

APPLICATION FORM

03-FBOA-003-A

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

(Check One)

- 1. Boone [checked] Florence [] Walton [] Union []

(Check One)

- 2. [checked] Conditional Use Permit [] Variance [] Appeal [] [] Change in Non-Conforming Use

- 3. Applicant's Name NORTHERN KENTUCKY CHURCH OF CHRIST Phone Number 859-371-2095 Fax No. [] Applicant's Address 18 SCOTT STREET FLORENCE KY 41042 City Increase Bldg. Size State Zip

- 4. Description of Request: INCREASE NO. OF PARKING SPACES TO MAX 150. CHANGE OF BUFFER YARD FROM "B" TO "A" ON EAST & WEST BOUNDARIES AND TO 5' BUFFER ON SOUTHERN (SEE PLAN) 5. Name of Development NORTHERN KENTUCKY CHURCH OF CHRIST (BLUEGRASS SUBDIVISION) 6. Location of Development 18 SCOTT STREET, DB664 Pg 89

- 7. Acreage Under Review 4.1480 8. Lot Number and Name of Subdivision (if part of a subdivision) PART OF LOTS 11 & 12 OF BLUEGRASS SUBDIVISION 9. Owner of Property NORTHERN KENTUCKY CHURCH OF CHRIST Phone Number of Owner 859-371-2095 10. Address of Property Owner FLORENCE KY 41042 City State Zip 11. Proposed Use(s) on Site CHURCH

- 12. Total Square Footage of Existing and/or Proposed Buildings 9357 13. Current Zoning on Property SR-1 / SR-2 14. Deed Book 664 Page No. 89 Group No. 2041-B, [] 15. Is the site subject to a zone change? NO If yes, give date of approval []

- 16. Have you submitted a Site Plan with this request? YES, CONCEPT PLAN SUBMITTED 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: [Signature]

Property Owner's Signature: [Signature]

**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 5-21-03 Fee Received \$617.00 R# 35309
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8/13/03 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE F.B.O.A. MEETING
MINUTES
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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: Northern Kentucky Church of Christ

LOCATION: 18 Scott Drive, Florence, Kentucky

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

DATE: June 11, 2003

Proposal

Northern Kentucky Church of Christ is requesting a Conditional Use Permit to modify some of their previous conditions of approval. The applicant's engineer, CDS Associates, Inc., has provided a letter which indicates that the following changes are being proposed (see Exhibits B, C, and D):

1. Allow the proposed detention basin to encroach into the 1.8596 acre (northwestern) portion of the property. This is the portion of the property that used to have a green space condition.
2. Change the buffer yard requirement on the northeastern property line (Michels property) from a Type B Buffer (20' wide) to a Type A Buffer (10' wide).
3. Change the buffer yard requirement from a Type B Buffer (20' wide) to a 5' wide shared buffer (½ of Buffer Yard A) on part of the southeastern property line. This is where the church adjoins a future section of Florence Executive Center.
4. Change the buffer yard requirement from a Type B Buffer (20' wide) to a Type A Buffer (10' wide) on the portion of the property that adjoins Florence Executive Center and the Helton property.
5. Change the buffer yard requirement on the portion of the property that adjoins the Reed property from a Type B Buffer (20' wide) to a 12' wide buffer.
6. Allow the maximum number of parking to be increased from 116 stalls to 150 stalls.
7. Allow the maximum building square footage to be increased from 8,580 square feet to 9,365 square feet.

The approximate 4.1 acre property is located at 18 Scott Drive and is split zoned Suburban Residential One (SR-1) and Suburban Residential Two (SR-2).

Site History

4/97 – The Florence Board of Adjustment denied a Conditional Use Permit to allow the construction of a church.

6/97 – The Florence Board of Adjustment approved a Conditional Use Permit to allow the construction of a church. The following conditions were imposed:

1. The building is to be 5,580 square feet 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.

6/00 – The Florence Board of Adjustment approved a Conditional Use Permit which permitted the square footage of the building to be enlarged from 5,580 square feet to 8,580 square feet, increased the number of parking spaces from 51 stalls to 116 stalls, and removed the previous green space condition. The following conditions were imposed:

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.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeal is to grant conditional use permits as specified by the zoning order.

Article 9, Section 933 of the Boone County Zoning Regulations permits "Churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Suburban Residential One (SR-1) district.

Article 9, Section 943 of the Boone County Zoning Regulations permits "Churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Suburban Residential Two (SR-2) district.

Article 30, Section 3007 of the Boone County Zoning Regulations states that property involving a conditional use shall be subject to Site Plan review.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262, 933, and 943 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings For all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective 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 not be hazardous to existing or future neighboring uses;
4. Will be served adequately 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 such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not 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 designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 933 of the Boone County Zoning Regulations allows churches as a conditional use in the SR-1 district provided:

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

Article 9, Section 943 of the Boone County Zoning Regulations allows churches as a conditional use in the SR-2 district 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;
- c. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" and "Commercial" uses. These designations are described as follows:

Suburban Residential (SR) – Single-family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision.

Commercial (C) – Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

Surrounding Land Uses and Zoning (From Proposed Driveway)

Northeast: Undeveloped Residential Property (SR-2)

Northwest: Single-Family Residential Dwellings on Scott Dr. & Center St. (SR-1)

Southeast: Single-Family Residential Dwellings & Office Buildings (SR-1/SR-2/O-1)

Southwest: Single-Family Residential Dwellings & Office Buildings (SR-1/SR-2/O-1)

Site Characteristics

The approximate 4.1 acre property contains an all brick, single-story church building. Large amounts of vegetation exist along the northeastern and southeastern property lines. The vast majority of deciduous trees near the southeast property line will need to be cleared to accommodate the new parking lot. The Concept Plan shows the northwestern 1.8956 acres of the property will be conveyed off. The existing parking areas contain light standards which are approximately ten feet tall. Access will continue to be provided by a two-way driveway that connects to Scott Drive.

Staff Comments

1. If the project is approved, Staff recommends a condition which would require any new parking lot lights to match the existing lights. In addition, Staff recommends that a photometric plan be required with the site plan. This plan needs to show that the foot candle measurements at the property lines are 1.0 or less.

2. The applicants have explained to Staff that the proposed additions will be single-story structures and will be constructed with matching brick.
3. The applicants need to explain if the additions will increase the seating in the sanctuary or Sunday School Classrooms. The Boone County Zoning Regulations require a church to provide 1 parking space for every 5 seats that are in simultaneous use.
4. Staff recommends that the 14 parking spaces proposed closest to Scott Drive should be removed from consideration. These stalls could hinder ingress and egress to the site and are the only improvements proposed near the residential areas on Scott Drive. Staff believes that the appeal of this facility is that building and majority of parking areas are not immediately viewable from Scott Drive.
5. Staff is concerned that the majority of the rear parking lot addition is laid out for one-way traffic with 90° stalls. Staff doesn't believe that the motorists will treat the rear parking lot as a one-way lot unless the parking stalls are laid differently. Staff recommends that the stalls should be laid out at 45° angles where the aisles are less than 20' wide. The Boone County Zoning Regulations require a 24' wide aisle when there is 90° stalls on both sides of a two-way drive.
6. Staff has included a copy of the October 23, 2000 approved landscaping plan for Northern Kentucky Church of Christ. This plan meets the landscaping condition (Buffer Yard B Plantings around all new development edges) that was agreed to at the June 15, 2000 Florence Board of Adjustment meeting. It is Staff's opinion that the required amount of plantings is more than what is needed to achieve ample buffering, especially when the property adjoins office uses.
7. The following is a breakdown of what is required in Buffer Yards A and B:

	BUFFER YARD A	BUFFER YARD B
WIDTH	10 FEET	20 FEET
SMALL TREES / 100 LINEAR FEET	5	10
LARGE TREES / 100 LINEAR FEET	3	5
SHRUBS / 100 LINEAR FEET	30	60

The Board and applicant can agree to implement these standards on any property line or create their own standards. In many cases, the Board has reduced the number of shrubs in return for evergreen plantings. It is Staff's

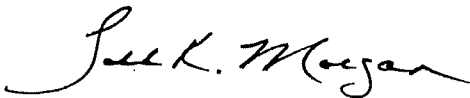
opinion that the requests to reduce the 20' wide buffers along the Michels property and future Florence Executive Center property (#2 and #3) are reasonable. However, Staff is concerned that the proposed buffer reductions that are closer proximity to Scott Street (#4 and #5) could impact the adjoining residential property owners.

8. The Site Plan for the second phase of Florence Executive Center (see attachments) has been submitted the Boone County Planning Commission for review. This plan shows that the existing house and barn on one of the adjoining parcels to the southeast will be removed and replaced with a new office building and parking lot. As of June 6, 2003, this plan has not been approved.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the request for a Conditional Use Permit.

Respectfully submitted,

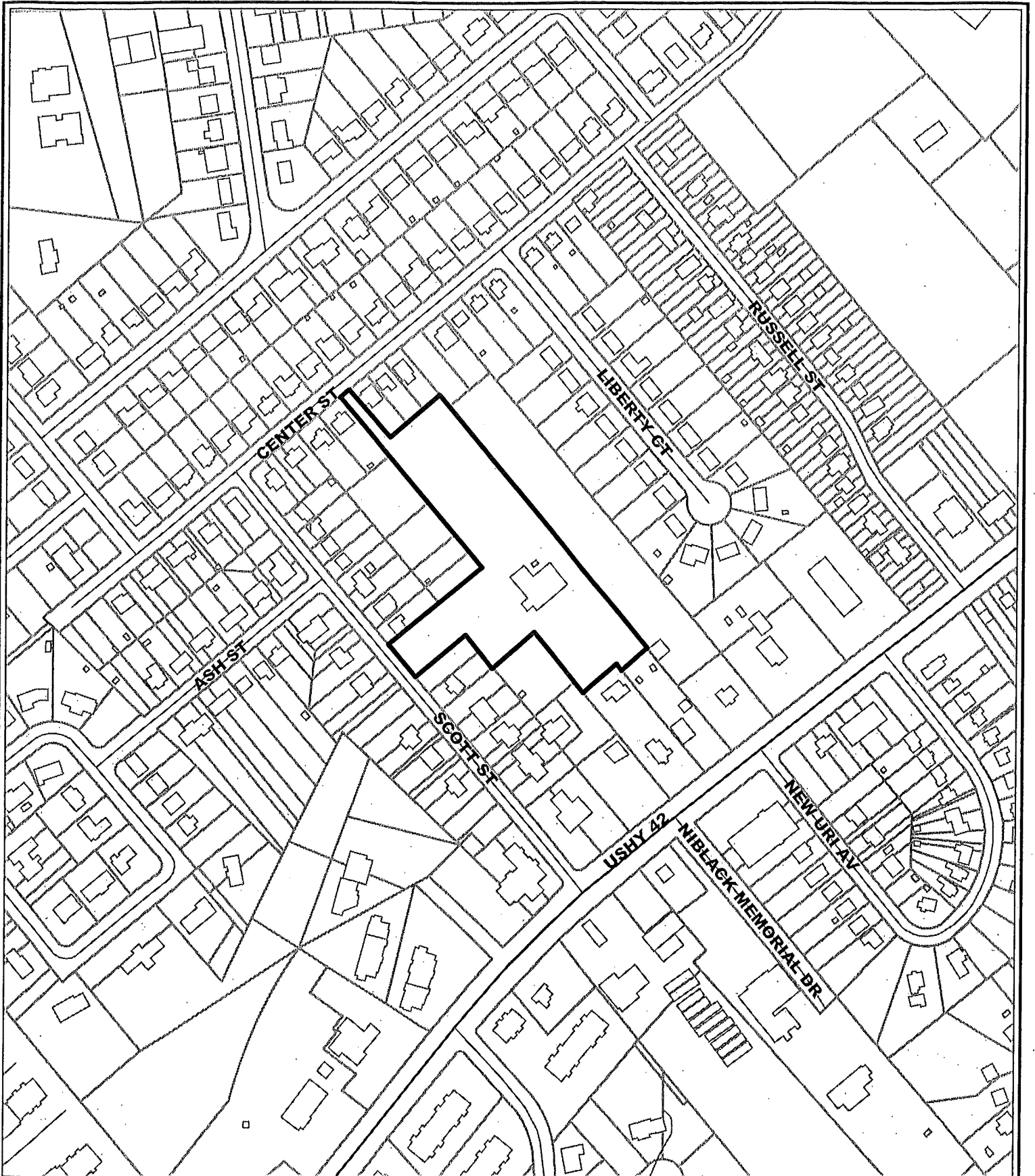


Todd K. Morgan, AICP
Planner, Zoning Services

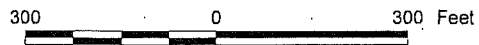
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From CDS Associates, Inc.
- Exhibit C – Concept Development Plan
- Exhibit D – Proposal Map (Numbers Correspond with Proposal Section of Staff Report)
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Aerial Map
- Exhibit H – 10/23/00 Approved Landscaping Plan
- Exhibit I – Proposed Site Plan for Phase 2 of Florence Executive Center
- Exhibit J – Application



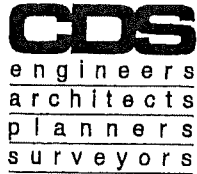
N KY CHURCH OF CHRIST SITE VICINITY MAP



1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2003





CDS Associates, Inc.
www.cds-assoc.com

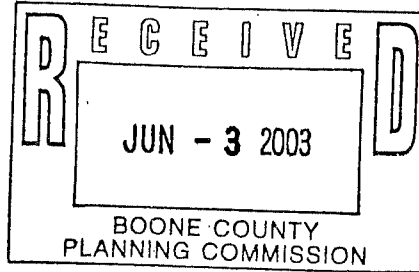
11120 Kenwood Road
Cincinnati, Ohio 45242-1818
513.791.1700
513.791.1936 FAX

7000 Dixie Highway
Florence, Kentucky 41042
859.525.0544
859.525.0561 FAX

June 3, 2003

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Northern Kentucky Church of Christ
2000834-03



Dear Mr. Morgan:

As per your request, I am forwarding additional information regarding the Northern Kentucky Church of Christ. On the concept plan submitted, we have shown a proposed detention basin at the northeast corner of the property. At this time it is unknown whether the proposed basin will have adequate area to allow for the proposed improvements. The design of the basin will be handled in final design after the Board of Adjustments hearing and the conditions of the permit established.

As you know, the church owns the 1.8956 acre parcel north of the subject property. If the detention basin does require additional area, we plan to transfer a portion of the 1.8956 acres to the subject property. This will to allow for the entire basin to be located on the southern parcel. The remaining parcel is anticipated to be transferred and developed into one single-family residence.

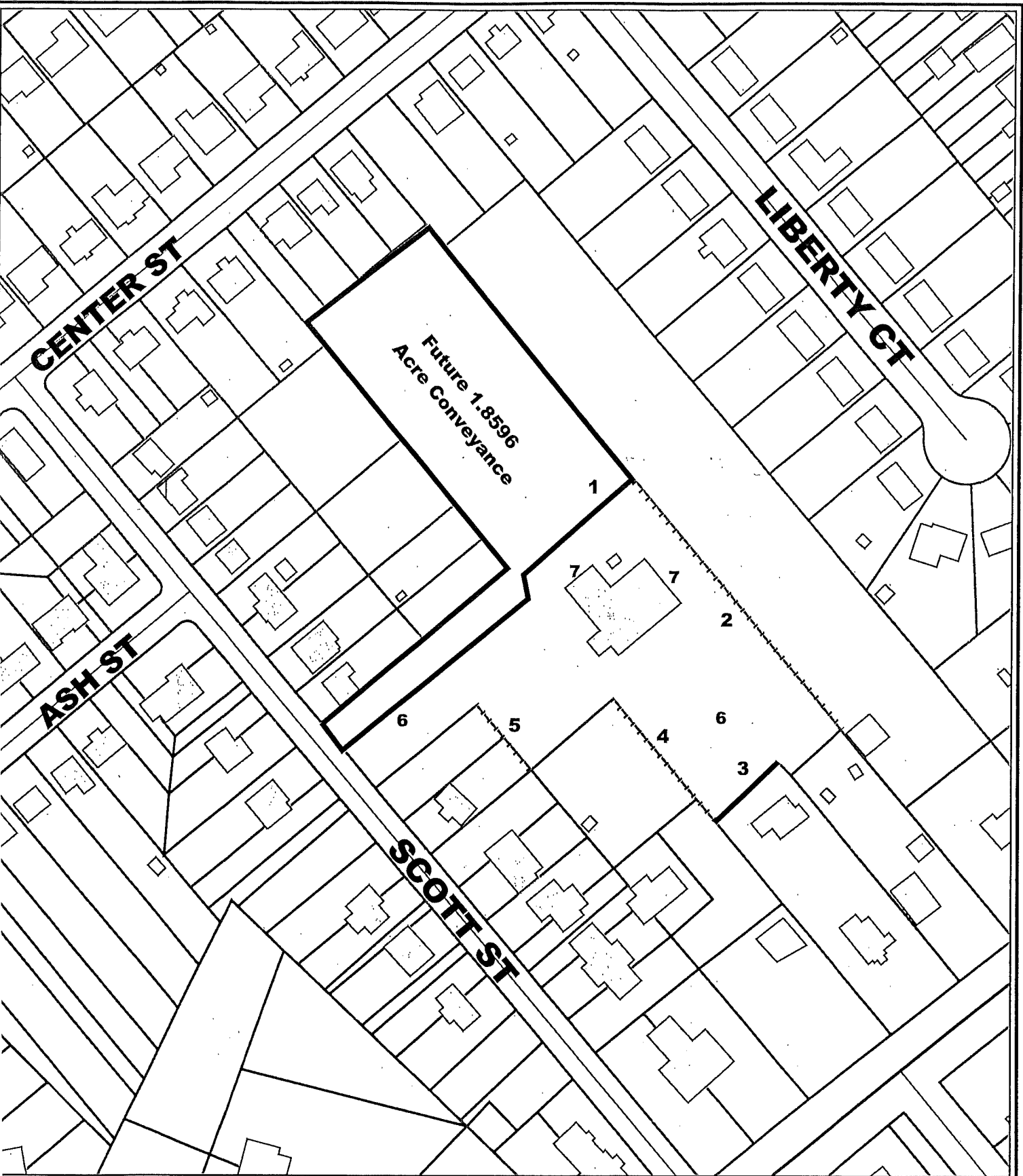
In addition to the above information, I am also including an updated concept plan. The following are a list of changes requested as part of this conditional use permit:

- Proposed 10' buffer along the east property line (S 43°59'49" E 388.93').
- Proposed 5' buffer along the south property line (S 47°22'47" E 100.01').
- Proposed 10' buffer along the west property line (N 44°00'00" E 183.33').
- Proposed 12' buffer along the west property line (N 44°00'00" E 87.00').
- Proposed maximum number of parking spaces - 150 spaces.
- Proposed maximum area of building - 9,365 square feet.

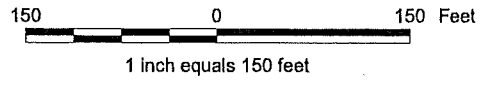
If you have any questions please feel free to contact me at your convenience.

CDS ASSOCIATES, INC.

Brian Haemmerle, E.I.
Project Engineer

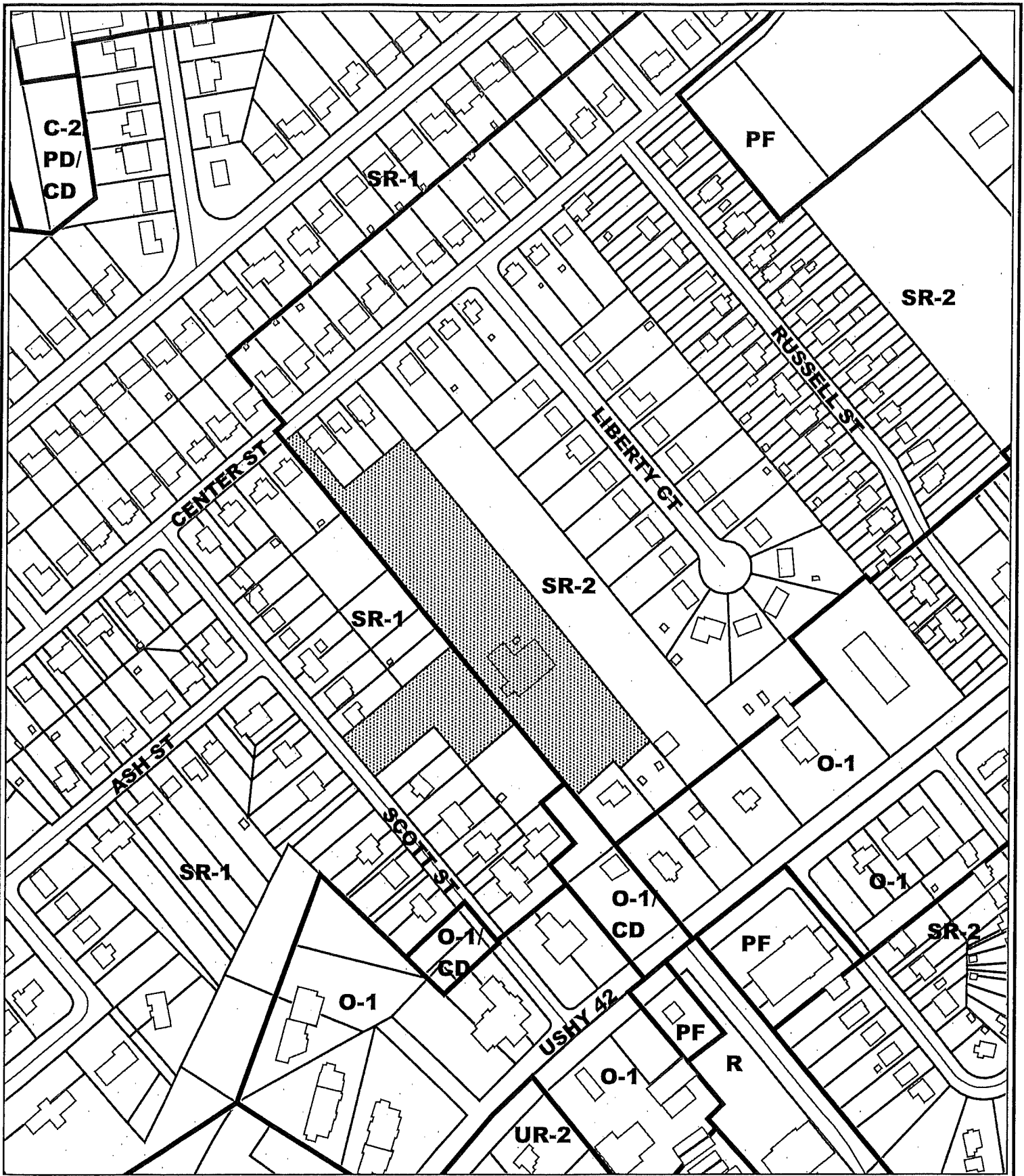


**N KY CHURCH OF CHRIST
PROPOSAL MAP**



Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2003





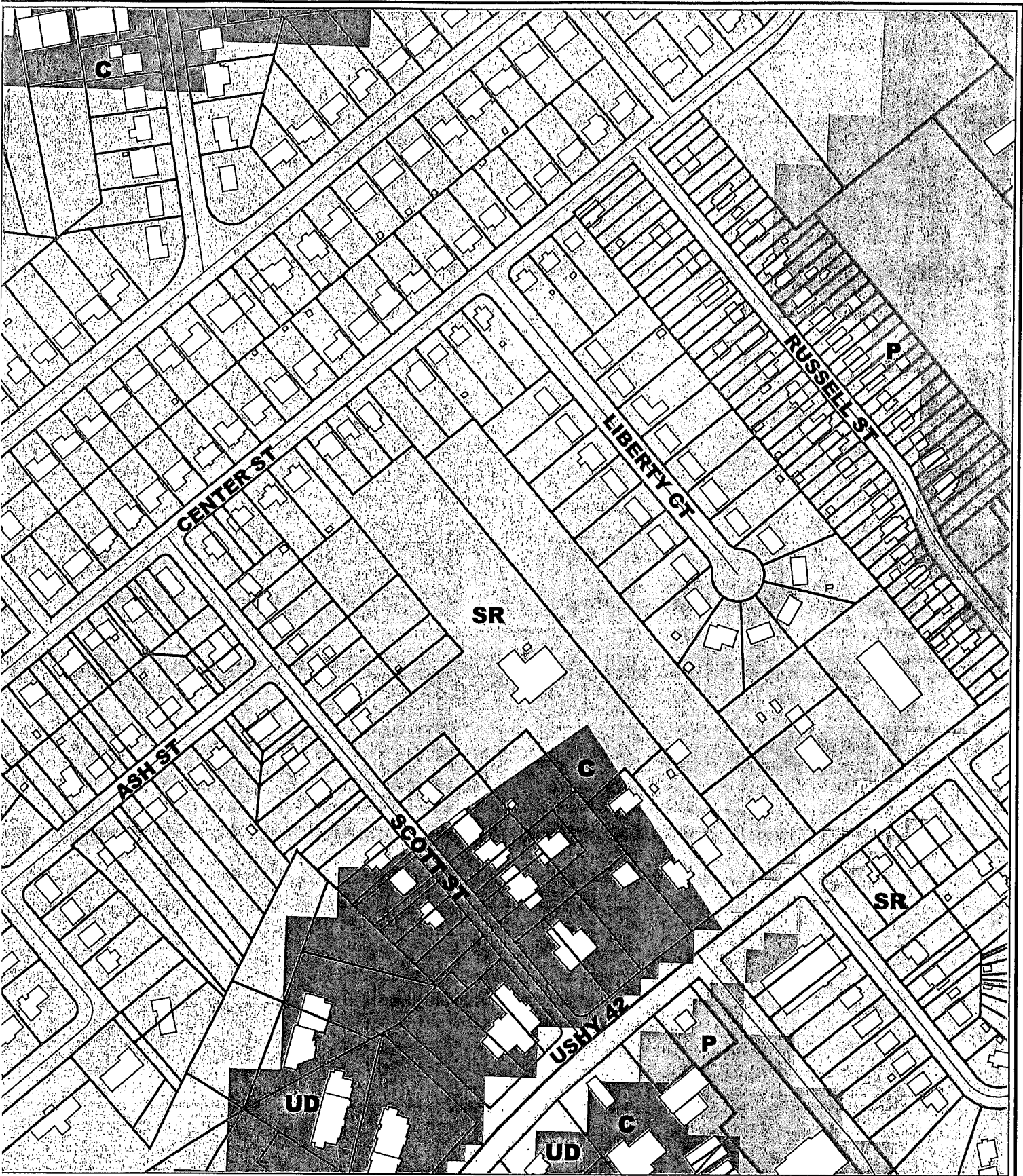
N KY CHURCH OF CHRIST ZONING MAP

250 0 250 Feet

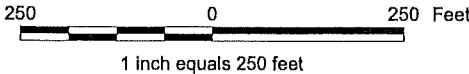
1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2003

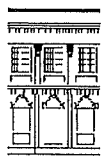


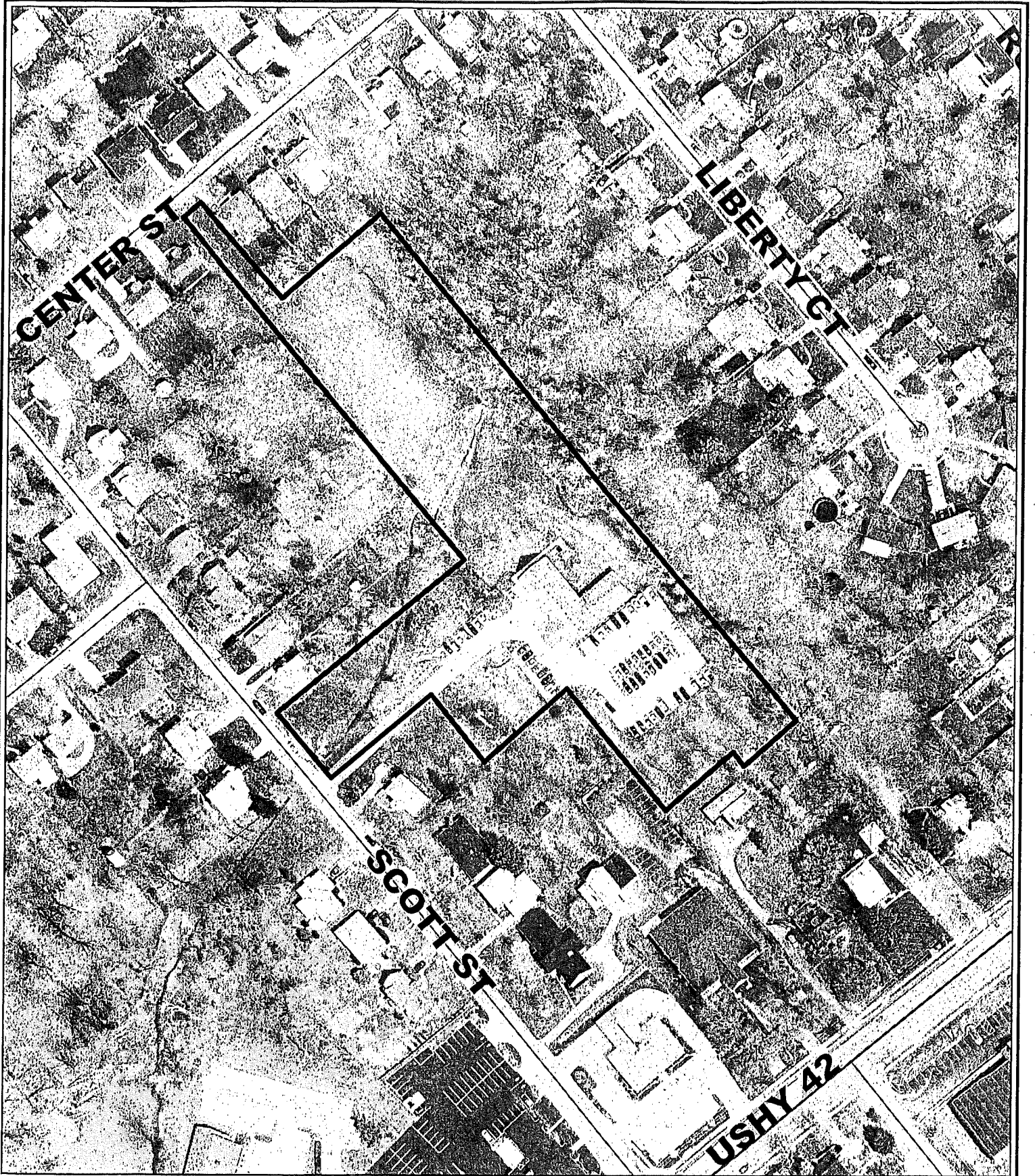


N KY CHURCH OF CHRIST FUTURE LAND USE MAP



Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2003





N KY CHURCH OF CHRIST AERIAL MAP

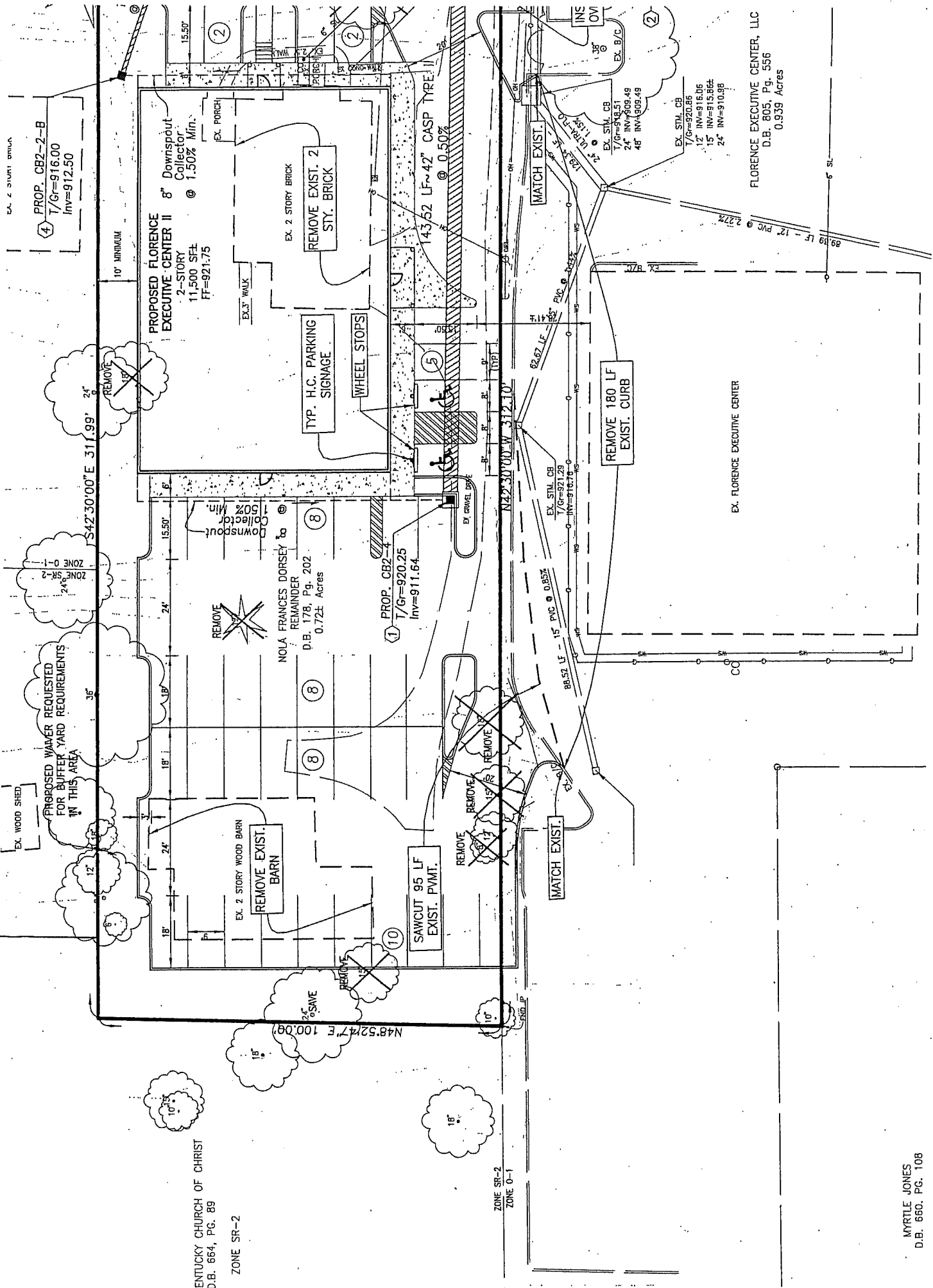
150 0 150 Feet



1 inch equals 150 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2003





4 PROP. CB2-2-B
T/G=916.00
Inv=912.50

PROPOSED FLORENCE EXECUTIVE CENTER II
2-STORY
11,500 SF
FF=921.75

8" Downspout Collector
@ 1.50% Min.

EX. 2 STORY BRICK
REMOVE EXIST. 2 STY. BRICK

TYP. H.C. PARKING SIGNAGE
WHEEL STOPS

1 PROP. CB2-4
T/G=920.25
Inv=911.64

10 SAWCUT 95 LF EXIST. PVMT.

REMOVE 180 LF EXIST. CURB

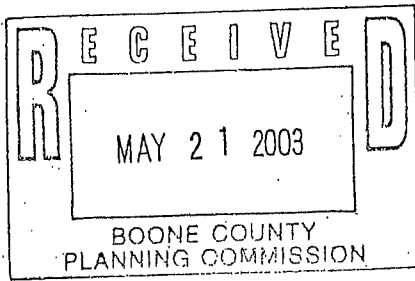
FLORENCE EXECUTIVE CENTER, LLC
D.B. 805, Pg. 556
0.939 Acres

NORTHERN KENTUCKY CHURCH OF CHRIST
D.B. 664, Pg. 89

ZONE SR-2

ZONE SR-2
ZONE O-1

MYRTLE JONES
D.B. 660, PG. 108



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name NORTHERN KENTUCKY CHURCH OF CHRIST
Phone Number 859-371-2095 Fax No. _____
Applicant's Address 18 SCOTT STREET FLORENCE KY 41042
City INCREASE Bldg. SIZE State Zip
4. Description of Request: INCREASE NO. OF PARKING SPACES TO MAX 150. CHANGE OF BUFFER YARD FROM "B" TO "A" ON EAST & WEST BOUNDARIES AND TO 5' BUFFER ON SOUTHERN (SEE PLAN)
5. Name of Development NORTHERN KENTUCKY CHURCH OF CHRIST (BLUEGRASS SUBDIVISION)
6. Location of Development 18 SCOTT STREET, DB664 Pg 89
7. Acreage Under Review 4.1480
8. Lot Number and Name of Subdivision (if part of a subdivision) PART OF LOTS 11 & 12 OF BLUEGRASS SUBDIVISION
9. Owner of Property NORTHERN KENTUCKY CHURCH OF CHRIST
Phone Number of Owner 859-371-2095
10. Address of Property Owner FLORENCE KY 41042
City State Zip
11. Proposed Use(s) on Site CHURCH
12. Total Square Footage of Existing and/or Proposed Buildings 9357
13. Current Zoning on Property SR-1 / SR-2
14. Deed Book 664 Page No. 89 Group No. 2041-B, 276
15. Is the site subject to a zone change? NO
If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? YES, CONCEPT PLAN SUBMITTED
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.

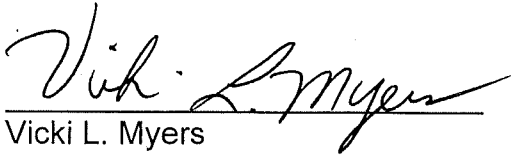
Applicant's Signature: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

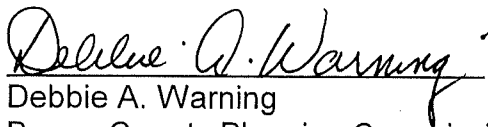
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 18 day of September, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 August 13, 2003 Certificate of Land Use Restriction (#03-FBOA-003B-A), for Northern Kentucky Church of Christ, Property Owner(s).

The following conditions will apply:

- 1) The building will not be expanded and will remain at 8,850 square feet.
- 2) Any new parking lot lights are required to match the existing lights. A photometric plan is required with the site plan and needs to show that the foot candle measurements at the property lines are 1.0 or less.
- 3) The buffer on the Scott Drive side of the property is to be 16 feet.
- 4) The fourteen parking spaces closest to Scott Drive cannot be constructed.
- 5) The buffer adjoining Florence Executive Center is to be five feet.
- 6) The buffer along the Michels' is to be a ten-foot wide Buffer Yard A.
- 7) The number of parking stalls is not to exceed 125 stalls and the pull-in parking on the residential (Scott Street) side is eliminated and there is to be parallel parking there. All aisles and stalls must meet the dimensional requirements from the *Boone County Zoning Regulations*.
- 8) Prior conditions that have been previously imposed that are not contradictory to this approval remain the same.
- 9) Landscaping on the residential side of the property (Scott Drive) is to be installed first.

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