

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: William E. Rowland  Owner

Agent

Address: 1624 Burlington Pike

Florence, Kentucky 41042 Telephone: 283-1707 584-9400

Location: 6720 McVillie Road 6728?

Name of Property Owner: same

Address of Property Owner: same

Zoning District: \_\_\_\_\_ Area in Acres: 2 approx

Deed Book: 337 Page Number: 92 Group Number: 2035

Description of Request: See attachments

Applicant's Signature: Wm E Rowland

Property Owner's Signature: Wm E Rowland

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$287 Date Received: 12-18-87 By: WRB

Referred To: WRB Meeting Date: 1-13-87

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

STAFF REPORT

APPLICANT: William E. Rowland  
DEVELOPMENT: Home Furnishing Facility  
LOCATION: 6728 McVille Road, Belleview  
ZONE: Suburban Residential One/Small Community (SR-1/SC)  
DATE: January 13, 1988; 6:30 p.m.  
REMARKS:

The applicant is requesting 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 Community Overlay (SR-1/SC), and is owned by William E. Rowland.

On December 30, 1985, the applicant received a Zoning Permit for a 2,304 square foot "pole-type building with metal sides and roof" to be used for "storage, etc." In October of 1987, our office received a complaint about dust being blown out of this building through a newly constructed ventilation system (a "bagging" system has since been installed to collect the dust). Upon investigation, we found the processing of sinks and countertops - a use which is not principally permitted in the SR-1 zoning district or in Small Community Overlays. Briefly, uncut pieces of "Corian" are brought to this facility, cut, filed, and glued to order, and shipped to customers. "Corian" is a synthetic substitute for marble and ceramic. The applicant has provided some information on the products and processes.

All surrounding property is zoned SR-1/SC. Neighboring land uses include:

North: Fifth/Third Bank, single-family residence  
South: single-family residence  
East: farmland  
West: Kelly School, playground

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

1. The 1986 Boone County Comprehensive Plan Land Use Map indicates the future use of this property to be Medium Density Residential (3 to 8 dwelling units per acre). The text of the Plan states:

"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

McVille 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 McVille will occur on both sides of KY 18. Residential development will begin to move up on Waterloo-McVille Road. Overall, the section will see slow to moderate growth mostly of residential nature with continuing agricultural uses on the river bottom." (p. L-8) (underline added for emphasis)

2. The old school house, which serves as an office for the Three River Company, has long been a part of Belleview and therefore is harmonious and appropriate in appearance with the character of the area, especially since the applicant has begun to restore the structure. From the slides, and from a potential site check, the Board must decide if the newer structure, the outside storage, and the new parking are designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the rest of Belleview, or if the essential character of the general vicinity has been altered.
3. As explained in the enclosed letter, the use poses no hazard to neighboring uses.
4. The site is adequately served by most essential public facilities. Refuse disposal appeared to be a problem during staff's site check. Also, no site plan has been reviewed to determine the effects of additional storm water runoff.
5. Excessive additional requirements for public facilities are not created.
6. With proper ventilation controls, the use does not involve activities, processes, materials, and conditions of operation that will be detrimental to persons, property, or the general welfare. However, the Board should consider the possible impact of noise from a fork truck, delivery trucks, and large trash collectors.
7. Vehicular approaches to the property are those which were used for the school. The applicant makes virtually all pick-ups and deliveries in one ton pick-up trucks.

The Board must also consider specific criteria for Conditional Uses in the Small Community:

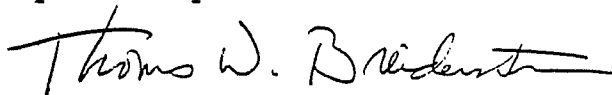
- a) The Board should consider whether or not a counter and sink top processing facility is an integral part of Belleview's function as a small community, and whether or not it is of a scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of Belleview. The intent of the Small Community is:

"to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers of Boone County, and may be appropriate to meet the needs of new community development in the county as well."

- b) Without a formal site plan, staff cannot determine whether or not the arrangement of the new building in particular and the use in general is compatible with the arrangement of permitted uses to be protected. Conditional Uses in the SC are subject to supplemental, parking and loading, and signage regulations of this order unless exempted by the Board when literal conformance to such regulations would be to the detriment of the district. Without a plan, we cannot even tell whether or not a dimensional Variance is required.

Should the Board grant this Conditional Use Permit, staff would recommend as a condition of approval that a formal site plan, prepared by a registered engineer, architect, or surveyor, be reviewed and approved by the Board. The reasons for going back to the Board rather than the Boone County Planning Commission is that the Board is empowered to impose conditions or limitations should there be a need to exempt the applicant of certain supplemental, parking and loading, or signage regulations. Without the plan, we do not know if such exemptions are needed.

Respectfully submitted,



Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

Attachments

# Edward G. Drennen II

ATTORNEY AT LAW  
P. O. Box 276  
7033 BURLINGTON PIKE  
FLORENCE, KENTUCKY 41042  
(606) 283-2200

EDWARD G. DRENNEN

AREA CODE 606  
TELEPHONE 283-2200

December 18, 1987

Mr. Thomas W. Breidenstein  
Zoning & Enforcing Officer  
Boone County Planning Comm.  
P.O. Box 697  
Burlington, Ky. 41005

RE: William E. Rowland  
Conditional Use Permit  
Request

Dear Mr. Breidenstein:

Enclosed please find my client's application for a conditional use permit, as well as, his accompanying check in the amount of \$289. We have also enclosed a copy of the legal description of the property located at 4685 Waterloo-McVile Road, Burlington, Kentucky 41005, along with a site plan of the property reflecting the present old Belleview Schoolhouse which is now the offices of Three Rivers Industries and the assembly building where their product is assembled into its final form.

The adjacent property owners to Mr. Rowland's property consist of:

1. Robert H. Denniston, 6285 Sycamore Street, Belleview, Ky. 41005.
2. R. C. Switzer, 6279 Sycamore Street, Belleview, Ky. 41005.
3. Fifth Third Bank of Boone County, 8100 Burlington Pike, Florence, Ky. 41042.
4. David Clore, 6223 Burlington Pike, Burlington, Ky. 41005.
5. Ivan Stanley Bennett, 6766 McVile Road, Belleview, Ky. 41005.
6. Boone County Board of Education, 8330 U.S. 42 Florence, Ky. 41042.

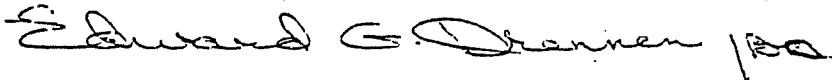
We have in addition attached for your review a copy of the type of corian product that is being assembled into its final condition

at our property, as well, as a more detailed informational outline of questions and answers about the product which we would hope would be helpful to you in your consideration of our application.

Relative to your request as to the history or use of this particular piece of property, my client has since 1986 been using the above property for the business operation of Three Rivers Industries wherein they store and assemble the corian product, then sell on to established companies for final distribution as counter tops for kitchens, bathrooms, etc. We would point out that though there is some cutting of the corian at best this is minimum in nature to our operation. Our actual business activity is more of a conduit between the manufacturer and the ultimate distributor.

If we can be of any further assistance to you in this matter or should you have any questions, feel free to direct them to our office so that those questions can be answered as promptly as possible prior to any type of hearing before the Board of Adjustment. Thank you for your time and attention to this matter.

Very truly yours,



Edward G. Drennen

EGD/ags

cc: Edward Rowland

Q. ARE THERE ANY PLANS TO MAKE SHEETS MORE THAN 30 IN. WIDE?

A. There are no plans to make wider sheets. All products - both sheet and shape - are currently made in the Buffalo, NY plant. The 30 in. size is designed to accommodate the normal counter with a backsplash cut from one sheet to allow for best color match. The Du Pont Joint Adhesive introduced in 1982 is used to join sheets for countertops more than 30 in. in width.

Q. ARE THERE ANY HEALTH HAZARDS ASSOCIATED WITH CORIAN?

A. No. The dust is classified as a nuisance dust. It's non-toxic and non-carcinogenic as tested by OSHA and Du Pont's Haskell Laboratory. The fumes are methyl methacrylate vapor, a minor irritant. Cutting CORIAN produces about 1/100 of the allowable limit as set by the government. Methyl Methacrylate is currently used for various medical purposes - false teeth, hip joint replacements, false eyes, etc.

Q. DO THE JOINTS MADE WITH THE JOINT ADHESIVE HAVE THE SAME PROPERTIES AS CORIAN?

A. In many respects, yes. It has the same stain resistance, durability, and comes in the same colors as CORIAN itself. The two-part system is approximately 2/3 as strong as the CORIAN. When cured it can be finished to make an inconspicuous seam.

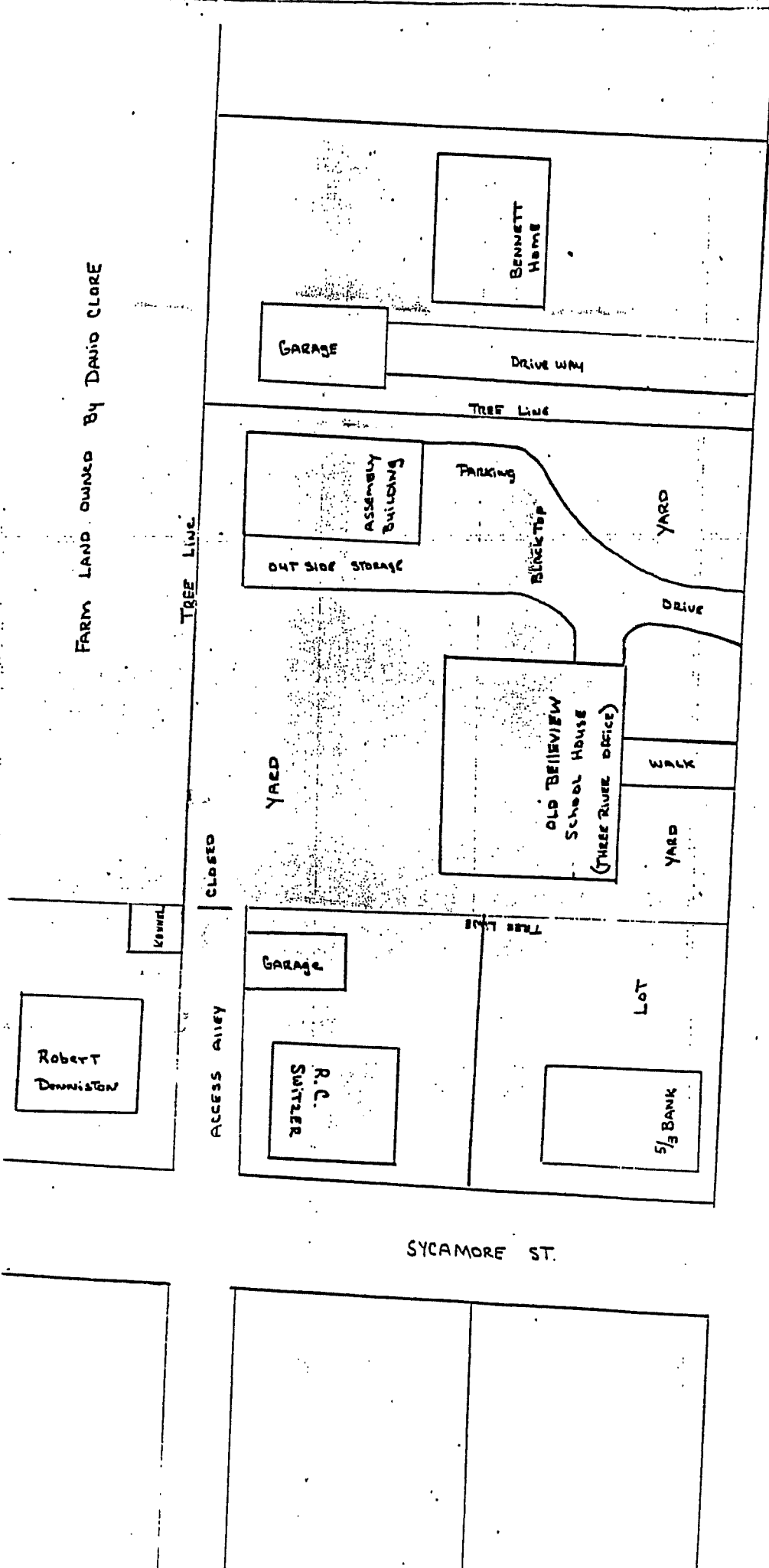
Q. ARE THERE PLANS TO COME OUT WITH A LARGER JOINT ADHESIVE KIT?

A. Du Pont is considering the problem, but there are no quick, easy answers.

Q. DOES CORIAN HAVE A GUARANTEE OR WARRANTY?

A. CORIAN has no formal warranty, but Du Pont does stand behind the product if manufacturing defects occur. Du Pont will stand behind CORIAN if the published fabrication and installation procedures are followed.

FARM LAND OWNED BY DAVID CLORE



McVILLIE RD KY RT. 18

SYCAMORE ST.

BASEBALL FIELD

Kelly School

William Rowland Conditional Use Permitt 1-13-88

BOONE COUNTY  
BOARD OF ADJUSTMENT

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

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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 Cummitly 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