

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: Carroll Properties, Corky Cross: Agent Owner
 Agent
 Address: 7300 Turfway Road
Florence, Ky 41042 Telephone: (606) 371-8118

Location: 7300 Turfway Road

Name of Property Owner: Turfway Properties, General Partner: Jerry Carroll

Address of Property Owner: 7300 Turfway Road, Florence, KY 41042

Zoning District: 0-2/PD Area in Acres: 26

Deed Book: #328 Page Number: 297 Group Number: #2034B

Description of Request: Extension of variance granted September 11, 1985 in the size of a sign advertising the sale, lease or rental of the premises.

Applicant's Signature: *Corky Cross*
 Property Owner's Signature: *Jerry Carroll*

FOR PLANNING COMMISSION USE ONLY
 Application Fee: 244.00 Date Received: 12-22-87 By: *MD*

Referred To: Tom Breidenstein Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Carroll Properties
DEVELOPMENT: Turfway Ridge Office Park
LOCATION: 7300 Turfway Road
ZONE: Office Two/Planned Development (O-2/PD)
DATE: January 13, 1988; 8:00 p.m.

REMARKS:

The applicant is requesting an extension of a previously approved sign Variance to allow the continued use of a 150 square foot "for lease" sign. The 26 acre site, which is located at the northeast quadrant of I-275 and Turfway Road, is zoned Office Two/Planned Development (O-2/PD) and is owned by Turfway Properties (Jerry Carroll, general partner).

On September 11, 1985, the Florence Board of Adjustment granted this Variance for a sign larger than the permitted 32 square feet. With approval, a condition was placed that allowed the larger sign for a period of 18 months, after which an extension could be sought. The applicant is seeking such an extension. Attached are the minutes of the previous meeting, as well as the Staff Report for the initial request.

Should the Board grant the extension, staff would recommend as a condition that the same 18 month time period be established.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:mcb

Attachments

FLORENCE BOARD OF ADJUSTMENT

SEPTEMBER 11, 1985

8:00 P.M.

File
Floodlight Properties
S.S. Holland

Chairman Holland called the Florence Board of Adjustment meeting to order. Staff member Jeanne Huddleson took roll call of the Board members present. All Board members present. Counselor Wilson was also present.

The Minutes of the Meeting of July 10, 1985 of the Florence Board of Adjustment were considered.

Chairman Holland moved that the Board approve the Minutes of the meeting of July 10, 1985 as reviewed. The motion was seconded by Mr. Wilder. After discussion, the motion carried unanimously.

The Minutes of the Meeting of August 14, 1985 of the Florence Board of Adjustment were considered.

Mr. Wilder moved that the Board approve the Minutes of the August 14, 1985 meeting as reviewed. The motion was seconded by Mr. Holland. After discussion, the motion carried unanimously.

Variance

The request of Gene Archbold (agent) for Carroll Properties for a Variance in the size of a sign advertising the sale, lease, or rental of the property. This property is located on Turfway Road, Florence, and is currently zoned Office Two/Planned Development.

Staff member Ralph Hopper presented the staff report on the subject request. Mr. Hopper stated the applicant is requesting a Variance in the size of a sign advertising the sale, lease, or rental of the premises. Mr. Hopper explained that under Artical 19, Sect. 1910 of the zoning regulations, signs are not to exceed 32 square feet. Mr. Hopper noted the proposed request is for a total sign area of 150 square feet of signage. Mr. Hopper stated the Board may wish to consider that the property is lcoated in a Planned Development Overlay district that does permit a variety of uses and intensities, and that the Board may wish to consider that this property will eventually contain three, possibly four, office buildings when completed and will be permittedone free-standing sign per building. Mr. Hopper stated that by strict application of the zoning regulations the applicant would not be prevented from reasonable use of the property. Mr. Hopper also noted the property was placed in a Planned Development Overlay district prior to any applications made by the developer. Mr. Hopper closed by stating he could find no reasons that the regeust would preserve or harm the public safety and welfare or would change the essential character of the neighborhood.

Chairman Holland inquired of the agent, Gene Archbold, of the need for 150 feet of signage.

Mr. Archbold, representing Carroll Properties, explained that a 32-foot sign would simply get lost and would not be adequately visible from the interstate in order to attract potential tenants who are passing by. Mr. Archbold explained the requested amount of signage would permit the applicant to have more exposure from both the interstate and Turfway Road.

Chairman Holland inquired of how the applicant arrived at the amount of 150 feet of sign area. Mr. Archbold responded that Carroll Properties did receive approval from the Department of Transportation for the 150-foot amount.

Chairman Holland inquired of how long the 150 foot sign would be up and on display. Mr. Archbold responded the sign would be temporary and would be enhanced by landscaping around the sign. Chairman Holland inquired of how close the sign would be to the expressway. Mr. Hopper responded the sign would be approximately 75 feet from the expressway. Mr. Archbold noted that the sign at the proposed location is closer to the ramp of Turfway Road. Chairman Holland inquired of how close the sign would be to the ramp. Mr. Archbold responded approximately 80 feet.

Mr. Wilder referred the staff to Sect. 1920 of the zoning regulations with regard to the proposed variance. Mr. Hopper, after review of the section proposed by Mr. Wilder, noted that the item Mr. Wilder was referring to pertained to a different type or set of signage. Mr. Wilder noted that Sect. 1920 addresses temporary signage. Mr. Archbold related that the applicant had originally started off on that tract.

Mr. Bolton inquired of how temporary the sign would be. Mr. Archbold responded the sign could be as temporary as 18 to 24 months and that the sign is hoped to attract tenants so as to get the building leased.

Chairman Holland noted the sign does not state what the applicant is doing. Mr. Archbold stated the applicant does not wish to put too much information on the sign and he noted that the building will be present at the site which will indicate the building is in progress.

Mr. Wilder noted that Mr. Hopper mentioned there is a sign currently on the property. Mr. Archbold interject there is not a sign on the property as yet.

Mr. Wilder inquired of Counselor Wilson of his reference to Sect. 1920 perhaps being an appropriate section. Counselor Wilson explained that he concurred with the determination of Mr. Hopper on the necessity for the variance, and the sign, etc.

Discussion followed of sections in the Zoning Regulations with regard to signage.

* Mr. Wilder moved the Board approve the variance in the size of a sign to 150 feet with the provision that the sign be a temporary sign for 18, from the date of October 1, 1985. *

Mr. Archbold noted the applicant may wish to extend the time should additional time be needed later and would wish the option be available for additional time.

Discussion followed of the temporary time period for the signage.

The motion as previously presented by Mr. Wilder was seconded by Mrs. Lanigan. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of Florence Auto Sales, Inc. (lessee) for a Conditional Use Permit for an automobile sales lot. This property is located at 203 Main Street, Florence, and is currently zoned Commercial Two.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding area. Mr. Hopper presented the staff report which stated that the applicant is requesting a Conditional Use Permit to allow the sale of used motor vehicles on the site. Mr. Hopper noted the property is currently zoned C-2 which does permit small scale sales or leasing of new and used vehicles requiring the storage of no more than 50 vehicles on the premises under Article 9, Sect. 923 of the regulations. Mr. Hopper related the property is currently not in use but the proposed site was previously the site of the "Gas Pit" filling station. Mr. Hopper described the surrounding uses of several commercial uses. Mr. Hopper stated the future land use of the subject and adjoining properties is commercial while to the north is planned public facilities. Mr. Hopper stated the submitted plan shows the property in its current condition which the applicant plans to maintain and the applicant plans to use the existing building and sign structure. Mr. Hopper explained the building will be used as an office for the facility and the face of the existing sign will be changed. Mr. Hopper related the applicant proposed to remove the existnig gas pumps and to construct boxes around the pump islands for ornamental landscaping with the existing canopy to remain. Mr. Hopper stated the applicant has agreed to block the access to Main Street and Dixie Highway on the east side of the property to avoid potential traffic problems near the intersection.

STAFF REPORT

APPLICANT/DEVELOPMENT: Gene Archbold/
Carroll Properties

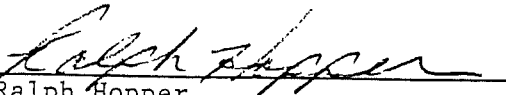
LOCATION: Turfway Road, Florence

ZONED: O-2/PD Overlay

DATE: September 5, 1985

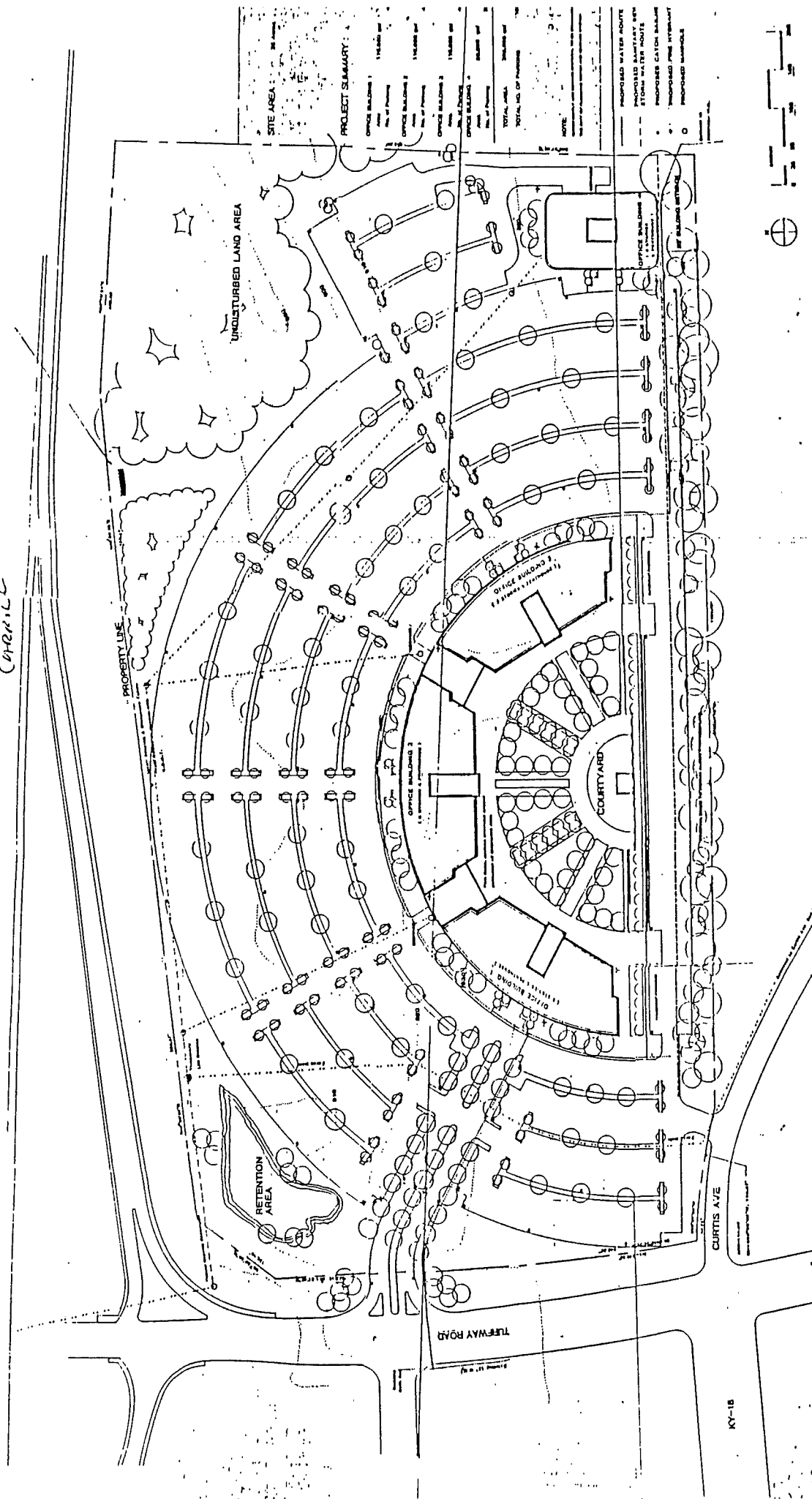
The Applicant is requesting a Variance in the size of a sign advertising the sale, lease, or rental of the premises. Under Article 19, Section 1910 of the zoning regulations, these signs are not to exceed 32 square feet. The request is for a total sign area of 150 square feet.

1. The Board may wish to consider that the property is located in a Planned Development Overlay district that does permit a variety of uses and intensities. Also, this property will eventually contain three, possibly four, office buildings when completed and will be permitted one free-standing sign per building.
2. Strict application of the zoning regulations would not prevent the Applicant from a reasonable use of the property.
3. This property was placed in a Planned Development Overlay district prior to any applications made by the developer.
4. I can find no reasons that this request would preserve or harm the public safety and welfare or change the essential character of the neighborhood.


Ralph Hopper
Zoning Enforcement Officer

Proposed Sign

Carroll



SITE PLAN

COLONNADES OFFICE PARK
 Florence, Kentucky

Developed by **Carroll & Associates, Inc.**
 Nashville, Tennessee

COOPER CARRY & ASSOCIATES INC. ARCHITECTS ATLANTA, GEORGIA

KY-18

CITY OF FLORENCE
BOARD OF ADJUSTMENT

January 13, 1988 - 8:00 P.M.

Chairman Holland called the meeting to order at 8:00 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 December 9, 1987 and asked if there were any comments or corrections.

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

1. 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. (Deferred from the December 9, 1987 meeting.)

Staff Member, Jim Sturdevant, advised that the Staff Report and slides in regard to this request had been presented at the last meeting. He asked the Board if it was necessary to present this material again. The Board did not find it to be necessary to present the Staff Report and slide presentation again.

Mr. Bill Marquet, Lackner Sign Company, stated that they had reflagged the sign. He stated that Mr. Grone of McDonald's and Chairman Holland had been present for the flagging. He presented to the Board a drawing of the proposed sign.

In response to a question from Mr. Ashcraft, Mr. Breidenstein stated that he believed most of the signs in the area had been granted a Variance by the Board.

Counselor Wilson advised that a non-conforming use can continue without regard to ownership and that the advertising on the sign could be changed.

Chairman Holland stated that a letter had been received from Mr. Gallenstein, owner of the strip center which includes Peking Palace, indicating that he has no objection to McDonald's sign being raised.

Chairman Holland stated that he had traveled the expressway both northbound and southbound. The McDonald's sign is fairly visible going north and there is an additional sign for the exit. The sign is not visible southbound due to the topography.

Mr. Grone advised that he will remove his advertisement from the billboard sign one mile south of the Mt. Zion Road area as indicated at the last meeting.

Mr. White moved that the Variance be granted from 35 feet in height, not to exceed 65 feet in overall height. He noted that his motion did not include the condition of removing the advertising from the billboard sign in the Mt. Zion Road area. Mr. Ashcraft seconded the motion.

Chairman Holland asked if there was anyone in the audience who wished to speak in regard to this request. There was no response.

Chairman Holland asked if there was any further discussion. There being none, he asked for a roll call vote on 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 8,000 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. (Deferred from the December 9, 1987 Meeting.)

Staff Member, Tom Breidenstein, presented slides of the subject site as had been shown at the previous meeting. He presented the Staff Report and noted its attachments. (see Staff Report)

In response to questions from Chairman Holland, Mr. Kirn stated that there would be two separate driveways to the project -- one for each unit. In response to questions from Mr. Ashcraft, he added that he would be the builder and most likely the owner of the project, but he would not occupy the property.

Mr. Charles Callan, 7035 Curtis Avenue, stated that he had previously owned the property and sold it to the Dringenburgs. He had had an offer from a builder but Mr. Callan did not want any more apartments on the street. He had also sold the property to the church for a parking lot. He stated that the Dringenburgs were moving and would not be living next door to this duplex. He noted that there are problems with rental properties. He noted a vacant lot on the corner of the street and stated that if this duplex is permitted, then a duplex may also be permitted on that lot. Mr. Callan stated that the lot should be used for a single-family dwelling.

Mr. Glen Waley, trustee of the Kentaboo Baptist Church, stated that they do not want drainage from this property to go onto their parking lot.

Arlene Jones, real estate agent, stated that the Dringenburg's home is for sale as their family has grown. She stated that they need to get the most money for their property and that this is the highest and best use of the property. She added that the church had the option to buy the property but they did not want to pay the price and if they can stop this Variance, then they can buy it for a lesser price.

Mr. Waley replied that the church is not interested in acquiring the lot, but is concerned by the drainage and grading.

Mr. Kirn stated that the drainage off the roof would be no different than a single-family house.

Mr. White advised that a four-foot drop beside the driveway would have to be filled to stop drainage via the natural drain onto the church property.

Mr. Kirn stated that he would fill the area indicated by Mr. White. He added that the City Manager had been to the site today with a representative of the real estate agency, but he did not know the result of the meeting.

Mr. White advised that he believed this was the Public Works Director, not the City Manager.

Mr. Phil Beeton, trustee of the Kentaboo Baptist Church, stated that there is no intention on the part of the church to block this project in order to buy the lot at a lesser price.

Mr. White stated that Mr. Gary Rice is opposed to this request due to parking problems. Mr. Jake Kendricks is also opposed on the basis that there are enough duplexes on the street. These gentlemen were not able to attend this meeting and asked Mr. White to speak for them.

Mr. Ashcraft stated that the applicant is asking for an exception at the expense of the people who live there and have homes there.

Mr. Kirn stated that he believes a duplex on the lot is better than a parking lot.

Mrs. Meihaus stated that she is in agreement with the residents of the area and that this development is not harmonious with the area.

Mr. Ashcraft moved that the Conditional Use Permit be denied as it is not in conformity with the Comprehensive Plan and it is an intrusion on the single-family residences in the area. Mrs. Ward seconded the motion.

Chairman Holland asked if there was any further discussion. There being none, he asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward and Chairman Holland in favor. Mr. White abstained. The motion carried.

Counselor Wilson advised that since the Conditional Use request was denied, the Variance cannot be granted.

3. A request of Ralph W. Sturdivant for a side yard Variance to allow the construction of a two-car garage. The 0.4-acre site, located at the northern corner of Burk Avenue and Roger Lane, is zoned Suburban Residential One (SR-1) and is owned by Ralph W. Sturdivant.

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

Chairman Holland stated that he had visited the site and the applicant had pointed out that the garage was very small and near a furnace.

Mr. Sturdivant stated that the garage is too small for a pick-up truck or a station wagon. He stated that it is so near the hot water tank that he is concerned about safety.

In response to questions from Mr. White, Mr. Sturdivant added that he plans to build a two-car garage which will be attached to the house. He will block up the existing garage door. The new garage will be flat so that he can build a patio on top of it.

Mr. Ashcraft stated that he had visited the site and he does not feel that the new garage will adversely affect the neighborhood.

Chairman Holland stated that the reason why this request is before the Board is that this is a corner lot.

Chairman Holland asked if there was anyone present in opposition to the request. There was no one present opposed to the request.

There being no further discussion, Mr. White moved that the request be granted for a 7-foot setback to allow for construction of the proposed garage. Chairman Holland seconded the motion and asked for a roll call vote. The motion carried unanimously.

4. A request of Margo Grubbs, P.S.C., for a Variance in order to allow an eight-foot one-inch driveway aisle. The 0.2-acre tract, located on the south side of Burlington Pike, across from Wallace Avenue, is zoned Commercial Two (C-2) and is owned by Margo Grubbs and Sara Sidebottom.

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

In response to a question from Mr. Ashcraft, Mr. Breidenstein clarified that proposed Condition #2 indicates that adding any frontage would make the lot "more fully comply" with the requirements.

Counselor Wilson advised that the existing driveway is 8'1" wide and the requirement is for a 25' wide driveway.

Miss Grubbs stated that they will provide client parking in front of the building and employee parking in the rear. She stated that the work would not be done until Spring. She added that it will be at least six months before the room addition is built.

Mr. White moved that the request be granted, subject to the conditions indicated in the Staff Report, and that the concrete work be done as soon as the weather permits. Mrs. Meihaus seconded the motion.

Miss Grubbs stated that she was agreeable to the conditions indicated.

Chairman Holland asked if there was anyone present who wished to speak in regard to this request. There being no one, he asked for a roll call vote on the motion and it carried unanimously.

5. A request of Carroll Properties for an extension of a previously approved Sign Variance to allow the continued use of a 150 sq. ft. "for lease" sign. The 26-acre site, which is located at the northeast quadrant of I-75 and Turfway Road, is zoned Office Two/Planned Development (O-2/PD) and is owned by Turfway Properties (Jerry Carroll, General Partner).

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report). He noted a correction to the agenda which indicated the site to be located at the northeast quadrant of I-275 and Turfway Road. This should be I-75.

Mr. Mark Simendinger stated that Mr. Jerry Carroll plans to proceed with the second building as soon as the weather permits. The sign is needed to lease the new building. He stated that there will be a semi-circle of three identical buildings facing I-75. Leasing the project is critical to its success.

In response to questions from Chairman Holland, Mr. Simendinger stated that they would suggest the sign be permitted for another 18 months, with the option to reapply.

Mr. Ashcraft stated that he did not find the sign offensive.

Chairman Holland asked if there was anyone present who wished to speak in opposition to the request. There was no response.

Mrs. Ward moved that the 18-month extension be granted with the option to reapply for additional time. Mr. Ashcraft seconded the motion.

There being no further discussion, Chairman Holland asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Ward, Mr. White, and Chairman Holland in favor. Mrs. Meihaus abstained.

BOARD ITEMS:

Counselor Wilson suggested that the Board may wish to hold its annual election of officers at this time.

Mr. Ashcraft moved that Mr. Holland be re-elected Chairman and that Mr. White be re-elected Vice Chairman. Mrs. Meihaus seconded the motion.

Chairman Holland asked for a vote on the office of Chairman. Chairman Holland abstained from voting. All voting members were in favor and Mr. Holland was re-elected Chairman.

Chairman Holland asked for a vote on the office of Vice Chairman. Mr. White abstained from voting. All voting members were in favor and Mr. White was re-elected Vice Chairman.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 9:15 P.M..

APPROVED:


Charles Holland, Chairman

ATTEST:


Jan Hancock, Recording Secretary