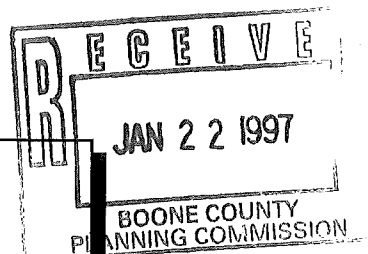


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) [X] Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Espresso Way Coffee, L.L.C. / Rami Amaro - Manager
Phone Number (513) 357-2115 Fax No. (606) 647-1500
Applicant's Address 2437 Venetian Way
Burlington Ky 41005
City State Zip
4. Description of Request: To allow a drive through espresso service to be placed on the designated site to serve specialty coffee beverages.
5. Name of Development Florence ~~Anti~~ Center
6. Location of Development 7500 block of Mall Road West at Mall Road and Highway 18. Directly North of Loan Zone.
7. Acreage Under Review .0092 of an acre
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A (Parcel # 62T-2A1 PVA)
9. Owner of Property Tappan Properties, LTD Partnership
Phone Number of Owner (513) 352-0705
10. Address of Property Owner 1150 W. 8th, # 255, Cincinnati, OH 45203
City State Zip
11. Proposed Use(s) on Site Drive through espresso, specialty coffee beverages, and pastries.
12. Total Square Footage of Existing and/or Proposed Buildings 112 square feet
13. Current Zoning on Property C2
14. Deed Book 401551 Page No. 10 Group No. 2040A
15. Is the site subject to a zone change? NO
If yes, give date of approval N/A
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: Rami Amaro
Tappan Properties, Inc. (Gen'l Part)

Property Owner's Signature: By: Charles S. Tappan
President

(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 1-22-9 Fee Received \$744.00 R# 12471
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date _____
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: Express Way Coffee

APPLICANT: Rami Amaro/Express Way Coffee

LOCATION: 7500 block parking lot along Mall Road, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: February 12, 1997

The site is located along the west side of Mall Road in the parking lot of the Florence Discount Center, just south of Highway 18. The site is zoned Commercial Two (C-2) and would require approximately .0092 acres of property, (See Location Map). The applicant is requesting a Conditional Use Permit to permit a drive through coffee vendor, (See Concept Plan).

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustments and Zoning Appeals shall have the authority to grant conditional use permits and may prescribe appropriate conditions and safeguards as part of the terms under which a conditional use permit is granted.

Article 10, Section 1023 of the Boone County Zoning Regulations permits franchise style fast food establishments and drive through eating and drinking establishments as a Conditional Use in a Commercial Two (C-2) zoning district, provided the Board finds the following:

- a) The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- 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.

In addition to Section 1023, the Board must consider the "General Standards Applicable to All Conditional Uses" in Article 2, Section 262 of the Boone County Zoning Regulations.

Surrounding Land Uses and Zoning

The adjoining properties north of the site are the Loan Star Steak House and the Oak Express shopping center. East of the site, across Mall Road is Hardee's Restaurant and the Health Foods store. South of the site is the Florence Mini Center. West of the site is the Florence Discount Center. Parking lots for the Discount Center and the Mini Center are also located south of the proposed site. (See Zoning Map).

Staff Comments

It is Staffs' opinion that the proposed use is appropriate in a Commercial Two (C-2) zoning district and more specifically in an area such as Mall Road. However, Staff questions the applicant's proposed location with respect to what is immediately surrounding the site, (See Aerial Photo).

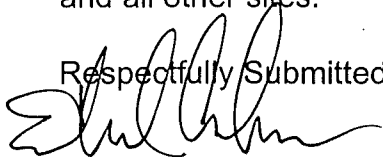
According to pictures and information provided by the applicant, in addition to the vending structure itself, the site would require two drive through lanes, (See Applicant's Attachment). The west drive through lane may impede upon the circulation of traffic around the parking stalls between the Discount Center and the Mini Center. The location would block at least one of the parking spaces between the structure and Mall Road. There is also a drive-up pay telephone along the end of the pavement directly west of the proposed location. People drive up and use the phone without having to leave their automobiles.

If the Board approves the request for the Conditional Use Permit, a Site Plan drawn to scale should be submitted to the Planning Commission by the applicant before any construction occurs. The Site Plan must include the surrounding parking areas as well as the existing traffic circulation patterns for the parking lot and the circulation patterns that would be created by the two drive through lanes.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow a drive through coffee vendor. It is Staff's opinion that the proposed Conditional Use Permit 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 if a Site Plan is submitted that can accurately show how the structure will function on the site without having to reduce any of the supplemental design standards that apply to this and all other sites.

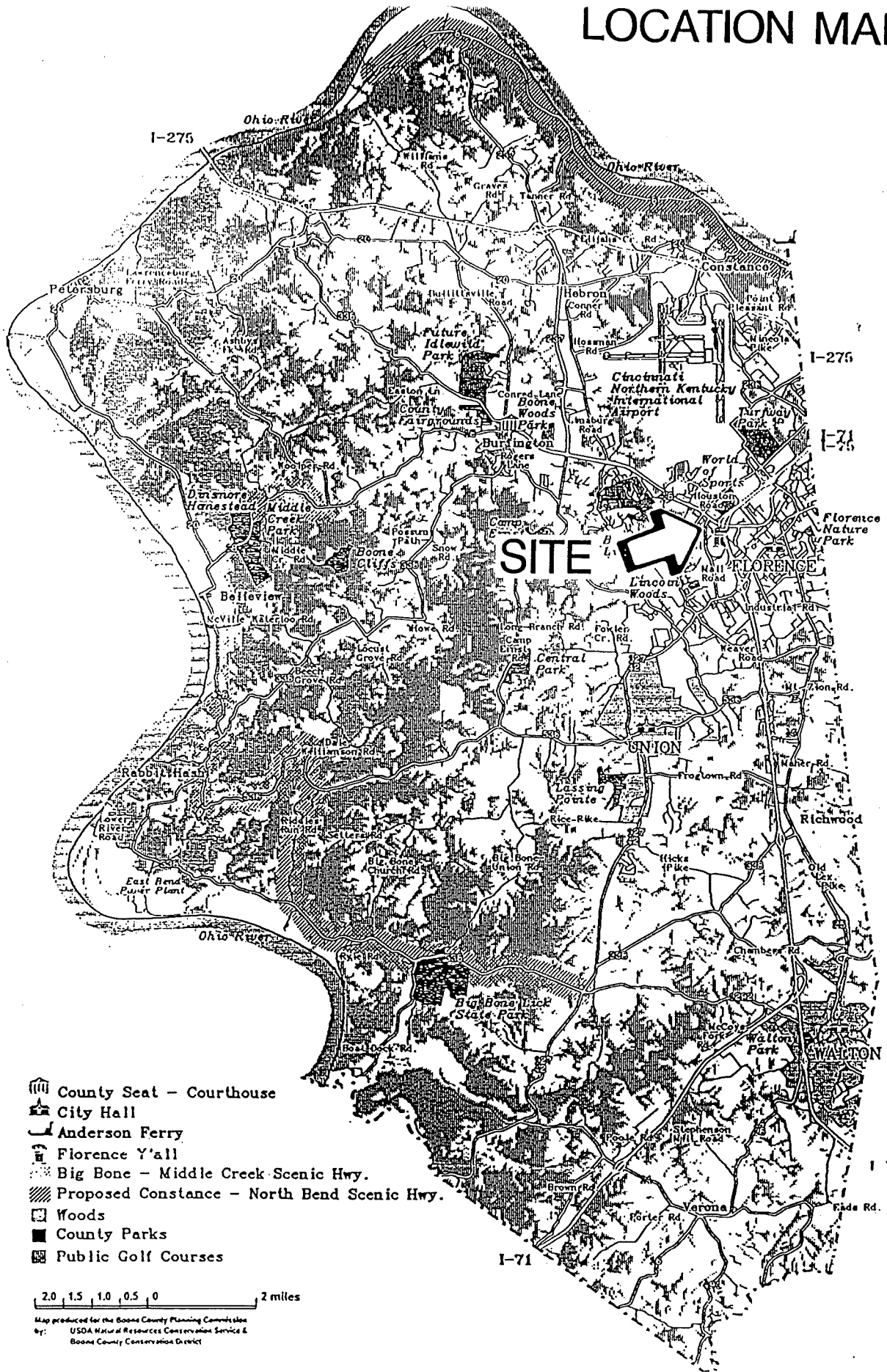
Respectfully Submitted,












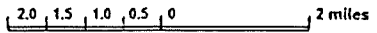
Edward Coleman
Planner

EC\par

LOCATION MAP

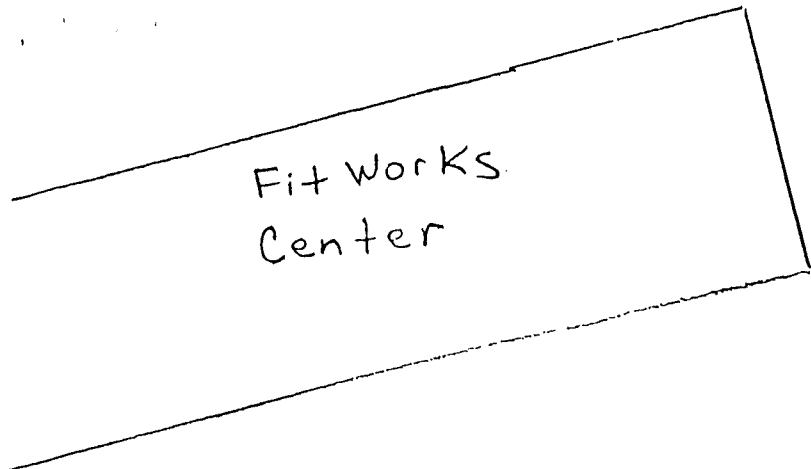
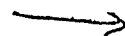


-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses



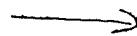
Map produced for the Boone County Planning Commission by:
 USDA Natural Resources Conservation Service &
 Boone County Conservation District

CONCEPT PLAN



Parking

Bank machine



pay telephone



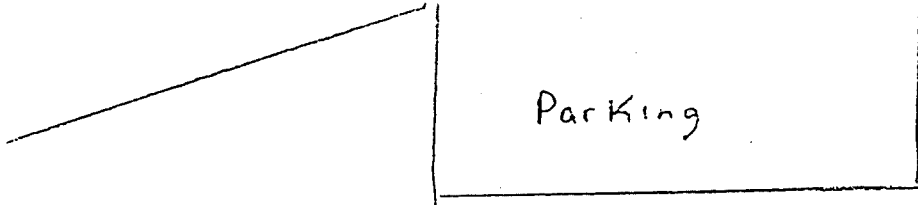
Power



Espress way



12 Feet



Fire Hydrant

Owater

mall Road



SITE PLAN
ESPRESS WAY COFFEE, L.L.C.
January 1997

The Site

The following is the site plan for the Espresso Way Coffee business to be located at the 7500 block of Mall Road West, directly North of the Florence Mini Center, between the existing ATM Bank Machine and the Loan Zone. Please see attached photographs and diagram.

The Building

The actual building is 8 by 14 and is 10 feet high. The building takes up approximately 112 square feet. The drive through lanes take up approximately 280 square feet, for a total of approximately 392 square feet. The building will be connected to city water/sewer and electric by means of underground taps. The building is modern and attractive. Please see attached photographs.

The Business

The business to be placed at the site is the Espresso Way Coffee business, which is a drive through espresso bar. It consists of a double drive through (no sit down service), serving specialty coffee drinks such as lattes and cappuccinos. The business will also serve a limited variety of pastries. The business will employ one employee at all times.

Traffic Concerns

The business anticipates a customer base drawn almost entirely from pre-existing traffic on Mall Road. It would be highly unlikely that the business would actually draw vehicles onto Mall Road, and thus the business does not anticipate causing any additional traffic on Mall Road. In addition, the majority of the business customers will be vehicles already passing through the Florence Mini Center parking area on their way to other businesses and services located there.

Industry analysts predict customer bases of approximately .005 to .01 percent of traffic on the business side of the road. According to Kentucky's Transportation Department, daily traffic on Mall Road near Highway 18 is an

estimated 30,000 vehicles. If the business follows industry standards, it will pull in .005 to .01 percent of approximately 15,000 vehicles, or 75 to 150 vehicles per day. These customers would be spread over the open period of six a.m. to 8 p.m., or a fourteen hour period (seven to ten per hour). Again, the majority of these vehicles would be those already passing through the site area.

Land Usage

Espress Way will be using a portion of the site that currently is not in use. The space on which the business will sit is not currently used for parking spaces, or for business of any kind. It consists of an alcove of the parking area, and has a nearby pay telephone. The site on which the building will sit is not available for most uses, due to its small size. The only other use options would be a photo mat type of business or an ATM Bank Machine. Since there is already a bank machine within the larger site area, such a use becomes less likely. The business itself will require only one parking space for its single employee, and it will require no customer parking.

Summary

The Espress Way Coffee business is based upon similar businesses which are currently thriving in the Northwest United States. The idea is a new one to this region, and yet is an old idea to this country. Similar businesses are doing quite well in similar sized retail centers across the United States. Espress Way Coffee hopes to provide a quick and convenient way for those on Mall Road to purchase quality, gourmet coffee beverages.

Attachments

1. Diagram
2. Photographs

CONDITIONAL USE PERMIT

The following reviews the seven criteria the Board must use to judge each Conditional Use request:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the County Comprehensive Plan, a specific corridor plan and/or the zoning order.
2. 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.
3. Will be hazardous to existing or future neighboring uses.
4. 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.
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
6. 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, fumes, glare or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

COPY

CLUR # 97-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Tappan Properties, LTD Partnership
1150 W 8th , #255
Cincinnati, Ohio 45203

2. ADDRESS OF PROPERTY

7537 Mall Road
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Espress Way Coffee, L.L.C.

DEED BOOK: 551

PAGE NO.: 10

GROUP NO.: 2040 A

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

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

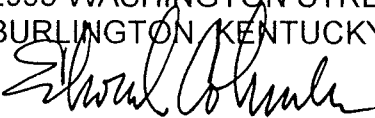
Subdivision Plat
(Unrecorded)

Other: Site Plan

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



SIGNATURE OF COMPLETING OFFICIAL

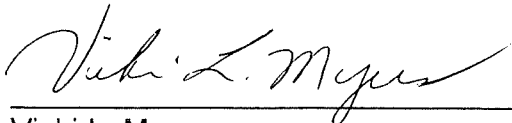
Ed Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of the
Boone County Planning Commission this 11th day of April 1997.

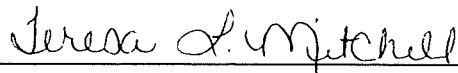


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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.)

CONDITIONS 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 February 12, 1997 Certificate of Land Use Restriction (# 97-FBOA-003-A), for Tappan Properties, Ltd., Property owners.

The following conditions will apply: A site plan must be applied for and approved.

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

described in: DEED BOOK 551

PAGE NO. 10

Group No. 2040 A