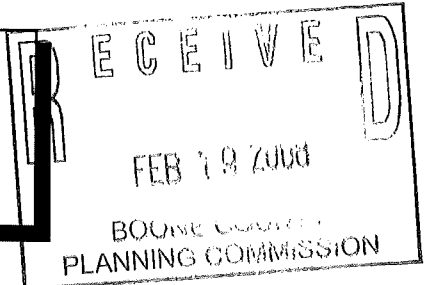


1-B0A
08-02B0A-03-A

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)

← You can use to reduce perimeter buffers

- (Check One)
1. Boone Florence Walton Union
 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name Elizabeth Fissel
 Phone Number 513-898-9154 Fax No 513-722-3150
 Applicant's Address 10316 Wilmington Court
Loveland OH 45140
 City State Zip
 4. Description of Request: 21,000 sq foot tunnel car wash and coffee cafe with vacuum and parking
 5. Name of Development n/a
 6. Location of Development 7200 Durie 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 Florence Car Wash LLC
 Address of Property Owner 10316 Wilmington Ct Phone No 513-822-3150
Loveland OH 45140
 City State Zip
 10. Proposed Use(s) on Site upscale tunnel car wash and coffee cafe
 12. Total Square Footage of Existing and/or Proposed Buildings vacant / ~~2440~~ sq. ft. 2440
 13. Current Zoning on Property C-2
 14. Deed Book 943 Page No. 915 Group No. 2047, ~~157, 121~~
 15. Is the site subject to a zone change? no
 If yes, give date of approval n/a
 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

Property Owner's Signature: Elizabeth Fissel

(over)

STAFF REPORT

APPLICANT: Elizabeth Fissel

LOCATION: 7200 Dixie Highway, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: March 12, 2008

PROPOSAL

The applicant has submitted the following applications:

1. A Conditional Use Permit to allow an automated service car wash to operate out of a 2,440 square foot building.
2. Two Variances to allow perimeter buffer yard reductions. The first Variance will allow a portion of the Dixie Highway street frontage buffer to be reduced from 10' in width to a minimum of 11.5" in width. The second Variance will reduce a portion of the southern property line buffer to be reduced from 10' in width to a minimum of 1'-4.5" in width. Approval of the Variances will allow the vacuum islands to be constructed where proposed.

The submitted plans show that the front (1,054 square feet) of the building will be occupied with a coffee/ice cream shop that contains 12 seats. The rear of the building (1,386 square feet) will contain an automated car wash bay. The plan also shows eight (8) guest parking spaces, three (3) vacuum islands, perimeter landscaping, a retaining wall, a detention area, and a car wash drive-through lane which can stack up to 10 vehicles. A full service access point is proposed on Dixie Highway and a right-out only curb cut is proposed on U.S. 42. The elevation drawings show that the building will be constructed of brick veneer, stained/sealed split faced concrete block, EIFS accenting, and overhead sectional garage doors. The roof is shown with dimensional shingles and a cupola.

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. The application indicated that the existing gasoline service station and non-conforming truck rental business would also continue to operate from the site.
- 7/11/07 – The Florence Board of Adjustment approves a Conditional Use Permit and Variances. The Conditional Use Permit allows a 3,550 square foot car wash with accessory parking and vacuum cleaners. The first Variance allows portions of the Dixie Highway street frontage buffer to be reduced from 10' to 5'. The second Variance allows portions of the U.S. 42 street frontage buffer to be reduced from 10' to 4'. The Board imposed 11 conditions on the approval (see attachments).
- 10/26/07 – The Boone County Planning Commission approves a Major Site Plan application for a 3,550 square foot car wash.

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 1021 of the Boone County Zoning Regulations lists eating and drinking establishments as a principally permitted use in the C-2 zoning district.

Article 10, Section 1023 of the Boone County Zoning Regulations lists automotive repair facilities and wash services for vehicles as Conditional Uses in 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 33, Section 3325 of the Boone County Zoning Regulations states that the parking requirement for eating and drinking establishments is one stall per two seats.

Article 36, Section 3620 of the Boone County Zoning Regulations states the minimum required buffer along a street frontage is Buffer Yard A. Buffer Yard A is a minimum of 10' in width.

Article 36, Section 3645 of the Boone County Zoning Regulations that the buffer yard requirement between a developing C-2 property and adjoining C-2 property is Buffer Yard A.

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 toward 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 0.61 acre site is located on the southwest corner of Dixie Highway/U.S. 42/Main Street intersection and is currently undeveloped. The former gasoline/service station was demolished in the latter portion of 2007. The site still has some landscaping along Dixie Highway and U.S. 42, a privacy fence along the western property line, and two free-standing signs. The topography of the site falls from 928 above sea level along Dixie Highway to 920 feet above sea level at the northwest property corner.

STAFF COMMENTS

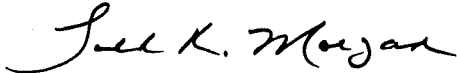
1. Staff reviewed the revised site layout and determined that it was a "Major Change" to the July 11, 2007 Florence Board of Adjustment approval. Changes have been made to the building use, building orientation, curb cuts, on-site traffic circulation, and perimeter buffers. The new proposal also affects Conditions of Approval 2, 3, 6, 7, and 11 (see attachments).
2. The proposal is still utilizing the buffer Variances that were approved by the Florence Board of Adjustment on July 11, 2007. The approved Concept Plan showed that portions of the U.S. 42 and Dixie Highway street frontage buffer were being reduced beneath the 10' standard. The Board imposed a condition which required 10' street frontage buffers but allowed the right-of-ways to be used to fulfill the requirements (see attachments).
3. Staff sent copies of the plans to Kentucky Transportation Cabinet and Florence Fire Department. Neither agency had any concerns.
4. Staff would like the applicant to address the following questions:
 - A. What are the days and proposed hours of operation?
 - B. Has the KY Transportation Cabinet approved the new sidewalk layout?

- C. What is the height of the retaining wall? What is it being constructed with?
 - D. What is the dumpster enclosure being constructed with? Can it match the building?
 - E. Are the garage doors glass or metal?
 - F. Are any of the other conditions being modified (see Staff Comment #1).
5. Staff has the following comments:
- A. Staff believes that the modified layout has solved one issue and has potentially created new ones. Staff supports the amount of stacking that has been created for the car wash but is concerned that a popular restaurant could overwhelm the parking lot. Cars that enter the exclusive right-out only lane from the vacuum and restaurant parking areas will have to pass immediately in front of the Dixie Highway curb cut. This movement could be dangerous if a vehicle is entering the site from the Dixie Highway curb cut at the same time. Staff is also concerned that the right-out curb cut must be properly designed to prevent motorists from entering the site from U.S. 42.
 - B. Staff wants to make it clear that all portions of the site shall comply with the perimeter buffer requirements in the zoning regulations, unless a Variance has been approved by the Board or a Waiver has been granted by the Zoning Administrator.
 - C. Staff would like to point out the two free-standing signs on the site are legally non-conforming. The zoning regulations currently permit a business establishment to have one free-standing sign.
 - D. The Board needs to analyze the requests in terms of the criteria listed in Section 251, 262, and 1023 of the zoning regulations.
6. Staff recommends the following conditions if the request is approved:
- A. Conditions from the July 11, 2007 approval that still apply.
 - B. One of the free-standing signs shall be removed.
 - C. The right-out curb cut shall be channelized to prevent motorists from entering the site from U.S. 42.
 - D. Sidewalks are required along Dixie Highway and U.S. 42 (subject to approval by the Kentucky Transportation Cabinet).
 - E. The retaining wall and dumpster materials shall correlate with the materials used in the building.
 - F. Some of the Buffer Yard A plantings must be installed between the detention area and U.S. 42 right-of-way.

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

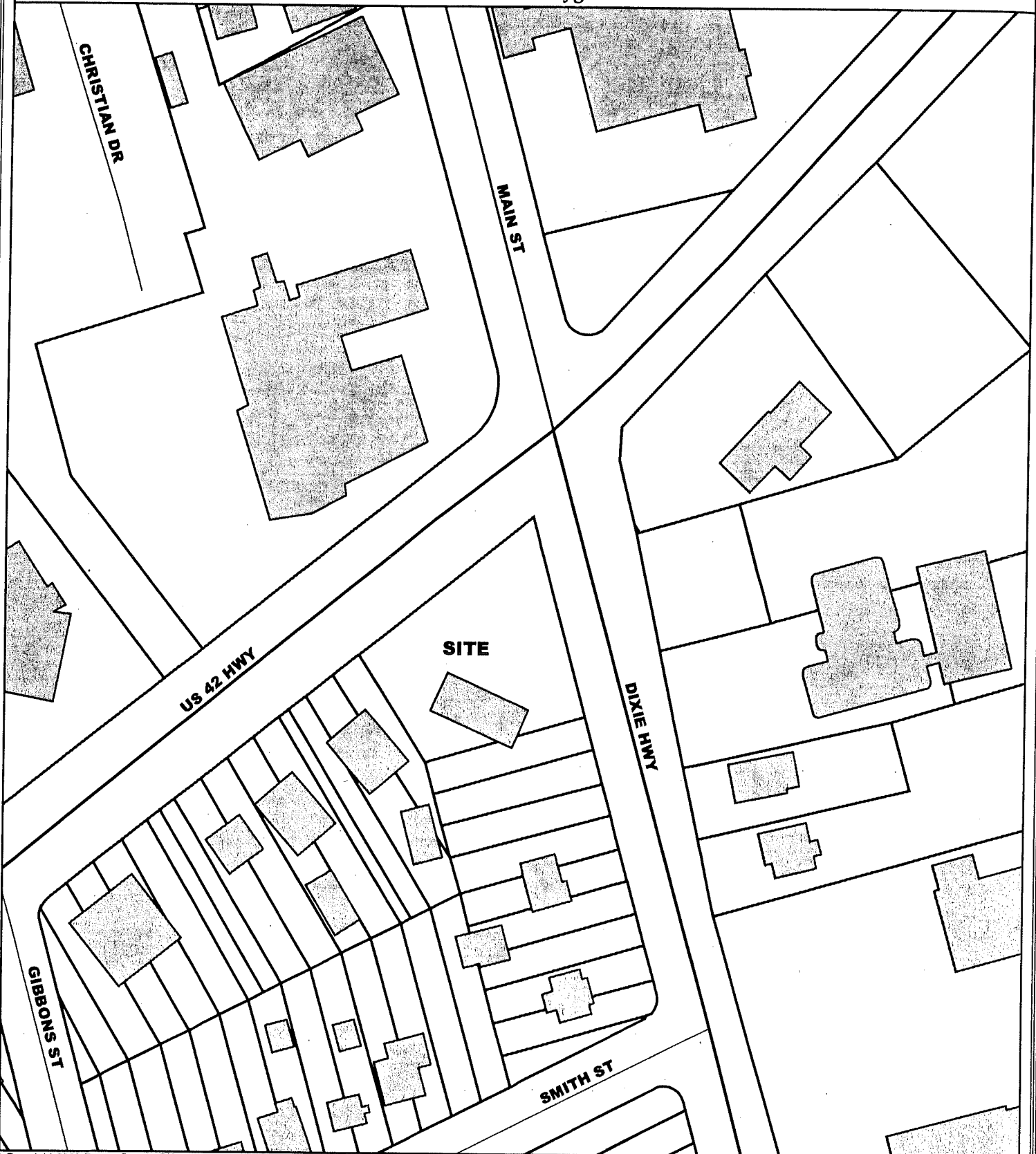
TKM/pr

Attachments

- *Site Vicinity Map
- *Concept Plans
- *Elevations
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *07/11/07 Concept Plan and Elevations
- *07/11/07 Conditions of Approval
- *07/11/07 Meeting Minutes
- *Application

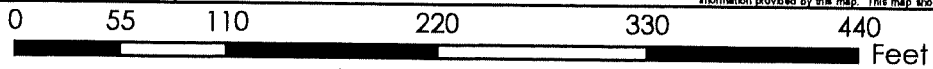
SITE VICINITY MAP

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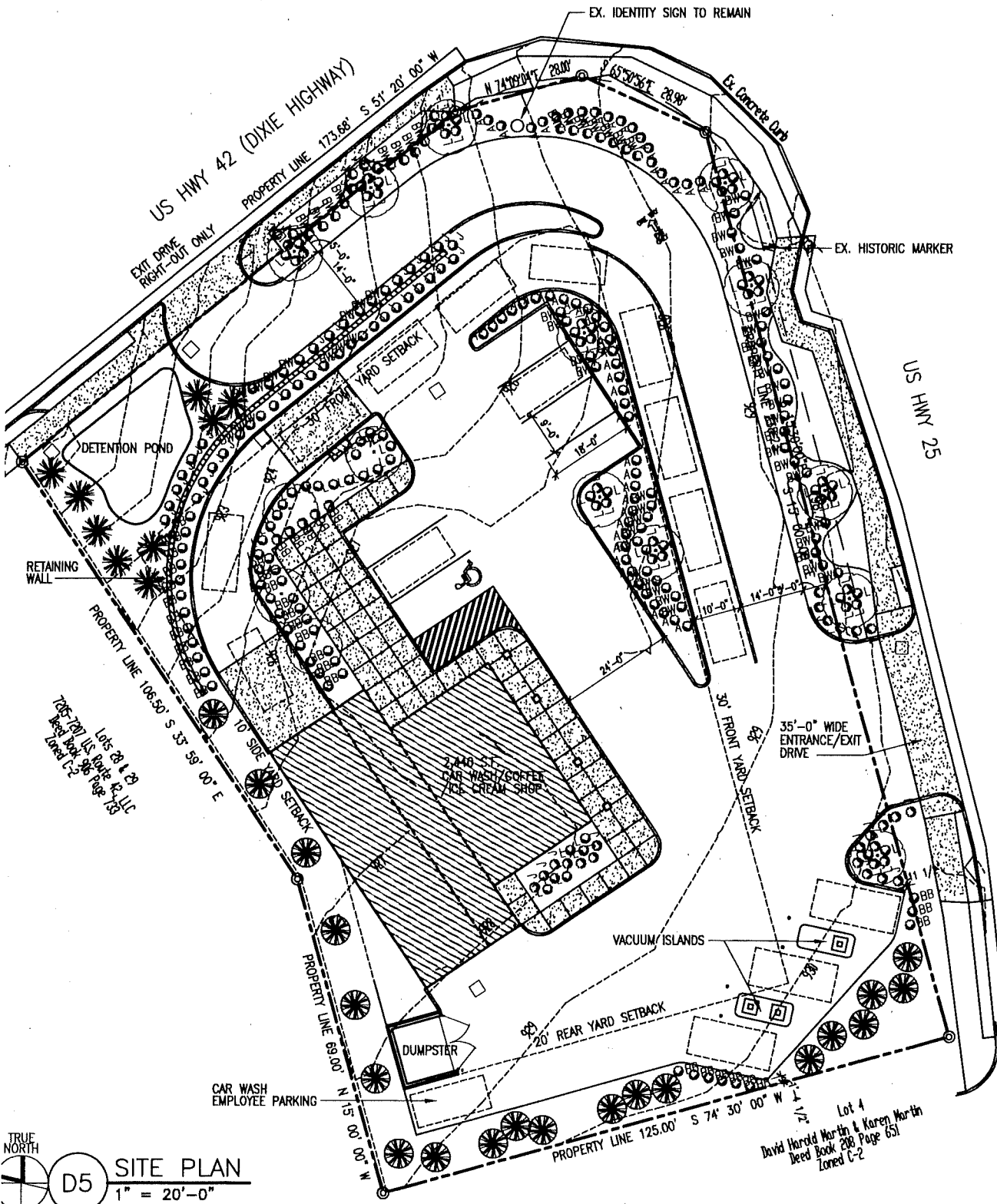
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Boone County GIS - Putting Northern Kentucky on the Map

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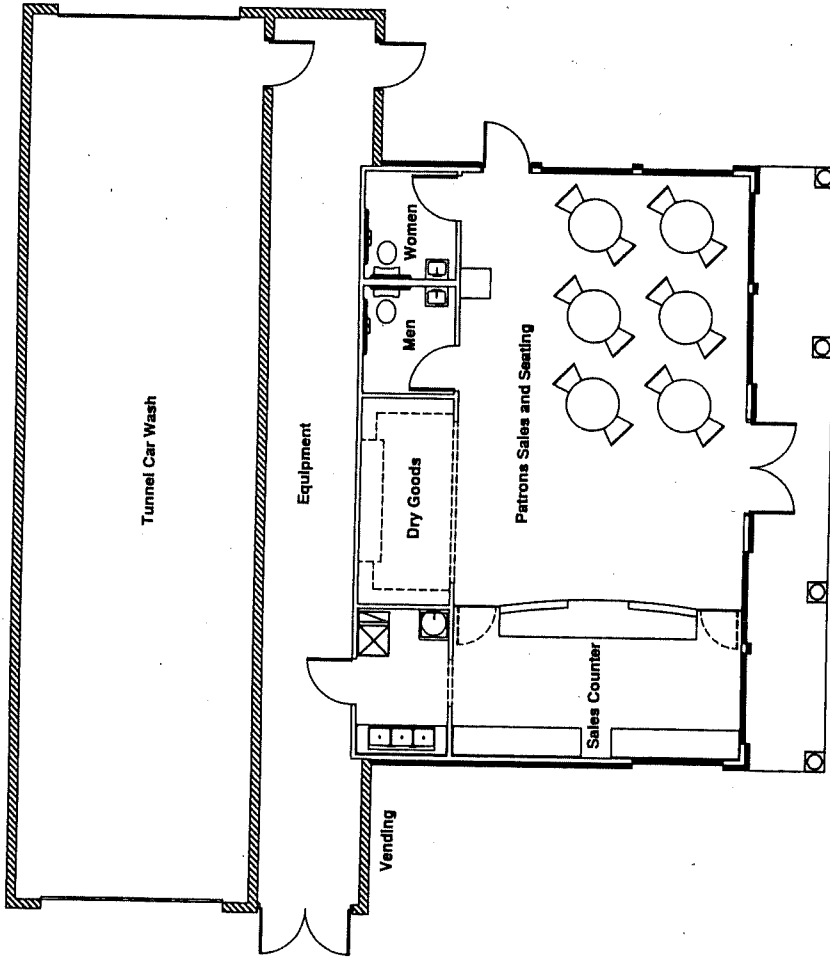
US HWY 42 (DIXIE HIGHWAY)
 EXIT DRIVE RIGHT-OUT ONLY
 PROPERTY LINE 173.68' S 51' 20' 00" W

US HWY 25

LOTS 28 & 29
 705' 700' SQ. ROWE CO. LLC
 Deed Book 985 Page 133
 Zoned C-2

Lot 4
 David Harold Martin & Karen Martin
 Deed Book 208 Page 651
 Zoned C-2

TRUE NORTH
 D5 SITE PLAN
 1" = 20'-0"

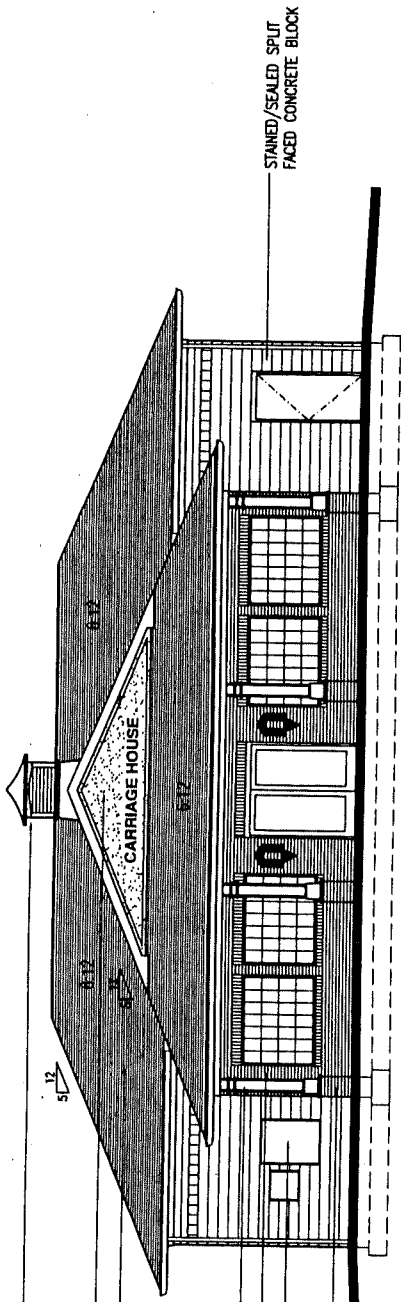


Proposed Floor Plan
Scale: 1/4" = 1'-0"

CUPOLA - THE COUNTRY GENTLEMAN
 "COUNTRY CUPOLA" GD-21CV 48" X 48"
 X 39" W/ COUNTRY DOCTOR ACCENT
 WEATHERVANE WH-00006

SYNTHETIC STUCCO EPS
 DIMENSIONAL SHINGLES

1 1/2" PRE-FABRICATED PAINTED COLUMNS
 BRICK VENEER
 VENDING AREA
 BRICK VENEER BASE

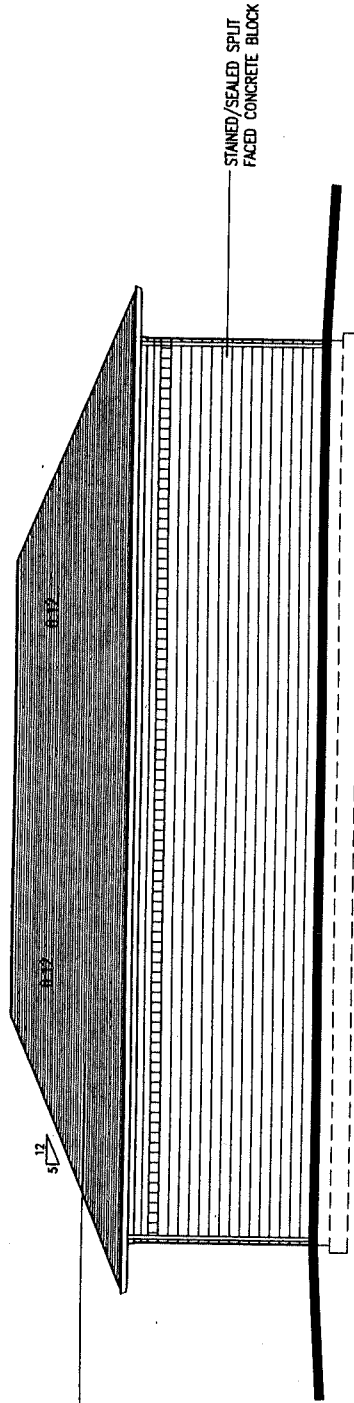


STAINED/SEALED SPLIT
 FACED CONCRETE BLOCK

Proposed Front Elevation
 Scale: 1/4" = 1'-0"

Facing Dixie Hwy.

DIMENSIONAL SHINGLES

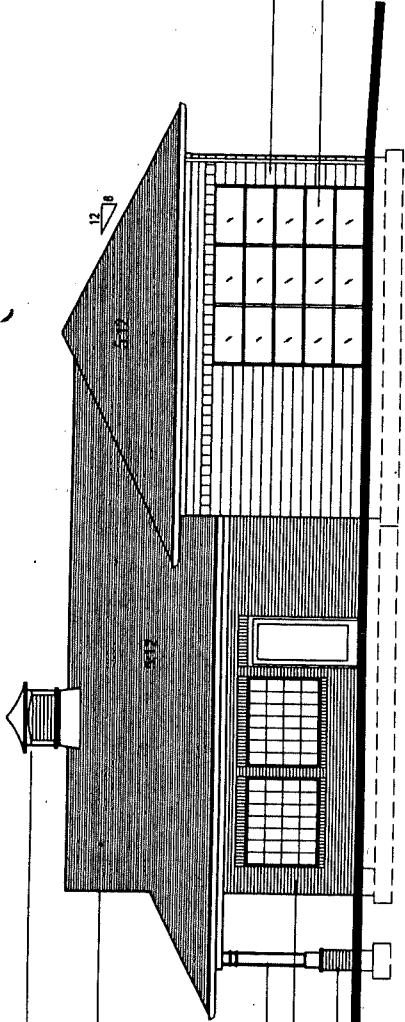


STAINED/SEALED SPLIT
 FACED CONCRETE BLOCK

Proposed Rear Elevation
 Scale: 1/4" = 1'-0"

Facing Apartments

CUPOLA - THE COUNTRY GENTLEMAN
 "COVENTRY CUPOLA" GD-21CY 48" X 48"
 X 59" H W/ COUNTRY DOCTOR ACCENT
 WEATHERVANE WH-00006



DIMENSIONAL SHINGLES

12" PRE-FABRICATED PAINTED COLUMNS
 BRICK VENEER

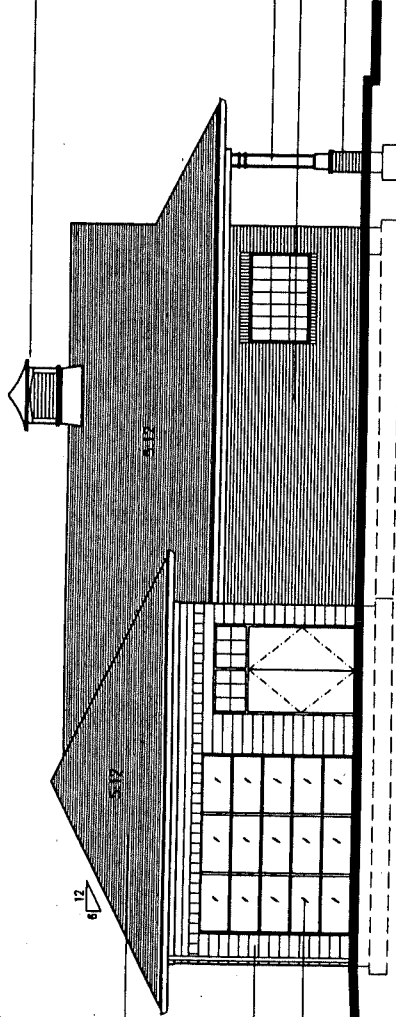
BRICK VENEER BASE

STAINED/SEALED SPLIT
 FACED CONCRETE BLOCK
 10'-0" X 12'-0" LUMICOR
 OVERHEAD SECTIONAL DOOR

Proposed Right Elevation
 Scale: 1/4" = 1'-0"

Facing U.S. 42

CUPOLA - THE COUNTRY GENTLEMAN
 "COVENTRY CUPOLA" GD-21CY 48" X 48"
 X 59" H W/ COUNTRY DOCTOR ACCENT
 WEATHERVANE WH-00006



DIMENSIONAL SHINGLES

STAINED/SEALED SPLIT
 FACED CONCRETE BLOCK
 10'-0" X 12'-0" LUMICOR
 OVERHEAD SECTIONAL DOOR

12" PRE-FABRICATED PAINTED COLUMNS
 BRICK VENEER
 BRICK VENEER BASE

Proposed Left Elevation
 Scale: 1/4" = 1'-0"

Facing Dental Office

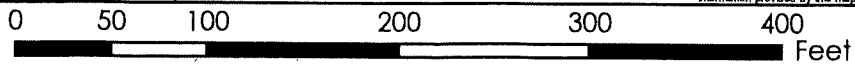
AERIAL MAP

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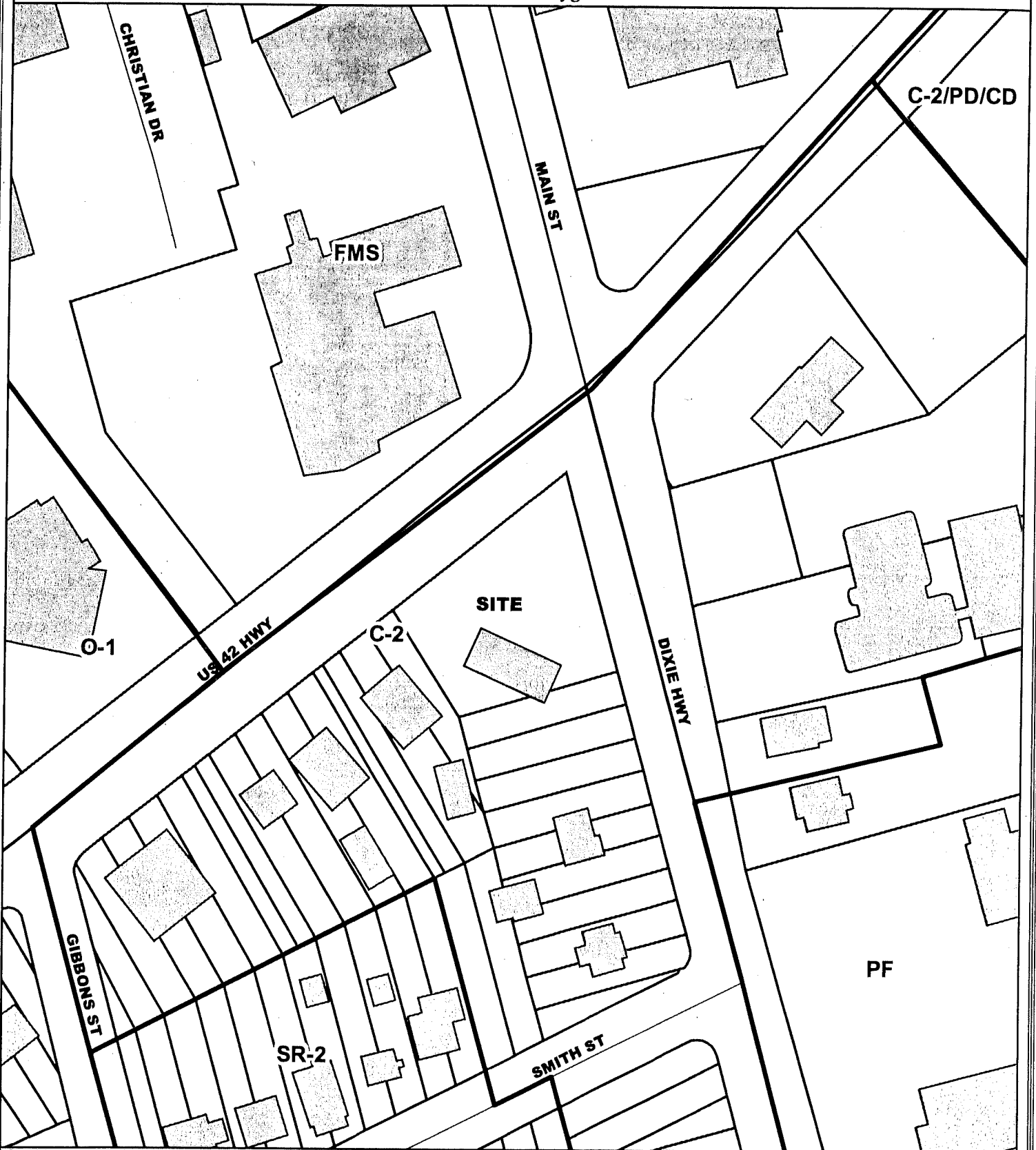
1 inch equals 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

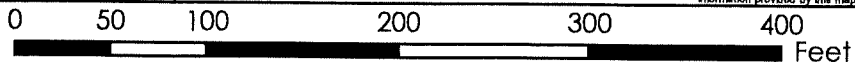
ZONING MAP

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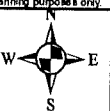
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1 Inch equals 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

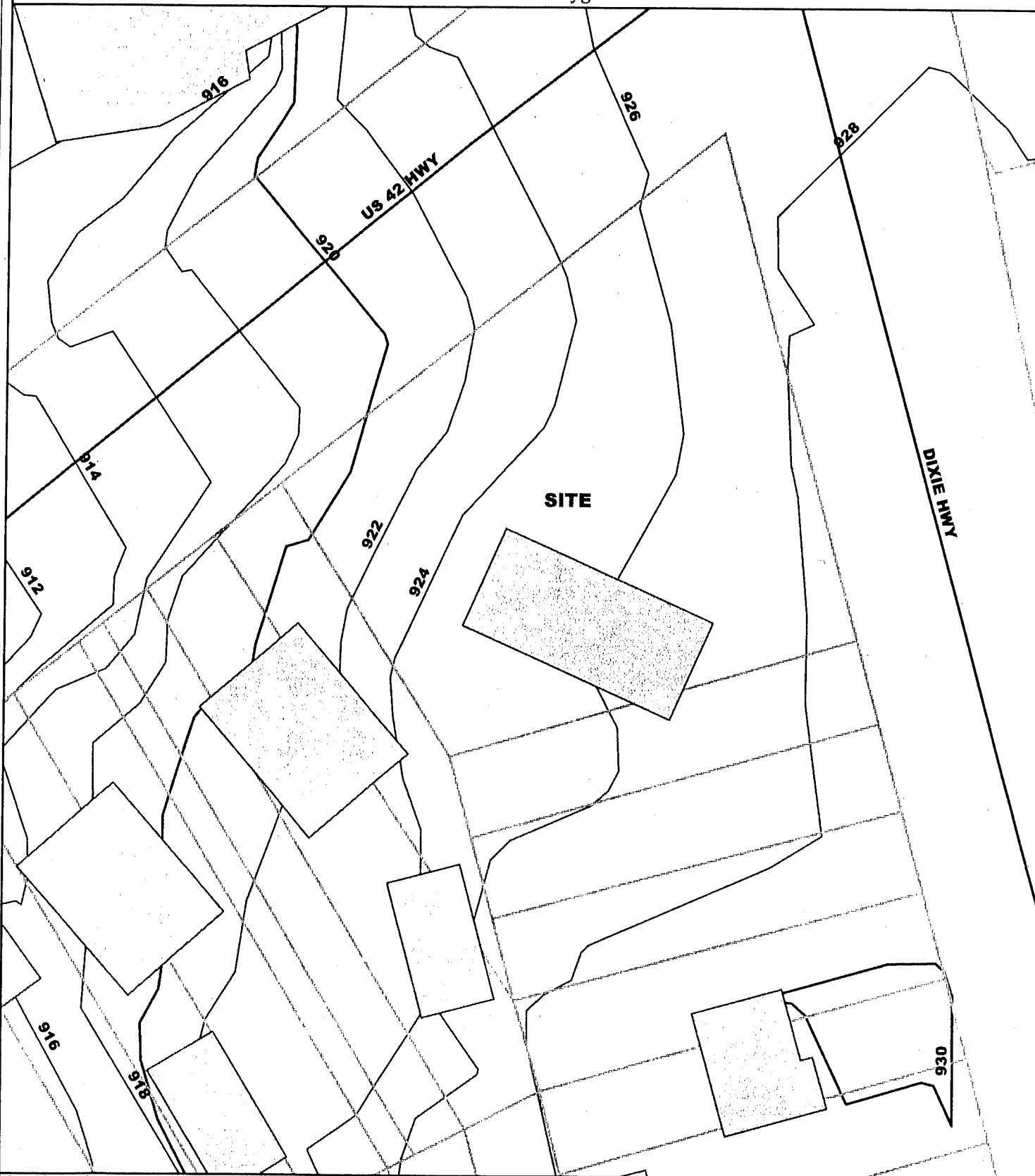


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Best Plans Available (Book #10 2001)
ArcMap Document, Unlinked

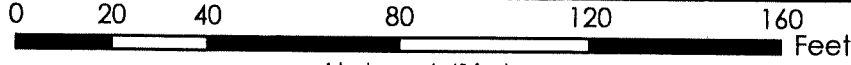
TOPOGRAPHICAL MAP

www.boonecountygis.com

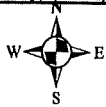


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1 Inch equals 40 feet



Boone County GIS - Putting Northern Kentucky on the Map

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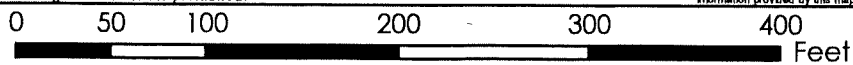
FUTURE LAND USE MAP

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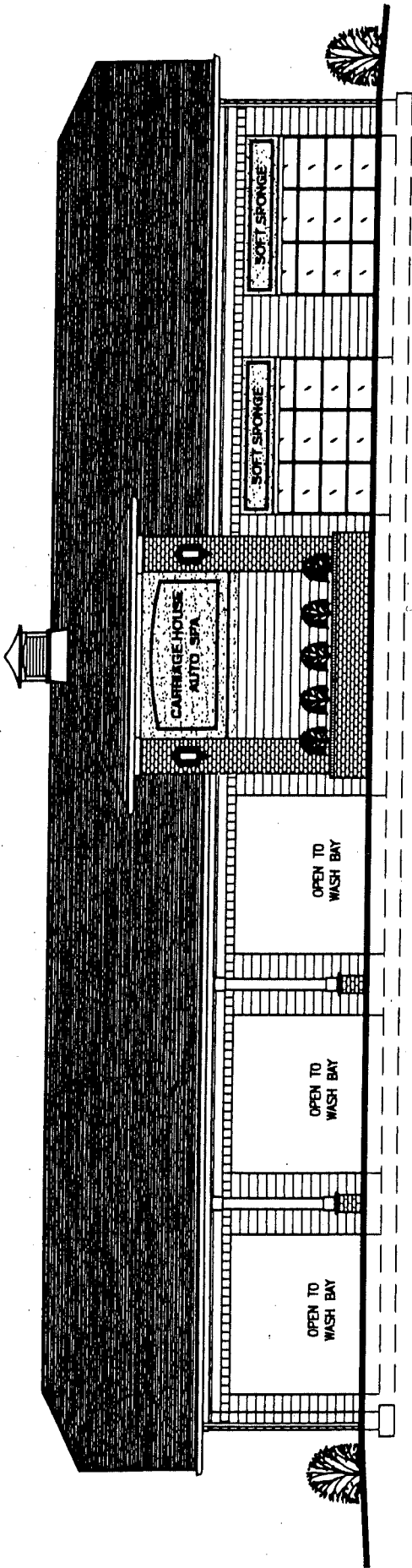


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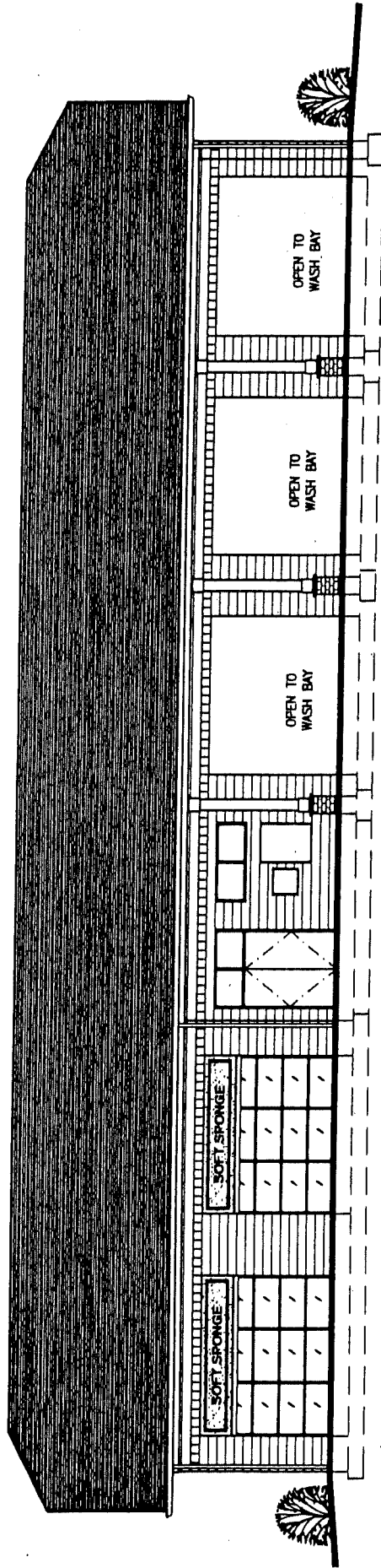


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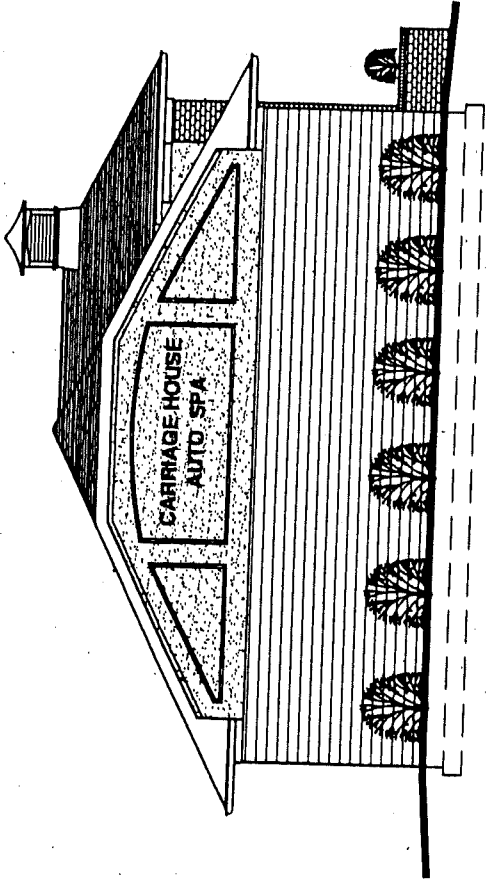
(Facing U.S. 42)

A1 NORTH ELEVATION
 $\frac{1}{8}'' = 1'-0''$



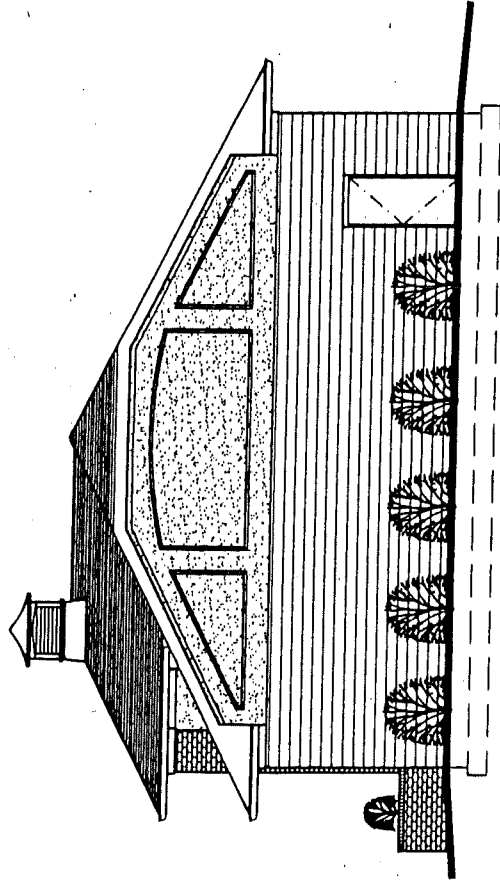
(Facing Dental Office)

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



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

(Facing Dixie Hwy.)



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

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:

DEED BOOK 304

PAGE NO. 157

GROUP NO. 2042

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE CITY BUILDING
BUSINESS MEETING**

**July 11, 2007
7:00 P.M.**

Mr. Pieper, Chairman, called the meeting to order at 7:05 PM.

BOARD MEMBERS PRESENT:

Mr. Pieper – Chairman
Ms. Evans – Vice Chair
Mrs. Schaffer
Mr. Sparks - Secretary/Treasurer

BOARD MEMBER NOT PRESENT:

Mr. Schneider

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

Mr. Pieper stated that the Board members received copies of the Minutes of the Florence Board of Adjustment Meeting of May 9, 2007. He asked if there were any comments or corrections. There being no changes to the minutes, Mr. Sparks moved that they be approved as mailed. Ms. Evans seconded the motion and it carried unanimously.

Agenda Item:

1. The request of Cincinnati Car Wash, LLC for a Conditional Use Permit and Variance. The Conditional Use Permit is to allow the construction of a 3,550 square foot car wash with accessory sweepers and parking. The Variance is to reduce the width of 10 foot wide street frontage buffers on Dixie Highway and U.S. 42. The site is located at 7200 Dixie Highway, Florence, Kentucky. The property is currently zoned Commercial Two (C-2).

Staff Member Kevin Wall, AICP, presented the Staff Report which included review of hard copies of the Power Point slides (see Staff Report). He passed around copies of the elevation drawings and photographs of a facility similar to the proposed facility, which was provided by the applicant. He stated that the

Revised Concept Development Plan shows a right-in/right-out access on U.S. 42. He stated that the applicant indicated to him that an employee comes by the site several times a day.

The Chairman allowed a few minutes for the Board to review the submitted materials. The Chairman asked for the applicant's presentation.

Ms. Elizabeth Fissel with Cincinnati Car wash stated that she is the owner/operator and is at the facility on a day-to-day basis. Ms. Evans questioned the hours of operation. Ms. Fissel responded that the facility is open 24 hours a day/7 days a week. She stated that the automatic doors are on timers. When people pay, the doors come up and then close behind the customer after they pull in. The closed doors avoid noise and disturbance to the neighbors. The recommended hours for the door timers are 7 AM to 7 PM. Ms. Evans questioned the number of employees. Ms. Fissel responded that at their current site, there is one person who maintains the site and has it ready for the customers. She was that person until recently and she will be the person at the new site until she finds the right person for the position. The person stops by in the morning to make sure the site is clean, sprays the bays down three times a day, empties the trash cans, picks up litter and responds to telephone calls. The person deals with customer service issues from 7 AM to 7 PM. The owners respond to evening or late night calls for problems such as a customer losing money in a machine. Ms. Evans questioned how many employees are on site during normal hours of 7 AM to 7 PM. Ms. Fissel responded that the employee is on-call during those hours and expected to respond to the site. On slow days, there may be no one at the site. The employee checks the site in the morning, in the afternoon, and at the end of the day. The employee may only be at the site three hours a day. The employee treats the tank with pool shock to avoid any odors from standing water. They use a vented system to avoid odor to the neighbors.

Chairman Pieper questioned outside maintenance. Ms. Fissel responded that they have a contract with a property maintenance company to vacuum the site at least twice a week. She and the site attendant will maintain the landscaping. They want to maintain a certain level of curb appeal.

Ms. Evans asked if the vacuums are accessible 24 hours a day. Ms. Fissel responded that the vacuums at their current site are accessible 24 hours a day and they are located next to a residence – but there have not been any problems. The machines are high caliber and enclosed and not as loud as traditionally expected.

Chairman Pieper questioned the signage. Ms. Fissel responded that she would like to use the existing signs.

Chairman Pieper questioned overnight parking. Ms. Fissel responded that they want the site to look upscale and they will not permit cars to be parked there overnight. Ms. Evans asked if they have a contract with a towing facility if a car

is left overnight. Ms. Fissel responded that they would look for a service more regional to the area since their current service would tow the car to Sharonville, OH. They want to be good neighbors and would attempt to locate the owner before towing a car away.

Chairman Pieper commented that the other site is clean and orderly and he was impressed by the pictures. He questioned the request to reduce the width of the street frontage buffers on Dixie Highway and U.S. 42. Ms. Fissel responded that they are asking for the buffer areas closest to the entrances to be narrower than the required ten feet. They will remove the three larger trees because they are overcrowded. They will work with a qualified landscape design person.

Ms. Evans questioned the location of the historic marker. Ms. Fissel stated that they will modify that area to keep the marker visible, which is the only deviation from what is shown on their plan. They will respect the historic marker.

Mrs. Schaffer questioned the location of their current facility. Ms. Fissel responded that it is in Loveland, Ohio.

In response to questions from the Board, Ms. Fissel reviewed the plan and noted the locations of the two vacuum islands in the back (as far from the residence as possible), the pay station, and the planters. The planters in the front will have cone-shaped trees and yellow flowers.

In response to a question from Mrs. Schaffer regarding the building materials, Mr. Wall stated that normally when CMU is the primary material, Staff prefers it to be a pigmented or integral color that looks like masonry with grout lines. He stated that this use involves a lot of water and there are functional reasons why the applicant is proposing the stain. He asked the applicant to explain.

Mr. Joel Farmer, architect with HDR, stated that the interior side of the cinder block will be sealed with temperature sensitive epoxy paint that does not peel. The interior of the base will be concrete block with poly vinyl plastic sealant that is durable. He stated that if they use block as recommended by Staff (Staff Comment #5.A.), and the inside is sealed and the outside is not sealed – then moisture will get in the block and over time (as little as one or two months) there will be white staining on the unsealed portion. If they put a sealer on the outside, it would only last one or two years and would have to be reapplied. He stated that the stain comes in all of the same colors and it goes into the pores of the block making a locked system that lasts twenty years. He stated that moisture gets into painted block and affects the paint. Mrs. Schaffer questioned the color they are proposing. Mr. Farmer responded that it can be any color. He stated that the facility shown in the pictures has stained block and noted the color. He reviewed the plan with the Board. He noted the locations of the planters proposed for the front of the building. He stated that the planters soften the effect of the building

and also cause pedestrians to go around so that a car pulling out has time to react to the pedestrian. They want to make the site safe for their customers.

Mrs. Schaffer asked if there have been any complaints from the Visiting Angels apartments to the west. Mr. Wall was not aware of any complaints. Mrs. Schaffer stated that the bays are only ten feet away from the west property line. She stated that the adjacent property is zoned C-2, but people are living there.

In response to questions from Mrs. Schaffer, Mr. Farmer stated that there will be one or two pole lights on the site and the lights will face away from the residences. The other lights will be building-mounted with cutoff shields. The foot candles at the property lines would be almost zero. He stated that they will keep the fence in place and they propose evergreen screening along the fence.

Mrs. Schaffer asked Staff to address the signs shown in the photograph of the other site. Mr. Wall responded that he only received the photograph prior to the meeting, but he does not believe the signage as shown would be allowed. He commented that some of the signs appear to be banners. Mrs. Schaffer stated that she does not want those signs on this site.

In response to questions from Mrs. Schaffer, Mr. Farmer stated that the site has four curb cuts and they will eliminate two of them. They will create a park like atmosphere with green space and lush landscaping. They will eliminate the cut-through problem with buffering, the right-in/right-out access, and by using the building as a barrier – which will improve the safety on the corner.

Chairman Pieper stated that there is an extension of the buffering into the right-of-way. He stated that there is almost ten feet of buffer. Mr. Farmer responded that the actual green space is 10' – 12' wide and the plantings comply with the Buffer Yard A requirements. He stated that they are asking for the Variance to be in compliance. He stated that currently 90% of the site is covered with asphalt. They will reduce the amount of asphalt and make the site more in compliance with today's standards. Mrs. Schaffer noted that the Staff Report states that they can use the right-of-way. Mr. Wall reviewed the Variance criteria. He stated that the site has been affected by several right-of-way acquisitions (U.S. 42 and Dixie Highway). The site existed prior to the current buffer and setback standards.

Chairman Pieper asked if there will be problems with circulation and stacking on the site. Mr. Wall responded that Mr. Morgan talked to the applicant about stacking and they indicated that there has not been an issue with stacking at the other site.

Mrs. Schaffer stated that the signage should blend in architecturally. Ms. Fissel stated that they do not intend for this site to be identical to the one shown in the photograph. She explained that originally there was no signage on the other site and people were confused. The signage was put in place to guide people until

they become accustomed to the site – and then the signs will be taken down. She stated that they do not want to commercialize the site. They only brought the photographs to show the color, the overall feel of the site, and how the site is kept.

Mrs. Schaffer questioned removing the sign pole. Ms. Fissel responded that they thought signage was a separate approval process. Mr. Wall stated that design characteristics of the building and the signage should be shared so that they relate to each other architecturally. Mr. Farmer stated that Mr. Morgan did not think it would be a problem for them to use the existing Chevron sign. They plan to put an attractive sign over the backlit sign that is there, put a planter at the base, and beautify the columns. He stated that the existing sign has a prominent visual impact on U.S. 42 and can be seen in both directions on Dixie Highway. They want to use the existing sign for marketing purposes. If that is not acceptable, they could put in a ground-mounted sign approximately five feet tall, but it would have to be located so as not to interfere with the line of sight. Ms. Evans stated that there are pole signs on the U.S. 42 and the U.S. 25 sides. Mr. Farmer asked if it is the Board's intention not to use the existing signs and to propose new signage.

Counselor Dillon stated that the Board is considering the Variance and Conditional Use Permit. Mr. Wall stated that if the Board does not address the signage, then the applicant can keep the existing signage. He stated that the Board could consider the signage as part of the Conditional Use Permit process. Counselor Dillon stated that the Board could impose conditions regarding signage as part of the motion.

Ms. Fissel stated that they will put a brick pedestal around the base of the sign that ties into the brick of the building. Their accent color is green. They will put an antique finish on the pole and do the frame in green to match the building. She stated that the signage will be distinctive. She stated that visibility is key to directing people to the site and they will avoid having any signage on the property that is not necessary to be profitable. She stated that the backlit sign was a selling point of the property and it can be designed to blend in nicely with the area.

The Chairman stated that the Board cannot tell them to take the sign down or change the height of the sign, but the Board can impose a condition that the sign is to be more appropriate to the site. Ms. Fissel responded "that is my intention". Counselor Dillon stated that a condition that the number of signs must conform to today's standards would have to be an agreed condition. Chairman Pieper stated that his intention was to make the sign more appropriate to the site with a planter around it and painting it to match. He does not want to change the number of signs, he wants to improve the cosmetics. Counselor Dillon advised that the term "appropriate" is subject to interpretation and recommended that the Board be specific. Mr. Wall suggested adding language specifying the colors and materials, and the Board may want to specify that the gable caps match the roof.

Ms. Fissel stated that the building-mounted signage would be the same as what is on their current building, except that there would not be any banners. Mr. Farmer stated that the building-mounted signage will be down lit from the soffit, it would not be internally lit.


Chairman Pieper asked if there was anyone else present who wished to speak regarding this request. There was no response.

There being no further discussion, Mrs. Schaffer moved to approve the request based on the applicable regulations and the Staff Report, subject to the following conditions: (1) Staff Comment #5, subsections A – F, (2) a limit of three high caliber vacuums, which are to be located on the site as indicated on the plan and not on the west side by the residential use, (3) no additional signage; (4) existing signs are to be modified to be more appropriate and complimentary to the architecture of the building, colors and materials are to match and compliment the building; sign panels on the building are to be single letter design and externally illuminated only, (5) the historic marker is to be preserved, (6) no more than one employee working regularly at the facility; and (7) the facility is to be a self-service automated car wash – not a detail facility. Mr. Sparks seconded the motion and it carried unanimously.

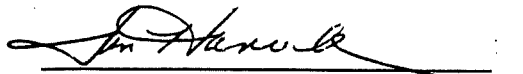
Other: (1) CVS Pharmacy – Mr. Sparks stated that when the Board approved the request, the changeable copy sign was to be on the bottom and CVS was to be on the top. The sign was installed correctly, but when it was taken down and a new sign put up, the changeable copy was on the top and CVS was on the bottom. Mr. Wall will review the approval and notify the Enforcement Officer if necessary. (2) Taxicab Company Mr. Sparks asked for an update on the taxicab company. Mr. Wall responded that the Occupational License has been approved.

There being no further business to come before the Board, Ms. Evans moved to adjourn. Mrs. Schaffer seconded the motion. The meeting was adjourned by unanimous consent at 8:20 PM.

APPROVED:


Timothy Pieper, Chairman

Attest:


Jan Hancock, Recording Secretary

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
FEB 19 2008
BOONE COUNTY
PLANNING COMMISSION

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

variance to reduce perimeter buffers

- 1. (Check One) Boone Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Elizabeth Fissel
Phone Number 513-898-9154 Fax No. 513-722-3150
Applicant's Address 6311 Wilmington Court
Loveland OH 45140
City State Zip
- 4. Description of Request: 2100 sq foot tunnel car wash and coffee cafe with vacuums and parking
- 5. Name of Development n/a
- 6. Location of Development 7200 Durie Highway, Florence, Ky
- 7. Acreage Under Review 0.61
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
n/a
- 9. Owner of Property Florence Car Wash LLC
Address of Property Owner 6311 Wilmington Ct Phone No. 513-722-3150
Loveland OH 45140
City State Zip
- 11. Proposed Use(s) on Site upscale tunnel car wash and coffee cafe
- 12. Total Square Footage of Existing and/or Proposed Buildings vacant / 2100 sq. ft.
- 13. Current Zoning on Property C-2
- 14. Deed Book 943 Page No. 915 Group No. 2042, 152, 181
- 15. Is the site subject to a zone change? no
If yes, give date of approval n/a
- 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

Property Owner's Signature: Elizabeth Fissel

(over)

COPY

CLUR #08-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Florence Car Wash, LLC
6316 Wilmington Court
Loveland, OH 45140

2. ADDRESS OF PROPERTY
7200 Dixie Highway
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 943 PAGE NO. 915 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 Other:
(Not Recorded)

 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of March 12, 2008 Certificate of Land Use Restriction (#08-FBOA-003-A), for Florence Car Wash, LLC, Property Owner(s).

The following conditions will apply:

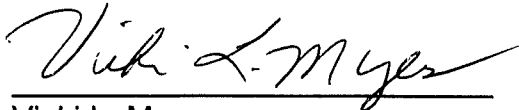
- 1) The building shall be constructed per the submitted elevations.
- 2) The U.S. 42 curb cut shall be limited to right-out only.
- 3) No more than two employees shall regularly work from the facility.
- 4) All parking lot lighting shall be directed downwards and inwards toward the site. All light poles 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, except that there does not have to be a fence from the U.S. 42 frontage to the front corner of the adjacent apartment building. The fence can be replaced with a like or similar fence if needed.
- 6) Buffer yard widths are to be as shown on the Site Plan submitted with this request.
- 7) There is a limit of three high caliber vacuums and they are to be located on the site as indicated on the Site Plan submitted with this request and not on the west side by the residential use.
- 8) There is to be no additional freestanding signage.
- 9) One of the free standing signs shall be removed and the remaining sign shall have a planter with appropriate plantings and it shall 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.
- 12) Sidewalks are required along Dixie Highway and U.S. 42 (subject to approval by the Kentucky Transportation Cabinet).
- 13) The retaining wall and dumpster materials shall correlate with the materials used in the building.
- 14) Some of the Buffer Yard A plantings must be installed between the detention area and U.S. 42 right-of-way.
- 15) There is to be a speed bump or stop sign located between the car wash exit and the vacuums.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

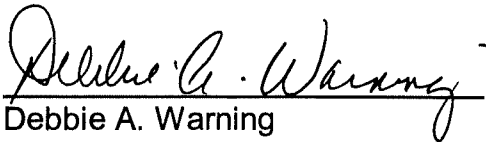
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 24 day of March, 2008.



Vicki L. Myers
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
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.)