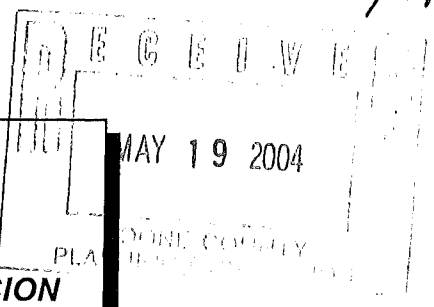


04-BCBOA-017-A

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name Merrick Jackson, Phone Number 859 371-4332, Applicant's Address 7 Graystone Florence Ky 41042
4. Description of Request: Conditional Use permit for a church
5. Name of Development Grace of God Ministry
6. Location of Development 8050 Holiday Place, Florence, Ky 41042 Beeman Lane, Florence Ky 41042
7. Acreage Under Review .9993
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Jay A Schell, Phone Number of Owner 859 331 4888
10. Address of Property Owner 58 Farrell Drive Ft. Wright Ky 41011
11. Proposed Use(s) on Site Church + parking lot
12. Total Square Footage of Existing and/or Proposed Buildings 5,000 building
13. Current Zoning on Property Rural Suburban (RS)
14. Deed Book 874 Page No. 429+435 Group No. 2032
15. Is the site subject to a zone change?
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: [Handwritten Signature]

Property Owner's Signature: Jay A Schell

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 5-19-04 Fee Received \$ 519.00 (KA 38873)
2. Is application complete? _____ Yes _____ No (ASSO. 00)
3. Staff Reviewer _____ (KA 38874)
4. Scheduled Board Action Date _____ (\$19.00)
5. Board Action:
 Approved
 6/9/04 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 6-9-04 B.C.B.O.A.
MEETING MINUTES
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 - 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: Nerrick Jackson (Grace of God Ministry)

LOCATION: North side of Beemon Lane, immediately to the north of 1399 Beemon Lane, immediately to the south of 1386 Beemon Lane and lot 19 of Woodside Greens Subdivision, immediately to the east of 1418 Beemon Lane, and immediately to the west of 1386 Beemon Lane, Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: June 9, 2004

Proposal

The Applicant is requesting a Conditional Use Permit to allow the construction of a 3,200 square foot church and 60 parking stalls. The facility is being proposed on a 0.9993 acre tract which is located on the north side of Beemon Lane. The subject parcel is zoned Rural Suburban (RS).

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 923 of the Boone County Zoning Regulations permits "Churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Rural Suburban (RS) 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 923 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 923 of the Boone County Zoning Regulations allows churches as a conditional use in the RS district if the proposed facility meets the following criteria:

- a. the activity is an integral and subordinate function of a permitted recreational or residential use; or
- b. the activity will not contradict the semi-rural character of the district;
- c. require or contribute to infrastructure needs above what is common to the permitted uses of the district;
- d. is of direct relation to and in support of the purpose of the district; and
- e. 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 "Suburban Residential" uses. This designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Pleasant Valley – West Florence Area, pp. 163-164) states the following regarding this area:

- A. "The large area between Hopeful Rd. & Oakbrook Rd., south of KY 18 to Pleasant Valley Road should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority.

The following Future Land Use Development Guidelines from the 2000 Boone County Comprehensive Plan need to be considered:

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 159).

- D. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided ("Stormwater Management and Erosion Control," pg. 159).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 159).

Site Characteristics

The 0.9993 acre site is currently undeveloped and contains road frontage along Beemon Lane and Old North Bend Road. The property is fairly flat and contains three large evergreen trees and approximately nine deciduous trees near the rear property line.

Site History

2/13/02 – The property owner was proposing to split the 0.9993 acre tract into two legal lots of record so a single-family residence could be constructed on each lot. The Concept Development Plan showed that the two lots would have a shared driveway on Beemon Lane. The Boone County Zoning Regulations require 185 feet of separation between adjacent driveways on a collector road when the speed limit is less than 40 miles per hour.

The Board approved two variances which reduced the driveway spacing between adjacent driveways from 185 feet to 128 feet to the west and from 185 feet to 133 feet to the east. The Board imposed a condition which required the driveway to be designed so that there was a turnaround on each lot.

Surrounding Land Uses and Zoning

North: Single-Family Residential Dwelling & Vacant Residential Lot (SR-1/PD)

South: Beemon Lane & Single-family Residential Dwellings (RS)

East: Single-Family Residential Dwellings (SR-1/PD & RS)

West: Single-family Residential Dwelling (RS)

Staff Comments

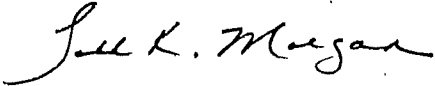
1. Staff would like the Applicant to address the following issues so that the impacts of the development may be adequately assessed:
 - a. What is the height of the building? Is a steeple being proposed?
 - b. What are the proposed building materials?
 - c. Is any parking lot lighting or wall packs being proposed? If so, what are the heights of the proposed light standards?
 - d. Is any landscaping being proposed on the front and side property lines?
 - e. How much of the existing landscaping near the rear property line is being preserved?
 - f. What are the proposed days and hours of operation?

- g. Will there be any outside activities?
2. The proposed building is not meeting the 40 foot front yard setback. A Variance will need to be approved if the building is kept in this location.
3. The parking stalls and driveway aisles do not meet the requirements of the Boone County Zoning Regulations. The stalls must be 9' wide and 18' in length. Single loaded aisles (parking on one side of aisle) must be 20' wide. Double loaded aisles (parking on both sides of the aisle) must be 24' wide.
4. The Concept Development Plan indicates that there will be 100 seats in the church and that 60 parking stalls will be provided. Article 33 of the Boone County Zoning Regulations indicates that one parking stall is required for every five seats ($100/5=20$) in the church and that the maximum number of parking spaces is allowed to be thirty percent greater ($20 \times 30\% = 6$) than the required minimum number. If the project is approved, the Applicant will need to submit a parking study to the Zoning Administrator so he can determine if he will issue a waiver to allow the number of parking stalls to be increased from 26 stalls to 60 stalls.
5. Staff is concerned about the impact that the building will have on the neighboring residences to the north, south, east, west. Staff believes that elevation drawings or pictures of the building need to be provided to determine if the building will contradict the character of the district.
6. Staff is concerned about ingress and egress because the site is located within a 90° bend in Beemon Lane.
7. If the Board approves the project, Staff recommends the following conditions:
 - a. no light standard can be taller than 12 feet in height.
 - b. 60% of the front and side facades shall be constructed with brick or stone.
 - c. the existing trees located near the rear property line will be preserved.
 - d. The front property line will be screened with a street frontage landscape buffer. The side property lines will be screened with Buffer Yard A.
 - e. Access to the site shall be limited to the Old North Bend Road right-of-way only. The church will be responsible for paving any portion of the right-of-way that they use for access purposes. Encroachment Permits will need to be issued by Boone County Public Works before any improvements are made.
 - f. A Major Site Plan, prepared by a Professional Engineer, will need to be submitted and approved by the Boone County Planning Commission before construction can proceed.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the request for a Conditional Use Permit.

Respectfully submitted,

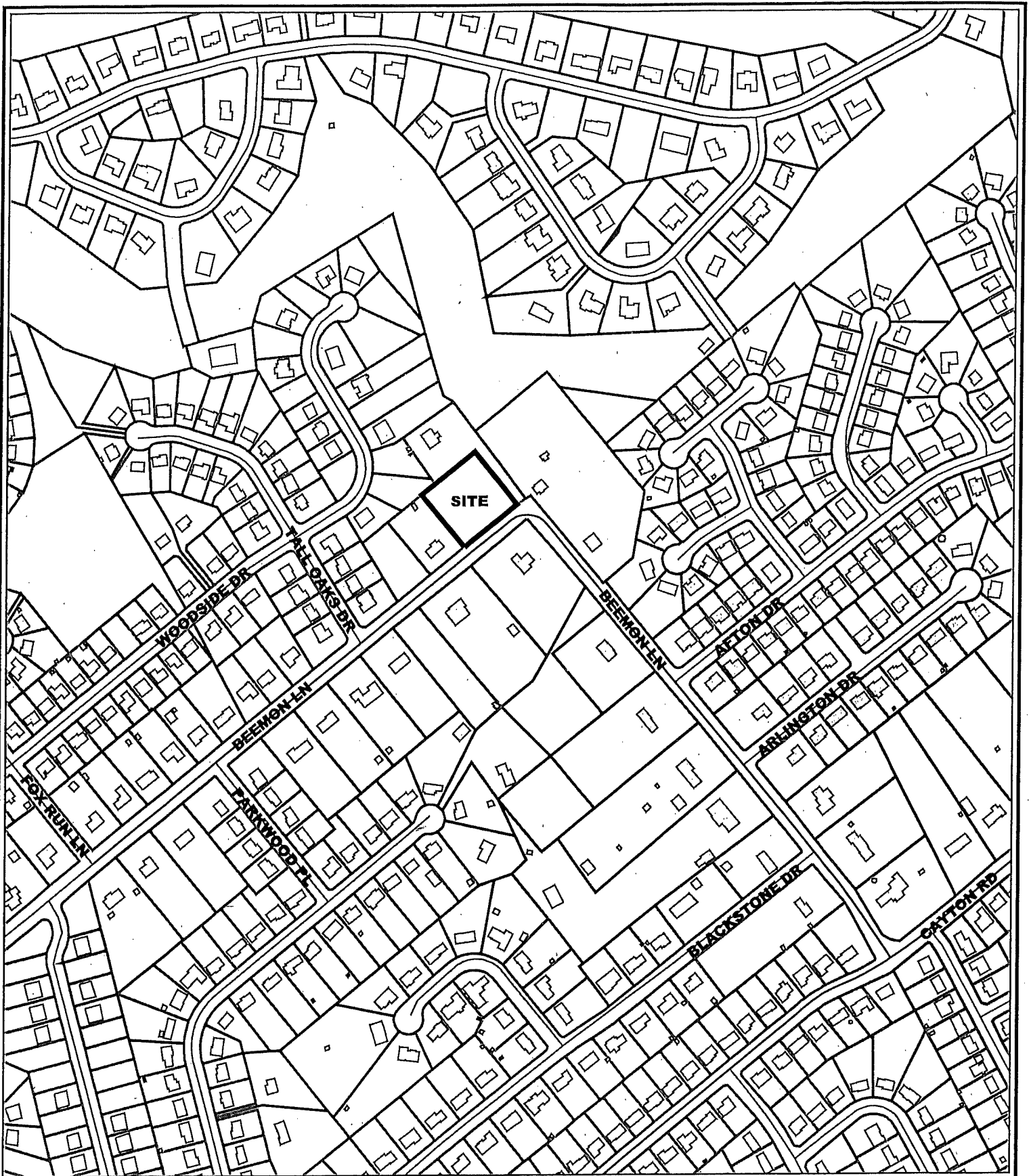


Todd K. Morgan, AICP
Planner, Zoning Services

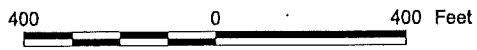
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Topographical Map
- Exhibit F – Aerial Map
- Exhibit G – Application

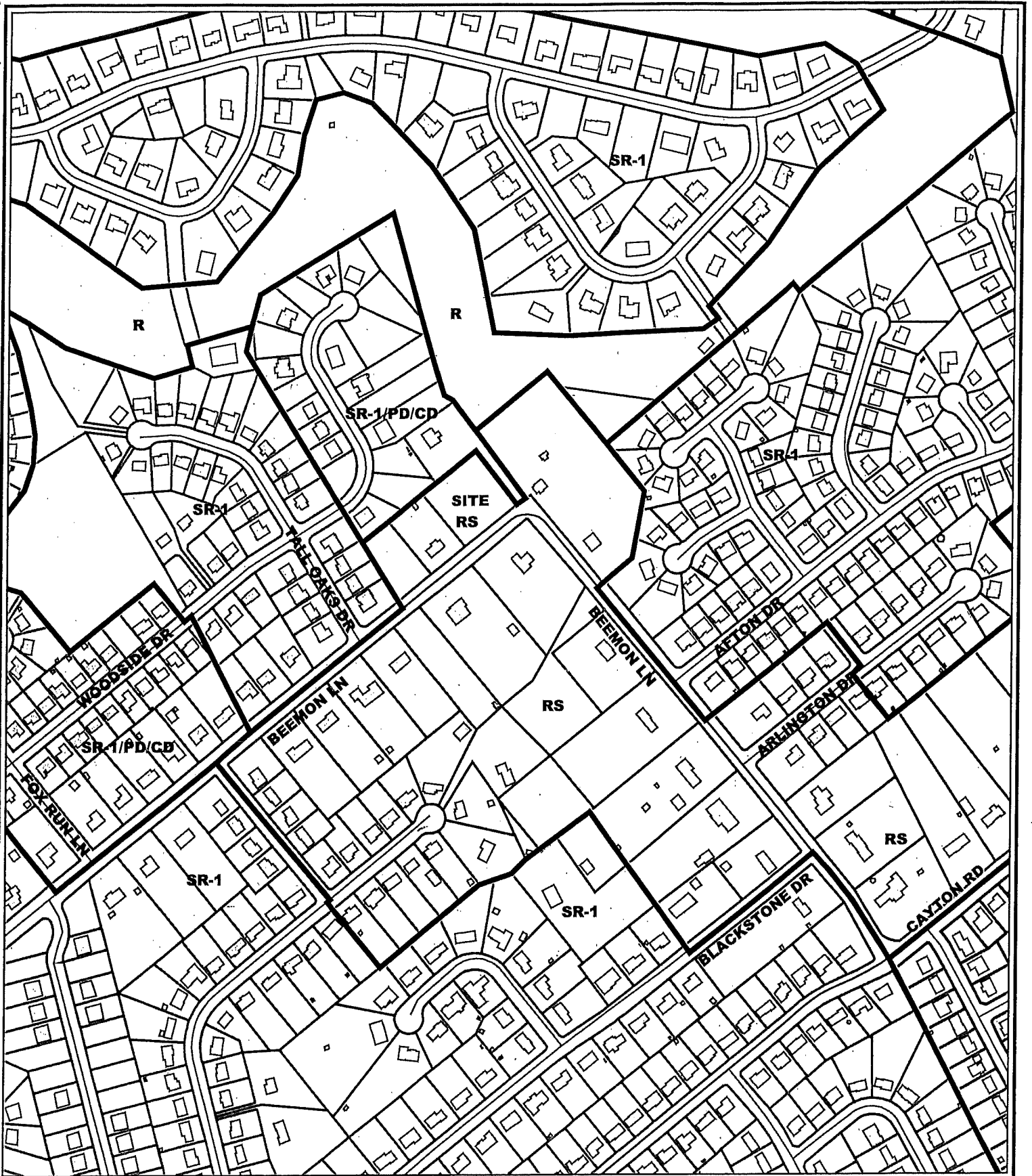


Grace of God Ministry Site Vicinity Map

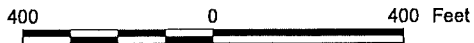


1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 24, 2004





Grace of God Ministry Zoning Map

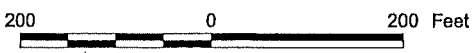


1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 24, 2004



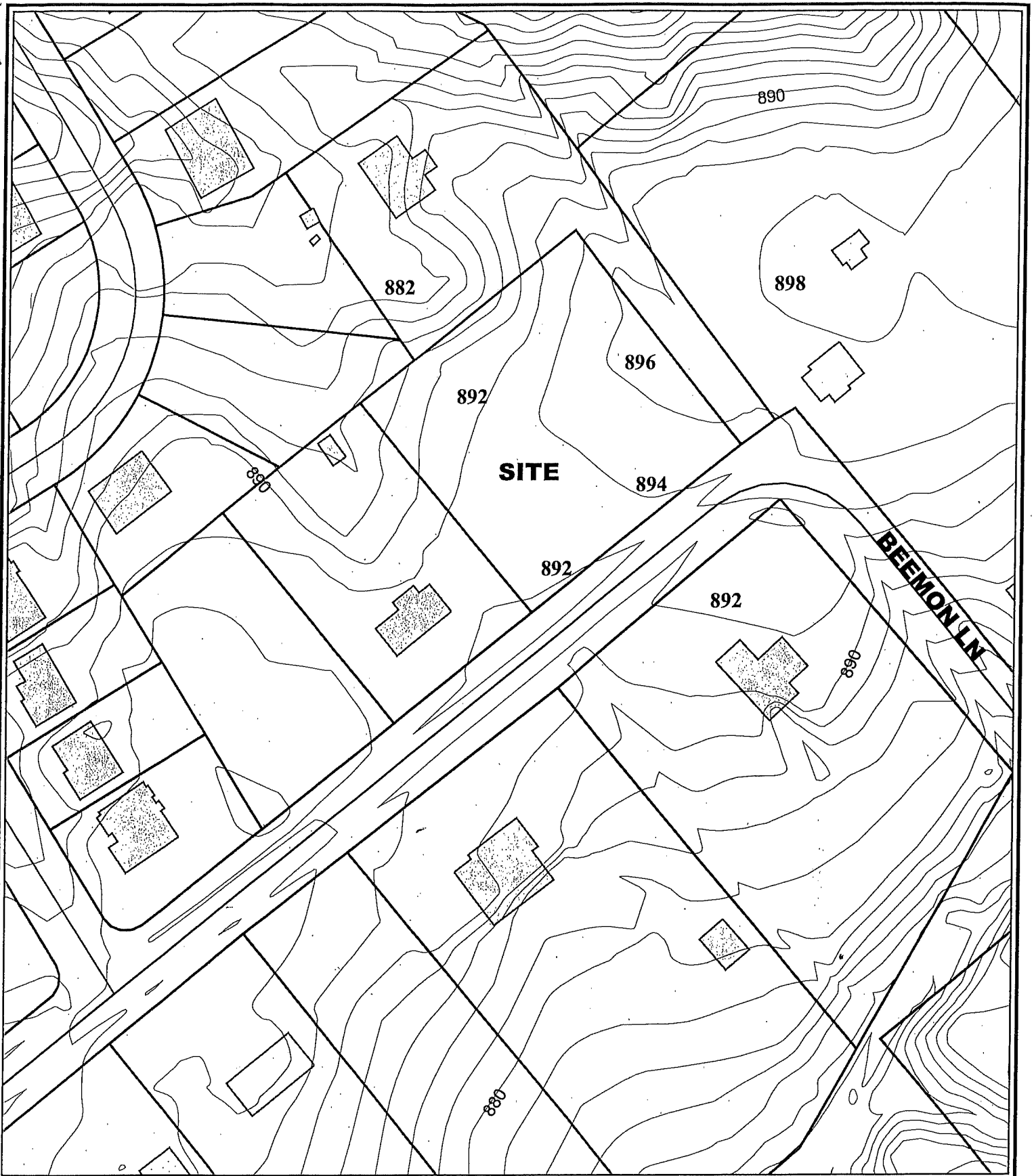


**Grace of God Ministry
Future Land Use Map**



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 24, 2004





Grace of God Ministry Topographical Map



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 24, 2004





Grace of God Ministry Aerial Map

200 0 200 Feet

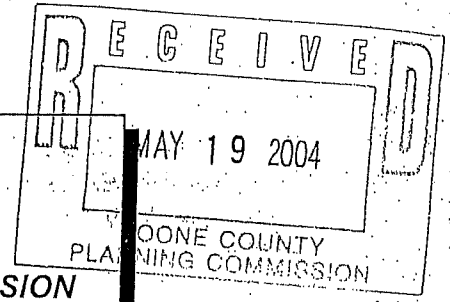
1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 26, 2004



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 Nerrick Jackson
Phone Number 859 371-4332 Fax No. _____
Applicant's Address 7 Graystone
Florence Ky 41042
City State Zip

4. Description of Request: Conditional Use permit for a church

5. Name of Development Grace of God Ministry

6. Location of Development 8050 Holiday Place, Florence, Ky 41042
 Beeman Lane, Florence Ky 41042

7. Acreage Under Review .9993

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property Jay O. Schell

Phone Number of Owner 859 331 4888

10. Address of Property Owner 58 Farrell Drive
74 Wright Ky 41011
City State Zip

11. Proposed Use(s) on Site Church + parking lot

12. Total Square Footage of Existing and/or Proposed Buildings 5,000 building

13. Current Zoning on Property Rural Suburban (RS)

14. Deed Book 874 Page No. 429 + 435 Group No. _____

15. Is the site subject to a zone change? _____

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: [Signature]

Property Owner's Signature: Jay O Schell

COPY

CLUR #04-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jay A. Schell
508 Farrell Drive
Ft. Wright, KY 41011

2. ADDRESS OF PROPERTY

Beemon Lane
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Grace of God Ministry

4. DEED BOOK 874

PAGE NO. 429 & 435

GROUP NO. 2032

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

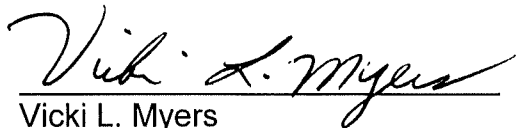
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

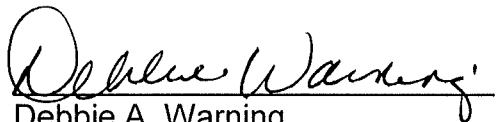
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of June, 2004.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 June 9, 2004 Certificate of Land Use Restriction (#04-BCBOA-017-A), for Jay A. Schell, Property Owner(s).

The following conditions will apply:

- 1) A parking study is to be submitted to the Zoning Administrator to determine if a waiver will be issued to allow the number of parking stalls to be increased from 26 stalls to 60 stalls.
- 2) No light standard can be taller than 12 feet in height.
- 3) Sixty percent (60%) of the front and side facades shall be constructed with brick or stone.
- 4) The existing trees located near the rear property line will be preserved.
- 5) The front property line will be screened with a street frontage landscape buffer. The side property lines will be screened with Buffer Yard A.
- 6) Access to the site shall be limited to the Old North Bend Road right-of-way only. The church will be responsible for paving any portion of the right-of-way that is used for access purposes.
- 7) A Major Site Plan, prepared by a Professional Engineer, will need to be submitted and approved by the Boone County Planning Commission before construction can proceed.

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