

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

NOV 17 2004

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 _____
3. Applicant's Name Hearts of Fire Ministries (Jacob Nantz)
Phone Number 859-240-0037 Fax No.
Applicant's Address PO Box 941 Burlington, KY 41005
4. Description of Request: Conditional Use Permit in an I-1 zone for a church.
5. Name of Development Lohrecht Industrial Park
6. Location of Development Off Limaburg Rd. in Burlington. 5744 COMMERCIAL DRIVE
7. Acreage Under Review 1.34
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 6 - Commerce Park West
9. Owner of Property Dutch Properties
Phone Number of Owner 859-525-0887
10. Address of Property Owner 7450 Industrial Rd. Florence KY 41042
11. Proposed Use(s) on Site Services and teachings related to Christianity, missions, & charitable services, as well as worship service.
12. Total Square Footage of Existing and/or Proposed Buildings 8000 sq. ft. (approx)
13. Current Zoning on Property I-1
14. Deed Book 507 Page No. 300 Group No. 2026
15. Is the site subject to a zone change? NO
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: [Signature]

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

1. Date Received 11-17-04 Fee Received \$ 869.00 R#40860
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: Hearts of Fire Ministries

LOCATION: 5744 Commercial Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: December 8, 2004

PROPOSAL

The Applicant is requesting a Conditional Use Permit so they can convert an approximate 8,200 square foot office/warehouse/garage into a church. The property is 1.33 acres in area and is located at 5744 Commercial Drive, 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 uses 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: Custom Paint & Powder (I-1)

South: Production Drive, Construction Storage Yard, Loschiavo Construction (I-1)

East: Automotive Service Products (I-1)

West: Commercial Drive, Boone Ready Mix (I-1)

SITE CHARACTERISTICS

The 1.33 acre tract is located at the intersection of Commercial Drive and Production Drive and is zoned Industrial One (I-1). The property contains an approximate 8,200 square foot office/warehouse/garage facility. It appears that Holland Roofing is currently using the warehouse/garage section of the building to service their vehicles and that the office section of the building is vacant.

The front and side areas of the lot contain concrete parking lots with striped stalls. The rear of the lot contains a parking and storage area which is half concrete and half gravel. The gravel storage area is currently being used to store some conveyors and trailers. The perimeter of the property is screened with mature landscaping.

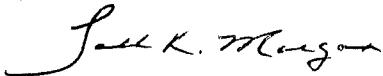
STAFF COMMENTS

1. The Applicant has informed Staff that he is unsure if the church is going to occupy the entire building. The preliminary arrangement with the property owner is that the church will occupy the office portion of the building and that Holland Roofing will use the garage and rear storage lot. Over time, the church may expand and occupy the entire building.
2. Staff would like the Applicant to explain the days and hours of operation of the church.
3. Staff would like to point out that the gravel storage lot in the rear yard will need to be converted into an asphalt or concrete surface if the area is used for church parking.
4. Staff has attached a copy of the 1997 Site Plan for the Site. This Site Plan does not show all the parking stalls that exist on the site. In particular, Staff is concerned that some parallel parking stalls have been striped off along the southern building facade and that a proper driveway aisle is not being maintained.
5. 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.
6. If the application is approved, Staff recommends a condition which requires a Minor Site Plan application to be submitted. The plan will need to address the layout of the parking lot and the required number of parking stalls.

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/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – 1997 Site Plan
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Application



5744 Commercial Drive Site Vicinity Map

400 0 400 Feet

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



To Boone County Zoning,

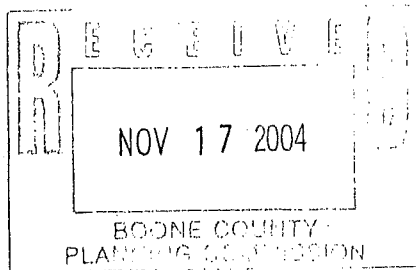
The organization, Hearts of Fire Ministries, wants to open a church called the Kingdom House at 5744 Commercial Dr. in Burlington, KY . This will be a place where worship and prayer services take place, along with Christian teachings with occasional teachings to missionaries to help prepare them for what to expect in overseas missions. Mostly there will be prayer groups and bible studies as the main focus through the week.

We provide charity services, such as providing food and clothes to the poor to the entire N. KY region. This church will be open to all denominations for the purpose of prayer, worship and discipling Christians to go deeper into their faith. We in-fact will try to advertise for other churches the events they will hold at their church to try to be unity minded and bring churches together.

We also set up home prayer groups in all the cities of N. KY to pray for their city, city leaders, churches, church leaders, the poor, and the lost. These groups are set-up in homes of people in the different cities. We are best described as Christian, unity minded, evangelistic, missionary, and worship based.

The space at 5744 Commercial currently has approximately 25 parking spaces with a back lot of approximately $\frac{3}{4}$ acre that is un-marked for parking, but can be if needed. The maximum amount of seating we forecast for this location is 85. There is room for expansion by remodeling, and in that case we would seek your approval and make parking spaces to the code Boone County has set forth which I believe is a 5:1 ratio.

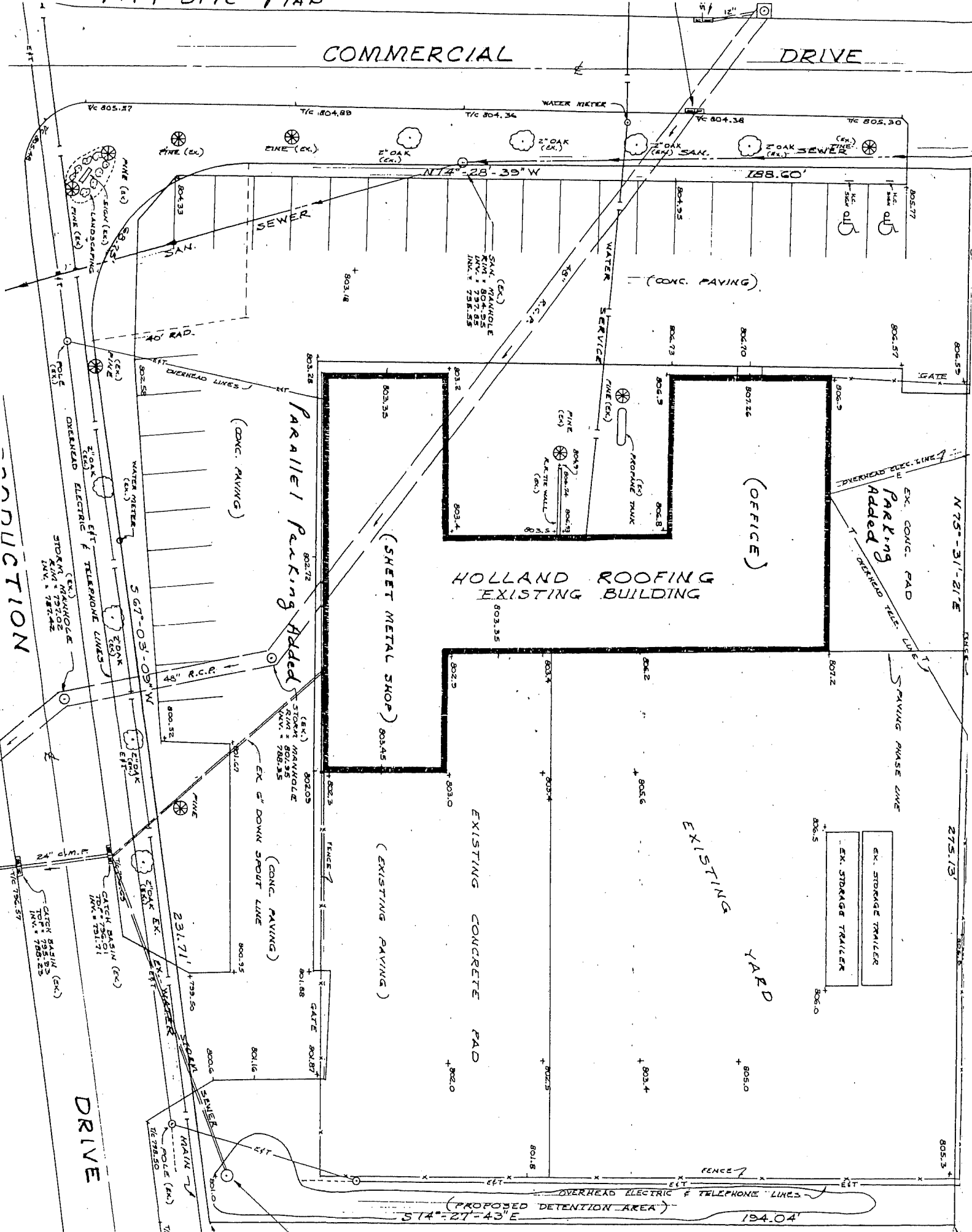
Thank you,
Jacob Nantz
Director



1997 SITE PLAN

COMMERCIAL

DRIVE



CONDUCTION

DRIVE

(PROPOSED DETENTION AREA) S 74°-27'-43" E 194.04'



5744 Commercial Drive Aerial Map

200 0 200 Feet

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



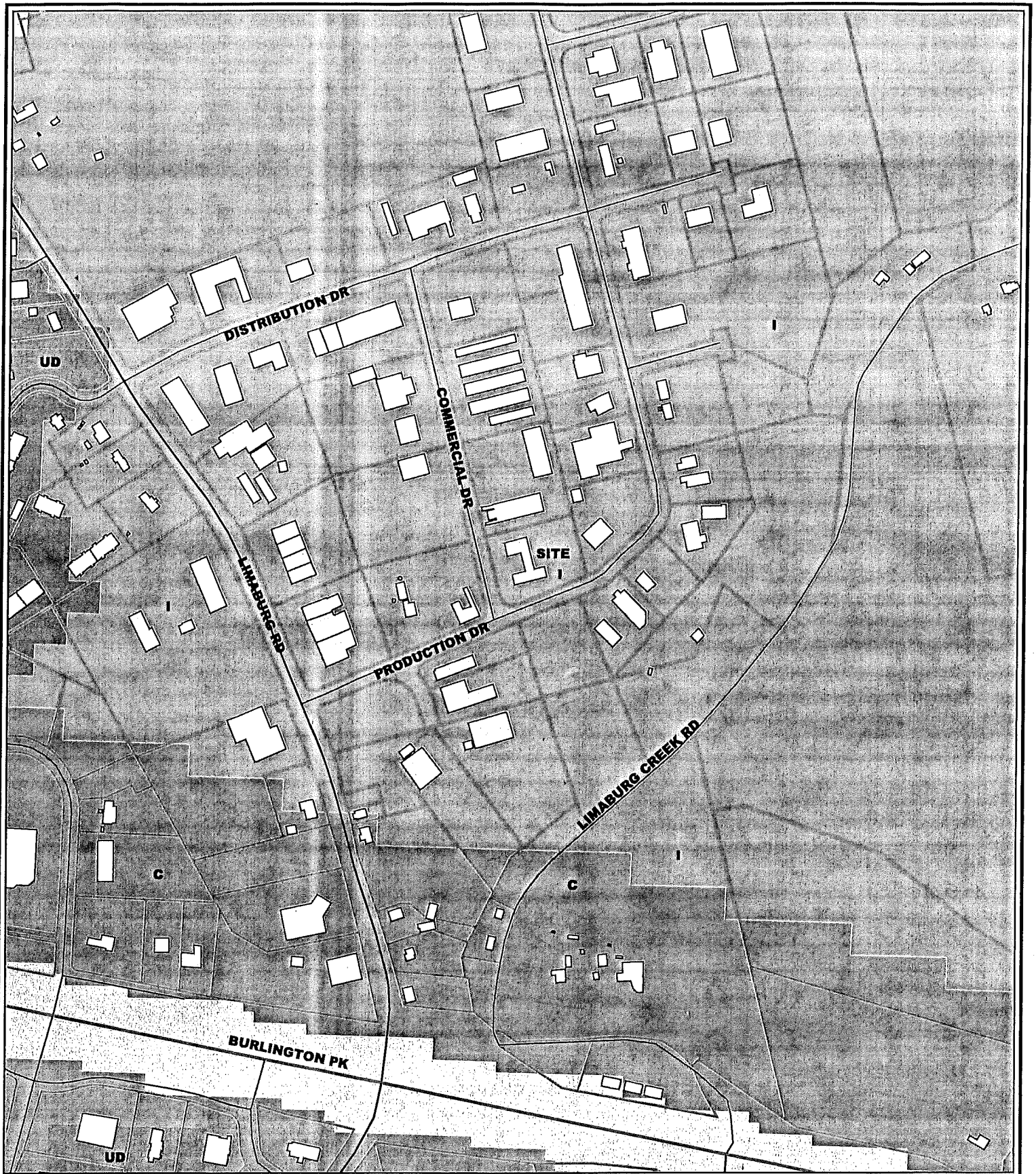


5744 Commercial Drive Zoning Map

400 0 400 Feet

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





5744 Commercial Drive Future Land Use Map

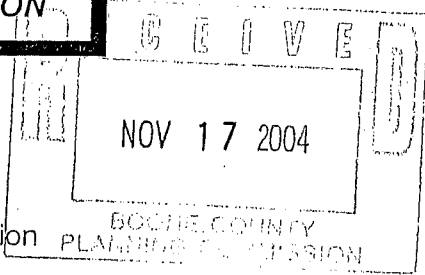
400 0 400 Feet

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 November 22, 2004



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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 Hearts of Fire Ministries (Jacob Nantz)
Phone Number 859-240-0037 Fax No. _____
Applicant's Address ~~1080 Debaron Cr. Anderson, KY~~
PO Box 941 Burlington, KY 41005
City _____ State _____ Zip _____
- 4. Description of Request: Conditional Use Permit in an I-1 zone for a church.
- 5. Name of Development Luhrecht Industrial Park
- 6. Location of Development Off Limaburg Rd. in Burlington.
5744 COMMERCIAL DRIVE
- 7. Acreage Under Review 1.34
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 6 - Commerce Park West
- 9. Owner of Property Dutch Properties
Phone Number of Owner 859-525-0887
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Florence KY 41042
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- 13. Current Zoning on Property I-1
- 14. Deed Book 507 Page No. 300 Group No. ~~2026~~ 2026
- 15. Is the site subject to a zone change? NO
If yes, give date of approval N/A
- 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: [Signature]

COPY

CLUR #04-BCBOA-038-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Dutch Properties
7450 Industrial Road
Florence, KY 41042

2. ADDRESS OF PROPERTY

5744 Commercial Drive
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Hearts of Fire Ministries

4. DEED BOOK 507

PAGE NO. 300

GROUP NO. 2026

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

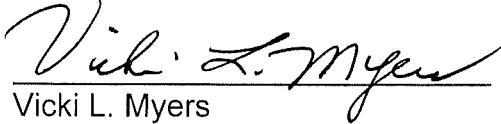
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

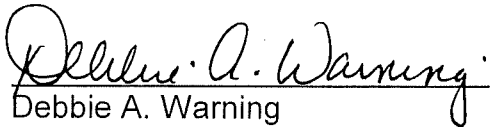
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of December, 2004.



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-038-A), for Dutch Properties, Property Owner(s).

The following conditions will apply:

- 1) The gravel storage lot in the rear yard will need to be converted into an asphalt or concrete surface if the area is used for church parking.
- 2) A Site Plan application is to be submitted that addresses the layout of the parking lot and the required number of parking stalls.

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

DEED BOOK 507

PAGE NO. 300

GROUP NO. 2026