

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 or Zoning Permit

Applicant: BURLINGTON BAPTIST CHURCH Owner

Address: 3031 WASHINGTON ST. Agent

BURLINGTON, KY. 41005 Telephone: 606/586-6529

Location: SW COR. SO. JEFFERSON ST. & UNION SQ., BURLINGTON

Name of Property Owner: _____

Address of Property Owner: _____

Zoning District: SR-2/SC Area in Acres: 0.468

Deed Book: _____ Page Number: _____ Group Number: 2029

Description of Request: CONDITIONAL USE PERMIT & SITE PLAN REVIEW

371-2372 / 342-9960

Applicant's Signature: Hollie Smith

Property Owner's Signature: Hollie Smith, AGENT, BURLINGTON BAPTIST CHURCH

Application Fee: \$293.00 FOR PLANNING COMMISSION USE ONLY Date Received: 4-24-87 By: TJB

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Burlington Baptist Church
DEVELOPMENT: Parking lot expansion
LOCATION: Southwest corner of Jefferson Street and Union Square, Burlington
ZONE: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: May 13, 1987

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the expansion of an existing church parking lot. The 0.468 acre lot, located at 6013 Jefferson Street, Burlington (the current address of Boone County T.V. Sales and Service and Stylish Hair Design) is zoned SR-2/SC and is owned by the church. The Boone County Zoning Regulations require that a Conditional Use Permit be issued whenever there is a proposal to alter or change an existing use, structure, or lot. (p. 16-2)

Adjoining land uses include:

North: Burlington Grocery, Marathon gas station
East: Boone County Recorder, single-family residences
South: single-family residence
West: Burlington Baptist Church

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 use of this property to be commercial. The text itself states:

"Burlington proper will see numerous changes to its center. The influence of residential subdivision in every direction and its associated traffic will necessitate better traffic controls and management at the intersection of KY 338 and KY 18. Historically significant structures will need protection from the increased pressures to develop the county seat. As the growth of the county continues so will the administration needs. An additional government center should develop in the close proximity to the existing one, however, placement needs to occur so as to not further fragment the town's residents." (p. L-13)

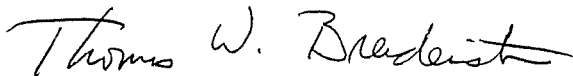
2. With proper landscaping and buffering, a parking lot can be harmonious and appropriate in appearance with the existing or intended character of Burlington.

3. A parking lot will not be hazardous to neighboring uses.
4. The lot will be adequately served by essential public facilities and will not create excessive additional requirements at public cost for public services.
5. A parking lot will not involve uses or activities that are detrimental to any persons or property.
6. Vehicular approaches to the proeprty have been designed so as to not create an interference with traffic on Jefferson Street.

The Board must also consider the more specific criteria applicable to conditional uses in Small Communities:

- a. The church is an integral part of the area's function as a small community. Parking spaces created on a vacant lot will not detract from or conflict with the principal purpose and continued well-being of the center.
- b. After further review, staff will be able to determine if the parking arranagment is compatible with the arrangement of permitted uses in the district. This review will focus heavily upon landscaping, lighting, and storm water drainage. A formal site plan has been submitted and will be reported on at the meeting.

Respectfully submitted,

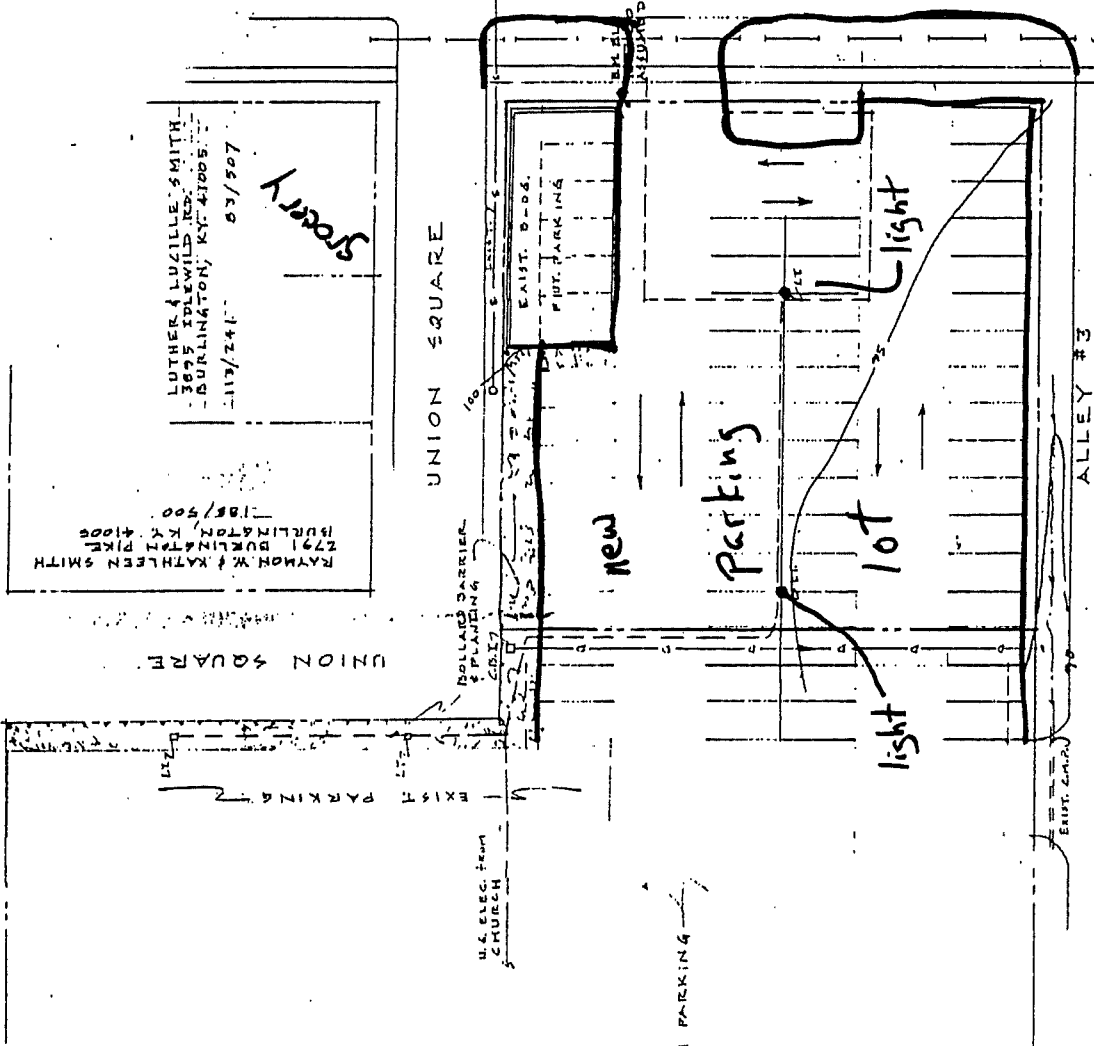


Thomas W. Breidenstein,
Zoning Enforcment Officer

TWB:mcb

E WASHINGTON ST

ALL ZONINGS SR-2/SC



Burlington Baptist Church
 Parking expansion May 13, 1987

DESIGNED		REVISION	BURLINGTON BAPTIST CHURCH BURLINGTON KENTUCKY	DUNAVANT & ASSOCIATES - ARCHITECTS BURLINGTON KENTUCKY
DRAWN				
CHECKED				
PRINT DATE				
SHEET NUMBER			DESCRIPTION SITE PLAN	
OF 1			PROJECT	
DATE			1/24/87	

LEE MENEELY
 2292 BURLINGTON PIKE
 BURLINGTON, KY. 41005
 217/149

WALTER & MARTHA DEAN
 2 E. UNION SQUARE
 BURLINGTON, KY. 41005
 257/284

KRAZE & TAVAKOVA ENGINEERS
 2097 ROBERTSON
 BURLINGTON, KY. 41005
 318/25

CARL W. & KATHLEEN ISBELL
 6027 JEFFERSON ST.
 BURLINGTON, KY. 41005
 250/72

BOONE COUNTY
BOARD OF ADJUSTMENT

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

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.

* * * *

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.

* * * *

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.

* * * *

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.

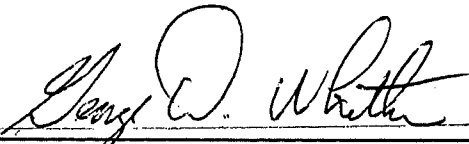
Mr. Don Marksberry stated that the reason for the two exits is that when services are over, a large number of people will be exiting the site at one time.

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.

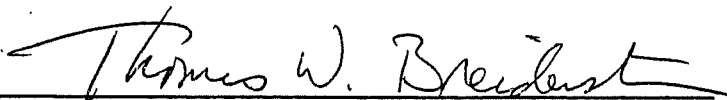
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There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:20 P.M..



GEORGE D. WHITTON, CHAIRMAN

Attest:



Thomas W. Breidenstein,
Zoning Enforcement Officer