huffman, dated 3/8/95
- BOA application materials submitted by applicant

KTW

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

May 4, 1995

Mr. Phillip Huffman
General Manager
Carquest Distribution Center
P.O. Box 360
Lexington, KY 40584

FAX: 606-254-2714

RE: Proposed Carquest Location
252 Main Street, Florence, Kentucky

Dear Mr. Huffman:

The purpose of this letter is to inform you of my determination regarding the proposed use of the former Denham Drug Store facility located at 252 Main Street, Florence, Kentucky. This determination is based upon your initial letter (dated 2/17/95, received by this office on 3/7/95), several discussions with Carquest personnel including site visits to other facilities (Colerain Avenue and Sharonville locations), your letter dated 4/17/95 (received by this office on 5/1/95), and our telephone conversation of Wednesday, May 3, 1995.

First, the determination provided in my letter dated 3/8/95 is still valid; i.e., that the operation as described in your first letter (retail sales of auto parts and accessories) falls within the scope of a Principally Permitted Use within the Florence Main Street Zoning Study (FMS) District. As explained previously, although the retail sales of auto parts and accessories is not specifically listed as a Principally Permitted Use in the FMS zoning district, this use is very similar to the other general merchandise retail uses listed. Other factors that were not specifically mentioned in my letter (are referenced from my original hand written notes regarding your initial request), but were considered in this determination include:

- A. Other retail uses that are specifically listed as Principally Permitted Uses could sell the same merchandise with "no questions asked."

Mr. Phillip Huffman
May 4, 1995
Page 2

- B. The retail sales of auto parts and accessories as an exclusive use (i.e., not in conjunction with auto sales, gasoline service station, etc.) is not specifically listed in the Boone County Zoning Regulations at all.
- C. The "general merchandise" retail category listed in the FMS zone has been used in the past by this office to permit the retail sales of auto parts and accessories within the Commercial Two (C-2) zoning district. Therefore, the same terminology must be applied in a like manner regardless of which district it is listed under because both of these districts are contained within the same set of regulations.

However, based upon the facets of the operation that have come to light since the initial determination, I can not permit the operation, as currently proposed, within the FMS District. This determination is based upon the following:

- A. Automotive repair (i.e., proposed use of a brake drum lathe) is not listed in the applicable FMS zoning district as either a Principally Permitted Use or a Conditional Use. It was the specific intent of the author and contributors of the Florence Main Street Study to prohibit this activity in the FMS zoning district. Unlike the retail sale of auto parts and accessories, auto repair is narrowly construed by the Boone County Zoning Regulations, both in definition and relative to which zoning districts permit this activity. In particular, "adjusting and repairing brakes" is specifically identified as an activity that falls within the scope of a "gasoline service station" or as "minor automotive repair" as both of these terms are defined within the regulations.

Automotive repair in some form (including the use of a brake drum lathe) is specifically listed as either a Principally Permitted Use or a Conditional Use in the C-1, C-2, C-3, C-4, O-2, I-1, and I-2, zoning districts. Thus, the automotive repair aspect of the proposal is not permitted at the Main Street location due to the express terminology and construction of the Boone County Zoning Regulations.

- B. Although you have stated that you consider the whole operation to be "retail" (including the use of the brake drum lathe), the aspect of the business that deals with the delivery of merchandise to commercial customers more closely resembles a wholesaling/distribution activity due to the potential for an unlimited amount of delivery vehicles. As per our telephone conversation on 5/3/95 and as inferred by your letter dated 5/1/95, you stated that you will not limit the number of

Mr. Phillip Huffman
May 4, 1995
Page 3

delivery vehicles to any specific number and that delivery will constitute approximately 50 percent of the business. Based on these statements, I can not consider the unlimited delivery of merchandise to commercial clients as being incidental to, or an integral part of, the proposed retail sales. Rather, it is a distinctly different primary activity in addition to the retail sales. If you could commit to a specified number of delivery vehicles that demonstrated that this component of the operation was incidental to, and supportive of, the retail component of the business (such as one or two delivery vehicles - similar to a pizza restaurant, pharmacy, etc., that provides delivery service), I will conclude otherwise.

Further, "wholesaling" and/or "distribution" are not listed in the applicable FMS zoning district as either Principally Permitted Uses or Conditional Uses, largely because the land use impacts that are associated with these activities more closely resemble those of light industrial uses. Wholesaling and distribution are specifically identified in the Zoning Regulations and are permitted only in the I-1, I-2, and I-1A zoning districts. Therefore, this portion of the proposal is not permitted at the Main Street location due to the express terminology and construction of the Boone County Zoning Regulations.

In conclusion, you may pursue either of the following options for the utilization of this location at this time:

- A. Eliminate the brake drum lathe from the proposed operation and limit the maximum number of delivery vehicles to two small "Ranger" type trucks (as specified in your letter) and/or passenger cars (i.e., a larger vehicle, such as a panel truck, is indicative of a wholesale/distribution operation). If you commit to both of these stipulations I will consider the proposal to fall within the scope of the Principally Permitted Uses allowed within the FMS zoning district.
- B. As this letter serves as an official determination by the Zoning Administrator, you may appeal this determination to the Board of Adjustment and Zoning Appeals within thirty (30) days of today's date. The application materials and further information regarding the appeal process can be obtained from this office. In order for an appeal to be granted, the Board must conclude that the Zoning Administrator's determination is in error.

Mr. Phillip Huffman
May 4, 1995
Page 4

As a reminder, all exterior improvements to the facility must be granted a Certificate of Appropriateness from the Florence Main Street Design Review Board. As I mentioned in our telephone conversation, although there is still a concern regarding the exterior alterations intended for the facility, these concerns do not fall within the purview of my determination regarding the proposed use, but fall within the scope of the design guidelines provided in the Florence Main Street Zoning Study and the design review process.

Please call me if you have any questions or need any clarifications.

Sincerely,

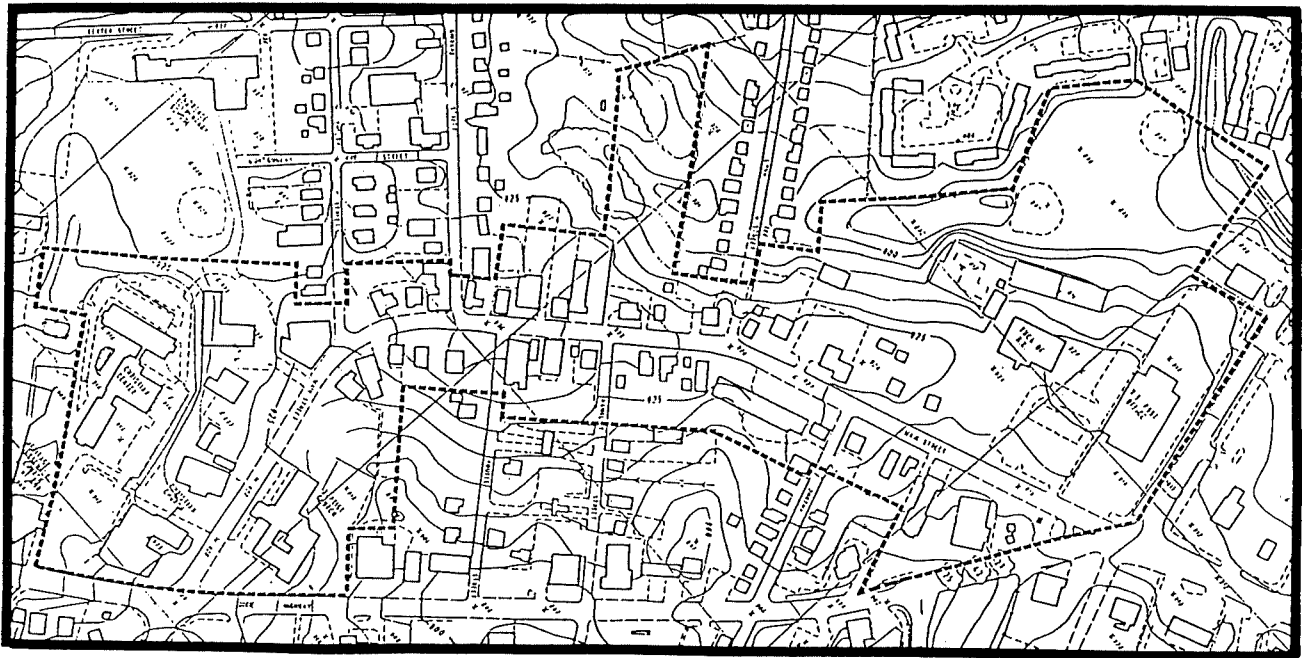


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Kevin Costello, Executive Director
William Viox, Chairman, Boone County Planning Commission
Dale Wilson, Planning Commission Counsel
Roger Rolfes, City Coordinator, City of Florence
Hugh Skees, Florence City Attorney

FLORENCE MAIN STREET ZONING STUDY



BOONE COUNTY PLANNING COMMISSION

July 1994

FMS ZONE - PERMITTED USES

All applications for Certificate of Appropriateness shall be reviewed by a designated Boone County Planning Commission staff member, as well as a designated Boone County Office of Historic Preservation staff member. Approval of applications shall be based on the compliance with the Design Review Guidelines established specifically for the Florence Main Street Zoning Study. A COA will not be required for ordinary maintenance and repairs intended to correct deterioration, and where no change is made to the appearance of the building or grounds. A list of ordinary maintenance and repairs can be found in Appendix C.

The designated staff members shall not deny any application made for a COA, but rather shall forward the application to the Florence Main Street Design Review Board. This Board which shall be appointed by the Florence City Council, shall have the authority to grant approval or deny the submitted application. The Board's action on the application shall be based on the Intent and Purpose section of the Florence Main Street Zoning Study and the established Design Review Guidelines. In the case of denial an appeal can be filed within 30 days of the Boards action to the Florence City Council. New building construction (excluding additions to existing structures) and demolitions of existing structures cannot receive a COA from the designated staff and will require approval by the Board. Site Plan Approval and/or Zoning Permit Approval shall only be issued in conjunction with the appropriate COA.

All application for a Certificate of Appropriateness shall be required to provide three (3) sets of appropriate drawings which illustrate the changes being proposed. The plans should provide sufficient detail from all views necessary to properly identify and illustrate the changes being proposed for any alterations, additions, or new construction. In addition, appropriate samples of proposed materials may also be needed.

Waiver of Requirements

The Zoning Administrator in conjunction with the Florence Main Street Design Review Board may reasonably waive or modify, with conditions, the design review guidelines within this Article if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the Intent and Purpose of this Article. In addition, a waiver can be granted if the strict provision of the regulations found within this Article would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The applicant shall request a waiver of the Design Review Guidelines in writing and shall have the responsibility of demonstrating the hardship and reasons for the waiver.

Principally Permitted Uses

1. Grocery stores and supermarkets, retail sale of meat, fish, dairy and poultry products, bakery, produce and specialty foods;
2. Professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses;
3. Studios for artists, designers, photographers, musicians and sculptors;
4. Florists excluding greenhouses;

5. **Postal Services, police, fire and other protective and related services, city hall or governmental offices;**
6. **Physician, dental, optical goods and services, medical clinics and specialists, laboratory and out patient services, drug store;**
7. **Beauty and barber services and tanning salons;**
8. **Nursery and day care centers;**
9. **Antiques, art, craft and hobby supplies and products, gifts and novelties;**
10. **Apparel stores, department stores, general merchandise, shoe stores, specialty clothing or boutiques and other apparel retail trade;**
11. **Eating and drinking places including alcoholic beverages, but excluding drive-thru restaurants;**
12. **Radio, t.v., household appliances, watch, and jewelry repair and retail sales;**
13. **Churches, synagogues, temples and other places of religious assembly for worship;**
14. **Bed and Breakfast Inns;**
15. **Detached single-family, duplex, townhouse, apartments, condominium and landominium dwelling units;**
16. **Art, music and dancing schools, libraries and museums;**
17. **Motion picture theaters, play houses, puppet shows (indoor);**
18. **Recreation centers, gymnasiums, parks, clubs and similar athletic uses;**
19. **Professional schools and special training and schooling facilities;**
20. **Sporting goods including bicycles;**
21. **Draperies, curtains, upholstery and floor coverings, furniture sales and repair;**
22. **Books, stationery, newspapers, magazines, greeting cards and party supplies;**
23. **Hardware, paint, glass and wallpaper stores;**
24. **Banks and financial institutions (excluding drive-thrus);**
25. **Dry cleaning services, shoe repair, and tailoring.**
26. **Residential complexes for the elderly.**

Accessory Uses

1. **Accessory uses for a dwelling unit:**
 - a. **private garages;**
 - b. **structures such as fences and walls;**
 - c. **buildings such as storage sheds, private greenhouses and gazebos;**
 - d. **private swimming pool, sauna, bath house and similar accessories;**
 - f. **the keeping and use of appropriate household pets;**
2. **Parking located in the side or rear of the lot;**
3. **Temporary building incidental to construction;**
4. **Play lots and tot lots;**
5. **Directional and incidental signage (See Article 34);**
6. **Automatic teller services;**
7. **Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities or permitted uses and are visible from a public right of way.**

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use, and functions to preserve and protect the existing character of businesses and residences found along Main Street; b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented environment; c) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district:

1. **Drive-thru banks and financial institutions.**
2. **Eating and drinking places including alcoholic beverages that provide entertainment;**
3. **Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than twenty five (25) vehicles on the premises.**

Minimum Standards

The mixing of uses, such as, residential, retail and office uses would be permitted within the Main Street Zoning District. The mixing of uses can occur within one building or within more than one building located on any one property. However, retail uses are encourage to locate on the ground floor of existing or new buildings with residential and office uses located in the rear or upper levels of buildings.



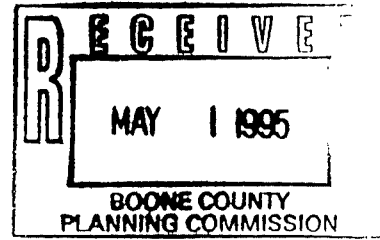
CARQUEST Distribution Center

A Division of General Parts, Inc.

P.O. Box 360, Lexington, Kentucky 40584
606/252-1476

April 17, 1995

Mr. Kevin P. Costello, AICP, Director
City of Florence
7431 U. S. 42
Florence, KY 41042



Dear Mr. Costello:

RE: Former Denham Drug Store
252 Main Street
Florence, KY

After our meeting together last Tuesday, April 11, 1995, both Gene Bustle and I understand the nature of the "Main Street Study." We want to do what we can to comply with the Main Street Study standards. Listed below are the issues we discussed during our April 11 meeting.

Issue #1

As we discussed and noted on our Occupational License Application, batteries are the only hazardous materials we will store at this location. It is our intention not to sell paint at this location other than paint in pre-packaged spray cans. We do sell motor oil, but do not recycle used oil.

Issue #2

We will not have a machine shop at this location. We will have a single brake drum lathe to be used by our employees only. As we discussed, a brake drum lathe poses no noise hazard, no safety hazard and is of no environmental concern.

Issue #3

We do not encourage our retail customers to do any work on their vehicles in our parking lot. It is not a normal practice for our people to install parts on our customer's vehicles for them.

Issue #4

We do not sell tires.

Issue #5

See attached drawing (Exhibit A). This is what we suggest as a compromise for the exterior of our CARQUEST Auto Parts store in Florence, KY.

Issue #6

We would use the existing "street" pole sign - installing our new "panels" in the existing frame.

Issue #7

There are approximately thirty -two parking spaces on the subject property for our use. There is no restricted use in our lease, however, we agreed that the tenant in back (an insurance office) have a minimum of four parking spaces in front of their offices. We are responsible for the care and upkeep of the parking lot in front and to the right side of the building.

Issue #8

It is our intention to start with two delivery trucks. We use small S-10 Chevrolets or Ford Rangers. There will be no parking of derelict vehicles around our building.

Issue #9

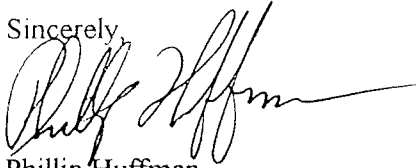
We consider our business to be pure retail. We do not limit access to our parts and service to any specific group of people. We do, by nature of our business, sell to car dealers, independent garages and full-service service stations. Based on what we know of the Florence market, we feel that our walk-in/dealer sales mix will be 50/50. Everything in our store is sold retail - to all customers.

Issue #10

It is our intention to use 2,000 square feet of the first floor for gondola set merchandise and the balance of the first floor for Shelving and office. The basement will be used primarily for the storage of merchandise on shelving. There will be a small area left open to set chairs for our meetings which are held to train customers and employees.

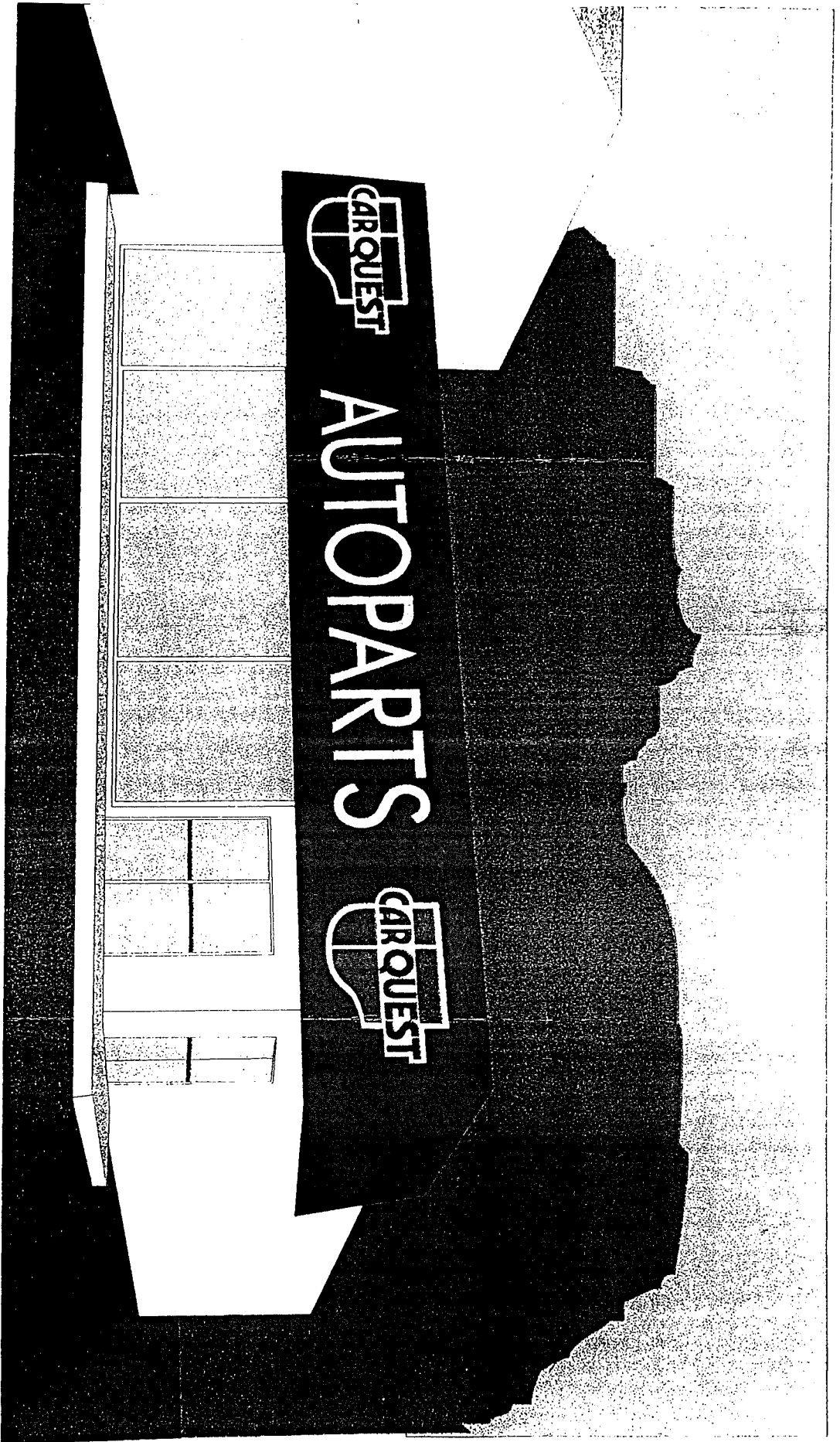
This letter is to clear up any questions concerning the proposed design and use of the Main Street building for a CARQUEST Auto Parts Store. I look forward to a favorable reply as soon as possible.

Sincerely,



Phillip Huffman
General Manager

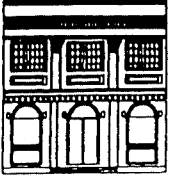
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CARQUEST AUTO PARTS
FLORENCE, KY.

A-

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

May 2, 1995

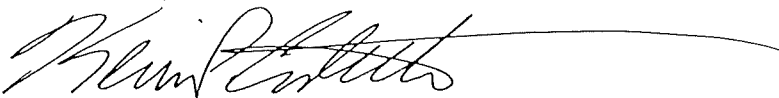
Mr. Phillip Huffman
General Manager
Carguest Distribution Center
P. O. Box 360
Lexington, KY 40584

RE: 252 Main Street
Florence, Kentucky

Dear Mr. Huffman:

I received your letter dated April 17, 1995 on May 1, 1995 and wanted to inform you that I forwarded it to Kevin Wall from our staff. I expect a written response from him about the proposed use within the next two days. Should you have any questions in the meantime, you may contact Kevin Wall at (606) 334-2196.

Sincerely,



Kevin P. Costello, AICP
Executive Director

KPC/vlm

cc: Kevin T. Wall, AICP CDT, Director, Zoning Services



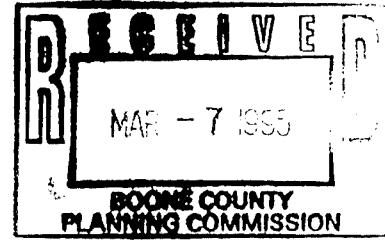
AUTO PARTS STORES

GENERAL PARTS, INC.
SOUTHEAST DIVISION

P.O. Box 360, Lexington, Kentucky 40584
(606) 252-1476

Lexington, KY Memphis, TN Nashville, TN

February 17, 1995



Mr. Kevin Wall
Director of Zoning Services
2995 Walston Street
Burlington, KY 41005

Dear Mr. Wall:

Susan K. Travis of First Commercial Realty Company asked that I contact you regarding our attempt to lease a building at Main Street in Florence, Kentucky. The building formerly was used as a Denham's Drug Store for many years. We need to be certain we have no problem in obtaining an occupancy permit before we continue.

Our company, General Parts, Inc., operates the CARQUEST Auto Parts stores in Southern Ohio, Kentucky and in many other states across the nation. We operate clean, well-kept auto part stores, selling primarily retail to the do-it-yourself customer as well as to local car dealers, etc. We do not service cars or trucks and sell only new and remanufactured auto parts and supplies. We support community endeavors and hope to employ several local people.

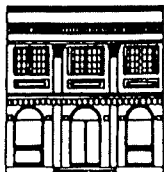
If you have any questions, please call me at (513) 771-7278. We will apply for a change of occupancy as soon as we secure your zoning approvals and other local governmental authority approvals.

Sincerely,

Phillip Huffman
General Manager

PH/ab

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

March 8, 1995

Mr. Phillip Huffman, General Manager
Carquest
P.O. Box 360
Lexington, KY 40584

RE: Proposed Carquest Location, Main Street, Florence, Kentucky

Dear Mr. Huffman:

In response to your letter dated 2/17/95 (received by this office on 3/7/95), I am providing the following information.

First, the site is located within the Florence Main Street Zoning Study (FMS) District. Although auto parts and supplies retailing is not specifically listed as a Principally Permitted Use in this zone, it is very similar to the other general merchandise retail uses listed. Therefore, I will consider the operation as described in your letter to be a permitted use.

Second, because the site is within the FMS zone, any exterior alterations, including signage, must be granted a Certificate of Appropriateness (COA) by the Florence Main Street Design Review Board. This review is intended to assure that all exterior alterations are compatible with the small downtown character of the district. If you are not expanding the scope of the retail use beyond that used by the prior drugstore and are not expanding the building in any way, you are not subject to any site plan requirements (i.e., review for conformance with current parking, landscaping, and other site improvement standards). In addition to the COA review for signage or any other exterior alterations, you must obtain a Sign Permit from this office and a Building Permit (for signage) from the Boone County Building Department.

I trust that this letter provides the information that you require. Please call me if you have any questions or need any clarifications, or need information regarding the COA review and Sign Permit application procedures.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin T. Wall".

Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Don Martin, Zoning Enforcement Officer

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 5/2/96 Fee Received \$701.00 R#6905
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 - _____ Approved
 - _____ Approved with Conditions (See #6)
 - _____ Denial (See #7)
- 6. Conditions of Approval: _____

- 7. Reasons for Denial: _____

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.

APPLICATION FORM

BOARD OF ADJUSTMENT

AND

ZONING APPEALS ACTION

Applicants Name: General Parts, Inc.

Address of Property Under Appeal: 252 Main St.
Florence, KY

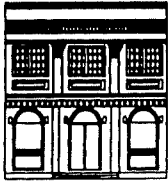
Additional Information

SECTION A

Item 17 Adjoining Property Owners

245 Main Street	Paul & Marie Sewell
246 Main Street	William & Diane McElheney
247 Main Street	Paul & Marie Sewell
249 Main Street	Paul & Marie Sewell
254 Main Street	John & Barb Sharpe

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

July 13, 1995

Mr. Phillip Huffman, General Manager
General Parts, Inc.
P.O. Box 360
Lexington, KY 40584

RE: Withdrawal of Appeal Application
252 Main Street, Florence, Kentucky

Dear Mr. Huffman:

I am writing to confirm that on Wednesday, July 12, 1995, the Florence Board of Adjustment and Zoning Appeals accepted your withdrawal of the above referenced appeal. In addition, the Board voted to deny your request for a refund of the application fee as all expenses associated with the request have already been incurred.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin T. Wall".

Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Appeal File