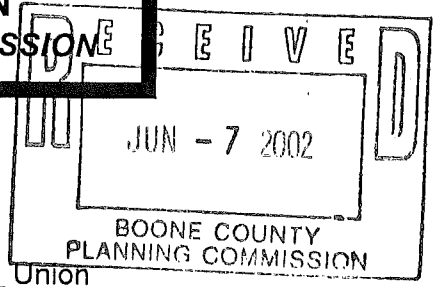


u
03 BOBA-DEVELO

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 Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name M. Zineddin, M.D.
 Phone Number 859 391 2291 Fax No. 859 647 7790
 Applicant's Address 8820 Bankers ST
Florence KY 41042
 City State Zip
- 4. Description of Request: get approval to build a temp (church)
on the lot 1990 Mt Zion Rd.
- 5. Name of Development _____
- 6. Location of Development Mt. Zion
- 7. Acreage Under Review 4.04
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Webster, Paul J & Mary c
 Phone Number of Owner _____ 10.
 Address of Property Owner 1290 Mt Zion Rd Union KY 41091
 City State Zip
- 11. Proposed Use(s) on Site Temp (church) for community
- 12. Total Square Footage of Existing and/or Proposed Buildings 40,000 + the existing
- 13. Current Zoning on Property Res.
- 14. Deed Book 193 Page No. 651 Group No. 2047
- 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? NO
- 17. Have you submitted a list of adjoining property owners with this request? NO
- 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: Alem Zineddin

Property Owner's Signature: Paul J Webster Mary c Webster

**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 6-7-02 Fee Received \$482.00 AT 31643
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions (See #6)**
8-19-02 **Denial (See #7)**
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 8-19-02 UNION B.O.A.
MEETING MINUTES

**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

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: M. Zineddin, M.D.
LOCATION: 1290 Mt. Zion Road, Union, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: July 15, 2002

Proposal

M. Zineddin is requesting a Conditional Use Permit to allow a Church to operate at 1290 Mt. Zion Road, Union, Kentucky. The submitted Concept Development Plan indicates that a 11,100 square foot Church, 15,600 square foot Sunday School building, and 120 parking stalls are proposed. The plan also indicates that the existing single-family dwelling is being retained. The house is proposed to serve as a Pastor's residence. Access to the site will be provided from the driveway which exists on Mt. Zion Road.

Applicable Regulations

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 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 30, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 33, Section 3323 of the Boone County Zoning Regulations states that "interior vehicular circulation areas shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet."

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 and 933 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 if the proposed facility meets all the requirements:

- 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; and
- 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" uses. This designation is described as "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."

Surrounding Land Uses and Zoning

North: Single-Family Dwellings in Antebellum at Plantation Pointe (SR-1)

South: Lewis Farm (SR-1)

East: Single-Family Residential Dwelling (SR-1)

West: Vacant Remainder Tract Fronting on Mt. Zion Road and Wetherington Blvd. (SR-1)

Site Characteristics

The 4.04 acre site fronts on Mt. Zion Road and contains a brick colonial single-family residence which is being retained and two sheds which are proposed to be demolished. A farm pond exists in the northwestern portion of the site, which is proposed to be filled. The back portion of the lot (behind the house) contains a large number of deciduous trees and an open field. The vast majority of these trees will need to be cleared to accommodate the proposed parking lot. The existing driveway is gravel and is approximately 10' wide.

Staff Comments

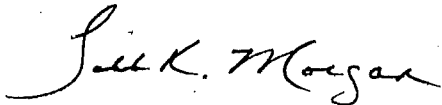
1. Staff is concerned about the proposed location of the Church and Sunday School because portions of these buildings are proposed within the limits of an existing pond. A portion of this pond is also located on the adjoining property to the west. Staff is unsure if the filling of the pond will require them to fill a portion of the adjoining property. If this is the case, an agreement will need to be worked out between the two property owners before any filling can occur. In addition, the Boone County Building Department will require a geotechnical report to confirm that the fill is properly compacted before any construction can occur.
2. Staff is concerned about ingress and egress into the site because this section of Mt. Zion Road is curvy and hilly and has no turning lanes. Kentucky Transportation Cabinet Staff believe that the proposed church would not warrant the installation of a turning lane.
3. Staff has also talked with the Kentucky Transportation Cabinet about the future improvements that are planned to occur on Mt. Zion Road, between Gunpowder Road and Wetherington Boulevard. The preliminary plan (see attachment) indicates that subject property would tie into Wetherington Boulevard. Staff is concerned that the preliminary layout did not forecast a high traffic generating use, such as a church, being located on the subject lot.
4. Staff is concerned about the 120 stall parking lot that is proposed. Staff believes that this lot will have a commercial appearance from Wetherington Boulevard and the adjoining residential areas. The 120 space lot along with the size of the buildings opens the question whether the scale of the facility is appropriate at this location.
5. Staff is concerned about site lighting due to the adjoining residential areas. If the Board grants approval of the request, Staff recommends the following conditions regarding site lighting:
 - A. The maximum height of any proposed light standard shall not exceed 10 feet.
 - B. Cutoff shields must be provided on all light standards;
 - C. A photometric plan will be required during the Site Plan Review process. The average foot candle measurements permitted for the parking lot will be 3.6 and along all property lines will be 1.0 or less.

6. Staff is concerned because no exterior building renderings have been submitted for any of the proposed buildings. The only information provided by the applicant is that both buildings should be constructed of 90% brick or stone. If the application is approved, Staff recommends the Board to impose some conditions in regard to building design, building materials, and overall building height.
7. If the Board approves the request, Staff recommends a condition which requires 20' wide buffer yards to be installed on the portions of the rear and side property line that are behind the existing dwelling. Staff recommends that the buffers be planted with 9 evergreen trees (6' minimum height at planting) and 6 deciduous trees (2 inch caliper) per 100 linear feet. This landscaping would be in addition to the 10' wide street frontage buffer (Buffer Yard A) that is required along the front property line.
8. If the Board grants approval of the request, a Major Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will address building square footage, driveway and parking requirements, landscaping, grading, storm water detention, etc.

Conclusion

KRS 100.237 and Sections 260 and 933 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

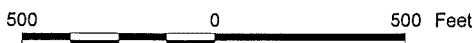
TKM/pr

Attachments

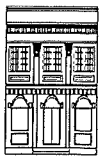
- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Development Plan
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Topographical Map
- Exhibit G – Aerial Map
- Exhibit H – Preliminary KY 536 Relocation Plan
- Exhibit I – Pictures of Site and Adjoining Areas
- Exhibit J – Application

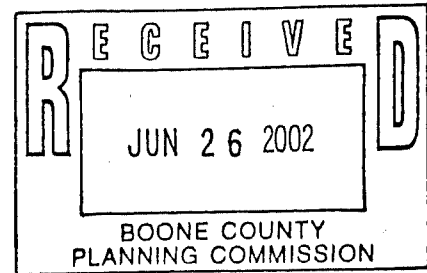


1290 Mt. Zion Road Site Vicinity Map



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 17, 2002





June 21, 2002

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Attention: Mr. Todd Morgan

Subject: **Church / School**
Mount Zion Road & Wetherington Blvd.
Union, Boone County, Kentucky

Concept Development Plan Review

Gentleman:

As an initial preliminary presentation we are submitting a Preliminary Concept Development Plan Review to determine if the use of the tract is applicable for building a Church / School. At present we are not the owners and we are pursuing the purchase of the tract which is located on 1290 Mount Zion Road. The current owner is Paul J. Webster & Mary C. Webster. The main key points are as follows:

CHURCH / SCHOOL SITE

The site is approximately 4.05 Acres and is currently Zoned SR-1. It is surrounded by SR-1 to the North and West, RS to the Southwest and Northeast and SR-1 to the Southeast. For this project, we are investigating the possible usage of the land before the purchase.

CONSIDERATIONS

There are four existing buildings on the site. Two of which will be demolished and two to remain as shown on the plan, in addition, a man made pond that could require some earth fill. The plan shows the church building which is the main structure we are interested in building first for a phase one project and a potential for a separate school building if we choose to pursue it later as phase two. The church building will have 11,100 square feet and 15,600 square feet for the school. Both outer building materials should consist of brick and stone for the main sections which will perhaps include ninety percent.

Access – The existing driveway to the site at Mount Zion Road will be the main access as shown on the plan. A turning lane maybe added if required.

Setbacks and Intensity – Currently we are not certain which zone will constitute the means to determine the use of the land for a Church / School. To our knowledge, we believe the criteria for such use falls under section 933 (conditional uses) of SR-1 zone.

PRELIMINARY UTILITIES

At this time we have not researched (water, gas, telephone, storm or sanitary sewer) utilities. General and specific utility designs will be worked out during the Site Plan & Design process to be submitted to staff under separate application.

REQUEST and CONCLUSIONS

We are seeking your opinion and judgment to determine if the use of the tract is applicable for building a Church / School so we can perform promptly acquiring the land.

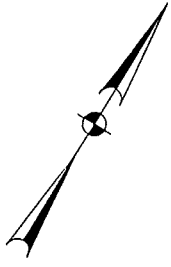
Transmitted herewith are five (5) copies of the Concept Development Plan plot showing a preliminary layout.

We would like to be added to your next meeting agenda as soon as possible.
Respectfully submitted,



Dr. K. Kutmah MD

Urgent Care of Boone County
8814 Bankers Street
Burlington, Kentucky 41042



ZONE SR-1

ZONE SR-1

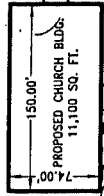
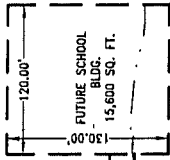
ZONE SR-1
APPOMATTOX DR.

WETHERINGTON BLVD.

MT. ZION ROAD

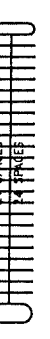
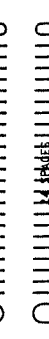
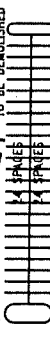
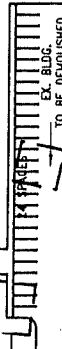
ZONE SR-1

P.L.

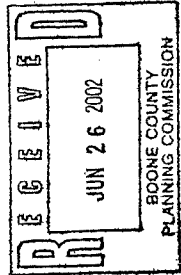


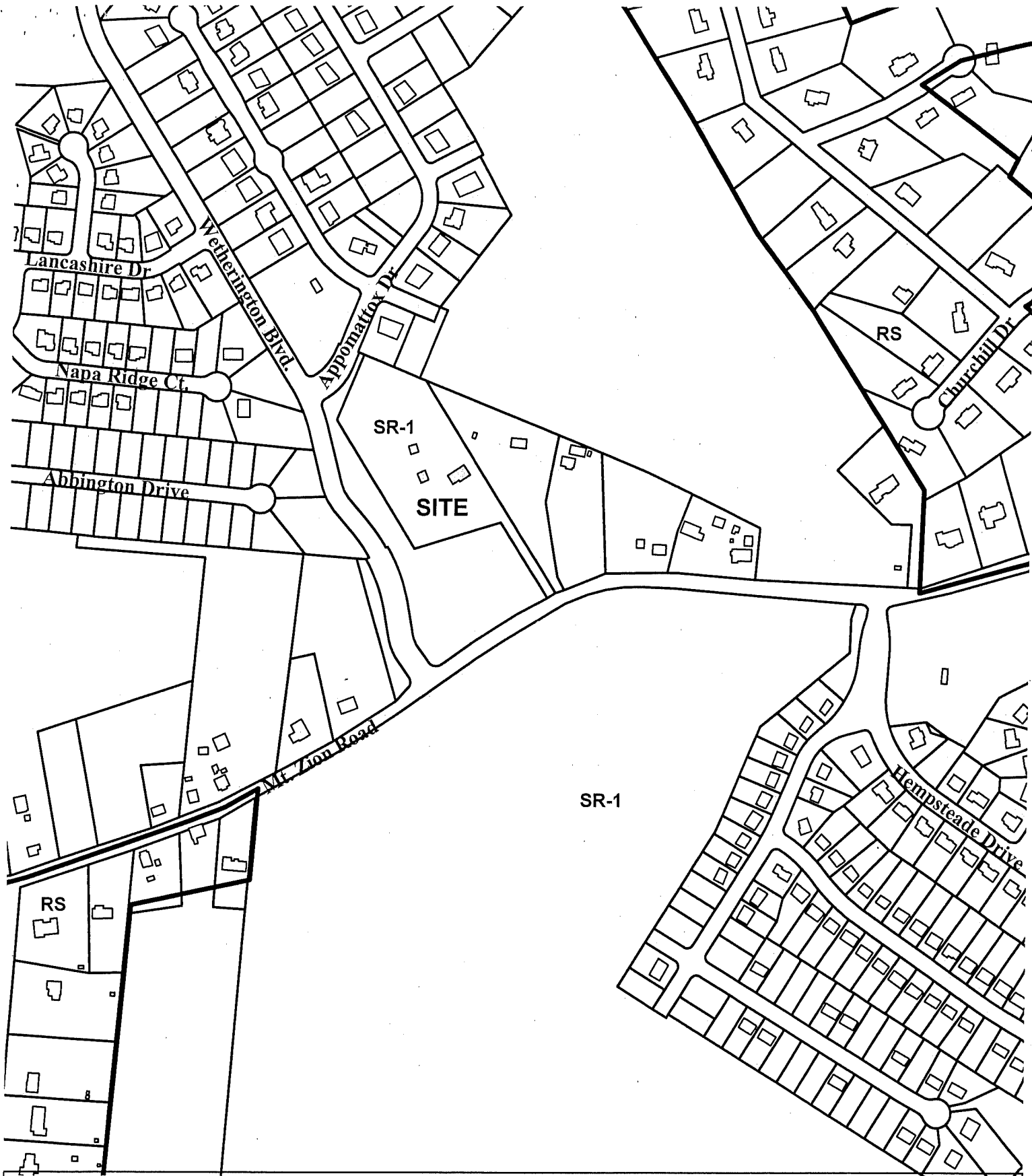
PAUL A. WERTER & MARY C. WERTER

EX. BLDG. TO BE DEMOLISHED



P.L.



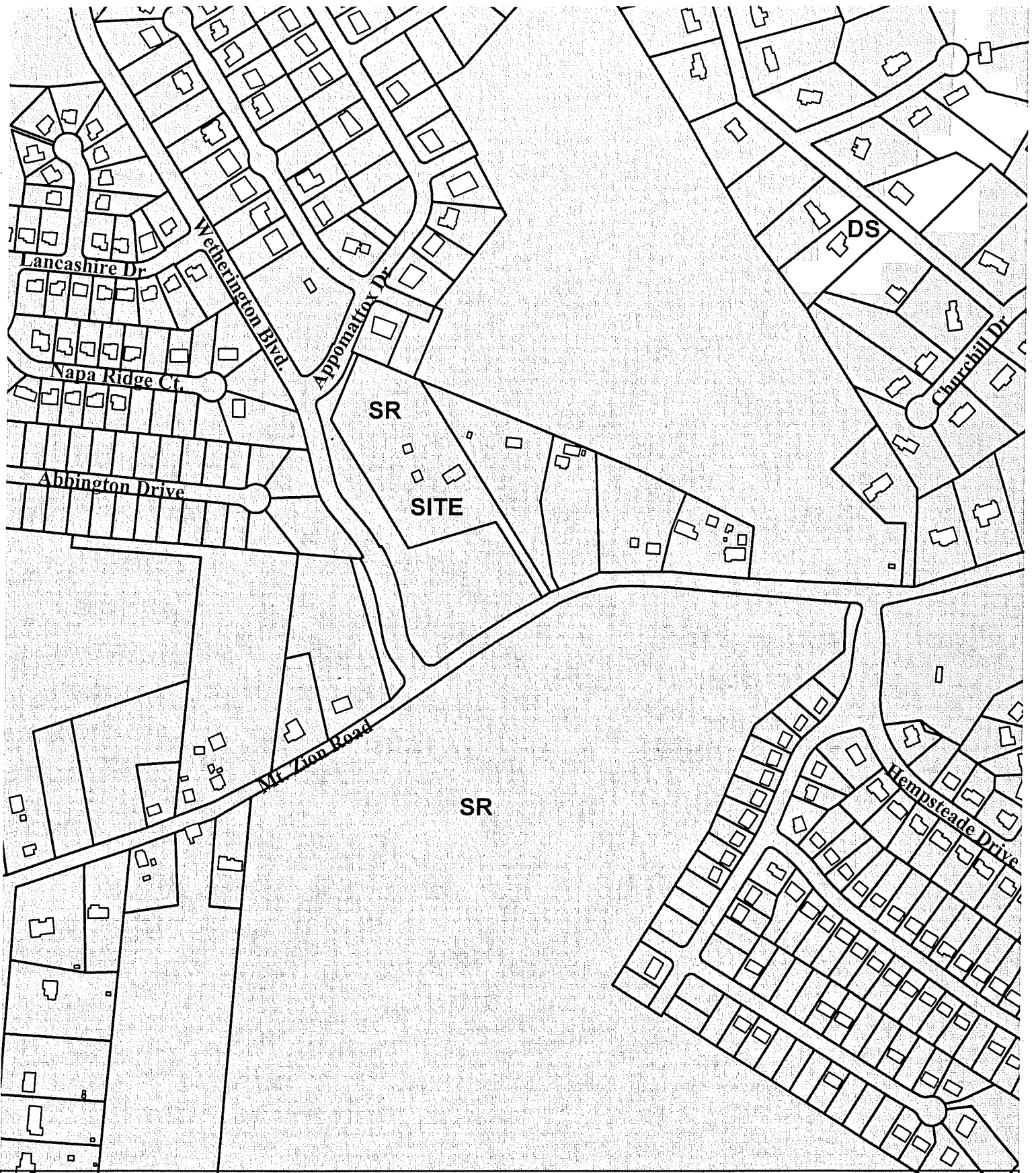


1290 Mt. Zion Road Zoning Map

400 0 400 Feet

1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 17, 2002





1290 Mt. Zion Road Future Land Use Map

400 0 400 Feet

1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 17, 2002



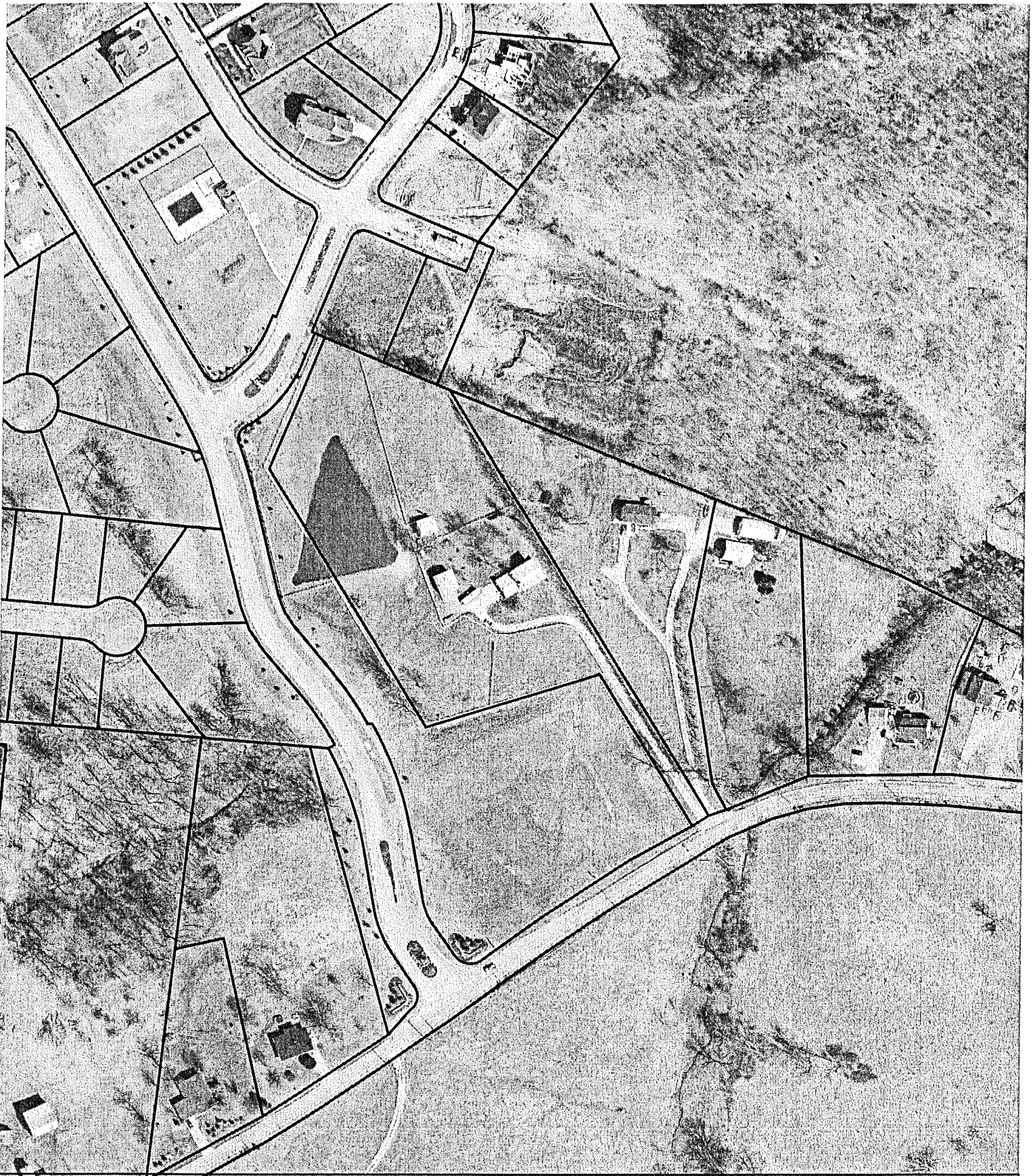


1290 Mt. Zion Road Topographical Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 9, 2002





1290 Mt. Zion Road Aerial Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 17, 2002

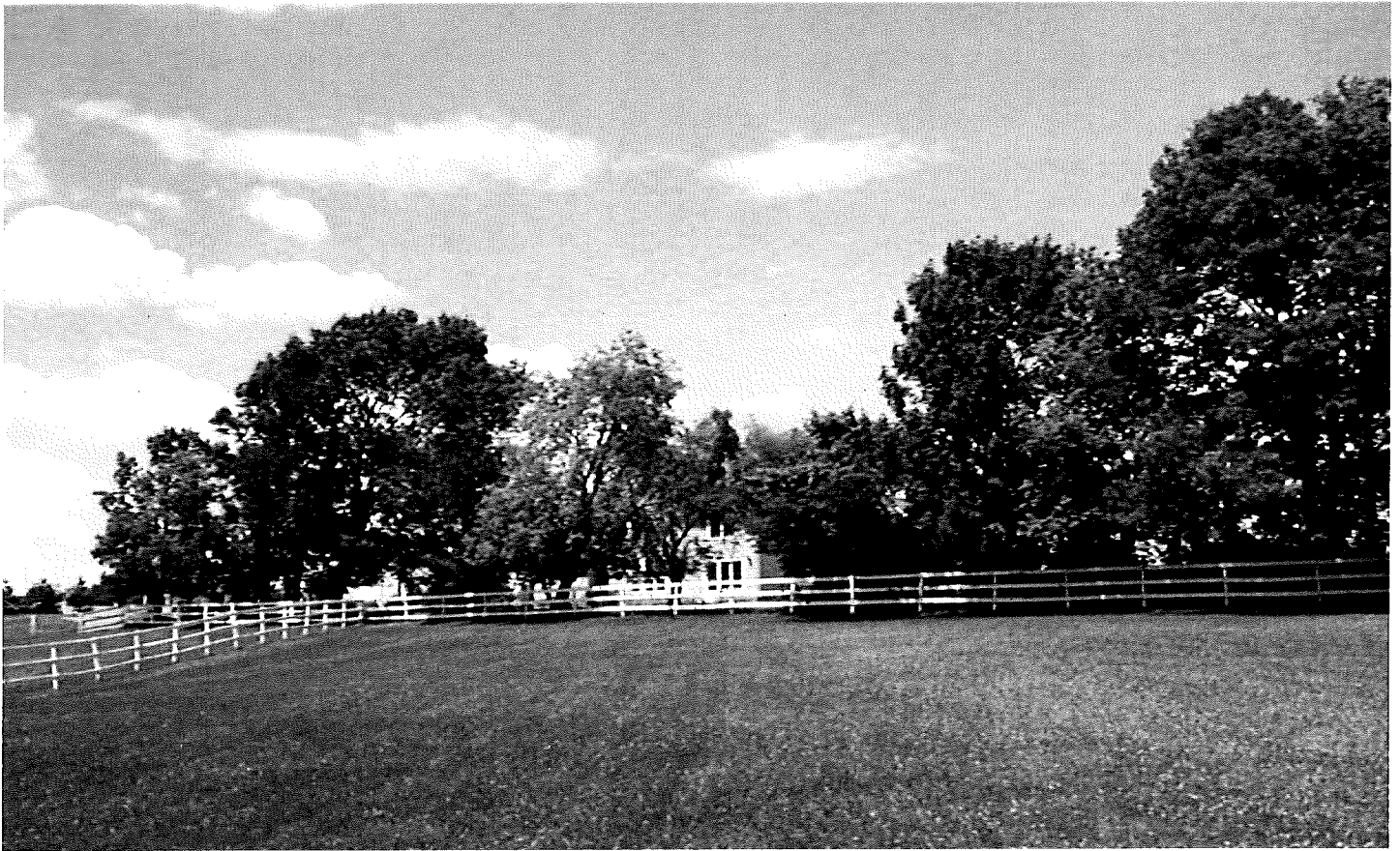




View of Property From Mt. Zion Road



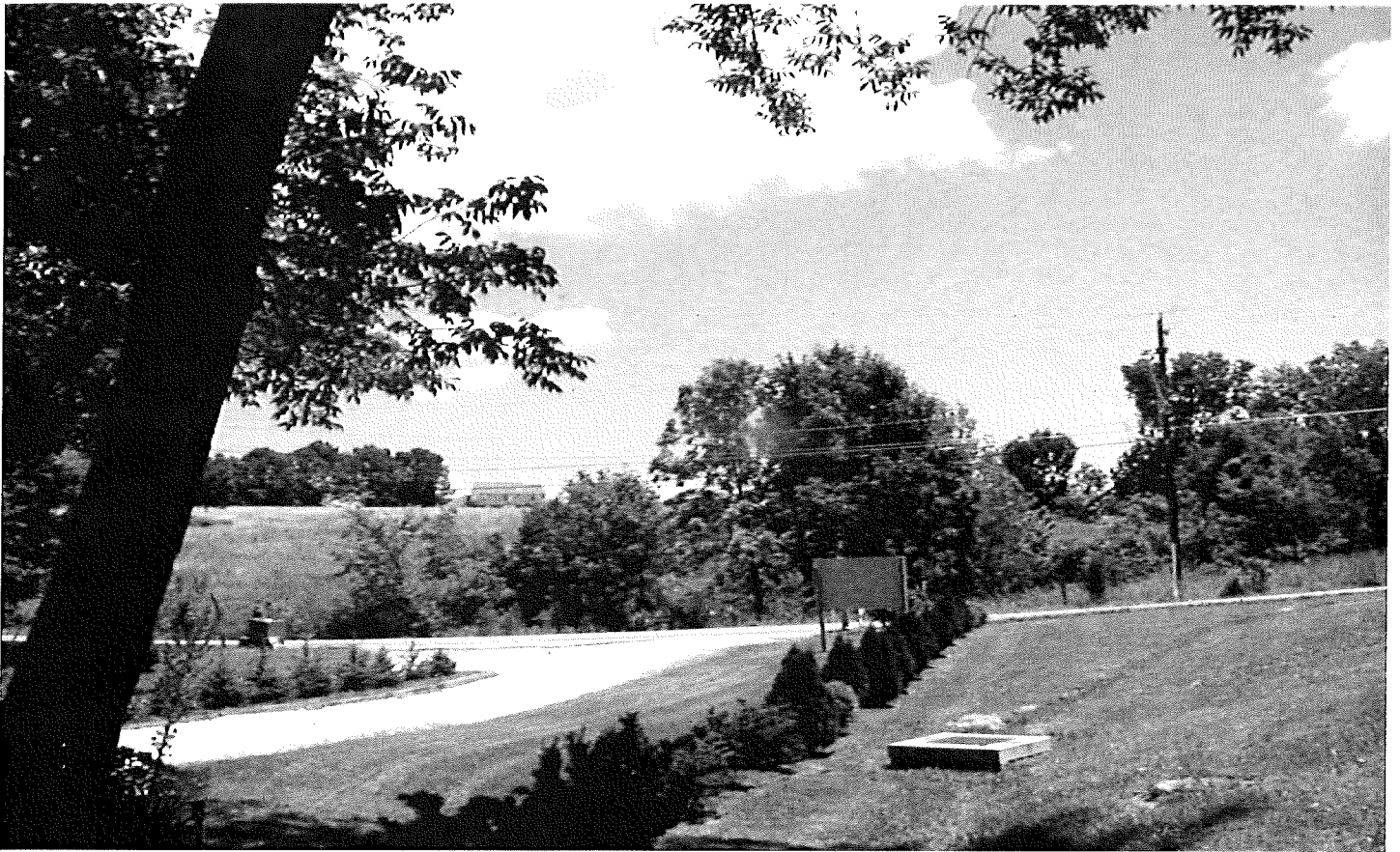
View of Single-Family Dwelling (To Remain)



View North From The Rear of the Property



View of Adjoining Residence to the North



View South



View Southwest



View South From Rear Property Line



View West



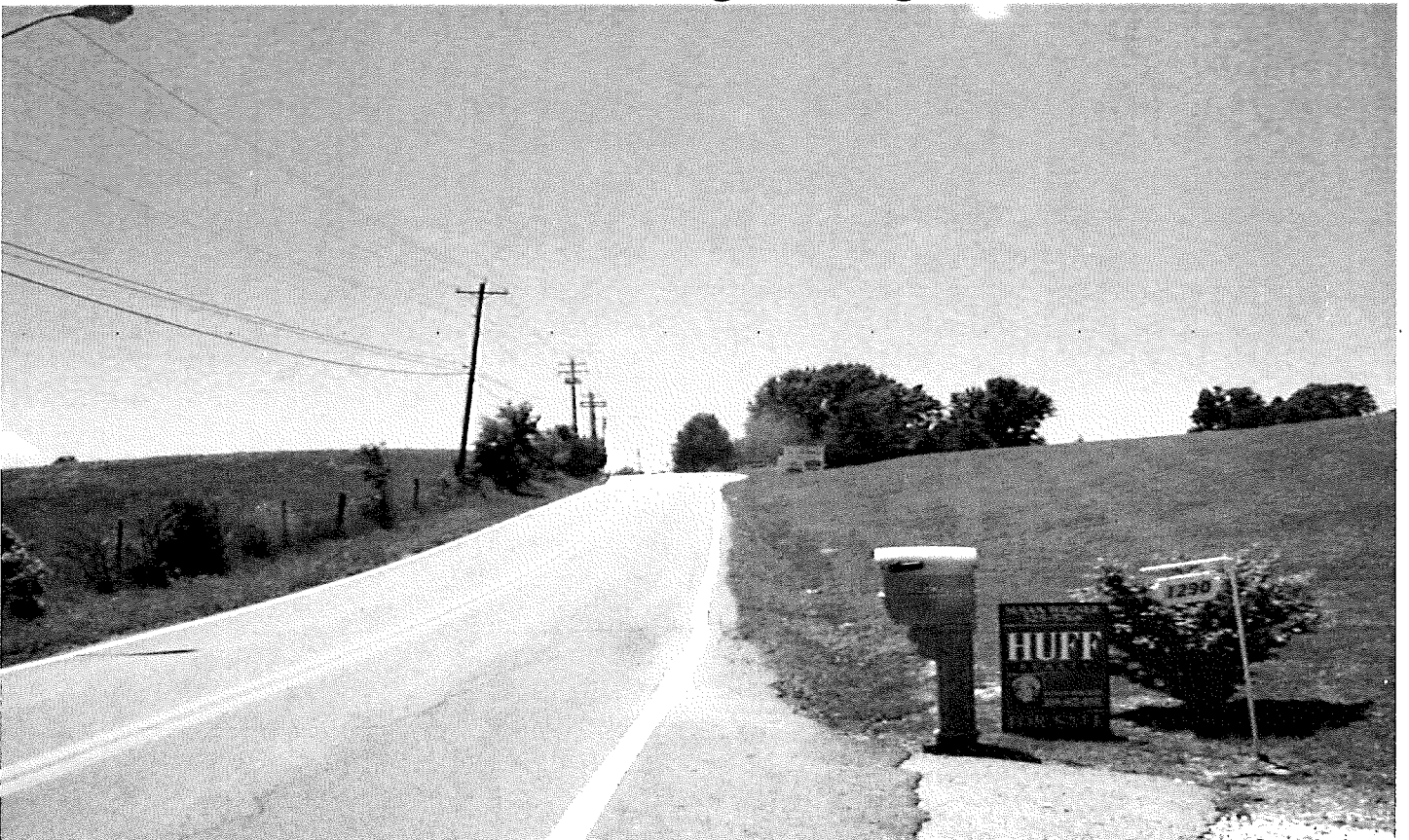
View of Single-Family Dwelling To East



View of Single-Family Dwelling to East



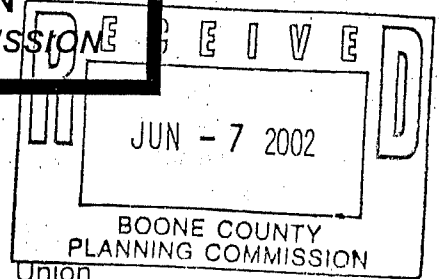
View East From Ingress/Egress Point



View West From Ingress/Egress Point

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)

- (Check One)
1. Boone Florence Walton Union
 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name M. Zineddin, M.D.
Phone Number 859 391 2291 Fax No. 859 647 7790
Applicant's Address 8820 Bankers ST
Florence KY 41042
City State Zip
 4. Description of Request: get approval to build a temple (church)
on the lot 1290 Mt Zion Rd.
 5. Name of Development _____
 6. Location of Development Mt. Zion
 7. Acreage Under Review 4.04
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property Webster, Paul J & Mary C
Phone Number of Owner _____ 10.
Address of Property Owner 1290 Mt Zion Rd Union KY 41091
City State Zip
 11. Proposed Use(s) on Site Temple (church) for community
 12. Total Square Footage of Existing and/or Proposed Buildings 40,000 + the existing
 13. Current Zoning on Property Res.
 14. Deed Book 193 Page No. 651 Group No. 2047
 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? NO
 17. Have you submitted a list of adjoining property owners with this request? NO
 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: Alem Zineddin

Property Owner's Signature: Paul J Webster Mary C Webster