

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
- 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: Steven P. Culbertson
Culbertson, Kranpitz and Middendorf, d.b.a. Snappy Lube, Owner
Inc., a Kentucky Partnership Agent
Address: P.O. Box 108, Covington, Kentucky 41014
Telephone: 977-0059
331-5745

Location: Lot #3, Florence Center, Mall Road

Name of Property Owner: Thomas H. Green

Address of Property Owner: 3840 Woodridge Boulevard, Fairfield, Ohio 45014

Zoning District: C-2 Area in Acres: 30,000 sq. ft.

Deed Book: 332 Page Number: 222 Group Number: 1642

Description of Request: Conditional Use - to permit the development of a
Snappy Lube Auto Care Center

Applicant's Signature: X *SP Culbertson*

Property Owner's Signature: X *Thomas H. Green*

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred To: BOA Meeting Date: 12/11/85

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Culbertson, Kranpitz, and Middendorf
d.b.a. Snappy Lube, Inc.
LOCATION: Lot #3, Florence Center, Mall Road
ZONE: Commercial Two
DATE: December 11, 1985


The applicant is requesting a Conditional Use Permit to operate a Snappy Lube facility. The property is located on Lot #3 of the Florence Center on Mall Road and is currently zoned Commercial Two. Under Article 9, Section 923 of the zoning regulations gasoline stations including normal maintenance, repair, and wash services are permitted as a conditional use in this zoning district.

The subject tract and adjoining properties to the north, south, and west are currently being prepared for the development of the Florence Center and the Swallen's Store. Adjoining property to the east across Mall Road is currently undeveloped. The Boone County Comprehensive Plan Land Use Map shows the subject tract and adjoining properties to the north, south, and west as being planned for commercial uses. Adjoining properties to the east are indicated as being environmentally sensitive and commercial.

The submitted plan shows a 2400 square foot building to be constructed on the site. Access to the site will be provided by a private drive to be constructed within the center. A total of 21 parking spaces are to be provided and this does exceed the requirements. Landscaping is to be provided along Mall Road and the private drive within the center.

The applicant is also requesting approval for a 72 square foot building mounted sign to be placed facing Mall Road. No free-standing sign has been proposed.

Should the board decide to approve this request, I would recommend that no free-standing sign be permitted in association with a previous recommendation for the Florence Center project. The board may wish to grant approval for a second building mounted sign to be permitted facing the interior circulation area of the project.


Ralph Hopper
Plans Examiner

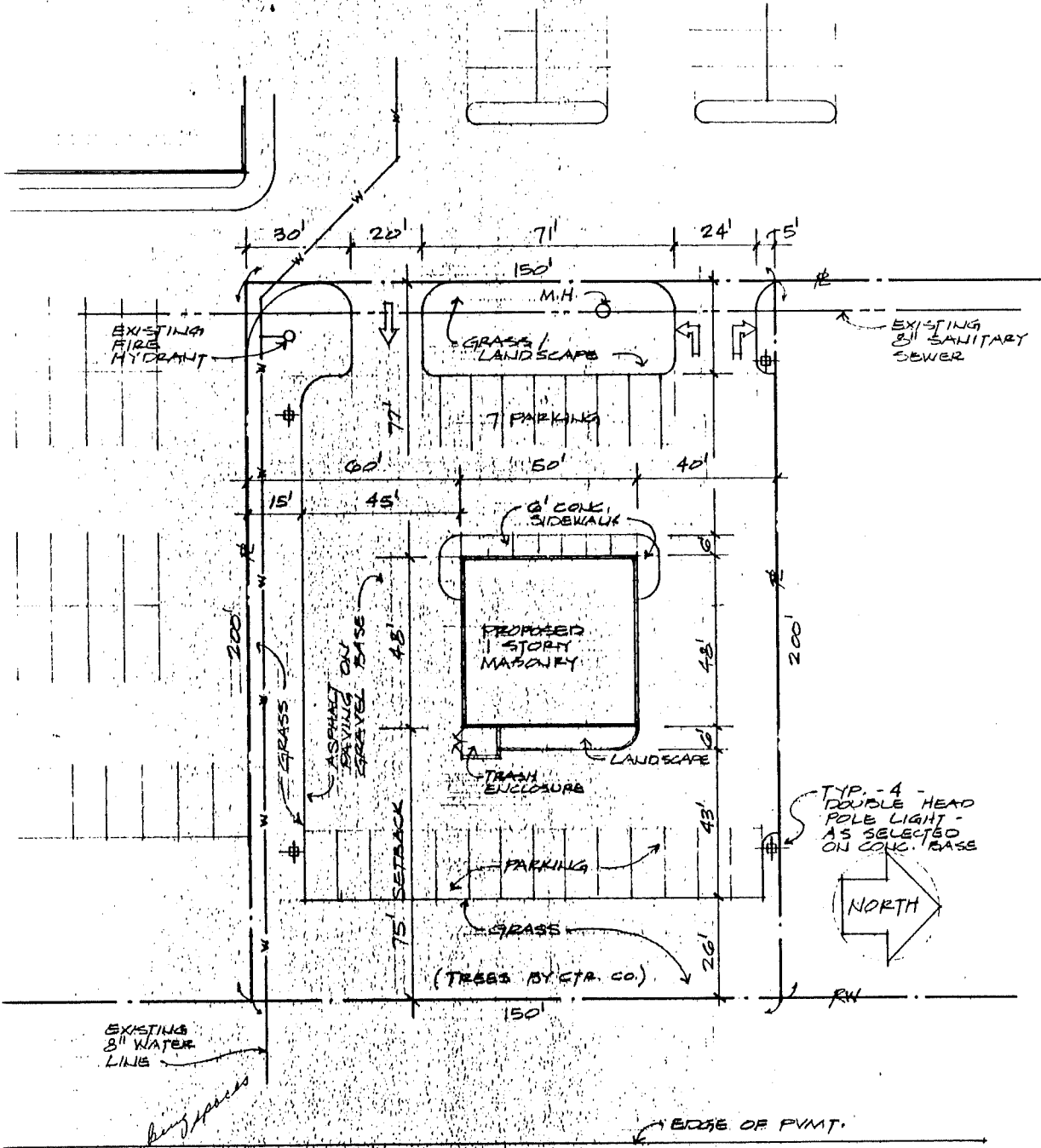
DRAWING NOTES:

1. Contractor to install new underground oil storage tanks as directed by Owner. Contractor to obtain necessary permits and inspections for installation.
2. Survey information taken from Development Plan provided by Center Developer.
3. Contractor to be responsible for locating and connecting building to existing utilities available.
4. Roof water to be drained to approved storm sewer when available and otherwise emptied onto splashblocks.
5. Door hardware on all egress doors shall be continuously operable from the interior side without special effort or knowledge or the use of a key.
6. All 4" x 8" precast concrete lintels shall be standard weight with 1 - #5 reinf. bar top and bottom.
7. All concrete block walls shall be reinforced with "Dur-O-Wall" joint reinforcing at 16" o.c. vert.
8. Per Owner, all liquids stored in building have a minimum flash point of 400 degrees (Class IIIB combustible liquids).



REVISED: 12/30/85

KENNETH R. BOWERMAN ARCHITECT, INC.



PROPOSED -
SNAPPY LUBE
 MALL ROAD
 FLORENCE, KENTUCKY

JOB NO.: 07852
 DRAWN: KRB
 SCALE:

SHEET NO.



OCT

21 parking spaces
 2400 sq. ft.
 68 acres
 C-2 zoning

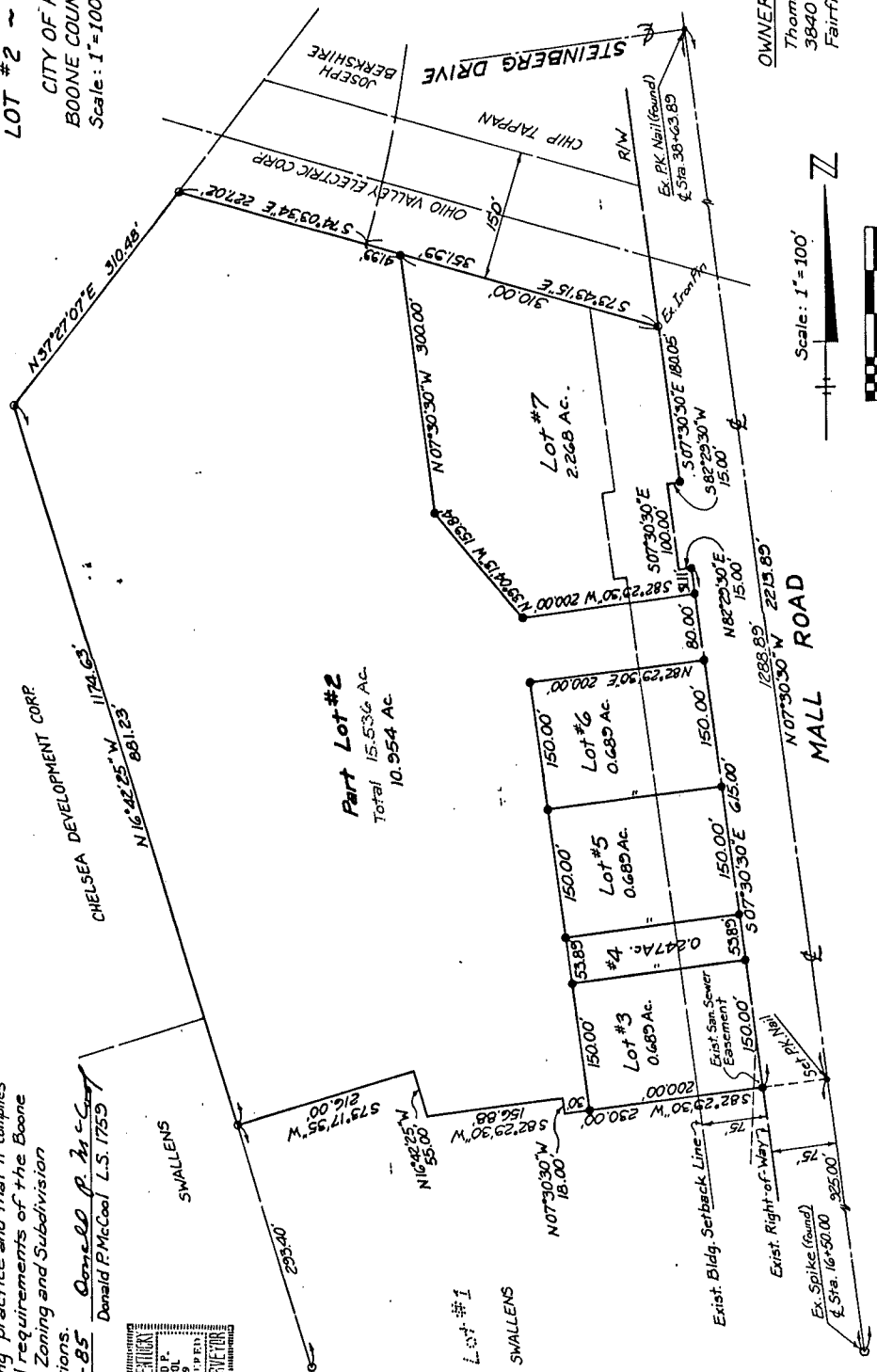
MALL ROAD
 DEVELOPMENT PLAN 1"=30'

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat has been prepared under my supervision in accordance with accepted surveying practice and that it complies with all requirements of the Boone County Zoning and Subdivision Regulations.

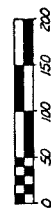
Date 11-5-85 Ornelo P. Zacc
 Donald P. McCool L.S. 1755



**SUBDIVISION OF LAND
 LOT #2 ~ Y'ALL MALL**
 CITY OF FLORENCE
 BOONE COUNTY, KENTUCKY
 Scale: 1"=100' November 7, 1985



OWNER - DEVELOPER
 Thomas H. Green
 3840 Woodridge Blvd.
 Fairfield, Ohio 45014



SURVEYORS NOTES:
 —•— Denotes Iron Pin (Set)

FINAL PLAT APPROVAL CERTIFICATE
 This plat has been found to be in compliance with the Boone County Zoning and Subdivision Regulations and has been approved for recording in the office of the Boone County Court Clerk.

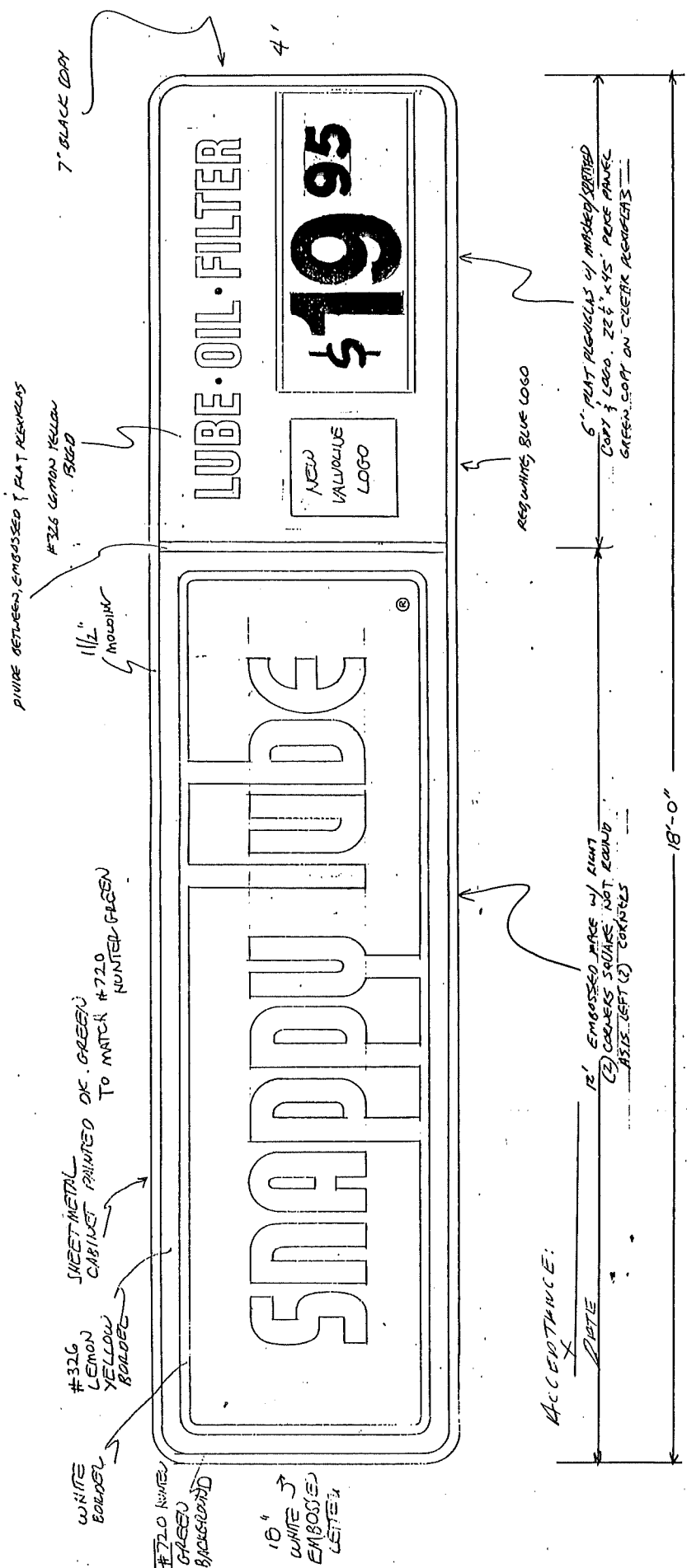
COUNTY CLERK'S CERTIFICATE
 I, Jerry W. Rouse, Boone County Court Clerk, certify that this plat was presented to me in Boone County on this _____ day of _____ at _____ M and made a part of the records of this office.

Date _____ Chairman
 Boone County Planning Commission

Jerry W. Rouse
 Boone County Court Clerk

BAYER - BECKER ENGINEER.
 Civil Engineers - Planners - Land Surveyors
 118 West Fifth St., Covington, Ky. 410

NOTES:
 (2) S.F. FASCIA SIGN, MOUNTED ON FLAT SURFACE EXTENDED NUM. CABINET.



CUSTOMER	SNAP-ON LUBE
LOCATION	UNLabeled
DATE	10-10-83
SALON	SNAP-ON
DRAWN BY	JLB
SCALE	1/4" = 1'-0"
SECTION	8073

THIS DESIGN PROPOSAL IS THE EXCLUSIVE PROPERTY OF THIS COMPANY. WITH REPRODUCTION RIGHTS RESERVED. REGISTRATION #1100.

1030 STRAIGHT ST. CINCINNATI, OHIO 45214 681-6600

United signs, Inc.

EXIST. ... 150.00 ... 100000.30 E / 15.00

FLORENCE BOARD OF ADJUSTMENTS

DECEMBER 11, 1985 7:30 P.M.

Chairman Holland called the meeting to order. The roll call was taken by staff member Dee Ann Brewer. Four members present. Absent: Ms. Lanigan. Counselor Dale Wilson was also present.

The Board considered the Minutes of the Florence Board of Adjustment Meeting of November 13, 1985. Chairman Holland noted on page 6, 4th paragraph in regards to the Shoney's sign it was stated the sign was 100 feet. Chairman Holland stated he felt the representative for Shoney's had not stated 100 feet but had rather just used the figure 100. Chairman Holland stated Minutes should reflect the correction.

Mr. Wilder inquired if the Shoney's sign was pre-existing, non-conforming.

Staff member Ralph Hopper stated the Shoney's sign was continued on a pre-existing, non-conforming status and what the Shoney's had done was simply change faces on the sign.

Chairman Holland stated he had been on the Board at the time the sign had been approved and he believed the sign had been approved for 100 foot height.

Chairman Holland moved the Board approve the Minutes of November 13, 1985 as corrected. The motion was seconded by Mr. Bolton.

After discussion, the motion carried unanimously.

Chairman Holland proceeded to the items on the Agenda under Old Business.

Sign Variance

The request of LRX Associates (agent) for Swallen's and the Florence Center for a Variance in the square footage permitted for a free-standing sign. The property is located on Mall Road and is currently zoned Commercial Two, C-2.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding area. Mr. Hopper presented the

staff report which stated the applicant is requesting a Variance in the square footage permitted for a free-standing sign in a Commercial Two, C-2 zoning district. Mr. Hopper noted under Article 19, Section 1921 one free-standing sign of 250 square feet in area is permitted. Mr. Hopper explained Section 244 of the zoning ordinance regarding the findings necessary for granting a Variance. (1) In terms of unique conditions, the Board may want to consider the sign would service the Swallen's store and the multi-tenant building to be constructed on the site; (2) Strict application of the regulations would not deprive the applicant of a reasonable use of the property since other free-standing signs would be permitted with less square footage; (3) Any conditions on the property are the result of the applicant due to the grading and preparation of the site in recent months; and (4) The request could be considered as a means of preserving the public safety and welfare since it would provide a more defined location of the project entrance. Mr. Hopper stated he recommended two conditions to be attached to the Variance. (1) The sign not only advertise Swallen's and the strip-center but also the other lots available for development within the project; and (2) All other buildings within the development be allowed building mounted signs only. Mr. Hopper stated the three outlots closest to Mall Road and the proposed restaurant will have direct visability on Mall Road and will probably have building mounted signs facing Mall Road and the service drive for the project.

Mr. Tom Green, representative for Swallen's noted there would be a quarter of a mile frontage and Swallen's concerns are exactly the same as the Board's in that Swallen's wants the signs to be seen without appearing cluttered. Mr. Green explained even though Swallen's technically has a separate parcel of ground they felt it would be to their and the Board's mutual benefit to have one sign by the entrance opposed to a big sign down by Swallen's and at two other entrances. Mr. Green stated Swallen's felt the size of the sign would be adequate in size and could be seen by traffic in both directions. Mr. Green noted the sign would be basically 7 foot long and have 15 inch high letters and a car going a reasonable speed on Mall Road could read the sign easily. Mr. Green stated Swallen's also wants a minimum of 10 feet under the sign from the ground so that traffic coming out of the stack-up lane could see around the sign. Mr. Green elaborated on the three outlots that would be located in the front. Mr. Green stated the first building would be the Snappy Lube which would be the smaller building of 40 x 50 feet. Mr. Green noted the building will architecturally tie into the center and gave several reasons why the Center wanted a Snappy Lube: (1) It would be a small building; (2) Architecturally it would match the center; (3) It would be a compliment to the Center and; (4) Snappy Lube would not have any trash to speak of the trash would be incorporated within the building. Mr. Green stated Snappy Lube would physically have no sign but stated Snappy Lube's sign would be identified on the building so the sign has been eliminated. Mr. Green explained the

Center would be working towards the other two outlots becoming restaurants and placing a sign in the middle of the two buildings and having the restaurants use the sign together. Mr. Green proposed that Snappy Lube have no free-standing sign and put a common sign between the two restaurants to serve them both and keep the modest sign that is being proposed.

Chairman Holland inquired if the Center is requesting a 350 square foot sign.

Mr. Green responded affirmatively.

Further discussion followed on reviewing the topo map, the placement of the buildings and the location of the outlots.

Chairman Holland noted the Center is requesting a 350 square foot free-standing sign at the entrance but the Center is only allowed 250 square feet plus the Center wants another free-standing sign of 150 square feet south of the 350 square foot sign.

Mr. Wilder noted the 150 square foot sign was not being requested at the present time.

Mr. Hopper responded affirmatively.

Counselor Wilson stated the Board needed to come to some kind of terms or conditions on the approval for the 350 square foot Variance. Counselor Wilson noted the signs for Swallen's and the strip-center would not just be serving two stores.

Mr. Green stated the signs would be serving 53 stores.

Counselor Wilson noted the 350 square foot sign will take care of 53 stores plus Swallen's. Counselor Wilson stated the question now becomes the outlots.

Mr. Green noted that with a quarter of a mile frontage, with three signs there would be 1,350 square foot of frontage.

Mr. Wilder inquired how many free-standing signs would the Center be allowed if they had not come before the Board for a 350 square foot sign.

Mr. Hopper stated one free-standing sign per building.

Mr. Wilder inquired if five free-standing signs would then be permitted.

Mr. Green stated six. 3 outlots, shopping center, restaurant and Swallen's. Mr. Green noted he is allowed 1,500 square feet and the Center is only asking for 350 square feet plus

the other two signs which would be permitted no more than 250 square feet each.

Further discussion followed on the number of signs and square footage Center is to be permitted.

Counselor Wilson stated it is question of the second building mounted sign facing the interior traffic flow. Counselor Wilson stated the Board could make as a condition the free-standing sign for the outlots if utilized, would then be only one building mounted sign facing Mall Road and thus giving the outlots the option of coming back before the Board and seeking a trade-off on the free-standing signs. Counselor Wilson inquired if the Board had focused on the condition.

Mr. Wilder moved the Board grant one free-standing sign of 350 square feet on the front portion of the lot on Mall Road based on the following conditions: (1) the restaurant lot to the north corner be permitted one-free standing sign and one building mounted sign facing Mall Road and the free-standing sign would be 250 square feet according to the code; (2) the two outlots are to have one free-standing sign to be shared between the two lots immediately south of the entrance and if either of the two lots choose not to have a free-standing sign they would be permitted the second building mounted sign and (3) the third outlot would be permitted a free-standing sign of 125 square feet in area or two building mounted signs.

After lengthy discussion on the actual number of signs and square footage being requested the motion was seconded by Mr. White.

A roll call vote was taken on the motion.

Ayes: Messrs: Bolton, Wilder, White and Chairman Holland.

After discussion, the motion carried unanimously.

Sign Variance

The request of Architects Team Associates (agent) for Action Nissan for a Variance in the number of free-standing signs and the height of a free-standing sign. The property is located at 8025 Action Boulevard and is currently zoned Commercial Services, C-3.

Staff member Ralph Hopper presented slide presentation on the subject and surrounding areas. Mr. Hopper presented staff report which stated the applicant is requesting a Variance in the number of free-standing signs and the height of a free-standing sign in the Commercial Services, C-3 zoning district. Mr. Hopper

noted the Board at the last meeting of November 13, 1985 approved a free-standing sign of 63 feet in height but deferred action on any request concerning the number of free-standing signs permitted on the site. Mr. Hopper stated he had the following comments under Article 2, Section 244 of the regulations which stated: (1) I can find no conditions which would be considered unique to the applicants land; (2) Strict application of the regulations may deprive the applicant of a reasonable use of the land permitted other landowners in the same zone since many free-standing signs in the Commercial Services, C-3 district do exceed 50 feet; (3) Any conditions on the property would be the result of the ground preparation which has occurred on the site and; (4) I can find no reason that the request would preserve or harm the public safety and welfare. Mr. Hopper stated it may change the essential character of the neighborhood since the business is more closely associated with the Mall.

Mr. William Jordan, representative for the request explained to the Board why Action Nissan wants the sign marked "Trucks". Mr. Jordan stated a big truck market exist in the rural areas to the south and stated during Action Nissan's orientation to the public is the sign in the requested location is strictly an expressway sign. Mr. Jordan noted it is a very high sign and is not a visual element and would be placed so it would be obvious to both north and south bound traffic on I-75. Mr. Jordan stated Action Nissan's primary purpose in wanting the sign would be to identify Nissan as a product to the south bound traffic and to identify "trucks" as a particular product of the store to 16,000 people per day that will be driving to more rural areas south bound. Mr. Jordan stated he felt three signs would not be a big problem with 1,700 total feet of road frontage. Mr. Jordan stated the requested sign is relatively small, 59 square feet and only 22 feet high. Mr. Jordan stated Nissan had a maximum allowed area of 450 square feet for the site which Nissan is only using 220 square feet.

Mr. Wilder stated the sign would definitely serve as an identifying mark rather than an advertisement sign showing the entrance to the facility for someone handicapped and not physically able to walk.

Mr. Jordan stated Nissan felt the amount of signage being proposed is very minimal compared to most stores they design and would be placed in a most unobjectable location in terms of remoteness on the site. Mr. Jordan stated Nissan feels justified in their request.

Mr. Wilder stated he felt it would be in the public's interest for the area to be marked and Mr. Wilder noted he felt it is an acceptable sign for the requested purpose. Mr. White moved that the sign be granted at 22 feet in height.

Chairman Holland noted a motion was before the Board for a third free-standing sign marked "Trucks". The motion was seconded by Mr. White.

A roll call vote was taken on the motion.
Ayes: Messrs. White and Wilder.

Nays: Mr. Bolton and Chairman Holland.

The motion tied.

Chairman Holland moved the Board deny the third free-standing sign marked "Trucks" because it would not deny the applicant a reasonable use of the property.

Mr. Bolton seconded the motion.

A roll call vote was taken on the motion.

Ayes: Messrs. Bolton, White and Chairman Holland.

Nays: Mr. White.

After further discussion the motion carried.

Appeal on Sign Variances

The request of Waco Oil Company for an Appeal of the Zoning Enforcement Officer's decision regarding both free-standing and building mounted signs. The property is located on Turfway Road and is currently zoned Commercial Two, C-2.

Staff member Ralph Hopper stated he had received a letter from John C. LaVelle, representative for Waco Oil, which stated he understood the Waco's signage in question would be deferred from the December 11, 1985 meeting to the January 8, 1986 meeting. Mr. LaVelle stated in consideration for the deferral Waco agrees to waive for such period any time restrictions on action by the Board of Adjustment regarding the signage.

Chairman Holland moved the Board defer the Waco Oil request until the January 8, 1986 Board of Adjustment meeting.

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

Chairman Holland proceeded to the items on the Agenda under New Business.

Conditional Use Permit

A request of Steven P. Culbertson of Culbertson, Kranpitz, and Middendorf, d.b.a., Snappy Lube, Inc., for a Conditional Use Permit to allow the construction and operation of a car care facility. The property is located on Lot #3 of the Florence Center on Mall Road and is currently zoned Commercial Two, C-2.

Staff member Ralph Hopper presented slide presentation on the subject and surrounding area. Mr. Hopper presented staff report which stated the applicant is requesting a Conditional Use Permit to operate a Snappy Lube Facility. Mr. Hopper noted the property is located on Lot #3 of the Florence Center on Mall Road and is currently zoned Commercial Two. Mr. Hopper stated under Article 9, Section 923 of the zoning regulations, gasoline stations including normal maintenance, repair, and wash services are permitted as a conditional use in the zoning district. Mr. Hopper stated the subject tract and adjoining properties to the north, south, and west are currently being prepared for the development of the Florence Center and the Swallen's store. Mr. Hopper also stated the adjoining property to the east across Mall Road is currently undeveloped. Mr. Hopper explained the Boone County Comprehensive Plan Land Use map shows the subject tract and adjoining properties to the north, south, and west as being planned for commercial uses and the adjoining properties to the east are indicated as being environmentally sensitive and commercial. Mr. Hopper stated the submitted plan shows a 2,400 square foot building to be constructed on the site and the access to the site will be provided by a private drive to be constructed within the center. Mr. Hopper noted a total of 21 parking spaces are to be provided and does exceed the requirements. Mr. Hopper noted landscaping is to be provided along Mall Road and the private drive within the center. Mr. Hopper stated the applicant is also requesting approval for a 72 square foot building mounted sign to be placed facing Mall Road but no free-standing sign has been proposed. Mr. Hopper stated should the Board decide to approve the request, he would recommend no free-standing sign be permitted in association with a previous recommendation for the Florence Center project. Mr. Hopper closed by stating the Board may wish to grant approval for a second building mounted sign to be permitted facing the interior circulation area of the project.

Chairman Holland inquired if the twenty-one parking spaces do exceed the requirements.

Mr. Hopper responded yes the parking space requirements are determined by the first floor area of the building itself. Mr. Hopper stated in this particular case they are allowed to have four parking spaces per 1,000 feet of first floor area.

Mr. Tom Green, representative for Snappy Lube explained the Center wanted Snappy Lube located within the Center because it would be a low volume traffic usage as opposed to another

restaurant or something with a lot of cars going in and out. Mr. Green stated Snappy Lube will have traffic going one way in and one way out. Mr. Green noted Snappy Lube will architecturally tie in with the rest of the Center and would also be the same color, and same material. Mr. Green noted any type of trash container would be incorporated within the building structure itself so no dumpsters could be seen within the Center. Mr. Green stated there is plenty of ground for more than 21 parking spaces but 21 spaces is all that is needed. Mr. Green noted Snappy Lube is a very clean operation and is a very attractive building and architecturally looks good on all four sides. Mr. Green stated the contract states the useage of the building cannot be changed.

Mr. Culbertson briefly explained the functions of Snappy Lube and made himself available for questions.

Chairman Holland inquired if Snappy Lube was going to waive their free-standing sign.

Mr. Culbertson responded yes.

Mr. Bolton expressed concern whether a gas station could be opened at the Snappy Lube location without them coming back before the Board.

Mr. Hopper stated it was his understanding they could not. Mr. Hopper stated the Conditional Use Permit was binding upon (1) the property would be sold and (2) stays with the land. Mr. Hopper explained if the Board approves a Conditional Use Permit for a particular use the Conditional Use Permit would stay with the property.

Counselor Wilson stated he concurred with Mr. Hopper in his legal opinion. Counselor Wilson noted the Board should be very clear the Conditional Use Permit would be limited only to certain types of uses and the Board may want to have the applicant re-state the fact that there would be no other automotive repair or maintenance type of use to avoid the coming of a gas station. Counselor Wilson stated the Conditional Use Permit would be recorded in the County Clerk's office so if the property would be sold or if owner wants to change it the Conditional Use Permit would be only for the restricted uses. Counselor Wilson stated if the uses are to be changed it would have to come back before the Board.

Chairman Holland noted the 72 square foot building mounted sign facing Mall Road. Chairman Holland inquired if the applicant was going to address the interior.

Mr. Culbertson stated the interior would not be addressed at the present time.

Chairman Holland inquired if Snappy Lube would waive the free-standing sign.

Mr. Culbertson responded yes.

Chairman Holland inquired if there would be any need for cars to be parked overnight at Snappy Lube.

Mr. Culbertson stated no.

Chairman Holland moved the Board grant a 72 foot building mounted sign with the conditions that no other type businesses except for oil, lube and filter (no mufflers, tires, window repairs, work in general) only strictly what the sign states and no cars to be parked for service overnight.

Mr. Green explained that Snappy Lube was going to come back and ask for a variance with the signs for two building mounted signs and no free-standing sign.

Further discussion followed whether applicant wanted to defer or request a second building mounted sign.

Counselor Wilson inquired if applicant needed a Variance for a second building mounted sign.

Mr. Hopper stated not if the Board goes by the conditions previously approved on the third outlot itself. Mr. Hopper stated the entrance to the Florence Center would be permitted two building mounted signs.

Counselor Wilson explained if the Board wanted a second building mounted sign waiving the right to a separate free-standing sign a Variance would not be needed. The condition would be part of the Conditional Use Permit.

Chairman Holland withdrew his motion for a 72 foot building mounted sign to be granted and made the motion for a Conditional Use Permit granting two 72 square foot signs, one facing Mall Road and the other facing the interior of Florence Center also no cars be parked for service overnight and no other type of business other than oil, lube, filter, fluid-type maintenance. The motion was seconded by Mr. White.

A roll call vote was taken on the motion.

Ayes: Messrs. White, Bolton, Wilder and Chairman Holland.

After further discussion, the motion carried unanimously.

Variance

The request of G-R Joint Venture (agent) for Hunter Savings Association for the Variance in the required setbacks. The property is located at the corner of Turfway Road and Sebree Drive and is currently zoned Commercial Two, C-2.

Staff member Ralph Hopper presented slide presentation of the request and surrounding area. Mr. Hopper presented staff report which stated the applicant is requesting a Variance in the front, rear, and sideyard setback of the Commercial Two zoning district. Mr. Hopper noted the current regulations require minimum setbacks of 75 feet for the front yard, 50 feet for the rear yard, and 37.5 feet for the side yard facing a secondary frontage. Mr. Hopper stated the submitted plan indicated a 20 foot setback on the rear yard which adjoins a UR-2 zoning district. Mr. Hopper stated the applicant proposes to construct a six foot high screening wall to provide a visual buffer for the residential area. Mr. Hopper noted the applicant had indicated he is in the process of purchasing a triangular shaped parcel on the south end of the property near Turfway Road. Mr. Hopper noted that if this occurs, the setback on that portion of the property would increase to 65 feet. Mr. Hopper noted the following addresses the findings necessary for granting a Variance under Article 2, Section 244 of the zoning regulations: (1) In terms of unique conditions, the Board may want to consider the lot is 145 feet in depth and that strict adherence to the regulations would leave a net building area of 20 feet for any construction. Mr. Hopper stated regarding the length of the lot along Turfway Road, he can find no unique conditions on the property; (2) Strict application of the regulations on the front and rear setbacks may deprive the applicant of a reasonable use of the land because of the limited building area previously mentioned but this would not apply to the sideyard setback along Sebree Drive; (3) any conditions on the property would have existed prior to the adoption of the current regulations and therefore would not be the result of actions taken by the applicant and; (4) I can find no reasons this request would preserve or harm the public safety and welfare or change the essential character of the neighborhood since there are structures in the immediate vicinity which do not conform to the setback regulations.

Mr. A. J. Randam, applicant, introduced himself and Mr. Sulner, Architect for the request.

Chairman Holland inquired if the applicant had acquired the land on the corner of Turfway Road and Sebree Drive.

Mr. Randam stated the State Highway acquired a triangular parcel several years ago for slope control when they widened Turfway to three lanes. Mr. Randam stated it would take the State Highway several month for them to go through state approval plus get surveys and appraisals made and it may be four months before the State Highway would be in the position to deed it to him. Mr.

Randam stated G-R Joint Venture was the only contingent property owner.

Mr. Wilder inquired if the uses would be general retail.

Mr. Randam responded yes they were not asking for any special uses. Mr. Randam noted there would be two different elevations of colonial and temporary in design and he felt both would be an asset to the community.

Mr. Sulner elaborated on the architectural design of the building.

Chairman Holland inquired if there would be several buildings.

Mr. Sulner responded no just one building.

Mr. Bolton inquired if parking met the requirements.

Mr. Hopper stated he had not checked the parking since the request is for the Variance but Mr. Hopper noted the applicant is aware that if the Board should approve the Variance the next step would be Site Plan Review before the Boone County Planning Commission in which the parking would be addressed.

Mr. Sulner stated there would be roughly 15,100 square foot of gross area planned for the area.

Mr. Randam responded 48,000 square foot of planned area.

Mr. Sulner stated sixty-one cars would be planned for the area.

Chairman Holland inquired if the applicant had any type of business in mind for the building.

Mr. Randam responded nothing at the present but would proceed with advertising as construction progressed.

Further discussion followed regarding the screening, landscaping and setbacks of the property.

Mr. Bolton inquired if the plans had been addressed to the Public Works.

Mr. Hopper stated they had not and he explained it is necessary to obtain a Variance before Public Works' action can be taken.

Further discussion followed regarding the different distances at each end of the submitted drawing.

Counselor Wilson stated the Variance had to be in accordance with the drawing submitted as part of the application. Counselor Wilson noted Mr. Hopper's report stated at one end of the drawing was a Variance of 45.5 feet if the applicant does not get the State's conveyance. Counselor Wilson stated the report does not take into account the State's possible conveyance which the applicant does not own right now.

Chairman Holland inquired if a Variance could be granted with the stipulation the State grants the conveyance.

Mr. Hopper stated the Board would be granting a Variance on the current conditions of 45.5 feet should the applicant be able to obtain the triangular shaped parcel it would increase the setback of 45.5 feet to 65 feet and the applicant would still be within the Variance.

Counselor Wilson noted the question would be whether the Board would grant the Variance of 45.5 feet from the existing present property line at the location realizing the setback could be increased to 65 feet. Counselor Wilson stated it would not allow them to move the building closer to Turfway.

Mr. White inquired if the applicant's building would be in alignment with the building across the street.

Mr. Randam stated yes.

Mr. White inquired would the building conform, would the new building line up.

Mr. Hopper stated he believed it would conform with the current setback that the applicant had on the other strip-center. Mr. Hopper stated the other building does meet the current regulations regarding the side yard setback on Sebree Drive.

Mr. Sulner stated the side yard setback is 30 feet.

Mr. Randam stated there was an average on the other side of 24 feet, on the biggest end was 27 feet and on the smallest end 20 feet.

Mr. Wilder stated he seen it as a viable use to the property. Mr. Wilder inquired of legal counsel if the Board should move to grant the Variance based on the drawing presented to the Board based on the boundry lines.

Counselor Wilson explained the Board would need to have the drawing referred to as "Exhibit A", attached to a copy of the permit.

Mr. Wilder moved the Variance in the front, rear, and sideyard setback of the Commercial Two zoning district located on the corner of Turfway Road and Sebree Drive be granted and the drawing referred to as "Exhibit A" and attach it to a copy of the permit. Chairman Holland seconded the motion.

After further discussion the motion carried unanimously.

Sign Variance

The request of C. W. Henne Development Company (agent) for Turfway Development Company for a Variance in the size of a sign advertising the sale, lease, or rental of the premises. The property is located on the northside of KY 18 near the intersection of Turfway Road and is currently zoned SR-2/PD Overlay, O-2/PD Overlay and C-3/PD Overlay.

Staff member Ralph Hopper presented slide presentation on the subject and surround area.

Mr. White inquired if the request was for a temporary sign.

Mr. Bruce Crutcher, Sr. Vice-President of Henne Development stated yes.

Mr. Hopper presented staff report which stated the applicant is requesting a Variance in the size of sign advertising the sale, lease, or rental of the premises. Mr. Hopper noted under Article 19, Section 1910 of the zoning regulations, the signs are not to exceed 32 square feet. Mr. Hopper stated the request is for a total sign area of 160 square feet to be constructed near the I-75 property line. Mr. Hopper stated the following addresses the findings necessary for granting a Variance under Article 2, Section 244 of the zoning regulations: (1) the Board may wish to consider the property is located in a Planned Development Overlay district which does permit a variety of uses and intensities; (2) strict application of the regulations would not deprive the applicant of a reasonable use of the property; (3) current conditions on the property existed at the time the zoning regulations were adopted and therefore would not be the result of actions taken by the applicant and; (4) I can find no reason the request would preserve or harm the public safety and welfare or change the essential character of the neighborhood.

Mr. Crutcher elaborated on the reasons for wanting the sign.

Mr. Wilder inquired how long the applicant wanted the sign to stay up.

Mr. Crutcher responded a maximum of eighteen months.

Counselor Wilson explained he had no problem with the nature of the sign but wanted to propose to the Board the problem of timing. Counselor Wilson stated Henne Development had a Public Hearing with the Boone County Planning Commission the previous week and noted it is a matter of re-zoning as well as changing the Concept Development Plan affecting the uses. Counselor Wilson stated in Chapter 100.247 of the KY Revised Statutes under "Variances" it stated: "The Board shall not produce the power of the grant or variance to permit the use of any land, building or structure which is not permitted by the zoning regulations and the zone in question. Counselor Wilson stated that since it is a matter still pending as to the uses of the land from the Planning Commission which is a recommending body to seek council of Florence and it is going to affect the uses it would seem premature to allow a sign to go up and grant a Variance for it.

Chairman Holland inquired of Mr. Crutcher if he would like to defer the request until the zoning problem was resolved.

Mr. Crutcher stated he would prefer to defer the request until action had been taken by the Boone County Planning Commission rather than have the request denied.

Chairman Holland moved to defer until action could be taken by the Boone County Planning Commission on the zoning matter.

The motion was seconded by Mr. Wilder.

After further discussion the motion carried unanimously.

Administration

Chairman Holland requested Zoning Enforcement Officer, Ralph Hopper review the Bob's Auto Repair store next to Wendy's on Dixie Highway and the Conditional Use Permit they were granted.

Chairman Holland noted correspondence received from Mr. Roger N. Braden of the law firm of Busald, Funk, Zevely, P.S.C. representing the Kento Boo Baptist Church stating the permit granted to complete the parking lot would expire within thirty day. Mr. Braden requested from the Board a six month extension so the work can be properly completed on the parking lot since weather conditions had prohibited the completion at the present time.

Chairman Holland moved that Mr. Hopper notify Mr. Braden advising him to attend the next Florence Board of Adjustment meeting of January 8, 1986 and explain the consistent delays in completing the parking lot. The motion was seconded by Mr. Wilder.

After further discussion, the motion carried unanimously.

Mr. Wilder inquired of the sign for the liquor store that use to be by King Kwik on Mall Road.

Mr. Hopper stated the sign was permitted just so long as they did not make any dimension changes.

Discussion followed on the Roberts Rules of Order and the voting procedures for a Board's Chairman.

Mr. Bolton inquired of the letter notifying the adjoining property owners when an application for a variance had been made.

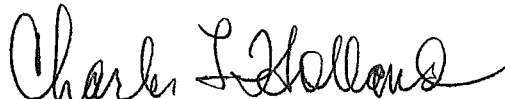
Mr. Hopper stated Gerald Newton, Director of Planning and Zoning had sent letters to Mayor Rolfes, Chairman Holland and Mr. Wilder addressing the Board's concern.

Mr. Hopper introduced the Planning & Zoning's new staff members, Mr. Kevin Costello, Sr. Planner and Mr. Jim Sturdevant, Plans Examiner/Planner. Mr. Hopper informed the Board Mr. Costello and Mr. Sturdevant would be more frequently involved in Board of Adjustment activities in the future.

Chairman Holland moved to adjourn. The motion was seconded by Mr. Wilder.

After further discussion, the motion carried unanimously.

Meeting adjourned.


CHAIRMAN

ATTEST:
