

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 FALTA DBA G.P. KAWASAKI

- Owner
- Agent

Address: 319 WEST FOURTH STREET

COVINGTON, KY 41011

Telephone: 261-5297

Location: 8419 EVERGREEN PLAZA, U.S. 42 FLORENCE, KY 41042

Name of Property Owner: PAUL DAVIDSON AND HIS WIFE, BEVERLY DAVIDSON

Address of Property Owner: 3090 HULBERT AVENUE, ERLANGER, KY 41018

Zoning District: C-2

Area in Acres: .7016

Deed Book: -328-

Page Number: -39-

Group Number: -2048B-

Description of Request: CONDITIONAL USE PERMIT IN A C-2 ZONE TO CONDUCT RETAIL

SALES OF MOTORCYCLES, PARTS AND ACCESSORIES.

NOTE SEE ATTACHED LIST OF ADJOINING PROPERTY OWNERS

Applicant's Signature: Gary Falta (Asper WMP)

Property Owner's Signature: Paul Davidson & Beverly Davidson (Asper WMP)

Application Fee: 243.00

FOR PLANNING COMMISSION USE ONLY

Date Received: August 22

By: A. Newton

Referred To: Tom B

Meeting Date: Sept 10

Action Taken: _____

Date of Action: _____

STAFF REPORT

APPLICANT: Gary Falta d.b.a. G. P. Kawasaki
LOCATION: 8419 U.S. 42 (Evergreen Plaza), Florence
ZONE: Commercial Two (C-2)
DATE: September 10, 1986
REMARKS:

The applicant is requesting a Conditional Use Permit to allow the retail sale of motorcycles, parts, and accessories. The 0.716 acre tract, located in the Evergreen Plaza on U.S. 42, is currently owned by Paul and Beverly Davidson.

Article 9, Section 923 of the City of Florence Zoning Regulations lists, as a Conditional Use in the C-2 zone district, "small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises". No site plan was required for this application since the site is already developed.

The following reviews the general standards found in Article 2, Section 263 of the City of Florence Zoning Regulations applicable to all conditional uses:

- 1) The 1980 Boone County Comprehensive Plan Land Use Map shows Evergreen Plaza to be commercial. In the Comprehensive Plan text, the area around the mall and Mall Road is considered a "regional commercial district" which serves populations within and beyond Boone County. Similarly the proposed 1986 Boone County Comprehensive Land Use Map shows this property to be commercial.
- 2) The dealership will be operated so as to be harmonious and appropriate in appearance with the character of the general vicinity, especially when one considers the location of the RV and boat dealerships.
- 3) The retail sale of motorcycles, parts, and accessories will not be hazardous to neighboring uses.
- 4) Evergreen Plaza, as a part of an urban service area, is adequately served by all public facilities.
- 5) Additional public facilities and services at public cost will not be required.
- 6) The applicant has indicated that a small amount of gasoline for the motorcycles will be stored at the site. With the proper attention to the appropriate safety codes, this storage should not be detrimental to any persons, property, or the general welfare.
- 7) Vehicular approaches to the property have already been established with the development of the plaza; therefore, an interference with traffic would not be created.

The Board must also consider the following specific conditions applicable to conditional uses in the C-2 zoning district:

- 1) The dealership will further add to the creation of a compact multi-purpose commerce center.
- 2) The arrangement of the building will be compatible with the organization of permitted uses to be protected in the district.

Should the Board decide to grant this Conditional Use Permit, staff recommends the following conditions:

- 1) That the applicant agree to plant, within ^{60 days} ~~one year~~, evergreens on the earthen berm at the rear of the building to provide a screen for the adjoining residents. *6 ft min height & to be maintained*
- 2) That signage be limited to an addition to the existing tenant pole sign and one building mounted sign which complies with Section 1912.
- 3) That the outside display of motorcycles occur only in the parking lot immediately in front of the applicant's building, and not near the road.
- 4) That the applicant agree to screen in the dumpster area ~~should the Board decide that excessive amounts of trash creates an eyesore after business activity has begun.~~

Respectfully Submitted,

Thomas W. Breidenstein

Thomas W. Breidenstein
Zoning Enforcement Officer

TWB/jdh

*w/in 60 days
w/ 6 ft slatted
fence*

*5) all ~~to~~ testing, repair . . .
be conducted inside building*

FLORENCE BOARD OF ADJUSTMENT

SEPTEMBER 10, 1986

7:30 P.M.

Chairman Holland called the meeting to order. Chairman Holland noted all Boards members were present. Staff members present were Mr. Breidenstein and Mrs. Brewer. Atty. Dale Wilson was also present.

Minutes of the August 13, 1986 Florence Board of Adjustment meeting were considered. Mr. Bolton moved to approve the August 13, 1986 Minutes as reviewed. The motion was seconded by Mr. White. The motion carried unanimously.

Chairman Holland proceeded to the items on the agenda.

Variance

A request of Corporex Properties, Inc. for a rear yard setback variance of 15 feet. The regulations for an Industrial One zone requires a 30 foot setback. The property is located on Industrial Road between the Fire Station and Permalite.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Report)

Mr. Breidenstein presented a slide presentation of the proposed site and the surrounding area.

Chairman Holland inquired why Corporex Properties, Inc., needed the extra 15 feet. Mr. Brad Jones of Corporex Properties, Inc., explained there was an easement on part of the Permalite property and to move the building back further would change the curvature of the property and would require more property.

Mr. Wilder inquired where the Permalite property began and the Corporex property ended. Mr. Jones stated Permalite granted them an easement of 9 x 30.

Discussion followed on the various possible placements of the spurs.

Chairman Holland inquired what would be located within the building. Mr. Jones stated it would be a warehouse distribution center.

Mr. Wilder inquired what the square footage would be of the proposed building. Mr. Tom Banta of Corporex Properties, Inc., stated 87,500.

Mr. Jones noted Southern Railroad had stated that if Corporex moved the building back any further, they would definitely have problems.

Mr. Bolton inquired if staff foresaw any adverse action from the adjoining property owners regarding the proposed request. Mr. Breidenstein responded no, and noted the area was already a very industrialized area.

Mr. Wilder stated the only problem he saw with the requested variance was that it would deny emergency access to the development. Mr. Jones stated he had been in touch with Chief Roberts of the Florence Fire Department and noted Chief Roberts had made recommendations on what he required.

Chairman Holland inquired of any comments or opposition on the proposed request. No response.

Mr. Wilder stated the requested setback for the proposed building would not present problems as most setbacks did, (i.e., noise and being located close to another resident, etc.,) since it was already in the Industrial zone. Mr. Wilder noted his major concern was the emergency access.

After further discussion, Mr. White moved to approve the request of Corporex Properties, Inc. for a rear yard setback variance of 15 feet from 30 feet based upon the Staff Report. The motion was seconded by Mrs. Lanigan.

After further discussion, the motion carried unanimously.

Sign Variance

A requested of United Sign, Inc., for Taco Bell located at 7619 Mall Road, Florence and 6724 Dixie Highway, Florence for two sign variances. The allowed square footage is 45 square feet and the requested signs are 53.1 square feet for a variance of 8.1 square feet.

Mr. Breidenstein presented a slide presentation of the current sign. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Chairman Holland inquired if all the Taco Bell buildings were also changing their logo. Ms. Lynn Slouffman, representing Taco Bell, stated yes. Ms. Slouffman noted two stores in Northern Kentucky had already been changed and a number of them in the Cincinnati area. Ms. Slouffman noted she only had two stores left in the Northern Kentucky area that needed changing. Ms. Slouffman explained that the Taco Bell franchise was re-doing their whole image, up-grading their buildings, staff, uniforms, etc.

Chairman Holland inquired if only 8.1 square feet more was the all the proposed signs would be increased. Ms. Slouffman stated yes. Ms. Slouffman distributed a picture of the proposed new sign.

Chairman Holland inquired of any comments or opposition on the proposed request.

Hearing no comments or opposition, Chairman Holland moved to approve the request of United Signs, Inc., for Taco Bell for two sign variances from 45 square feet to 53.1 square feet for properties located at 7619 Mall Road, Florence and 6724 Dixie Highway, Florence based upon the Staff Report. The motion was seconded by Mr. Wilder. The motion carried unanimously.

Conditional Use Permit

A request of Gary Falta, d.b.a./Kawasaki located at 8419 U.S. 42, Evergreen Plaza, for a Conditional Use Permit to allow the use of a Kawasaki dealership. The property is zoned Commercial Two, C-2.

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

Mr. Willie Mathis, representing the applicant, stated that Mr. Falta was a small retailer of motorcycles, water crafts and small farm RV type equipment. Atty. Mathis noted the applicant had been in business in Northern Kentucky for eight years and noted there was current storage of the motorcycles in the building on U.S. 42 because of the Urban Renewal taking place currently in Covington. Atty. Mathis stated the applicant will be an owner of the building and he proposed to keep the dentist facility within the building. Atty. Mathis noted the work hours for the proposed business would be daylight hours only, 10:00 A.M., to 6:00 P.M. most time and probably 10:00 A.M., to 9:00 P.M. in the spring and summer. Atty. Mathis stated the proposed business would not generate heavy traffic, it would be a low volume customer business. Atty. Mathis noted the applicant agreed to all the conditions within the Staff Report. Atty. Mathis made himself available for any questions.

Chairman Holland inquired how much gasoline would be stored at the site. Mr. Falta, applicant, stated less than five gallons at any one time.

Chairman Holland inquired if Mr. Falton intended to keep the dentist facility. Mr. Falta stated yes.

Atty. Mathis again noted the business would be a low volume customer business.

Mrs. Karen Estes, representing Estes Dental Center,

inquired what the applicant was going to do about test driving of the bikes and noted there was about 500 children in and out of the dentist facility daily and she felt the bikes in and out of the area would not be very safe. Atty. Mathis noted the applicant was not allowed to have more than 50 units at the site, therefore, the number of bikes being tested would be small. Mrs. Estes stated that even with only 50 units, 20 different persons could test drive just one bike. Atty. Mathis pointed out that very few people actually drove the bikes, testing was only allowed at the last step of purchasing a bike. Ms. Estes inquired of testing the bikes with mechanical problems. Mr. Falta explained all the testing of mechanical problems would be done in the basement of the building which would have exhaust fans for the fumes.

Ms. Estes noted it should be stated as a condition as to where the customers do test driving and where the testing of the mechanical ability of the vehicles be, plus no mechanical parts be lying around the building. Atty. Mathis noted that any reckless driving would fall under the Police Department but felt it was not an issue the Planning and Zoning Office could regulate. Mrs. Estes stated the dentist facility has had to deal with the "Heavens", "Vibrations" and the "Cove" lounge's noise and trash and they had never been assured of anything.

Chairman Holland noted the possibility of "speed bumps" to help slow traffic coming through the parking lot. Ms. Estes stated the "speed bumps" wouldn't bother them.

Mr. Bolton inquired if the parking lot in the Evergreen Plaza was a public highway. Atty. Mathis stated no, but it was used by the public.

Mr. Malcolm Pue, 8396 Tamarack Drive, expressed concern of the test driving of the bikes up and down their residential street and inquired if the testing of the bikes could be restricted in any way as to where they were driven. Chairman Holland stated the Board had no authority on where a driver could go, they could only put restrictions on the building itself. Mr. Pue stated the residents felt there should be someone, somewhere, that could do something about the test driving in the residential areas. Mr. Pue noted the various noise problems coming from the other businesses currently within the building. Mr. Pue stated that law enforcement was "after the fact", after someone had possibly been injured or scared. Atty. Mathis pointed out that the zoning of the particular area currently allowed "public bars" and compared the proposed business opposed to the uses currently allowed. Mr. Pue stated the residents should not have a choice of "the lesser of two evils". Mr. Pue explained the residents bought their homes because of the nice quiet community in which to live, and now they were having to call the police at 2:00 and 3:00 A.M. almost every weekend night about the noise from the other businesses within the building. Mr. Pue stated the residents were never given any promises from those other

businesses or other enforcement entities about the noise, trash, etc. Atty. Mathis noted the proposed business would be a daylight hours business and there would be no nighttime noise.

Mr. White referred to another similar business and stated the owner had put up a 10 foot slated fence along the back of his property to protect the residents and noted that solved their problem of noise, trespassing, etc. Atty. Mathis stated there was an earth and berm currently behind the building. Mr. Pue stated no, there was no longer an earth and berm. Atty. Mathis explained that there would be no outside storage of vehicles and noted only a few units would be set outside in the mornings for advertisement purposes. Atty. Mathis stated only the existing dumpster would be behind the building and noted if required, the dumpster could be screened in.

Mr. Bolton inquired if Mr. Falta's business expanded and he used both business places within the building, would he be allowed 100 units instead of the 50 units. Atty. Mathis stated no, only 50 units.

Mr. Pue again expressed concern of the noise pollution.

Mr. Wilder inquired of access to the basement. Mr. Falta stated he would have to build an access to the basement and noted the basement was not suited for storage at the current time. Mr. Wilder inquired if all repair work would be done inside the basement, nothing done on the outside of the building. Mr. Falta stated yes, that was correct.

Mr. Wilder referred to Section 263 of the Boone County Zoning Regulations.

Mr. White inquired if the earth and berm could be put back as before and shrubbery also planted. Atty. Mathis stated the applicant would concur with whatever screening requirements the staff and Board felt were needed.

Ms. Virginia Matman, resident on the corner of Evergreen and Tamarack Drives, noted her main concern was of the noise from the bikes and the drivers cutting down by her fence and driving up and down the street. Mr. Falta stated that all test driving would be done on U.S. 42 and he would expect the driver's to act reasonably while test driving the bikes. Mr. Falta stated if the residents or other businesses within the building had any complaints about his business, he would work with them to resolve the problems. Atty. Mathis pointed out that Mr. Falta was a Boone County resident himself and intended to live and work in Boone County.

Mr. Bolton stated the safety factor of test driving the bikes was his biggest concern. Mr. Bolton noted the Board could not control whether someone test drove on Evergreen Drive.

Chairman Holland requested that Mr. Falta strongly urge persons test driving the bikes to do so on U.S. 42 and not go on the residential streets, i.e., Evergreen and Tamarack Drives. Mr. Falta stated there was no reason for anyone to test drive on those residential areas.

Mr. Pue noted that Evergreen Drive was the perfect street for test driving a vehicle on, a nice and straight stretch.

Mrs. Estes again stated the dental facility's primary concern was the noise factor and noted that if Mr. Falta complies to all the conditions proposed, the noise and traffic problems should be eliminated.

Mr. Pue inquired who would enforce the proposed conditions. Chairman Holland stated the Boone County Zoning Enforcement Officer.

Mr. Falta stated he had already purchased trees to plant in the back of the property as screening.

Mr. White noted that in granting the approval of the proposed request, the applicant would have to meet each and every one of the conditions as long as he was located at the site. Mr. Breidenstein pointed out that anyone else occupying the building would also have to comply with the conditions set forth.

After further discussion on the bikes being test driven up and down Evergreen Drive, Mr. Wilder suggested that the applicant agree to plant within 60 days, evergreens on the earth and berm at the rear of the building, providing a minimum 6 foot screening for the residents and to be maintained as long as the Conditional Use Permit was in effect. Atty. Mathis stated the applicant agreed to those conditions.

Mr. Wilder inquired if Section 1912 permitted the applicant current signage. Mr. Breidenstein stated that was correct. Further discussion followed on the required signage.

Mr. Wilder inquired of the screening of the dumpster. Atty. Mathis noted the possibility of a slated fence.

Mr. Bolton inquired of Mr. Falta's plans for the back portion of the lot. Mr. Falta stated he had no plans.

After further discussion, Mr. Wilder moved to approve the request of Gary Falta, D.B.A./Kawasaki located at 8419 U.S. 42, Evergreen Plaza, Florence, Kentucky for a Conditional Use Permit to allow the use of a Kawasaki dealership with the following conditions and based upon the Staff Report:

1. That the applicant agree to plant within 60 days, evergreens on the earth and berm at the rear of the

building providing minimum 6 foot screens for the adjoining residents, and to be maintained as long as the Conditional Use Permit is in effect.

2. That signage be limited to an addition to the existing tenant pole sign and one building mounted sign which complies with Section 1912.
3. That the outside display of motorcycles occur only in the parking lot immediately in front of the applicant's building, and not near the road.
4. That the applicant will screen in the dumpster area within 60 days with a 6 foot slatted redwood fence.
5. That all test assembly and repair be done only inside the building.

The motion was seconded by Chairman Holland.

Mr. Bolton noted Mr. Falta (owner) agreed to discourage any motorcycle traffic of his on Evergreen Drive. Atty. Mathis stated Mr. Falta concurred.

After further discussion, the motion carried unanimously.

Chairman Holland moved the meeting adjourn. The motion was seconded by Mrs. Lanigan. The motion carried unanimously.

The meeting adjourned.

APPROVED:


CHARLES HOLLAND, CHAIRMAN

ATTEST:


DEE ANN BREWER, ADMINISTRATIVE ASSISTANT