

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

David B. Roberts

Applicant: D. Brigham Roberts, Architect & Assoc. Inc.

- Owner
- Agent

Address: 3126 Dixie Hwy., Erlanger, Ky. 41018

Telephone: 341-4000

Location: 634 Kento-Boo Avenus, Florence, Kentucky

Name of Property Owner: Kento-Boo Baptist Church

Address of Property Owner: 634 Kento-Boo Ave., Florence, Ky. 41042

Zoning District: SR-2 & UR-2 Area in Acres: 2.82

Deed Book: 298 339 Page Number: 83 & 87 44 & 309 Group Number: \_\_\_\_\_

Description of Request: Site Plan Approval - Building and Parking

Additions

Applicant's Signature: David B. Roberts

Property Owner's Signature: Kento-Boo Baptist Church - Rev. Stanley Cole - Pastor

Application Fee: \$ 187.00 FOR PLANNING COMMISSION USE ONLY Date Received: 6/15/87 By: K Costello

Referred To: Tom Breidenstein Meeting Date: 7/8/87 ~~at~~ Florence Bd. of Adj.

Action Taken: Conditionally Approved By B.O.A. Date of Action: 7/8/87

*Conditionally Approved 2/14/88  
\$ Plan Approved  
new plan approved 4-25-89*

STAFF REPORT

APPLICANT: David B. Roberts for Kento-Boo Baptist Church  
DEVELOPMENT: Kento-Boo Baptist Church  
LOCATION: Kento-Boo Avenue at Curtis Avenue, Florence,  
Kentucky  
ZONE: Suburban Residential Two (SR-2)  
DATE: July 8, 1987  
REMARKS:

Applicant is requesting a Conditional Use Permit and Site Plan Review to construct a 16,484 square foot 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.

Surrounding Land Use

The land uses adjoining the 2.82 acre site are single-family residential to the north and east (zoned SR-2). South and west of the church site is Kento-Boo Avenue. Curtis Avenue intersects with Kento-Boo opposite the southwest side of the church site. The remote parking lot site is located near the southwest corner of Kento-Boo Avenue and Curtis Avenue. This site has 50 feet of frontage on the southside of Curtis Avenue, approximately 150 feet west of the intersection, and 100 feet of frontage on the west side of Kento-Boo Avenue, about 150 feet south of the intersection.

East of the parking lot site is the Ash Grove Apartments; directly south is a paper street (Grove Avenue), an apartment building (Oakwood Apartments) (zoned UR-1), and a single-family residence; north of the site are several single-family residences along Curtis Avenue (zoned SR-2).

The following reviews the general standards applicable to all Conditional Uses:

1. 1986 Boone County Comprehensive Plan:

Future Land Use Map - Borderline Medium Density and High Density Residential.

Land Use Element - Residential development within this study area will continue but be moderate. There are only a few pockets of residential land still undeveloped

within this area. Infilling of these areas and individual lots within established subdivisions should coordinate and agree with the developments or subdivisions surrounding these buildable areas and lots. Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development within the city. (page L-19)

Goals and Objectives - Housing -

(8.) Existing sound residential areas/neighborhoods shall be conserved, and deteriorated residential areas with redeeming qualities should be regenerated.

(9.) In implementing the land use plan, those areas of the county proposed for residential use shall be protected from incompatible land uses.

2. The proper design of any additional buildings or parking areas is a very important concern for any non-residential use in a residential district. The applicant's plans indicate minimal information about design principles and landscaping. This development has the potential to change the character of this areas as it may further promote the transition of this neighborhood from that of a neighborhood of single-family homes to higher density multi-family dwelling units.
3. Staff foresees no reasons why the proposed building would be hazardous to existing or future neighboring uses. However, the proposed parking facilities and subsequent increase of automobile traffic in this area poses a potential hazard to the neighborhood, especially pedestrian traffic, as there are no sidewalks on Kento-Boo or Curtis Avenues.
4. Staff's major concern about the adequacy of existing public facilities is regarding the public streets which serve the sites. Both Kento-Boo and Curtis Avenues are local streets designed to serve primarily residential purposes, and neither street has sidewalks to provide for safe pedestrian travel to, from, or by the sites. At the time of writing of this report, staff lacked sufficient information to assess the adequacy of water, sewer, and storm water drainage facilities available to the sites, or of the ability of the applicant to provide these facilities.
5. At the time of writing of this report, staff lacked sufficient information to determine if this proposed development will create excessive additional requirements at public cost for public facilities and

services and will be detrimental to the economic welfare of the community. Staff has particular concern about the existence of an adequate pedestrian access and the storm water drainage system to serve this development.

6. The proposed parking facility must be sensitively designed and adequately screened and/or buffered so as not to be detrimental to the neighboring residential uses.
7. Vehicular approaches to both sites should be properly aligned with existing and/or proposed access points to Kento-Boo and Curtis Avenues, should be designed for safe ingress and egress and otherwise controlled in accordance with good access management principles. The Site Plan presented to staff proposes three access points for the east side of Kento-Boo, one for the west side of Kento-Boo, and one onto the south side of Curtis Avenue. This plan does not indicate any alignment of the proposed access points with those already existing.

#### Special Concerns/Suggested Conditions

Staff will be in contact with the applicant regarding the concerns established in this report, plus any other concerns which must be addressed to bring the Site Plan into conformance with the performance standards of the Boone County Zoning Regulations. How the applicant addresses these concerns, along with any modifications to the Site Plan, and any special conditions recommended by staff will be reported on at the meeting.

Respectfully submitted,



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Jim Sturdevant,  
Plans Examiner/Planner

JS:mcb

CITY OF FLORENCE  
BOARD OF ADJUSTMENT

July 8, 1987 - 8:30 P.M.

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Chairman Holland called the meeting to order.

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Chairman Holland  
Ms. Lanigan  
Mrs. Ward  
Mr. White

BOARD MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of June 10, 1987. There being no comments or corrections; Mr. White moved, seconded by Mrs. Ward, that the Minutes be approved. The motion carried unanimously.

AGENDA ITEMS:

1. A request of Empire Road Properties for a Conditional Use Permit to allow the cleansing, processing, and treatment of oil and non-hazardous water and other materials. The 10.5-acre site is located at 8045-59 Dixie Highway and is zoned Industrial One (I-1). The proposed use will be located in Building F of the Empire Industrial Park.

Staff Member, Jim Sturdevant, presented the Staff Report prepared by Tom Breidenstein. He indicated that the applicant has requested indefinite deferral of this request. Staff recommends a time limit be placed on this requested deferral. (see Staff Report)

Mr. White moved that this request be denied on the basis that the applicant has not addressed any of the concerns raised at the last meeting of the Board. Mr. Ashcraft seconded the motion.

Chairman Holland asked if there was anyone present representing the applicant or if there were any comments or questions regarding this request. There was no discussion.

Chairman Holland asked for a roll call vote on the motion made by Mr. White, which found Mr. Ashcraft, Ms. Lanigan, Mrs. Ward, Mr. White, and Chairman Holland in favor. The motion carried unanimously.

2. A request of Broadway Sign Company, agent for Bagshaw Enterprises - Kentucky Fried Chicken, for a Variance in order to allow an 86-foot high sign with 256 sq. ft.. The 0.7-acre site, located at 8055 U.S. 42 (formerly Crossroads Restaurant and Country Kitchen Restaurant) is zoned Commercial Services (C-3) and is owned by Robert Bagshaw.

Staff Member, Jim Sturdevant, presented the Staff Report prepared by Tom Breidenstein (see Staff Report). He stated that Mr. Ray Keeney, owner of Security Self-Storage, had indicated to Mr. Breidenstein in a telephone conversation that the new sign will not cause a problem.

Chairman Holland noted that the Staff Report indicates that the "24-Hour Restaurant" sign overlaps the Security Self-Storage sign.

Mr. Bob Steffany, representing Broadway Sign Company, advised that the "24-Hour Restaurant" sign has been removed. He stated that he was present when the new sign was flagged, which indicated that the Kentucky Fried Chicken sign would be above the Storage sign. He noted that Mr. Breidenstein took pictures of the flagging.

Chairman Holland noted that, based on the current ordinance limit of 40 feet, the applicant is requesting a variance of 46 feet.

Mr. Ashcraft moved that the Variance allowing an 86-foot high sign with 256 sq. ft. of signage space be granted. Mr. White seconded the motion.

Chairman Holland asked if there was anyone present who wished to speak regarding this application. There was no further discussion.

Chairman Holland asked for a roll call vote on the motion made by Mr. Ashcraft, which found Mr. Ashcraft, Ms. Lanigan, Mrs. Ward, Mr. White, and Chairman Holland in favor. The motion carried unanimously.

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.

3. A request of St. Paul Catholic Church and School for a Conditional Use Permit to allow the construction of classroom and stairway additions to an existing school building. The 4.9-acre site is located at 7301 Dixie Highway and is zoned Commercial Two (C-2).

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Mike Duncan, Parish Council Chairman at St. Paul, stated that he is a resident of Florence and an attorney in the area. He reviewed the proposed additions and stated that they will not be losing any parking spaces. The stairway addition to the rear is due to fire and safety requirements of the Kentucky Building Code. They are not actually adding to the number of classrooms, but providing a better environment. He noted that there are currently three temporary classrooms in the undercroft. Handicapped entrances will be provided on both of the main floors. He stated that computer capabilities are limited at this time and they want to install a computer lab.

Mr. Duncan noted that the site is currently zoned Commercial Two and probably should be zoned Public Facilities. He requested approval of the application based on the findings of fact in the Staff Report.

Chairman Holland asked if the additions would interfere with the circulation pattern of the buses.

Mr. Duncan indicated the circulation pattern around the school and stated that they definitely would not want to interfere with the traffic flow. He also presented a drawing indicating the proposed changes and noted that the achitecture will be compatible with the existing buildings.

Chairman Holland asked if there was anyone present in opposition to this application or if there was any further discussion.

There being no further discussion, Chairman Holland moved that the Conditional Use Permit be granted for all four items - a stairwell in the front, a stairwell to the rear, additional classrooms in the front, and additional classrooms on top of the boiler rooms. Ms. Lanigan seconded the motion.

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.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 10:32 P.M..

  
Charles Holland, Chairman

Attest:

  
Jan Hancock, Recording Secretary