

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: JAMES A BURCHAM Owner Agent

Address: P.O. Box 20

Burlington Ky 41005 Telephone: 586-6443

Location: Approximately 8 miles west of Burlington on Ky Hwy #18

Name of Property Owner: Virgil Brunner

Address of Property Owner: 5811 Vice Ln. Burlington Ky 41005

Zoning District: SR-1/SC Area in Acres: 2

Deed Book: 276 Page Number: 225 Group Number: 2023

Description of Request: Request conditional use permit for operation of grocery store and site plan review

Applicant's Signature: James A Burcham

Property Owner's Signature: Virgil Brunner

Application Fee: \$289.00 Date Received: 2/18/88 By: Ko Costello

Referred To: Tom Meeting Date: 3/9/88 Bd. of Adj.

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: James Burcham

DEVELOPMENT: Grocery store with gasoline pumps

LOCATION: West side of KY 18, north of town of Belleview

ZONE: Suburban Residential One/Small Community Overlay
SR-1/SC

DATE: March 9, 1988

REMARKS:

The Applicant is requesting a Conditional Use Permit and Site Plan Review to allow the construction of a 1,664 square foot grocery store with gasoline pumps. The 2.0 acre site, located on KY 18 north of the Belleview Baptist Church Cemetery, is zoned Suburban Residential One with a Small Community Overlay (SR-1/SC) and is owned by Virgil Brunner.

All surrounding properties are zoned SR-1/SC and are used as follows:

North: Farmland, single-family residence
South: Belleview Baptist Church Cemetery; Hays Taxidermy and residence
East: Farmland
West: Auto repair; single-family residence (mobile home); sand and gravel extraction at northwest corner

Currently, the two acre site is undeveloped farmland. It is the intent of the Applicant to construct a single-story frame building with metal siding to house the grocery. In front of this 1,664 square foot building, and its six parking spaces, the Applicant proposes two gasoline pumps. Two, 20 foot access drives from KY 18 are proposed to service traffic to the site. Sewage will be handled with a septic system; water will come from a cistern.

The following reviews the general standards applicable to all Conditional Uses in the county:

1. The 1986 Boone County Comprehensive Plan Future Land Use map indicates the future use of this property to be Rural Lands, which is described as agricultural lands, woodlands, recreation uses, and residential uses of one dwelling unit or less per two acres. The Land Use Element of the Plan makes the following statement about the general vicinity of Belleview:

"This section is primarily composed of the river bottom area. The gravel pit usage to the north of Belleview will remain and may enlarge slightly. This is also prime agricultural land, and a large area north of the gravel pits is to be kept as

agricultural. Belleview, however, will experience some residential growth triggered primarily by the new Kelly Elementary School. Most of this will take place south of town. Within the study's projection period, Belleview and McVile will merge into one residential area. Belleview proper will become a neighborhood center once again. Commercial services that meet daily living requirements will become revitalized in Belleview. Growth will be moderate and vacant buildings will either be restored or replaced to meet the town's residential and commercial needs. The cemeteries on KY 18 will hinder any development in that area and cause the growth to occur south of town. This eventual merging of residential growth with McVile will occur on both sides of KY 18. Residential development will begin to move up on Waterloo-McVile Road. Overall, the section will see slow to moderate growth mostly of residential nature with continuing agricultural uses on the river bottoms."

(p.L-8)

(underlines added for emphasis)

2. The site design, upon initial review, appears to be harmonious and appropriate in appearance with the existing character of the general vicinity.
3. The grocery store itself should not be hazardous to existing or future neighboring uses. The Board must also consider the potential risk of the two gasoline pumps.
4. Assuming a sewage permit can be secured from the Health Department, the site will be adequately served by essential public facilities.
5. The use should not create excessive additional requirements at public cost for public facilities and services.
6. Staff does not believe the proposed use involves activities, processes, materials or conditions of operation that will be detrimental to any persons, property or the general welfare, assuming, of course, the gasoline pumps are installed and operated properly.
7. A copy of the site plan has been forwarded to the Kentucky Transportation Cabinet to help determine the acceptability of the two proposed access points.

The Board must also consider two criteria specific to Conditional Uses in Small Communities:

1. A grocery store is an integral part of any Small Community. Staff does not believe that the scale, nature, or character of the proposed store will detract from or conflict with the continued well-being of Belleview.

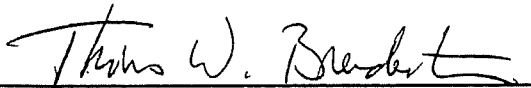
March 9, 1988

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2. The arrangement of the store and pumps is compatible with the arrangement and organization of permitted uses to be protected. Again, the arrangement of the access drives are being reviewed by the Transportation Cabinet.

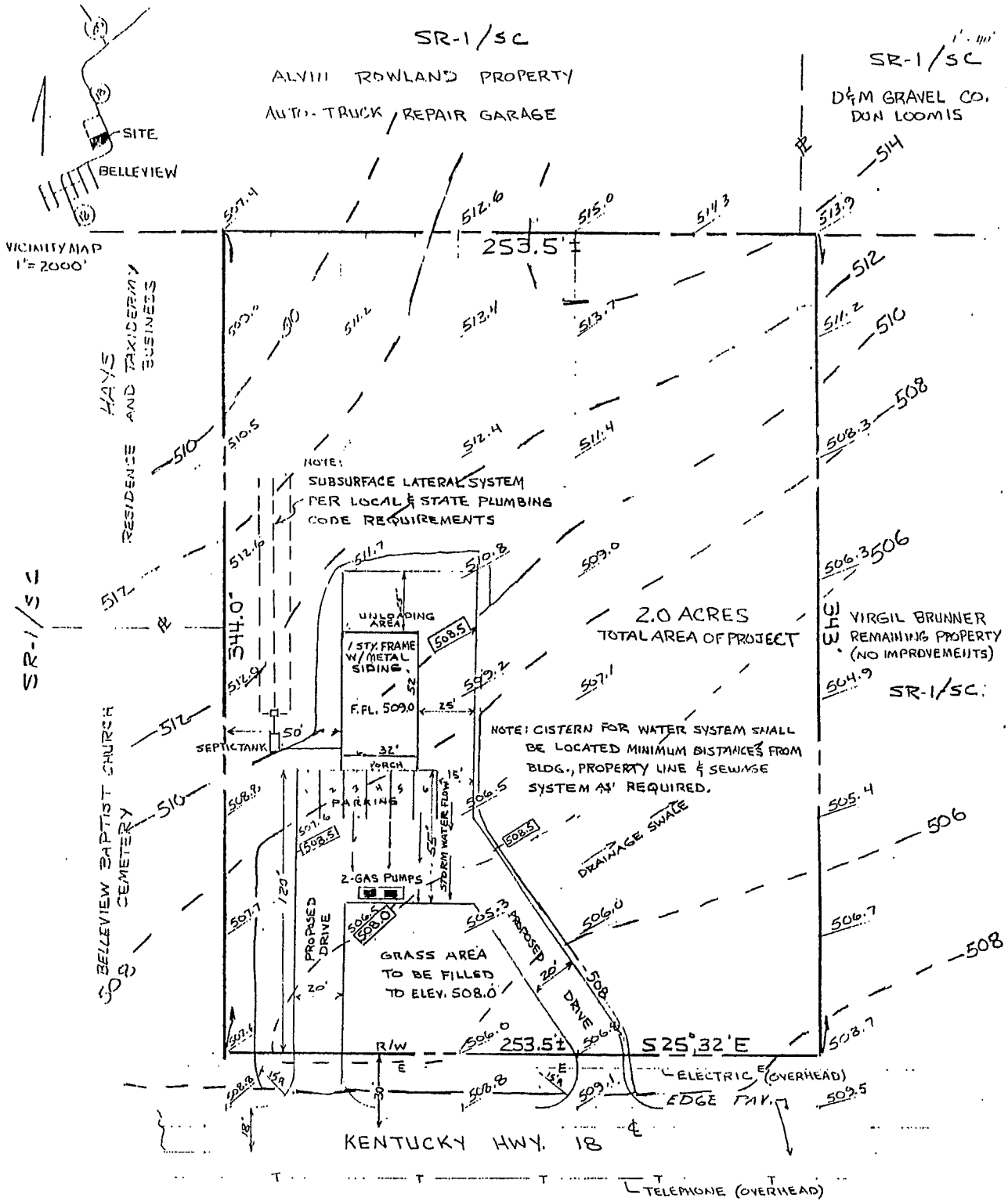
At this writing, Staff has no conditions to recommend should the Conditional Use Permit be granted. After further review of the Site Plan, certain concerns, and, therefore, conditions may become evident. One initial concern of Staff is the potential of gravel truck drivers shopping at the store. No provisions for large truck parking have been provided on the plan. Without such parking, Staff is convinced that truckers would simply park on KY 18 while they shop. Obviously, this arrangement would be unacceptable from a safety standpoint.

Respectfully submitted,



Thomas W. Breidenstein
Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kam



James Burcham

C.U.P. & Site Plan

3-9-88

SITE PLAN FOR
BELLEVIEW GROCERY
BOONE COUNTY KENTUCKY

SOUTHWEST SIDE KY. HWY 18
0.5 MILE SOUTH KY. HWY 20

FEB. 18, 1988

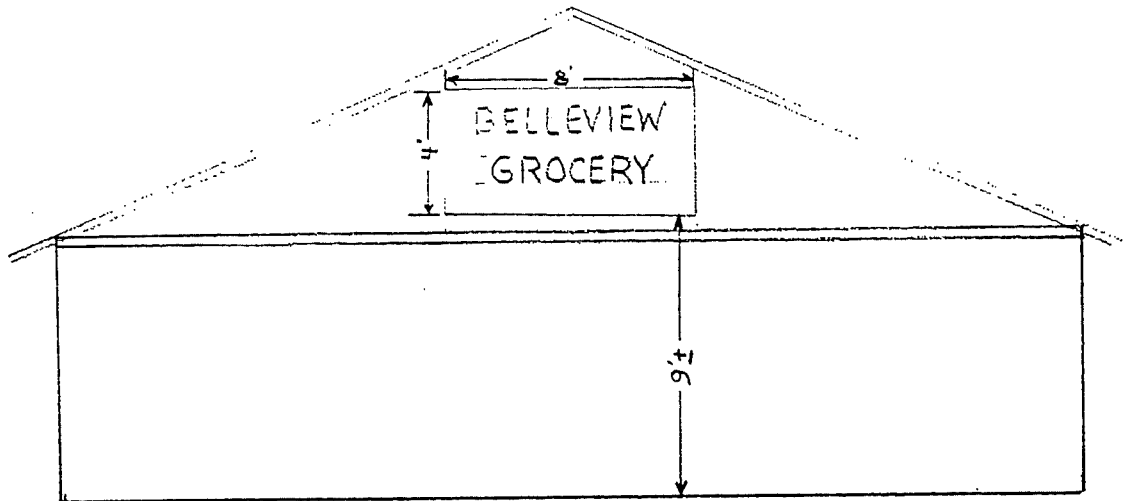
SCALE 1" = 40'

TIMOTHY R. McNEELY
Registered Land Surveyor
8256 Main Street
Burlington, KY 41005 Ph. 588-6497



James Burcham
C.U.P. & Site Plan 3-9-88

PROPOSED SIGN WILL BE 4'x8'-
PAINTED WOOD WITH 8" HIGH
PAINTED LETTERS TO BE
MOUNTED TO FRONT OF BUILDING
AS SHOWN.



FRONT VIEW
PROPOSED BUILDING

LOCATION OF PROPOSED SIGN
FOR BELLEVIEW GROCERY

SCALE 1" = 60'

2-18-88

TIMOTHY R. McNEELY
Registered Land Surveyor
6256 Main Street
Burlington, KY 41005 Ph. 586-6497

BOONE COUNTY
BOARD OF ADJUSTMENT

March 9, 1988 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None.

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 February 10, 1988 and asked if there were any comments or corrections.

There being no comments or changes, Mr. Ryan moved that the Minutes be approved as written. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Ray Meyer Sign Company, agent for Miller Valentine Development, Inc. for a Variance in the size of a sign advertising the sale, lease, or rental of property. The 28.78-acre site, which is located off the north side of I-275, east of Mineola Pike and south of Dolwick Drive, is zoned Industrial One (I-1) and is owned by Miller-Valentine Development, Inc.. (Deferred from February 10, 1988.)

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report). He distributed copies of a letter from Mr. Forrest Rankin of the Transportation Cabinet, dated March 7, 1988, indicating that this request had been sent to Frankfort with a recommendation for approval.

In response to a question from Chairman Whitton, Mr. Breidenstein advised that both sides of the sign are considered in the square footage of the sign in the Staff Report, but the Transportation Cabinet only considers one side of the sign in the 150 sq. ft. figure indicated in their letter.

Mr. Mike Meyer stated that a letter from Mr. Richard D. Huddleston, Vice President, Miller Valentine, was submitted at the last meeting (see letter dated November 20, 1987). He noted that a sign as permitted under the Zoning Regulations would not be readable from the roadway and could create a problem for motorists attempting to read the sign. They feel that the larger sign does not create a hazard to anyone. He stated that they had removed 50 sq. ft. from the bottom of the sign.

Mr. Breidenstein noted that two and one-half feet had been removed from both sides of the sign to make the sign 150 sq. ft. per side.

Chairman Whitton noted that the current sign is 7½ feet high and 20 feet wide.

Mr. Ryan asked if there were any comparable signs in the area.

Mr. Breidenstein advised that a Variance was granted to Corporex for a 190 sq. ft. sign on the opposite quadrant of the intersection.

In response to a question from Mr. Nevel, Mr. Breidenstein advised that the letter from the Transportation Cabinet indicates that after six months, the sign can remain but it can only say that the property is for sale or lease and include the phone number. The logo and any other wording would have to be removed. He added that this would be a six-month period after the permit is received from the state.

Chairman Whitton asked Mr. Meyer if he would be in agreement with a limitation imposed by the Board regarding the length of time the sign could remain.

Mr. Meyer stated that he anticipates the sign being up for about one and one-half years.

Counselor Wilson advised that the Board has the power to impose a reasonable time limitation and if the applicant wishes to go beyond that time, he can come before the Board and request an extension.

Chairman Whitton asked if there was anyone else present who wished to speak in regard to this request.

There being no further comments, Mr. Ryan moved that the request be granted and that the sign remain up no longer than one and one-half years. Mr. Houston seconded the motion and it carried unanimously.

Chairman Whitton advised Mr. Meyer that the limitation of one and one-half years would begin at this time. Counselor Wilson noted that the sign permit from the state is still necessary.

2. The request of William E. Rowland for a Conditional Use Permit to allow a home furnishings facility and related office. The 1.07-acre site, which is the location of the old Belleview School, is zoned Suburban Residential One/Small Cummmity Overlay (SR-1/SC), and is owned by William E. Rowland. (Deferred from January 13, 1988.)

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Breidenstein noted that this request was deferred from the January 13, 1988 meeting to allow the applicant time to submit a Site Plan. Mr. Breidenstein suggested the following conditions of approval: (1) That the employee's parking area be paved; (2) that the dumpster be properly screened with a privacy fence; (3) that adequate buffer be provided along the southern property line; and (4) that a secondary access point onto KY 18, which is not indicated on the Site Plan, be closed.

Mr. Ed Drennan, representing the applicant, stated that they are in agreement with the conditions. He stated that they had tried to properly prepare the Site Plan as requested and have discussed the screening with the surveyor. He stated that there will be no outside storage once the new addition is built. He stated that the new addition will be built as soon as they can afford it. Mr. Drennan added that there are some trees that need to be removed and they will plant the necessary trees as soon as they can afford it.

Mr. Breidenstein advised that typically an applicant has six months following approval to complete the required improvements, unless otherwise approved by the Board.

Mrs. Rowland stated that they are trying to get things done but are a new business and not yet on their feet.

Chairman Whitton asked if anyone else wished to speak regarding this request.

Mr. Bennett stated that Mr. Drennan had called him following the January meeting and they have discussed his concerns. He stated that there have been some improvements to the site, but he is concerned that they are moving too slowly. He stated that this business is growing and they are interested in expanding in Ohio and Tennessee.

Chairman Whitton noted the conditions suggested by Mr. Breidenstein and asked Mr. Drennan if he was agreeable to those conditions. Mr. Drennan stated that they have no problem in complying with the conditions.

Chairman Whitton asked if there were any questions or comments from the Board.

Mr. Archambault suggested that a timeframe be established for compliance with the conditions.

Mr. Ryan questioned what would be the most pressing concern of the neighbors.

Mrs. Mary Denniston stated that her biggest concern is the outside storage.

Chairman Whitton questioned the possibility of a temporary privacy fence around the outside storage area until the new addition was built.

Mrs. Rowland stated that she would be agreeable to the temporary fence.

Mr. Bennett stated that his primary concern is the unsightliness of the materials.

Chairman Whitton stated that the temporary fencing/screening of the outside storage area would be a fifth condition of approval.

There being no further discussion, Mr. Nevel moved that the request be approved subject to the five conditions discussed: (1) That the employee's parking area be paved; (2) that the dumpster be properly screened with a privacy fence; (3) that adequate buffer be provided along the southern property line; (4) that a secondary access point onto KY 18 be closed; and (5) that the outside storage area be temporarily screened with a privacy fence. Mr. Nevel stated that the normal six-month time period would apply.

Mr. Archambault asked Mrs. Rowland if she was agreeable to the conditions. Mrs. Rowland stated that she is in agreement with the conditions.

In response to a request from Mr. Breidenstein, Chairman Whitton asked Mr. Drennan to submit a Revised Site Plan indicating the conditions.

There being no further comments, Mr. Houston seconded the motion made by Mr. Nevel and it carried unanimously.

3. The request of James A. Burcham for a Conditional Use Permit and Site Plan Review to allow the construction of a grocery store with gasoline pumps. The 2.0-acre tract, which is located on the west side of KY 18, north of the Belleview Baptist Church Cemetery, is zoned Suburban Residential One with a Small Community Overlay (SR-1/SC), and is owned by Virgil Brunner.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Breidenstein stated that upon further review of the request, it was determined that the southernmost access point was not acceptable. Mr. Breidenstein suggested two conditions of approval: (1) that the southernmost access be eliminated, and (2) that additional landscaping be required.

Mr. Burcham stated that he believed the traffic flow would be better with the two accesses.

Mr. Breidenstein agreed that the traffic flow may be better, but the sight distance is not adequate. He added that there are also problems with the elevation, the curve, and the speed limit. Mr. Breidenstein noted that this is a state-controlled highway and they have the final authority in this matter.

Mr. Burcham stated that he has met with the Highway Department and they suggested that he get back in contact with them after this meeting. Mr. Burcham asked for clarification regarding the landscaping.

Mr. Breidenstein stated that there is a need for general landscaping throughout the site and also a need for screening, particularly the loading dock and some of the parking areas. Mr. Breidenstein stated that the loading dock should not be offensive to the businesses and residences to the rear of the site.

Mr. Burcham stated that to the rear of the site is a gravel pit, a taxidermy shop, and a garage, none of which are screened.

Mr. Hayes, a resident to the rear of the site, stated that he has no objection.

Mr. Archambault asked for a definition of "general landscaping".

Mr. Breidenstein advised that "general landscaping" would be used to soften and beautify and site.

Chairman Whitton asked the applicant if he was agreeable to providing landscaping in front of the site.

Mr. Burcham stated that he will keep the area mowed and will have landscaping.

Chairman Whitton advised that it is necessary to indicate the landscaping on the plan so that the Board knows what is planned.

Chairman Whitton asked if there was anyone else who wished to speak regarding this request.

There being no further discussion, Mr. Archambault moved that the request be granted subject to the conditions that approval of the entrances and exits be obtained from the State and that a landscaping plan be submitted to the Staff for their approval, indicating landscaping in front of the building. Landscaping to the rear is not required. Mr. Nevel seconded the motion.

Mr. Breidenstein stated that Staff usually suggests evergreens, deciduous trees, and hedge rows for landscaping. He added that a green lawn is not considered landscaping.

Chairman Whitton stated that if the applicant is unable to reach agreement with the Staff regarding the landscaping, he should come before the Board again.

Counselor Wilson suggested that a copy of the state's decision regarding the accesses be provided for the file.

Chairman Whitton advised Mr. Burcham to submit an access plan at the time he submits the landscaping plan.

There being no further discussion, Chairman Whitton asked for a vote on the motion made by Mr. Archambault and it carried unanimously.

4. The request of Holiday Homes, Inc. for a Variance in the number of free-standing signs. The 8.0-acre site, which is located at 11007 Dixie Highway, is zoned Commercial Services (C-3) and is owned by Ken Lucas.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Warren Allen stated that they will provide landscaping. He stated that he is concerned about landscaping the sign as it will be 25 feet in the air. He stated that one estimate to landscape the sign was \$47,000.

Chairman Whitton stated that there has been a great deal of controversy regarding signage in the Richwood interchange area.

Mr. Allen stated that he is not familiar with the area, but noted that the area is zoned commercial and there are some large signs in the area.

Chairman Whitton asked if there would be building-mounted signs in addition to the free-standing signs.

Mr. Allen stated that there would not be building-mounted signs.

Mr. Breidenstein advised that the applicant would be entitled to one building-mounted sign for the office.

Chairman Whitton noted that based on the dimensions of the office, the applicant would be entitled to a 150 sq. ft. sign.

In response to questions from Mr. Houston, Mr. Allen indicated the location of the proposed sign on the Site Plan. He stated that three different plans had been submitted, one indicating the changes and the landscaping. The Site Plan provided to the Board did not indicate the changes and landscaping. He added that he is putting in less houses and

more landscaping. He stated that the proposed sign is 20 feet off the right-of-way. He stated that it will not block the view as it is close enough to the driveway for people to see under it.

Mr. Breidenstein stated that the Site Plan distributed to the Board was the one submitted with the application. He asked that the updated version be provided to the Staff.

Chairman Whitton asked if anyone else wished to speak regarding this request.


There being no further discussion, Mr. Nevel moved that this request be deferred to allow time for the Board to visit the site. Mr. Nevel moved that the Board reconvene at 7:30 P.M. on March 16, 1988 and that the Board members visit the site in the interim.

Chairman Whitton advised that he would be unable to vote in regard to this issue as he was one of the previous owners of this property. He stated that he would be unable to attend the meeting on March 16, 1988.

There being no further comments, Mr. Ryan seconded the motion made by Mr. Nevel and it carried unanimously.

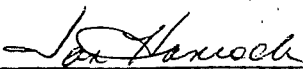
There being no further business to come before the Board, Mr. Nevel moved that the meeting be adjourned until Wednesday, March 16, 1988 at 7:30 P.M.. Mr. Ryan seconded the motion and it carried unanimously.

APPROVED:



George B. Whitton, Chairman

ATTEST:



Jan Hancock, Recording Secretary