

APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: CORPOREX Owner

Address: 1717 DIXIE HWY. STE. 435 Agent

FT. WRIGHT, KY. 41011 Telephone: 344-3135

Location: I-75 & TURWAY RD. (SOUTH-WEST QUADRANT)

Name of Property Owner: CORPOREX

Address of Property Owner: 1717 DIXIE HWY. STE. 435

Zoning District: O-2/PD OVERLAY Area in Acres: 6.5

Deed Book: 185 Page Number: 155 Group Number: 2033

Description of Request: MODIFY EXISTING CONDITIONAL USE PERMIT
AND A VARIANCE IN THE SIDE YARD SET BACK

Applicant's Signature: David T. Fay

Property Owner's Signature: V.P. Corporation

Application Fee: \$231.00 FOR PLANNING COMMISSION USE ONLY Date Received: 9/22/86 By: K. Castello

Referred To: K. Castello Meeting Date: 10/8/86

Action Taken: _____ Date of Action: _____

STAFF REPORT

DEVELOPMENT: Hampton Inn

APPLICANT: Corporex Companies, Inc.

LOCATION: South of Turfway Road and west of I-75, Florence, Kentucky.

ZONING: Office Two/Planned Development Overlay (O-2/PD)

DATE: October 8, 1986

REMARKS:

The applicant is requesting a modification of a previously approved Conditional Use Permit and a variance in a sideyard setback for the construction of a Hampton Inn Hotel on the southwest side of Turfway Road and I-75. The 9.34 acre tract is presently zoned Office Two/Planned Development Overlay (O-2/PD).

History of Conditional Use Permit

The original Conditional Use Permit was approved by the Florence Board of Adjustment on May 9, 1984 and was recorded on June 14, 1984 as Permit Number CP84-5-6. A copy of the Conditional Use Permit is enclosed. The Permit included plans for a hotel and areas designated for hotel and office expansion. There was one access drive into the site off Turfway Road and across the secondary entrance of Booth Memorial Hospital.

On November 14, 1984, the applicant requested modification of its Conditional Use Permit. The request was to modify the maximum height of the structure of the 50 foot limit granted as a condition of the May 9, 1984 approval. The Corporex Conditional Use Permit modification was approved by the Florence Board of Adjustment on December 12, 1984. The modification included a maximum building height of 60 feet (including a 4 foot parapet). A fire ladder was also a condition in which the applicant was required to provide.

On April 9, 1984, the applicant requested a one year extension of its Conditional Use Permit (Number CP84-5-6). This extension was granted by the Florence Board of Adjustment with an additional condition placed upon the applicant. This condition consisted of shared access to be provided by the applicant to the adjacent property, or more specifically, the Mary Ellen Foltz property. Shared access was used in general terms to mean any of the following: interconnecting parking lots, shared curb cuts or a frontage road. It was meant to be general because of the uncertainty of the development adjacent to Corporex and the most appropriate shared access method.

On June 25, 1986, the Florence Board of Adjustment granted a modification of a previously approved Conditional Use Permit to allow for the construction of a 211 unit Grande Hilton Hotel (see attached copy of Site Plan and conditions for approval).

Conditional Use Permit

In the rear portion of this report are two Site Plans. On page 4, there is a copy of the approved June 25, 1986 Site Plan. On page 5, there is a copy of a new site plan which shows the location of the existing Grande Hilton Hotel and the proposed Hampton Inn. As indicated on the new Site Plan, the applicant would like to place a portion of the proposed 120 unit Hampton Inn Hotel on the 9.34 acre site. The location of the proposed building is in the vicinity of the parking lot and tennis court of the Grande Hilton Hotel. Approximately 36 rooms or 13,250 square feet (of the total 120 rooms and 55,000 square feet) would be located on the 9.34 acre parcel. Parking for at least 261 automobiles for the Grande Hilton site will have to be provided and a total of 135 spaces at a minimum will be required to serve the Hampton Inn site. The proposed height of the hotel is 38 feet. The main reason for this request is to allow the use of a hotel, which is normally conditional in an Office Two (O-2) zone, on a portion of the 9.34 acre tract. A conditional use permit has already been granted for this tract, thus the official request would be to modify it. At this time, Corporex Companies, Inc. has become the owner of the entire 16+ acre site bounded by I-75, Turfway Road and Houston Road.

Variance Request

The applicant is seeking a sideyard setback variance on the south side of the proposed Hampton Inn Hotel. The minimum sideyard setback in an Office Two (O-2) zone is 10 feet unless the property adjoins a residential or agricultural zone. The net effect of this request is to have a "zero lot line" or to have a 10 foot sideyard setback variance. A portion of the proposed hotel located on the seven acres does not require a variance in a sideyard setback or "zero lot line" because the property is in Planned Development and does not require a conditional use permit granted for the property. A sideyard setback variance is required on the 9.34 acre tract in order to allow the proposed hotel to straddle the previously recorded lot line.

The Florence Board of Adjustment should consider the following criteria and reasons for the variance request before taking action.

1. The requested variance does indeed arise from special circumstances, which do not generally apply to land in the general vicinity, or in the same zone. The property owner has just recently purchased the seven acre tract (formerly the Foltz tract) and did not control it at the time when the adjacent property was being reviewed for a conditional use permit in 1984. Thus, the applicant would like to pursue a master plan for the 16+ acre site now that they control ownership for the entire parcel.

2. The strict application of the regulation would deprive the applicant of a reasonable use of the land and would create an unnecessary hardship on the applicant. Because the owner maintains control of the entire 16 acre tract, the current lot line and setback requirement is a hardship for development on the 9.34 acre parcel since the seven acre is in Planned Development and has "flexible" setback lines.

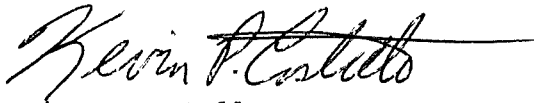
3. The special circumstances are not the result of actions taken subsequent to the adoption of the zoning regulation. The original application for a conditional use permit for the 9.34 acre site was made in 1984 prior to the adoption of the Turfway Study or the new zoning of the area.

4. I can find no reasons, which would adversely affect the public health, safety and welfare, alter the essential character of the general vicinity of would cause a hazard or a nuisance to the public. In fact, this variance request should provide a more harmonious development pattern by creating additional open space on the site.

Conclusion

If the Florence Board of Adjustment should approve the modification of a previously approved Conditional Use Permit and the sideyard setback variance, the staff recommends that the Hampton Inn Site Plan still be reviewed by the Boone County Planning Commission staff and be approved by the full Boone County Planning Commission.

Respectfully submitted,



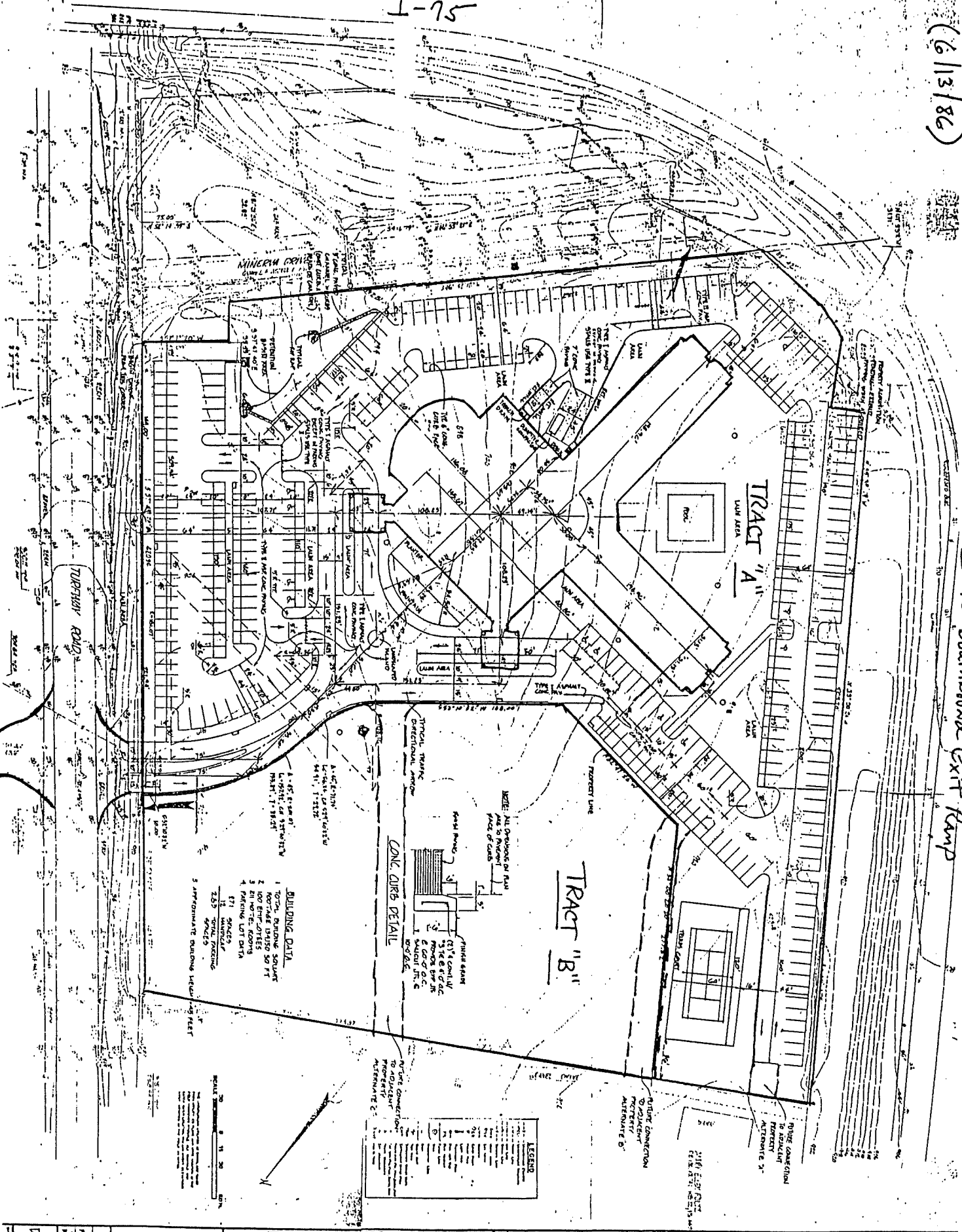
Kevin P. Costello
Asst. Director/Sr. Planner

KPC/jdh

④ TURFWAY HILTON HOTEL
(6/13/86)

I-75 Southbound Exit Ramp

I-75



Booth Hospital
Secondary Entrance

DATE	DESCRIPTION	BY
10/1/85	PRELIMINARY PLAN	JAMES
11/1/85	REVISED PLAN	JAMES
12/1/85	REVISED PLAN	JAMES
1/1/86	REVISED PLAN	JAMES
2/1/86	REVISED PLAN	JAMES
3/1/86	REVISED PLAN	JAMES
4/1/86	REVISED PLAN	JAMES
5/1/86	REVISED PLAN	JAMES
6/1/86	REVISED PLAN	JAMES
7/1/86	REVISED PLAN	JAMES
8/1/86	REVISED PLAN	JAMES
9/1/86	REVISED PLAN	JAMES
10/1/86	REVISED PLAN	JAMES
11/1/86	REVISED PLAN	JAMES
12/1/86	REVISED PLAN	JAMES

TURFWAY HILTON HOTEL
RAILWAY ROAD, LEXINGTON, KENTUCKY



KZF

SITE DEVELOPING PLAN

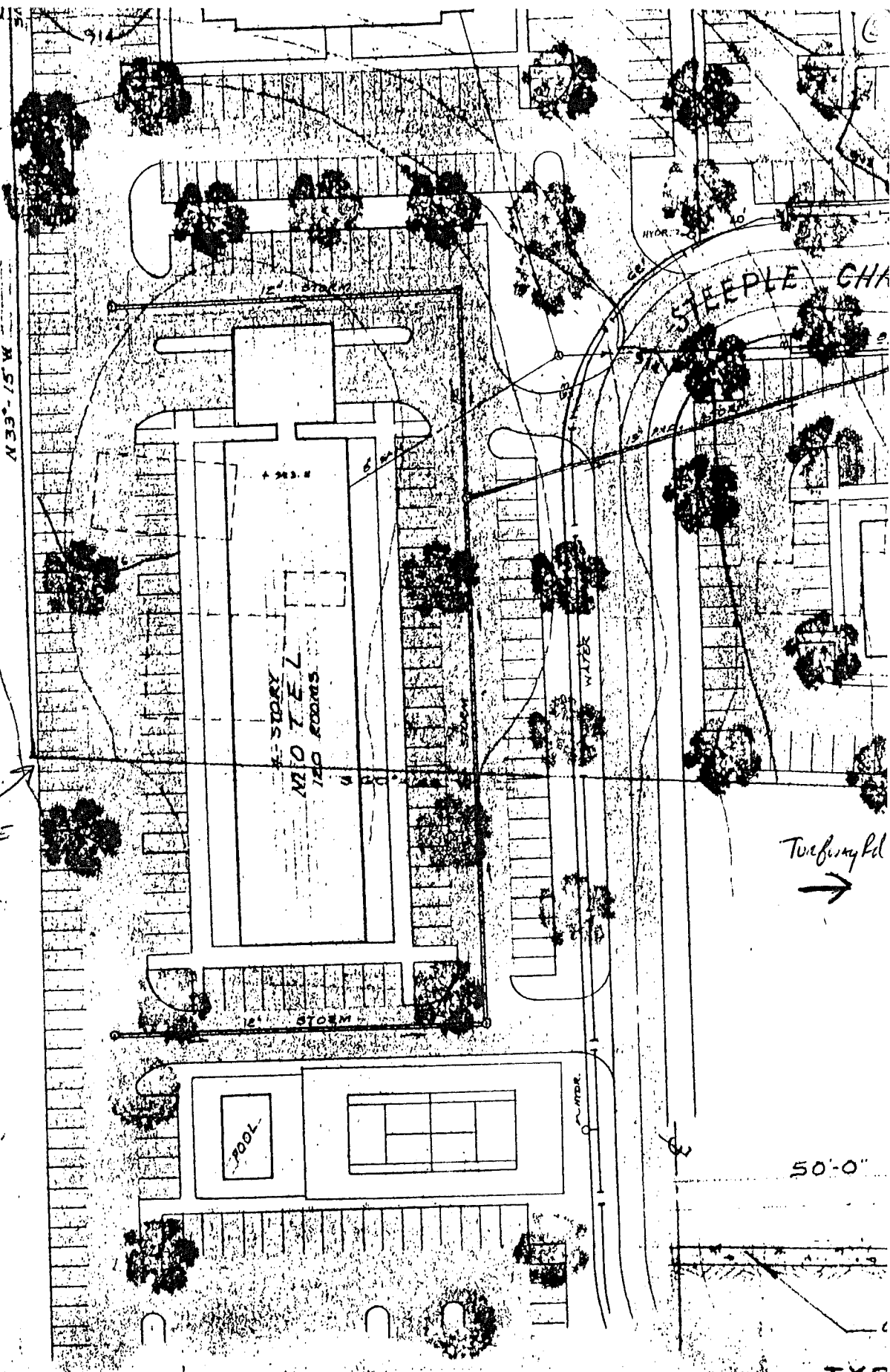
Houston Rd.
↑



TO I-75 SOUTH BOUND
FROM I-75 SOUTH BOUND

N 33° - 15' W

lot line



Tracy Hwy Rd
→

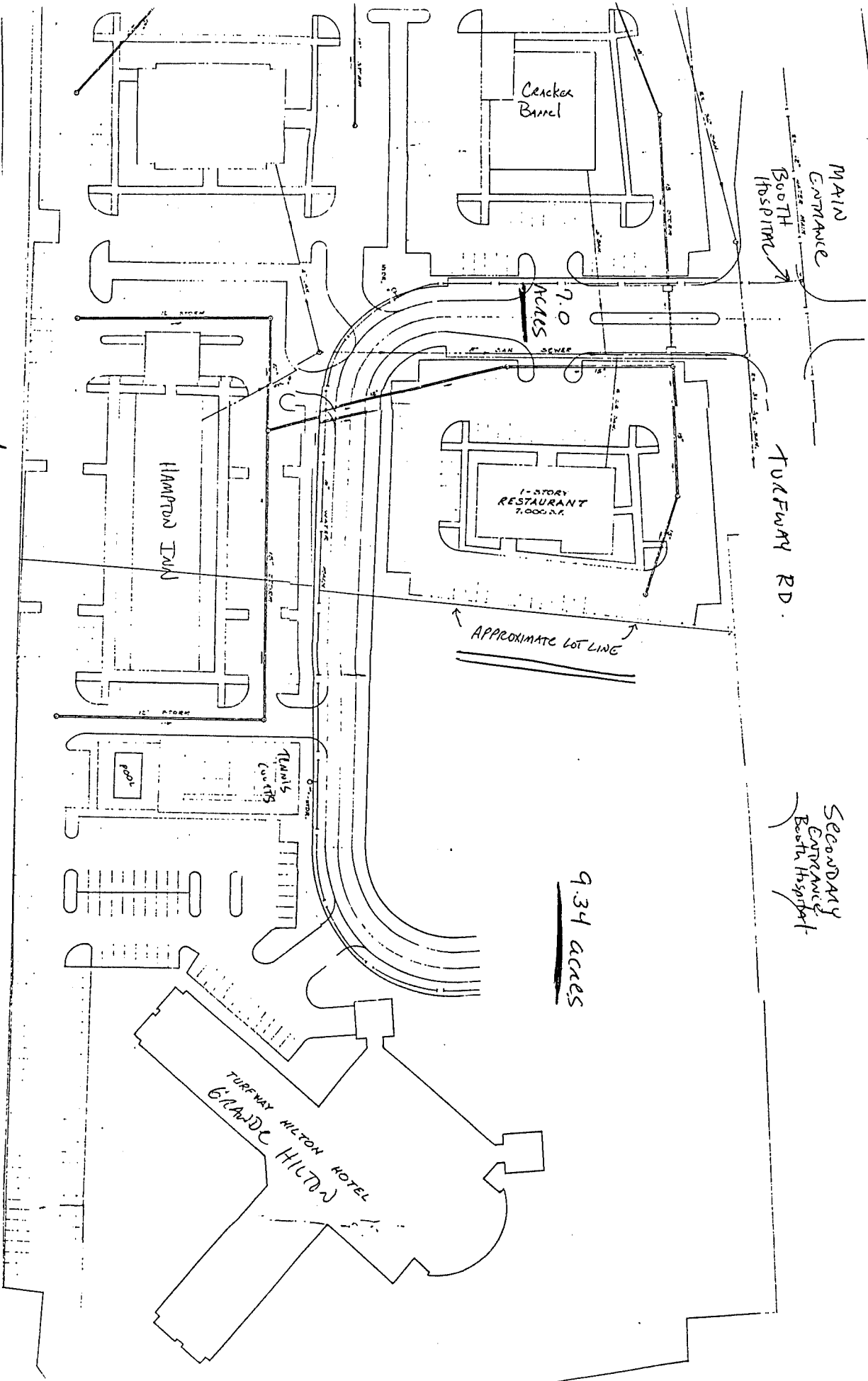
50'-0"

TYP

Grande Hilton
↓

HOUSTON RD.

I-75 Southbound Exit Ramp



HAMPTON INN
 (conditional use permit + variance)
 10/8/86

I-75

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING

PO BOX 97 - 2880 WASHINGTON SQUARE
BURLINGTON, KENTUCKY 41005
334-2195

June 29, 1984

- MR. P. E. ROBERTS
- MR. B. WELBY
- MR. L. SANDRETTI
- MR. C. WILSON
- MR. J. C. JENSEN
- MR. A. M. BUCK, III
- MR. SHERY L. BAKER
- MR. L. DONALD BRYAN
- MR. R. L. SUIT, JR.
- MR. L. COLLINS
- MR. M. DALTON
- MR. O. GONTER
- MR. R. W. CRIST
- MR. R. JOHNS
- MR. D. MERRILL
- MR. C. MITCHELL
- MR. W. R. VICK

E. Andre' Busald
Attorney-Agent
226 Main Street
P.O. Box 845
Florence, Kentucky 41042

Dear Mr. Busald:

Attached is a copy of the Conditional Use Permit No. CP84-5-6, which was granted by the Florence Board of Adjustment on May 9, 1984. If you have any questions concerning this matter, do not hesitate to contact our office.

Thank you.

Sincerely,

Sandra G. Ryan
Sandra G. Ryan
Clerk

Enclosure

ED IN ST22V ABOVE OFFICE 6/15/84

NOTICE OF CONDITIONAL USE PERMIT

Notice is hereby given that a Conditional Use

Permit No. CP84-5-6 has been granted by the Florence Board of Adjustment to E. Andre' Busald, Agent for Option Holder R. Kent Sutherland, for property owned by Henry Gieske, Parcel 1, 2, 3 and R.C. Durr, Parcel 3, for real estate generally located on the southwesterly side of Turfway Road, near I-75, Florence, Ky, for the purpose of constructing a Hotel/Conventional Center Complex in accordance with Article 10 Section 1023 of the Florence Zoning Order. This permit contains certain terms and conditions and the purpose authorized by the permit is subject to these terms and conditions that expressly appear on the permit, a copy of which is attached hereto, marked as EXHIBIT "A" and is incorporated herein by reference as if fully set out.

The real property which is subject to the permit and its terms is more particularly described as attached and marked as EXHIBIT "B", and located in the following deed books:
Parcel # 1 Deed Book 185 Page No. 155 Group No. 2633
Parcel # 2 Deed Book 185 Page No. 155 Group No. 2633
Parcel # 3 Deed Book 211 Page No. 444 Group No. 2633
The terms and provisions of this run with the land and the said permit and its terms and provision are binding upon successors, heirs, assigns, and transferees.

RECEIVED
JUN 02 1984

BUSALD, FURK, ZEVILLY
& BERGER, P.S.C.

IN WITNESS WHEREOF, Charles F. Holland as Chairman of the Florence Board of Adjustment has hereunto set his hand this 14th day of June, 1984.

Charles F. Holland
Charles F. Holland, Chairman

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed and sworn to before me by Charles F. Holland Chairman of the Florence Board of Adjustment on behalf of the Board this 14th day of June, 1984.

Sandra G. Ryan
SANDRA G. RYAN
Notary Public, State at Large

My Commission Expires:

August 27, 1984

This instrument was prepared for recording purposes

only by:

Vincent & Skees
For: Vincent & Skees
Attorneys at Law
240 Main Street
Florence, Ky. 41042

NO TITLE EXAMINATION

(Legal description and source of title and group no. furnished by the applicant).

is hereby

A Conditional Use Permit granted to E. Andie Bunsald, Agent for E. Kent Sutherland, optionholder for property owned by Henry Grease for 9.155 acres located at Southeasterly side of Turfway Rd. near I-75, Florence Office No (0-2) for the purpose of constructing a Hotel/Convention and zoned Center in accordance with article 10, Section 1023 of the Florence Zoning (Order) (Ordinance) subject to the following special conditions:

- (1). That the parking lot be surfaced with concrete or portland cement,
- (2). That there be one (1) parking space per sleeping room and one (1) parking space per two (2) employees be provided, and
- (3). That the building not exceed fifty feet (50') in height.

Failure to comply with the above cited Zoning regulations and special conditions or to activate this permitted use within 2 years after date of approval shall render this permit null and void and to no effect.

Approved in accordance with the minutes of the Florence Board of Adjustment dated Nov. 9, 1984.

Attest:

Sandra G. Ryan
SANDRA G. RYAN
CLERK

Charles F. Holland
CHARLES F. HOLLAND
CHAIRMAN

NOTICE OF CONDITIONAL USE MODIFICATION

Notice is hereby given that a Conditional Use Permit No. CP84-5-6, granted by the City of Florence Board of Zoning Adjustment and Appeals on June 14, 1984 to E. Andre' Busald (agent) for real property located on Turfway Road, Florence, Kentucky, has been modified by action of the Board on June 25, 1986. This permit contained certain terms and conditions and the purpose authorized by the permit is subject to these terms and conditions that expressly appeared on the permit dated June 14, 1984, March 14, 1985 and July 9, 1986. The modification of the permit includes a submitted application and an approved, revised Site Plan (dated June 13, 1986) and the elimination of a requirement to provide a fire ladder. The applicant and owner, of the property presently Corporex Companies, Incorporated.

The real property, which is the subject to this permit and its terms is more particularly described in Exhibit "A". Group Number: 2033 B Deed Books: 135, 185 Page Number: 155,444.

The terms and provisions of this permit run with the land and the said permit and its terms and provisions are binding upon successors, heirs, assigns, and transferees.

IN WITNESS THEREOF, Charles Holland on behalf of the City of Florence Board of Zoning Adjustment and Appeals has hereunto set his hand this 27th day of July, 1986.

Charles Holland
CHARLES HOLLAND, CHAIRMAN

COUNTY OF BOONE

Subscribed and sworn before me by Charles Holland on behalf of the City of Florence Board of Adjustment and Appeals this 9th day of July, 1986.

Raymond R. Vincent
NOTARY PUBLIC, State at Large



My Commission Expires:
3/26/88

This instrument was prepared for recording purposes only by:

Raymond R. Vincent
Vincent, Skees and Wilson

Attorneys at Law
7699 Tanners Lane
Suite 100
Florence, KY. 41042

NO TITLE EXAMINATION

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

FLORENCE BOARD OF ADJUSTMENT

OCTOBER 8, 1986

7:30 P.M.

Chairman Holland called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Bolton. Staff members Tom Breidenstein and Kevin Costello were present. Atty. Dale Wilson were also present.

Minutes of the September 10, 1986 Florence Board of Adjustment meeting were considered. Mr. Wilder referred to page one, seventh paragraph, last line, the word "property" should be "tracks". Hearing no further corrections, Mr. Wilder moved the Minutes of the September 10, 1986 Florence Board of Adjustment meeting be approved as corrected. The motion was seconded by Mr. White. The motion carried unanimously.

Chairman Holland proceeded to the items on the agenda.

Modification of an approved Conditional Use Permit

A request of Corporex Companies, Inc. (owner) for a modification of a previously approved Conditional Use Permit and a variance in a sideyard setback for the construction of a hotel on a 9.34 acre site located at Turfway Road and I-75, Florence, Kentucky. The site was zoned Office Two, 0-2 when the original conditional use permit was granted and is currently zoned Office Two/Planned Development Overlay, 0-2/PD.

Staff member Kevin Costello presented a slide presentation of the proposed site and the surrounding area. Mr. Costello presented the Staff Report. (See Staff Report)

Chairman Holland referred to the applicant for any comment.

Mr. Dan Fay, representative for the proposed request referred to the Site Plan and explained that Corporex had since retained ownership of the entire tract and would like to put a portion of the proposed hotel on the Hilton site. Mr. Fay then described in detail the layout of the proposed site and the architectural design of the structure.

Chairman Holland inquired if the hotel would be four stories and if there would still be 120 rooms with interior corridors. Mr. Fay responded yes.

Chairman Holland inquired of any support, opposition or comment on the proposed request.

Hearing no comments, Chairman Holland moved to approve the request of Corporex Companies, Inc. (owner) for a modification of a previously approved Conditional Use Permit and a variance in a sideyard setback for the construction of a hotel on a 9.34 acre site located at Turfway Road and I-75, Florence, Kentucky and that the variance be granted down to the zero lot line based upon the Staff Report.

Mr. Wilder inquired who would own the proposed building. Mr. Fay stated Corporex would own the building. Mr. Wilder expressed concern of there being a problem if Corporex sold the building since part of it would be on property not owned by Corporex.

Atty. Wilson stated that ownership responsibility would not create a problem for the Board and explained that the property owners would have to come to terms and to any conditions if the hotel was sold.

After further discussion, the motion was seconded by Mr. White. The motion carried unanimously.

Appeal

A request of Richard Lawrence d.b.a. Yes T.V. Rental for an Appeal of the Zoning Enforcement Officer's decision to deny a sign permit. The store, located at Dixie Highway and Nicholas Drive in Florence is zoned C-2 and is owned by Mr. Lawrence.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Report) Mr. Breidenstein presented a slide presentation of the signs in question.

Chairman Holland referred to the applicant for comment.

Mr. Richard Lawrence, applicant explained the need for the third building mounted sign was because the traffic that came off the northbound I-75 ramp could not see the store until they were right upon it. Mr. Lawrence stated he had numerous customers tell him they would pass the store right up before realizing where it was located. Mr. Lawrence noted his interpretation of the regulations on a sign being considered a structure was not the same as the Zoning Enforcement Officer's. Mr. Lawrence stated that when he bought the building, there was a building mounted sign on each side of the building but not one on the front of the building plus a free standing sign. Mr. Lawrence stated that since the previous owner of the building had a building mounted sign on the south side of the building then he felt he should also be allowed one.

Chairman Holland inquired of any support, opposition or comments regarding the proposed request.

Hearing no comments, Mr. Lawrence noted there was public

driveways on both sides of the building which allowed building mounted signs to front them. Mr. Breidenstein stated the driveway opposite Nicholas Drive was not a publicly dedicated drive.

Mr. White inquired if there was a second building mounted sign on the south side of the building previously. Atty. Wilson stated he felt that staff was saying there was a prior building mounted sign there previously but it had lost its pre-existing status. Atty. Wilson explained that the zoning regulations allowed a building mounted sign for each frontage plus one free-standing sign, therefore, Mr. Lawrence was allowed two building mounted signs plus one free-standing sign.

Mr. White inquired if Mr. Lawrence felt that since the previous owner of the building had a building mounted sign on the south side of the building then he also should be allowed to place one there plus the two approved building mounted signs and one free-standing sign. Mr. Lawrence stated yes. Mr. White inquired if the applicant would be willing to give up the free-standing sign in lieu of a third building mount sign. Mr. Lawrence stated he felt the free-standing sign was also needed for the customer's but explained it was a small sign and customers did not always see it. Mr. Lawrence again noted the building mounted sign was still needed to help assist customers in locating the building.

Mr. Wilder felt that if the customers could not see the free-standing sign then they would not see the building mounted sign either. Mr. Lawrence again stated he felt the third building mounted sign would help locate the building.

After further discussion, Mr. Wilder moved to agree with the Zoning Enforcement Officer's decision for removal of the third building mounted sign. The motion was seconded by Mr. White. The motion carried unanimously.

Administration

Mr. Wilder requested that the agenda for the Florence Board of Adjustment meetings be included in the packets distributed to the Department Heads in the City of Florence.

Mr. Wilder requested copies of the proposed Comprehensive Plan for the Board and also he needed a new copy of the Zoning Regulations.

Mr. Wilder noted a business on Dilcrest Circle off U.S. 42 had three (3) signs. Mr. Breidenstein stated he would check the site.


Hearing no further comments, Chairman Holland moved the meeting adjourn. The motion was seconded by Mr. Wilder. The motion carried unanimously.

The meeting adjourned.

APPROVED:


CHARLES HOLLAND, CHAIRMAN

ATTEST:


DEE ANN BREWER, ADMINISTRATIVE ASST.