

APPLICATION FOR ZONING ACTION

TO:

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| <input checked="" type="checkbox"/> Boone County Planning Commission | <input type="checkbox"/> City of Union Board of Adjustment |
| <input checked="" type="checkbox"/> City of Florence Board of Adjustment | <input type="checkbox"/> City of Walton Board of Adjustment |
| <input type="checkbox"/> Boone County Board of Adjustment | <input type="checkbox"/> Zoning Enforcement Officer |

FOR:

- | | |
|---|---|
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Comprehensive Plan Change | <input type="checkbox"/> Planned Development Overlay Change |
| <input type="checkbox"/> Preliminary Plat Review | <input type="checkbox"/> Improvement Plat Review |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final or Deed Plat Review |
| <input type="checkbox"/> Concept Development Plan Change | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Historic District Overlay |
| <input type="checkbox"/> Change of Non-Conforming Use | <input type="checkbox"/> Appeal or Variance |
| <input type="checkbox"/> Design Review Board and Certificate of Appropriateness | <input type="checkbox"/> Sign or Zoning Permit |

Applicant: Taco Bell Corp. c/o Ken Andrejasik Owner
Address: 11 Eves Drive, Suite 170 Agent
Marlton, N.J. 08053 Telephone: (609) 985-7975

Location: 6724 Dixie Highway, Florence, Kentucky

Name of Property Owner: Taco Bell (Leasehold Interest)

Address of Property Owner: 11 Eves Drive, Suite 170, Marlton, N.J. 08053

Zoning District: C-2 Area in Acres: 0.292 AC

Deed Book: 185 Page Number: 216 Group Number: _____

Description of Request: Addition of Drive-Thru order station and pick up window including drive-thru lane and associated site work.

Applicant's Signature: *Ken Andrejasik*
Property Owner's Signature: *Reg. Real Estate Mgr.*

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$231 Date Received: 8-24-87 By: RWB

Referred To: RWB Meeting Date: 9-9-87

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Taco Bell

DEVELOPMENT: drive-thru window addition to a fast-food restaurant

LOCATION: 6724 Dixie Highway

ZONE: Commercial Two (C-2)

DATE: September 9, 1987, 7:30 p.m.

REMARKS:

The applicant is requesting 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).

All surrounding properties are zoned C-2. The surrounding land uses include:

North: old Thriftway building currently occupied by Buddy's Carpet Barn and Liquidation Barn

East: small commercial strip with video store, shoe store, ice cream store, and pizza parlor

West: Turfway Road (across street is U.S. Post Office and sporting goods store)

South: Wendy's fast-food restaurant (with drive-thru), Hugh's Oyster House, Bob's Service Center, entrance to apartment complex

The following reviews the general standards applicable to all Conditional Use requests:

1. The 1986 Boone County Comprehensive Plan Land Use Map indicates the future use of this property to be Commercial. The text of the Plan itself states: "Commercial development in this section will remain near the arterial roads and close to the interstate. This consumer service and traffic oriented development must be contained to specific areas adjacent to the arterials and interstate." (p. L-19)
2. The design and operation of the drive-thru is appropriate in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.

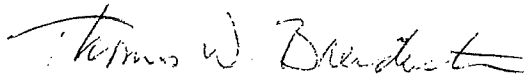
3. The use will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by the essential public facilities and services.
5. Excessive additional requirements for public improvements at public cost will not be created.
6. A drive-thru will not involve uses, activities or conditions of operation that will be detrimental to any persons, property, or the general welfare.
7. After the initial review, staff feels that the vehicular approaches to and through the property are designed so as not to create an interference with traffic on the surrounding public thoroughfares. Revisions to the plan may be required after a more in-depth review.

The following reviews the more specific criteria applicable to Conditional Use in the C-2 zoning district:

- a) A drive-thru window is an integral and subordinate function of a permitted use (restaurant).
- b) Upon initial review, staff feels that the arrangement of the use will be mutually compatible with the organization of permitted uses in the district.

As mentioned above, staff has completed a cursory review of the plan to date. Two initial concerns of staff are: a) the exclusion of sidewalks on the plan, and b) the alignment of the driveway approach to the rear of the building. Staff will be prepared to discuss the site plan in depth at the September 9th meeting.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:mcb

CITY OF FLORENCE
BOARD OF ADJUSTMENT

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

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