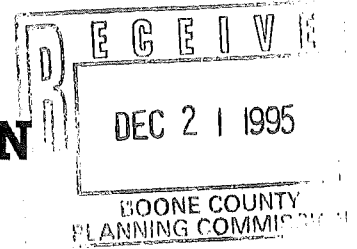


12/21/95

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 United Dairy Farmers
Phone Number 513-396-8743 Fax No. 513-396-5114
Applicant's Address 3955 Montgomery Road
Cincinnati, OH 45212
City State Zip
- 4. Description of Request: Conditional use part A - to allow for the construction and use of facilities to sell/dispense self-service gasoline products. Part B - to allow for the construction and use of a self service automatic car wash.
- 5. Name of Development UNITED DAIRY FARMERS STORE #60.
- 6. Location of Development 6712 Dixie Highway (US42/25)
Florence, KY 41072
- 7. Acreage Under Review 1.547 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property UNITED DAIRY FARMERS
Phone Number of Owner 513-396-8700
- 10. Address of Property Owner 3955 Montgomery Road
Cincinnati, OH 45212
City State Zip
- 11. Proposed Use(s) on Site Convenience Store with ice cream parlor and accessory outside uses - A - self service gas facility and B - Self service automatic car wash.
- 12. Total Square Footage of Existing and/or Proposed Buildings
Existing (to be demolished) - 8400 ESF New Store/Car Wash-4730ESF
- 13. Current Zoning on Property C - 2
- 14. Deed Book F5 Page No. 4/5 Group No. 11/34A, 12 2034B
- 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
- 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: _____
Property Owner's Signature: _____

(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 12-21-96 Fee Received \$650.00 R-1-8793
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 1-10-96
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

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: United Dairy Farmers

APPLICANT: United Dairy Farmers

LOCATION: 6712 Dixie Highway
Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 10, 1996

The applicant is proposing to develop a 3,700 square foot convenience store and is requesting a Conditional Use Permit for the sale of gasoline and an automatic car wash facility for this site. The proposed convenience store is principally permitted within the Commercial Two (C-2) zoning district. The proposed UDF would be located in the same location as the existing UDF store which is currently located within a small strip center. The site is located east of the intersection of Turfway Road and Dixie Highway on the north side of Dixie Highway (See Map # 1 and #2).

Article 10 of the Boone County Zoning Regulations permits the development of gasoline service stations and normal maintenance, repair and wash services for vehicles with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit.

- 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;
- 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.

Surrounding Land Uses and Zoning (See Sheet #3)

- North: Retail shopping center zoning Commercial Two (C-2) and single family homes zoned Suburban Residential Two (SR-2)
- South: Auto Dealership and other Commercial Two (C-2) uses
- East: Retail lighting center zoned Commercial Two (C-2)
- West: Taco Bell and McDonalds zoned Commercial Two (C-2)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as commercial. The Land Use Text identifies that Florence should evolve from a suburban city to that of a more urban city. The text further indicates that commercial development must be contained to specific areas adjacent to the arterial roads and interstate. 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.

Concept Development Plan

The applicant's development shows the demolition of the existing center and replacing it with a 3,700 square foot convenience store, four gasoline pumps with canopy and a automatic car wash. A driveway connection would be made to Bustetter Drive and 26 parking spaces would be constructed. There are currently two existing curb cuts on Dixie Highway for the small strip center where the existing UDF is located. The site is also served by a parking lot connection to the adjoining retail uses to the north and west of the applicant's site. Currently, the curb cut on the west end of the site is located less than 10 feet from another curb cut which serves the larger retail center and fast food restaurants. These two access points allow for conflicting turning movements which could create accidents.

Staff Concerns

1. Staff believes that the coordination of access points are essential and should be made part of this development's proposal. The County's Comprehensive Plan indicates that the coordination of curb cuts and parking lot connections must occur in order to maintain reasonable ease of travel. Therefore, staff believes that the curb cut indicated as number 1 on Map #3 should be removed and the existing parking lot connection retained. This would still allow the UDF site to have three means of ingress and egress to the site while eliminating the existing hazardous

2. The lighting for the site should be directed straight down to prevent any spill over lighting into the adjoining residential properties and the vacant portion of the property which adjoins the single family homes should be planted with evergreen tress to provide a solid visual screening.
3. Staff has a concern regarding the hours of operation for the facility primarily regarding the operation of the automatic car wash and vacuum area. These operations could produce noise that would be disruptive to the adjoining residential properties.

Conclusion

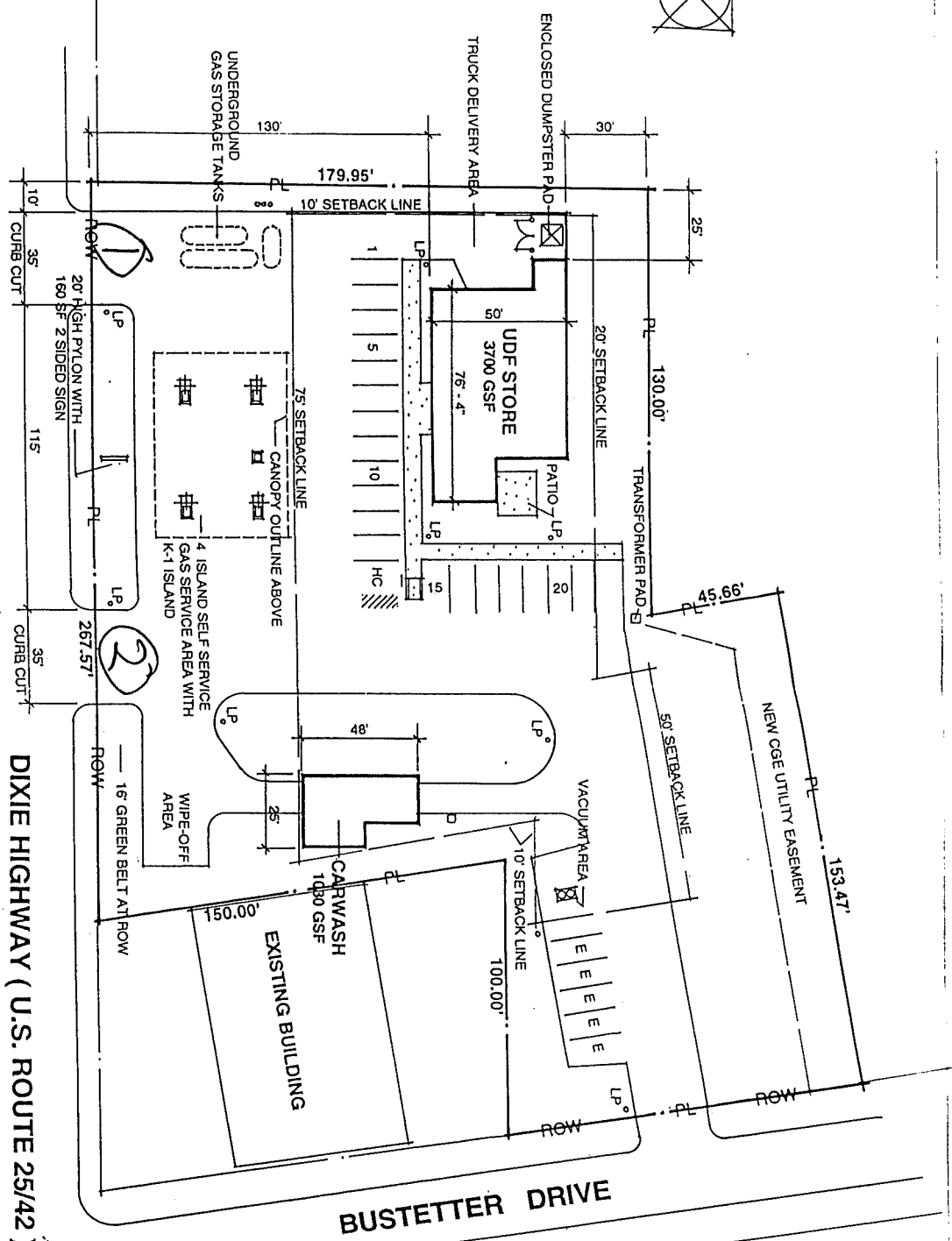
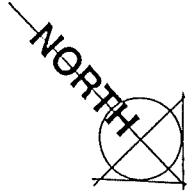
Staff believes that the proposed use if properly buffered and operated will be visually compatible and harmonious with the surrounding residential areas. In addition, staff believes that the proposed development will be a visual improvement from the existing center. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the three criteria for a Conditional Use within a Commercial Two zoning district.

Respectfully Submitted,



Jeffrey F. Hayes, AICP
Planner

JFH\par



JOHN JOHNSTON ARCHITECT - 3955 MONTGOMERY ROAD - CINCINNATI, OHIO 45212



PROPOSED REDEVELOPMENT:
UNITED DAIRY FARMERS PROPERTIES
6712 DIXIE HIGHWAY
FLORENCE, KENTUCKY 41042

DIXIE HIGHWAY (U.S. ROUTE 25/42)

BUSTETTER DRIVE

MAP # 3

RECEIVED

BOOK 556 PAGE 75

1996 JUN 11 P 3:41

JERRY W. ROUSE
BOONE COUNTY CLERK
10.50 N.P

CLUR # 96-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)
United Dairy Farmers
3955 Montgomery Road
Cincinnati, Ohio 45212
- 2. ADDRESS OF PROPERTY
6712 Dixie Highway
Florence, Kentucky
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
United Dairy Farmers

DEED BOOK: 5 PAGE NO.: 4/5 GROUP NO.: 2034B

4. TYPE OF RESTRICTION (S) (Check all that apply)

- Zoning Map Amendment:: From to Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat (Unrecorded) Other:
- Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

Jeffrey Hayes
SIGNATURE OF COMPLETING OFFICIAL

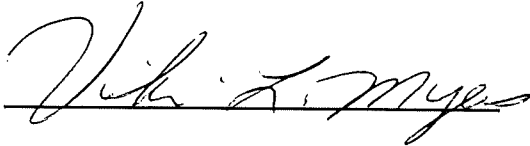
Jeffrey Hayes, AICP/Planner
Name and Title of Completing Official

(3)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone County Planning Commission this 10th day of January, 1996.

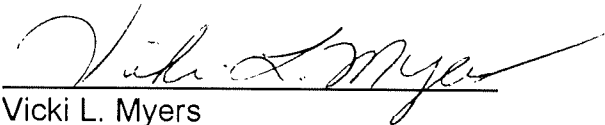


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CLUR# 96-FBOA -001-ACONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of January 10, 1996 (Certificate of Land Use Restriction # 96-FBOA-001-A), for United Dairy Farmers, Property owners.

The following conditions will apply: The sale of gasoline will be allowed but the use of the car wash is not compatible with the area and detracts from an otherwise pedestrian oriented commercial center. Lighting is to be directed downward, the lights in the area of the drive off Bustetter Drive on the north side of the driveway shall be shaded from the property at #7 Bustetter Drive.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 5PAGE NO. 4/5Group No. 2034B

State of Kentucky, County of Boone
 JERRY W. ROUSE, Clerk of the Boone County
 Court, do certify that the foregoing
Misc was, on the 11 day of
June
1996, at 3:44 P.M. lodged in my office
 for record, and that it has been duly recorded in
 my said office, together with this and the
 certificate thereon endorsed.
 Given under my hand this 11 day of June
1996.
 JERRY W. ROUSE, CLERK
 By Jerry Rouse D.C.