

APPLICATION FORM  
**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION**

(See Boone County Zoning Regulations)

RECEIVED

595 17 1

**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's Name The Gathering Place Church  
Phone Number (606) 371-6593 Fax No. \_\_\_\_\_  
Applicant's Address 10310 Dixie Hwy. \_\_\_\_\_  
Florence, Ky. 41042 \_\_\_\_\_  
City State Zip
4. Description of Request: Conditional Use Permit
5. Name of Development N/A
6. Location of Development 10637 Dixie Hwy  
Walton, Ky 41094
7. Acreage Under Review N/A
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property William Miller  
Phone Number of Owner 606-331-5206
10. Address of Property Owner # 874 Willowdale Drive  
Villa Hills, Ky 41017  
City State Zip
11. Proposed Use(s) on Site Ecct tent for meetings 1 time per month  
for 3 months.
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property SR7
14. Deed Book 1 Page No. 85 Group No. 2058
15. Is the site subject to a zone change? N/A  
If yes, give date of approval \_\_\_\_\_
16. Have you submitted a Site Plan with this request? no
17. Have you submitted a list of adjoining property owners with this request? yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.  
Applicant's Signature: George Robinson  
Property Owner's Signature: William O. Miller

(over)

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 8/24/95 Fee Received \$366.00 R# 7759
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 9-13-95
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:           **The Gathering Place Church**

APPLICANT:           The Gathering Place Church

LOCATION:               10637 Dixie Highway, Boone County, Kentucky

ZONING:                Suburban Residential One (SR-1)

DATE:                  September 13, 1995

The applicant is requesting to use the 19.15 acre tract and buildings for church related functions. The site is located off of U.S. 25 on the property known as the Rosegate Farm (See Sheet #1).

The main function proposed by the applicant for the property is for church revivals. These revivals would be held approximately three (3) times a year for a period of one week each time. The revivals would be located within a 40' X 80' tent and the parking would be provided in the grass. The existing house would be utilized for related church functions, such as meetings of church groups, social gatherings, etc. (See Sheet #2)

## Surrounding Zoning and Land Uses (See Sheet #3)

East:            Vacant land zoned Industrial One (I-1)

West:            Interstate Rest Stop zoned Suburban Residential One (SR-1)

South:           Vacant land, cemetery, and a single-family residence zoned Suburban Residential One (SR-1)

North:           Single-family residence with gravestone company and vacant land zoned Suburban Residential One (SR-1)

## Site Characteristics

The applicant's site is located between the expanded interstate rest stop and U.S. 25, on property which is commonly referred to as the Rosegate Farm. This 19.15 acre tract contains a home dating back to the 1830's which is designated as a Kentucky Landmark and may be eligible for listing on the National Register of Historic Places (See Exhibit A). A garage/gatehouse dating back to about 1920 also exists on the site which is unique to Boone County. The site also contains one large barn and several smaller barns located in the southeast corner of the site. The rolling topography creates a bowl shaped site which opens to the west and is flat in the NE and SE corners of the site along U.S. 25. The remaining portion of the site slopes to the west towards an approximately 1 acre lake located near the middle of the site. The existing house is surrounded by mature trees which are approximately 60-80 feet in height and there are several mature trees located near the large barn. In addition, a ring of trees surrounds the lake which also contain a shelter house for picnics.

The Southern Railroad is located approximately 500 feet to the east of the applicant's site and serves the Reading Rock facility approximately 500 feet to the SE on land which is zoned I-1. To the north of the site, approximately 300 feet, is the Deer Trace Mobile Home Park. The applicant's site contains approximately 950 of road frontage along U.S. 25. This section of the road is straight and flat and therefore provides good visibility in both directions along U.S. 25. Public water is located along U.S. 25 and sanitary sewer is located in close proximity to the applicant's site.

#### Relationship to the Comprehensive Plan

This request must be reviewed on the basis of its relationship to the adopted 1995 Boone County Comprehensive Plan. The Future Land Use Map of this plan indicates Industrial land use between the existing Deer Trace Mobile Home Park to the north and Frogtown Road to the south. This industrial area is also bound by I-75 and the Rest Stop to the west and U.S. 25 to the east. The Land Use Text indicates that mobile home development should not extend south of the intersection with Maher Road. Industrial growth can occur around the expanded I-75 rest stops, but should provide a buffer to hide outside storage. The U.S. 25 and Frogtown Road intersection should support locally-oriented commercial uses, however, special attention should be given to controlling and coordinating access points within this area.

The Land Use Element Development Guidelines, identify in the Design, Signs, and Historic Preservation category, that the restoration, renovation and /or adaptive reuse of historically significant structures in Boone County should be encouraged.

The Housing Element of the Comprehensive Plan divides the County into nine geographical housing areas of which the applicant's site is located in the Florence-Richwood Area. The area south of Mt. Zion Road has experienced the expansion of existing and the building of new mobile home parks which have constituted most of the housing units in this area. Further multi-family housing development may be suitable between I-75 and U.S. 25. Single-family development will be limited to the immediate Maher Road area. The Goals and Objectives of this Element encourage:

1. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types.
2. The maintenance of sound existing housing, as well as, the rehabilitation of deteriorating housing shall be encouraged.
4. Housing opportunities in Boone County shall be balanced against present and planned commercial, industrial and public school bases.
13. Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access.

14. Where existing infrastructure, services, and the public school system are not adequate, developers shall be encouraged to phase construction to ensure the provision of these items to support their developments.

The Environmental Element Goals and Objectives indicate that:

2. New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible.

The Business Activities Element states that Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridor. The Goals and Objectives of this Element indicate that:

#### Commercial

1. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space.

#### Industrial

1. In addition, industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land.

#### Staff Concerns

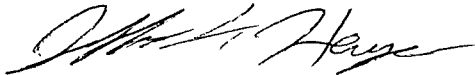
1. Staff believes that limits should be established on the number of revivals and/or frequencies of revivals permitted on the site. In addition, staff believes that the existing home should not be permitted to be used for church services unless the applicant's reapply for a Conditional Use Permit.
2. Staff believes that the applicant should file for a Zoning Permit and Building Permit each time a revival is held.
3. The existing home which is eligible for the National Register of Historic Places is in some disrepair currently. Staff believes that a more frequent user of the home which is currently vacant would provide a benefit to stabilizing and possibly repairing the condition of the home. Therefore, Staff would recommend that he applicant's consult with Susan Cabot, Historic Preservation Planner, for information on how to stabilize and possibly repair the building.

4. The applicant's have indicated their future intention for the property are to relocate their existing church located at 10310 Dixie Highway to this site. This would entail constructing a new facility on the 19.15 acre site. If this were to occur, the applicant would be required to come back before the Board for an additional Conditional Use Permit.

Conclusion

The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the two criteria for a Conditional Use Permit within a ~~Small Community Overlay~~. Staff believes that because the property will be used infrequently and the fact that no visible changes are proposed to the property that the church related functions would be compatible and appropriate with the character of the area.

Respectfully Submitted,



Jeffrey F. Hayes, AICP  
Planner

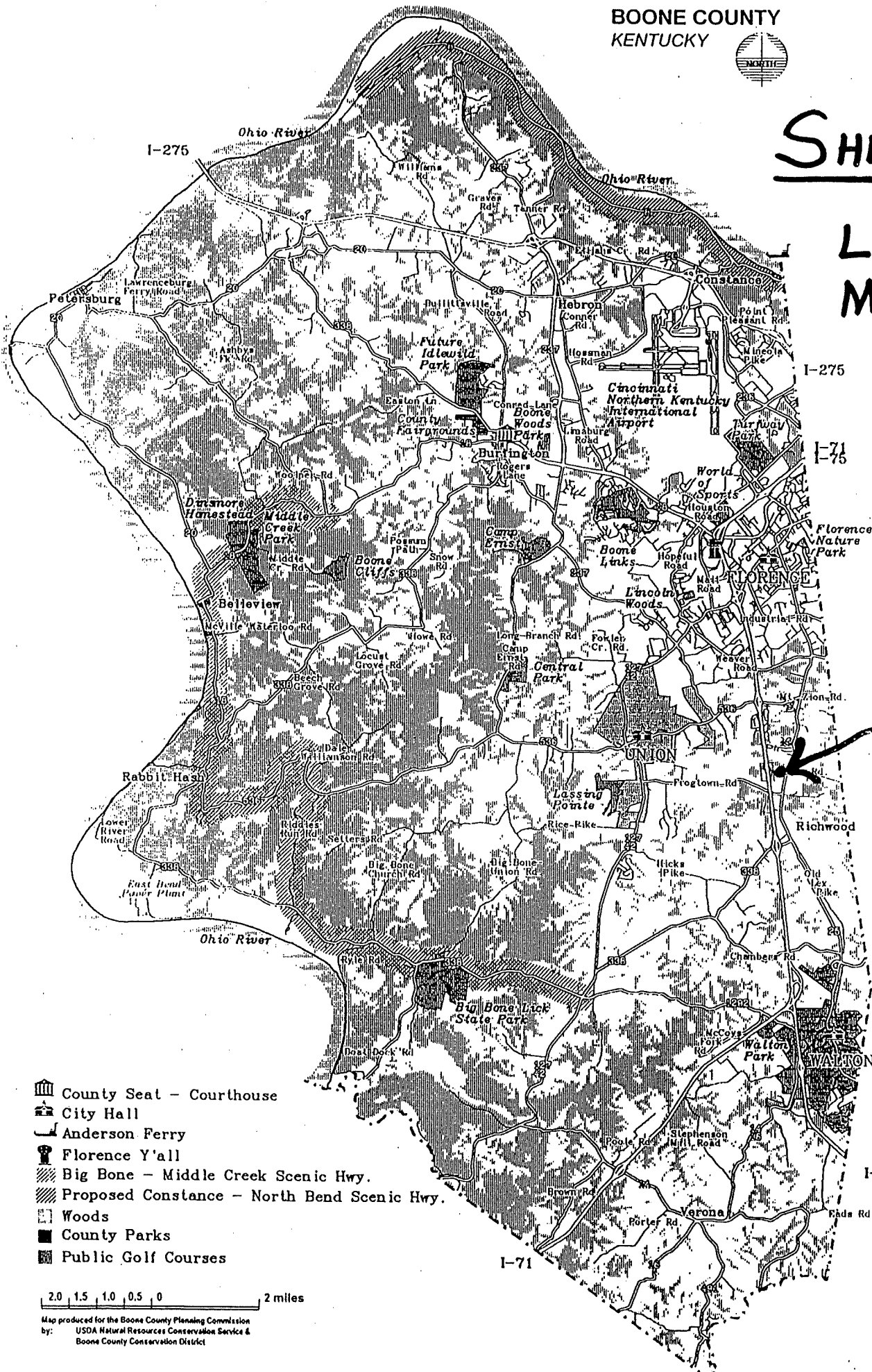
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Suburban Residential One  
Zone.



# SHEET #1

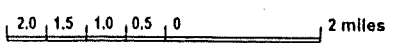
## LOCATION MAP



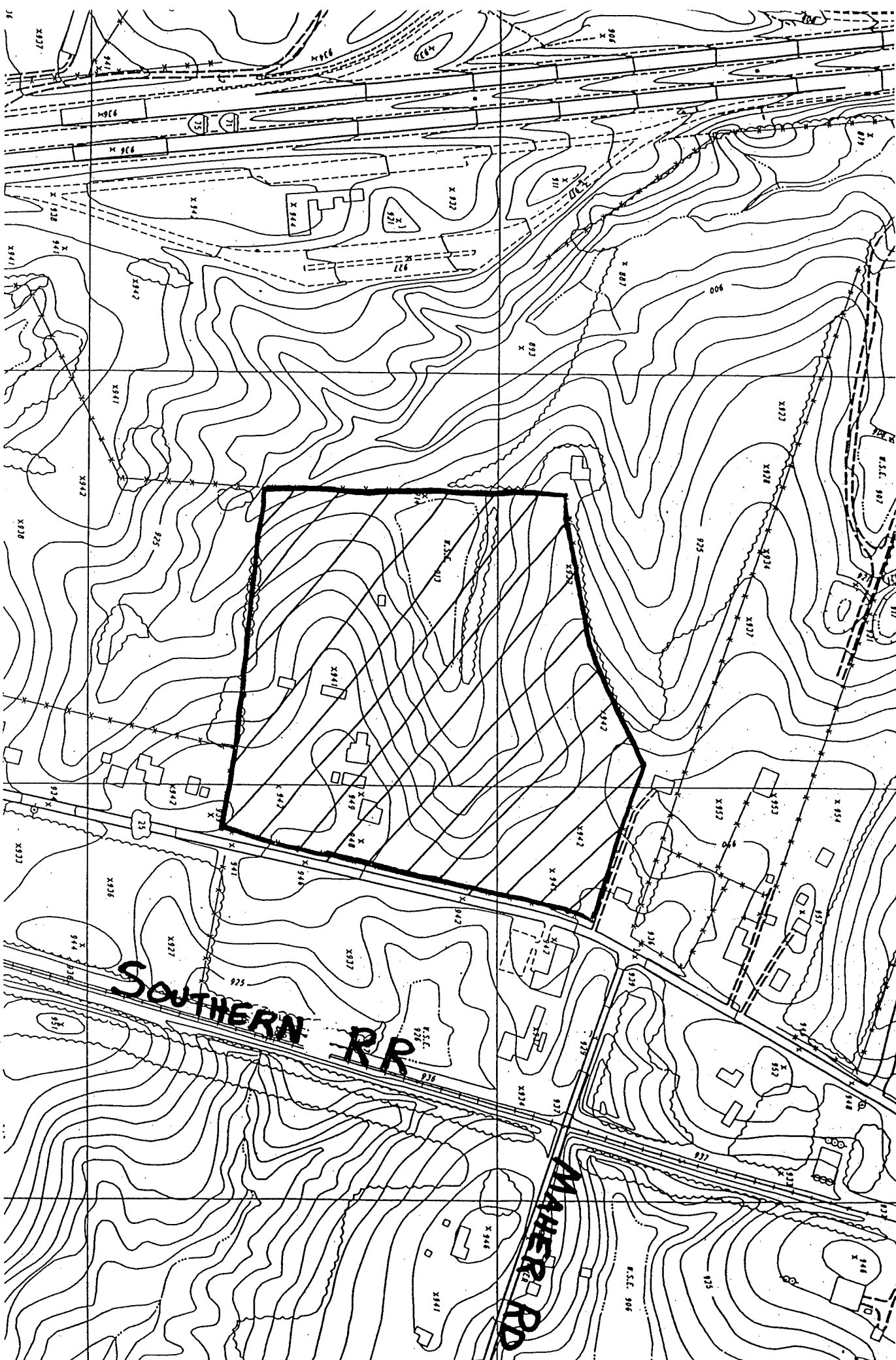
**SITE**

2058

- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses



Map produced for the Boone County Planning Commission  
by: USDA Natural Resources Conservation Service &  
Boone County Conservation District

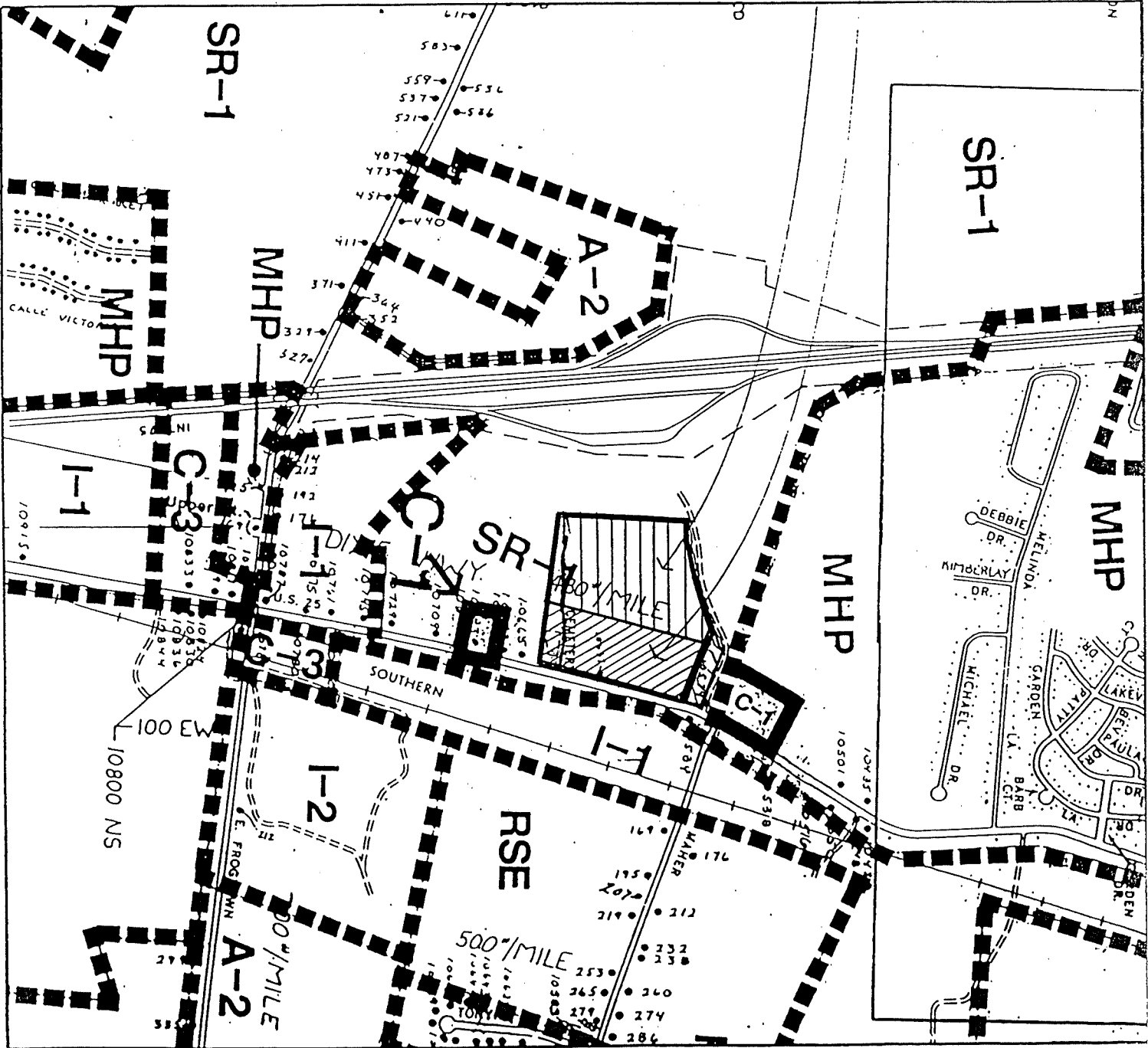


SHEET # 2

PROPOSED C-1 ZONE  
PROPOSED UR-2 ZONE

# SHEET # 3

ZONING  
MAP



VICINITY/ZONING MAP



COPY

CLUR # 95-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

William Miller  
874 Willowdale Drive  
Villa Hills, Kentucky 41017

2. ADDRESS OF PROPERTY

10310 Dixie Highway  
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR  
DEVELOPMENT (if applicable)

The Gathering Place Church

DEED BOOK: 1

PAGE NO.: 85

GROUP NO.: 2058

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment  
from  to

Conditional Use Permit

Development Plan  
Change in Concept Development

Conditional Zoning

Subdivision Plat  
(Unrecorded)

Other:

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



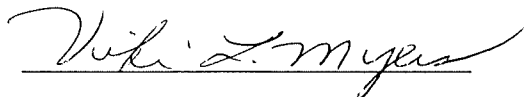
SIGNATURE OF COMPLETING OFFICIAL  
Jeffrey Hayes, AICP Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone County Planning Commission this 8th day of November 1995.

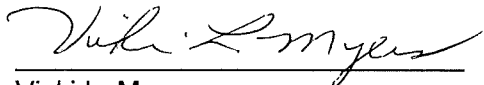


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

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.)

CLUR# 95-BCBOA-015-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of September 13, 1995 (Certificate of Land Use Restriction # 95-BCBOA-015-A), for The Gathering Place Church, property owner.

The following conditions will apply: (1) The water damage be stopped, (2) the Building Inspector looks at the building for safety and they comply with the state code, (3) they work in concert with the Historic Preservation Review Board, (4) they file for a Building and Zoning Permit when the revivals occur, and (5) there be a maximum of three 5-day revivals per year.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 1 PAGE NO. 85 Group No. 2058