



BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning  
Commission Staff)

1. Date Received MARCH 18 1998 Fee Received 1102.00 R#16248
2. Is application complete? Yes No 24.00 R#1626
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 4/8/98
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: SEE FBOA MINUTES DATED 4/8/98  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

## STAFF REPORT

**APPLICANT:** John Johnston for United Dairy Farmers  
**LOCATION:** 7612 Dixie Highway, Florence, Kentucky  
**ZONING:** Commercial Two (C-2)  
**DATE:** April 8, 1998

### Proposal

The applicant is requesting a Variance and a Conditional Use Permit to allow a reduction of the rear yard setback and the construction of an automatic car wash on the rear side of a new United Dairy Farmers store at 7612 Dixie Highway. The project includes 3,790 square feet for the UDF store, 3,000 square feet of retail rental space, and 1,031 square feet for the car wash structure. The UDF store will also include the sale of gasoline. The store, retail space, and gasoline sales are principally permitted in a Commercial Two (C-2) zoning district. The existing strip center is to be demolished and replaced with the new facility. The proposed location will require that the rear yard setback be reduced from 20 to 4 feet. The car wash and part of the UDF store are located within the 20 foot rear yard setback.

### Site History

The applicant made a request for a Conditional Use Permit for the sale of gasoline and an automatic car wash facility at this site in January of 1996. Since the update of the Boone County Zoning Regulations, the sale of gasoline is a principally permitted use in a Commercial Two (C-2) zoning district. The Board approved the applicant's request for the sales of gasoline, but denied the request for a car wash. The Board determined that the car wash was not a compatible use with the existing area and would detract from an otherwise pedestrian oriented commercial center. The Board made as a condition that lighting was to be directed downward and that lights in the area of the drive off Bustetter Drive on the north side of the driveway would be shaded from the property at #7 Bustetter Drive. The Staff Report, Certificate of Land Use Restrictions, and the minutes from the Public Hearing on January 10, 1996 accompany this Staff Report.

### Surrounding Land Uses and Zoning

North of the site is the Turfway Town Square shopping center and a residential subdivision along Bustetter Drive. The shopping center is zoned Commercial Two (C-2). The residences along Bustetter Drive are zoned Suburban Residential Two (SR-2). East of the site is a retail lighting center zoned Commercial Two (C-2). South of the site is an automobile dealership and other commercial uses zoned Commercial Two (C-2). West of the site is a Taco Bell restaurant and McDonald's restaurant zoned Commercial Two (C-2).

Boone County Zoning Regulations

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit in a Commercial Two (C-2) zoning district as stated in Sections 262 and 1023 of the Boone County Zoning Regulations. An automatic car wash facility is permitted as a Conditional Use in a Commercial Two (C-2) zoning district provided the Board finds the following:

- a) The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c) the arrangement of uses, buildings, or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

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.

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

Before any Variance is granted, the Board must find that the granting of the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- a. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

- c. the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Staff Concerns/Comments

1. The condition pertaining to lighting along the driveway access to Bustetter Drive remains an obligation of the applicant and/or developer. Staff is not convinced that there is a need for lighting on the north side of the access driveway. Lighting in front of the store should sufficiently illuminate the site. The applicant will be required to landscape the area between this driveway and the adjacent residential property.
2. Staff does not see any problems with the request for a Variance. The existing building has approximately the same rear yard setback as the proposed building. The building backs up to a loading dock for the Turfway Town Square shopping center.
3. Staff does have concerns with the use of an automatic car wash. Even though the applicant has moved the proposed location of the car wash from east side of the building to the rear of the building, noise may be a nuisance for some of the residents along the west side of Bustetter Drive.

Conclusion

K.R.S. 100.237 and gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow a car wash at a proposed new United Dairy Farmers store at 7612 Dixie Highway. K.R.S. 100.241 gives the Board the authority to grant the applicant's request for a Variance to allow a reduction of the rear yard setback for the proposed building. The Board should base its decision on the applicant's request as it relates to the criteria necessary for approving a Conditional Use and a Variance as stated above.

It is Staff's opinion that the Variance will not negatively impact the site or adjacent properties based on the location of the existing building. Staff does believe that an automatic car wash may adversely affect the residents along Bustetter Drive who live near the site, may alter the character of the general vicinity with respect to the residences, and may cause a noise nuisance to these residents.

Respectfully submitted,  
Edward Coleman

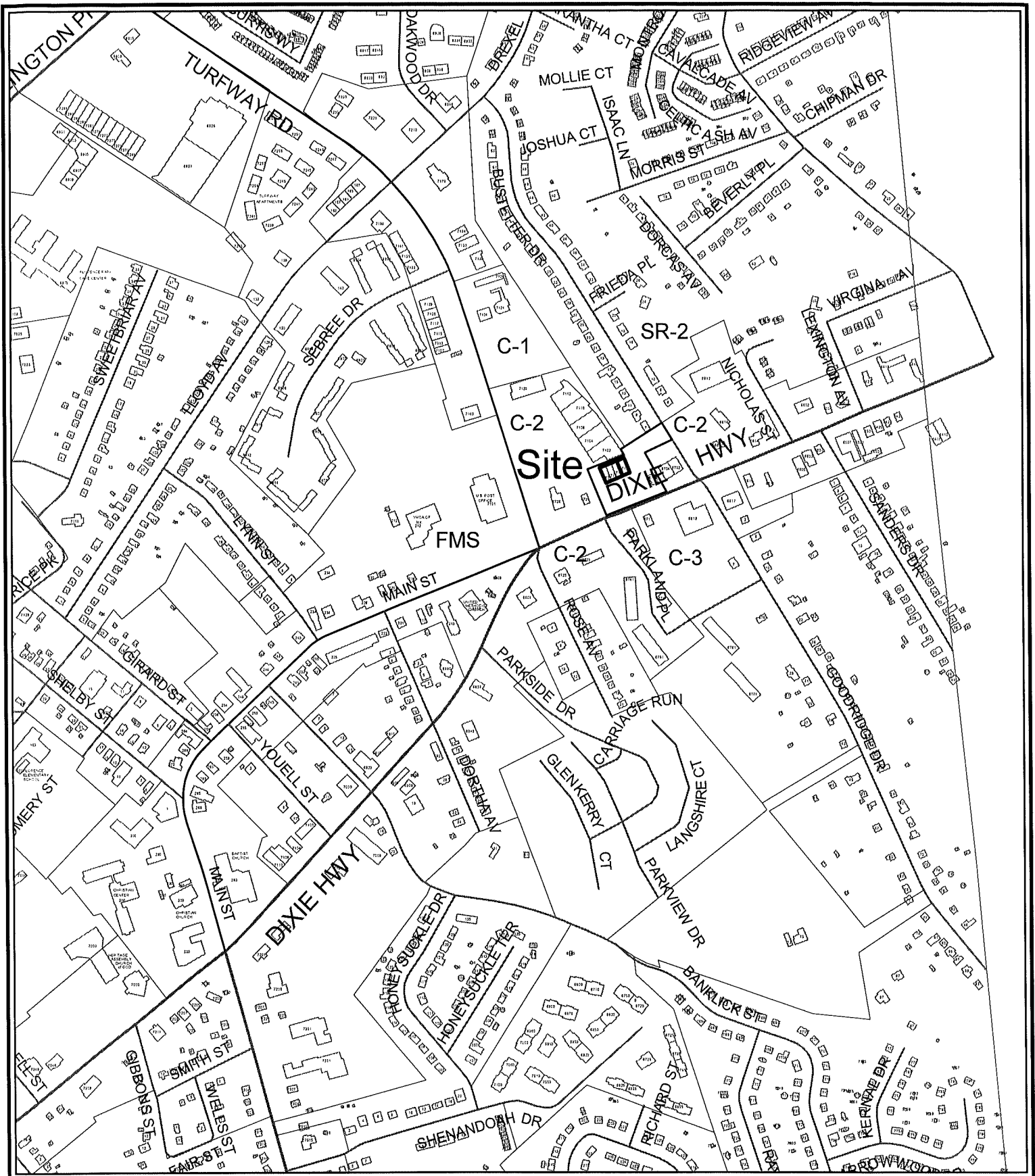


Planner

EC\par

Attachments

- Location Map
- Aerial Photo
- Concept Development Plan
- 1996 Staff Report
- 1996 CLUR
- 1996 Public Hearing minutes



# United Dairy Farmers 7612 Dixie Highway

600 0 600 Feet



1 inch equals 600 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 7, 1998



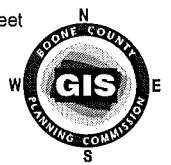


United Dairy Farmers  
7612 Dixie Highway

100 0 100 Feet

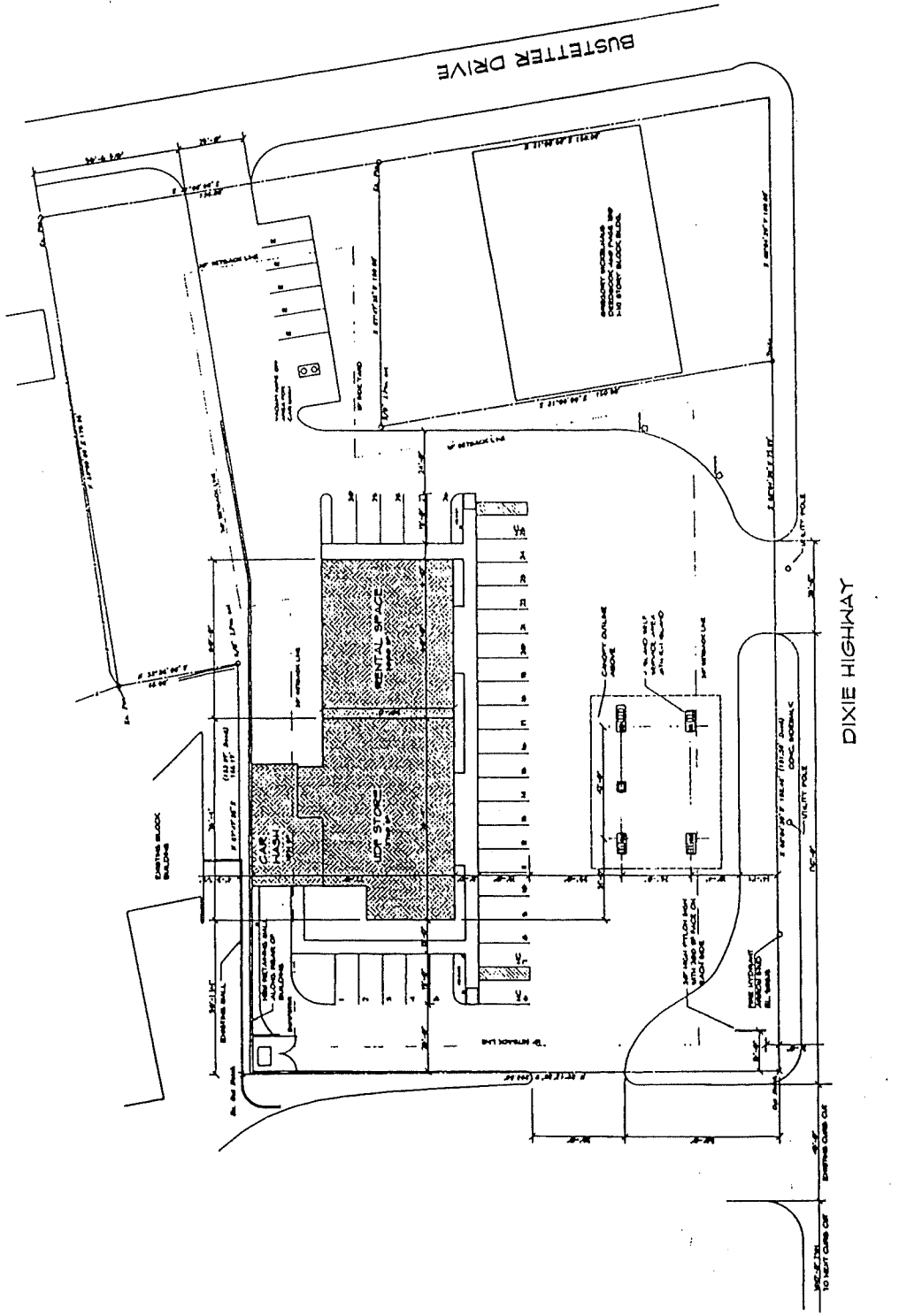


1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 7, 1998



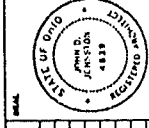
**SITE INFORMATION**

- ZONE: C-2
- AREA OF SITE: 41,379 SF.
- BUILDING AREA: 37,200 SF.
- USE: UDF
- RETAIL RENTAL: 3,000 SF.
- OFFICE RENTAL: 3,000 SF.
- TOTAL: 6,000 SF.
- GAS ISLAND CAPACITY: 300 SF. 1.68' 0"
- PARKING: 71 REGULAR / 3 HANDICAPPED
- SPACES: 74 SPACES
- EMPLOYEE: 2 SPACES
- CAR WASH DRY STATIONS: 2 SPACES
- TOTAL: 76 SPACES



PROPOSED DEVELOPMENT PLAN  
 FOR  
**UNITED DAIRY FARMERS PROPERTIES**  
 6712 DIXIE HIGHWAY  
 FLORENCE, KENTUCKY 41042

**SITE PLAN**  
 SCALE: AS SHOWN  
 THIS PLAN IS VALID ONLY FOR THE PROJECT AND SITE SHOWN.  
 ANY CHANGES TO THE PROJECT OR SITE SHALL BE MADE BY THE ARCHITECT.  
 DATE: JAN 18, 1998



**UNITED DAIRY FARMERS**  
 6712 DIXIE HIGHWAY  
 FLORENCE, KENTUCKY 41042

**JOHN D. JOHNSTON ARCHITECTS**  
 3411 W. COLUMBIAN ROAD  
 COLUMBIAN, OHIO 43012 614-888-8743

**ARCHITECTS & ASSOC. ARCHITECTS**

DATE: 08/17/98	PROJECT NO. <b>A1</b>
DATE: 08/17/98	PROJECT NO. 41042
DATE: 08/17/98	PROJECT NO. 41042

RECEIVED

1995 JUN 11 P 3:41

BOOK 556 PAGE 75



JEFFREY W. ROUSE  
BOONE COUNTY CLERK  
10:50 A.M.

CLUR # 96-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
United Dairy Farmers  
3955 Montgomery Road  
Cincinnati, Ohio 45212
- 2. ADDRESS OF PROPERTY  
6712 Dixie Highway  
Florence, Kentucky
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
United Dairy Farmers

DEED BOOK: 5

PAGE NO.: 4/5

GROUP NO.: 2034B

- 4. TYPE OF RESTRICTION (S) (Check all that apply)

- Zoning Map Amendment: From\_to\_\_\_\_\_
- Conditional Use Permit
- Development Plan
- Conditional Zoning
- Subdivision Plat (Unrecorded)
- Other:
- Variance

- 5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

  
SIGNATURE OF COMPLETING OFFICIAL

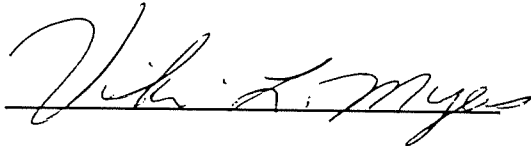
Jeffrey Hayes, AICP/Planner  
Name and Title of Completing Official

(3)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone County Planning Commission this 10th day of January, 1996.

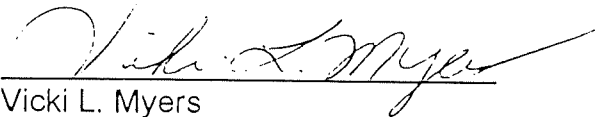


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CLUR# 96-FBOA -001-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of January 10, 1996 (Certificate of Land Use Restriction # 96-FBOA-001-A), for United Dairy Farmers, Property owners.

The following conditions will apply: The sale of gasoline will be allowed but the use of the car wash is not compatible with the area and detracts from an otherwise pedestrian oriented commercial center. Lighting is to be directed downward, the lights in the area of the drive off Bustetter Drive on the north side of the driveway shall be shaded from the property at #7 Bustetter Drive.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 5

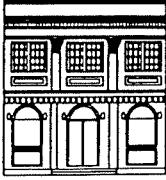
PAGE NO. 4/5

Group No. 2034B

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County Court, do certify that the foregoing Misc was, on the 11 day of June 1996, at 3:44 M. lodged in my office for record, and that it has been duly recorded in my said office, together with this and the certificate thereon endorsed.  
Given under my hand this 11 day of June 1996.  
JERRY W. ROUSE, CLERK  
By Jerry Rouse D.C.

# BOONE COUNTY PLANNING COMMISSION

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2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE CITY BUILDING  
BUSINESS MEETING  
JANUARY 10, 1996  
8:00 P.M.**

**AGENDA**

1. Request of United Dairy Farmers for a Conditional Use Permit to develop a 3,700 square foot convenience store with the sale of gasoline and an automatic car wash located on Dixie Highway, east of the Turfway Road Intersection on the north side of Dixie Highway, Florence, Kentucky. The property is zoned Commercial Two (C-2).

## STAFF REPORT

**DEVELOPMENT:** United Dairy Farmers

**APPLICANT:** United Dairy Farmers

**LOCATION:** 6712 Dixie Highway  
Florence, Kentucky

**ZONING:** Commercial Two (C-2)

**DATE:** January 10, 1996

The applicant is proposing to develop a 3,700 square foot convenience store and is requesting a Conditional Use Permit for the sale of gasoline and an automatic car wash facility for this site. The proposed convenience store is principally permitted within the Commercial Two (C-2) zoning district. The proposed UDF would be located in the same location as the existing UDF store which is currently located within a small strip center. The site is located east of the intersection of Turfway Road and Dixie Highway on the north side of Dixie Highway (See Map # 1 and #2).

Article 10 of the Boone County Zoning Regulations permits the development of gasoline service stations and normal maintenance, repair and wash services for vehicles with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit.

- a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service;
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center;
- c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning (See Sheet #3)

- North: Retail shopping center zoning Commercial Two (C-2) and single family homes zoned Suburban Residential Two (SR-2)
- South: Auto Dealership and other Commercial Two (C-2) uses
- East: Retail lighting center zoned Commercial Two (C-2)
- West: Taco Bell and McDonalds zoned Commercial Two (C-2)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as commercial. The Land Use Text identifies that Florence should evolve from a suburban city to that of a more urban city. The text further indicates that commercial development must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads.

Concept Development Plan

The applicant's development shows the demolition of the existing center and replacing it with a 3,700 square foot convenience store, four gasoline pumps with canopy and a automatic car wash. A driveway connection would be made to Bustetter Drive and 26 parking spaces would be constructed. There are currently two existing curb cuts on Dixie Highway for the small strip center where the existing UDF is located. The site is also served by a parking lot connection to the adjoining retail uses to the north and west of the applicant's site. Currently, the curb cut on the west end of the site is located less than 10 feet from another curb cut which serves the larger retail center and fast food restaurants. These two access points allow for conflicting turning movements which could create accidents.

Staff Concerns

1. Staff believes that the coordination of access points are essential and should be made part of this development's proposal. The County's Comprehensive Plan indicates that the coordination of curb cuts and parking lot connections must occur in order to maintain reasonable ease of travel. Therefore, staff believes that the curb cut indicated as number 1 on Map #3 should be removed and the existing parking lot connection retained. This would still allow the UDF site to have three means of ingress and egress to the site while eliminating the existing hazardous

2. The lighting for the site should be directed straight down to prevent any spill over lighting into the adjoining residential properties and the vacant portion of the property which adjoins the single family homes should be planted with evergreen trees to provide a solid visual screening.
3. Staff has a concern regarding the hours of operation for the facility primarily regarding the operation of the automatic car wash and vacuum area. These operations could produce noise that would be disruptive to the adjoining residential properties.

Conclusion

Staff believes that the proposed use if properly buffered and operated will be visually compatible and harmonious with the surrounding residential areas. In addition, staff believes that the proposed development will be a visual improvement from the existing center. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the three criteria for a Conditional Use within a Commercial Two zoning district.

Respectfully Submitted,



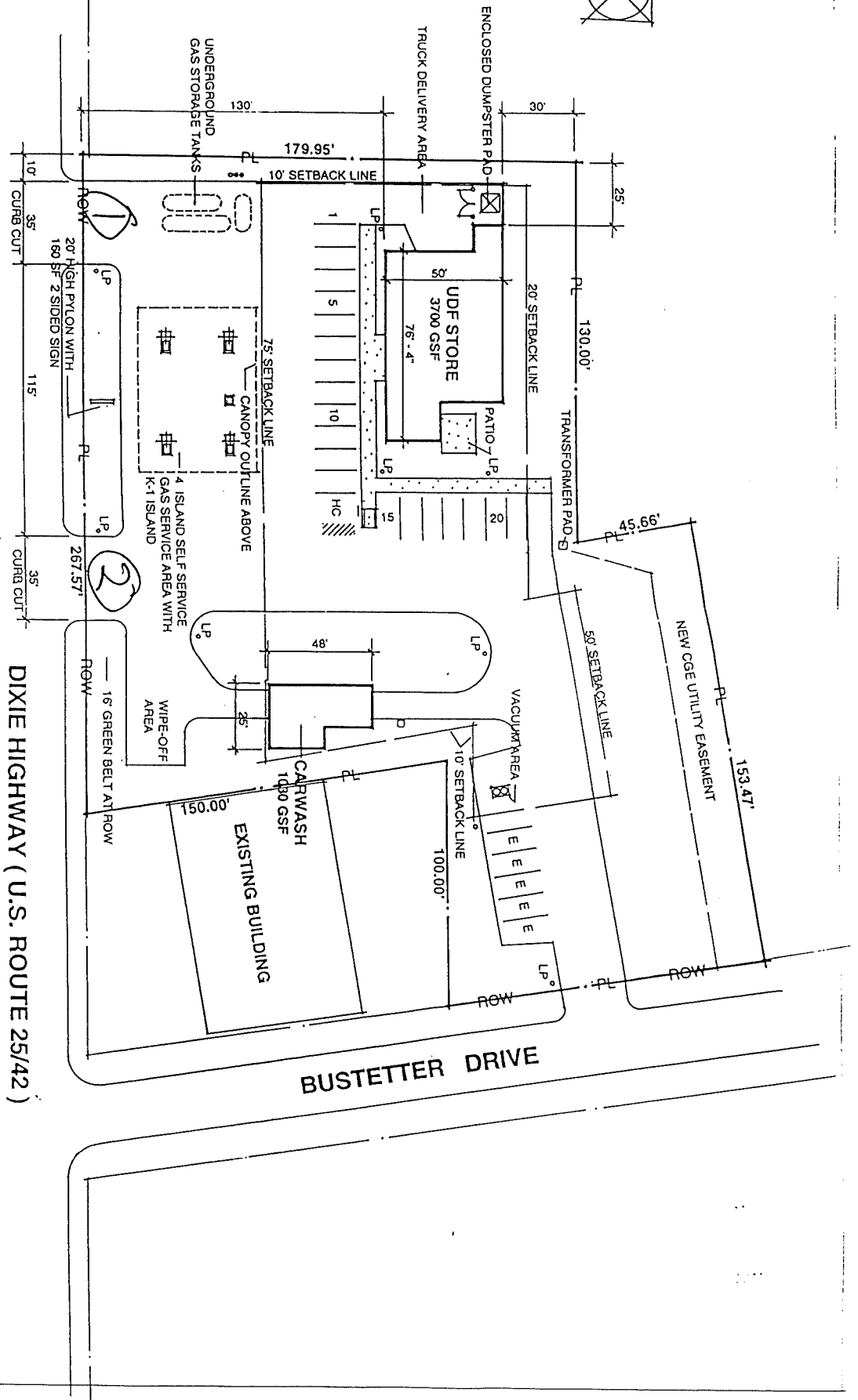
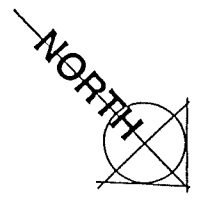
Jeffrey F. Hayes, AICP  
Planner

JFH\par



MAP # 1





JOHN JOHNSTON ARCHITECT - 3955 MONTGOMERY ROAD - CINCINNATI, OHIO 45212

**PROPOSED REDEVELOPMENT:**

UNITED DAIRY FARMERS PROPERTIES  
 6712 DIXIE HIGHWAY  
 FLORENCE, KENTUCKY 41042

DIXIE HIGHWAY ( U.S. ROUTE 25/42 )

MAP # 3

FLORENCE BOARD OF ADJUSTMENT  
FLORENCE CITY BUILDING  
BUSINESS MEETING  
January 10, 1996  
8:00 P.M.

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Chairman Holland called the meeting to order at 8:10 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Mr. Ewing  
Chairman Holland  
Mr. Pieper  
Mrs. Ward

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that there were no Minutes to be approved.

Agenda Item:

1. The request of United Dairy Farmers for a Conditional Use Permit to develop a 3,700 square foot convenience store with the sale of gasoline and an automatic car wash on the north side of Dixie Highway, east of the Turfway Road intersection, Florence, Kentucky. The property is zoned Commercial Two (C-2).

Staff Member Jeff Hayes presented the Staff Report (see Staff Report). Mr. Hayes stated that the applicant has negotiated with the adjoining property owner to close one of the access points shown on the applicant's plan and Staff Concern #1 is a moot point. Mr. Hayes advised that he has had discussions with some of the adjoining property owners and they are concerned about the stormwater. He noted that one of the requirements of the Zoning Regulations is that they provide stormwater detention. The stormwater is currently collected in catch basins, but it is not detained. With the proposed development of the site, the applicant would be required

to provide stormwater detention for the site. They will have to go through Site Plan Review.

Counselor Wilson advised that the stormwater detention regulations were not in effect when the current facilities were put in place and that is why they are not currently having to comply.

Chairman Holland asked if it is possible to make the curb cut larger than 35 feet. He asked for the applicant's comments.

Mr. John Johnston, architect for United Dairy Farmers, introduced Claire Deidricks, Director of Real Estate for United Dairy Farmers. Mr. Johnston stated that they were not aware that there had been a problem with the stormwater on the site, but in talking with some of the residents they have determined that it occurs on the property they are under contract to purchase, which is adjacent to their store. Using a display board, Mr. Johnston stated that a curb cut would be eliminated. He reviewed the movement of traffic to and from the site on a 50-foot easement. He noted that there are five curb cuts on the property now, and that two of them will be eliminated. Chairman Holland asked if the 35-foot curb cut is wide enough. Mr. Johnston replied "yes" and stated that it is the standard size for a commercial entrance. He reviewed the display board and stated that they now have an 8,400 square foot building and the property was at one time "L" shaped. At one time, United Dairy Farmers owned all of the property where Thriftway and the dairy store are, but when Thriftway was separated from United Dairy Farmers the curb cut continued to exist. The curb cut has been there for 25 years. Mr. Johnston showed the Board a letter from Regal Quad (Lindner's organization that previously owned Thriftway) indicating that they will allow them to enter into an agreement for access.

Mr. Johnston stated that they will be building a 3,700 square foot store similar to the Mt. Zion store. He showed the Board a sketch of the building. He stated that the car wash will be brushless. He stated that everyone is concerned about the noise and the motors, but this will be a spray operation. He did not get the information regarding the decibels back from the manufacturer. He stated that the car wash will not have brushes and motors running and is relatively quiet compared to older car wash operations. Mr. Johnston indicated the access to Bustetter Drive, the employees parking lot, and the vacuum stations. There are 22 parking spaces around the store. The gas station will be self-service and will be a four-island station to service eight cars at a time. The store will have an ice cream parlor, fast food service area, and groceries. He indicated a green area on the display which is where they will have stormwater retention. He stated that they would have to maintain a 50-foot setback buffer. In the early Spring, CG&E will reposition the utility lines running back from the street and crossing the green area. They have no plans for the green area other than buffer and stormwater detention. Mr. Johnston stated that they would be responsible for protecting the surrounding area from any water created on their site. They will create more greenscape and landscape than currently exists. The amenities will be beneficial to Dixie Highway and to the neighbors.

Mr. Ewing questioned the hours of operation of the car wash. Mr. Johnston stated that the car wash could be set up so that it could be shut off at pre-determined hours. Mrs. Deidricks stated that she is not sure it is a 24-hour store, but the car wash would be in agreement with the store hours. Mr. Johnston stated that even if it is a 24-hour store, there would be the opportunity to determine the operation of the car wash at a certain time.

Mr. Ashcraft asked if there is a reason why the car wash should be in the location indicated instead of on the opposite side of the property. Mr. Johnston stated that the most important part of their business is the convenience store and the gas. The car wash is ancillary and an amenity to their operation. They feel that this is the best location for the car wash. The car wash is adjacent to the next door building.

Mr. Ewing questioned the lighting. Mr. Johnston stated that the lighting will be as Mr. Hayes said -- it will be straight down.

Chairman Holland asked if there was anyone else present who wished to speak.

Mr. Greg Wickehaus stated that he owns the building on the corner that has the curb cut. He questioned how close the car wash would be to his building. Mr. Johnston stated that the car wash would be ten feet from the property line. He noted that Mr. Wickehaus' building appears to be about one foot off the property line.

Mr. Wickehaus noted that there are no elevations on the plan. He stated that if they raise the elevation of the site, he will have water in his basements. Mr. Johnston stated that they would have to control the water. He stated that they are not going to bring the site up to street level. Mr. Wickehaus stated that his entire lower level is exposed and if they bring up the elevation, he will have water in his lower level. He questioned the employee parking. He stated that there has been a problem with people making it a highway there -- they drive through the gravel road and between the dumpsters now, even before the road is put in there. He believes there will be a lot of traffic through the site.

Mr. Wickehaus commented "you will be responsible for your own water" and Mr. Johnston replied "yes". Mr. Wickehaus advised that he owns the Dixie Sporting Goods building and the lighting store building.

Mr. John Taylor stated that he owns the residence (7 Bustetter Drive), which is adjacent to the property they will build on. He stated that he does not have a problem with the store, but has a problem with the car wash, the dry cleaners, the parking area, and the drive exiting onto Bustetter Drive. He stated that there are four gas stations within one-quarter mile of each other. There are three car washes in the area -- one on Dixie Highway and two on Turfway -- and there is no need for this. The water problem has been on-going for years and his backyard gets flooded. Two feet of water runs through there when it rains. In regard to the entrance off Bustetter Drive, he stated that there are people who drive through there now and when they put a road through there the traffic on Bustetter Drive will probably triple. He has small children who cannot

even play in the front yard. It is a nice neighborhood and people have lived there for a long time. The entrance will hurt the neighborhood. He stated that trying to make a left hand turn on Dixie Highway is very difficult -- there is no arrow or turning lanes -- and there is traffic from Goodrich. The traffic problem will be tremendous and traffic will be backing up on Bustetter Drive.

Mr. Ashcraft asked if it is C-2 where they propose the driveway off Bustetter Drive. Mr. Hayes advised that it is. Mr. Ashcraft stated that the Board does not have any jurisdiction over whether there is a curb cut on Bustetter Drive. Mr. Taylor questioned who is responsible.

Mr. Hayes stated that the entrance provides a more efficient traffic flow for the site. The curb cut will not increase the traffic coming into the site. Mr. Ashcraft stated that they are entitled to the curb cut and the Board cannot prevent it. Counselor Wilson questioned if speed bumps could be considered during Site Plan Review. Mr. Hayes replied "yes, if the applicant agrees to it". He noted that speed bumps cannot be required on private property. Counselor Wilson questioned, if the concern is that traffic will use this access as a cut through to bypass the light, would the applicant consider incorporating speed bumps. Mr. Johnston stated that they will consider it. He stated that their operation will not increase the traffic that will come to and from the residential area.

Mr. Taylor stated that people cut through the lot to get to another strip center and they come down Bustetter Drive. Mr. Johnston stated that that is neighborhood traffic. Mr. Ewing stated that it is not residential traffic. He noted that people will see cars waiting in line and will cut through this site to get out.

Mr. Taylor stated that he can sit in his yard in the middle of the summer and hear the car wash on Turfway and the vacuums -- and this car wash will be less than 200 feet from his house. The noise will be a major factor to him and to his neighbors. Mr. Johnston stated that there will be noise -- but not the kind that happens at other car washes. Mr. Taylor stated that he will not be able to sit out and enjoy his yard. The car wash will be unbearable. He stated that they have had problems with people playing radios in the parking lot at the pool hall. He stated that kids will be cleaning their cars and playing their radios -- and he will have an on going battle of calling United Dairy Farmers and calling the police.

Mr. Wickehaus stated that when they took out their garbage the cars would almost run over them. He suggested making the access "in only" off Bustetter Drive. He stated that this development will cause more traffic there.

Mr. Johnston stated that there are residents living there and this is a service to the community. He stated that they cannot stop people who misuse things -- if they make the access "in" only, they cannot have someone standing out there to make sure it is used that way. He is aware that people will try to bypass the light and cut through the lot, but they feel it is important to service the community.

Mr. Taylor stated that he will be limited in the use of his own home by the noise and the traffic, which is not fair.

Chairman Holland advised that the traffic using the Bustetter Drive access could be controlled with a raised curb -- but noted that people can get over it. Mr. Johnston stated that he would think they would have no problem in incorporating speed bumps in this portion of the drive -- but that will not stop people from misusing the site. They do not want to eliminate potential customers by not having convenient access to the site.

Ms. Deidricks stated that the circulation on the property is for their delivery trucks and customers. Mr. Taylor stated that the delivery area is on the far side of the building. A delivery truck is not allowed on Bustetter Drive. Ms. Deidricks stated that if they have a delivery truck there, the Bustetter Drive access will allow cars to come and go the other way. She stated that this is the seventh site Plan they have developed. They have worked with the Staff, the community, and the utility company to create something that serves everyone.

Mr. Taylor stated that they have not worked with the residents. He questioned if they would want to live near a running vacuum.

Ms. Deidricks stated that their facility has been there for 30 years and they are making a major investment for the community in upgrading the facility. The dry cleaner and heating & air-conditioning businesses in the back, and their trucks, will be eliminated. A greenbelt will be added. She stated that Dixie Highway and Turfway have a tremendous amount of traffic as it is and she is not sure their sound will be audible over the traffic on Dixie Highway.

Mr. Earl Hedges, 11 Bustetter Drive, stated that he was not notified of the meeting. Ms. Deidricks stated that he did not have to be notified as he is not an adjoining property owner. Mr. Hedges stated that he is affected by this. He indicated the area for employee parking and stated that it will become a juvenile delinquency spot. He stated that the residents have had gas stolen out of their cars. Bustetter Drive used to be a premium street in Florence, but it now takes a year to sell a house there and Mr. Taylor will have a difficult time selling his house. The property values on Bustetter Drive are being affected. The vacuums will be noise pollution. The car wash will be a problem. They are concerned about the water and they get a lot of water from the existing building. He stated that the system takes the water underground and when there were problems with fixing it, they filled it with concrete. There was a storm sewer by the old building, but they blacktopped so that the water comes within two feet of the hole and never goes into it. He has lived on Bustetter Drive for 38 years. He stated that there was a low area that had a ponding effect, but they filled it in and now the water goes in their yards. He has put in timbers and a sidewalk to direct the water to a drain. He stated that the blacktop will create a lot of water and he does not want the water in his backyard.

Mr. Hedges stated that there will be a problem with teenagers and the police will be called every week. People will cut through the site to get around the traffic. The traffic will tie up on Bustetter due to the

timing of the light. He stated that the down lighting is great, but they are down hill from the lighting and it will be in their windows. The best answer would be to turn the lights off. He stated that they have punks running up and down the street and while he fills out the police reports, the kids stand across the street and make smart remarks. The kids get drunk and try to get into their houses. He stated that people will be playing boom boxes while they wash their cars. He has no problem with the store being there and would like to see it updated. He does not have a problem with the gas station and assumes it will be controlled by the EPA. He has a problem with the car wash and does not want the noise. He does not want the site to be a holding spot for a bunch of kids.

Mr. Wickehaus questioned when he will see the elevations. Mr. Johnston stated that they will go through the Site Plan Review process. Mr. Wickehaus stated that he is concerned about the elevation of this property being increased and affecting his building.

Mr. Ashcraft stated that the property is an eyesore and the upgrading will be an improvement. He does not have a problem with the sale of gasoline, but cannot go along with the car wash. The facility at Mt. Zion Road does not have a car wash. He does not think that the Board has jurisdiction over the driveway to Bustetter Drive as the C-2 zoning exists. The only thing the Board is being asked to consider is the sale of gasoline and the car wash. He does not think that the car wash is compatible this close to the residential area on Bustetter Drive. He cannot argue with the sale of gasoline near Dixie Highway being compatible. Mr. Ashcraft stated that he would be more agreeable to the car wash over by Taco Bell.

Mr. Johnston stated that the vacuum cleaner noise seems to be a major issue. He suggested putting the vacuum cleaners in front of the building in the parking area, which would get all of the noise towards the street. Mr. Ashcraft stated that this suggestion would not satisfy him. The car wash is very close to the residential area, which abuts a C-2 zone. Dixie Highway and Turfway Road are a fact. Upgrading the site with a new store will be an asset.

Mrs. Ward agreed with Mr. Ashcraft and the residents. The upgrading will be an improvement from what is there, but if she was a resident of Bustetter Drive, she would have to be opposed -- especially to the car wash. Mr. Ewing stated that the big problem is the car wash. Mr. Pieper agreed.

There being no further discussion, Mr. Ashcraft moved to grant the Conditional Use for the sale of gasoline. He moved to deny the car wash on the basis that it is not compatible with the area and detracts from an otherwise pedestrian oriented commercial center. The Board does not have jurisdiction over the driveway to Bustetter Drive. He does not favor speed bumps. The ground water will be taken care of at Site Plan Review. In addition to the lighting being directed downward, the lights in the area of the drive off of Bustetter Drive on the north side of the driveway shall be shaded from the property at #7 Bustetter Drive. Chairman Holland seconded the motion.

A roll call vote on the motion found Mr. Ashcraft, Mr. Ewing, Mrs. Ward and Chairman Holland in favor. Mr. Pieper stated that he is a resident of Bustetter Drive and did not vote. The motion carried.

There being no further business to come before the Board, Mr. Ashcraft moved to adjourn the meeting. Mr. Pieper seconded the motion. The meeting was adjourned by unanimous consent at 9:10 P.M..

APPROVED:

  
Charles F. Holland, Chairman

Attest:



Jan Hancock, Recording Secretary