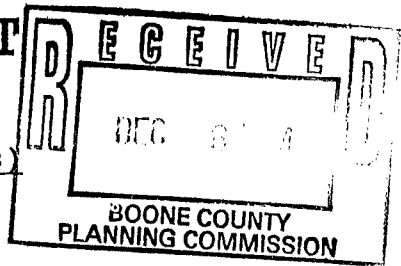


PV

APPLICATION FORM

CHANGE IN CONCEPT DEVELOPMENT PLAN OR THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

(Concept Development Plan)
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Check One:
 - Change in Concept Development Plan
 - x Utilization of An Underlying Zone in Planned Development
 - a) Public Hearing Submittal (Concept Dev. Plan)
 - b) Long Range Planning Committee Review
 (As stated in the Houston-Donaldson Study)
2. Name of Project Autozone
3. Location of Project Hwy 42 at Old Toll Road
4. Total Acreage of Site 1.103 Acres
5. Current Zoning C2-PD C2-PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
8. Proposed Uses (please specify each use) Retail Auto Parts
9. Proposed Building Intensities (please specify) 8800 sq. ft. Bldg. on a 1.1 acre lot with 48 parking spaces
10. Have you submitted a Concept Development Plan? NO
11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
12. Name of Applicant(s) Gary Gregory and Brad Denzin
Phone Number (901) 325-4519 Fax No. (901) 325-4583
13. Address of Applicant(s) 3030 Poplar Avenue, Dept. 4020
Memphis, TN 38111
City State Zip
14. Name of Property Owner(s) Matthias and Laverne Toebben
Phone Number (606) 331-1560 Fax No.
15. Address of Property Owner(s) 2536 Hazelwood Drive
Crescent Springs, KY 41017
City State Zip
16. Are there any existing buildings on the site? NO
How many? 0
17. Deed Book 408 Page No. 270 Group No. 2039
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT "A"

STAFF REPORT

Request of Gary Gregory and Brad Denzia (applicants) for Matthias and Laverne Toebben (owners) for the Utilization Of An Underlying Zone In A Planned Development in order to construct a 8,800 square foot **AutoZone**, auto parts/accessory store on a 1.1 acre parcel located at Highway 42 and Old Toll Road, Florence, Kentucky, and is zoned Commercial Two/Planned Development (C-2/PD).

January 4, 1995

Location (see Map #1)

The site is located inside the intersection of U.S. 42 and Old Toll Road.

Site History

1986 The 1986 Zoning Map Update changed this area to C-2/PD in order to encourage "commercial services needed to serve substantial residential growth while controlling the development so that it is compatible with the residential and traffic characteristics of the area."

Surrounding Zoning and Land Uses (see Map #2)

- North: Little Red School House day care facility zoned Office Two/Planned Development (O-2/PD).
- South: Single family dwelling zoned Commercial Two/Planned Development (C-2/PD).
- East: Chiropractic Care and Steve's Towing zoned Commercial Two/Planned Development (C-2/PD).
- West: TKR Cable zoned Public Facility (PF).

Site Characteristics

The site is generally flat with some mature trees along both the U.S. 42 and Old Toll Road frontages. A sidewalk exists along the frontage on U.S. 42. Old Toll Road is 14 feet in width along this stretch and is scheduled for upgrading to 21 feet next spring.

Relationship to the 1990 Comprehensive Plan (see Map #3)

The Future Land Use Map of the 1990 Comprehensive Plan calls for the area to develop as Commercial.

The text of the Land Use element calls for the site to develop as a local commercial use and "should incorporate the reconstruction of Old Toll Road for use as an access road."

Concept Development Plan (see Map #4)

The submitted Concept Plan calls for an 8,800 square foot AutoZone building located at the southern end of the property with parking toward the intersection of Old Toll Road and U.S. 42. Two curbcuts on Old Toll Road and one on U.S. 42 are shown. The plan shows that 47 parking spaces have been supplied while only 36 are required by the Zoning Regulations. The building is primarily light, medium, and dark grey block with a 4 foot orange stripe along the top of the north elevation over the entrance to the building.

Staff Concerns

1. The building is shown up against the Old Toll Road right-of-way. This eliminates any room for landscaping along the western elevation of the building.
2. The west property line for the lot is shown extending into the center of Old Toll Road.
3. The dumpsters and loading doors are located in the parking lot in full view from U.S. 42. These elements should be screened off to the rear of the building along Old Toll Road in order to minimize visual impact.
4. There is an abundance of paved area not utilized by parking stalls that could be condensed to allow for more buffer yard along the perimeter of the lot.
5. The two parking stalls located at the northern section of the parking lot at U.S. 42 and Old Toll Road should be utilized as landscaping and would be an ideal location for a landscaped monument sign.
6. The Old Toll Road curbcut closest to the U.S. 42 intersection should be eliminated. One curbcut on Old Toll Road would serve the site adequately.
7. A sidewalk needs to be shown along the Old Toll Road frontage.

8. There are existing mature growth trees along both Old Toll Road and U.S. 42. An attempt should be made to incorporate these trees into the site plan where possible.
9. Signage for the site is shown as a 240 square foot pole sign 35 feet in height. Staff suggests that the applicant explore the option of using a monument sign since the site is in a highly visible location.
10. Is the color scheme and design of the building unique to other locations?
11. Are there to be any vehicle services performed on the site?

Conclusion

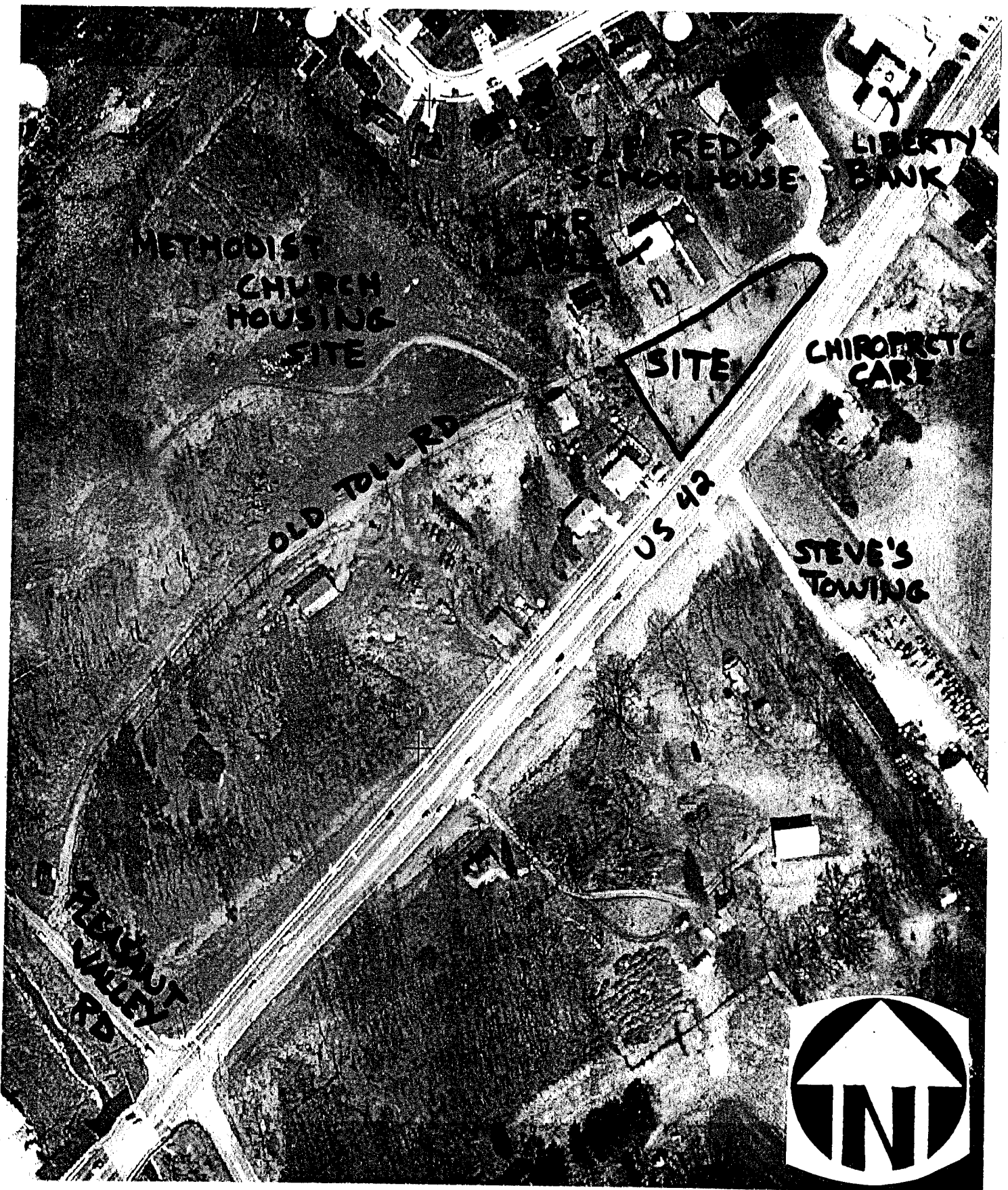
Should the Planning Commission recommend, and the Florence City Council approve, this request for Utilizing an Underlying Zone, the Boone County Comprehensive Plan will not need to be updated.

Respectfully submitted,

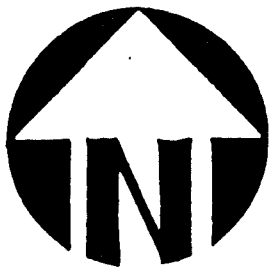
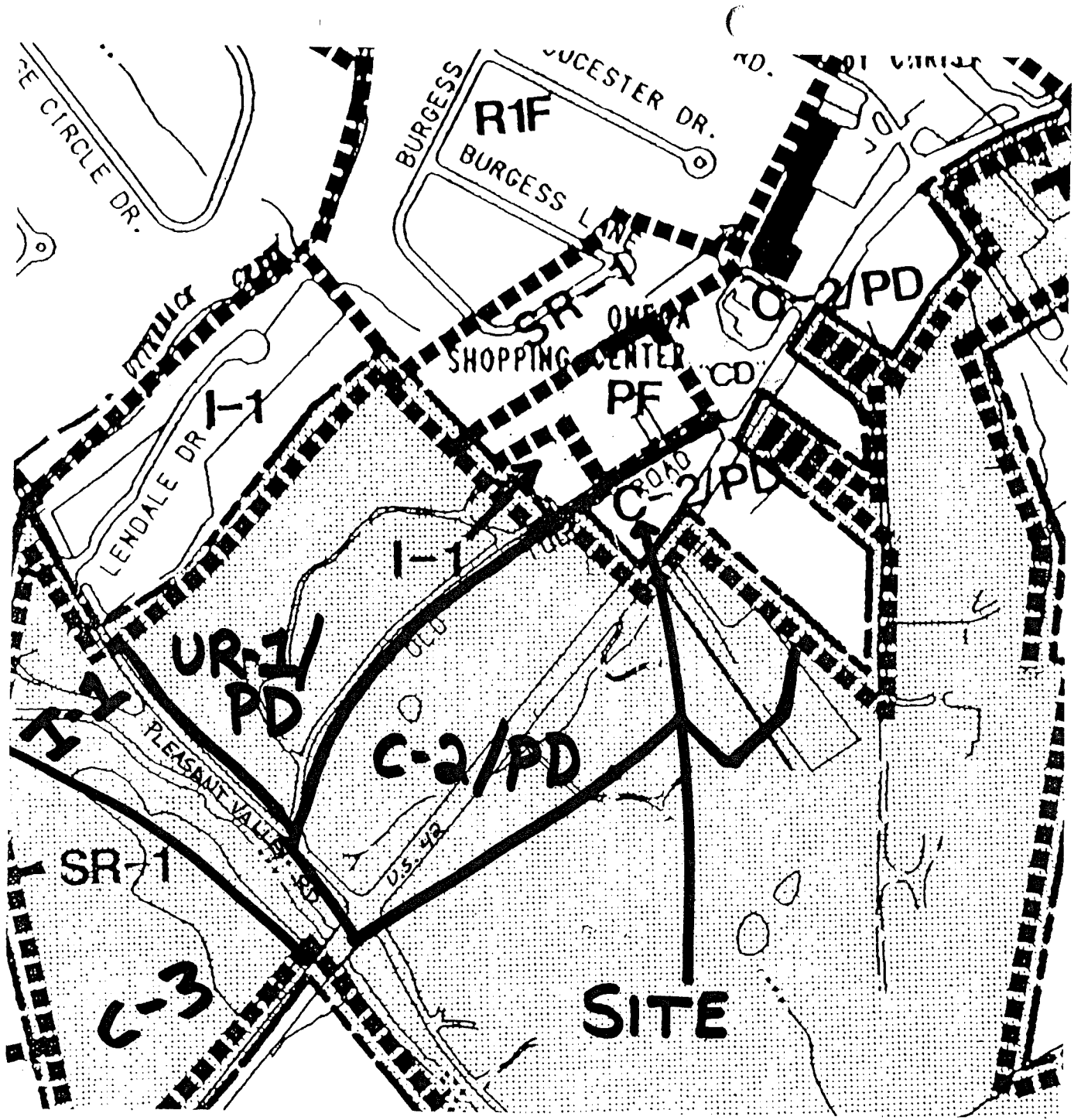


Robert A. Jonas
Planner

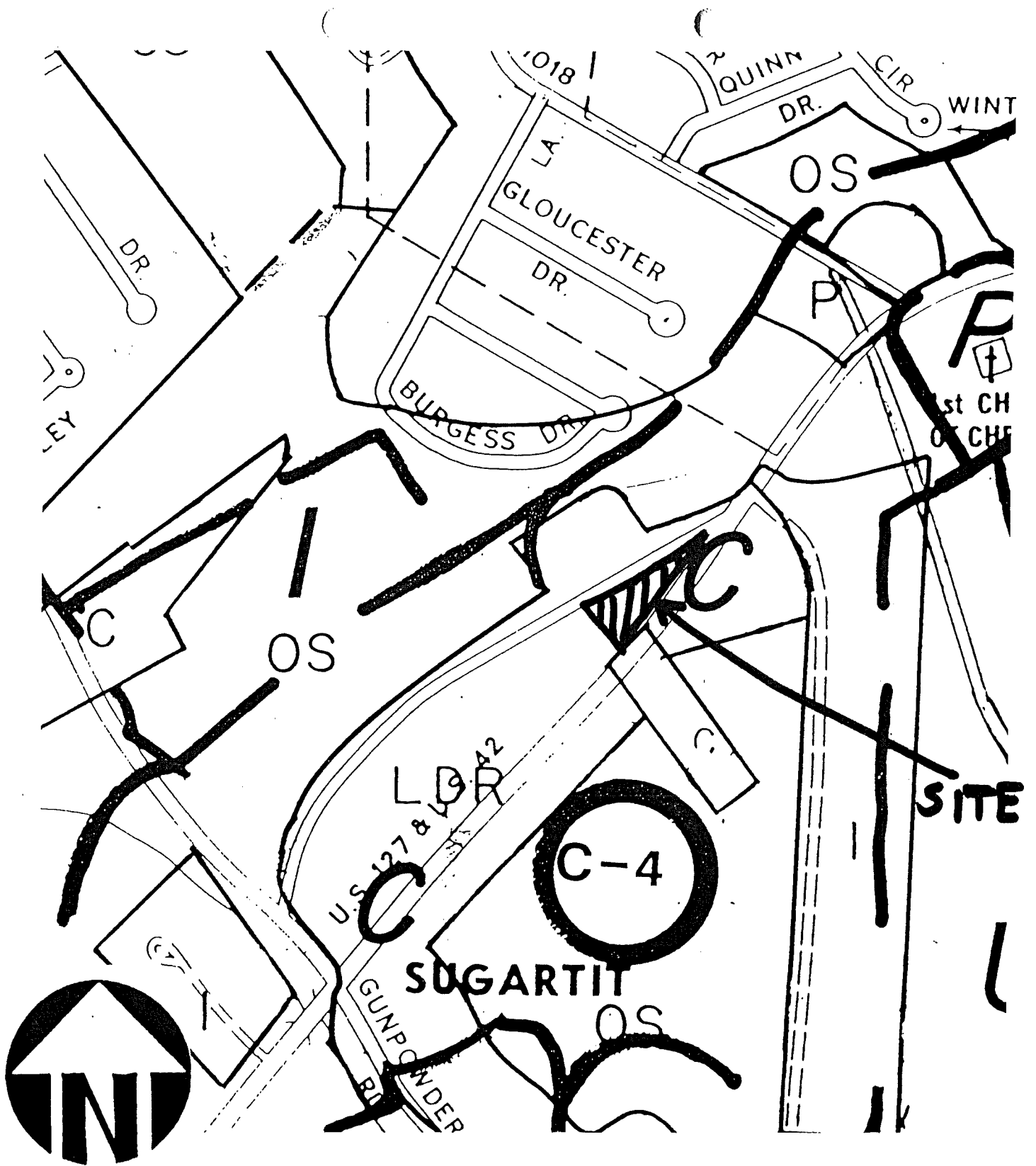
RAJ\par



MAP #1 - LOCATION MAP
AutoZone (U.S. 42 / Old Toll Rd)

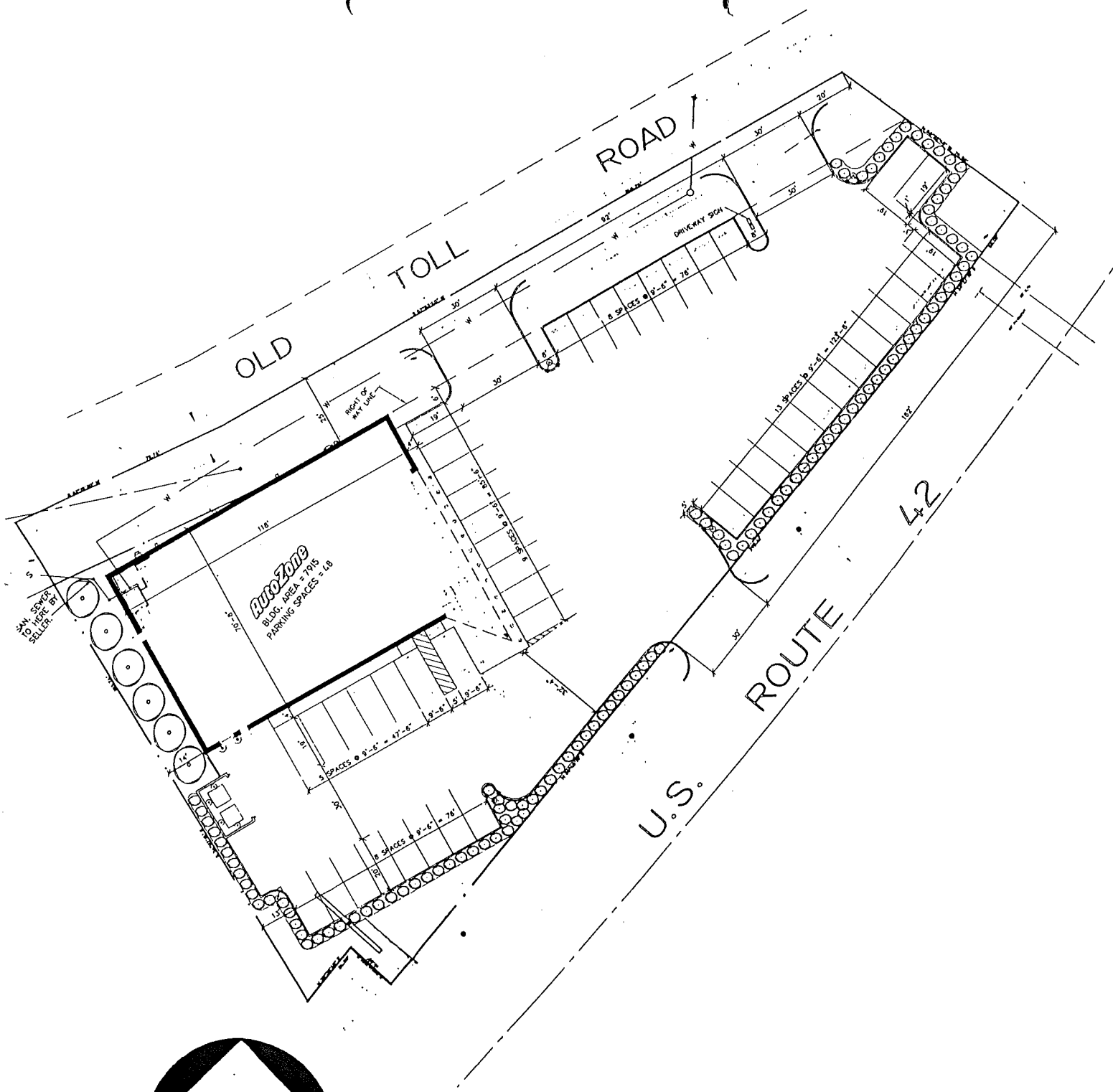


MAP #2 - ZONING
 AutoZone (U.S. 42 / Old Toll Rd)



MAP #3 - FUTURE LAND USE

AutoZone (U.S. 42 / Old Toll Rd)



MAP #4 - CONCEPT PLAN
 AutoZone (U.S. 42 / Old Toll Rd)

BOONE COUNTY PLANNING COMMISSION

January 4, 1995
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, Chairman Viox stated that the Committee meeting for this item will be on January 9, 1995 at 4 P.M. in the second floor conference room at the courthouse. This item will be on the Agenda for the Business Meeting on January 18, 1995 at 8 P.M. in the Ferguson Room, Ellis Extension Center, for possible action.

1. Applicants: Gary Gregory and Brad Denzia for Matthias and Laverne Toeppen (owners)

Request: Utilization of an Underlying Zone in a Planned Development

The request of Gary Gregory and Brad Denzia (applicants) for Matthias and Laverne Toeppen (owners) for the Utilization of an Underlying Zone in a Planned Development in order to construct an 8,800 square foot AutoZone, auto parts/accessory store on a 1.1-acre parcel located at Highway 42 and Old Toll Road, Florence, Kentucky. The site is zoned Commercial Two/Planned Development (C-2/PD).

Staff Member Bob Jonas presented the Staff Report which included a review of the attachments and a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. Gary Gregory, company architect for AutoZone, stated that AutoZone has about one thousand store in 21 states. Mr. Gregory stated that there are some severe limitations on this site. It is approximately 193 feet on one side and tapers down to about 75 feet on the other side, which dictates the area in which they have to put the building. The building is shown up against the Old Toll Road right-of-way, but if they move it away it will be up against U.S. 42. It is a very narrow site and there are concerns for traffic patterns. The building has been reduced to 7,900 square feet from 8,800 square feet, which is about the smallest building they can fit on the site. Mr. Gregory addressed the Staff Concerns. He stated that the property has not been recorded or transferred over and the detail in Staff Concern #2 can be handled at a later date. According to their surveyor, Staff Concern #2 indicates the way the property is now. In

regard to Staff Concern #3, he stated that they have a prototype building and cannot put their doors on the other side of the building. For operational purposes, all of the stores have to be the same. They can do screening and have committed to landscaping/screening and dumpster screening. They can push the dumpster to the back. Moving the doors would be a problem. In regard to Staff Concern #4, they feel they have a good parking plan. They will work with the Staff to minimize the parking, and whatever is left will be landscaping. In regard to Staff Concern #5, he stated that they can do this with no problem, but they have a problem with the monument sign due to the site challenges. He stated that there is a large tree, it comes over a hill, and they are so far away from the big retail district to the north that they would like a large sign on the southeast side of the building. In regard to Staff Concerns #6 and #7 he stated that they will do this, but there is no development at this time. He stated that they can talk with the Staff in this regard. In regard to Staff Concern #8, he stated that the existing trees are scrappy and are on the parking lot. They will be glad to overlay a survey with the existing plat to show where they are. He stated that the trees would be taken away with any street widening. In regard to Staff Concern #9, he stated that they like signage because they are a retail business. They feel that the site has challenges from the south and is so far away from the retail businesses that they want to maintain the larger sign. In regard to Staff Concern #10, Mr. Gregory stated that he left his color schemes in Mason and will prepare full renderings for the meeting with the Staff. He stated that the building is exactly like every other building they do and will be like the Erlanger site. He stated that they are now using a split faced block in the same gray and same size. In regard to Staff Concern #11, he stated that there will be no on-site vehicle services. They are strictly a retail business and have no service bays.

Chairman Viox noted that Mr. Gregory is from Memphis and asked if they have a facility in the Germantown, Tennessee area. Mr. Gregory advised that they do have a facility in Germantown. Chairman Viox asked if that facility meets the criteria in regard to the building and the signage. Mr. Gregory stated that they do not own that facility and it was tacked onto a shopping center. It is the only 4,000 square foot store left in the chain and the only reason they still own it is that the owners live in Germantown. Chairman Viox stated that that facility has a small sign, brick architecture, and sidewalks. Mr. Gregory agreed and stated that everything in Germantown is brick, has 35 square foot total signage without exception, and is in-line space. You cannot do stand-alone property in Germantown. These are city standards. You do not submit colors to them -- the city submits them to you and everything is "puke pink".

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

Mr. Ries stated that the Staff did an excellent job in regard to the requirements for this piece of property. He stated that if the requirements are too much of a challenge, the applicant should look elsewhere. It is a very visible site and should look nice. The applicant should meet the requirements.

Mr. Damstrom asked if the dumpster space is located towards the residence to the south. Mr. Gregory advised that it is. He reviewed the drawing with Mr. Damstrom and stated that there will be a brick screen around the dumpster. Mr. Damstrom asked how far the dumpster is from the residence. Mr. Gregory stated that it is 14 feet away. Mr. Damstrom stated that they need to find some place else for the dumpster as long as the residence is there. According to the Comprehensive Plan, the property will be commercial, but there are people living there now. A dumpster 14 feet from a residence is not satisfactory.

Mr. Neltner stated that the constructed area around the dumpster is about 3 feet from the property line. He referred to Map #4 and noted that the square footage is shown as 7,915. Mr. Jonas advised that the application was for 8,800 square feet. Mr. Gregory stated that they have tried several styles and sizes of buildings for the site. The building was larger on the original application. The 7,900 square feet is correct.

Mr. White questioned water retention. Mr. Gregory stated that they have not done the engineering studies at this time, but have retained an engineer. They will retain whatever water the county engineer tells them to retain. There is stormwater piping in the street available to them.

Mr. Kirby noted that a comment was made that the building is in the right-of-way line and questioned how that relates to the rear yard setback on the Old Toll Road side. He questioned if they are asking for a Variance. Mr. Costello stated that it is a PD, which allows flexibility in the setbacks, and the applicant is asking for that flexibility.

Mrs. Arnett questioned the outside lighting. Mr. Gregory stated that they have neon lights running around the building. For the parking lot they use 1,000 watts and 18-foot poles at 3 degrees horizontal. He stated that they can submit a plan to the Commission. Mrs. Arnett asked if the lights will be on all night. Mr. Gregory stated that that would depend on local ordinances. If they get their way, they will leave the lights on until about 10 P.M. or 11 P.M.. The store closes at 9 P.M. and the manager leaves about 10 P.M. or 11 P.M..

Mr. Damstrom questioned the height of the building. Mr. Gregory advised that it is 18 feet. Mr. Damstrom asked if there would be a building-mounted sign at the top. Mr. Gregory stated that the sign, which is painted on the building, is incorporated in the height and has a neon outline. Mr. Damstrom stated that the Staff Report is excellent. He is very familiar with the location and it is very close to U.S. 42. He stated that it will be difficult for traffic to pass the site and not know what is there and, therefore, a monument sign would be sufficient and appropriate.

Mr. Bailey stated that he is concerned with the buffering and assumes Mr. Costello's response to setbacks would apply to buffering. Mr. Costello stated that that was correct. He noted that the PD allows for flexibility of all the requirements -- but there has to be a superior design to allow the flexibility -- such as building layout, very heavy buffer area, etc. to provide a reason to approve the project in PD versus the straight zone.

It is up to the applicant to present a superior design to the Planning Commission to warrant deviation from the conventional zoning.

Counselor Wilson stated that the applicant has to present a Development Plan that persuades the Commission to grant a deviation on items such as lighting, setbacks, buffer, etc.. The Development Plan must show reasons why deviations should be allowed. The PD Overlay gives an extra layer of review. The application would not be here if they were not in PD. The property has been identified in the Comprehensive Plan as needing special review and protection. The applicant has to present a Development Plan that meets the criteria for the extra protection.

Mr. Costello stated that the primary reason the property was put in Planned Development was that U.S. 42 was being widened and the City of Florence and the Fiscal Court had concerns about the impact of the road widening on the properties along there. He stated that over the last five or six years there have been a number of developments along this corner, including Star Bank, the day care center, and Liberty National Bank. Each property has come in in Planned Development on its own merits.

Counselor Wilson stated that this request will go to the Committee, which is a lesser number of commissioners and reviews the record made this evening. The Committee can ask questions based on the record. The Committee will come back to the Commission with a report recommending approval or denial of the request based on the findings of fact. The Commission can accept the Committee Report or not accept it. The Commission's recommendation will go to the City of Florence. The city has the final say and can override the Commission's recommendation. The Committee meeting is an open meeting, but it is not a Public Hearing. The public has the right to attend the Committee meeting, but not necessarily the right to speak.

Chairman Viox asked if there were any further comments.

Mr. Ron Harms, stated that he lives in the house on the south side and a monument sign will block his view coming out of his driveway. He stated that until this year there were weeds four feet tall there and he had to mow up to the corner to get out of his driveway without being hit. The dumpsters will be right next to his swimming pool and he does not want to smell garbage at his swimming pool.

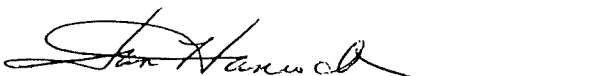
There being no further comments, the Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
Ellis Cooperative Extension Center
January 18, 1995
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Mitch Light
Mr. Kevin Wall

Mr. Kirby noted Mrs. Schaffer's comments regarding the single-family and detached homes being something other than owner occupied, and that the applicant agreed to provide a letter stating that they would be owner occupied. He asked if an owner would be precluded from renting the home in the future while it was on the market for sale. Counselor Wilson explained that the owners would occupy the dwellings and not purchase them solely for investment purposes. Mr. Kirby stated that the restriction would apply to the first time the home is purchased. Counselor Wilson stated that that would be a fair answer to the question.

Mrs. Smith questioned the location of the land to be donated for the school. Mr. Erpenbeck indicated an area shown in orange on the plan. Mr. Neltner stated that there was a lot of discussion in regard to the school site. He stated that the depth of the commercial and office areas is approximately 400 feet and the way the ground lays, the school will have visibility from U.S. 42. Mrs. Smith stated that the visibility was her concern.

Mr. Ries stated that the Committee and Mr. Erpenbeck did an excellent job working together on this project and he commended them both.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Burch and it carried unanimously. Counselor Wilson advised interested parties to follow up with the Union and Florence city councils as they have the final say.

Mr. McElroy left the meeting at this time.

2. Utilization of an Underlying Zone in a Planned Development

The request of Gary Gregory and Brad Denzia (applicants) for Matthias and Laverne Toebben (owners) for the Utilization of an Underlying Zone in a Planned Development in order to construct an 8,800 sq. ft. AutoZone auto parts/accessory store on a 1.1-acre parcel located at Highway 42 and Old Toll Road, Florence, Kentucky. The site is zoned Commercial Two/Planned Development (C-2/PD).

Staff Member Bob Jonas read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Kirby moved by resolution to the Florence City Council that the request be approved based on the Staff and Committee Reports. Mr. Bailey seconded the motion.

Mr. Ries stated that on the original plan the area in front of the dumpster was considered a loading area. He asked if it is still a loading area. Mr. Jonas advised that it is still a loading area, but shipping and receiving will be done after hours. Mr. Ries asked what it will look like. Mr. Jonas stated that it is a one-bay garage.

Mr. Gary Gregory, company architect for AutoZone, stated that there will be a 6' x 8' overhead, steel, rolling door. The loading area will not be raised and the door will be the same gray color as the rest of the building.

Mr. Ries stated that he visited the site and was concerned about how close the dumpster will be to the neighbor's pool. He noted that that concern had been raised by the neighbor. Mr. Ries questioned the requirement for a 25-foot buffer between a business and a residential area. Mr. Jonas advised that the adjacent area is zoned commercial, not residential.

Mr. Gregory stated that they spoke with the resident and his only concern was that there not be a bad smell. He stated that their only trash is cardboard, and they have no biological products that would smell. Mr. Ries stated that it may start off that way, but he has seen what goes in the dumpsters in other auto supply facilities -- which varies from food to oil.

Mr. Ries stated that there may be an area at the back entrance by Old Toll Road where the dumpster could go and there are other places on the site where the dumpster could go and be screened and not affect the neighboring pool or house.

Mr. Gregory stated that he met with the neighbor, who will develop his property commercially in the future -- the residential use is only temporary. The neighbor did not have a problem with the dumpster when he spoke to him. Mr. Gregory stated that the location of the dumpster is not a flexible issue. They would normally like to have the dumpster behind the building, but if they put it between them and the residence to the real back of the building it is even closer to the property line. If they put it towards Old Toll Road it would be in the road, or they would have to move the building and lose a lot of parking. They would then have to flip the building and have the entrance off Old Toll Road -- in which case they would back out of the project.

Mr. Jonas advised that the neighbor was at the Committee meeting. Mr. Jonas stated that a six-foot fence has been added to the area of the dumpster. Mr. Ries stated that if there is enforcement and it does not get sloppy, that will solve the problem.

Mr. Gregory advised that the EPA is very strict on the disposal of oil, anti-freeze, freon, and products of that type.

Mr. Neltner expressed concern about the location of the monument sign. He stated that there is a lot of traffic that takes Old Toll Road to avoid waiting at the light on Pleasant Valley Road. He would have concerns about people pulling out of the day care center when cars are coming up the hill at 55 MPH. He is concerned that the view will be blocked.

Mr. Jonas stated that a criteria for approval of a Sign Permit Application is that the sign does not hinder the view. In this case, they would consider whether visibility coming out of Old Toll Road would be hindered. If there is a problem, the sign would be moved back. He advised that they also consider the mound the sign sets on.

Mr. Damstrom stated that the resident next door attended the Committee Meeting. The resident did not mind the dumpster being there, as long as it does not stink. The resident's only concern was the monument sign -- he did not mind the sign, but did not want his view blocked coming out of his driveway. The neighbor does intend to develop his property commercially.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

Chairman Viox stated that the following items are recommended for deferral to the February 1, 1995 Business Meeting:

3. Zoning Text Amendment - The request of the City of Florence to consider amendments to Article 9, Residential Districts, in the Boone County Zoning Regulations in order to change the requirements for duplex dwelling units.
5. Site Plan Review - The request of Earl Williams, Roth Partnership (applicant) for St. Luke Hospital, Inc. (owner) to construct an addition and to make site improvements. The site is located at Houston Road and Turfway Road, Florence, Kentucky, and is zoned Public Facilities/Planned Development (PF/PD).
6. Design Review - Provident Bank.
7. Design Review - St. Luke Hospital, Inc.

Mr. Kirby moved to defer Agenda Items Nos. 3, 5, 6, and 7 to the February 1, 1995 Business Meeting at 8 P.M. in the Ferguson Room, Ellis Extension Center. Mr. Ries seconded the motion and it carried unanimously.

4. Subdivision Regulations

The request of the Boone County Planning Commission Technical/Design Review Committee to amend the Boone County Subdivision Regulations in order to recognize qualified geotechnical engineers. Such amendments will involve changes in Articles 2, 3, 4, and 5 of the Boone County Subdivision Regulations and the Boone County Street, Storm and Sidewalk Specifications.

Mr. Kevin Costello, Executive Director, read the Committee Report which recommended approval of the proposed text amendment based on the finding of fact (see Committee Report).

Mr. Kirby moved to approve the proposed text amendment based on the Staff and Committee Reports. Mr. Ries seconded the motion.

Mr. Costello advised that the Commission's action on the request is final and does not have to go to the legislative units.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: January 18, 1995

RE: Request of Gary Gregory and Brad Denzia (applicants) for Matthias and Laverne Toebben (owners) for the Utilization Of An Underlying Zone In A Planned Development in order to construct a 8,800 square foot **AutoZone**, auto parts/accessory store on a 1.1 acre parcel located at Highway 42 and Old Toll Road, Florence, Kentucky, and is zoned Commercial Two/Planned Development (C-2/PD).

Remarks

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

Findings of Fact

1. This request meets the designation by the **Future Land Use** map of the 1990 Boone County Comprehensive Plan which calls for the site to develop as Commercial.
2. A revised Concept Plan (attached) has been submitted addressing the following concerns heard at the January 4, 1995 Public Hearing:
 - a. The pole sign has been replaced with a 50 square foot monument sign located at the intersection of U.S. 42 and Old Toll Road.
 - b. The building has been moved off the Old Toll Road right-of-way by 5 feet to allow for landscaping and screening.
 - c. A sidewalk along Old Toll Road is being provided.
 - d. A reduction in the paved parking area is shown on the revised plan allowing for more buffer yard along U.S. 42.
3. The above mentioned revisions and the following conditions have adequately addressed the concerns heard at the January 4, 1995 Public Hearing.

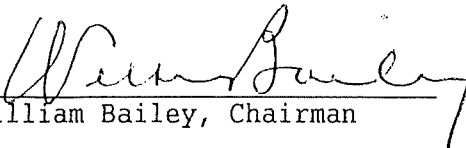
Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the January 4, 1995 Public Hearing:

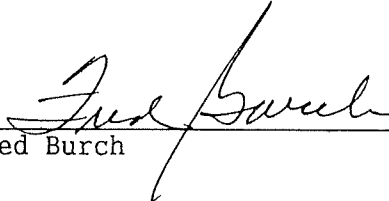
1. The proposed curbcut on Old Toll Road nearest to the intersection with U.S. 42 is to be deleted from the submitted Concept Plan.
2. The dumpster is to be screened by adding landscaping to the east elevation (along U.S. 42).

The applicant has signed a letter of agreement with the above conditions.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



William Bailey, Chairman




Fred Burch



Phil Damstrom

Barry Neltner



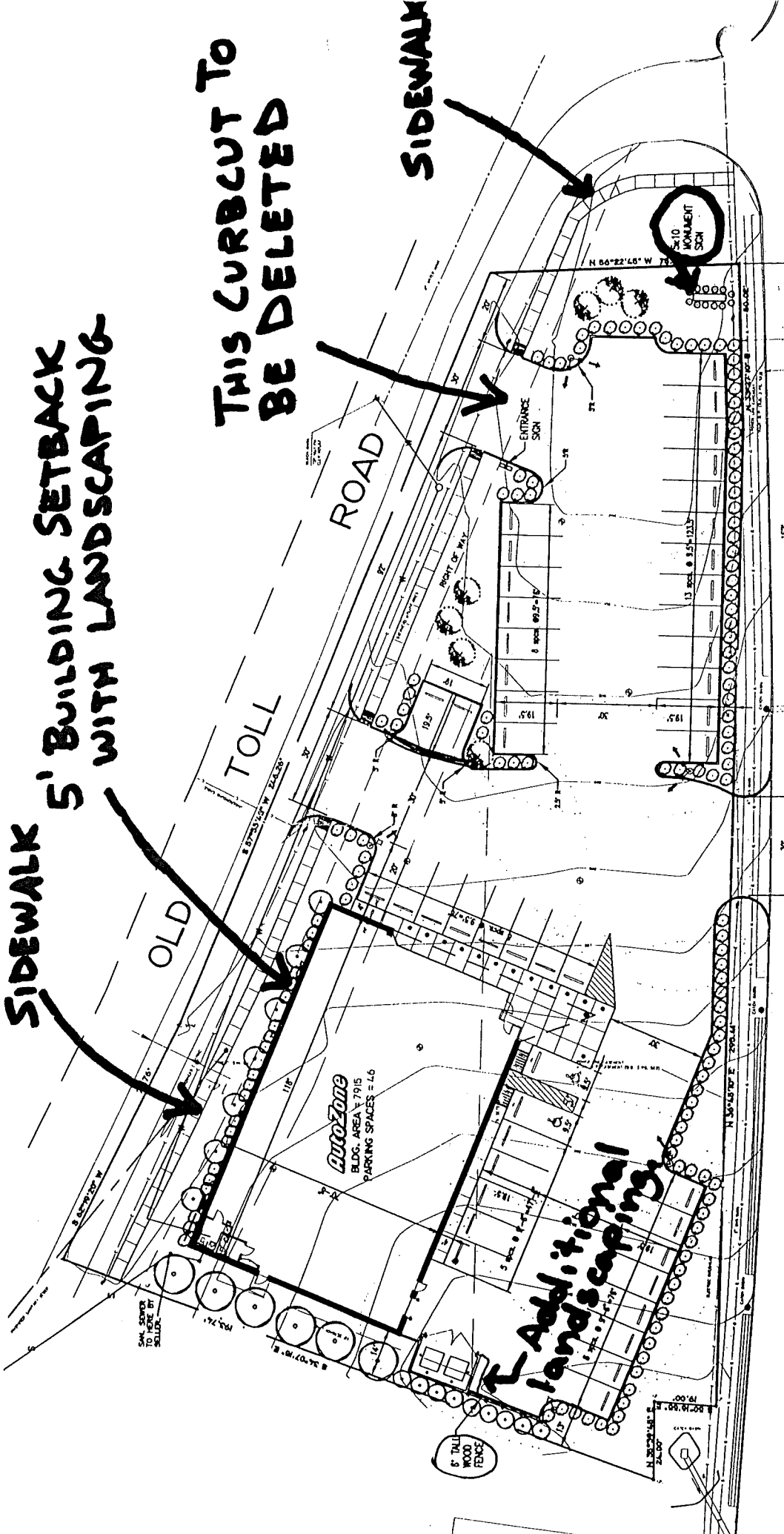
Gayle McElroy

SIDEWALK

5' BUILDING SETBACK WITH LANDSCAPING

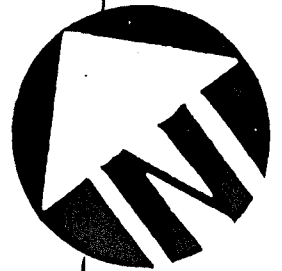
THIS CURB CUT TO BE DELETED

SIDEWALK



U.S. ROUTE 42

(REVISED) CONCEPT PLAN
 AutoZone (U.S. 42 / Old Toll Rd)



BOONE COUNTY PLANNING COMMISSION

January 4, 1995
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, Chairman Viox stated that the Committee meeting for this item will be on January 9, 1995 at 4 P.M. in the second floor conference room at the courthouse. This item will be on the Agenda for the Business Meeting on January 18, 1995 at 8 P.M. in the Ferguson Room, Ellis Extension Center, for possible action.

1. Applicants: Gary Gregory and Brad Denzia for Matthias and Laverne Toeppen (owners)

Request: Utilization of an Underlying Zone in a Planned Development

The request of Gary Gregory and Brad Denzia (applicants) for Matthias and Laverne Toeppen (owners) for the Utilization of an Underlying Zone in a Planned Development in order to construct an 8,800 square foot AutoZone, auto parts/accessory store on a 1.1-acre parcel located at Highway 42 and Old Toll Road, Florence, Kentucky. The site is zoned Commercial Two/Planned Development (C-2/PD).

Staff Member Bob Jonas presented the Staff Report which included a review of the attachments and a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. Gary Gregory, company architect for AutoZone, stated that AutoZone has about one thousand store in 21 states. Mr. Gregory stated that there are some severe limitations on this site. It is approximately 193 feet on one side and tapers down to about 75 feet on the other side, which dictates the area in which they have to put the building. The building is shown up against the Old Toll Road right-of-way, but if they move it away it will be up against U.S. 42. It is a very narrow site and there are concerns for traffic patterns. The building has been reduced to 7,900 square feet from 8,800 square feet, which is about the smallest building they can fit on the site. Mr. Gregory addressed the Staff Concerns. He stated that the property has not been recorded or transferred over and the detail in Staff Concern #2 can be handled at a later date. According to their surveyor, Staff Concern #2 indicates the way the property is now. In

regard to Staff Concern #3, he stated that they have a prototype building and cannot put their doors on the other side of the building. For operational purposes, all of the stores have to be the same. They can do screening and have committed to landscaping/screening and dumpster screening. They can push the dumpster to the back. Moving the doors would be a problem. In regard to Staff Concern #4, they feel they have a good parking plan. They will work with the Staff to minimize the parking, and whatever is left will be landscaping. In regard to Staff Concern #5, he stated that they can do this with no problem, but they have a problem with the monument sign due to the site challenges. He stated that there is a large tree, it comes over a hill, and they are so far away from the big retail district to the north that they would like a large sign on the southeast side of the building. In regard to Staff Concerns #6 and #7 he stated that they will do this, but there is no development at this time. He stated that they can talk with the Staff in this regard. In regard to Staff Concern #8, he stated that the existing trees are scrappy and are on the parking lot. They will be glad to overlay a survey with the existing plat to show where they are. He stated that the trees would be taken away with any street widening. In regard to Staff Concern #9, he stated that they like signage because they are a retail business. They feel that the site has challenges from the south and is so far away from the retail businesses that they want to maintain the larger sign. In regard to Staff Concern #10, Mr. Gregory stated that he left his color schemes in Mason and will prepare full renderings for the meeting with the Staff. He stated that the building is exactly like every other building they do and will be like the Erlanger site. He stated that they are now using a split faced block in the same gray and same size. In regard to Staff Concern #11, he stated that there will be no on-site vehicle services. They are strictly a retail business and have no service bays.

Chairman Viox noted that Mr. Gregory is from Memphis and asked if they have a facility in the Germantown, Tennessee area. Mr. Gregory advised that they do have a facility in Germantown. Chairman Viox asked if that facility meets the criteria in regard to the building and the signage. Mr. Gregory stated that they do not own that facility and it was tacked onto a shopping center. It is the only 4,000 square foot store left in the chain and the only reason they still own it is that the owners live in Germantown. Chairman Viox stated that that facility has a small sign, brick architecture, and sidewalks. Mr. Gregory agreed and stated that everything in Germantown is brick, has 35 square foot total signage without exception, and is in-line space. You cannot do stand-alone property in Germantown. These are city standards. You do not submit colors to them -- the city submits them to you and everything is "puke pink".

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

Mr. Ries stated that the Staff did an excellent job in regard to the requirements for this piece of property. He stated that if the requirements are too much of a challenge, the applicant should look elsewhere. It is a very visible site and should look nice. The applicant should meet the requirements.

Mr. Damstrom asked if the dumpster space is located towards the residence to the south. Mr. Gregory advised that it is. He reviewed the drawing with Mr. Damstrom and stated that there will be a brick screen around the dumpster. Mr. Damstrom asked how far the dumpster is from the residence. Mr. Gregory stated that it is 14 feet away. Mr. Damstrom stated that they need to find some place else for the dumpster as long as the residence is there. According to the Comprehensive Plan, the property will be commercial, but there are people living there now. A dumpster 14 feet from a residence is not satisfactory.

Mr. Neltner stated that the constructed area around the dumpster is about 3 feet from the property line. He referred to Map #4 and noted that the square footage is shown as 7,915. Mr. Jonas advised that the application was for 8,800 square feet. Mr. Gregory stated that they have tried several styles and sizes of buildings for the site. The building was larger on the original application. The 7,900 square feet is correct.

Mr. White questioned water retention. Mr. Gregory stated that they have not done the engineering studies at this time, but have retained an engineer. They will retain whatever water the county engineer tells them to retain. There is stormwater piping in the street available to them.

Mr. Kirby noted that a comment was made that the building is in the right-of-way line and questioned how that relates to the rear yard setback on the Old Toll Road side. He questioned if they are asking for a Variance. Mr. Costello stated that it is a PD, which allows flexibility in the setbacks, and the applicant is asking for that flexibility.

Mrs. Arnett questioned the outside lighting. Mr. Gregory stated that they have neon lights running around the building. For the parking lot they use 1,000 watts and 18-foot poles at 3 degrees horizontal. He stated that they can submit a plan to the Commission. Mrs. Arnett asked if the lights will be on all night. Mr. Gregory stated that that would depend on local ordinances. If they get their way, they will leave the lights on until about 10 P.M. or 11 P.M.. The store closes at 9 P.M. and the manager leaves about 10 P.M. or 11 P.M..

Mr. Damstrom questioned the height of the building. Mr. Gregory advised that it is 18 feet. Mr. Damstrom asked if there would be a building-mounted sign at the top. Mr. Gregory stated that the sign, which is painted on the building, is incorporated in the height and has a neon outline. Mr. Damstrom stated that the Staff Report is excellent. He is very familiar with the location and it is very close to U.S. 42. He stated that it will be difficult for traffic to pass the site and not know what is there and, therefore, a monument sign would be sufficient and appropriate.

Mr. Bailey stated that he is concerned with the buffering and assumes Mr. Costello's response to setbacks would apply to buffering. Mr. Costello stated that that was correct. He noted that the PD allows for flexibility of all the requirements -- but there has to be a superior design to allow the flexibility -- such as building layout, very heavy buffer area, etc. to provide a reason to approve the project in PD versus the straight zone.

It is up to the applicant to present a superior design to the Planning Commission to warrant deviation from the conventional zoning.

Counselor Wilson stated that the applicant has to present a Development Plan that persuades the Commission to grant a deviation on items such as lighting, setbacks, buffer, etc.. The Development Plan must show reasons why deviations should be allowed. The PD Overlay gives an extra layer of review. The application would not be here if they were not in PD. The property has been identified in the Comprehensive Plan as needing special review and protection. The applicant has to present a Development Plan that meets the criteria for the extra protection.

Mr. Costello stated that the primary reason the property was put in Planned Development was that U.S. 42 was being widened and the City of Florence and the Fiscal Court had concerns about the impact of the road widening on the properties along there. He stated that over the last five or six years there have been a number of developments along this corner, including Star Bank, the day care center, and Liberty National Bank. Each property has come in in Planned Development on its own merits.

Counselor Wilson stated that this request will go to the Committee, which is a lesser number of commissioners and reviews the record made this evening. The Committee can ask questions based on the record. The Committee will come back to the Commission with a report recommending approval or denial of the request based on the findings of fact. The Commission can accept the Committee Report or not accept it. The Commission's recommendation will go to the City of Florence. The city has the final say and can override the Commission's recommendation. The Committee meeting is an open meeting, but it is not a Public Hearing. The public has the right to attend the Committee meeting, but not necessarily the right to speak.

Chairman Viox asked if there were any further comments.

Mr. Ron Harms, stated that he lives in the house on the south side and a monument sign will block his view coming out of his driveway. He stated that until this year there were weeds four feet tall there and he had to mow up to the corner to get out of his driveway without being hit. The dumpsters will be right next to his swimming pool and he does not want to smell garbage at his swimming pool.

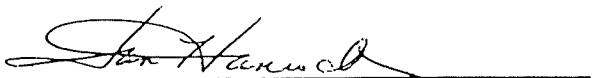
There being no further comments, the Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

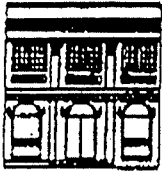
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264



January 17, 1995

AutoZone
Attn: Mr. Gary Gregory
3030 Poplar Avenue
Memphis, TN 38111

RE: Conditions of approval for the Utilization Of An Underlying Zone for the AutoZone request at U.S. 42 & Old Toll Road

Dear Mr. Gregory:

The following represents the conditions of approval as decided upon by the Zone Change Committee. If you, as applicant, and the owner will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and return (fax) it to our office by Noon, Wednesday, January 18, 1995.

Conditions of approval

1. The proposed curbcut on Old Toll Road nearest to the intersection with U.S. 42 is to be deleted from the submitted Concept Plan.
2. The dumpster is to be screened by adding landscaping to the east elevation (along U.S. 42).

Sincerely,

Robert A. Jonas
Robert A. Jonas
Planner

**** RAJ\par *****

Agreement

GOOD
02

RESULT
PAGE
MODE

We, the applicant and owner, agree to the above listed conditions for approval of the above request for an Autozone at U.S. 42 and Old Toll Road.

BOONE CO PLANNING CO

PHONE/TTL NO.

606-371-6365

x *Gary Gregory* ARCH. FOR AUTOZONE. 1-17-95
applicant

x *John Rose* BOONE CO PLANNING COMMISSION REPORT date 1/18/95
Owner (or representative of owner)

DEED
BOOK 408 PAGE 270

KNOW ALL PERSONS BY THIS INSTRUMENT:

PROPERTY TRANSFER TAX PAID \$ 149.50
JERRY W. ROUSE, CLERK *emo*

That EXERCISE AND LEISURE EQUIPMENT CO., an Ohio corporation, by its duly authorized officer pursuant to resolution duly authorized by the Board of Directors of the corporation,

the GRANTOR(S), for and in consideration of a land exchange and other good and valuable consideration (value is \$149,500.00)

paid to the GRANTOR(S) by the GRANTEE(S) herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the following named GRANTEE(S), MATTHIAS TOEBBEN and LAVERNE TOEBBEN, husband and wife, jointly, for and during their natural lives with the remainder in fee simple to the survivor of them, his or her

heirs/~~successors~~ and assigns forever, the following described real estate, in the city of Florence, county of Boone County, and state of Kentucky, to wit:

Street Address: U. S. 42 & Old Toll Road, Florence, Kentucky 41042

Mailing Address: 2536 Hazelwood Drive, Crescent Springs, Kentucky 41017

Group No.: 2039; Plat No.: _____

Located generally in Boone County Group #2039, in the intersection of Relocated U. S. Highway #42 and the Old Toll Road and described thus: BEGINNING at a found spike the common West corner of the parcel to be described herein and the Hamilton Resubdivision (Plat Book 7 page 2) in the center of the Old Toll Road; thence therewith, N 62-19-20 E 78.76 feet and N 57-53-45 E 246.26 feet to a spike therein a corner with a parcel conveyed to the Commonwealth of Kentucky in Highway Deed Book 14 page 19; thence with the South line of said parcel and partitioning the original Schwetschenau tract, S 56-22-45 E 75.98 feet to a rebar in the Northwest line of relocated U. S. Highway #42; thence therewith, S 33-27-10 W 50.02 feet, S 36-45-10 W 295.41 feet to a rebar a corner of a permanent easement granted for highway purposes; thence with lines of said easement, N 50-16-55 W 19.0 feet to a rebar, S 35-39-45 W 24.0 feet to a rebar in the common line of the parcel described herein and said Hamilton Resubdivision; thence therewith, N 34-7-15 W 193.74 feet to the place of beginning containing 1.103 acres and subject to legal highways and legal easements of record and in existence.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., March 29, 1989, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

Being all of the same property conveyed to the Grantor herein by deed from Paul J. Schwetschenau, et al, recorded in Deed Book 408, page 266 of the Boone County Clerk's records at Burlington, Kentucky.

By resolution adopted by the Board of Directors of Exercise and Leisure Equipment Co., the person signing below has been duly authorized to execute this deed on behalf of the corporation.

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE(S), in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

Dated this 26th day of May, 1989.

EXERCISE AND LEISURE EQUIPMENT CO.

By: Mark P. Becker, President

Jerry A. Becker, Secretary

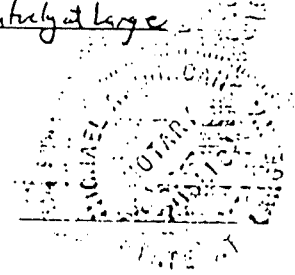
STATE OF KENTUCKY, COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by EXERCISE AND LEISURE EQUIPMENT CO., an Ohio corporation, by Mark P. Becker and Jerry A. Becker, its President & Secretary, respectively, on behalf of the corporation.

Michael A. Duncan
Notary Public

My commission expires: Dec. 21, 1991

My jurisdiction is: Kentucky at Large



STATE OF KENTUCKY, }
COUNTY OF BOONE, } So.

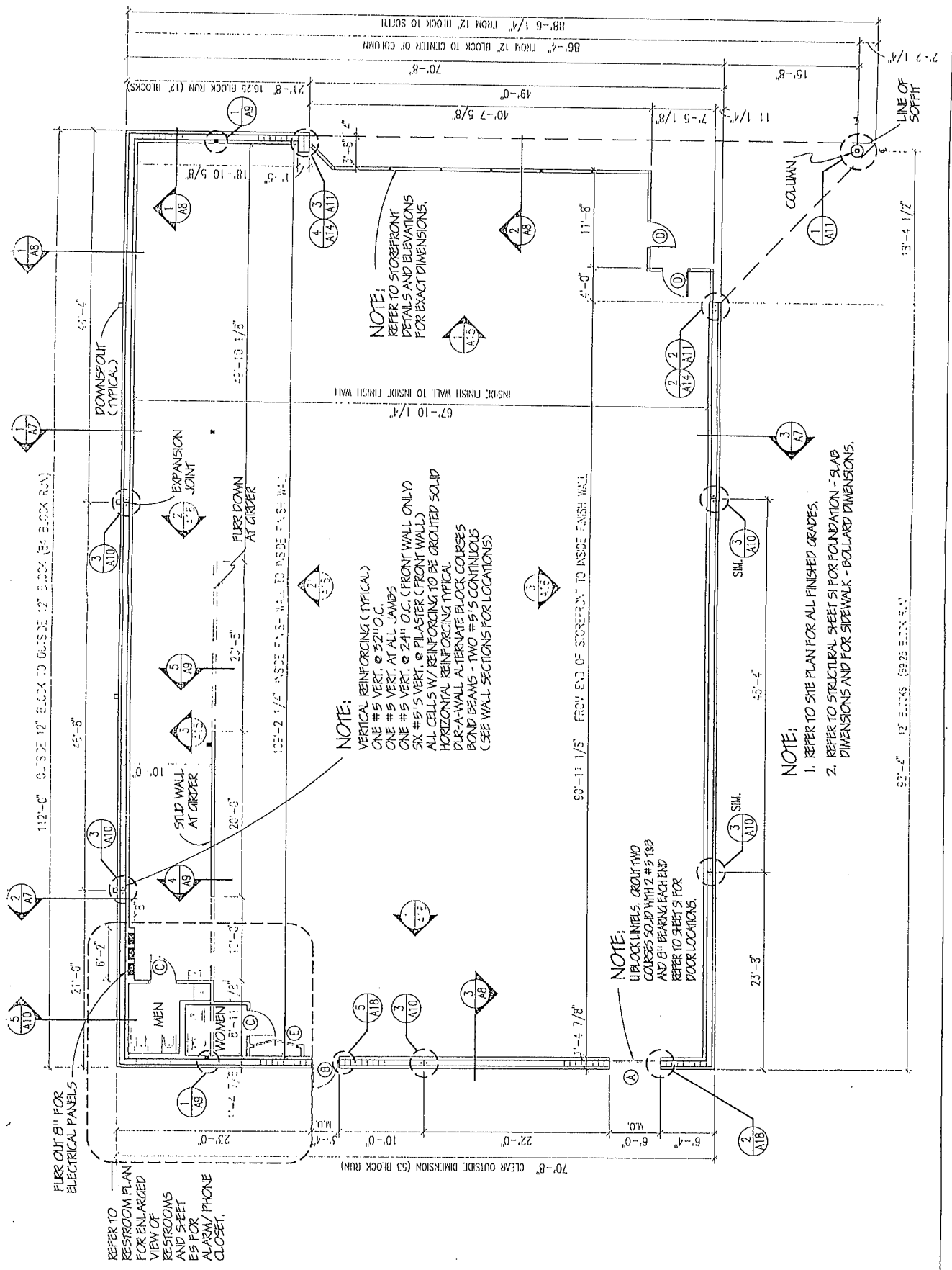
I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 30 day of May, 1989, at 9:42 A. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 30 day of May, 1989

JERRY W. ROUSE, Clerk
By: Allen Sweet, D. C.

RETURN TO: This instrument prepared by Ziegler & Schneider, P.S.C., Attorneys at Law, 505 Turfway Ridge Office Park, 7300 Turfway Road, Florence, Kentucky 41042 by Michael A. Duncan, Attorney.

Michael A. Duncan



NOTE:
REFER TO STOREFRONT
DETAILS AND ELEVATIONS
FOR EXACT DIMENSIONS.

NOTE:
VERTICAL REINFORCING (TYPICAL)
ONE #5 VERT. @ 22" O.C.
ONE #5 VERT. AT ALL JAMBS
ONE #5 VERT. @ 24" O.C. (FRONT WALL ONLY)
5X #5 VERT. @ 24" O.C. (PIASTER (FRONT WALL))
ALL CELLS W/ REINFORCING TO BE GROUTED SOLID
HORIZONTAL REINFORCING TYPICAL
DUR-A-WALL ALTERNATE BLOCK COURSES
POND BEAMS - TWO #5'S CONTINUOUS
(SEE WALL SECTIONS FOR LOCATIONS)

NOTE:
UP-BLOCK LINTELS, GROUT TWO
COURSES SOLID WITH 2 #5 T&B
AND 8" B'Y BEARING EACH END
REFER TO SHEET S1 FOR
DOOR LOCATIONS.

NOTE:
1. REFER TO SITE PLAN FOR ALL FINISHED GRADES.
2. REFER TO STRUCTURAL SHEET S1 FOR FOUNDATION - SLAB
DIMENSIONS AND FOR SIDEWALK - BOLLARD DIMENSIONS.

REFER TO
RESTROOM PLAN
FOR ENLARGED
VIEW OF
RESTROOMS
AND SHEET
S1 FOR
ALARM/PHONE
CLOSET.

FLOOR PLAN FOR
ELECTRICAL PANELS

ORDINANCE NO. 0-4-95

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT FOR A 1.1 ACRE SITE ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), LOCATED AT U.S. 42 AND OLD TOLL ROAD, IN THE CITY OF FLORENCE, KENTUCKY. (GREGORY, DENZIA, AND TOEBBEN PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that a request for utilization of an underlying zone be granted for property more particularly described herein, and

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

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

SECTION I

That the request for the real estate which is more particularly described below shall be and is hereby approved for the utilization of an underlying zone in a Commercial Two/Planned Development (C-2/PD) zone on a 1.1 acre site. The real estate which is the subject of this request for approval for the utilization of an underlying zone is more particularly described in attached Exhibit "A".

SECTION II

That this approval is 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 for of Resolution No. R-95-003A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

Publication of this ordinance is hereby authorized to be
by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF March,
1995.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
22nd DAY OF March, 1995.

APPROVED:

Evlyn McKee
MAYOR

ATTEST:

Patricia Conrad
CITY CLERK

DEED
BOOK 408 PAGE 270

PROPERTY TRANSFER TAX PAID \$ 149.50
JERRY W. ROUSE, CLERK *emo*

KNOW ALL PERSONS BY THIS INSTRUMENT:

That EXERCISE AND LEISURE EQUIPMENT CO., an Ohio corporation, by its duly authorized officer pursuant to resolution duly authorized by the Board of Directors of the corporation,

the GRANTOR(S), for and in consideration of a land exchange and other good and valuable consideration (value is \$149,500.00)

paid to the GRANTOR(S) by the GRANTEE(S) herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the following named GRANTEE(S), MATTHIAS TOEBBEN and LAVERNE TOEBBEN, husband and wife, jointly, for and during their natural lives with the remainder in fee simple to the survivor of them, his or her

heirs/~~successors~~ and assigns forever, the following described real estate, in the city of Florence, county of Boone County, and state of Kentucky, to wit:

Street Address: U. S. 42 & Old Toll Road, Florence, Kentucky 41042

Mailing Address: 2536 Hazelwood Drive, Crescent Springs, Kentucky 41017

Group No.: 2039; Plat No.: _____

Located generally in Boone County Group #2039, in the intersection of Relocated U. S. Highway #42 and the Old Toll Road and described thus: BEGINNING at a found spike the common West corner of the parcel to be described herein and the Hamilton Resubdivision (Plat Book 7 page 2) in the center of the Old Toll Road; thence therewith, N 62-19-20 E 78.76 feet and N 57-53-45 E 246.26 feet to a spike therein a corner with a parcel conveyed to the Commonwealth of Kentucky in Highway Deed Book 14 page 19; thence with the South line of said parcel and partitioning the original Schwetschenau tract, S 56-22-45 E 75.98 feet to a rebar in the Northwest line of relocated U. S. Highway #42; thence therewith, S 33-27-10 W 50.02 feet, S 36-45-10 W 295.41 feet to a rebar a corner of a permanent easement granted for highway purposes; thence with lines of said easement, N 50-16-55 W 19.0 feet to a rebar, S 35-39-45 W 24.0 feet to a rebar in the common line of the parcel described herein and said Hamilton Resubdivision; thence therewith, N 34-7-15 W 193.74 feet to the place of beginning containing 1.103 acres and subject to legal highways and legal easements of record and in existence.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., March 29, 1989, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

Being all of the same property conveyed to the Grantor herein by deed from Paul J. Schwetschenau, et al, recorded in Deed Book 408, page 266 of the Boone County Clerk's records at Burlington, Kentucky.

By resolution adopted by the Board of Directors of Exercise and Leisure Equipment Co., the person signing below has been duly authorized to execute this deed on behalf of the corporation.

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE(S), in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

Dated this 26th day of May, 1989.

EXERCISE AND LEISURE EQUIPMENT CO.

By: Mark R. Becker, President

Jerry A. Becker, Secretary

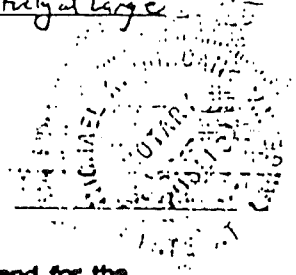
STATE OF KENTUCKY, COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by EXERCISE AND LEISURE EQUIPMENT CO., an Ohio corporation, by Mark R. Becker and Jerry A. Becker, its President & Secretary, respectively, on behalf of the corporation.

Michael A. Duncan
Notary Public

My commission expires: Dec. 21, 1991

My jurisdiction is: Kentucky at large



STATE OF KENTUCKY, }
COUNTY OF BOONE, } SoL.

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 30 day of May, 1989, at 9:42 A. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 30 day of May, 1989

JERRY W. ROUSE, Clerk
By: [Signature], D. C.

RETURN TO: This instrument prepared by Ziegler & Schneider, P.S.C., Attorneys at Law, 505 Turfway Ridge Office Park, 7300 Turfway Road, Florence, Kentucky 41042 by Michael A. Duncan, Attorney.

Michael A. Duncan

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: January 18, 1995

RE: Request of Gary Gregory and Brad Denzia (applicants) for Matthias and Laverne Toebben (owners) for the Utilization Of An Underlying Zone In A Planned Development in order to construct a 8,800 square foot **AutoZone**, auto parts/accessory store on a 1.1 acre parcel located at Highway 42 and Old Toll Road, Florence, Kentucky, and is zoned Commercial Two/Planned Development (C-2/PD).

Remarks

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

Findings of Fact

1. This request meets the designation by the **Future Land Use** map of the 1990 Boone County Comprehensive Plan which calls for the site to develop as Commercial.
2. A revised Concept Plan (attached) has been submitted addressing the following concerns heard at the January 4, 1995 Public Hearing:
 - a. The pole sign has been replaced with a 50 square foot monument sign located at the intersection of U.S. 42 and Old Toll Road.
 - b. The building has been moved off the Old Toll Road right-of-way by 5 feet to allow for landscaping and screening.
 - c. A sidewalk along Old Toll Road is being provided.
 - d. A reduction in the paved parking area is shown on the revised plan allowing for more buffer yard along U.S. 42.
3. The above mentioned revisions and the following conditions have adequately addressed the concerns heard at the January 4, 1995 Public Hearing.

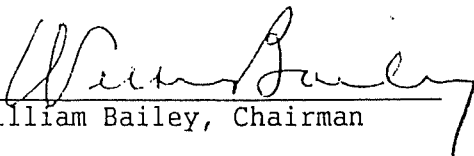
Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the January 4, 1995 Public Hearing:

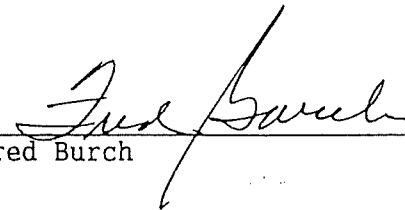
1. The proposed curbcut on Old Toll Road nearest to the intersection with U.S. 42 is to be deleted from the submitted Concept Plan.
2. The dumpster is to be screened by adding landscaping to the east elevation (along U.S. 42).

The applicant has signed a letter of agreement with the above conditions.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



William Bailey, Chairman

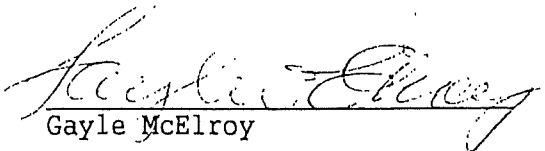


Fred Burch



Phil Damstrom

Barry Neltner

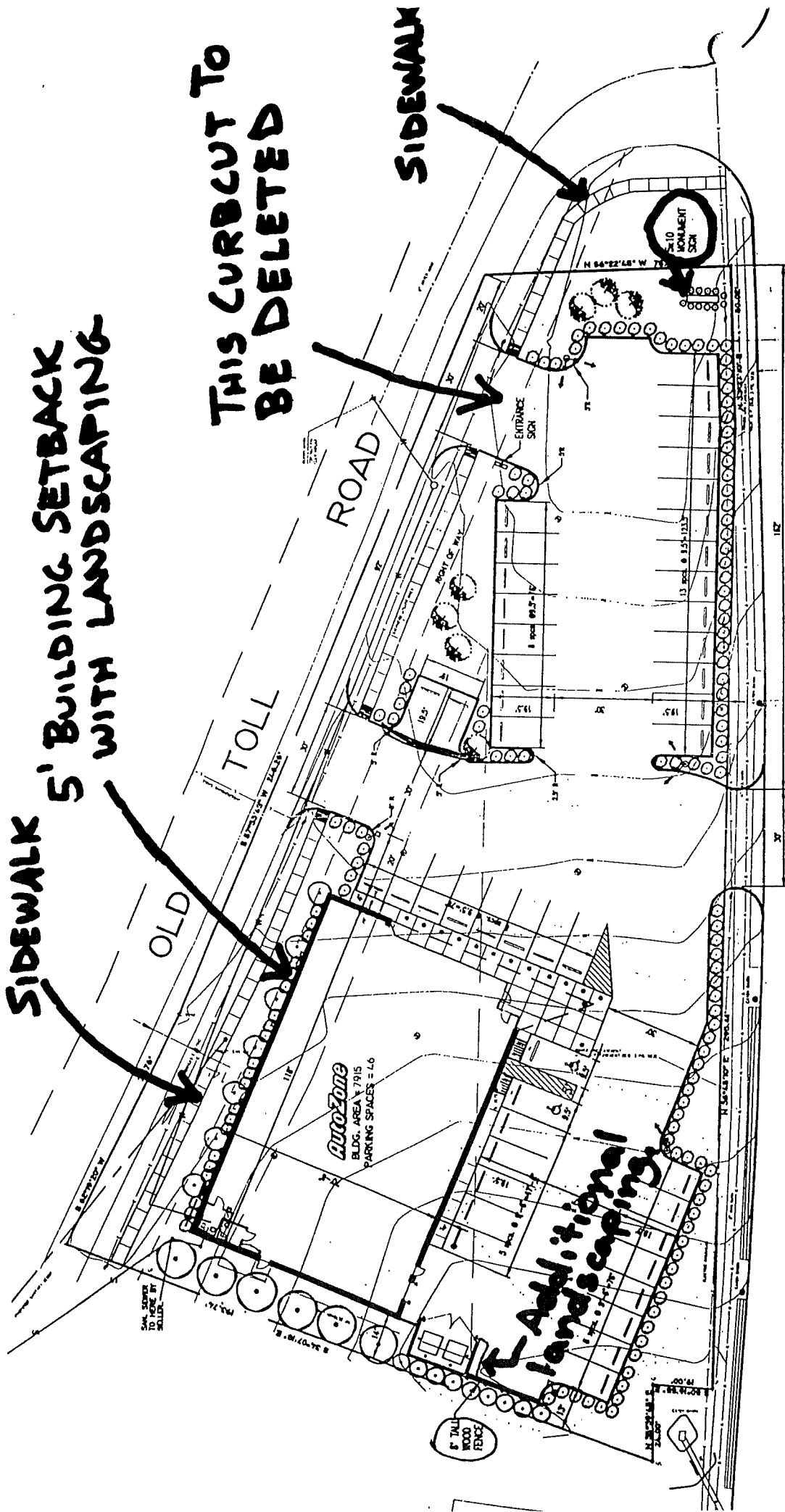


Gayle McElroy

SIDEWALK 5' BUILDING SETBACK WITH LANDSCAPING

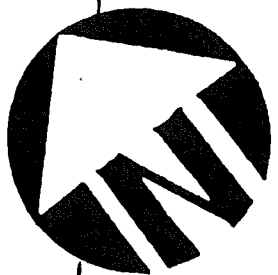
THIS CURB CUT TO BE DELETED

SIDEWALK



U.S. ROUTE 42

(REVISED) CONCEPT PLAN
 AutoZone (U.S. 42 / Old Toll Rd)



RESOLUTION R-95-003-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST OF GARY GREGORY AND BRAD DENZIA (APPLICANTS) FOR MATHIAS AND LAVERNE TOEBBEN (OWNERS) FOR THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE ON A 1.1 ACRE SITE GENERALLY LOCATED AT HIGHWAY 42 AND OLD TOLL ROAD, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for the Utilization of an Underlying Zone in Planned Development in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1 acre site generally located at Highway 42 and Old Toll Road, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Utilization of an Underlying Zone in Planned Development in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1 acre site generally located at Highway 42 and Old Toll Road, Florence, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for the Utilization of an Underlying Zone in Planned Development for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1 acre site generally located at Highway 42 and Old Toll Road, Florence, Kentucky. The real estate which is the subject of this request for the Utilization of an Underlying Zone in Planned Development in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK 408, PAGE NO. 270 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for the Utilization of an Underlying Zone in Planned Development in a Commercial Two/Planned Development (C-2/PD) zone on a 1.1 acre site, findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval for the Utilization of an Underlying Zone in Planned Development in a Commercial Two/Planned Development (C-2/PD) zone generally located at Highway 42 and Old Toll Road, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 1ST DAY OF FEBRUARY, 1995.

APPROVED:



WILLIAM R. VIOX
CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

WRV:vlm