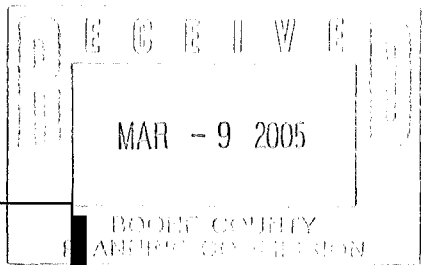
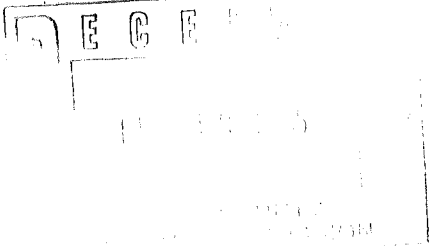


05-BCBOA-018-A



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name Beth Albright Davis, Attorney
Phone Number 859-746-1456 Fax No. 859-746-3025
Applicant's Address 6616 Dixie Hwy #14 Florence Ky 41042
4. Description of Request: To build an addition to existing church building and add additional parking spaces
5. Name of Development N/A
6. Location of Development N/A 199+211 Richardson Rd.
7. Acreage Under Review 5.43
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Florence Community Nazarene Church
Phone Number of Owner Don Colover 525-6996 / Steve Tucker 356-7583
10. Address of Property Owner Independence Ky 41051
199+211 Richardson Rd. City State Zip
11. Proposed Use(s) on Site Church
12. Total Square Footage of Existing and/or Proposed Buildings Approx 9000 sq ft
13. Current Zoning on Property I-1
14. Deed Book 224 212 Page No. 187,442 Group No. 2050
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: Beth Albright Davis

Property Owner's Signature: Steve Tucker

Adjoining Property owners
Bill Dixon
183 Richardson Rd
Independence Ky 41051

(over)
Faith Community United Methodist Church
4310 Richardson Rd
Independence Ky 41051

**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 3-9-05 ²⁻¹⁸⁻⁰⁵ Fee Received \$224.00 RA41687 ^{\$837.00 RA41499}
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:

9-14-05 **Approved**
Approved with Conditions (See #6)
Denial (See #7)

6. Conditions of Approval: see 9-14-05 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: Beth Albright Louis for Florence Community Nazarene Church

LOCATION: 199 & 211 Richardson Road, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: September 14, 2005

PROPOSAL

The applicant is requesting a Conditional Use Permit so Florence Community Nazarene Church can construct building and parking lot additions onto their existing facility. The subject property is located at 199 and 211 Richardson Road and is located in Unincorporated Boone County and the City of Independence.

The Applicant has provided a Concept Development Plan (see attachments) which indicates that church will be constructing the improvements in the following phases:

Phase 1

- Construct 16 parking stalls in front of the church building. The construction of these stalls will require the removal of 7 existing parking stalls. All 16 stalls are all located in Unincorporated Boone County.

Phase 2

- Construction of an approximate 13,500 square foot addition onto the eastern side of the building. The building will contain a 9,000 square foot sanctuary with 300 seats and a 4,500 square foot partial basement for storage. Approximately three-quarters of the sanctuary addition is located in the City of Independence.
- Construction of an asphalt or concrete parking lot behind the existing sanctuary and proposed addition. Twenty-nine (29) parking stalls are located in Boone County and eight (8) stalls are located in the City of Independence.
- Construct an asphalt or concrete parking lot in front of the new sanctuary addition. Eight (8) parking stalls are proposed in the City of Independence.
- Construct a new curb near the northeast property line. The curb cut is located within the City of Independence.

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 "Commercial" and "Industrial" uses. These designations are defined as follows:

Commercial – "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Industrial – "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element (Devon Area, pg. 165) makes the following statement regarding the general area:

- A. "Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. to the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks. Industrial development to the east of U.S. 25 and the railroad must be accompanied by improvements to important access roads, such as East Mt. Zion road and East Frogtown Road."

The Business Activity Element (Areas of Future Industrial and Office Activity, pg. 73) makes the following statement regarding the general area:

- A. "The area between U.S. 25 and the Boone County/Kenton County line contains industrial potential due to interstate and rail access."

SURROUNDING LAND USES & ZONING

North: Richardson Road & Global Securitization Warehouse on Holton Drive (I-1)

South: Single-Family Residences & Businesses Fronting on Totten Lane (I-1)

East: Faith Community United Methodist Church (I-1)

West: Single-family residence on 8.8 acres (I-1)

SITE CHARACTERISTICS

The approximate 5.43 acre tract is located at 199 and 211 Richardson Road and is zoned Industrial One (I-1). The property contains a pastor's residence, sanctuary building, a classroom addition, a large pond, and a single curb cut on Richardson Road. Thirteen (13) parking spaces exist on concrete and asphalt surfaces in front of the church and to the side of the pastor's residence. A gravel parking area exists behind the building.

The topography of the parcel varies from 930 feet above sea level at the Richardson Road right-of-way to 890' feet above sea level near the rear property line. The rear portion of the property is heavily wooded with mature deciduous trees.

STAFF COMMENTS

1. The property is approximately 5.43 acres in area. Approximately 0.65 acres are located in the City of Independence and 4.78 acres are located in Boone County. The majority of the new improvements, including the new access point, are located in Independence.

Staff has had discussions with Annie Wuestefeld, Zoning Administrator for the City of Independence regarding the project. Ms. Wuestefeld indicated that she has spoken to her Board of Adjustment and that they agreed that it was best for Boone County to handle the review. Staff has spoken to Dale Wilson regarding this issue and there is concern about imposing Boone County regulations in the City Limits of Independence. Mr. Wilson was going to contact the City of Independence attorney and discuss this matter further. At this time, it is Staff's view that the Boone County Board of Adjustment should only be analyzing the improvements that are located in Boone County.

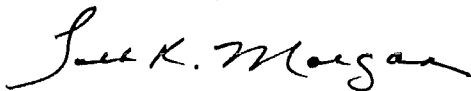
2. The applicant has informed Staff that the existing sanctuary will be converted into a fellowship hall and that the existing classroom addition (white building) will be removed once construction of the new sanctuary is complete.
3. Although the applicant has indicated that the new sanctuary will be brick, Staff remains concerned that no elevation drawings or pictures have been submitted for review.
4. Staff is concerned about their being adequate parking for a 300 seat sanctuary. The Concept Development Plan shows that 67 parking spaces will be located on the property after all construction is complete. While the Boone County Zoning Regulations requires one parking stall for every 5 seats, Staff believes that this figure is low and needs to be revised during the next zoning update.
5. Staff would like the applicant to address if any parking lot lighting is being proposed.
6. Staff would like the applicant to address if they have had any discussions regarding sanitary sewer service.

7. 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.
8. Staff recommends the following conditions once the new sanctuary is constructed:
 - a. The exterior building materials of the sanctuary addition will be consistent with the existing sanctuary.
 - b. The white classroom addition behind the existing sanctuary will be removed once the new sanctuary is built and being used for church services.
 - c. The existing and proposed portions of the church parking located in Boone County will be striped in accord with the Boone County Zoning Regulations.

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,

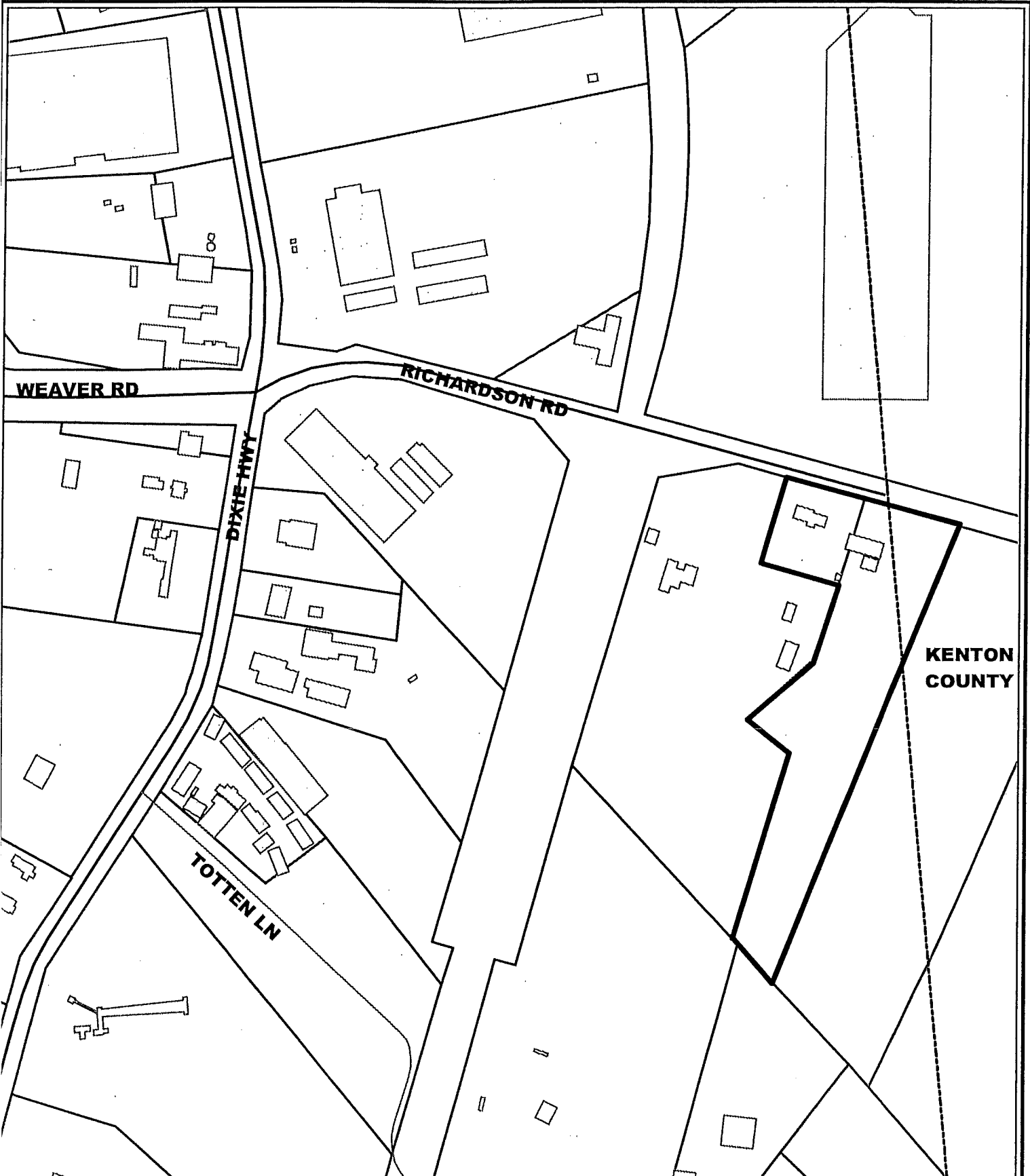


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan (Overall Site)
- Exhibit C – Concept Development Plan (Front Portion of Site)
- Exhibit D – Letter From Annie Wuestefeld
- Exhibit E – Aerial Map
- Exhibit F – Topographical Map
- Exhibit G – Zoning Map
- Exhibit H – Future Land Use Map
- Exhibit I – Application



**Florence Church of the Nazarene
Site Vicinity Map**

300 0 300 Feet

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





859-356-5302 • FAX: 859-356-6843

RECEIVED
MAY 02 2005

April 29, 2005

Beth Albright Louis
Attorney at Law
6616 Dixie Hwy, Suite #4
Florence, Ky. 41042

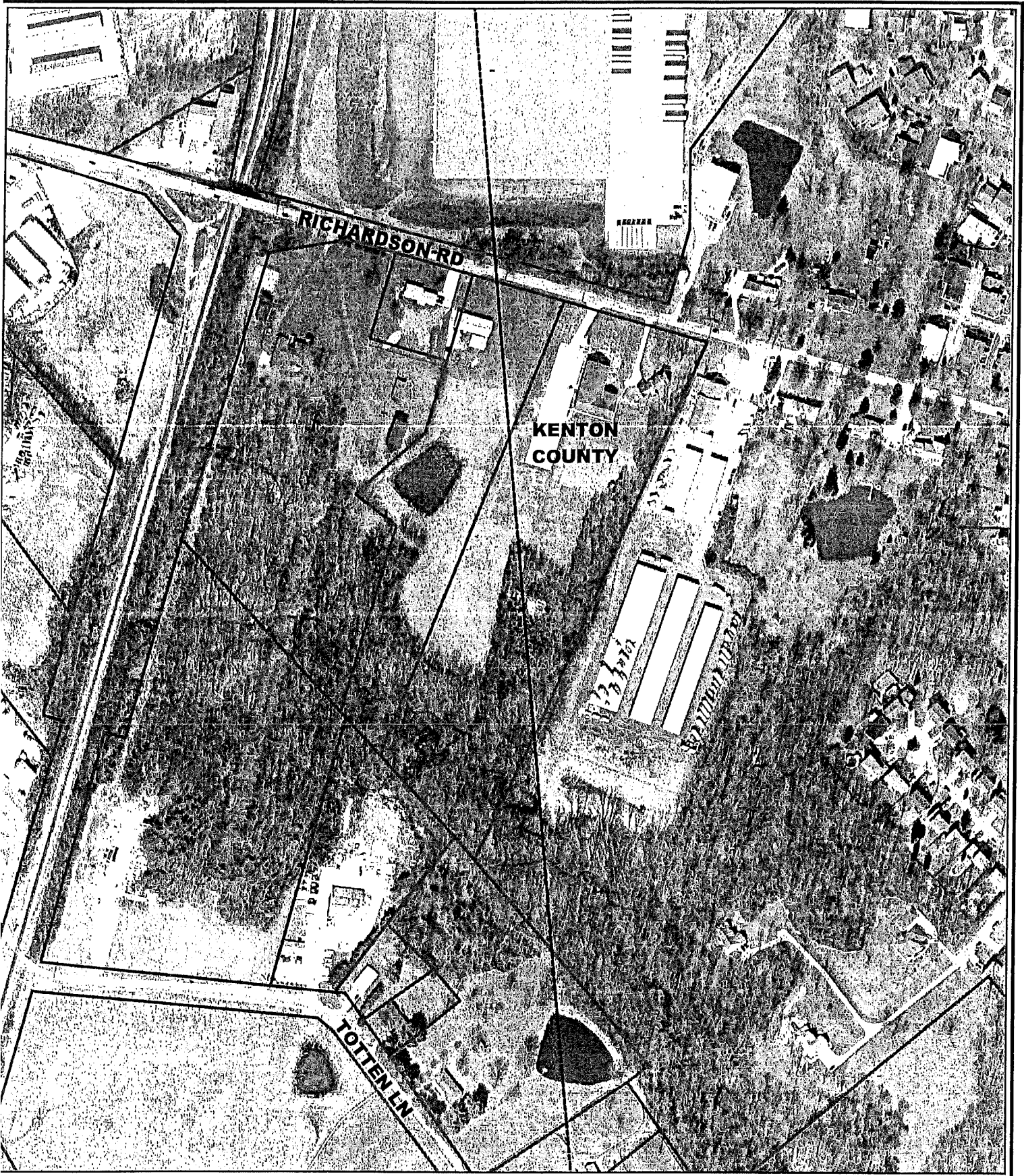
Dear Ms. Louis:

In reference to your letter dated April 13, 2005 regarding the Florence Nazarene Church, I have spoke to the city's Board of Adjustment Members and they have concurred that since the majority of the property is located in Boone County with a vory small portion in the city limits of Independence, they feel it is best that Boone County Board of Adjustment handle this matter.

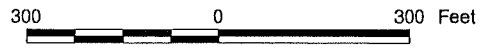
If you have any further questions, please feel free to contact me.

Sincerely,

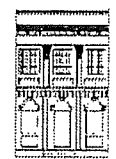
Annie Wuestefeld
Zoning Administrator



**Florence Church of the Nazarene
Aerial Map**



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





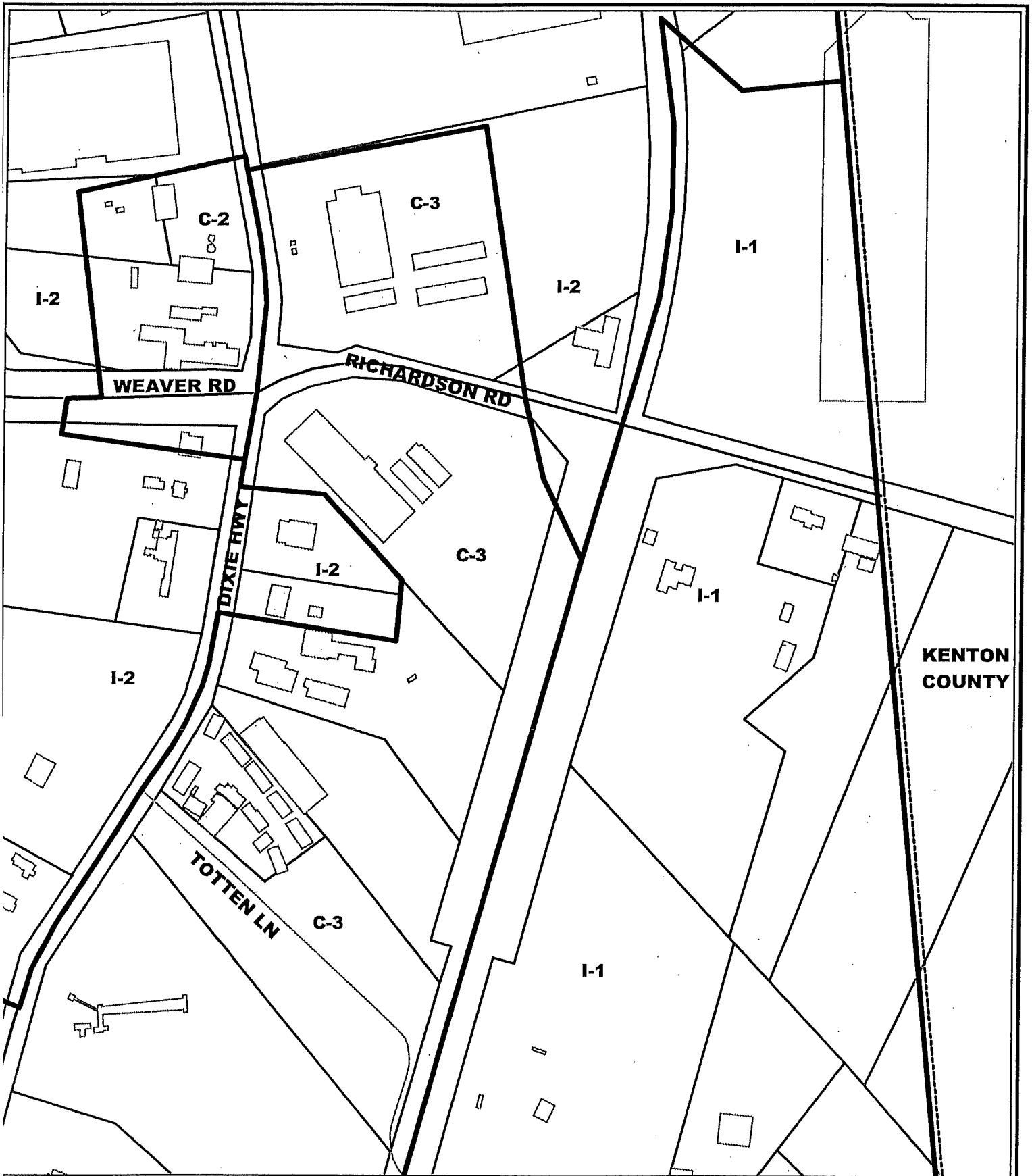
**Florence Church of the Nazarene
Topographical Map**

200 0 200 Feet



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 9, 2005



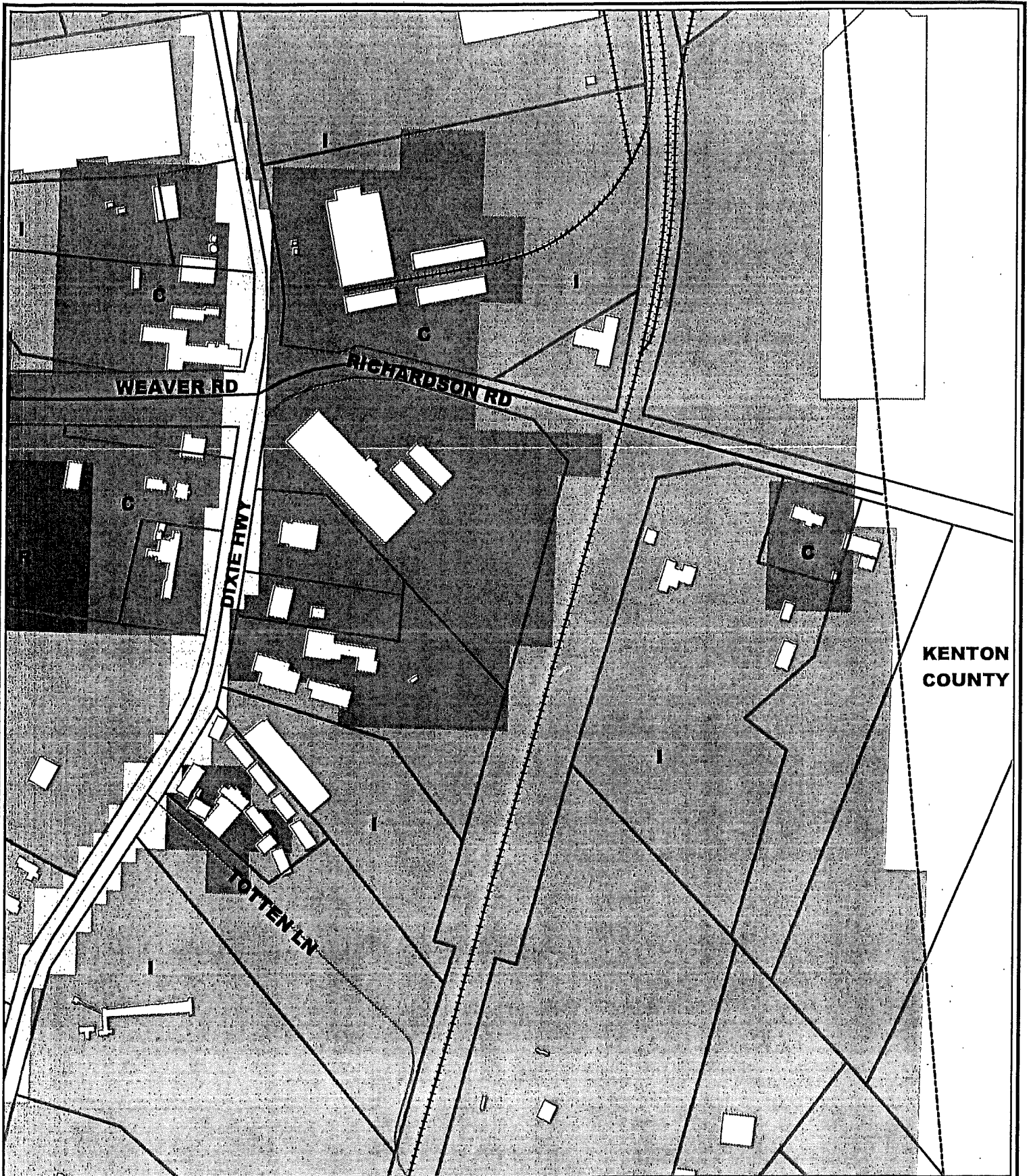


**Florence Church of the Nazarene
Zoning Map**

300 0 300 Feet

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





300 0 300 Feet

**Florence Church of the Nazarene
Future Land Use Map**

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



RECEIVED

APPLICATION FORM

RECEIVED
MAR - 9 2005
BOONE COUNTY
PLANNING COMMISSION

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 Beth Allbright Lewis, Attorney
Phone Number 859-746-1456 Fax No. 859-746-3025
Applicant's Address 6611a Dixie Hwy #4
Florence Ky 41042
City State Zip
- 4. Description of Request: To build an addition to existing church building
and add additional parking spaces
- 5. Name of Development N/A
- 6. Location of Development N/A 199 + 211 Richardson Rd.
- 7. Acreage Under Review ~~5.43~~ 5.43
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property Florence Community Nazarene Church
Phone Number of Owner Rev Pat Colover 525-6996 / Steve Tucker 336-7583
- 10. Address of Property Owner Independence Ky 41051
199 + 211 Richardson Rd. City State Zip
- 11. Proposed Use(s) on Site Church
- 12. Total Square Footage of Existing and/or Proposed Buildings Approx 9000 sq ft
- 13. Current Zoning on Property I-1
- 14. Deed Book 224, 212 Page No. 187, 442 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: Beth Allbright Lewis

Property Owner's Signature: Steve Tucker

~~Adjoining Property owners~~

(over)

~~Bill Dixon
199 + 211 Richardson Rd
Independence Ky 41051~~

~~Faith Community United Methodist Church
4310 Richardson Rd
Independence Ky 41051~~

COPY

CLUR #05-BCBOA-018-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Florence Community Nazarene Church
199 and 211 Richardson Road
Independence, KY 41051
2. ADDRESS OF PROPERTY
211 Richardson Road
Independence, KY 41051
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Florence Community Nazarene Church
4. DEED BOOK 224 PAGE NO. 187 GROUP NO. 2050
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X Conditional Use Permit
 From ___ To
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- ___ 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

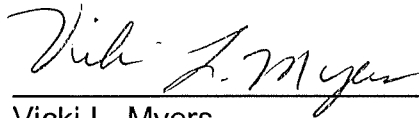
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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 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-018-A), for Florence Community Nazarene Church, Property Owner(s).

The following conditions will apply:

- 1) The addition is to be brick and there is to be consistent roofing on both buildings, preferably shingles.
- 2) The white building is to be removed upon construction.
- 3) Lighting is to be addressed with Staff at Site Plan Review.
- 4) A new septic permit is required from the Health Department.
- 5) The parking lot is required to be in accordance with Boone County Zoning Regulations.

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

DEED BOOK 224

PAGE NO. 187

GROUP NO. 2050