

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: Florence Auto Sales, Inc. Lessee
Address: 7544 Burlington Pike
Florence, Ky 41042 Telephone: 525-0111

- Owner
Agent

Location: 203 Main St. Florence, Ky 41042

Name of Property Owner: Highland Petroleum, Inc. Lessor

Address of Property Owner: 1075 South Yukon St. Suite 209 Lakewood, Col

Zoning District: C-2 Area in Acres:

Deed Book: Copy of Deed Attached Page Number: Group Number:

Description of Request: Sight was formerly used as gasoline service station
Florence Auto Sales would like to use sight as a used auto sales lot

Applicant's Signature: [Signature]
Property Owner's Signature: Copy of lease attached

Application Fee: 231.00 FOR PLANNING COMMISSION USE ONLY Date Received: 8/21 By:
Referred To: BOA Meeting Date: 9/11/85
Action Taken: Date of Action:

STAFF REPORT

APPLICANT/DEVELOPMENT: Florence Auto Sales, Inc.
LOCATION: 203 Main Street
ZONED: Commercial Two, C-2
DATE: September 5, 1985

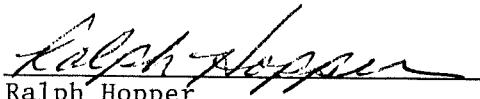
The Applicant is requesting a Conditional Use Permit to allow the sale of used motor vehicles on the site. The property is currently zoned C-2 which does permit small scale sales or leasing of new and used vehicles requiring the storage of no more than 50 vehicles on the premises under Article 9, Section 923 of the regulations.

The property is not currently in use but it was previously the site of the "Gas Pit" filling station. To the north is the Y.M.C.A. property and the building which houses the Florence Post Office and several commercial uses. To the west is the Roberts & Hudson Tire Company. To the south is Hugh's Oyster House. All adjoining properties are zoned Commercial Two. The future land use of the property and adjoining properties to the south and west is commercial. The property to the north is planned for public facilities.

The plan submitted shows the property in its current condition. The Applicant plans to maintain and use the existing building and sign structure. The building will be used as an office for the facility and the face of the existing sign will be changed. The Applicant proposes to remove the existing gas pumps and construct boxes around the pump islands for ornamental landscaping. The existing canopy will remain.

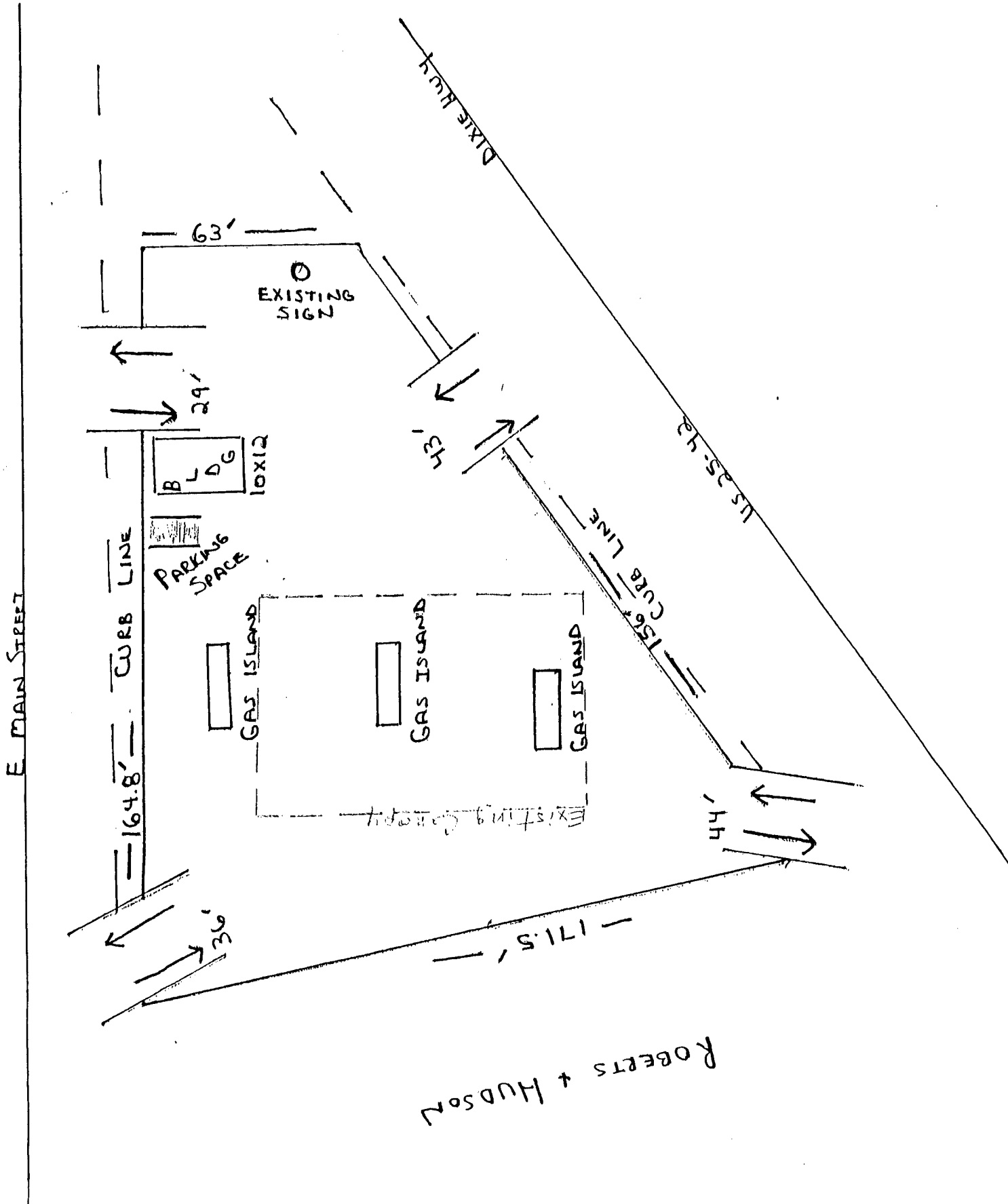
The Applicant has agreed to block the access to Main Street and Dixie Highway on the east side of the property to avoid potential traffic problems near the intersection.

Should the Board decide to approve this request, I would have no recommendations for conditions to the plan.


Ralph Hopper
Zoning Enforcement Officer

Florence Auto Sales, Inc.

7544 Burlington Pike • Florence, Kentucky 41042 • (606) 525-0111



ROBERTS + HUDSON

FLORENCE BOARD OF ADJUSTMENT

SEPTEMBER 11, 1985

8:00 P.M.

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 permitted one 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 request 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.

Mr. Larry Barnett, representing Florence Auto Sales, stated the applicant is proposing to improve the subject location which will be a satellite location of the Florence Auto Sales located on Ky. 18. Mr. Barnett noted that the applicant has greatly improved the location on Ky. 18. Mr. Barnett related plans to leave one canopy up and to take one canopy existing on the site down. Mr. Barnett explained the need for the proposed location is that the Florence Auto Sales is planning to expand.

Discussion followed of the current zoning of the property and the Conditional Use Permit.

Chairman Holland inquired if the applicant felt the site would hold 50 cars. Mr. Barnett responded that approximately 30 cars would be located at the proposed location.

Mr. Wilder inquired of the sealing of the underground gasoline tanks. Mr. Barnett related that the applicant has been in contact with the Fire Marshall in this regard.

Mr. White stated that it is his understanding the tanks are currently filled with gasoline. Mr. Barnett responded no, not to his knowledge. Discussion followed of the sealing of the tanks. Mr. Herb Moore, representing Florence Auto Sales, noted the sealing process depends on whether the tanks are "anchored" and other factors.

Chairman Holland inquired if the site may return to use later as a gas station. Mr. Barnett explained the lease arrangements on the site with the option available to the owner of returning the site to its former use as a gas station.

Mr. Bolton expressed concern of the proposed use as he has always considered the subject location as the "Gateway to the City of Florence". Mr. Barnett noted that currently the property as it currently exists is an eyesore and that the applicant's proposed use is an improvement to the site as well as the area.

Mr. Wilder again expressed concern of the uncertainty on the sealing of the underground tanks and noted the Board has the duty of being responsible for the public safety and welfare of the public.

Counselor Wilson noted the Comprehensive Plan and the compatibility of the uses in the area with the proposed use are to be considered as well as what is permitted in the C-2 zone.

Mr. Wilder inquired if the proper sealing of the tanks could be a condition to the approval prior to the proposed use being enacted.

Counselor Wilson noted that the Board

Counselor Wilson noted the Board does not have the authority to enforce the State Fire Marshall's standards.

Discussion followed of the underground tanks and the proper sealing of same and the safety standards of the State Fire Marshall's office, and the "safe" sealing of the tanks prior to the applicant's use of the property as proposed.

Mr. Barnett stated the applicant would have no problem with bringing the tanks into proper sealing requirements as they are currently working with the State Fire Marshall's office in this regard.

The Board members reviewed the proposed plan.

Mr. Wilder inquired if the applicant was planning on constructing a new building. Mr. Barnett responded they are planning to rehab the existing building on the site. Mr. Wilder inquired of the access points. Mr. Barnett explained the two front entrances will be blocked by concrete barriers.

Counselor Wilson noted the former use of the property was pre-existing, non-conforming in nature, and he noted that it is his understanding that the owner would be abandoning the pre-existing non-conforming use status. Mr. Barnett responded it is his understanding that if the owner should desire to go back to the former use that they must come back before the Board of Adjustment for a Conditional Use Permit. Mr. Barnett further explained that at the end of the year the owner can come back and either remove the tanks or use a special material to seal the tanks to "please the State Fire Marshall's office". Mr. Barnett also affirmed that should the owner desire to return to the former use of the property a Conditional Use Permit would be required to put a gas station back in on the property.

Mr. Herb Moore, representing Florence Auto Sales, stated that it is very reasonable to expect the tanks to either be removed or to be sealed property with a special material. Mr. Moore explained that currently under review is the issue of the old style tanks which in all likelihood will require the tanks to be filled or removed.

Mr. Wilder noted that if the tanks are left that pressure tests of the State Fire Marshall's office have to be passed. Mr. Moore affirmed Mr. Wilder's reference to the pressure tests.

Mr. Wilder stated he has no problem with the aesthetic question of the area as the applicant seems to have done a lot with their current site on Ky. 18 and have improved the site. Mr. Wilder noted his expressed concern on the safety of the

tanks.

Mr. Wilder moved that the Board approve the Conditional Use Permit for an automobile sales lot with the condition that the permit not be issued until written proof is provided to the Board by the State Fire Marshall's office that the underground gasoline tanks on site have been properly sealed, and/or appropriate state and local agencies approval of the tanks.

Mr. Barnett inquired if the City of Florence Fire Dept. could inspect same. Mr. Wilder noted the State Fire Marshall's Office has to inspect tanks.

The motion was seconded by Mr. Bolten.

A roll call vote was taken on the motion.

Ayes: Mr. Wilder and Chairman Holland
Nays: Messrs. Bolton, White and Mrs. Lanigan.

The motion failed for lack of a majority vote.

Counselor Wilson explained the need for a motion to deny in the alternative and discussions held in the open meeting.

Mr. White stated that his personal reason for his concern is that the prior gas stations converted to car lots are unsightly. Mr. White also stated he is in agreement with Mr. Bolten's feeling that the site is the "Gateway to the City of Florence".

Mr. Reynolds, speaking for Florence Auto Sales, urged the Board to approve the Conditional Use Permit as the applicant is attempting to improve the area. Mr. Reynolds assured the site would be brought into compliance with regard to the safety of the underground tanks.

Discussion followed of other car lots in Kenton County.

Mr. Bolten moved that the Board deny the Conditional Use Permit for the reason that the area is the focal point of the city of Florence taking into account the existing uses in the area. The motion was seconded by Mr. White.

A roll call vote was taken on the motion.

Ayes: Messrs. Bolton and White, and Mrs. Lanigan.
Nays: Mr. Wilder and Chairman Holland.

Variance

The request of Lackner Sigh (agent) for Rax Restaurant for a Variance from the maximum height permitted for a free-standing sign. This property is located at 8115 U.S. 42, Florence, and is currently zoned Commercial Services, C-3.

Staff member Ralph Hopper presented the staff report and a slide presentation on the subject and surrounding area. Mr. Hopper explained the applicant is requesting a Variance in the height of a free-standing sign from 50 feet to 85 feet. Mr. Hopper noted the property is currently zoned Commercial Services, C-3 which does permit two free-standing signs. Mr. Hopper noted there is one free-standing and one building mounted sign on the property. Mr. Hopper stated he could find no conditions on the property that would make the property unique. Mr. Hopper noted that by strict application of the regulations the applicant would not be deprived of a reasonable use of the property. Mr. Hopper also noted that current conditions on the property are the result of the site plan approval granted to applicant in 1984. Mr. Hopper also noted that he could find no reasons that the variance would preserve or harm the public safety and welfare. Mr. Hopper stated the proposed variance would change the essential character of the neighborhood since no other sign in the area exceeds the 50 foot height requirement.

Mr. Bill Marquett, representing Lackner Sign Co., inquired of what Mr. Hopper would consider the immediate area. Mr. Hopper described explained and named other area businesses within close proximity. Mr. Marquett noted the Shell free-standing sign across the street which stands 101 feet. Mr. Marquett explained the reason for the request is to provide a sign with visibility from passersby on the expressway. Mr. Marquett stated the additional 35 feet would give Rax a visual line even with the Arby's sign down the street.

Mr. Wilder inquired of a point of reference. Mr. Marquett responded the sign would be in line with the Arby's sign although the location of the ground is higher in elevation.

Chairman Holland inquired of how far away the sign will be able to be seen. Mr. Marquett explained the sign will be seen from the edge of the Mall from the expressway going south.

Mr. Wilder requested photographs to visualize the line of signage. The Board reviewed the slide presentation of the staff. Mr. Wilder inquired of where the sign would be located on the property. Mr. Marquett responded it would be at the back property line.

Discussion followed of the C-3 zoning district and permitted signage.

Counselor Wilson noted there are residential properties to the rear of the Rax site and inquired of the illumination of the proposed signage.

Mr. John Reinhardt, representing Rax Restaurant, explained the location of the sign in relation to property lines and noted the only illumination would be from the lettering. Mr. Marquett noted the sign would be so high it would have very little illuminative effect.

Mr. Dave Winters of Rax Restaurant noted the proposed sign is predominantly plum in color with white lettering.

Discussion followed of the proposed sign.

There was no audience support or opposition expressed.

Mr. Marquett noted that before the sign is actually placed a floating will be conducted.

Discussion followed of the proposed sign and its visibility from the expressway.

Chairman Holland noted he felt the applicant may be putting too much emphasis on the importance of the sign.

Mr. Jack Reinhardt explained the necessity of the sign is to attempt to attract the transient traffic from the expressway.

Chairman Holland noted Mr. Hopper's reference in the staff report that the proposed sign would alter the essential character of the neighborhood.

Discussion followed of the visibility of the sign from the expressway.

Mr. Bolton inquired if the adjacent property owners were notified. Mr. Hopper responded it is not necessary to notify property owners in a variance request. Mr. Bolton expressed concern of light from the sign being a nuisance to area residences.

Mr. White stated he wished the applicant would have done a flag survey because in the past the Board has had some problems with signage.

Mr. White moved that the Board approve the variance for the signage from 50 up to 85 ft. or in site line with the Arby's flag line (whichever is less and not to exceed the Arby's sign).

Chairman Holland expressed concern of altering the essential character of the neighborhood.

Mr. Bolton inquired if a second sign is permitted. Mr. Hopper responded yes at 50 feet.

The motion was seconded by Mr. Bolton.

After discussion, the motion carried.

Ayes: Messrs. Bolton, White, Wilder and Mrs. Lanigan.

Nay: Chairman Holland.

FBA

September 11, 1985

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Administration

Mr. Wilder inquired of the proclamation for Mr. Block. Mr. Hopper related the proclamation is in the process of preparation.

Mr. Wilder moved that the Board adjourn. The motion was seconded by Chairman Holland.

Charles L. Holland

Attest:

Ralph Hopper