

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

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: Tony Berling

Address: 1671 Park Road - Suite One

Fort Wright KY 41011
City State Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

4. Description of Request: Building additions

5. Name of Development: Gathering Place Church Sanctuary

6. Location of Development: 10336 Dixie Highway

Florence KY 41042
City State Zip Code

7. Acreage Under Review: 2.66 Acres

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

9. Current Owner: Joyce Robinson Foundation, Inc.

Address: 10310 Dixie Highway

Florence KY 41042
City State Zip Code

Phone Number: 859-462-4243 Fax Number: N/A

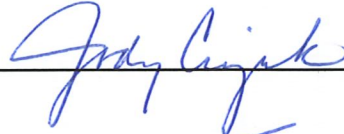
Email: pastorgarrett@gpcky.com

Gathering Place Church Sanctuary

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 8,094 Ex. / 4,837 Proposed
12. Current Zoning: I-1/CD
13.

<u>1199</u>	<u>279</u>	<u>2058</u>
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:



Applicant's Signature:



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

1. Date Received: 12/18/23 Fee Received: \$ 1116.00 Receipt #: 89688

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/10/2024

5. Board Action: 1/10/2024

_____ Approved

Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, & CLUR

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
www.boonecountyky.org

CONDITIONS OF APPROVAL

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

LOCATION: 10336 Dixie Highway, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: January 10, 2024

1. Buffer Yard A landscaping shall be installed along Dixie Highway, between the curb cut and the south property line.
2. There shall be no more than three (3) access points to the entire Gathering Place Church complex and the location of the access points shall be as approved by KYTC.

STAFF REPORT

#2

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

LOCATION: 10336 Dixie Highway, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: January 10, 2024

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow a building addition to a previously approved Conditional Use Permit for 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.
- 2023 On April 12, 2023, the Boone Board of Adjustment approved a Conditional Use Permit to allow the conversion of an existing industrial building for an addition to the Gathering Place Church , subject to the condition that a Buffer Yard A landscaping be installed along Dixie Highway between the curb cut and the south property line (BCBOA-23-012).

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 1st 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.

B. The Concept Development Plan that was approved through the Board of Adjustment as part of BCBOA 23-012 indicated 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.

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.
7. A 4,836.66 square foot building addition onto the existing industrial building.

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 and an addition to the parking area in the southeast corner of the site.

C. Section 3221.A.2 of the Boone County Zoning Regulations state that a proposed development is permitted one (1) access point for each five hundred (500) feet of site frontage.

The Gathering Place Church complex will have approximately one thousand sixty (1,060) feet of frontage along Dixie Highway.

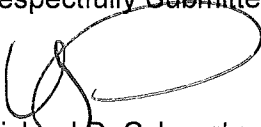
Based on this requirement, the development would only be allowed to have three (3) access points onto Dixie Highway and they currently have four (4) curb cuts.

- D. 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.
 2. There shall be no more than three (3) access points to the entire Gathering Place Church complex and the location of the access points shall be as approved by KYTC.

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

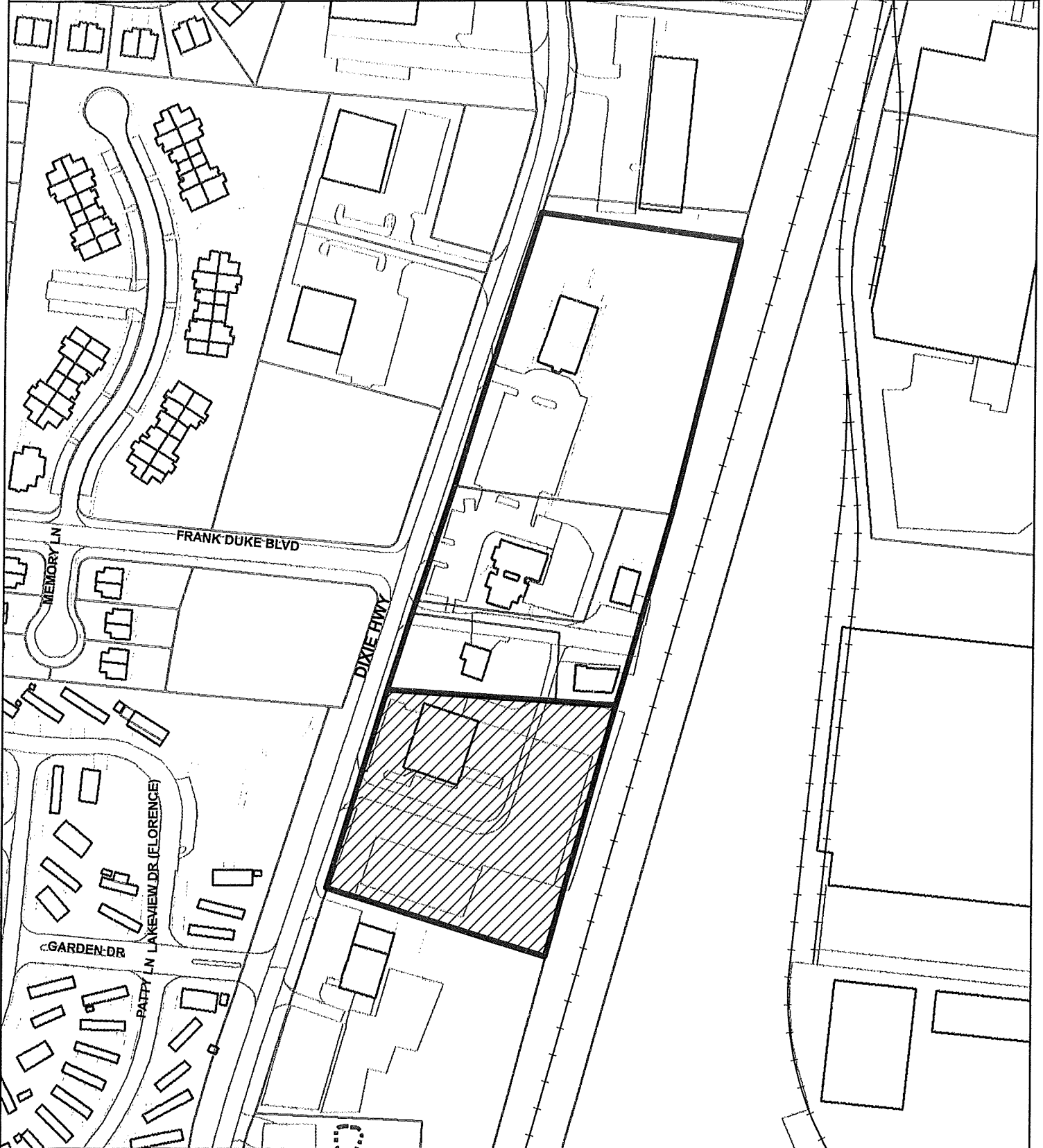
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *BCBOA-19-009 Concept Plan
- *BCBOA-23-012 Concept Plan
- *Application
- *Concept Development Plan

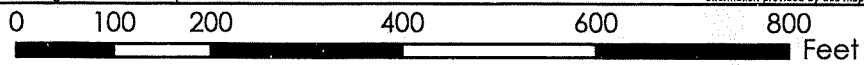
Vicinity Map

www.boonecountygis.com

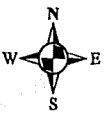


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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

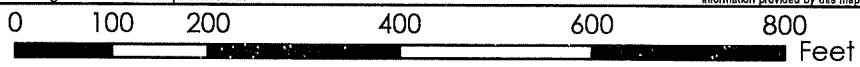
Aerial Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/cv/2022

Boone County GIS
ArcMap Document: *.mxd

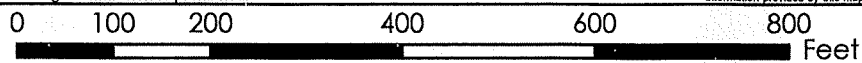
Topographic Map

www.boonecountygis.com



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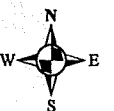
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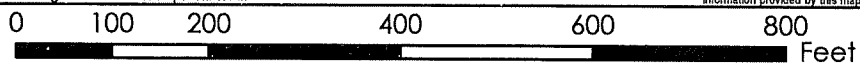
Zoning Map

www.boonecountygis.com



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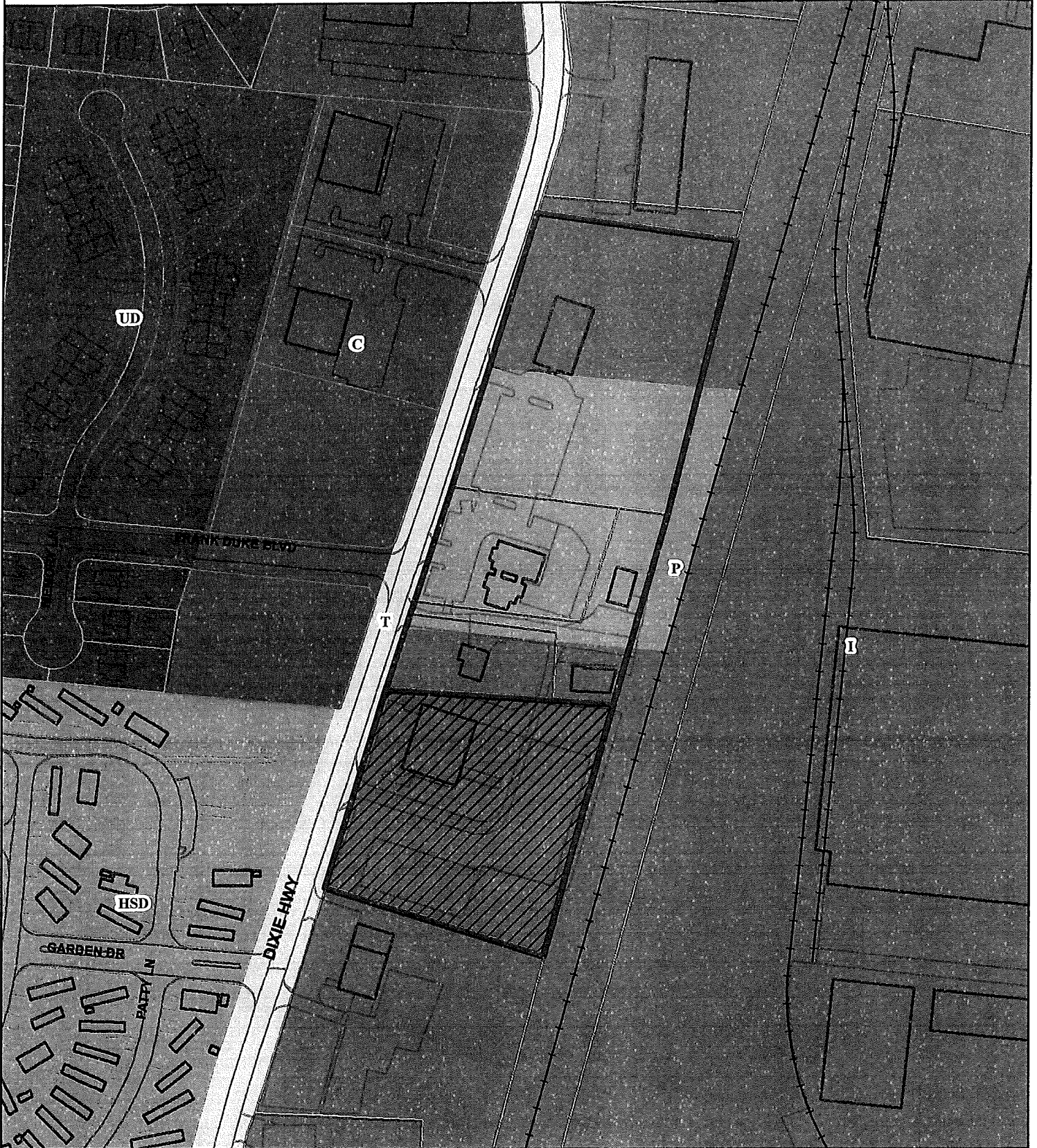


Map Created: xx/xx/2022

Web Files Created by Esri, 9/24/10
ArcMap Document: *.mxd

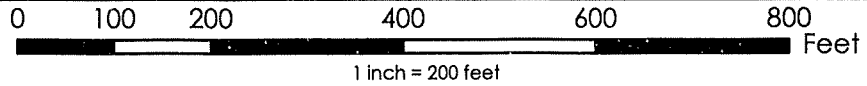
2040 Future Land Use Map

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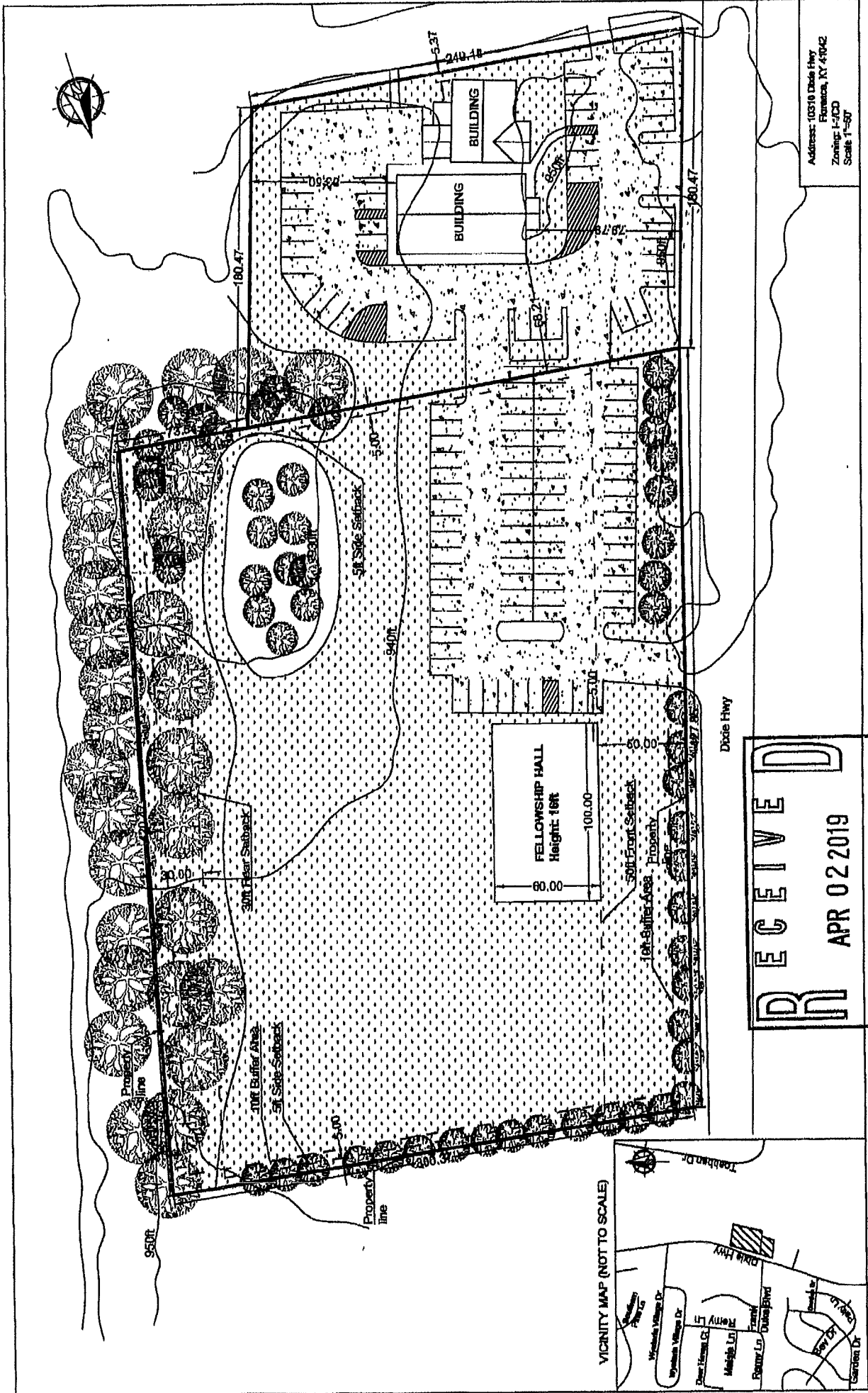
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

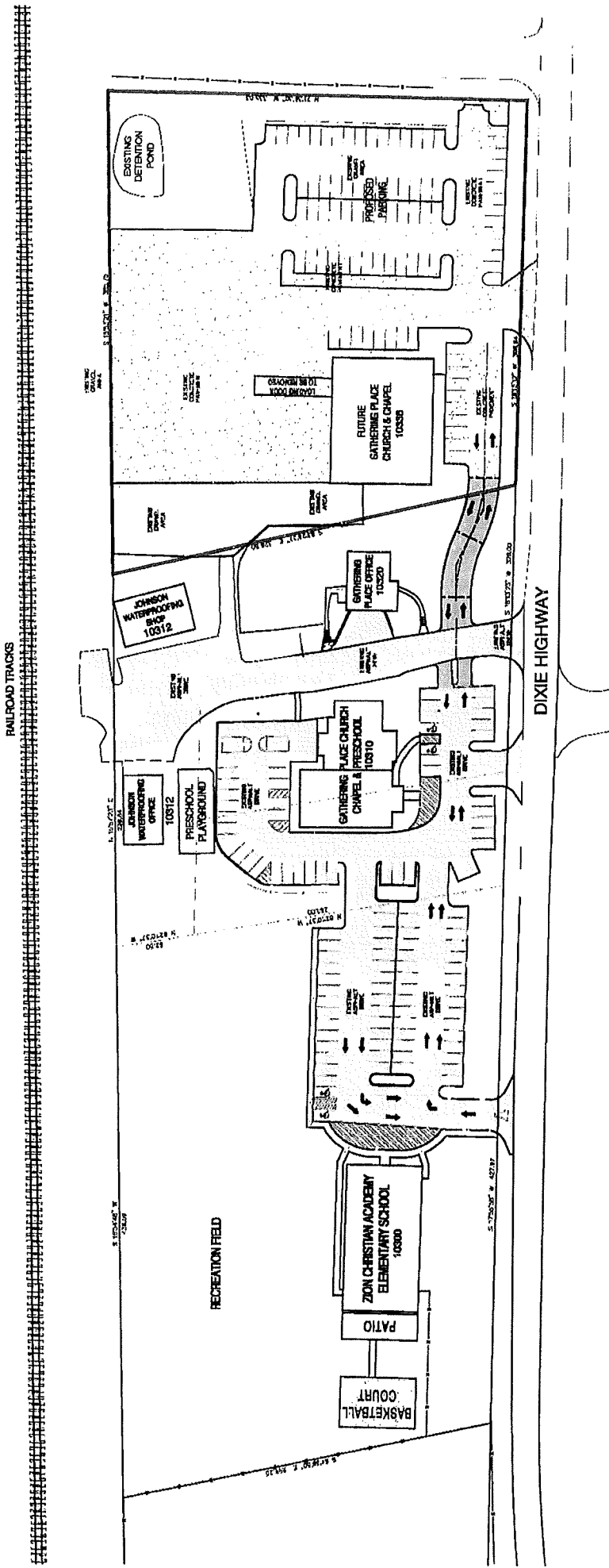
Concept Plan - BCBOA-19-009



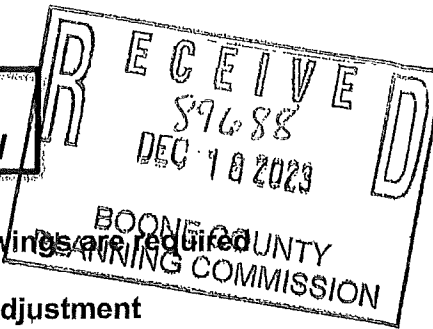
RECEIVED
APR 02 2019

Address: 10316 Dixie Hwy
Florence, KY 41042
Zoning: I-7CD
Scale: 1"=50'

Concept Plan - BCBOA - 23-012



**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

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City State Zip Code
Phone Number: 859-331-9191 Fax Number: 859-344-7422
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City State Zip Code
Phone Number: 859-462-4243 Fax Number: N/A
Email: pastorgarrett@gpcky.com

Gathering Place Church Sanctuary

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13. 1199 279 2058
Deed Book Page Group Number
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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:

Jody Cizak

Applicant's Signature:

Tom B. [Signature]

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

1. Date Received: 12/18/23 Fee Received: \$ 1116.00 Receipt #: 89688

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

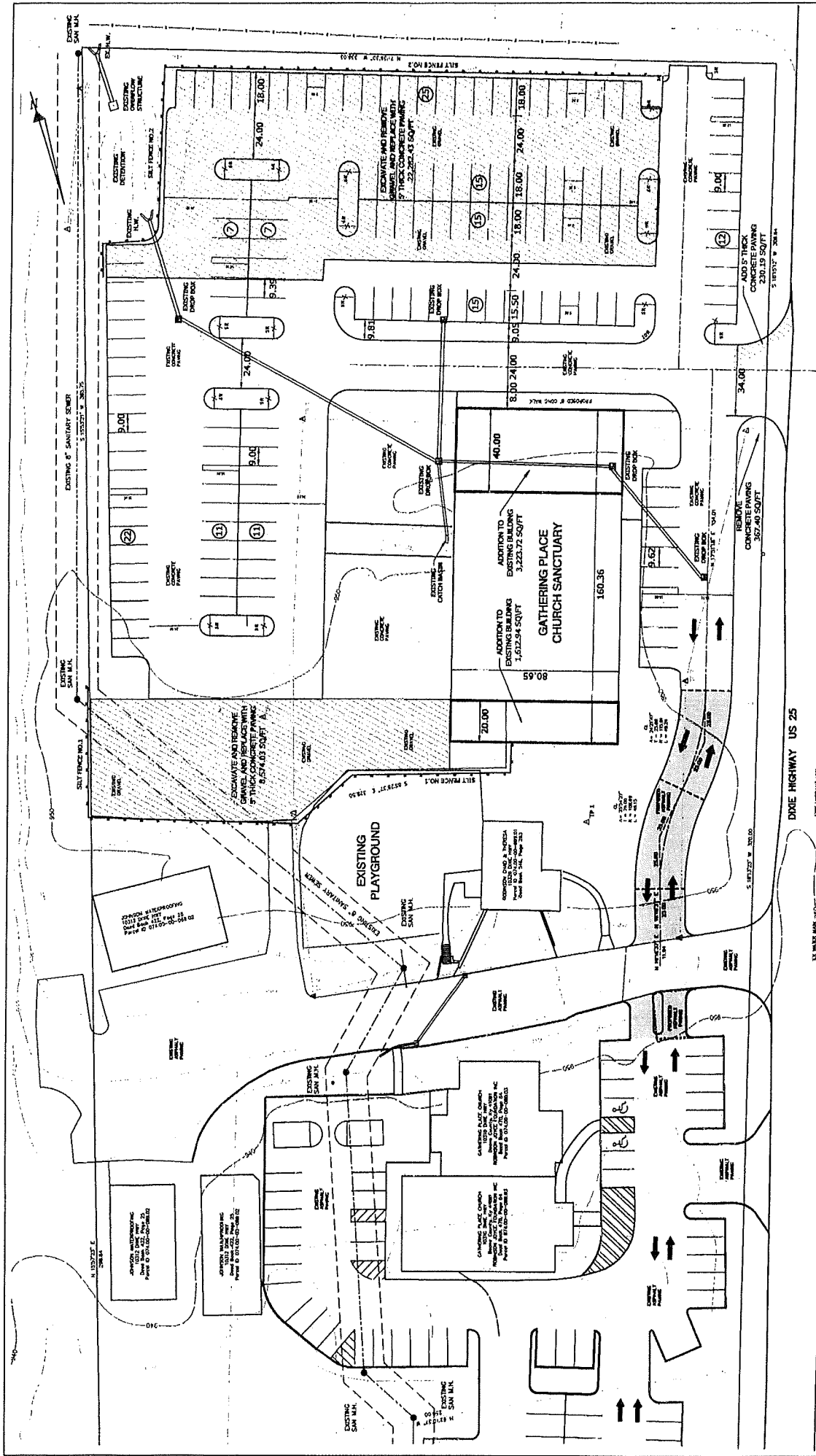
_____ Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
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Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org



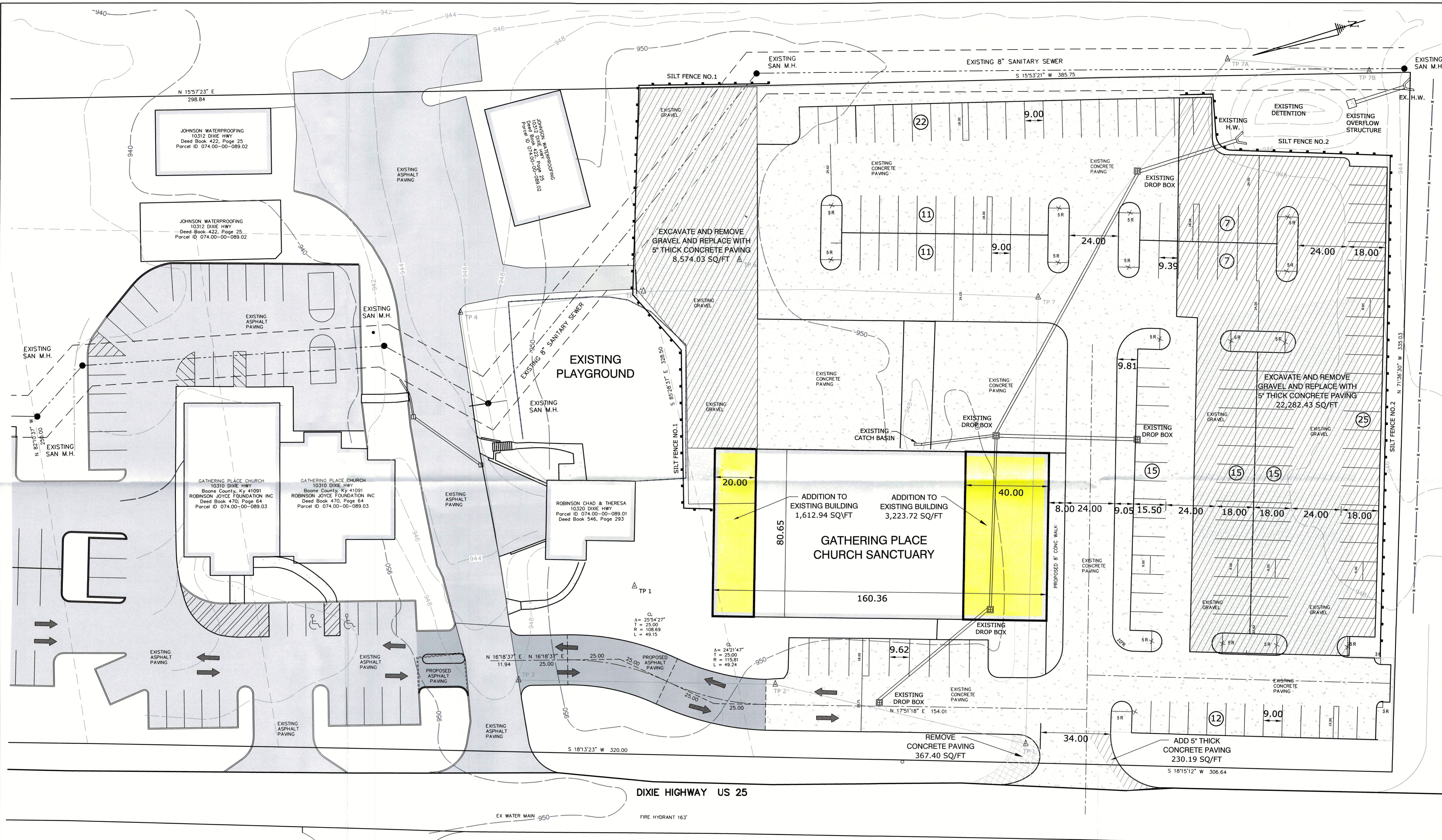
CONCEPT PLAN	
GATHERING PLACE CHURCH SANCTUARY	
DESIGNED BY	STEWART A. BERLING
DRAWN BY	P.V. ENGINEER #1734
DATE	11-27
PROJECT	10336 DIXIE HIGHWAY
	BOONE COUNTY, KENTUCKY
DATE	12/14/23



PARCEL INFO
 JOYCE ROBINSON
 FOUNDATION
 DB 877/231
 3.000 ACRES

DIXIE HIGHWAY US 25

FILE NUMBER 147



JOHNSON WATERPROOFING
10312 DIXIE HWY
Deed Book 422, Page 25
Parcel ID 074.00-00-089.02

JOHNSON WATERPROOFING
10312 DIXIE HWY
Deed Book 422, Page 25
Parcel ID 074.00-00-089.02

GATHERING PLACE CHURCH
10310 DIXIE HWY
Boone County, Ky 41091
ROBINSON JOYCE FOUNDATION INC
Deed Book 470, Page 64
Parcel ID 074.00-00-089.03

GATHERING PLACE CHURCH
10310 DIXIE HWY
Boone County, Ky 41091
ROBINSON JOYCE FOUNDATION INC
Deed Book 470, Page 64
Parcel ID 074.00-00-089.03

ROBINSON CHAD & THERESA
10320 DIXIE HWY
Parcel ID 074.00-00-089.01
Deed Book 546, Page 293

CL
Δ = 25°54'27"
T = 25.00
R = 108.69
L = 49.15

CL
Δ = 24°21'47"
T = 25.00
R = 115.61
L = 49.24

N 16°18'37" E 11.94
N 16°18'37" E 25.00
N 16°18'37" E 25.00
S 181°3'23" W 320.00

N 17°51'18" E 154.01
S 181°12" W 306.64

PARCEL INFO
JOYCE ROBINSON
FOUNDATION
DB 877/331
3.000 ACRES



CONCEPT PLAN			
GATHERING PLACE CHURCH SANCTUARY			
STEVEN A. BERLING KY. ENGINEER 18134	SCALE 1" = 20'	DESIGNED BY Chris D. Berling	DRAWN BY Chris D. Berling
10336 DIXIE HIGHWAY BOONE COUNTY, KENTUCKY			
12/14/23	APPROVED BY	DRAWING NUMBER	

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 11th day of January, 2024.

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 January 10, 2024, Certificate of Land Use Restriction (#24-BCBOA-002-A), for Joyce Robinson Foundation, Inc., Property Owner(s).

The following conditions will apply:

1. Buffer Yard A landscaping shall be installed along Dixie Highway, between the curb cut and the south property line.
2. There shall be no more than three (3) access points to the entire Gathering Place Church complex and the location of the access points shall be as approved by KYTC.

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

DEED BOOK 1199

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GROUP NO. 2058