

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

MAR 23 2005

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 NEW HORIZON COMMUNITY CHURCH INC.
Phone Number 859-384-3456 Fax No. 859-384-8801
Applicant's Address P.O. Box 974 UNION KY 41091
4. Description of Request: CONDITIONAL USE PERMIT FOR 5-1 BUILDING TO BE APPROVED FOR CHURCH.
5. Name of Development VICTORY PLACE
6. Location of Development 1125 VICTORY PLACE DRIVE HEBRON, KY 41048
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property MUELLER BUILDING CENTER INC
Phone Number of Owner 513-300-1224 (CELL OF OWNER)
10. Address of Property Owner 400 E. WYOMING LOCKLAND OH 45215
11. Proposed Use(s) on Site CHRISTIAN CHURCH
12. Total Square Footage of Existing and/or Proposed Buildings [redacted] sq Ft 16,650
13. Current Zoning on Property [redacted] Z-1
14. Deed Book 649 Page No. 274 Group No. [redacted] 2010
15. Is the site subject to a zone change? YES
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: [Signature]

Property Owner's Signature: [Signature]

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 3-23-05 Fee Received \$ 837.00 R#41814
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
4-13-05 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: SEE 4-13-05 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: New Horizon Community Church
LOCATION: 1125 Victory Place, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: April 13, 2005

PROPOSAL

The Applicant is requesting a Conditional Use Permit so an approximate 16,650 square foot office/warehouse can be converted into a church. The subject property is located at 1125 Victory Place and is zoned Industrial One (I-1).

The Applicant has provided a letter (see attachments) which indicates that the church is leasing the building for five years and has an option to buy once the lease expires. The letter also indicates that the church is seeking to have the following exterior improvements approved with the Conditional Use Permit:

- Phase 1 (May 2005) – Stripe off 10-15 parking stalls in back of the building
- Phase 2 (May 2007) – Build additional driveway and add additional parking to the north side of the building.
- Phase 3 (May 2010) – Fill and grade north and northeast portion of lot to allow additional parking and building expansion.

APPLICABLE REGULATIONS

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.

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 "Transportation" uses. This designation is defined as "airports, major four lane roads, interstates, and interchanges."

The Transportation Element contains the following passage which relates to the proposal

"In April 2000, the Kenton County Airport Board adopted the FAR Part 150 Study Update, which included revised Noise Exposure Maps (NEM) (see attachments) and a Noise Compatibility Study (NCS) for the Cincinnati/Northern Kentucky International Airport. The proposed NEM is based upon forecasts and assumptions contained in the Airport Master Plan, the Environmental Impact Statement (EIS) for the proposed Runway 17/35 and the Part 150 Study Update" (The Cincinnati/Northern Kentucky International Airport, pp. 141-144).

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: KY 20 & Cincinnati/Northern KY. International Airport Property (SR-1)

South: Victory Place Center (I-1)

East: Cincinnati/Northern KY. International Airport Property (A)

West: Victory Place & Cincinnati/Northern KY. International Airport Property (I-1)

SITE CHARACTERISTICS

The approximate 4.9 acre tract is located at 1125 Victory Place and is zoned Industrial One (I-1). The property contains an approximate 16,650 square foot office/warehouse, which is constructed mostly of decorative concrete block. Thirty-nine (39) striped parking lots adjoin the southern and western building facades. A warehouse dock and large garage door are located on the rear building facade.

The topography of the parcel varies greatly. The building and parking areas are relatively flat, while the north and northeastern portions of the lot fall off from 830' above sea level to 790' above sea level.

STAFF COMMENTS

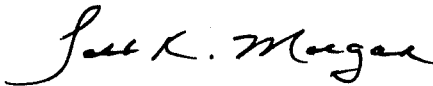
1. Staff is concerned that a Concept Development Plan has not been submitted for the Phase 2 or 3 additions. Staff recommends that these phases should be denied because there is no explanation of the proposed building square footage, number of parking stalls, or building materials. In addition, the improvements are being proposed in areas which have severe topography.

2. Staff would like the Applicant to explain the hours of operation and the number of seats that are proposed in the sanctuary and Sunday School classrooms. The Boone County Zoning Regulations require a church to have one parking space for every 5 seats that are being used simultaneously.
3. The Applicant has provided Staff with a signed shared parking agreement. The agreement allows the church to use 75 parking stalls on the neighboring property to the south. The church has access to the stalls after 4:00 pm on Saturdays and all day on Sundays.
4. Staff is concerned that church services could be greatly impacted by noise from the existing and proposed runways at the Cincinnati/Northern Kentucky International Airport. Staff would like the applicant to explain if he has considered the noise impacts from these runways.
5. Staff has received a letter from the Kenton County Airport Board (see attachments) regarding the request.
6. 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,

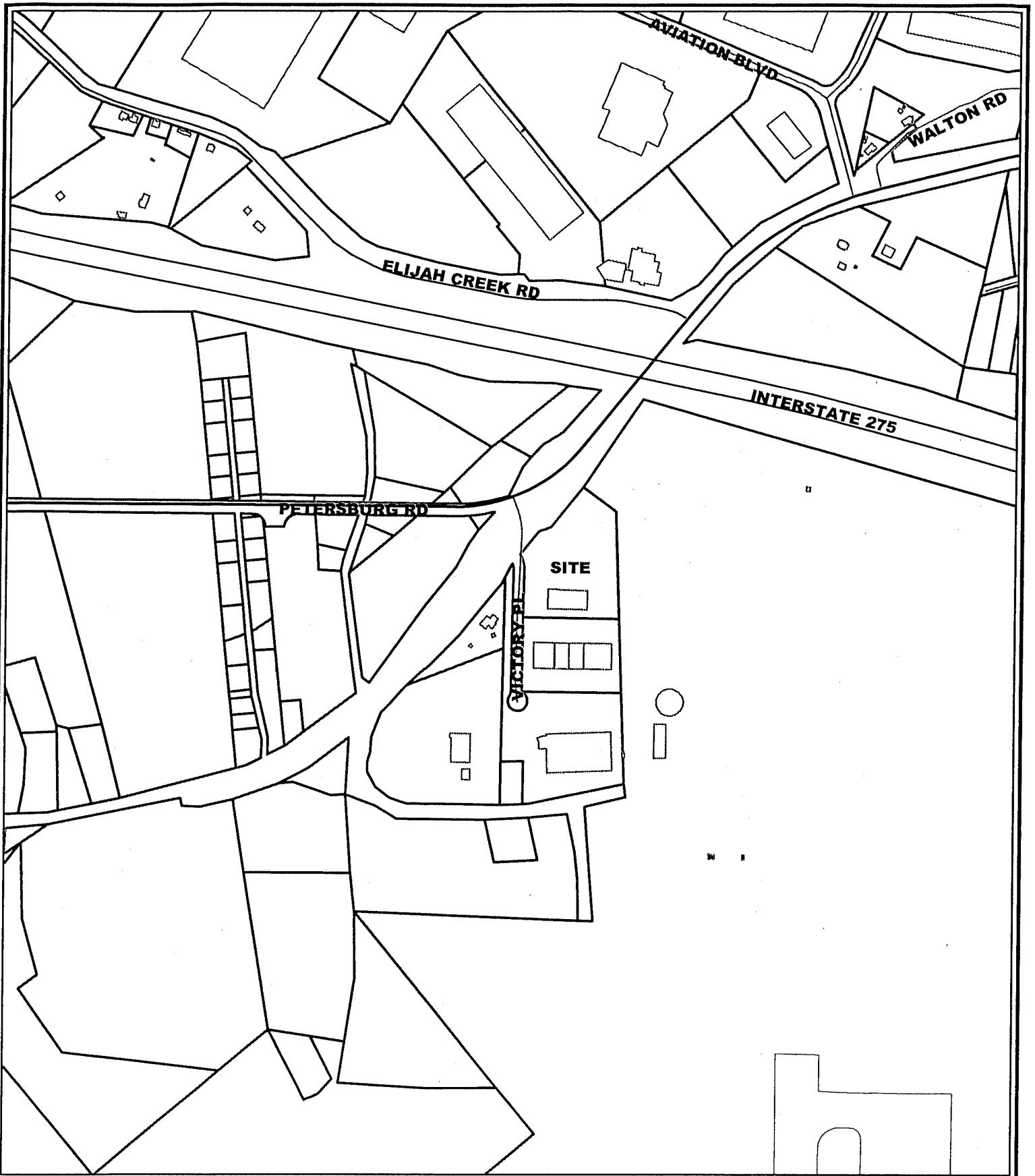


Todd K. Morgan, AICP
Planner, Zoning Services

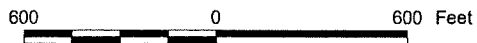
TKM/pr

Attachments

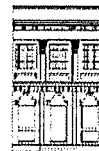
- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Aerial Map
- Exhibit D – Topographical Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Letter from Kenton County Airport Board
- Exhibit H – 2005 Noise Contours
- Exhibit I – Application

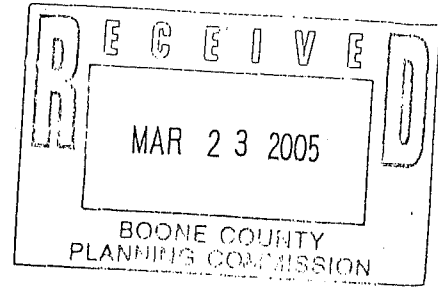


**New Horizon Community Church
Site Vicinity Map**



1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 24, 2005





March 22, 2005

**Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005**

Dear Sirs,

New Horizon Community Church is considering leasing the property located at 1125 ~~Washington Street~~, for the purpose of using this building as a church. We need a determination from the Boone County Planning Commission Board of Adjustments if use of this structure as a church is allowed.

VICTORY PLACE

New Horizon has also arranged with Tappan Properties LLC for a shared parking agreement. This agreement provides for additional parking for our church members on Sundays. A copy of this agreement.

We would very much like to be placed on the agenda for you next meeting if it time will permit. Our lease is scheduled to begin May 1st. You will find enclosed the following documents:

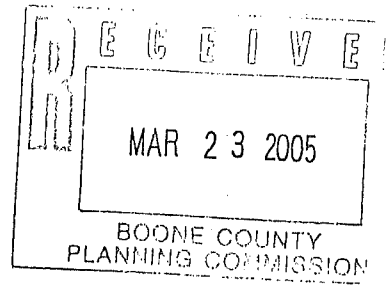
1. Our completed application including the Property Owners signature.
2. The Legal Description of the Property with Deed book, Page Number and Group Number
3. The Names and addresses of all adjoining property owners
4. Our check for the full fee.

Thank You for your kind consideration of this matter.

Respectfully,

**G. Douglas Pacheco
Senior Pastor
New Horizon Community Church**

PLANNED IMPROVEMENTS



A. TYPE OF CONSTRUCTION

EXTERIOR:

Should New Horizon Community exercise it's option to purchase the building at 1125 ~~XXXXXXXXXX~~, the following phased improvements are planned.

VICTORY PLACE

Phase 1 however, will be implemented upon closing of lease.

Any improvements to the outside of the building including but not limited to expansion of existing building and or additional buildings, shall match the existing building, and shall be of concrete block, painted in such a way as to blend with the current building and will not detract from the nature of the subdivision currently existing.

PHASED IMPROVEMENTS:

All improvements to the existing property shall be phased with proper notice to all neighboring businesses and licensing obtained.

Phase 1: Interior Build-out / Additional Parking in current lot. Additional Signage

Timeframe: Beginning May 1st 2005.

Duration: 2 months

Improvements: Build wall in 11,200 sq ft warehouse area to partition off approximately 9,000 for main sanctuary. Place additional door from main lobby to new sanctuary area. Carpet, Sound proofing and build stage area. Stripe additional 10-15 parking places in back of building.

Phase 2: Additional driveway development with parking spaces

Timeframe: Beginning May of 2007.

Duration 2 months:

Improvements: Do drainage study. Build additional drive with parking around north side of building.

Phase 3: Addition to main building and parking lot on existing acreage.

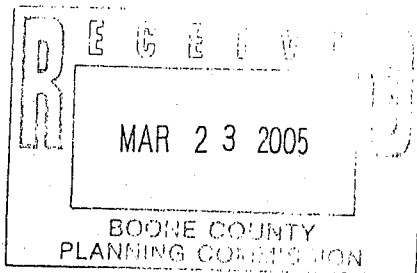
Timeframe: Beginning May 2010

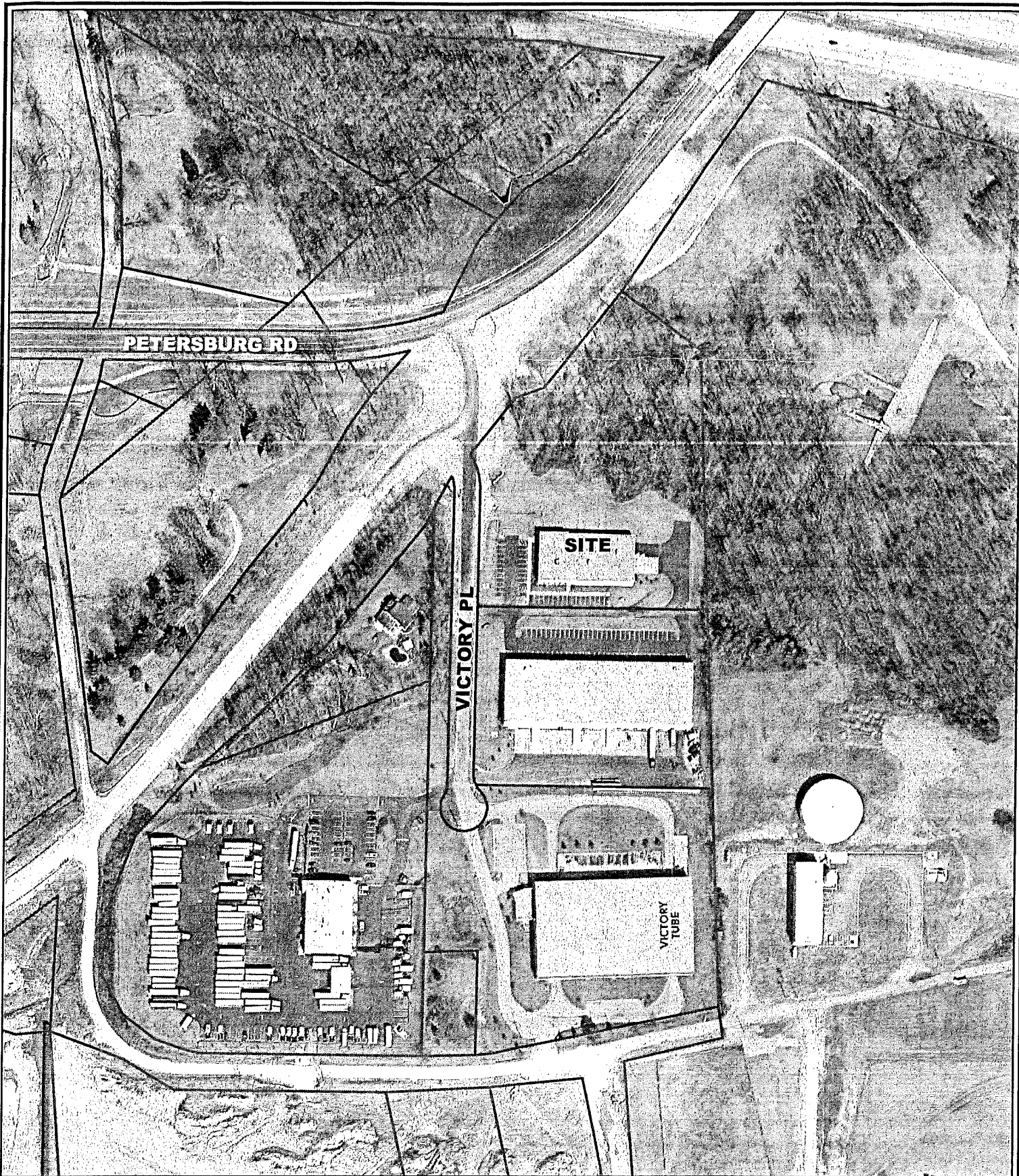
Duration: 6—8 months:

Improvements: Contingent upon purchase of land, clear land on sloping property north, northeast of building. Fill and grade for additional parking and building.

New signage. Connect with existing county road on property for egress and ingress.

Add on to existing building in Northeasterly direction for additional sanctuary space.

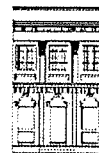


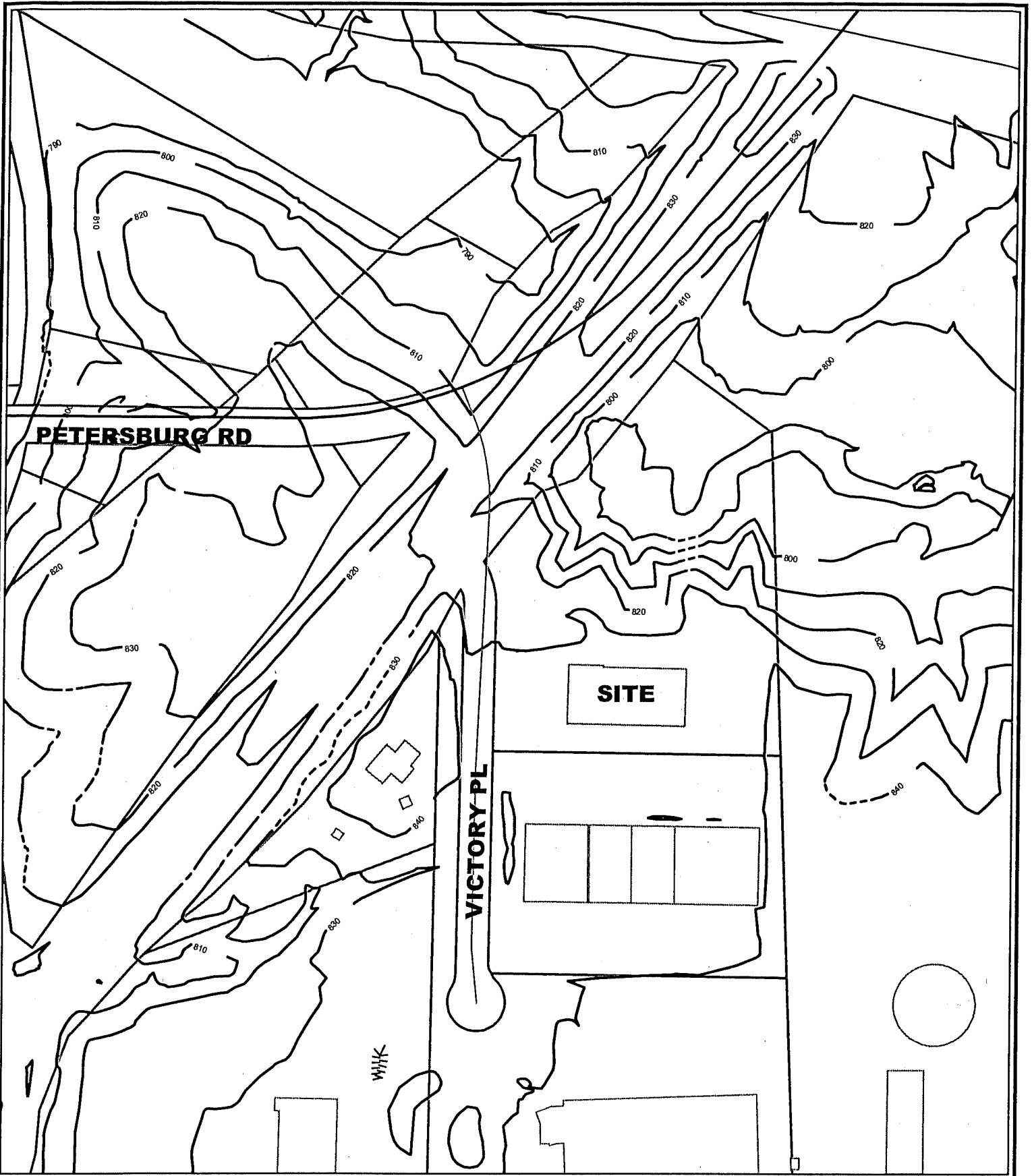


New Horizon Community Church Aerial Map

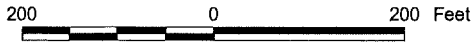
250 0 250 Feet

1 inch equals 250 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 24, 2005





**New Horizon Community Church
Topographical Map**



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 6, 2005

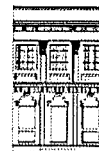


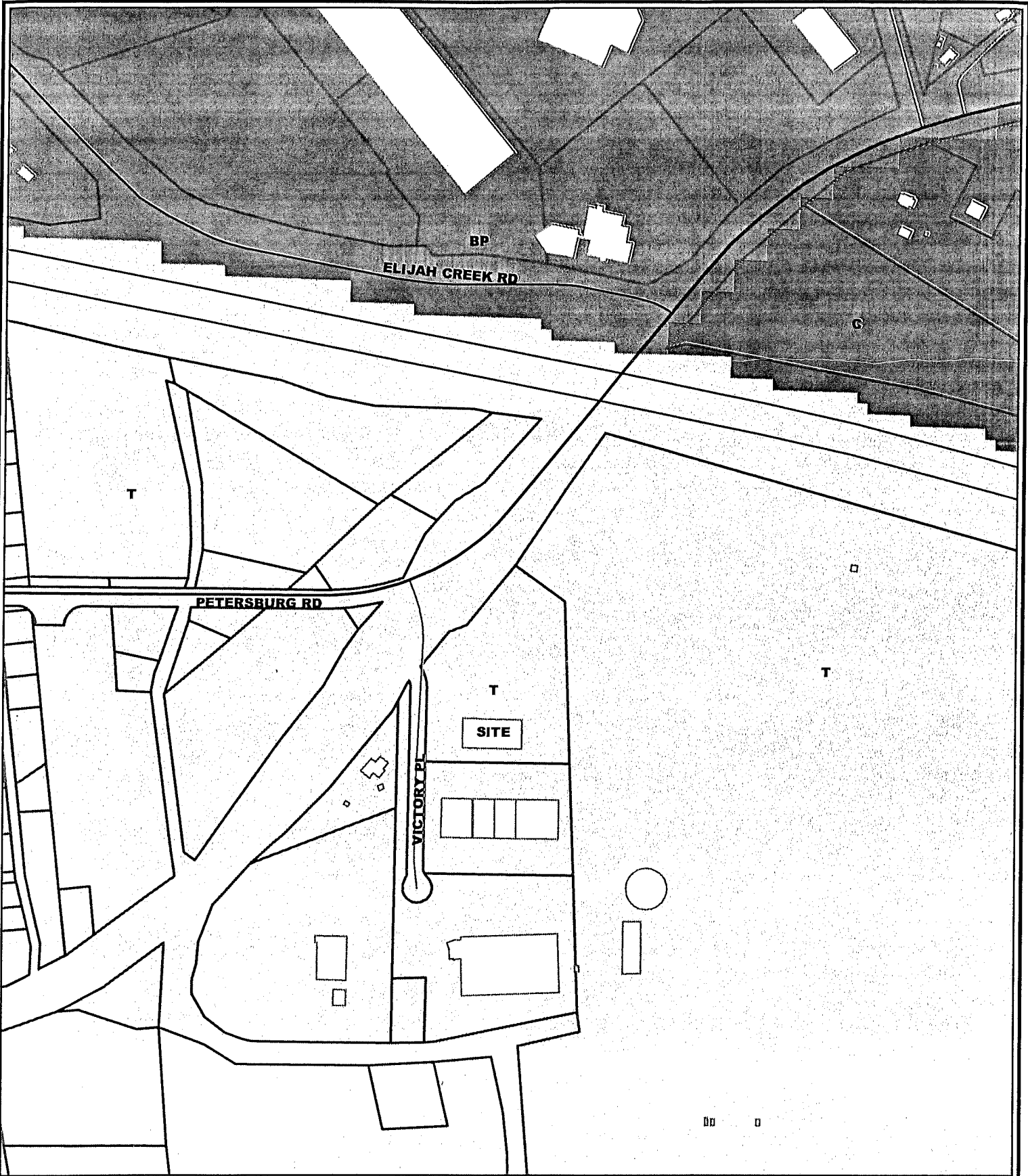


**New Horizon Community Church
Zoning Map**

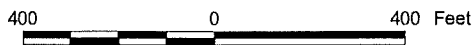
600 0 600 Feet

1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 24, 2005

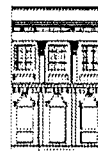




**New Horizon Community Church
Future Land Use Map**



1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 6, 2005

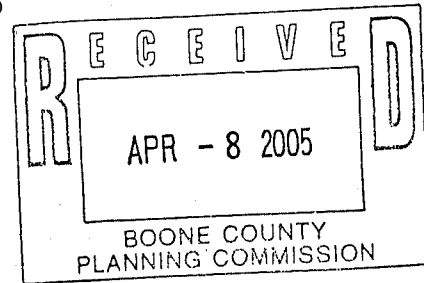


**CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT**

P.O. BOX 752000 CINCINNATI, OH 45275-2000 (859) 767-3151 FAX (859) 767-3080

April 8, 2005

Todd K. Morgan, AICP
Planner, Zoning Services
2995 Washington Street
Burlington, KY 41005

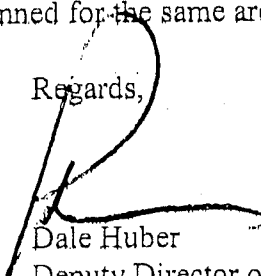


Dear Mr. Morgan:

Thank you for your recent letter concerning a Conditional Use Permit for a church function at 1125 Victory Place, Boone County, Kentucky.

The property in question is located approximately 1,040 feet from the extended centerline of Runway 18L and 3,250 feet from the centerline of Runway 17 (opens December 2005). The property is also within a 60-65 DNL noise contour from the airport's current Part 150 Study. Other areas around the airport with similar levels of noise do generate noise complaints. The area will also be exposed to back-thrust noise from aircraft departing Runway 18R. The area of the proposed church location currently supports industrial functions and airport related operations. A consolidated car rental facility is being planned for the same area.

Regards,


Dale Huber
Deputy Director of Aviation
Kenton County Airport Board

DH/rsc

Figure 11.3 - 1999 Noise Mitigation

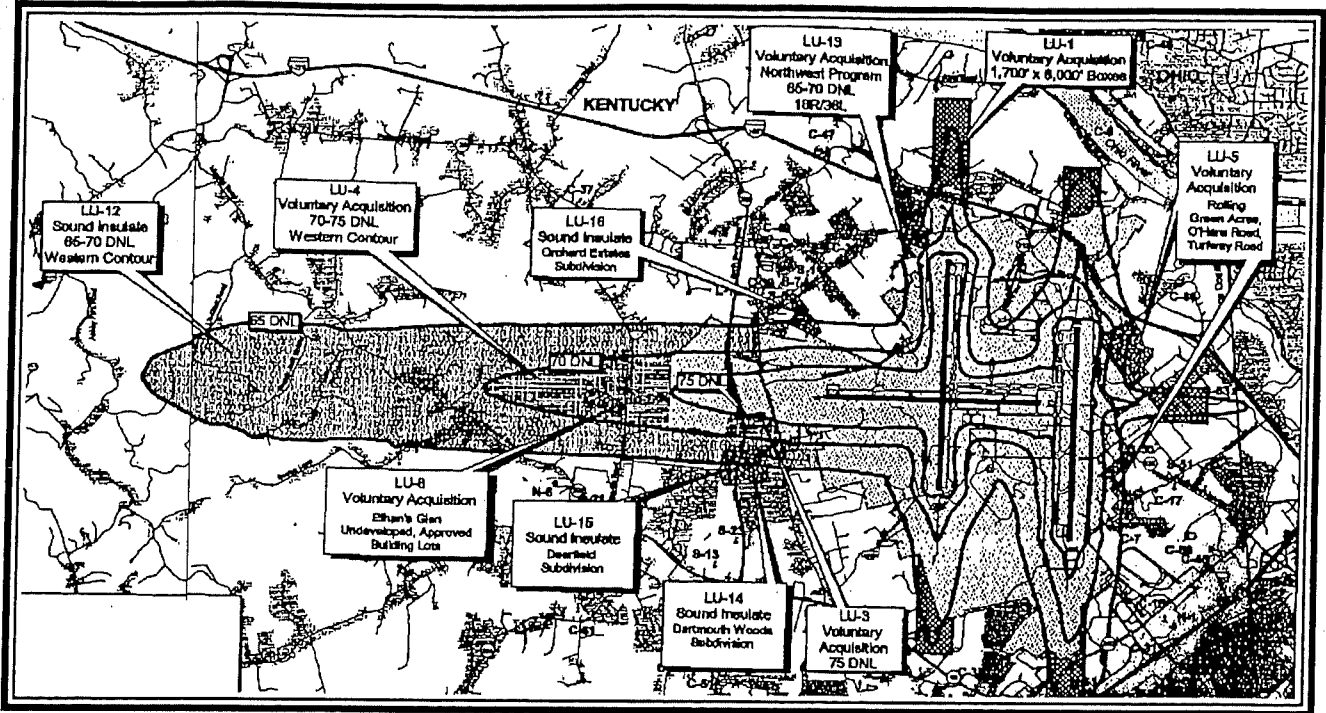
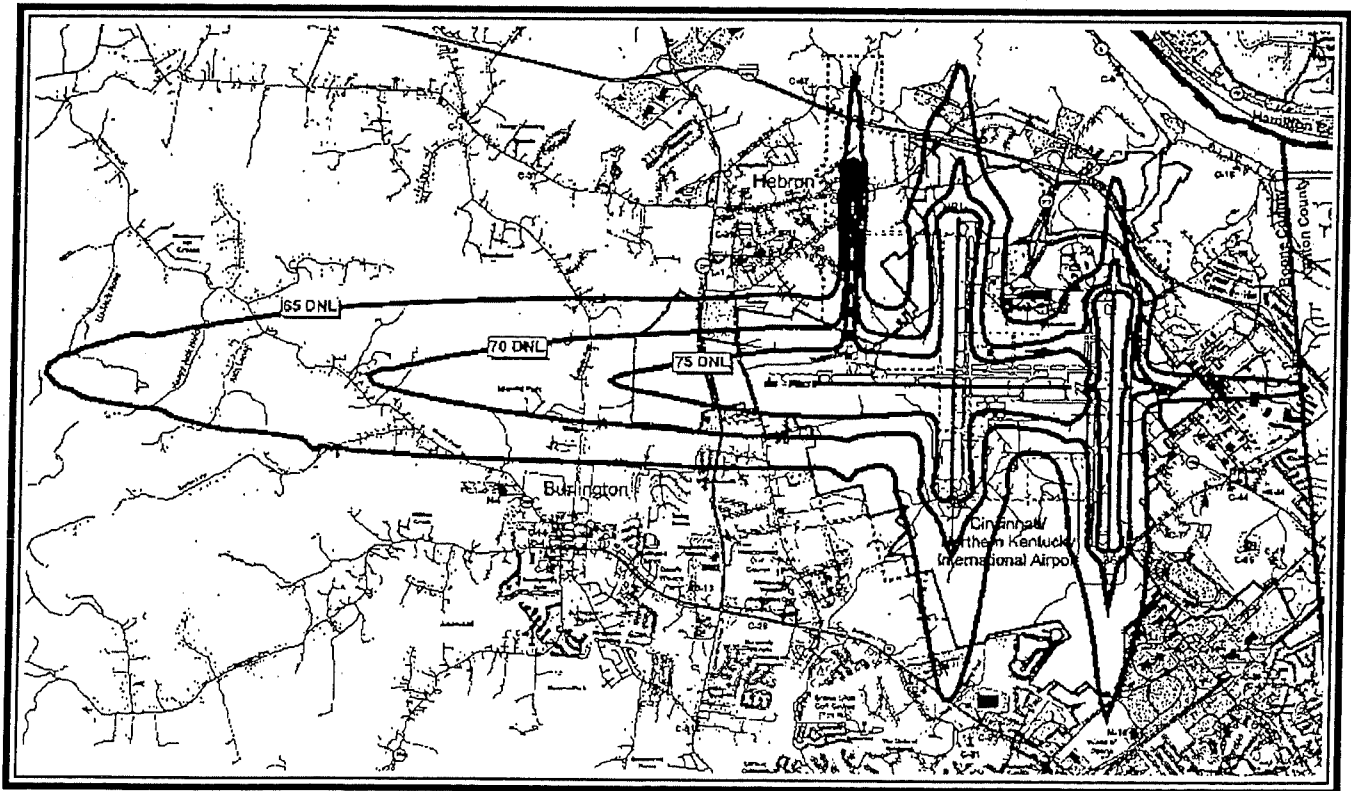


Figure 11.4 - 2005 Noise Contours



In 1993 the Airport began the process of updating its Master Plan. The Airport Master Plan was adopted in 1996 and recommended an overall Airport Layout Plan (ALP) package. This package included the following: existing and future airport layout plans, airport data summary, existing and future terminal area plans, south airfield plan, airspace plan, approach plans for all runways, on and off airport land use plan,

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

MAR 23 2005

BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use
 - Applicant's Name NEW HORIZON COMMUNITY CHURCH INC.
Phone Number 859-384-3456 Fax No. 859-384-8801
Applicant's Address P.O. Box 974
UNION KY 41091
City State Zip
 - Description of Request: CONDITIONAL USE PERMIT FOR S-1
BUILDING TO BE APPROVED FOR CHURCH.
 - Name of Development VICTORY PLACE
 - Location of Development 1125 VICTORY PLACE DRIVE
HEBRON, KY 41048
 - Acreage Under Review _____
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property MUELLER BUILDING CENTER INC
Phone Number of Owner 513-300-1224 (CELL OF OWNER)
 - Address of Property Owner 400 E. WYOMING
LOCKLAND OH 45215
City State Zip
 - Proposed Use(s) on Site CHRISTIAN CHURCH
 - Total Square Footage of Existing and/or Proposed Buildings [REDACTED] sq Ft 16,650
 - Current Zoning on Property [REDACTED] Z-1
 - Deed Book 649 Page No. 274 Group No. [REDACTED] 2010
 - Is the site subject to a zone change? YES
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? _____
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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:

Gerald Douglas Pacheco

Property Owner's Signature:

John W. Mueller, Pres.

COPY

CLUR #05-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mueller Building Center, Inc.
400 E. Wyoming
Lockland, OH 45215

2. ADDRESS OF PROPERTY

1125 Victory Place
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

New Horizon Community Church

4. DEED BOOK 649

PAGE NO. 274

GROUP NO. 2010

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

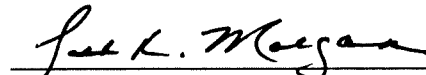
Subdivision Plat
(Not Recorded)

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



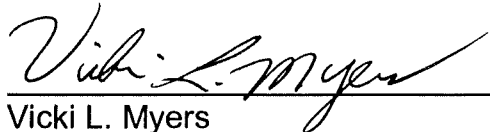
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

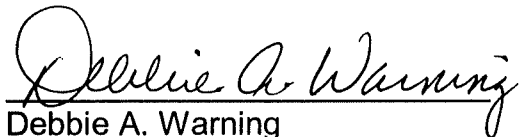
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 19 day of April, 2005.



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 Board of Adjustments and in accordance with the current zoning in effect as of April 13, 2005 Certificate of Land Use Restriction (#05-BCBOA-004-A), for Mueller Building Center, Inc., Property Owner(s).

The following conditions will apply:

- 1) The approval is for Phase 1 only (see application and Staff Report).
- 2) The Applicant holds the Boone County Board of Adjustment and Kenton County Airport Board harmless for any noise impacts which are generated from the Cincinnati/Northern Kentucky International Airport.

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

DEED BOOK 649

PAGE NO. 274

GROUP NO. 2010