



APPLICATION FORM

SEP 20 2006

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- (Check One) 1. Boone Florence Walton Union (Check One) 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use 3. Applicant's Name James Kelly Floyd - City Harvest Church Phone Number 859-816-4193 Fax No. Applicant's Address 6323 Field Steade Dr Independence Ky 41051 City State Zip 4. Description of Request: Request to make changes to building at 5949 Jefferson St. Add on additional square footage and parking spaces of 4000 sq ft 5. Name of Development City Harvest Church, Inc. 6. Location of Development 5949 Jefferson St Burlington Ky 41005 7. Acreage Under Review 1 Acre 8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 64 9. Owner of Property Bud Hafley Phone Number of Owner 859-525-5763 259-2380-2009 (office) 10. Address of Property Owner City State Zip 11. Proposed Use(s) on Site Church 12. Total Square Footage of Existing and/or Proposed Buildings 3200 sq ft 13. Current Zoning on Property SR-2/SC 14. Deed Book 298 Page No. 235 Group No. 2024 15. Is the site subject to a zone change? 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? 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: Kelly Floyd

Property Owner's Signature: Bud Hafley

**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 9-20-04 Fee Received \$621.00 RA#51414
- 2. Is application complete?  Yes  No
- 3. Staff Reviewer \_\_\_\_\_
- 4. Scheduled Board Action Date \_\_\_\_\_
- 5. Board Action:
  - \_\_\_\_\_ **Approved**
  - \_\_\_\_\_ **Approved with Conditions** (See #6)
  - \_\_\_\_\_ **Denial** (See #7)
- 6. Conditions of Approval: \_\_\_\_\_
 

*WITHDRAWN  
SEE 10/11/06  
E-MAIL FROM  
APPLICANT*
- 7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission**  
**Boone County Administration Building**  
**2950 Washington Street, Room 317**  
**P.O. Box 958**  
**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 Kelly Floyd for City Harvest Church  
LOCATION: 5949 Jefferson Street, Boone County, Kentucky  
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)  
DATE: October 11, 2006

### PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a 3,969 (63' x 63') square foot building addition on the front of the church and additional parking to be constructed along the Gallatin Street right-of-way. The subject property is located at 5949 Jefferson Street and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

### 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 20, Section 2012 of the Boone County Zoning Regulations permits "churches, synagogues, temples and other places of religious assembly for worship" as a conditional use in the Small Community Overlay District (SC) under the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

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 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to 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 20, Section 2012 of the Boone County Zoning Regulations allows "churches" as conditional uses in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district;
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Section 3314 of the Boone County Zoning Regulations states that all parking areas, including driveways, aisles, vehicles 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.

Section 3322 of the Boone County Zoning Regulations states any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.

Section 3325 of the Boone County Zoning Regulations states that churches must provide one parking stall for every five seats.

Sections 3705 and 3720 of the Boone County Zoning Regulations requires street frontage landscaping in those areas where new development or parking improvements are proposed.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. Proper design principles shall be applied in development" (Overall, Objective).
- B. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used... (Environment, Physical Objective).
- C. Plans for new or redeveloped commercial, industrial, institutional and residential sites shall be reviewed, and reasonable measures taken, to ensure identification and protection of significant historical, archeological and architectural sites, including cemeteries.
- D. Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system" (Transportation Objective).

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Public/Institutional" and "Commercial" uses. These designations are described as follows:

Public/Institutional – "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."

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

The following Future Land Use Development Guidelines from the 2005 Boone County Comprehensive Plan applies to the application:

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should

be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact... (Buffering, pg. 141).

- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways... (Landscaping, pg. 141).
- C. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops (Stormwater Management and Erosion Control, pg. 141).
- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way... (Access Management, pg. 141).
- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs and Historic Preservation, pg 142).

The following passage from the Land Use Element (Burlington Area, pp. 150-152) relates to the request:

- A. "Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington. As Boone County grows, there will be a greater need for public facilities and services. The 2002 Burlington Town Strategic Plan addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area. The new Boone County Justice Center and the Boone County Public Safety Center Complex have reinforced Burlington as the hub of local government activity. Some private investment, mainly in restaurant and shop uses, as well as the TEA-21 Transportation Enhancement Grant for sidewalks indicate momentum for investment in the town center. Appropriate architecture and placement of new or renovated buildings is critical to respect the established character of the town."

The following passage from the Historic Preservation Element relates to the request:

- A. The Burlington Historic District presents a crucial preservation challenge. Efforts must be made to insure that a mixture of governmental, commercial, and residential activity continues to function in Burlington. Burlington has the rare opportunity to capitalize on its unique architectural landscape, small town charm and rural atmosphere. Poorly designed new construction, already apparent in several Burlington locations, will destroy this valuable character. The town's historic buildings should be rehabilitated and adaptively reused to meet the realities of a rapidly changing county, and the challenges of the 21st century. A positive step in this direction was the development in 2002 - 2003 of the Burlington Town Strategic Plan. The plan's mission statement is "to energize the central town of Burlington into a healthy business and residential center of Boone County by using the public services, special events activity, and historical character of the town as a foundation." The plan includes recommendations designed to enhance the infrastructure, streetscape, architectural design, marketing and tourism potential of Burlington. Several recommendations, including the above mentioned update of the National Register District nomination have already been implemented.

#### SURROUNDING LAND USES & ZONING

- North: Single-Family Dwellings Fronting on Perlate Street (SR-2/SC)
- South: Gallatin Street & Single-Family Dwellings (SR-2/SC)
- East: Jefferson Street &, Single-Family Dwelling, Burlington Antiques (SR-2/SC)
- West: Single-Family Dwellings (SR-2/SC)

### SITE CHARACTERISTICS

The subject property is approximately 0.7 acres in area and is located on the northwest corner of the Jefferson Street/Gallatin Street intersection. The property contains an approximate 3,200 square foot church, which is constructed of metal siding and decorative concrete block. The building is currently setback about 135' from the Jefferson Street right-of-way. The church has approximately 16 stripped parking stalls which are located in the Gallatin Street right-of-way.

### STAFF COMMENTS

1. Staff would like the applicant to address the following questions:

- A. How many seats are proposed in the church?
- B. What are the days and hours of operation?
- C. Is a daycare being proposed?

2. The existing parking lot is located in the Gallatin Street right-of-way and is legally non-conforming. The applicant's Concept Development Plan shows that he intends to increase the amount of parking in the right-of-way. The Zoning Administrator and Daryl Davis, with Boone County Public Works, have indicated that the parking addition cannot be approved as drawn because it will cause more people to back into the right-of-way and extend a non-conformity (see Section 3322 of the Zoning Regulations).

Staff recommends that the church should contact the County Administrator about obtaining a shared parking agreement to use the county's parking lots.

3. Staff is concerned about the adjoining residential properties. Staff would like the Applicant to address if any additional site or parking lot lighting is being proposed. One of the findings for granting the Conditional Use Permit is that the use will not have activities, processes, materials, equipment or 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.

4. Sections 3705 and 3720 of the Boone County Zoning Regulations requires 10 foot street frontage landscaping buffers to be installed where the building addition or parking lot improvements align with Jefferson Street or Gallatin Street.

Staff also recommends that a 10' wide landscape buffer (Buffer Yard A) should be required between the building addition and the northern property line.

5. Staff is concerned that the applicant has not furnished any elevation drawings or renderings of the proposed addition. One of the findings for granting the Conditional Use Permit is that the building addition needs to be sensitive to the established character of the Small Community Overlay District. In addition, the Boone County Comprehensive Plan's Historic Preservation element states that "Burlington has the rare opportunity to capitalize on its unique architectural landscape, small town charm and rural atmosphere. Poorly designed new construction, already apparent in several Burlington locations will destroy this valuable character."

Staff's preference is that building elevation drawings or renderings should be required before the project is approved. Staff would like to have these elevations or renderings reviewed by the Boone County Historic Preservation Review Board.

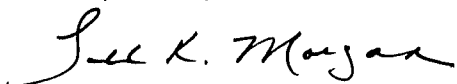
If the Board chooses to approve the project without elevations or renderings, Staff recommends a condition which requires the building addition to be constructed of decorative masonry materials and/or natural siding materials (synthetic materials not permitted). Standing seam metal could be used for roof and/or awning elements, but metal is inappropriate as a siding material at this location regardless of its use on the existing building - standing seam metal for roof-type elements would relate to both the existing building and many of the neighboring buildings. In addition, the front and side facades of the addition to have detailing (windows and or doors) which are appropriate for residential adjacency. The level of detailing should be sufficient to create a "finished" appearance, but no so great as to create an overwhelming or false historical appearance.

6. A Major Site Plan application will need to be submitted and approved by the Boone County Planning Commission before construction can proceed. The Site Plan will need to address building setbacks, site lighting, landscaping, required parking, storm water detention, 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,

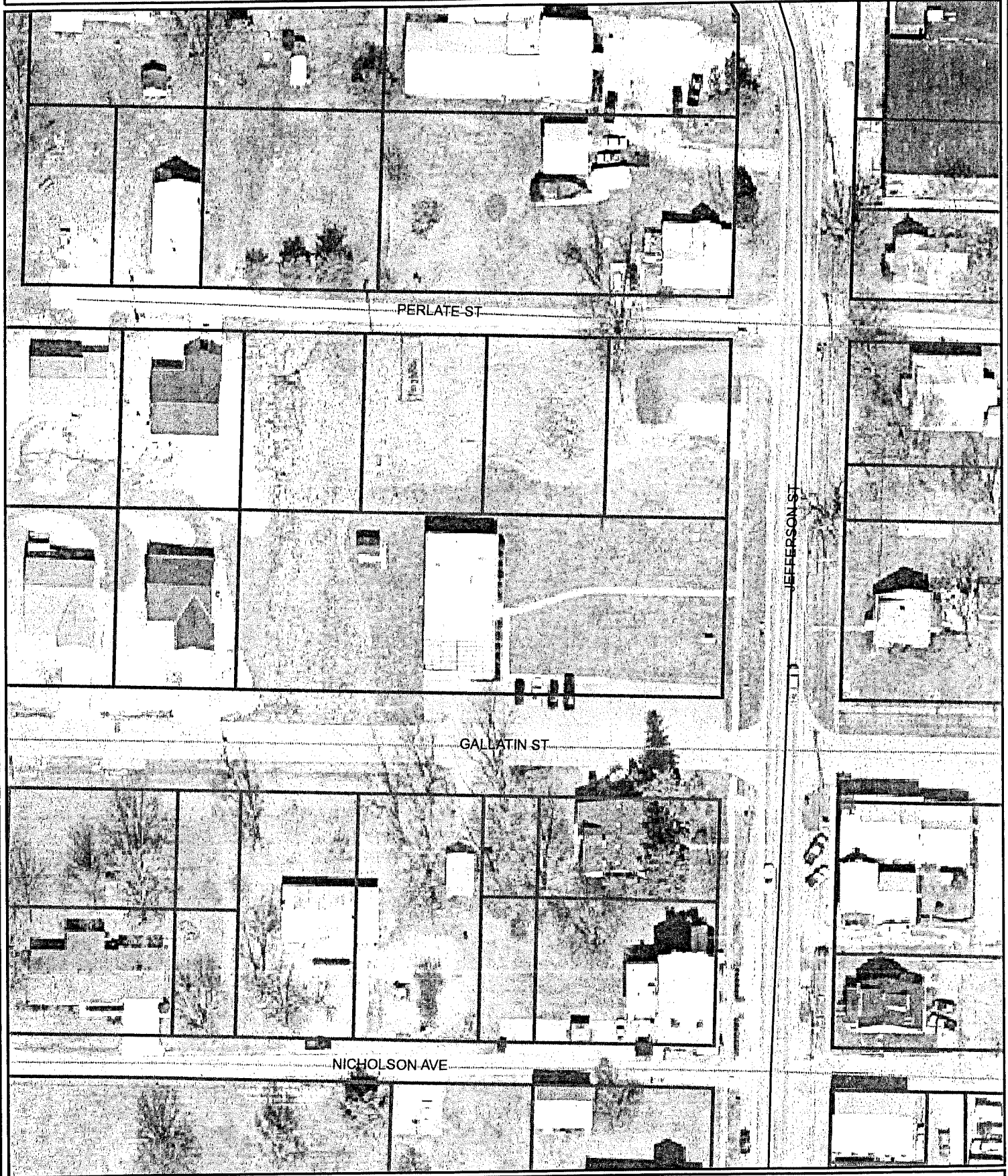


Todd K. Morgan, AICP  
Senior Planner, Zoning Services

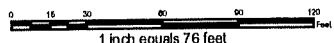
TKM/pr

Attachments

- Exhibit A – Aerial Map
- Exhibit B – Concept Development Plan
- Exhibit C – Concept Development Plan
- Exhibit D – Future Land Use Map
- Exhibit E – Zoning Map
- Exhibit F – Application



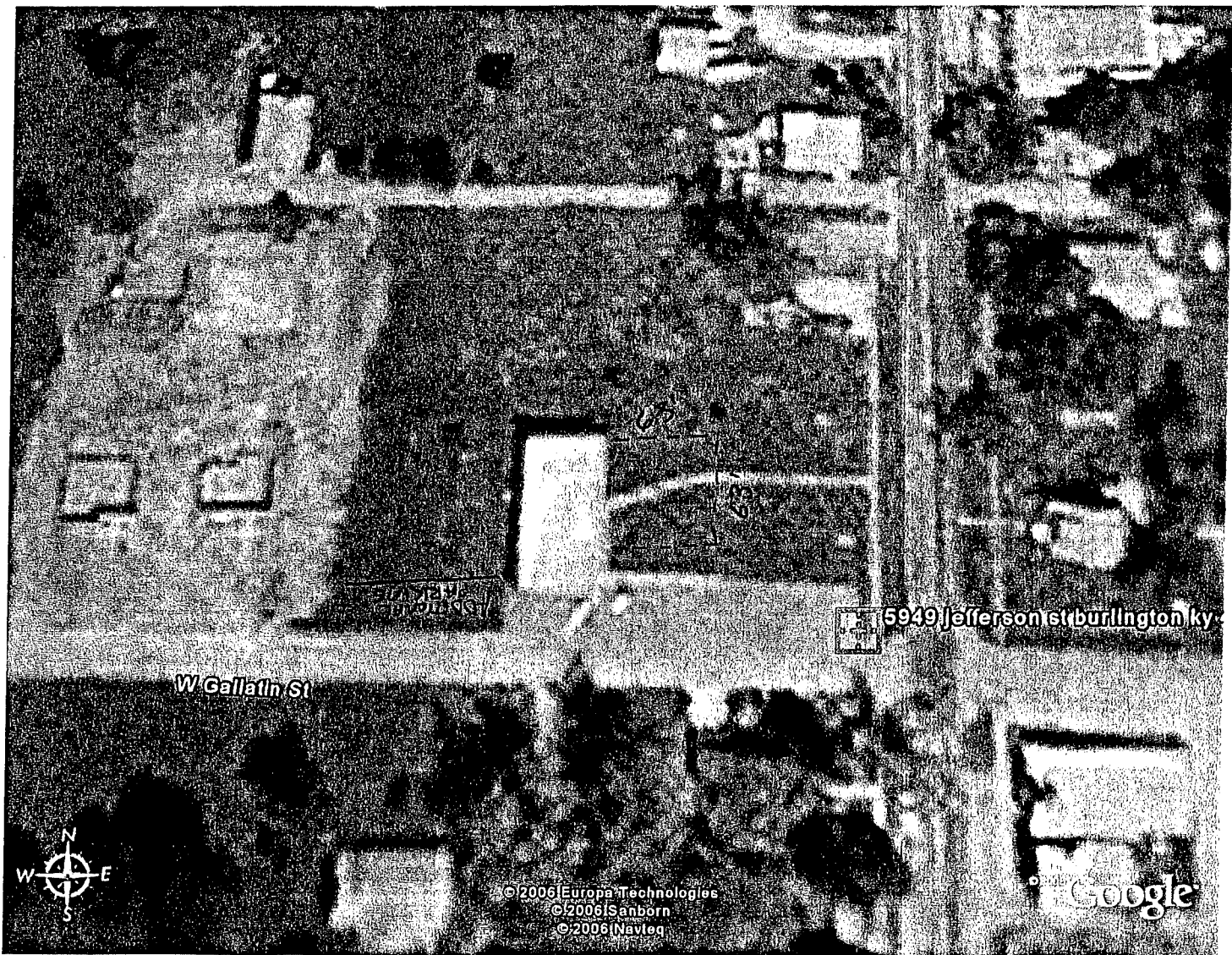
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State Plane Kentucky North NAD 1983



5949 Jefferson St Burlington Ky

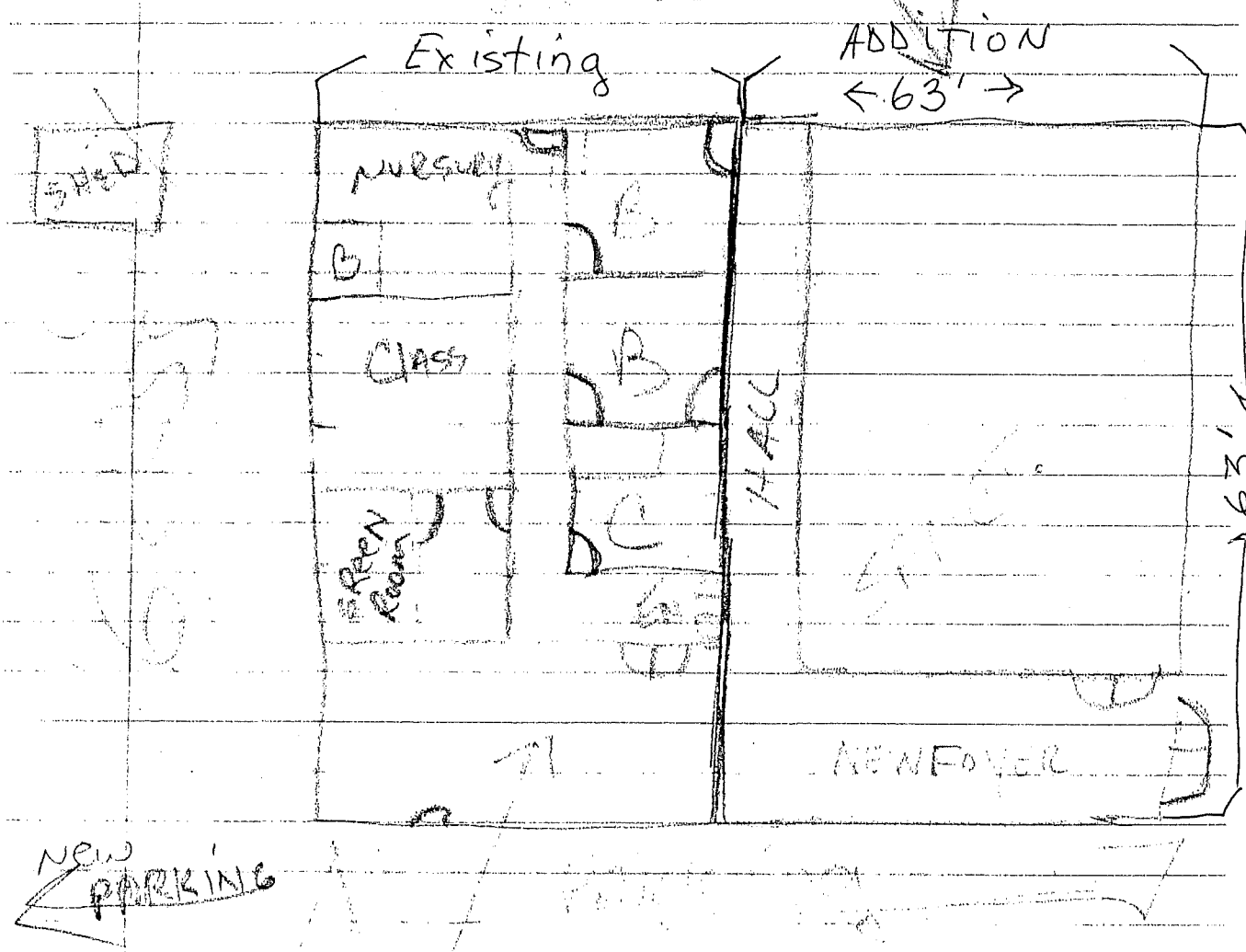
W Gallatin St



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Google

WE COULD EXTEND  
THIS AS CLOSE TO THE  
PROPERTY LINE AS THE  
PROPERTY LINE



USE THIS ROOM  
FOR OFFICES BUT WILL  
BE USED AS JOINT/REAR HALL

RD

TEMPERATE ST

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SR

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GALLATIN ST

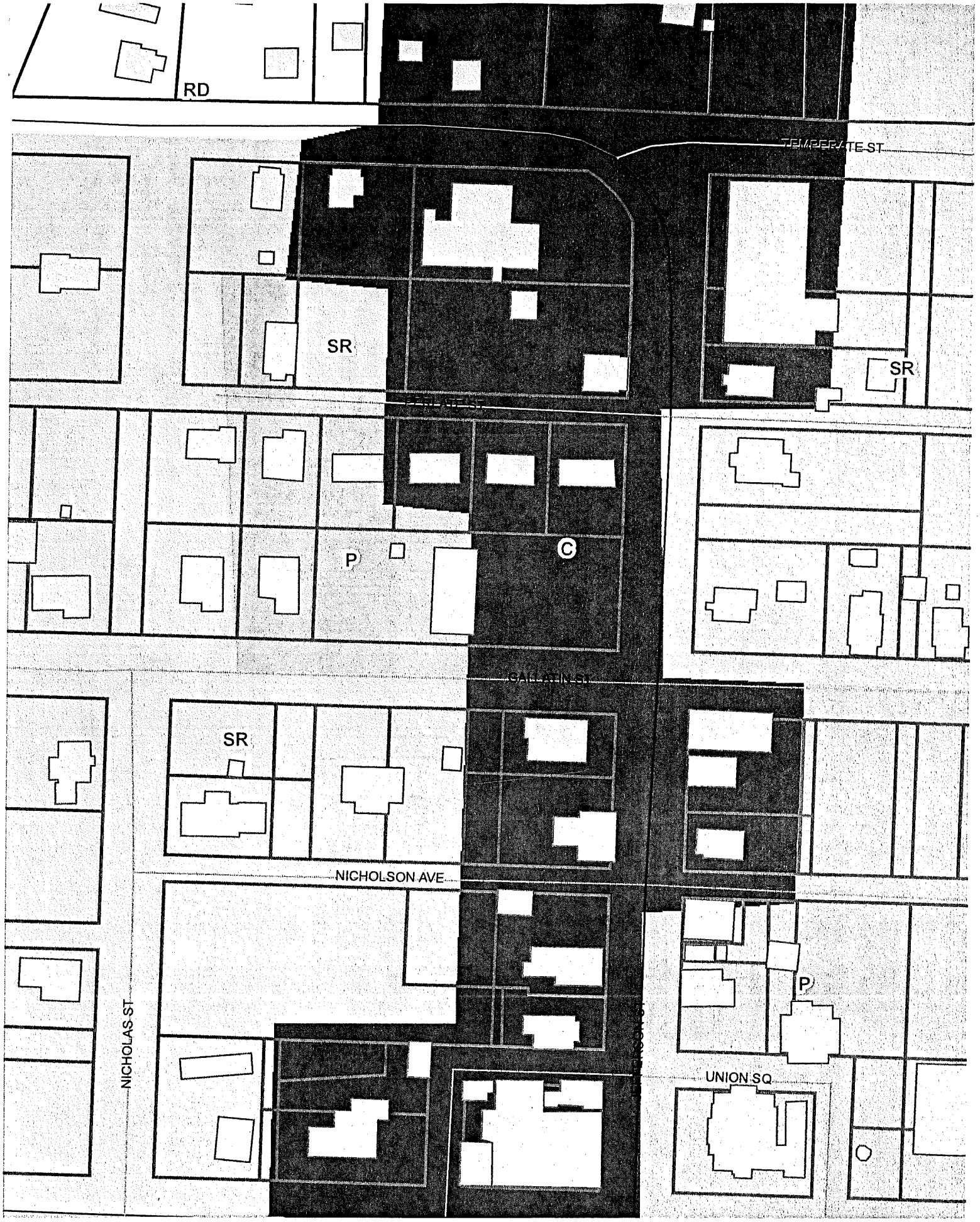
SR

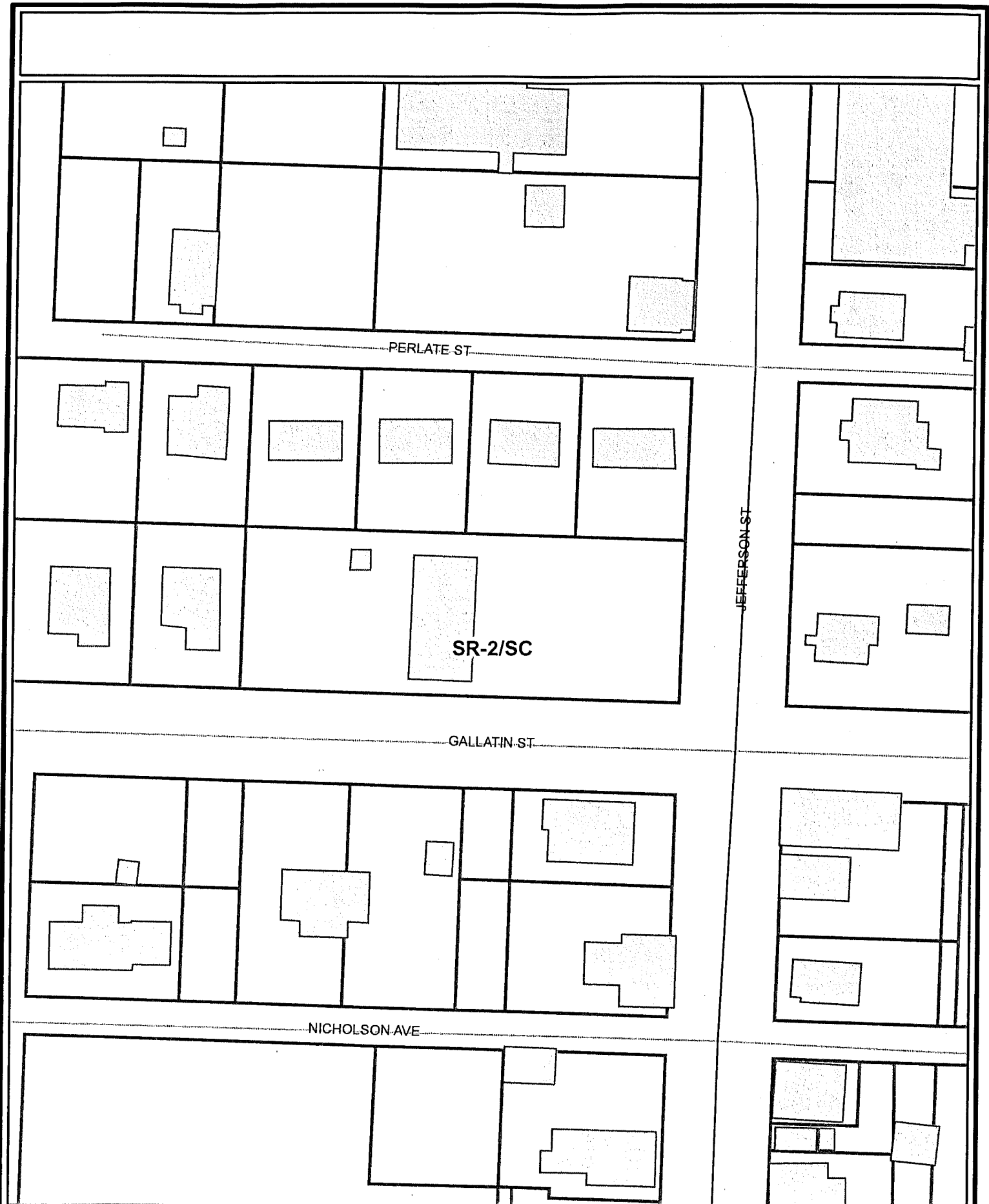
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NICHOLAS ST

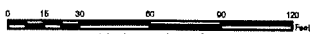
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UNION SQ





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State Plane Kentucky North NAD 83



APPLICATION FORM

SEP 20 2006

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name James Kelly Floyd - City Harvest Church
Phone Number 859-816-4193 Fax No. \_\_\_\_\_
Applicant's Address 6323 Fieldstone Dr
Independence Ky 41051
4. Description of Request: Request to make changes to building at 5949 Jefferson St. Add on additional square footage and parking spaces at 4000 sq ft
5. Name of Development City Harvest Church, Inc.
6. Location of Development 5949 Jefferson St
Burlington Ky 41005
7. Acreage Under Review 1 Acre
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 64
9. Owner of Property Bud Hafley
Phone Number of Owner 859-525-5763 859-380-8009 (office)
10. Address of Property Owner
City State Zip
11. Proposed Use(s) on Site Church
12. Total Square Footage of Existing and/or Proposed Buildings 3200 sq ft
13. Current Zoning on Property
14. Deed Book 298 Page No. 235 Group No. 2024
15. Is the site subject to a zone change?
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? 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: Kelly Floyd

Property Owner's Signature: Bud Hafley

**Todd Morgan**

**From:** kelly4@insightbb.com  
**Sent:** Wednesday, October 11, 2006 3:56 PM  
**To:** Todd Morgan  
**Subject:** Re: City Harvest Church - Board of Adjustment Application

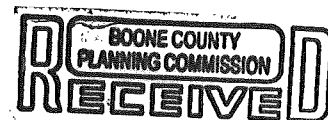
Todd, this email is to inform you that we have decided to withdraw our application for our conditional use permit request. Due to the information we received about expanding the parking area, and a possible expansion of the current building on the property, we feel that the property will not meet our needs.

Thank you for your time and help. We look forward to working with you on a future project.  
Kelly Floyd

City Harvest Church

----- Original Message -----

**From:** Todd Morgan <TMorgan@boonecountyky.org>  
**Date:** Wednesday, October 11, 2006 14:33  
**Subject:** City Harvest Church - Board of Adjustment Application  
**To:** kelly4@insightbb.com



- > Kelly:
- >
- > I received your voice mail today indicating that you would like to
- > withdraw your Conditional Use Permit request. The request
- > was to allow
- > building and parking additions onto an existing church at 5949
- > Jefferson Street, Burlington, Kentucky. Please send me an e-
- > mail or fax which
- > states your intent to withdraw this application. The
- > office fax number
- > is (859) 334-2264.
- >
- > Sincerely,
- >
- > Todd K. Morgan, AICP
- > Senior Planner, Zoning Services
- >