

APPLICATION FOR ZONING ACTION

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

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

Applicant: HAMIL & McKENNEY Owner
 Agent

Address: 2070 WINDY DR.

LEXINGTON Ky. Telephone: 606-273-3215

Location: FLORENCE Ky.

Name of Property Owner: WHITE CARE SYSTEMS INC.

Address of Property Owner: SW CORNER OF US 42 &

Zone: C-3 Area in Acres: 1.33 AC ±

Deed Book: 03 Page No.: 020 Group No: 287

Description of Request: VARIANCE OF FRONT YARD SETBACK
FROM 75 FOOT TO 65 FOOT.

Property Owner's Signature:

Date 3/19/84 Applicant's Signature: HAMIL & McKENNEY
Philip Sims

FOR PLANNING COMMISSION USE:

Application date and fee of \$ 150.00 Received: 3/21/84

Referred to: _____ For Meeting Date: _____

Action: _____ Date: _____

BOARD of ADJUSTMENT and ZONING APPEALS

CHECKLIST

I. GENERAL INFORMATION

Applicant's Name: Hamil & McKinney Architects for the property

Interest in Property: owner White Castle Systems, Inc.

Location and/or Address of the Property: southwest corner of
LaCresta Drive and U.S. Highway 42, Florence

Deed Book: ? Page Number: ? Group Number: ?

Request of the Applicant: Requesting a front yard variance of
13 feet from the required 75 feet to a requested 62 feet for
a seating addition for the restaurant.

Present Zoning and Affected Sections of the Regulations:

Presently zoned Commercial Services, C-3 found on pages 9-6 through
9-8 being Section 940 through 946 of the regulations

Present Use of the Subject Property and the Adjoining property:
present use of the subject tract along with the adjoining

tracts to the north and the east is Commercial. To the west

is current Residential Use. To the north is currently undeveloped
directly adjoining while further to the north is current

Residential.

III. VARIANCE REQUESTS:

1. *What Variance is Needed and to What Section(s) do They Apply:*

A variance is needed in the required front yard of the C-3 zoning district as required by Section 946 and the associated Table 1 found following Article 17. The variance is for 13 feet from the required 75 feet to a requested 62 feet.

2. *What Could be the Unique Conditions to Justify the Granting of the Request:*

In the review of the proposed development as proposed in the development plans, I cannot find a unique condition found on the property to grant this request. Though, the adjoining properties to the east and the west on the same side of the road do currently appear closer to the front property lines. The adjoining gas station appears closer because of the pumps and the kiosk which are accessory and do not have to maintain a front yard setback. The house to the west does have a 35-40 foot yard.

3. *What Reasonable Use of the Land Will be Denied if This is not Granted:*

Unless the structural requirements of the existing build requires an addition only to the front of the building, I can find no reasonable use that would be denied.

4. *Has the Applicant Caused These Unique Conditions? With the building maintaining the correct setback for the district, I feel that they may be causing it unless that the structural conditions were to be causinf this required building addition.*

5. *Will the Variance be Detrimental, or will it Preserve, the Public Welfare and How? Will it Alter the Essential Character of the Neighborhood?*

I do not think that the variance, if granted, would be a detriment to the public welfare. And with the current appearance of a smaller setback the essential character of the area would not be changed due to the current setbacks of the nearby building to the subject tract.

FLORENCE BOARD OF ADJUSTMENT

MINUTES

MAY 9, 1984

8:00 P.M.

Chairman Holland called the meeting to order at 8:10 p.m.. Four Board members were present; Vice Chairman Bolton was absent. Staff members present were Mr. Wilson, Mr. Lynn and Mrs. Ryan. Mr. Block was absent.

Chairman Holland called for any corrections or discussion on the Florence Board of Adjustment minutes of April 11, 1984. Mr. Schreiber moved the minutes be accepted; Chairman Holland seconded. The motion carried unanimously.

Chairman Holland proceeded to the second item on the Agenda the request of Hamill & McKinney, Agent for property owned by White Castle Systems, Inc. for a Dimensional Variance of the front yard setback by thirteen (13) feet, from 75 feet to 62 feet to allow for a 20 feet, 2 inches dining room addition, for property located on the southwest corner of U.S. 42 and LaCresta Drive, Florence, Kentucky, being a 1.33 ± acre tract in a Commercial Three (C-3) Zone.

Mr. Lynn presented the Enforcement Officer's Report as written by Mr. Block.

Chairman Holland asked if anyone were present to speak on behalf of the request. Mr. Phillip Sims, Architect with Hamill & McKinney, stepped forward. Mr. Sims handed out copies of the Site Plan for Board members' review. Mr. Sims introduced Mr. George Hierognus and Mr. Mark Gelderloos of Hamill & McKinney and Mr. Dean Caldwell, Area Manager of White Castle.

Mr. Sims stated a front yard setback variance was being requested as the addition would not be operationally suitable if constructed in a side direction. He continued if it were expanded on the side, management would have no way of having a back cashier there and would not have control over the dining facility. In response to Chairman Holland, Mr. Sims stated if a side addition were constructed, management would not be able to oversee patrons' activities. Mr. Sims stated the Gentlemen present from White Castle would answer any questions.

Chairman Holland asked if the thirteen (13') foot variance for the addition would take in the curb. Mr. Sims stated yes and continued the addition would be 20' X 2"; the 2" being a soffit up above. Board members reviewed the site plan.

Chairman Holland called for any questions.

Mr. White asked if the front parking would be eliminated. In response Mr. Sims stated it would be and that Mr. Block had indicated that the remaining parking spaces would be adequate.

Chairman Holland asked if anyone were present to speak on behalf or against the request. No one responded.

Mr. Schreiber questioned the possibility of constructing the addition to the west side. Mr. Caldwell, Area Manager of White Castle, stated from a managerial standpoint that would create difficulty in overseeing the planned dining area. General discussion followed.

Chairman Holland asked if there were any questions. No one responded.

Mr. Schreiber moved a dimensional variance of the front yard setback by thirteen (13') feet, from 75 feet to 62 feet, be granted as it would be detrimental to the surrounding properties. Mr. White seconded. A roll call vote was taken. The motion carried three yes, one no. Mr. Holland voted no.

Chairman Holland proceeded to the request of Dave Schneider, Ray Merkel and Rax Restaurants, Agents for property owned by John Young, Ottis & Betty Hollon, and Ottis & Judith King, for a Dimensional Variance to change the front yard setback of the five adjoining parcels along U.S. 42, for property located at 8115, 8117, and 8119 U.S. 42, Florence, Kentucky, being a 1.1 acre tract in a Commercial Three (C-3) Zone.

Mr. Lynn presented the Enforcement Officer's Report as written by Mr. Block.

Chairman Holland asked if anyone were present to speak on behalf of the request. Mr. Tom Brandt, Attorney representing the applicants, stepped forward. Mr. Brandt handed out the site plan approved by the Boone County Planning Commission on May 2, 1984 for Board members' review. Mr. Brandt outlined the required setbacks of the surrounding zones pointing out a seventy five (75') foot setback would not be suitable. Mr. Brandt stated they were requesting a variance to be in conformity with the existing properties. Mr. Brandt handed out an aerial photograph for the Board members' review. Mr. Brandt concluded applicant representatives were present to answer questions.

In response to Chairman Holland, Mr. Brandt stated Bankers Financial would be on the same line as Rax Restaurant if the variance is granted; otherwise as pointed out at the last meeting, the restaurant will be looking in their back door which they do not want.

In response to Chairman Holland, Mr. Winters of Granville Foods stated an atrium would be included at the forty five (45') foot setback.

Mr. Brandt showed Board members a picture of the proposed restaurant.

Chairman Holland called for further comments.

Mrs. Betsy Conrad, adjoining property owner, stepped forward stating that at the last meeting she had asked this Board to grant the permit contingent on site plan approval by the Boone County Planning Commission within a certain period of time. She continued since that time she has been in contact with several attorneys along with people from Rax Restaurants and an agreement had been reached. Mrs. Conrad asked the Board at this time to favorably permit the building to be placed further away from the rear of her residence, and to favorably consider the request.

Chairman Holland asked if anyone else would like to speak for or against the proposal. Chairman Holland questioned if a Conditional Use Permit were needed for the drive-thru window.

Mr. White stated he had visited the site and in his opinion the variance would allow the restaurant to conform with the existing buildings.

In response to Chairman Holland, Mr. Wilson stated a drive-thru window was a principally permitted use in the Commercial Services (C-3) zone.

Chairman Holland asked if there were further questions or discussion from Board members.

Mr. White moved a variance of thirty feet (30') be granted, from seventy five (75') feet to forty five (45') feet, to be in conformity with the existing front yard setbacks of the surrounding properties. Mrs. Lanigan seconded. A roll call vote was taken. The motion carried unanimously.

Chairman Holland proceeded to the request of E. Andre' Busald, Attorney-Agent for Option Holder R. Kent Sutherland, for property owned by Henry Gieske, Parcels 1, 2, 3 and R.C. Durr, Parcel 3, for a Conditional Use Permit for the construction of a Hotel/Convention Center Complex for property located generally on the southwesterly side of Turfway Road, near I-75, Florence, Kentucky being a 9.155 acre tract in an Office II Zone.

Mr. Lynn presented the Enforcement Officer's Report as written by Mr. Block.

In response to Chairman Holland, Mr. Wilson read Section 1023 of the zoning regulations.

Chairman Holland asked if Mr. Busald were present to represent the request. Mr. Busald stated the property was currently zoned Office Two (O-2) of which a hotel/convention center would be a conditional use permit. He continued they were proposing a complex consisting of approximately 150 - 175 rooms. Mr. Busald pointed out one thing of interest to the City of Florence and members of this Board is the economic impact it would have on the City of Florence. Mr. Busald stated it was a 4.5 - 5 million dollar project. He stated it would project \$10,575 in annual real estate tax and is projected to employ 150- 175 employees supporting a one million dollar annual payroll. Mr. Busald emphasized what the increased revenue would do for the community. Mr. Busald pointed out the only convention center in the Northern Kentucky area is the Drawbridge Inn and stated he felt the competition would bring success to this proposed center. He continued there were few facilities in the Northern Kentucky area which could accommodate 500 people. Mr. Busald stated this plan does call for a convention room accommodating 500 people. Mr. Busald pointed out the possibilities of scheduling future conventions at the complex. Mr. Busald stated individuals working on the project were present to answer any questions. Mr. Busald concluded they were requesting a conditional use permit to allow the Hotel/Convention Center in the Office Two, O-2, Zone and would appreciate the Board taking action on the request tonight.

Chairman Holland called for any questions.

Mr. White questioned #5 of the Enforcement Officer's Report pertaining to the 70' height limitation. Mr. White stated he had checked into the fire codes for the City of Florence and that it was his understanding the building could not exceed 50' in height. Mr. Lynn stated Table 1, Dimensional Standards, of the Zoning Regulations states 70' is the maximum height permitted, but added the limitation could be different inside the City.

Chairman Holland asked what the height would be for the proposed building. Mr. Busald stated the building would be five stories and would be 50' in height.

Board members reviewed the site plan. In response to Mr. Schreiber, Mr. Dan Fey stated there would be one curb cut through the center of the property with a future office on the other side. He continued the center would be situated on 4.1 acres.

In response to Mr. White, Mr. Busald stated the center would be located on the northwest corner of I-75 across from Booth Hospital on the same side of the interstate. General discussion followed.

Chairman Holland asked if anyone else was present to speak for or against this proposal.

Mayor Roger Rolges, City of Florence, stated he was strongly in favor of this proposal. He continued sometime ago he felt the City of Florence needed this type of project and this seemed to be a good location. Mayor Rolges stated he felt a convention center would be good for the city. He continued he was in favor of the Conditional Use Permit and very much in favor of this type project.

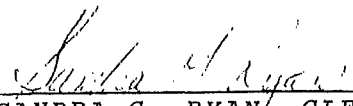
Chairman Holland asked if anyone else had questions. No one responded.

Chairman Holland moved the Conditional Use Permit be granted with the following conditions: 1) That the parking lot be surfaced with concrete or portland cement, 2) That there be one (1) parking space per sleeping room and one (1) parking space per two (2) employees be provided, and 3) That the building not exceed fifty feet (50') in height. Mr. White seconded. Chairman Holland asked if there was any further discussion. No one responded. A roll call vote was taken. The motion carried unanimously.

Chairman Holland asked if there was any additional business to be heard. Mr. Lynn advised Board members that the Budget for Fiscal Year 1984-85 had been approved through the Planning Commission level and had been forwarded to the Legislative Bodies.

Chairman Holland moved for adjournment; Mrs. Lanigan seconded. The motion carried unanimously. The meeting adjourned at 8:52 p.m..

RESPECTFULLY SUBMITTED



SANDRA G. RYAN, CLERK

APPROVED: _____

CHARLES F. HOLLAND, CHAIRMAN