

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-25-89
2. Fee Received ~~289.00~~
3. Is application complete? Yes No
4. Staff Reviewer PAUL R. MILLER
5. Scheduled Board Action Date 6-14-89
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: THE APPLICANT SHALL MAINTAIN AS MANY OF THE TREES ON THE SITE AS POSSIBLE. THE APPLICANT SHALL CONSTRUCT A DECELERATION LANE FOR NORTHBOUND TRAFFIC.
8. Reasons For Disapproval: _____

STAFF REPORT

#3

DEVELOPMENT: Saint Timothy's Catholic Church
APPLICANT: Eugene R. Weber (agent)
LOCATION: northeast corner of U.S. 42/KY 536, Boone County, Kentucky
ZONING: Rural Suburban Estates (RSE)
DATE: June 14, 1989

REMARKS:

The applicant is seeking a Conditional Use Permit to allow the establishment of a church in a residential zone. The subject property is an approximately 15 acre parcel located at the northeast corner of U.S. 42 and Frogtown Road, being the western most portion of an approximately 120 acre tract. The property is zoned Rural Suburban Estates (RSE) and is owned by the Diocese of Covington.

Site Features

The 15 acre parcel is mostly agricultural or undeveloped land. The property currently has a single-family residence, a storage shed and various out-buildings, and the remains of a burnt-out structure. The site generally slopes down to U.S. 42 and Frogtown Road, and has a number of mature, well-developed trees located throughout the property. Currently, access is by a single curb cut and gravel drive on U.S. 42 to the existing residence.

Surrounding Zoning and Land Uses

north: RSE; agricultural uses
south: RSE; a general store, agricultural uses
east: RSE; agricultural uses
west: A-2 and RSE; a church and a single-family residence

The following reviews the general standards applicable to all Conditional Uses in Boone County:

1. The use must be harmonious with the general and specific objectives of the county's comprehensive plan. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Low Density Residential (less than 3 dwelling units per acre) on the majority of the site, with Commercial at the intersection of U.S. 42 and Frogtown Road.

The Land Use Element of the Plan anticipates considerable residential growth in this section of the county, much of it in the form of low to medium density subdivisions. The Plan states that additional schools will become necessary as a result of this growth. Local scale commercial and office development is anticipated south of the City of Union center.

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Access management and parking arrangements are considered crucial issues (p. L-15). The Transportation Element of the Plan designates U.S. 42 as a major arterial and KY 536 as a minor collector. Arterials are most suitable for planned land use development and collectors for neighborhood scale development (pp. T-2,3).

In conclusion, the Comprehensive Plan anticipates residential growth on this site and most of the adjoining properties, with a limited area of Commercial development. This does not mean, however, that the site must be used exclusively for single-family residences. A general assumption of the Comprehensive Plan is that as residential subdivisions develop, the necessary supporting facilities and services will develop concurrently. Churches are one of the uses which can reasonably be expected to develop in areas designated for future residential growth. However, should the property be used for a church and church-related education and other activities, the design must be such that it is compatible with the intended Low Density Residential nature of the area.

2. The proposed church facility will be harmonious and appropriate in appearance with the intended Low Density Residential nature of the area provided adequate buffering and screening is created and maintained.
3. The proposed church will not be hazardous to existing or future neighboring uses.
4. The proposed church will be adequately served by essential public facilities and services.
5. The proposed church will not create excessive additional requirements at public cost for public facilities and services.
6. The proposed church will not be detrimental to any persons, property, or the general welfare.
7. The proposed vehicular access to the site has adequate site distance on U.S. 42 to insure the church will not create an interference with traffic on that road.

In addition to the above standards, Conditional Uses must meet the standards specific to Rural Suburban Estates zones:

1. The proposed church, if properly designed and screened, will not contradict the semi-rural, open space character of the district.
2. The proposed church will not require infrastructure need above that common of the district's uses.
3. The proposed church is related to the low density residential purpose of the district.

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4. The arrangement of the church will be compatible with the organization of permitted and accessory uses to be protected in the district provide adequate buffering and screening are provided.

Staff Concerns

1. The proposed development of the subject property represents some potential traffic impacts would should be reviewed and addressed. Most notable is the potential increase in traffic on U.S. 42. As a major arterial in the county, the function of U.S. 42 is to move traffic through the area, with access to adjoining properties being secondary. This being so, new development should be designed to reduce, to as great a degree as possible and reasonable, the traffic impacts which each development creates.

The greatest traffic impact of the proposed church will be the effects of traffic slowing to enter the site. This impact can be reduced by the construction of a deceleration lane for northbound traffic entering the site. The Staff strongly encourages that as a Condition of Approval(should the Board decide to grant the requested Conditional Use Permit), that the applicant be required to construct a deceleration lane as part of the improvements to the site.

2. If the proposed church is approved and developed, and then expands in the size of its membership or, more significantly, develops formal school facilities as part of its uses, traffic impact will be far greater than that anticipated at the current level of proposed development. At later stages of development, the provision of a left turn lane for southbound traffic is likely to become a necessity. The Staff feels it is important at this stage of development for the applicant and the Board to be aware of this future concern so that it may be factored in to the applicants' projected plans and the Board's eventual deliberations on requested expansions to the site.

Attached to this report is a portion of the 1986 Boone County Comprehensive Plan Future Land Use Map for this portion of the county, a copy of an areal photograph of the site, and a reduction of the Concept Plan submitted with this application.

Respectfully submitted,

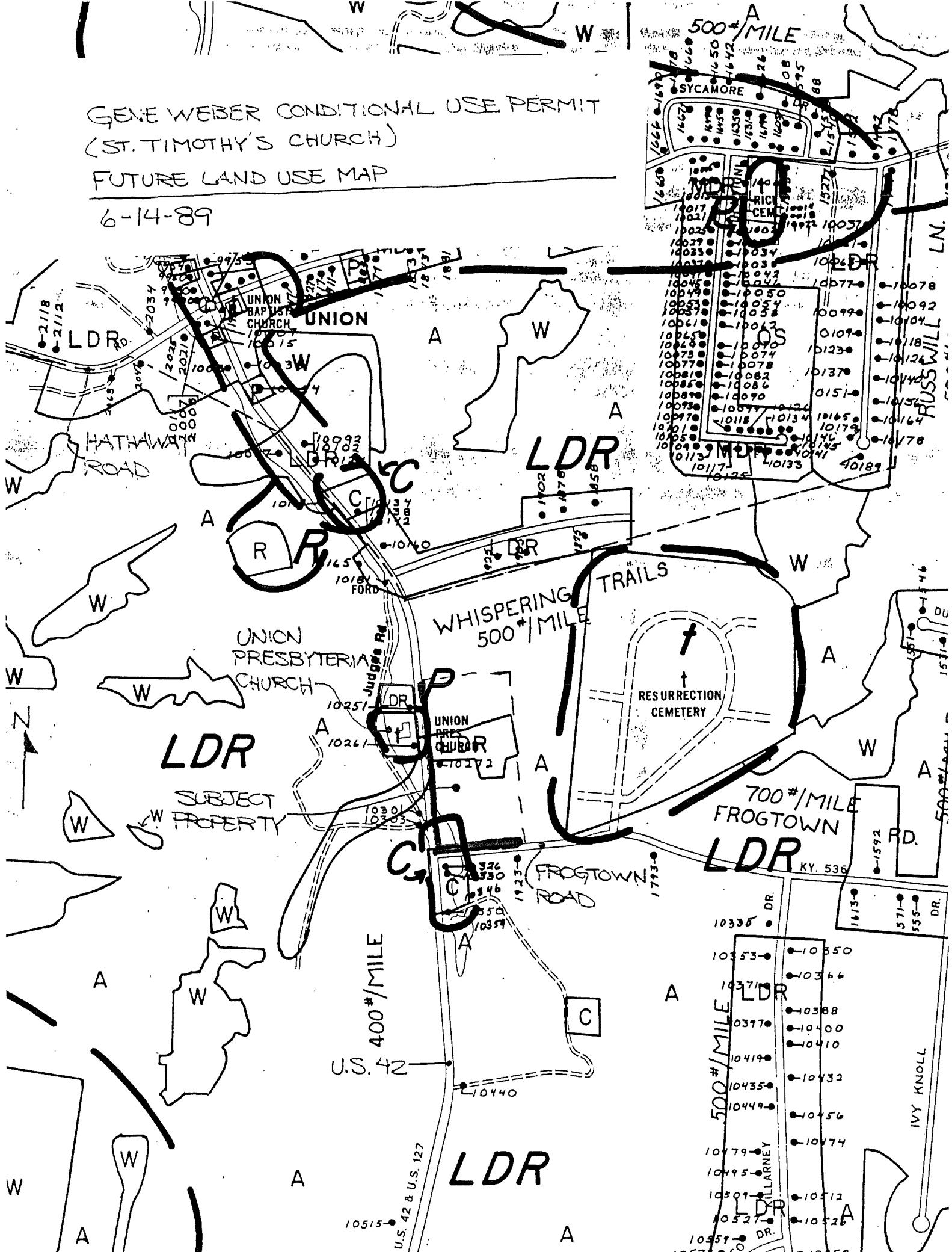


Paul R. Miller
Plans Examiner/Planner

PRM:hs

GENE WEBER CONDITIONAL USE PERMIT
 (ST. TIMOTHY'S CHURCH)
 FUTURE LAND USE MAP

6-14-89



SUBJECT PROPERTY

U.S.
42

FROGTOWN RD.



GENE WEBER CONDITIONAL USE PERMIT
(ST. TIMOTHY'S CHURCH)
6-14-89

FROGTELLIN ROAD

FUTURE DRIVE

PROPOSED NEW STRUCTURE

EXIST. HOUSE

FUTURE RELIGIOUS EDUCATION EXP.

FUTURE CHURCH

DROP OFF

TRIG. PARKING

PARKING - 70 SPACES



GENE WEBER CONDITIONAL USE PERMIT
(ST. TIMOTHY'S CHURCH)
CONCEPT PLAN

6-14-89

SITE PLAN
11-401

U.S. ROUTE 42

WMA

BOONE COUNTY
BOARD OF ADJUSTMENT

June 14, 1989 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

The Chairman noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of May 10, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Houston moved that they be approved as mailed. Mr. Ryan seconded the motion and it carried unanimously.

AGENDA ITEMS:

The following request was withdrawn by the applicant:

1. The request of Chelsea Moore Corporation and Glenn F. Baird for an Appeal of the Zoning Administrator's decision regarding the location of a zoning line on a portion of the applicant's property. The less than one acre parcel is located between Utterbach Road and Connector Road, Boone County, Kentucky.

2. The request of Williamsburg Properties, Inc. for a Variance to allow a reduction in the side and front yard building setbacks for an existing house. The 0.26-acre site is located at 1478 Arlington Drive, Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Williamsburg Properties, Inc..

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if there was anyone present who wished to speak in regard to this request.

Mr. Bill Ryan, representing Williamsburg Properties, stated that this problem was caused by an error on their part when the house was constructed. It would create an undue hardship to move the house.

There being no one else present who wished to speak and no discussion from the Board, Mr. Archambault moved that the Variance be granted as the purchaser was unaware of the circumstances and it would create a hardship to correct the problem. Mr. Nevel seconded the motion.

Counselor Wilson advised that the encroachments are on the street side and to the front of the house, which is not damaging to a structure on an adjacent lot. This may be a special circumstance.

Mr. Archambault included the comments made by Counselor Wilson in his motion, which was again seconded by Mr. Nevel. The Chairman asked for a vote on the motion and it carried unanimously.

3. The request of Eugene R. Weber (agent) for a Conditional Use Permit to allow the establishment of a church in a residential zone. The subject property is an approximate 15-acre parcel of a 120-acre tract located at the northeast corner of U.S. 42 and KY 536, Boone County, Kentucky. The property is zoned Rural Suburban Estates (RSE) and is owned by the Diocese of Covington.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report). He noted that the applicant had provided a legal description of the property just prior to the meeting which could be used to describe the property in a motion.

In response to questions from Chairman Whitton, Mr. Miller stated that the Transportation Planner feels that this structure will not be the formal church, but will become an accessory structure. The provision of a left turn lane for southbound traffic will become necessary for future expansion.

Mr. Gene Weber stated that they will maintain as many of the trees as possible. They are an asset to the facility. In regard to the deceleration lane, he stated that they have indicated another access in the future off Frogtown Road at the rise of the hill. He stated that the facility will be basically a church used once a week, not a school. There is a provision for approximately seventy parking spaces. In the initial stage, there will be only one access into the site, which is the curb cut off U.S. 42. When the site develops with the addition of the main church, they will use the access off Frogtown Road.

Mr. Miller stated that the Staff did not do a thorough analysis of the future drive on Frogtown Road. He stated that that portion of the road dips and there may be a sight distance problem. He stated that a northbound deceleration lane should be constructed for this level of development.

The Chairman asked if there was anyone else present who wished to speak at this time.

Mr. Leeland Bentle stated that he was an adjoining property owner and in favor of this request.

Mr. Quinn stated that his mother owns the property and is in favor of the request. He is also in favor.

Chairman Whitton questioned if the deceleration lane would cause undue hardship.

Mr. Weber replied that there is a consideration of the budget.

Mr. Ryan stated that within a 15-minute span there would be a maximum of seventy cars going in and out of the site.

In response to a question from the Chairman, Father Broadnick stated that they have 196 families registered in the parish at this time.

Mr. Archambault commented that the parish will grow and within a few years there will probably be a school.

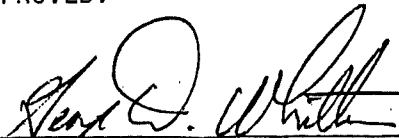
Mr. Houston moved that the Conditional Use Permit be granted subject to the conditions that the trees be retained and the deceleration lane provided as recommended in the Staff Report.

Mr. Ryan suggested that the drive off of Frogtown Road may be more cost effective than the deceleration lane. Mr. Weber advised that, if they have a choice, they prefer the deceleration lane.

Mr. Nevel seconded the vote made by Mr. Houston. The Chairman asked for a vote on the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:00 P.M..

APPROVED:


George D. Whitton, Chairman

Attest:


Jan Hancock, Recording Secretary