

OTHER SUPPORTING INFORMATION

STAFF REPORT

REQUEST OF DON CONRAD (APPLICANT) FOR NORMAN H. AND RUTH ARLINGHAUS (OWNERS) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) AND A CONDITIONAL USE PERMIT

JULY 27, 1988

This request is for a Zoning Map Amendment for a 2.29 acre parcel of land located on the south side of Burlington Pike at Ridge Road. The present use is a single-family residence; the proposed use is a convenience store as a principally permitted use with gasoline sales and a car wash as conditional uses. The request is to rezone the parcel from Suburban Residential Two (SR-2) to Commercial Two (C-2), with a conditional use permit to operate a gasoline service station and a car wash.

In May of last year the subject property, plus the adjacent property (.85 acre Rightway Nursery), was subject to a Zone Map Amendment. The request was to change the zoning from Suburban Residential Two (SR-2) to Commercial Services (C-3). The intent was to use the site for a plumbing and heating business. At their meeting of April 15, 1987, the Boone County Planning Commission voted with a majority to approve the request, with conditions. The request was subsequently denied by the Fiscal Court of Boone County at their May 26, 1987 meeting.

SURROUNDING LAND USES AND ZONING

There is a small parcel of land between the subject site and Ridge Road that is owned by the state. The parcel is excess right-of-way created when Ridge Road was moved to align with Greenview Drive. On the southwest corner of Ridge Road and KY 18 is a commercial nursery. The business is operated as a non-conforming use in a Suburban Residential Two (SR-2) zone. There is a single family residence next to the nursery, and farther west some commercial zoning districts.

South of the subject site, in the SR-2 zone are several single-family residences which front onto Ridge Road. The SR-2 zone is continued to the east of the parcel where two single-family residences exist. The rest of the property fronting onto KY 18 to Hopeful Road is zoned Commercial Two (C-2) and Commercial Services (C-3). There are plans to develop two car dealerships along this section of Burlington Pike.

Directly north of the subject site, across Burlington Pike, is a convenience store in a Commercial One (C-1) zone. Adjacent to the commercial zone is a Urban Residential One (UR-1) zone that is presently used as a pasture.

To the northwest there is a small vacant lot in a Suburban Residential One (SR-1) zone at the corner of Greenview Drive and KY 18. Adjacent is a Commercial Services (C-3) zone that contains two car dealerships and a church.

EXISTING FEATURES OF THE SITE

Soils on the site are Rossmoyne silt loam (0-6% and 6-12% slopes), which provide only moderate limitations to urban development, although they do have severe limitations for sewage septic systems and are highly erodible if not properly managed. The site is relatively level, drainage is toward the southeast.

A single family residence is currently located on the site, fronting onto KY 18. The rear of the site is a vacant field. There is little vegetation on the site except for a few trees located around the existing house.

Ridge Road aligns with Greenview Drive to the north, forming a four way intersection with Burlington Pike (KY 18). At present the site has two driveways onto KY 18, both located at the far eastern edge of the property.

RELATIONSHIP TO COMPREHENSIVE PLAN

This Zoning Map Amendment must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

1986 Future Land Use Map

Borderline Medium Density Residential/Commercial

1986 Goals and Objectives (page G-3)

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.

Business Activity Element (page B-14)

"Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and US 42. Along KY 18 and the I-75 / Mall Rd. / Houston Rd. area, there are many traffic problems that can be worsened by adding commercial access points."

Land Use Element (page L-15)

"The Mall Road area will continue to grow as a regional shopping area and its spill over onto US 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled. Commercial growth on KY 18 will be primarily interchange related."

"The existing residential homes fronting on KY 18 will become small commercial areas. The use of interconnecting parking lots or frontage roads on this section of KY 18 is critically important to the success of any development and trafficability on this portion of KY 18."

Public Facilities Element (page PF-11)

"The extension of the Florence sewerage system west along Burlington Pike commits the area to intensive development in the very near future."

In summary, the 1986 Boone County Comprehensive Plan emphasizes the need for careful development of property along KY 18. The major concern with development along the roadway is the amount of traffic that will be generated. Burlington Pike (KY 18)

is classified as a Major Arterial, to provide movement of through traffic. The plan speaks to the need to limit access points to commercial development along KY 18.

The 1986 Boone County Comprehensive Plan calls for compact, efficient commercial development of an integrated design to surrounding uses. Landscape buffering should be used to separate different land uses.

PUBLIC FACILITIES

There is a 12 inch water main that cuts across the front of the parcel, parallel to Burlington Pike. A fire hydrant is located at the front of the parcel, and a sanitary sewer manhole located across Ridge Road.

CONCEPT DEVELOPMENT PLAN

The Concept Development Plan shows an approximately 2,000 square foot building to be used for a convenience store and gas sales. In front of the store would be six gas islands covered by a canopy. At the rear of the site is a structure for an automatic car wash and four car wash stalls. The submitted plan does not indicate any plans for the extreme rear portion of the property, behind the car wash building.

The plan shows four access points to the property; two onto Ridge Road and two onto KY 18. All of the driveways are shown as being 35 feet in width. The distance from the intersection and the first driveway onto KY 18 is approximately 78'. The second driveway is slightly over 130 feet from the first, and approximately 240 feet from the intersection. The driveways onto KY 18 are to be designated right-turn-in, right-turn-out only. Acceleration and deceleration lanes have not been indicated on the Concept Plan. The Ridge Road driveways are approximately 125 feet and 250 feet, respectively, from the intersection of Ridge Road and KY 18.

The submitted Concept Development Plan does not indicate any buffering or landscaping plans for the site. Also, the provision of water, sanitary sewer and storm water detention is not addressed by the plan.

STAFF CONCERNS

Traffic and access are the primary staff concerns, due to the location and the proposed use of the site. Convenience stores are high traffic generators, and the site is located at an important intersection of KY 18.

Estimated traffic generated based on the ITE Trip Generation Manual for the proposed uses will be:

| | GSF | Weekday 24 hr | AM Peak | PM Peak |
|--------------------|-------|------------------|------------|------------|
| Convenience Market | 2,000 | 1,774 | 136 | 143 |

These volumes do not consider that there will be gas sales or a car wash at the site. The estimates of traffic generated, therefor, are somewhat low.

Although it is assumed that little new traffic will be generated, the estimated volume entering and exiting is sufficient to make safe access to the site a concern. The site plan does not lend itself to future shared access with adjacent properties, nor possible frontage road system. This site is very important to a frontage road system as it is located at an existing intersection with KY 18.

Burlington Pike (KY 18) is classified as an Access Class I Arterial, subject to Access Management Regulations. The minimum distance that driveways are to be placed from an signalized intersection is 230 feet, where no median is present. In addition, the spacing between driveways is to be 275 feet on arterial roads. The planned development of the site will not meet the requirements, or intent of the Access Management Regulations.

The role of this portion of KY 18 is to move traffic through the area. The Comprehensive Plan and Access Management Regulations speak to the need to maintain traffic movement by limiting curb cuts. Access to adjoining land is to be a secondary function of the roadway. Where access is deemed appropriate acceleration and deceleration lanes should be provided to insure the safety of autos entering and exiting the roadway. The narrowness of the site does not provide enough frontage for two driveways or acceleration / deceleration lanes to be provided.

There is a concern that traffic will try to make left turns into, and out of the driveways on KY 18. Staff feels that people will try to make left turns, regardless of the signage or design of the driveways. These movements will only add to a very congested intersection at Ridge Road and KY 18.

The importance of major intersections is referred to in both the Comprehensive Plan and Access Management Regulations. Congested intersections are a major reason that roadways cannot operate at their maximum capacity. The traffic generated by the

proposed use could seriously affect the capacity of the roadway to efficiently move through traffic, especially at the intersection.

If the Commission should decide to waive the minimum corner clearance and driveway spacing requirements for the access points onto KY 18, staff recommends the following conditions:

1. The driveways onto KY 18 should be designated right-turn-in and right-turn-out only and redesigned to limit left turning movements. This should include reducing the width, adding barrier islands, providing and maintaining directional markings and signs.
2. The driveways be designated as temporary so that they may be removed, or relocated (at owner's expense) if an alternate access connection becomes available or the property redevelops.

The other area of concern is the relationship of the proposed development to the surrounding residential uses. If the request is approved, great care should be made to provide adequate buffering to the residential uses. Extensive berming and landscaping would be appropriate to provide buffering to this site. This is especially important because the business will operate 24 hours a day.

The architectural features of the buildings are important in providing a good visual impact on the surrounding neighborhood. Limiting the size, color and design of the buildings and signs would help to integrate the development with the surrounding uses. Lighting should be designed to not be a nuisance to the residential areas, or to traffic on KY 18. The applicant should provide detailed information on these items, if the request is approved.

CONCLUSION

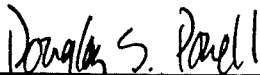
This request represents a major traffic impact to the KY 18 roadway. The Boone County Planning Commission and Boone County Fiscal Court need to view the proposal in terms of the three criteria necessary for granting a zone change as well as Articles 17 and 17A; supplemental performance standards and access management.

The conditional use permit needs to be reviewed in terms of Article 2, section 263. The following criteria should be used:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or the zoning order;

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Should the request be approved, the Boone County Comprehensive Plan would not need to be amended.



Douglas S. Powell
Transportation Planner

E-1

A

A

A

A

C-2/PD

(CD)

C-2/PD

R-1

C-3

CLEAR ZONE

C-1

LSR-1

O-2/PD

SR-1

C-2

C-1

SR-2

SR-2

UR-1

1018

C-3

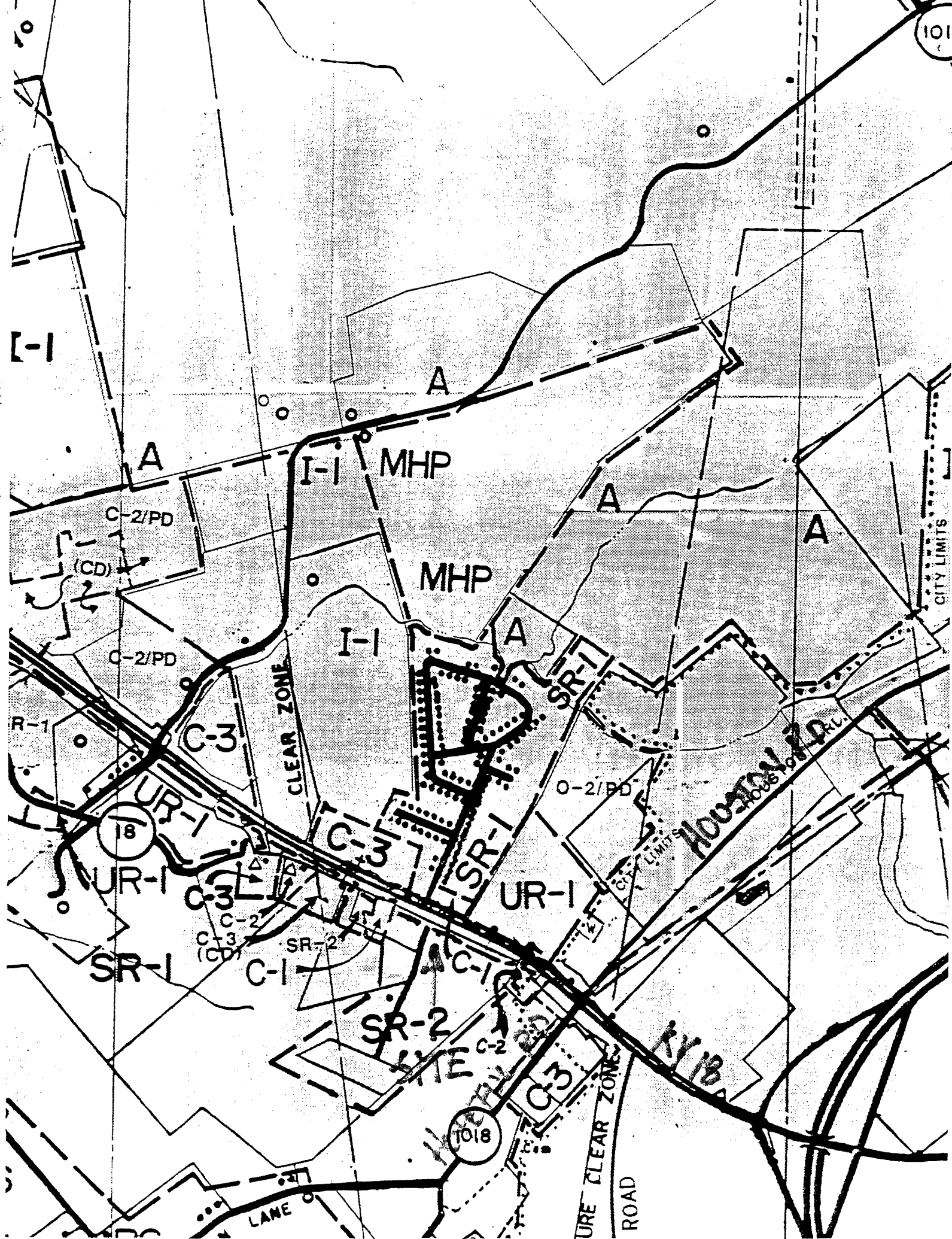
RY 18

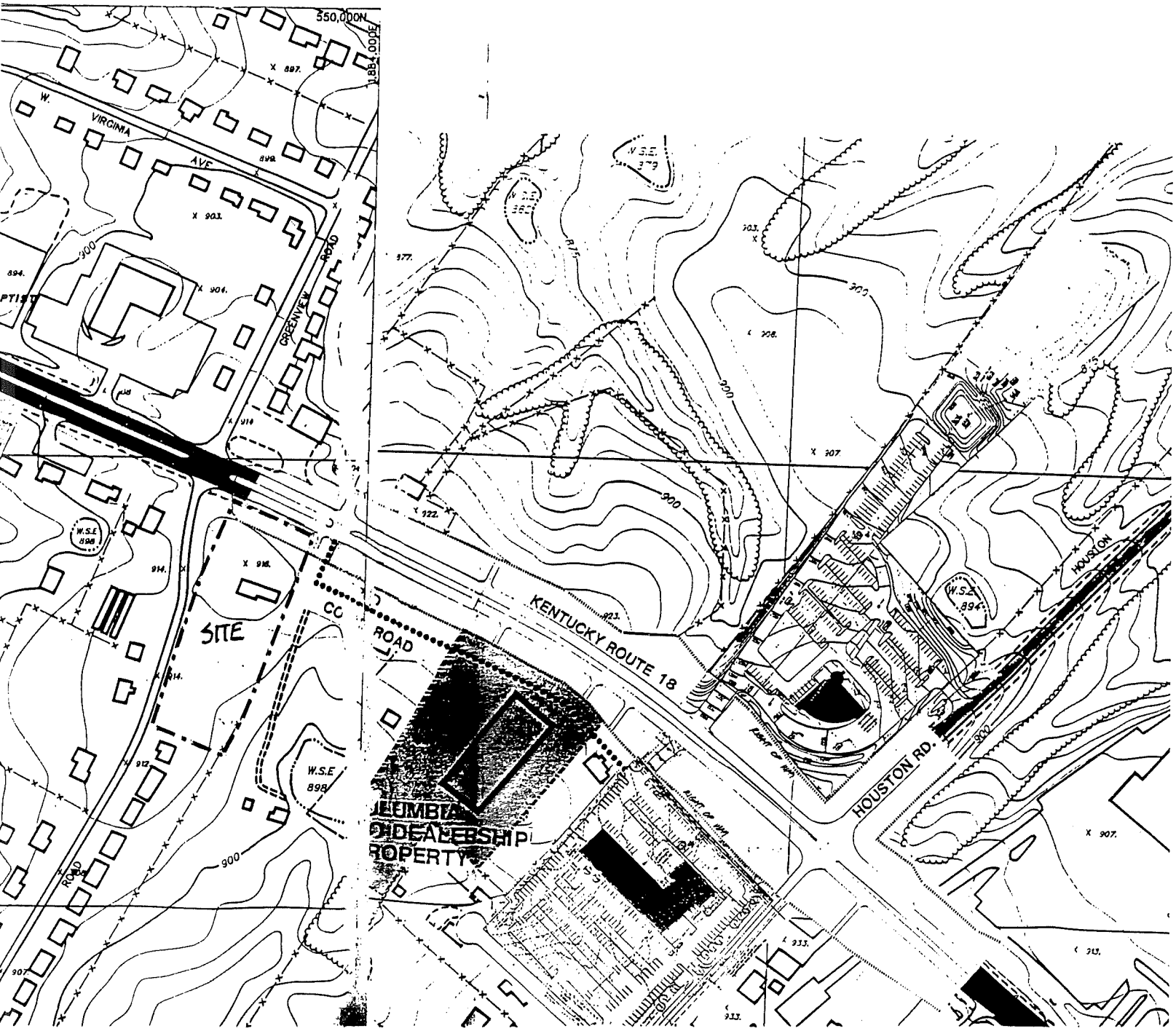
LANE

URE CLEAR ZONE ROAD

CITY LIMITS

HOUSTON AVE





KY 18

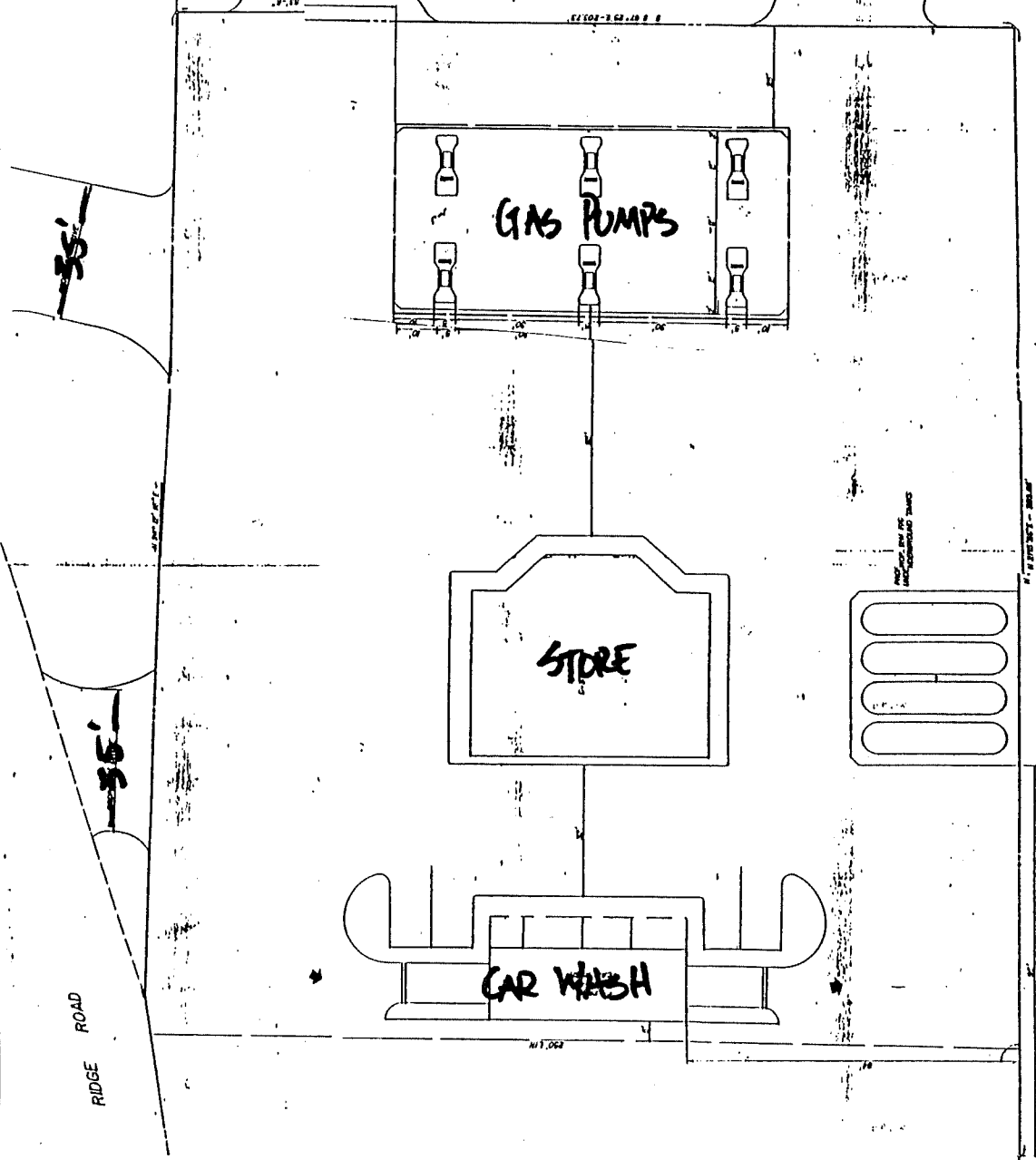
287' to intersection

35'

35'

SHELL OIL COMPANY
SHELL DINO ESTER
RIDGE ROAD &
KY. HWY. 18

PRELIMINARY



RIDGE ROAD

CAR WASH

STORE

GAS PUMPS



KY RT. 18 (KY 1962)
805 TO NW E. OF MARYLETT

Utilities Easement

V 23.1 E

250' 1st Utilities Easement

Iron Pin Monument

FARM SUBDIVISION

E

300' to E old Ky 18

Iron Pin Monument

ROAD

RIDGE

N 14° 41' E 80'

85'

LOT 1 WHALEY'S BARRY

PLAT Book 2 Page 53

C

D

S 75° 19' E 575.19' E

204.47'

S 85° 53' E 185.53'

B

300.8'

82.21'

2232.2704'

Iron Pin Monument

S 65° 45' E 215.25'



90'

90'

N 67° 14' W 204.2'

N 75° 19' W 160.96'

N 75° 19' W 160.96'



APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: Don Conrad c/o WACO Oil Company Owner

Address: 219 Garrart Street Agent

Covington, Kentucky 41011 Telephone: (606) 581-9226

Location: Ky. 18 at Ridge Avenue (southeast corner), Florence, Kentucky 41042

Name of Property Owner: Norman H. and Ruth Arlinghaus

Address of Property Owner: 555 Burlington Pike, Florence, Kentucky 41042

Zoning District: _____ Area in Acres: 2.29 acres(+/-)

Deed Book: 189/190 Page Number: 422/535 Group Number: 365

Description of Request: Zone Map Ammendment from SR-2 to C-2 to permit development of a Convenience Store as a C-2 principally permitted use and a gasoline service station, including wash service as a C-2 conditional use as per the attached preliminary plans and specifications.

Applicant's Signature: Don Conrad

Property Owner's Signature: _____

Continuance of zone change FOR PLANNING COMMISSION USE ONLY
Application Fee: 255.00 Date Received: 7-6-88 By: JAH

Referred To: Kevin

Meeting Date: _____

Action Taken: _____

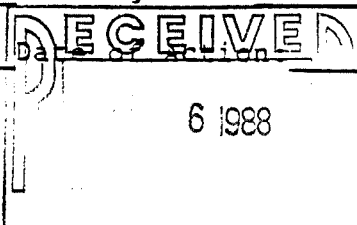


EXHIBIT "A"

DEED

Know All Men By These Presents:

CLERK'S OFFICE
SHORT  FORM
DEED

That HARRY W. WHALEY AND LASSIE T. WHALEY, his wife

Property Transfer Tax Paid \$ 6.00
JERRY W. HOUSER, Clerk, A.O.D. C.

for and in consideration of Six thousand and 00/100----- to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

NORMAN H. ARLINGHAUS AND RUTH ARLINGHAUS, his wife, for their joint lives, with the remainder to the survivor of them, in fee, his or her

heirs and assigns forever, the following described Real Estate, in the City of ----- Boone
County of ~~Boone~~ and Commonwealth of Kentucky, to-wit: Group No. 365 Buri
Present Street Address ----- Plat No. -----

Lots "B", "C" and "D" in the re-subdivision of Lot 1 of Whaley's Baby Farm Subdivision as recorded in Plat Book No. 9 at page 39, group 365 in the office of the Boone County Clerk at Burlington, Kentucky, the original plat of said Whaley's Baby Farm Subdivision being recorded in Plat Book No. 2 at page 53 of the above mentioned records.

Being a portion of the property transferred to Harry W. Whaley and Irene Whaley, by deed from W. R. Davis and Laura Davis, dated July 30, 1948 and recorded in Deed Book 90 at page 352 of the above described records, and further to the grantor herein, Harry W. Whaley from Irene Whaley by deed dated November 8, 1958, and recorded in Deed Book No. 138 at page 60 of the above described records. Harry W. Whaley has since married Lassie T. Whaley, and she joins in this deed to convey her interest by virtue of this marriage.

This deed is replacement of a deed for the identical parcels, grantors and grantees, prepared by Geo. J. Schaefer, Attorney at Law, on or about July 15, 1969, and which was lost or destroyed prior to being recorded.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging TO HAVE AND TO HOLD the same to the said

Norman H. Arlinghaus and Ruth Arlinghaus, his wife, for their joint lives, with the remainder to the survivor of them, in fee, his or her

heirs and assigns, forever, the Grantor their heirs, executors and administrators, HEREBY COVENANTING with the grantee their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantor Harry W. Whaley and Lassie T. Whaley, his wife

hereunto set their hand, this 2nd day of June in the year 1970

STAMPS

Notary Public seal for Harry W. Whaley and Lassie T. Whaley.

STATE OF Kentucky COUNTY OF Kenton

SCT.

L. Paul Johnson Notary Public

In and for said County and State, do certify that the foregoing instrument of writing from Harry W. Whaley and Lassie T. Whaley, his wife

to Norman H. Arlinghaus and Ruth Arlinghaus, his wife was this day produced to me by the parties, in said County and State, and then and there acknowledge by said Harry W. Whaley and Lassie T. Whaley, his wife to be their act and deed.

Given under my hand and seal of office, this 2nd day of June 19 70

My commission expires the 31 day of September (SEAL)

A.D. 1970

Paul Johnson Notary Public

COMMONWEALTH OF KENTUCKY, BOONE COUNTY

SCT.

JERRY W. ROUSE I. A. CLOWD, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from HARRY W. WHALEY and LASSIE T. WHALEY

to NORMAN H. ARLINGHAUS and RUTH ARLINGHAUS

was this day presented to me in my office, certified as above, and this day left for record at 10:32 A. M. Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office. Given under my hand this 5th day of June in the year 1970

JERRY W. ROUSE LYNN WOOD, Clerk.

Robert D. Davis D. C.

WARRANTY DEED

From HARRY W. WHALEY LASSIE T. WHALEY To

NORMAN H. ARLINGHAUS 331 Dumbly Pike BOONE COUNTY

ACKNOWLEDGED

Signature of Norman H. Arlinghaus, Clerk

Left for Record June 7 1970

RECEIVED

1970 JUN - 5 AM 10:32 Recorded in Deed Book No. 109, Page 442

GENERAL INDEX GROUP Index Clerk

This Deed Prepared By THEISEN & THEISEN 401 Pike Street Covington, Kentucky

DEED

Know All Men By These Presents:

CLERK'S OFFICE
SHORT ★ FORM
DEED

That HARRY W. WHALEY and LASSIE T. WHALEY, his wife,

Property Transfer Tax Paid \$ 25.00
JERRY W. ROUSE, Clerk *JWR* D. C.

for and in consideration of Twenty-five Thousand Dollars to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

NORMAN J. ARLINGHAUS and RUTH ARLINGHAUS, his wife, jointly for and during their natural lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of _____;

County of Kenton and Commonwealth of Kentucky, to-wit:

Group No. 365 -

Burlington

Present Street Address 555 Burlington Road

Plat No. _____

Lot "E" in the re-subdivision of Lot One (1) of Whaley's Baby Farm Subdivision as recorded in Plat Book Number 9 at page 39, Group 365 in the Office of the Boone County Clerk at Burlington, Kentucky; the original plat of said Whaley's Baby Farm Subdivision being recorded in Plat Book Number 2 at page 53 of the above mentioned Records.

Being a part of the same property conveyed to Harry W. Whaley and Irene Whaley by deed dated July 30, 1948, recorded in Deed Book 90, page 352, and, further, to Harry W. Whaley, one of the grantors herein, from Irene Whaley, by deed dated November 8, 1958, recorded in Deed Book 138, page 60, Boone County Clerk's Records at Burlington, Kentucky.

Harry W. Whaley subsequently married Lassie T. Whaley, also a grantor herein.

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN DRAFTED BY JOSEPH L. SUMME, ATTORNEY, LAWYERS BLDG., COVINGTON, KENTUCKY.

Joseph L. Summe
JOSEPH L. SUMME

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging TO HAVE AND TO HOLD the same to the said NORMAN J. ARLINGHAUS and RUTH ARLINGHAUS, his wife, jointly for and during their natural lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the grantees, their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantors, HARRY W. WHALEY and LASSIE T. WHALEY, his wife,

hereunto set their hands, this 10th day of September, in the year 1970.

STAMPS

W-1

Notary signature lines for Harry W. Whaley and Lassie T. Whaley.

STATE OF KENTUCKY
COUNTY OF KENTON

SCT.

I, Thomas J. Anderson

Notary Public

In and for said County and State, do certify that the foregoing instrument of writing from HARRY W. WHALEY and LASSIE T. WHALEY, his wife,

to NORMAN J. ARLINGHAUS and RUTH ARLINGHAUS, his wife,

was this day produced to me by the parties, in said County and State, and then and there acknowledge by said

HARRY W. WHALEY and LASSIE T. WHALEY, his wife,

to be their act and deed.

Given under my hand and seal of office, this 17th day of September, 1970.

My commission expires the day

(SEAL)

Signature of Thomas J. Anderson

Notary Public, Kenton County, Kentucky.

COMMONWEALTH OF KENTUCKY,

SCT.

JERRY W. ROUSE

I, JERRY W. ROUSE, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from HARRY W. WHALEY and LASSIE T. WHALEY

to NORMAN J. ARLINGHAUS and RUTH ARLINGHAUS

was this day presented to me in my office,

certified as above, and this day left for record at 9:00 A. M.

Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office.

Given under my hand this 21st day of September, in the year 1970.

JERRY W. ROUSE, Clerk.

Signature of Jerry W. Rouse

WARRANTY DEED

From HARRY W. WHALEY and LASSIE T. WHALEY, his wife,

To NORMAN J. ARLINGHAUS and RUTH ARLINGHAUS, his wife.

Acknowledged

Signature of Jerry W. Rouse, Clerk

Left for Record 9-21-70 9:00 AM

2nd 12:00 PM 9-21-70 Reported in Deed Book No. 190 Page 536

GENERAL INDEX GROUP 365 - Burlington Index Clerk

This Deed Prepared By Joseph L. Sumas,

203 Scott St., Covington, Ky.

Signature of Joseph L. Sumas

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

July 27, 1988

7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M.. The Chairman advised that the second item on the Agenda -- the request of Williamsburg Properties, Inc. for a Zoning Map Amendment -- had been withdrawn.

Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Don Conrad for Norman H. and Ruth Arlinghaus (owners)
Request: Zoning Map Amendment and Conditional Use Permit

This was a Public Hearing on the request of Don Conrad (applicant) for Norman H. and Ruth Arlinghaus (owners) for continuance of a Zoning Map Amendment and Conditional Use Permit request, which was originally scheduled for June 29, 1988 but not held. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the southeast corner of KY 18 and Ridge Avenue, Boone County, Kentucky.

Staff Member, Doug Powell, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicant for his comments.

Mr. Tom Nienaber, attorney, stated that he was speaking in behalf of Mr. Don Conrad. He advised that Mr. Walt Lundwall from Shell Oil Company and Mr. Ben Wright from the nursery were also present. Mr. Nienaber submitted to the Commission a booklet of their position in regard to this request. He stated that this facility will be a "Shell Silverado", which is a more modern and clean looking facility. He circulated a drawing indicating the design of the facility, which will be similar to the station on Turfway Road across from the apartment buildings. They have not yet received approval of the Silverado operation from Shell. He stated that there is a letter in his booklet from Mr. Lundwall in this regard. There will be six pumps across the front of this facility and the building will be approximately 2,000 sq. ft.. There will also be a food mart with produce, frozen foods, cleaning supplies, etc.. There

will be no car repairs or tow trucks on the site. They will sell gasoline and diesel fuel. The car wash will be to the rear of the property. It will be exterior wash only and only for their customers. The operation will be open 24 hours a day, seven days a week, with approximately 3.5 employees. There will be a full-time maintenance and clean-up person. Mr. Conrad owns Waco/Shell operations around the area and will properly maintain this facility. The development will occupy just over one acre of the property. He presented a drawing highlighted in yellow lines indicating the portion of the site that will be developed. The large tree at the rear will remain. He discussed the adjacent land uses including a Convenient Store, a nursery, a subdivision, and the Moore property which is residential. The Rightway is zoned residential, but used commercially. They will file formal application with the State to maintain the property owned by the State which was indicated on a slide shown by Mr. Powell. The 240 feet at the rear of the property will act as a buffer zone. They currently have two access points on KY 18 and have requested approval of two access points on Ridge Avenue from the Department of Transportation. They have received preliminary approval. They will address access width with the State. There will be a light at Ridge Road and KY 18, as well as a storage lane from westbound KY 18. The light will occur prior to development. Their main clientele will be people going eastbound on KY 18. The two requested access points will be "right turn in" and "right turn out" only. They will post signs or do whatever is needed to prevent left turns. According to Mr. Conrad's averages and national information, each customer purchases about 10.1 to 10.2 gallons of gas. There will not be additional traffic for the food mart as those buying gas will purchase food. They anticipate 400 to 500 cars per day, based on a lesser volume than the Turfway facility. This facility will be strictly for local people and not draw expressway traffic. It will not have highrise signs. He stated that 400 to 500 cars per day is 17.3 cars per hour based on a 24-hour period. The highest volume would be in the evening hours based on experience at other locations. They will not build on the 240-foot buffer area at the rear. They will not be across from any residences on Ridge Avenue. The lighting on the site will be directed lighting. The State Fire Marshall requires a speaker on each pump and there will be no other speaker-type systems. He stated that noise will not be a problem. They have a 12" water main and also a sewer. The car wash uses about 2½ gallons of water a minute and will not create any significant demand on the water pressure. He stated that their request is consistent with the Comprehensive Plan. Mr. Nienaber stated that Doug Powell's figures on traffic volume are very high. Mr. Conrad has never had any problem with traffic backing up onto Turfway and that is a larger volume facility. Mr. Conrad has a good track record in regard to loitering and only averages about one robbery a year which is usually an inside job. He does not have video games.

Mr. Walter Lundwall, real estate manager, Shell Oil Company, stated that they became affiliated with Don Conrad in 1982. He is the only Shell dealer that operates seven stations. He operates the stations exactly as they want them run. He has won every award Shell has. Mr. Lundwall stated that this facility would be an asset to the community.

In response to a question from Chairman Viox, Mr. Nienaber stated that their presentation was completed.

The Chairman asked if there was anyone 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 or having questions.

Mr. Ron Frummel stated that there is a bad traffic problem at the Convenient and this facility should be moved to Boone Aire Road. He stated that there are six or seven service stations in the area, and that other stations with car washes have folded up. He stated that there is the same operation right across the street.

Mr. Chuck Reed, 6126 Ridge Road, stated that this is a residential neighborhood. They are opposed to the zone change. The road is not designed for the high traffic that would be generated. They have practically no water pressure on summer nights. The car wash will take pressure and supply from the residents. There are vacant commercial establishments on KY 18 that this business could occupy, one of which is a gas station that went out of business. A previous request for a zone change on this property was denied in 1987 due to concerns for safety and traffic, and that business would have generated less traffic than this one. A frontage road would cause stacking on KY 18.

Mr. Dwayne Doyle, a resident of Ridge Road, stated that the residents realize the site will go commercial, but are concerned about the impact of this development. He submitted a petition signed by 280 residents in opposition to the request. Mr. Doyle read the petition which is on file. He stated that there is a problem with water pressure on the street and the newspaper had indicated that a new line is proposed. He questioned the traffic flow on the site, the distance of the driveway from the proposed traffic light, and why there were traffic counters on the road.

Mr. Newton advised him that the traffic counters are part of a study being done by the City of Florence and the Fiscal Court. He added that, according to the Highway Department, there is to be a traffic light at KY 18 and Ridge Road, as well as a decel lane leading into Ridge Road.

Counselor Wilson questioned the expected time frame for the improvements.

Mr. Newton advised that he believes completion is expected by the end of the year. Mr. Nienaber stated that he did not have a commitment for the timing of the light.

Mr. Gene Hancock, owner of the Convenient Food Mart Store, stated that he is also an attorney. He showed slides of other facilities operated by Mr. Conrad and stated that this is a truck stop type of business. He noted tall poles and oil tankers on the facilities in the slides. He stated that there are six hoses on each gas pump and there will be 36 hoses at this facility, which he says indicates great expectations. He stated that he has seen cars backed up on Turfway waiting to get into the facility there. He stated that the idea that the predominant business is groceries at this site is a misrepresentation. Mr. Hancock stated that at his Convenient Store, he has 600 cars per day come in for gas and a total of about 1,500 to 1,600 customers. He stated that their ratio is about 60% grocery customers and 30% gas customers. He stated that based

on traffic generation studies for a Convenient Store that are a couple of years old, a 2,000 sq. ft. facility calls for 1,400 customers per day and a gasoline service station calls for 1,000 customers per day, unless the station does the pumping -- then it is 1,700 customers per day. He stated that there would be a peak of 60 cars on Saturday for the car wash, He stated that if they want a car wash, they should apply for C-3 Zoning. This way, they can get everything they want with C-2 Zoning. He stated that they should have to prove the percentages of grocery and gasoline sales. The plan violates access management and they have not allowed sufficient parking even though they have adequate space. He questioned what may happen in the future if they sell off the 240-foot buffer area after it is rezoned and then someone else develops it. He stated that even with a light, the intersection will be very hazardous. He asked if Waco would operate a food store if their right to operate a gas station was revoked. He stated that the burden of proof should be on them to show that they have more grocery sales than gasoline sales and car wash sales. He recommended that they wait to make this application until the Wolper Corridor Study is complete. He noted that the plan shows no landscaping or greenbelt. He stated that they will have to do more business than they have indicated to support their investment.

Mr. Roger Clifton, Silver Oil Company, stated that this is a "super pumper" station that will serve about 1,000 cars per day, or 250,000 to 300,000 gallons per month based on 36 hoses. They would need a transport load of 9,000 gallons of gas per day. He stated that Waco stations are primarily gas stations.

Mr. Harold Roll, a resident of Maple Avenue, stated that he was opposed to the request based on the traffic and safety.

Ms. Fay Shinkle stated that she is also opposed due to the traffic problems. She stated that the hidden hump in the roadway would be dangerous and that people will not wait for the traffic light but will cut across.

Mrs. McGeehee, 5960 Greenview Drive, noted her concerns for safety and appealed to the Commission to do something for the residents.

Chairman Viox asked if anyone else wished to speak.

Mr. Doyle submitted a letter written by one of his neighbors in opposition to the request.

The Chairman asked Mr. Nienaber if he would respond to the questions raised.

Mr. Nienaber stated that this facility will only draw people that are already in the vicinity. They do not do anywhere near 300,000 gallons per month and there is not a station in Northern Kentucky that does. He stated that the comments about Mr. Conrad's stations were directed at his I-75 store, but this is a local station. He stated that they have 2,000 sq. ft. of space reserved for the Convenient Store and there will be a full line of food items. They have 36 hoses as there are four different types of petroleum products sold. He stated that the car wash only uses 2½ to 3 gallons of water and the car washes shown in the slide presentation are not the same as the one that will be at this facility. He noted that the State Fire Marshall requires a speaker on each pump. He stated

that it is 40 to 50 feet from the corner of the property to Ridge Road and the first entrance will be approximately 75 to 100 feet from Ridge Road.

Mr. Conrad stated that the tanker trucks come in the rear exit.

Mr. Chuck Reed stated that Ridge Road is only 20 feet wide and the tankers would not be able to make the turn.

There being no further comments, the Chairman asked if there were any questions from the Commission.

Mr. Moore questioned the anticipated number of gallons of fuel to be pumped per month, and the ratio of grocery sales to gasoline sales at Turfway. He also questioned the volume of water used at Turfway.

Mr. Nienaber stated that they anticipate 125,000 gallons per month, based on Mr. Conrad's experience. He did not know the sales ratios requested by Mr. Moore and stated that he would try to have them in time for the Committee Meeting. In regard to the water, he stated that the Turfway operation is entirely different and people can go there for just a car wash.

Mr. Sharp noted that the car wash is self-service and questioned how the water volume could be controlled. Mr. Nienaber discussed how the car wash operates.

In response to additional questions from the Commission, Mr. Nienaber advised that they do not have figures on how many cars per day will use the car wash. He stated that the car wash uses $2\frac{1}{2}$ to 3 gallons of water per minute and it takes approximately two minutes to wash a car. This operation uses less water than other car washes due to a high pressure system.

Mr. Neltner asked if they would be willing to agree that the back portion of the site will not be sold off for commercial development. Mr. Nienaber stated that they will consider this and report back.

In response to questions from Mr. Neltner, Mr. Nienaber advised that there will be 2,000 sq. ft. of retail selling space in the Convenient Mart and they will have produce in a limited amount.

Mr. Moore stated that it would be beneficial to contact Mr. Kroger about the impact of this use on the water situation along Ridge Road.

In response to a question from Mrs. Bushelman, Mr. Nienaber indicated on a drawing how the transport trucks would enter and exit the site. He stated that there will be enough room for them to turn.

Mr. Damstrom stated that based on his experience, 400 customers per day for this facility is inconceivable.

Mr. Lundwall stated that they expect to increase to about 550 to 600 customers per day in the future with a volume of 175,000 gallons.

Mr. Sharp discussed the operation of the car wash and, based on input from Mr. Conrad, he noted that a customer could return to the facility for a car wash. Use of the car wash is tied to the amount of gas purchased.

At this time, Mr. Powell completed the Staff Report. He stated that 1,774 is for average daily trips, defined as "an entrance and an exit", and could be divided by two.

Mr. Doyle stated that there is a natural gas line in the area that should be considered.

Mr. Growel, a resident of the area, stated that he is concerned about the school buses on Ridge Road and Greenview Road. He is opposed to the entrance on Ridge Avenue due to children playing in the street.

Mr. Conrad stated that the car wash is only used with a "fill up", which is ten or more gallons.

Mr. Doyle noted that based on the information given, this would be all the customers.

Karen Reed stated that the 500 cars per day may be currently on KY 18, but they are not on Ridge Road at this time.

Chairman Viox asked if there were any further comments or questions. There being none, he advised that this item will be on the Agenda for the Business Meeting on August 3, 1988 at 8 P.M.. He advised interested parties to check with the Staff Office in regard to the Committee meeting. Counselor Wilson explained the process for the benefit of those present and the Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 21, 1988 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 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. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. R. N. Greene
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of September 7, 1988 and asked if there were any comments or corrections.

Mr. Collins noted that on Page 14, he had made a motion for approval of the request of Hicks & Mann, Inc. for Site Plan Review. However, the agreement that merchandise would not be displayed prior to paving had not been kept and he was withdrawing his motion for approval.

Counselor Wilson advised that approval of the Minutes indicates that they reflect what occurred at the last meeting. A violation should be referred to the Zoning Enforcement Officer.

Mr. Neltner noted an error on Page 5, Paragraph 2. The Recording Secretary advised that the first word in line 4 of this paragraph should be "be", not "but".

Mr. Rush moved that the Minutes be approved with the correction to Page 5. Mr. Damstrom seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox 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 discussion of the reports, the Chairman proceeded to the items on the Agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment and Conditional Use Permit

The request of Don Conrad (applicant) for Norman H. and Ruth Arlinghaus (owners) for a Zoning Map Amendment to rezone a site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the southeast corner of KY 18 and Ridge Road, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the statements made and the facts obtained (see Committee Report).

Chairman Viox stated that a Public Hearing had been held in regard to this request and that the applicant, as well as a representative of the neighborhood, may each make a brief statement.

Mr. Nienaber, attorney, presented to the Commission a signed copy of the conditions and stated that they are in agreement with the conditions. He stated that they had not seen the Committee Report and did not know there would be a recommendation for denial.

Mr. Chuck Reed, a resident of Ridge Road, stated that they are in agreement with the Committee Report.

Mr. Collins moved that the request be denied based on the Staff and Committee Reports. Mr. Sharp seconded the motion.

Mr. Newton stated that the Staff did not receive the signed copy of the conditions as submitted by Mr. Nienaber until this time. They were not submitted prior to the meeting.

Mr. Burch stated that the previous Committee Report had recommended approval of the request subject to the conditions. It was his understanding that the applicant had not agreed to the conditions. Based on the signed agreement to the conditions, Mr. Burch stated that he is withdrawing his signature from the Committee Report recommending denial of the request. Mr. Jones also withdrew his signature. Mr. Jones added that he believed the signed agreement was to have been submitted by 3 P.M..

Mr. Nienaber stated that they were advised yesterday that the conditions were ready for pick-up. They came to pick them up and were advised that they were not ready. They came back this morning and picked them up. He was unable to contact Mr. Conrad and was unable to review the conditions this afternoon.

Mr. Barnett noted that the conditions are the same as at the last meeting and that the applicant knew what the conditions were at that time.

Mr. Nienaber agreed that the conditions are the same as at the last meeting. He stated that he made it clear to someone in the Planning Commission that they would have the conditions with them this evening. He stated that he did not know whom he spoke with, and that it may have been one of the secretaries.

Mr. Reed stated that the Committee Meeting was a closed-door meeting. They were told that if the applicant did not sign the conditions by 3 P.M., then there would be a recommendation for denial. He stated that this is another ploy to try to dissolve the community's input.

Mr. Newton stated that no one from the Staff had indicated receiving a telephone call from Mr. Nienaber. It is possible that his call went to one of the secretaries and the Staff was not advised.

Chairman Viox stated that there is a motion for denial of the request on the floor and asked for a roll call vote. A roll call vote on the motion found Mrs. Bushelman, Mr. DeLong, and Mr. Sharp in favor. Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, and Chairman Viox were opposed. The motion did not carry.

Mr. Barnett asked that the Committee Report presented at the last meeting be read. Mr. Newton read the report. Counselor Wilson asked if the conditions in the Committee Report are the same conditions to which the applicant has agreed. Mr. Newton stated that they are the same.

Chairman Viox asked Mr. Nienaber and Mr. Reed if they each wished to make a final comment.

Mr. Nienaber thanked the Commission for their time.

Mr. Reed stated that the Comprehensive Plan recommends this property for medium-density use and this is a maximum density use. The site is surrounded by residential properties. The access points are in a 45 MPH speed limit zone. He questioned why they need a pole sign. He stated that there is no close fire department. He stated that if this is a neighborhood gas station, then why do they need six pumps and 36 hoses. He asked if C-3 Zoning would not be appropriate for this purpose. They feel that the zone change should be denied.

Mr. Barnett moved by resolution to the appropriate fiscal body that the request be approved based on the Staff Report and the original Committee Report, including the conditions. Mr. Burch seconded the motion.

Mr. Moore stated that he had voted not to deny the request because he does not feel that denial due to a signed letter being three hours late is appropriate. A project should be considered on its merits.

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

Counselor Wilson advised that the Commission will make a recommendation to the Fiscal Court for their final action.

2. Concept Development Plan

The request of Associated Land Group, Inc. (applicant) for Joseph L. Claxon and Tilford R. Richardson (owners) for a revision of a previously approved Concept Development Plan for a 23.24-acre site located west of the new U.S. 25/42 Connector Road and south of U.S. 42, Florence, Kentucky. The site is zoned Urban Residential One (UR-1) and the proposed use is the construction of 264 apartment units.

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. Newton stated that a letter had been received from Mr. Dusing indicating their agreement to the conditions.

Chairman Viox stated that a Public Hearing had been held in regard to this request to gather the facts. He stated that a spokesman for the community may briefly summarize their position.

EXHIBIT "C"

See Minutes
9-21-88

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
CHAIRMAN

MR. LARRY BARNETT
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

September 21, 1988

Mr. Don Conrad
Waco Oil Company
219 Garrard Street
Covington, KY 41011

RE: Proposed conditions for approval of your request for a zoning map amendment.

Dear Mr. Conrad:

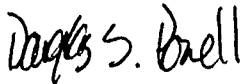
The following represents possible conditions being discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, September 21, 1988.

1. The driveways onto KY 18 all be designated and so designed so as to be right-turn-in and right-turn-out only; the applicant to provide and maintain appropriate directional markings and signs; and, width shall be 18 feet.
2. Driveways on KY 18 are to be designated as temporary so that they may be removed or relocated (at the owner's expense) if an alternate access connection becomes available or the property redevelops.
3. Ridge Road to be upgraded to County specifications by the applicant to the rear entrance of this development to accommodate for increased traffic and the use of Ridge Road by delivery trucks.
4. The applicant agrees to provide the right-of-way and construct a future frontage for a future road through the site when the adjoining property to the east is developed. The placement of this road will be located at the site plan review stage.
5. The applicant agrees that only building mounted signs, and one free standing sign will be used. Directed lighting will be positioned so as not to shine onto adjoining property or KY 18. The proposed zoning district of C-2 will include Lots C, D, and E only. Lot B will remain SR-2 to serve as a distance buffer between the commercial use and residential use.

Mr. Don Conrad
September 21, 1988
Page Two

6. Any change in, or additional use of, the site shall be reviewed by the Boone County Planning Commission Technical Committee and Staff, to determine if the proposed change constitutes a major or minor change in the approved Concept Development Plan. If it is determined that the proposed change is major in scope, then a public hearing for a Change in the Concept Development Plan shall be required.

Sincerely,



Douglas S. Powell
Transportation Planner

DSP:jdh

I, the applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment to rezone a site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the southeast corner of KY 18 and Ridge Avenue, Boone County, Kentucky.



Don Conrad, Applicant

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: September 21, 1988

RE: Request of Don Conrad (applicant) for Norman H. and Ruth Arlinghaus (owners) for a Zoning Map Amendment to rezone a site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the southeast corner of KY 18 and Ridge Avenue, Boone County, Kentucky.

REMARKS:

We the Committee, based upon the statements made and facts gathered at the July 27, 1988 Public Hearing, recommend denial of this Zoning Map Amendment. While the Committee agrees that the future land use of commercial for this site is appropriate, the Committee does not believe the proposed use for this site is appropriate. The Concept Development Plan as presented would not be in agreement with the 1986 Boone County Comprehensive Plan or Access Management Regulations. The applicant has not agreed to conditions suggested by the Committee which would have altered the Concept Development Plan so that it would be consistent with the approved 1986 Boone County Comprehensive Plan.

Therefore, the application as presented is recommended for denial for both the zone change and the conditional use based upon the following findings of fact:

1. The Committee believes that this site could be developed in a commercial manner but not as presented in this request. The proposal of a convenience store, service station, and car wash as presented in the Concept Development Plan, is not in agreement with the 1986 Boone County Comprehensive Plan. The text speaks to the need for commercial development along this section of KY 18, to be "... in the form of shopping centers or other compact aggregations having an integrated design." The intent is to reduce the traffic impact of individual developments by using interconnecting parking lots or frontage road system and conditions providing a frontage road could not be agreed to. The plan as presented at the Public Hearing does not address the use of interconnecting parking lots or a frontage road system. The Land Use Element stresses the need for such a strategy as being "... critically important to the success of any development and trafficability on this portion of KY 18."

- =====
2. The Committee believes that the request and Concept Development Plan does not adequately address the traffic concerns associated with developing this type of a commercial use at this site. The Business Activity Element states:
"Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and US 42. Along KY 18 ... there are many traffic problems that can be worsened by adding commercial access points."

In addition, the Committee believes that the three proposed uses will generate a substantial amount of traffic to an existing highly traffic congested area. The proposed uses would impede the proper circulation of the existing traffic on Ridge Road and Burlington Pike with automobiles and trucks entering and exiting the site.

It is the Committee's opinion that the request does not meet the requirements of the Access Management Regulations and conditions could not be agreed to which would have reduced traffic problems. The planned development of the site will not meet the requirements for driveway spacing.

Other references to the Comprehensive Plan are made in the Staff Report of July 27, 1988.

3. The proposed project does not meet the general or specific criteria for the issuance of a conditional use permit to operate a car wash and gasoline sales. The proposed development, the Committee believes, would not ... "be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan..."

The applicant has not convinced the Committee that the proposed conditional uses would not have a detrimental effect on the surrounding area, ... "by reason of excessive production of traffic, noise, smoke, fumes, glare or odors." It is felt, at this time, that Ridge Road is not designed to handle the increase in traffic or semi-truck tankers that would be generated by the site.

The last general criteria for conditional use permits deals with the issue of access:

The development "will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares."


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The Committee believes that the proposed access points for the site do not meet this criteria and without this area being addressed, approval would not be addressed.


The Committee believes that based upon the information gathered at the Public Hearing that the sale of gasoline is the primary use at the site and is not a subordinate function of a permitted commercial use or convenient store in the Commercial Two (C-2) zoning classification. The sale of gasoline and car wash service is also not pedestrian oriented, and does not provide a compatible land use for the adjoining properties. And finally, the intensity of use, and associated traffic, of the proposed development were believed to be inappropriate for this site. Therefore, the specific criteria have not been met.



Donald McMillian, Chairman



Larry Barnett



Fred Burch



Rector Jones

Barry Neltner

Carol Smith

DM:jdh

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to a Zoning Map Amendment from SR-2 to C-2 (Land Use Restriction code 88-BCPC-004), approved on September 21, 1988 for applicant Don Conrad c/o WACO Oil Company.

1. The driveways onto KY 18 all be designated and so designed so as to be right-turn-in and right-turn-out only; the applicant to provide and maintain appropriate directional markings and signs; and, width shall be 18 feet.
2. Driveways on KY 18 are to be designated as temporary so that they may be removed or relocated (at the owner's expense) if an alternate access connection becomes available or the property redevelops.
3. Ridge Road to be upgraded to County specifications by the applicant to the rear entrance of this development to accommodate increased traffic and the use of Ridge Road by delivery trucks.
4. The applicant agrees to provide the right-of-way and construct a frontage road through the site when the adjoining property to the east is developed. The placement of this road will be located at the site plan review stage.

5. The applicant agrees that only building mounted signs, and one free standing sign will be used. Directed lighting will be positioned so as not to shine onto adjoining property or KY 18. The proposed zoning district of C-2 will include Lots C, D, and E only. Lot B will remain SR-2 to serve as a distance buffer between the commercial use and residential use.
6. Any change in, or additional use of, the site shall be reviewed by the Boone County Planning Commission Technical Committee and Staff, to determine if the proposed change constitutes a major or minor change in the approved Concept Development Plan. If it is determined that the proposed change is major in scope, then a public hearing for a Change in the Concept Development Plan shall be required.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: September 21, 1988

RE: Request of Don Conrad (applicant) for Norman H. and Ruth Arlinghaus (owners) for a Zoning Map Amendment to rezone a site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the southeast corner of KY 18 and Ridge Road, Boone County, Kentucky.

REMARKS:

We the Committee, based upon the statements made and facts gathered at the July 27, 1988 Public Hearing, recommend approval of this Zoning Map Amendment. The application as presented is recommended for approval due to the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The proposal of a commercial development at this location, is in agreement with the 1986 Boone County Comprehensive Plan. The Future Land Use Map calling for medium density commercial developments in this area. References to the Comprehensive Plan are made in the Staff Report.
2. The Committee has also determined that this proposal meets the criteria for the issuance of a conditional use permit to operate a car wash and gasoline sales. The proposed conditional uses would not have a detrimental effect on the surrounding area if the following conditions and revisions occur.


CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan and building uses and intensities presented to the Committee on August 1, and August 15, 1988 in order to clarify the plan presented at the July 27, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.


1. The driveways onto KY 18 all be designated and so designed so as to be right-turn-in and right-turn-out only; the applicant to provide and maintain appropriate directional markings and signs; and, width shall be 18 feet.

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2. Driveways on KY 18 are to be designated as temporary so that they may be removed or relocated (at the owner's expense) if an alternate access connection becomes available or the property redevelops.
3. Ridge Road to be upgraded to County specifications by the applicant to the rear entrance of this development to accommodate increased traffic and the use of Ridge Road by delivery trucks.
4. The applicant agrees to provide the right-of-way and construct a frontage road through the site when the adjoining property to the east is developed. The placement of this road will be located at the site plan review stage.
5. The applicant agrees that only building mounted signs, and one free standing sign will be used. Directed lighting will be positioned so as not to shine onto adjoining property or KY 18. The proposed zoning district of C-2 will include Lots C, D, and E only. Lot B will remain SR-2 to serve as a distance buffer between the commercial use and residential use.
6. Any change in, or additional use of, the site shall be reviewed by the Boone County Planning Commission Technical Committee and Staff, to determine if the proposed change constitutes a major or minor change in the approved Concept Development Plan. If it is determined that the proposed change is major in scope, then a public hearing for a Change in the Concept Development Plan shall be required.




Donald McMillian, Chairman

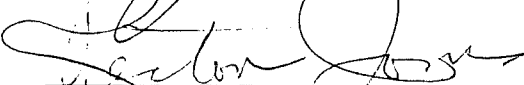


Fred Burch


Carol Smith



Larry Barnett



Rector Jones



Barry Neltner

DM:jdh

R-49-88

ORDINANCE 920.169

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) FOR A 2.29 ACRE SITE GENERALLY LOCATED AT THE SOUTH EAST CORNER OF KY 18 AND RIDGE ROAD, BOONE COUNTY, KENTUCKY, SUCH MAP AMENDMENT BEING REQUESTED BY DON CONRAD (APPLICANT) FOR NORMAN H. AND RUTH ARLINGHAUS (OWNERS), AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-49-88. (A CONDITIONAL USE PERMIT IS ALSO RECOMMENDED FOR APPROVAL THROUGH THIS REQUEST. THE INTENDED USE IS A GASOLINE SERVICE STATION AND A CAR WASH.)

WHEREAS, the Boone County Fiscal Court received a request for approval for a Conditional Use Permit and a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.29 acre site generally located at the southeast corner of KY 18 and Ridge Road, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the zoning map amendment and conditional use permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.29 acre site generally located at the southeast corner of Ky 18 and Ridge Road, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" AND "C")

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

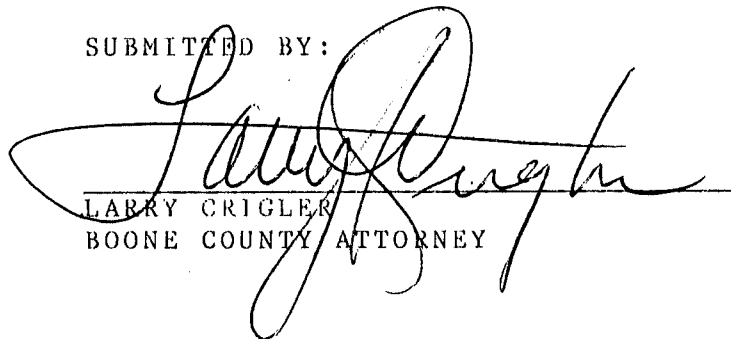
Introduced, seconded and given First Reading on the eighteenth day of October, 19 88.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the eight day of November, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:

LARRY CRIGLER
BOONE COUNTY ATTORNEY

DATE PUBLISHED _____

ORDINANCE NO. 920.169A

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT AMENDING ORDINANCE NO. 920.169 TO MODIFY THE CONDITIONS OF THE ZONING MAP AMENDMENT AS PASSED BY THE BOONE COUNTY FISCAL COURT ON NOVEMBER 8, 1988.

WHEREAS, the Boone County Fiscal Court previously enacted Ordinance No. 920.169 adopting a Zoning Map Amendment, changing the zoning from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.29 acre site generally located at the southeast corner of Ky. 18 and Ridge Road, Boone County, Kentucky, along with a Conditional Use Permit, and

WHEREAS, such Ordinance contained certain conditions which the Fiscal Court now desires to remove, and

WHEREAS, The Fiscal Court of Boone County deems it necessary to amend Ordinance No. 920.169 to protect and preserve the health, safety, welfare and convenience of the inhabitants of Boone County, pursuant to the Fiscal Court's authority under K.R.S. 67.083,

NOW, THEREFORE,

BE IT ORDAINED AND ENACTED BY THE FISCAL COURT OF BOONE COUNTY, COMMONWEALTH OF KENTUCKY, THAT :

SECTION ONE

A. The conditions of the zone change as passed by the Fiscal Court on its final reading on the 8th day of November, 1988, contained a condition that :

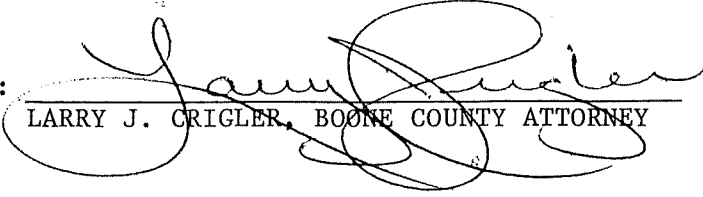
2. Driveways on Ky. 18 are to be designated as temporary so they may be removed or relocated (at the owner's expense) if an alternate access connection becomes available or the property redevelops.

Such condition to the zone change as granted in Ordinance No. 920.169 shall be and is hereby deleted as a condition to said zone change.

B. All other provisions of Ordinance No. 920.169 and all other conditions and or stipulations previously mandated by the Boone County Fiscal Court by its passage in Ordinance 920.169 shall be incorporated herein by reference and shall remain in full force and effect.

This Ordinance shall be in full force and effect immediately upon adoption and after being published pursuant to law.

SUBMITTED BY :

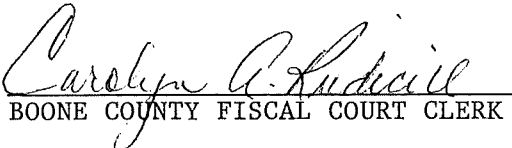

LARRY J. CRIGLER, BOONE COUNTY ATTORNEY

Introduced, seconded and given first reading on the 10th day of September, 1991.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 24th day of September, 1991, and on same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


BOONE COUNTY FISCAL COURT CLERK

DATE PUBLISHED : _____