

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ x Union
- 2. (Check One) x Conditional Use Permit _____ Variance _____ Appeal
- 3. Change in Non-Conforming Use
Applicant's Name Barbara Schilling, Kathleen Sanfilippo
Phone Number 384-1548, 384-1021
Applicant's Address (Schilling) 1502 Dublin Pl., Union, KY 41091
(Sanfilippo) 786 Oak Ridge, Union, KY 41091
City _____ State _____ Zip _____
- 4. Description of Request: conditional use permit for
child care services
- 5. Name of Development Union Baptist Church
- 6. Location of Development 1985 Mt. Zion Rd.
Union, KY 41091
- 7. Acreage Under Review 3.9731 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Union Baptist Church
Phone Number 384-3855
- 10. Address of Property Owner 1985 Mt. Zion Rd.
Union, KY 41091
City _____ State _____ Zip _____
- 11. Proposed Use(s) On Site child care services
- 12. Total Square Footage of Existing and/or Proposed Buildings 6,000 +
- 13. Current Zoning on Property RS/2 SC
- 14.* Deed Book 36, 53, 58, 187 Page No. 99, 239, 296, Group No. 2056
- 15. Is the site subject to a zone change? 239
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? yes
- 17. Have you submitted a list of adjoining property owners with this request? yes
- 18. Applicant's Signature: Barbara Schilling, Kathleen Sanfilippo
- 19. Property Owner's Signature: [Signature]

* also deed books 201, 296

page numbers 102, 79

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 4-16-91
2. Fee Received \$ 321.00 R4200
3. Is application complete? Yes No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date 5/8/91
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: None

8. Reasons for Disapproval: _____

STAFF REPORT

#1

DEVELOPMENT: child care services
APPLICANT: Union Baptist Church
LOCATION: 1985 Mt. Zion Road, Union, Kentucky
ZONING: Rural Suburban/Small Community (RS/SC)
DATE: May 8, 1991

REMARKS:

The applicant is seeking a Conditional Use Permit to allow child care services to be located at the Union Baptist Church, Union, Kentucky. The church is located at 1985 Mt. Zion Road, Union, Kentucky. The property is zoned Rural Suburban/Small Community (RS/SC) and is owned by the Union Baptist Church.

Presently the Cedarwood Nursery School is located in the home of Barbara Schilling. She intends to relocate the facility from her home to the Union Baptist Church.

Article 6, Section 613 of the Boone County Zoning Regulations states that one Conditional Use permitted on any site zoned RS or SC overlay is "nursery and child care centers."

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order.

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates that this general area will be public/institutional (P).

The anticipated future land uses in the City of Union are further described on page 217 of the Comprehensive Plan:

"Commercial activity in this area should be limited to Union proper, in the vicinity of the Hathaway Road and U.S. 42 intersection. Any commercial development should be local in scale and serve the needs of the existing and future residents of the area. Proper Access Management and parking design, including shared parking, are important aspects of this growth."

2. The activity 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 area.

3. The activity will not be hazardous to existing or future neighboring uses.
4. The activity be adequately served by essential public facilities and services.

If this Conditional Use Permit is approved, the applicant will be required to contact the State Human Resources Department and the State Fire Marshall to inspect the facility before child care services may occur in the facility. The Fire Marshall will only allow one (1) child per thirty-five (35) square feet (net). This requirement is based on the number of square feet that the child care facility occupies, not on the size of the entire building.

5. Excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.

The applicant has indicated that play areas will be provided for the children both inside the building and outdoor. The outdoor play area will be located near the existing church. Presently the outdoor play area is only fenced on two sides. Staff believes that this may not provide adequate protection for the children using the play area.

7. The vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets.

The applicant has not indicated that the existing vehicular approaches to the property will not be altered.

The Board must also consider specific criteria which apply to Conditional Uses in RS zoning districts:

- a. The activity is an integral and subordinate function of a permitted recreational or residential use; or
- b. the activity will not contradict the semi-rural character of the district; or
- c. require or contribute to infrastructure needs above than common to the permitted uses or the district; or

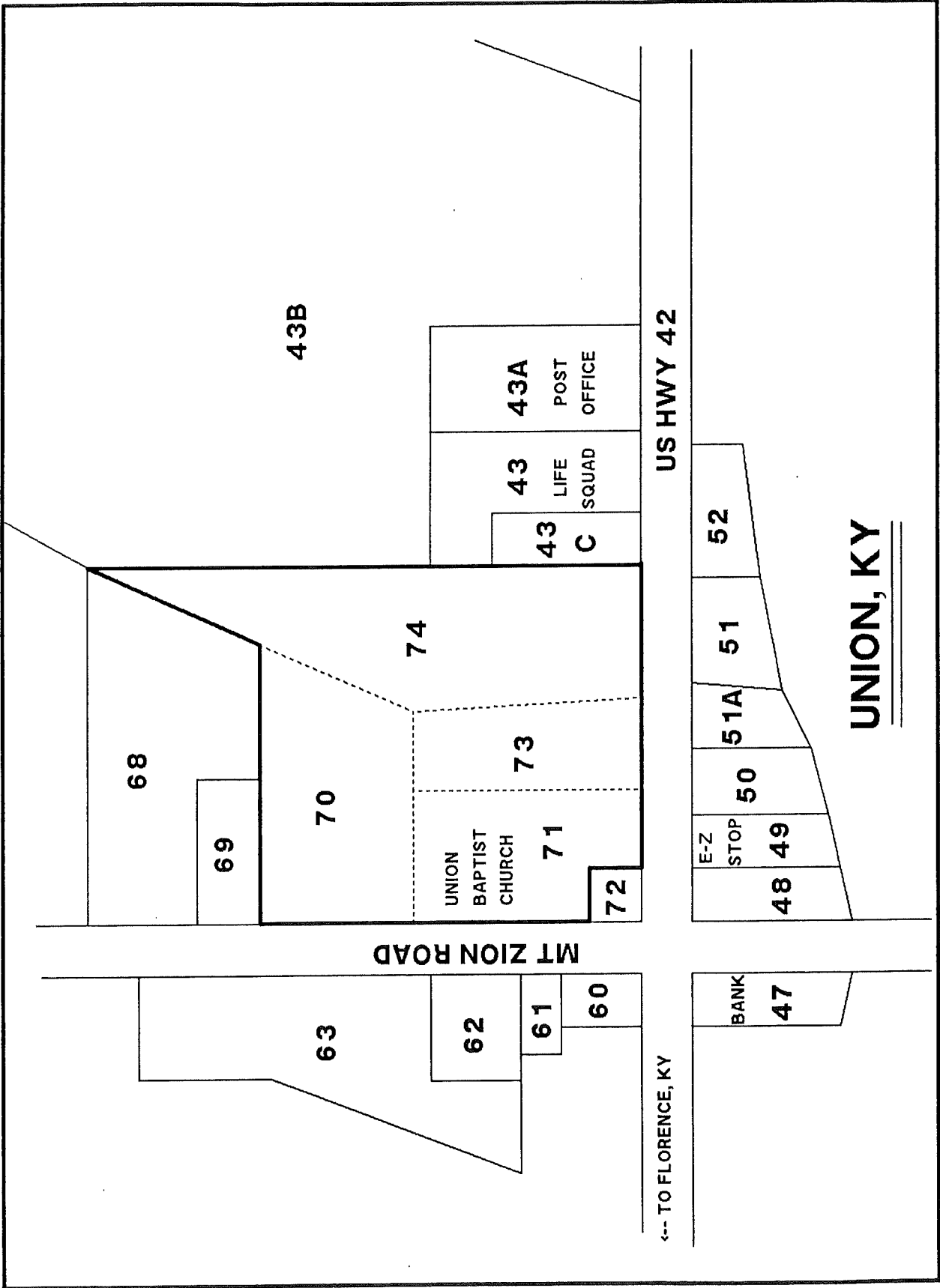
- d. is of direct relation to and in support of the purpose of the district; and
- e. the arrangement of uses, buildings, and structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

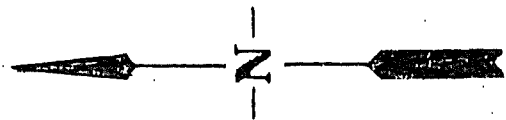
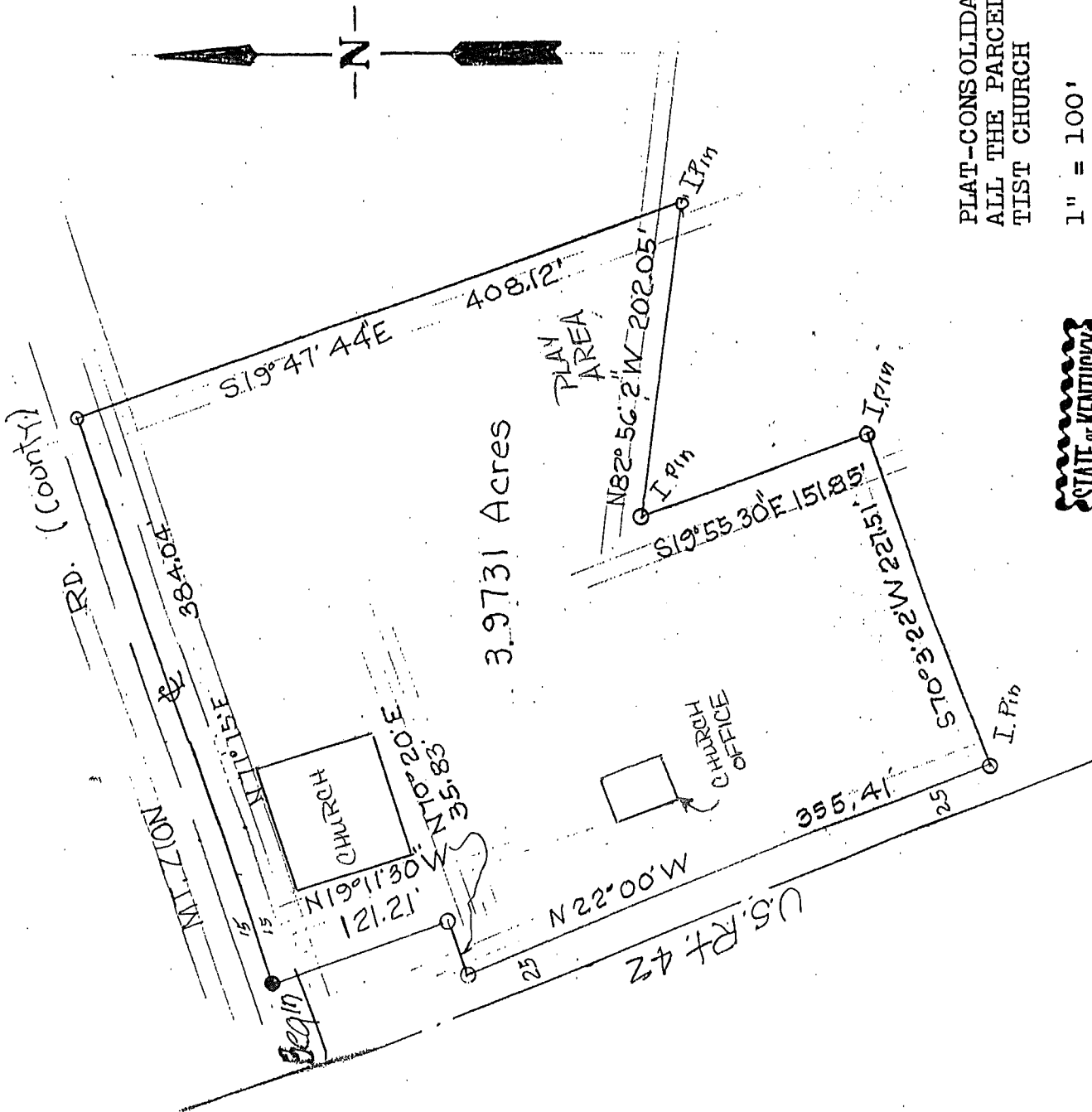
Respectfully Submitted,



Amy S. Moore
Planner I

ASM:kat





PLAT-CONSOLIDATED BOUNDARY COMPRISING
 ALL THE PARCELS CONVEYED TO UNION BAP-
 TIST CHURCH

1" = 100'

1/14/83

WALTON & WALTON, ENGRS.



COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Union Baptist Church
1985 Mt. Zion Road
Union, Kentucky 41091

2. ADDRESS OF PROPERTY

1985 Mt. Zion Road
Union, Kentucky 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Daycare

DEED BOOK: 36,53,58,187 PAGE NO.: 99,239,296,239 GROUP NO.: 2056

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

- | | | | |
|--------------------------|---|-------------------------------------|---------------------------------|
| <input type="checkbox"/> | Zoning Map Amendment
from _____ to _____ | <input checked="" type="checkbox"/> | Conditional Use Permit |
| <input type="checkbox"/> | Development Plan | <input type="checkbox"/> | Conditional Zoning
Condition |
| <input type="checkbox"/> | Subdivision Plat
(unrecorded) | <input type="checkbox"/> | Other: (Specify) |
| <input type="checkbox"/> | 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

Amy A. Moore, Planner I
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

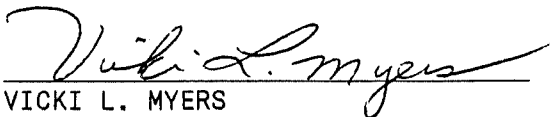
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 19th day

of August, 1991.

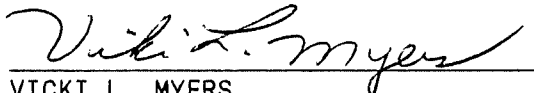


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
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.)

BCPC 01/89

CLUR# UBOA-91-001

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of May 8, 1991, (Certificate of Land Use Restriction # UBOA-91-001), for Union Baptist Church, property owner.

NO CONDITIONS

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 36,53,58,187 PAGE NO. 99,239,296,239 Group No. 2056