

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: James R. O' Daniel Owner
 Address: 7501 U. S. 42 Agent

Florence, Kentucky 41042 Telephone: (606) 371-5999

Location: _____

Name of Property Owner: Florence Nursery & Floral Shops Inc.

Address of Property Owner: 7501 U. S. 42 Florence

Zoning District: 01 Area in Acres: 4.8

Deed Book: 196/199 Page Number: 264/538 Group Number: 2042

Description of Request: Change in a non conforming use to allow construction of a parking garage for company vehicles.

Applicant's Signature: James R. O' Daniel

Property Owner's Signature: Florence Nursery & Floral Shops Inc. J.R.O.

Application Fee: 165⁰⁰ FOR PLANNING COMMISSION USE ONLY Date Received: 2/26/86 By: RH - JH

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

CITY OF FLORENCE BOARD OF ADJUSTMENT
NON-CONFORMING USE REPORT
MARCH 12, 1986

APPLICANT: James R. O'Daniel (Florence Nursery and Floral Shops, Inc.)
LOCATION: 7501 U.S. 42, Florence, KY.
ZONED: Office One, 0-1

REMARKS:

The applicant is requesting a change of non-conforming use to allow construction of a parking garage for company vehicles and to replace existing signage. The property under review is the Florence Nursery and Floral Shops, Inc. It is located at 7501 U.S. 42 in Florence, KY., in a district zoned Office One, 0-1.

The submitted plan indicates a 1,800 (30x60) square foot building to be constructed on the site. The building will be divided into four bays to be used in the following ways:

1. One (1) 16 bay to store soil.
2. Three (3) heated bays for company vehicle parking, such as, snow removal equipment and landscape equipment vehicles.

Access will be provided by existing driveways. Parking areas around the outside of the building will be hard surfaced.

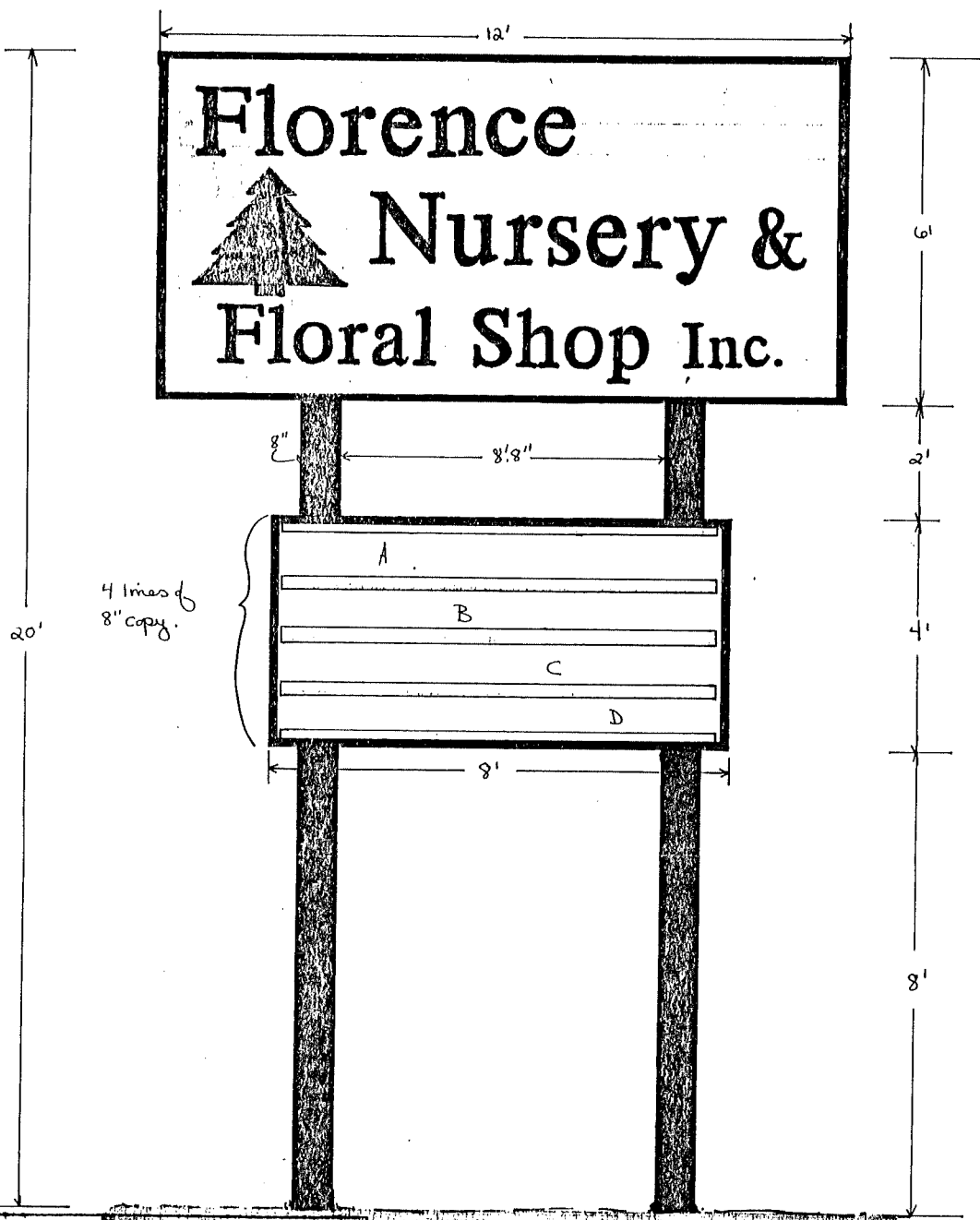
The submitted plan also indicates the construction of a sign 20 foot in height and 104 square feet in total sign area to replace two existing signs on the property. This sign does conform to Article 19, Section 1921 of the zoning regulations.

Article 2, Sections 280-288, particularly Section 284, provide the qualifications for review of a change in non-conforming use request. See attached copy.

Should the Board decide to approve this request, no conditions are recommended to the granting of this request.



Chris Cribaro
Planner



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Approved: _____

SCALE 1/2" = 1' 0"

Sk. No. 115935

15/8/6 JAN

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JP

FLORENCE BOARD OF ADJUSTMENT

MARCH 12, 1986 7:30 P.M.

Chairman Holland called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. Four members present. Absent: Mr. Bolton. Atty. Wilson was also present.

Minutes of the January 12, 1986, January 21, 1986 and February 12, 1986 Florence Board of Adjustment meetings were considered. Chairman Holland moved the January 12, 1986, January 21, 1986 and February 12, 1986 Minutes be approved as reviewed. The motion was seconded by Mr. Wilder. After further discussion, the motion carried unanimously.

Chairman Holland proceeded to the items on the Agenda.

Conditional Use Permit

A request of Thomas Green (owner) for a Conditional Use Permit to allow the operation of a car care facility at Florence Center Mall. This property is currently zoned Commercial Two.

Staff member Ralph Hopper presented slide presentation of the proposed request.

Staff member Chris Cribaro presented Staff Report. (See Staff Report)

Mr. Tom Green, owner, explained the architectural lay-out of the proposed center. Mr. Green stated the proposed car care facility basically would be selling auto accessories such as cash-and-carry items people could install themselves. Mr. Green noted that if people wished to have items installed they would have to drive around to the back of the building to the service quarters. Mr. Green stated there would be no gasoline sold.

Chairman Holland inquired what was the name of the proposed store.

Mr. Green stated "Guarantee Auto".

Mr. Wilder inquired what classification would a normal auto part supply store fall under.

Mr. Hopper stated he believed it would fall under a C-2 district as a Principally Permitted Use. Mr. Hopper noted the uses were located under Article 9 of the Boone County Zoning Regulations.

Chairman Holland inquired if someone could have a radio

installed at the store.

Mr. Green stated yes but noted the store would not be an operation that would specialize in oil changes and selling gasoline. Mr. Green stated the store would not work on wrecked cars or put motors in cars, just light maintenance such as mufflers, nothing outside the building.

Chairman Holland stated he wanted it stipulated in the Conditional Use Permit that no vehicles be worked on or stored more than 24 hours; no selling of cars.

Mr. Hopper expressed his concern of vehicles being left at the location for a number of days. Mr. Hopper stated that if "no cars parked for more than 24 hours" was made a condition of the permit, then the Zoning Enforcement Officer would have some authority to go in and have the cars removed.

Mr. Green stated he too would like to see that condition made part of the permit because it would be good for the Center.

Mr. White concurred.

Chairman Holland moved to grant the Conditional Use Permit to allow the operation of a car care facility at Florence Center Mall with the following conditions: (1) No cars parked any longer than 24 hours on the building site; and (2) no cars could be sold on the building site. The motion was seconded by Mrs. Lanigan.

Mr. Wilder stated he would abstain due to a business affiliation with the applicant.

After further discussion, the motion carried.

Change in a Non-Conforming Use

A request of James R. O'Daniel (agent) Florence Nursery and Floral Shops, Inc. for a Change in a Non-conforming use to allow the construction of a parking garage. This property is located at 7501 U.S. 42, Florence and is currently zoned Office One.

Staff member Ralph Hopper presented slide presentation of the proposed request.

Chairman Holland inquired if the proposed building would look like the existing building located next to it.

Mr. Jim O'Daniel, agent, stated yes but smaller.

Staff member Chris Cribaro presented Staff Report. (See Staff Report)

Chairman Holland inquired if the greenhouses would be removed.

Mr. O'Daniel stated yes they would be removed.

Mr. Wilder inquired what was being presently stored in the existing building.

Mr. O'Daniel stated mulch gravel, straw, a soil bay which would be removed and equipment.

Chairman Holland inquired what the hard surface parking area would be paved with.

Mr. O'Daniel stated blacktop.

Mr. O'Daniel explained there was a proposed 6' wood fence that would run along the City Building and his property.

Mr. Wilder inquired if the sign conformed.

Mr. Hopper stated yes.

- - - - -Mr. Wilder left the meeting- - - - -

Mr. Hopper further stated that any utilization of the proposed site would be pre-existing, non-conforming and the applicant could change the sign if he wanted to.

Atty. Wilson pointed out that under Kentucky State Law the Board of Adjustment was the entity through which someone would apply to have a change of a pre-existing, non-conforming use.

Mr. White noted the proposed building would look better than the existing greenhouses that was presently located on the site.

Mr. White moved to grant a variance for the 30 x 60 building. Mr. White inquired if the drainage ditch would take care of the water run-off.

Mr. O'Daniel stated yes.

Atty. Wilson stated Public Works would be considering the storm water run-off.

Mr. Hopper noted he had talked with the applicant about the storm water run-off and he felt the drainage course would be efficient to handle the run-off.

Mr. Holland inquired if the motion was to grant a Conditional Use Permit for a 1,800 square foot building with blacktop driveway and adequate drainage for the water run-off for property located at 7501 U.S. 42, Florence, KY.

Mr. White stated yes.

Chairman Holland seconded the motion. After further discussion, the motion carried unanimously.

Chairman Holland inquired if the sign met the minimum standard.

Mr. Hopper responded affirmatively.

Chairman Kroger inquired how close to the curb would the sign be.

Mr. O'Daniel stated the sign would be approximately 9½-10 feet off of the curb but noted the furthest part of the sign would stick out.

Mr. Hopper presented slide presentation on the sign.

Mr. O'Daniel stated the actual sign would extend about 4' from the sidewalk.

Mr. Hopper pointed out the zoning regulations stated a public sign could not be placed in a public right-of-way.

Chairman Holland moved to grant the change in a non-conforming use of the sign as proposed on the Site Plan Review. The motion was seconded by Mr. White. After further discussion, the motion carried unanimously.

Variance

A request of Dennis Bailey, President for Bailey's Gulf Minute Mart, Inc. for a Variance in the required front and rear yard setback to allow the construction of a car wash facility at 7670 Burlington Pike. This property is currently zoned Commercial Services, C-3.

Staff member Ralph Hopper presented slide presentation of the proposed request.

Staff member Chris Cribaro presented staff report. (See Staff Report)

Mr. Dennis Bailey, owner, described the lay-out of the property and the possibility of switching gas islands to make access into the car wash more convenient for the customers. Mr. Bailey explained he felt he needed a car wash at his facility to be able to compete with the gas station across from him that also had a car wash. Mr. Bailey noted a lot of his old customers now went to the other gas station across the street because of the car wash.

Mr. Phil Collins, representative for Mr. Bailey, stated the full service island was not used very much.

Mr. Bailey stated that on some days there would be only twelve cars or so on the full service island.

Mr. Collins stated the applicant would not be opposed to reversing the self service pumps and the full service pumps.

Further discussion followed on the degree of difficulty vehicles would have making the turn into the car wash if the pumps were not reversed.

Mr. Collins noted that Mr. Bailey had regular attendants from 7:00 A.M. to 8:00 P.M. to handle any heavy traffic problem that might arise.

Mr. Bailey explained that he no longer did major repairs inside and he did not have vehicles parked on the lot like he used to, so very little parking area would be required at the station.

Chairman Holland inquired if it would be expensive to move all the pumps.

Mr. Bailey stated yes, plus there were tanks that had been in the ground since 1968 and if disturbed there would be a chance of leaks while moving the pumps around.

Chairman Holland inquired of the Minute Mart.

Mr. Bailey explained he used to own the Minute Mart on US 42 and noted but now that was just the name.

Chairman Holland inquired if Mr. Bailey could use his existing building as a car wash.

Mr. Bailey stated he would have to exit through the rear of the building which would empty him out onto the new project.

Mr. White inquired if the Florence Business Center was going in on the property behind the station.

Mr. Bailey stated Dr. Angel's property was located behind him and it emptied out onto the 18 acres of the Florence Business Center.

Mr. Hopper inquired if Mr. Bailey had a retaining wall along the line located behind his property.

Mr. Bailey stated yes.

Mr. Hopper pointed out to the Board the location of the retaining wall.

Atty. Wilson noted it would be best if the cars coming out of the car wash did not cross paths with other cars coming out of

the gas pumps if reversed.

Chairman Holland stated he felt the full service pumps probably would not be used at all.

Mr. Bailey stated there was a little business done on the full service pumps.

Chairman Holland inquired if Mr. Bailey could double his self service pumps.

Mr. Bailey explained he had as many pumps as he could handle on the islands and there was no room for any more. Mr. Bailey noted the islands could be extended but then they would run out into the driveway.

Mr. White stated he could not go along with the request as it was being proposed.

Mr. Collins stated the entrance to the car wash could be reversed.

Mr. White stated he could go along with reversing the entrance to the car wash.

Further discussion followed on reversing the entrance to the car wash.

Chairman Holland inquired if there were any questions on the structure of the building.

Mr. Hopper explained Mr. Bailey would have to go to the Boone County Planning Commission for Site Plan Review for the building.

Chairman moved to grant a Conditional Use Permit for Bailey's Gulf Minute Mart, Inc. located at 7670 Burlington Pike with a traffic flow following a right to the left pattern rather than a left to the right pattern into the car wash as a condition.

Mr. Bailey inquired if Chairman Holland meant exiting by the tank pad.

Chairman Holland stated yes, exiting towards the liquor store.

Mr. White inquired if the motion included the 55.5 foot setback.

Atty. Wilson stated it was a variance they needed rather than a setback.

Chairman Holland amended his motion. Chairman Holland moved to grant a 24.5 foot variance and a 13 foot rear yard

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variance for the building with the following condition that the traffic pattern move from right to left exiting onto the KY 18 next to the liquor store. The motion was seconded by Mrs. Lanigan. After further discussion, the motion carried unanimously.

Chairman Holland expressed the Florence Board of Adjustment regrets that Ralph Hopper would be leaving the staff of the Boone County Planning Commission.

Chairman Holland stated they would defer action on the adoption of the new By-laws until Mr. Wilder and Mr. Bolton would be present.

Chairman Holland moved the meeting adjourn. The motion was seconded by Mr. White. After further discussion, the motion carried unanimously.

APPROVED:

Charles Holland, Chairman

Attest:

Dee Ann Brewer, Administrative Asst.