



07-FB0A-004-A

APPLICATION FORM

JUN 12 2007

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 [X] Florence _____ Walton _____ Union _____

(Check One) 2. [X] Conditional Use Permit [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____

3. Applicant's Name Cincinnati Car Wash, LLC (Elizabeth Fissel) Phone Number 513-898-91254 Fax No. 513-722-3150 Applicant's Address 6316 Wilmington Court Loveland OH 45140

4. Description of Request: 3,550 sq ft, one story car wash with 5 bays, 25 sweepers & parking

5. Name of Development _____

6. Location of Development 7200 Dixie Highway, Florence, KY

7. Acreage Under Review 0.101

8. Lot Number and Name of Subdivision (if part of a subdivision) n/a

9. Owner of Property Jerry and Berdella Brophy Address of Property Owner 548 Beckridge Dr. Edgewood, KY 41017 Phone No. (859) 341-4508

11. Proposed Use(s) on Site Automatic and Self Service Car Wash with vending and vacuuming

12. Total Square Footage of Existing and/or Proposed Buildings 1,680 sq ft / 3,550 sq ft

13. Current Zoning on Property C-2

14. Deed Book 304 Page No. 157 Group No. 2042

15. Is the site subject to a zone change? no

16. Have you submitted a Site Plan with this request? yes

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: Elizabeth Fissel, Cincinnati Car Wash, LLC

Property Owner's Signature: Berdella Brophy, Jerry Brophy

(over)

variance to reduce street frontage buffers

**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 6-12-07 Fee Received \$921.00 RA 53753
2. Is application complete? Yes No 6-13-07 RA 53777
3. Staff Reviewer TODD MORCAN
4. Scheduled Board Action Date 7/11/07
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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: Elizabeth Fissel for Cincinnati Car Wash, LLC

LOCATION: 7200 Dixie Highway, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: July 11, 2007

PROPOSAL

The applicant has submitted the following applications:

1. A Conditional Use Permit to allow the construction of a 3,500 square foot car wash building with accessory parking and vacuum cleaners.
2. Variance applications to reduce the 10 foot street frontage buffers on Dixie Highway and U.S. 42.

The submitted Concept Development Plan shows that the existing building on site will be demolished and that the entire site will be redeveloped. The proposed car wash will contain 5 wash bays, 2 vacuum cleaners, and 2 guest parking stalls. Access points are proposed on Dixie Highway and U.S. 42. The Dixie Highway and U.S. 42 street frontage buffers are 4 feet in width and 5 feet at their narrowest points.

Although elevation drawings have been submitted, they do not indicate any of the proposed building materials.

Site History

7/11/01 – The Florence Board of Adjustment approved a Conditional Use Permit allowing a car rental business to operate out of the building (see attachments). The application indicated that the existing gasoline service station and non-conforming truck rental business would also continue to operate from the site. The following conditions were imposed on the approval:

1. No banners or flags on the cars, but there can be windshield signs;
2. The number of cars on the lot for rental is limited to five and any return cars require a striped area to be parked in;
3. The number of vehicles on the lot is not to exceed to number of spaces available;
4. Blockade fencing as shown on the plan is required;

5. Everything on the lot is to be striped except for the truck rental area;
6. Landscaping will be as shown on the Concept Plan in the point area for the five rental cars.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that two of the duties of the Board of Adjustment is to act on variance and conditional uses permit applications, as specified by the zoning order.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Article 10, Section 1023 of the Boone County Zoning Regulations permits automotive repair facilities and wash services for vehicles as Conditional Uses within the Commercial Two (C-2) district.

The Board should evaluate the applicant's Conditional Use Permit request as it relates to the criteria listed in Sections 262 & 1023 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

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 not 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 not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not 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 the 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 an "automotive repair facility and wash services for vehicles" as Conditional Uses in the Commercial Two (C-2) district provided that:

- a. the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c. 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.

Article 32, Section 3223 of the Boone County Zoning Regulations states that "whenever the parcel of land changes the existing access points shall become void." The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).
- B. "Priority shall be given towards maintaining, protecting and improving the capacity and safety of the existing road system" (Transportation, Objectives).

SURROUNDING LAND USES & ZONING

- North: U.S. 42, Main Street, Florence Christian Church (O-1 & FMS), and Florence Baptist Church (FMS)
- South: Dental Office (C-2)
- East: Dixie Highway, A-1 Auto Sales (C-2), Florence Professional Center (C-2), Duplex Dwelling Unit (C-2)
- West: Visiting Angels Apartments (C-2)

SITE CHARACTERISTICS

The approximate 0.6 acre site is located on the southwest corner of Dixie Highway/U.S. 42/Main Street intersection. The former gasoline/service station building is currently vacant and will be torn down if the request is approved. The property has two curb cuts along both roads. Landscaping exists along portions of the Dixie Highway and U.S. 42 frontage and a privacy fence exists along the western property line. Public sidewalks exist in the Dixie Highway and U.S. 42 right-of-ways.

STAFF COMMENTS

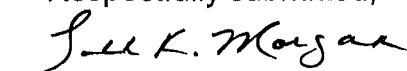
1. The applicant submitted elevation drawings of all four facades. Staff cannot determine the building or roofing materials because labels have not been placed on the drawings.

2. The submitted Concept Development Plan shows that the proposed car wash will have one curb cut on Dixie Highway and one curb cut on U.S. 42. Staff talked with Rick Lunnemann, the Assistant City Coordinator, and the Kentucky Transportation Cabinet regarding the proposed access points and all parties agree that the U.S. 42 curb cut should be converted into a right-in/right-out curb cut.
3. Staff would like the Applicant to explain if any employees work at the site. This is an issue because the Concept Plan shows only two (2) striped parking stalls.
4. The Board needs to analyze the variance request in terms of the criteria listed in Section 251 of the zoning regulations. Staff is not opposed to the variance if the required street frontage buffers are planted on the site and state right-of-ways. The Kentucky Transportation Cabinet allowed Brophy's Service Center to install small trees in the right-of-ways.
5. Staff recommends the following conditions if the request is approved:
 - 1 A. The building shall be constructed with brick, stone, or textured concrete block. EIFS and siding may be used as accents. The cupola shown on the concept plan is a required element.
 - 2 B. The U.S. 42 curb cut shall be limited to a right-in/right-out curb cut.
 - 3 C. No more than one employee shall regularly work from the facility.
 - 4 D. All parking lot lighting shall be directed downwards inwards toward the site. All light poles shall be limited to 15' in height.
 - 5 E. The existing fence along the western property line shall be kept as part of the western buffer yard. The fence can be replaced with a like or similar fence if needed.
 - 6 F. 10' wide street frontage buffers will be provided along U.S. 42 and U.S. 25. The U.S. 42 and U.S. 25 right-of-ways may be used to fulfill this requirement if the Kentucky Transportation Cabinet issues an encroachment permit.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the Applicant's requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Concept Plan
- *Elevations
- *Aerial Map
- *Zoning Map
- *Future Land Use Map
- *07/11/01 Concept Plan
- *06/13/01 & 7/11/01 Meeting Minutes
- *Application

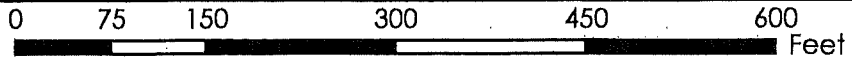
Site Vicinity Map

www.boonecountygis.com



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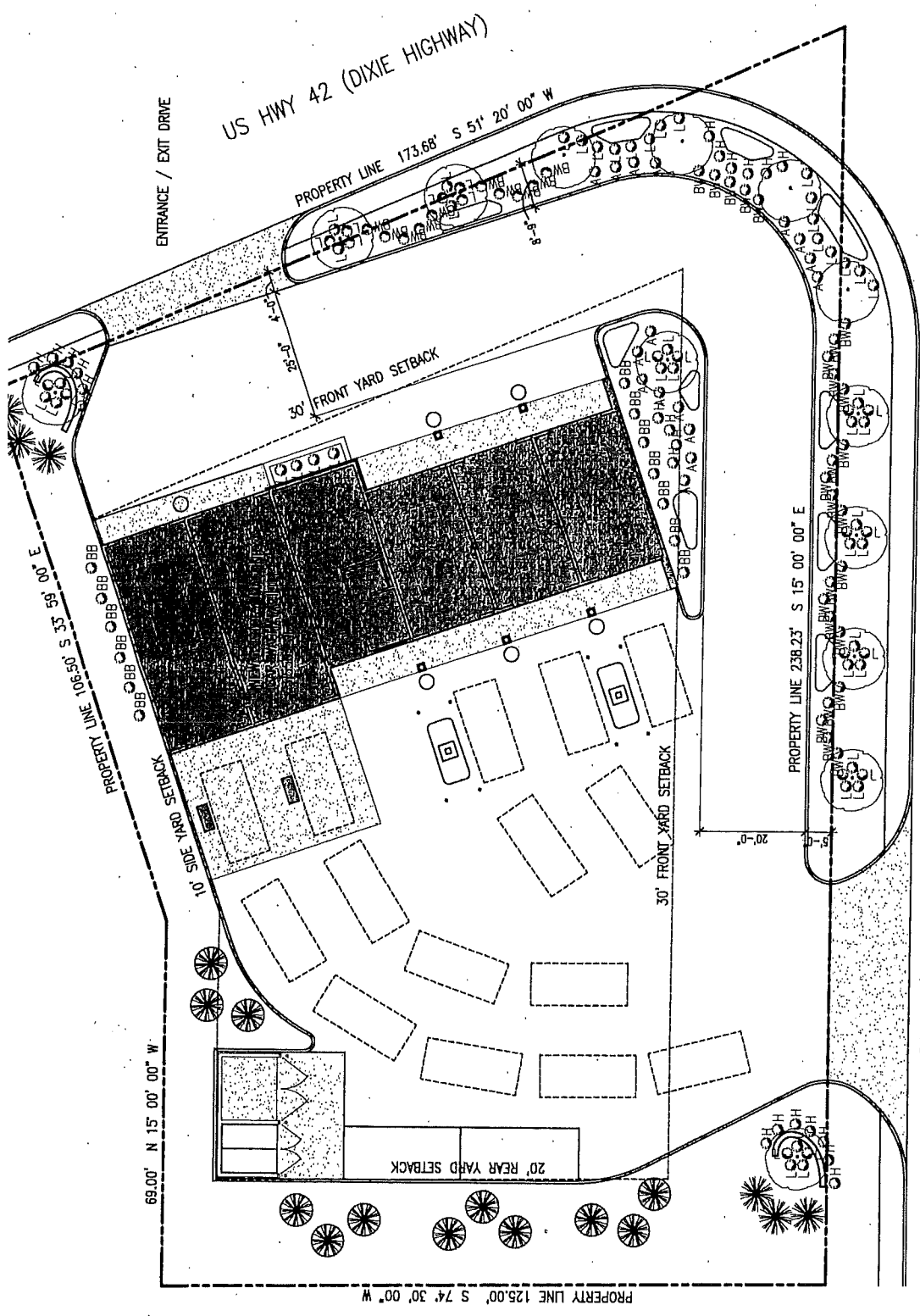
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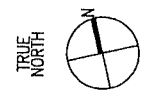
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JUN 13 2007



US HWY 25



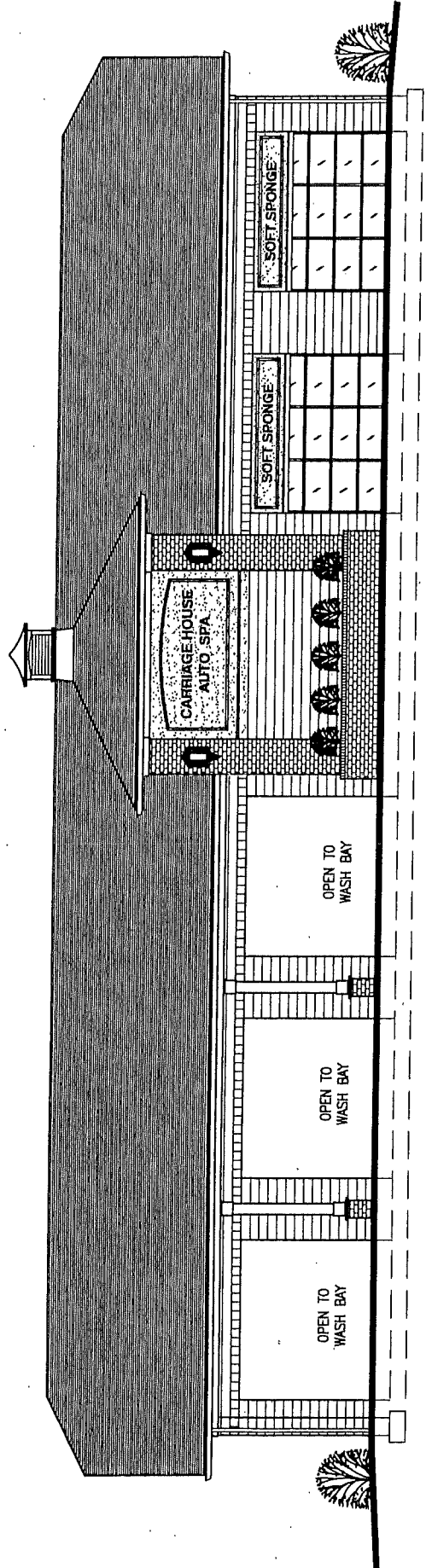
C1 PRELIMINARY SITE PLAN
1" = 20'-0"

ENTRANCE / EXIT DRIVE

ENTRANCE / EXIT DRIVE

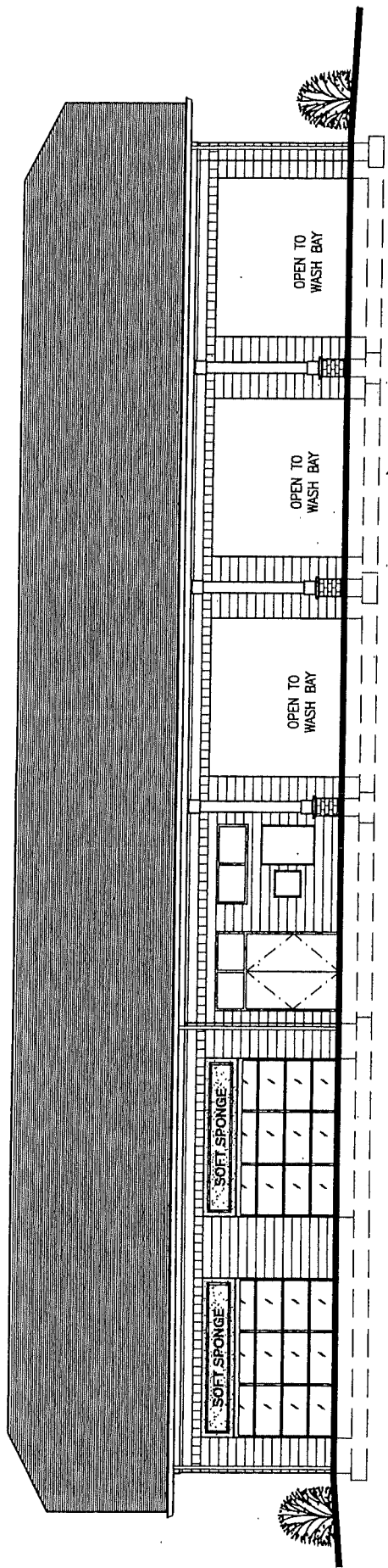
1117 2/7 0000

JUN 13 2007



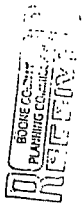
A1 NORTH ELEVATION
1/8" = 1'-0"

(Facing U.S. 42)

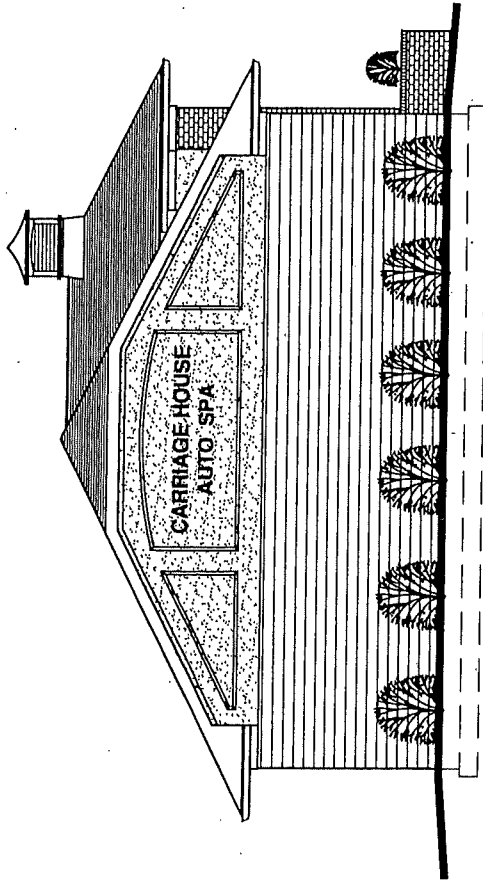


B1 SOUTH ELEVATION
 $\frac{1}{8"} = 1'-0"$

(Facing Dental Office)

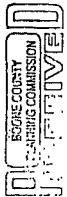


JUN 13, 2007

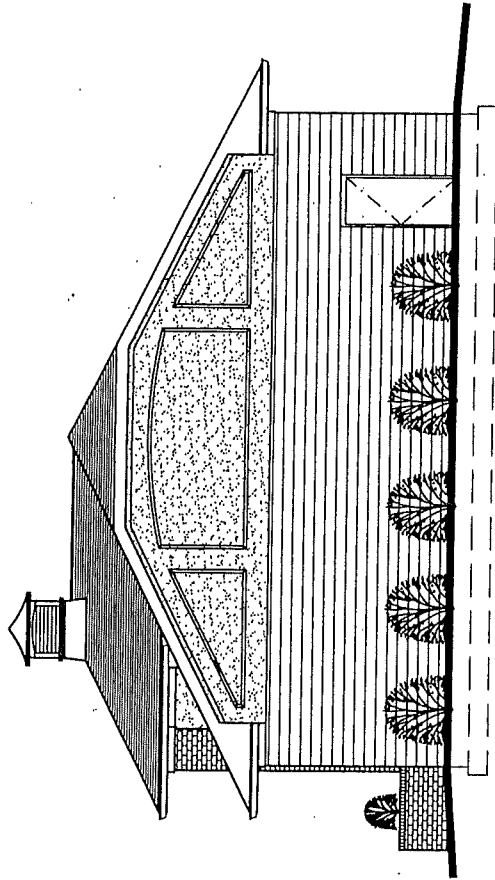


B4 EAST ELEVATION
 $\frac{1}{8}'' = 1'-0''$

(Facing Dixie Hwy.)



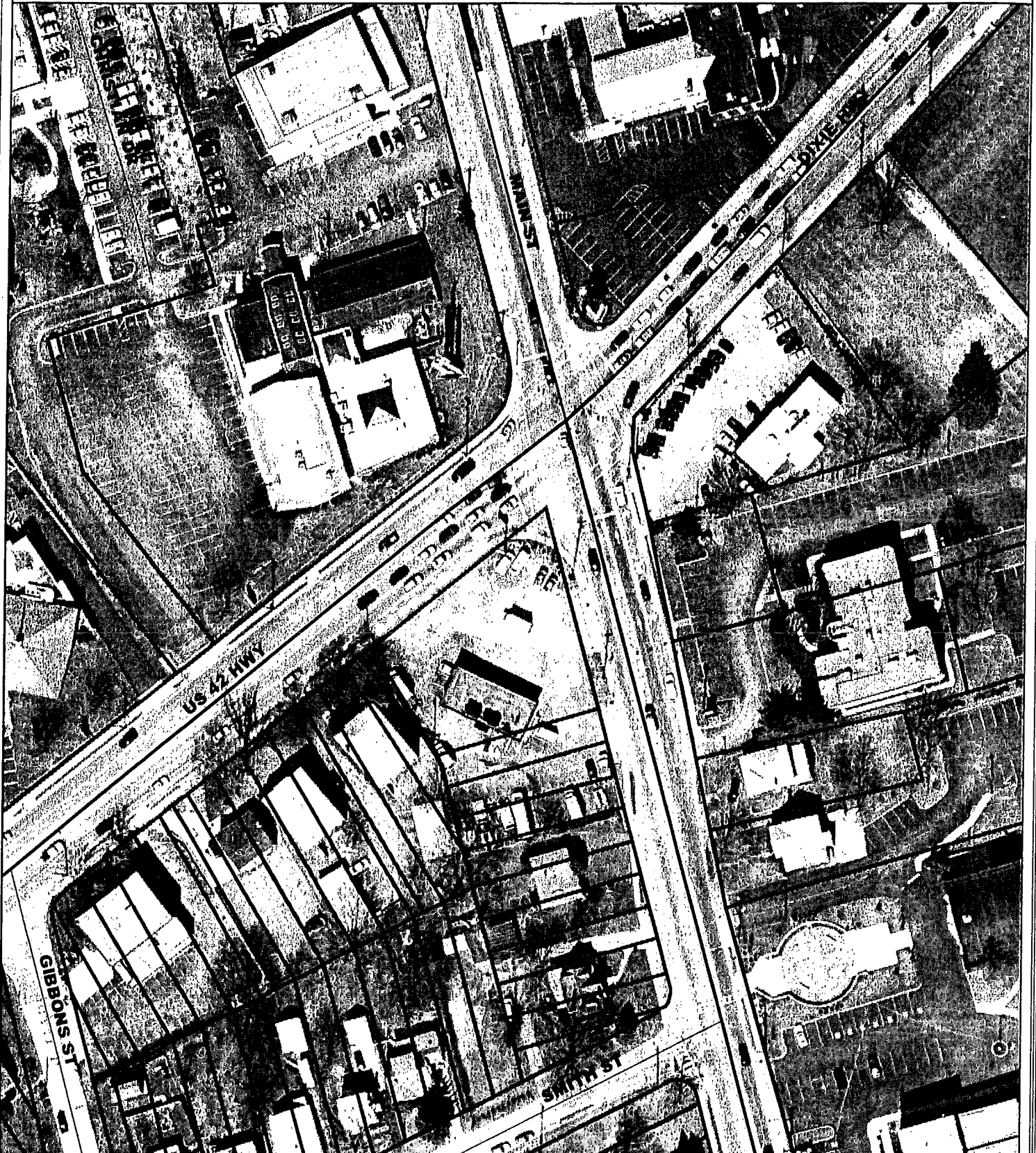
JUN. 13, 2007.



A4 WEST ELEVATION
 $\frac{1}{8"} = 1'-0"$

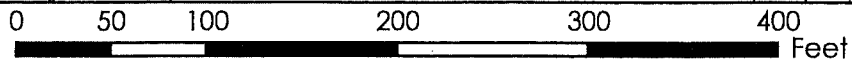
Aerial Map

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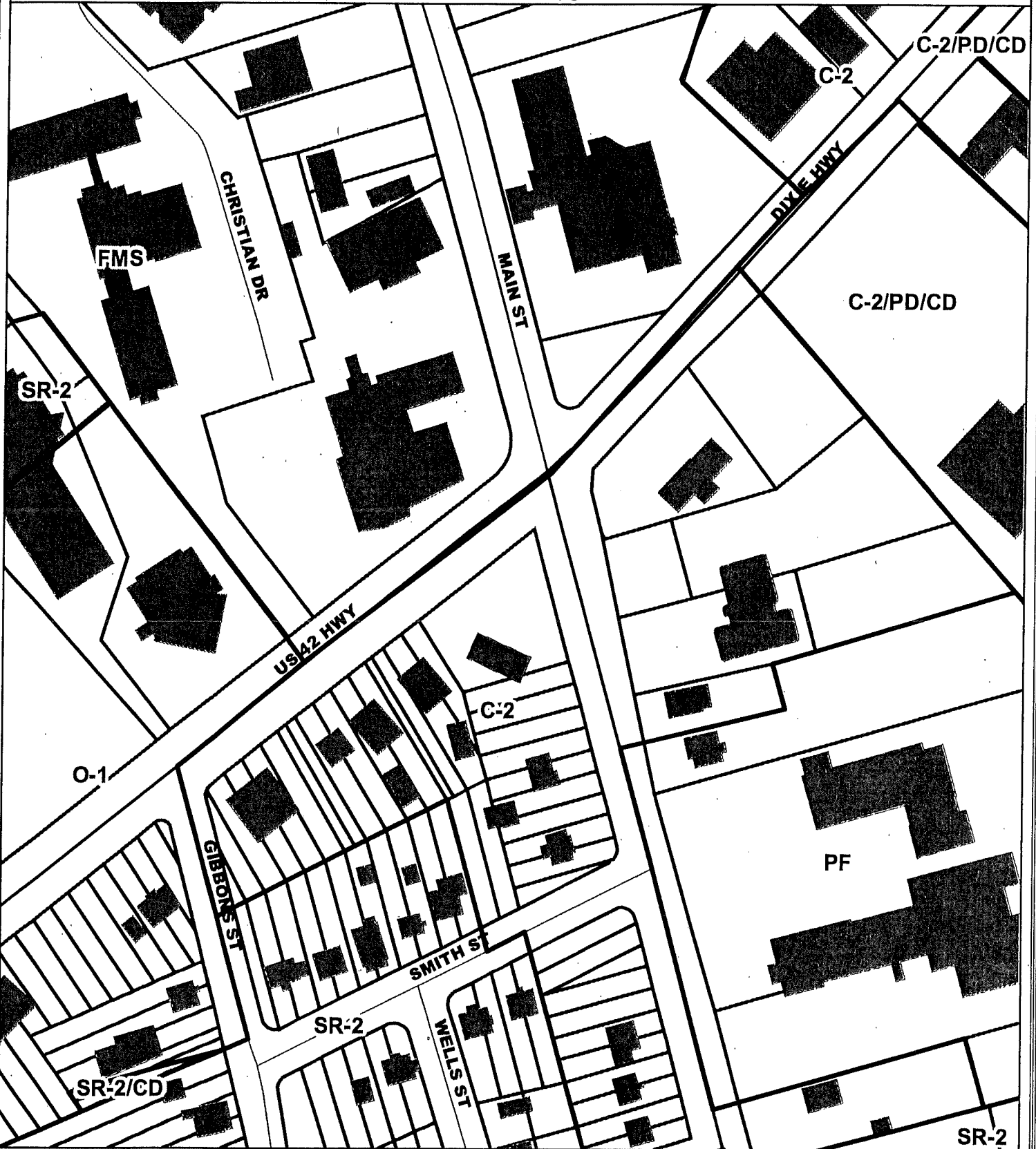


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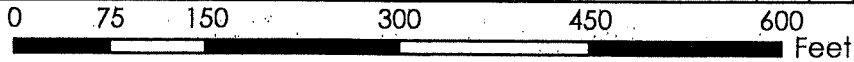
Zoning Map

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1 Inch equals 150 feet

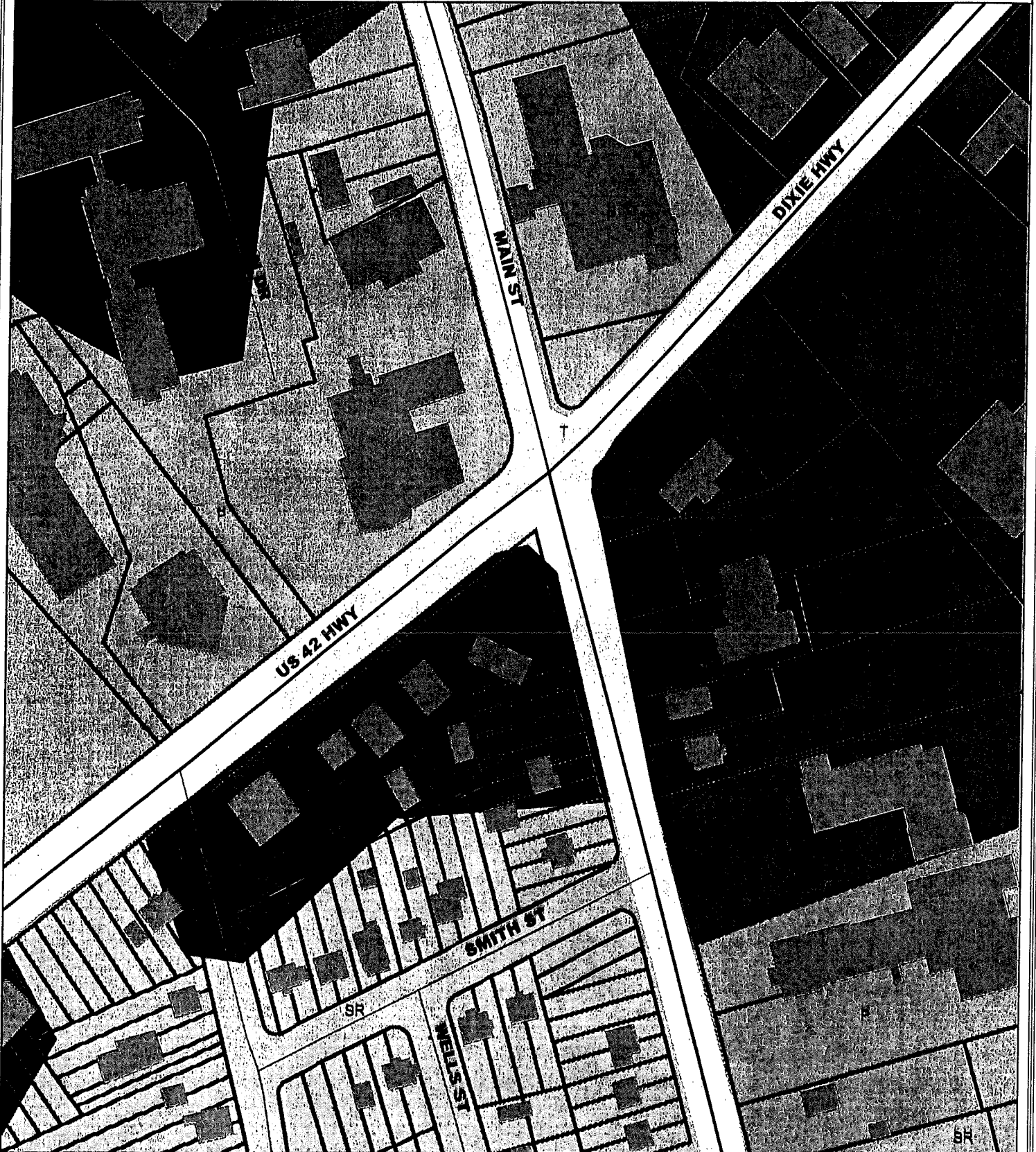


Boone County GIS - Putting Northern Kentucky on the Map



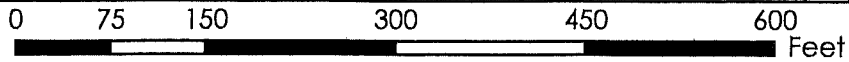
Future Land Use Map

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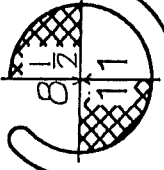


1 Inch equals 150 feet



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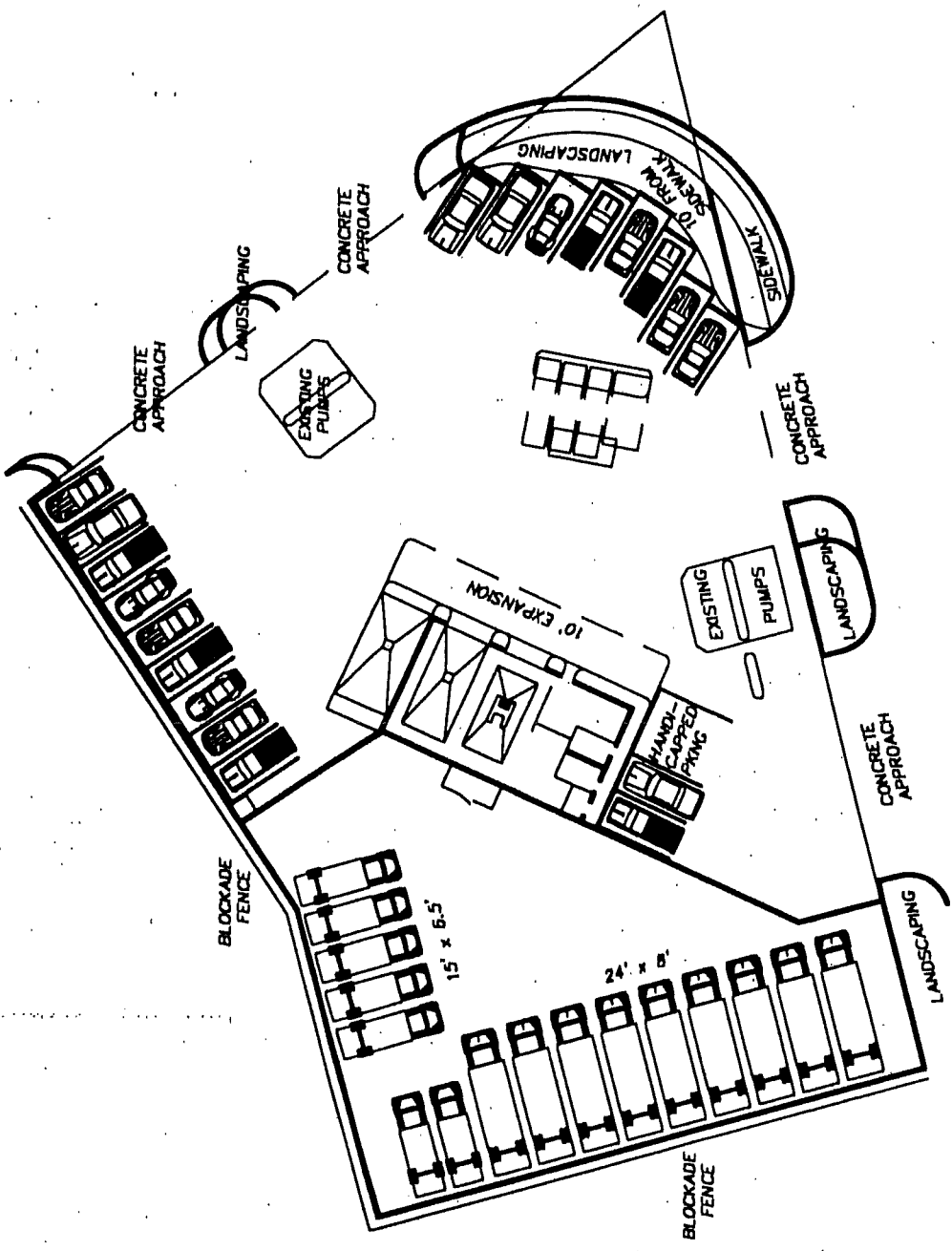
PROPRIETARY NOTICE

The data, information, drawings and specifications contained herein are the property of Brophy's Service/Rental and are not to be used, copied, reproduced, or disseminated in any form without the written consent of Brophy's Service/Rental. The information contained herein is for the use of the client only and is not to be used for any other purpose. Brophy's Service/Rental shall not be held responsible for any errors or omissions in this drawing. The client shall be responsible for the accuracy of the information provided. This drawing is not to be used for any other purpose without the written consent of Brophy's Service/Rental.

REV.	DATE	DESCRIPTION

DATE	05-JUL-2001	SCALE	1"=40'
TYPE	PROPOSAL	DRAWN BY	B. CUNNINGHAM
PROJECT NAME	NONE	CHECKED BY	
			SITEPLAN.DWG

Brophy's Service/Rental
 7100 Dale Highway
 Florence, Kentucky



BROPHY'S SERVICE/RENTAL
 FLORENCE, KY

RENTAL ADDITION
 PLOT PLAN

PROJECT

DRAWN

and those who built later have signs much higher than 37'. He stated that their request for the size and height of the signs is what Ford Motor Company required of him as a franchisee. He would have to go back to Ford Motor Company with any changes the Board would recommend. He would like to stay with the plan that is pre-approved by Ford Motor Company.

Ms. Evans suggested voting on the two signs individually.

Ms. Kegley stated that the first sign is the 34'8" freestanding sign (Exhibit D attached to the Staff Report). Mr. Brinker stated that since the sign is an oval, the four corners are not covered, so the sign is the same or smaller in size and it is two feet lower than the current sign. It is the same square footage and two feet lower.

There being no further discussion, Ms. Evans moved to approve the sign as proposed (130 square feet and 34'8" high). She commented that the logo would fit inside the sign they currently have. The motion was not seconded.

Ms. Kegley stated that she has no problem with the sign if it is 30 feet high. Mr. Brinker reviewed the sign with the Board in regard to the square footage. Mr. Pieper stated that he feels that since the Board is allowing an additional 11 square feet, the sign should come down to 30 feet.

Chairman Ewing asked if there was anyone present who wished to speak in regard to this request. There was no response.

There being no further discussion, Ms. Kegley moved to grant a change in Non-Conforming Use to allow the sign in Exhibit D to be at a height of thirty feet (see Attached Exhibit 1). Mr. Pieper seconded the motion and it carried unanimously.

There being no discussion of the second sign, Ms. Kegley moved that to approve the sign at a height of 22 feet and 60 square feet on the basis that the size of the sign meets the current regulations. Ms. Evans seconded the motion and it carried unanimously.

3. The request of Budget Car & Truck Rental for a Conditional Use Permit to allow a car rental facility on property at 7200 Dixie Highway, Florence, Kentucky. The property is currently zoned Commercial Two (C-2).

Ms. Goodridge stated that she has a conflict in regard to this application and left the meeting at this time.

Lara Robertson, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

Chairman Ewing asked if Staff received a Concept Plan from the applicant. Mrs. Robertson responded "no".

Chairman Ewing asked for the applicant's presentation.

Mr. Mark Hicks was present representing Budget Car & Truck Rental and Mr. Paul Brophy was present representing the owner of the lot at US 25/US 42. Mr. Brophy stated that they are not asking for a Conditional Use Permit or for changes to the rear of the building and that area of the business will continue as it is. Chairman Ewing stated that they need to put in buffering around that area to get back into conformance. Mr. Brophy responded that nothing will be changed in that business. It is currently a service station and does minor repairs, car washes and fuels sales. The rear of the building is for truck rental and customer parking. He stated that if they are not changing the back of the building, there would be no further restrictions or buffering requirements.

Mrs. Robertson stated that they are adding parking spaces to the back and the spaces are not striped. Mr. Brophy responded that the rear of the building is primarily truck parking and occasionally customer parking. He stated that when someone rents a truck, they do not typically leave their car. He stated that the parking spaces are not striped along where the apartment building is and that area is used for customer parking and truck rentals. In front of the building at the corner of US 25/US 42 is where they primarily park customer cars. He stated that they have put in additional parking on the east side of the building and a handicapped space. In response to comments from Mrs. Robertson, Mr. Brophy stated that there could be 13 or 14 trucks across the back fence, and they have had as many as 22 trucks parked behind their building and over by the apartment building. He stated that there are times when there may be 3 or 4 trucks parked in front of the building on the corner. The trucks in the rear are part of the existing business and not why they are here. He emphasized that they do not expect additional restrictions on that part of the property. He stated that they are here about the twelve rental spaces in front labeled A thru L.

Mr. Mark Hicks stated that their main location for rental cars is at the airport. Maintenance and cleaning are done at the airport. He stated that they keep from 3 to 6 rental cars at their locations. Mr. Brophy stated that they would probably have 6 or 8 rental cars.

Mr. Pieper questioned if it is just display of the cars and they are not doing cleaning or repairs. Mr. Brophy responded that they currently wash cars on the site. There are three bays in the existing building and last bay is a drive-thru car wash. The car wash is part of the 60' x 28' structure. Mr. Hicks stated that the likelihood of cars being cleaned at this location is minimized by the transfer of vehicles.

Chairman Ewing advised the applicant that they will have to go through Site Plan Review. Mr. Brophy responded "correct".

Ms. Kegley stated that she is uncomfortable approving the request without a plan to scale. Mr. Brophy provided the Board with a plan. Ms. Kegley asked for time to review the plan and to see what landscaping is proposed. Mr. Brophy responded that they are aware of the requirement for ten-foot buffer on both sides. He questioned requirements behind the building since they are not changing that area. Mrs. Robertson responded that in order to accommodate the rental cars in spaces A thru L, those cars will be displaced and, therefore, there will be additional parking in the back which needs to be buffered from the residents. Mr. Brophy disagreed and stated that that area is currently customer parking. He stated that if they only use the front of the building for rental cars, they are not using the rear space for any different use. He stated that they would have a problem with a ten-foot buffer. Mrs. Robertson responded that another option would be to provide a stockade style fence in that area. Mr. Brophy responded that that would not be an unreasonable request. It is the space for the buffer zone that would be an issue. He added that they are also concerned about the Main Street District and they plan to make the aesthetics of this corner more pleasing to the city of Florence. He stated that they have a dilapidated building, old pumps, and a canopy that they plan to take down and make the site more attractive. He stated that they at times have four Ryder trucks on the corner, which they would not plan to do. They would be happy to landscape out front and think it is necessary – but they do not want to create buffer zones in the rear. Ms. Kegley responded that buffer zones would not be required with the fence. Mrs. Robertson stated that buffer zones would be required where they are adding the Budget Car & Truck Rental.

Ms. Kegley stated that she would like to see a plan to scale that shows that they have room to do the landscaping that is required and for the Board to see that the vehicles would fit on the site.

Mr. Brophy stated that they have had rental cars on this property for years and questioned why they have to get a Conditional Use Permit. Counselor Wilson responded that that would be a question for the Zoning Administrator and if they do not like his decision, they can appeal to this Board. He advised that generally an intermittent use does not give pre-existing non-conforming rights. It is up to the applicant to show the use was established and on-going for a long period of time.

Ms. Evans questioned the advertising for Budget Car & Truck Rental. Mr. Hicks responded that there will be indoor display advertising. He added that they are customer service focused and want fresh paint and lines for parking. They want parking in specific places. In regard to exterior advertising, he stated that there would be signage on the pre-existing signs and they would put a car in the front.

Mrs. Robertson asked if there would be additional office space and what will happen to the Chevron operation. Mr. Brophy responded that it will remain the same. Mr. Hicks stated car rental is a one or two person operation.

Ms. Evans questioned lighting on the vehicles. Mr. Hicks responded that there would be no specific lighting, just lighting for the safety of the customers.

Mr. Pieper questioned the hours of operation. Mr. Brophy responded that the current hours are 7 AM to 6 PM Monday thru Friday and 7 AM to 5 PM on Saturday. Mr. Hicks stated that the hours would be the same.

Chairman Ewing asked if there was anyone else present who wished to speak.


Mr. Richard Carr, representing Florence Christian Church and Florence Christian Services, stated that they have called the city of Florence, but have not received any information on this request. He stated that if the request is postponed, they would like information so that they know what is going on.

Mr. Pieper stated that he would like to see a better Site Plan and have more information in response to the questions. He moved to defer the request to the next meeting of the Board on July 11, 2001. Ms. Evans seconded the motion. A vote on the motion found Ms. Evans, Ms. Kegley, Mr. Pieper, and Chairman Ewing in favor. Ms. Goodridge was not present. The motion carried.

Counselor Wilson advised Mr. Carr that the Board does not know when the applicant will bring in more detailed plans and suggested he contact Todd Morgan at the Planning Commission office.

There being no further business to come before the Board, Mr. Pieper moved to adjourn. Ms. Evans seconded the motion. The meeting was adjourned by unanimous consent at 9:05 PM.

APPROVED:


James Ewing, Chairman

Attest:

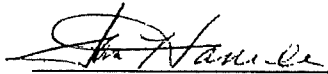

Jan Hancock, Recording Secretary

Exhibit:

1. Drawing of 130 square foot sign - Exhibit D of the Staff Report (Item #2).

1. The request of Budget Car & Truck Rental for a Conditional Use Permit to allow a car rental facility at 7200 Dixie Highway, Florence, Kentucky. The property is currently zoned Commercial Two (C-2). *This item was tabled at the June 13, 2001 Board of Adjustment meeting.*

Staff Member Todd Morgan stated that since the last meeting, the applicant has submitted a new Concept Development Plan. He provided copies to those present (see Exhibit 1). Mr. Morgan stated that the building is shown with a ten-foot expansion, which was not advertised and cannot be approved as part of this application. He stated that there was discussion at the last meeting of the required landscaping and a fence. He stated that the Concept Plan shows landscaping along the north and east property lines. The center island is shown with landscaping, but the applicant is planning to leave it as green space. The applicant is also not proposing landscaping for the two islands on the U.S. 25 side and those areas will also be green space. There would be landscaping where the Budget rental cars are stored along the north and east property lines. He stated that there is concern about the layout of some of the parking stalls – they are close to the curb cuts and someone backing out would conflict with someone entering the development and there would be the potential for an accident. He stated that these issues can be addressed at Site Plan Review if the request is approved.

Mr. Pieper asked for the applicant's comments.

Mr. Brophy stated that the revised plan shows straight-in parking on the U.S. 42 side. The reason for leaving the green space is that Mr. Morgan made them aware that it is state right-of-way and if they do additional landscaping, it would have to be ten feet in -- which would interfere with the existing pump locations. Since they are not changing the business that is towards those streets, they do not want to change the existing green space.

Mr. Pieper questioned what is shown on the plan in back of the cars. Mr. Brophy responded that that is the underground storage tanks.

Ms. Evans asked if they are proposing any additional lighting or signage. Mr. Brophy responded "no" and added that they will eventually replace a sign on an existing pole. He stated that there will be no additional lighting of the cars. He stated that they are not asking for approval of the ten-foot addition and will come back for that.

Mr. Pieper questioned the two cars shown at the handicapped parking area -- are they additional parking? Mr. Brophy responded "yes".

Ms. Evans questioned the number of parking spaces required for their customers. Mr. Brophy responded that there is no requirement at this time and there are no striped parking spaces on the lot. He stated that they show striping by the

apartment buildings because Planning & Zoning made him aware that with the rental car business there is the requirement of a parking space for each unit on the property. He stated that they should not have more than five or six rental cars at a time. He stated that they are required to have one parking space for each bay, which they are showing on the drawing.

In response to a question from Ms. Evans, Mr. Mark Hicks with Budget Car & Truck Rental, stated that excluding their airport location, they have three to five cars at their locations.

Mr. Morgan read the parking requirements from the Staff Report prepared by Lara Robertson (see Page 3). Ms. Evans questioned the total number of parking spaces that would be required. Mr. Morgan responded that he would have to know the square footage of the building to make that determination. He stated that at Site Plan Review, Staff would make sure that they have the appropriate spaces for the existing business and the rental cars. The spaces have to be in a safe location with proper aisles.

Ms. Evans stated that the Concept Development Plan looks crowded. Mr. Morgan responded that he is sure it would not be approved as it is shown. He stated that the parking space up against the curb cuts would not be allowed and striped spaces for the Ryder trucks would probably be required. He stated that under today's regulations, all parking lots are to be laid out with striping.

Mr. Pieper questioned the type of work that would be done on the rental cars. Mr. Hicks responded that they would do vacuuming, rinsing, topping off windshield fluids, checking tire pressure, and things like that. He stated that there would be no mechanical work done. Mr. Pieper stated that it would be difficult to impose a condition of "no mechanical work" on a garage. Counselor Wilson advised that the condition could be imposed on part of the business and not on the entire site if the Board would find that to be appropriate.

In response to a question from Mr. Sparks, Mr. Brophy stated that last month they agreed to put a blockade fence where the trucks are and along the apartment building.

Ms. Evans moved to approve the Conditional Use Permit with the following conditions: 1) the blockade fence, 2) the required striping, and 3) a limit of six rental cars on the lot, three cars out front and three reserved cars parked in the back.

Mr. Brophy objected to being restricted to three parking spots in the front and stated that at this time he could have a dozen cars out there. Last week they were extremely busy and had four Ryder trucks out front and five or six cars. Mr. Hicks stated that brand new, clean cars parked out there would be preferable. Ms. Evans questioned the maximum number of cars that would be permitted in the

point area. Mr. Morgan responded that a rough estimate would be six cars, but if the Board limits them to six cars and it is determined at Site Plan Review that that number is not safe, it will not be allowed. Mr. Brophy stated that the property comes to a point there, but the landscaping will make it wider. He stated that when they had twelve vehicles there, they were double stacked. Mr. Hicks stated that there will be no double stacking of the rental cars and customers are not allowed to park there.

Mr. Brophy stated that they know this is the Main Street District. They originally designated the front for the rental cars since they will be new vehicles.

Mr. Sparks suggested the motion be amended to allow six rental cars, and where they park them is their choice. He does agree with limiting them to three cars in front and three in the back. He questioned having new rental cars out there versus old beat up cars they are working on.

Ms. Evans amended condition #3 to allow six rental cars and added a fourth condition that the approval is subject to Site Plan Review.

Mr. Pieper questioned signage on the cars. Mr. Hicks responded that they are not to that point yet. He stated that there are no plans for additional signage. Mr. Pieper stated that a windshield sign is acceptable, but he does not want banners, flags, or things of that sort. Ms. Evans added a Condition #5 that there are to be no banners, flags, or things of that sort.

Mr. Morgan stated that for a previous Avis approval, there was a limit to the number of vehicles and then it turned out that there was a return area out back. Mr. Pieper responded that that would conflict with the number of vehicles allowed at one time.

Counselor Wilson asked if the intent was a total of six Budget rental cars whether they were return cars or cars available for rent. Mr. Hicks stated that the rental cars would be up front. Mr. Brophy stated that they will tell customers to park up front or in the striped spots by the apartment building. Mr. Hicks stated that at some of their locations, they have a rental return area in the front and then the agent parks the car out back after checking it for damage and mileage.

Mr. Sparks seconded the motion made by Ms. Evans.

Mr. Sparks stated that if six cars are allowed, there is nothing to say there could not be twelve or fifteen return vehicles. Ms. Evans questioned how long returns would set on the lot. Mr. Hicks responded that they have 27 – 30 drivers between 6 AM and 6 PM. Their business customers are usually Monday thru Thursday and the cars would need to get back to the airport right away. Mr. Pieper suggested a condition that returns not be kept overnight on the site. Mr. Hicks stated that it would be unusual for the returns to set more than 24 hours. Ms.

Evans stated that the cars could set there on the weekends. Mr. Hicks responded that they do not normally have returns on the weekends. Vehicles are usually picked up on Wednesday, Thursday, or Friday and returned on Monday or Tuesday.

Mr. Sparks asked if the cars would be cleaned at the airport or on the site. Mr. Hicks responded that they would be cleaned at the airport.

Counselor Wilson asked Mr. Hicks if he could give the Board a number of returned vehicles. Mr. Hicks responded "No, it's random".

Ms. Evans withdrew her motion. Mr. Sparks withdrew the second.

Mr. Pieper suggested approving the Conditional Use Permit with the conditions that 1) there can be a total of six cars available for rental, with additional cars in the return area, and 2) no return cars are to be left on the site for more than 24 hours. He stated that he does not think the Board can limit the number of return cars. Mr. Sparks stated that the number of return cars should be limited and anything over the limit would have to be picked up by the airport. Mr. Morgan stated that it would be an enforcement nightmare. He questioned how the Zoning Enforcement Officer would determine if a car has been parked there for 24 hours. He stated that they are supposed to have a parking space for each car, plus what is required for their business – and if they do not, then the circulation area will be cluttered and unsafe. If fifteen return cars come in – how can they have fifteen returns, plus six rental spaces, plus customer parking on the lot? Mr. Sparks questioned how many cars can be on the lot at a given time. Mr. Morgan explained that this is a Concept Plan and he cannot provide a total number until Site Plan Review.

Mr. Pieper stated that there could be a limit of six rental cars and the number of return vehicles will be decided at Site Plan Review. Mr. Morgan responded that if there is not a limit, they could have six rentals and fifteen returns. Ms. Evans suggested restricting the rental vehicles. Mr. Morgan agreed and stated that at Site Plan Review it will be determined how many total rental cars can be on the site.

Ms. Evans questioned how many customer cars are left overnight. Mr. Brophy responded "hardly any". Mr. Hicks stated that they have regulations that do not allow customer parking. Ms. Evans stated that she does not think anyone would leave their car when renting a car, but there could be a situation where someone's car is being repaired and they rent a vehicle until their car is ready. She stated that if six rentals are allowed and three people leave their personal vehicle, that would take six of the spaces in the back. If there also ten return vehicles, they would be out of parking spaces. Mr. Brophy stated that they do not see this as being a problem because they do not do major service work. They do oil changes and tires.

Mr. Sparks questioned how many trucks are on the site. Mr. Brophy responded that typically it is up to ten trucks, but they have had as many as twenty. Mr. Sparks stated that they could have sixteen trucks and seventeen cars. He suggested amending the motion to allow nineteen cars in the front at any given time and if there are trucks in the back that have been rented out, they could use those spaces for cars. They could probably put two cars in place of a truck. Mr. Pieper suggested limiting the total number of vehicles to the striped spaces. Mr. Sparks agreed. Mr. Brophy stated that they are agreeable to limiting the cars in the front to the striped areas and the 24-hour pick up for return cars is not a problem, but they do not want a condition on the number of trucks in the back of the station. They are not changing any part of their business in the rear of the station at this time. Mr. Morgan stated that rental cars will be parked back there. Mr. Brophy stated that he will stripe back there if it is required, but he does not want a limit on the number of trucks. Ms. Evans questioned the limit now. Mr. Brophy responded that the limit is the number of trucks they can fit there. Mr. Morgan stated that until they come in for Site Plan Review, he does not know how many parking spaces there will be. Mr. Brophy stated that the Concept Plan is a scale drawing. He objected to striping for the truck parking. He stated that trucks are different sizes and he wants to avoid restrictions on the existing business. He stated that they are only asking to park four to six rental cars on the property. Counselor Wilson responded that they cannot tell the Board how many return cars there will be. Mr. Brophy stated that he does not want to limit the number of trucks on the rear of the property.

Counselor Wilson asked Mr. Brophy, "How many **total** vehicles, rental and return cars, are you asking this Board to consider for approval?". Mr. Hicks responded "Five to six total, including return cars".

Mr. Pieper moved to grant the Conditional Use Permit to allow a car rental facility at 7200 Dixie Highway subject to the following conditions: 1) No banners or flags on the cars, but there can be windshield signs; 2) the number of cars on the lot for rental is limited to five and any return cars require a striped area to be parked in.

Mr. Morgan stated that the only way they have to stripe for the trucks as recommended in the Staff Report is if it is a condition of approval. He stated that at Site Plan, Staff will make sure that they have enough space for their current operation and they will be allowed as many rental cars and return spots as the site allows. Mr. Brophy stated that they would be agreeable to that.

Mr. Pieper added two conditions to the motion: **3) the number of vehicles on the lot is not to exceed the number of spaces available; and 4) blockade fencing as shown on the plan is required.** Mr. Morgan noted that the motion mentions striping for the rental cars, and asked if they are also required to stripe for customer parking. Ms. Evans suggested two additional conditions: **5) that**

everything on the lot is to be striped except for the truck rental area; and 6) landscaping will be as shown on the Concept Plan in the point area for the five rental cars. Mr. Pieper agreed to the amendment. Ms. Evans seconded the motion and it carried unanimously.

Ms. Goodridge returned to the meeting at this time.

Counselor Wilson announced that the following item has been withdrawn by the applicant:

3. **The request of Chip Tappan for a Conditional Use Permit to allow a fast food restaurant with a drive thru window on Mall Road between the Slammers Dance Club (7567 Mall Road) and Gold Star Chili Strip Center (7563 Mall Road), Florence, Kentucky. The property is currently zoned Commercial Two (C-2).**

Mr. Pieper introduced the next item on the Agenda:

2. **The request of The Erpenbeck Company for a Variance to allow a deck to encroach into the rear yard setback on Lot 61, Section 3, Savannah Lakes at Plantation Pointe (9155 Tabor Court), Florence, Kentucky. The property is currently zoned Residential Planned Development (RPD).**

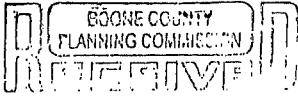
Staff Member Todd Morgan, AICP, presented the Staff Report. He stated that there are a number of trees near the property line, but when grading for the new homes occurs those trees could be removed. He stated that there should be some form of buffer in place.

The Vice Chairman asked for the applicant's presentation.

Mr. Matt Kennedy, Production Manager for the Single-Family Home Division of the Erpenbeck Company, stated that it is not the whole structure that is moving back, it is just a deck that will be nine feet off the ground and will be translucent to the house. He stated that providing the pine trees is not a problem.

Ms. Evans asked if the trees would be done by the Erpenbeck Company or the homeowner. Mr. Kennedy stated that there is a conditional sale based on the approval of the deck. The Erpenbeck Company would put the trees in if it is a condition.

Ms. Goodridge questioned if the trees would be at least six feet high. Mr. Morgan responded that it is not a requirement, but the Board could require it. Mr. Kennedy stated that if the trees are two or three feet high, they will be eight to ten feet high in two or three years. Mr. Morgan noted that the Board could select the species, recommend deciduous, or not recommend trees at all. Mr. Sparks stated that eventually the trees will be cut down because there will not be any backyard.



APPLICATION FORM

JUN, 12, 2007

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone [X] Florence ___ Walton ___ Union ___
2. (Check One) [X] Conditional Use Permit [X] Variance ___ Appeal ___
3. Applicant's Name Cincinnati Car Wash, LLC (Elizabeth Fissel)
Phone Number 513-898-9154 Fax No. 513-722-3150
Applicant's Address 6316 Wilmington Court
City: Loveland OH State: OH Zip: 45140
4. Description of Request: 3,550 sq ft, one story car wash with 5 bays, 250 sweepers & parking
5. Name of Development
6. Location of Development 7200 Dixie Highway, Florence, KY
7. Acreage Under Review 0.161
8. Lot Number and Name of Subdivision (if part of a subdivision) n/a
9. Owner of Property Jerry and Berdella Brophy
Address of Property Owner 1548 Beckwith Dr. Phone No. (859)-341-4508
City: Edgewood, KY State: KY Zip: 41017
11. Proposed Use(s) on Site Automatic and Self Service Car Wash with vending and vacuuming
12. Total Square Footage of Existing and/or Proposed Buildings 1,080 sq ft / 3,550 sq ft
13. Current Zoning on Property C-2
14. Deed Book 304 Page No. 157 Group No. 2042
15. Is the site subject to a zone change? no
16. Have you submitted a Site Plan with this request? yes
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.

variance to reduce street frontage buffers

Applicant's Signature: Elizabeth Fissel, Cincinnati Car Wash, LLC
Property Owner's Signature: Berdella Brophy, Jerry Brophy

COPY

CLUR #07-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jerry and Berdella Brophy
548 Beckridge Drive
Edgewood, KY 41017

2. ADDRESS OF PROPERTY

7200 Dixie Highway
Florence, KY 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Cincinnati Car Wash, LLC

4. DEED BOOK 304

PAGE NO. 157

GROUP NO. 2042

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

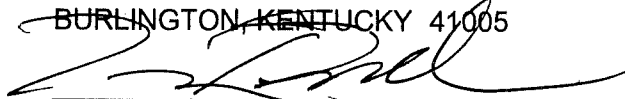
Subdivision Plat
(Not Recorded)

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

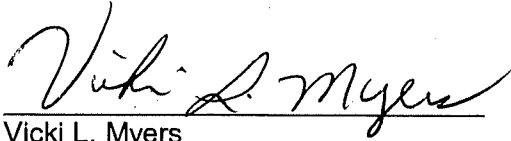
Kevin T. Wall, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the Boone County

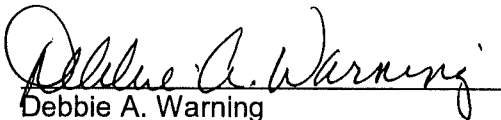
Planning Commission this 17 day of July, 2007.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 and Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of July 11, 2007 Certificate of Land Use Restriction (#07-FBOA-004-A), for Jerry and Berdella Brophy, Property Owner(s).

The following conditions will apply:

- 1) The building shall be constructed with brick, stone, or textured concrete block. EIFS and siding may be used as accents. The cupola shown on the concept plan is a required element.
- 2) The U.S. 42 curb cut shall be limited to a right-in/right-out curb cut.
- 3) No more than one employee shall regularly work from the facility.
- 4) All parking lot lighting shall be directed downwards and inwards toward the site. All light poles shall be limited to 15 feet in height.
- 5) The existing fence along the western property line shall be kept as part of the western buffer yard. The fence can be replaced with a like or similar fence if needed.
- 6) Ten foot wide frontage buffers will be provided along U.S. 42 and U.S. 25. The U.S. 42 and U.S. 25 right-of-ways may be used to fulfill this requirement if the Kentucky Transportation Cabinet issues an encroachment permit.
- 7) There is a limit of three high caliber vacuums and they are to be located on the site as indicated on the plan and not on the west side by the residential use.
- 8) There is to be no additional freestanding signage.
- 9) The existing freestanding signs are to be modified to be more appropriate and complimentary to the architecture of the building. The sign panels on the building are to be single letter design and externally illuminated only.
- 10) The historic marker is to be preserved.
- 11) The facility is to be a self-service automated car wash – not a detail facility.

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

MODE = MEMORY TRANSMISSION

START=JUL-24 13:43

END=JUL-24 13:44

FILE NO.=314

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	<13↑>	CITY FLO FPS	003/003	00:00:32

-BOONE COUNTY PLANNING -

***** UF-8000 v2 ***** -

- ***** -

8593342264- *****

7)

CLUR #07-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

- NAME AND ADDRESS OF PROPERTY OWNER(S)
Jery and Berdella Brophy
548 Beckridge Drive
Edgewood, KY 41017
- ADDRESS OF PROPERTY
7200 Dixie Highway
Florence, KY 41042
- NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Cincinnati Car Wash, LLC
- DEED BOOK 304 PAGE NO. 157 GROUP NO. 2042
- 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
- NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

RETURN TO
 BOONE COUNTY PLANNING COMMISSION
 2930 WASHINGTON STREET, ROOM 317
 P.O. BOX 958
 BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, Director, Zoning Services
 Name and Title of Completing Official