

APPLICATION FORM

JUN 29 1

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)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use
 - Applicant's Name FIRST CHURCH OF CHRIST
Phone Number 586-4673 Fax No. 586-4322
Applicant's Address 6080 CAMP ERNST ROAD.
BURLINGTON Ky 41005
City State Zip
 - Description of Request: Construct A New CHRISTIAN Education Building.
Construct A New entrance off Camp ERNST ROAD
Construct Additional PARKING at the West Side of the property
 - Name of Development First Church of Christ Educational Building
 - Location of Development 6080 CAMP ERNST ROAD
BURLINGTON, Ky. 41005
 - Acreage Under Review 21.77 ACRES
 - Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 - Owner of Property First Church of Christ - GARY GRIESSER, Business Manager
Phone Number of Owner 586-4673 10.
Address of Property Owner BURLINGTON Ky. 41005
City State Zip
 - Proposed Use(s) on Site RELIGION
 - Total Square Footage of Existing and/or Proposed Buildings New 65,900 Existing 44,928
 - Current Zoning on Property SR-1
 - Deed Book 409 Page No. 209 Group No. 2031
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? A DRAWING ENCLOSED
 - Have you submitted a list of adjoining property owners with this request? YES
 - 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: Mary e Griesser
BUSINESS MANAGER FOR First Church of Christ

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 6-20-00 Fee Received \$ 72.00 R# 24644
2. Is application complete? Yes No
3. Staff Reviewer Todd Morgan
4. Scheduled Board Action Date 7-12-00
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: STAFF COMMENT # 1 THROUGH # 4
7. Reasons for Denial:

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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: First Church of Christ
LOCATION: 6080 Camp Ernst Road Burlington, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: July 12, 2000

Proposal

The applicant has applied for a Conditional Use Permit to expand the existing church and parking lot facilities. The proposed expansion would include the construction of a new 3 level, 65,900 square foot Christian Educational Building and 121 parking stalls. The existing church buildings are currently 44,928 square feet in size. The 21.77 acre site is located the south of the Ellis Extension Office on Camp Ernst Road. The property is zoned Suburban Residential One (SR-1).

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Article 2, Section 262 and Article 9, Section 933 of the Boone County Zoning Regulations.

Property Background

The First Church of Christ was granted a Conditional Use Permit on March 8, 1989 for the construction of a 23,000 square foot church building and recreational area . A copy of the meeting minutes are attached to the Staff Report.

Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives 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 be hazardous to existing or future neighboring uses;

4. Will be served 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 any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 933

Article 9, Section 933 of the Boone County Zoning Regulations lists churches, synagogues, temples and other places of religious assembly for worship within a Suburban Residential One (SR-1) zone as a Conditional Use. The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided:

- a. the activity is an integral and subordinate function of a permitted use; or
- b. the activity will not contradict the low density character of the district; and
- 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.

Staff Comments

1. If the Conditional Use Permit is granted, a Major Site Plan will need to be submitted to the Boone County Planning Commission. Some of the issues that will be raised during site plan review are addressed in a letter that the Zoning Administrator sent to the applicants (see attachments).
2. Staff would like to reiterate that approval of the Conditional Use Permit would not entitle the applicants to three access points along Camp Ernst Road (see submitted Concept Plan). Review of the access points will be conducted through the site plan review process.

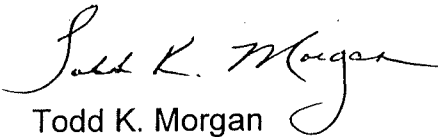
3. The "Future Worship Center" and "Future Parking" areas will have to go through another Conditional Use Permit application in the future. The applicants informed Staff that they do not wish to include these items in this application.
4. Staff would recommend that the exterior building elevations be reviewed through a Staff Design Review process. This review would guarantee that the new educational building would blend in with the existing church buildings.

Slides

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow the expansion of the church and parking lot facilities. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations. It is Staff's opinion that the proposed Conditional Use Permit will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

Respectfully Submitted,

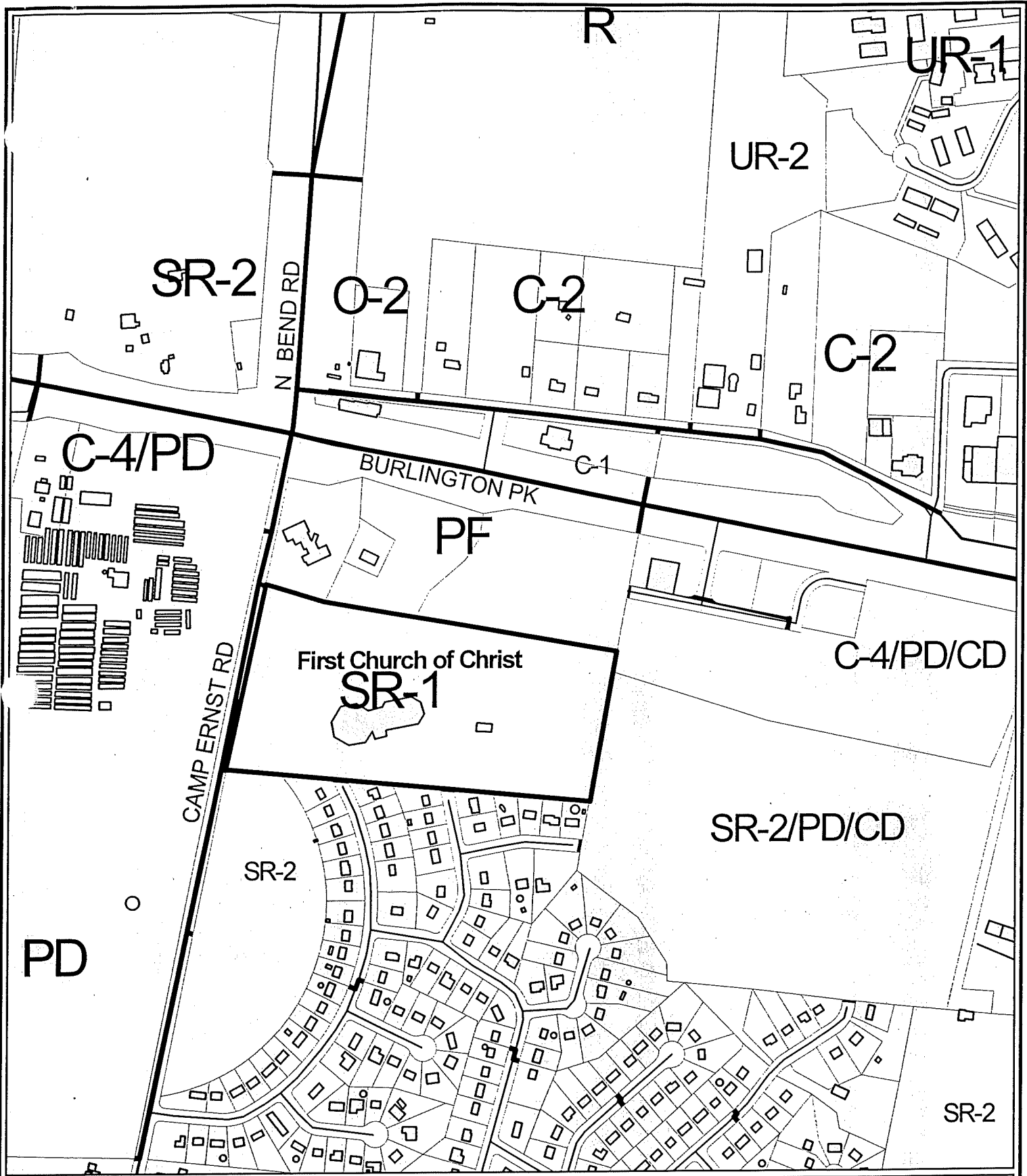


Todd K. Morgan
Planner

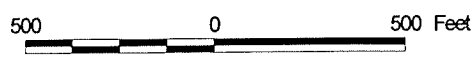
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Attachments

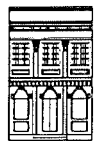
- Vicinity/Zoning Map
- Concept Plan
- Conditional Use Application Form
- June 1, 2000 letter to Gary Griesser
- Boone County Board of Adjustment meeting minutes from March 8, 1989

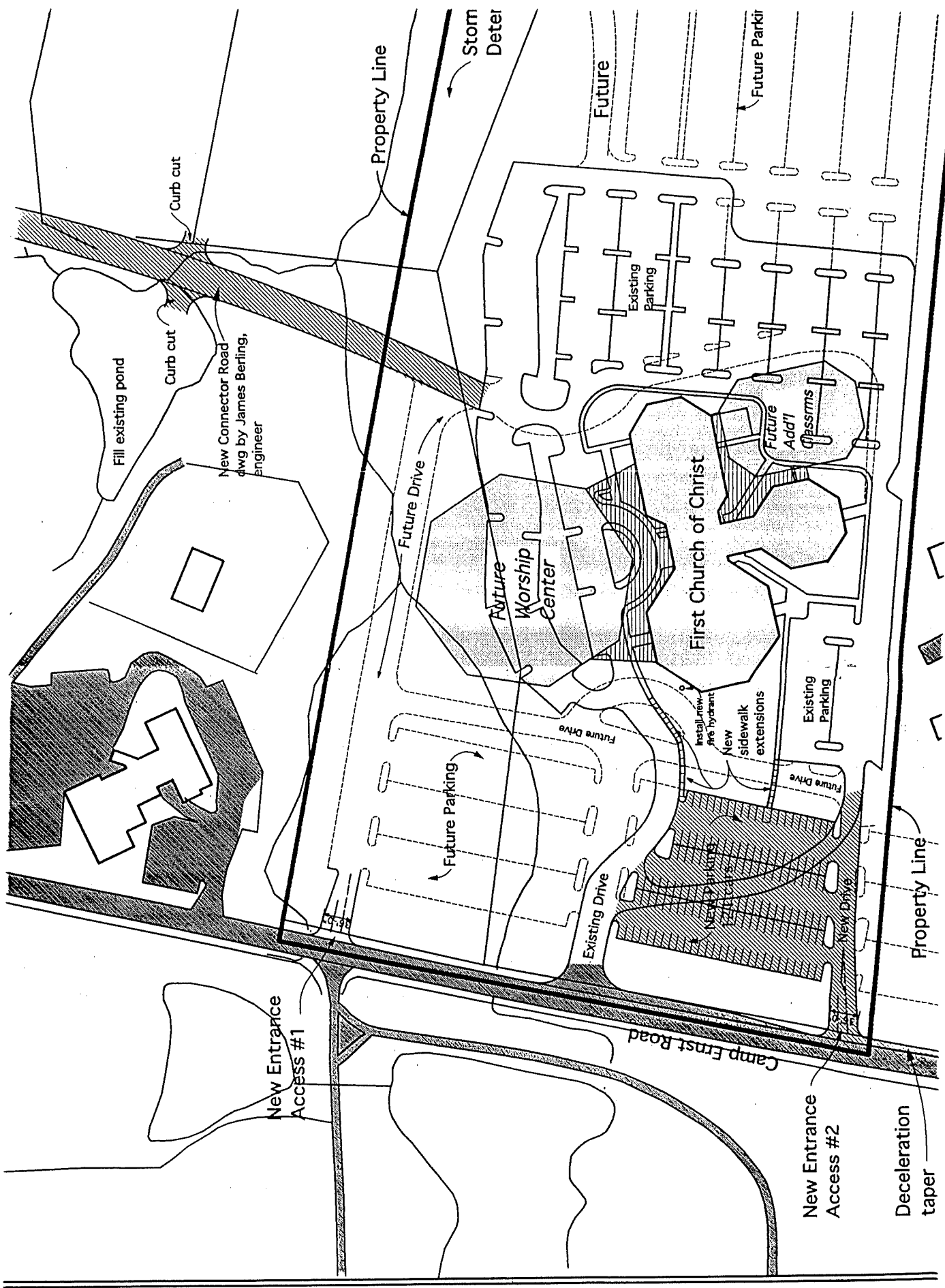


**First Church of Christ
Vicinity/Zoning Map**



1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 7, 2000





Fill existing pond

Curb cut

New Connector Road
dwg by James Berling,
engineer

Property Line

Stom Deter

Future

Future Parkin

Existing
Parking

Future
Worship
Center

First Church of Christ

Future
Add'l
Classrooms

Future Parking

Future Drive

Install new
fire hydrant
New
sidewalk
extensions

Existing
Parking

Future Drive

Existing Drive

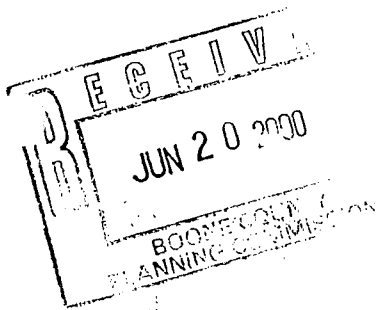
Camp Ernst Road

Property Line

New Entrance
Access #1

New Entrance
Access #2

Deceleration
taper



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

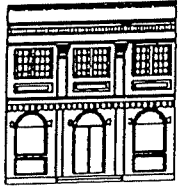
See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name FIRST CHURCH of CHRIST Phone Number 586-4673 Fax No. 586-4322 Applicant's Address 6080 CAMP ERNST ROAD, Burlington Ky 41005
4. Description of Request: Construct A New CHRISTIAN Education Building, Construct A New entrance off Camp ERNST ROAD, Construct Additional PARKING At the West Side of the Property
5. Name of Development First Church of Christ Educational Building
6. Location of Development 6080 CAMP ERNST ROAD, Burlington, Ky. 41005
7. Acreage Under Review 21.77 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property First Church of Christ - GARY GRIESSER, Business Manager Phone Number of Owner 586-4673 Address of Property Owner Burlington Ky 41005
11. Proposed Use(s) on Site RELIGION
12. Total Square Footage of Existing and/or Proposed Buildings New 65,900 Existing 44,928
13. Current Zoning on Property SR-1
14. Deed Book 409 Page No. 209 Group No. 2031
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? A DRAWING ENCLOSED
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: Gary Griesser Business Manager For First Church of Christ

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

June 1, 2000

Mr. Gary Griesser
First Church of Christ
6080 Camp Ernst
Burlington, KY 41005

RE: Master Plan for First Church of Christ

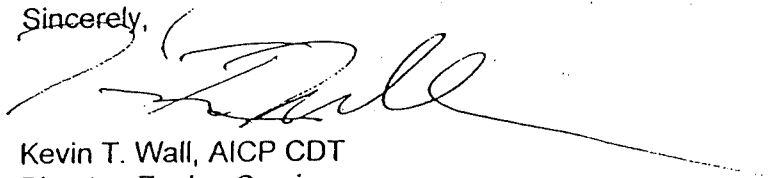
Dear Mr. Griesser:

At the request of Robert Hayes, our office has conducted a preliminary review of the master plan for the First Church of Christ dated 7/16/99. Based on this review, we have the following, initial observations.

1. The original Conditional Use Permit (CUP) to allow a church on this site (approved in 1989) requested a total of 23,000 square feet of building area. Thus, the additional building area will require approval of another Conditional Use Permit. In addition, because the original CUP did not include the property to the south where the future parking lot is now indicated, a new CUP is also necessary to permit this parking area (you can apply for one CUP and include all desired facilities on one plan).
2. Based on the width of the lot's frontage along Camp Ernst Road, only two curb cuts are permitted. It is our preference for the existing (middle) curb cut to be eliminated, the southern curb cut to be moved further south to the crest of the road grade, and for the northern curb cut to be shared with the Ellis Extension Center with interconnections between this facility and the church lot.
3. The buffer area along the south property line should be increased, and additional landscaping areas will be required in and around the new parking areas.
4. Pedestrian walks will be required between the building, parking areas, and the road.

I hope this information is useful. Please call me if you have any questions.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Robert Ehmet Hayes, 2512 Dixie Highway, Covington, KY 41017-3094

BOONE COUNTY
BOARD OF ADJUSTMENT

March 8, 1989 - 6:30 P.M.

ANNUAL MEETING

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

Mr. George Whitton, Chairman, called the meeting to order at 6:30 P.M.. The Chairman stated that the Board members had not received copies of the Minutes of the December, 1988 meeting and asked that they be mailed prior to the next meeting for approval at that time.

AGENDA ITEMS:

1. The request of First Church of Christ, Inc. (applicant) for a Conditional Use Permit to allow the construction of a church building and parking facilities in a residential zone. The 21.77-acre parcel is located on the east side of Camp Ernst Road, south of the Extension Office and north of Willow Bend Subdivision in Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Paul J. and Rose Mary Kahmann.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation. Mr. Doug Powell, Transportation Planner, presented the portion of the Staff Report in regard to traffic and Staff Concerns (see Staff Report).

The Chairman asked who was present in behalf of the request.

Mr. James Parsons, attorney representing the First Church of Christ, stated that he was present in behalf of the request, as was the Reverend Campbell, Mr. Jim Maddox of the Building Committee, and Mr. Nurse of Trinity Church Builders.

Mr. Parsons stated that the church concurs with the Staff's findings. He stated that their existing church at the intersection of U.S. 42 and Evergreen Drive is too small. They plan to construct a 28,000 sq. ft. facility with a worship hall for 900 to 1,000 people. There is room on the site for expansion. In regard to the connector road, using the large map, Mr. Jameson indicated that the church has no problem with the access along the southwestern border of the site and dedicating the property in compliance with the regulations in the event that the connector road would be constructed. However, they do object to taking the connector road along the southwestern border and then moving to the interior of the site to connect to the Oakbrook Subdivision. They are concerned for the safety of children crossing the road. The church would prefer that the road go along the southwestern border to the end of the property. He stated that they believe the costs would be comparable. They are agreeable to the road being moved, provided it stays within approximately 100 feet of the property line. He questioned whether the easement would have to be dedicated in the planning stages as the road may not be built. He stated that they are willing to work with the county in regard to the access problems for Oakbrook and Willowbend. He added that most of their church members live in Boone County.

Mr. Harry Nurse stated that they had met with the Staff. He stated that they want to use the open flat space on the site, leaving as many trees as possible, for recreational purposes. He stated that the road would be straighter and safer along the property line. He noted that the church provides day care and the children may have to cross the road to use the recreational facilities. He stated that they are not proposing the road, but have been asked by Staff to provide the right-of-way. He noted that the road would provide another means of exiting the property. He stated that they would construct the road to the parking area and put in the parking, but beyond that point the road would be built by the governing authority.

The Chairman asked if there was anyone else present who wished to speak in behalf of the request. There being no one, he asked if there was anyone present in opposition or having questions.

Mr. Dan Barker, Greater Cincinnati Airport, stated that the FAA is concerned about the structure causing problems with the VOR. He indicated on the map the location of a 1,000-foot zone that has to be protected. He stated that the FAA form filed by Mr. Maddox in behalf of the church was approved by the FAA, but there is conflicting information. On the form they indicated that the church would be approximately 1,000 feet from the VOR, but the latitude and longitude compute to 1960 feet from the VOR. There is a 960-foot difference. The form was approved based on the latitude and longitude, which may be incorrect. The church needs to file an amended 7460-1 and give correct coordinates and the site elevation. He stated that the structure will be

approximately 50 feet high and may violate the 1.2⁰. They need specific data to determine if there will be navigational problems.

Counselor Wilson advised that the Board could approve the request conditioned on another form being provided to the FAA and FAA approval being given prior to the Conditional Use Permit being effective. The Board could defer the matter. He stated that the applicant needs both approvals as the FAA would be able to stop them from building.

Mr. John Pingle, 1819 Hidden Springs, stated that there are about ten residents present who are interested in looking at the plans. He noted that there are drainage problems in the area.

Ms. Mary Davis, who lives in the last house on Clovernook, stated that they live on the property line and want to know how close the building will be to their house.

Mr. Parsons stated that the FAA form was filed in November, 1988. He asked that the Conditional Use Permit not be delayed for the filing of the form. They are aware that FAA approval is needed. They were not notified by the FAA in regard to their permit dated January 20, 1989. He stated that the Site Plan will provide more specifics in regard to the project. He stated that they have an option on the property and delaying the Conditional Use Permit would not allow them time to exercise their option. He stated that they would not object to a condition in regard to the FAA form.

Mr. John Geisen, 1880 Hidden Springs, stated that they heard the church would empty into the subdivision through Briargate and Clovernook.

Mr. Harry Nurse stated that the building will be wood frame and its current placement is in excess of 1,000 feet from the VOR. The height limit based on the zoning requirements is 45 feet. The steeple will be fiberglass. If there is a problem, then there may be a ground-mounted bell tower of fiberglass. He added that buffering is intended between the church facility and the house. It will be an attractive masonry structure.

Mr. Barker stated that they will do everything they can to expedite the form, but they want specific information.

Chairman Whitton noted that a Site Plan had not be submitted. He stated that the neighbors want to know how the site will be laid out.

Mr. Parsons stated that the basic concerns of the neighbors are in regard to access. The Preliminary Plat indicates that access will be exclusively off Camp Ernst Road using the southwest entrance. They are willing to meet with the property owners involved and the Staff. They are asking for the right to build the church, assuming all the requirements are met.

Reverend Campbell stated that they want to be good neighbors.

Susan McCarthy, 1888 Hidden Springs, stated that they are concerned about the wooded area behind their homes, which is a nature area, and the road.

Mr. Parsons stated that it is not the church's idea to have an access into Willowbend. They will build the access off Camp Ernst Road. The issue in regard to the road is up to the county. The church will provide the easement if necessary.

Mr. Houston moved that the Conditional Use Permit be granted with the condition that the FAA requirements be met and the Site Plan submitted before anything is done so that the neighbors can see the buffers and drainage.

Chairman Whitton noted that the neighbors are concerned about church traffic emptying into their subdivision.

Mr. Houston amended his motion to include a condition that church traffic will not be emptied into the subdivision streets and there will not be a connector from the church into the subdivision. Mr. Nevel seconded the motion.

Mr. Miller asked if the Board was considering the provision of a connector right-of-way through the site. Mr. Houston said no.

Counselor Wilson advised that if the government decides there is a need for the road, they will have to acquire the property by voluntary transaction or eminent domain.

Chairman Whitton asked for a vote on the motion made by Mr. Houston and it carried unanimously.

2. The request of Schleper Development Corporation (applicant) for a Variance to allow a 132-square foot real estate sign. The 125-acre site, located at the northeast corner of I-275 and KY 237, Boone County, Kentucky, is zoned Commercial Two (C-2), Urban Residential One (UR-1) and Industrial One (I-1), and owned by the Schleper Development Corporation.

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

The Chairman asked if there was anyone present who wished to speak in behalf of the request.

Mr. Tom Schleper stated that they are in agreement with the Staff Report, but may want a variation in the time limit. They are developing 125 acres with twenty-five industrial lots and project a sell out period of five years. He asked that this be considered.

Chairman Whitton advised that the Board has never granted a five-year Variance.

COPY

CLUR #00-BCBOA-024-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

First Church of Christ
6080 Camp Ernst Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

6080 Camp Ernst Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

First Church of Christ

4. DEED BOOK 409

PAGE NO. 209

GROUP NO. 2031

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

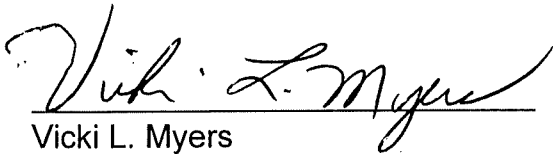

SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

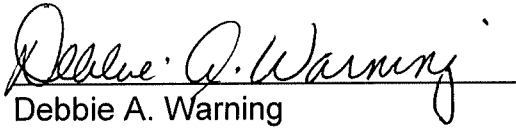
Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the
Boone County Planning Commission this 14 day of July, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 12, 2000 Certificate of Land Use Restriction (#00-BCBOA-024-A), for First Church of Christ, Property Owner(s).

The following conditions will apply:

1. A Major Site Plan is required to be submitted to the Boone County Planning Commission.
2. The applicants are not permitted three access points along Camp Ernst Road. Review of the access points will be conducted through the site plan review process.
3. The "Future Worship Center" and "Future Parking" areas will have to go through another Conditional Use Permit application in the future. The applicants informed Staff that they do not wish to include these items in this application.
4. Exterior building elevations are to be reviewed through a Staff Design Review process to guarantee that the new educational building blends in with the existing church buildings.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 529

PAGE NO. 56

GROUP NO. 2072