

STAFF REPORT

DEVELOPMENT: McDonald's Restaurant
APPLICANT: McDonald's Corporation
LOCATION: Northeast corner of Dixie Highway and
Turfway Road, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: December 9, 1987
REMARKS:

The applicant is seeking a Conditional Use Permit to allow the construction of a +3,900 square foot fast food, drive-thru restaurant located on the northeast corner of Dixie Highway and Turfway Road (adjacent to Taco Bell). The applicant has submitted written material as part of this application (see enclosed copy). The surrounding land use is commercial in all four directions. The surrounding zoning includes Commercial One (C-1) north of Florence Mini-Mall Shopping Center and Commercial Two (C-2) to the south, west, and east, (Wendy's drive-thru restaurant, Bob's Service Center, Boone Auto Sales, the strip retail center - U.S. Post Office location, and Taco Bell restaurant). The Florence Mini-Mall Shopping Center is currently occupied by Buddy's Carpet Barn, the Liquidation Barn, and the World Gym.

Description of Request and Special Features of the Site

As stated previously, the applicant is seeking approval of a Conditional Use Permit before the Florence Board of Adjustment. The 0.73 acre site is an out parcel of a shopping center and is highly visible as it is located at the intersections of Main Street, Dixie Highway, and Turfway Road. The current owner of the site is Regal Quad, Inc. The site is flat and access is limited to an existing curb cut along Turfway Road and one along Dixie Highway. The Dixie Highway curb cut serves both Taco Bell and the traffic entering and leaving the Florence Mini-Mall Shopping Center. When Taco Bell received its Conditional Use Permit this year, a condition was placed upon the applicant with regard to limiting right-hand turns out of the Taco Bell site. McDonald's Corporation has decided to use this curb cut for deliveries only. The principal access point will be from Turfway Road. Dixie Highway is currently a five lane urban minor arterial road while Turfway Road is a three urban lane minor arterial road.

Relationship to the Comprehensive Plan

In order for the Florence Board of Adjustment to determine whether a Conditional Use Permit should be granted, it must evaluate the request in relations to the Boone County Comprehensive Plan.

Future Land Use Map - Commercial

Land Use Text -

Page L-19 discusses commercial development in Florence:

"Commercial development in this section will remain near the arterial roads or close to the interstate. This consumer service and traffic oriented developments must be contained to specific areas adjacent to the arterials and interstate. The coordination of curb cuts and parking lot tie ins in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists. Where no commercial development has yet occurred, provisions for access control must be made for future development."

Page L-20 explains the valuable asset of Main Street located near the site:

"The city contains a valuable asset in its Main Street area. With careful planning and protection, development of the old Stringtown could transform this area into a pedestrian oriented center much like what is planned for the area just discussed. This plan encourages such development."

Page G-3 states the goal and objectives of the Business Activity Element:

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.

2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design.

Page B-14 describes the continuing trend of commercial activity in Florence:

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures."

Pages G-5 and G-6 describe the objectives of the Transportation Element from the Boone County Comprehensive Plan:

- a. Existing transportation networks shall be utilized to their design capacity.
- b. Forms of access management shall be used to reduce vehicular traffic congestion wherever possible.
- c. Provisions should be made for safe movement in the most expeditious manner of people and goods from place to place in the county.
- d. Major streets or highways should provide direct service to high density development, shopping, and public facilities.

Standards Used in Granting a Conditional Use Permit

In order to grant a Conditional Use Permit for this request, the Board, in accordance with Section 263 of the Boone County Zoning Regulations, shall determine whether the request meets the seven standards.

1. The proposed use is in agreement with the Boone County Comprehensive Plan, which suggests commercial at this location. The Board must decide whether this type of commercial use as a conditional use is appropriate at this given location even when there are over 100 uses allowed in the Commercial Two (C-2) zoning classification.
2. If designed, constructed, and maintained in accordance with Article 2 and Article 14 (Site Plan Review), the proposed restaurant will be harmonious with surrounding uses such as Wendy's restaurant and Taco Bell restaurant.
3. It is unknown whether the proposed use at this specific location is hazardous to existing or future neighboring uses. The public safety issue will be discussed later on in this Staff Report.
4. It is generally felt that the proposed use will be adequately served by essential public facilities as they are presently in place.
5. It is doubtful that the proposed use will create excessive additional requirements at public cost since the applicant has pledged to make road improvements to Turfway Road and has also agreed to hire off duty police officers if there are any loitering problems.
6. In general, the proposed use or activities will not be detrimental to any persons or property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The traffic issue will be addressed later on by the Staff in this report and by the applicant at the December 9, 1987 meeting.
7. The vehicular approaches to the property have been predetermined as a result of the construction of the shopping center and designed not to create an interference with traffic on surrounding thoroughfares.

In addition, the Board shall use the criteria as set forth in Section 923 of the Boone County Zoning Regulations to evaluate the proposed use or activity in relation to the requirements in the Commercial Two (C-2) zoning classification. The criteria consists of the following:

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.

The Board shall determine whether the proposed use is an integral and subordinate function of the existing retail shopping center use or the proposed activity will further add to, not detract from a multi-purpose and pedestrian oriented commerce center, and whether the proposed use will be compatible with the permitted and accessory uses to be protected in the Commercial Two (C-2) district.

Staff Concerns

1. Public Safety (Loitering and Incidents) at McDonald's restaurant

I have provided the Board with information pertaining to the number of police calls from the McDonald's Dream Street location. This information was received from the Florence Police Department and from Mr. Gerald Dusing, representing the applicant. The number of police calls has significantly dropped from 1986 to 1987 since McDonald's restaurant hired off duty police officers (see page five of letter from Gerald Dusing to Kevin Costello). I have asked that a representative from the Florence Police Department to attend tonight's meeting to make comments or answer questions.

The Board shall determine whether the proposed use and application if approved would result in the same number of police calls or not or whether there are unique circumstances with the Dream Street location. Also, the applicant has agreed to hire off duty police officers to prevent any major problems on the proposed McDonald's site and Florence Mini-Mall Shopping Center. The Board shall determine whether this activity is typical of any fast food, drive-thru restaurant and how it fits in with the seven criteria for granting a Conditional Use Permit.

2. Trafficability of the Site

Previously, the applicant provided some information pertaining to traffic generation or excerpts from McDonald's Site Traffic Analysis. This information was not site specific but gave a general or national perspective on the traffic impact. As a result, the applicant has hired Pflum, Klausmeier and Gerum to conduct a local traffic impact analysis. This local analysis will be presented to the Board at tonight's meeting.

At the time of preparing this report, the Staff has not reviewed the information. It is important to allow the Staff to review this information prior to the December 9, 1987 meeting. However, the Staff would like to make some comments pertaining to traffic.

Normally, a drive-thru or drive-in fast food restaurant is considered to be a high traffic generator. Peak traffic periods usually occur at lunch and dinner times during the week and on weekends. However, this type of restaurant and site is considered to be a neighborhood location rather than an interstate location. Thus, it is anticipated that most of its customers will either live or shop in the area and the proposed restaurant will not draw primarily from I-75 like the Dream Street McDonald's location.

The Staff did calculate an estimated trip generation for the proposed use at the Dixie Highway and Turfway Road location. The Staff categorized the proposed restaurant as a neighborhood location rather than an interstate location. Consequently, a high turnover, primarily sit down restaurant of +3,900 square feet would generate approximately 658 trips for a 24 hour time period (a car entering and exiting the site would involve two trips). This information was derived from the Institute of Transportation Engineers Trip Generation Summary (1983).

Average Weekday Vehicle Trip Ends

High Turn Over, Sit Down Restaurant	164.4	per 1,000 s.f. of building
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A 1985 OKI Regional Traffic Counting Directory indicated that the average daily trips at Turfway Road and Dixie Highway was 11,200.

The above traffic figures also consider individuals who are traveling to the Florence Mini-Mall Shopping Center and then decide to travel to McDonald's restaurant. The figures also include customers who may travel to the Taco Bell restaurant and Wendy's restaurant but decide instead to visit McDonald's restaurant.

Based upon the location and the design of the existing curb cut, the projected flow of traffic and evaluation of existing traffic patterns, on Turfway Road, the Staff would recommend that a tapered acceleration lane, approximately 10 - 12 foot in width and 100 feet in length be constructed at the Turfway Road entrance. This lane would allow better traffic movement for traffic entering the site and leaving the proposed restaurant site and shopping area. The acceleration lane will allow people to gradually merge from the proposed use on Turfway Road towards KY 18. Final design specifications for this acceleration lane can be submitted as part of Site Plan Review and with approval of the Kentucky Transportation Cabinet. Equally important is the striping of Turfway Road for proper identification of turning lanes. The other access drive on Dixie Highway should be limited for deliveries only.

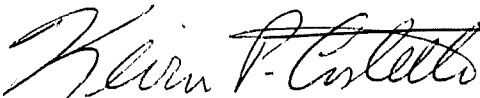
3. Site Plan Review

If the Board should grant or approve the Conditional Use Permit application, the Staff would recommend that Site Plan be submitted before the Boone County Planning Commission for review and approval at a later date.

Conclusion

The Florence Board of Adjustment should evaluate this request in relation to the requirements of Article 2 of the Boone County Zoning Regulations.

Respectfully submitted,



Kevin P. Costello
Asst. Director/Sr. Planner

KPC/jdh

ADAMS, BROOKING, STEPNER, WOLTERMANN & DUSING

Attorneys and Counselors at Law

December 1, 1987

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1906-1971

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421 GARRARD STREET

P. O. BOX 861

COVINGTON, KENTUCKY 41012-0861

AREA CODE 606-291-7270

8100 BURLINGTON PIKE-SUITE 400

P. O. BOX 576

FLORENCE, KENTUCKY 41042-0576

AREA CODE 606-371-6220

* ALSO ADMITTED IN OHIO

PLEASE REPLY TO:
FLORENCE

RECEIVED

DEC 1 1987

Mr. Kevin Costello
Senior Planner
Boone County Planning Commission
Boone County Administration Building
P.O. Box 697
Burlington, Kentucky 41005

RE: Florence Board of Adjustment
McDonald's Corporation
Application for Conditional Use Permit

Dear Kevin:

This and the enclosed information is submitted for staff consideration in connection with its report to the Florence Board of Adjustment respecting McDonald's application for a conditional use permit for its proposed standard fast service restaurant with drive through window at the corner of Dixie Highway and Turfway Road.

First, the Applicant wishes staff to consider all of the information submitted by Applicant with its previous application dated October 25, 1987. This includes site plan blueprint and accompanying landscaping plan and relevant excerpts of McDonald's Site Traffic Analysis.

This application is for approval of the conditional use, and not site plan approval nor signage approval. Consequently we will address only those respective portions of the "Staff Report" of November 11, 1987 and "Addendum" submitted by staff respecting McDonald's previous application. McDonald's believes that staff's findings in those reports relevant to the

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McDonald's also agrees, as a condition of approval, to construct a sidewalk from the terminus of the existing sidewalk at Dixie and Turfway along Turfway adjacent to the site for the length of the site.

McDonald's is unaware of any facts, as none were presented by staff or any other person at the November 11, 1987 Board hearing, that the proposed use is not an integral and subordinate function of the permitted and presently existing uses in the surrounding commercial zone or that the proposed use would detract from the creation of the compact, multi-purpose commerce center already existing; nor that the proposed use would not be compatible with the permitted uses the immediate area.

Referencing Staff's "Addendum" report of November 11, 1987, McDonald's agrees with staff's assessment that the proposed use is a neighborhood location, not an interstate location. 70% of McDonald's anticipated customers live within three minutes drive time of the location, and stop on "impulse" while on their way elsewhere, thus creating minimal "additional" traffic.

Additional Information

Comments by the Honorable Mayor of Florence at the November 11, 1987 meeting again worded in terms of "concerns", centered on the problem of "cruising" (driving through and hanging around) through McDonald's site on Dream Street. Moreover, a "concern" was raised as to how McDonald's could control such a situation, if it should develop, at this proposed site, specifically considering that a large, unattended parking lot (Thriftway) is contiguous to the proposed site. The expressed "fear" was that McDonald's could not control congregating/parking/cruising on and over the Thriftway lot since it was off site of the McDonald's property.

McDonald's does not believe that such a "concern" is within the legal criteria for consideration under the criteria of the zoning ordinance (itemized above). However, the concern is addressed by the following facts and proposal that demonstrates it will not exist or will be controlled without public intervention.

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use will create excessive additional requirements at public cost - no public cost requirements are involved.

6. The proposed use will not be detrimental to any persons or property by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The pre-submitted material from McDonald's Site Traffic Analysis Manual indicates a less than 1% impact of traffic during peak traffic hours (rush hour - 5-6 p.m.) and a maximum 3%-4% traffic impact at the noon-1:30 p.m. and 6-7 p.m. hours - significantly off-peak traffic count periods. See Table 4.

At the December 9, 1987 hearing, McDonald's will present the specific Site Traffic Analysis by a representative of Pflum, Klausmeier & Gerhum, Consultants, well respected traffic analysts, which will further document the minimal impact on traffic by the proposed use.

At the Board hearing of November 11, 1987 no "facts" contradicting the above were presented. There was only a general statement by the Honorable Mayor of Florence that the city had a "concern" about traffic based upon a generalized 24 hour traffic count at the intersection. The Mayor's fears are speculative at best and in our view, are based on erroneous assumptions and failed to take into account established factors. In any event, McDonald's is relying upon Staff's previous findings in its November 11, 1987 report that the proposed use will not produce "excessive" traffic as is consistent with the facts presented.

7. The vehicular approaches to the property have been predetermined by the Kentucky DOT and were designed not to create an interference with traffic on surrounding thoroughfares.

The proposed use uses only existing access/curb cuts.

McDonald's agrees, as a condition of approval, with staff's recommendation that it create an acceleration lane from the existing nearest access/curb cut to the site on Turfway, on the existing shoulder of Turfway for a distance of 100 feet, 12' wide at its beginning and tapering along the 100' into the existing westbound Turfway lane. This is already cleared through Kentucky DOT (Engineer Forest Ranken).

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conditional use are accurate, and addresses certain of staff's concerns as detailed herein:

Re: November 11, 1987 Staff Report

Description of Request and Special Features of the Site.

The site is surrounded by strictly commercial uses at the intersection of two arterial highways (Wendy's restaurant, Bob's Service Center, Boone Auto Sales, Thriftway retail shopping center, strip retail/U.S. Post Office, and Taco Bell next door, for which a Conditional Use Permit was granted within the past year).

McDonald's agrees to limit its site access to the existing curb cut of the Thriftway retail center to Dixie Highway (adjacent to Taco Bell) for deliveries only - no customer use - as indicated on the site plan - controlled by signage and chain. The principal access will be the existing curb cut on Turfway.

Relationship to the Comprehensive Plan.

The use is compatible with and encouraged by the Comprehensive Plan.

Standards Used in Granting a Conditional Use Permit.

The facts, attached agreement and the applicable standards in Section 263 of the zoning ordinance, are as follows:

1. Proposed use is in agreement with the Comprehensive Plan.
2. If designed and constructed in accordance with site plan review criteria (Articles 2 and 14 of zoning ordinance) the proposed restaurant is harmonious with surrounding uses: Wendy's, Taco Bell, commercial strip centers.
3. No "facts" or other reasons exist that the proposed use is hazardous to existing or neighboring uses.
4. The proposed use is adequately served by essential public facilities as they all presently exist and are already in place.
5. No "facts" or other reasons exist that the proposed

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First: Enclosed is a copy of McDonald's option on the proposed site. See "Shopping Center Rider", paragraph 2. "Easement for Parking and Ingress and Egress". The point is that McDonald's will have joint control "over the entire Thriftway common parking area, not just its fee simple segregated site, and thus has the legal power and right to control congregating/parking/ cruising anywhere on the entire Thriftway parking lot. At the November 11, 1987 hearing the Board had the impression that McDonald's had no right to regulate activity outside the specific proposed site. This is not so. McDonald's has the unrestricted right, and intends to control any detrimental activity in the entire common parking area. McDonald's access easement is not limited to the immediately adjacent curb cuts. This format has proven successful in hundreds of McDonald's locations as a free standing restaurant in a shopping center common parking lot.

Second: McDonald's is prepared to hire off duty regular police (Florence and/or Boone County) who have the power to arrest while off duty, as opposed to private security guards, to monitor the lot during suspected "cruising" hours if the situation should develop. This has been a proven solution to a community problem - young people "hanging out" - not a problem unique to McDonald's per se. John Minerva, a representative of McDonald's security department, has interviewed Chief Callen of the Florence Police and has found the following:

In May, 1987 the owner of the McDonald's Dream Street location met with Florence police and implemented this plan since the "hanging out" problem on Dream Street began to worsen and center on the strip shopping center lot adjacent to that McDonald's. The police had informed him that they were reluctant to respond to mere loitering charges on private property since a conviction depended in a large part on the owner's willingness to be significantly inconvenienced by coming to Court to testify at a trial well after the incident. McDonald's management agreed to full cooperation and instigated the plan of retaining off duty police officers in lieu of private security guards. As a result, the actual police involvement at the Dream Street location has been insignificant. Actual Florence Police run reports (copy enclosed) reveal that since May of 1987 through November 25, 1987, there has been a total of six police calls. Three were to clear the lot at closing, two on Monday and one on Thursday. One was for a stroke victim in the lot. One was to investigate

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a despondent looking person in a car with the car running while parked in the lot. The other is coded 45, which code is unknown by this writer.

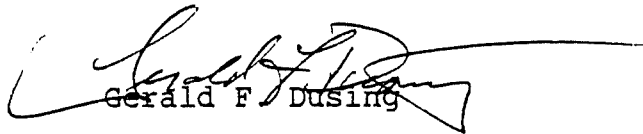
As is readily seen, six calls in seven months is hardly significant. It is also reflective of the effectiveness of McDonald's proposal of hiring off duty regular police at strategic times to monitor not only its site but contiguous common area which it has the power and right to do at the proposed site.

Mr. Minerva discussed the proposed site with Chief Callen who specifically indicated that he was not aware of any problems in that area nor could he anticipate any from McDonald's being at that location.

If you wish any additional information, please advise. If you feel you have any information inconsistent with staff's findings in its November 11, 1987 reports on the above, please advise.

Very truly yours,

ADAMS, BROOKING, STEPNER,
WOLTERMANN & DUSING

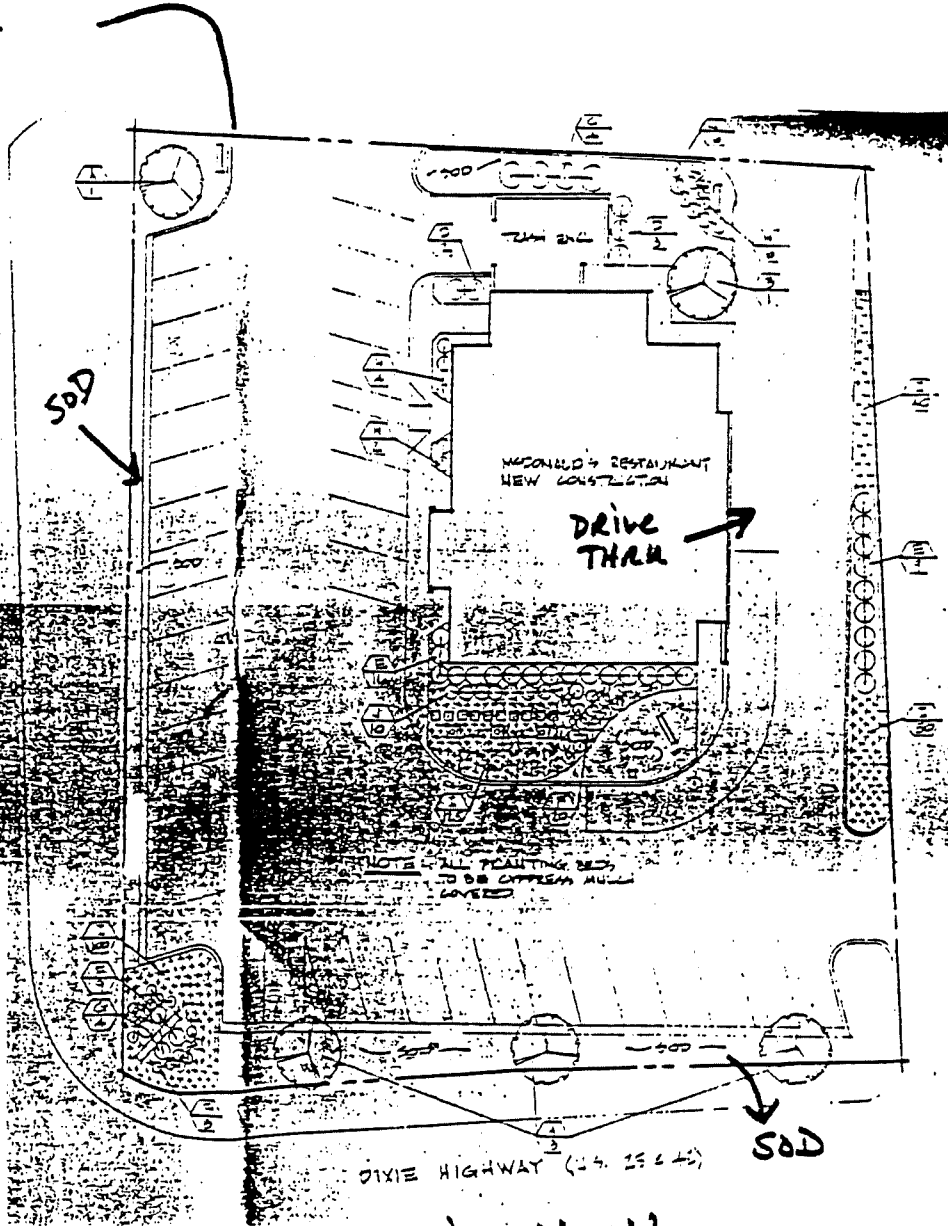

Gerald F. Dusing

GFD/mjs

cc: Mr. Greg Alexander
Ms. Kathleen Watts

McDonald's Corporation
Landscaping Plan
12/9/87

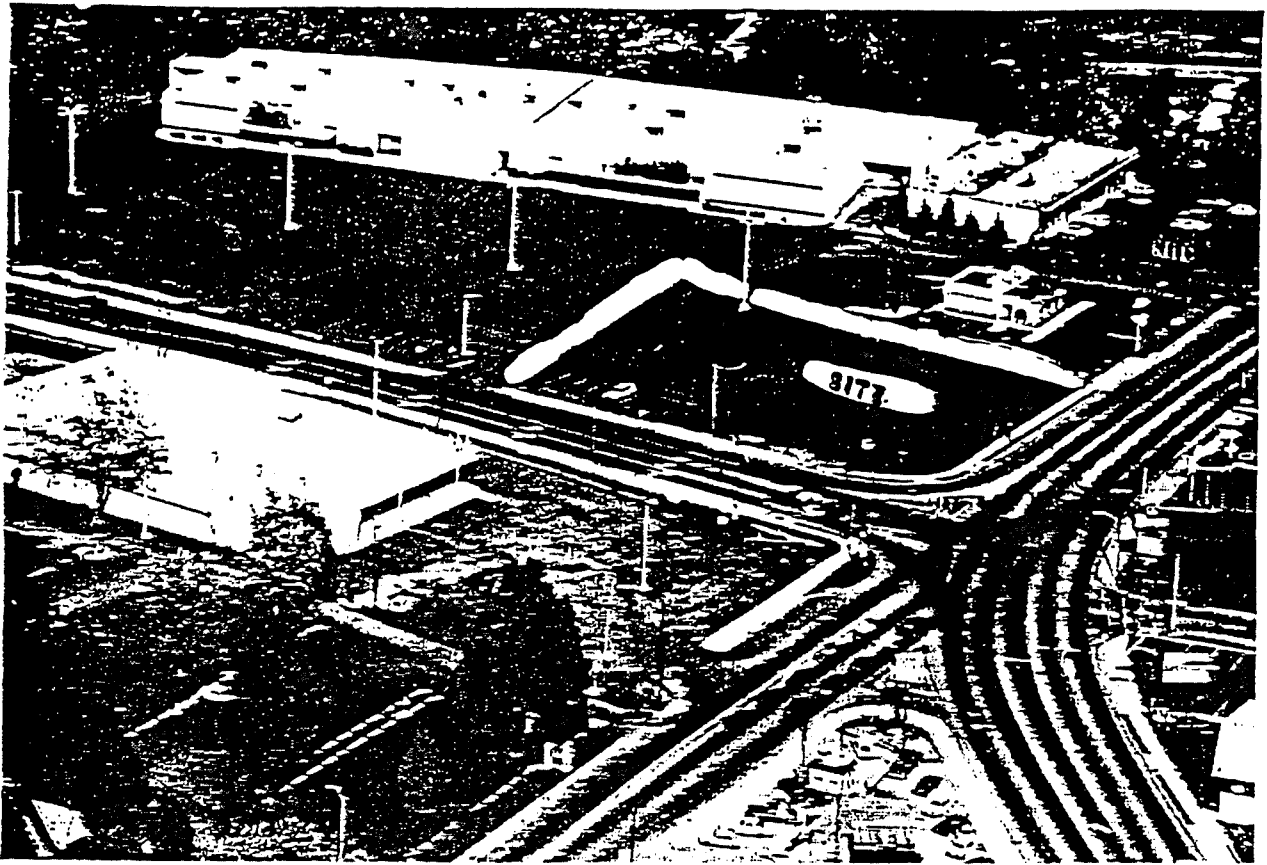
TURFWAY RD.



PLANT LIST

BOTANICAL / COMMON NAME	NOTES
A Crotalaria retusa Yellow flag ALT Panicum capillare Panicum Panicum	Maximum size 7' tall, future maximum height 20'. Minimum height of first branch 7'. Salled and berlanded.
B Crotalaria retusa Yellow flag ALT Spartina patens Yellow flag	Maximum size 7' tall, future maximum height 20'. Minimum height of first branch 7'. Salled and berlanded.
C Crotalaria retusa Yellow flag ALT Panicum capillare Panicum	Maximum height 6-7'. Future maximum height 25'. Salled and berlanded.
D Crotalaria retusa Yellow flag ALT Panicum capillare Panicum	Maximum height 3-4'. Future maximum height 10'. Salled and berlanded.
E Crotalaria retusa Yellow flag ALT Panicum capillare Panicum	Maximum height 7'. Future maximum height 20'. Salled and berlanded.
F Crotalaria retusa Yellow flag ALT Panicum capillare Panicum	Maximum height 10'. Future maximum height 25'. Salled and berlanded.
G Panicum capillare Panicum ALT Spartina patens Yellow flag	Maximum height and spread 12'. Future maximum height and spread 25'. Salled and berlanded.
H Spartina patens Yellow flag ALT Panicum capillare Panicum	Maximum height 12'. Future maximum height 25'. Salled and berlanded.
I Crotalaria retusa Yellow flag ALT Panicum capillare Panicum	7" jets with a minimum of 20 1/2" diameter. Plant 2' tall.
J Crotalaria retusa Yellow flag ALT Panicum capillare Panicum	Maximum height 12'. Future maximum height 25'. Salled and berlanded.

RETAIL STORES FOR LEASE



TURFWAY AT DIXIE HIGHWAY, FLORENCE, KENTUCKY

- CENTRAL LOCATION IN PRIME MARKET
- 45,000 SQUARE FEET AVAILABLE
- ATTRACTIVE RENTAL RATES
- 32,000 CARS PER DAY
- ABUNDANT PARKING
- CONTRACT: RAY MERKEL 371-9000

FIRST COMMERCIAL REALTY INC.

8172 Mall Rd. Center • Suite 239 • Florence, Kentucky 41042 • (606) 371-9000

8. *Compliance with Laws and Regulations—Indemnification*

Purchaser and Seller covenant and agree, with respect to their own property, to comply with all laws, rules, regulations and requirements of all public authorities, and to indemnify, defend and hold each other harmless against all claims, demands, loss, damage, liabilities and expenses and all suits, actions and judgments (including but not limited to costs and attorney's fees) arising out of or in any way related to Purchaser's or Seller's failure to maintain their respective properties in a safe condition. Purchaser and Seller shall give prompt and timely notice of any claim made or suit or action commenced against the other party which in any way would result in indemnification hereunder.

9. *Maintenance expenses*

Seller and Purchaser further covenant and agree to pay the expense of maintaining and repairing the parking, ingress, egress and other common areas situated on their respective parcels, including the payment of all real estate taxes and assessments, subject only to the right to defer payment in a manner provided by law and/or in connection with a bonafide contest of such tax or assessment in the amount thereof, so long as the rights of the other party shall not be jeopardized by such deferring of payment.

10. *Default*

In the event of any failure by either party to perform, fulfill or observe any agreement herein to be performed, fulfilled or observed by it, continuing for thirty (30) days, or in situations involving potential danger to the health or safety of persons in, on or about or substantial deterioration of Parcel 1 or Parcel 2 or any portion of any part thereof, in each case after written notice specifying such, the other party may, at its election, cure such failure or breach for and on behalf of the defaulting party, and any amount which the party so electing shall expend for such purpose, or which shall otherwise be due by either party to the other hereunder, shall be paid to the party to whom due on demand, without contest, upon delivery of its invoice, together with interest thereon at the lower of (i) the rate of 10% per annum, or (ii) the maximum rate permissible from time to time under applicable law, from the date of the expenditure or the date when same shall have become due to the date of payment thereof in full. The provisions of this paragraph shall be in all respects subject and subordinate to the lien of any mortgages or deeds of trusts at any time or from time to time on the land of the defaulting party and the rights of the holder or holders thereof.

11. *Covenants Running with the Land*

The right to use and exercise the rights and easements herein contained to be conveyed and reserved shall run with the land and inure to and be for the benefit of the Purchaser and Seller, their successors and assigns, and tenants, sub-tenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons.

12. *Recording and Title Insurance*

All of the terms and conditions of the forgoing easement provisions shall be contained in and appear with the legal description of the premises conveyed in the deed called for herein. At Purchaser's option, a separate easement agreement embodying the above provisions and agreements may be prepared for Seller's execution and delivery at closing. The title insurance requirements contained in the contract shall apply to the aforementioned easements, and Seller and Purchaser agree to cooperate to obtain non-disturbance agreements, consents, waivers and other agreements from leinholders, mortgagees, tenants and any other party with superior rights that might interfere with the rights, duties and obligations contemplated by this agreement.

13. *Lot Lights*

Seller agrees that the lot lights located within 100 feet of the premises shall be lit during the morning and evening hours while the Purchaser's business is open, as natural light availability dictates. Purchaser shall have the right to approve any changes or alterations to the lot lights located within 100 feet of the premises.

SELLER:

PURCHASER:

By: _____

By: _____

87091119:204 0434 870911 19:20 ...DREAM...ST...
 McDONALDS...KIM: 203 0000
 45.
 END 1151
 * MONTHLY-KEY YRADD TIME HOUSE-NO LOCATION
 100-2 CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 GEO
 INCIDENT

87100912:434 0529 871009 12:43 ...DREAM...ST...
 McDONALDS... 100 0000
 45.
 87101212:234 0718 871012 12:23 ...DREAM...ST...
 McDONALDS...CONS: 101 0000
 45 ON LOT
 87101320:294 0799 871013 20:29 ...DREAM...ST...
 McDONALDS...MANA 201 200 0000
 17. SUBJECT ARGUING IN LOBBY
 87101423:504 0838 871014 23:50 ...DREAM...ST...
 McDONALDS...MGR: 301 300 0000
 17. TROUBLE ON THE LOT

Handwritten notes:
 101
 101
 [Signature]

COPY PROVIDED BY FLORENCE POLICE DEPT.

RECEIVED
 DEC 3 1987

86101023:17N 0305 861010 23:17 ...7909. ...DREAM. ...ST. ...
 McDONALDS. MANA 303 0000
 17. PARK ENTR. COMM. (N. HAND) CAPPED AREA.....
 86101123:14N 0666 861011 23:14 ...7909. ...DREAM. ...ST.
 McDONALDS. BUS. 301 0000
 17. REMOVE SUBJECT FROM LOT.....
 86101223:05N 0777 861012 22:05 ...7909. ...DREAM. ...ST.
 McDONALDS. MANT 205 0000
 17. CLEAR LOT.....
 86110602:25N 0348 861106 02:25 ...7909. ...DREAM. ...ST.

McDONALDS. MANA 302 0000
 17. WAIT TILL SHE GETS IN VEHICLE.....
 86110700:20N 0558 861107 00:20 ...7909. ...DREAM. ...ST.
 McDONALDS. MANA 301 304 0000
 17. PROBLEMS W/ KIDS.....

MORE LIST

* MONTHLY-KEY YMMDD TIME HOUSE-NO LOCATION
 LOC-2 CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 BED
 INCIDENT
 86111522:45N 0956 861115 22:45 ...7909. ...DREAM. ...ST.
 McDONALDS. MANA 303 0000
 18. JUV. TO BE REMOVED. PUSHED. SECURITY...
 86112121:07N 1253 861121 21:07 ...7909. ...DREAM. ...ST.
 McDONALDS. ALLP 202 201 200 0000
 65. (N. RD) BLOCK (NO. RD) FAIRMONT & VAN...
 86112206:36N 1288 861122 06:36 ...7909. ...DREAM. ...ST.
 McDONALDS. MANA 104 0000
 12. BU. MONZA. ON LOT.....
 86112305:54N 1355 861123 05:54 ...7909. ...DREAM. ...ST.
 McDONALDS. 301 0000
 17. SUBJECT OFFEND. ON SPEAKER.....
 86113001:03N 1753 861130 01:03 ...7909. ...DREAM. ...ST.
 McDONALDS. MANA 301 0000
 17. GRY. IMPAL A. 4DR. PKY520 TOWARDS AUTO...
 86113120:50N 0700 861131 20:50 ...7909. ...DREAM. ...ST.
 McDONALDS. MANT 204 0000
 17. CLEAR LOT.....

MORE LIST

* MONTHLY-KEY YMMDD TIME HOUSE-NO LOCATION
 LOC-2 CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 BED
 INCIDENT
 86122723:14N 1509 861227 23:14 ...7909. ...DREAM. ...ST.
 McDONALDS. MANT 302 0000
 18. JUVS. RAISING RUCKUS.....
 87010212:43N 0103 870102 12:43 ...7909. ...DREAM. ...ST.
 McDONALDS. DONA 104 0000
 65.....
 87011100:03N 0592 870111 00:03 ...7909. ...DREAM. ...ST.
 McDONALDS. MANT 301 0000
 17. REF. SUBJECTS THROWING SNOWBALLS.....
 87011722:11N 0758 870117 22:11 ...7909. ...DREAM. ...ST.
 McDONALDS. 201 0000
 65. ON LOT.....
 87013015:02N 1589 870130 15:02 ...7909. ...DREAM. ...ST.
 McDONALDS. MANT 204 201 0000
 17.....
 87030722:43N 0465 870307 22:43 ...7909. ...DREAM. ...ST.
 McDONALDS. 301 0000
 17. CLEAR LOT.....

MORE LIST

MOBILE LIST

MONTHLY-KEY	YMMDD	TIME	HOUSE-NO	LOCATION
100-2			CAR-1 CAR-2 CAR-3 CAR-4 CAR-5	GEN
INCIDENT				
86031122:46N 0027	860311	22:46	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT, THEN SEE 17.				
86031122:49N 0024	860311	22:49	...	7909. ...DREAM...ST... 0000
17. LOCKHART, GRAY, FORD, ESCORT				
86040622:25N 0428	860406	22:25	...	7909. ...DREAM...ST...

(4)

INCIDENT				
86042522:57N 1575	860425	22:57	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT				
86042623:09N 1682	860426	23:09	...	7909. ...DREAM...ST... 0000
45. ON THE LOT, DRIVE THRU SIDE				
86051122:09N 0754	860511	22:09	...	7909. ...DREAM...ST... 0000
17. RECKLESS, BEK, PUES, OYOTA				

MOBILE LIST

MONTHLY-KEY	YMMDD	TIME	HOUSE-NO	LOCATION
100-2			CAR-1 CAR-2 CAR-3 CAR-4 CAR-5	GEN
INCIDENT				
86052322:25N 1542	860523	22:25	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT				
86052322:38N 1543	860523	22:38	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT				
86052822:43N 1909	860528	22:43	...	7909. ...DREAM...ST... 0000
17. KIDS, OFFERING, FAK, IN, OF, PRING, LOT				
86061123:16N 0626	860611	23:16	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT, NEXT TO SUB STATION				
86061219:50N 0678	860612	19:50	...	7909. ...DREAM...ST... 0000
17. CHARACTER, IN, LOBBY, WEARING, FATIGUES				
86061722:43N 1002	860617	22:43	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT				

MOBILE LIST

MONTHLY-KEY	YMMDD	TIME	HOUSE-NO	LOCATION
100-2			CAR-1 CAR-2 CAR-3 CAR-4 CAR-5	GEN
INCIDENT				
86070223:04N 1191	860702	23:04	...	7909. ...DREAM...ST... 0000
63. CHAIR				
86070223:10N 0166	860702	23:10	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT, HAVES, THROUGH (NO. OF CRACKERS)				
86070321:43N 0277	860703	21:43	...	7909. ...DREAM...ST... 0000
17. CLEAR LOT				
86070322:17N 0281	860703	22:17	...	7909. ...DREAM...ST... 0000

86070221:00N 0367 860704 21:00 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 302 0000
 17. CLEAR LOT.....
 86070421:00N 0367 860704 21:00 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 301 0000
 48. CHILD. INJURED. BY. H. 80.
 86070804:12N 0525 860708 04:12 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 300 0000
 17. CLEAR LOT.....

(5)

HOME LIST
 * MONTHLY KEY YMMDD TIME HOUSE-NO LOCATION

LOC 2 CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 BED
 INCIDENT
 86071200:33N 0960 860712 00:33 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 301 0000
 17. CLEAR LOT.....
 86072000:43N 1516 860720 00:43 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... DEBB 301 0000
 17. CLEAR LOT.....
 86072101:50N 1858 860721 01:50 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... RONA 301 0000
 30. BRO. ELDER. ADULT. CAHARD. 2. SUBJ.
 86072301:05N 1212 860723 01:05 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 302 0000
 17. CLEAR LOT.....
 86072700:11N 1990 860727 00:11 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 308. 301 0000
 17. CLEAR LOT.....
 86072800:12N 2051 860728 00:12 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 301 0000
 17. CLEAR LOT.....

HOME LIST
 * MONTHLY KEY YMMDD TIME HOUSE-NO LOCATION

LOC 2 CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 BED
 INCIDENT
 86073000:02N 2181 860730 00:02 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 304 0000
 17. CLEAR LOT.....
 86080523:38N 0464 860805 23:38 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... PAIT 304 0000
 10. MET.
 86081600:31N 1230 860816 00:31 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... CLER 301 304 0000
 10. POSS. FIGHT. INSIDE.....
 86070807:48N 0405 860708 07:48 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... 104 0000
 30. M/W. ST. HE. JACKET.....
 86091500:04N 0837 860915 00:04 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... BRAC 301 205 0000
 17. CLEAR LOT.....
 86072800:13N 1717 860728 00:13 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... CLER 302 0000
 17. M/F. SECUR. COPY. ON. LOT.....

HOME LIST
 * MONTHLY KEY YMMDD TIME HOUSE-NO LOCATION

LOC 2 CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 BED
 INCIDENT
 86100309:06N 0119 861003 09:06 ...7909. ...DREAM...ST.....
 ADDITIONAL DS..... KEEF 101 0000
 17. ESCORT. SUBJECT. OFF. LOT.....

6

MOORE LIST

* MONTHLY-KEY

YEARMO TIME HOUSE-NO LOCATION

LINE-2

CAR-1 CAR-2 CAR-3 CAR-4 CAR-5 GRD

INCIDENT

86021422:58N 0784 860214 22:58 ...7909. ...DREAM.....ST.....

MCDONALDS..... HANA 301 0000

17-RTT TOYOTA, HIPPED CURB.....

86021700:16N 0728 860217 00:16 ...7909. ...DREAM.....ST.....

MCDONALDS..... LAUE 301 302 0000

30-REG. CURB ASS. BIRD WING SNOWBALLS AT CAR

86022123:37N 1174 860221 23:37 ...7909. ...DREAM.....ST.....

MCDONALDS..... HANA 302 301 0000

10-10-ON-LIB.....

86022822:48N 0033 860228 22:48 ...7909. ...DREAM.....ST.....

MCDONALDS..... PAIT 303 0000

17-CLEAR STORE & LOT.....

86030121:51N 0078 860301 21:51 ...7909. ...DREAM.....ST.....

MCDONALDS..... HURT 201 0000

30-CAN. MANUAL S. IS. (IN LOT).....

86030800:17N 0364 860308 00:17 ...7909. ...DREAM.....ST.....

MCDONALDS..... HANA 301 0000

10-10-ON-LIBBY.....

MOORE LIST

COPY PROVIDED BY APPLICANT

MONTHLY-KEY	YYMMDD	TIME	HOUSE-NO	LOCATION	END LIST			
LOC-2	INCIDENT	DATE	CAR-1	CAR-2	CAR-3	CAR-4	CAR-5	GEO
87051123	24N 0666	870511	23:24	7909	DREAM. Mo.			0000
MCDONALDS RESTAURANT		MGR.	301					
18. CLEAR.LOT								
87060400	09N 0203	870604	00:09	7909	DREAM. TH.			0000
MCDONALDS RESTAURANT		STEG	301					
17. CLEAR.LOT								
87060821	S&N 0529	870608	21:56	7909	DREAM. MO.			0000
MCDONALDS RESTAURANT		MGR.	201	204				
18. CLEAR.LOT								
87080208	53 V9765	870802	08:53	7909	DREAM. S			0000
MCDONALDS		KIM						
45								
87090313	37N 0116	870903	13:37	7909	DREAM.			0000
MCDONALDS RESTAURANT		CLER	514	999				
48. STROKE								
87100403	384 0230	871004	03:38	7909	DREAM. ST.			0000
MCDONALDS RESTAURANT		MR. K	303					
30. DESPONDANT. PERSON. IN. CAR/CAR. RUNNING.								

COUNT MONTHLY-KEY = 18

END LIST

No Calls In November As Of 11-25-87

Section 6 Site Traffic Generation

The issue of greatest concern raised by approving public bodies is the amount of new traffic to be generated by fast-food facilities.

A . Time Periods of Peak Traffic Generation

1. Saturday noon is typically the time period during which the highest inbound and outbound site traffic volumes occur. Normally, during this time period, adjacent street traffic volumes are not critical and, therefore, the Saturday noon hour need

Note: See Item 5, Section 3, Model Traffic Study Outline.

not normally be considered as part of a traffic analysis. If the site is located in an area where high volumes of shopper traffic occur, this time period may need to be considered.

2. Noon on a weekday (normally Friday) is one of the design hours that needs to be considered. In-and-out site movements are almost as high on weekdays at noon as on Saturdays. In many instances, the combination of *adjacent street traffic* volumes and site traffic volumes are *critical* during this period. Even though street traffic might be lower at noon than during the evening peak hours, the availability of gaps in traffic, lack of turning lanes, etc., makes this a critical analysis period.
3. Between 4:30 and 5:30 P.M. or between 5:00 and 6:00 P.M. on weekdays (normally Friday), are the time periods when the highest street traffic volumes occur. These are the time periods when site traffic volumes are relatively low and, in many instances, are not critical in terms of design considerations on the external roadway system. However, these time periods must be analyzed to satisfy the reviewing public bodies.
4. Twenty-four hour site traffic figures are not meaningful for design purposes or for determining access or street improvement requirements.

To provide an indication of the magnitude of McDonald's traffic in comparison to existing traffic, a study was made of several facilities, and the findings indicated that McDonald's traffic represented between 3.2 and 6.3 percent (average of five percent) of the total traffic on the street adjacent to the site. These studies were conducted during the evening peak hours (4:30 to 5:30 and 5:00 to 6:00) on a weekday. If only newly generated traffic (excluding diverted traffic) is considered, the percentages would be approximately 40 to 50 percent less.

C . Trip Diversion

As previously indicated, a considerable amount of traffic entering/exiting a fast-food facility is diverted from existing traffic passing the site. This percentage varies by time of day, as shown in Table 3. Also indicated in the table is the amount of generated traffic expressed in percent (added traffic to the street system as a result of the new restaurant). (These figures relate to the peak weekday periods shown in Table 2.) Extensive marketing surveys by McDonald's (based on 70,000 interviews) indicated even higher diversion rates—67 percent versus the approximate 45 percent indicated above.

D. Effect of Drive-Through Window

Those McDonald's restaurants which have a drive-through window (either as part of the initial construction or as a future add-on) may fall under the special-use regulations of a community's zoning ordinance. Typically, drive-through windows are not high traffic generators, but they always seem to represent a concern to the approving agency.

There appears to be very little, if any, difference in the amount of traffic entering/exiting a fast-food restaurant that is constructed with or without a drive-through window initially. This varies, of course, by location, competition in the area, and other localized factors. Based on a number of studies, the trip generation characteristics shown in Table 2 appear to be applicable to facilities with drive-through windows as part of the initial development.

From the surveys conducted, it was determined that the addition of a drive-through window to an existing facility will not appreciably increase the amount of traffic enter-

ing/exiting the site during the weekday peak hour. Sales figures indicate an average daily increase of between 10 and 14 percent when a drive-through window is added. Traffic studies conducted at selected facilities before and after the opening of the drive-through window indicated that the addition of the drive-through window did not increase traffic entering/exiting the site during the peak design periods. Sales figures obtained from McDonald's for facilities before and after the addition of a drive-through window indicated that the minimum in sales (10 to 14 percent on a daily basis) primarily occurred in the off-peak hours and not during the peak hours for street traffic.

Table 4
 PERCENT INCREASE IN SITE TRAFFIC AS A RESULT OF ADDING
 A DRIVE-THROUGH WINDOW

Time Period (P.M. Weekdays)	Percent Increase in Total Traffic			
	Inbound		Outbound	
	Diverted	Generated	Diverted	Generated
12:00-1:00	3%	4%	3%	4%
5:00-6:00	—	—	—	—
6:00-7:00	3	3	3	3

CITY OF FLORENCE
BOARD OF ADJUSTMENT

December 9, 1987 - 8:30 P.M.

Chairman Holland called the meeting to order at 8:30 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft
Chairman Holland
Mrs. Meihaus
Mrs. Ward
Mr. White

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of November 11, 1987 and the Special Meeting of November 19, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes of these meetings, Mr. Ashcraft moved, seconded by Mr. White, that the Minutes of the meetings be approved. The motion carried unanimously.

AGENDA ITEMS:

1. A request of Robert P. Cunningham for a Variance in the required rear yard setback in order to allow the construction of a single-family residence 15 feet from the rear property line. The .25-acre (approx.) site, located at the northwest corner of Buckingham Drive and Chelsea Square (lot #35 of the Buckingham Woods Subdivision), is zoned Suburban Residential One (SR-1) and is owned by Component Construction and CBS Construction.

Staff Member, Tom Breidenstein, stated that Mr. Cunningham's request for a side yard Variance in regard to this site was denied at the Special Meeting of this Board on November 19, 1987 (see Minutes of the Board of Adjustment - Special Meeting, November 19, 1987).

Mr. Cunningham stated that the request was the same, except that he is now turning the house and requesting a rear yard Variance.

Mr. White asked if the setback on Chelsea Square would be in line with the other houses on the street.

Mr. Cunningham stated that the minimum setback requirement on Chelsea Square is 25 feet, but the rest of the houses are set back 30 feet. Mr. Cunningham offered to move the house back to 30 feet, noting that the rear yard may be even smaller.

Mr. Breidenstein advised that due to the angle of Buckingham Drive, moving the house back to the 30-foot line, may cause the house to be too close to the property line.

Chairman Holland asked if there was anyone present who wished to speak for or against this request. There being no one, he asked if there was any further discussion from the Board.

There being no further discussion, Mr. White moved that the Variance be granted as requested. Mrs. Ward seconded the motion and it carried unanimously.

2. A request of Paul Kirn, Jr. for a Conditional Use Permit and a Variance in the required lot frontage in order to allow the construction of a duplex dwelling unit. The 8,100 sq. ft. tract, located west of 7049 Curtis Avenue and south of 7052 Curtis Avenue, is zoned Suburban Residential Two (SR-2) and is owned by Roy and Kim Dringenburg.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland asked the applicant for his comments regarding how this request would affect the Kentaboo Baptist Church.

Mr. Paul Kirn, Jr. stated that the duplex is more than 30 feet off Curtis Avenue and there would be almost 100 feet between the church parking lot and the duplex.

Mr. White stated that the lots along Curtis Avenue are 25 feet wide and stated that taking four or five feet from the adjoining lot would make that lot illegal.

Mr. Breidenstein stated that Staff had stressed to the real estate agent that the minimum lot size and minimum setbacks must be maintained.

In response to a question from Mr. Ashcraft, Mr. Breidenstein advised that the additional four feet would be taken from Lot #20.

Mr. Kirn stated that he did not own Lot #20. He stated that he would be purchasing the lot intended for the duplex dwelling and four feet from the single-family residence owned by the Dringenburgs.

Counselor Wilson quoted from KRS 100 and advised that the Board would not be permitted to grant a Variance which could alter the density requirements. He stated that the Board could not take action which would cause there to be less square footage than the minimum lot size requires.

Mr. Breidenstein advised that the single-family dwelling lot would be left with 6,900 sq. ft. after the four feet is removed, which is above the minimum required lot size. He added that should this Variance be granted, then a Variance would need to be granted in regard to the lot frontage requirement on the Dringenburg property. He stated that this Variance is not before the Board at this time and had not been advertised.

Chairman Holland asked if there was anyone present who wished to speak in behalf of this request. There being no response, he asked if there was anyone present in opposition to the request.

Mr. Charles Callan, 7035 Curtis Avenue, stated that there are currently six duplexes on the street out of a total of 24 houses. He wants the site developed as a single-family residence.

Mr. Roger Braden, attorney for Kentaboo Baptist Church, stated that they are not opposed to this request, provided Mr. Kirn takes care of the drainage. He noted that when the request for the church's parking lot was approved, a major issue was the drainage. Mr. Braden presented the Board with photographs indicating the slope of this lot.

Mr. Kirn stated that there is a natural slope to the land and that he would grade the front of the lot towards the street, which would reduce the drainage.

Mr. Ashcraft asked Mr. Kirn to clarify his comment regarding the drainage.

Mr. Kirn stated that the driveways pitch toward the street. He will build the duplex higher than the street and grade the land towards the street, thereby reducing the amount of ground sloping toward the church property.

Counselor Wilson advised that a Variance for Lot #20 had not been advertised and that it could not be considered at this time. He stated that the Board may wish to defer this request.

Ms. Arlene Jones, real estate agent, asked if the square footage could be added diagonally across the back of the lots in order not to affect the lot frontage dimension.

Chairman Holland asked if Ms. Jones' proposal would affect the density requirements.

Counselor Wilson stated that the Board may wish to defer this request in order to determine how much of Lot #20 would be involved.

Mr. Ashcraft agreed with Counselor Wilson and added that he would also like the question of the drainage addressed further. Mr. Ashcraft stated that he would like to visit the site.

Mr. Jim McKenrick, 7048 Curtis Avenue, stated that there are currently too many duplexes on the street and he wants an owner-occupied home built on this lot, not rental property.

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

There being no further discussion, Mr. Ashcraft moved that the request be deferred until the January 13, 1988 meeting in order to allow time to address the issues discussed, including how much land would be taken from Lot #20. Chairman Holland seconded the motion.

A roll call vote on the motion found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward and Chairman Holland in favor. Mr. White abstained. The motion carried.

3. A request of Robert G. Hill for an Appeal of the Zoning Administrator's decision regarding the use of property located at 8501 U.S. 42, Florence. Specifically, the Appeal refers to the decision requiring a Public Hearing rather than a Conditional Use Permit for the development of the above mentioned property, which is zoned Commercial Two/Planned Development (C-2/PD). (See separate letter.)

Staff Member, Tom Breidenstein, presented slides of the subject site.

Mr. Gerald Newton, Zoning Administrator, advised that there was no Staff Report in regard to this request. He stated that the Board Members had received a packet of information in regard to the request which contains correspondence between the applicant and members of Staff, as well as Mr. Newton. Mr. Newton reviewed the packet of information noting the events that had occurred. (See letter from Mr. Newton to Mr. Bob Hill, 12/1/87; to Mr. Newton from Mr. Hill, 11/19/87; to Mr. Breidenstein from Mr. Hill, 5/11/87; and to Mr. Hill from Mr. Breidenstein, 5/1/87.)

Mr. Bob Hill presented pictures of the site to the Board. He stated that they want to open a gift-type store, including arts and crafts, pottery, and ceramics. The site was previously occupied by a plumbing business. He stated that they would be replacing the outside plumbing equipment with attractive items, such as pottery and urns. He added that the people in Florence are basically in agreement with their plans, provided that they do not put the items in front of the house. About a month ago, a successful yard supply-type business wanted to expand their operation onto this site. He agreed to allow them to come in and replace the urns and pottery in the yard with trees and shrubs that would be for sale. Most of the county, except for the Planning Commission, was in favor of this plan. He added that they are located near the edge of Florence and are concerned about security. He stated that they would be operating a "mom and pop" type gift store with only one or two customers at a time. Sharing the building with another business would increase the security. He added that the site will be fenced with chainlink fencing. Mr. Hill stated that they are entitled to pre-existing, non-conforming rights which have been taken away by Planned Development. He added that the Staff would not allow him to open his store until he wrote the letter of November 19, 1987. He stated that they were substituting something pretty for something ugly and that the operation would be like a small Frank's.

In response to questions from Mr. White, Mr. Hill added that he had owned the property for approximately 16 years and it was annexed to the city about six years ago. He stated that they had taken the property back over themselves as it had looked like a junkyard.

Mr. Ashcraft agreed that Mr. Hill had greatly improved the appearance of the site.

Counselor Wilson advised that Mr. Hill is arguing that a pre-existing, non-conforming use exists and that this use is within the same scope, character, and nature of what was there before and, therefore, he should not have to conform to the Planned Development requirements and, if the use is different, it is no more objectionable than what was previously on the site.

Mr. Hill stated that the Staff had agreed to let him open up the gift shop if he signed the letter of November 19, 1987; otherwise, he would have to pay approximately \$10,000 for studies and he plans to put that money into the building and the yard.

Mr. Newton objected to Mr. Hill's comments regarding the Staff.

Following discussion of the letters contained in the packet distributed to the Board members, Mr. Hill stated that one of the issues is the outside storage. He stated that the plants, pottery, urns, and items of that type are kept outside and are for sale if someone wants to buy them, but are not outside storage. Mr. Hill discussed the improvements he proposes for the site.

Mr. White agreed that a landscaping business would improve the site.

Counselor Wilson stated that the Board does not have the authority to overrule the Planned Development requirement which would apply if a substantial change in use has occurred. He noted that Mr. Newton is stating that a non-conforming use no longer exists. Counselor Wilson asked if the changes that have occurred are substantial enough to place this site into Planned Development. In essence, Mr. Newton is saying that Mr. Hill is subject to the Planned Development requirements and Mr. Hill is saying that he is not.

Chairman Holland asked if there was anyone present who wished to speak for or against this request. There was no one present who wished to speak in regard to this issue.

Mr. Ashcraft asked what changes have occurred in regard to this site.

Mr. Newton advised that the site has been placed in Planned Development by action of City Council because of the importance of this location to the city, which is explained in his letter to Mr. Hill. He added that Mr. Hill's letter of November 19, 1987 indicated that Mr. Hill is adding another business to this site. Mr. Newton stated that, in his opinion, adding a second business, outside storage, and the possibility of increased parking, are significant changes over what had been agreed to last May. He noted that there is no hard surface parking on the site. Mr. Newton added that he does agree that the site has been improved.

Mr. Hill stated that he did not have to blacktop the parking lot, but has agreed to do so within three years.

Mr. White stated that a three-year limitation would not be proper. He added that when you are in Planned Development, you have to conform to the requirements.

Mr. Hill stated that he will forego the outside storage and will let the tenant take over his operation on the outside. He stated that this will not be a change in what he planned on doing, just different merchandise.

Mr. White advised Mr. Hill that when he adds the second business he has to play by the rules regarding Planned Development. He stated that Mr. Newton's decision in this matter was correct.

Mr. Newton added that even without the second business, Mr. Hill had mentioned putting up fencing and having outside storage, both of which would cause a problem.

Evelyn Kalb, Councilwoman, City of Florence, stated that her understanding of this issue is that a pre-existing use exists with Mr. Hill's own business, but bringing in the nursery business places the site in Planned Development. She questioned if the Board had to determine if this was the proper process to take the property out of Planned Development.

Mr. Ashcraft advised her that the Board does not have the authority to take the site out of Planned Development.

Mr. Ashcraft moved that the Board uphold the Zoning Administrator's decision and deny this appeal based on the addition of the second business. Mrs. Meihause seconded the motion and it carried unanimously.

4. A request of Lackner Sign Company for a Variance in the height of a free-standing sign. The site is approximately one acre in size. An existing free-standing sign, 35 feet in height and 254 sq. ft. in size, is located adjacent to I-75 near the northwest corner of the site. The applicant is proposing to raise this sign to 65 feet in overall height.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland asked if there was anyone present representing the Lackner Sign Company.

Mr. Paul Grone stated that there was no one present from the sign company, but that he is the owner and operator of the Dream Street McDonald's. He has owned the restaurant for a year and feels that most of his business comes off the interstate. He is at a competitive disadvantage due to the higher signs in the area. He stated that he would be willing to take down the billboard sign in the Mt. Zion Road area if the Board would grant this request.

Chairman Holland stated that this McDonald's is a well-established restaurant and most people know where it is.

Mr. Grone stated that his expressway sign cannot be seen in time for an impulse decision to be made and for the customer to get off the interstate.

Mrs. Ward noted a small sign on the interstate prior to the underpass.

Mr. Grone agreed that there is a small sign on the interstate as indicated by Mrs. Ward. He added his comments regarding the importance of a high-rise sign and that his sign is blocked by a tree in the summer.

Mr. Scott Brewer, an employee of McDonald's, stated that they have a large number of vacationers and people who do not live in the area that come into the restaurant.

Chairman Holland commented that the McDonald's sign is one of the most recognized signs in the United States.

Following discussion of the locations and heights of other signs in the area, Mr. White noted that the McDonald's sign had been one of the first in the area and that the tree mentioned by Mr. Grone had grown. He stated that the tree could be removed. Mr. White added that all one can really see of the McDonald's sign is the arches and you have to be looking for them.

Mr. White added that he did not want to raise the sign and block the Red Lobster sign. He noted that the curvature of the road had to be considered. Mr. White stated that he would like for someone from the sign company to have been present at this meeting.

Mr. Grone stated that he did not want to block anyone else's sign and would be willing to reflag the sign to be sure this does not happen.

Mr. Sturdevant advised that under the current regulations, the sign could be forty feet high, and it is currently not over the allowable maximum. He added that the northbound sign is visible prior to when you get to the sign provided by the highway department. He stated that there is also visibility of the sign going southbound on the interstate. Mr. Sturdevant stated that people traveling on the interstate can see that this is a commercial area and make an impulse decision to get off the interstate and choose a restaurant. He stated that McDonald's is not at a competitive disadvantage and the sign ordinance should be upheld.

Mr. Grone disagreed and stated that travelers see the McDonald's sign last.

Mr. White stated that he would like to have the sign be more visible, but be below the Red Lobster sign. Mr. Grone stated that he had pictures of the flagging of the sign.

Mr. White moved that this request be deferred until a representative of Lackner Sign Company is present and can discuss the sign in relation to the other signs in the area, or until the sign is reflagged.

Mr. Sturdevant asked Mr. Grone for clarification of his comments regarding the billboard sign along Mt. Zion Road and I-75.

Mr. Grone stated that he rents the space and would remove his advertising. He does not own the sign and cannot remove it entirely.

Chairman Holland stated that there would be a five-minute recess in order for Mr. Grone to get the pictures of the flagging. Following the recess, Mr. Grone provided the pictures of the flagging to the Board.

Mr. White restated his motion as indicated above that this request be deferred, that the deferral be until the January 13, 1988 meeting, and that all additional fees be waived. Mrs. Ward seconded the motion.

Mr. Grone stated that he would waive the time limitations.

Chairman Holland asked if there was any further discussion. There being none, he asked for a roll call vote on the motion made by Mr. White and it carried unanimously.

Chairman Holland asked to be contacted if the sign was reflagged so that he could be present. Mr. Grone agreed to contact him.

5. A request of McDonald's Restaurant for a Conditional Use Permit to allow the construction of a 3,900 sq. ft. (approx.) fast food, drive-thru restaurant on the northeast corner of Dixie Highway and Turfway Road (adjacent to Taco Bell). The 0.73-acre site is zoned Commercial Two (C-2) and is owned by Regal Quad, Inc..

Mr. Gerald Newton, Director, presented the Staff Report which was prepared by Mr. Kevin Costello. (see Staff Report).

Chairman Holland stated that he had received a summons in regard to this issue and asked Counselor Wilson if the request should be heard this evening.

Counselor Wilson advised that it was proper for the Board to hear this request and that the applicant may have new facts to present.

Mr. Newton distributed to the Board members copies of a letter from Mr. J. E. Gehrum of Pflum, Klausmeier & Gehrum, to Mr. Gerald F. Dusing, dated December 8, 1987. A copy is available in the Staff file. (Note: A correction was made to this letter during the meeting. The last line of paragraph two, page one, should read, "This drive is located approximately 240 (not 2400) feet from the Dixie Highway intersection.")

Counselor Wilson stated that the Staff Report refers to the Florence Board of Adjustment Meeting of November 11, 1987 and requested that a copy of the Minutes of that meeting be attached to the Minutes of this meeting.

Counselor Wilson noted that a statement had been made that this parcel is an outlot of a shopping center and requested information regarding the zones adjoining the mall boundaries.

Mr. Newton stated that he did not have that information with him, but to the best of his knowledge there is Commercial Zoning around the site, with the area to the north being C-1 or C-2, and Suburban Residential Two (SR-2) behind the shopping center.

Mr. Gerald Dusing, attorney, stated that the surrounding property is all zoned Commercial Two (C-2), except for the Residential portion. He added that the Zoning Code for the Commercial Two Zone lists drive-in, franchise, fast-food chains provided they are appropriate to the trade area. He stated that they are a listed permitted Conditional Use, provided they are in keeping with the trade area and meet the listed criteria. He noted that he has not heard any facts to indicate that they are not related to the trade area. He added that since they fit the criteria for a Conditional

Use, then the question is whether or not they fit the criteria. Mr. Dusing reviewed the criteria indicated on Page 4 of the Staff Report and indicated that they are: (1) In compliance with the Comprehensive Plan; (2) Harmonious with the surrounding uses, noting Wendy's and Taco Bell restaurants; (3) Not dangerous to the public safety, noting that they do not have explosives or dangerous materials. He added that they do not think loitering is a problem; (4) Agreeable to extending the sidewalks along Turfway Road from where they currently terminate to the curb cut on Turfway Road, and agree to build an acceleration lane; (5) Mr. Dusing stated that this item was addressed by his comments to Item #3; (6) Not "excessive" and do not emit fumes; and (7) that the traffic issue would be addressed later in the discussion.

Mr. Dusing stated that the proposed use is compatible with the character of the uses in the zoning district. He commented on the public safety issue discussed at the last meeting in regard to teenagers being drawn to the site. He referred to a letter he had written to Mr. Costello, dated December 1, 1987 (which is attached to the Staff Report). Mr. Dusing noted that on Page 5 of his letter he refers to McDonald's option on the proposed site and the "Shopping Center Rider", paragraph 2, "Easement for Parking and Ingress and Egress". He stated that they have a common area access easement over the parking areas of the Thriftway lot. He stated that this easement solves the concerns expressed in regard to their having control of the parking areas outside of their fee simple ownership. He stated that this easement gives them the right to have their security people present and to ask people to leave. He noted that Mr. Minerva, who is in charge of Security for McDonald's, was present. Mr. Dusing reviewed a police "run sheet" attached to his letter which indicated that there had been only six police calls to the Dream Street McDonald's in the past six months and only three of them were to clear the lot.

Mr. Dusing noted the Site Traffic Generation Study which had been distributed to the Board members. He introduced Mr. Jack Gehrum of Pflum, Klausmeier & Gehrum, and noted his professional credentials.

Mr. Gehrum reviewed the traffic study and discussed the prepared exhibits including Exhibit C, which represents the traffic count on a hourly basis. He stated that sources of information for this study were the ITE (Institute of Traffic Engineers) and the McDonald's National Study. He noted that the numbers in the McDonald's study were higher than the ITE figures. Mr. Gehrum noted his letter to Mr. Dusing dated December 8, 1987 and discussed the process by which data was collected and analyzed. He stated that their opinion is that there are no major traffic problems which will be generated by the proposed use and that the existing capacity will be maintained on Turfway Road.

Following discussion of the days and hours that the traffic counts were taken, Mr. Ashcraft asked if the fact that McDonald's would be adjacent to a shopping center parking lot had been considered in relation to the McDonald's Study.

Mr. Gehrum advised that this fact had not been considered.

Chairman Holland asked if there was anyone present who wished to speak in opposition to this request.

Mr. Jim Collins, Councilman, City of Florence, stated that an assumption is being made that the traffic movement in this area is okay at this time. He stated that traffic does not flow well in this area now and that it is a main artery for rescue equipment going to Booth Hospital. He noted that the traffic figures were obtained by McDonald's and are being presented by a traffic consultant. He noted that Mr. Gehrum's map of the intersection shows it to be a four-way intersection; but there is a fifth road, which is a great part of the traffic problem. Mr. Collins stated that Dream Street is very difficult to get through on a Friday night, which impacts U.S. 42. He noted that he is very concerned about the area.

Mr. Tom Kathman, Florence Police Department, noted that the Staff Report refers to a "neighborhood" McDonald's, but he does not think that there is such a thing as a "neighborhood" McDonald's. He noted the customer counts of other restaurants in the area and based on those figures, he stated that he would question the accuracy of the McDonald's figure of 658 trips per day. He discussed the police dispatch runs to the Dream Street McDonald's and stated that the biggest problem is not on the McDonald's lot, since there are police there, but on the shopping center lot which is four or five feet away. He noted that there is a limit to the number of policemen available for off-duty work. He added that the Police Department has a very good relationship with the Dream Street McDonald's. Mr. Kathman advised that there is a school with football within a mile of the proposed McDonald's. He questioned the possibility of cabling off the adjoining parking lot.

Mr. Dusing advised that it would not be possible to cable off the adjoining lot.

Mr. White stated that yesterday during a 15-minute period from noon until 12:15 P.M., there were 76 cars entering the McDonald's on Dream Street.

Mr. Ashcraft asked if the lease referred to by Mr. Dusing earlier indicated that McDonald's would have control of security of the entire parking area.

Mr. Dusing stated that they would have the right to go anywhere on the lot, and if their customers do so, then they have the right to exert control. He added that this is their understanding with the owners.

Mr. Dusing stated that Chief Callan had already left this evening, but he had indicated that he did not perceive a problem in this location. He added that the Mayor had indicated that their plan was reasonable and addressed his concerns. Mr. Dusing stated that any new use on this site will generate traffic, but the question is in regard to the word "excessive", and noted the traffic counts taken by Mr. Gehrum. He discussed the public funds expended in regard to the Dream Street McDonald's in relation to the tax revenues collected. He noted that trucks will use the delivery entrance and that backing of the trucks will not be required.

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

Mr. Bob Pope stated that he owns a small business at this intersection and noted his concerns about people driving through the McDonald's and congregating in the area, which is the reason why elderly people do not go to Dream Street, according to a recent newspaper article. He noted his concerns about the traffic and asked what the hours of operation would be.

Mr. Dusing stated that he did not know the hours of operation.

Mr. Pope added that when the police ask people to leave the McDonald's property, they may go across the street and he may, therefore, lose business. He stated that when the shopping mall on Houston Road occurs there will be even more traffic. Mr. Pope noted that there will be many situations occur which McDonald's cannot control that will be detrimental to businesses in the area.

Mr. Ashcraft asked what powers the police have in regard to "cruising".

Mr. Kathman advised that they tell them to keep moving. He added that in Florence Square they will have the manager tell them that they want them off the lot.

Mrs. Meihaus stated that this may be a neighborhood location during the week, but it is not on the weekend. She stated that the proposed McDonald's will create additional traffic and will be detrimental to businesses in the area.

Counselor Wilson noted that this parcel is an outlot of the shopping mall and asked what the current status is of the shopping mall -- Is it fully occupied? In a period of transition?

Mr. Ray Merkel, leasing agent for the owner of the shopping center, stated that there is currently less traffic coming into the shopping center than there was previously. He added that approximately 9,000 sq. ft. of the shopping center is currently unoccupied.

Counselor Wilson noted that according to the figure given by Mr. Merkel, the center is approximately 20% unoccupied.

Mr. Ashcraft stated that McDonald's is a fine corporation with good intentions, but it is not compatible with the shopping center due to the traffic it generates. He noted that it is the existing businesses and the people of the community that assume the risk. He stated that there would be problems with loitering and cruising and, therefore, the use is not compatible with a multi-purpose commercial center. He added that he did not think this would be a neighborhood McDonald's. He noted that there would be a large cost to the public just for police protection.

Mr. Dusing stated that the shopping center is agreeable to this use on the site and they have a letter from United Dairy Farmers indicating that they are in full support. He noted that United Dairy Farmers is a part of the same company as the shopping center. He added that the shopping center would not allow this use if it would hurt their business.

Mr. Ashcraft moved that the Conditional Use Permit be denied as it would detract from the compact multi-purpose center (trade area) as indicated in the Zoning Regulations.

Chairman Holland stated that he disagrees with the Staff Report which indicates that the proposed use will not be detrimental to any persons or property due to any excessive production of traffic, noise, smoke, fumes, or odor. He stated that he believes the proposed use will generate excessive traffic. Chairman Holland asked if Mr. Ashcraft wished to add this item as part of his motion.

Mr. Ashcraft amended his motion to include as part of the basis for denying the request that it will be detrimental to persons and property due to the excessive production of traffic. Mrs. Meihaus seconded the amended motion.

There being no further discussion, Chairman Holland asked for a roll call vote on the motion and it carried unanimously.

NEW BUSINESS:

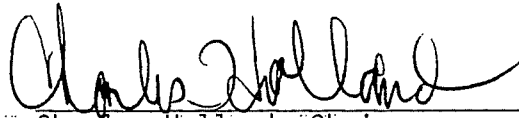
Mr. White advised that the church sign on Hopeful Road is causing problems to motorists as it is too bright. Mr. Newton stated that they are aware of this and will take care of it.

Mr. White asked if a sign would be permitted at the Izzy's on Houston Road. Mr. Newton stated that this had been approved by the Fiscal Court.

Mr. Newton advised that arrangements for liability insurance have been made and it will be effective when the current policy expires.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mrs. Ward, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 12:35 A.M..

APPROVED:



Charles Holland, Chairman

ATTEST:



Jan Hancock, Recording Secretary