

APPLICATION FOR ZONING ACTION

371-9300  
Cody Road

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

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

Applicant: Beitch Ass. Liquidation BARN  Owner  
 Address: 520 Cody Pass  Agent  
Cinti Ohio 45215 Telephone: 931-1631(A) (874-6901 B)  
 Location: 7110 Tortway Rd Florence Ky 41042  
 Name of Property Owner: Regal Quad (Thritway)  
 Address of Property Owner: 9280 Plainfield Rd Cinti 45236  
 Zoning District: C-2 Area in Acres: \_\_\_\_\_

Deed Book: 290 Page Number: 195 Group Number: \_\_\_\_\_

Description of Request: To enlarge sign on top building  
to ~~be~~ 120 square feet so as to be  
legible from street and not be dwarfed  
by sign next to it.

Applicant's Signature: Arteno Bata  
 Property Owner's Signature: \_\_\_\_\_

FOR PLANNING COMMISSION USE ONLY  
 Application Fee: \$233.00 Date Received: 8-21-87 By: MB  
 Referred To: Tom Breidenstein Meeting Date: \_\_\_\_\_  
 Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: Beitch and Associates - Liquidation Barn  
DEVELOPMENT: retail sales of office equipment and furniture  
LOCATION: 7110 Turfway Road (old Thriftway building)  
ZONE: Commercial Two (C-2)  
DATE: September 9, 1987, 7:30 p.m.  
REMARKS:

The applicant is requesting a Variance to double the permitted size of a building-mounted sign from 60 square feet to 120 square feet. The 4,055 square foot 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.

The only other current tenant of the old Thriftway building is Buddy's Carpet Barn. The applicant has stated on the application that she wants her sign to be 120 square feet (double the size of the normally permitted sign) so that it is "legible from (the) street and not dwarfed by (the) sign next to it." Buddy's Carpet Barn tenant space is 6,528 square feet with 65 feet of building frontage. The Liquidation Barn has 4,055 square feet and 30 feet of building frontage. Article 19 of the Boone County Zoning Regulations allows the square footage of building-mounted signs to be two times the width of building frontage. Therefore, both existing signs are at their maximum permitted size (a copy of the sign permit for the Liquidation Barn's current sign is attached.)

The following reviews the four criteria with which the Board must judge each Variance request:

1. The Board may want to consider the distance of the building from the Turfway Road. At its closest point, the old Thriftway is + 250 feet from the street. The required front yard setback in the C-2 zoning district is 75 feet. Most other commercial structures in the general vicinity are much closer than 250 feet from the road.
2. According to the applicant, strict application of the Zoning Regulations prohibits her sign from being read. However, the letters on the existing sign could be enlarged to the same size as "Buddy's," which is legible from the street.

3. The special circumstance of building setback is not the result of the actions of the applicant. However, the applicant did choose this retail space over other unoccupied (and more visible) space in the area.
4. If granted, staff can find no reason why the Variance would affect the public health, safety, and welfare. Staff also feels that the essential character of the area will not be altered and that neither a hazard nor a nuisance will be created.

Staff has requested that the applicant provide her written response to these four points so that it is available for the Board's review before the next meeting. Also, staff has requested the graphics of the new sign. At the time of this writing, neither were available. Perhaps these requests will be addressed by the applicant at the meeting. By copy of this report, the applicant will be notified to be so prepared.

Should the Board grant the Variance, staff would suggest as a condition that the smaller sign near the entrance be removed to reduce the sign "clutter." This sign, which lists the hours of operation, could be reduced and placed on the interior of the glass doorway where it will be less visible from the roadway.

Respectfully submitted,



Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

# BOONE COUNTY PLANNING COMMISSION USE PERMIT

A SIGN permit is hereby granted to

Liquidation Barn III

for same

for property located at 7110 Turfway Rd., Florence, KY

and zoned C-2, for the purpose of installing one building  
mounted sign with 60 ft<sup>2</sup> (30 feet building frontage)

in accordance with article 19, section 1920 of the Boone County  
Zoning Order (Ordinance), subject to the following

special conditions:

Contact Florence Building Inspector (Bob Tuffendsam, 371-5935) to  
obtain building permit.

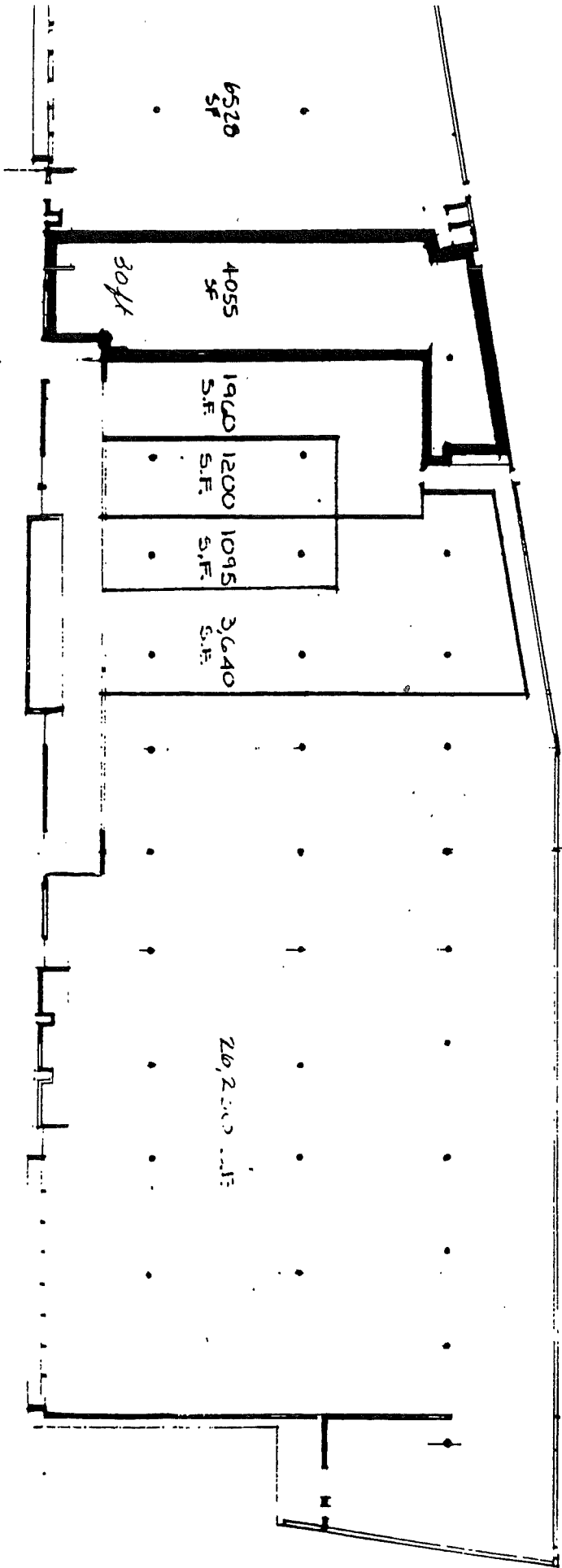
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\* NOTE: Prior to the placement of any approved sign, a building permit is required from the appropriate Building Inspector.

Failure to comply with the above cited Zoning regulations and special conditions, shall render this permit null and void and to no effect.

July 24, 1987  
DATE

Thomas W. Brubaker  
ZONING ENFORCEMENT OFFICER



FLORENCE MINI-MALL - 1<sup>ST</sup> FLOOR PLAN  
 1'-40'

EXHIBIT A

JUNE 20, 1986  
 REVISED MAY 21, 1987

White Letters with <sup>Black</sup> ~~Red~~ Outline

20'

Black or White  
~~Red or White~~ Border

# Liquidation Barn

NEW OFFICE FURNITURE AND SUPPLIES - 40-80% OFF

3' - 5" x 17' - 9"

Black or ~~Red~~ Letters

White

Plan Page 6 & 7

NEW FURNITURE & OFFICE SUPPLIES - 40-80% OFF

Dura Board

Externally Illuminated

(10' Letters (400  
3' 450 Paces)



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