

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

AG 22 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 \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name The Gathering Place Church / Joyce Robinson (founder)
Phone Number 859-371-6593 Fax No 859-371-5203
Applicant's Address 10210 Dixie Hwy Florence, Ky 41042
4. Description of Request: Youth Group Facility + Future Buildings
5. Name of Development Gathering Place Church Youth Bldg.
6. Location of Development 10637 Dixie Hwy
7. Acreage Under Review 18.87 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Chad + Teresa Robinson
Phone Number of Owner 384-3815
10. Address of Property Owner 11463 Big Rock Road Union, Ky 41091
11. Proposed Use(s) on Site Church / Youth group Bldg. + Parking
12. Total Square Footage of Existing and/or Proposed Buildings 2450 sq ft.
13. Current Zoning on Property 312-1
14. Deed Book 784 Page No. 484 Group No. 2058
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  
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 8-22-05 Fee Received \$569.00 R#43524
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
9-14-05 Approved  
9-14-05 Approved with Conditions (See #6)  
Denial (See #7).
6. Conditions of Approval: SEE 9-14-05 B.C. BOA 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](http://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: The Gathering Place Church/Joyce Robinson Foundation  
LOCATION: 10637 Dixie Highway, Boone County, Kentucky  
ZONING: Suburban Residential One (SR-1)  
DATE: September 14, 2005

### Proposal

The applicant is requesting a Conditional Use Permit to allow a church campus to be constructed at 10637 Dixie Highway, Boone County, Kentucky. The submitted Concept Plan (see attachments) shows that the following improvements are being proposed on the site:

#### Phase 1

- Convert an approximate 2,450 square foot pole barn into a youth fellowship hall with accessory parking located along the south and eastern facades of the building.
- Upgrade the existing residential driveway to a 20 foot wide, two-way, driveway

#### Phases 2 & 3

- Construction of a 40,000 square foot church with 241 parking spaces;
- Construction of a 22,500 square foot multi-purpose building with 255 parking spaces;
- Construction of two additional curb cuts on Dixie Highway
- Construction of a recreational/picnic area behind the church buildings and parking areas.

### 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 Appeals is to grant conditional use permits as specified in the zoning order, with such additional safeguards as will uphold the intent of the order.

Article 9, Section 933 of the Boone County Zoning Regulations permits "churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Suburban Residential One (SR-1) 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."

Article 30, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 32, Section 3221 of the Boone County Subdivision Regulations states "where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations."

Article 33, Section 3325 of the Boone County Zoning Regulations states that churches are required to provide one parking stall for every 5 seats that are used simultaneously.

Article 33, Section 3325 of the Boone County Zoning Regulations states that the maximum number of parking stalls permitted on a site is 30% greater than the required minimum number, unless a parking study is approved by the Zoning Administrator.

Article 37, Section 3755 of the Boone County Zoning Regulations states that no fence located in the front yard can be taller than four (4) feet and must be a decorative design. Chain link fencing is not permitted in the front yard.

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 933 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 933 of the Boone County Zoning Regulations allows churches as a conditional use in the SR-1 district if the proposed facility meets all the requirements:

- 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.

#### 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 described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element (Richwood Area, pg. 167) makes the following statements regarding the general area:

- A. "The growth in this section will be impacted in several ways. There are several major influences behind the anticipated growth, including the Northern Kentucky Industrial Park to the north, the Mt. Zion interchange, Weaver Road, development pressures along U.S. 25, the expansion of the I-75 rest stop areas, the extension of public sanitary sewer service, and the Southern Railroad line. Because of the development pressure all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic intensive or truck oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is considering a major widening of U.S. 25 south to the Richwood area."

#### Surrounding Land Uses and Zoning

North: 18.89 Acre Property with a Vacant Single-Family Residence (SR-1)

South: Single-Family Dwellings & Vacant Parcel in Holt Place Subdivision (I-1/PD)

East: Dixie Highway, Pure Stream, Inc. and Boral Brick (I-1)

West: Interstate 71/75 Right-of-Way & Rest Stop

### Site Characteristics

The 18.87 acre site has approximately 940 feet of road frontage along Dixie Highway and an existing residential driveway. The property also contains an approximate 2,450 square foot metal pole barn which was accessory to a single-family residence that was torn down. A detention lake exists in the rear portion of the property. The site contains large deciduous trees behind the pole barn, around the lake, and near the side and rear property lines. The topography of the site from 940 feet above sea level at the Dixie Highway right-of-way to 900 feet above sea level at the rear property line. A water main and fire hydrant exist along the Dixie Highway frontage. A chain link fence is located along the entire Dixie Highway frontage and both side of the existing curb cut.

### Staff Comments

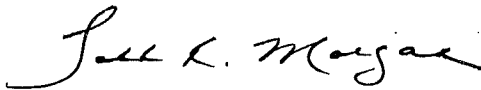
1. Staff met with the applicant and Carol Callan-Ramler, with the Kentucky Transportation Cabinet, on September 7, 2005 to discuss the impacts of the U.S. 25 Widening Project on the subject property. Ms. Ramler indicated that the state will be purchasing approximately 0.82 acres of the subject property so they can eliminate an at grade railroad crossing and realign Deer Trace and Maher Road (see attachments). The approximate 0.82 acre area is located in the extreme northeast portion of the site and would likely impact the location of the 40,000 square foot church. During this meeting, the applicant informed Staff that he would withdraw phases 2 and 3 of the proposal.
2. The applicant has provided a letter (see attachments) which outlines the hours of operation and the activities that will take place in the building.
3. Staff would like the applicant to address the following issues:
  - a. How many seats are being setup in the building? One parking stall is required for every five (5) seats.
  - b. Is any new site lighting being proposed on the building or in the parking lot? If new site lighting is proposed, a photometric plan will be required during Site Plan Review.
  - c. Can the building tap into public sanitary sewer system? If not, a septic permit will be required from the Northern Kentucky Health District before Site Plan approval can occur.
  - d. Are any exterior changes being proposed to the metal building?

4. The applicant will need to apply for an encroachment permit from the Kentucky Transportation Cabinet to enlarge or relocate the existing residential curb cut.
5. If the Board approves the request, Staff would like to make the applicant aware that a street frontage buffer will be required along the front property line. Three (3) large trees or five (5) small trees will be required for every 100 linear feet of road frontage.
6. If the Board approves the request, Staff recommends a condition which would eliminate the chain link fencing which is located in the front yard. The existing fence is not in compliance with Section 3755 of the Boone County Zoning Regulations.
7. If the Board grants approval of the request, a Major Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will address the curb cut, driveway aisle and parking stall requirements, grading, storm water detention, lighting, sanitary sewer, landscaping, etc.

#### 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 for a Conditional Use Permit.

Respectfully submitted,

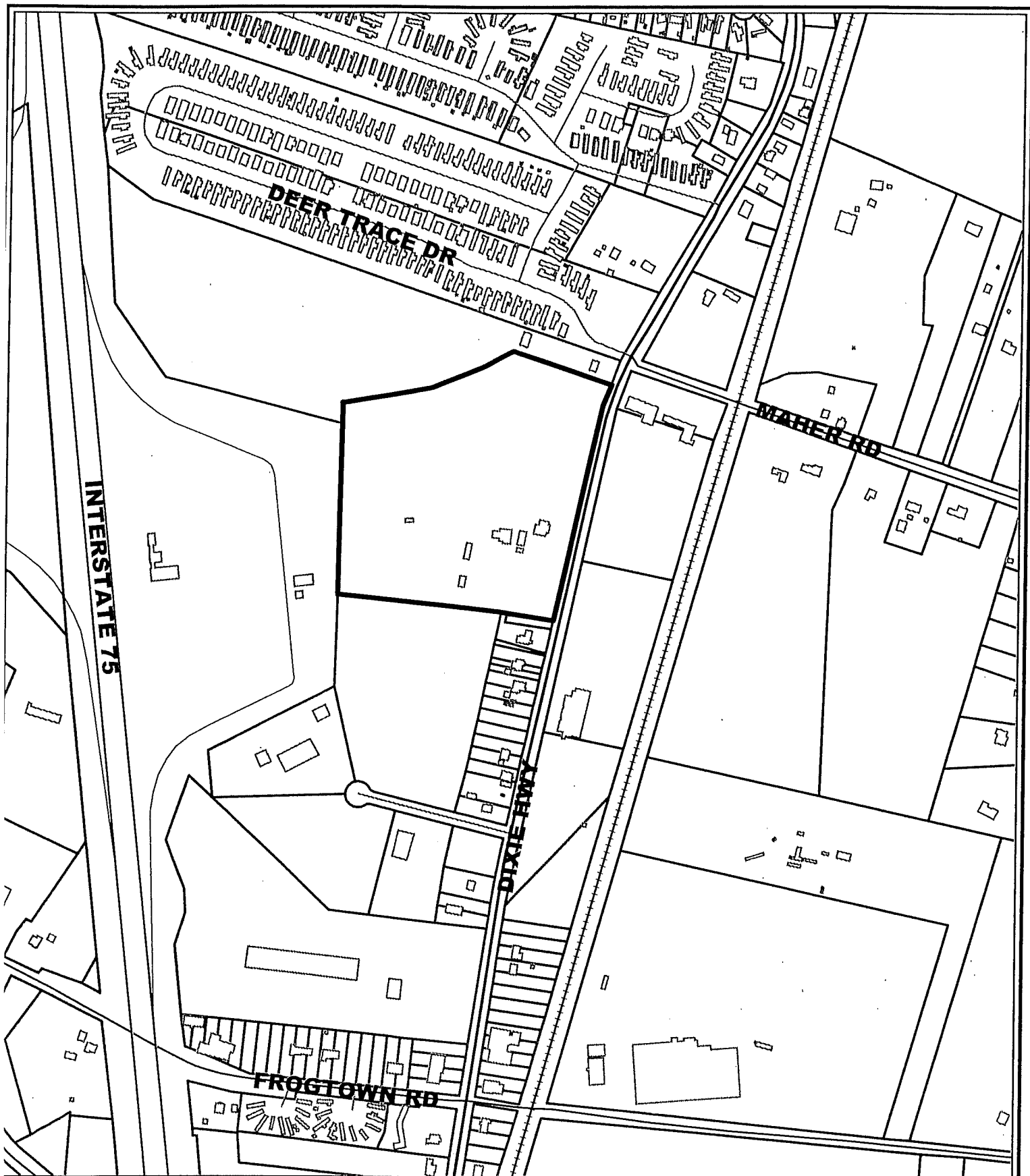


Todd K. Morgan, AICP  
Planner, Zoning Services

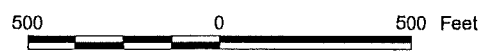
TKM/pr

#### Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Development Plan
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Topographical Map
- Exhibit G – Aerial Map
- Exhibit H – U.S. 25 Widening Plan
- Exhibit I – Application



# 10637 Dixie Hwy. Site Vicinity Map



1 inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 1, 2005



**Proposed Use/Activities for 10637 Dixie Highway Property**

Submitted by The Gathering Place Church

10310 Dixie Highway

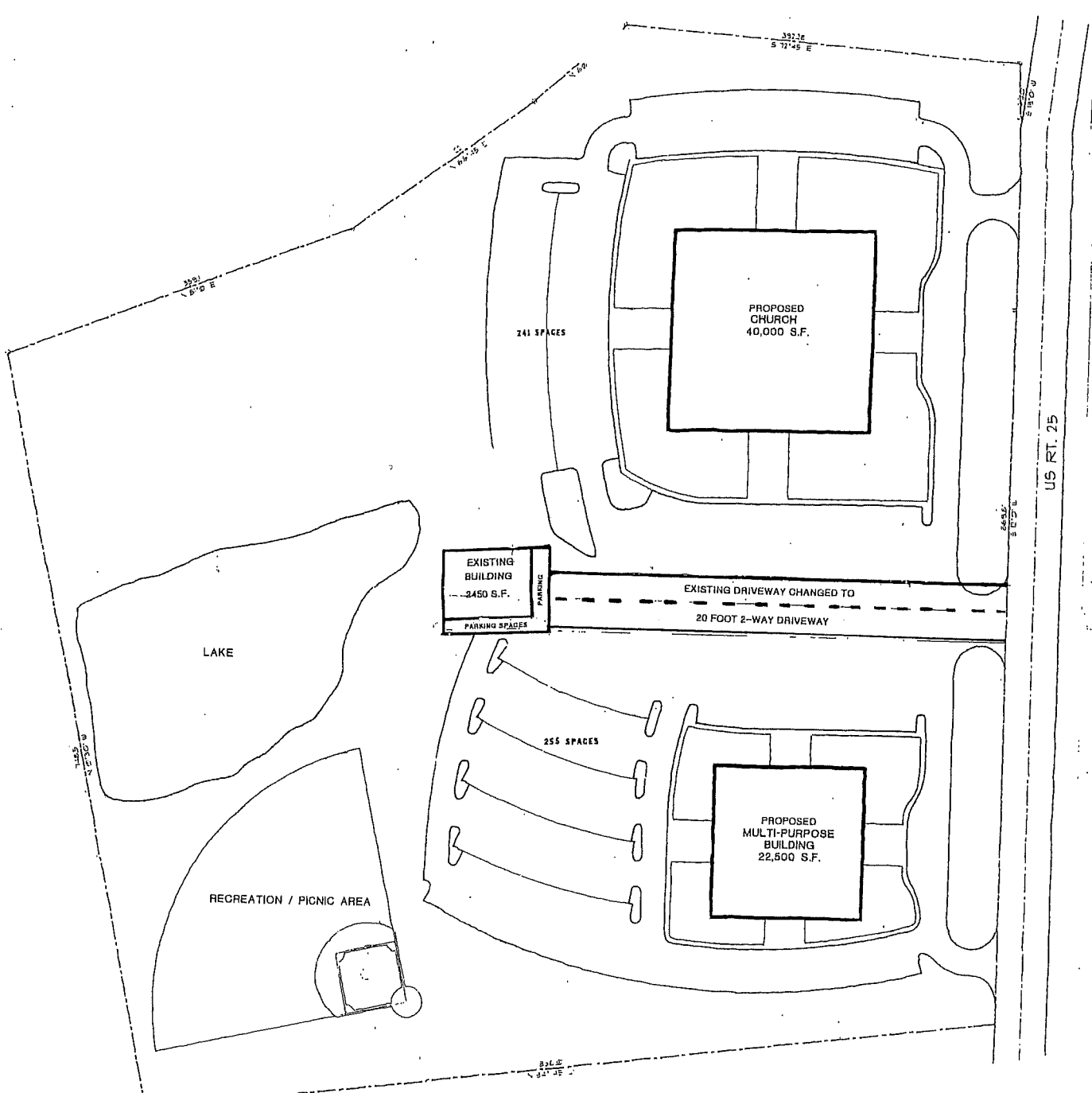
Florence, KY 41042

The Gathering Place Church is dedicated to providing for the youth of our church and our surrounding community a place where they can build relationships, gather for recreational activity and be inspired in their faith.

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**The building located at 10637 Dixie Highway will be used as follows:**

- Meetings are held one day per week with occasional use on other days for music practice etc... Regular meeting times are 5:30 - 8:30.
- Front Section will be used for an area of food and fellowship for the students.
- Back Section will be used as an auditorium for teaching and music/worship.
- Supervised Outdoor Sports Activities including: Basketball  
Football
- Supervised Indoor Activities including: Video Games  
Pool  
Air Hockey  
Games  
Drama Productions
- Packaged snack items for sale (no cooking)



US RT. 25

PROPOSED CHURCH  
40,000 S.F.

EXISTING BUILDING  
2,450 S.F.  
PARKING SPACES

EXISTING DRIVEWAY CHANGED TO  
20 FOOT 2-WAY DRIVEWAY

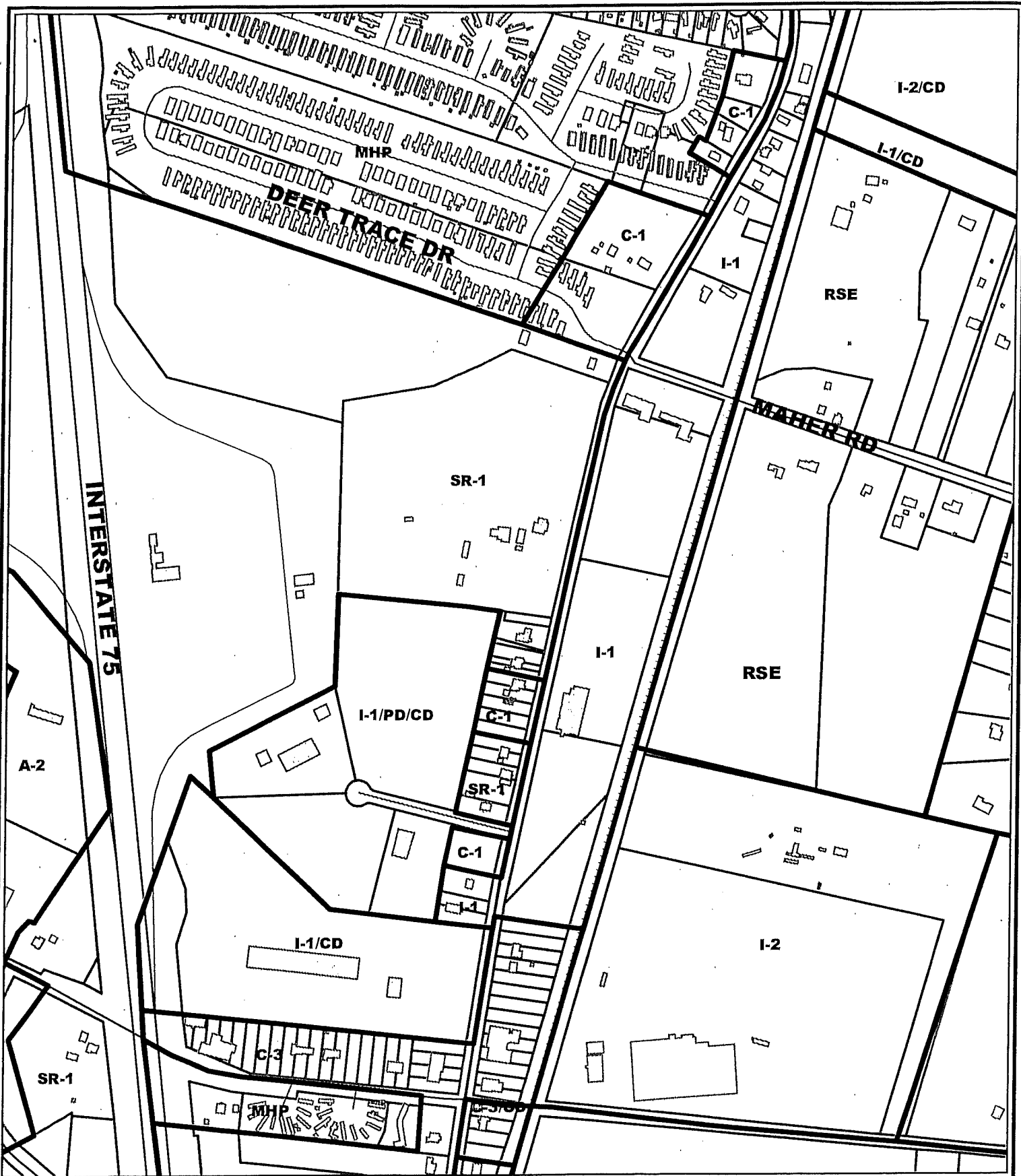
255 SPACES

PROPOSED MULTI-PURPOSE BUILDING  
22,500 S.F.

LAKE

RECREATION / PICNIC AREA

241 SPACES

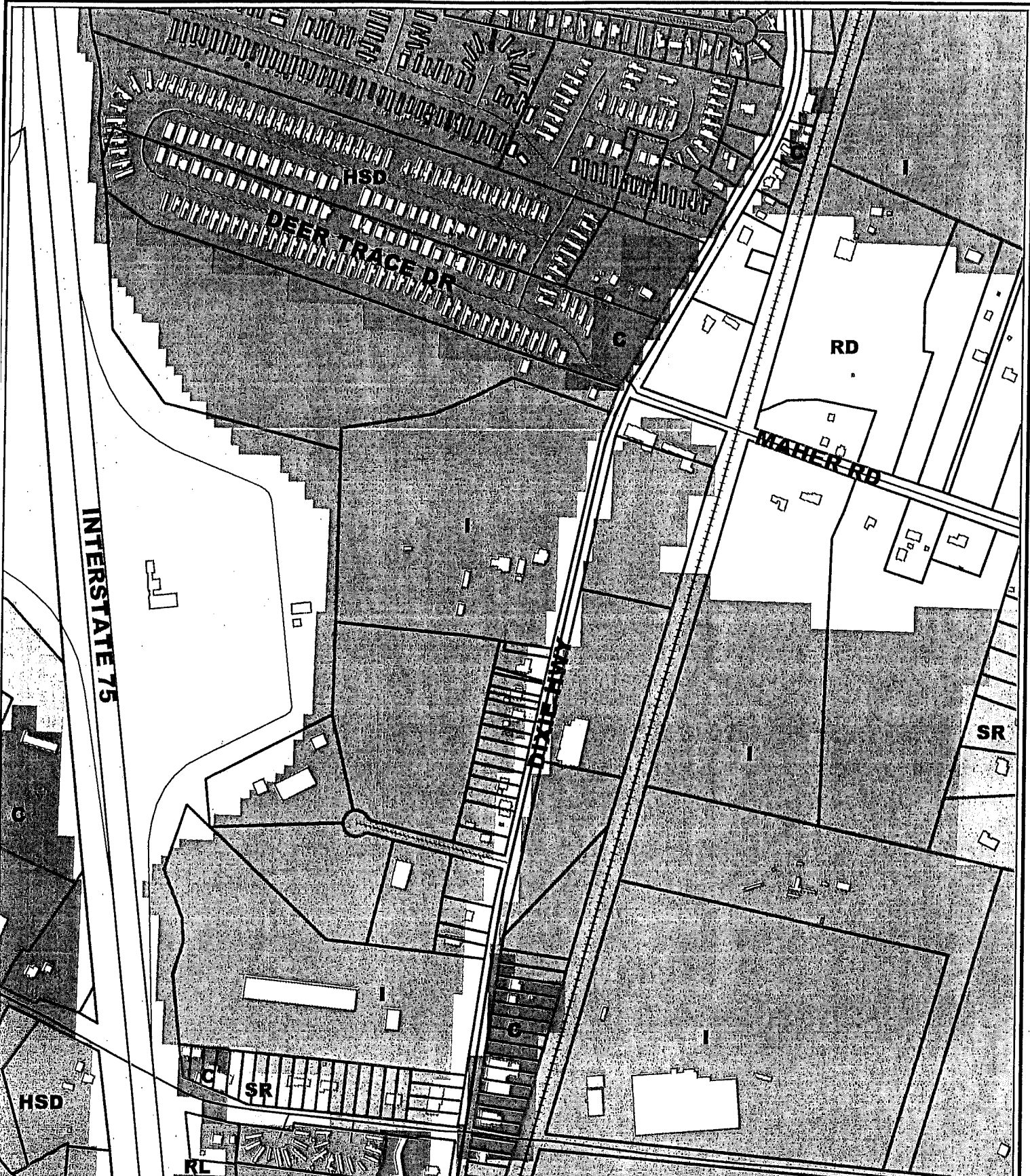


# 10637 Dixie Hwy. Zoning Map

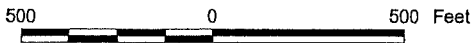
500 0 500 Feet

1 inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 1, 2005

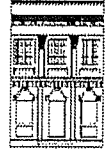


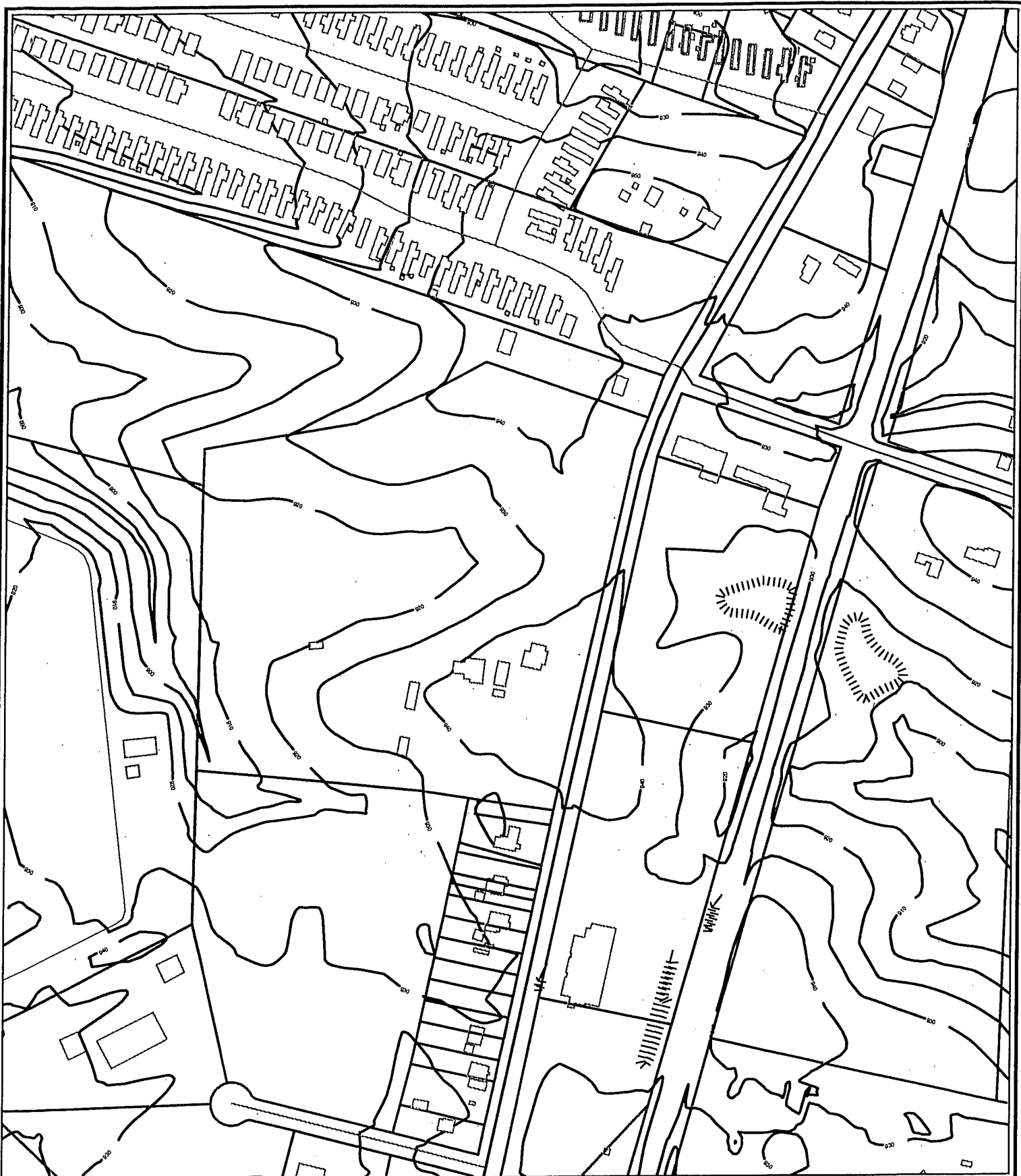


# 10637 Dixie Hwy. Future Land Use Map

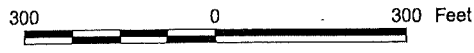


1 inch equals 500 feet  
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 GIS Services Division  
 September 1, 2005

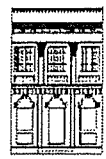


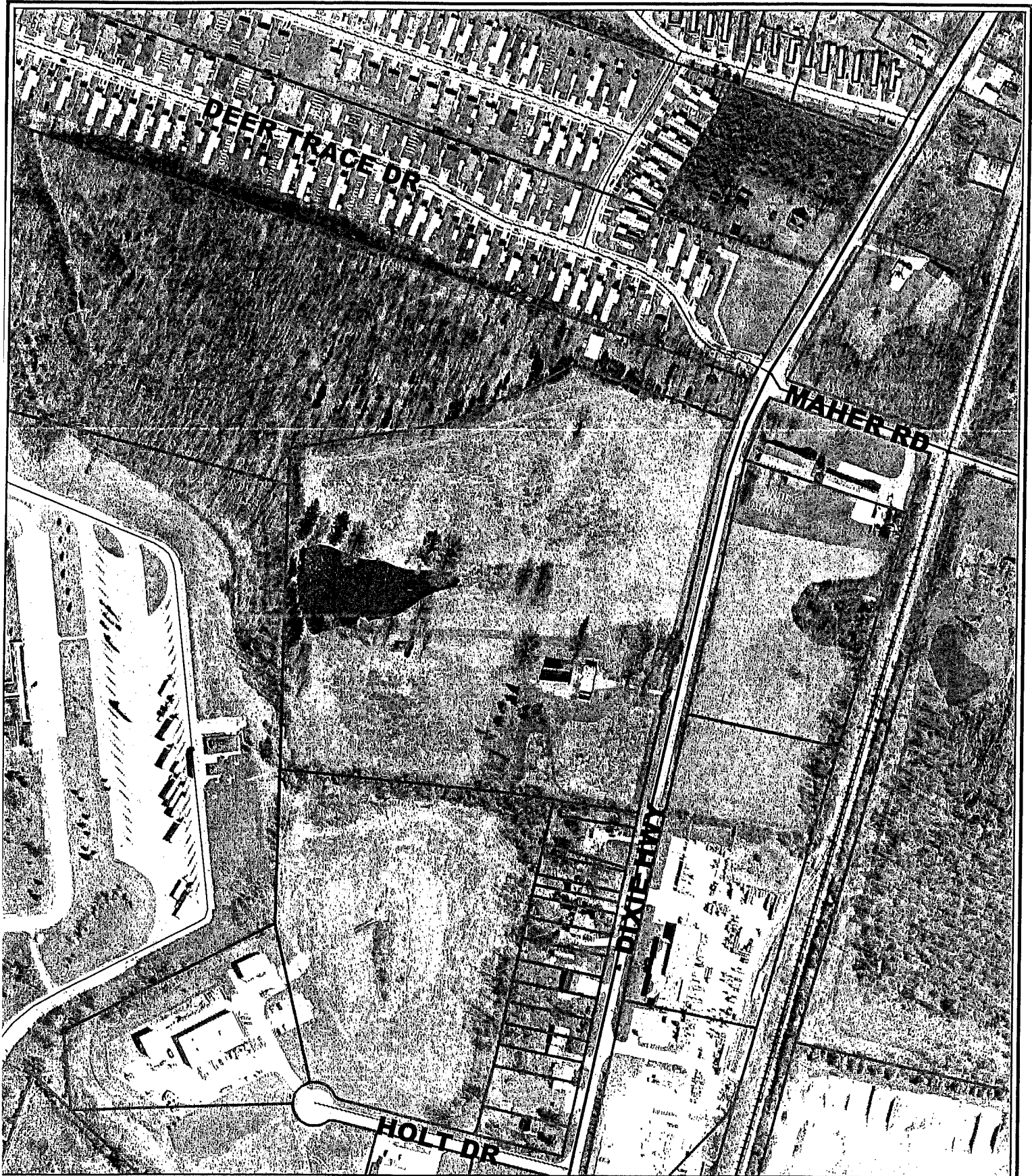


# 10637 Dixie Hwy. Topographical Map



1 inch equals 300 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 7, 2005





# 10637 Dixie Hwy. Aerial Map

300 0 300 Feet

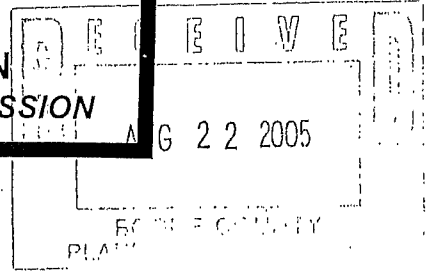
1 inch equals 300 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 1, 2005





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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One)  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name The Gathering Place Church / Joyce Robinson Foundation  
Phone Number 859-371-6593 Fax No. 859-371-5603  
Applicant's Address 10210 Dixie Hwy  
Flora, Ky 41042  
City State Zip
- 4. Description of Request: Youth Group Facility + Future Buildings
- 5. Name of Development Gathering Place Church Youth Bldg.
- 6. Location of Development 10637 Dixie Hwy
- 7. Acreage Under Review 18.87 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property Chad & Teresa Robinson  
Phone Number of Owner 384-3815
- 10. Address of Property Owner 11463 Big Bone Road  
Union, Ky 41091  
City State Zip
- 11. Proposed Use(s) on Site Church / Youth group Bldg. + Parking
- 12. Total Square Footage of Existing and/or Proposed Buildings 2450 sq ft.
- 13. Current Zoning on Property SIR-1
- 14. Deed Book 784 Page No. 484 Group No. \_\_\_\_\_
- 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? 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 #05-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Chad and Teresa Robinson  
11463 Big Bone Road  
Union, KY 41091

2. ADDRESS OF PROPERTY

10310 Dixie Highway  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

The Gathering Place Church

4. DEED BOOK 784

PAGE NO. 484

GROUP NO. 2058

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

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

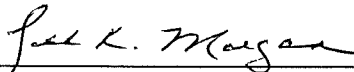
Subdivision Plat  
(Not Recorded)

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



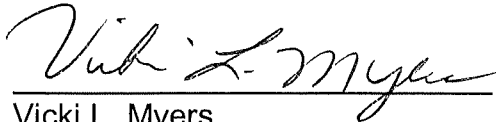
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

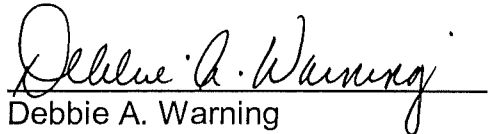
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 3 day of October, 2005.



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 County Board of Adjustments and in accordance with the current zoning in effect as of September 14, 2005 Certificate of Land Use Restriction (#05-BCBOA-017-A), for Chad and Teresa Robinson, Property Owner(s).

The following conditions will apply:

- 1) A Conditional Use Permit is granted for Phase 1 only.
- 2) One parking stall is required for every five (5) seats.
- 3) A photometric plan is required as part of the Site Plan Review.
- 4) If public sanitary sewer is not available, a septic permit is required from the Northern Kentucky Health District.
- 5) An encroachment permit is required from the Kentucky Transportation Cabinet to enlarge or relocate the existing curb cut.
- 6) A street frontage buffer is required along the front property line. Three (3) large trees or five (5) small trees are required for every 100 linear feet of road frontage.
- 7) The existing chain link fence located in the front yard must be removed.
- 8) A Major Site Plan application is required to be submitted to the Boone County Planning Commission.

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

DEED BOOK 784

PAGE NO. 484

GROUP NO. 2058