

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: J+J DISTRIBUTING DBA WATSON'S Owner
 Agent
 Address: 10725 READING RD. CINN. OH. 45241
 Telephone: 563-4950

Location: SPRING MEADOWS SHOPPING CENTER U.S. 25 + ST. JUDE FLORENCE, Ky.
 Name of Property Owner: BAHRAM KADIVAR
 Address of Property Owner: 5995 DRAKE RD. IND. HILL, OH.
 Zoning District: C-1 Area in Acres: 1.18
 Deed Book: 232 Page Number: 58 Group Number: 774

Description of Request: PERMISSION TO PAINT NAME OF STORE ON SIDE WALL of building

Applicant's Signature: [Signature]
 Property Owner's Signature: [Signature]

FOR PLANNING COMMISSION USE ONLY
 Application Fee: \$165 Date Received: 3-21-86 By: Jim
 Referred To: _____ Meeting Date: April 9, 1986
 Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: J & J Distributing DBA Watson's
LOCATION: Spring Meadows Shopping Center,
U.S. 25 and ST. Jude, Florence, KY.
ZONED: Commercial One, C-1
DATE: April 9, 1986


REMARKS:

The applicant is requesting a Variance in the number of building mounted signs in order to paint the name of the store on the side wall of the structure. The zoning regulations allow one wall mounted sign.

The following reviews the standards for variances in Article 2, Section 244 of the Boone County Zoning Regulations:

1. The specific conditions in detail are not unique to the applicant's land and do exist on other land in the same zone. The application mentions that brush and weeds along the road block the view of northbound motorists. In my inspection of the site, I could not locate any such vegetation along the road. Also mentioned in the application is the fact that the building sets 142 feet from the highway, making the present building mounted sign difficult to locate. Other businesses, especially those in the same strip development center share this same condition.
2. Reasonable use of the land in the manner equivalent to the use permitted to other landowners in the same zone does not appear to be deprived. Watson's does share a free-standing sign with the other tenants of Spring Meadows Shopping Center, thus insuring reasonable use in the manner equivalent to other landowners.
3. It can be argued that the unique condition of store distance from the road is a result of actions taken by the applicant. Other sites in the area could have been chosen. The unique condition of weeds and bushes along the highway does not appear to be present.
4. Should the variance be approved, it will not harm the public safety and welfare, and will not alter the essential character of the area.

Consideration might be given to any future development taking place directly in front of the sign. A new structure on the presently vacant lot would block the proposed sign.


Thomas W. Breidenstein
Zoning Enforcement Officer

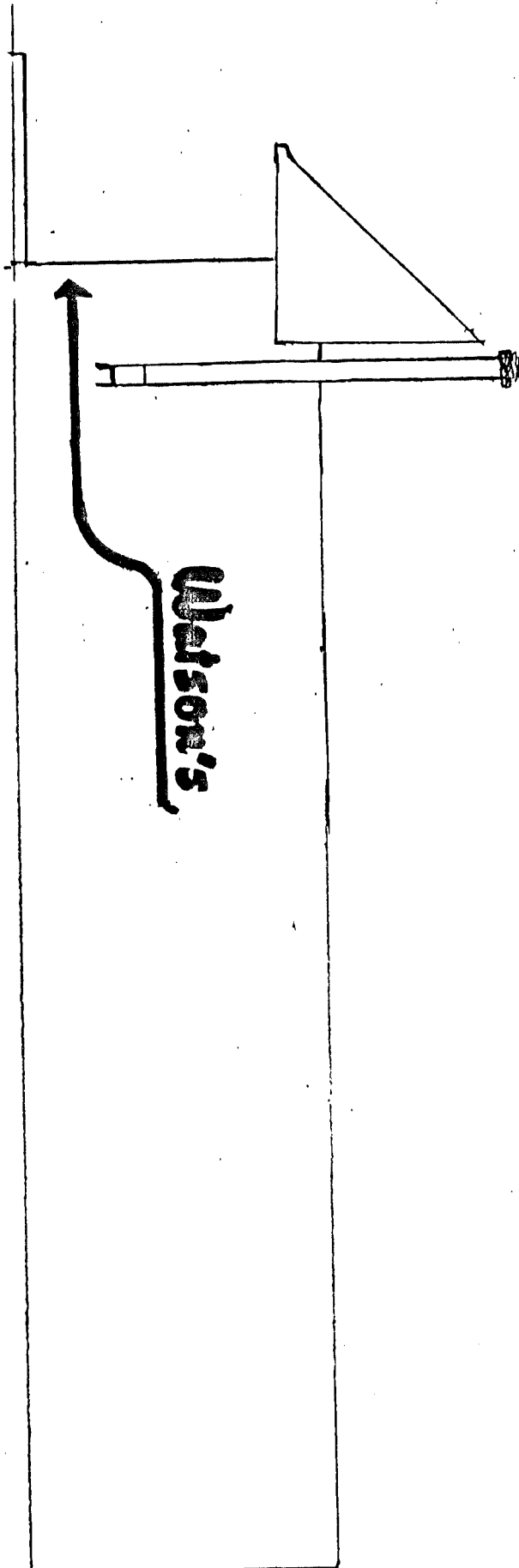
Watson's

10725 READING ROAD • CINCINNATI, OHIO 45241 • 563-4950

March 20, 1986

In accordance with KRS 100.243 the following evidence is presented.

1. The store is located on the corner of a shopping center at the property line next to a vacant lot. Due to the brush and weeds that grow next to the highway and the fact that the building sits 142 ft. from the highway it makes it hard to identify the store from the store front sign while northbound on U.S. 25. Other businesses are not hindered by the above conditions.
2. Reasonable use of the land under the above conditions is deprived due to the failure of the consumer to locate the store. Without proper capability to display the name of the store, reasonable use of the land in the manner equivalent to the use permitted other land owners is denied.
3. Applicant had no control of the position of the building or the growth of vegetation along the highway.
4. Customer's will not be driving up and down U.S. 25 trying to find the store and possibly causing traffic hazards. The neighborhood is one of retail stores with signs of high visibility. One more sign should not alter it's character.



THE SIGN WILL BE PAINTED ON THE SOUTH WALL OF THE BUILDING. THE SIGN IS 14.5 FT. TALL AND 62 FT. LONG. THE WATSON'S WILL BE 33.5 FT. IN AREA. THE BOTTOM OF THE NAME WILL BE 7.5 FT. FROM GROUND LEVEL AND RISE TO A HEIGHT OF 10.5 FT. WITH A LENGTH OF 11 FT.

Scale
1/4" = 8 FT.

MARK REATATORS

GRASS

U.S. 25

GRASS

JEANIE

Columbin FEDERAL

ALL STATE

SUNBURST

HEADINGS

TODDLERS INN

WATSON'S

DUMPSTER

GRASS

↑
SIGN ON
THIS WALL

VACANT LOT

PHONE CO.
PARKING LOT

SAFE LITE
AUTO GLASS

RESPRO
HOME CARE

ST. JUDE CIR.

101

103

105

107

109

SCALE
1 IN. = 50 FT.

FLORENCE BOARD OF ADJUSTMENT

APRIL 9, 1986

7:30 P.M.

Chairman Holland called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 3 members present. Absent: Mr. Bolton and Mrs. Lanigan. Atty. Ray Vincent was also present.

Minutes of the March 12, 1986 Florence Board of Adjustment Meeting were considered. Chairman Holland moved the March 12, 1986 Florence Board of Adjustment 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.

Extension of a Conditional Use Permit

A request of Corporex Companies, Inc. (owner) for an one year extension of a previously approved Conditional Use Permit in an Office Two, 0-2 zone for the construction of a Hotel/Convention Center complex on the southwest side of Turfway Road near I-75. The 9.155 acre tract is currently zoned Office Two/Planned Development Overlay, 0-2/PD Overlay.

Staff member Kevin Costello presented Staff Report. (See Staff Report)

Mr. Dan Fay, representative for Corporex, stated they were prepared to break ground for the hotel in 60-90 days, they had been working on design and he noted the plan had not changed substantially except to make the outside of the building more attractive. Mr. Fay stated Corporex had secured a Hilton franchise as the hotel. Mr. Fay described the architectural layout of the proposed hotel. Mr. Fay noted a lot of time and effort had been put into the proposed hotel and he felt the hotel would be an asset to the community.

Mr. White stated his disappointment that the construction of the hotel had not yet begun.

Mr. Wilder expressed his concern of fire safety and inquired if it would be possible to have an old fashion fire escape located on the backside of the hotel. Mr. Fay stated he would refer Mr. Wilder's concern to the engineer for the project.

Mr. Wilder inquired if it would be feasible for the Board to ask for a restriction as far as life safety in relation to a

fire escape on the backside of the building. Atty. Vincent stated he felt that was a reasonable condition. Mr. Fay stated he felt he could not live with that restriction due to the design and caliber of the hotel. Mr. Fay stated there would be interior fire stairwalls, sprinklers and smoke detectors within the proposed hotel. Further discussion followed on the fire safety of the proposed building.

Chairman Holland noted the Board could grant the extension with attached conditions.

Chairman Holland requested explanation of the curb cuts on the proposed property. Mr. Costello explained the application was for 9.15 acres and he noted the original application showed three (3) parcels of land. Mr. Fay stated Corporex controlled the parcels but their contract prohibited anything being put on the parcels until the land deal was closed.

Mr. White stated there was no actual road between the Foltz property and the proposed property and he inquired of the necessity for a curb cut. Mr. Costello explained curb cut was to prevent traffic from moving from one site to the other site. Further discussion followed on a shared access between the Foltz property and the proposed site.

Mr. Wilder inquired if the Board put a condition that there had to be a shared access between the three parcels of property, where would it be defined. Mr. Costello stated he would interpret it as being either frontage road inter-connecting parking lots or between Mr. Fay and Mr. Foltz.

Chairman Holland inquired of the audience's support, opposition or questions on the proposed request.

Mr. K. D. Martin inquired if there would be an exit off of the property by the Florence Christian Church. Chairman Holland stated no.

After further discussion on a shared access between Corporex's property and Mr. Foltz's property, Mr. White moved to grant Corporex Companies, Inc. an one year extension of a previously approved Conditional Use Permit for the construction of a Hotel/Convention Center complex on the southwest side of Turfway Road near I-75. Mr. Wilder seconded the motion and amended the motion to include a shared access to the Mary Ellen Foltz property.

A roll call vote was taken on the request.

Ayes: Messrs. White, Wilder and Chairman Holland.

Nays: none

The motion carried unanimously.

Variance

A request of J & J Distributing DBA Watson's (applicant) for Bahram Kadivar (owner) for a Variance in the number of building mounted signs at US 25 and St. Jude, Florence, Kentucky. The 1.18 acre site is zoned Commercial One, C-1.

Staff member Tom Breidenstein introduced himself as the new Zoning Enforcement Officer for Boone County and presented a slide presentation of the proposed request and surrounding area.

Chairman Holland inquired if there was anyone representing the request. Hearing no response, Chairman Holland moved to deny the request of J & J Distributing DBA Watson's for a Variance in the number of building mounted signs located at US 25 and St. Jude, Florence, Kentucky. The motion was seconded by Mr. Wilder.

Chairman Holland requested a letter of appreciation be sent to ex-staff member Ralph Hopper for his work on the Florence Board of Adjustment.

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

The meeting adjourned.

APPROVED:

CHARLES HOLLAND, CHAIRMAN

ATTEST:

DEE ANN BREWER, ADMINISTRATIVE ASST.