

APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: Cond. Russell K Hays  Owner

Address: 7750 Hopetul Rd Florence, W.V.  Agent

Telephone: 371-6785

Location: Hopetul Rd 6767

Name of Property Owner: Florence 1<sup>st</sup> Church of God

Address of Property Owner: 6081 Hopetul Rd

Zoning District: S.P. 1 Area in Acres: 4.207

Deed Book: 272 Page Number: 99 Group Number: 2039

Description of Request: Request to build Church

Florence First Church of God

Applicant's Signature: Russell K Hays (Pastor)

Property Owner's Signature: Russell K Hays

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$193 Date Received: 4-22-87 By: TWB

Referred To: \_\_\_\_\_ Meeting Date: 5-13-87

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: Russell K. Hays  
DEVELOPMENT: Florence First Church of God  
LOCATION: West side of Hopeful Road, approximately 1.0  
mile south of KY 18.  
ZONE: Suburban Residential One (SR-1)  
DATE: May 13, 1987  
REMARKS:

The applicant is requesting a Conditional Use Permit to allow the construction of a church. The 4.207 acre tract, located on the west side of Hopeful Road just north of 6795 Hopeful Road, Boone County, is zoned SR-1 and is owned by the First Church of God, Florence.

Surrounding zoning and land uses are:

North: SR-1; vacant  
East: SR-1; single-family residences  
South: SR-1 and R1F; single-family residences (further south is the North River Retirement Center)  
West: SR-1; vacant

The following reviews the general standards applicable to all conditional uses:

1. The 1986 Boone County Comprehensive Plan Future Land Use map indicates the future uses of this property to be Medium Density Residential. The text of the Plan states:

"Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions which utilize the roads as collectors not the principal road for development. This is especially important for development along Hopeful Road as its functional service will be changing to more thoroughfare patterns as it becomes straightened and is extended across I-75 to alleviate industrial traffic. Restrictions on truck traffic should be imposed on this road to shelter the residential neighborhoods." (p. L-14)

Additionally, the overall objective of the Plan states:

"There is nothing inherently incompatible between the various broad categories of land use. Residential, commercial, industrial, and institutional uses can

coexist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity." (p. G-1) Another goal of the plan is "to ensure that adequate public services and facilities exist for all development." (p. G-4)

2. Staff feels that the church will be constructed so as to be harmonious and appropriate in appearance with the character of the general vicinity.
3. A church will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.
5. Excessive additional requirements at public cost for public services will not be created.
6. The use of this property as a church will not involve activities that will be detrimental to any persons or property.
7. As initially presented, the vehicular approaches to the property have been designed so as to create a dangerous interference with traffic on Hopeful Road.

The Board must also consider more specific criteria when evaluating Conditional Uses in the SR-1:

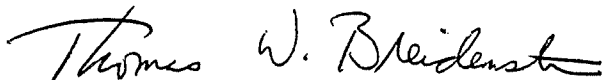
- a. A church will not contradict the low density character of the district, especially when one considers the overall objective of the Comprehensive Plan as listed above.
- b. The arrangement of the use will be compatible with the organization of uses to be protected.

The concerns of staff in its initial review of the site plan are traffic visibility from the proposed access points, landscaping, parking lot lighting, and signage. Also of major importance is the impact of the proposed relocated Hopeful Road. These items, and others, will be addressed at the May 13 meeting. At this point, staff would recommend the following conditions should this request be granted:

1. That should site plan discrepancies not be worked out before the May 13 meeting, the applicant will be required to obtain site plan approval from either the Boone County Planning Commission or from the Boone County Board of Adjustment. (If the discrepancies are minor in nature, the Board may consider allowing staff final approval.)

2. That the applicant agree to attractively landscape the site. The Board will judge what is "attractive."
3. That any future free-standing sign be limited to only one in number and 16 square feet in size.

Respectfully submitted,



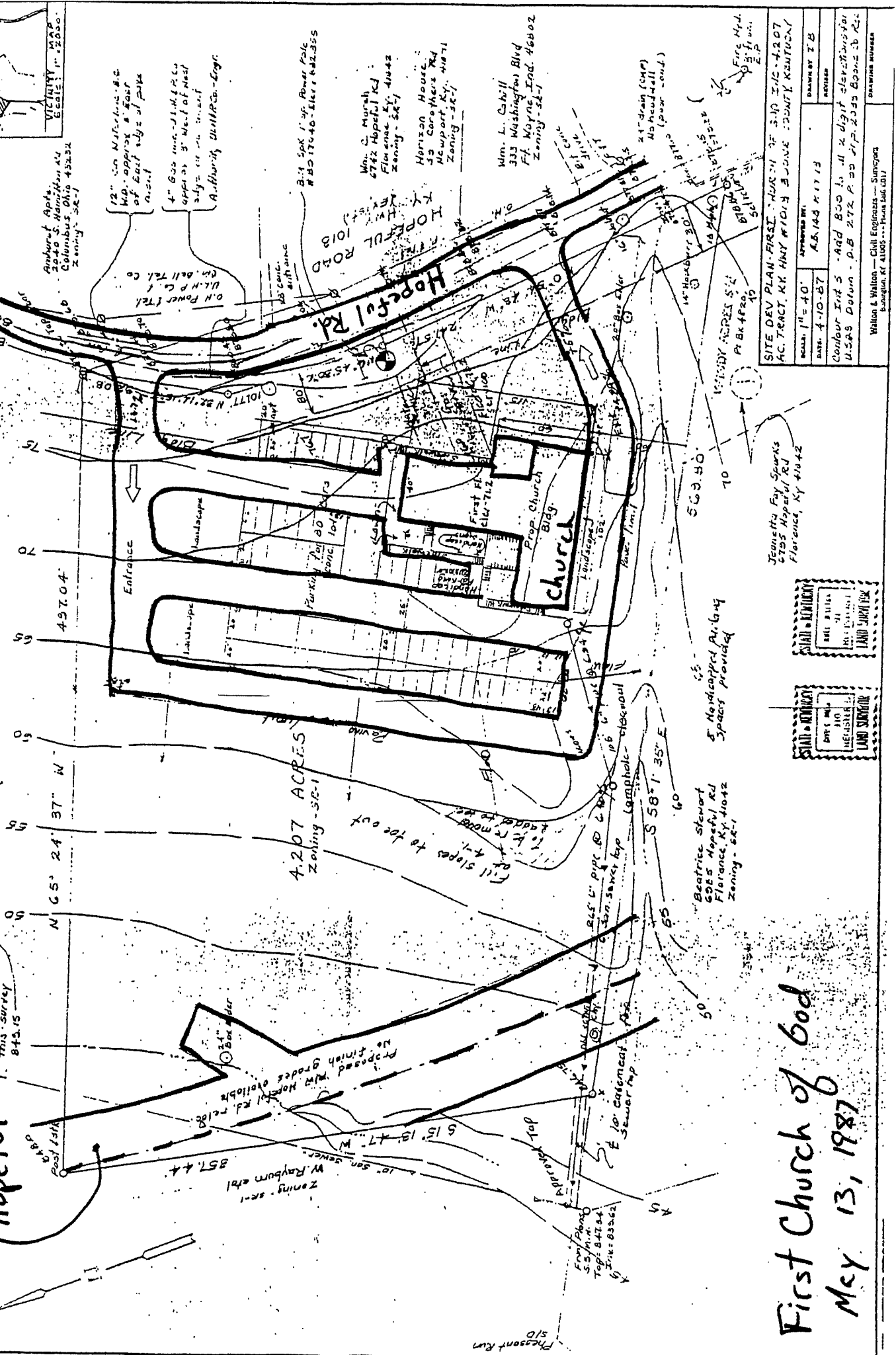
Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

Relocated  
Hopeful

S.S. M.K. Plans  
Top: 842.80  
Bot: 842.80  
observed elev.  
this survey  
842.15

William Rayburn  
555 Cayton Rd.  
Florence, Ky. 41042  
Zoning - 52-1



UTILITY  
SCALE: 1" = 200'

Arthur Apt.  
2040 S. Hamilton Ave  
Columbus, Ohio 43232  
Zoning - 52-1

12" on N. 1/4 Sec. 4-2  
Mo. approx. 8' East  
of East edge of park  
road.

4" 600 mm. J.M.P. Co  
appt. at 3' West of West  
edge of road.

Authority: D.H.P.C. - Eng.

B-1 Sp. I. of Power Pole  
# CR 17040 - Alert #42355

Wm. C. Marsh  
6742 Hopeful Rd  
Florence, Ky. 41042  
Zoning - 52-1

Horizon House  
99 Cora Wertz Rd  
Newport, Ky. 41071  
Zoning - 52-1

Wm. L. Cahill  
333 Washington Blvd  
Ft. Wayne, Ind. 46802  
Zoning - 52-1

Fire Hydr.  
15' dia.  
15' dia.

SITE DEV PLAN - FIRST HOUR 24 OF 5:30 P.M. - 4:20 P.M.  
AC. TRACT, KY HNY #1013 JUNE 1987 KENTUCKY

SCALE: 1" = 40'	APPROVED BY:
DATE: 4-10-87	4.5.149 X 17.13
CONTR. INTS - ADD 800 IS. IN 2 DIGIT elevations for U.S.G. Datum - D.B. 272 P. 20 P.P. 2025 8000216 252.	DRAWN BY: Z.B.
	REVISION:

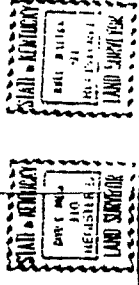
Walton & Walton - Civil Engineers - Surveyors  
Burlington, Ky. 41005 - (Phone 846-0311)

Jeanette Fay Sparks  
6255 Hopeful Rd  
Florence, Ky 41042

5 Handicapped Parking  
Spaces Provided

Beatrice Stewart  
6265 Hopeful Rd  
Florence, Ky. 41042  
Zoning - 52-1

First Church of God  
May 13, 1987



BOONE COUNTY  
BOARD OF ADJUSTMENT

May 13, 1987 - 6:30 P.M.

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Chairman Whitton called the meeting to order.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault  
Mr. Dan Houston  
Mr. Walt Ryan  
Chairman Whitton

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton stated that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of April 8, 1987. There being no comments or corrections; Mr. Ryan moved, seconded by Mr. Archambault, that the Minutes be approved. The motion carried unanimously.

Staff member, Tom Breidenstein, advised that the request of Corporex Parks has been withdrawn.

AGENDA ITEMS:

1. A request of Albert J. Martini, Jr. for a Conditional Use Permit to allow the construction of a "Class C" fireworks warehouse and wholesale facility. The 4.165-acre site, located on the east side of Service Road, approximately 800 feet south of KY 16, is zoned Industrial One (I-1).

Staff member, Tom Breidenstein, read a letter from Mr. F. Edward Worland, Jr., an attorney representing the applicant. The letter requested deferral of the request until June 10, 1987 in order to allow the State Fire Marshall and Dr. John Conkling, Executive Director of the American Pyrotechnics Association, to be present.

Mr. Archambault moved, seconded by Mr. Ryan, that this request be deferred until June 10, 1987 at 6:30 P.M.. The motion carried unanimously.

Counselor Wilson advised that the reason for this deferral is to obtain all information from both sides regarding this request. He added that the request should be readvertised and abutting property owners notified again. The applicant should be asked to pay the costs incurred.

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2. A request of Thomas Huelsman for a Conditional Use Permit to allow the operation of a dog kennel with breeding and training facilities. The 17.1-acre site, located on the north side of Eades Road in Verona, is zoned Agricultural Estates (A-2). This application was deferred at the April 8, 1987 meeting.

Chairman Whitton asked the applicant if he had any further comments to make in behalf of this request.

Mr. Thomas Huelsman stated that he understands that members of the Board have visited the site. He added that he will do whatever is necessary to comply with the Board's standards.

In response to questions from Mr. Ryan, Mr. Huelsman advised the Board that there will not be much increase in noise beyond what now occurs during training. There are approximately 12 to 20 dogs at the site on Sunday afternoons for training. Mr. Huelsman showed the Board a picture of a facility similar to the one he is proposing and indicated how the kennels would be partitioned inside the building. He stated that there will not be any dogs outside at night.

Mr. Archambault asked the applicant how he would dispose of the animal waste at the kennel.

Mr. Huelsman stated that the waste would either be picked up and disposed of, or he will have a septic system. Mr. Archambault requested that a decision be made to indicate specifically how the waste would be handled.

Chairman Whitton asked if there was anyone present who wished to speak in opposition to the application.

Mr. Jim Botkin presented the Chairman with a petition signed by residents in the area who are opposed to the dog kennel. He stated that they believe the proposed training will make the dogs "attack dogs". He indicated concern for the safety of the children in the area.

Mr. Huelsman stated that the dogs will be trained as police dogs and to apprehend criminals.

Mr. Botkin stated that his attorney had advised him to ask the Board if the applicant could be required to purchase a substantial liability insurance policy and make annual payments.

Counselor Wilson stated that such a requirement would be difficult for the Board to administer, and may not be enforceable as a condition.

Mrs. Donna Robinson stated that it should be mandatory for the applicant to have a septic system. She added that a cistern should also be required as the kennels will have to be washed daily. Mrs. Robinson noted her concerns regarding the noise level.

Mr. Charlie Cummins, an adjoining property owner, stated that he is also concerned by the issues which have already been raised, including the noise level and the hazards to the children.

Mrs. Bonita Cummins asked if there will be someone at the site at all times monitoring the dogs.

Mr. Huelsman stated that he will be building a house on the site when he builds the kennel. He stated that there are tenants on the property now. Mr. Huelsman added that the dogs are not vicious and will be trained to protect people. In response to a comment from Mr. Ryan, he added that some of the dogs are already trained and some are not.

Mr. Bodkin asked what one of the dogs would do if it got out and a child ran from it.

Mr. Huelsman stated that they can "down the dog". He added that if a dog got loose, it would never bother a person. He noted that the dogs are well-bred and well-trained.

Chairman Whitton asked if there was any further discussion; there being none, Mr. Ryan moved that the request be denied based on the fear of the dogs expressed by the neighbors, the location of the site, and the congestion in the area. The motion was not seconded.

Mr. Archambault moved that the request be granted provided that Mr. Huelsman take the necessary steps to protect the neighborhood and keep the kennels clean. The kennels are to be kept sanitary by either a septic system or by waste pick up three times a week. The Enforcement Officer is to visit the kennels and see that they are clean and in good shape. Mr. Houston seconded the motion.

Chairman Whitton asked for a roll call vote on the motion which found Mr. Archambault, Mr. Houston, and Chairman Whitton in favor. Mr. Ryan was opposed. The motion carried subject to the conditions noted.

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3. A request of Burlington Baptist Church for a Conditional Use Permit to allow the expansion of a parking lot. The 0.468-acre site, located at the southwest corner of Jefferson Street and Union Square in Burlington, Kentucky, is zoned Suburban Residential Two/Small Community (SR-2/SC).

Staff member, Tom Breidenstein, presented the Staff report which included a slide presentation. *Griffin*

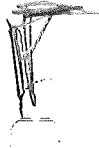
Mr. Hollis Griffin, speaking in behalf of the Burlington Baptist Church, stated that the Site Plan had been prepared by Mr. Larry Donovan as requested by the Staff. He presented a drawing of the area and noted the location of their existing property and the proposed expansion.

Mrs. Lucille Smith stated that she owns property in the area and is concerned about the parking situation. She asked for clarification of the church's proposal.

Mr. Griffin reviewed their plans for Mrs. Smith and noted the location of their existing building and the site of the proposed expansion. He stated that their plans will improve the area and will not affect public parking.

Chairman Whitton asked if there were any further comments or questions; there being none, Mr. Archambault moved, seconded by Mr. Ryan, that the request be granted. The motion carried unanimously.

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4. A request of Russell Hays, Pastor of First Church of God in Florence, Kentucky, for a Conditional Use Permit to allow the construction of a church. The 4.207-acre site, located on the west side of Hopeful Road, approximately one mile south of KY 18, is zoned Suburban Residential One (SR-1).

Staff member, Tom Breidenstein, presented the Staff report which included a slide presentation. He noted that Staff is particularly concerned by traffic visibility from the proposed access points. Mr. Breidenstein stated that the Kentucky Department of Transportation had been contacted for their decision regarding the access. They indicated that the two access points requested by the applicant would be permissible, but agreed that the single access point suggested by the Staff would be more desirable.

Reverend Hays stated that their congregation wished to build a church because they have nowhere to meet. He stated that they do not have a problem with the concerns indicated by the Staff, except for the access. Reverend Hays noted that they need two access points and stated that the visibility of the two accesses is equal to the visibility of the single access suggested by the Staff.

In response to a question from Mr. Houston, Reverend Hays added that they would like to have access to the proposed new road, but believe that it is three to five years away. He added that the proposed road would go through their property.

Chairman Whitton asked Reverend Hays if the church could live with one access point. The Reverend replied that they could, but they prefer two accesses.

Mr. Graham Hopp, a property owner across the street, stated that he was agreeable to one or two exits.

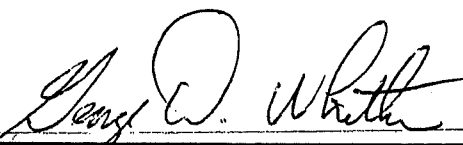
Mr. Don Marksberry stated that the reason for the two exits is that when services are over, a large number of people will be exiting the site at one time.

Mr. William March, who lives across the road from the site, stated that he is not opposed to the church, but wished to ask questions. In response to his questions, Reverend Hays reviewed the Site Plan for him and indicated that the church will be an attractive, brick building.

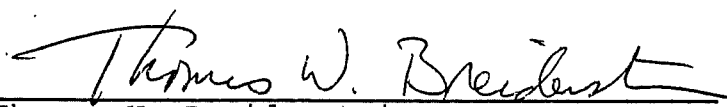
Mr. Houston moved that the application be approved with two exits as proposed. Mr. Ryan seconded the motion and it carried unanimously.

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There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:20 P.M..

  
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GEORGE D. WHITTON, CHAIRMAN

Attest:

  
\_\_\_\_\_  
Thomas W. Breidenstein,  
Zoning Enforcement Officer