

REVIEW NO. \_\_\_\_\_

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

- 1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One)  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name Earl Baeten, Et. Al.  
Phone Number 606-341-9743  
Applicant's Address 357 Marmil St.  
Edgewood, Ky. 41017  
City State Zip
- 4. Description of Request: Operate Auto Body in I2 Zone (Strictly Cars). A fence will be built around back of bldg. to conceal awaiting repairs. Front of Bldg. is block
- 5. Name of Development N/A
- 6. Location of Development Weaver Rd. Florence, Ky. 41042
- 7. Acreage Under Review 4.452
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A
- 9. Owner of Property Earl Baeten Et. Al.  
Phone Number 606-341-9743
- 10. Address of Property Owner 357 Marmil St., Edgewood, Ky. 41017  
City State Zip
- 11. Proposed Use(s) On Site Auto Body with all doors facing North and being located along back of bldg. and not visible from Weaver Road, with blacktopping, landscaping, and fences.
- 12. Total Square Footage of Existing and/or Proposed Buildings  
5,600
- 13. Current Zoning on Property I2
- 14. Deed Book 343 Page No. 126 Group No. 2049B
- 15. Is the site subject to a zone change? No  
If yes, give date of approval \_\_\_\_\_
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes (See List)
- 18. Applicant's Signature: Earl Baeten
- 19. Property Owner's Signature: Earl Baeten

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received \_\_\_\_\_
2. Fee Received \_\_\_\_\_
3. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
4. Staff Reviewer \_\_\_\_\_
5. Scheduled Board Action Date \_\_\_\_\_
6. Board Action:  
\_\_\_\_\_ Approval  
\_\_\_\_\_ Approved With Conditions (See #7)  
\_\_\_\_\_ Disapproved (See #8)
7. Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STAFF REPORT

APPLICANT: Earl Baeten, et. al.  
DEVELOPMENT: body shop  
LOCATION: north side of Weaver Road  
ZONE: Industrial Two (I-2)  
DATE: May 9, 1990  
REMARKS:

The applicant is requesting a Conditional Use Permit to allow the construction of an automobile body shop. The 4.5 acre site, located on the north side of Weaver Road between Dixie Highway and I-75, is zoned Industrial Two (I-2) and is owned by Earl Baeten, et. al.

Surrounding Land Use and Zoning

All surrounding properties are zoned I-2. These properties are used as follows:

north: industrial (Northern Kentucky Industrial Park)  
south: Bluegrass Concrete (under development)  
east: single family residence  
west: vacant; intersection of Bluegrass Drive and Weaver Road

Existing Conditions

The subject property is separated from the Northern Kentucky Industrial Park by a small creek which drains into Gunpowder Creek. The lot is relatively level near the street, but slopes to the rear into the creek. The most important feature of the site is its vegetation. Currently, the site is heavily wooded, which gives the slope its stability.

Review

The following reviews the criteria which the Board must use when reviewing applications for Conditional Use Permits:

1. The 1986 Boone County Comprehensive Plan Future Land Use map indicates the future use of this property to be industrial. The Land Use Element of the text explains:

The Industrial Park should expand southward onto the lightly developed, level land, but no further than Mt. Zion Road (on the west side of U.S. 25). p. L-20

This passage was written with the idea that heavy industrial users would expand southward from the existing industrial park toward the proposed interchange at Mt. Zion Road so that I-75 could continue to be a buffer between industrial and residential and commercial uses. The Goal of the Environment Element of the Comprehensive Plan reads:

To protect and enhance the quality of the natural environment of the county while permitting quality development on suitable areas. p. G-1

A concern listed in the Environment Element reads:

...the eastern uplands have limited and scattered forest cover. While it is important to preserve the wooded areas in the less developed western part (of the county), it is imperative to protect the scattered vegetation remaining in the urbanized portions of the eastern uplands for both functional and aesthetic reasons.  
p. E-20

2. Only a very preliminary concept plan was provided by the applicant. From this rendering, it is difficult to determine whether the site will be designed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the area. Of significance is the fact that the applicant has indicated a 50 foot front yard setback; however, a 100 foot front yard setback is required in I-2 districts. Such an increased setback will minimize the visual impact of a body shop from Weaver Road. However, the site has severe slope limitations which may make improvements in this area cost prohibitive.
3. The site is adequately served by essential public facilities. Of particular concern is the treatment of storm water runoff which will carry any chemicals and paints used in the body shop into the creek to the north. Since Gunpowder Creek affects a large area of the county, any pollutants from upstream areas have the potential for tremendous harm.
4. A body shop developed with all possible controls for pollution should not be hazardous to existing or future neighboring uses. A development on such a steep slope, if constructed with sensitivity to the restraints of the slope, should not create a hazard to existing or future neighboring uses downstream.
5. Excessive additional requirements at public cost for public improvements should not be created.
6. A body shop does involve uses, activities, processes, materials, and conditions of operation that may be detrimental to any persons, property, or the general welfare by reason of

excessive production of noise, smoke, fumes, or odors. However, as stated above, if all required controls are properly installed, such problems should be minimized.

7. Vehicular approaches to the property should not create an interference with traffic on surrounding public thoroughfares.

In addition to these criteria which apply to all Conditional Uses, the Board must consider the following criteria which apply to such uses in I-2 zoning districts:

- a. Whether a body shop is "of integral relation to the purpose of the district." The purpose of the I-2 district is:

...to provide for those types of transportation uses which are of warehouse and manufacturing or related service too large a scale to be accommodated in an I-1 district or which involve the manufacture of heavy equipment, machinery, or other products having a major, concentrated impact on a community or regional infrastructure, economy, lands and other considerations. Such districts will be organized to provide employment opportunities for regional and extraregional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

- b. Whether the body shop as presented in the concept plan is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted uses of the district.
- c. Whether the proposed arrangement of the body shop as drawn is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

#### Staff Concerns

1. Staff is concerned with the potential loss of trees from this site. Therefore, staff would recommend as a condition, should this application be approved, that the applicant be required to maintain as many as the trees as possible. This condition could be met by requiring that the site not be disturbed west of the 40+00 station marker on Weaver Road and that at least 50 feet of the required front yard setback be maintained in its natural condition as a buffer from Weaver Road.
2. Staff would suggest as a condition of approval that the project be limited to a sign of no more than fifty (50) square feet in area and no more than ten (10) feet in height. This "monument" type sign will allow the body shop to remain in character with the purpose of the I-2 district and keep the body shop from detracting from the permitted uses in the district.

3. The applicant has proposed, on his concept plan, to position the body shop in a way which would screen the garage doors and outside storage areas from Weaver Road. Staff would recommend as a condition that this arrangement be made a condition should the permit be approved. In addition, staff would recommend that the storage area itself be screened. An adequate and appropriate means of accomplishing this buffer is to require that ivy be planted and maintained along the fence so that, once mature, there will be three "walls of green."

Respectfully submitted,

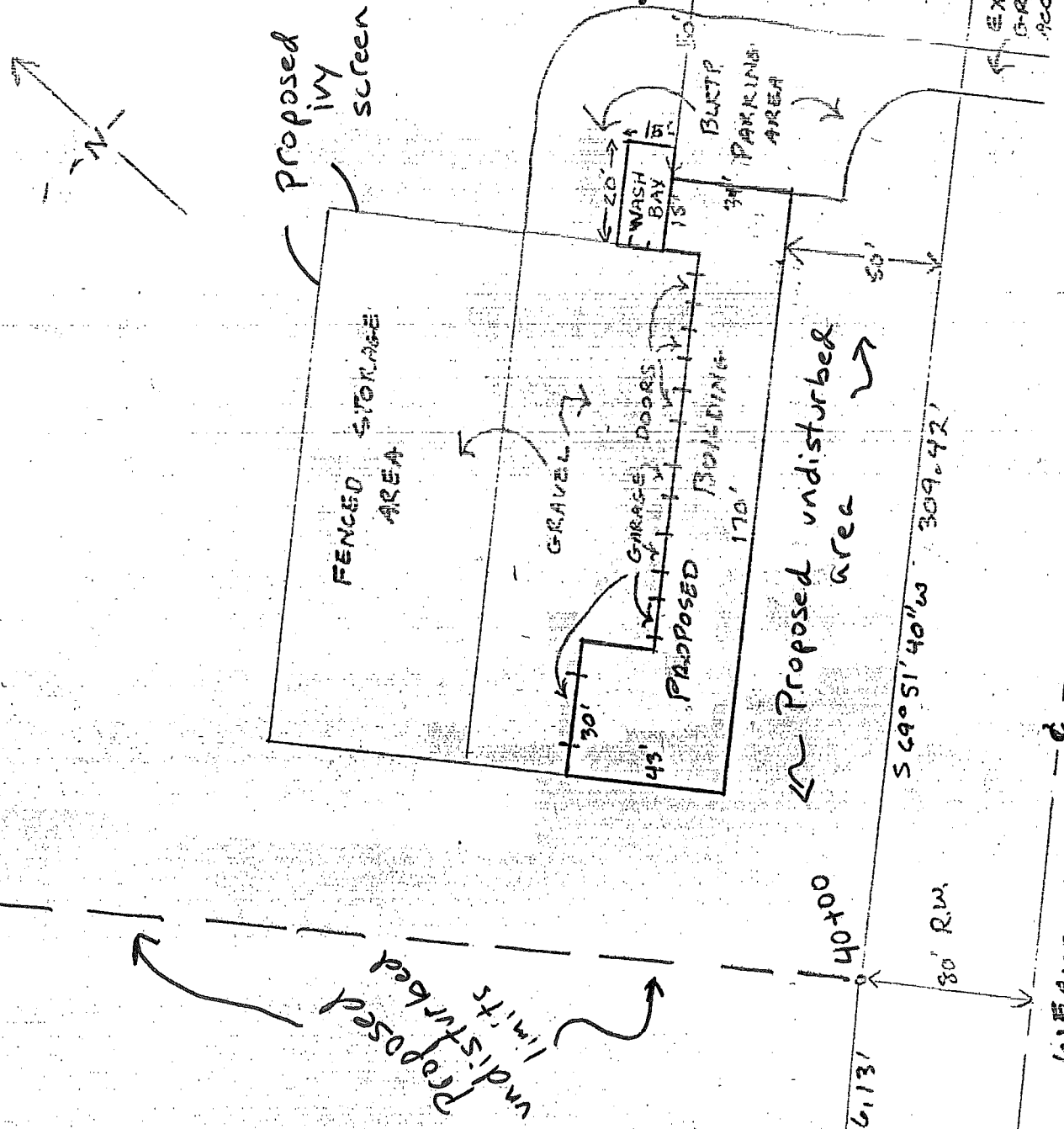
  
Thomas W. Breidenstein  
Zoning Enforcement Officer

N 44° 10' E 121.61

4.452 AC  
ZONE I-2

Baaten et al. 5-9-90

KENNETH DR. 1/2 AC  
S 40° 31' E 281.55'



S 66° 38' 20'' W 346.131'

80' R.W.

WEAVER RD.

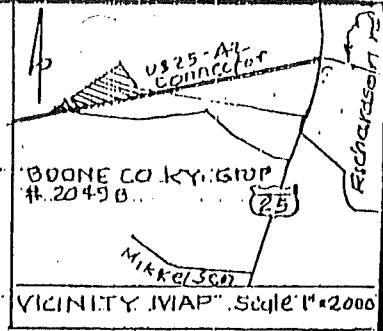
Proposed undisturbed area

S 69° 51' 40'' W 309.472'

Proposed undisturbed limits

Approved for recording the transfer of property only by the Boone Co. Planning Commission this \_\_\_ day of \_\_\_ 19\_\_.

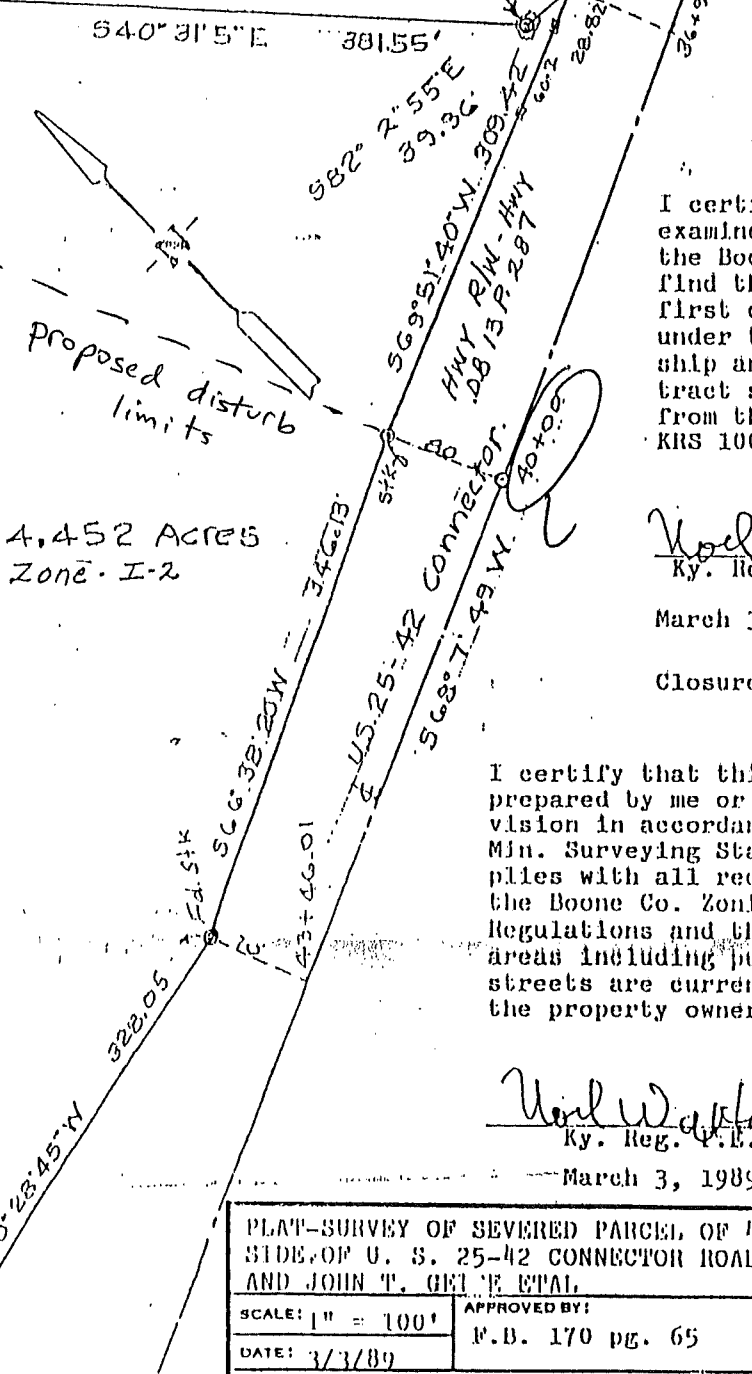
Chairman



BEGIN DESC.

No. Ky. Industrial Park  
N47° 7' 10" E 721.67'  
N48° 37' 30" E  
145.155' Foundfield Creek  
80° 23' 45" N 322.05'

Kenneth Oberhelman



4.452 Acres  
Zone I-2



I certify that I have examined the records of the Boone Co. Clerk and find that this is the first conveyance made under the present ownership and the parent tract since 1966 or from the adoption of KRS 100.

*Noell Walton*  
Ky. Reg. P.E. & L.S.

March 3, 1989

Closure: 1 in 6000

I certify that this plat has been prepared by me or under my supervision in accordance with the Ky. Min. Surveying Standards and complies with all requirements of the Boone Co. Zoning & Subdiv. Regulations and that dedicated areas including public ways or streets are currently owned by the property owner.

*Noell Walton*  
Ky. Reg. P.E. & L.S.

March 3, 1989

PLAT-SURVEY OF SEVERED PARCEL OF 4.452 ACRES, NORTH SIDE OF U. S. 25-42 CONNECTOR ROAD FOR EARL BAETEN AND JOHN T. GELT ET AL.		
SCALE: 1" = 100'	APPROVED BY: R.B. 170 pg. 65	DRAWN BY
DATE: 3/3/89		REVISED
Part of tract of 29.88 ac. conveyed to Earl J. Baeten et al. in D.B. 343 pg. 126, Grp. 2049B, Boone Co. Recds.		
Noell Walton - C.L.P.		DRAWING NUMBER

R-1-1-500

BOONE COUNTY BOARD OF ADJUSTMENT  
BUSINESS MEETING

May 9, 1990 - 6:30 P.M.

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BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

APPROVAL OF THE MINUTES:

Chairman Whitton noted that each Board member had received a copy of the Minutes of the Boone County Board of Adjustment meeting of April 11, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ryan moved that they be approved as mailed. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Eric C. Deters for Variances in the size, number, and height of free-standing signs. The 3.04-acre site located on the south side of Richwood Road, west of I-75, is zoned Commercial Services (C-3) and is owned by Deters Company, Inc..

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

Chairman Whitton asked if anyone wished to speak in behalf of the request. Mr. Eric Deters, Jr., Mr. Eric Deters, Sr., Mr. Brian Fields, Mr. Bob Osmodie, Mr. George Strickland, and Mr. Tony Garcia were present in behalf of the request.

Mr. Eric Deters, Jr. presented a drawing indicating the location of the Wendy's readerboard sign, the BP (British Petroleum) readerboard sign, and the highrise sign. He referred to Section 244 in regard to granting a Variance. He stated that the Variance will not adversely affect the public health, safety or welfare; it will not alter the character of the general vicinity; it will not cause hazard or nuisance to the public or allow unreasonable circumvention of the Zoning Regulations. He noted that the Staff Report agrees that the Variance will not affect the public health, safety or welfare. He stated that uses on the west side of I-75 include Huntington Bank, a liquor store, service stations, a hotel, and a soon-to-be-built McDonald's restaurant. The applicant believes that the essential character of the general vicinity would not be altered by the variance. There is no evidence that the variance would cause the general public a hazard or nuisance. He noted that the Shell Station on the southwest side has four signs, including a high-rise and a high-rise readerboard sign. He stated that there is currently not a fast food restaurant in the area. The Wendy's Restaurant will be constructed prior to the McDonald's Restaurant. The high-rise and readerboard signs are important to the economic welfare of the business. Denial of the Variance would cause great hardship to the applicant because of the nature of the business. The credit card gas station business in Ohio and this area is a big part of the BP network. The denial of a highrise sign would be detrimental to the Wendy's restaurant based on the granting of the McDonald's sign under the Chevron sign.

Mr. Deters, Jr. stated that the intent under Article 19 of the Zoning Regulations is to create a more attractive economic and business environment. This Variance would cause the area to be a more attractive economic and business area. He stated that there is a dispute between he and Mr. Breidenstein regarding Section 1920 as to whether this is a mixed use development or two individual business establishments -- Wendy's and BP. He stated that if this Section is interpreted to say that they are entitled to one sign, then the Variance is a request for three signs as opposed to one. If the Board agrees that they are entitled to two freestanding signs, then they are only asking for a Variance for one sign. He stated that "Mixed Use Commercial" is not clearly defined in the Zoning Regulations. He stated that one freestanding sign is allowed for each building. He added that with each gasoline station having a highrise and a readerboard sign in the area, it is reasonable for the applicant to have both for each business. The site has two distinctive businesses operated by two distinct companies. The BP site and convenience store will be operated by the Deters Company and the restaurant will be operated by Triple Crown Food Services with a lease of the ground to Deters Company. He distributed a copy of a plat showing the site divided into Parcels A and B. They feel that they are entitled to two freestanding signs and are asking for four signs as the highrise sign would hold both a BP and a Wendy's sign. The highrise sign is 100 feet instead of 40 feet high, and there is also a request for a height Variance and a size Variance. He stated that none of the signs are in excess of 250 sq. ft. The size Variance would only be applicable to the total square footage of the signs. A Variance is not necessary for the readerboard signs. The BP and Wendy's signs would be connected to one pole. A 40-foot pole does not allow the signs to be seen from the interstate. He noted that the Shell and Citgo signs are 100

feet high. The Chevron/McDonald's sign is on two poles and 36 feet higher than their sign. Their sign would not be an off-premise sign. He distributed a series of color photographs to the Board showing the existing signage in the area and the site. He referred to the Minutes of the October 14, 1987 meeting in which Pilot Truck Stop requested a highrise sign. The basis for that sign was that there were already truck stop highrise signs to pull traffic off the interstate. He stated that McDonald's has both a highrise sign and a readerboard sign. He noted that Pilot is a truck stop next to two other truck stops. Wendy's Restaurant is unique to the area and there is not this type of restaurant in the vicinity. He stated that this applicant should not be punished by another business (Pilot Oil) being denied a sign. He stated that they may have better reasons for their sign than Pilot Oil Company and Huntington Bank. He stated that Wendy's is unique and BP has completely different credit card customers from the other gas stations. He added that the nature of Huntington Bank's business does not require drawing traffic off the interstate. The bank does not do business with travelers from Ohio or Michigan.

Mr. Bob Osmodie stated that a highrise sign will contribute about 38% of the total volume of gasoline products through the site. There is a highrise sign to Truckstops of America on the other side of the interstate. He stated that they will reprint all of their existing subsidiary names, including Sohio, Boron, and Gulf. Truckstops of America will stand alone as a wholly owned subsidiary and their signage will remain. When they reprint the other signs, they will have 2,300 service stations from Michigan to Florida. The old "Sohio" name holds about 28% of the market. They have 80% of the market in Boone County. He stated that 38% is projected volume at the Deters station and he will conservatively do 100 gallons a month. The interstate traffic would bring tax revenue into the state of 65,000 additional dollars per year. If the interstate traveler has the BP credit card and does not see the sign, he will not stop.

Mr. Brian Fields stated that he was Director of Area Operations for Wendy's until February, when he joined the Deters Company. He stated that about 30% of the Wendy's Restaurant traffic on Dream Street is interstate travelers. Their other stores have highrise signs and their volume is about 20% interstate traffic. He noted that going north on the interstate, they are the first one coming off the I-71 interchange and people are not used to a Wendy's being there. The highrise sign would allow the travelers to contribute 30% to 35% of their business.

Mr. Eric Deters, Jr. submitted exhibits for the record, which are labeled, and made a part of the record.

Mr. Eric Deters, Sr. stated that the 2.7-acre property adjacent to this site is zoned C-3, not residential. The slide had indicated it to be residential. He stated that the bank only applied for a highrise sign because they already had the pole from a previous use on the site.

There being no one else present in behalf of the request, the Chairman asked if there was anyone present in opposition or having questions.

Mrs. Thelma Castellini of Richwood stated that they believe BP Oil and Wendy's to be desirable for the area and welcome them to the community, but they have reservations about the signs. She stated that McDonald's would like to have had their own sign, but after getting the tenure of the neighborhood, they made other arrangements and now have their sign on the Chevron sign. The residential area to the north of this development will have full view of whatever sign goes up. A 100-foot high sign on a 50-foot hill will be 150 feet high. The existing hill is higher than the expressway. There are now 176 individual pumps where you can pump gas at the interchange within 500 feet. There is not sufficient room for 176 vehicles to park at the pumps. She noted that the illumination of the sign had not been mentioned. She asked that they consider a monument sign and forego the tower sign. She asked that the request for the pole sign be denied. She noted that there are usually three signs on the expressway, and because of the way the placement on the signs is determined, this location will have exposure well before the exit ramp on the blue or green board.

Chairman Whitton clarified that the notification signs at interchanges tell the public of food and restaurants available with the logos attached to the signs.

Mr. Deters, Jr. stated that he was not aware of these signs.

Chairman Whitton questioned the height of the sign, including the hillside. Mr. Deters, Jr. stated that the sign will be shorter than Shell, Citgo, and Chevron, which are also on a hillside. If the sign were off the hill, you would not be able to see it from the expressway. In consideration of the hillside, he estimated that the sign would be 125 feet from road level.

Chairman Whitton advised that the sign situation at Richwood has been very sensitive. The sign ordinance exists now because of situations like Richwood.

In response to questions from Mr. Ryan and Chairman Whitton, Mr. Deters, Jr. advised that their sign would be smaller than the McDonald's sign which is 250 square feet. The BP Oil sign would be one-third the size of the Chevron sign. The Wendy's sign is 220 square feet and the BP Oil Sign is 132 square feet, for a total of 352 square feet.

Chairman Whitton noted that the Minutes of the last meeting show the McDonald's sign to be about 100 square feet. Mr. Deters stated that these Minutes had not been finalized until this evening and they got their figures from the request.

Chairman Whitton noted Mr. Deter's figure of 352 square feet and Staff's total figure of 412 square feet. Mr. Breidenstein stated that the Wendy's sign is indicated as 132 square feet and the BP Oil sign is indicated as 280 square feet for a total of 412 square feet. Mr. Deters, Jr. agreed. Mr. Breidenstein added that the BP Oil sign is 220 square feet on the face, but it is a geometrical shape, not a rectangle. Chairman Whitton commented that the Wendy's advertising does not go across the whole sign. Mr. Breidenstein stated that you could then subtract 60 feet for a total of 352 square feet.

Mr. Deters, Jr. commented that the combined total of the Chevron and McDonald's signs is 463 square feet.

Mr. Deters, Jr. stated that they are making the Variance request based on what is existing in the area. They will negotiate if necessary. The Variance request is for less total square footage than Chevron and McDonald's. They definitely need the BP readerboard sign. They are asking for less than what the competition has.

Chairman Whitton stated that if they argue that this is two parcels, then the free-standing sign will be off-premise.

Mr. Deters, Jr. stated that the operations of the two businesses are separate. They have considered dividing the property and putting it in two deed names and coming in with two separate applications. This is one development with two separate businesses. They could combine the readerboard signs. He proposed that they eliminate the Wendy's readerboard sign. He asked if they were entitled to a sign on the building and Mr. Breidenstein advised that they are entitled to a sign on the building.

Mr. Deters, Jr. stated that they would also do away with the sign on the building. They would agree to a reduction of the square footage of the Wendy's sign, and would take a 150 square foot high-rise sign for Wendy's. This would then be a 132 square foot BP Oil high-rise sign, 168 square feet for the entrance sign for BP Oil, and a 150 square foot high rise sign for Wendy's. The high-rise signs would be on the same pole.

Chairman Whitton asked if the Board members wish to make a decision at this time or weigh the tremendous amount of information submitted by Mr. Deters. Chairman Whitton stated that he would like to research this request as was done for the Pilot Oil request.

Mr. Deters, Jr. stated that they would agree not to exceed the square footage allowed for Pilot Oil on Richwood Road.

Mr. Archambault moved that the request be deferred until the next Regular Meeting of the Board. The motion was not seconded.

Mr. Deters, Jr. stated that they would like to have the matter resolved this evening with concessions.

Mr. Bob Osmodie stated that the normal BP Oil high-rise sign is 400 square feet. This will be a special 132 square foot sign because of the sensitivity of the sign situation in Richwood. This is the minimum for visibility. The Deters service station may as well not open if they do not have a visible readerboard sign as the motoring public is price-sensitive.

Mrs. Castellini commented that people continually use what is there as a basis for what should be allowed and this defeats the purpose of the sign ordinance.

Chairman Whitton noted that the motion to defer the matter was not seconded.

Mr. Houston moved that the request be granted, with the elimination of the Wendy's sign. The BP sign at the entrance is not to exceed the size of the Pilot Oil sign. The two high-rise signs are to be on the same pole. The high-rise sign will be 100 feet high, the BP Oil high-rise sign will be 132 square feet, the Wendy's high-rise sign will be 150 square feet for a total square footage of 282. There will be no Wendy's entrance sign. The BP entrance sign will be 168 square feet or less depending on the size of the Pilot Oil sign, and 21 feet high. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Earl Baeten, et. al. for a Conditional Use Permit to allow the construction of an automobile body shop. The 4.5-acre site, located on the north side of Weaver Road between Dixie Highway and I-75, is zoned Industrial Two (I-2) and is owned by Earl Baeten, et. al..

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

Chairman Whitton asked if anyone wished to speak in behalf of this request.

Mr. Mike Duncan, attorney, stated that Mr. Baeten and his partner were also present, as was Mr. Dick Elland, the owner by contract. A condition of the sale is the granting of the Conditional Use Permit. Mr. Elland is the owner/operator of a body shop on Mt. Zion Road and he will be dislocated when the widening of the road is completed. He has experience in this business and runs a nice operation at this time. The Concept Plan is intended to give the concept of the use. There was an error in the original plan and they do not intend to ask for a front yard setback reduction from 100 feet to 50 feet. They are asking for a use with a 100-foot setback. The storage and driveway may have to be adjusted due to the terrain. The facility is set up to intrude as little as possible on the neighborhood. The building is a combination of block and brick and designed into the hillside so that very little will show from the road and from adjoining properties. They intend to leave the heavily wooded nature of the site to the east and along the back. They will take out no more trees than necessary. They are agreeable to the condition of not disturbing the west side of the property. The building is 5,000 or 6,000 square feet on four acres of land. He noted that 22,000 square feet per acre is allowed in the zoning district.

In response to questions from Chairman Whitton, Mr. Duncan added that they will leave the trees in the front. The first 50 feet back from the fence will be undisturbed. They may remove underbrush and scrub. The building is cross-bow shaped and all the doors face the rear. Using a drawing he indicated the six bay doors, the door to the paint shop and the office area. There will be 14-foot ceiling inside, but only 7 or 8 feet will show above ground in the front. There will not be floor drains spewing out toxic materials. He noted that Mr. Elland understands the EPA requirements. There will be a blast-proof room where the chemicals will be kept.

In regard to the sign, Mr. Duncan stated that they agree to the 50-foot maximum and 10-foot high requirement. It will probably have landscaping at the bottom. He stated that they are not in agreement with the condition of the vines growing in the fence because of the heavily wooded nature. They do not believe the vines are necessary.

Mr. Elland stated that he had not planned to landscape around the fence as it will be heavily treed. He planned a chainlink fence and would prefer privacy slats to vines. He would eventually like to be able to blacktop and the vine roots can get under the blacktop.

Chairman Whitton asked if anyone else wished to speak.

Mr. Ken Overhelm, an adjoining property owner, stated that the driveway is within 30 feet of his property line. He reviewed the drawing shown by Mr. Duncan and questioned their intention in regard to the driveway.

Mr. Duncan advised that there will be some grading in the area of the driveway, but the trees and the hump between the properties will be left intact. It will be 80 feet to the building. They believe the existing natural buffer to be adequate.

Mr. Overhelm stated that the treeline is important to his business. Mr. Duncan agreed to leave the heavy treeline.

Mr. Overhelm stated that the buffer should be maintained. He added that he is agreeable if the buffer is left.

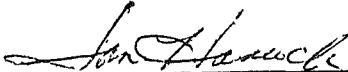
Mr. Elland stated that they will remove underbrush and dead trees. They will clean up the site. He added that they will put up a chainlink fence with privacy slats to hide the storage area. He has used six-foot fences in other locations with barbed wire and privacy slats.

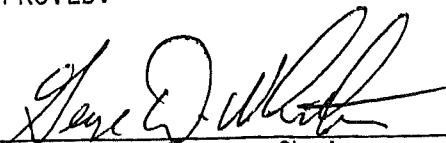
Mr. Houston moved that the Conditional Use Permit be approved as it meets the criteria for a Conditional Use Permit as identified in the Staff Report, but subject to the conditions that the sign be no more than 50 square feet and ten feet high, that there be privacy slats in the chainlink fence, that the first 50 feet be left undisturbed, and that all possible trees be left in order to buffer adjacent property. Mr. Ryan seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Ryan seconded the motion and it carried unanimously.

APPROVED:

Attest:

  
Jan Hancock, Recording Secretary

  
George D. Whitton, Chairman