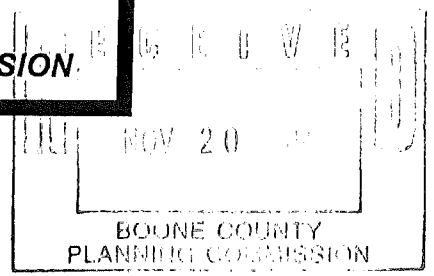


FBOA  
02-~~1000~~ - DENIED

APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION.**



See Boone County Zoning Regulations  
**SECTION A** (To be completed by applicant)

(Check One)

- 1.  Boone  Florence  Walton  Union

(Check One)

- 2.  Conditional Use Permit  Variance  Appeal
- Change in Non-Conforming Use

- 3. Applicant's Name Heritage Assembly of God, Inc.  
Phone Number 525-1124 Fax No. \_\_\_\_\_  
Applicant's Address 7216 U.S. Hwy 42  
Florence Ky 41042  
City State Zip

- 4. Description of Request: Installation of a driveway access  
from the Church property to Russell Street
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development 7216 US 42

- 7. Acreage Under Review ~~Lot 6 and 7, Bradford Subdivision was acres 11.3:~~
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot 6 and 7, Bradford Subdivision
- 9. Owner of Property Heritage Assembly of God, Inc.  
Phone Number of Owner 525-1124
- 10. Address of Property Owner 7216 U.S. Hwy. 42 Florence, KY 41042  
City State Zip

64  
59  
82  
87  
21

151  
5  
141  
126  
136

- 11. Proposed Use(s) on Site Installation of a driveway access  
from the Church property to Russell Street
- 12. Total Square Footage of Existing and/or Proposed Buildings None
- 13. Current Zoning on Property Res. 0-1 + SR-2
- 14. Deed Book 364 Page No. 151 Group No. 20418

- 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

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ TREASURER  
 Contact person: Tara  
291-9900  
HERITAGE ASSEMBLY OF GOD, INC

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 11-20-02 Fee Received \$777.00 R# 33560
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
\_\_\_\_\_ **Approved with Conditions (See #6)**  
\_\_\_\_\_ **Denial (See #7)**
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

**Site Plan Review is not granted by the appropriate Board of Adjustment.**

**An application consists of all fees paid in full, submitted drawings and a completed application form.**

## STAFF REPORT

APPLICANT: Heritage Assembly of God, Inc.  
LOCATION: 7216 U.S. Highway 42, Florence, Kentucky  
ZONING: Office One (O-1) & Suburban Residential Two (SR-2)  
DATE: December 11, 2002

### Proposal

Heritage Assembly of God is requesting a Conditional Use Permit to allow the construction of a one-way driveway onto Russell Street. The proposed 22' wide one-way driveway would allow school busses and cars to exit the school and church parking lot and turn left onto Russell Street. The approximate 11.35 acre property is located at 7216 U.S. Highway 42 and is zoned Office One (O-1) and Suburban Residential Two (SR-2). However, the proposed driveway is located entirely within the SR-2 zoning district.

### Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeal is to grant conditional use permits as specified by the zoning order.

Article 9, Section 933 of the Boone County Zoning Regulations permits "Churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Suburban Residential Two (SR-2) district.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 943 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings For all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, 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 same area;
3. Will not be hazardous to existing or future neighboring uses;

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 943 of the Boone County Zoning Regulations allows churches as a conditional use in the SR-2 district if the proposed facility meets all the requirements:

- a. the activity is an integral and subordinate function of a permitted use; or
- b. the activity will not contradict the compact, but single-family function of a permitted use;
- c. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

#### Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Public/Institutional" and "Urban Density Residential" uses. These designations are described as follows:

- Public/Institutional (P) – "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."
- Urban Density (UD) – "Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

#### Surrounding Land Uses and Zoning (From Proposed Driveway)

- North: Single-Family Residential Dwelling (SR-2)
- South: Professional Office Buildings Fronting on U.S. 42 (O-1)
- East: Heritage Assembly of God & Heritage Academy (SR-2 & O-1)
- West: Russell Street & Single-Family Residential Dwellings (SR-2 & O-1)

### Site History

September 1987 – The Florence Board of Adjustment approved a Conditional Use Permit to allow the expansion of their educational facility. The approval was subject to the following conditions:

1. All parking lots and roadways be paved;
2. All Surface water from parking areas and roadways drain away from the properties that front on Russell Street; and
3. Any parking lot to the west toward Russell Street have a curb around it.

December 1992 – The Florence Board of Adjustment denied a Conditional Use Permit to allow a driveway to connect to Russell Street (see attached meeting minutes). The proposed location was identical to the current request.

### Site Characteristics

The approximate 11.35 acre property contains a church, school, day-care, multiple parking lots, and an athletic field. Access to these facilities are provided by three curb cuts on U.S. Highway 42.

Florence Water and Sewer recently installed several catch basins and yard boxes on and around the site to alleviate storm water problems on Russell Street. The catch basins and yard boxes connect to a dry basin in the southwestern portion of the site.

### Staff Comments

1. The Applicants provided Staff with a letter indicating the times the proposed driveway would be used. The letter also indicates that no new parking lot lighting is being proposed (see attachments).
2. The Applicants indicated to Staff that they would provide some alternative landscape plans at the meeting.
3. Staff is concerned that motorists will still try to make right hand turns out of the proposed driveway onto Russell Street, regardless of the design to facilitate left hand turns.
4. The school busses currently enter the middle access point and exit the site from the westernmost access point on U.S. Highway 42 (see attached aerial map). Staff has witnessed that eastbound traffic on U.S. Highway 42 can back-up past the westernmost access point during peak times. This traffic makes it very difficult to turn left. The driveway to Russell Street would place the busses or motorists further from the Main Street/Dixie Highway/U.S. Highway 42 intersection.

On the other hand, the driveway connection to Russell Street has the potential to cause further backups and delays at the U.S. Highway 42/Russell Street intersection. As a result, Staff asked the Applicants to consider furnishing a traffic study. Such a study would help determine what impact the proposed driveway would have on this intersection.

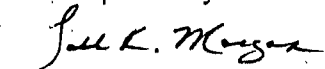
5. Staff is also concerned that the driveway connection to Russell Street could be contradictory to the adjacent single-family dwellings because it will produce additional traffic, noise, and headlight glare.

### Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the request for a Conditional Use Permit. It is Staff's opinion that the granting the Conditional Use Permit could have merit from a public safety perspective but also has the potential to contradict the adjacent single-family neighborhood. Therefore, should the Board consider approval of this request, it is recommended that the following comments should be analyzed as conditions of approval:

1. The days and hours of use of the driveway should be defined.
2. A gate (waist height bar) shall be installed on the church property to prevent motorists from using the connection during non-designated times.
3. No additional parking lot lights shall be permitted in the driveway connection area.
4. A landscaping plan needs to be selected to screen the new driveway. The Board could select one of the Applicants alternatives or create their own. Staff recommends that eastern side of the driveway shall contain one large deciduous tree from Plant List A per 35 linear feet and that western side of the driveway shall be screened with 8 evergreen trees from Plant List D and 4 deciduous trees from Plant List A. The Plantings will be required between Russell Street and the existing parking lot.
5. The Board also needs to consider if a sidewalk connection should be required between Russell Street and the parking lot. A sidewalk would reduce the area that could be landscaped.
6. A Major Site Plan will need to be submitted to the Boone County Planning Commission.

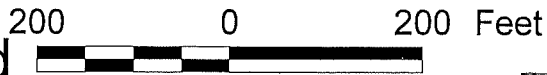
Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicants
- Exhibit C – Concept Development Plan (Overall Site)
- Exhibit D – Concept Development Plan (Driveway Detail)
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Aerial Map
- Exhibit H – 12/9/92 Florence B.O.A. Meeting Minutes
- Exhibit I – Application



# Heritage Assembly of God Site Vicinity Map

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 2002





# HERITAGE FELLOWSHIP

Pastor Cleddie Keith

November 26, 2002

Mr. Todd Morgan  
Boone County Planning Commission  
Burlington, KY 41005

Dear Todd:

I appreciate your work and consideration of a possible exit from the property of Heritage Fellowship to Russell Street. It is our desire for this to be a positive addition to the neighborhood. Therefore we want to make steps limit to the times that cars may use the exit.

The driveway would only be open during church services and at the beginning and close of each school day. These times are usually as follows: Sunday morning from 8:00 to 1:00, Friday nights from 7:00 to 11:00 and each school day from 7:30 to 8:30 in the morning and 1:30 to 3:30 in the afternoon.

In addition, a question was asked concerning lighting the drive. We would not be lighting the driveway to Russell Street. The lighting in the parking lot is sufficient to show the opening and street lighting would be at the exit.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Perry'.

Vernel A. Perry  
Administrator







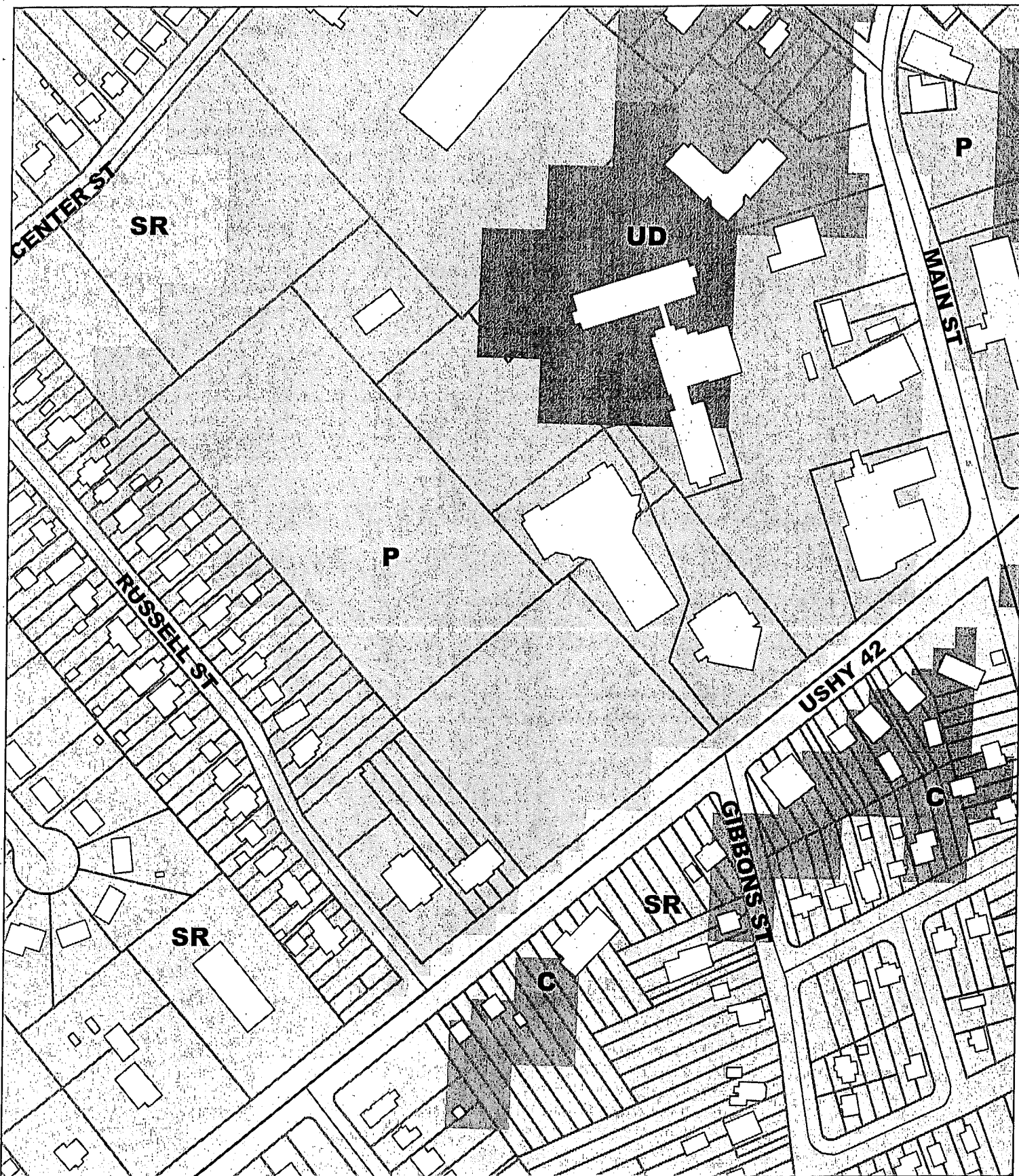
200 0 200 Feet

# Heritage Assembly of God

## Zoning Map

1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 December 3, 2002



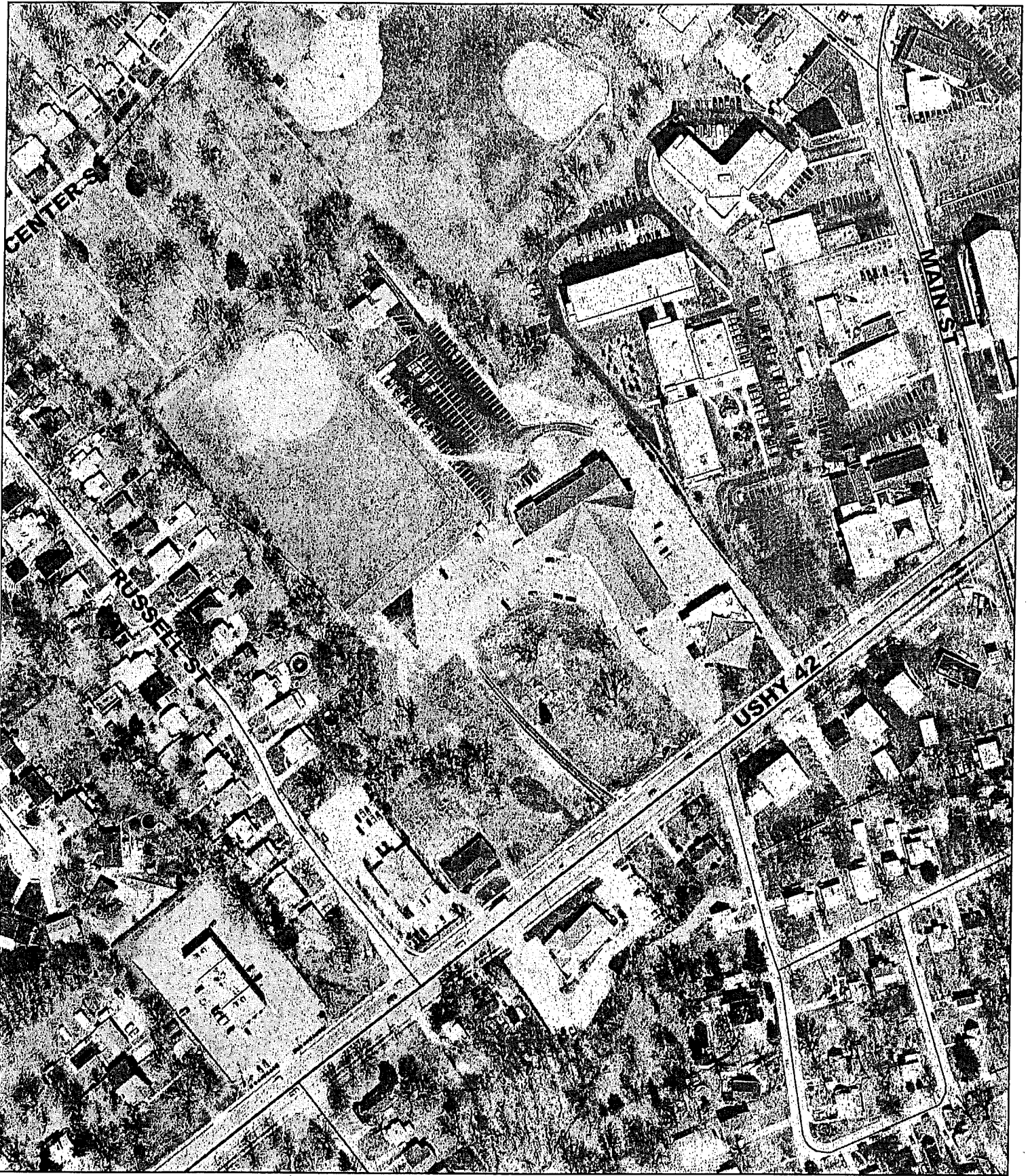


200 0 200 Feet

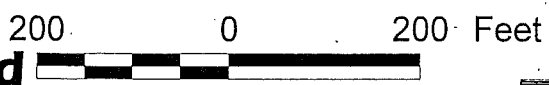
# Heritage Assembly of God Future Land Use Map

1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 December 3, 2002





# Heritage Assembly of God Aerial Map



1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 2002



FLORENCE BOARD OF ADJUSTMENT  
BUSINESS MEETING

December 9, 1992 - 7:30 P.M.

---

---

Mr. Ashcraft called the meeting to order at 8:05 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Mr. Ewing  
Mr. Pieper  
Mrs. Ward

BOARD MEMBERS NOT PRESENT:

Chairman Holland

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Ashcraft stated that the Board Members had received copies of the Minutes of the Florence Board of Adjustment Meeting of October 14, 1992 and asked if there were any comments or corrections.

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

Agenda Items:

1. The request of Heritage Assembly of God, Inc. (owner) for a Conditional Use Permit to allow for the completion of a driveway access to Russell Street from the parking lot. The site is located at 7216 U.S. 42, Florence, Kentucky and is zoned Office One (O-1) along U.S. 42 and Suburban Residential Two (SR-2) to the rear.

This request was tabled at the October 14, 1992 Meeting.

Staff Member Dave Geohegan advised that a letter from Mr. Lonneman from the City of Florence was mailed to the Board members by Staff Member Dan Niemeyer. The letter describes the history of the site from 1987. He

stated that the church received a Conditional Use Permit and Site Plan approval for much of the site, but it was recently discovered that the driveway portion had not received approval. Mr. Ashcraft commented that the parking lot was approved in 1987, but there was no approval of the roadway to Russell Street. Mr. Geohegan agreed. Mr. Ashcraft asked if the driveway to U.S. 42 was part of the plan at that time. Mr. Geohegan advised that the plan did not show a driveway out to U.S. 42. The plan showed the driveway to Russell Street as "future construction". Mr. Ashcraft stated that there was some confusion about whether the Russell Street access was approved or not and whether or not they were permitted the access to U.S. 42. Mr. Geohegan advised that the Zoning Inspection function of the Planning Commission told them to stop using the U.S. 42 access. He stated that to meet access management requirements, they would need 275 feet from the adjacent driveways and they would not be able to meet that spacing requirement. Anything to do with access management regulations goes before the Planning Commission, not the Board of Adjustment. He stated that the letter from Mr. Lonneman is very informative.

Mr. Geohegan stated that the primary concerns this evening are stormwater and safety for turning movements onto Russell Street in terms of busses. He noted that in the Minutes of the October meeting, there was a statement that the pavement width was to be thirty feet and the drawings show it to be 22 feet (the property is fifty feet wide). He asked the applicant and his engineer, Joe Hoh, to provide information dealing with the number and timeframe of the busses that would be coming out onto Russell Street, and details were requested at the October meeting regarding the intersection of Russell Street. He noted the drawing which indicates a street intersection construction eliminating the curb on Russell Street and the driveway coming in flush with the street pavement. He reviewed the drawing noting the water line location and the four-foot wide sidewalk to be constructed. There is a typical 12-foot turning radius. He stated that in regard to the stormwater, the applicant has indicated that he will provide a written agreement with the insurance company located to the south for a stormwater easement. The plan shows a headwall almost on the property line with the rip rap spilling over onto the insurance company's property. A pipe has been installed to the north of the driveway, but there is no headwall. The plans show a headwall. Mr. Geohegan advised that there is also an issue about a spring in the backyards of the houses along Russell Street. There is reference in the Minutes of the October meeting to past discussions in 1987 or 1988 where the applicant indicated that he would do whatever possible to pipe that water out. Mr. Geohegan has talked with the Commission's engineer as they are applying for Site Plan Review. The Commission's engineer indicated that if this is built according to the plan, with the headwall, the problem would probably be alleviated. Mr. Geohegan stated that something may be able to be done to move the end of the pipe or the headwall away from the residential property.

Mr. Vernel Perry, Business Administrator for the Heritage Assembly of God, Inc., stated that they did a study in regard to the number of busses. They have eight busses in the morning and eight in the afternoon, for a total of sixteen busses. Most of the busses would be turning left back to U.S. 42, which would give a good radius for the turns. He stated that

they are sending a letter to Commonwealth Insurance in regard to the easement. They are in no way opposed to giving them the right-of-way. In regard to the 22-foot pavement, he stated that their engineer, Mr. Hoh, was present to answer technical questions. Because of their understanding of the letter from Boone County, they went ahead and started construction of the road. The construction was stopped because it was not approved, and that is why the headwall is not there.

Mr. Joe Hoh, Cardinal Engineering, presented a detailed drawing in regard to the headwall. He distributed copies of the detailed plan for the intersection. He stated that they were planning to provide the street headwall for the 24" pipe that is not in place. The headwall may be pulled back closer to the road than the plans indicate without any adverse impact. The intersection with Russell Street will be a street-type intersection. They have shown a sidewalk being constructed on their portion of the property with wheelchair ramps down to the street and back up on the south side. There is a 12" water line about underneath the sidewalk and a 6" gas line just behind the curb. The lines will not be affected by the construction. He stated that they have to remove the curb on Russell Street, which is 7" below the surface, and provide the radius of 12 feet, which would make this similar to any other subdivision street in the vicinity.

Kathryn Brunderman, attorney for the McVeys, questioned Mr. Hoh and he advised that busses are typically 40-foot busses with an inside turning radius of about 23 feet to 25 feet. Russell Street is 25 feet wide. They have not considered removing any of the parking spaces to accommodate the busses. The parking is on the east side and he would not anticipate any of the parking spaces being affected. He does not anticipate the busses travelling into the yards on the other side of the street. He is not aware of the access road being used by busses. Continuing his responses to Ms. Brunderman's questions, Mr. Hoh stated that he was not asked to look at the drainage in the area or to assess the elevations. He used the topo maps available from the City of Florence to determine the drainage area contributing to the pipe. In response to Ms. Brunderman's questions regarding the drainage area to the north, Mr. Hoh advised that when they did the survey, he did not observe any wet ground situations. He stated that there is a drainage swale through the area that has been existing for many years. They selected that location, because it was the lowest in the vicinity, to put the crossover pipe underneath the collector. He does not know if this is the ultimate location for it. In response to additional questions, Mr. Hoh stated that the survey they did several years ago was prior to the construction of the parking lot and he has not surveyed the as-built conditions. He will be involved in the building of the road and can look at the drainage pipe. He has not looked at it yet.

In response to questions from Ms. Brunderman, Mr. Perry stated that he received the information on the number of vehicles going down U.S. 42 -- which is approximately 16,000 in a 24-hour period -- from the Kentucky Department of Transportation. There is not a difference in the number at Russell Street, but it is an existing intersection. He stated that the Highway Department felt it would be a safer intersection for busses coming out, as opposed to coming out of a private drive that is too close to other driveways. He got his information from Mr. Wolf at the Kentucky

Department of Transportation on Buttermilk Pike. He stated that there is a school and day care on the property. They day care students are not bussed. The day care has a capacity of 160 children, and they have 120 on a routine basis. The school goes through grade 12 and has about 280 students. There is also a church with other activities, some of which are on Wednesday nights and on Sunday; and there are funerals and other services and revivals. The school children participate in sports and there would then be people coming in from other schools. He stated that the majority of the traffic would be the busses. They are trying to eliminate the safety concern of pulling onto U.S. 42. There is another exit on the back side that exits on U.S. 42. He stated that only the busses would be using the Russell Street exit. They give the cars a pattern to follow and most of the parents follow the pattern. He stated that out of the 280 children that are picked up, there may be three or four cars a day that go down the gravel drive. They also give their traffic pattern to people coming in from other sources and to those that come for the leagues. They have not commissioned a traffic survey to count the number of cars coming in and out on a given day. He advised that the parents of the children filed a petition to get a flashing light or something to slow down the traffic. He stated that there are "almost accidents" on a weekly basis. Most of the busses leaving the driveway onto U.S. 42 turn left. He was advised by KDOT that Russell Street is a city street and only 200 or 300 cars go down it. Mr. Perry stated that he is not aware of the Assembly of God approaching the Planning Commission for a Waiver of the current exit on U.S. 42.

Ms. Brunderman questioned Mr. Perry about the drainage problem that exists on Russell Street. Mr. Perry stated that there is a spring there and there is water there. Their proposal is to do everything in their means so that it drains properly. The upstream residents are welcome to run a pipe into their drain. He stated that it is not necessarily the construction of the roadway that backs up water on the McVey property. There is drainage through the pipe. When the Assembly of God bought their property, the property was constantly wet and he could not walk through it, and he would assume the McVey property is also wet. Mr. Perry stated that he had Mr. Hoh give him a study of what it would take to properly drain the area.

Mr. Hoh stated that they made sure that the drainage would make its way to the pipe they were installing. In response to questions from Ms. Brunderman, Mr. Hoh stated that he was up there today and the pipe was draining. All of the water is not running through the pipe, but that is not because of the road. There is about 16 feet from the edge of the pavement to the McVey property and the slope extends down.

Mr. Ashcraft asked if anyone else had questions of the applicant. There being no response, he asked if anyone else wished to speak.

Mr. Ray Gardineer, 13 Russell Street, referred to the comments made at the October meeting regarding traffic on Russell Street. He stated that traffic is not going through the access now because of a telephone pole across it. He stated that the busses come onto his property to make the turn. He is concerned about the safety of the children on the block and the property values declining. He stated that there will be more than

just busses using the roadway -- there will be the people coming to the church on Sunday. Construction equipment has been left there and is a safety hazard. He cannot let his children in his front yard due to the traffic. Older kids race through there and they have called the police. He stated that the applicant does not have police reports to confirm that there are accidents there. He stated that there were not puddles in the McVey's back yard before the road went in. He asked that the access be denied.

Barbara Shepherd, 28 Russell Street, stated that she is opposed to the request.

Paul Stuart, 17 Russell Street, stated that this access would only be 150 feet from the exit they are using now. The new access will create a problem and kids will be hurt on Russell Street. There are about 50 houses on Russell Street and 75% of them have kids.

Ms. Brunderman advised that one of the McVey's neighbors, Birdie Miner, was present earlier and had to leave as she was ill and the meeting started late. She would like to submit Ms. Miner's comments by an affidavit. Counselor Wilson advised that Ms. Miner spoke at the October meeting and her comments are included. Mr. Ashcraft agreed that her comments would be included and advised that an affidavit is not necessary.

Mrs. McVey showed pictures of the standing water in her yard. The dirt has washed out of her yard and there are big holes under her fence, which allow her dogs to get out. She has to chain up her animals to keep them from getting out. She has lived there 31 years and never had water set in her yard. She stated that the water is standing because of the building and the road.

In response to questions from Mrs. Ward, Mrs. McVey advised that the wash out has occurred since they built the road. The flooding started in May a year ago. She stated that there is a spring that runs through there, but there was not water like this in her back yard. When the road was open, people would race through there cutting from KY 18 to U.S. 42 and back. She stated that there are already busses on Russell Street going to Florence Elementary, Boone County High School, and Ockerman High School.

Mr. McVey reviewed his comments made at the October meeting regarding the construction of the drain pipes.

Mr. Ashcraft determined that the parking lot was built before the road was put in and asked if they noticed a change in the drainage after the construction of the parking lot. Mr. McVey advised that they did not. They only noticed the change in the drainage when the road was put in.

Mr. Perry stated that he understands the safety concerns. He noted that there are already busses on Russell Street and commented that busses are in residential areas because they pick up children. He stated that every one of the Florence elementary schools is in a residential area and they get bus traffic. He stated that the bus drivers know how to drive in situations where there are children because they deal with children. He stated that there probably will not be any additional busses. He stated

that the access from Russell Street is further from the intersection of U.S. 42 and U.S. 25 and the traffic from that intersection makes it difficult to get out and turn left. By the time the traffic gets to Russell Street, it has spread out and is easier to negotiate. He stated that the speed limit is 45 MPH. The sight distance at Russell Street is better.

Mr. Perry stated that Mrs. McVey has wood and blocks under her fence and they are retaining the water and causing some of her problem. He stated that if there is erosion, there is drainage. He believes the erosion is due to the proper drainage taking place.

Pastor Keith of the Heritage Assembly of God stated that before there was the city of Florence, there was a well there and everyone came there for water. There is a major spring in the back yard and it has always been muddy through there. Mrs. McVey stated that this was behind her house, and now it is in her yard.

Jeff McVey, 16 Russell Street, stated that they put two or three drains in and the water is still backed up. He questioned the way the pipes were put in. He mowed the property for 17 years and now has to wear boots and use a weed eater instead of mowing. He stated that the road is a dam for the water.

In response to questions from Ms. Brunderman, Mr. Hoh stated that he was at the McVey property today and there is water standing on it. He stated that they have put up some boards and, because of the terrain, it is holding water. He stated that once the hillside is graded, the water will drain down along side the road into the 24" pipe. Based on his 25 years of engineering and surveying experience, the pipe should take the water. He stated that if there is a spring there, it is news to him.

Ms. Brunderman commented that the spring would be an important consideration in building the road. Mr. Hoh replied "If you are building the road over it." He stated that the spring upstream is not a consideration because it will go in the pipe they are replacing the stream with. He emphasized that the spring is not a problem as far as the road is concerned. He believes that a simple solution would be to come across the back yard from the source of the spring and put in a perforated pipe and associated material and pipe the water over to the storm drain. He stated that he has not been involved with the construction of the road to date, other than the plans. If they do a recon of the area engineering wise and determine where the water is standing, they will present a correction for the situation to the Heritage Assembly of God. Water standing there after three or four days of no rain indicates that it is more than surface run off.

In response to continued questions from Ms. Brunderman, Mr. Hoh stated that the drain is towards the street and down hill with the flow of the stream path and blocking it off may cause the water to run along side the road. The road may be adjusting the flow, not stopping it.

Ms. Brunderman questioned that if there had not been water standing there for 31 years and after the road went in there was standing water there,

would Mr. Hoh believe the road had something to do with it. Mr. Hoh declined to answer.

Mr. McVey stated that about 50 to 75 feet south on Russell Street is a driveway to the doctor's building and that parking lot holds about 200 cars. The parking lot is generally full from daylight until after dark and at least half of these cars use Russell Street. He stated that when the busses were using it before, they never did go back to U.S. 42, they went across Russell Street to Boone County.

Mike O'Ryan stated that he drives his two children to Heritage academy. One of his children has attended there for 11 years and he has witnessed several "near accidents" every school year. The academy is in a 45 MPH zone and relatively close to a major intersection. There is a heavy volume of traffic. Providing a means of egress to Russell Street and moving the egress south would allow for better spacing of the cars and safer egress to U.S. 42. His concern is for the safety of the children. Installation of a school zone to restrict the speed could cause a safer means of entrance and egress from the school property. They have filed a petition for a school zone there.

Pastor Keith stated that there are ways to put in traffic bumps to slow down the traffic. The water drainage can be taken care of. The drainage pipe can be corrected if it is causing the problem for the McVeys.

Jeff McVey questioned the difference between the traffic on Russell Street and the traffic on U.S. 42. He stated that they will not solve anything by coming out on Russell Street.

Ms. Brunderman stated that a lot of the information that has been presented needs to be made more certain before a permit is granted. She asked that a decision not be made and that there be time for additional submission to show how these problems will be addressed. She asked that the matter be tabled.

Mr. Ashcraft advised that the only thing the Board is determining this evening is the roadway. The Board is not here to address the drainage problem.

Mr. Ewing questioned the amount of parking at the doctor's office. Mr. Gardineer stated that there are about 100 parking spaces.

Mr. Ewing asked if work was going on at this time. Pastor Keith replied "no".

Mr. Ashcraft asked if there have been any accidents. Mr. Perry stated that there have and advised that they asked for flashers 7 or 8 years ago, but the State did not want a flasher so close to the U.S. 25/U.S. 42 intersection.

Mr. Earl White, Florence City Council, stated that St. Paul's has a flashing light and it is on U.S. ~~25~~<sup>42</sup>. He advised that he travels that way and because it is a sudden stop to get into the driveway, most of the accidents are rear end collisions. People come over the hill at 45 MPH

and people are stopped to turn right into the church property. He does not know if they petitioned City Council to help them get a flashing light.

In response to a question from Mr. Ashcraft, Mr. Perry stated that Bruce Kirby did the work on the road and, as far as he knows, the specifications were filed.

In response to a question from Mr. Pieper, Mr. Perry stated that they plan to get that area of U.S. 42 zoned as a school zone.

Mr. Ewing questioned if the Heritage Assembly of God owns all of the property on U.S. 42 down towards Russell Street. Mr. Perry stated that they own the property between Commonwealth Insurance and the Florence Christian Church, the property at the access and egress to Russell Street, and a residential property up the street. Pastor Keith stated that part of their property is zoned Residential and part of it is zoned the same as the doctor's office.

Ms. Brunderman questioned the distance between the exit road on Russell Street and the stop sign on U.S. 42. Mr. Perry stated that the second exit is well onto their property and not right beside the Commonwealth Insurance exit. Pastor Keith stated that it is about 110 feet from the Commonwealth Insurance exit, but the problem is that it is too close to the Commonwealth exit. Ms. Brunderman stated that they are simply moving the spacing problem from U.S. 42 to Russell Street. Mr. Perry stated "except that you are coming out onto a 25 MPH street".

Ms. McVey stated that a woman got hit on the corner of Russell Street and U.S. 42 by someone coming out of the insurance company. She stated that they are talking safety where there is no safety. The traffic is heavy at the doctor's office.

Mr. Ashcraft stated that there are two problems -- one is access and the other is water. The only way the Board could be of help to the McVeys is to grant the drive to Russell Street and impose conditions. He is interested in the fact that they have utilized the roadway onto U.S. 42 for two or three years and believes that most of the problems have been from left turns going into the property as opposed to exiting.

Mr. Perry stated that there have been accidents both exiting and entering and there have been accidents involving busses and cars.

Mr. Ashcraft noted that Ms. Brunderman asked that the matter be tabled. He stated that it has been tabled once and he does not know what will be gained by tabling it again, other than more engineering studies to address the water problem, which is not what the Board is here to decide. The Board is here to decide the access.

Counselor Wilson advised that the Board cannot give the McVeys legal advice.

Mr. Ashcraft stated that he believes that, if the Board is of a mind to grant the access to Russell Street, conditions could be imposed so that

they would have to correct the drainage problem to the extent it is engineeringly feasible. If the access is denied, the Board does not have the authority to order them to correct the water problem; except that in 1987 the Board granted them a Conditional Use Permit and the Board will ask the Staff to see if they have conformed to that. He noted that they have not paved, which was one of the conditions. One of the conditions was that all surface water from the surface area and roadway drain away from Russell Street, subject to approval by the Commission's engineer. He stated that the access off U.S. 42 is not ideal, but it is not much more harmful than access from Russell Street. He stated that there should be some flashing lights to notify vehicles that this is a school zone. If the access off Russell Street is approved, there will still be the problem of the busses turning left.

Mr. Ashcraft moved that the application be denied. He stated that there should be Site Plan Review by the Commission. Mr. Geohegan stated that they would definitely need Site Plan Review. He added that he did not see anything in the files that would prevent them from having access to U.S. 42. Mr. Ashcraft stated that there was a letter prohibiting the access point. Mr. Geohegan advised that the letter was from the Zoning Enforcement Officer saying that they have a driveway coming out on U.S. 42 that was not approved. It would have to be approved as part of the Site Plan Review and would not need a Conditional Use change.

Mr. Ewing moved that the application be denied on the basis that it is terrible for the people living right across the street and it would be better if they could get off on U.S. 42 for safety reasons. Mr. Pieper seconded the motion and it carried unanimously.

2. The request of John Cummins for a Conditional Use Permit to allow a classic and late model used car lot. This .75-acre tract is located at 13 Dorotha Avenue and Dixie Highway, Florence, Kentucky. The property is zoned Commercial Two (C-2) and owned by John A. Cummins.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Cummins submitted pictures of the property and stated that the addition will be on the left towards the paint store. He showed the Board pictures of some of the cars that they own. He stated that the market is not strong enough to handle that type of car exclusively and there will be some late model cars to supplement. It will not be a buy here/pay here operation.

Mr. Ashcraft questioned the operating hours. Mr. Cummins stated that the operating hours will be 9 A.M. to 6 P.M. Monday thru Saturday, and on Monday and Wednesday they would be open no later than 9 P.M.. There will be minimal lighting. There will be enough light to illuminate a shadow. There will be security lighting after 9 P.M..

Mr. Ashcraft questioned the number of vehicles. Mr. Cummins stated that the lot would provide for 40 to 50 cars, but the money would provide about 30 cars.

Mr. Hayes advised that the plan shows three light poles.

Mr. Ashcraft asked if anyone wished to speak in regard to the request.

Dr. Metzger stated that he is in favor of what he has seen so far (the remodeling of the building). He added that a good friend of his told him that Mr. Cummins is a class act and it would be a very fine operation. Dr. Metzger stated that he is an adjoining property owner at 4901 Dixie Highway. As President-elect of the Boone County Businessmen, he welcomed Mr. Cummins to the community. He stated that this is the kind of operation that the city needs and Mr. Cummins has removed an eyesore.

Mr. Ashcraft noted that there was no one present in opposition to the request.

Ed Drennan's mother stated that she is the neighbor in the rear and she is in favor of the request.


There being no further comments, Mr. Pieper moved that the application be approved. Mrs. Ward seconded the motion and it carried unanimously.

Board Items:

The Board discussed the possibility of changing the meeting location and the meeting night.

There being no further business to come before the Board, Mr. Pieper moved that the meeting be adjourned. Mr. Ward seconded the motion. The meeting was adjourned by unanimous consent at 10:12 P.M..

APPROVED:

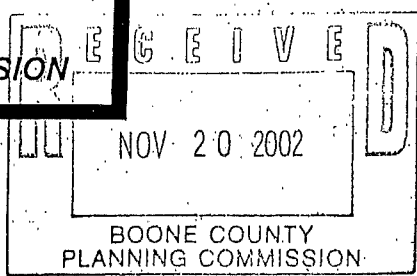
  
Raymond Ashcraft

Attest:

  
Jan Hancock, Recording Secretary

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



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 Heritage Assembly of God, Inc.  
 Phone Number 525-1124 Fax No. \_\_\_\_\_  
 Applicant's Address 7216 U.S. Hwy 42  
Florence Ky 41042  
 City State Zip
- 4. Description of Request: Installation of a driveway access  
From the Church property to Russell Street
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development 7216 US 42
- 7. Acreage Under Review ~~Lot 6 and 7, Bradford Subdivision 0.23 acres~~
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot 6 and 7, Bradford Subdivision
- 9. Owner of Property Heritage Assembly of God, Inc.  
 Phone Number of Owner 525-1124
- 10. Address of Property Owner 7216 U.S. Hwy. 42 Florence, KY 41042  
 City State Zip
- 11. Proposed Use(s) on Site Installation of a driveway access  
From the Church property to Russell Street
- 12. Total Square Footage of Existing and/or Proposed Buildings None
- 13. Current Zoning on Property Res.
- 14. Deed Book 364 Page No. 151 Group No. 32
- 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
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: \_\_\_\_\_

Contact Person:  
Tara  
291-9900

Property Owner's Signature: \_\_\_\_\_  
TREASURER  
HERITAGE ASSEMBLY OF GOD, INC