

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 12-20-99 Fee Received 475.00 R# 227155
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: THE THREE SUGGESTIONS MADE BY STAFF
AND THAT THE HOUSE NOT BE USED FOR DAYCARE
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

APPLICANT: Kento-Boo Baptist Church, Inc.
LOCATION: 7035 Curtis Avenue
ZONING: Suburban Residential Two (SR-2)
DATE: January 20, 2000

Proposal

The applicant has applied for a Conditional Use Permit to allow a residence to be used for church offices and conference rooms. The .325 acre site is located at 7035 Curtis Avenue, Florence, Kentucky. The property is zoned Suburban Residential Two (SR-2). The property in question is adjacent to several other lots owned by the church.

Property Background

Kento-Boo Baptist Church was granted a Conditional Use Permit on July 8, 1987 for the construction of a new church parking lot across the street from the church building (meeting minutes submitted for the July 8, 1987 meeting). The property containing the building in question adjoins the previously approved parking lot.

Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
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 same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be 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;

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. 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;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 943

Article 9, Section 943 of the Boone County Zoning Regulations lists churches, synagogues, temples and other places of religious assembly for worship as a Conditional Use in Suburban Residential Two (SR-2) zoning districts. The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is an integral and subordinate function of a permitted use; or
- b. the activity will not contradict the compact, but single family character of the district; and
- c. the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

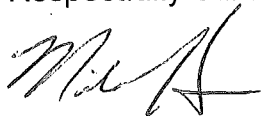
Staff Comments

1. Should the Conditional Use Permit be granted, special care should be taken to assure that upon completion of the conversion from a single family residence to office space, the building still resembles a single family residence to protect the character of the surrounding neighborhood.
2. Should the Conditional Use Permit be granted, parking for the building should be limited to the current facilities. Any expansion to the existing parking space is not necessary considering the property is immediately in front of the existing church parking.
3. If the Conditional Use Permit is granted, any signage should be limited to a small plaque that is attached to the building to protect the character of the surrounding neighborhood.

Conclusion

K.R.S. 100.237 gives the Florence Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow the construction of a new fellowship hall and worship center as an addition to the existing building. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations. It is Staff's opinion that the proposed Conditional Use Permit 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 nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

Respectfully Submitted,

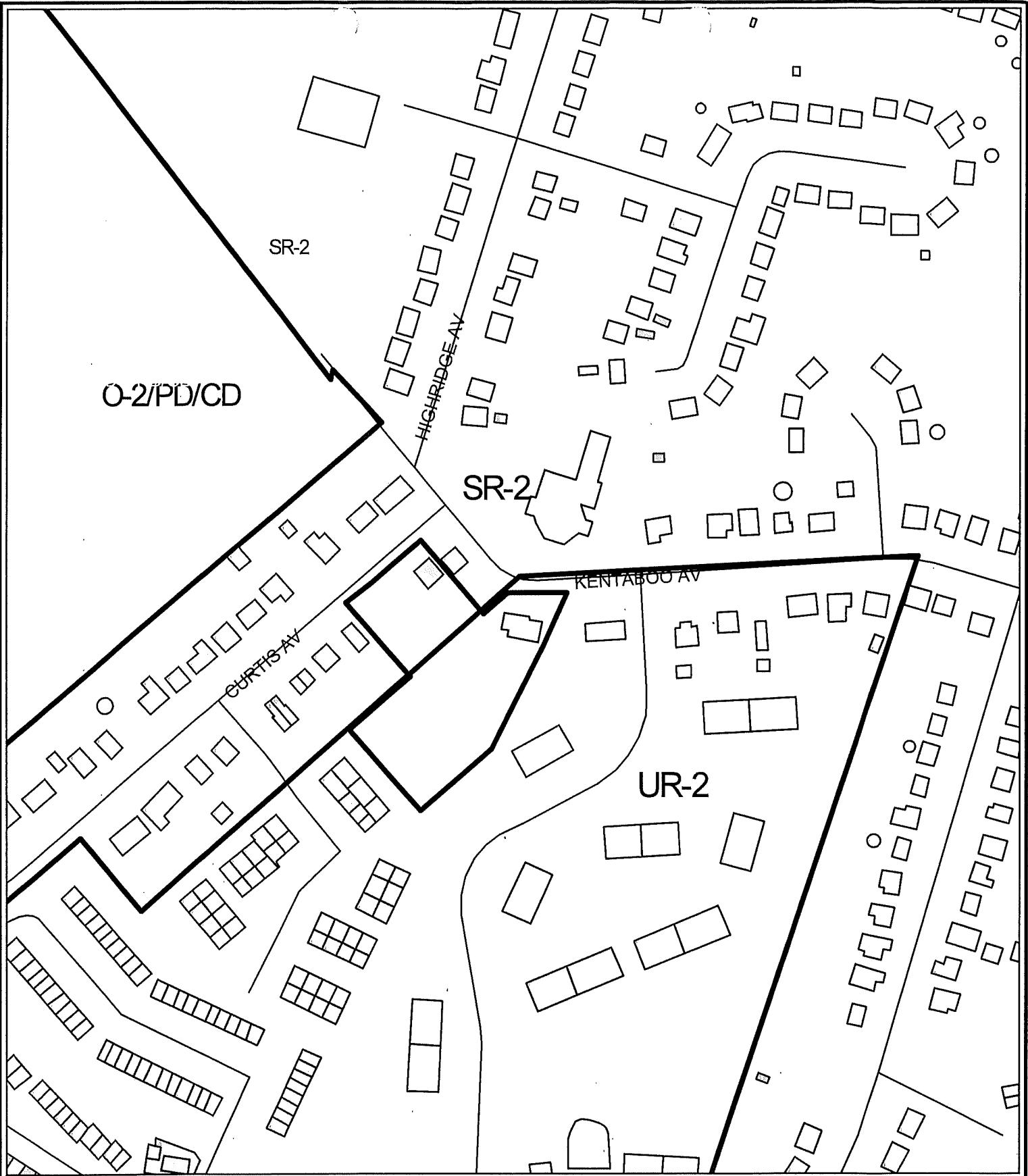


Mike Homer
Planner

MH\pr

Attachments

- Vicinity/Zoning Map
- Conditional Use Application Form
- Meeting Minutes from July 8, 1987



Vicinity & Zoning Map

7035 Curtis Avenue

200 0 200 Feet



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 14, 2000



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

R# 00755

RECEIVE

DEC 20 1990

BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Kento-Boo Baptist Church, Inc.
Phone Number (606) 371-8891 Fax No. (606) 371-8969
Applicant's Address 634 Kento-Boo Avenue
Florence KY 41042
City State Zip
4. Description of Request: A change from SR2 to Conditional Use Permit in order to use residence for church offices and conference rooms.
5. Name of Development Former residence of Charles Callen
6. Location of Development 7035 Curtis Avenue, Florence, KY 41042
7. Acreage Under Review 15,000 square feet (.325 acre)
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lots #24, 25, 26 and 27 of Erlanger Heights Subdivision
9. Owner of Property Kento-Boo Baptist Church, Inc.
Phone Number of Owner (606) 371-8891 10.
Address of Property Owner Florence KY 41042
City State Zip
11. Proposed Use(s) on Site Offices and Conference Rooms for Church
12. Total Square Footage of Existing and/or Proposed Buildings 1200 square feet
13. Current Zoning on Property SR2
14. Deed Book 249 Page No. 96 Group No. _____
15. Is the site subject to a zone change? _____
If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? Yes
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: Kento-Boo Baptist Church Inc. Rev. Hardy Cole - Pastor

Property Owner's Signature: Kento-Boo Baptist Church Inc. (Rev. Hardy Cole - Pastor)

4. A request of David B. Roberts for Kento-Boo Baptist Church for a Conditional Use Permit and Site Plan Review to construct a 16,484 sq. ft. building addition to an existing church facility and expand an existing parking lot. The applicant is also requesting a Conditional Use Permit and Site Plan to construct a separate parking lot across the street from the church site for the purpose of serving the church use.

Staff Member, Tom Breidenstein, presented slides of the site and adjacent areas.

Mr. David Roberts presented the Site Plan and indicated the proposed changes to the church property. He stated that due to development in the area, they anticipate an increase in the church membership.

Chairman Holland noted a 9.5-foot high retaining wall planned for the site and asked Mr. Roberts for his comments.

Mr. Roberts stated that the retaining wall will be located toward the high ridge side. He stated that the wall will be used to accommodate the grades on the site, which he indicated on a diagram. He added that the wall is not a desirable design element, but is necessary if they are to have a two-story facility. In response to comments from Chairman Holland, Mr. Roberts indicated the start of the wall and that it gets steeper, to a height of approximately 9 feet, and then decreases in height.

Mr. White noted that there are many small children in the area and indicated his concerns for safety. He added that the wall will also create water problems.

Mr. Noel Walton noted the location of the retaining wall. He stated that the wall goes to a maximum height of 8.5 feet. He indicated the proposed plans for directing storm water and how the retention pond will be constructed. He stated that the pond will not be of any great depth.

Mr. Ashcraft stated that he did not want any ponding created, nor did he want to create a breeding ground.

Mr. Walton discussed how the water would be discharged from the pond and stated that the only time there would be any retention would be in the winter when the ground was frozen, and it would not be substantial.

Chairman Holland stated that he had problems in regard to the retaining wall. He asked the applicant if he agreed that the wall could pose a safety hazard unless there was a railing or fence on top of it.

Mr. Roberts stated that he definitely does agree with this statement. He added that it is the only design solution in consideration of the elevation of the sanctuary.

Mr. Ashcraft noted that the retaining wall and the retention pond have not been reviewed by the Safety Engineer.

Mr. Roberts agreed and stated that the Safety Engineer is out-of-town. He stated that the concerns raised by the Board are valid and they are willing to go before the Planning Commission for a full Staff review and recommendation.

Mr. White stated that the church is an asset to the community. He stated that there are concerns regarding the retaining wall and water retention. He asked the applicant if he would be willing to address these two situations with the Safety Engineer. Mr. Roberts replied that he would be willing to do so.

Staff Member, Jim Sturdevant, stated that the Staff has simultaneously reviewed the Site Plan and the use. He stated that if the Board is satisfied with the use and how it will affect the neighborhood in terms of additional traffic and aesthetics, then Staff's only concern is for review of the details of the Site Plan by the engineer.

Counselor Wilson stated that Mr. White is discussing a motion to approve the Conditional Use portion of the request subject to certain conditions, one being Site Plan Review, including Items #2, 3, and 4 of the Staff Report, being reviewed by the Staff. If agreement cannot be reached with the Staff, then the applicant would have to appear before this Board again.

Mr. Roberts indicated his agreement to the proposed motion discussed by Counselor Wilson.

Mr. White moved, seconded by Mr. Ashcraft, that the Conditional Use Permit be granted subject to the condition that Items #2, 3, and 4 are reviewed by the Staff and acceptable to the Staff.

Chairman Holland asked if there were any further comments or questions, or any further discussion regarding this matter.

There being no further discussion, Chairman Holland asked for a roll call vote on the motion which found Mr. Ashcraft, Ms. Lanigan, Mrs. Ward, Mr. White and Chairman Holland in favor. The motion carried unanimously.

Staff Member, Jim Sturdevant, presented the Staff Report regarding the second part of this application. He noted that a reduced copy of the proposed layout of the parking lot is attached to the Staff Report. He stated that the applicant has adequately addressed Staff's concerns regarding the alignment of accesses. He noted Staff's concerns for adequate buffering and landscaping of the parking lot as it is surrounded by residential uses.

Mr. Ashcraft asked how many parking spaces will be provided by the additional parking lot.

Staff Member, Jim Sturdevant, indicated that there are 92 spaces in the lot. Mr. Roberts added that their maximum capacity is 632, and they have a combined requirement for parking according to Planning Commission standards of 127 spaces. They are providing 130 spaces.

Following a review of the Site Plan by the Board Members, Mr. White questioned the width of the driveway onto Curtis Avenue.

Mr. Roberts stated that standard width for two-way traffic is 25 feet. Mr. White asked if they had considered one-way traffic, possibly using one driveway to enter and the other to exit the parking lot.

Mr. Roberts indicated that this would create traffic congestion. He added that the parking lot patrol person may be able to deal with the traffic at the beginning and end of services if there is a congestion problem on Curtis Avenue.

Mr. White stated that the people who live in the house next to the parking lot are in California. Their garage is three or four feet onto the church's property.

Mr. Roberts stated that, if the people will provide a letter authorizing the church to demolish the structure, they will do so. He added that the parking lot will have hard-surface paving and neighborhood children will be permitted to play on the lot.

Chairman Holland asked if there was anyone else present who wished to comment regarding this request.

Mr. Rod Dew representing Cargo Industries, the managing general partner for Ashgrove Apartments, stated that they are opposed to the parking lot as it will take out a wooded area that abuts the apartments. He added that if the parking lot is permitted, an adequate buffer needs to be provided.

Chairman Holland asked how many residents would be affected by the proposed parking lot.

Mr. Dew stated that two buildings would be affected, with 8 to 12 residents in each. He suggested that the plantings be 8 to 10 feet high and added that large fir or pine trees would not need to be planted as closely as other types of trees.

Mr. Roberts stated that there are plans for perimeter planting of the parking lot and indicated the proposed locations of plantings on a drawing.

Mr. White stated that Curtis Avenue is a speedway and that the traffic count is high.

Mr. Ashcraft added that the wide approach to the parking lot may be inviting to teenagers. Mr. White agreed that he is also concerned about the 25-foot wide entrance.

Following discussion, Mr. Ashcraft moved that the Conditional Use Permit be granted for the parking lot provided that the following conditions are met: 1) that the parking lot be buffered by plantings that affect all abutting property owners; 2) that the driveway off Curtis Avenue be limited to 20-foot width with parallel parking permitted; and 3) that asphalt or concrete be used. Mr. White seconded the motion.

Staff Member, Jim Sturdevant, asked if Mr. Ashcraft was referring to a 20-foot driveway with 10 feet for parking. Mr. Ashcraft replied that he was not.

Following additional review of the Site Plan and discussion, Mr. Ashcraft amended his motion. Mr. Ashcraft moved that the Conditional Use Permit be granted for the parking lot subject to the following conditions: 1) that the parking lot be buffered by plantings that affect all abutting property owners; 2) that the driveway off Curtis Avenue be limited to 20-foot width, with a 10-foot parallel parking zone on the east side coming in off Curtis Avenue; and 3) that asphalt or concrete be used. Mr. White seconded the motion.

Chairman Holland asked if there was any further discussion; there being none, he asked for a roll call vote on the motion which found Mr. Ashcraft, Ms. Lanigan, Mrs. Ward, Mr. White and Chairman Holland in favor. The motion carried unanimously.

COPY

CLUR #00-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Kento-Boo Baptist Church, Inc.
634 Kentoboo Avenue
Florence, KY 41042

2. ADDRESS OF PROPERTY
634 Kentoboo Avenue
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Kento-Boo Baptist Church

4. DEED BOOK 249 PAGE NO. 96 GROUP NO. 2034B

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

 Zoning Map Amendment:
From To Conditional Use Permit

 Development Plan Conditional Zoning

 Subdivision Plat
(Not Recorded) Other:

 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



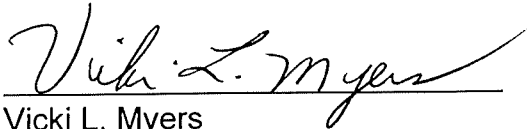
SIGNATURE OF COMPLETING OFFICIAL

Mike Homer, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

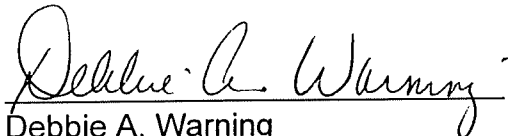
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the
Boone County Planning Commission this 25 day of January, 2000.



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 Florence Board of Adjustments and in accordance with the current zoning in effect as of January 20, 2000 Certificate of Land Use Restriction (#00-FBOA-001-A), for Kento-Boo Baptist Church, Property Owner(s).

The following conditions will apply:

1. The building will resemble a single-family residence.
2. There will be no additional parking.
3. There will be a small plaque for signage that says it is the Kento-Boo Baptist Church Office.
4. There will be no day care until a new application is submitted for that Conditional Use Permit.

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

DEED BOOK 249

PAGE NO. 96

GROUP NO. 2034B