

APPLICATION FORM

11-BCBA-001-A

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) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Viox & Viox Inc. Phone Number 859-727-3293 Fax No. 859-727-8452
4. Description of Request: Additional parking for pre-existing conditional use to bring parking closer to current standards.
5. Name of Development Sand Run Baptist Church
6. Location of Development North Bend Rd. at Sand Run Rd. Hebron, KY
7. Acreage Under Review 0.90 +/- Acres (including proposed detention area)
8. Lot Number and Name of Subdivision (if part of a subdivision) NA
9. Owner of Property Sand Run Baptist Church Address of Property Owner 1327 N. Bend Rd. Phone No. 859-689-7110
10. City Hebron KY State KY Zip 41048
11. Proposed Use(s) on Site Existing / Proposed use is for church facility.
12. Total Square Footage of Existing and/or Proposed Buildings Approx. 8,000 s.f.
13. Current Zoning on Property RSE (in area of proposed improvements)
14. Deed Book 268 Page No. 21 Group No. 2004
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? No, site plan will follow if approved.
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.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



## STAFF REPORT

APPLICANT: Viox & Viox for Sand Run Baptist Church

LOCATION: 1327 North Bend Road, Boone County, Kentucky

ZONING: Rural Suburban Estate (RSE) and Residential Planned Development (RPD)

DATE: March 9, 2011

### Proposal

The applicant has submitted a Conditional Use Permit application so Sand Run Baptist Church can construct a parking lot addition. The submitted plan shows 31 additional parking spaces will be constructed immediately to the northeast of the existing parking lot. The plan also shows a new curb cut on Sand Run Road, two light poles, landscaping to the northeast and southeast of the proposed parking lot, and a proposed storm water detention system. All the proposed improvements are located in the RSE zoning district.

### 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 use permits as specified by the zoning order.

Section 913 of the Boone County Zoning Regulations permits churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within the Rural Suburban Estates (RSE) zoning 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 and 913 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.

Section 913 of the Boone County Zoning Regulations allows churches as a conditional use in the RSE district provided that:

- A. The activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; or
- B. The activity will not contradict the semi-suburban, open space character of the district;
- C. Require or contribute to infrastructure need above that common of the district's permitted uses;
- D. Is of direct relation to and in support of the purpose of the district; and
- E. The arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Section 3216 of the Boone County Zoning Regulations states that the minimum corner clearance of a driveway from a non-signalized intersection on an arterial street is 115 feet.

Section 3325 of the Boone County Zoning Regulations states that the parking requirement for a church is one space per three seats.

Section 3605 of the Boone County Zoning Regulations states that improvements to an existing site that include building additions, vehicular use area expansions or load/unloading area expansion shall be required to bring only the new improvements into compliance with this landscaping requirements.

Section 3620 of the Boone County Zoning Regulations states when a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.

#### Relationship to the Comprehensive Plan

- A. The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site for Public/Institutional (P), Suburban Residential (SR), and Developmentally Sensitive (DS) uses. These designations are described as follows:

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

Suburban Residential – single-family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.

Developmentally Sensitive – areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character.

- B. There are a number of general development guidelines (Future Land Use Development Guidelines) which are applicable to all future growth in Boone County, regardless of type or scale. These guidelines are intended to mitigate the impacts of growth on the existing land uses, adjoining properties, public infrastructure, and the quality of life and safety in the County. These guidelines represent some of the items which the Planning Commission includes in the review of all projects proposed for Boone County. These guidelines are detailed below.

Buffering - 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. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate.

Buffering -- Developments in Boone County must recognize the potential impacts of stormwater runoff. 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. Creating less runoff is a method of managing runoff.

Access Management – 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. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service.

#### Surrounding Land Uses and Zoning

Northeast: North Bend Road and a street stub to a future development (SR-3/C-1/O-1/PD)

- Northwest: Single-Family Residential Dwellings fronting on North Bend Road (RSE and RPD)
- Southeast: Single-Family Residential Dwellings fronting on Sand Run Road and Treetop Lane (SR-1)
- Southwest: Single-Family Residential Dwelling fronting on Sand Run Road (SR-1) and

#### Site Characteristics

The approximate 7.91 acre property fronts on North Bend Road and Sand Run Road. The property contains an approximate 8,000 square foot church and 44 parking spaces. Access to the property is provided from a single curb cut on Sand Run Road. The parking lot is setback approximately 245 feet from North Bend Road and several parking spaces encroach into the Sand Run Road right-of-way. The rear of the property contains a cemetery and some large deciduous trees. Boone County G.I.S. shows that storm water naturally flows towards the southwestern portion of the property.

#### Staff Comments

1. The proposal will increase parking from 44 to 73 stalls and will bring the site into compliance with the parking requirements. The parking requirement for a 205 seat church is 69 stalls.
2. The County Engineer has reviewed the plan and determined that he will issue the following Waivers if the request is approved:
  - A. Allow the proposed curb cut on Sand Run Road to be located 95 feet from the North Bend Road intersection. Section 3216 of the Boone County Zoning Regulations requires 115 feet of separation from a proposed driveway and an arterial street when the intersection is non-signalized. Sand Run Road provides access to two single-family residential dwellings and the church.
  - B. Allow landscaping to be installed in the Sand Run right-of-way for the length of the parking lot addition. The utilization of the right-of-way will allow the 10 foot wide street frontage buffer to be installed.
3. Staff would like the applicant to address the following questions:
  - A. Is there a reason the proposed curb cut is designed an exit only?
  - B. The existing parking lot is an asphalt surface. Is there a reason why the proposed parking lot is concrete?
  - C. Are any additional wall packs being proposed to illuminate the parking lot?
  - D. Storm water appears to be ponding in the northeastern portion of the property. Will this portion of the property be graded when the storm water system is put in?
  - E. Can the storm water outlet pipe and headwall be extended all the way to the proposed detention basin?
4. Staff recommends the following conditions if the request is approved:

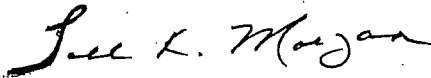
STAFF REPORT - Viox & Viox/Sand Run Baptist Church  
March 9, 2011

- A. The approval is based on the submitted plan. Future building or parking additions shall be required to go through the Conditional Use Permit public hearing process.
  - B. The proposed curb cut shall be a one-way in only.
  - C. The proposed light poles shall not exceed 12 feet in height. All lighting shall be directed downwards and inwards towards the subject site and shall comply with the footcandle requirements found in the Boone County Zoning Regulations.
  - D. Buffer Yard A plantings shall be required along the entire length of the North Bend Road frontage (approximately 270 feet).
  - E. Six evergreen trees shall be installed immediately to the northwest of the proposed parking lot addition.
5. 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 need to address driveway and parking requirements, landscaping, storm water management, lighting, etc.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/dw

Attachments

- Site Vicinity Map
- Proposed Plan
- 2009 Aerial Map
- Zoning Map
- Topographical Map
- Future Land Use Map
- Application

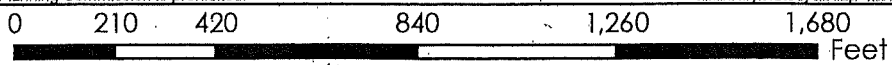
# SITE VICINITY MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**

1" = 20'

- PLAN NOTES
1. Survey: 1322 Sand Run Baptist Church, Boone County, Kentucky 7/16/11
  2. Easement: 200' wide, 100' deep, 100' wide, 100' deep
  3. Easement: 200' wide, 100' deep, 100' wide, 100' deep
  4. Easement: 200' wide, 100' deep, 100' wide, 100' deep
  5. Easement: 200' wide, 100' deep, 100' wide, 100' deep
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PLANNING COMMISSION  
BOONE COUNTY, KENTUCKY  
SAND RUN BAPTIST  
PROPOSED ADDITIONAL PARKING FOR

DATE: 10/13/2011

PROJECT: SAND RUN BAPTIST CHURCH

PROJECT ADDRESS: 1322 SAND RUN BAPTIST CHURCH, BOONE COUNTY, KY 40306

PROJECT CONTACT: JAMES J. ARBUTHNOT, JR., 1322 SAND RUN BAPTIST CHURCH, BOONE COUNTY, KY 40306

PROJECT PHONE: 606-335-1111

PROJECT FAX: 606-335-1111

PROJECT EMAIL: JARBUTH@SANDRUNBAPTISTCHURCH.COM

1322 SAND RUN BAPTIST CHURCH  
BOONE COUNTY, KY 40306

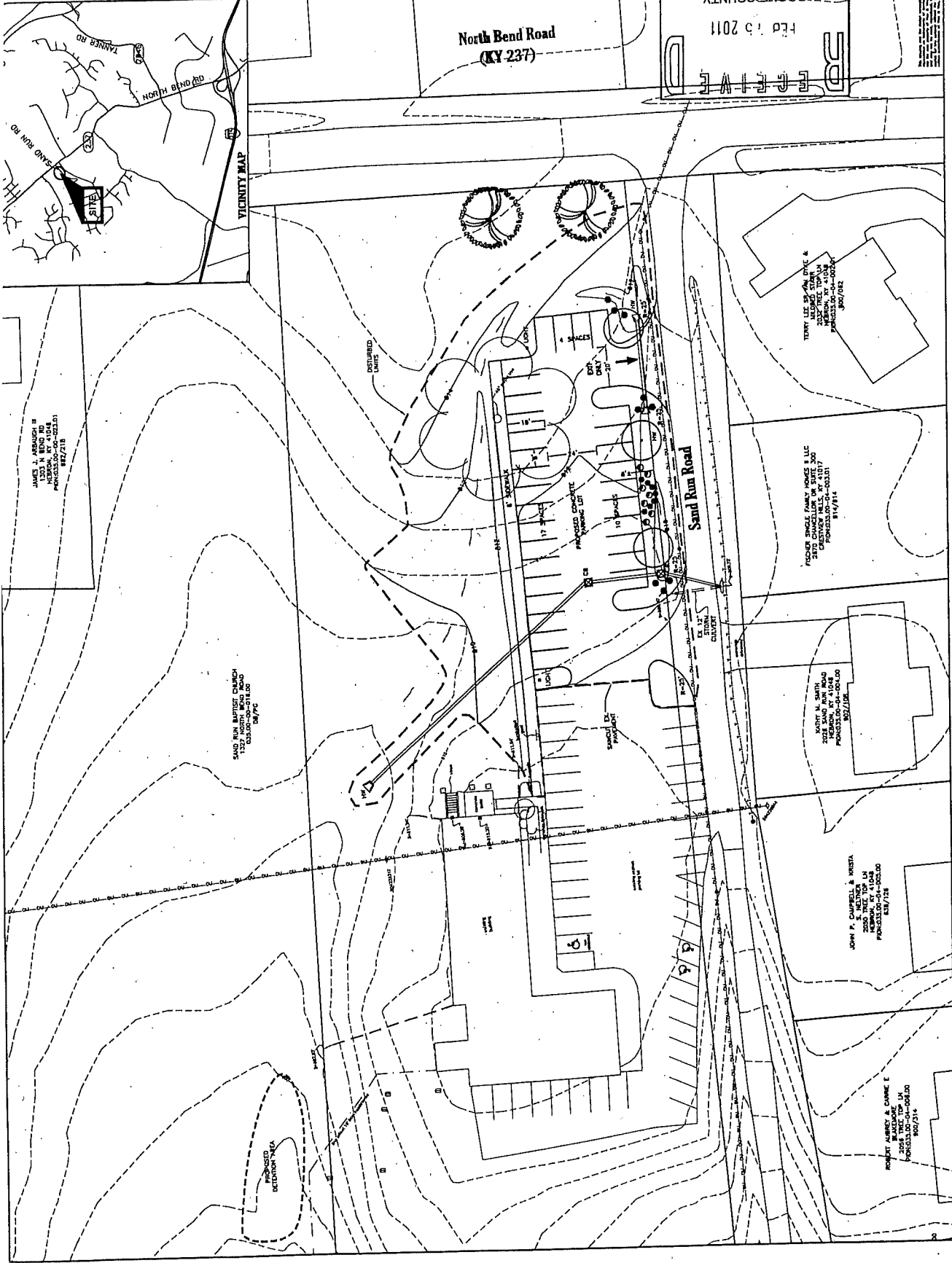
1322 SAND RUN BAPTIST CHURCH  
BOONE COUNTY, KY 40306

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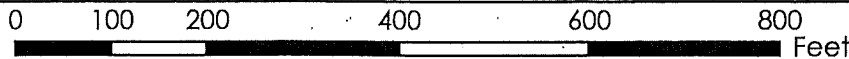
# 2009 AERIAL MAP

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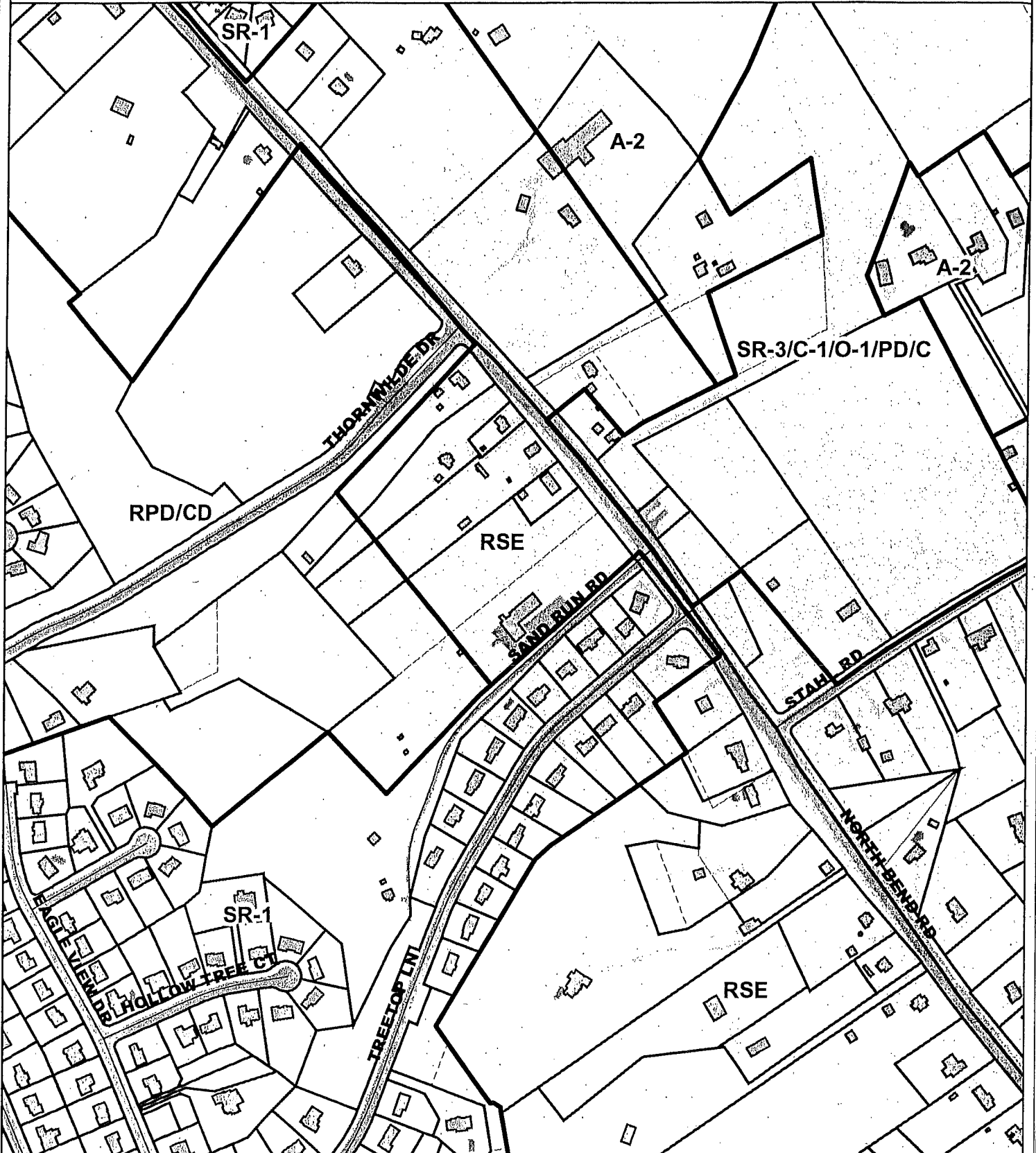
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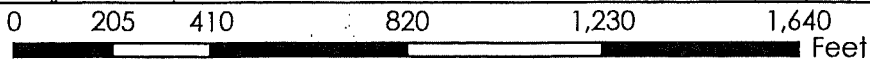
# ZONING MAP

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1 inch = 400 feet

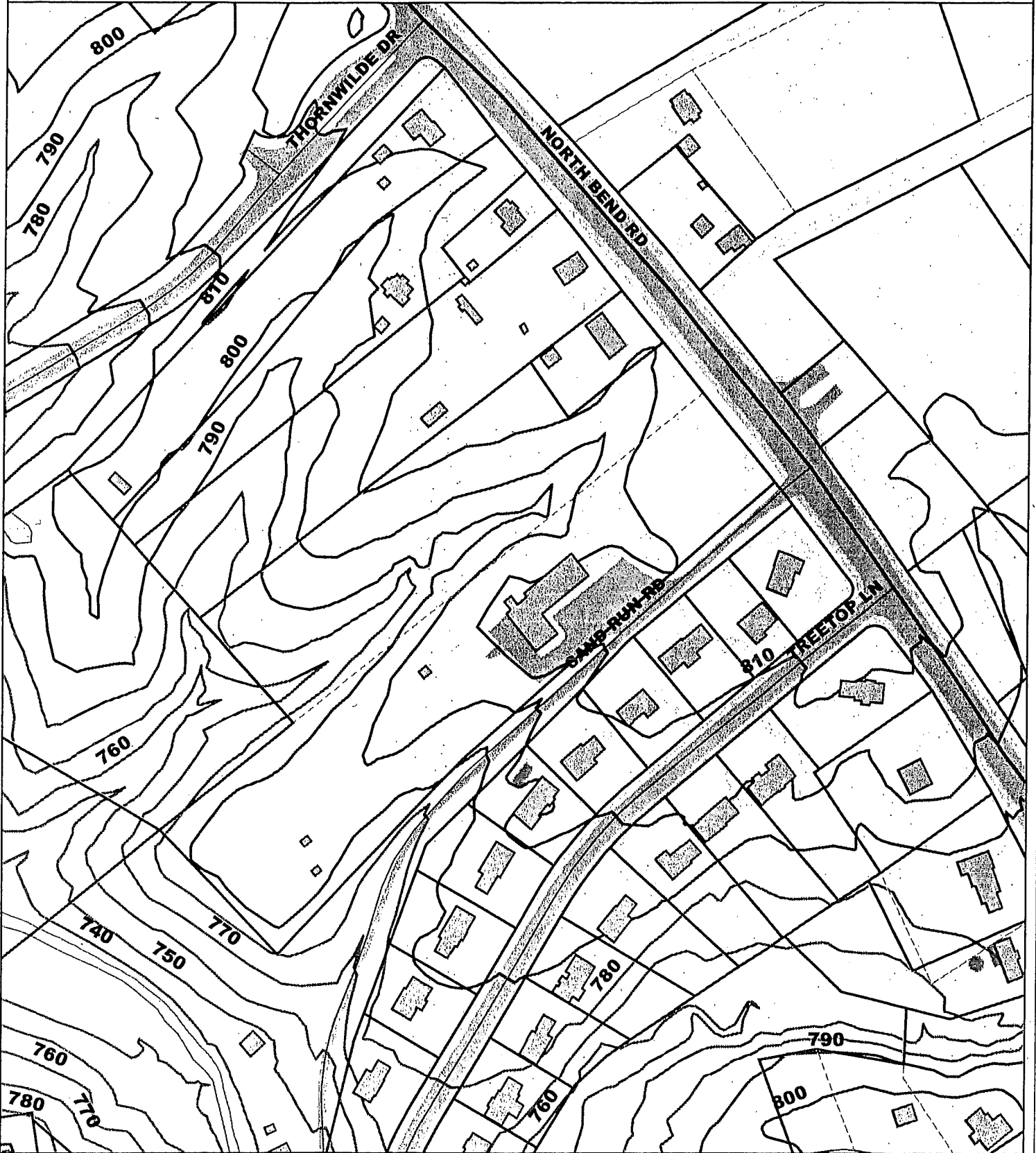


**Boone County GIS - Putting Northern Kentucky on the Map**



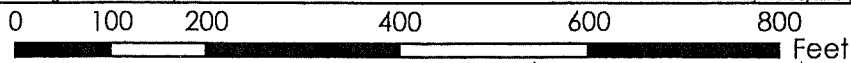
# TOPOGRAPHICAL MAP

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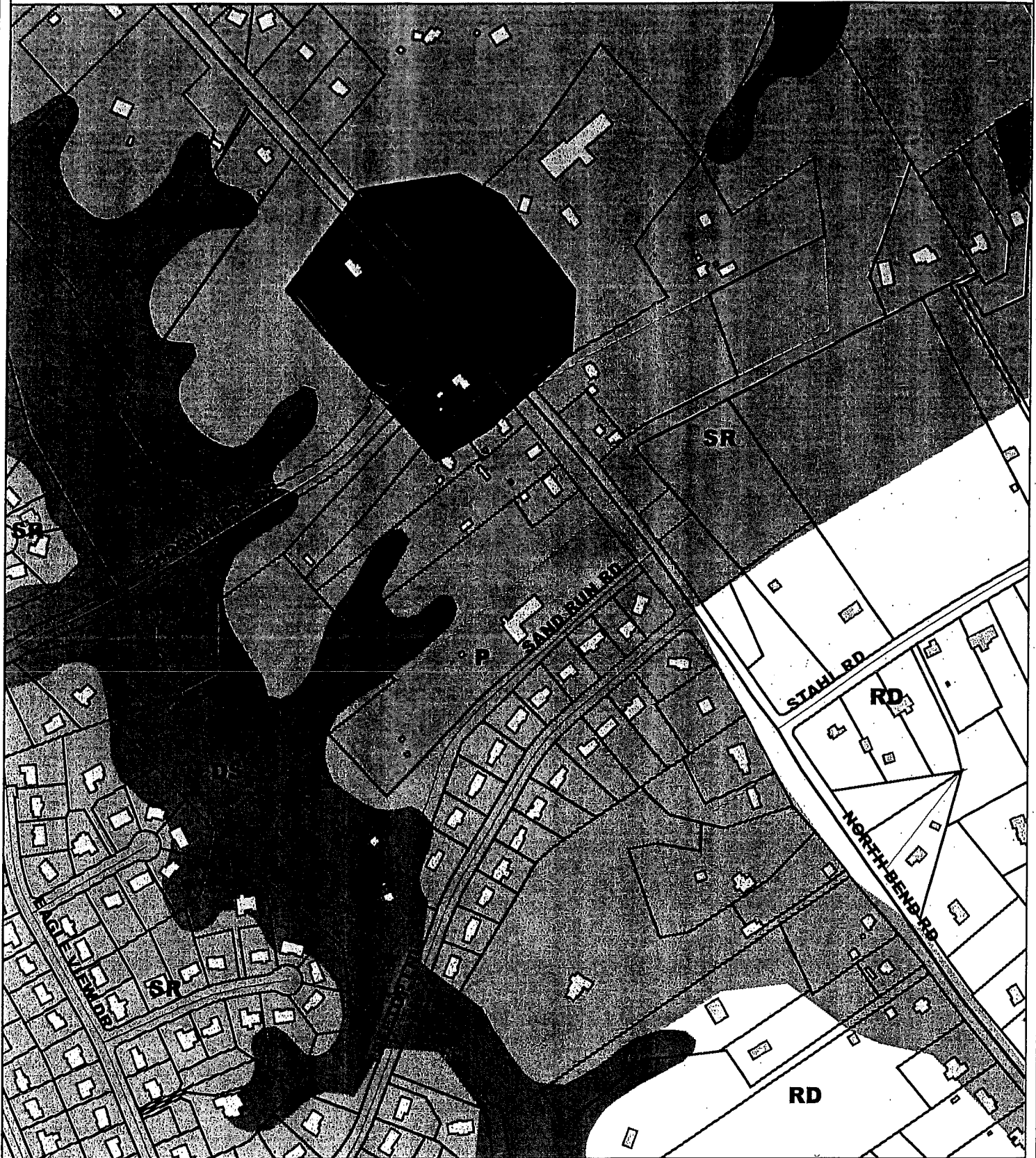
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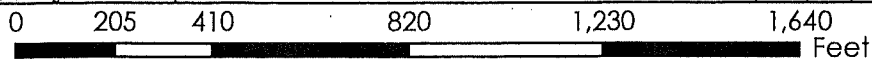
# FUTURE LAND USE MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**



RECEIVED  
FEB 15 2011  
BOONE COUNTY  
PLANNING COMMISSION

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)

(Check One)

1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

2.  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_

3. Applicant's Name Viox & Viox Inc.  
Phone Number 859-727-3293 Fax No. 859-727-8452  
Applicant's Address 466 Erlanger Rd.  
Erlanger KY 41018  
City State Zip

4. Description of Request: Additional parking for pre-existing conditional use to bring parking closer to current standards.

5. Name of Development Sand Run Baptist Church

6. Location of Development North Bend Rd. at Sand Run Rd.  
Hebron, KY

7. Acreage Under Review 0.90 ± Acres (including proposed detention area)

8. Lot Number and Name of Subdivision (if part of a subdivision)  
NA

9. Owner of Property Sand Run Baptist Church  
Address of Property Owner 1327 N. Bend Rd. Phone No. 859-689-7110

10. Hebron KY 41048  
City State Zip

11. Proposed Use(s) on Site Existing / Proposed use is for church facility.

12. Total Square Footage of Existing and/or Proposed Buildings Approx. 8,000 s.f.

13. Current Zoning on Property RSE (in area of proposed improvements)

14. Deed Book 268 Page No. 21 Group No. 2004

15. Is the site subject to a zone change? No

If yes, give date of approval NA

16. Have you submitted a Site Plan with this request? No, site plan will follow if approved.

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.

ORIGINAL Property Owner's Signature: Jerry C. Mitchell  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Michelle [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #11-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Sand Run Baptist Church  
1327 N. Bend Road  
Hebron, KY 41048

2. ADDRESS OF PROPERTY

1327 N. Bend Road  
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Sand Run Baptist Church

4. DEED BOOK 268

PAGE NO. 21

GROUP NO. 2004

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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

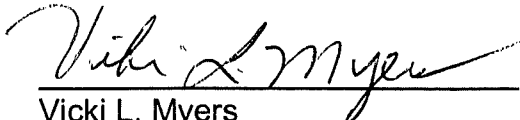
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

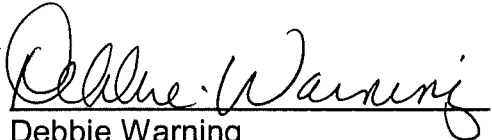
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 28 day of March, 2011.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie Warning  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
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 March 9, 2011 Certificate of Land Use Restriction (#11-BCBOA-001-A), for Sand Run Baptist Church, Property Owner(s).

The following conditions will apply:

- 1) The approval is based on the submitted plan. Future building or parking additions shall be required to go back through the Conditional Use Permit public hearing process.
- 2) The proposed curb cut shall be a one-way exit only.
- 3) The proposed light poles shall not exceed 12 feet in height. All lighting shall be directed downwards and inwards toward the subject site and shall comply with the footcandle requirements found in the Boone County Zoning Regulations.
- 4) Buffer Yard A planting shall be required along the entire length of the North Bend Road frontage (approximately 270 feet).
- 5) Six evergreen trees shall be installed immediately to the northwest of the proposed parking lot addition.
- 6) The required trees in the Sand Run Road street frontage buffer shall be evergreen trees.
- 7) The property owner shall make an effort to create a swale to resolve the storm water ponding issue on the northwestern portion of the property at the time the parking lot addition is constructed.

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

DEED BOOK 268

PAGE NO. 21

GROUP NO. 2004