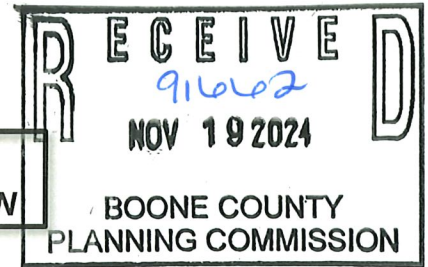


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

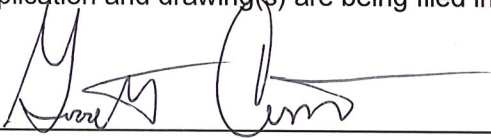
SECTION A: (To be completed by applicant)

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 & Zion Christian Academy
6. Location of Development: 10310 & 10336 Dixie Highway
Florence KY 41042
City State Zip Code
7. Acreage Under Review: 4 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

10. Proposed Use(s) on Site: Gathering Place Church Sanctuary Nursey / Kids & Zion Academy Storage Building
11. Total Square Footage of Existing and/or Proposed Buildings: 14,094 Ex. / 11,000 Proposed & 9,000 Previously Approved
12. Current Zoning: I-1/CD
13. 877 - 1199 331 - 279 2058
Deed Book 1202 Page 409 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: 11/19/24 Fee Received: \$1,766 Receipt #: 91062
2. Is application complete: _____
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 12/11/2024
5. Board Action: 12/11/2024

Approved
 Approved with Conditions (see #6)

Denial (See #7)
6. Conditions of Approval: (1) A Buffer Yard A landscaping shall be installed along Dixie Highway between the original church building and the south property line; and (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.
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

STAFF REPORT

#2

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

LOCATION: 10300-10320 Dixie Highway, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: December 11, 2024

PROPOSAL

- A. The first part of the submitted request is a Conditional Use Permit to allow the construction of a 6,000 square foot storage building and a 5,000 square foot nursery building for the Gathering Place Church facility.
- B. The second part of the submitted request is a Variance reducing the landscape Buffer Yard A width along a portion of the rear property line from ten (10) feet to 2.11 feet.

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 Gathering Place Church property (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 Gathering Place Church property.
- 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 Gathering Place Church property(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 a portion of the Gathering Place Church property 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 Gathering Place Church property (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 Gathering Place Church property.
- 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).
- 2024 On January 10, 2024, the Boone Board of Adjustment approved a Conditional Use Permit to allow a building addition to a previously approved Conditional Use Permit for the Gathering Place Church facility, subject to the conditions that a Buffer Yard A landscaping be installed along Dixie Highway between the curb cut and the south property line and that 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. (BCBOA-24-002).
- 2024 On February 1, 2024, the Boone County Planning Commission approved a Major Site Plan for grading and a building addition.
- 2024 On June 12, 2024, the Boone Board of Adjustment approved a Conditional Use Permit to allow for the construction of a 9,600 square foot school building (BCBOA-24-019).

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 harrmonious 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 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.

- D. Section 4000 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

- E. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 204.D and 204.E of the Boone County Zoning Regulations.
 1. Findings listed in Section 204.D and 204.E:
 - a. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- F. Section 505.4 of the Boone County Zoning Regulations identifies 'Religious Assembly' as a Conditional Use within the I-1 district.
- G. 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."
- H. 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.

- I. Section 3645 of the Boone County Zoning Regulations requires a landscape Buffer Yard A, having a minimum width of ten (10) feet, to be provided between a development within an I-1 district and an adjoining I-2 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Public/Institutional” and “Industrial” uses, which are described as follows:
 1. Public/Institutional - government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.
 2. Industrial - 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 8 acre area is located along the east side of Dixie Highway, approximately 300 feet north of Frank Duke Boulevard.
- B. The site has approximately one thousand (1,000) feet of frontage along Dixie Highway and approximately 1,100 feet of frontage along the Norfolk Southern Railroad line.
- C. Access to the Gathering Place Church property is provided by several curb cuts onto Dixie Highway.
- D. The Gathering Place Church property is currently occupied by several buildings,

including a church, fellowship hall, and school, in addition to off-street parking facilities.

- E. Topographically, the site is relatively flat with the exception of a stormwater detention facility in the southeast corner of the site.

SURROUNDING LAND USES AND ZONING

North: Dog kennel with day care, boarding, training, indoor swimming, and grooming (I-1)
South: Industrial uses (I-1)
East: Norfolk Southern Railroad line and industrial uses (I-2)
West: Mobile home park (MHP), vacant land, O'Reilly Auto Parts, Family Dollar and Dollar General (C-3)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
 - 1. Retention of all existing buildings.
 - 2. Access via four (4) curb cuts onto Dixie Highway.
 - 3. Construction of a 6,000 square foot storage building.
 - 4. Construction of a 5,000 square foot nursery/kids building.
 - 5. Provision for off-street parking.
 - 6. Construction of an internal driveway connection.

STAFF COMMENTS

- A. A row of mature trees exists along Dixie Highway.
- B. A privacy fence exists along the north property line.
- C. Previous actions by the Boone Board of Adjustment included the following conditions:
 - 1. A 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.
- D. To date, these conditions have not been met.
- E. Should the Board take action to approve the submitted requests, Staff is suggesting the following conditions be considered as part of that action:
 - 1. A Buffer Yard A landscaping shall be installed along Dixie Highway between the original church building 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.
- B. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- C. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully Submitted,



Michael D. Schwartz
Director, Zoning Services

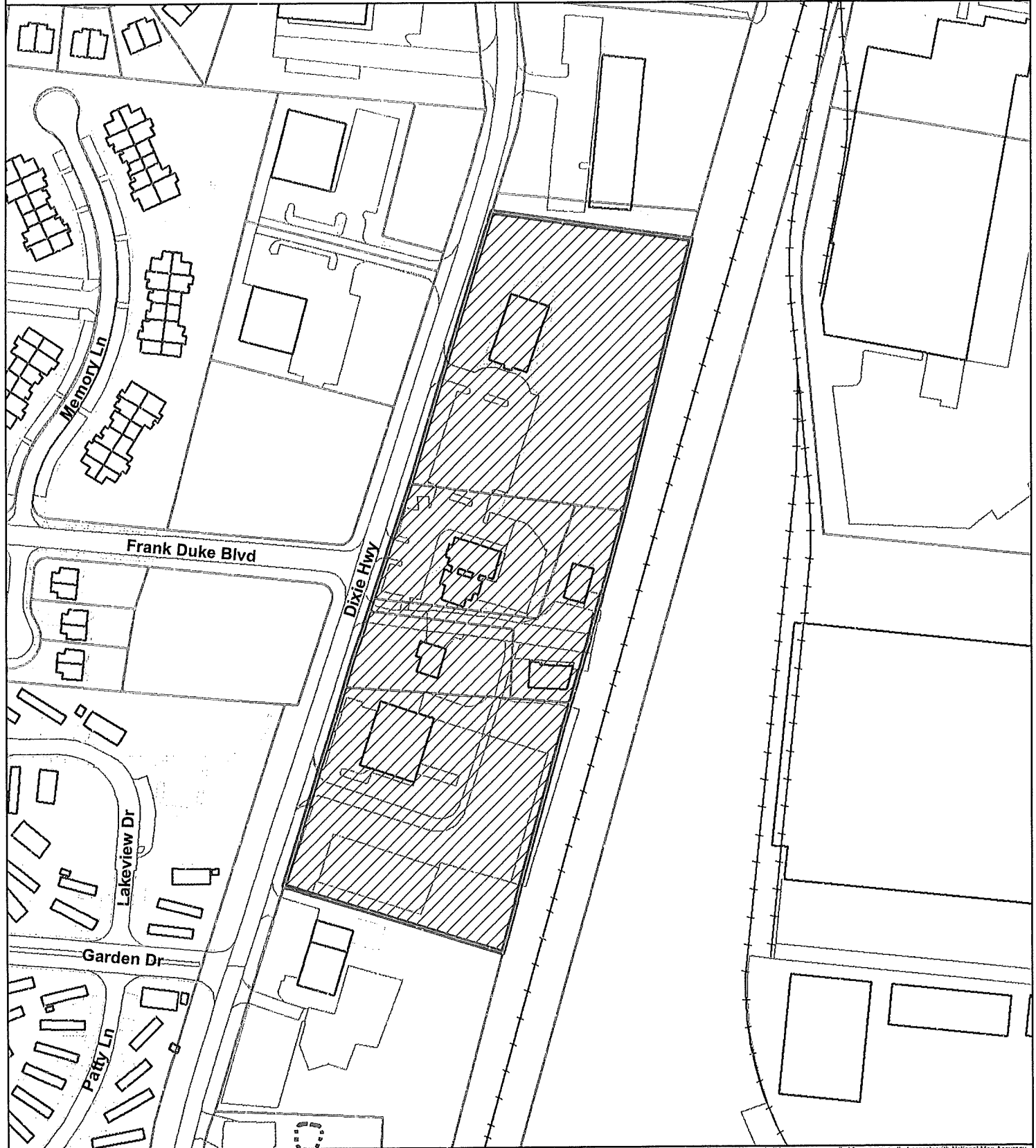
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

Vicinity Map

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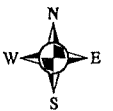
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1 inch = 200 feet

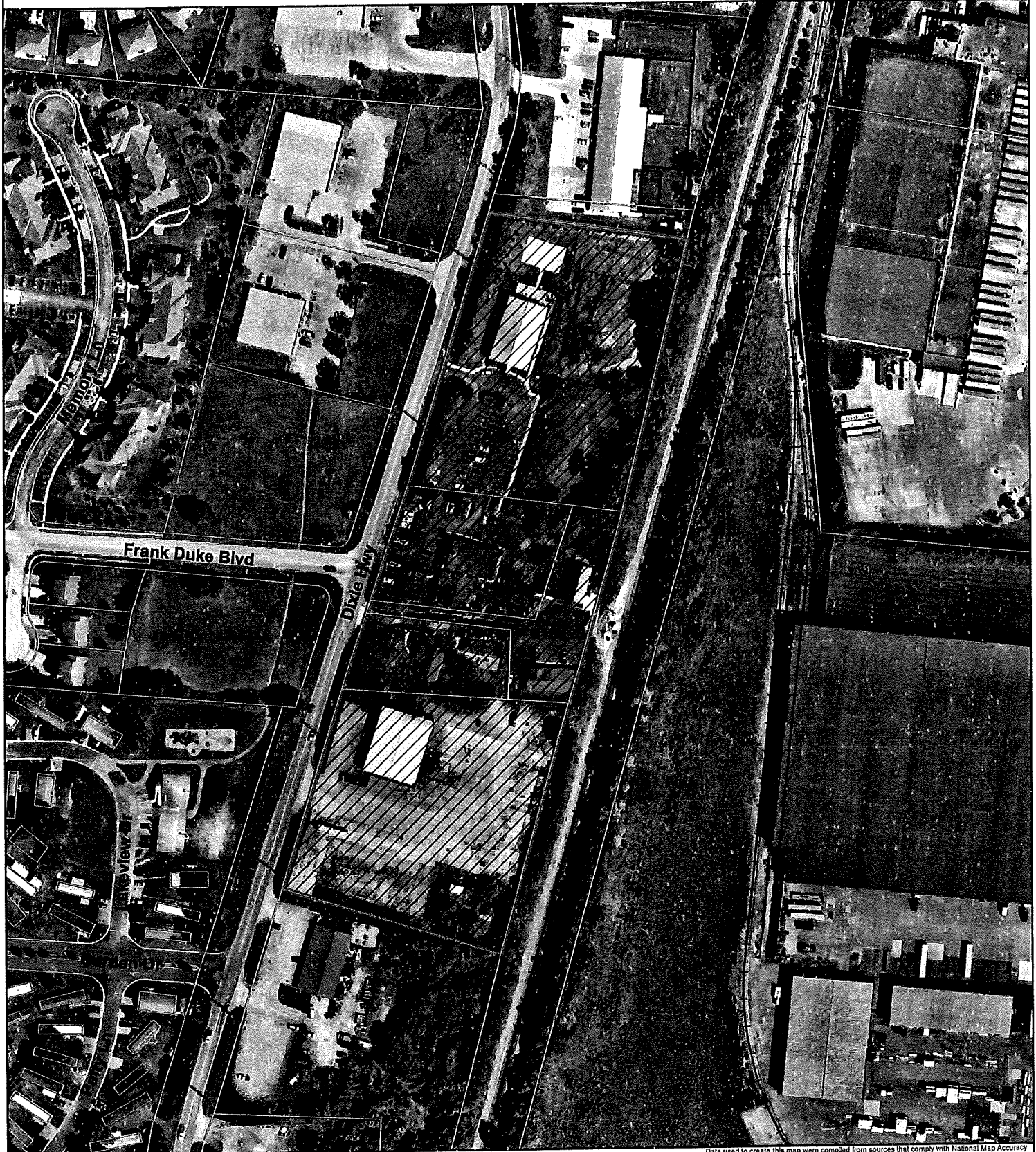


Boone County GIS - Putting Northern Kentucky on the Map



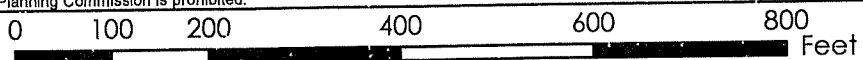
Aerial Map

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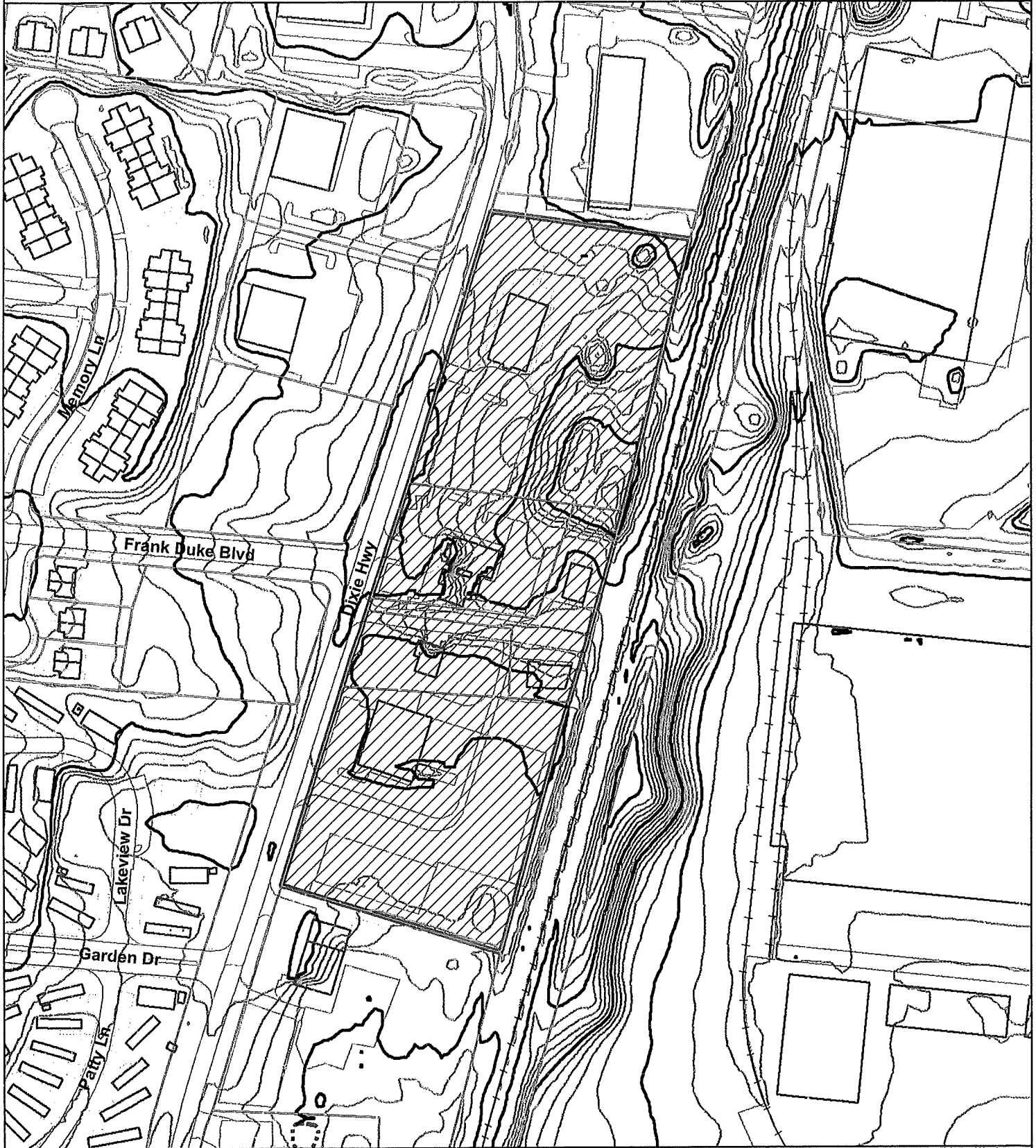
Boone County GIS - Putting Northern Kentucky on the Map

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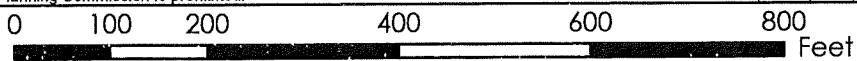
Topographic Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

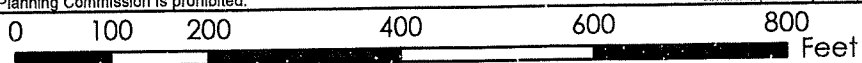
Zoning Map

www.boonecountygis.com



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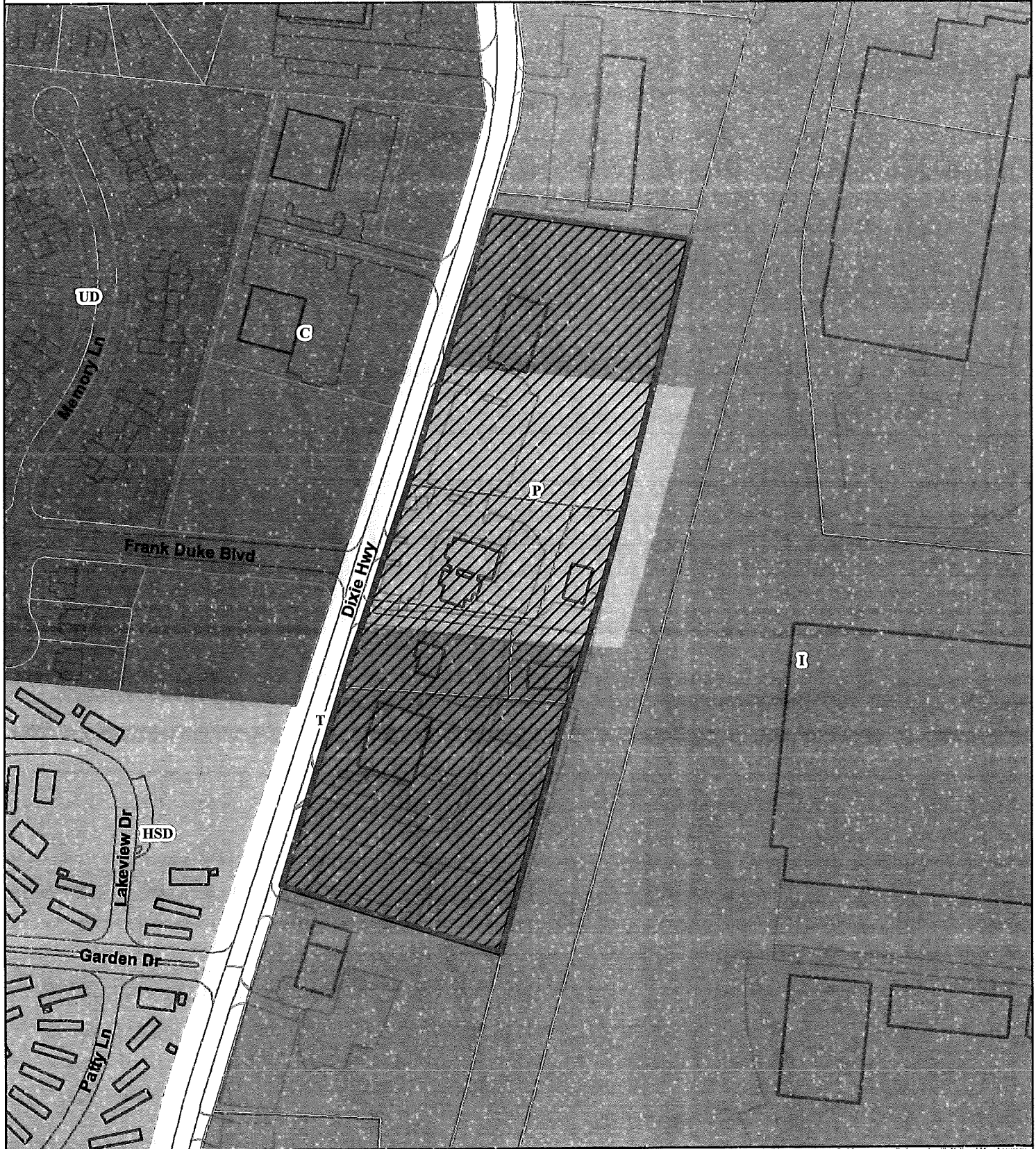
Boone County GIS - Putting Northern Kentucky on the Map



Map File: Zoning Map 2022.mxd
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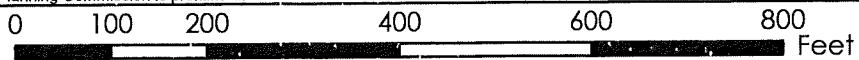
2040 Future Land Use Map

www.boonecountygis.com



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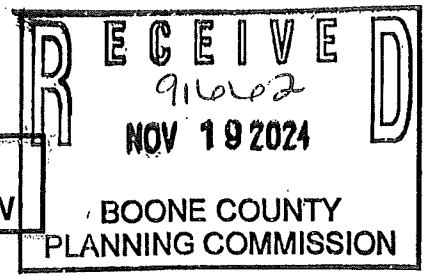
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Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

**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 & Zion Christian Academy
6. Location of Development: 10310 & 10336 Dixie Highway
Florence KY 41042
City State Zip Code
7. Acreage Under Review: 4 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@gpckky.com

10. Proposed Use(s) on Site: Gathering Place Church Sanctuary Nursey / Kids & Zion Academy Storage Building

11. Total Square Footage of Existing and/or Proposed Buildings: 14,094 Ex. / 11,000 Proposed & 9,000 Previously Approved

12. Current Zoning: I-1/CD

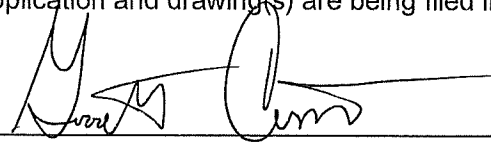
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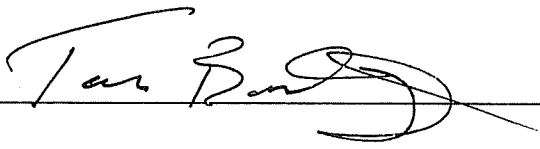
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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: 11/19/24 Fee Received: \$1,766 Receipt #: 91062

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

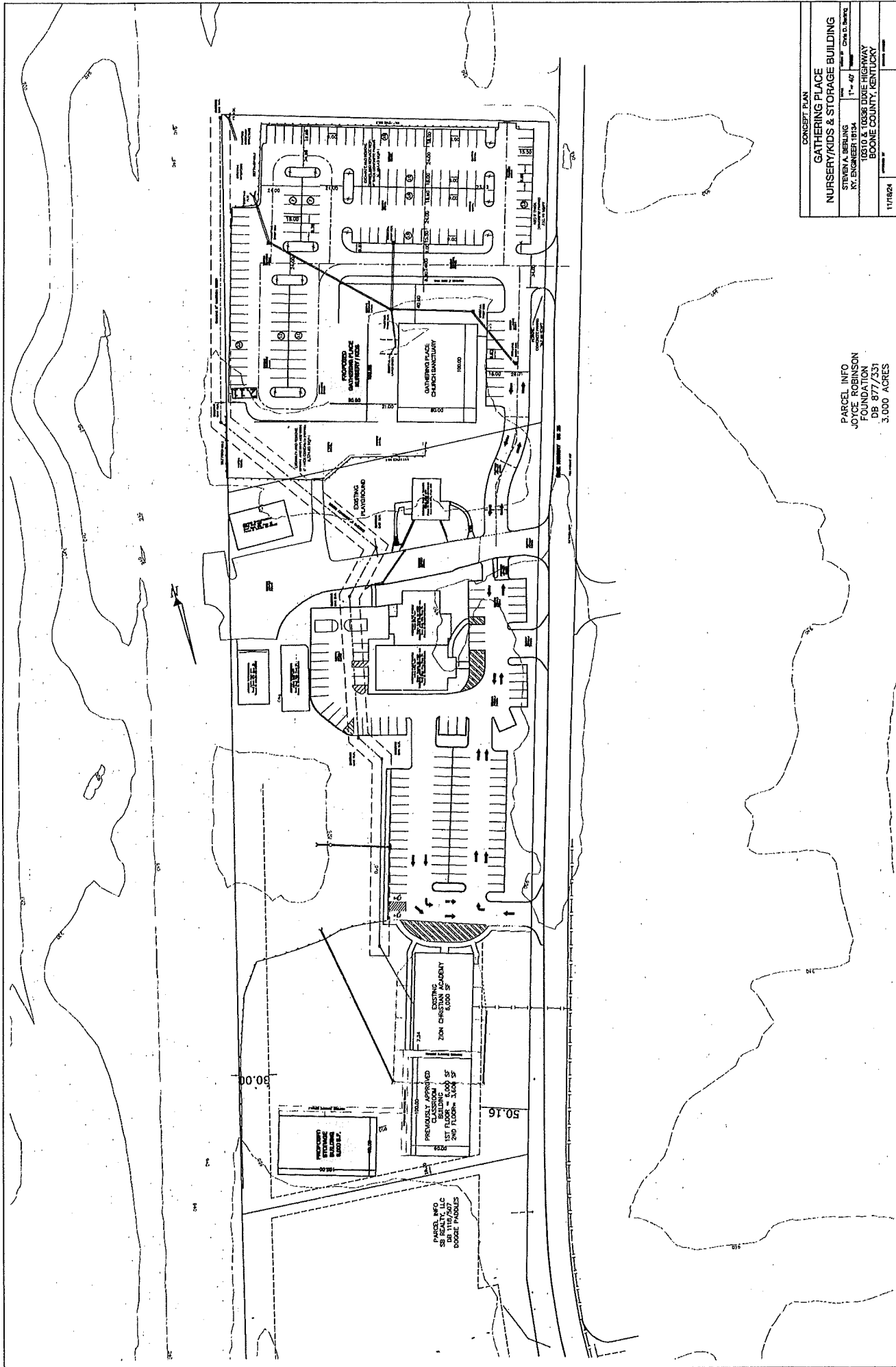
_____ Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: _____

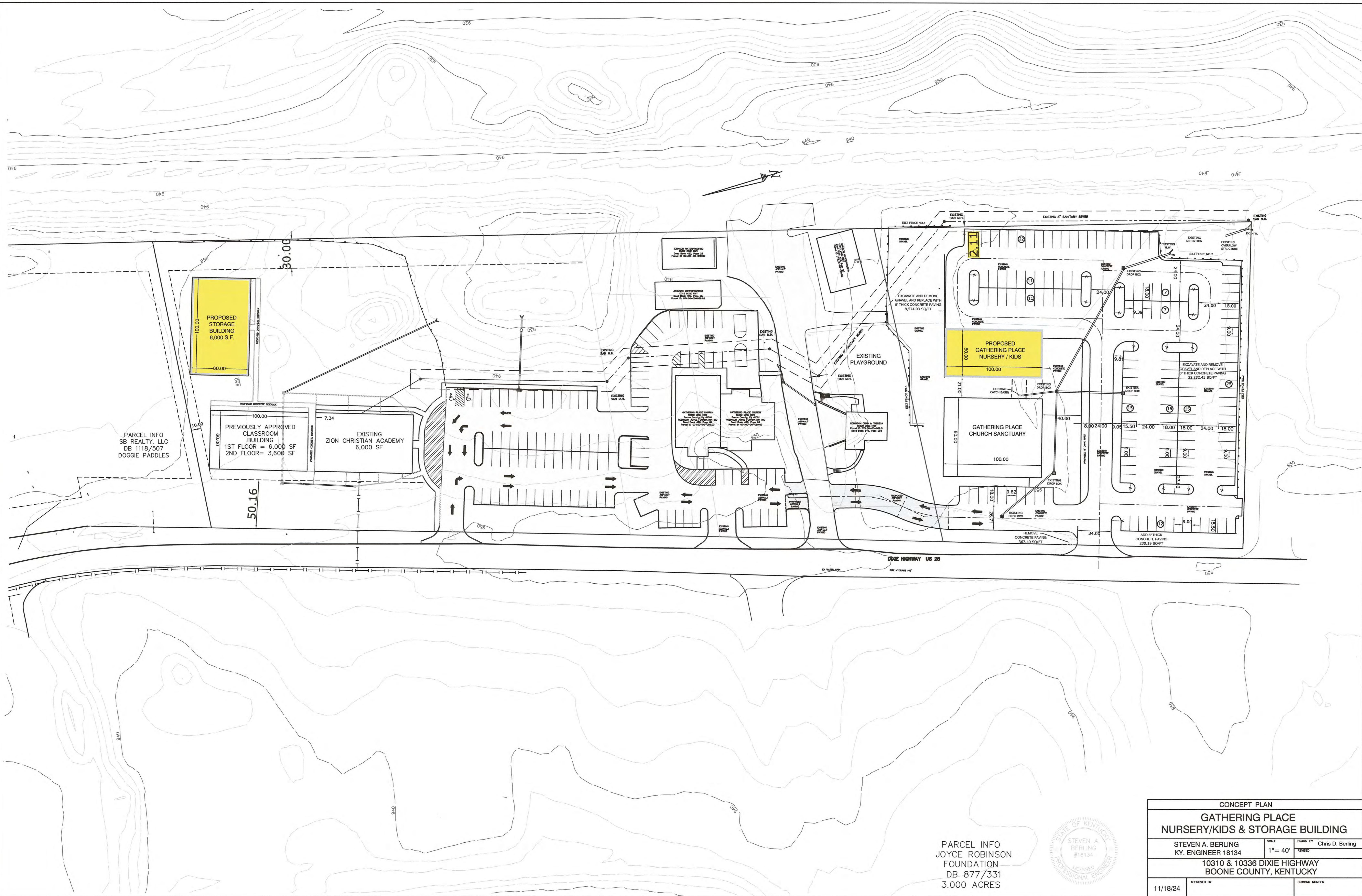
7. Reasons for Denial: _____

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



CONCEPT PLAN	
GATHERING PLACE NURSERY/KIDS & STORAGE BUILDING	
DESIGNED BY STEVEN A. BERLING KY. ENGINEER #1134	DRAWN BY Chris D. Bence 1" = 40'
PROJECT NO. 0510 & 10336 DIME HIGHWAY BOONE COUNTY, KENTUCKY	
DATE 11/18/24	SCALE AS SHOWN

PARCEL INFO
 JOYCE ROBINSON
 FOUNDATION
 DB 877/331
 3.000 ACRES



PARCEL INFO
SB REALTY, LLC
DB 1118/507
DOGGIE PADDLES

PREVIOUSLY APPROVED
CLASSROOM
BUILDING
1ST FLOOR = 6,000 SF
2ND FLOOR = 3,600 SF

EXISTING
ZION CHRISTIAN ACADEMY
6,000 SF

PARCEL INFO
JOYCE ROBINSON
FOUNDATION
DB 877/331
3.000 ACRES



CONCEPT PLAN			
GATHERING PLACE NURSERY/KIDS & STORAGE BUILDING			
STEVEN A. BERLING KY. ENGINEER 18134	SCALE 1" = 40'	DRAWN BY Chris D. Berling	REVISIONS
10310 & 10336 DIXIE HIGHWAY BOONE COUNTY, KENTUCKY			
11/18/24	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
10310 & 10336 Dixie Hwy
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Gathering Place Church

- 4.

<u>DEED BOOK 1202</u>	<u>PAGE NO. 409</u>	<u>GROUP NO. 2058</u>
<u>DEED BOOK 877</u>	<u>PAGE NO. 331</u>	<u>GROUP NO. 2058</u>
<u>DEED BOOK 1199</u>	<u>PAGE NO. 279</u>	<u>GROUP NO. 2058</u>

- 5. TYPE OF RESTRICTION(S) (Check all that apply)

<input type="checkbox"/> Zoning Map Amendment: From _____ To _____	<input checked="" type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Plan	<input type="checkbox"/> Conditional Zoning
<input type="checkbox"/> Subdivision Plat (Not Recorded)	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> 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 12th day of December, 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 & Variance approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of December 11, 2024, Certificate of Land Use Restriction (#24-BCBOA-035-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 original church building 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 & Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 1202
DEED BOOK 877
DEED BOOK 1199

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