

04-BEBOA-037-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

NOV 16 2004

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

- (Check One) 1. Boone Florence Walton Union 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use 3. Applicant's Name James K. Floyd Phone # 816-4193 Phone Number 6823 Fieldstead Dr. Fax No. None Applicant's Address 6323 Fieldstead Dr. Independence Ky 41051 City State Zip 4. Description of Request: To zone a warehouse as use for a Church 5. Name of Development 6. Location of Development 5740 LIMABURGH RD. BURLINGTON KY 41005 7. Acreage Under Review 8. Lot Number and Name of Subdivision (if part of a subdivision) 9. Owner of Property Dallas Robertson Phone Number of Owner 859-689-7733 10. Address of Property Owner 1880 Stahl Road Hebron KY 41048 City State Zip 11. Proposed Use(s) on Site Church 12. Total Square Footage of Existing and/or Proposed Buildings 3750 TENANT SPACE 13. Current Zoning on Property Industrial ONE 14. Deed Book 806 Page No. 114 Group No. 2026 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? 17. Have you submitted a list of adjoining property owners with this request? 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: Kelly Floyd

Property Owner's Signature: Dallas Robertson

BOARD OF ADJUSTMENT AND
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APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 11-16-04 Fee Received \$ 901.00 R# 40843
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
~~_____~~ Approved
12/8/04 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: SEE 12/8/04 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: James K. Floyd
LOCATION: 5740 Limaburg Road, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: December 8, 2004

PROPOSAL

The Applicant is requesting a Conditional Use Permit so he can operate a church out of an approximate 3,750 square foot office/warehouse tenant space. The subject property is located at 5740 Limaburg Road, Boone County, Kentucky.

APPLICABLE REGULATIONS

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

Article 11, Section 1133 of the Boone County Zoning Regulations permits "churches, synagogues, temples and other places of religious assembly for worship" as a Conditional Use within the Industrial One (I-1) 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 & 1133 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 11, Section 1133 of the Boone County Zoning Regulations allows "churches, synagogues, temples and other places of religious assembly for worship" as Conditional Uses in the Industrial One (I-1) district provided that:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings or structures is mutually 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 "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following Goal from the 2000 Boone County Comprehensive Plan applies to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

SURROUNDING LAND USES & ZONING

North: Aerocrete Precast (I-1)

South: National Linen & Contemporary Plastics (I-1)

East: Boone Ready Mix (I-1)

West: Limaburg Road & KOI Precast Concrete (I-1)

SITE CHARACTERISTICS

The 1.97 acre tract fronts on Limaburg Road and is zoned Industrial One (I-1). The property contains an approximate 15,200 square foot office/warehouse facility which is broken up into four individual tenant spaces. The other three tenant spaces are currently occupied by Trimbles Landscaping, Ichiban Karate, and Good Life Designs.

The front parking lot is concrete and can accommodate 20 cars or light trucks. The rear parking lot is set up as a truck court for the four tenant spaces. Trimbles Landscaping is currently using the rear of the property as an area to store their trailers, mulch, and landscaping. Both parking lots connect to the adjoining property to the south.

STAFF COMMENTS

1. The Applicant has supplied a letter (see attachments) indicating that the church will operate on Sunday (between 10 a.m. and 12:00 p.m.) and Wednesday (between 7:00 p.m. and 9:00 p.m.). The proposed hours of operation do not appear to conflict with the other three tenant spaces.

The letter also states that the church currently has 30 to 35 members. The Applicant anticipates that the church membership could grow up to 60 members during the term of the two year lease.

2. Staff is concerned that there might not be adequate parking on the site to accommodate a 60 member church because there are only 20 parking stalls on the site. The Boone County Zoning Regulations requires a church to provide one parking stall for every 5 seats. As a result, the required church parking would take up all the existing parking stalls. In addition, Staff is not in favor of additional stalls being striped off in the side or rear parking lots because the rear of the building is laid out as a truck court and storage area.

If the application is approved, Staff recommends the following condition:

The church's hours of operation shall not overlap with the three other tenant spaces.

or

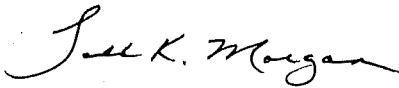
The church will obtain a shared parking agreement from the adjoining property to the south. The shared parking agreement will be recorded at the Boone County Clerk's office.

3. The Board needs to determine if the proposed use is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the Industrial One (I-1) district.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

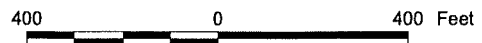
TKM/dw

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Application



**5740 Limaburg Road
Site Vicinity Map**

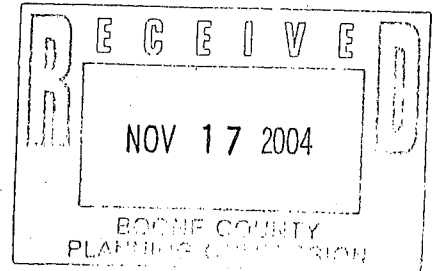


1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 22, 2004



CITY Harvest CHURCH

Pastors Kelly & Tracie Floyd



Boone County Planning Commission
C/O Mr. Todd K. Morgan, AICP
2995 Washington Street
Burlington, KY 41005

RE: 5740 Limaburg Road

Dear Mr. Morgan,

This letter is in response to questions that you posed regarding the building at 5740 Limaburg Road.

Currently there are 3 companies that conduct business within the same complex that we hope to have our church. The companies and their operating hours are as follows:

5734 Limaburg – Trimble Landscaping – Monday thru
5736 Limaburg – Ichiban Karate – Monday thru Saturday 6:30 a.m. – 7:00 p.m.
5738 Limaburg – Good Life Designs – Monday thru Friday 8:00 a.m. – 5:00 p.m.

Our operating hours at 5740 Limaburg would be every Sunday 10:00 a.m. – 12:00 p.m. and Wednesdays 7:00 p.m. – 9:00 p.m.

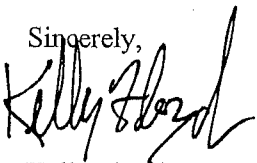
There are currently 20 parking spaces in the front of the buildings, 7 potential spaces in the rear of the building (they are currently not lined off), 5 –7 potential spaces on the side of the building (currently not blacktopped or lined off). We have also been granted permission by the owners of Contemporary Plastics (5754 Limaburg) and National Linen Services (5750 Limaburg) to use the 20 parking spaces belonging to their businesses should we need them.

At this present time we have approximately 30 – 35 members in our church (including children). We will have seating available for approximately 40 people. Our estimation for growth within the two years that we will lease the building is somewhere between 40 – 60 people total.

Thank you for your consideration of our zoning appeal application. We look forward to hearing from you after the December 3rd meeting with the zoning committee.

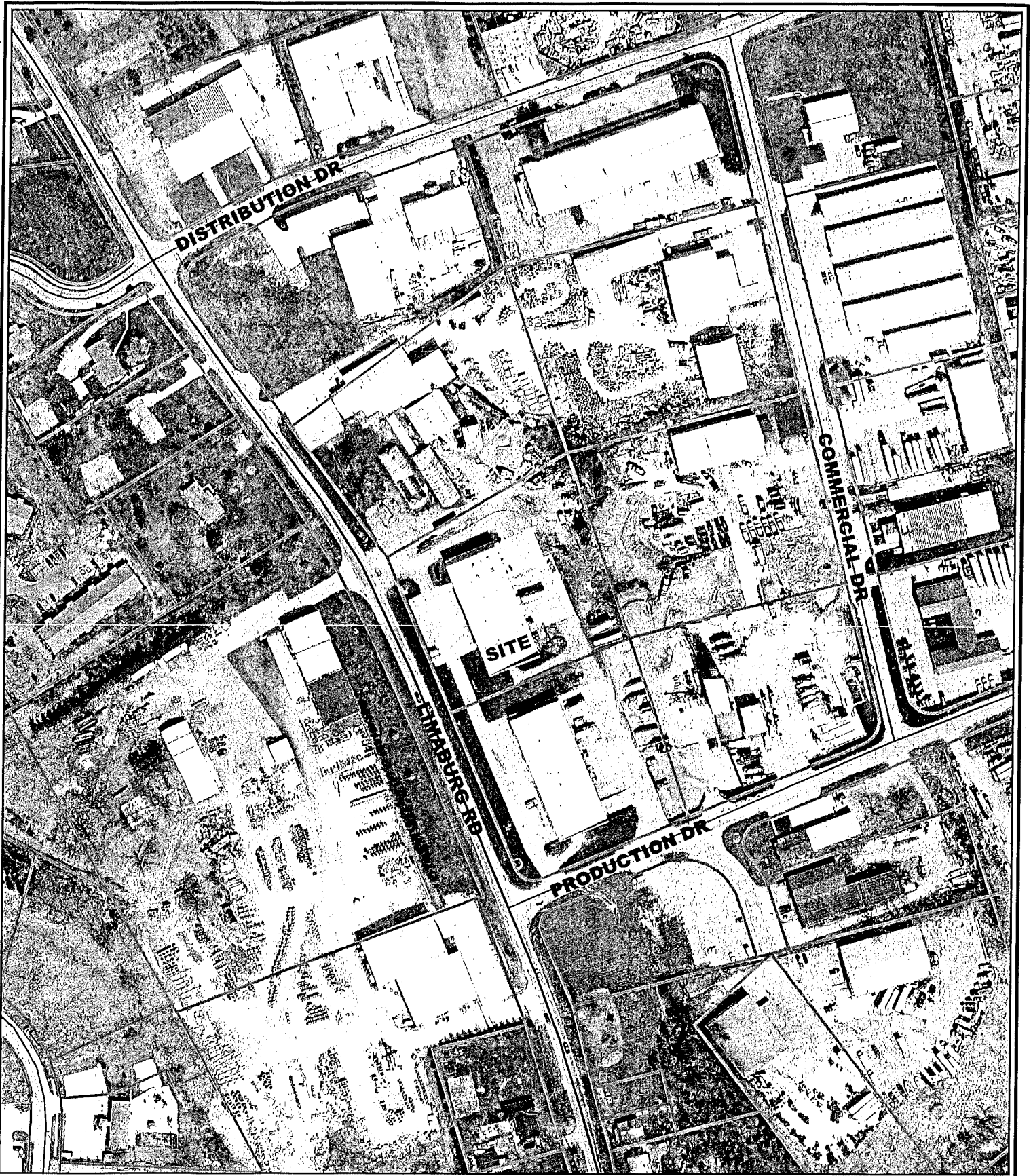
Should you have any further questions, please feel free to contact me at 859-816-4193.

Sincerely,



Kelly Floyd
Pastor
City Harvest Church

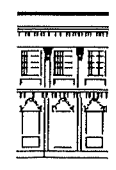
Mailing Address: 6326 Fieldsteade Drive Independence, Kentucky 41051
Meetings held at Deitz Auditorium (next to Lloyd High School in Erlanger, Ky)
Website- cityharvestchurch.7h.com



5740 Limaburg Road Aerial Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 22, 2004



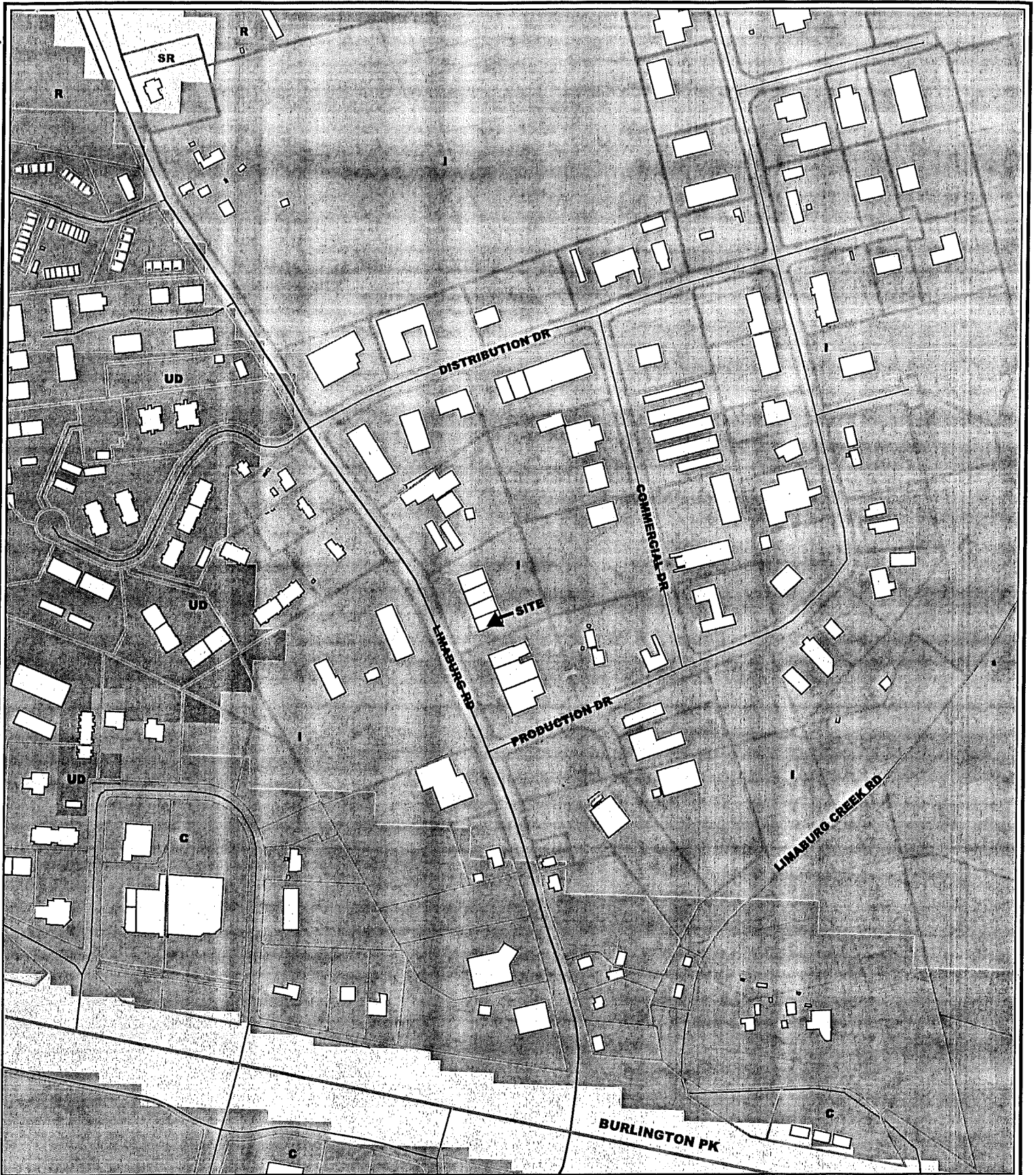


5740 Limburg Road Zoning Map

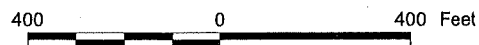
400 0 400 Feet

1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 22, 2004





5740 Limaburg Road Future Land Use Map

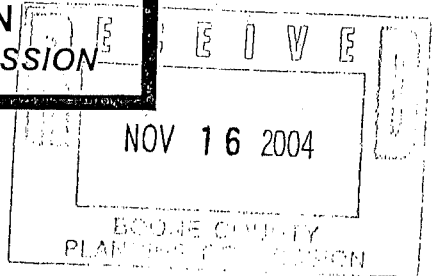


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 November 22, 2004



APPLICATION FORM

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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 James K. Floyd Phone # 816-4193
Phone Number ~~6323 Fieldstead Dr~~ Fax No. None
Applicant's Address 6323 Fieldstead Dr
Independence Ky 41051
City State Zip
- 4. Description of Request: To zone a warehouse as use for a
Church
- 5. Name of Development _____
- 6. Location of Development 5240 LIMABURGH RD.
BURLINGTON KY 41005
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Dallas Robertson
Phone Number of Owner 859-689-7733
- 10. Address of Property Owner 1880 Stahl Road
Hebron Ky 41048
City State Zip
- 11. Proposed Use(s) on Site Church
- 12. Total Square Footage of Existing and/or Proposed Buildings 3750 TENANT SPACE
- 13. Current Zoning on Property Industrial ONE
- 14. Deed Book 806 Page No. 114 Group No. 2026
- 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? _____
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

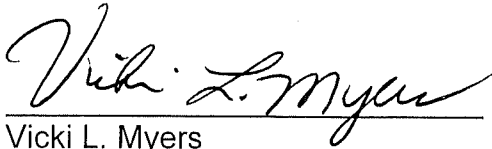
Applicant's Signature: Kelly Floyd

Property Owner's Signature: Dallas Robertson

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

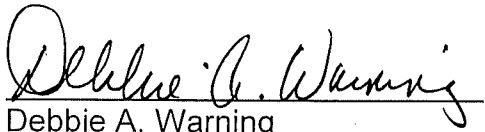
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of December, 2004.



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 December 8, 2004 Certificate of Land Use Restriction (#04-BCBOA-037-A), for Dallas Robertson, Property Owner(s).

The following conditions will apply:

- 1) The hours of operation will not overlap the other three tenants' hours of operation.
- 2) There is to be a written shared parking agreement with the adjoining property owner to the south.

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

DEED BOOK 806

PAGE NO. 114

GROUP NO. 2026