

EXHIBIT "A"

NOTICE

PUBLIC HEARING

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a ~~Zoning Map Amendment request~~ ^{Concept Development Plan request for the utilization} of an underlying zone in Planned Development by GARY ^{HEREMANN} for certain real estate owned by Marathon Petroleum Company. The ~~amendment~~ request is ^{for approval of a Concept Development Plan under the present zoning district of Commercial} ~~for a change from the present zoning district of~~

Services Planned Development Overlay (C-3/PD). ~~==~~

The Public Hearing is to be held the 27th day of May 1987, at 7:00 p.m., prevailing time, 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 more particularly described as follows:

PARCEL #1

Situated in Florence, Boone County, Kentucky, and located generally in the Northeast Quadrant of I-75 and Kentucky Route 18 and described particularly as follows: BEGINNING at the intersection of the East Line of the I-75 ramp right of way with the North right of way line of Kentucky Route 18 revised; thence with said ramp, North 17° 23' East 905.90 feet; North 24° 07' East 76.23 feet; North 30° 07' East 76.28 feet; North 38° 53' East 91.27 feet; North 44° 39' East 109.26 feet to a point therein; thence leaving said highway line, South 38° 10' East 200.66 feet; North 51° 59' East 519.12 feet; South 40° 9' East 670.20 feet; South 51° 24' West 575.10 feet; South 0° 49' West 194.20 feet to a point in a common line of the properties of Angel and Lucas; thence therewith South 51° 24' West 307.82 feet; North 87° 29' West 281.84 feet; North 2° 31' East 10.0 feet; North 87° 29' West 40.0 feet; South 2° 31' West 160.0 feet to the North right of way line of Kentucky Route 18 revised; thence therewith North 87° 29' West 79.10 feet; North 80° 40' 30" West 255.85 feet; North 10° 30' East 20.00 feet; North 78° 8' West 92.85 feet or sufficient to reach the place of beginning, containing 24.607 acres and subject to legal easements of record and in existence.

Being a parcel lying on the North side of Burlington Pike (Ky. Highway 18) East of U.S. Highway 1-75 and described by N. Walton, C.E. as a result of a survey on November 4, 1968 as follows:

Beginning at the intersection of the common line of the properties now or formerly owned by J.A. Lucas and Thomas Angel, with the North right-of-way (90 feet from centerline) of Kentucky Highway 18 as relocated, said point of beginning being equal to and opposite approximate centerline station 28 + 08 of the Kentucky Highway #18 relocation; thence along said right-of-way line of Highway #18 (90 feet from centerline) North 87°-29' West 150.00 feet to a point therein; thence at right angles and leaving said highway line and partitioning said tract #1 of 8.13 acres of the J.A. Lucas property North 2° 31' East 160.00 feet; thence at right angles South 87° 29' East 40.0 feet; thence South 2° 31' West 10.0 feet; thence South 87° 29' East 281.84 feet to a point in said common line of Lucas and Angel; thence therewith South 51° 24' West 228.10 feet to the place of beginning. Containing 35,388 square feet, more or less.

This legal description given above has been supplied by the applicant for this application and represents a part of or the complete tract as recorded in DEED BOOK 358 PAGE 167 of the Boone County Clerk's office + Deed Book 183 Page 493

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.

OTHER SUPPORTING INFORMATION

Mr. David Martin, Vice Chairman, opened the Public Hearing for the sixth item on the agenda:

6. Applicant: Gary Herrmann for Marathon Petroleum Co. (owner)
Request: Concept Development Plan

This was a Public Hearing on a request of Gary Herrmann (applicant) for Marathon Petroleum Co. (owner) for Utilization of an Underlying Zone. The 1.48-acre site is on the northeast corner of KY 18 and Commerce Drive in Florence, Kentucky, and is zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Dave Geohegan, summarized the Staff Report with a slide presentation. He noted that the applicant wished to make a presentation.

Mr. Gary Herrmann stated that he is an engineer for Marathon Oil Company. He is representing Emerald Marketing Company, a subsidiary of Marathon Oil Company. Mr. Herrmann stated that they want to develop a convenient store and gasoline facility on the site. The convenient store will also sell cooked foods, such as fried foods. The fuel facility will be canopied and have a small kiosk building. They will raze the existing buildings on the site. They will sell diesel fuel, but do not intend to appeal to the semi-truck market. He stated that they will have a sign at the corner of Commerce Drive and KY 18, and also a high-rise sign on the site. He stated that landscaping will be provided.

Vice Chairman Martin asked if there were any comments or questions concerning this request.

Mr. DeLong stated that he would like to see the number of curb cuts reduced. He noted that the applicant is asking for a curb cut at the rear of the facility. He suggested that one of the accesses could be blocked, possibly the one on Commerce Drive.

Mr. Herrmann stated that the curb cuts indicated on the Concept Development Plan exist at this time. He indicated that the curb cut to the rear would be used for access to the dumpster and for service vehicles. He noted that parking for employees would also be provided at the rear of the site.

Mr. Ron Shuman with Emerald Marketing Company in Indianapolis, Indiana, stated that there will be two businesses operating at the site. He indicated that the access on Commerce Drive would be used for the convenient store. He stated that he could agree to eliminating the center drive on KY 18 and having four curb cuts for two businesses.

Mr. DeLong indicated his concerns for safety at the site. Vice Chairman Martin stated that the Committee should consider Mr. Shuman's comments and those of Mr. DeLong in their review.

Staff Member, Dave Geohegan, noted the Staff's concerns regarding access management and stated that the curb cut on KY 18 near Commerce Drive does not meet the corner clearance requirements of The Boone County Zoning Regulations. He also noted Staff's concerns regarding signage and Landscaping of the site. He stated that the environment foreseen in the Parkway Corridor Study could be achieved with proper access management, signage, landscaping, and pedestrian circulation.

Vice Chairman Martin stated that this item will be on the agenda for the Business Meeting on June 3, 1987 at 8 P.M.. He suggested that interested parties remain in contact with the Staff.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

REQUEST OF GARY HERRMANN (APPLICANT) FOR
MARATHON PETROLEUM CO. (OWNER) FOR
UTILIZATION OF AN UNDERLYING ZONE
IN PLANNED DEVELOPMENT OVERLAY

This request is for Utilization of an Underlying Zone and approval of a Concept Development Plan. The 1.48 acre site is on the northeast corner of KY 18 and Commerce Drive, Florence, Kentucky, and is zoned Commercial Services/Planned Development (C-3/PD).

SURROUNDING LAND USES AND ZONING

The surrounding land uses of the 1.48 acre site include the Burns Brothers Truck Stop and Shell gas station to the south, Shoney's Restaurant and the Cross Country Inn to the west, the Emro Commercial Land Subdivision to the north, and the Gulf Car Wash and gas station to the east. The surrounding zoning is Commercial Services/Planned Development (C-3/PD) except for on the south Office Two/Planned Development (O-2/PD).

NATURAL FEATURES OF THE SITE

Most of the site is level and contains existing development. The approximately 0.3 acre triangular area on the east portion of the site slopes steeply to the north and contains existing trees. This area is proposed to remain in that capacity. Overall, the site drains to the north on currently undeveloped property in the Florence Business Park.

RELATIONSHIP TO COMPREHENSIVE PLAN

The request for Utilization of an Underlying Zone is reviewed in relation to the Boone County Comprehensive Plan and the Parkway Corridor Study. The 1986 Future Land Use Map indicates commercial usage of the site. The text of the Comprehensive Plan also addresses the area:

Page L-19 addresses commercial development along the arterials in Florence.

"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."

Page G-3 states as an objective for the Business Activity Element:

"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)."

The Parkway Corridor Study addresses the general areas in the following manner:

KY 18 PARCELS

1KY: C3/PD

Development of this parcel is currently in progress. The major access points of this development are along KY 18 and Cardinal Drive and its proximity to I-75 makes it an attractive site for commercial development. Its relatively close location to the Parkway will enhance its accessibility for local traffic as well.

In addition, the Parkway Corridor Study contains specific criteria on which the land use plan was based. These are oriented mainly to provide for safety and ease of traffic and pedestrian movement, access management, buffering between different uses, attractive, ground level conditions, and people-oriented services and activities. These are to be accomplished through the Planned Development Overlay review process.

The following language appears in the Specific Constituent Elements that underlies the plan concept of the Parkway Corridor Study:

"f) to make all study area development subject to vehicle and pedestrian access management guidelines as well as urban design and landscape review criteria/regulations under the PD Overlay procedure listed above and other appropriate zoning regulations, for example, sign district regulations"

MARATHON OIL CONCEPT DEVELOPMENT PLAN

The Concept Development Plan indicates redevelopment of two parcels of land east of Commerce Drive and north of KY 18. The corner parcel contains an existing Bonded gas station and convenience store, and the east parcel on KY 18 currently contains a vacant liquor store. The Concept Plan indicates that all existing structures would be demolished. All new structures and pavement would be constructed. These would include a canopy with eight gas pump islands and a kiosk near the center of the site. The plan indicates a 3,256 square foot convenience store

to be constructed off Commerce Drive. The triangular portion of land on the east of the site will retain its existing vegetation and topography.

The Concept Plan indicates that the existing three curb cuts on KY 18 would be retained along with the existing cut on Commerce Drive. An additional curb cut is indicated on Commerce Drive, across from Shoney's Restaurant drive.

The applicant has indicated plans for landscaping as well as screening for the dumpster area. The Plan also indicates a future sidewalk along KY 18.

STAFF CONCERNS

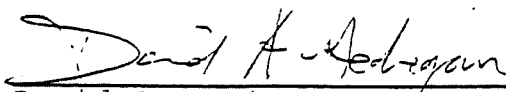
Staff's major concern with the Marathon Concept Development Plan is access management. Staff feels that three curb cuts on KY 18 is an undesirable situation, especially near Commerce Drive. Within 320 feet of Commerce Drive there are four curb cuts on KY 18. The existing cut closest to Commerce Drive does not meet the minimum corner clearance as required by Section 1730A of the Boone County Zoning Regulations. Staff feels that one curb cut is necessary on KY 18. Consideration should also be given to the applicant participating in common access or connecting drive to the property to the east in the event of re-development of that property.

Another concern involves signage on the site. The applicant has indicated plans to utilize an existing 100 foot sign pole at the rear of the site, and to construct and replace the existing free-standing Bonded sign at KY 18 and Commerce Drive with a 24 foot, free-standing Speedway sign. Staff is concerned with the amount and height of signage already present at the interchange area.

A third concern is in relation to the attractive, ground level conditions stressed in the Parkway Corridor Study. Additional landscaping in conjunction with the Convenience Store would be appropriate. Any landscaping proposed in the KY 18 right-of-way would require approval by the Department of Transportation.

CONCLUSION

The use proposed on the site is similar to that which currently exists there and is permitted by the underlying zone. The planned development is certainly automobile oriented. However, with proper access management, signage, landscaping, and pedestrian circulation, the attractive ground level conditions and pedestrian environment foreseen in the Parkway Corridor Study can be attained.



David A. Geohegan,
Planner/Plans Examiner

EXHIBIT "B"

REPORTS:

Vice Chairman Martin noted that the Zoning Enforcement Officer's Report and the Building Inspector's Report had been distributed for the Commission members to review. There being no comments or questions regarding the reports, Mr. Martin proceeded to the items on the agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment and Concept Development Plan

A request of Buchanan Development Corporation for a Zoning Map Amendment and Utilization of an Underlying Zone for Planned Development on a 101-acre site located west of I-75, north of Woodspoint Drive, east of Houston Road, and south of the southbound Turfway Interchange ramps. The request is to utilize the existing Commercial Two/Planned Development (C-2/PD) Zone and to rezone the remainder of the site from Industrial One/Planned Development (I-1/PD) and Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Commercial Two/Planned Development (C-2/PD).

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the July 1, 1987 Business Meeting to allow Staff adequate time to evaluate information presented by the applicant (see Committee Report).

Vice Chairman Martin asked if the applicant wished to comment on the Committee Report.

Mr. Jim Berling stated that he was in agreement with the Committee Report. He noted that Mr. and Mrs. McCausland were also present and agree to the deferral.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission. There was no discussion.

Mr. Barnett moved, seconded by Mrs. Smith, that the request be deferred as recommended in the Committee Report. The motion carried unanimously.

2. Concept Development Plan

A request of Gary Herrmann (applicant) for Marathon Petroleum Co. (owner) for Utilization of an Underlying Zone. The 1.48-acre site on the north-east corner of KY 18 and Commerce Drive in Florence, Kentucky is zoned Commercial Services/Planned Development (C-3/PD).

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

Vice Chairman Martin asked if the applicant wished to comment on the Committee Report.

Mr. Gary Herrmann stated that they are agreeable to the conditions; but in view of the changes to the curb cuts, they would like to reserve the right to reposition the building, canopy, and dispensers on the lot.

Vice Chairman Martin advised him that his request was allowable under the Concept Development Plan, and asked if he was in agreement with all the conditions. Mr. Herrmann indicated that he agreed to all the conditions.

Vice Chairman Martin asked if there were any comments from the floor or the Commission. There was no discussion.

Mr. DeLong moved, seconded by Mr. Burch, that the request be approved as recommended in the Committee Report. The motion carried unanimously.

3. Zoning Map Amendment

A request of Pilot Oil Company (applicant) for Preston and Mary Ann Woods (owners) for a Zoning Map Amendment on a 0.68-acre site located west of U.S. 25 and north of KY 338 in Boone County, Kentucky. The request is to rezone the property from Rural Suburban (RS) to Commercial Services (C-3). The intended use is to provide additional areas for circulation for a future truck stop.

Mr. Gerald Newton, Director, stated that a letter addressed to Mr. Jim Sturdevant, Staff Member, had been received today. The letter was from Mr. Henry L. Feders, Jr., Project Manager of KZF Incorporated, and read, "On behalf of Mr. James A. Haslam III, Vice President - Marketing, Pilot Oil Corporation, KZF respectfully requests withdrawal of the subject Zoning Map Amendment request."

Vice Chairman Martin stated that correspondence regarding this issue had been received from Thelma Castellini and Zelma King. The correspondence has been reviewed and noted and is on file in the Staff Office.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission.

In response to a question from Mrs. Thelma Castellini, Mr. Martin clarified that the request for withdrawal applies to the zone change only, not the Site Plan.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Zone Change Committee; Fred Burch, Chairman

DATE: June 17, 1987

RE: Request of Gary Herrmann (applicant) for Marathon Petroleum Co. (owner) for Utilization of an Underlying Zone. The 1.48 acre site is on the northeast corner of KY 18 and Commerce Drive, Florence, Kentucky, and is zoned Commercial Services/Planned Development (C-3/PD).

REMARKS:

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

FINDINGS OF FACT

The proposed development, with the attached conditions, is in agreement with the objectives and recommendations of the Boone County Comprehensive Plan and the Parkway Corridor Study regarding the use, access management, provisions for pedestrian use, and provisions for attractive ground-level conditions. The text of the Comprehensive Plan notes that traffic-oriented commercial development in this area should remain near the arterial roads or close to the interstate. The access points as indicated in the conditions of this report meet the requirements of the Boone County Access Management Regulations and are consistent with the objectives of the Parkway Corridor Study. The landscaping and sidewalks to be provided are also consistent with the objectives of attractive ground-level conditions and a pedestrian environment. Specific references to the Boone County Comprehensive Plan and the Parkway Corridor Study are made in the Staff Report.

CONDITIONS

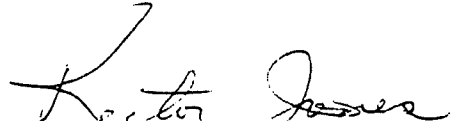
1. The applicant shall reduce the number of curb cuts on KY 18 to one. This curb cut shall conform to the minimum corner clearance requirements of Article 17A of the Boone County Zoning Regulations. Any other cuts will be closed and replaced with landscaping after appropriate contact with the Department of Transportation.
2. The applicant shall have one access point on Commerce Drive across from the Shoney's Restaurant driveway. The existing cuts will be closed and replaced with landscaping.

CONDITIONS - Continued

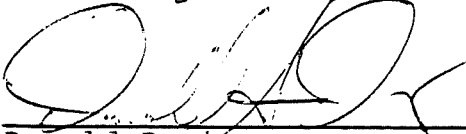
3. The applicant shall provide additional landscaping around the convenience store building. Specific landscaping plans for the entire site shall be furnished at Site Plan Review.



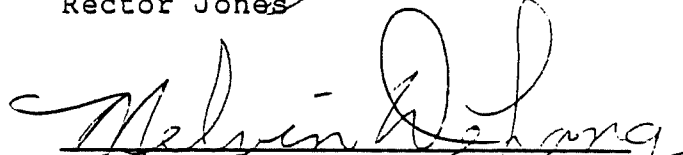
Fred Burch, Chairman




Rector Jones



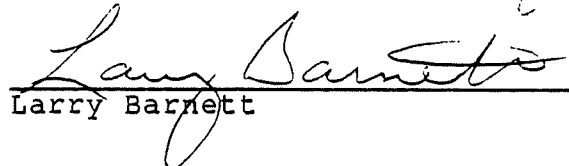
Donald Davis



Melvin DeLong



William Viox



Larry Barnett

R-39-87

ORDINANCE NO. C-33-87

AN ORDINANCE ADOPTING AND APPROVING THE USE OF AN UNDERLYING ZONE WHICH IS COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) BY THE PARKWAY CORRIDOR STUDY, AND IS LOCATED ON A 1.48 ACRE TRACT GENERALLY ON THE NORTHEAST CORNER OF KENTUCKY 18 AND COMMERCE DRIVE, IN THE CITY OF FLORENCE, KENTUCKY. (MARATHON PETROLEUM CO. PROPERTY)

WHEREAS, certain property consisting of approximately 1.48 acres, more particularly described in Exhibit "A", is presently zoned C-3, with a Planned Development Overlay (C-3/PD), and

WHEREAS, the Planned Development Overlay requires submittal of a concept development plan for review and approval in principle as to land use types and intensities under applicable zoning regulations, and

WHEREAS, the Boone County Planning Commission has reviewed the submitted concept development plan for the property described in Exhibit "A" and recommended approval in principle subject to conditions agreed to and accepted by the owner and applicant for the approval in principle to utilize the underlying zone, and

WHEREAS, the City Council of Florence, Kentucky has reviewed the Commission recommendation and presentation of the owner and applicant.

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

SECTION I

That approval in principle of the concept development plan of Marathon Petroleum Co. property more particularly described in Exhibit "A" to utilize the underlying zone shall be and the same is hereby granted, subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the committee report made 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-39-87, and the committee report, ~~both of~~ which are dated 6/17/87/7/1/87.

SECTION II

That the owner and applicabnt of the subject property has agreed to those conditions, terms and provisions of Exhibit "B" and made them a part of their concept

development plan, as they are essential to addressing concerns of the Parkway Corridor Land Use Study.

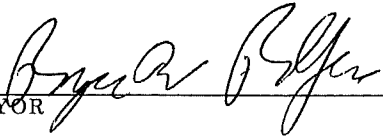
SECTION III

That this approval in principle of the concept development plan is not final approval and owners and applicant must meet and satisfy all requirements in Article 15 relating to preliminary development plan, improvement plans and final plats or site plan review where no subdivision of land is involved.


PASSED AND APPROVED ON FIRST READING THIS 28th DAY OF July, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 4th DAY OF August, 1987.

APPROVED:


MAYOR

ATTEST:


CITY CLERK