

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- (Check One)
- 1. Boone Florence Walton Union
- (Check One)
- 2. Conditional Use Permit Variance Appeal
- Change in Non-Conforming Use
- 3. Applicant's Name AVIS RENT A CAR
Phone Number _____ Fax No. _____
Applicant's Address _____
City _____ State _____ Zip _____
- 4. Description of Request: APPLICATION FOR CONDITIONAL USE PERMIT FOR C-Z ZONE TO RENT AND LEASE CARS.
- 5. Name of Development N/A
- 6. Location of Development 7107 DIXIE HWY., FLORENCE, KY. 41042
- 7. Acreage Under Review N/A .66
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property DON & JOANNE LEWIN
Phone Number of Owner 859-653-2330--MOBILE 10.
Address of Property Owner 7105 DIXIE HWY., FLORENCE, KY. 41042
City _____ State _____ Zip _____
- 11. Proposed Use(s) on Site AVIS AGENCY FOR AUTO RENTAL AND LEASING
- 12. Total Square Footage of Existing and/or Proposed Buildings APPROX. 360 SQ.FT.
- 13. Current Zoning on Property C-2
- 14. Deed Book #359 Page No. 154 Group No. 2043A
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? NO
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 7-17-00 Fee Received \$1744.00 RA 24896
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Avis Rent A Car
LOCATION: 7107 Dixie Highway, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: August 10, 2000

Proposal

The applicant is requesting a Conditional Use Permit in order to operate a car rental and leasing facility in an existing building on a .66 acre site located at 7107 Dixie Highway, Florence, Kentucky. The office to be used is approximately 376 square feet in size and will contain a rental counter with a small office space. The applicant plans to park two (2) or three (3) clean cars in front of the store and five (5) to eight (8) cars in the rear lot. The applicant also proposes pave the rear lot and use it as a cleaning area as customers return the vehicles. The applicant submitted Exhibits A, B, and C as part of the application.

Exhibit A – Property Deed

Exhibit B – Business Plan for the proposed site.

Exhibit C - Drawing of the existing site.

Applicable Regulations

Article 10, Section 1023 of the Boone County Zoning Regulations permits small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premise.

Article 33, Section 3325 of the Boone County Zoning Regulations requires 4.00 parking spaces per 1,000 gfa up to 30,000 square feet for commercial uses when consolidated within integral centers in C-2 districts.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and Section 1023 of the Boone County Zoning Regulations:

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor 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 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, dust, fumes, glare, or odors;
7. Will have vehicular approaches to property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1023 of the Boone County Zoning Regulations allows small scale (not more than fifty) sales or leasing of new and used motor vehicles as a conditional use in the C-2 district if the proposed facility meets all of the following requirements:

1. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
2. The activity will further add to, not detract from, the creation of a compact, multi-purpose, and pedestrian oriented commerce center; and
3. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

The shopping center where Avis proposes to locate their operation currently houses Bears PC, Minute Men Staffing, and Check Advance and is zoned Commercial Two (C-2). All other adjacent property is also zoned Commercial Two (C-2). To the north, existing businesses include offices for Summit Medical Group, Hanson's Furniture, Lindsey Flooring/Bear Hug's and Florence Hardware. Florence Baptist Church is also located across Dixie Highway. Property located to the east contains another small shopping center that is used by Tempstar and other similar businesses. Property to the south is used as parking area for the other shopping center or is undeveloped. Although, Florence Baptist Church has a building to located to the rear of the adjacent property (zoned C-2/PD), there are not any adjacent structures immediately to the west of the site.

Staff Concerns/Comments

1. The applicant's proposal includes the storage of ten (10) or eleven (11) vehicles on the lot not including parking spaces required for staff members and sufficient room to clean cars in the rear parking lot. As many of the employees of businesses operating within the shopping center can be observed parking in the rear lot or adjacent lots in order to provide better access to parking for the customers in the front of the stores, the staff feels that given the 7,800 square footage of the building that a minimum of 31 parking spaces should be provided for those businesses residing in the shopping center. In addition to this amount, sufficient room in the front and rear lots should be designated for use for vehicle storage and washing specifically for Avis. The remaining area of the parking area in the rear lot should be designated for use by the staff of the remaining businesses.

Conclusion

KRS 100.237 and Sections 260 and 1023 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit for a car rental and leasing facility (limited to 50 vehicles). It is the staff's opinion that the proposed use will not be incompatible with or detrimental to the existing character of the area, not create a need for additional public facilities or services, or be hazardous to adjacent uses. However, as the site has a limited number of spaces designated for the parking of cars in the front parking lot, it is recommended, should the Board approve the conditional use request, that the number of vehicles to be stored on the site be limited to the number that can reasonably be accommodated in the rear lot given the existing parking requirements of Avis and the other businesses located within the shopping center. The paved area to be used for washing cars and parking of Avis vehicles should be appropriately identified, paved, and striped. Remaining spaces in the rear lot should be designated for use by the staff of the other businesses to meet the parking requirement of 31 spaces.

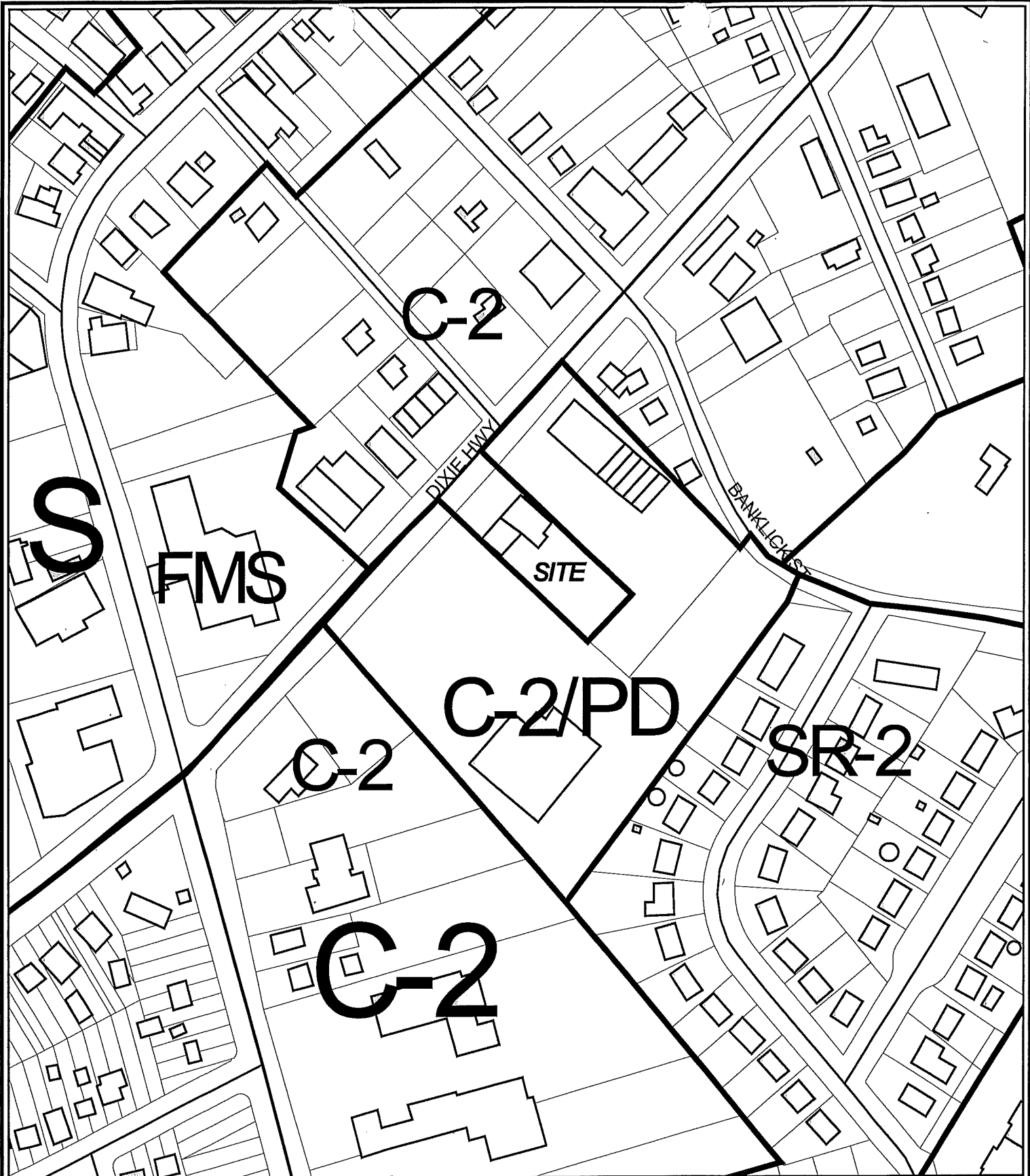
Respectfully submitted,



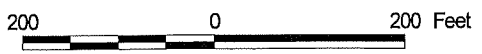
Lara B. Robertson, AICP

Attachments

- Location Map/Zoning Map
- Exhibit A - Deed of property.
- Exhibit B - Business plan for the property.
- Exhibit C - Site drawing.



7107 Dixie Hwy



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 3, 2000



SHOW ALL MEN BY THESE PRESENTS:

SCHWARTZ & SCHWARTZ ENTERPRISES, INC. a Kentucky corporation, by and through its President, Ralph J. Schwartz, having been duly authorized by its Board of Directors,

that

for and in consideration of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100THS (\$125,000.00) DOLLARS, by DON LEWIN and JOANNE LEWIN, his wife,

the receipt whereof is hereby acknowledged, do es hereby bargain, sell and convey to the said

DON LEWIN and JOANNE LEWIN, his wife, jointly with remainder in fee simple to the survivor of either of them, his or her

heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

Grantee Mailing Address 7105 Dixie Highway, Florence, Ky. 41042 Group No. 2043A Present Street Address Plat No.

Lying and being in the State of Kentucky, County of Boone, and City of Florence, located on the Southeast side of U. S. 42 and 25 approximately 380 feet Northeast of the Intersection of U. S. 25 and is described thus:

Beginning at a stake in the right of way of U. S. 42 and 25 thirty feet from the center line and being a corner with the Florence Motel; thence with said right of way N 42-25 E 100.00 feet to an iron rod; thence with the remaining land of the Grantor for two calls S 48-00 E 285.48 feet to an iron rod; thence S 41-32 W 100.00 feet to an iron rod in the line of the Motel lot; thence with said lot N 48-00 W 287.02 feet to the beginning and containing 0.6571 Acre and being a part of the 35,776 sq. ft. parcel conveyed to the Grantor by Ralph J. Schwartz and Marjorie C. Schwartz, recorded in Deed Book 190, page 235, of the Boone County Clerk's Office at Burlington, Kentucky.

Being part of the same property conveyed to the Grantor by Ralph J. Schwartz and Marjorie C. Schwartz, his wife, by deed dated 6th day of August 1970 and recorded in deed book 190 page 235 in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said DON LEWIN and JOANNE LEWIN, his wife, jointly with remainder in fee simple to the survivor of either of them, his or her

RESOLUTION

WHEREAS, Schwartz & Schwartz Enterprises, Inc., is the owner of 0.6571 acre tract lying and being in the State of Kentucky, County of Boone, and City of Florence, located on the Southeast side of U.S. 42 and 25 approximately 380 feet Northeast of the intersection of U.S. 25 and is described thus:

BEGINNING at a stake in the right of way of U.S. 42 and 25 thirty feet from the center line and being a corner with the Florence Motel; thence with said right of way N 42-25 E 100.00 feet to an iron rod; thence with the remaining land of the Grantor for two calls S 48-00 E 285.48 feet to an iron rod; thence S 41-32 W 100.00 feet to an iron rod in the line of the Motel lot; thence with said lot N 46-00 W 287.02 feet to the beginning and containing 0.6571 Acre and being a part of the 35.776 sq. ft. parcel conveyed to the Grantor by Ralph J. Schwartz and Marjorie C. Schwartz, recorded in Deed Book 190, Page 235, of the Boone County Court Clerk's Office at Burlington, Kentucky.

WHEREAS, Don Lewin and Joanne Lewin, his wife have offered to purchase said real estate for \$125,000.00.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors that it authorize its President, Ralph J. Schwartz to execute a deed of conveyance to Don Lewin and Joanne Lewin, his wife, for the above described real estate upon the payment of the purchase price.

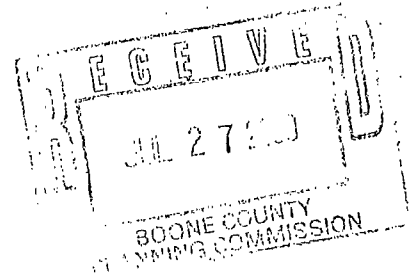
BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the meeting and an attested copy be attached to the deed of conveyance.

I, Ralph J. Schwartz, President of Schwartz & Schwartz Enterprises, Inc. hereby certify that the foregoing is a true and correct copy of a meeting held by the Board of Directors on December 31, 1986.

Ralph J. Schwartz
RALPH J. SCHWARTZ

July 22, 2000

AVIS Rent a Car
7107 Dixie Hwy
Florence, KY, 41042



Business Plan for proposed site:

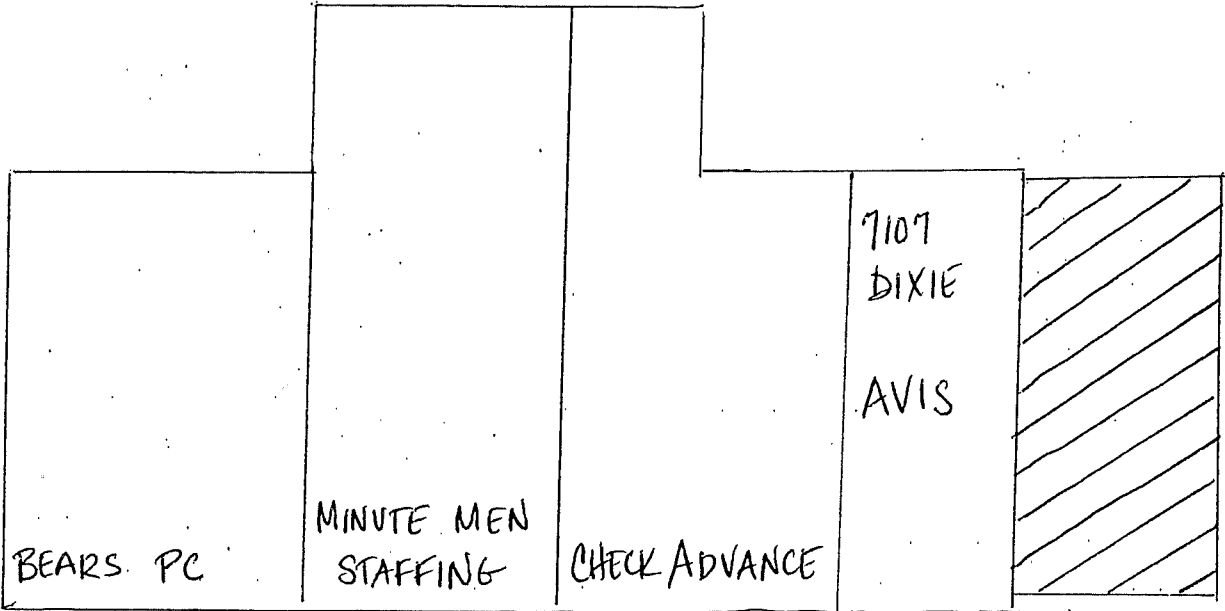
Our plan is to open a site in Florence to accommodate the local renters in Boone County that are both leisure and corporate renters. These renters could lease and rent vehicles without the hassle of driving to the airport. This site would be run by an independent operator in a joint partnership with AVIS Rent a Car.

The site on Dixie Highway was chosen because of its access to the 71/75 Interstate, the nearby hotels, and Industrial Park.

The location of 7107 Dixie Highway is in a small strip mall currently housing three other businesses. Don Lewin owns the building. The office is approximately 376 square feet and would have a rental counter and small office within. There would be 2-3 clean cars parked in front of the store for lease or rent. In the rear of the building, there would be 5-8 cars as an overflow lot. Also, behind this building is enough space to clean cars as customers return them. The owner of this building and AVIS will agree to pave the rear lot of this building and maintain the upkeep of the surroundings to make it a pleasant area not only for the business, but the community.

BACK LOT 12,000 SQ FEET.

CAR
WASH AREA



FRONT PARKING LOT

ENTRANCE
EXIT

DIXIE HIGHWAY

RECEIVED
 JUN 27 1968

COPY

CLUR #00-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Don and Joanne Lewin
7105 Dixie Hwy.
Florence, KY 41042

2. ADDRESS OF PROPERTY

7107 Dixie Hwy.
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Avis Rent A Car

4. DEED BOOK 359

PAGE NO. 154

GROUP NO. 2043A

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

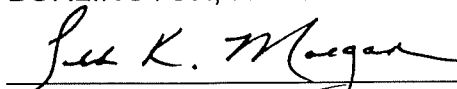
Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



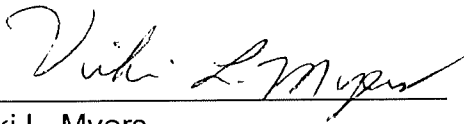
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

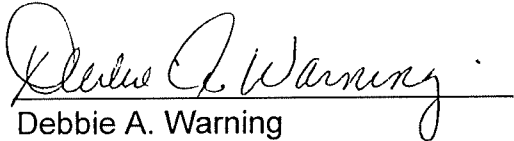
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of August, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of August 10, 2000 Certificate of Land Use Restriction (#00-FBOA-004-A), for Don and Joanne Lewin, Property Owner(s).

The following conditions will apply:

- 1) Applicant is permitted four parking spaces in front and eight parking spaces in the rear.
- 2) Hours of operation are 8 AM to 6 PM Monday through Friday and 9 AM to noon on Saturday and Sunday.
- 3) There will be no additional lighting.
- 4) There will be no additional signage - the applicant can use the monument sign and have a building-mounted sign, with the size to be determined at Site Plan Review.
- 5) There can be general cleaning of cars, but no mechanical work, oil changes, or brake work.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

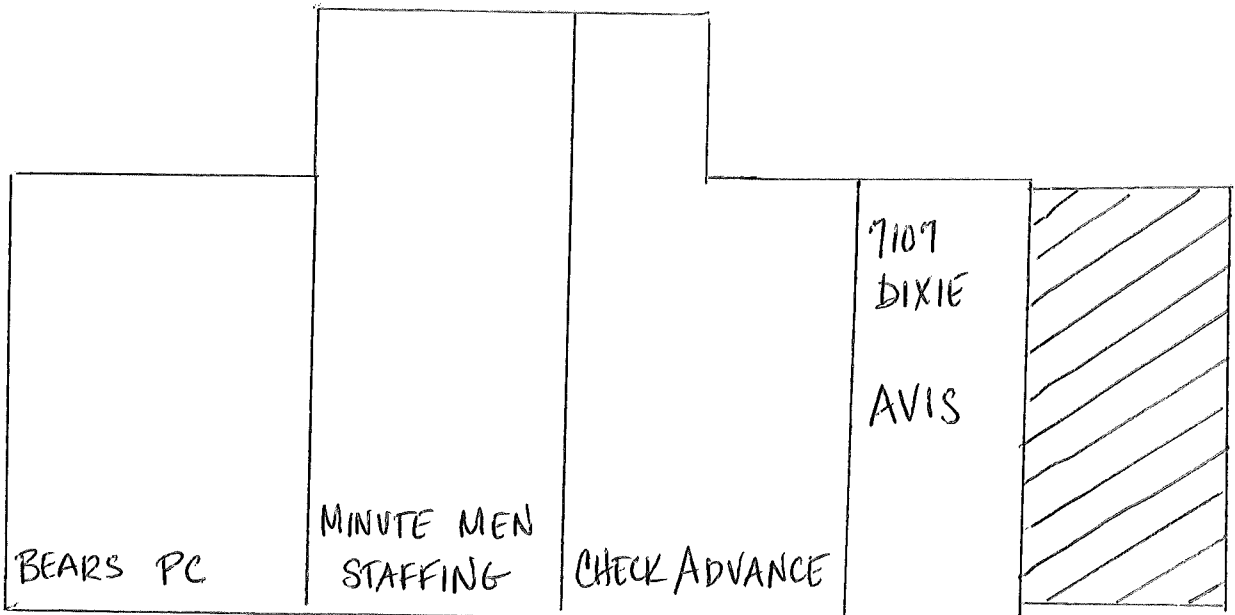
DEED BOOK 359

PAGE NO. 154

GROUP NO. 2043A

BACK LOT 12,000 SQ FEET.

CAR
WASH AREA



FRONT PARKING LOT

ENTRANCE
EXIT

DIXIE HIGHWAY

