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MAY 22 1997
E. L. Collier
6/11/97

520.00 R# 13596

X

SEE MINUTES

STAFF REPORT

DEVELOPMENT: Grammas Development/Alpha Retail

APPLICANT: Smithers Sign Company, Inc.

LOCATION: 8449 Highway 42, Florence, Kentucky

ZONING: Commercial Two/Planned Development (C2/PD)

DATE: June 11, 1997

Proposal

The applicant is requesting a Variance to allow an increase in the square footage of a freestanding sign at the Alpha Retail Center, which is located at 8449 Highway 42, Florence, Kentucky. The applicant's request is for a Variance that would permit a 400 square foot freestanding sign at the corner of Highway 42 and Weaver Road. The property is zoned Commercial Two/Planned Development (C-2/PD).

Site History

The property was the former location of the First Church of Christ. In February of 1995, Grammas Development requested the Utilization of an Underlying Zone in a Planned Development, in order to develop the property. A public hearing was held and a motion was made by the Planning Commission, on March 15, 1995, to approve the Utilization of an Underlying Zone with the following Condition that is relevant to this request:

"The proposal shall be permitted two freestanding signs that do not exceed 25 feet in height, in the locations noted on the Concept Development Plan, in lieu of one freestanding sing that has a maximum height of 40 feet."

The two signs are to be located at each entrance to the development. One entrance is off of Weaver Road. The other entrance is off of Highway 42.

The Committee Report and Conditions did not specify or place a square footage limitation on the two signs. Therefore each sign must comply with the 1996 Boone County Zoning Regulations regarding square footage.

A copy of the March 15, 1995 Committee Report, approved Concept Development Plan, and minutes from the business meeting accompanies this Staff Report.

Article 34

Article 34, Section 3413 of the Boone County Zoning Regulations, states the following for Freestanding/Monument Signs in Commercial Two (C-2) zoning districts:

Shopping centers, mixed use commercial, and planned developments shall be permitted a density of one (1) on-premises freestanding sign for the purpose of identifying the name of the development, its major tenant(s), and its major access point.

In the Commercial Two (C-2) zoning district, the maximum size of a freestanding sign shall be no more than one (1) square foot of sign area per linear foot of road frontage along the street frontage where the sign is to be located. No freestanding sign in a C-2 zoning district shall exceed two-hundred (200) square feet in area.

A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.47.

Variations are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

Conclusion

K.R.S. 100.241 gives the Florence Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Variance to allow an increase in the square footage of a freestanding sign. It is Staff's opinion that the proposed Variance will not adversely affect the public health, safety, or welfare, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, but that it may alter the essential character of the general vicinity and may cause a nuisance to the public. It is

Staff's opinion that the proposed sign is not of an appropriate size or scale for the development and should not be located at the corner of Highway 42 and Weaver Road, directly in front of the undeveloped out-lot. Staff would rather see the applicant follow the Condition placed on the development, that would permit two freestanding signs, at 200 square feet each, and located at each entrance to the development.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Edward Coleman". The signature is written in a cursive, somewhat stylized font.

Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Proposed Sign
- March 15, 1995 Committee Report
- March 15, 1995 Minutes
- Approved Concept Development Plan
- Zoning Map

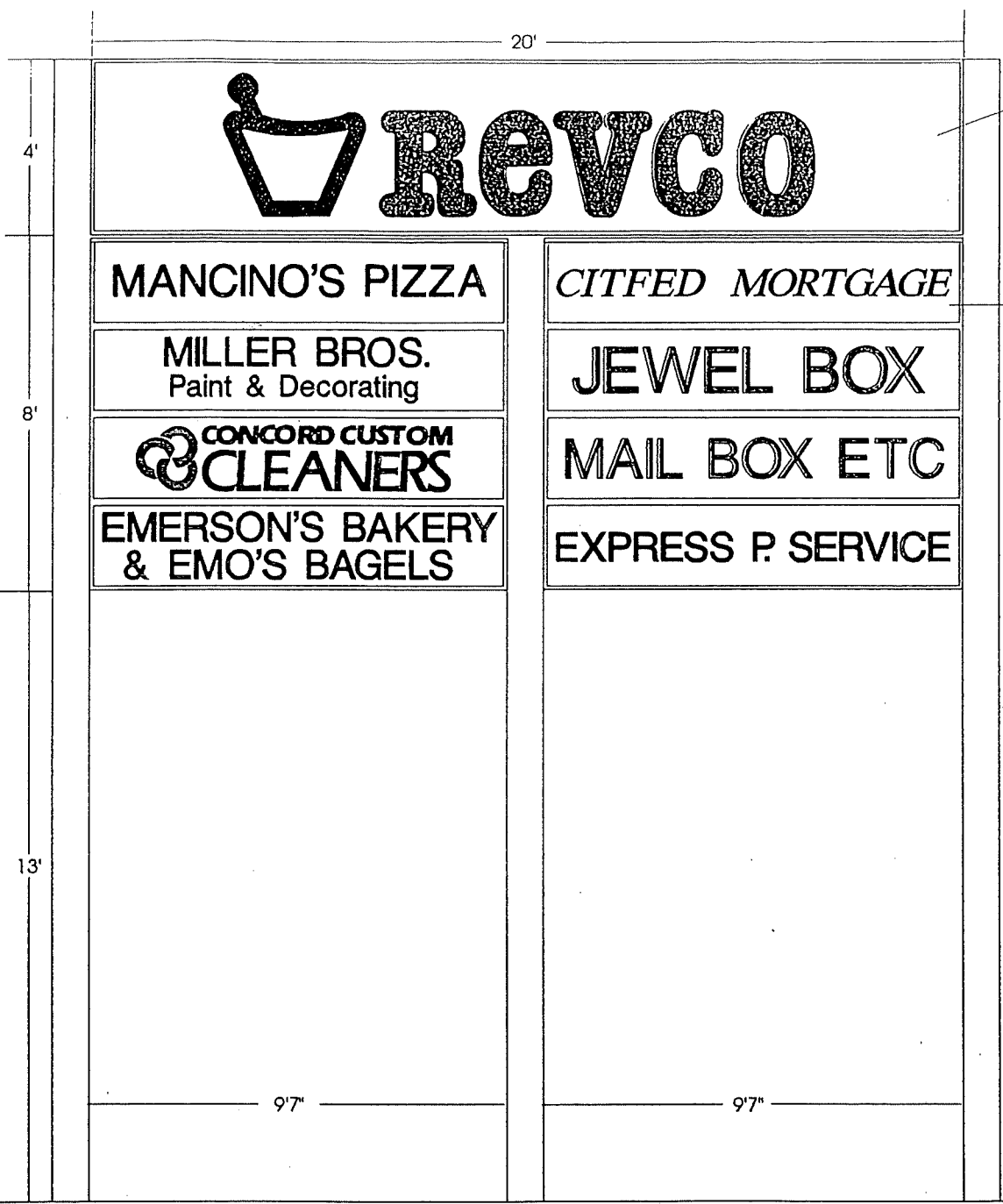


Alpha Retail Location

1200 0 1200 Feet

1 inch equals 1200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 4, 1997





20'


4'

8'

13'

9'7"

9'7"

 **REVCO**

MANCINO'S PIZZA

MILLER BROS.
Paint & Decorating

 **CONCORD CUSTOM CLEANERS**

EMERSON'S BAKERY & EMO'S BAGELS

CITFED MORTGAGE

JEWEL BOX

MAIL BOX ETC

EXPRESS P. SERVICE

4' X 20' REVCO
DOUBLE FACE SIGN

22-3/8" X 115"
SLIDE IN FACES
WHITE BACKGROUND
PLUS TWO COLORS

SMITHERS SIGN CO., Inc

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: March 15, 1995

RE: Request of Grammas Development (applicant) for First Church of Christ (owner) for a Utilization of an Underlying Zone in a Planned Development on a 3.5 acre site located at the intersection of U.S. 42 and Weaver Road. The request is to allow general retail uses within approximately 46,000 square feet of building floor area at 11176 U.S. 42, Boone County, Kentucky, that is located within a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced request based upon the following findings of fact and with the following conditions:


FINDINGS OF FACT

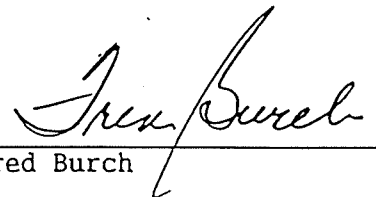
1. The Committee has concluded that because the 1990 Boone County Comprehensive Plan designates the site as "Public/Institutional" due to the existence of a church, and because this existing church on the site is moving to another location, there have been changes of a social and economic nature, and a physical nature in some respects, that were not anticipated in the adopted Comprehensive Plan.
2. The Committee further concludes that the proposed commercial uses are similar to, and compatible with, the existing commercial uses in this vicinity of U.S. 42, thus, are appropriate for the site in question.
3. The attached conditions are necessary to achieve consistency with the Boone County Comprehensive Plan, Article 15 "Planned Development" of the Boone County Zoning Regulations, and to mitigate foreseeable community impacts that would be created by the proposal. The applicant has signed a letter agreeing to these conditions.

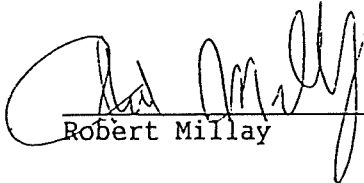
CONDITIONS

1. The architectural design of the proposed structures and the landscape plan shall be subject to design review to assure compatibility and appropriateness with the adjacent areas, and to assure that the project will provide an overall high quality design. This design review will be conducted as part of the Site Plan procedure. The design of the structures shall relate to the adjoining structures in terms of scale, materials, architectural forms, and detailing. The consistent use of materials and detailing shall occur on all facades of the proposed structures as to avoid the creation of a "back side" of the structures. The landscaping plan shall include screening along the Evergreen Drive frontage and along the rear of the property, and interior parking lot landscaping that minimally meets the requirements of Article 31 of the Zoning Regulations.
2. The proposal shall be permitted two freestanding signs that do not exceed 25 feet in height, in the locations noted on the Concept Development Plan, in lieu of one freestanding sign that has a maximum height of 40 feet.
3. The curbcut on U.S. 42 shall be designed and constructed in a manner that prohibits left hand turns onto U.S. 42.
4. No single tenant/user on the site may exceed 15,000 square feet in floor area.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

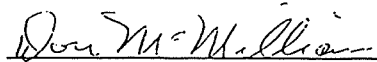

Phil Damstrom, Chairman


Fred Burch


Robert Millay

William Bailey


Barry Neltner


Donald McMillian

Mrs. Arnett referred to Condition #5 and asked if the agreement with Ameristop has been drafted. Mr. Bill Kratz, West Shell Realtors, advised that they are currently discussing an agreement for the parking situation and the possible purchase of the property. Mrs. Arnett asked if there is agreement to a driveway connection between the two lots. Mr. Kratz advised that they are working out the purchase of the property with a rental back to Ameristop for the store, or an agreement for the parking.

Mrs. Schaffer stated that she believes there is another commercial building, possibly a law office, next to it. Mr. Kratz advised that that is a separate piece of property. He stated that there is a continuous parking lot from the west side of the convenient store all the way to Glenn Street. Chairman Viox stated that they would have the ability to drive all the way through to Glenn Street. Mr. Kratz replied "through the Ameristop property and the curb cut to the west side of the property". Mrs. Schaffer asked if the 5-foot Variance for the corner is still included. Mr. Burch advised that it is.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

The Chairman called for a short recess. The Chairman left the meeting at this time and returned during Mr. Geohegan's presentation regarding subsurface mining.

Following the recess, Mr. Burch chaired the meeting and introduced the next item to be heard:

4. Utilization of Underlying Zone

The request of Grammas Development (applicant) for First Church of Christ (owner) for the Utilization of an Underlying Zone in a Planned Development on a 3.5-acre site located at the intersection of U.S. 42 and Weaver Road. The request is to allow general retail uses within approximately 46,000 square feet of building floor area at 11176 U.S. 42, Boone County, Kentucky, which is located within a Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Damstrom moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

Mr. Kirby stated that there was a driveway adjacent to a residential lot off of Evergreen Drive. The driveway was along the property line of the house. He noted that the Committee Report refers to landscaping along the Evergreen Drive frontage and the rear of the property. He stated that the rear of the property is wide, but the driveway is next to the property line.

Mr. Hayes stated that Mr. Kirby was referring to an area to the south away from U.S. 42 that adjoins an Urban Residential Zone. He stated that there are two homes on Evergreen Drive, but they are not actually adjoining the site. The closest residence is the residence to the south and the driveway runs parallel to the property line. Mr. Kirby stated that there is a driveway coming in off Evergreen Drive and along the property line that parallels the residential property line. The driveway is right next to the residential. Mr. Hayes stated that the Committee Report is saying that there will be screening along there. Mr. Kirby asked if it will be properly screened -- not just little bushes. Mr. Hayes advised that the type of screening will be addressed at Site Plan Review.

There being no further comments, Mr. Burch asked for a vote on the motion made by Mr. Damstrom which found all eleven Commissioners present in favor. Chairman Viox was not present. The motion carried.

6. Zoning Map Amendment

The request of L. T. Runion (owner) for a Zoning Map Amendment for a 2.06-acre site on Limaburg Road near Timber Lane, Boone County, Kentucky. The request is to change the zoning from Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) to allow the construction of single-family residences.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Rush moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion. A vote on the motion found all eleven Commissioners present in favor. Chairman Viox was not present. The motion carried.

OTHER: Text Amendment - Subsurface Mining

Report by Staff Member Dave Geohegan in regard to the feasibility of a text amendment to the Boone County Zoning Regulations to allow subsurface mining as a permitted use:

Mr. Geohegan advised that the report had been sent out to the Commissioners approximately two weeks ago and the Long Range Planning Committee has met in regard to this issue. He advised that American Aggregate approached the Fiscal Court with this issue about a year ago as the use is not allowed in the current Zoning Regulations.

Chairman Viox returned at this time.

Mr. Geohegan presented the report on the feasibility of a text amendment to the Boone County zoning Regulations to allow subsurface mining as a permitted use,

U.S. HWY 42

WEAVER ROAD

EVERGREEN-DR.

PROP. BOX
SEE PRE-APPROVED
GRADING PLAN

EX. SAN
HW

4200 sq. ft.

10,790 sq. ft.

31,085 sq. ft.

ZONING OF SITE = C-2/PD

UR-1
(FLORENCE)

