

STAFF REPORT

REQUEST OF WACO OIL COMPANY, INC. (OWNER AND APPLICANT)
FOR A ZONING MAP AMENDMENT FROM URBAN RESIDENTIAL TWO (UR-2)
TO COMMERCIAL SERVICES (C-3)

FEBRUARY 24, 1988

This request is for a Zoning Map Amendment from Urban Residential Two (UR-2) to Commercial Services (C-3) to allow the proposed use of a Jiffy Lube Service Center. The 0.69 acre site is located at the former Sunrise Federal Savings and Loan Association on the north side of U.S. 42 between Mall Road and I-75.

Surrounding Land Uses and Zoning

This site is bordered on the east by the existing Shell service station and car wash. That property is zoned Commercial Services (C-3) and was the subject of a 1984 Zoning Map Amendment request. To the south across U.S. 42 is a veterinary clinic, zoned Office Two (O-2), and a Rax fast food restaurant, zoned Commercial Services (C-3). The Rolling Ridge Apartments adjoin the site on the west and north. They are in an Urban Residential Two (UR-2) zoning district.

Characteristics of the Site

The site is situated lower than U.S. 42 and slopes to the north and west toward the adjoining apartment complex. The existing, vacant, savings and loan building is located near U.S. 42. There are several existing trees along the western portion of the site. Soils contained on the site are the types of Rossmoyne Silt Loam (RsB and RsC). These soils are normally found on slopes of 0-12 percent.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map depicts the site as High Density Residential, borderline to Commercial. In addition, the Land Use, Business Activity, and Housing Elements of the Comprehensive Plan address the area through their text.

Pages L-19 and L-20 of the Land Use Element pertain to commercial development in U.S. 42 area:

"Commercial development in this section will remain near the arterial roads or close to the interstate. This consumer service and traffic oriented developments must be contained to specific areas adjacent to the arterials and interstate. The coordination of curb cuts and parking lot tie-ins in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists. Where no commercial development has yet occurred, provisions for access control must be made for future development.

Development along US 42 from Mall Road to the Tanners Lane area will continue to be a mixture of professional and regionally oriented commercial activity.

In summary, growth in this section must be balanced among three major land users, commercial, industrial and residential development. Growth in one must be tempered by the location and existence of the other two."

Page G-3 contains the goals and objectives for commercial development:

"Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial

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 or other compact aggregations having an integrated design.

3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.

4. Highway services shall be located in close proximity to major highway interchanges for maximum convenience and economy to the motoring public. (However, they should not be located so close to interchanges that they congest the traffic movements at these points of access.)"

Page B-14 of the Business Activity Element includes the following observation:

"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."

Page L-19 of the Land Use Element discusses high density residential development in Florence:

"Residential developments will continue to be suburban in nature. Florence's future growth is dependent on this horizontal development and not vertical (or high density) development. Higher density residential development should only occur where it can serve as a buffer between industrial or commercial intrusion on single-family residential areas or where it is easily accessible."

History of Site

This site had been part of a 1984 Zoning Map Amendment request from Urban Residential Two (UR-2) to Commercial Services (C-3). At that time, the request area included the location of the current Shell Car Wash and the vacant Sunrise Federal Savings and Loan. Approval was granted by the Planning Commission and the City of Florence for the portion containing the car wash. Approval was not granted, however, for the portion of the site containing the savings and loan building, hence its current zoning of Urban Residential Two (UR-2). A copy of the Committee Report and Planning Commission Minutes are attached to this report. The Florence City Council had approved the request as recommended by the Boone County Planning Commission.

Waco Concept Development Plan

The submitted plan indicates the replacement of the existing savings and loan building with a proposed lubrication service building. The existing curb cut would be retained, and the proposed circulation area would progress around the building. The rear portion of the 0.69 acre site is shown as undeveloped, and two existing trees are to be retained.

The applicant has also submitted written information designed to describe and support the request. This is attached to this report.

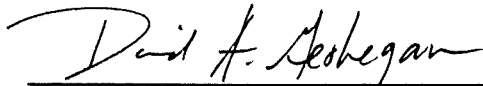
Staff Concerns

1. The site's curb cut is approximately 55 feet from the exit for the Shell Car Wash. The minimum spacing required by the Boone County Access Management Regulations along U.S. 42 is 275 feet. The existing curb cut also does not coordinate with other cuts on the other side of U.S. 42. Since a connection to the Shell station would conflict with traffic using the car wash, and property to the west contains the Rolling Ridge Apartments, the most workable solution may be to align the site's curb cut directly opposite the Rax exit driveway. Participation in future access to property to the west should be considered since there is a small strip of land that possibly could support development.

2. Appearance of landscaping and signage are important at this high visibility location. Staff also believes that free-standing signage may add to the visual clutter in the area and further restrict driver visibility to the east.
3. Because of the topography of the site and the fact that it is elevated above the adjacent apartments, substantial buffering in the required 25 foot buffer yard will be needed. Lighting for the site should also not shine onto the immediately adjacent apartment buildings.
4. Staff is concerned whether there would be storage of vehicles on the premises. The impact of future Commercial Services (C-3) zone permitted uses also needs to be considered.

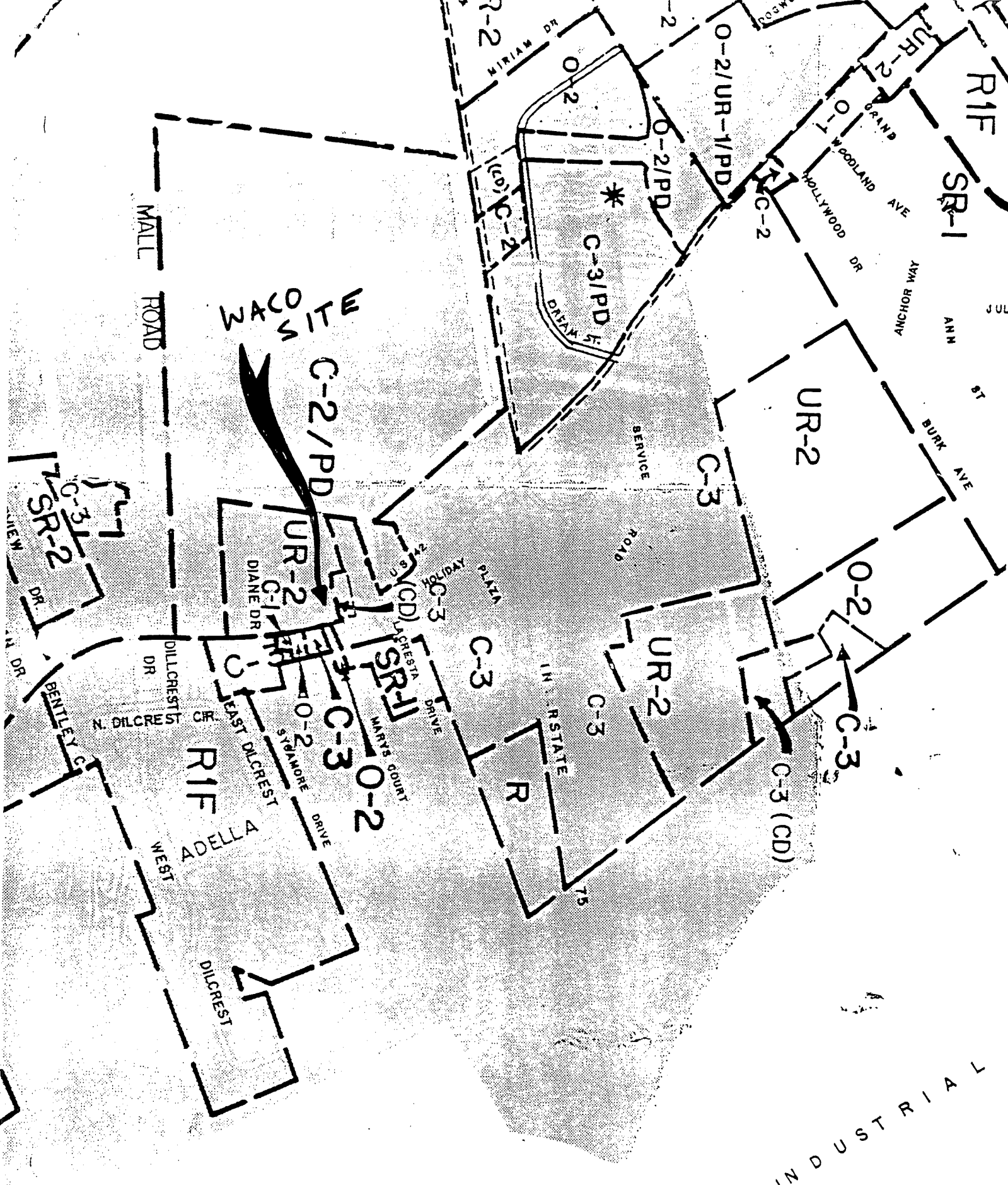
Conclusion

This request should be reviewed in terms of the three criteria needed to grant a Zoning Map Amendment. Should the Planning Commission and the Florence City Council grant this request, the Boone County Comprehensive Plan Future Land Use Map would need to be adjusted.



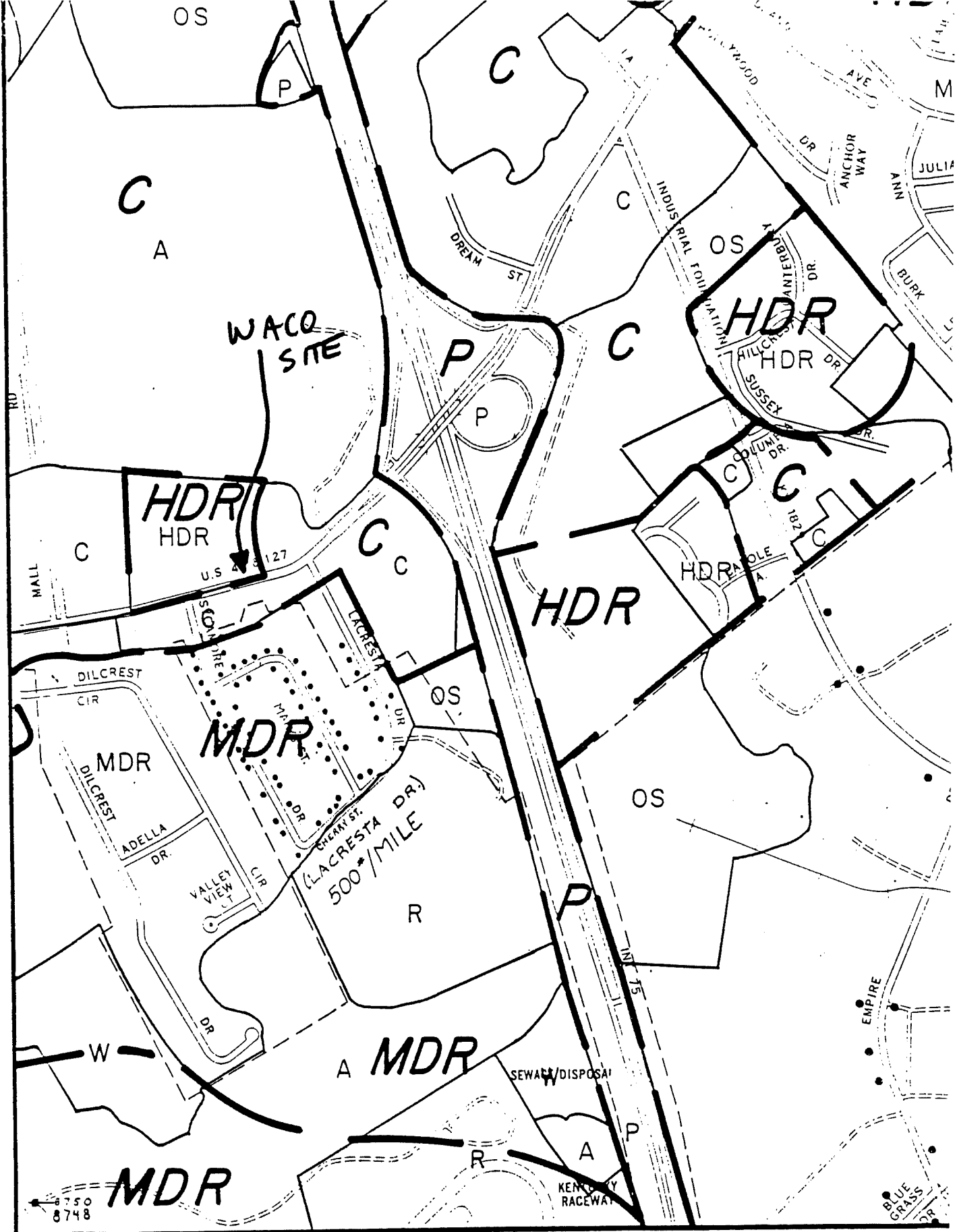
David A. Geohegan
Planner/Plans Examiner

DAG:mcb



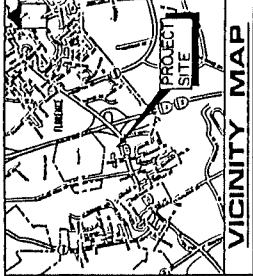
FLORENCE ZONING MAP





N536,000
E1,886,000

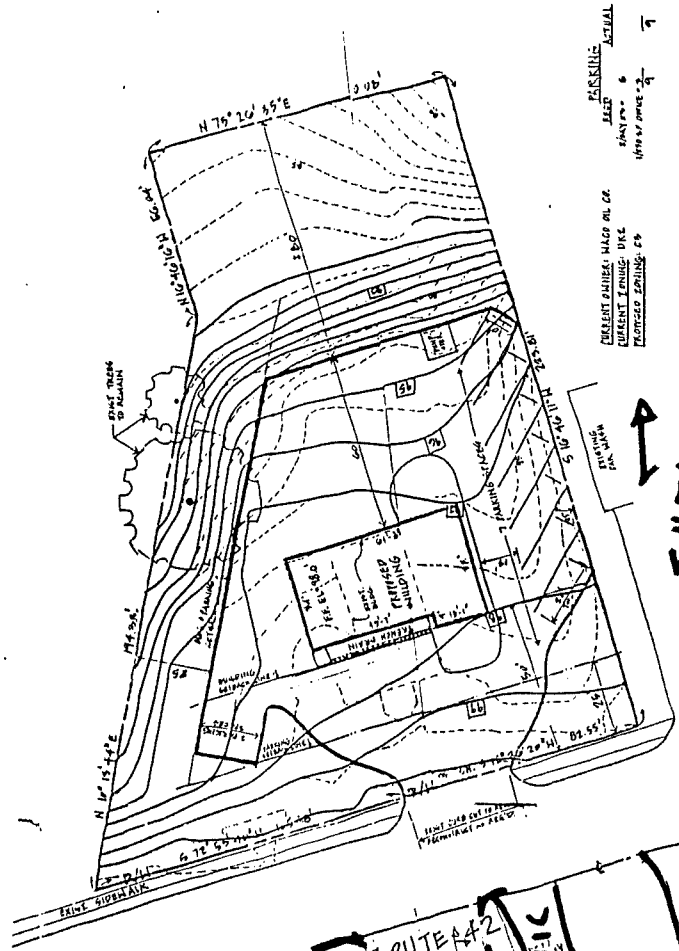
86 FUTURE LAND USE MAP



VICINITY MAP

WACOOK -
JIFFY LUBE

Rolling Ridge
Apts



DESIGNER: WACOOK, WACOOK & CO.
ARCHITECT: JIFFY LUBE
ENGINEER: JIFFY LUBE

SHELL

IN

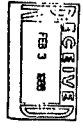
RAX

OUT

STATE ROUTE #2
VET. CLINIC

LAW OFFICE

PRELIMINARY SITE DEVELOPMENT PLAN
1" = 40'-0"



FEB 2 1968

SD1

PRELIMINARY SITE DEVELOPMENT PLAN
JIFFY LUBE
FLORENCE, KY.

CDS ASSOCIATES INC.
ENGINEERS ARCHITECTS PLANNERS
1130 KENNWOOD ROAD, ENCLINAWAY, OHIO 43040 (614) 891-1700
© 1968 CDS ASSOCIATES, INC.

NOT BLANK FOR CONSTRUCTION

INFORMATION SUBMITTED BY APPLICANT

Applicant seeks a map amendment changing existing zoning on a .6945 acre tract located along U.S. 42 in Florence, Kentucky, in the vicinity of Mall Road from UR-2 to C-3 to satisfy the contingency in a ground lease with Cincinnati Lubes, Inc. for the operation of a Jiffy Lube Service Center on the site.

Applicant bases the request for a map amendment on the following criteria:

1. That the map amendment is in agreement with the comprehensive plan; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.

The map amendment is in agreement with the comprehensive plan. On page L-20 of the existing Boone County comprehensive plan, it is noted as follows:

"Development along U.S. 42 from Mall Road to Tanners Lane area will continue to be a mixture of professional and regionally oriented commercial activity."

A copy of page L-20 is attached hereto for easy reference. Likewise the land use element of the comprehensive plan shows the property either located in a commercial area or immediately adjacent to a commercial area in a high density residential use section, as highlighted on the attached map. The purpose of the C-3 zone is to provide control and centralize those types of commercial activities which depend on and generate high vehicular accessibility, visibility and traffic. The proposed Jiffy Lube use of the property is a commercial use which depends on a high vehicular accessibility. The area as designated in the comprehensive plan is appropriate for this type of commercial service.

As a second and alternative basis for the map amendment the Applicant proposes that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.

The existing classification is Urban Residential-2. Given the size and topography of the existing parcel, and its location in an already highly commercialized area along a major thoroughfare and in the vicinity of the Florence Mall, the existing residential classification is inappropriate. Although an existing apartment complex lies adjacent on the western side of the property, the size and topography of the existing parcel

does not lend itself to high density residential use. The property is currently improved with a savings and loan branch office formerly used by Sunrise Federal Savings and Loan Association. The existing building will be demolished to make way for the improvement of the Jiffy Lube facility as depicted on the attached concept development plan. On the east side, the property is adjacent to a large Shell service center, including an automatic car wash which is situated on the common line between the proposed site and the Shell site. Across U.S. 42 are the professional offices of a lawyer, a veterinarian and Arby's fast food restaurant. The proposed Jiffy Lube Service Center is more appropriate in this setting than any multi-family housing. Although the Jiffy Lube depends on high volumes of vehicular traffic, by itself it does not generate high volumes of traffic. Given the 24 hour operation of the Shell service station and the fact that development on the subject parcel must occur adjacent to the Shell service station which is currently zoned C-3, the extension of existing C-3 zone to include the subject parcel is appropriate.

Further information and questions may be directed to Joseph L. Baker, attorney at law, Ziegler & Schneider, P.S.C., 629 Madison Avenue, Covington, Kentucky, 581-4553.

COMMITTEE REPORT

**PREVIOUS ZMA
REQUEST**

TO: Boone County Planning Commission

FROM: R.L. Buse, Jr., Chairman

DATE: June 20, 1984

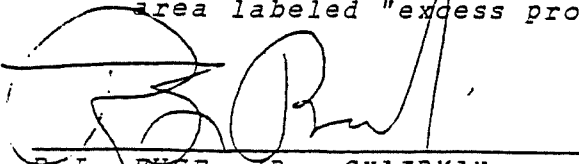
SUBJECT: Request of Sunrise Federal Savings and Loan Association, owners, for a zoning map amendment for property located at 8114 Highway 42, Florence, on a 1.11 acre site, from Urban Residential Two (UR-2) to Commercial Services (C-3).


CONCLUSION:

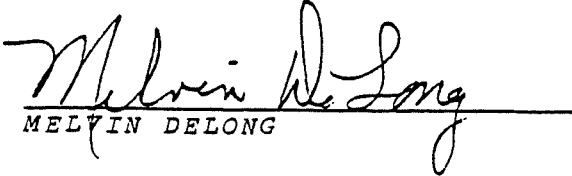
We the Committee recommend approval of the zone change based on the following findings of fact and the condition:

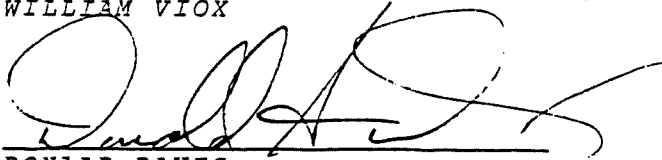
- 1) That the current use of the property is commercial and the original zoning was inappropriate,
- 2) The property abutts C-3 zoning on the east and south,
- 3) The proposed change conforms with the comprehensive plan map and text,
- 4) That the zone change be granted for only that portion of the property for which a Concept Development Plan was submitted, specifically that portion of Sunrise Federal's property that is shown to be utilized by the adjoining Shell Station.

The Committee does not recommend approval for that portion of the property for which no use is shown, specifically the area labeled "excess property".


R.L. BUSE, JR., CHAIRMAN


WILLIAM VIOX


MELVIN DELONG


DONALD DAVIS


LARRY BARNETT

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Waco Oil Company, Inc.

- Owner
- Agent

Address: 219 Garrard Street, Covington, Ky. 41011

Telephone: 581-9226

(Joe Baker, attorney call 581-4553)

Location: U.S. 42 in Florence near Mall Road

Name of Property Owner: Waco Oil Company, Inc.

Address of Property Owner: 219 Garrard Street, Covington, Ky. 41011

Zoning District: UR-2 Area in Acres: 0.6945±

Deed Book: 326 Page Number: 115 Group Number: 2040B

Description of Request: Applicant requests a map amendment from UR-2 to C-3 to satisfy contingency in Ground Lease with Cincinnati Lubes, Inc. for operation of a Jiffy Lube Service Center.

Applicant's Signature: Don Conrad

Property Owner's Signature: Don Conrad

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$389.00 Date Received: 2/3/88 By: Dave G.

Referred To: Dave Meeting Date: NB. 2/3/88

Action Taken: Approved Date of Action: 3/2/88

EXHIBIT "A"

LIMITED WARRANTY DEED

THIS IS A DEED dated November 27, 1984, by SHELL OIL COMPANY, a Delaware Corporation with offices at 1129 Miamisburg-Centerville Road in Dayton, OH 45449 (herein called "Grantor") to Waco Oil Company, Inc. of 219 Garrard Street in Covington, Kentucky (herein called "Grantee", whether one or more):

GRANTOR, for good and valuable consideration received, hereby grants and conveys to Grantee the following described Premises situated in Florence County of Boone, State of Kentucky.

** One Hundred Fifty Thousand (\$150,000.00)-----dollars

Situate in group number 2040,⁸ Boone County, Kentucky and being part of the remainder of 1.11 acres conveyed to the second Federal Savings and Loan Association of Covington, Kentucky by deed as recorded in Volume 207 Page 575, and more particularly bounded and described as follows:

Commencing for reference at the intersection of the centerlines of Louisville-Covington Road (U.S. 42-84 feet wide) and LaCresta Drive, said intersection being station 65+05.00 of the U.S. Route 42 Centerline stationing as established by the Kentucky Department of Transportation; thence with the centerline of said U.S. 42 for the following three courses, along the arc of a 300 feet long spiral to the right, 113.18 feet to the centerline station 63+91.82, said arc having a chord bearing south 55°-07'-01" west 113.10 feet; thence along the arc of a curve to the right having a radius of 716.20 feet an arc distance of 24.50 feet, said arc having a chord bearing south 59°-58'-30" west 22.50 feet; thence along the arc of a spiral to the right a distance of 216.49 feet, said arc having a chord bearing south 67°-27'-07" west 216.14 feet to centerline station 61+52.83; thence at right angles to said spiral north 18°-03'-18" west 42.00 feet to an iron pin set in the north right-of-way of said U.S. 42, said pin bearing south 70°-29'-12" west 92.55 feet from an iron pin found at the intersection of the east property line of said 1.11 acre tract with the north right-of-way line of U.S. Route 42 (42.00 feet from centerline); thence with the said north right-of-way of U.S. 42 and along the arc of a spiral to the right a distance of 82.55 feet, said arc having a chord bearing of south 72°-36'-20" west 82.55 feet to a right-of-way monument of centerline station 60+69.32;

Thence south 72°-53'-40" west 105.68 feet to an iron pin set; Thence north 10°-13'-44" east 194.33 feet to an iron pin (found); Thence north 16°-46'-16" west 56.04 feet to an iron pin (found); Thence north 75°-26'-35" east 100.08 feet to an iron pin set; Thence along a new line south 16°-46'-16" east 223.81 feet to the true point of beginning containing 0.6945 acres, subject to all legal easements and restrictions of record.

Being a part of the same property conveyed to Grantor by SUNRISE Federal Savings and Loan Association (formerly known as Second Federal Savings and Loan Association of Covington, Kentucky) by Deed dated January 18, 1983, and recorded in the Office of the Clerk of Boone County Court in Deed Book 326, Page 110.

together with all rights, privileges and appurtenances thereto and all buildings and land improvements thereon; but subject to all easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

TO HAVE AND TO HOLD the same unto Grantee and Grantee's successors and assigns forever.

N O T I C E
P U B L I C H E A R I N G

The Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by Waco Oil Company, Inc. for certain real estate owned by Waco Oil Company, Inc. The map amendment request is for a change from the present zoning district of Urban Residential Two (UR-2) to Commercial Services (C-3) to allow Jiffy Lube Service Center. The Public Hearing is to be held Wednesday February 24, 1988, at 7:00 p.m., in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is located between the Shell Station and Rolling Ridge Apartments on the north side of U.S. 42, Florence, KY. The legal description for this property is represented as a part of or the complete track as recorded in DEED BOOK 326 PAGE 115 of the Boone County Clerk's office, as supplied by the applicant for this application. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this map amendment.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the map amendment, if approved, would be consistent with the Comprehensive Plan. If such a map amendment would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the requested map amendment, if approved, will be reviewed.

All interested persons are encouraged to attend and be heard.

(For publication in the Boone County Recorder, 2/11/88.)

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #6
February 24, 1988.

Page 1

Chairman Viox opened the Public Hearing for the last item on the Agenda:

6. Applicant: Waco Oil Company, Inc.
Request: Zoning Map Amendment

This was a Public Hearing on the request of Waco Oil Company, Inc. for a Zoning Map Amendment from Urban Residential Two (UR-2) to Commercial Services (C-3) to construct a Jiffy Lube Service Center. The .69-acre site is located at the old Sunrise Federal site on U.S. 42, Florence, Kentucky.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicant for his comments.

Mr. Joe Baker, attorney for Waco Oil, stated that Mr. Phil Partridge of CDS Engineers and Architects was also present. He stated that the tract was originally 1.1 acres and that the .4-acre portion was incorporated into the Shell parcel to the east. Shell had purchased the entire 1.1-acre parcel, leaving the .69-acre remnant. He noted that the .69-acre tract was shown on Shell's Concept Development Plan, but the Commission did not want to change the zoning without knowing the proposed use of the site. He noted that the City of Florence had adopted the Commission's recommendation and submitted Pages 4 and 5 of the Boone County Planning Commission Meeting Minutes of June 20, 1984 and the Minutes of the City of Florence Meeting dated July 24, 1984, as well as City Ordinance #02284 incorporating the Commission's recommendation, for the file. Waco Oil Company purchased the .69-acre parcel from Shell and has entered into a ground lease with Jiffy Lube, contingent on the zone change being granted. He submitted a picture of the Jiffy Lube facility on Delhi Pike in Ohio, which is an identical facility. He stated that Jiffy Lube basically changes oil, they do not do repairs, have a car wash, or sell gasoline. There is no storage of vehicles. Customers are not permitted to drop off their cars. The service provided takes approximately 15 minutes. The building would have an office area and three service bays. There would be spaces available for stacking. They average 45 cars per day and normal hours of operation are 8 a.m. to 6 p.m.. He stated that they would be willing to relocate the entrance to the property as suggested by Staff. He noted the topography and stated that there would be some fill provided to maintain an even grade. Jiffy Lube proposes to construct a fence with evergreen landscaping close to the perimeter of the paved area to provide for screening of the adjacent apartment complex. They believe this request to be in conformance with the Comprehensive Plan. He

stated that UR-2 Zoning is not appropriate for the site and that C-3 zoning is more appropriate as the most buildable area of the lot is adjacent to the Shell station and in the travelway of U.S. 42. The dumpster will be at the rear of the building and will be fenced and landscaped. He stated that Mr. Partridge has discussed the rain water detention with the City of Florence and a detention device will be constructed. They are willing to work with the Committee in this regard. He added that Jiffy Lube would like to have a pole sign. He asked that landscaping not be required in front of the building as it would obscure the site.

Mr. Phil Partridge stated that the site could not support a multi-family apartment complex due to the topography and necessary parking. Therefore, the existing zoning is not appropriate.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Moore noted the suggestion that the access to the site be aligned with Rax. He noted that the Access Management Regulations would not permit another access within 275 feet and questioned how the request could comply with the Regulations.

Mr. Geohegan referred to the Concept Development Plan and stated that the access could be designated as "temporary" and be closed when shared access occurred in the future.

Mr. Baker stated that this is not a new access, but was the access for Sunrise Federal. He stated that closing the access would landlock the parcel and there would be a question of eminent domain involved.

Counselor Wilson advised that the Access Management Regulations call for providing distances between the access points but provide for a short-term remedy to allow access to a site while realizing that future development may call for combined accesses.

Mr. DeLong questioned the disposal of the petroleum products.

Mr. Partridge noted the location of storage tanks on the site which are periodically pumped out into tankers. He stated that the storage tanks are constructed to government standards.

Mr. Damstrom stated that he would be concerned about people trying to make a left turn out of the site.

Mr. Baker stated that during rush hour people would have difficulty making a left turn and will generally turn to the right. He added that the facility does not generate traffic, but draws from the existing traffic.

There being no further discussion, Mr. Viox stated that this item will be on the agenda for the business meeting on March 2, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:



William Viox

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

March 2, 1988

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. R. N. Greene

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of February 17, 1988 and the Public Hearings of February 24, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Barnett moved that the Minutes of the Business Meeting of February 17, 1988 and the Public Hearings of February 24, 1988 be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

Chairman Viox asked the applicant if he wished to speak.

Mr. John Cummins stated that the decision regarding this request was up to the Commission's discretion and the Commission knows how it wants the land used.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request.

Mr. Larry Hicks, representing the adjoining property owners, Mr. and Mrs. Paul Genover, stated that he had submitted a letter to the Commission regarding their position.

There being no further discussion, Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be denied based on the Committee Report. Mrs. Smith seconded the motion.

Chairman Viox asked for a roll call vote on the motion which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Damstrom, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mr. Sharp, Mrs. Smith and Chairman Viox in favor. Mr. Collins and Mr. DeLong were opposed. The motion carried.

5. Zoning Map Amendment

A request of Waco Oil Company, Inc. for a Zoning Map Amendment from Urban Residential Two (UR-2) to Commercial Services (C-3) to construct a Jiffy Lube Service Center. The .69-acre site is located at the old Sunrise Federal site on U.S. 42, Florence, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request, based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Joe Baker, representing the applicant, stated that they are in agreement with the Committee Report, except for the condition that all exit movements from the site be right hand turn only. He stated that this sentence creates a problem with the proposed tenant. Mr. Baker asked that the Commission adopt the Committee's recommendation without this restriction. He noted that this is not a new curb cut and they have agreed to move the driveway further to the west on U.S. 42. He stated that the traffic in the area is heavy and at times it may only be possible to make a right hand turn, but the traffic can determine that. He added that this use will not create a large number of cars exiting at the same time and congestion will not be created.

Mr. McMillian, Chairman of the Committee, stated that he did not attend the Committee meeting but believed it would be fair to erase the sentence regarding the right hand turn only referred to by Mr. Baker.

Chairman Viox asked if there were any comments from the other members of the Committee.

Mr. Jones stated that he was in agreement with Mr. Baker and agreeable to deleting the sentence regarding right hand turn only.

Mr. Barnett stated that he had not signed the Committee Report as he had not yet had the opportunity. He stated that the Committee Report should stand as written. Mr. Barnett noted that the Shell station is only 56 feet from this exit and there is not adequate space between the two exits if a car makes a right hand turn out of the Shell station when a car is turning left out of the subject site. He added that the traffic is heavy in the area and that access is not being denied.

Chairman Viox noted that the Committee members are not in agreement and asked Mr. Baker if he had any further comments.

Mr. Baker stated that the driveway is currently 55 to 56 feet from the Shell property line, but the driveway is being moved further to the west.

Mr. Damstrom stated that the tenant cannot force a customer to turn right or left out of the site, but the Commission can make this recommendation from a safety standpoint. He stated that the sentence should be kept in the report.

Mr. Burch stated that the right hand turn only requirement is based on the traffic problem in the area. He stated that at certain times there may not be a problem. Mr. Burch stated that he is agreeable to deleting this sentence.

Mr. Barnett stated that the Commission has a duty to protect the people on the highway. He noted that a dangerous situation could result if someone were to make a left hand turn out of this site during rush hour and a car was exiting the Shell station at the same time. He stated that it is essential that the right hand turn only requirement remain in the report. Mr. DeLong agreed.

Chairman Viox asked Counselor Wilson to review the procedure when an applicant is not agreeable to a condition.

Counselor Wilson stated that if the applicant is not willing to agree to a righthand turn only requirement, then that condition would not be an enforceable part of the Concept Development Plan. He asked if the applicant had stated that he would not agree to the condition.

Mr. Baker stated that it was correct that he would not agree to the condition.

Counselor Wilson questioned the possibility of joint access with the Shell property to allow right hand turn only out of the Jiffy Lube site and left hand turns out of the Shell site.

Mr. Baker stated that the location of the car wash precludes the suggestion made by Counselor Wilson.

Mr. Burch moved by resolution that the request be approved as recommended by the Committee Report, except that the sentence referring to the right hand turn only out of the site be deleted. Mr. Jones seconded the motion.

Chairman Viox read the sentence referred to by Mr. Burch and stated that the motion is to delete the sentence from the Committee Report as follows: "All exit movements from the Jiffy Lube shall be limited to right hand turns onto U.S. 42 only."

Mr. Neltner questioned if the State could require that there be right hand turns only on U.S. 42 from the site in the future if the traffic situation requires it.

Counselor Wilson advised that the State has the power to control access to the highway.

There being no further discussion, Chairman Viox asked for a roll call vote on the motion made by Mr. Burch which found Mr. Burch, Mr. Collins, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. Barnett, Mrs. Bushelman, Mr. Damstrom, and Mr. DeLong were opposed. The motion carried.

6. Site Plan Review

A request of Jim Berling (applicant) for Dean Stallings (owner of the Richwood Flea Market) for Site Plan Review to grade a 10-acre (approx.) site located on the west side of Dixie Highway, south of Frogtown Road, Boone County, Kentucky. The site is zoned Industrial One (I-1).

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the Staff Report and subject to the conditions contained therein (see Committee Report).

Mr. Barnett moved that the request be approved as recommended by the Staff and Committee Reports, including the conditions. Mr. Jones seconded the motion.

In response to a question from Mr. DeLong, Mr. Breidenstein stated that he had asked the applicant to submit a letter stating that the disturbed area will be seeded and mulched. The applicant agreed and elected to indicate this on the plan, but neither the plan nor the letter has yet been received.

Counselor Wilson noted that the applicant had verbally agreed to the condition regarding the seeding and mulching. Mr. Breidenstein confirmed that the applicant had agreed.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Don McMillian, Chairman

RE: Request of Waco Oil Company, Inc. for a Zoning Map Amendment from Urban Residential Two (UR-2) to Commercial Services (C-3) to construct a Jiffy Lube Service Center. The .69 acre site is located at the old Sunrise Federal site on U.S. 42, Florence, Kentucky.

DATE: March 2, 1988

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions:

Findings of Fact:

1. Although the Committee realizes that the 1986 Boone County Future Land Use Map depicts the site as Urban Residential land uses, the Committee believes the text of the Boone County Comprehensive Plan strongly supports commercial development for this area. The Land Use Element calls for commercial development to remain near the arterial roads or close to the interstate in the U.S. 42 area. It also refers to future development along U.S. 42, east of Mall Road, being a mixture of professional and regionally-oriented commercial activity. The Land Use Element also indicates that higher density residential development in Florence should only occur where it can serve as a buffer between industrial or commercial intrusion on single family residential areas or where it is easily accessible. The Land Use Element states that residential growth in Florence will continue to be suburban in nature but not dependent on high density development. Specific references to the Comprehensive Plan are made in the Staff Report presented at the February 24, 1988 Public Hearing.
2. The Committee believes that the existing zoning classification of Urban Residential Two (UR-2) is inappropriate because of its small size and pronounced topography in relation to adjoining urban residential uses. The Committee also believes that the proposed zoning classification of Commercial Services (C-3) is appropriate because the usable portion of the site immediately adjoins a gas station and car wash facility along the frontage of U.S. 42.

Last sentence
eliminated during
3/2/88 B.M.
See minute.

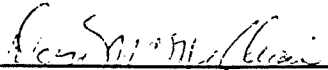
Conditions:

The Applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the February 24, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. In order to minimize conflicts with the Shell Car Wash traffic and to avoid creating conflicts at the Rax Restaurant entrance driveway to the west of the site, the proposed access point for the development shall be relocated to the west to a location directly across from the exit driveway for Rax Restaurant. All exit movements from the Jiffy Lube shall be limited to right-hand turns onto U.S. 42 only.

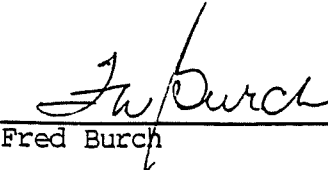
In addition, the access drive to the site shall be designated a Temporary Access Point under Section 1758A of the Boone County Access Management Regulations, and the owner of the site shall participate in common access to adjoining parcels along U.S. 42 upon any future redevelopment of those adjoining parcels.

2. The western and northern edges of the proposed pavement shall contain an attractive wooden fence to help screen the rear of the proposed building and automobile headlights from the adjacent apartment buildings. The view of the fence from the apartment buildings shall also be softened by evergreen plantings.
3. Any freestanding, or monument signage along U.S. 42 shall be placed so as not to limit motorist visibility in any way. All pertinent information regarding signage shall be supplied during Site Plan Review.

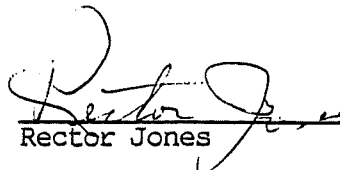


Don McMillian, Chairman


Larry Barnett



Fred Burch



Rector Jones



Carol Smith

SD1

DATE: 1/14/08

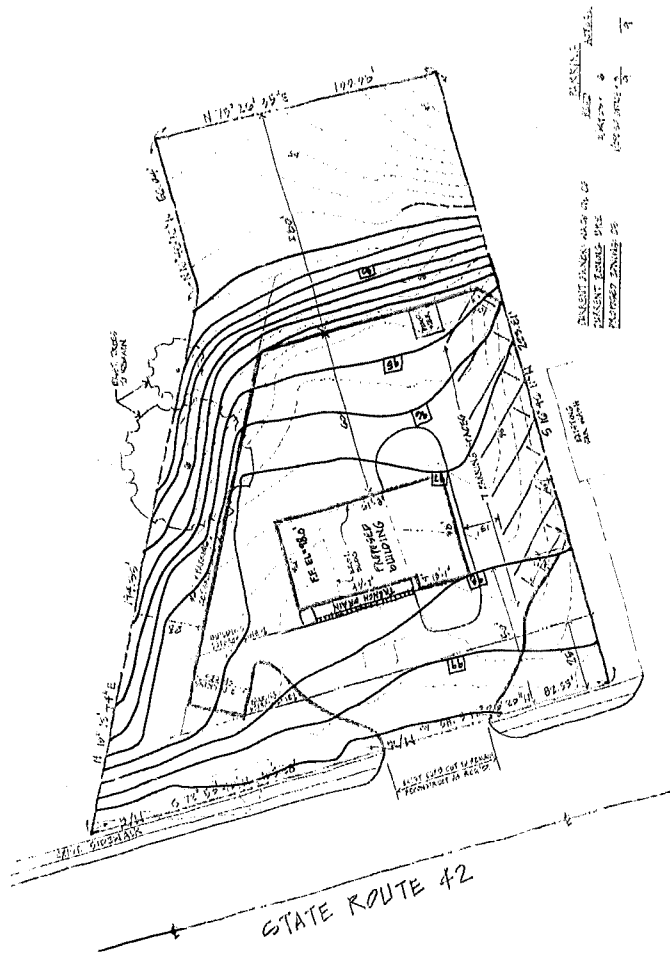
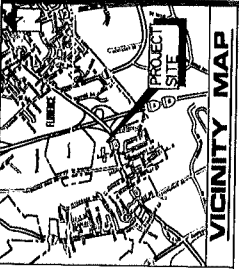
PROJECT: JEFF LUBE

NO. 100

NO.	DATE	REVISION

PROJECT TITLE: JEFF LUBE
 FLORENCE, KY
 PRELIMINARY SITE DEVELOPMENT PLAN

CDS ASSOCIATES INC.
 ARCHITECTS
 1130 HENWOOD ROAD CINCINNATI, OHIO 45245
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PRELIMINARY SITE DEVELOPMENT PLAN
 1" = 20'-0"

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, ON U. S. 42 ON THE PREVIOUS SUNRISE FEDERAL SITE, THIS ZONING CHANGE BEING FROM ITS PRESENT ZONE OF URBAN RESIDENTIAL TWO, UR-2, TO A COMMERCIAL SERVICES, C-3, ZONE, SUBJECT TO A CONCEPT DEVELOPMENT PLAN. (WACO OIL - SUNRISE FEDERAL 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 certain real estate located, generally, on U. S. 42 on the previous Sunrise Federal site in Florence, Kentucky, should be rezoned from its present Urban Residential Two, UR-2, Zone to a Commercial Services, C-3, Zone, subject to an agreed Concept Development Plan, and

WHEREAS, this recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

SECTION I

That certain real estate located on U. S. 42 on the previous Sunrise Federal site in Florence, Kentucky, shall be and the same is hereby rezoned from its present Urban Residential Two, UR-2, Zone, to a Commercial Services, C-3, Zone, subject to an agreed Concept Development Plan as conditions to this rezoning, such real estate being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That the zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of the real estate set forth in Section I and Exhibit "A" of this Ordinance.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is

hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including its development plan and the Boone County Planning Commission recommendation which are agreed to by applicant/property owner.

SECTION V

That in the event the rezoning of this property would be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect irregardless of any invalidity relating to this particular zoning.

PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF April, 1988.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26th DAY OF April, 1988.

APPROVED:

Boyan Bolje
MAYOR

ATTEST:

Stacy Conrad
CITY CLERK