

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 6-18-92
2. Fee Received 336.00 R 7565
3. Is application complete? Yes No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date July 8, 1992
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: See CLR

8. Reasons for Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#4

DEVELOPMENT: church facilities
APPLICANT: Ohio Conference United Church of Christ
LOCATION: 11176 U.S. 42, Boone County, Kentucky
ZONING: Agricultural Estate (A-2)
DATE: July 8, 1992

REMARKS:

The applicant is seeking a Conditional Use Permit to construct a church facility. The approximately 20 acre site is located at 11176 U.S. 42, Boone County, Kentucky. The property is zoned Agricultural Estate (A-2)1 and is owned by Richard and Melba Rolfes.

Presently there is one single-family residence, several outbuildings and a pond on the site. If the Conditional Use Permit is granted, the existing structures will be utilized by the church until the new buildings are constructed. The single-family residence would serve as a parsonage and house the church office. Worship services will continue to be held at the Tri-City Family Branch of the YMCA in Florence until a Site Plan is approved for the proposed facilities and construction is completed. Phase I of the development is anticipated to include a fellowship hall with adequate off-street parking.

Article 6, Section 623 of the 1991 Boone County Zoning Regulations lists "Churches, synagogues, temples and other places of religious assembly" (p. 28) as a permitted Conditional Use.

The Board may consider whether the Conditional Use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order;

The Boone County Comprehensive Plan Future Land Use Map indicates this site to be Rural Density Residential (RD). SD is defined as "residential uses that do not exceed one dwelling unit per acre." (p. 199)

The New Haven Area is described further in the text of the Comprehensive Plan:

"Development in this area should occur in the form of Rural Density Residential subdivisions along U.S. 42, KY 338, and Hicks Pike. the U.S. Soil Conservation Service identifies prime agricultural land between U.S. 42,

Richwood Road and Hicks Pike; this land should remain in agricultural uses. Development of this section of the county is dependent upon the Richwood Interchange, the impacts of the Mt. Zion Interchange on Union, and the availability of public sewer service." (p. 217)

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 area;

A preliminary site plan illustrates that the main building will be constructed near the northwest portion of the site. The proposed building will contain a sanctuary, chapel, lobby, offices, christian education rooms and a fellowship hall. Parking lots will be constructed to the north, east and west ends of the proposed building.

The existing pond will be maintained and a covered stage and amphitheater are to be constructed at its west end. The existing single-family residence will continue to be utilized as a parsonage and church office. A child care preschool and playground will be constructed to the north of the parsonage.

The east end of the site will be utilized for recreational purposes. The existing wooded area will be retained for nature trails. A floor and wall for the existing three sided poll barn will be constructed as a recreational center. Baseball, volleyball, and soccer fields are to be constructed near the eastern property line.

3. Will not be hazardous to existing or future neighboring uses;
4. Will be adequately served 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;

If public sewer service is not available to the site prior to the construction of the facility, the church will be required to receive approval from the Northern Kentucky Health District for a private on-site septic system.

5. Will create excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community;

6. Will involve uses, activities, process, materials, equipment and conditions of and operation that will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor;
7. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares.

The preliminary site plan indicates that once construction is begun on the site, the existing curb cut will be relocated to the southern property line. The proposed location should have better sight distance than the current location. An approved Encroachment Permit will need to be obtained from the Kentucky Highway Department prior to construction.

The Board must also consider specific criteria which apply to Conditional Uses in A-2 zoning districts:

- a. The activity is an integral and subordinate function of the agricultural or residential use of the land, and the activity is not of scale, nature, or other character which will detract or conflict with the principal purposes of the district; or
- b. The activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and
- c. Provided the arrangement of use, building, or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

STAFF CONCERNS:

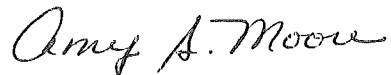
1. The site distance along U.S. 42 to the south of the existing curb cut is very limited. If the request is granted, the Board may want to consider requiring the curb cut to be relocated prior to the site being used by more than a few individuals.
2. Since the proposed use is different from the residential and agricultural uses in the general vicinity, the Board may want to consider requiring the applicant to adequately buffer the site from the surrounding residences.
3. If the Conditional Use Permit is approved, the applicant will be required to receive Site Plan approval by Boone County Planning Commission prior to construction occurring on the site.

STAFF REPORT - RICHARD & MELBA ROLFES
JULY 8, 1992

PAGE 4

Attached to the Staff Report is a copy of a portion of the Zoning Map illustrating the approximately 20 acre site. A reduction of the preliminary site plan is also attached.

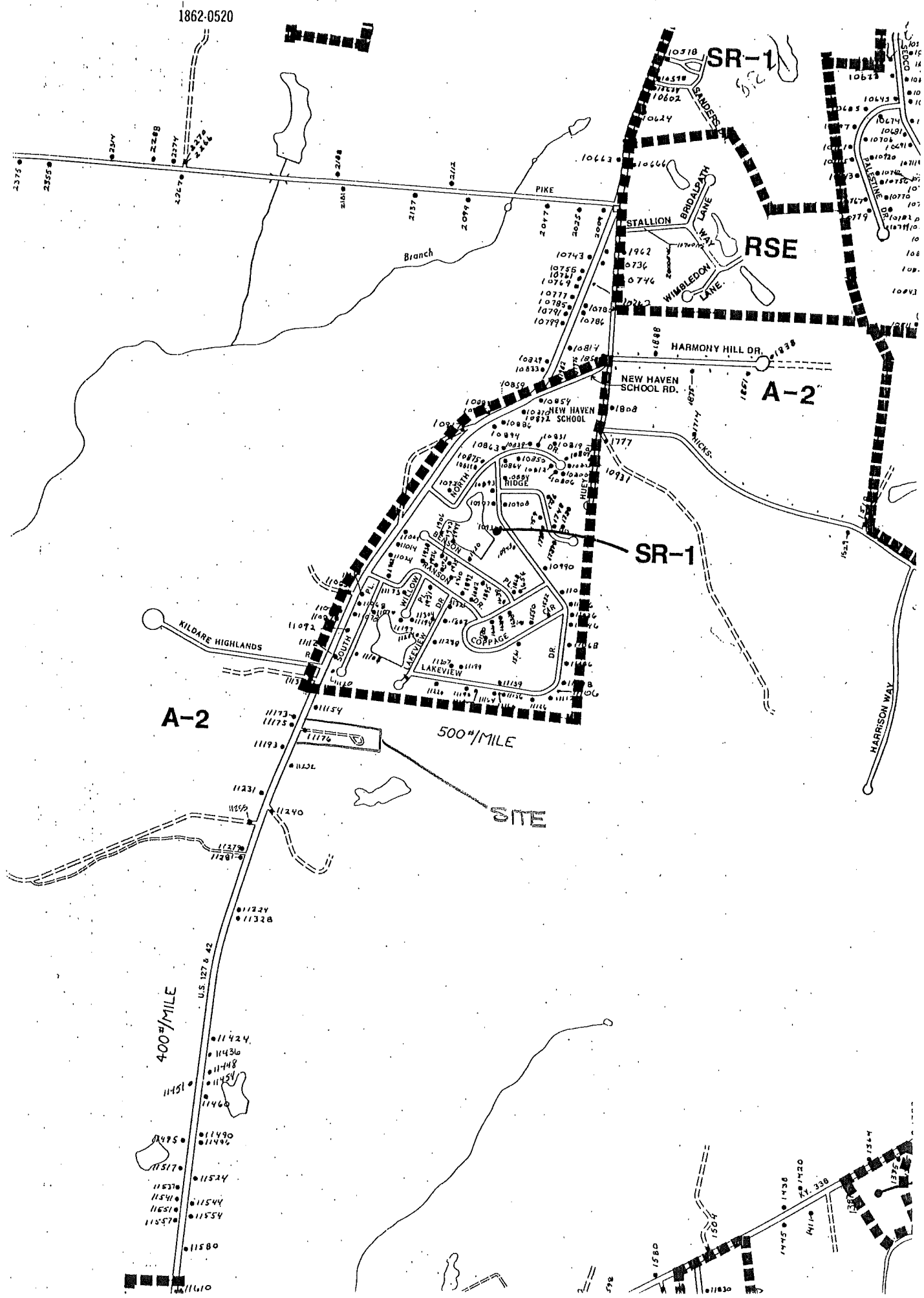
Respectfully submitted,

A handwritten signature in cursive script that reads "Amy S. Moore".

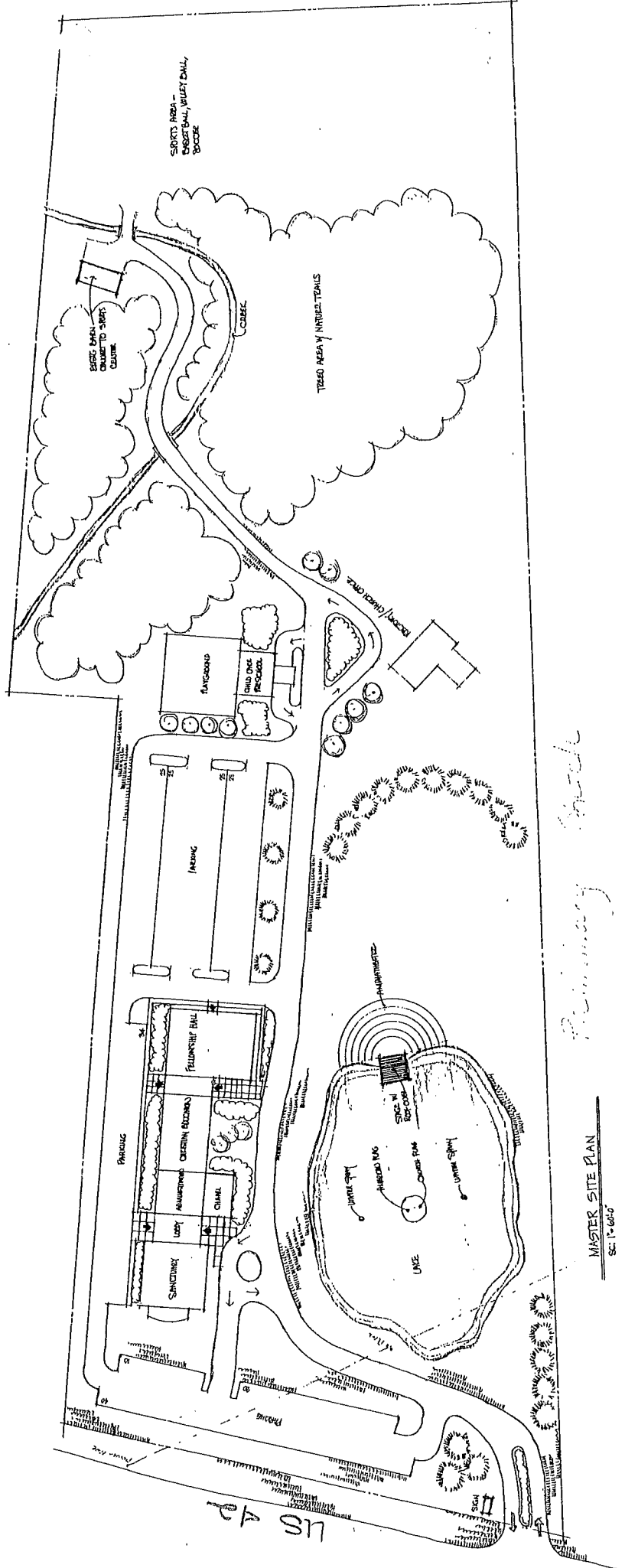
Amy S. Moore
Planner II

ASM:kat

1991 ZONING MAP



UNITED CHURCH OF CHRIST
PRELIMINARY SITE PLAN



Rainbow Creek

MASTER SITE PLAN
SC: 1"=60'0"

US 42

COPY
CERTIFICATE OF LAND USE RESTRICTION

NO.92-BCBOA-013-A

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Richard and Melba Rolfes
11176 Highway 42
Boone County, KY
2. ADDRESS OF PROPERTY
11176 U.S. 42
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
United Church of Christ

DEED BOOK: 199 & 285 PAGE NO.: 474 & 110 GROUP NO.:2069

4. 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
Condition |
| <input type="checkbox"/> | Subdivision Plat
(unrecorded) | <input type="checkbox"/> | Other: (Specify) |
| <input type="checkbox"/> | Variance | | |

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

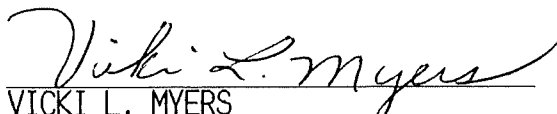
Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore
on behalf of the Boone County Planning Commission this 15th day
of September, 1992.

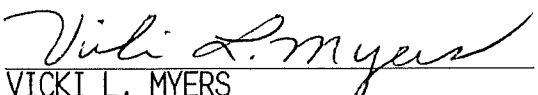


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 8, 1992, (Certificate of Land Use Restriction # 92-BCBOA-013-A), for Richard and Melba Rolfes, property owner.

The Conditional Use Permit was approved subject to the following conditions:

1. That the curb cut be relocated prior to construction.
2. That buffer be established and maintained as the planners deem appropriate.
3. That the lighting in the parking lot be sodium vapor.
4. That the sewer system when established be maintained as required by the Board of Health and run towards the east side away from the property next door.

"Mrs. Millar stated that state approval would be required in regard to a child care center."

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 199 & 285 PAGE NO. 474 & 110 Group No. 2069