

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)

(Check One)

- 1. Boone [X] Florence [] Walton [] Union []

(Check One)

- 2. [X] Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use []

- 3. Applicant's Name Vic Munson
Phone Number 371-4210 Fax No.
Applicant's Address 7 Banklick Street
Florence KY 41042
City State Zip

- 4. Description of Request: Conditional use for proposal Graeters site

- 5. Name of Development Graeters

- 6. Location of Development 8311 U.S. 42

- 7. Acreage Under Review Approx. 1.9427 acres

- 8. Lot Number and Name of Subdivision (if part of a subdivision)

- 9. Owner of Property Same as Applicant

Phone Number of Owner

- 10. Address of Property Owner

City State Zip

- 11. Proposed Use(s) on Site Office/Food establishment

- 12. Total Square Footage of Existing and/or Proposed Buildings 28,739 S.F.

- 13. Current Zoning on Property C-2

- 14. Deed Book 597 Page No. 50 Group No. 2048B

- 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: [Signature]

Property Owner's Signature: [Signature]

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-21-98 Fee Received \$738.00 R# 15739
2. Is application complete? Yes _____ No _____
3. Staff Reviewer Edward Coleman
4. Scheduled Board Action Date 2/11/98
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.

STAFF REPORT

APPLICANT: Vic Munson, property owner
LOCATION: 8311 U.S. 42, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: February 11, 1998

Proposal

The applicant is requesting a Conditional Use Permit to allow a Graeters Ice Cream establishment with a drive-thru facility at 8311 U.S. 42, Florence, Kentucky. The site is the former location of the Workout America fitness center. The applicant wishes to use the front portion of the existing building (3,900 sq. ft.) along with a proposed 1,860 square foot addition to the building for the business. The drive-thru is to be located along the front of the proposed addition.

The site will be used as a retail store as well as the location for processing ice cream for five existing Graeters stores in Northern Kentucky. A truck will deliver ingredients for the ice cream making process twice a week. Deliveries from this location to the other Northern Kentucky stores will occur between the hours of 5:00 a.m. and 7:00 a.m.

Article 10 "Commercial Districts," Section 1023 of the Boone County Zoning Regulations, permits restaurant establishments with drive-thru facilities in the City of Florence as conditional uses within Commercial Two (C-2) zoning districts. The Board must use the following criteria from Sections 1023 in addition to the seven criteria in Section 262 of the Boone County Zoning Regulations to determine if a Conditional Use Permit for the applicant's request is appropriate. In order to approve the applicant's request, the Board shall find that:

1. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
2. The activity will further add to, not detract from, the creation of a compact, multi purpose and pedestrian oriented commerce center; and
3. the arrangement of uses, building 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

The site is part of a Commercial Two (C-2) corridor along the south side of U.S. 42. The site is located between A&A Auto Sales (west) and Madison Office Products (east). The Boone County Board of Education, Ockerman Middle School, and Ockerman Elementary School are located north of the site on the opposite side of US 42. The Board of Education and school properties are zoned Public Facilities (PF). The southern property boundary of the site backs up to four residences of the Evergreen Farms subdivision which is zoned Suburban Residential One (SR-1).

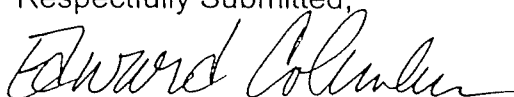
Staff Concerns and Comments

1. The use of the site for a Graeters Ice Cream establishment is a permitted use in the Commercial Two (C-2) zoning district. For this request, it is the responsibility of the Board of Adjustment to determine if the drive-thru facility in conjunction with the ice cream establishment is appropriate.
2. The Site Plan, submitted as part of the application, indicates that because of an increase in building area, the site, as a whole, will have an insufficient amount of parking spaces. The parking spaces required is based building area. The site lacks approximately 10 parking spaces. The applicant may seek a waiver of the requirements for additional parking spaces from Kevin T. Wall, Director, Zoning Services.
3. Because the applicant is altering the front portion of the site in order to reconfigure parking spaces, a landscaping plan will be required to be submitted along with a site plan. The landscaping plan shall meet the requirements for landscaping in the Boone County Zoning Regulations as adopted by the City of Florence.

Conclusion

The Board should base its decision on the applicant's request as it relates to the general standards which are applicable to all conditional uses and the specific criteria for a Conditional Use within a Commercial Two (C-2) zoning district. It is Staffs' opinion that the drive-thru facility will act as an integral and subordinate function of the Graeters Ice Cream establishment and that the arrangement of the drive thru will be mutually compatible with the organization of the building and the use by Graeters within this Commercial Two (C-2) district.

Respectfully Submitted,



Edward Coleman
Planner

EC\par

Attachments

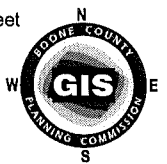
- Location Map
- Site Map
- Site Plan

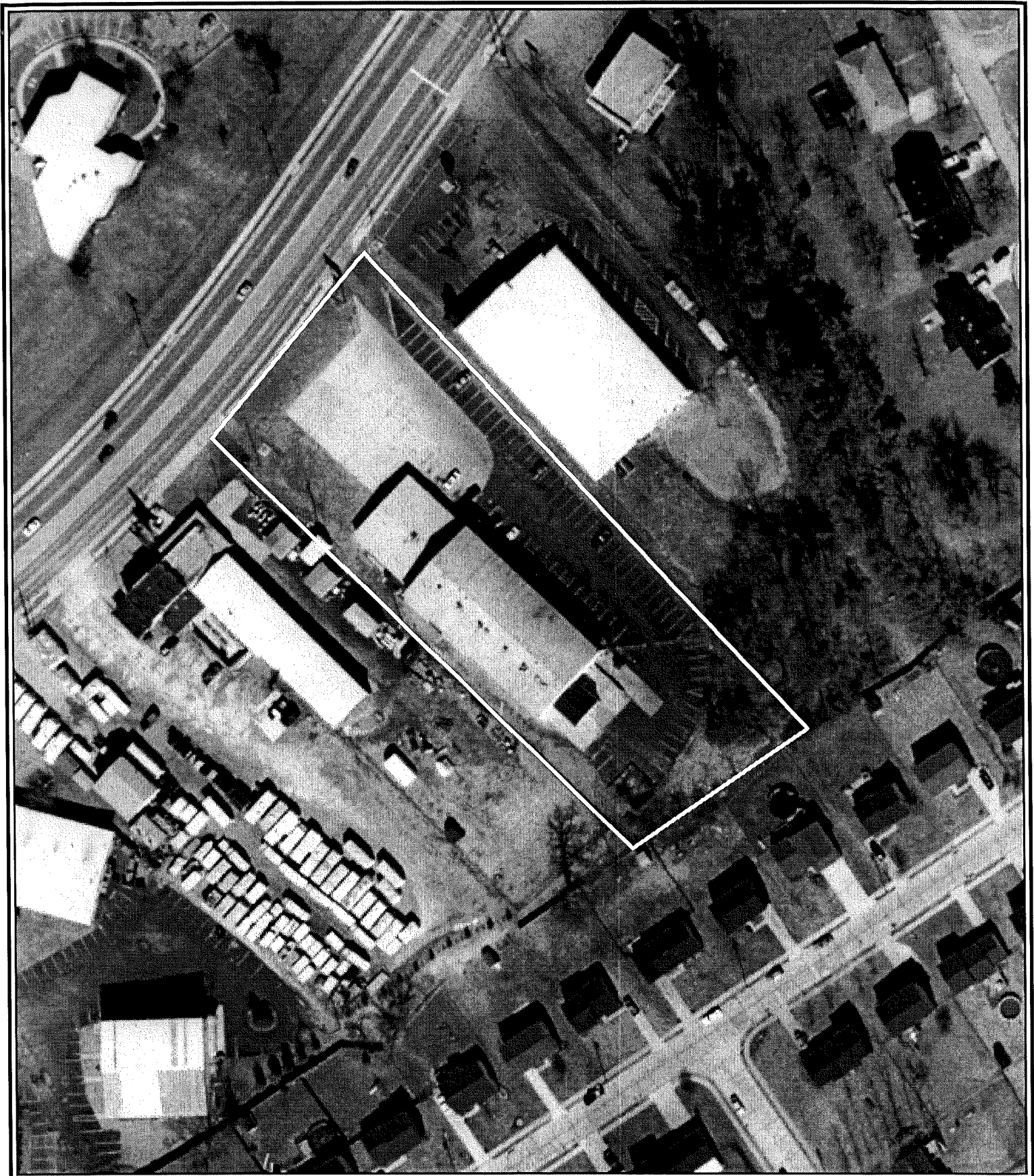


Graeters Ice Cream
8311 US 42



1 inch equals 700 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 6, 1998





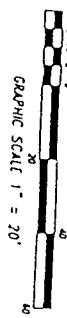
Graeters Ice Cream
8311 US 42

100 0 100 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 6, 1998



DIXIE HWY (U.S. 42)

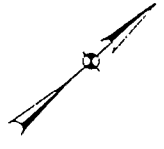
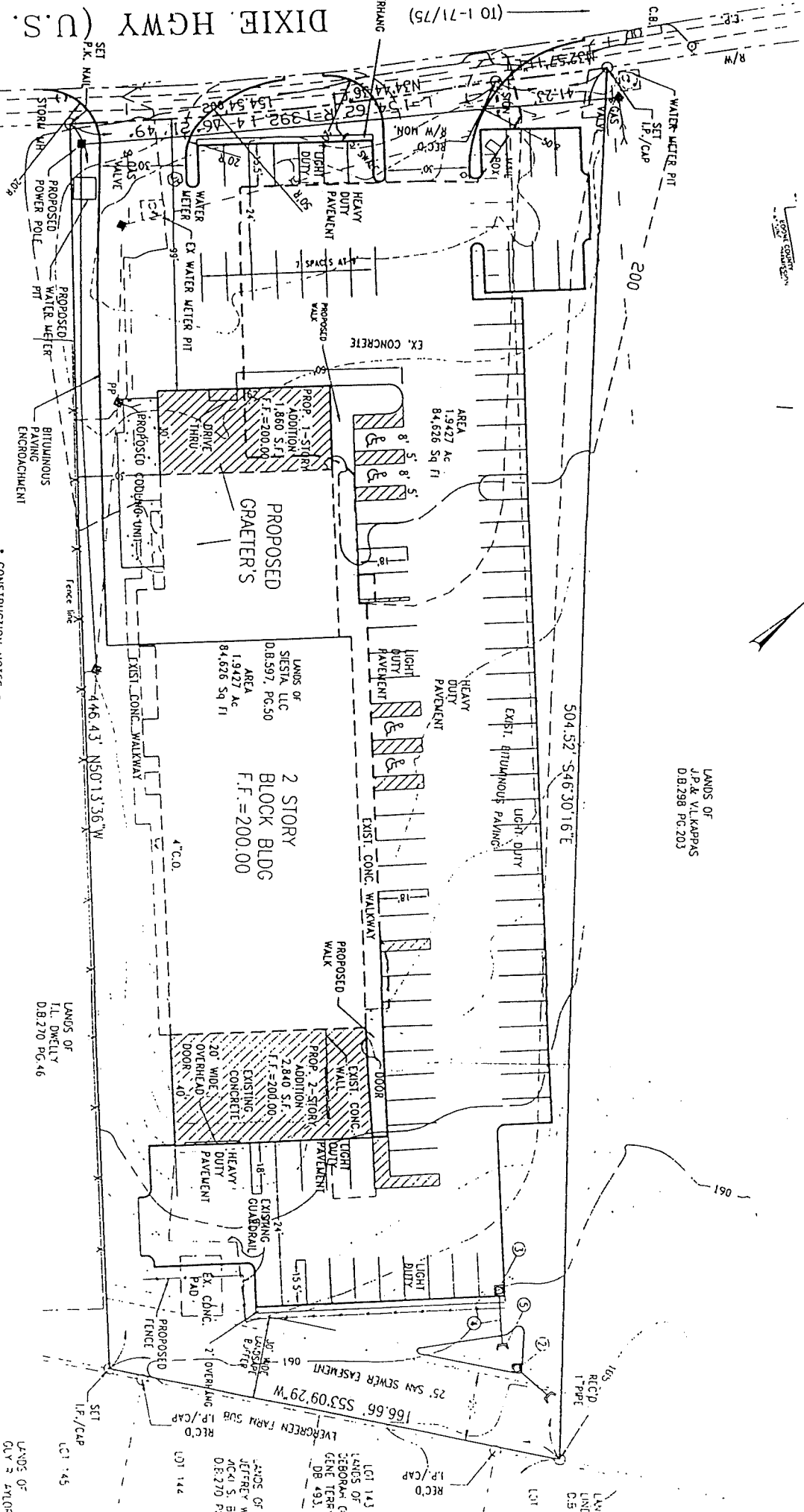


- CONSTRUCTION NOTES**
- ① CONTRACTOR SHALL EXPOSE AND VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. ENGINEER SHALL BE NOTIFIED OF ANY CONFLICTS.
 - ② CONSTRUCT OVERFLOW CONTROL STRUCTURE (SEE DETAIL).
 - ③ CONSTRUCT ONE STANDARD CATCH BASIN, TOP = 193.80, INV = 193.00.

NUMBER OF PARKING SPACES = 96

- SOURCE OF BEARINGS AND ELEVATIONS**
- NOTE: THE BEARINGS, DISTANCES AND ELEVATIONS SHOWN HEREON ARE BASED UPON SURVEY DATA AND TOPOGRAPHIC INFORMATION SUPPLIED BY DIXIE AND DOES NOT REPRESENT ANY ORIGINAL SURVEY BY DAVID C. STILES ENGINEERING CORPORATION.

LANDS OF
CLYDE MILLER
42-11-1-4
5-2-70-25-2



LANDS OF J.P. & V.L. KAPPAS
0.8,298 PG.203

LANDS OF J.P. & V.L. KAPPAS
0.8,298 PG.203

504.52' - 546'30.16"E

2 STORY
BLOCK BLDG
F.F. = 200.00

LANDS OF SIESIA, LLC
0.8,597, PG.50
84,626 Sq Ft

PROP. 1-STORY
ADDITION
1,860 S.F.
F.F. = 200.00

PROP. 2-STORY
WALL CONCRETE
ADDITION
2,840 S.F.
F.F. = 200.00

LANDS OF L.L. DWELLY
0.8,270 PG.46

LANDS OF JEFFREY W. MCXI S. B.
0.8,270 PG.46

LANDS OF CLYDE MILLER
42-11-1-4
5-2-70-25-2

COPY

CLUR # 98-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Vic Munson
7 Banlick Street
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

8311 U.S. 42
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Graeters Ice Cream Shop

DEED BOOK: 597 PAGE NO.:50 GROUP NO.:2048 B

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

Zoning Map Amendment: Conditional Use Permit
From _____ to _____


Development Plan Conditional Zoning

Subdivision Plat 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



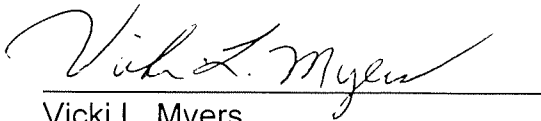
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman behalf of the
Boone County Planning Commission this 27th day of March 1998.

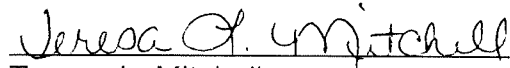


Vicki L. Myers
NOTARY PUBLIC, State at Large

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 approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of February 11, 1998 Certificate of Land Use Restriction (# 98-FBOA -003-A), for Vic Munson, property Owners

The following conditions will apply: 1).

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

described in: DEED BOOK 597

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