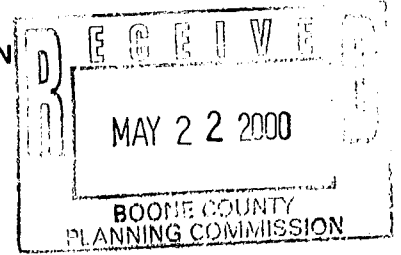


BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

1. Jurisdiction (Check One)

BOONE	FLORENCE <input checked="" type="checkbox"/>	WALTON	UNION
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2. Type (Check One)

Conditional Use Permit	<input checked="" type="checkbox"/>
Variance	<input type="checkbox"/>
Appeal	<input type="checkbox"/>
Change in Non-Conforming Use	<input type="checkbox"/>

3. Applicant Information

Applicant's Name	NORTHERN KENTUCKY CHURCH OF CHRIST		
Phone Number	371-2095		
Fax No.			
Applicant's Address	18 SCOTT DRIVE		
City	FLORENCE	State	KY
Zip	41042		

4. Description of Request

CONDITIONAL USE PERMIT TO ENLARGE PARKING LOT (SEE ATTACHED)

5. Name of Development

BLUEGRASS SUBDIVISION

6. Location of Development

P.B. 2 PG 22, SCOTT ST / CENTER ST.

7. Acreage

Acreage Under Review	4.1	Acres
----------------------	-----	-------

8. Lot Information

Lot Number	Name of Subdivision
------------	---------------------

9. Owner Information

Owner of Property	NORTHERN KENTUCKY CHURCH OF CHRIST
Phone Number	371-2095
Fax No.	
Applicant's Address	18 SCOTT ST. FLORENCE KY 41042

City <u>FLORENCE</u>	State <u>KY</u>	Zip <u>41042</u>
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10. Proposed Use(s) on Site

<u>CHURCH</u>

11. Total Square Footage of Existing and/or Proposed Buildings

--

12. Zoning

Current Zoning on Property	<u>SR-1 SR-2</u>
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13. Parcel Information

Deed Book <u>664</u>	Page No. <u>89</u>	Group No. <u>2041B & 276</u>
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14. Is the site subject to a zone change?

No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	If yes, give date of approval
----------------------------------------	------------------------------	-------------------------------

15. Have you submitted a Site Plan with this request?

No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
-----------------------------	-----------------------------------------

16. Have you submitted a list of adjoining property owners with this request?

No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
-----------------------------	-----------------------------------------

17. 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:

Property Owner's Signature:

Stephen K Mayo FOR THE NKY CHURCH OF CHRIST.

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

1. Date Received Fee Received

Month <u>May</u>	Day <u>22</u>	Year <u>2000</u>
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2. Fee Received

No <input type="checkbox"/>	Yes <u>\$524.00 R# 24295</u>
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3. Is application complete?

No <input type="checkbox"/>	Yes <input type="checkbox"/>
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4. Staff Reviewer

[Empty rectangular box]

5. Scheduled Board Action Date

Month Day Year

6. Board Action:

Approved Approved with Conditions (See #6) Denial (See #7)

7. Conditions of Approval:

[Empty rectangular box]

8. Reasons for Denial:

[Empty rectangular box]

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.

Send Application To:

List of Adjoining Properties

(For the Property of 7426 US 42)

Frances Dorsey Sumner
PO Box 434
Smith Grove KY 42171

Mary B & Nellie McCarty
7424 US 42
Florence KY 41042

Frank Michel for
William J & Orpha Michel
7420 US 42
Florence KY 41042

Juliann Yelton Lankheit
221 Center St
Florence KY 41042

Clarence B & Margret Ann Goeke
227 Center St
Florence KY 41042

Mary Beth Ritter
229 Center St
Florence KY 41042

Ben C and Wandaleen Powell
233 Center St
Florence KY 41042

Albert L & Bonnie Burden
235 Center St
Florence KY 41042

Robert H & June Schaum
30 Scott Dr
Florence KY 41042

Karen L Bemenkamp
22 Scott Dr
Florence KY 41042

Bertha R Goetz
14 Scott Dr
Florence KY 41042

Franklin D & Sharon L Helton
12 Scott Dr
Florence KY 41042

(For the Property of 7430 US42)

Signature Homes
287 Buttermilk Pike
Ft Mitchell KY 41017

STAFF REPORT

APPLICANT: Northern Kentucky Church of Christ

LOCATION: 18 Scott Drive, Florence, Kentucky

ZONING: Suburban Residential One and
Suburban Residential Two (SR-1/SR-2)

DATE: June 15, 2000

Proposal

The applicant has applied for a Conditional Use Permit to allow an increase to the existing parking lot, and to remove a condition placed on the property requiring the north part of the property to remain as green space. The 4.1 acre site is located at 18 Scott Drive, Florence, Kentucky. The part of the property closest to Scott Drive is zoned Suburban Residential One (SR-1), and the part furthest from Scott Drive is zoned Suburban Residential Two (SR-2). The portion of the property in question is zoned SR-2.

Property Background

The Northern Kentucky Church of Christ applied for a Conditional Use Permit in April of 1997. The request was denied, please refer to the attached meeting minutes from the April 9, 1997 Public Hearing.

The Northern Kentucky Church of Christ reapplied for a Conditional Use Permit in June of 1997. The request was approved with conditions, please refer to the attached meeting minutes from the June 11, 1997 Public Hearing. The conditions attached to the approval of this Conditional Use Permit are as follows:

1. The building is to be 5,580 sq. ft. with 51 parking spaces.
2. The remaining portion of the property except the driveway to Scott Drive is to remain as green space.
3. The applicant has agreed to sell or give the portion of the property with frontage on Center Street to the two adjacent Center Street property owners, in order to prevent any future access to the property.
4. This property shall be given away or sold before construction begins.

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.

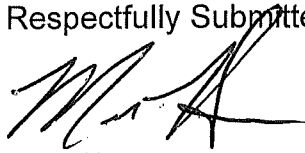
Staff Comments

1. Staff is concerned that the applicant has misinterpreted the conditions placed on the property at the June 11, 1997 Florence Board of Adjustment Meeting. According to the Certificate of Land Use Restriction, the entire property with the exception of building, parking lot, and driveway must remain green space. In order for the request to expand the parking lot to be considered, a request to lift the green space restriction over the entire property, not just the northern section, must be made and approved.
2. Staff is concerned about the expansion of the existing parking lot and its close proximity to adjoining residential lot lines. Should the request be approved, Staff feels that the applicant should be required to provide Buffer Yard "B" plantings along all new development edges as well as plantings within the parking area to comply with the Boone County Zoning Regulations.
3. Mr. Stephen Mayo, representing the applicant, has stated in the attached letter that it is the church's desire to sell off the northern portion of the property for development. One of the conditions attached to the Conditional Use Permit during the June 11, 1997 Florence Board of Adjustment Meeting was that the access to the northern portion of the property from Center Street must be given or sold to the adjacent property owners prior to construction. If the applicant has complied with prior conditions set forth by the Florence Board of Adjustment, the portion of the property the applicant desires to sell off would be land locked, and not accessible from Center Street nor Scott Drive, and would remain undevelopable.
4. Staff is concerned that if the green space condition is lifted, and the applicant is successful in selling a portion of the property, the Northern Kentucky Church of Christ will have little room for future expansion without creating a cramped environment. If the church is expanding at the rate described in the letter from Mr. Mayo, it is important to keep some room for future expansion. The green space currently located to the north of the church provides a significant buffer region for adjoining residences to the north.
5. Should this request for a Conditional Use Permit be approved, the applicant will be required to go through the Major Site Plan Review process for the expanding parking lot.

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 an increase to the existing parking lot, and to remove a condition placed on the property requiring the north part of the property to remain as green space. 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.

Respectfully Submitted,

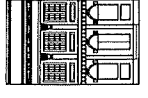
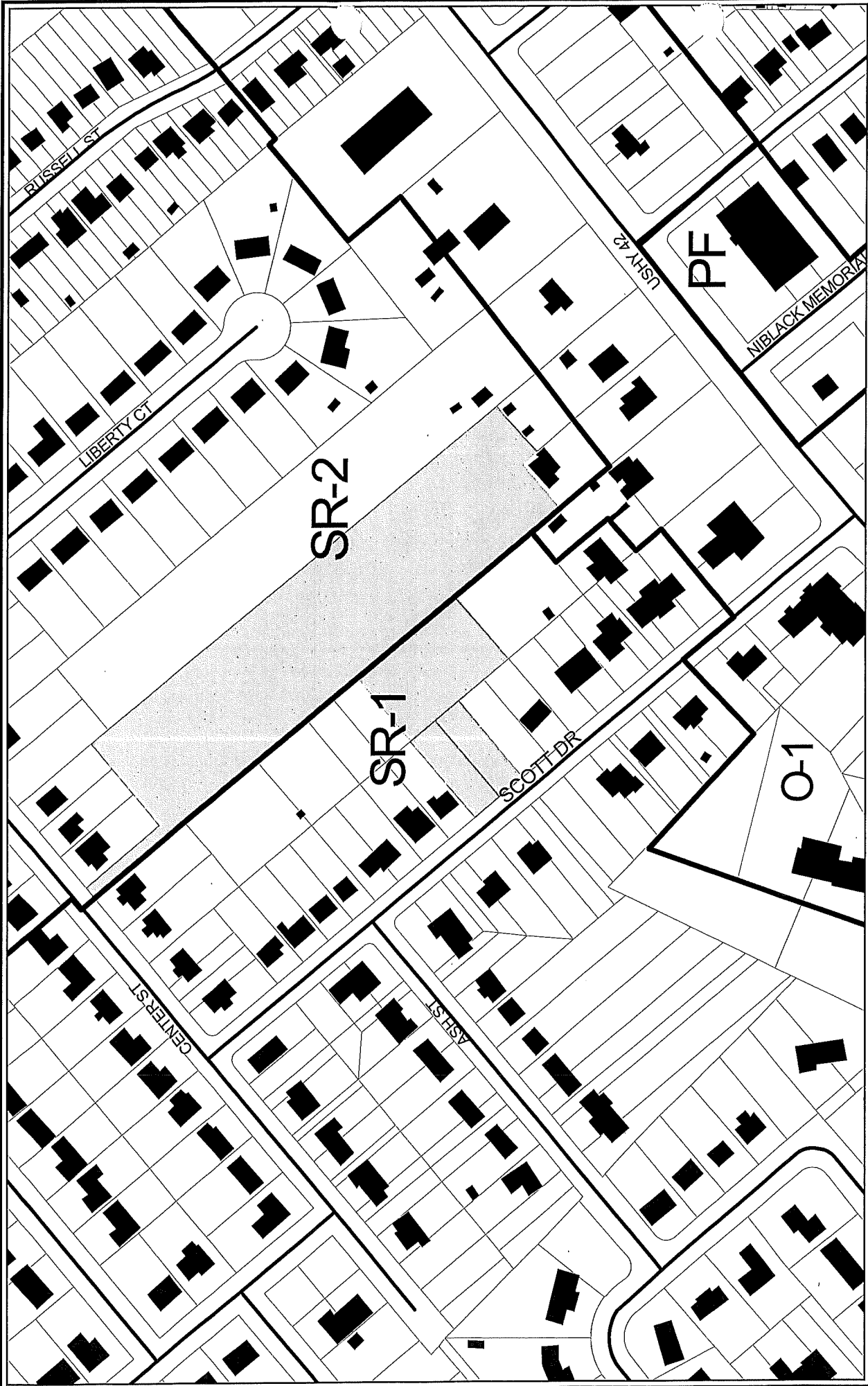


Mike Homer
Planner

MH\pr

Attachments

- Vicinity/Zoning Map
- Site Plan
- Letter from the applicant
- Conditional Use Application Form
- Meeting Minutes from Florence Board of Adjustment, April 9, 1997
- Meeting Minutes from Florence Board of Adjustment, June 11, 1997
- Copy of the Certificate of Land Use Restriction issued on June 27, 1997



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 8, 2000

Zoning/Vicinity Map Northern Kentucky Church of Christ

Northern Kentucky Church of Christ

18 Scott Drive Florence, KY 41042

5/19/00

The church that meets at 18 Scott Drive is seeking approval to expand our parking lot. Recent growth requires expansion of our current parking lot to maintain proper accessibility and safety. The drawing supplied outlines far more capacity than we will need for the near future. Due to the large expense involved in the planning process, we asked Viox & Viox to prepare a site plan that would compensate for any possible future growth. The reasoning behind this is to ensure the detention basin design is adequate to handle any increased future watershed if required.

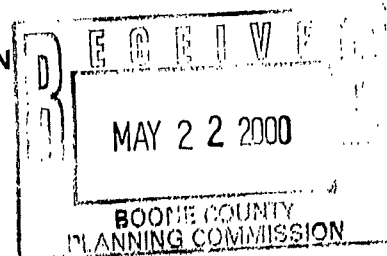
We intend to add only between 10 and 20 additional spaces this year and feel this amount will alleviate our immediate parking concerns. The remaining spaces would only be required if the church building were expanded.

We are also seeking approval to remove another condition placed upon the church requiring the northern section of our land be kept a greenspace. It is our intention to sell the land under its current zoning (SR-2), as we do not intend to develop that section of ground.

Thank you for your consideration.



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

1. Jurisdiction (Check One)

BOONE	FLORENCE <input checked="" type="checkbox"/>	WALTON	UNION
-------	----------------------------------------------	--------	-------

2. Type (Check One)

Conditional Use Permit	<input checked="" type="checkbox"/>
Variance	<input type="checkbox"/>
Appeal	<input type="checkbox"/>
Change in Non-Conforming Use	<input type="checkbox"/>

3. Applicant Information

Applicant's Name	NORTHERN KENTUCKY CHURCH OF CHRIST		
Phone Number	371-2095		
Fax No.			
Applicant's Address	18 SCOTT DRIVE		
City	FLORENCE	State	KY
		Zip	41042

4. Description of Request

CONDITIONAL USE PERMIT TO ENLARGE PARKING LOT (SEE ATTACHED)

5. Name of Development

BLUEGRASS SUBDIVISION

6. Location of Development

P.B. 2 PG 22, SCOTT ST / CENTER ST.

7. Acreage

Acreage Under Review	4.1	Acres
----------------------	-----	-------

8. Lot Information

Lot Number	Name of Subdivision
------------	---------------------

9. Owner Information

Owner of Property	NORTHERN KENTUCKY CHURCH OF CHRIST
Phone Number	371-2095
Fax No.	
Applicant's Address	18 SCOTT ST. FLORENCE KY 41042

City FLORENCE	State KY	Zip 41042
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10. Proposed Use(s) on Site

CHURCH

11. Total Square Footage of Existing and/or Proposed Buildings

--

12. Zoning

Current Zoning on Property	SR-1 SR-2
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13. Parcel Information

Deed Book 664	Page No. 89	Group No. 2041B & 276
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14. Is the site subject to a zone change?

No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	If yes, give date of approval
----------------------------------------	------------------------------	-------------------------------

15. Have you submitted a Site Plan with this request?

No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
-----------------------------	-----------------------------------------

16. Have you submitted a list of adjoining property owners with this request?

No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
-----------------------------	-----------------------------------------

17. 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:

Property Owner's Signature:

Stephen K. Mayo FOR THE NKY CHURCH OF CHRIST.

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

1. Date Received Fee Received

Month May	Day 22	Year 2000
------------------	---------------	------------------

2. Fee Received

No <input type="checkbox"/>	Yes \$524.00 R# 24295
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3. Is application complete?

No <input type="checkbox"/>	Yes <input type="checkbox"/>
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4. Staff Reviewer

[Empty rectangular box]

5. Scheduled Board Action Date

Month	Day	Year
-------	-----	------

6. Board Action:

Approved	Approved with Conditions (See #6)	Denial (See #7)
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7. Conditions of Approval:

[Empty rectangular box]

8. Reasons for Denial:

[Empty rectangular box]

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.

Send Application To:

Chairman Holland chaired the meeting at this time and introduced the second item on the Agenda:

2. The request of the Northern Kentucky Church of Christ for a Conditional Use Permit to allow the construction of a church on a 4.18 acre tract located between 14 and 28 Scott Drive (Lots 11 and 12 of Bluegrass Subdivision), Florence, Kentucky. The property is zoned Suburban Residential One and Suburban Residential Two (SR-1/SR-2).

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). He advised that copies of the Concept Plan submitted by the applicant are available.

The Chairman asked for the applicant's presentation.

Mr. Mark Rosenberg with Bayer & Becker Engineers questioned the easement. Mr. Coleman reviewed the plan with him in this regard. Mr. Rosenberg stated that he believes it is a sanitary sewer easement. Mr. Coleman explained that there is a sanitary sewer line in the area, but there is a storm sewer easement running through the property that belongs to the City of Florence. They will need to get permission from the City of Florence to construct within the easement.

Mr. Rosenberg stated that the church has a signed agreement with the Goetz to obtain additional property to get the driveway in there. They will trade property on the Goetz west property line and the church will give them 20 feet of property on their back line. He stated that they will engineer the site appropriately and not adversely change the creek channel. He stated that the driveway is possible between the culvert headwall and the Goetz driveway. It is reasonable with the property trade.

Chairman Holland asked Mrs. Goetz if they had been contacted by the church to buy their land. Mrs. Goetz responded "yes". Mr. Rosenberg provided Mr. Coleman with a copy of their agreement.

Mr. Ashcraft questioned the lot to the north of the Goetz property. Mr. Rosenberg advised that Lot #12 is part of the church's property. Mr. Ashcraft stated that the storm sewer easement is mostly on the church's property. Mr. Rosenberg agreed.

Mr. Ashcraft asked if the church is purchasing property from Dorsey's. Mr. Rosenberg advised that the property owner's name is Sumner.

Mr. Ashcraft questioned if the property along U.S. 42 shown as "Frances Dorsey" is cut out of the parcel. Mr. Rosenberg advised that it is and he reviewed the plat with Mr. Ashcraft. Mr. Ashcraft commented that they are the people who have the most to gain by selling their property and they have reserved a place on U.S. 42. Mr. Marvin Saylor, speaking for Northern Kentucky Church of Christ, agreed that the Dorseys are keeping their property on U.S. 42.

Chairman Holland asked if there was anyone else present from the church who wished to speak. There being no response, he asked if there were any comments from the Board. There being none, he asked if there was anyone present who wished to speak in opposition to the request.

Frank Michael stated that he owns the property shown in the name of William J. and Ortha Michael. He is the heir of that property. He stated that every time there is a hard rain, the sewer lid on his property gets blown off. He stated that allowing this request will landlock his property and the only entrance he will have is from U.S. 42 -- which means that he would have to sacrifice his building on that property to get to his property. He operates his business from that building. The request will also hurt the value of his property. He stated that there is a water problem back there now and when it rains water lays in his yard and in his neighbor's yard. Taking this property from natural soil to asphalt will ruin their properties.

Dale Stephens, 232 Center Street, stated that he and his neighbors are concerned about the 30-foot easement that opens up on Center Street. He questioned access on Center Street being denied. Chairman Holland advised that it could be a condition if the request is approved.

Mr. Ashcraft questioned the church's intention for the 30-foot easement. Mr. Saylor advised that the church has no intention of using that 30-foot easement and intends to use only the driveway off Scott Street. Mr. Ashcraft questioned why they have the 30-foot easement. Mr. Saylor advised that it is part of the land.

Julie Lankite, 208 Center Street, asked if this is the same Church of Christ that was torn down on Turfway. Mr. Saylor responded "no".

Franklin Helton stated that he does not want the church back there. He does not want a parking lot back there. He stated that there is a water problem already and the culvert is not big enough to handle the water now. He stated that with this much blacktop, the runoff will be worse than ever.

John Black, who lives at the corner of Center Street and Scott Drive, commented in regard to the traffic and parking problems that exist now when there is a funeral on Scott Street and from everyday traffic. He stated that there is not enough room for another 63 cars on Wednesday night, Sunday morning, and Sunday afternoon. He is opposed to more traffic going through there.

Frank Michael stated that there is also the concern of safety of the kids. Mr. Black agreed. He stated that the traffic is horrendous with people cutting through from KY 18 to U.S. 42. He stated that too much traffic goes through there now and another 63 cars is too much.

Bonnie Connors, a resident of Liberty Court, stated that Scott Drive is essentially a one-lane street because of the on-street parking. She is concerned about the additional traffic and would like something done to Scott Drive to allow for the extra traffic.

Counselor Wilson advised that the Board does not have the power to regulate parking on a city street.

Diane Whalen, a resident of Catherine Avenue, asked if anyone has contacted Mr. Hedges at Water & Sewer to see if this request is feasible.

Mr. Coleman advised that he has talked to Mr. Hedges and Mr. Hedges has seen the plan. He stated that Mr. Hedges indicated that they cannot do it the way it is indicated on the plan now unless they have engineering drawings showing a retaining wall given the slope.

Ms. Whalen indicated the property to the left of the church where 10 parking spaces are shown, and noted that nothing is shown on the property that goes from there over to Center Street. Mr. Saylor stated that there are no plans at all for the area from the edge of the parking lot over to the 30-foot easement. Ms. Whalen added "at this time". Chairman Holland questioned future plans for the area. Mr. Saylor stated that they do not have any future plans for that area now. Chairman Holland asked if they plan to have parking there if the church grows. Mr. Saylor responded "no".

Ms. Whalen asked if the 63 parking spaces will be adequate and questioned if that is all the members they have. Mr. Rosenberg advised that they are only required to have 63 parking spaces. That is the code.

Counselor Wilson explained that the question is "Do you need more than 63 parking spaces?". Mr. Saylor responded "Not as of now". Mr. Ashcraft stated that they expect the church to grow. Mr. Saylor stated that they have enough ground for the future.

Mr. Michael asked if the congregation is now 63 people. Mr. Saylor responded "no" and advised that they average 90 - 100 people including the children. Chairman Holland stated that the obvious goal is to grow.

Mr. Coleman advised that the number of parking spaces is based on the number of seats in the church -- one parking space per five seats is required.

Chairman Holland asked if anyone else wished to speak.

Susan Zapf, a resident of Scott Drive directly across from where the driveway for the church would be, stated that the traffic on Scott Drive is horrendous now. She stated that everyone goes through the stop sign and goes 40 MPH down the street. She would rather see single-family homes there than the church. She is not against the church, other than the traffic that would be involved. She asked if the church has plans for day care, which would cause more traffic every day of the week.

Mr. Saylor stated that they do not have day care or a senior citizen home. He stated that the church will be used to meet in on Sunday mornings and Sunday evenings.

Susan Zapf stated that when cars are parked on the street, cars cannot pass and have to pull over. If there are 50 cars going into the church at the same time, they will be backed up and down the street.

Chairman Holland advised that if the request is approved, the Board can add a condition that there be no day care.

Susan Zapf stated that the last time there was a flood, it looked like a river there and the hillside was covered with four feet of water. She stated that she has pictures of this. (Pictures were not shown or submitted).

Alice Bonner, who lives at the corner of Scott and Ash Streets, stated that the residents do not have anywhere to park now on their street because it is so full of cars. When she has company, they also have no place to park. She stated that cars cannot pass on Scott Street because there is not enough room. People go through the stop sign going 40 - 50 MPH. She is not against the church, but the traffic is bad now and she is against more traffic.

John Rolling, a resident of Center Street, stated that there is too much traffic now. He stated that the church would be at the bottom of the hill and it is already a three-way stop. He stated that there will be too much traffic and possibly wrecks.

Lee Denter, a resident of River Court, is concerned about the aesthetics. She questioned what the church will look like.

Mr. Ashcraft requested an architectural concept of the church. Steve Mayo, speaking for the church, submitted pictures of the proposed building and renderings of the site. Chairman Holland stated that this information should have been submitted. Mr. Mayo stated that they were not informed that it was needed.

Chairman Holland questioned the construction. Mr. Mayo stated that the building will be brick all the way around. It will be approximately 5500 square feet. The front portion that juts out will face Scott Street. He stated that it will not be an elaborate building. He stated that they will address any water or runoff problems at the proper time.

Mr. Ashcraft advised that the water would be addressed at Site Plan Review. Counselor Wilson stated that the Board has the right to address the water if it goes to the issue of the use being compatible with the area and suitable to the site.

Mr. Ashcraft stated that he would be more comfortable if the access was off U.S. 42 rather than off Scott Street. He questioned why they do not purchase access to U.S. 42.

Mr. Mayo stated that if an access to U.S. 42 was available and within their means, they would approach it -- but this is what is available and what they have proposed. He stated that they would like to have a U.S. 42 access.

Chairman Holland commented that the water runoff problem may cost them more than the church is going to cost. He stated that there would be a lot of digging and concrete work.

Mr. Michael stated that there are tremendous water problems there.

Mr. Ashcraft stated that the Board had to deny Heritage Assembly of God because they wanted access to Russell Street and this is a very similar situation. The Board felt that access was more appropriate on U.S. 42 and had to deny that request. He stated that with the water problem, he does not see this being much different than the issue on Russell Street. He stated that this is a small church now and, hopefully, in ten years it will be ten times its size -- but this property probably will not accommodate it.

Mr. Mayo stated that they are moving out of a location because they are expanding and this property should allow them to double their capacity. They do not see having to grow. Mr. Ashcraft stated that they have a lot of land there. Mr. Mayo stated that it was a parcel and they bought it as a parcel. Mr. Ashcraft stated that if he was on the church board, he would not want to go and buy more land -- he would want to expand here. With expansion comes more roof area and more parking area. He questioned when Staff reviews a Site Plan if they review it with the currently proposed building and not a future building.

Mr. Coleman stated that the review is based on what is proposed at the time, not future expansion. It is based on the impervious area created versus the existing pervious area. Mr. Rosenberg stated that they will address these issues and compensate for hard surface on the site in regard to stormwater runoff.

Mr. Stephens questioned their present location. Mr. Mayo advised that they are at 38 Kentaboo. Mr. Ashcraft stated that they were before the Board a few years ago to expand their parking lot. Mr. Mayo agreed.

Chairman Holland asked if there were any further comments.

Julie Lankite asked what the church would do to the property values in the area. Chairman Holland advised that the Board cannot address that issue and he does not know the answer to that question.

Chairman Holland asked if anyone else wished to speak. There being no response, he asked if there were any further comments from the Board. There being none, Mr. Ewing moved to deny the Conditional Use Permit based on the parking problems, the water and sewer problems that would be created, the request is not harmonious or appropriate for the surrounding area, and it will adversely affect the character of the residential area. Mrs. Ward seconded the motion and it carried unanimously.

Mr. Ashcraft stated that he does not feel comfortable turning down the request since the Board approved the location of the church in 1984. It was recognized at that time that the church was going to grow because it was approved for 25,000 square feet. He does not think there is a drainage problem at this location.

Mr. Murphy stated that under the current Conditional Use Permit they are approved for 25,000 square feet and they are asking for an additional 12,000 square feet.

Mr. Kramer stated that the additional square footage is for the administrative wing and they are trying to make good on their promise to only make temporary use of the house. The house has not been renovated to look like an office building. He stated that they would return the house to its original use at some point.

There being no further discussion, Mr. Ashcraft moved to grant the additional 12,000 square feet with the conditions that: 1) Even though the Boone County regulations do not provide for it -- there be buffers between the church property and the residents; and 2) all lighting for the parking lot be directed and engineered inward so as not to interfere with the adjoining properties.

Mr. Ashcraft asked if the lights are kept on around the clock. He noted that keeping the lights on helps to keep people out of the lot.

Mr. Murphy advised that they have a gate and minimal lighting for safety reasons. The light shines toward Highridge.

Mr. Ashcraft completed his motion and stated that the buffer is to confirm with Buffer Yard A regulations. He added a request that they seek out better exits and entrances. He would hope that they would get access through Jerry Carroll's property. Mr. Pieper seconded the motion. A vote on the motion found Mr. Ashcraft, Mr. Pieper, and Chairman Holland in favor. Mrs. Ward was opposed. The motion carried by a vote of 3 to 1.

2. The request of the Northern Kentucky Church of Christ for a Conditional Use Permit to allow the construction of a 5,580 sq. ft. church on Scott Drive between Center Street and Highway 42, Florence, Kentucky. The property is zoned suburban Residential One and Suburban Residential Two (SR-2 and SR-2).

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Ashcraft asked if there is any consideration given to the burden the use puts on the residential properties.

Mr. Coleman responded "yes" and noted that there could be 30 houses built on the property which would create more of a traffic problem throughout the week. The church traffic is not there during peak hours. He noted that at the last meeting there was a lot of concern about traffic and he

asked the applicant to provide a traffic count, which is included in the Staff report. His opinion is that what they are proposing is less of a traffic impact than what could potentially happen on the property.

Mr. Ashcraft stated that if a developer were to build 30 houses there, Staff would not find it appropriate for them to come out on Scott Street and would insist that they use U.S. 42. Mr. Coleman advised that he does not know that the City of Florence could mandate that they come out on U.S. 42.

Mr. Ashcraft questioned the sewer. Mr. Coleman advised that there could be a retaining wall that would permit their driveway to come out there. He noted that they would have to detain the stormwater which could lessen the current impact. Anything they create that is impervious, they have to detain.

Counselor Wilson explained that when Staff analyses traffic they use the ITE Manual which classifies uses, averages the trips per day, and gives a peak time flow for each use. Staff compares this information to the adjoining uses and their peak hour trips per day.

Chairman Holland stated that if you put blacktop down, you have more water runoff than if you have water falling on soil.

The Chairman asked for the applicant's presentation.

Mr. Dan Brewer, an elder of the church, submitted a handout of his comments (see Exhibit 1) and read the first two pages. He then asked Carol Moorman with Bayer & Becker Engineers for her comments.

Ms. Moorman stated that the church will be a 5580 square foot single story structure with seating for 196 people. The parking lot will have 51 spaces, including 2 handicapped spaces. Landscaping per the requirements will be installed. There will be access to Scott Drive only and it will not affect the swale or sanitary sewer on the property. Church services will be on Wednesday night and Sunday morning. She stated that they have reduced the square footage from 6000 to 5580 square feet and the seating capacity from 225 to 196. They have reduced the development from two parking lots and 63 spaces to one lot and 51 spaces. She stated that only 40 parking spaces are required. They have changed the configuration of the driveway on the site and moved the building away from the neighbors on the northeast and south sides. Their preliminary plan for the stormwater drainage system is included in the packet. She stated that they have catch basins and an underground system into a detention basin. She stated that the church will be harmonious with the general objectives of the Comprehensive Plan and the low density character of the district will not be affected. They propose to develop less than half of the available acreage and leave the remaining acreage as it is. They do not feel that the development will be hazardous to neighboring uses. Adequate public facilities exist to service the site and additional requirements at public cost will not be incurred by using the property as a church. She stated that they have modified the plan since April 9 and addressed the parking, water and sewer, traffic, and the appropriateness of the project. She has confirmed with Hal Hedges and Mr. Viox that their driveway will not be

located within the City of Florence easement. She stated that there is a sanitary sewer easement in the area of the driveway. She stated that the church has no plans to develop the remainder of the property and will relocate if major expansion is required. In regard to the water problems brought up by the residents, she stated that the church will provide an underground stormwater system and a detention basin per the requirements of the City of Florence. She stated that access to U.S. 42 is not available. She stated that the parking requirement is one space per five seats and for 196 seats that would be 40 spaces. They propose 51 spaces to ensure that parking will not occur on Scott Drive. She stated that there are no plans for day care at the church. She showed an exhibit of the building.

Ms. Etta Reed of Bayer & Becker Engineers addressed the traffic. She stated that the church anticipates 25 cars to attend each service. Most of the families come with 3 or 4 people in a car. The trips will occur in non-peak hours when traffic is low on Scott Street. She stated that if the site were developed residentially, the traffic generated would be increased. She advised that you figure ten trips per day per home -- which would be 300 trips per day with 30 homes. The church use, per the trip generation manual, would generate 56 trips per day. She stated that they do not plan anything at the church on Monday, Tuesday, Thursday, or Friday evenings. The church will be a lesser impact on Scott Street than if the property were to develop as it is zoned. The church traffic will arrive in a 15-minute window and leave in a 15-minute window. They do not plan any after school activities or anything in the peak hours that generates traffic.

Mr. Brewer completed the presentation of his written comments beginning on Page 3.

Chairman Holland stated that there is a for sale sign on the house at the top of the property on U.S. 42. Mr. Brewer indicated on the exhibit where the access would have to be and stated that that property is not for sale. Mr. Ashcraft stated that there is a property for sale there, but he does not know that it abuts this property. Mr. Brewer stated that they could not afford to buy it.

Mr. Ashcraft stated that the people selling this property have access to U.S. 42, which they want to keep for economic reasons. He stated that the church is getting the benefit of a better deal because they are selling off this property. He stated that they are exiting onto Scott Street at the expense of the people who live on the street, as opposed to finding access onto U.S. 42.

Mr. Brewer stated that they would like to own the property out to U.S. 42, but it is not for sale and they could not afford it anyway.

Mr. Ashcraft stated that a church is better than 32 houses, but the problem is that churches grow. Mr. Brewer stated that if they outgrow this building, they will build another building somewhere else. He stated that some of the neighbors are concerned about traffic when there is a funeral, but there is not normally a funeral when church services are going on.

Mr. Ashcraft asked if they would object to deeding the property over to the adjoining property owners since they will not be accessing onto Center Street. Mr. Brewer stated that the adjoining property owners do not object to what they are doing. Since they have explained what they are going to do and what the alternatives are, those who were opposed are now in favor.

Chairman Holland asked if anyone else wished to speak in regard to this request.

Mr. Dale Stevens, 232 Center Street, speaking on behalf of himself and three neighbors, stated that they have no problem with the church being built back there, but have a serious problem with the access onto Center Street and want a rider on the Conditional Use Permit that it will never be opened up to traffic.

Mr. Frank Michael indicated his property on the exhibit and questioned how the church will not landlock him. Mr. Brewer stated that if Mr. Michael has access to his property from a public right-of-way, he is not landlocked.

Mr. Michael stated that churches grow and in ten years when they grow they will say that locating somewhere else costs more money than expanding on this site. He stated that he foresees bigger buildings, more blacktop, and more roof lines. He noted that even though they say the activity will be held to a minimum, churches have fund raisers such as bingo and Monte Carlo.

Mr. Brewer advised that they do not have fund raisers. Their only support is through the free will offering of the congregation.

Mr. Michael stated that his neighbors also do not care to have the church in their backyards.

Chairman Holland asked if there is a house for sale next to the bank on U.S. 42. Mr. Michael responded "yes" and advised that it is the Steele property. He added that if this church sells the property to another church, there will be growth and he can see day care centers and latch key.

Mr. Brewer stated that they are religiously opposed to those things. He stated that if they expand their building, they will have to come back before the Board and everyone would have an opportunity to express their concerns at that time.

Chairman Holland advised that any conditions placed on an approval would go with the land and the next owner would have to abide by the same conditions. He noted that the new owner could develop the property with the principally permitted uses in the zone.

Mr. Ashcraft questioned imposing a condition that regardless of a change in zoning, the building cannot be expanded or used for any purpose except the church -- no successor in title could expand it and no future Board of

Adjustment could grant an expansion. He asked if it could be limited until the end of time to being a church with 51 parking spaces.

Counselor Wilson advised that the Board can impose reasonable conditions that relate to the use being evaluated. He stated that they would always have the right to the principally permitted uses. He stated that if they agree to the conditions, then they could not do any of those things without coming back before the Board. The Board cannot impose a condition saying that they can never come before the Board to change the conditions of this permit.

Mr. Ashcraft questioned a condition that they cannot expand on any of the property being sold there for any other purpose without coming before the Board. He is concerned that they could sell off some lots on the back of the property and someone could build a house back there. Counselor Wilson advised that that would be allowed now. He stated that the Board could impose that condition if the facts show that it would generate enough of an impact that it is reasonable to preclude that activity without coming back in front of the Board.

Chairman Holland asked if they have looked anywhere besides Florence for land. Mr. Brewer advised that a lot of their members want to stay in the Florence area.

Mr. Michael stated that the neighbors do not want a church in their backyards.

Mr. Eric Saylor stated that they spoke with the surrounding neighbors and everyone adjacent to the property is in support of the church. Chairman Holland noted that there are only ten signatures on the petition. Mr. Saylor advised that some of the neighbors were nervous about signing and so they typed up a list of people who would support it but were nervous about signing the petition. He stated that they have the overwhelming support of the people surrounding the property.

Mr. Ashcraft asked if any of the surrounding neighbors were present.

Mr. John Black, 31 Scott Street, stated that they talked to him but did not ask him to sign anything. Mr. Brewer stated that Mr. Black is not an adjacent property owner. Mr. Black stated that he is not in support of the request.

Mr. Frank Helm stated that he is an adjoining property owner and no one approached him. He stated that the map is not correct. Ms. Moorman advised that it is correct according the Boone County records.

Mr. Larry Locknane, 28 Scott, stated that he has a double lot. He stated that the church talked to his wife but she wanted him to be present before she signed anything. She then called and told the church they would sign the petition, but the church never got back to them. He stated that this is the same denomination he belongs to, but this is not his church. He stated that they have never had fund raisers or child care as long as he has been a member. It is just not done. His concern was the storm water problem and the road coming out adjacent to one of his neighbors. He

stated that they have moved the access through a grassy area adjacent to the culvert. He stated that whether it is this church or another church, it is better than having 30 houses back there which would involve a lot more continuous traffic on Scott vs. the peak hour traffic on Sunday from the church. He stated that he has no problem with the request. He stated that the Shermans live on the other side of the road where it comes out and they have no objections to the church coming out in the location on Scott. He would prefer the church to a bunch of houses back there. He stated that his lot goes back 300 feet and a road behind his property would not disturb him.

Mr. Ashcraft questioned Site Plan Review. Mr. Coleman advised that if the Board agreed to this Concept Plan, that same plan would have to go through the Site Plan Review process. Mr. Ashcraft questioned what would happen if five years from now they wanted to add 10,000 square feet. Mr. Coleman advised that they would have to come back before the Board and go back through Site Plan Review.

Mr. Ashcraft asked if the storm water easement would be maintained without them using any of it for a drive. Ms. Moorman responded "that is correct". She advised that the headwall is existing.

Diane Whalen, a resident of Catherine Avenue, asked if the Conditional Use Permit is for the four acres or just the drawing submitted.

Counselor Wilson explained that the application is for 4.1 acres and the Board would be taking action on the entire parcel. He noted that there could be a condition that this is the Development Plan they have to follow.

Mrs. Whalen questioned the 1993 legislation in regard to churches. Counselor Wilson explained that the legislation does not preclude the government from saying "no" to churches and noted that there is a case in the U. S. Supreme Court in regard to the constitutionality of the law and it may be knocked out in six months.

Mrs. Whalen stated that there could be a condition that the remaining two acres remain as it is. Counselor Wilson advised that there could be such a condition if it can be demonstrated from the record that it is reasonable -- but they could then come back and seek relief of that condition. Mr. Ashcraft questioned if they agreed to the condition. Counselor Wilson advised that that would not stop them from coming back and seeking relief from it.

Ms. Whalen asked if the two acres with access to Center Street could be developed if they were sold off. Counselor Wilson explained that a condition runs with the land and a subsequent owner could not get access to Center Street because of the condition, without coming back before the Board to seek relief.

Ms. Whalen stated that she cannot imagine the two acres setting there and no one doing anything with it. She stated that if the church expands and grows, the traffic count will go up and so it may or may not be better than residential development.

Mr. Black, 31 Scott, stated that #8 on the exhibit is his house and he does not support the church. He is against the church going in there. He stated that #2 Ash Street was sitting next to him and she is also against the church.

Mr. Eric Saylor stated that he typed up the list and apologizes if there is a typo. Chairman Holland stated that the typed list should not have been submitted.

Mr. Frank Michael stated that he was not on the list of adjoining property owners. He stated that he was contacted by a couple of the members of the church and was left with the impression that if the church does not get this, there will be apartments back there.

Mr. Steve Mayo stated that he met with the Michaels -- they did not give their support and would prefer a development back there instead of a church. Mr. Mayo stated that there is talk that if the church does not buy the property, there is an offer from a developer to buy it.

Chairman Holland asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments from the Board.

Mr. Ashcraft stated that he is impressed by the fact that there is little or no opposition from the residents along Scott Street, and he is also surprised by it. He stated that he can only support the request if there is agreement that nothing else will be changed without coming back to the Board -- including the size of the parking lot and the building -- that there be a greenbelt, and there not be a basketball court or tennis court. He stated that the proper place for the church is U.S. 42. He would like to see the Center Street access deeded to the abutting property owners as a condition so that no one is tempted later. He stated that they could reserve a utility easement in the conveyance. They could give the property to the adjoining property owners for a dollar.

Mr. Howard Burden, 235 Center Street, stated that he and his neighbor are willing to buy that property. Mr. Brewer stated that they would be willing to accept those terms and will listen to an offer for the property.

Mr. Ashcraft stated that if the applicant will agree to that condition and will limit the use of the property to the 5580 square foot building and the 51 space parking lot, and that the rest of the property be greenbelt, he can support the request. Mr. Pieper agreed.

Counselor Wilson stated that the applicant may want to defer commenting in regard to the Center Street property. Mr. Brewer advised that the elders can decide that. Chairman Holland asked if they wished to defer the request to allow time to talk about deeding the property to the abutting property owners. Mr. Brewer responded "no" and advised that their Contract to Purchase will expire.

Mr. Kramer suggested a condition that The Northern Kentucky Church of Christ would never use the 30-foot easement. Counselor Wilson advised that this could be a condition, but they could then come back and seek relief from the condition in the future. Mr. Ashcraft stated that that will not occur if they deed the property away.

Ms. Moorman stated that there is only 30 feet available on Center Street. Fifty feet is needed for a dedicated right-of-way. She stated that there could be a maximum of two panhandle lots off the Center Street access. She stated that if the 4.1 acres is changed for the Conditional Use Permit, they would have to come back and get permission for the panhandle lots. Mr. Ashcraft stated that it could still be used.

Chairman Holland questioned selling 15 feet to Mr. Powell and 15 feet to Mr. Burden. Mr. Kramer asked if that would preclude them from selling a few more feet to the back of adjoining properties if those people want to buy it. Chairman Holland responded "no".

Mr. Kramer stated that they cannot enter into an agreement to sell off any of the land because they do not own it. Mr. Ashcraft advised that the Conditional Use granted by the Board would only be on the condition that they purchase the property.

Mr. Brewer stated that they would be willing to accept a condition that they would not use it as an access to the property at any time in the future and would be willing to negotiate a price for it. Mr. Ashcraft questioned the Conditional Use Permit only being effective once they have sold this property. Mr. Brewer responded "We would be willing to accept that".

There being no further discussion, Mr. Ashcraft moved that with the clear understanding that it is questionable that the 4.1 acre site is suitable for a building larger than 5580 square feet with 51 parking spaces, the Conditional Use Permit is granted for a 5580 square foot building with 51 paved parking spaces and with the condition that the remaining portion of the property, except for the driveway leading to Scott Street, be maintained as green or grass area, and once the applicant has acquired the property they dispose of the 30-foot strip leading to Center Street. No construction is to begin on the property until such disposal is accomplished. Chairman Holland seconded the motion.

A roll call vote on the motion found Mr. Ashcraft, Mr. Pieper, and Chairman Holland in favor. Mrs. Ward was opposed. The motion carried by a vote of 3 to 1.

3. The request of Quin Wichmann/Toebben Construction for Michel Tire Company for a Conditional Use Permit to allow the expansion of the existing Michel Tire Company at 8301 Dixie Highway, Florence, Kentucky. The property is zoned Commercial Two (C-2).

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

COPY

CLUR # 97-FBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Nola F. Sumner
11943 New Bowling Green Road
Smith Grove, Kentucky 42171

2. ADDRESS OF PROPERTY

Scott Drive
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Northern Kentucky Church of Christ

DEED BOOK: 178

PAGE NO.: 220

GROUP NO.: 2041 B

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

Zoning Map Amendment: From to Conditional Use Permit

Development Plan 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

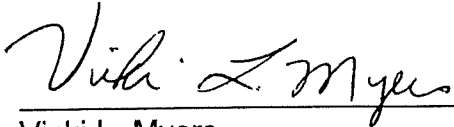
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 27th day of June 1997.

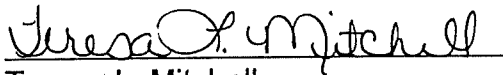


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 June 11, 1997 Certificate of Land Use Restriction (# 97-FBOA-007-A), for Nola F. Sumner, Property Owners

The following conditions will apply: 1). The Building is to be 5580 sq ft with 51 parking spaces. 2). The remaining portion of the property except the driveway onto Scott Street is to remain as green space. 3). The applicant has agreed to sell or give the portion of the property with frontage on Center Street to the two adjacent Center Street property owners, in order to prevent any other future access to the property. 4). This property shall be given away or sold before construction begins.

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

described in: DEED BOOK 178

PAGE NO. 220

Group No. 2041B

COPY

CLUR #00-FBOA-002.1-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Northern Kentucky Church of Christ
18 Scott Street
Florence, KY 41042

2. ADDRESS OF PROPERTY
18 Scott Street
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Northern Kentucky Church of Christ

4. DEED BOOK 664 PAGE NO. 89 GROUP NO. 2041B

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



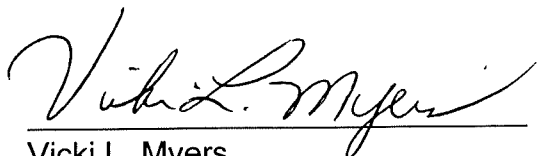
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

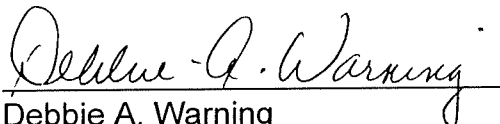
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the
Boone County Planning Commission this 13 day of July, 2000.



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 June 15, 2000 Certificate of Land Use Restriction (#00-FBOA-002.1-A), for Northern Kentucky Church of Christ, Property Owner(s).

The following conditions will apply:

1. The applicant is required to provide Buffer Yard B plantings along all new development edges as well as plantings within the parking area to comply with the *Boone County Zoning Regulations*.
2. The expansion shall not exceed 116 total parking spaces on site and the building expansion areas shown on the plan presented at the Public Hearing.
3. The prior green space restriction for the northern 1.8596 acres is removed, and this lot may be conveyed to allow one single family residence.

This Certificate of Land Use Restriction replaces CLUR #00-FBOA-002-A recorded in MC 828, Pg 116.

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

DEED BOOK 664

PAGE NO. 89

GROUP NO. 2041B