

REVIEW NO. \_\_\_\_\_

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION  
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One)  Boone  Florence  Walton  Union
- 2. (Check One)  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
- 3. Applicant's Name Chelsea Moore Company  
Phone Number (513) 621-1161  
Applicant's Address 105 W. Fourth St.  
Cinti., Ohio 45202  
City State Zip
- 4. Description of Request: Attached narrative
- 5. Name of Development Mall Road Square
- 6. Location of Development 8165 Mall Road  
Florence, Ky. 41042
- 7. Acreage Under Review N/A
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A
- 9. Owner of Property Alfred A. Moore  
Phone Number (513) 621-1161
- 10. Address of Property Owner 105 W. Fourth St.  
Cinti., Ohio 45202  
City State Zip
- 11. Proposed Use(s) On Site Satellite car rental station, convenient pick up point for business people.
- 12. Total Square Footage of Existing and/or Proposed Buildings  
750 square feet
- 13. Current Zoning on Property C-2
- 14. Deed Book 271 Page No. 302 Group No. 231
- 15. Is the site subject to a zone change? No  
If yes, give date of approval \_\_\_\_\_
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. Applicant's Signature: \_\_\_\_\_
- 19. Property Owner's Signature: Chelsea Moore Corp. general partner  
W. E. Moore  
President

APPLICATION FORM  
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 10-21-89
- 2. Fee Received \$ 303.00 (7326)
- 3. Is application complete?  Yes  No
- 4. Staff Reviewer GREGORY TULLY
- 5. Scheduled Board Action Date 1-10-90
- 6. Board Action:
  - \* Approval
  - Approved With Conditions (See #7)
  - Disapproved (See #8)
- 7. Conditions: That the satellite car rental station be limited to a maximum of 5 cars allowed at any given time
- 8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BCPC:7/11/88

STAFF REPORT

#1

DEVELOPMENT: Mall Road Square  
APPLICANT: Chelsea Moore Company  
LOCATION: 8165 Mall Road  
ZONING: Commercial Two (C-2)  
DATE: January 10, 1990

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the operation of a satellite car rental station/convenience pick up point. The 750 square foot retail space is located in Mall Road Square, on Mall Road in Florence, Kentucky. The site is zoned Commercial Two (C-2) and is owned by Alfred A. Moore.

The following are the surrounding land uses and their zoning:

North: Circuit City - Commercial Services (C-3)  
South: Waco Oil - Commercial Two (C-2)  
East: Mall Road Center - Commercial Two/Planned Development  
West: Single family residences - Suburban Residential Two (SR-2)

The applicant proposes an operation of a Budget Rent-a-Car Satellite Station which is a "convenience pick-up and drop-off office so that business people can reserve and pick-up automobiles without going to the airport." They add that the tenant "will not be warehousing a large number of cars at the site for sale or lease nor will there be any vehicle maintenance. The station will use 3 to 5 parking spaces. The Boone County Zoning Regulations require 3 spaces for the 750 square feet of retail space. "Chelsea Moore's lease agreement provides them with five parking spaces."

(Quotes from letter dated 12-21-89, Chelsea Moore)

The following reviews the general standards which apply to all Conditional Uses in the County:

1. The 1986 Boone County Comprehensive Plan Future Land Use Maps indicate the use of this area to be commercial.

The Land Use Element also states that "The Mall Road area will continue to grow as a regional shopping area and its spill over onto U.S. 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled. (C-4) Also, "Commercial Development" in this section will remain near the arterial roads or close to the interstate. This consumer service and traffic oriented developments must be contained to specific areas adjacent to the arterials and interstate. (C-5)

2. The operation of this station will be appropriate with the existing character of the center and its general vicinity.

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3. The uses will not be hazardous to existing or future neighboring uses.
  4. The site is adequately served by essential public facilities and services.
  5. The uses will not require an excessive amount of public services at public cost.
  6. The car rental station does not involve uses, activities, or conditions that will be detrimental to any persons, property or the general welfare.
  7. Vehicle approach to the site has been established by existing entries.

The following is more specific criteria for Conditional Uses in Commercial Districts:

- a. A rent-a-car station of this nature can be an integral part of a commercial zone.

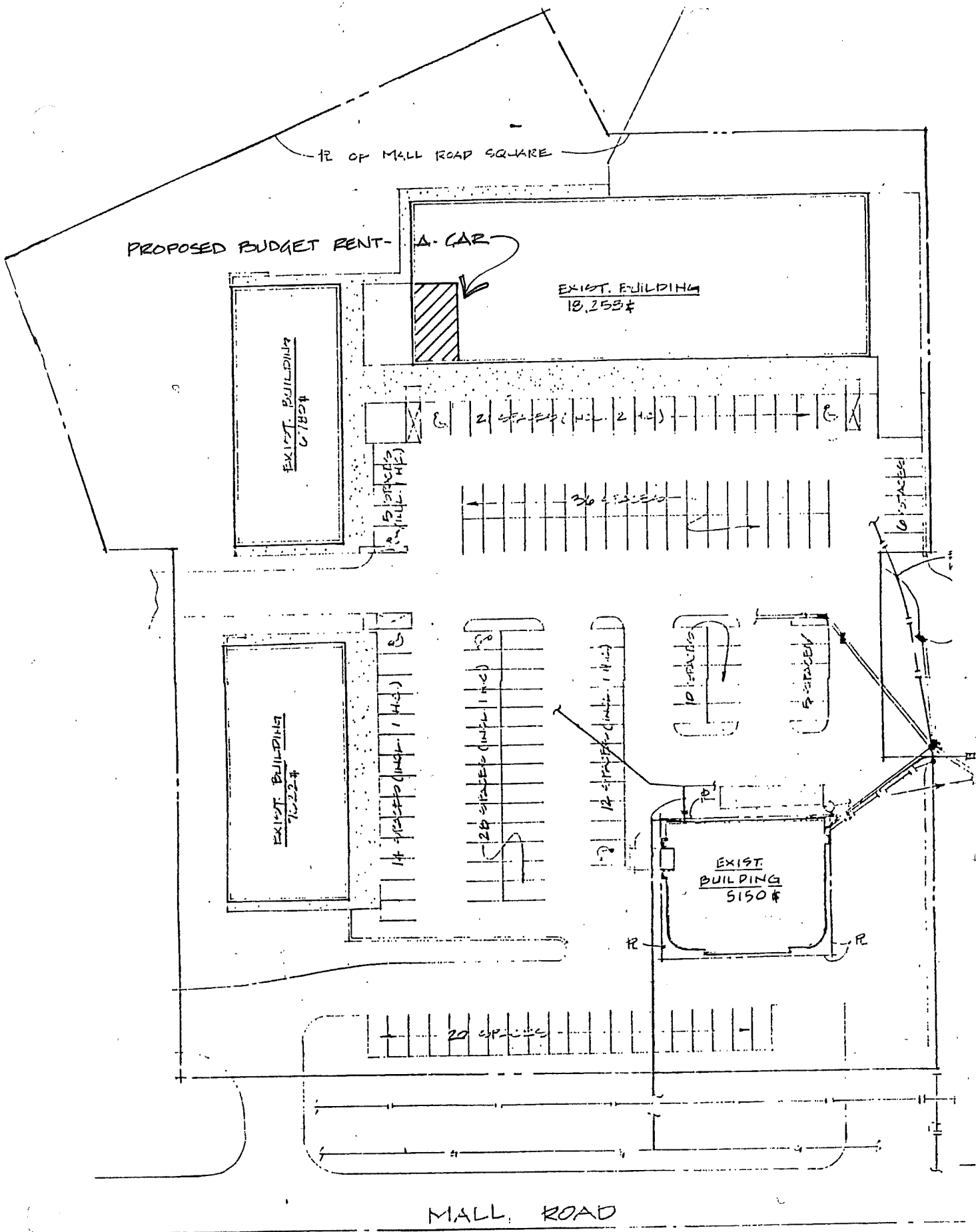
Staff Concerns:

According to the description of this proposed car rental station, 3 to 5 parking spaces will be used. Staff feels that this number may increase and in order to prevent a car rental storage facility at the site, a condition be imposed preventing more than the stated maximum of 5 cars stored at one time.

Respectfully submitted,

  
J. Gregory Tuttle  
Plans Examiner / Planner I

JGT:kat



SITE PLAN SCALE 1"=40'-0"

CITY OF FLORENCE  
BOARD OF ADJUSTMENT  
January 10, 1990 - 7:30 P.M.

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Mr. Charles Holland, Chairman, called the meeting to order at 7:30 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Chairman Holland  
Mr. White

BOARD MEMBERS NOT PRESENT:

Mrs. Ward

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Holland stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of December 13, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. Ashcraft seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of The Chelsea Moore Company for a Conditional Use Permit to allow the operation of a satellite car rental station/convenience pick-up point. The 750 sq. ft. retail space, located at 8165 Mall Road, is zoned Commercial Two (C-2) and is owned by Alfred C. Moore.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland asked if there was anyone present who wished to speak in behalf of the request.

Mr. Lee Ward of McGill, Smith, and Punshon (architects/engineers); and Mr. Anthony Palazollo of Chelse Moore Corporation were present.

Mr. Ward reviewed the illustration they had prepared with the Board. He stated that they will reserve five parking spaces as requested by the Staff. He stated that they do not intend for this to be a large auto sales facility or a repair/service facility. He requested approval of the Conditional Use Permit.

In response to questions from Chairman Holland, Mr. Ward added that it is a convenience pick-up location to serve those who would rather pick up a car here than at the airport, shoppers, etc.. It is not a warehousing activity.

Chairman Holland asked if there was anyone else present who wished to speak in regard to this request. There being no further comments, Chairman Holland moved that the request be granted, subject to the condition that up to five parking spaces be allowed, and that there be no maintenance on the premises, other than sweeping out of the cars. Mr. Ashcraft seconded the motion and it carried unanimously.

2. The request of Glenn C. Utz for Variances in the width of an access driveway and in the width of a driveway aisle. The 0.34-acre site, located on the southeast side of U.S. 42 between the White Castle Restaurant and the law office of Knapmeyer and Wilder, is zoned Commercial Services (C-3) and is owned by Cecil Burdell and Quetta Longo.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland questioned if the steps on the side of the house would be removed and Mr. Utz stated that they would be removed.

Chairman Holland asked if there was anyone present who wished to speak in regard to this request.

Mr. Glenn Utz distributed copies of a Site Plan to the Board Members which indicated a 20-foot wide access driveway. He stated that due to the lot width of 50 feet, the driveway is narrower to the back of the building. He stated that a similar situation exists at the Scott Medical Lab and there is a similar driveway system. The owner of that Lab, Dr. Rattey, has had no complaints or problems due to the narrow access drive. Mr. Utz stated

that limiting the use of the property would create an unnecessary hardship as the traffic and oil stations make this location unsuitable for residential purposes on a permanent basis. He added that the applicant is not responsible for any of the existing circumstances. He agreed that a 10-foot wide entrance from U.S. 42 may create a hazard and agreed to amend his submittal to create an in/out situation for traffic and add a parking space for the handicapped. He stated that there had been a question from an adjacent property owner and that the placement of a rolled curb or equivalent is a reasonable solution. Dr. Utz reviewed the submitted Site Plan to show the location of the access drive and the parking spot to be used by the handicapped or by UPS and Federal Express.

Mr. Ashcraft questioned the need for screening of residential properties to the south.

Dr. Utz advised that the property extends the full length of the fence line, it is 300 feet deep and heavily forested. There would be 13 parking spaces at the rear of the building. The Variance would be for the two parking spaces on the driveway aisle.

Mr. Tulley commented that if the two parking spaces on the driveway aisle were eliminated the Variance would not be needed as the parking aisle would be 25 feet wide.

Dr. Utz stated that he sees 5 to 10 patients per day, with .5 deliveries per day, for a total of 5.5 to 10.5 cars per day, with a maximum of two patients in the office at a time. Therefore, .93 cars per hour use the driveway. He could grow to a maximum of four patients there at once and 2.3 cars per hour using the driveway. He stated that there will be a maximum of three chairs.

Mr. White noted that there is a turning lane in front of the property to help relieve a potential problem.

In response to comments from Mr. White, Dr. Utz stated that he did not want to classify the use as a "dental office", but as "health related" as he may do nutritional counseling. Mr. White commented that this term was too broad and could involve a lot of traffic.

In answer to questions from Chairman Holland, Dr. Utz stated that he had no intention of renting offices in his building. However, he may not do strictly dentistry and he may do nutritional counseling.

Mr. Ashcraft commented that "nutritional counseling" could involve an activity such as Diet Workshops. Dr. Utz stated that an activity of this type was not his intention. He would see the patients firsthand in a dental nature. He added that he would be purchasing this property.

Chairman Holland asked if there was anyone else present who wished to speak in regard to this request.

Mr. Bill Welder, an adjoining property owner to the west, presented photographs of the site to the Board and stated that there is not room for a ten-foot driveway. He reviewed the pictures and stated that the corner of the house is 8'3" from his property line.

Mr. Tulley stated that the drawings are stamped by an engineer and indicate that there would be a ten-foot width.

Mr. Ashcraft stated that the Board does not have the right to grant access onto Mr. Welder's property.

Dr. Utz questioned if a Variance could be granted for 8'3".

Mr. Tulley stated that the Board must trust in the professional integrity of the applicant's engineer who has indicated that there would be a ten-foot width.

Counselor Wilson advised that the Board members have the right to visit the site before making a decision. The Board members indicated that they had visited the site and Mr. Ashcraft commented that the Board could measure the pavement, but cannot determine the property line.

Mr. Welder stated that the fence is the property line. He stated that if an 8-foot driveway is allowed, every car will go on his property. He added that the property has not been used since the elderly couple used it for a residence for many years. He does not want a curb there. He does not want to share in the cost or have it on his property.

Chairman Holland asked if there was anyone else present who wished to speak. There was no response.

Mr. Aschraft reviewed the pictures and stated that there would appear to be more than 8'3" if the steps are 30" and used as a scale.

Mr. Welder stated that you cannot get into the garage at the rear of the property. It was used for storage. Cars never pulled past the front portion of the property and that is the reason why the front parking space was blacktopped.

Dr. Utz stated that he had driven his van to the back without going off the pavement. He noted that the neighboring property is for sale. He added that if the site cannot handle two cars per hour, it cannot be used for anything.

Mr. Ashcraft stated that he did not want to grant a Variance for ten feet if there is not ten feet available. He questioned who the engineer was and Mr. Tulley advised that it was Bill Viox.

Chairman Holland moved that the request be tabled until the next meeting of the Board to allow for remeasuring. He emphasized that he was not questioning Bill Viox, but would like to be sure of the exact location of the property line. Mr. White seconded the motion and it carried unanimously. The request was tabled until the February, 1990 meeting of the Board.

There being no further business to come before the Board, Mr. White moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent.

APPROVED:

  
Charles F. Holland, Chairman

Attest:

  
Jan Hancock, Recording Secretary