

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)
- Sign or Zoning Permit

Applicant: Mike Albert Leasing  Owner  
 Address: 10340 Evendale Drive  Agent  
Cincinnati, Ohio 45241 *Attn: Judy Eiche* Telephone: (513) 563-1400

Location: Formerly known as Scottish Inn, Woodspoint Drive *Dave Hills 5250303*

Name of Property Owner: Robert Betagole, Trustee

Address of Property Owner: 10340 Evendale Drive, Cincinnati, Ohio 45241

Zoning District: 3-C Area in Acres: 4.16

Deed Book: 296 Page Number: 103 Group Number: 2033B

Description of Request: To obtain a sign height variance from 66-1/2 to 84 feet

Applicant's Signature: *Robert Betagole, Pres*  
 Property Owner's Signature: *Robert Betagole, Trustee*

Application Fee: \$181.00 FOR PLANNING COMMISSION USE ONLY Date Received: 8/20/87 By: *MB*  
 Referred To: *PD. 81.00 #1000 Due Tom Breidenstein* Meeting Date: 9/9/87  
 Action Taken:  Date of Action:

*Invoiced for Balance Due.*

STAFF REPORT

APPLICANT: Mike Albert Leasing  
DEVELOPMENT: automobile resale outlet  
LOCATION: west side of Woodspoint Drive, south of KY 18 (old Scottish Inn site)  
ZONE: Commercial Services  
DATE: September 9, 1987, 7:30 p.m.  
REMARKS:

The applicant is requesting a Variance in the height of a sign from the existing height of 66.5 feet to 84 feet. The 4.16 acre site is located on the west side of Woodspoint Drive between the Chevron service station and the Dragon Inn Restaurant (at the old Scottish Inn site). The property is zoned Commercial Services (C-3) and is owned by Robert Betagole, Trustee and President of Mike Albert Leasing.

There are currently three free-standing signs on the site of the abandoned motel. Mike Albert intends to remove all three, which have fallen into disrepair, and replace them with one new sign. This new sign is proposed to be 250 square feet (the maximum allowable size) and 84 feet high - 17.5 feet higher than the highest existing sign. No building-mounted signs have been proposed to date.

The applicant has provided a review of the four standards the Board must use when considering applications for a Variance. A copy of their letter is attached. The following summarizes staff's review of these criteria:

1. The applicant argues that one of the special circumstances involved is the difference in elevation from the intersection of Woodspoint and KY 18 and Mike Albert's property. The difference between the intersection and the proposed location of the sign is approximately 10 feet. However, the elevation of the interstate (from which the sign is intended to be visible) is essentially the same, or even lower, than the applicant's property. Trees and shrubs along the interstate do partially block line-of-sight to existing signage.
2. The strict application of the zoning regulations would allow Mike Albert to continue to use the three existing free-standing signs. Therefore, the applicant could have more (but less visible) signage with which to advertise the business.

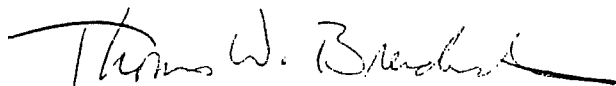
3. The difference in elevation and the line of trees along the interstate are not the result of actions of the applicant.
4. If granted, staff can find no reason why this new, higher sign will affect the public health, safety, and welfare or change the essential character of the area. In fact, the elimination of the older, more delapidated signs will decrease any threat to the public safety, as well as decrease the sign clutter around the interchange.

One concern staff does have is the fact that the new, higher sign may block visibility of existing signs, especially the Chevron high-rise sign. The applicant's letter states that the new sign will be lower than Chevron's. Staff has requested and received an elevation drawing to illustrate this fact. A copy of this drawing is attached.

Should the Board grant this Variance, staff would suggest the following conditions:

1. That all other free-standing signs be removed, as promised by the applicant;
2. That the sign not block the visibility of existing signs;
3. That only one building-mounted sign be permitted on the site, regardless of the number of buildings or frontages. This sign should face Woodspoint Drive;
4. That the base of the sign be landscaped with trees or shrubs to minimize the visual impact of the pole(s) from traffic on Woodspoint;
5. That a building permit be obtained for the proper installation of the sign.

Respectfully submitted,



Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

# Mike Albert Leasing, Inc.

Automobiles and Trucks — Nationwide — Since 1957  
10340 Evendale Drive Cincinnati, Ohio 45241-2564 (Evendale Exit off I-75)  
Telephone (513) 563-1400



August 19, 1987

City of Florence  
Board of Adjustments  
c/o Boone County Planning and Zoning  
7431 U. S. Highway 42  
Florence, Kentucky 41042

Gentlemen:

Please find enclosed our application for a dimensional sign variance in your city in a 3-C zone. Currently the site of the Scottish Inn has three (3) pole mounted signs, which are unsightly to the character of your fine city. We are asking to remove the three signs and replace them with one pole mounted interstate type sign. Please find enclosed under KRS 100.243 our reasons why we need a dimensional variance for our sign. Further, find enclosed the renderings of our new sign provided to us by Lackner Signs for the new design and style we intend to incorporate within our business. Also please find enclosed six brochures and literature about our company, Mike Albert Leasing.

For your information, Mike Albert Leasing, Inc. was established in 1957 and has grown to where today we have over 15,000 cars, vans and trucks out on lease nationwide and employ over 160 individuals at our Evendale, Columbus and Chicago offices. The enclosed corporate brochure will provide you with more information about our company and the variety of services we provide our business, government and individual clients.

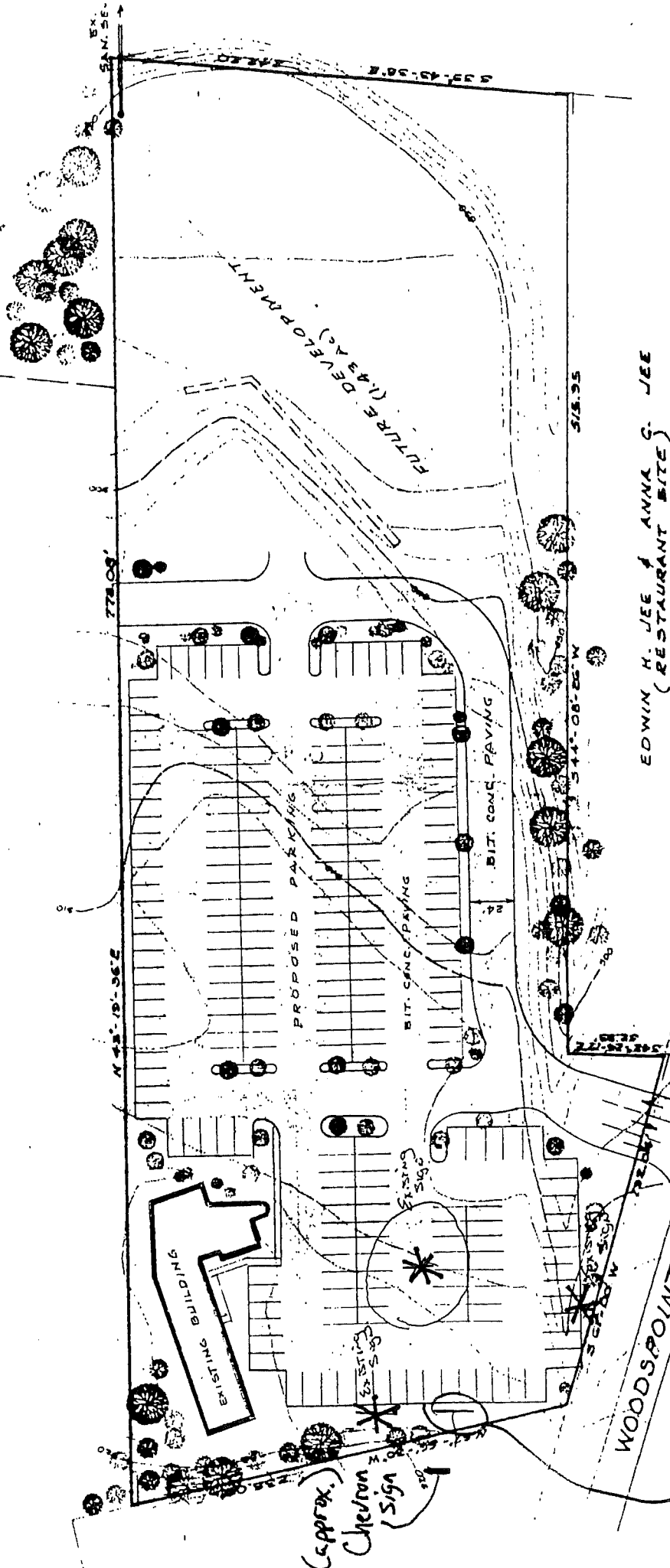
Once again, we look forward to opening our operation and doing business in your city. We feel that the overall quality of our new development will enhance the community of Florence as well as getting rid of the existing buildings which are currently condemned. We hope to be an asset to your city and community.

Cordially,

Robert Betagole  
President

Mike Albert Leasing - Sign Variance 9-9-87

FEDERATED DEPT. STORES INC.  
(GOLD CIRCLE DISCOUNT STORE)



EDWIN H. JEE & ANNA G. JEE  
(RESTAURANT SITE)

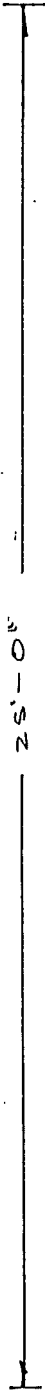
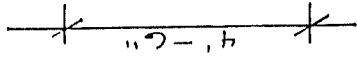
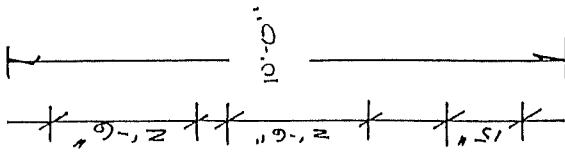
proposed sign location \* existing signs




# Mike Albert

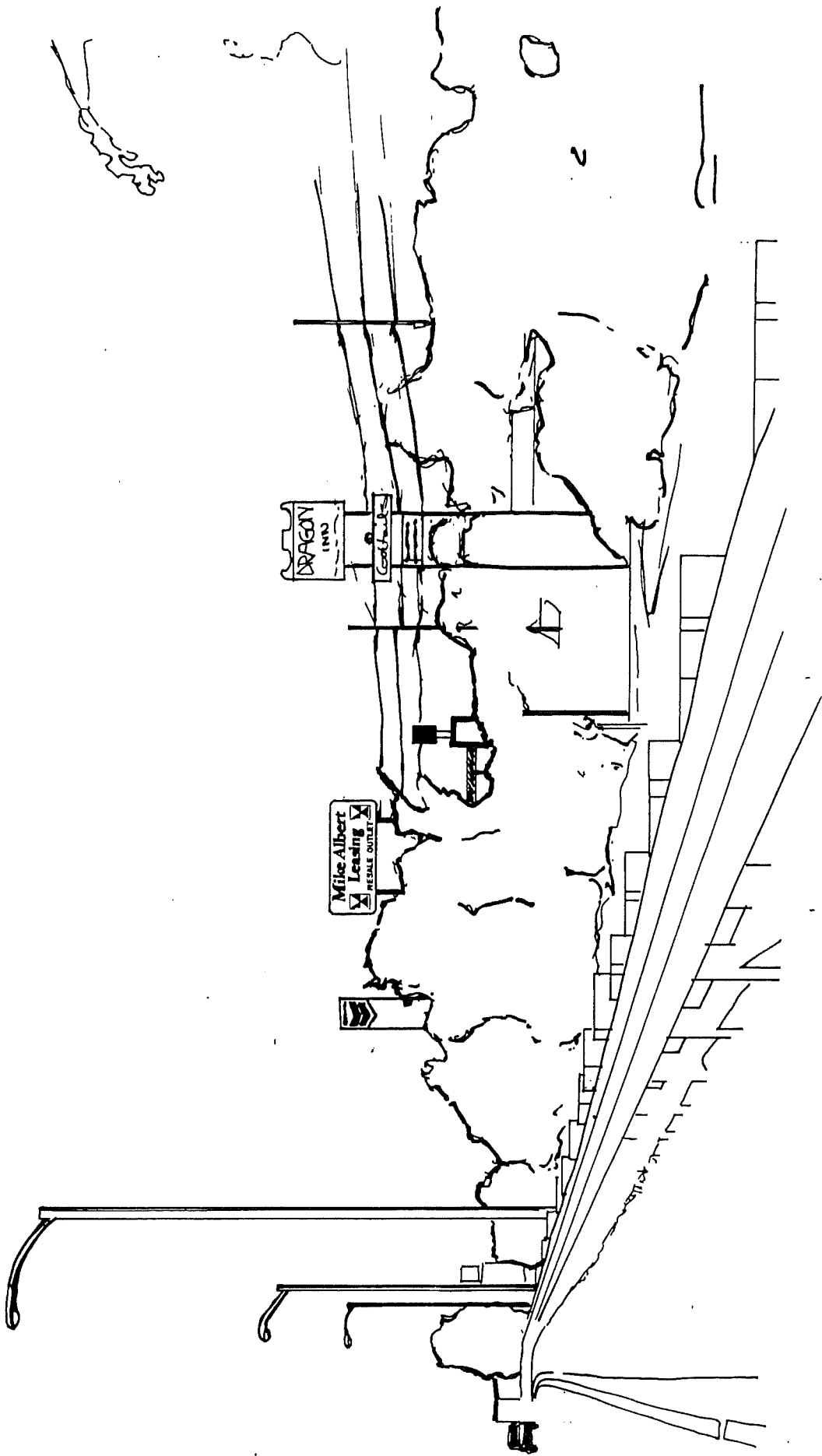
# Leasing

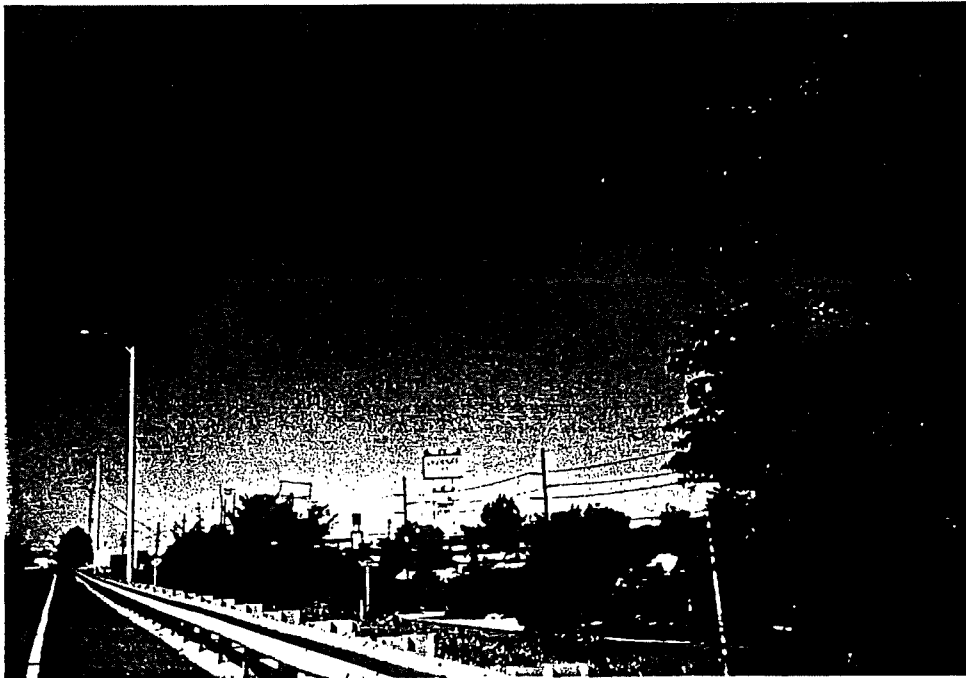
## RESALE OUTLET



LACKNER SIGN COMPANY  
 DATE: 20 AUGUST 87  
 BY: SP  
 APPROVED: 

NOTES: 10'x25' ILLUMINATED FLEX FACE 4" RETAINER  
 12" RADIUS 85' FROM TOP TO GRADE  
 WHITE BKGD. RED COPY BACK OUTLINE 250 g





↑  
Chevron

↑  
Mike  
Albert  
Leasing

↑  
Dragon Inn

# City of Florence



ROGER W. ROLFES  
Mayor

OFFICE OF THE MAYOR

August 17, 1987

RECEIVED

AUG 28 1987

Mr. Robert E. Ryan, Jr.  
Vice President  
MIKE ALBERT LEASING, INC.  
10340 Evendale Drive  
Cincinnati, OH 45241-2564

Re: Florence Location

Dear Mr. Ryan:

Thank you for your letter dated August 11th advising me of the intentions of Mike Albert Leasing to locate in the City of Florence. We are happy that you've selected Florence as a potential site for one of your locations.

It appears that you have already begun to work with our Planning and Zoning Staff which is a positive beginning. I encourage you to continue to work with them to be sure that your proposals will be in compliance with all the existing ordinances and regulations.

The City of Florence has devoted a lot of time, effort and resources to attract and establish quality business operations in our community. We are always concerned about the aesthetics of a particular site. It should be obvious that we are not always one hundred percent successful as would be evidenced by the location which you are currently considering. It would be our hope that the location of your facility at that site would be a significant improvement.

I encourage you to continue to work with our staff people to ensure compliance in hopes that the facility which will be located there will have a significant positive impact on the entire area. If you have any questions with which you feel I can be of assistance, please feel free to contact me.

Sincerely,

ROGER W. ROLFES  
MAYOR

RWR:brc

# Mike Albert Leasing, Inc.

Automobiles and Trucks — Nationwide — Since 1957  
10340 Evendale Drive Cincinnati, Ohio 45241-2564 (Evendale Exit off I-75)  
Telephone (513) 563-1400



August 19, 1987

City of Florence  
Board of Adjustments  
c/o Boone County Planning and Zoning  
7431 U. S. Highway 42  
Florence, Kentucky 41042

Gentlemen:

Please find herewith our application for your review of our dimensional variance regarding our new proposed sign located on the former site of the Scottish Inns on Woodspoint Drive. The reason for our request for a dimensional variance is because of the shallowness and unusual shape of our site as well as the current overhead power lines and easements. We believe that the literal enforcement of the dimensional requirements on height would deprive our operation of a reasonable capacity to make use of our land in a manner equivalent to the use permitted other land owners in our said zone.

Pursuant to KRS 100.243, we respectfully are applying for our sign variance under the following circumstances:

- 1) Our variance arises from the following special circumstances:
  - a) We have inherited three non-functional signs on the site.
  - b) The topography capabilities of our site is such that it is way below grade level with the intersection of KY 18 and Woodspoint Drive.
  - c) The existing trees in the KY State Highway right-of-way make it impossible for potential clientele heading south on I-75 to find our location. Furthermore, the trees block the vision of clients heading south on I-75, which makes the sign incapable of its function for advertising.
  - d) The existing sign reading "Motel" is in violation of safety codes and a change is impossible without increasing the risk of violating safety codes.

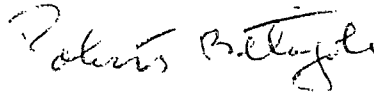
City of Florence  
Board of Adjustments  
c/o Boone County Planning and Zoning  
August 19, 1987  
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- 2) We believe that strict application of the provisions of the current sign regulations will deprive our operation a reasonable use of our land and create an unnecessary hardship on us in a competitive fashion in regard to the existing car dealers in the 3-C zone in the City of Florence. More particularly, without this dimensional variance our competitors such as Action Nissan, Airport Ford, Tim Timberman, would have an edge in creating sales. Further, the valuation of our land would be diminished, if we, being in a 3-C zone, do not have the comparable interstate signage capabilities similar to Cross Country, Shoney's, Burn's Brothers Truck Stop, Chevron, etc.
- 3) The special circumstances are not the result of our actions nor any subsequent actions taken by us. We are inheriting three (3) negligible, unsightly, pre-existing signs dating to the mid-70's, which truly are not functional for our operation. The existing power line easement and trees within the state highway right-of-way are pre-existing conditions are not a fault created by Mike Albert Leasing. It is our intent to replace the three (3) existing signs with one free-standing pole sign to impact traffic heading south on I-75. It will be built in accordance with the strictest sign codes in the State of Kentucky, and in addition it will be attractive to the general public as per our enclosed schematic drawings.
- 4) Our sign will not interfere or adversely affect public health, safety, or welfare because the sign and the pole will be higher than driving view from Woodspoint Drive and KY 18, it will be lower than the existing Chevron sign, and will not alter the essential character of the general vicinity and will enhance the overall aesthetics of the area by replacing three signs with one. It will not cause a hazard or nuisance to the public as we have presented to you color drawings of our new signs showing size, type and color, which we will adhere to.

City of Florence  
Board of Adjustments  
c/o Boone County Planing and Zoning  
August 19, 1987  
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Thank you for your time and consideration. We look forward to doing business in the Florence community. Any assistance that you can lend will be greatly appreciated.

Sincerely,



Robert Betagole  
President

CITY OF FLORENCE  
BOARD OF ADJUSTMENT

September 9, 1987 - 7:30 P.M.

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Mr. Earl White, Vice Chairman, called the meeting to order.

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Mrs. Meihaus  
Mrs. Ward  
Mr. White

BOARD MEMBERS NOT PRESENT:

Chairman Holland

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. White stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of August 12, 1987. There being no comments or corrections, Mrs. Meihaus moved, seconded by Mr. Ashcraft, that the Minutes be approved. The motion carried unanimously.

AGENDA ITEMS:

1. A request of Mike Albert Leasing for a Variance in the height of a sign from the existing height of 66.5 feet to 84 feet. The 4.16-acre site is located on the west side of Woodspoint Drive between the Chevron service station and the Dragon Inn Restaurant (at the old Scottish Inn site). The property is zoned Commercial Services (C-3) and is owned by Robert Betagole, Trustee and President of Mike Albert Leasing.

Staff Member, Tom Briedenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. David Hills, Concepts Real Estate, Florence, stated that the three existing signs on the Scottish Inn site would be removed and replaced with one sign. He presented a drawing of the proposed sign, which will be placed approximately 20 to 25 feet further away from the power lines than an existing sign, in the interest of safety. The proposed sign would not block the Chevron sign.

Mr. White asked if there were any comments or questions.

There being no discussion, Mr. Ashcraft moved that the request be granted subject to conditions #1, #2, and #4 of the Staff Report, noting that #3 regarding the building permit was not needed. Mrs. Ward seconded the motion.

Mr. White asked if there was anyone present who wished to speak.

There being no one, he asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward and Mr. White in favor. The motion carried unanimously.

2. A request of Beitch and Associates - Liquidation Barn for a variance to double the permitted size of a building-mounted sign from 60 sq. ft. to 120 sq. ft. The 4,055 sq. ft. store is located in the old Thriftway building at Turfway Road and Dixie Highway, Florence. The site is zoned Commercial Two (C-2) and is owned by Regal Quad.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. White asked the applicant for her comments.

Mrs. Beitch noted the Staff's suggestion that a small wall-mounted sign currently located near the door, which indicates the hours of operation, be relocated to reduce sign clutter. Mrs. Beitch stated that she has no objection to moving the sign. However, the only place it could be moved to would be the door, which does not belong to her, and she does not know if this would be permitted. She stated that they want their overhead building-mounted sign to be large enough to be read from the street. She stated that the sign did not necessarily have to be longer, that possibly it could just be taller.

Mr. Breidenstein stated that one of the adjoining property owners had requested that the sign not extend above the facade of the roof.

Mrs. Beitch noted that the current sign is located off-center due to a tree blocking its view. She stated that since the sign is off-center, a new store coming in would have sufficient room for its signage.

Mr. White asked if there was anyone else present who wished to speak regarding this request. There was no response.

In response to questions from Mr. Ashcraft, Mrs. Beitch advised that Thriftway is looking for a major tenant and the store will be subdivided. She displayed a drawing of her proposed sign. Mrs. Beitch stated that when she initially leased the space, she was told that the solid wall would be removed and a window put in. That has not happened and, therefore, customers are not able to see into the store to be aware of their merchandise.

Mrs. Ashcraft moved that the requested variance be granted on the condition that the sign not exceed the height of the facade. Mrs. Meihaus seconded the motion.

Mr. White asked if there were any questions; there being none, he asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward, and Mr. White in favor. The motion carried unanimously.

3. A request of Heritage Assembly of God Church for a Conditional Use Permit and Site Plan approval to allow the expansion of an existing educational facility. The 11.21-acre site, located on the west side of U.S. 42, south of Florence Christian Church, is zoned Office One (O-1) along the road, and Suburban Residential Two (SR-2) to the rear. The property is owned by the Heritage Assembly of God Church.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation. He noted that since the Staff Report was prepared, the applicant's engineer has agreed to pave the parking lot.

Mr. White asked if there was anyone present who wished to speak in behalf of this request. Mr. Bill Batison, architect, and Mr. Hoe with Cardinal Engineering were present.

Mr. Hoe displayed the Site Plan and noted adjacent land uses. He indicated the location of the proposed addition which will be a multi-purpose building. He stated that they will pave the existing gravel parking lot and noted the additional parking spaces that will be provided, including seven handicapped parking spaces. He noted the traffic circulation pattern within the site. Mr. Hoe indicated the location of the drainage system which leads to the natural drainage on S.R. 42. He noted that an alternative means to control runoff would be to create a small swale and redirect the water. He stated that an existing sanitary sewer will need to be relocated. He stated that the development will be phased.

Pastor Keith stated that they are not in a position to pave the new lot at this time, but will put down gravel. He stated that the church has grown so fast that they have to do things in phases.

Mr. White advised him that a parking lot covered with gravel is illegal.

Mr. White asked if there was anyone else present who wished to speak regarding this request.

Mrs. Jan Knaley, 20 Russell Street, stated that the back of her home is at the rear of this site and noted her concerns regarding drainage, since the church property is higher than her property. She also asked if there will be a privacy fence.

Mr. Batison stated that her property will not be affected by the work they will be doing.

Mr. Hoe reviewed how the water will flow on a drawing for Mrs. Knaley. He added that the question of screening had not been addressed, but that there would be an undisturbed area of trees left.

Mr. Batison stated that they will comply with the screening requirements.

Mr. Breidenstein stated that the Staff's Engineer had reviewed the plan and has made suggestions to Cardinal Engineering regarding the drainage. The Staff's Engineer has not reviewed the revised plans, but believes that the runoff problems can be handled.

Following discussion of the drainage situation, Mrs. Ward asked if the residents living behind this site would have recourse against Cardinal Engineering if they have increased water problems after the parking lot is paved.

Mr. Hoe stated that Cardinal Engineering would not be responsible for the water if they have not regraded toward the residences. He added that if there is any regrading toward the rear of the lot, it will be upwards.

Mr. Carmen McVay, a property owner toward the rear of the site, questioned a survey stake located one foot off of his driveway. Following discussion, it was concluded that this stake was placed either by Andy Ament, the surveyor, or it was a "topo" marker used by Cardinal Engineering.

Mr. McVay stated that he is often unable to mow his back yard due to the water. He does not want the drainage problem increased.

Mr. Breidenstein stated that the Staff is not prepared to recommend Site Plan approval at this time. He stated that should the Conditional Use permit be granted, a condition of approval could be the Staff and Engineer's approval of the Site Plan.

Mr. White stated that the proposed parking lot must be paved immediately with concrete or blacktop. He added that curbing around the parking lot would add to the water retention.

Mr. Ashcraft moved that the Conditional Use permit be granted subject to three conditions: 1) that all parking lots and roadways be paved, 2) that all surface water from parking areas and roadways drain away from the properties that front on Russell Street, subject to approval by the Commission's Engineer, and 3) that any parking lot to the west towards Russell Street have a curb around it. Mrs. Ward seconded the motion.

Mr. White asked if there were any further comments. There being none, he asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward and Mr. White in favor. The motion carried unanimously.

4. A request of Taco Bell for a Conditional Use Permit and Site Plan approval to allow the addition of a drive-thru window. The 0.292-acre site, located on the west side of Dixie Highway just north of Turfway Road, is zoned Commercial Two (C-2) and is owned by Taco Bell (leasehold interest).

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation. (see Staff Report)

In response to questions from Mr. Ashcraft, Mr. Breidenstein indicated the traffic circulation pattern of the site on a slide, noting the exit.

Mr. Tom Hillenbrandt, representing Taco Bell, presented the Site Plan and noted the location of existing curb cuts. He stated that Taco Bell is willing to move the island to create easier access. They will put sidewalks across the front, providing the city will cooperate with them regarding the right-of-way. He stated that they are leasing the property and must get the consent of the owner. He added that they are in the process of amending their lease to add 13.9 lineal feet to better accommodate the drive-thru lane.

In response to questions from Mrs. Meihaus, he noted how the dumpster would be relocated and screened. Mr. Breidenstein noted that a trash enclosure is indicated on the Site Plan.


Mr. Hillenbrandt stated that they have a reciprocal parking agreement with the shopping center. He stated that four-car stacking is provided behind the order board, with three-car stacking from the order station to the pick-up station.

Mr. Ashcraft questioned whether it would be appropriate to have a "right turn only" sign at the exit. He noted that the sign could be placed within the leasehold property.

Mr. Ashcraft moved that the Conditional Use Permit be granted subject to the conditions that: 1) a right turn only sign be placed on the exit to U. S. 42, 2) that sidewalks be constructed along U. S. 42, and 3) that the curbing on the island be cut back so there will be a straight turn into the driveway approaching the drive-thru facility. Mrs. Meihaus seconded the motion. The motion carried unanimously.

There being no further business to come before the Board, Mr. Ashcraft moved, seconded by Mrs. Ward, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 9:20 P.M..

APPROVED:

  
Charles Holland, Chairman

ATTEST:

Jan Hancock, Recording Secretary