





10. Proposed Use(s) on Site: Church & Chapel

11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_

12. Current Zoning: I-1

13. 1199 279 2058  
Deed Book Page Group Number

14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_

15. Have you submitted a Site Plan with this request:  Yes  No

16. Have you submitted a list of adjoining property owners with this request:  Yes  No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature:

[Handwritten Signature]

Applicant's Signature:

Tony B. [Handwritten Signature]



**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 3/20/23 Fee Received: \$1,116 Receipt #: 87992

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 4/12/2023

5. Board Action: 4/12/2023

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: A Buffer Yard A landscaping shall be installed along Dixie Highway, between the curb cut and the south property line.

7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)



## STAFF REPORT

#3

APPLICANT: Tony Berling, on behalf of Joyce Robinson Foundation, Inc.

LOCATION: 10336 Dixie Highway, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: April 12, 2023

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the conversion of an existing industrial building for an addition to the Gathering Place Church facility.

### SITE HISTORY

- 1993 The Boone County Planning Commission approved a Major Site Plan for a 2,982 square foot church building to be placed on the property to the north of the site in question (11/3/93).
- 1994 On June 6, 1994, the Boone County Planning Commission approved a Minor Site Plan for a parking lot addition on the site in question.
- 1995 The Boone Board of Adjustment approved a Conditional Use Permit allowing a day care facility within the existing church facility (BCBOA-95-009).
- 1996 The area to the west of the site in question was rezoned from SR-2 to C-1 (R-96-004-A and Ord. No. 920.329).
- 2001 The Boone County Planning Commission approved a Minor Site Plan allowing for a modular classroom to be placed on the property to the north of the site in question (7/5/01).
- 2005 The Boone County Planning Commission approved a Major Site Plan to change an existing pole barn to a youth recreation building, add parking spaces, and relocate a curb cut (11/29/05).
- 2006 On August 2, 2006, the Boone County Planning Commission approved: (1) a zoning map amendment changing the area to the north of the site in question from I-2 to I-1; and (2) a Conditional Use Permit to allow the expansion of a church parking lot and other church activities, subject to the condition that the development and use of the property shall follow the submitted Concept Development Plan. Additionally, uses on the property shall be limited to church related functions as explained by the applicant to the Zone Change Committee

(worship services, Bible study, Sunday School classes, religious oriented events, picnics in the outdoor lawn area, and the like) and the existing school (R-06-019-A). On October 3, 2006, the Boone Fiscal Court adopted Ordinance Number 06-16, concurring with the Planning Commission's recommendation/action.

- 2006 The area to the west of the site in question was: (1) rezoned from C-1 to UR-1; and (2) approved for a Change of Concept Development Plan (R-06-022-A and Ord. No. 06-19).
- 2008 The area to the west of the site in question was rezoned from C-1 to C-3 (R-07-021-A and Ord. No. 08-02).
- 2018 The Boone Board of Adjustment approved a Conditional Use Permit allowing a dog kennel with day care, boarding, training, indoor swimming, and grooming on the property to the north of the existing church facility (BCBOA-18-012).
- 2019 On May 8, 2019, the Boone Board of Adjustment approved a Conditional Use Permit for a 6,000 square foot fellowship hall on the property to the north of the site in question (BCBOA-19-009).
- 2019 On October 25, 2019, the Boone County Planning Commission approved a Major Site Plan for the construction of a 6,000 square foot fellowship hall on the property to the north of the site in question.

### APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 205.H of the Boone County Zoning Regulations.
  - 1. Findings listed in Section 205.H (Findings for all Conditional Uses):
    - a. 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.
    - b. 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.

- c. Will be hazardous to existing or future neighboring uses.
- d. 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 any such services.
- e. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
- f. Will 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.
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

C. Section 505.4 of the Boone County Zoning Regulations identifies 'Religious Assembly' as a Conditional Use within the I-1 district.

D. Section 1102. A of the Boone County Zoning Regulations states that "The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact, multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and

constructed to blend in visually with the character of the area.”

- E. Section 4000 of the Boone County Zoning Regulations defines ‘Religious Assembly’ as follows: Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches. Such facilities may secondarily provide social or community services such as counseling, childcare, senior services, and educational programs.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Industrial” uses, which is described as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
  - 1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - 3. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (demographics Goal A, Objective 3).
  - 4. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
  - 5. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  - 6. Public facilities and services shall be in locations that are accessible to the population being served (Public Facilities Goal A, Objective 7).
- C. Dixie Highway is a state maintained arterial street, providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

#### SITE CHARACTERISTICS

- A. The approximate 2.7 acre area is located along the east side of Dixie Highway, approximately 300 feet south of Frank Duke Boulevard.
- B. The site has approximately 310 feet of frontage along Dixie Highway and approximately 390 feet of frontage along the Norfolk Southern Railroad line.

- C. Access to the site is provided by one curb cut onto Dixie Highway and a narrow driveway to the existing Gathering Place Church facility.
- D. The site is currently occupied by an approximate 8,200 square foot industrial building and surface parking areas.
- E. Topographically, the site is relatively flat.

#### SURROUNDING LAND USES AND ZONING

North: Gathering Place Church (I-1)

South: Stop Shop and Go Convenience Store and 1<sup>st</sup> and 10 Sports Bar (I-1)

East: Norfolk Southern Railroad line and industrial uses (-2))

West: Mobile home park (MHP) and vacant land (C-3)

#### PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN

- A. The Concept Development Plan that was approved through the Board of Adjustment as part of BCBOA 19-009 indicated the following:
  - 1. Construction of a 6,000 square foot (100' x 60') fellowship hall building.
  - 2. Continued use of the existing church buildings.
  - 3. Continued use of the existing off-street parking area and access.
  - 4. Provision for a Buffer Yard A (minimum 10 foot width) along the north, east, and west property lines.

#### PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
  - 1. Re-use of the existing structure as a church and chapel.
  - 2. Removal of the existing loading dock.
  - 3. Removal of the existing gravel truck/trailer parking area and the construction of a concrete parking lot in its place.
  - 4. Re-striping of the existing concrete pavement areas.
  - 5. Construction of a two-way driveway between the site in question and the existing Gathering Place Church facility.
  - 6. Retention of an existing detention pond.

#### STAFF COMMENTS

- A. The site is the former home of C&J Trucking.

- B. The only impervious surface that would be added would be the driveway between the site in question and the existing Gathering Place Church facility.
- C. Should the Board take action to approve the submitted request, Staff is suggesting the following condition be considered as part of that action:
  - 1. Buffer Yard A landscaping shall be installed along Dixie Highway, between the curb cut and the south property line.

CONCLUSION

- A. KRS 100.237 and Section 202.C of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit request.

Respectfully Submitted,



Michael D. Schwartz  
Director, Zoning Services

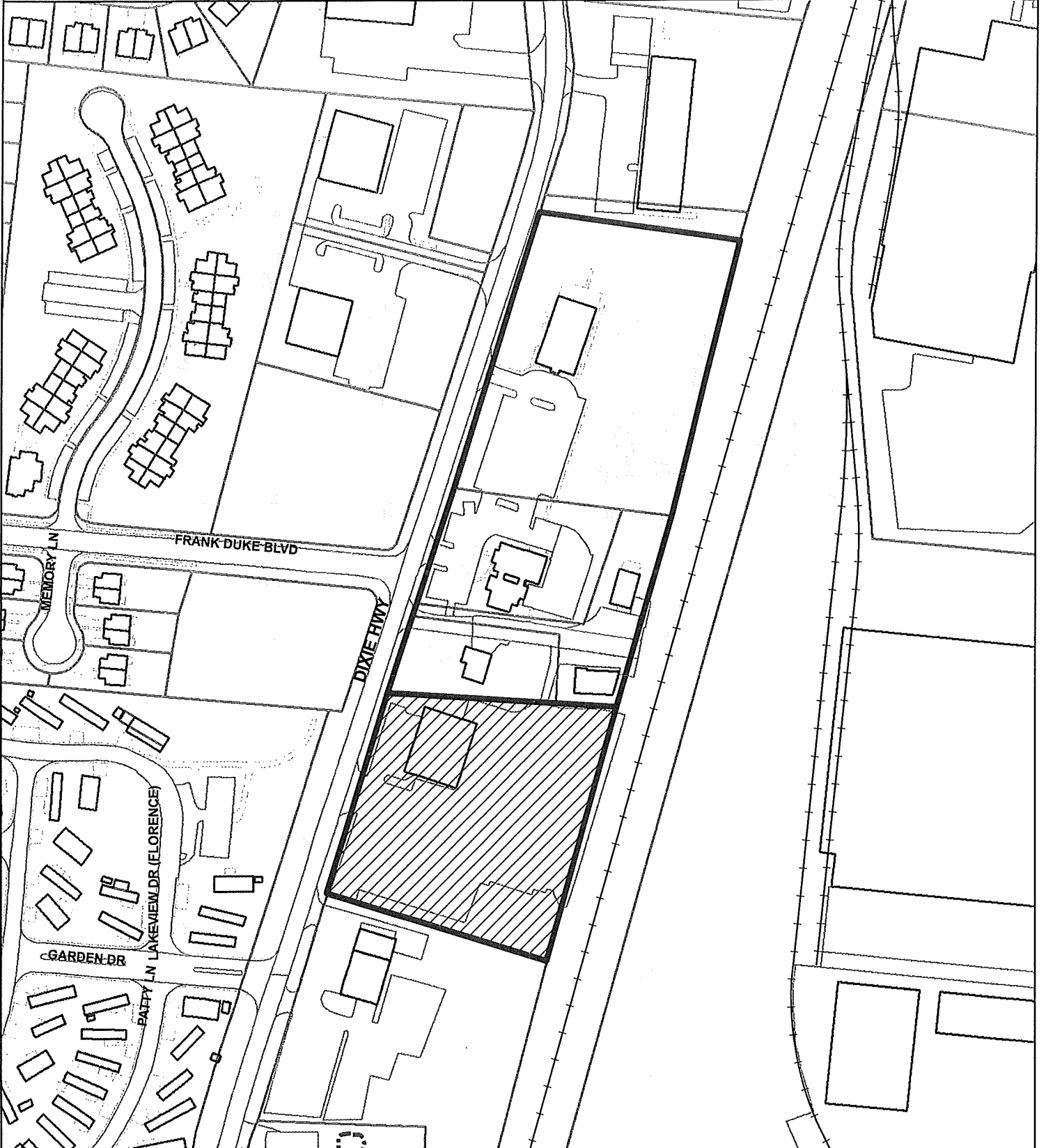
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*BCBOA-19-009 Concept Plan
- \*Application
- \*Concept Development Plan

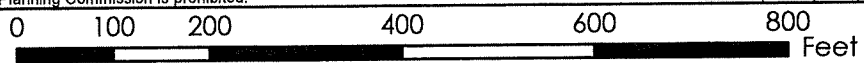
# Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



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



# Aerial Map

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0 100 200 400 600 800 Feet

1 inch = 200 feet



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

Map Created: xx/xx/2022

Map Data: 7/20/2022  
ArcMap Document: \*.mxd

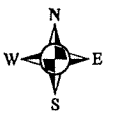
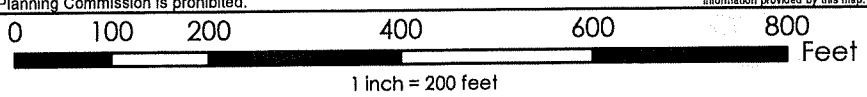
# Topographic Map

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Map Created: 12/22/2022

Boone County GIS, ArcGIS, 12/22/2022  
ArcMap Document: \*.mxd

# Zoning Map

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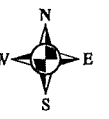
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0 100 200 400 600 800 Feet

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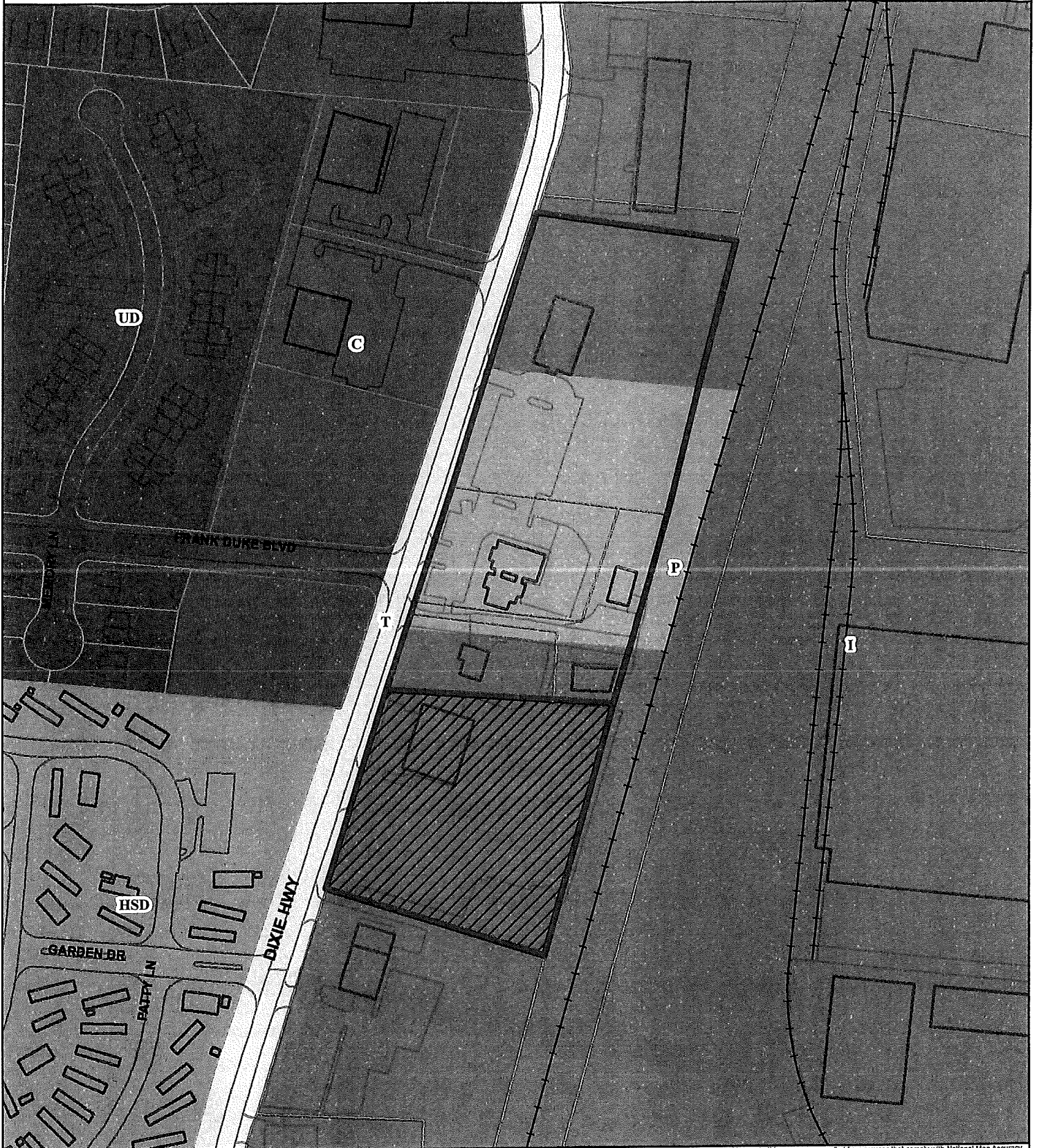


**Boone County GIS - Putting Northern Kentucky on the Map**



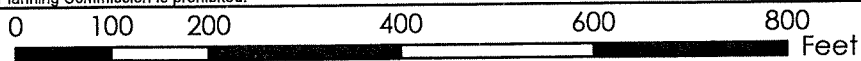
# 2040 Future Land Use Map

www.boonecountygis.com



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1 inch = 200 feet



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







10. Proposed Use(s) on Site: Church & Chapel

11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_

12. Current Zoning: I-1

13. 1199 279 2058  
Deed Book Page Group Number

14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_

15. Have you submitted a Site Plan with this request:  Yes  No

16. Have you submitted a list of adjoining property owners with this request:  Yes  No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature:

[Handwritten Signature]

Applicant's Signature:

[Handwritten Signature]





CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Joyce Robinson Foundation Inc.  
10310 Dixie Hwy  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
10336 Dixie Hwy  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Gathering Place Church
4. DEED BOOK 1199                      PAGE NO. 279                      GROUP NO. 2058
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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services  
Name and Title of Completing Official



COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone


County Planning Commission this 13<sup>th</sup> day of April, 2023.

---

Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

---

Nicole Dierna  
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 Adjustment and in accordance with the current zoning in effect as of April 12, 2023, Certificate of Land Use Restriction (#23-BCBOA-012-A), for Joyce Robinson Foundation Inc., Property Owner(s).

The following conditions will apply:

1. A Buffer Yard A landscaping shall be installed along Dixie Highway between the curb cut and the south property line.

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

DEED BOOK 1199

PAGE NO. 279

GROUP NO. 2058

