

APPLICATION FORM

**CHANGE IN CONCEPT DEVELOPMENT PLAN
OR
THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT**
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check one:

- Change in Concept Dev. Plan
- Utilization of an Underlying Zone in Planned Development

- 2. Name of Development Grammas Center
- 3. Location of Development U.S. 42 and Hopeful Road
- 4. Total Acreage of Site 2.820 Acres
- 5. Current Zoning C-2 (PUD)
- 6. Date of Zone Change or Approved Concept Development Plan (if applicable) N/A
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) N/A
- 8. Proposed Uses (please specify each use) Retail and services businesses

- 9. Name of Applicant(s) Eric C. Deters
- Phone Number(s) 341-1881 356-2312 INDEPENDENCE OFFICE
- 10. Address of Applicant(s) 2701 Turkeyfoot Road
- Covington, KY 41017

- 11. Name of Property Owner(s) Paul and James Grammas
- Phone Number(s) 528-4690

- 12. Address of Property Owner(s) 5006 Whitewood Ct.
- Cincinnati, OH

- 13. Proposed Building Intensities (please specify) _____

- 14. Are there any existing buildings on the site? Yes
- How many? One

- 15. Deed Book 359 Page No. 41 Group No. 1022

- 16. Have you had a pre-application meeting with BCPC staff? yes

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

254

STAFF REPORT

#2

REQUEST OF ERIC C. DETERS
FOR
UTILIZATION OF AN UNDERLYING ZONE IN A PLANNED DEVELOPMENT
FOR PROPERTY LOCATED AT U.S. 42 AND HOPEFUL ROAD

FEBRUARY 28, 1990

This is a request for the Utilization of an Underlying Zone in a Planned Development. The applicant is seeking approval of a Concept Development Plan for the establishment of a 34,350 square foot retail center. The 2.82 acre site is located on the northwest corner of U.S. 42 and Hopeful Road, Boone County, Kentucky. The property is zoned Commercial Two/Planned Development (C-2/PD).

SURROUNDING ZONING AND LAND USE:

North: R-1F (Residential One Family); just north of this development is the Williamsburg West Subdivision/single family homes.

South: C-2/PD; (Bank of Verona) Star Bank and the Boone-Kenton Tobacco Warehouse.

East: C-2/PD: Sunoco Gas Station/Convenient Mart

West: C-2/PD: Florence Deposit Bank

SITE FEATURES:

The site currently contains 8,840 square feet of retail use and parking. Within this existing center is a barber/hairstyling shop, laundromat, a pool center and a Stop-N-Go store. According to the applicant, the owners are negotiating the removal of the Stop-N-Go, as well as the gas pumps. The site is accessed by a single curb cut on Hopeful Road.

CONCEPT DEVELOPMENT PLAN:

The plan indicates a 34,350 square feet retail center that extends almost the entire length of the northern property line and encompasses the existing 8,840 square foot building. The gas pump islands have been removed and the parking area, in front along U.S. 42, has been expanded to accommodate 125 cars. An access drive extends behind the center and connects both ends of the proposed parking lot. Additionally, a curb cut is proposed on to U.S. 42. A detention basin is proposed in the front of the site at the corner of Hopeful Road and U.S. 42. Green belt areas are indicated in terms of landscaping, however, just what this may entail is not clear.

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RELATIONSHIP TO COMPREHENSIVE PLAN:

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial. The Land Use Element of the Plan makes the following statements about the general area:

"This section of the county will receive primarily residential development with commercial growth in the eastern portions...

Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions which utilize the roads as collectors not the principle road for development. This is especially important for development along Hopeful Road as its functional service will be changing to more thoroughfare patterns as it becomes straightened and is extended across I-75 to alleviate industrial traffic...

The Mall Road area will continue to grow as a regional shopping area and its spill over onto U.S. 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled... The existing residential areas on U.S. 42 should remain protected from the development... (pp. L-14, L-15)."

The Transportation Element of the Plan states:

"The county contains minor arterial streets and collector streets within the urban area. The minor arterial streets include KY 18, U.S. 42, U.S. 25, Industrial Road, KY 212, and KY 236...

The arterial should be regarded as the roadways most suitable for planned land use development in the county. Arterial close to the urbanized areas are prime for commercial development although intense development can impede through traffic... Future development must be viewed in light of this functional classification system and developed accordingly. Also, the availability of curb-cuts needs to be determined using this system so that access becomes more limited as the functional classification increases (pp. T-1, T-3)."

The Business Activity Element states:

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and Route 42... The land surrounding the U.S. 42 area, south of Florence, will experience additional growth towards the City of Union area... (p. B-14)."

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Goals and Objectives for the Business Activity Element include:

- "1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.
2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers of other compact aggregations having an integrated design (p. G-3)."

STAFF CONCERNS:

1. The amount of parking provided is deficient for the proposed 34,350 square foot building. The parking totals are as indicated:

Parking

<u>Zoning Code Requirements</u>	<u>Grammas etc.</u>
133 spaces	118 spaces
5 handicap	7 handicap
<hr/>	
138 Total	125 Total

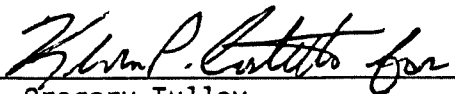
In order to provide adequate parking, the size of the structure will have to be decreased.

2. The landscaping indicated on the plan refers only to green belt. Staff feels that this needs to be addressed with the planting of trees and shrubs. A landscaped buffer should be planted outside the right-of-way along U.S. 42 to soften the visual impact of the paved area and to screen light from automobiles facing U.S. 42. Staff also feels that a buffer including a fence as well as trees, should be placed along the rear of the property. This will shield the development better from the adjoining single-family subdivision.
3. Staff feels that the access onto Hopeful Road should align with the curb cut across the street. The applicant has mentioned that this will occur, however, the drawing does not reflect this.
4. Staff has some concerns about signage for this project. The site should contain one free-standing sign advertising tenants or should contain building mounted signs only.
5. There is concern that this site should have some type of access with the adjoining Florence Deposit Bank. The Commission's Transportation Planner can look into this in the future.

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Should this proposal be approved the 1986 Boone County Comprehensive Plan will not have to be amended.

Respectfully submitted,



J. Gregory Tulley
Plans Examiner / Planner I

JGT:kat

The Chairman introduced the second item on the Agenda:

2. Concept Development Plan

The request of Eric C. Deters (applicant) for Paul and James Grammas (owner) for the Utilization of an Underlying Zone in Planned Development on a 2.82-acre site located on the north side of U.S. 42 and west of Hopeful Road, Florence, Kentucky. The proposed use is a 34,350 sq. ft. retail center (Grammas Center). The property is currently zoned Commercial Two/Planned Development (C-2/PD).

Assistant Director, Kevin Costello, presented the Staff Report prepared by Greg Tulley, which included a slide presentation (see Staff Report).

The Chairman asked the applicant for his comments at this time.

Mr. Eric Deters stated that he was representing Paul and James Grammas. He stated that there is currently a hair styling salon, pool sales place, and laundromat on the site. The Grammas will own the property on March 10. The sale of the Stop and Go to Dairy Mart would be on March 15. The Grammas intend to remove the Stop and Go as the lease is up and they do not want the liability. It is also not compatible with what they want to do. Using a large drawing of the elevations, which Mr. Deters stated had been submitted to the Staff, he stated that this was the general concept of what the building will look like. He stated that his clients are agreeable to the Staff Report. He stated that the engineer/architect was not present. He stated that they are lacking 13 parking spaces and they can be obtained. They will do whatever is necessary in regard to landscaping and lighting of the greenbelt on U.S. 42 and they are willing to address the corner. He stated that they will do both trees and a fence at the back of the building -- either a solid or chainlink fence with trees. They intend to bring the building out about ten feet which will improve the site. They are agreeable to a freestanding sign with all the tenants on it or a sign for each business. In regard to access to the Florence Deposit Bank, there is no problem with extending the service drive. Mr. Deters stated that he believes all of the concerns can be addressed.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request.

Mr. Walter Laddy, a property owner behind the building, stated that he had a list of areas he would like addressed:

- 1) Repairs to the existing stone work behind the existing building, and to the stone wall extending the entire length of the property.
- 2) That there be a five-foot buffer, preferable of white pine trees, and behind that an 8' chainlink fence with privacy slats. He added that they do not want any pedestrian traffic through their yards.

- 3) That changes be made to the plan so that rain drainage runoff does not go on the property behind the site as they now have lakes in their backyards when it rains. He stated that with the extra roof, the drainage would be worse.
- 4) They would like different locations for the dumpsters. They do not want them on the property line. Possibly they could go between this property and the bank. They would like an enclosed area, preferably brick, with gates for the dumpsters so that animals and children cannot get in there.
- 5) If there are any restaurants, they want grease pits or dumpsters to be located inside the barrier for the dumpsters and sealed so as not to draw rodents or animals.
- 6) They want all the stores to use the bin and not have other waste or trash cans behind the buildings.
- 7) They would like speed bumps or other speed-reducing items for traffic going behind the buildings and the service drive area. He stated that people may drive behind the buildings and throw garbage. He noted that kids throw garbage in their yards while their parents are in the laundromat.

Mr. Laddy stated that if these restrictions are met, he has no problem with the extension of the building.

Mr. Deters asked Mr. Laddy if he was speaking for the group. Mr. Laddy stated that he was speaking for himself, but believed the group would be in favor.

Mr. Deters stated that he believed the stone wall was a retaining wall and he did not know the cost of building it across the back. He stated that if the existing wall needs repairs, they would have to address that problem. He stated that he believed a fence across the back of the property would decrease pedestrian traffic. The fence will go from the back to Hopeful Road. He stated that he cannot address where the garbage dumpsters will go, but they hope to be able to locate it satisfactorily. If the regulations require a brick enclosure, they will do it, otherwise they would not. He stated that there will be no restaurants and they are not permitted in this zone. He added that they can move the curb cut to align it as indicated in the Staff Report. He indicated on a drawing the curb cut they intend to close and stated that they will negotiate with the Department of Highways that owns the corner piece. He stated that moving the curb cut will improve the traffic flow on the site. He stated that they can address drainage at the Preliminary Plat or Site Plan review stage. He is not familiar with where the storm sewer goes. He stated that he does not believe there is a problem with speed bumps in the back. If the Commission requires them, they will provide them on the service drive. They may be a good safety feature. He added that there will not be trash in locations other than the dumpsters.

Mr. Kessen stated that he lives behind the Stop 'N' Go and if they put a dumpster there it will be in his front yard. He questioned the location of the fence and Mr. Henne advised that it would stop so as not to block Mr. Kessen's vision.

Mr. Henne stated that he will meet with Mr. Costello to determine the best location for the dumpster.

Mr. Brian Jones stated that he lives behind the site. He questioned the noise pollution and stated that there is a surface water runoff problem. The gutters are directed toward his property and the runoff goes across his property, down his driveway, and into the road. There is a pollution with paper in the back of the building. There is a sign that has been there for six months that is an eyesore. There is always trash in his yard from this site. There is a rodent problem, and a problem with bugs, mice, and rats coming for the food particles not put in the dumpsters. He stated that he lives on a slab and the rodents could get into his house. The back of the building is unsightly and not properly maintained. There are plastic trash bags at the back of the building and they have gone to the owner about this. He stated that there is no greenbelt which is an old problem from poor planning. The rock retaining wall is falling apart and the rocks fall in his yard. There is noise from the students in the summer time. There are people spinning wheels and cars taking off fast. He stated that he is concerned about possible leaks from the gas tanks and questioned when they were last replaced. The laundromat leaves the rear door open and it looks bad. The clientele is of a questionable nature. He would not have purchased his property six months ago if he had known this structure would expand. He feels that his property will depreciate from the addition. He asked that there be at least a six-foot chainlink fence with a privacy strip. They also need greenery so that they will not see the shopping center. There needs to be mulch to help the drainage problem. The increase of traffic and square footage will increase the problems.

Mr. Deters stated that a four-foot chainlink fence with mulch and trees all the way across the back will improve the site. He stated that his clients are trying to get Stop 'N' Go out in response to the questions regarding the gasoline tanks. Stop 'N' Go's lease is up in March, 1991 and the sale is taking place on March 15 to Dairy Mart. If it takes place, the Stop 'N' Go will shut down. He stated that with the storm sewer, some of the concerns with surface water will be better addressed. The sign and trash in the back of the building is to do with the current property owners. The trash not being in the dumpster probably comes mostly from Stop 'N' Go. He agrees with the comments about noise from the school students, but he cannot address it across the board. The speed bumps will help the service road. He stated that this will be a nice development that will probably appreciate Mr. Jones' property.

Mr. Jerry Hampshire stated that he lives directly behind the bank and has an inground pool. He put up a privacy fence due to the bank. He stated that there is a lake about four feet deep due to the subdivision and the way they plowed. The trash from Stop 'N' Go goes into his yard.

Barbara Dickman asked if the service road would be expanded. She stated that there would not be enough room for a fence and plantings.

Mr. Deters stated that it is 25 feet from the rear of the building to the property line and there would be 5 to 10 feet to put in a fence and some trees.

Mr. Brian Jones asked if there would be anything cosmetically done to the back of the building.

Mr. Deters stated that it would have to conform to the addition. He stated that he did not know what would be there, but it would look nicer.

Mr. Don Dickman asked if it was the tenant or the owner responsible for each section and Mr. Deters advised that that would depend on the lease. Major repairs are usually done by the owner.

Mr. Kessen stated that there are two propane tanks on the service road that are unprotected and could blow up the neighborhood.

Vicky Caldwell stated that the propane gas goes to the beauty shop. She added that she is concerned about the parking spaces.

Mr. Deters stated that 133 spaces, plus 5 handicapped spaces, are required. Their plan shows a total of 125 spaces, and they need to make an adjustment of 13 spaces.

Ms. Caldwell questioned why there were islands if the parking was short and Mr. Deters advised that they improve the site and add control.

Mr. Neltner noted that the rear of the building was 25 feet from the property line. He stated that he believed 50 feet was required.

Mr. Costello advised that this site is in Planned Development and the Commission can allow flexibility. A Variance is not needed.

Mr. Neltner noted that Mr. Deters had indicated there would not be restaurants, but sit-down restaurants are permitted in the zone. The neighbors concerns were in regard to problems associated with restaurants. Mr. Neltner added that the dumpster issue needs to be addressed before a decision is made. He stated that he is concerned about access onto U.S. 42 and ideal access would be shared with Florence Deposit Bank. He questioned what the building would look like from the rear. He noted that the slides indicated it to be brick and encouraged the developer to continue that design through the project.

Mr. Deters displayed a drawing indicating the back of the building. He stated that it looks like split block. He stated that he cannot answer what is planned for the back of the building. It would be very expensive to brick behind the building. He commented that if the building looks nice, maybe the trees and fence are not needed. In regard to the access, he stated that he did not know if hooking up with the bank would be feasible.

Mr. DeLong stated that there is no sound buffering and he believes this could be done. He noted that the PD (Planned Development) is to make the facility better, not worse. He asked if the applicant would agree to take the gas stations out of the uses in that zone. He added that he would like to see access management with the neighbors to the west and more buffering. He stated that he is in favor of deleting the one access point on Hopeful Road.

Mr. Deters stated that his client is committed to building a solid wood wall behind the building and has agreed to eliminate the gas stations on the site.

Mr. Damstrom questioned the lighting and access management.

Mr. Deters stated that a concrete driveway is shown on the drawing. He stated that the lighting would come from the parking islands. He noted that the Staff wanted greenery along the front and they are willing to provide shrubbery and trees along the greenbelt. Mr. Deters stated that he was not prepared to address the additional comments from Mr. Damstrom in regard to the lighting. Mr. Damstrom stated that it is important that the lighting help the property and the neighborhood and be aesthetically pleasing.

Mr. Kirby questioned the height of the proposed wood wall or fence.

Mr. Deters stated that it would be either 6 feet or 4 feet. He asked if the trees were needed. His clients are agreeable to a six-foot wooden fence.

Mr. Kirby commented that he is concerned about the parking lot traffic sharing someone else's property and he noted that the kids could also race across the bank property. He questioned if the landscaping was necessary at this time as this was a Concept Plan.

Counselor Wilson advised that this is a sensitive area. He stated that in considering if the proposed use and intensity are appropriate in the area, it is appropriate to look at the landscaping.

Mr. Collins noted a parking area next to the bank where cars would be facing U.S. 42 and questioned how the lights would be shielded from the roadway.

Mr. Deters stated that if there is concern, they will put trees and shrubs there.

Mr. Sharp stated that he was concerned about the storm water runoff. He noted that there is an existing problem. He noted the letter attached to the Staff Report from Hoppenjans Builders and asked if this would correct the problem.

Mr. Costello stated that he did not know if the problem has been corrected.

Mr. McMillian noted that the drawing shows steps at the back of the building. He stated that about three feet is needed to come up to the bottom of the doors. He stated that it is not all at ground level and trees are taller than six feet.

Mr. Deters stated that the site falls off at the back and his clients may be willing to build a fence higher than six feet.

Mr. Collins noted that with the fence, the steps, etc., there would not be room for a fire truck. He stated that the Fire Department would have to indicate this to be satisfactory. Mr. Deters stated that he could not address this question.

Mr. Greene stated that a wood fence the length of the site would be an eyesore. He added that it may look better with a security fence, but a solid fence would be needed to stop the trash.

There being no further comments, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on March 7, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:


William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 4, 1990

8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 9:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Collins
Mr. Phil Damstrom
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner, Temporary Presiding Officer
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mr. Melvin DeLong
Mr. Rector Jones
Mrs. Carol Smith
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Neltner noted that each member had received copies of the Minutes of the Business Meeting of March 21, 1990 and the Public Hearings of March 21 and March 28, 1990. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Collins seconded the motion and it carried unanimously.

1. Concept Development Plan

The request of Eric C. Deters (applicant) for Paul and James Grammas (owners) for the Utilization of an Underlying Zone in Planned Development on a 2.82-acre site located on the north side of U.S. 42, west of Hopeful Road, Florence, Kentucky. The proposed use is a 34,350 sq. ft. retail center (Grammas Center). The property is currently zoned Commercial Two/Planned Development (C-2/PD).

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He noted a letter in the packet signed by Mr. Deters agreeing to the conditions. He stated that the Committee Report was signed by Mr. Neltner only.

Mr. Neltner advised that there are a number of Commissioners on vacation which accounts partially for the lack of signatures on the Committee Report.

Mr. McMillian moved that the request be approved based on the Committee Report, including the conditions. Mr. Greene seconded the motion.

Mr. Sharp asked if there was anyone present representing the applicant. There was no one.

Mr. Sharp stated that the conditions should be closely monitored by the Staff and if they are not adhered to, then the project should be stopped.

Counselor Wilson suggested that the owners also sign indicating their agreement to the conditions.

Mr. Walter Lighty asked if the fence would be the same height as the fence on top of the existing wall.

Mr. Neltner advised that the fence will be six feet across the entire rear of the property. He noted that the applicant is proposing to continue a wall beyond where the stone wall is now. There is a condition limiting the wall to 7 feet and the fence would be above that. There will also be trees at 20-foot intervals.

Mr. Lighty asked if there could be a provision for regular maintenance of the fence.

Counselor Wilson advised that the Commission cannot impose additional conditions that have not been agreed to by the property owner because their representative is not present.

Mr. Lighty stated that he had a picture of the wall, which he stated will deteriorate due to the extra traffic. He stated that they need a stronger, reinforced wall.

Mr. Neltner stated that the Committee's intent was that the wall be repaired. Mr. Costello commented that they may find it most cost effective to rebuild the wall.

Mr. Kirby questioned condition #6 and Mr. Neltner explained that the building is not to exceed the wall and the fence, which are intended to shield the neighbors from the sight of the building.

Mr. Neltner asked for a roll call vote on the motion made by Mr. McMillian which found Mr. Greene, Mr. Kirby, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Rush, and Mr. Sharp in favor. Mr. Collins and Mr. Damstrom were opposed. The motion carried by a vote of 7 to 2.

Counselor Wilson advised that this item will go to the Florence City Council for their final action.

3. Concept Development Plan

The request of William C. Hub, P.S.C. (applicant) for Wilbert L. Ziegler (owner) for a change in an approved Concept Development Plan for a 3.05-acre site located at 1065 Burlington Pike, Boone County, Kentucky. The request is to change the use from an automobile dealership to a bank with a drive-thru facility.

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has agreed to the conditions.

Mr. Rush moved that the request be approved based on the Committee Report, including the conditions. Mr. Kirby seconded the motion.

Mr. Hub stated that two of the owners, Mr. Biz Cain and Mr. Bob Zapf were present. He stated that they are in agreement with the conditions. He added that this is a new business -- a bank. Typically, a temporary trailer office is put on the site to establish identity and do business. He stated that Mr. Tulley of the Staff advised them that the Commission does not want a temporary building that could be left there for a year. It is their intention to proceed with the utmost haste. They hope to be permitted to operate the trailer once they receive plan approval. This would require the installation of a parking area, water and electric. The owners are willing to do this at their own risk -- if the Site Plan says they cannot have parking in that area, they are willing to take it out. They want to do some temporary construction and operate the business at the earliest possible time, which would be immediately after obtaining the approvals.

Mr. Costello referred to Section 942 of the Zoning Code, which was discussed with the applicant in meetings. He added that Mr. Newton had advised the applicant that the temporary unit can only be brought in when they are moving dirt and starting work on the building. Mr. Hub signed the letter agreeing to this. Mr. Costello stated that it is unfortunate that there is not a regulation to provide for such a temporary building.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: April 4, 1990

RE: Request of Eric C. Deters (applicant) for Paul and James Grammas (owner) for the Utilization of an Underlying Zone in Planned Development on a 2.82 acre site located on the north side of U.S. 42 and west of Hopeful Road, Florence, Kentucky. The proposed use is a 34,350 square foot retail center (Grammas Center). The property is currently zoned Commercial Two/Planned Development (C-2/PD).

REMARKS:

We, the Committee, recommend approval of the Utilization of an Underlying Zone based on the following findings of fact.

1. The 1986 Boone County Comprehensive Plan Future Land Use map indicates this property's use as Commercial.
2. The 1989-1990 Goals and Objectives Business Activity states as objective #2:
 2. Future Commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design.
3. Additional references to the 1986 Boone County Comprehensive Plan are made in the February 28, 1990 Staff Report.

Committee Conditions:


1. Gasoline tanks are to be removed.
2. The curb cut on Hopeful Road is to align with correct Sunoco entrance. The U.S. 42 curb cut is to align with the Kenton/Boone Tobacco Warehouse entrance.
3. The existing retaining wall along the rear of the property is to be repaired.
4. Provide access to the western property.
5. Located one dumpster on eastern side of building and screen according to code. No additional dumpsters are to be located on the site.
6. A six foot high, board (wood) fence is to be placed along the rear of the building and is to be tied to the final elevation of the building.

7. Detention is to be placed underground and direction of outflow is to move toward U.S. 42.
8. Detailed landscaping is to be provided on the eastern edge of the property, next to the building as well as Hopeful Road. It is also to be provided along U.S. 42, in terms of trees and shrubs. The rear of the building, in addition to the fence, is to contain trees of two inch minimum caliper. They are to be placed 20' on center. The Commission reserves the right to increase this amount of landscaping.
9. The proposed structure is only to expand 40 feet beyond the existing eastern edge of the building. The remainder of the proposed structure is to abide according to the plan submitted.
10. The maximum height of the foundation wall (not fence) in the rear of the building is not to exceed 7 feet.

Larry Barnett, Chairman

Fred Burch

Rector Jones



Barry Nelzner

Carol Smith

Phil Damstrom

LB:kat

BCPC

PUT IN
GRAMMAS
RESOLUTION
FILE

ORDINANCE NO. 0-13-90

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE, THAT ZONE BEING COMMERCIAL TWO/ PLANNED DEVELOPMENT (C-2/PD) ON A APPROXIMATE 2.82 ACRE PARCEL GENERALLY LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 42 AND DIRECTLY WEST OF HOPEFUL ROAD IN THE CITY OF FLORENCE, KENTUCKY. (GRAMMAS PROPERTY)

WHEREAS, the City of Florence, Kentucky, is a member of a county wide planning unit, known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended that a request of Paul Grammas and James Grammas for the utilization of an underlying zone in a Commerical Two/Plannned Development (C-2/PD) zone be granted, subject to a development plan, and

WHEREAS, the recommendation from the Boone County Planning Commission is based upon certain findings and conditions attached to its resolution of ,recommendation, all of which have been reviewed by City Council of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the request for the real estate which is more particularly described below shall be and his hereby approved for the utilization of an underlying zone in a Commercial Two/Planned Development (C-2/PD) district on approximately 2.82 acres. This approval is for those uses set forth in the request as a retail strip or center and the real estate which is the subject of this request for approval herein is more particularly described in Exhibit "A".

SECTION II

That this approval is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendations, including the committee report may be a part of that recommendation, a copy of that recommendation and committee report being attached, marked Exhibit "B" and incorporated herein as if fully set out, such recommendation being in the form of Resolution No. R-07-90 of the Boone

County Planning Commission along with the committee report, both of which are dated April 4, 1990.

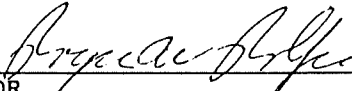
SECTION III

This approval is an approval in principle of the uses and intensities set forth in the request and is subject to compliance and conformance of all other applicable regulations.

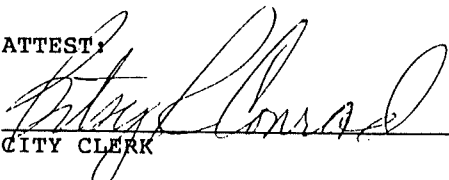
PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF June, 1990.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26th DAY OF June, 1990.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

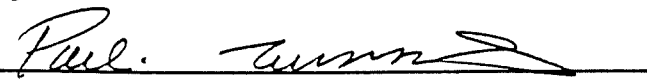
ADDITIONAL CONDITIONS FOR APPROVAL
OF GRAMMAS ZONING REQUEST UNDER
ORDINANCE NO. 0-13-90

As property owners of the real estate comprising the zoning request more particularly described in Ordinance No. _____ 0-13-90, we hereby agree to the following additional conditions as part of our development plan and conditions of approval by City Council of Florence, Kentucky, for our zoning and development request. We acknowledge that these conditions as well as those other conditions previously agreed to as part of the recommendation from the Boone County Planning Commission are conditions to the approval granted by the City of Florence, Kentucky, in Ordinance No. 0-13-90. These additional conditions are as follows:

1. That the approximate 40 foot addition on the north end of the property or development nearest Hopeful Road shall be deleted.

2. That we shall grant a 12 foot wide right-of-way to the Commonwealth of Kentucky to widen Hopeful Road as it currently abuts our property for purposes of a turn lane from Hopeful Road onto U.S. Highway 42.

Dated this 12th day of June, 1990.



PROPERTY OWNER