

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: Gary D. Tharaldson / George Hahn Owner Agent

Address: P.O. Box 298 Sioux Falls, South Dakota 57101-0298

Telephone: (605) 339-3850

Location: Dream Street

Name of Property Owner: Ed Monohan, Monohan Development

Address of Property Owner: P.O. Box 66 Florence, Kentucky 41042

Zoning District: City of Florence 0-2 Area in Acres: One (1)

Deed Book: 197 Page Number: 631 Group Number: 2041 (1529)

Description of Request: Conditional Use Permit for a Heritage Inns of America Hotel
(48 Unit Hotel, 2 Story Frame with 53 parking stalls)

Applicant's Signature: Gary D. Tharaldson

Property Owner's Signature: Ed Monohan

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred To: _____ Meeting Date: _____

Action Taken: approved w/ conditions Date of Action: 8/13/86

STAFF REPORT

APPLICANT: Gary D. Tharaldson and George Hahn
LOCATION: Dream Street, Florence, Kentucky
ZONED: Office Two, 0-2
DATE: August 13, 1986

REMARKS:

The applicants are requesting a Conditional Use Permit to allow the construction of a 48 unit Heritage Inns of America Hotel. The one acre tract, located on Dream Street in Florence between the Auto Bath and Knights Inn, is owned by the Monohan Development Company.

The following reviews the general standards found in Article 2, Section 263 of the Boone County Zoning Regualtions applicable to all Conditional Uses:

1. The 1980 and 1986 Boone County Comprehensive Plan Land Use Maps show this site to be commercial.
2. A hotel would be harmonious and appropriate in appearance with the existing character of the general vicinity.
3. This development would not be hazardous (except in a business sense) to neighboring uses.
4. The site will be adequately owned by essential public facilities.
5. Excessive additional requirements at public cost for public facilities will not be created.
6. The proposed activities will not create conditions that will be detrimental to any persons or property.
7. Vehicular approaches, although not yet designed, should not create an interference with traffic on the surrounding public thoroughfares. However, traffic volume, already heavy at times on Dream Street, would be affected.

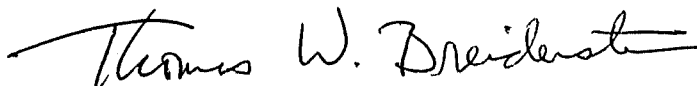
The Board must also consider the specific standards which apply to conditonal uses in the Office Two zoning district.

- a. The hotel is provided primarily for highway travelers and will not obtain the bulk of its trade from the use and support of the public employed in the district.
- b. The hotel trade is subservent to and does not compete, detract or conflict with the purpose of permitted uses of the district.
- c. We can not determine if the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted uses since a site plan has not be submitted to the Board for review.

It is understood that no formal site plan has been submitted to the Board because the applicant needs to first know if the use will be permitted at this site. Should the Board agree to approve this request, Staff recommends the following conditions to be applied to ensure that a proper site plan review is made:

1. That the applicants submit a formal site plan to the Boone County Planning Commission for their review.
2. That the applicant also submit the detailed site plan to the appropriate review boards with the City of Florence (i.e. Florence Project Review committee, Florence Public Works Committee).

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB/db

P# E
3.303 Acres

Knight's
Inn

proposed
hotel

319.21'

COMMERCE

N 46

P# 6

1.101 Ac

1.197

P# 4

0.885 Ac

Auto
Bath

50

S 83° 57' 00" W
122.23
855° 30' E 309.17

51.53

WARD

714.43

Manr

P# A 2.5824
DB 254/255
Tim T. H. H. et al

518-26-13 E

389.65 to H. H. H. et al

1988
8 1/2
1207 of correction

W E

South line Northern Dev.
S 78° 41' 15" W

STREET

16.310
92.48
50

EXHIBIT "A"

FLORENCE BOARD OF ADJUSTMENT

AUGUST 13, 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. Wilder and Mrs. Lanigan. Staff members present were Messrs: Breidenstein, Newton and Ms. Brewer. Atty. Dale Wilson was also present.

Minutes of the July 9, 1986 Florence Board of Adjustment meeting were considered. Chairman Holland moved to approve the July 9, 1986 Florence Board of Adjustment Minutes as reviewed. The motion was seconded by Mr. White. After further discussion, the motion carried unanimously.

Chairman Holland proceeded to the items on the agenda.

Sign Variance

A request of United Sign Company for Union Light, Heat and Power Company for a variance to allow a third building mounted sign at 7821 Mall Road, Florence for Commercial Two, C-2 zoning district which allows one building sign per road frontage.

Staff member Tom Breidenstein presented a slide presentation of the proposed site and the surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Chairman Holland inquired of a representative for Union Light, Heat and Power Company.

Mr. William Fox of United Sign Company, representing the request, explained the reasons for wanting the sign was because of complaints received from various customers stating that going southbound on Mall Road they cannot identify the building.

Chairman Holland stated he visited the Union Light, Heat and Power Company and talked with the Vice-President who stated he had barely found the building and had noted the need for a sign on the north side of the building. Chairman Holland noted the clerk had stated that very little business was done at that particular office inside, most of it was drive thru.

Mr. Fox explained that the requested sign would go directly over the drive thru.

Chairman Holland inquired why a sign was not placed over Connector Drive. Mr. Fox stated that coming from the south end of Connector Drive, the sign could not be seen. Chairman Holland noted he seen very little use of the proposed sign on the

Connector Drive side.

Mr. Mike Cassidy of United Signs, stated the only problem would be with the traffic coming up from Swallens on Connector Drive and noted the building was standing out by itself. Mr. Cassidy stated the building had good visibility from all directions except going southbound on Mall Road. Mr. Cassidy pointed out that maybe the reason for very little traffic inside the building was because people were not aware they could pay for the bills on the inside of the building. Mr. Cassidy pointed out that Union Light, Heat and Power had been at the current location for seven years without the sign and they must be getting feedback from people in order to want the other sign.

Discussion followed on the direction Connector Drive ran and where a sign would be most beneficial to the public.

Mr. White stated on one occasion he had to go to the particular building and he could hardly find it, but he agreed the sign presently on the east side of the building could be moved to the north side of the building and perhaps made bigger. Chairman Holland stated the Vice-President wanted the same identical size sign as the other two building mounted signs currently on the building.

Mr. White recalled that Toys-R-Us had almost the same identical problem and the Board did not allow them an additional building mounted sign.

Mr. White moved to deny the request of United Signs Company for Union Light, Heat and Power Company for a variance to allow a third building mounted sign at 7821 Mall Road, Florence, Kentucky.

Chairman Holland inquired of any comments or questions from the audience. There was no response.

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

Sign Variance

A request of C. W. Henne Development Company for a variance to allow a 150 square foot sign advertising the sale, lease or rental of property of which the sign is located. Zoning Regulations allow the sign to be a maximum of 32 square feet, the 55 acre tract is located between I-75/KY 18 and Turfway Road.

Mr. Breidenstein presented a slide presentation of the proposed site and the surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Chairman Holland requested justification of the 150 foot

sign. Mr. Bill Farthington, representative for the request, stated the justification of the size of the sign was fully related to the size of the property and the visibility of the property. Mr. Farthington explained that the size of the sign needed to be 150 square feet in order for it to be seen from I-75 and to be of any value to the development.

Chairman Holland inquired if the proposed sign would be similar to the sign on the Carroll property with landscaping, real nice and lights. Mr. Farthington stated yes, but they had not intended to light the sign.

Chairman Holland again inquired if the sign would be landscaped nicely. Mr. Farthington stated the sign would have shrubbery, trim the trees, make it presentable and dress the sign up so it would be attractive.

Mr. White noted the trees around the sign were of pretty good size and inquired if any trees would have to be cut down. Mr. Farthington stated they intended to leave all trees in place that could possibly be left.

Mr. White inquired how close to the trees did they intend to place the sign. Mr. Farthington stated they intended to place the sign as close to the trees as possible.

Further discussion followed on how the sign would be placed amongst the trees.

Mr. White stated the development definitely needed a sign.

Mr. Farthington again stated the sign would be attractive.

Mr. White moved to approve the request of C. W. Henne Development Company for a variance to allow a 150 square foot sign advertising the sale, lease or rental of property of which the sign was located and with the conditions that the sign be permitted for a period of 18 months and the sign be attractively landscaped. The motion was seconded by Chairman Holland.

Chairman Holland inquired of any opposition, questions, or comments from the audience. There was no response.

The motion carried unanimously.

Conditional Use Permit

A request of Gary Tharaldson and George Hahn for a Conditional Use Permit to allow the construction of a 48 unit Heritage Inns of America hotel. The one acre tract located on Dream Street between the Auto Bath and Knights Inn is owned by the Monohan Development Company and is zoned Office Two, O-2.

Mr. Breidenstein presented a slide presentation of the proposed site and the surrounding area. Mr. Breidenstein presented a Staff Report. (See Staff Report)

Chairman Holland inquired when the proposed development would begin. Mr. Tharaldson, applicant, stated they wanted to start construction at the latter part of September, or the first of October, 1986 and hope to open up the property in April or May of 1987. Mr. Hahn stated in previous developments they had found the cleanest way for developing was to do the parking lot, primary landscape grade and walls first.

Mr. Bolton inquired of a drawing or plan of a previous development done by the applicants. Mr. Tharaldson referred to the Site Plan for the Board's review. Mr. Tharaldson described the architectural layout of the development.

Chairman Holland inquired if staff felt the acreage was sufficient for the hotel. Mr. Breidenstein stated he had not reviewed the Site Plan but noted the square footage would be more closely looked at during the Site Plan Review stage.

Atty. Dale Wilson explained that if the Board like the use and wanted to approve it as a Conditional Use, the Board could then add conditions to the Conditional Use Permit which then the conditions would not have to go through the Site Plan Review stage.

Mr. White stated he had no problem with the hotel use being placed on the property.

After further discussion, Mr. Bolton moved to approve the request of Gary Tharaldson and Geroge Hahn for a Conditional Use Permit to allow the construction of a 48 unit Heritage Inns of American Hotel located on Dream Street between the Auto Bath and Knights Inn based upon: (1) the two conditions within the Staff Report; (2) that the streets be kept clean and clear of mud during the construction phase; (3) the parking lot be implemented before the hotel construction; (4) and that no outside construction work begin earlier than 8:00 A.M. and end no later than 7:00 P.M.

Chairman Holland stated he was opposed to setting a time for people to go to work.

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

Administration

Atty. Wilson discussed changes in the State law pertaining to variances and mobile homes. Atty. Wilson noted that Chapter 100 enabled zoning regulations to be enacted by

local government. Atty. Wilson noted the mobile home change was: " A bonafied farm not in a zone that allowed mobile homes could prohibit them." Atty. Wilson explained that someone would not have an automatic right to a mobile home just because they had a bonafied farm. Atty. Wilson pointed out a bonafied farm was allowed a dwelling but the automatic right for a mobile home no longer existed. Atty. Wilson stated it would depend on whether the particular zone allowed a mobile home.

Atty Wilson noted the other change was in a variance and the word "unique" had been changed to "special circumstances". Atty. Wilson read: "The request of variance arises from "special circumstances" which do not generally apply to the land in the vicinity". Atty. Wilson further explained "uniqueness" did not have to be shown anymore, just "special circumstances".

Atty. Wilson noted the second finding and read: "Strict application of provisions and regulations would deprive the applicant of a reasonable use of the land and added: "or would create an unnecessary hardship on the applicant".

Atty. Wilson referred to a "Conditional Use Permit" and noted the change was that where the land abutted a residential district, then a fourteen (14) day notice by mail would have to be sent to the abutting property owners.

Atty. Wilson noted the 1986 By-Laws needed to be adopted.

Chairman Holland moved to approve the 1986 By-Law as reviewed. The motion was seconded by Mr. Bolton. After further discussion, the motion carried unanimously.

Hearing no further questions or comments, Chairman Holland moved the meeting adjourn. The motion was seconded by Mr. White. The motion carried unanimously.

The meeting adjourned.

APPROVED:


CHARLES HOLLAND, CHAIRMAN

ATTEST:


DEE ANN BREWER, ADMINISTRATIVE ASST.