

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
August 14, 2019
7:30 P.M.**

Chairman Pieper called the meeting to order at 7:31 P.M.

BOARD MEMBERS PRESENT:

Mr. Timothy Pieper, Chairman
Ms. Dee Begley
Mr. Charlie Reynolds

BOARD MEMBERS NOT PRESENT:

Ms. Lois Evans, Vice-Chairwoman
Mrs. Linda Schaffer

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Chairman Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of May 8, 2019. He asked if there were any other comments or corrections. Mr. Reynolds moved to approve the minutes and Ms. Begley seconded the motion. Chairman Pieper called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of 500 Meijer, LLC, per Harold Silverman for an Appeal of the Zoning Administrator's decision requiring a landscape island with a tree, per Section 3625 of the Boone County Zoning Regulations, and as depicted on the existing approved Site Plan. The approximate 3.1 acre site is located at 500 Meijer Drive, Florence, Kentucky and is currently zoned Office Two/Commercial Two/Planned Development/Concept Development Plan/Houston Donaldson Study Corridor Overlay Zone (O-2/C-2/PD/CD/HDO).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Pieper asked if the Board had any questions for staff.

Mr. Reynolds asked if a permit was issued before the generator was installed. Mr. Schwartz replied no.

Chairman Pieper asked that if a fence or some screening were around the generator, would that satisfy the requirements. Mr. Schwartz replied no, the requirements still mandate a landscape island with at least one tree.

Ms. Begley asked staff to clarify the alternative that staff provided to the applicant. Mr. Schwartz replied that the alternative was to eliminate two parking spaces and create a large landscape island that would contain the generator, the one tree, and the wall/fence enclosure.

Chairman Pieper asked if a tree was still required and could a single parking space, somewhere along the east side of the parking lot, be eliminated and used as the new landscape island. Mr. Schwartz replied that a tree is still required and a new landscape island could be created and that would meet the requirements.

Chairman Pieper asked if the Board had any other questions for staff. There were none.

Chairman Pieper asked if anyone in the audience wanted to speak regarding the request.

Mr. Hal Silverman stated that he is the owner of 500 and 600 Meijer Drive. He stated that 600 Meijer Drive was built in 2001 and 500 Meijer Drive was built in 2004. He stated that his largest tenant, Interstar, which has been a tenant for 15 years, operates a 24-hour, seven day a week, business that needs uninterrupted electric service. To ensure continued electric service, Interstar asked if they could install a generator on the property. As the owner, Mr. Silverman gave them the approval. Mr. Silverman stated that Interstar considered installing the generator closer to the building, but, due to the size and the service doors of the unit, there was insufficient space next to the building. Interstar then proceeded to install the generator at its present location without a permit. Mr. Silverman stated that he is opposed to losing any parking spaces as his tenants have high density uses and a lot of employees. Mr. Silverman stated that an alternative would be to install a decorative fence around the generator and plant a tree along Meijer

Drive, where it would be more visible. Mr. Silverman stated that the proposed fence would have doors on both sides to provide access to the service doors on the generator. Mr. Silverman stated that the generator is approximately four feet wide by eight feet in length. Mr. Silverman stated that the generator can barely be seen from Meijer Drive. Mr. Silverman stated that there is not enough room to build a brick enclosure around the generator. He stated that there is enough room to install a fence.

Chairman Pieper asked if the Board had any question of Mr. Silverman.

Ms. Begley asked if there was enough room on the current island to enclose the generator. Mr. Silverman replied that there is enough room to enclose the generator with a fence, but not a brick wall that would require a foundation.

Ms. Begley asked what type of tree would be required in the landscape island. Mr. Schwartz replied that it would have to be a large deciduous tree from Plant List A of the Boone County Zoning Regulations.

Mr. Silverman stated that he intends to install an eight (8) foot high vinyl fence that would have some decorative definition to it.

Mr. Reynolds asked what type of decorative fence would be installed. Mr. Silverman replied that it would be a vinyl fence with a decorative stone appearance. Mr. Reynolds asked if the vinyl could resemble brick and match the color of the building. Mr. Silverman replied that he did not know but there are many options.

Mr. Reynolds asked who owns the property next to the parking area. Mr. Silverman replied that he does not know who the property owner is but it is occupied by LA Fitness. Mr. Silverman stated that the area between the parking lots is sloped and he planted all the landscaping along the property line.

Chairman Pieper asked if it would be possible to move the generator. Mr. Silverman replied that it would be difficult and expensive since there is conduit running beneath the parking lot from the generator to the building and then up the side of the building.

Chairman Pieper asked if there was another location on the site that could accommodate the generator. Mr. Silverman replied that Interstar looked at placing the generator closer to the building, but there was insufficient room given the service doors on the generator.

Mr. Reynolds asked what material the fence would be. Mr. Silverman replied that

it would be vinyl. Mr. Silverman stated that if a wall were constructed, most of the enclosure would be gates to service the generator. Using a vinyl fence will allow the gate to be of the same vinyl material for the entire length of the fence.

Chairman Pieper asked if one parking space could be lost and used as a landscape island. Mr. Silverman replied that his building has an 88% occupancy and he is concerned about having enough parking spaces if he has a greater occupancy rate.

Chairman Pieper asked if it was possible to extend the existing island. Mr. Schwartz replied that the island cannot be extended, as it would encroach into the parking lot drive aisle.

Chairman Pieper asked if a tree could be planted in the remaining island area. Mr. Schwartz replied that there is not enough room for a tree and that the underground conduit would impede the planting area for a tree. Mr. Silverman stated that he believes that there is enough room for a tree to be planted. Mr. Reynolds stated that he also believes that there is enough room for a tree.

Chairman Pieper asked if a tree was planted behind the generator, would that meet the requirement. Mr. Schwartz replied no it would not, as that would be within the required perimeter screening area.

Ms. Begley asked what happens if a tree is planted in the remaining island area and it dies. Does the property owner have to replace it. Mr. Schwartz replied yes.

Ms. Begley stated that the requirement is for a landscape island with a tree and what is being discussed is a generator with a tree in front of it. She stated that this does not meet the requirements.

Chairman Pieper asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Pieper asked if there was any further discussion. There was none. Chairman Pieper asked if the Board wanted to make a motion.

Mr. Reynolds made a motion to approve the appeal and overturn the zoning administrator's decision, subject to the following conditions: (1) that a vinyl fence with the same or similar color and brick pattern as the principal structure be installed around all four sides of the generator; and (2) that a tree from Plant List A of the Boone County Zoning Regulations be planted in the remaining area of the island. Chairman Pieper seconded the motion. Chairman Pieper asked if

there was any discussion. There was none.

Chairman Pieper called for the vote which found Mr. Reynolds and Chairman Piper voting yes and Ms. Begley voting no. The motion carried by a vote of 2 to 1.

OTHER

No other business was discussed.

ADJOURNMENT

Chairman Pieper asked for a motion to adjourn the meeting. Mr. Reynolds made a motion to adjourn and Chairman Pieper seconded the motion. Chairman Pieper called for the vote and the meeting was adjourned by unanimous consent at 8:16 p.m.

APPROVED

Chairman Timothy Pieper

ATTEST:

Michael D. Schwartz
Planner