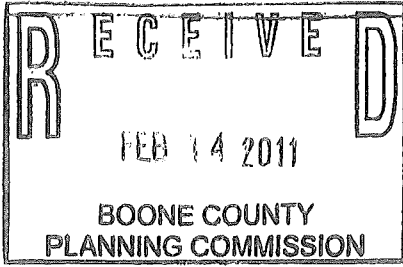


11-BOBOA-002-A

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)

- (Check One) 1. Boone Florence Walton Union
(Conditional Use Permit Variance Appeal) 2.
Applicant's Name GENERATIONS Church of the Nazarene - ALLAN KREBS
Phone Number (859) 261-4113 Fax No. 859 261-4146
Applicant's Address 1532 ELIJAH CREEK ROAD
Hebron Ky 41048
City State Zip
4. Description of Request: For the Board to grant a Conditional use permit. To allow church
5. Name of Development
6. Location of Development 1438 Cox Ave. Eelanger Ky
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot #2, Section #2, Mincola Industrial Park
9. Owner of Property CCI Properties LLC
Address of Property Owner 1438 Cox Avenue Phone No.
EELANGER Ky 41018
City State Zip
11. Proposed Use(s) on Site Church
12. Total Square Footage of Existing and/or Proposed Buildings 25,000
13. Current Zoning on Property I-1
14. Deed Book 858 Page No. 196 Group No. 2022
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? NO
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] STEVEN A. OBERST

ORIGINAL Applicant's Signature: [Signature] ALLAN KREBS

**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 2/14/11 Fee Received \$1082.00 R#62252
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
3/9/11 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 3/9/11 BCBOA MEETING MINUTES
AND C.L.U.R.
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: Generations Church of the Nazarene

LOCATION: 1438 Cox Avenue, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 9, 2011

PROPOSAL

Generations Church of the Nazarene has submitted a Conditional Use Permit application so they can convert an approximate 25,000 square foot office/warehouse into a church. The subject property is located at 1438 Cox Avenue and is zoned Industrial One (I-1).

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 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element contains the following passage regarding the general area:

This section of Boone County contains the I-275/Mineola Pike interchange, Mineola Pike, Donaldson Road, and Turfway Road. Major developments within this section include the Airport Exchange Business Park, Circleport I and III, the Mineola Industrial Park, Turfway Race Track, and part of the Houston-Donaldson area. This section of the County should experience a wide variety of substantial growth. This area will also be affected by the proposed South Airfield Road between the Mineola area and KY 18. To the north, the Mineola Interchange area has experienced, and should continue to experience, significant Business Park development. The Airport Exchange Business Park and Circleport Industrial Parks should continue to develop. As a result of this growth, the residential uses along Mineola Pike and Booneland Trail should eventually be redeveloped in a business park manner, similar to the adjoining uses. Rolling Green Acres should likewise eventually redevelop as industrial uses. Because of increasing development, the road network in this section should be improved, including the widening of Mineola Pike and road connections across airport property to KY 18 and/or Limaburg Road. The Cincinnati/Northern Kentucky International Airport is considering alternative plans to construct a new north south runway in this area to operate as a pair with the existing 18L/36R runway. The new construction would be east of the existing runway, and therefore would require the relocation or displacement of Donaldson Highway, Mineola Pike, O'Hara Road, and Turfway Road, as well as existing industrial developments, a church, some low density residential uses, and a portion of the Turfway Race Track operation. If this concept becomes a reality, a joint Airport/Boone County/City of Florence study needs to be conducted to properly plan this area (Land Use Plan, Geographic Areas, Airport Area, pg. 153).

The following Goals and Objectives apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

SITE CHARACTERISTICS

The approximate 5.16 acre site fronts on Cox Avenue and is located in Mineola Industrial Park. The property contains an approximate 25,000 square foot office/warehouse, which is currently occupied by Consortium Companies. A full access point is located near the southeast property line and provides access to the front and rear parking lots. A one-way out access point provides egress from the front parking lot. A total of 90 striped parking places currently exist on site (86 stalls in the rear parking lot and 4 stalls in the front parking lot). Boone County G.I.S. shows the topography of the site falls from approximately 900 feet above sea level at the northwest property corner to 880 feet above sea level at the southeast property corner. Mature landscaping exists along the street frontage and side property lines.

SURROUNDING LAND USES & ZONING

Northeast: Office/Warehouse Buildings Fronting on Jamike Avenue (I-1)

Northwest: Airport Property (A)

Southeast: Thelen Associates (I-1)

Southwest: Cox Avenue, King Tool, and Hahn Machining Services (I-1)

STAFF COMMENTS

1. The church is currently operating at 1532 Elijah Creek Road and they have outgrown their building and parking lot. The applicant provided a letter indicating that they have averaged 165 people for church service over the last four months (see attachments).

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

- A. What days and hours will the church operate?
- B. Could there be multiple church services on Sunday?
- C. What is the maximum number of seats that could be setup in church at any given time?

Currently, the maximum number of seats that could be used at any given time is 270 because there are 90 parking spaces on site. The Boone County Zoning Regulations requires a church to provide one parking space for every three seats that could be used at any given time.

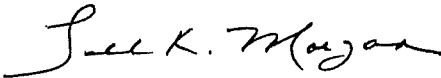
- D. Are there plans to expand the parking lots or add additional lighting?
- E. Are any building additions, picnic pavilions, or other structures being proposed?

3. The Board needs to analyze the Conditional Use Permit criteria before acting on the request. One of the criteria states that 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.
4. The applicant will need to submit a Tenant Finish Permit or Site Plan application to the Boone County Planning Commission if the request is approved. The application will analyze how many seats can be used at any given time, the adequacy of the parking, and any associated improvements that will be made on site.
5. Staff recommends the following conditions if the request is approved:
 - A. Any building or parking additions not approved by the Board shall come back through the Conditional Use Permit process.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/dw

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *2009 Aerial Map
- *Topographical Map
- *Zoning Map
- *Future Land Use Map
- *Application

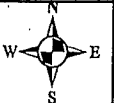
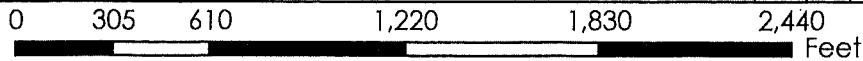
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

File Name: Boone County GIS
ArcMap Document: *.mxd

Generations Church

Building Information

2/14/2011

New Property @ 1438 Cox Road
Erlanger, Kentucky

Property has 90 designated Parking spaces, with additional parking spots that are now used to park trucks.

Congregation Size

Average attendance for the last 4 months- 165

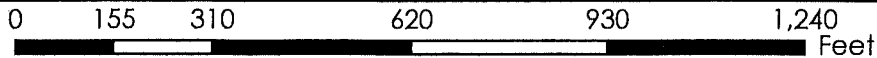
2009 AERIAL MAP

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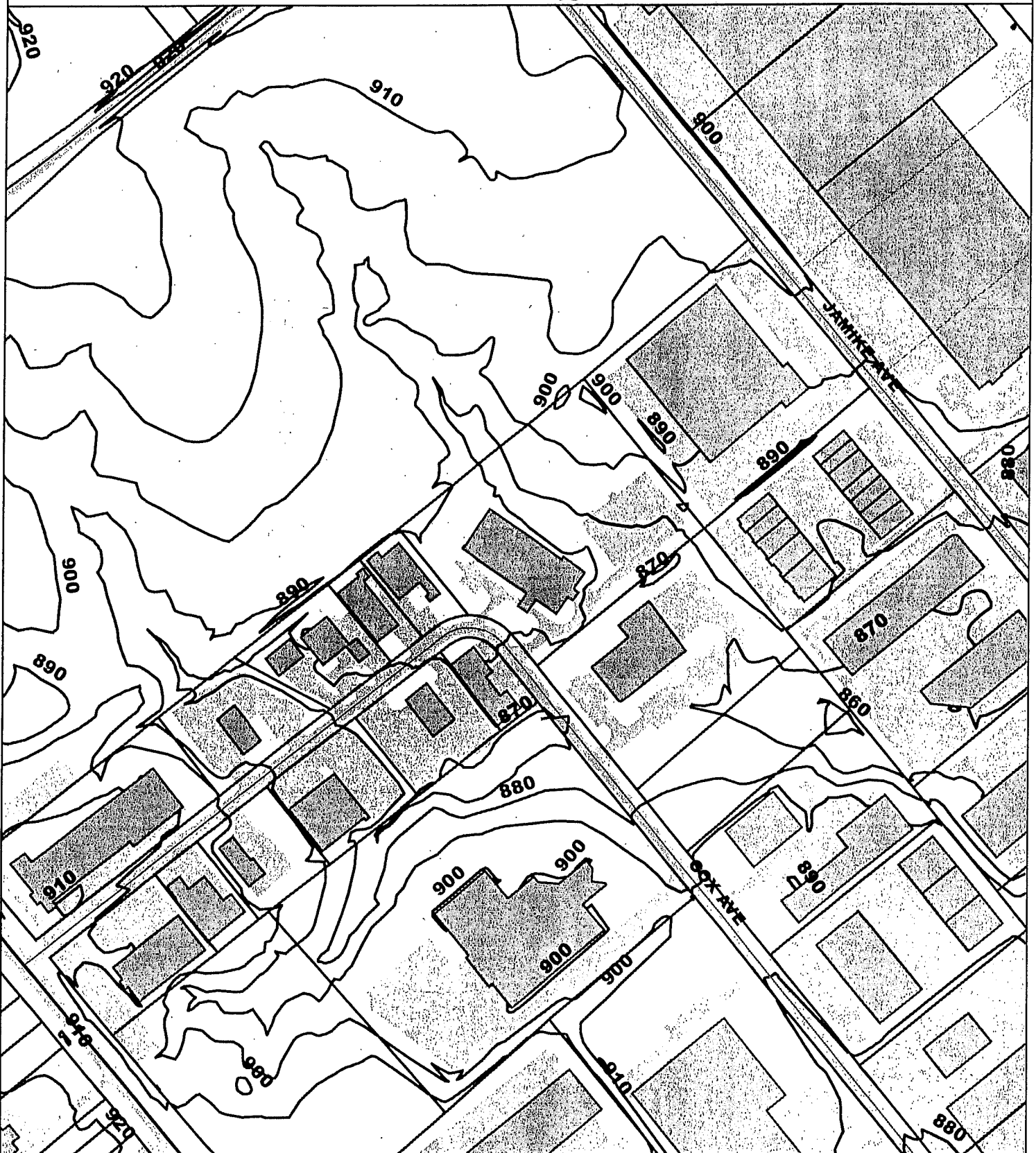


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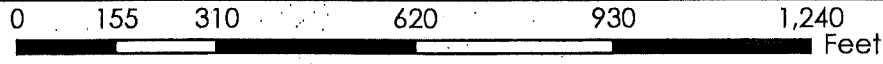
TOPOGRAPHICAL MAP

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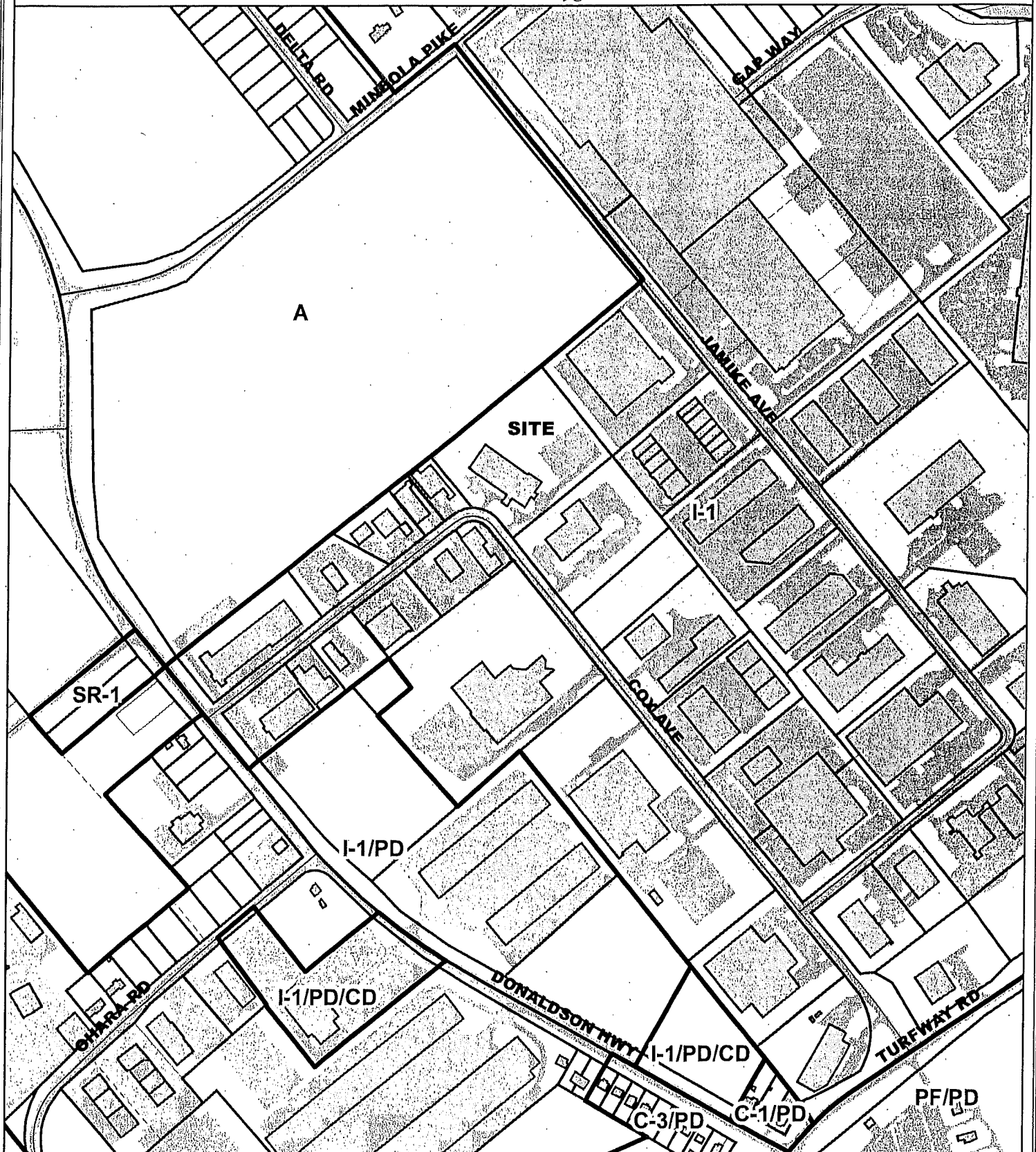
Boone County GIS - Putting Northern Kentucky on the Map

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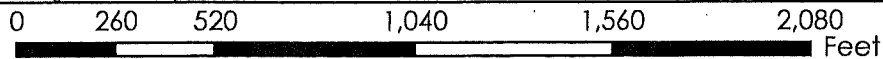
ZONING MAP

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1 Inch = 500 feet



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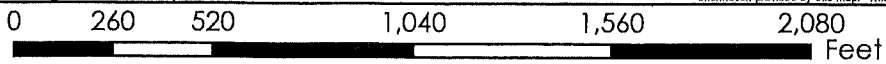
FUTURE LAND USE MAP

www.boonecountygis.com



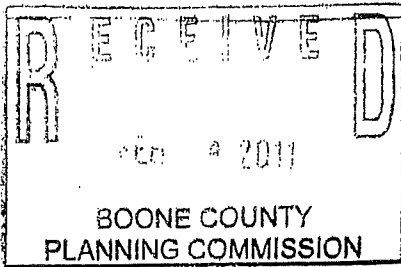
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Boone County GIS - Putting Northern Kentucky on the Map

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) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name GENERATIONS Church of the Nazarene - Allan Krebs
Phone Number (859) 261-4113 Fax No. 859 261-4146
Applicant's Address 1532 ELIJAH CREEK ROAD
Hebron Ky 41048
City State Zip
4. Description of Request: For the Board to grant a Conditional USC PERMIT. To Allow Church
5. Name of Development _____
6. Location of Development 1438 Cox AVE. ERLANGER Ky
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot # 2, Section # 2, Mineola Industrial Park
9. Owner of Property CCI Properties LLC
Address of Property Owner 1438 COX AVENUE Phone No. _____
10. ERLANGER Ky 41018
City State Zip
11. Proposed Use(s) on Site Church
12. Total Square Footage of Existing and/or Proposed Buildings 25,000
13. Current Zoning on Property I-1
14. Deed Book 858 Page No. 196 Group No. 2022
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? NO
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] STEVEN M. OBERST
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #11-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

CCI Properties, LLC
1438 Cox Avenue
Erlanger, KY 41018

2. ADDRESS OF PROPERTY

1438 Cox Avenue
Erlanger, KY 41018

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Generations Church of the Nazarene

4. DEED BOOK 858

PAGE NO. 196

GROUP NO. 2022

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



SIGNATURE OF COMPLETING OFFICIAL

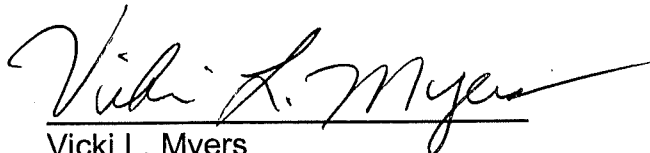
Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

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.

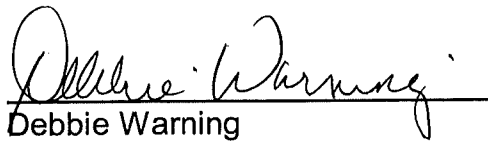


Vicki L. Myers
NOTARY PUBLIC, State at Large

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-002-A), for CCI Properties, LLC, Property Owner(s).

The following conditions will apply:

- 1) Church Staff can occupy the building throughout the week.
- 2) Weekday services shall not occur before 6 PM.
- 3) Special events and church services can occur any time on Saturdays and Sundays.

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

DEED BOOK 858

PAGE NO. 196

GROUP NO. 2022