

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received 8-26-94 Fee Received \$606.00 R# 4721
2. Is application complete? Yes No
3. Staff Reviewer J. Hayes
4. Scheduled Board Action Date 9-14-94
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT

DEVELOPMENT: Church

APPLICANT: Boone County United Church of Christ

LOCATION: Constitution Drive, Boone County, Kentucky

ZONING: Commercial Services/Planned Development (C-3/PD)

DATE: September 14, 1994

The applicant is requesting a Conditional Use Permit to allow a church as a tenant within the Heritage Hill Plaza. The property is zoned Commercial Services/Planned Development (C-3/PD) and is owned by Don Salyers (See Sheet #1). This site does have an approved Concept Development Plan, however this plan did not preclude church uses from locating within the existing facility. The proposed use is permitted as a conditional use by the Boone County Zoning Regulations in Article 10, Section 1033, Item 3: Churches, synagogues, temples and other places of religious assembly for worship. In determining the appropriateness of the use the Board must also consider:

- a) the activity is an integral and subordinate function of a permitted commercial use or service;
- b) the arrangement of use, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

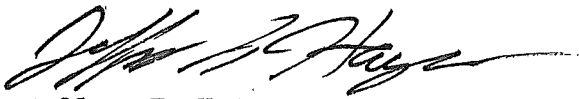
The church will occupy approximately 4200 square feet of space within the existing Heritage Hill Plaza facility (See Sheet #2). The church currently has a membership of between 50 and 75 people and has property located in Union, Kentucky off of U.S. 42 where they intend to construct a permanent facility. Therefore, the applicant is only requesting a 24 month Conditional Use Permit to allow them to raise money and increase their membership.

The property around the proposed facility is vacant land which is zoned Commercial Services/Planned Development and Commercial Four (C-4). The shopping center and self storage facility has been established for several years and the applicants request will not alter the design or appearance of the center. The limited hours of operation of the church will only partially overlap with the existing tenants within the building, and therefore, should have a minimal impact on the area. In addition, the existing facility appears to have adequate parking in the rear of the building for any needed overflow parking.

Conclusion

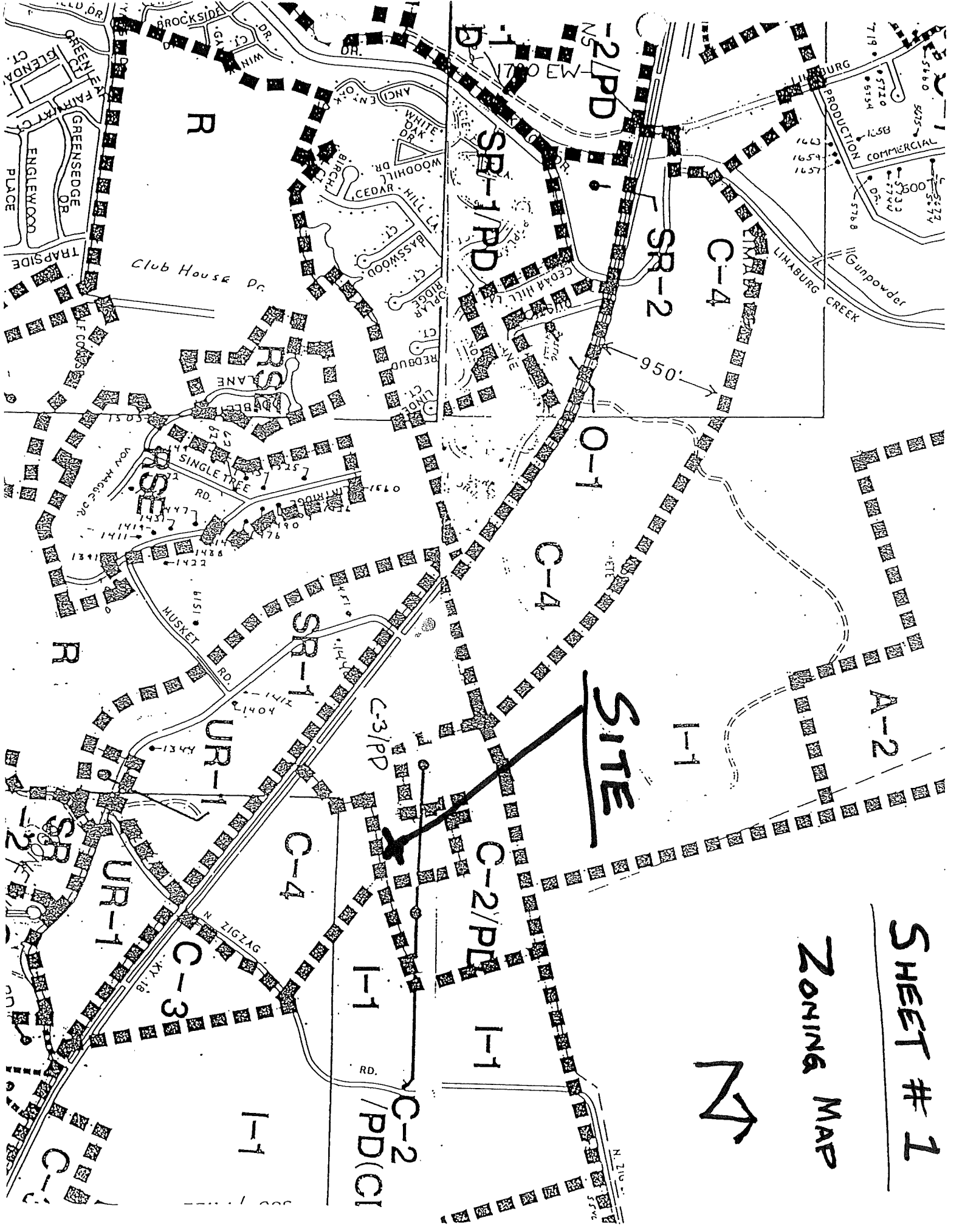
The applicant's request has to be determined by following the seven (7) criteria the Board must use to judge each conditional use permit as well as the two (2) criteria for Conditional Uses within a Commercial Two (C-3) zone. It should be determined whether the use will be designed, constructed, operated, 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.

Respectfully Submitted,



Jeffrey F. Hayes
Planner

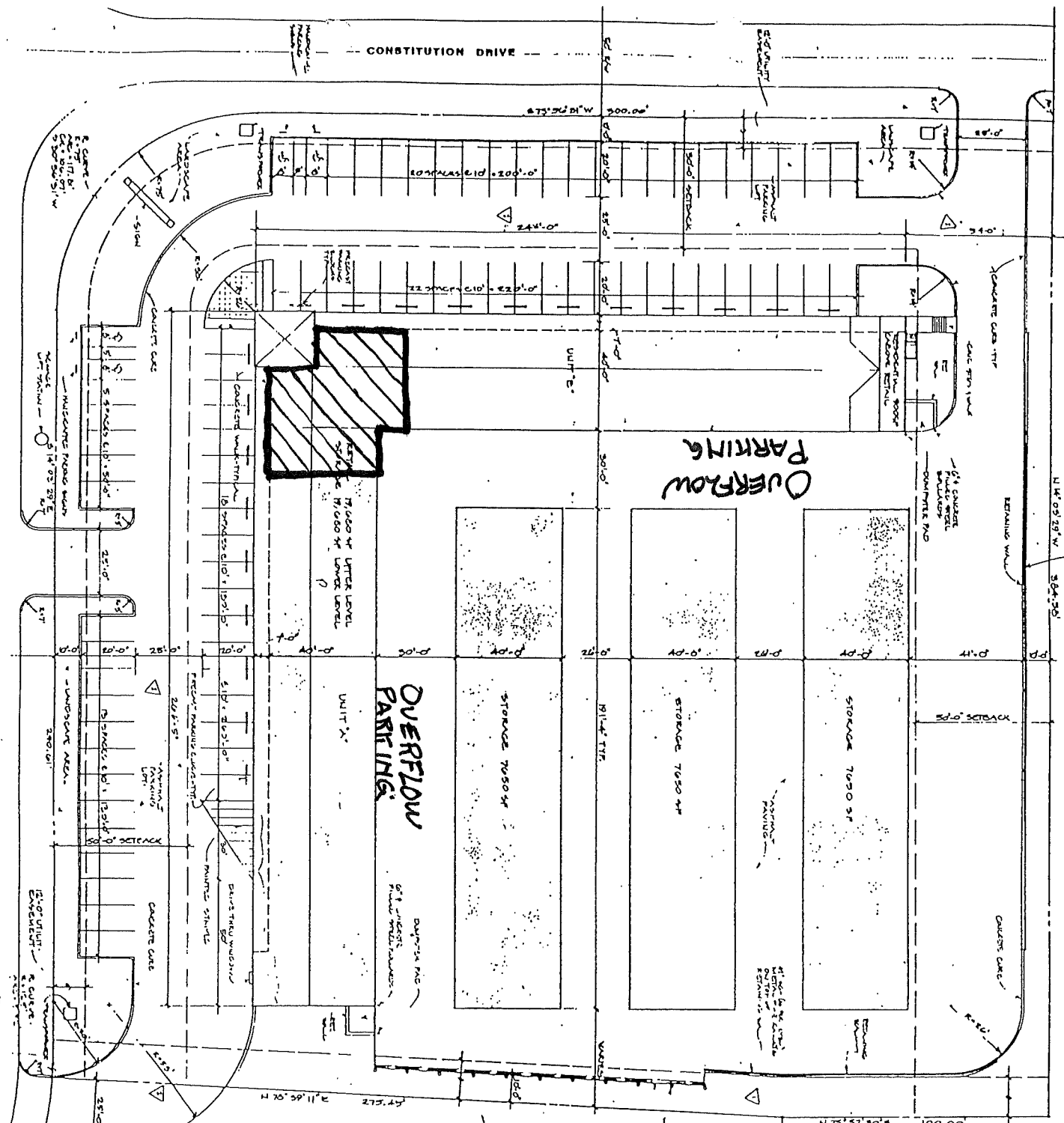
JFH\par



SHEET # 1

ZONING MAP





4 - Handicap
 80 - Regular
 80 overflows
 164 all paved

Parking

SHEET #2

SITE PLAN



COPY

CLUR #94-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Don Salyers
5834 Constitution Drive
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
Burlington Pike
Boone County, KY

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
High Point United Church of Christ

- 4. DEED BOOK 374 PAGES 73, 74, 75 GROUP NO. 2026

This is a corrected Certificate of Land Use Restriction which replaces the Certificate of Land Use Restriction recorded in Deed Book 480, Pages 145-147. Deed Book references have been corrected.

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

Zoning Map Amendment: 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



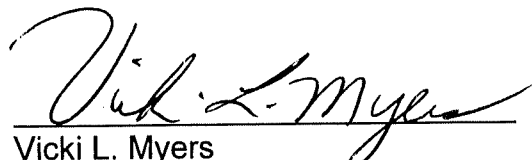
SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

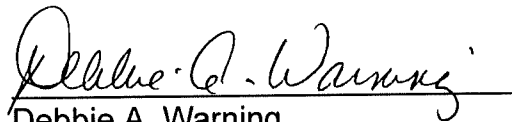
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the
Boone County Planning Commission this 14 day of August, 2001.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of September 14, 1994 Certificate of Land Use Restriction (#94-BCBOA-010-A), for Don Salyers, Property Owner(s).

The following conditions will apply:

Up to 24 months from the time the church moves into the building and any signage conforms with all zoning regulations.

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

DEED BOOK 374

PAGES 73, 74, 75

GROUP NO. 2026