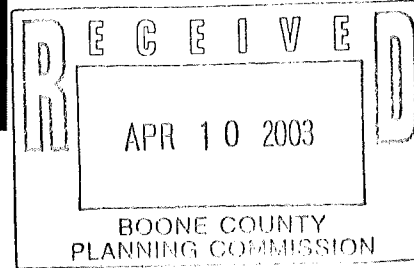


03-WBOA-001-A

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 [checked] Walton Union
2. (Check One) [checked] Conditional Use Permit Variance Appeal
3. Applicant's Name OUR LADY OF GOOD COUNSEL CHURCH - Jim Brueggemann, Trustee
4. Description of Request: TO ALLOW FOR THE CONSTRUCTION OF A NEW CHURCH - A Conditional Use in the SR-1 Zone
5. Name of Development OUR LADY OF GOOD COUNSEL CHURCH
6. Location of Development NORTH SIDE OF BEAVER ROAD - APPROXIMATELY 800 FEET EAST OF CHANDLER DRIVE
7. Acreage Under Review 13.80
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property OUR LADY OF GOOD COUNSEL CHURCH
10. Address of Property Owner WALTON Ky 41094
11. Proposed Use(s) on Site CHURCH
12. Total Square Footage of Existing and/or Proposed Buildings 21,150 +/-
13. Current Zoning on Property SR-1
14. Deed Book 851 Page No. 61 Group No. 2078
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? CONCEPT PLAN
17. Have you submitted a list of adjoining property owners with this request?
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: Jim Brueggemann Trustee
Property Owner's Signature: Jim Brueggemann Trustee

(over)

**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 4-10-03 Fee Received \$ 585.00 RA 34765
2. Is application complete? _____ Yes _____ No \$18.00 RA 34795
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
6-26-03 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 6-26-03
WALTON 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: Our Lady of Good Counsel Church

LOCATION: North Side of Beaver Road, Between 438 and 498 Beaver Road, Walton, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: May 22, 2003

Proposal

Our Lady of Good Counsel Church is requesting a Conditional Use Permit to allow a Church to be constructed on a 13.54 acre parcel, which is located between 438 and 498 Beaver Road, Walton, Kentucky. The submitted Concept Development Plan indicates that Phase I construction will include a 21,150 square foot Church and 136 parking stalls. Phase II construction will include a potential 500 square foot Fellowship Hall expansion and 40 additional parking stalls behind the building. The submitted elevation drawings (see attachments) indicate the building will have the appearance of being two stories tall when it is viewed from Beaver Road and three stories tall when it is viewed from Interstate 71/75. The elevation drawings also show that the church will contain an approximate 62 to 80 foot tall bell tower (will vary according to finished grade). Access to the site is proposed from two curb cuts on Beaver 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 33, Section 3223 of the Boone County Zoning Regulations states that "whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with Section 3240 of this order."

Article 33, Section 3217 of the Boone County Zoning Regulations requires the following site distance for passenger vehicles traveling on a two lane road, with a fifty-five (55) mile per hour speed limit:

Vehicle Exiting Site – Right Turn 1,110 feet; Left Turn 1,185 feet
Vehicle Entering Site – 650 feet

Article 33, Section 3325 of the Boone County Zoning Regulations states the maximum number of parking spaces which may be provided is thirty percent greater than the required minimum number, unless a parking study acceptable to the Zoning Administrator which demonstrates that a specific use or proposal has a greater parking need or demand.

Article 33, Section 3325 of the Boone County Zoning Regulations list the parking requirement for a church as 1 space per 5 seats.

Table 31.1 of the Boone County Zoning Regulations limits the maximum height of a structure in the SR-1 zone to 45 feet.

Article 31, Section 3124 of the Boone County Zoning Regulations states that "height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above roof level and not intended for human occupancy except where the height of such structure will constitute a hazard to the safe landing and take-off of aircraft at an established airport."

Article 40, Section 4000 of the Boone County Zoning Regulations defines building height as "the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs."

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.

Site History

The property was annexed into the City of Walton in 1997.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Rural Density Residential" uses. This designation is described as "low density residential uses of up to one dwelling unit per acre, which are not part of a formal subdivision."

Surrounding Land Uses and Zoning

North: Interstate 71/75 Access Ramp

South: Beaver Road, Single-Family Dwellings, and Farmland

East: Single-Family Dwellings & Farmland Fronting on Beaver Road & Skyway Drive

West: Single-Family Dwellings Fronting on Beaver Road

Site Characteristics

The 13.54 contains an old slaughter house, which is proposed to be demolished, and two existing curb cuts on Beaver Road. The site distance from the two existing curb cuts is poor because the site is located along a hilly and curvy section of Beaver Road. The ground elevation at the street is 900 feet above sea level and falls to 820 feet near the middle of the site. The site also contains some areas that are heavily wooded along the eastern and western property lines.

Staff Comments

1. Staff is concerned about the two proposed ingress and egress points because the site is situated within a curve and there is poor sight distance when entering and exiting the property. The Boone County Zoning Regulations requires 1,110 feet of sight distance for passenger vehicles which are making a right turn out and 1,185 feet of sight distance for passenger vehicles which are making a left turn out. The sight distance requirement for

passenger vehicles entering the facility is 650 feet. This 650 feet of sight distance is required for the driver operating the turning vehicle and other motor vehicles traveling behind the turning vehicle. As a result of these requirements, Staff recommends the following conditions regarding sight distance:

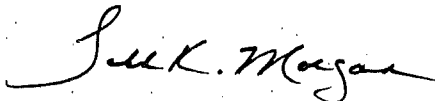
- a. The development should be limited to one curb cut. This curb cut shall be aligned with the residential driveway across the street because its location maximizes sight distance.
 - b. the grade of the southeastern portion of the property will be softened to ensure that there is adequate sight distance.
 - c. the applicant will explore the possibility of relocating the overhead electric power pole which is approximately 300 feet from the southeastern property line.
 - d. the applicant will submit engineered sight distance calculations during Site Plan Review.
 - e. the applicant will obtain an encroachment permit from the Kentucky Transportation Cabinet.
2. Staff talked with Ed Thompson, from the Kentucky Transportation Cabinet. Mr. Thompson informed Staff that he had visited the site with the applicants and that they had discussed sight distance in detail. Mr. Thompson informed the applicants that their existing curb cuts are null and void because of the proposed use change and that the new cut(s) will need to meet all applicable standards.
 3. Staff is concerned about the building square footage, height of the building, and the number of parking stalls being proposed because the site adjoins single-family residential areas to the east, west, and south. One of the findings that the Board must analyze is that the activity will not contradict the low density character of the area.
 4. Staff would like the applicants to explain the use of the bell tower. Will it ring at night? How far away can the system be heard?
 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 12 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 materials are listed on the submitted elevation drawings. Staff would like the applicant to address the construction materials that will be used.

7. If the Board approves the request, Staff recommends the following conditions in regard to landscaping:
 - a. Street frontage landscaping (Type A Buffer) shall be installed along the front property line. The landscaping plan will need to show that the plantings are not in the right-of-way or any utility easement.
 - b. 20' wide buffers shall exist or be planted on those portions of the eastern and western property lines which adjoin building or parking areas. These buffers must contain at least 10 small trees (1½" caliper size) and 5 evergreen trees (6' tall) per 100 linear feet. The applicant will need to submit a tree survey with the Site Plan to receive credit for the existing trees in these buffer yards.
8. Based on the information provided on the Concept Plan, the Church will contain 380 seats. The Boone County Zoning Regulations requires 1 parking space for every 5 seats (76 required). The maximum number of parking spaces which may be provided is thirty percent greater (99 total) than the required minimum number, unless a parking study acceptable to the Zoning Administrator is approved.
9. 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 need to 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 Walton Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,

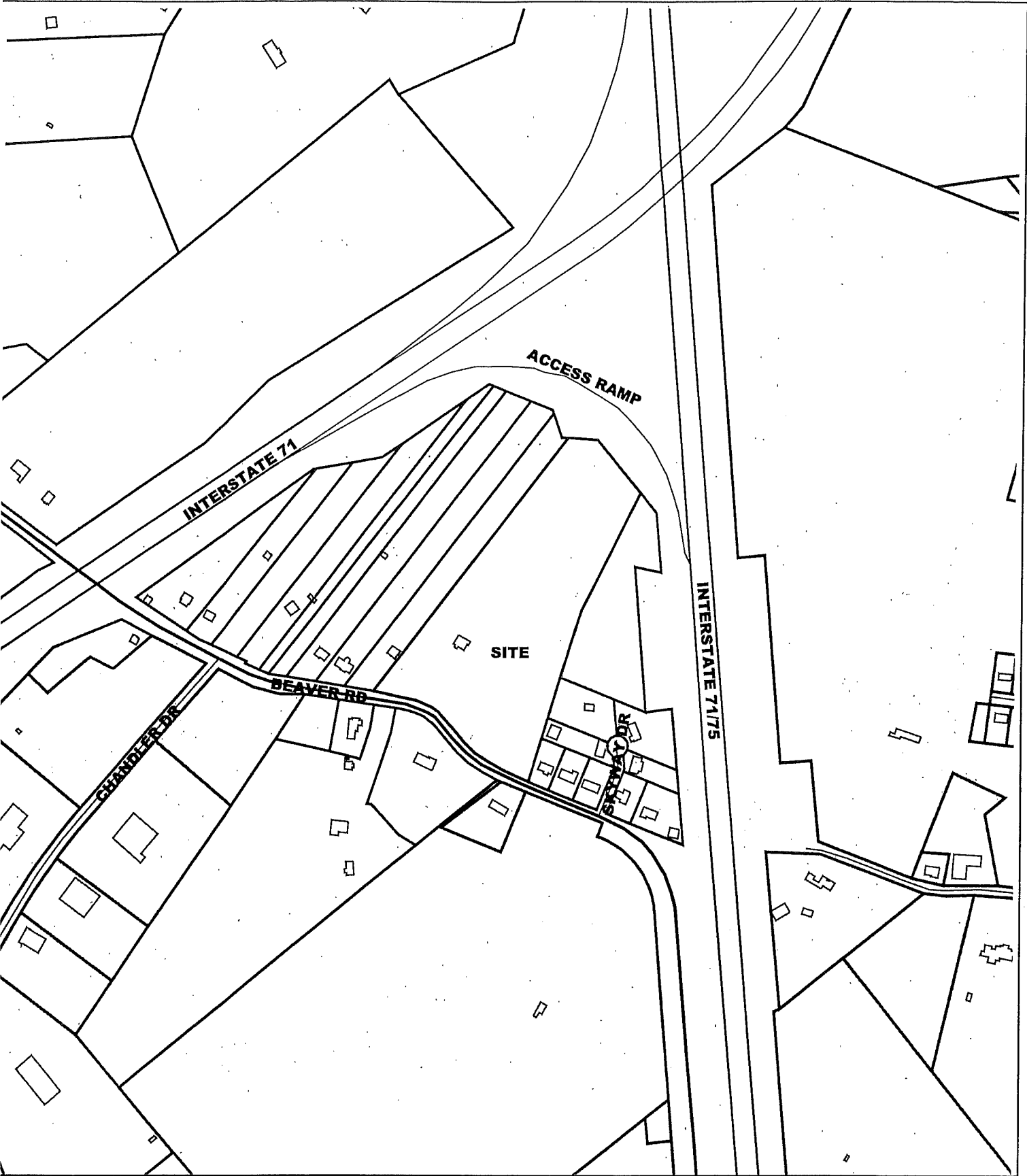


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Jim Shumate, P.E.
- Exhibit C – Concept Development Plans (Exterior, Interior, Elevations)
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Topographical Map
- Exhibit G – Aerial Map
- Exhibit H – Site Distance Calculations
- Exhibit I – Application

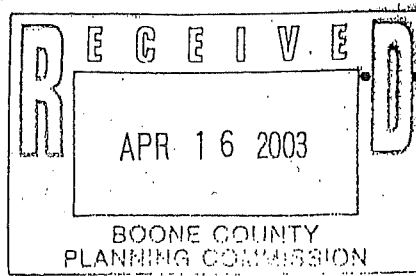
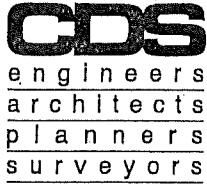


Site Vicinity Map



1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 5, 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

April 15, 2003

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

**RE: Our Lady of Good Counsel Church – Conditional Use Permit
Beaver Road, Walton, Kentucky
CDS Project No: 2002837**

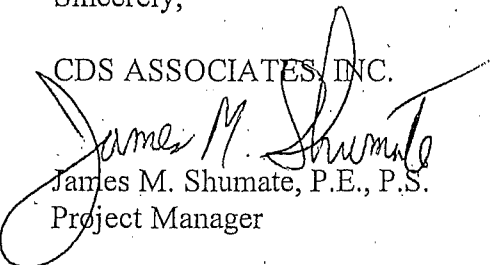
Dear Todd:

As discussed, please find transmitted herewith 36" x 24" copies (one each) of the conceptual floor plan, building elevations and site plan for consideration with the previously submitted conditional use permit. We have also attached 11" x 17" copies of each for your convenience.

As indicated on the conceptual site plan, the proposed building area contains 21,150 square feet with a 500 square feet future fellowship hall. Also, it is our opinion that a variance will not be required for the building height on the project. The maximum building height in a SR-1 zone is 45 feet. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point on the roof will be less than 45 feet. Additionally, the bell tower is only an architectural feature and not intended for human occupancy (would only be accessed for maintenance reasons). Finally, the main entrance location was selected based on safety and available sight distance. The main entrance location is located at the crest of a vertical curve, which provides the best available sight distance for the parcel of land. A secondary entrance is also being proposed to alleviate the traffic volume for the main entrance. At the site plan stage, we will review whether or not any restrictions will be required on this entrance (i.e. right turn in and out, etc.). If you have any questions or if you need any additional information regarding this project, please contact our office at your convenience.

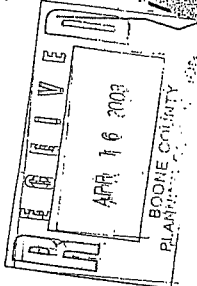
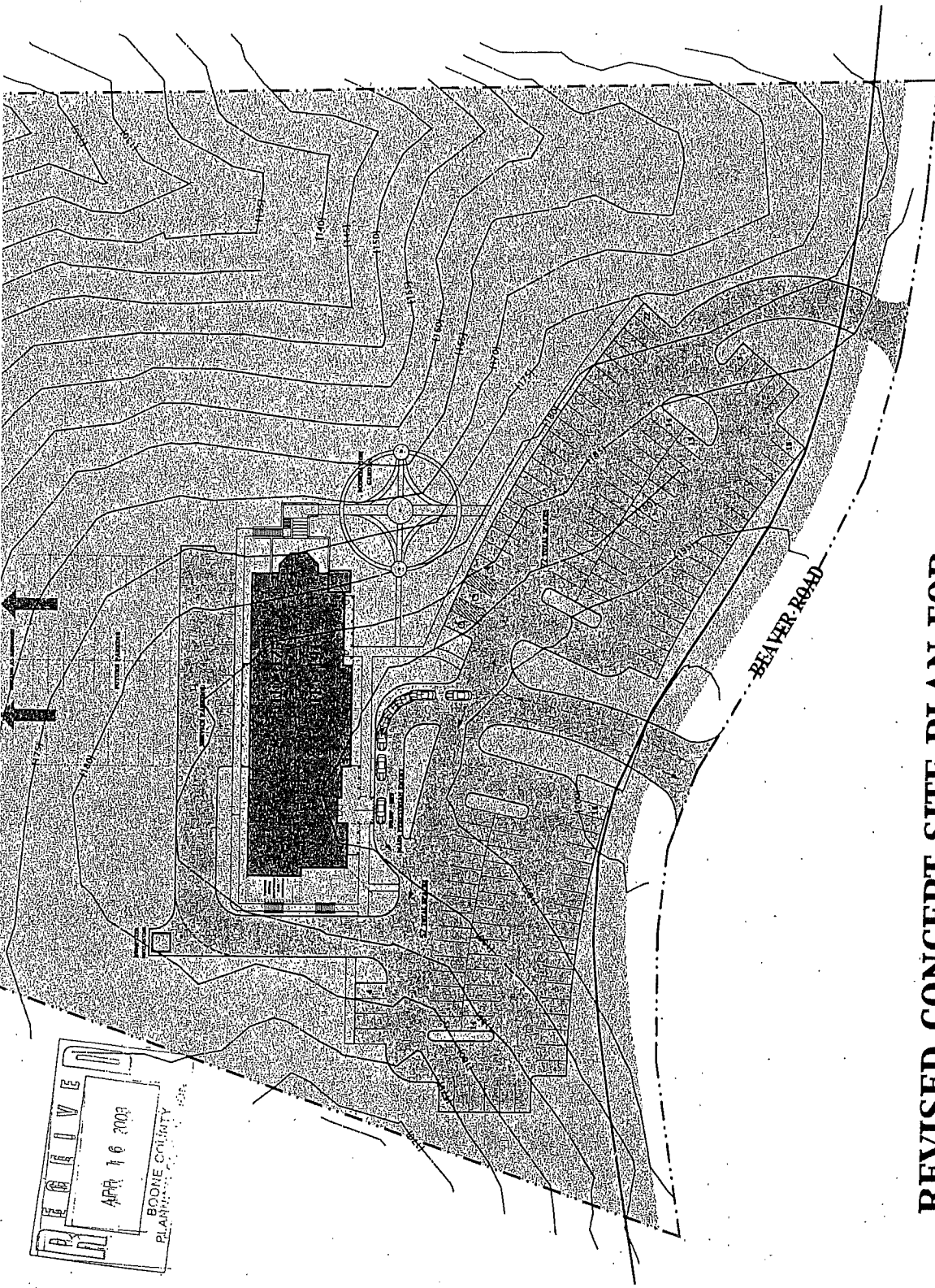
Sincerely,

CDS ASSOCIATES, INC.


James M. Shumate, P.E., P.S.
Project Manager

cc:

Mr. Jim Brueggemann, Trustee, Our Lady of Good Counsel Church



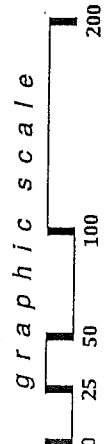
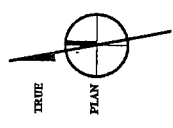
PROJECT SUMMARY

BUILDING

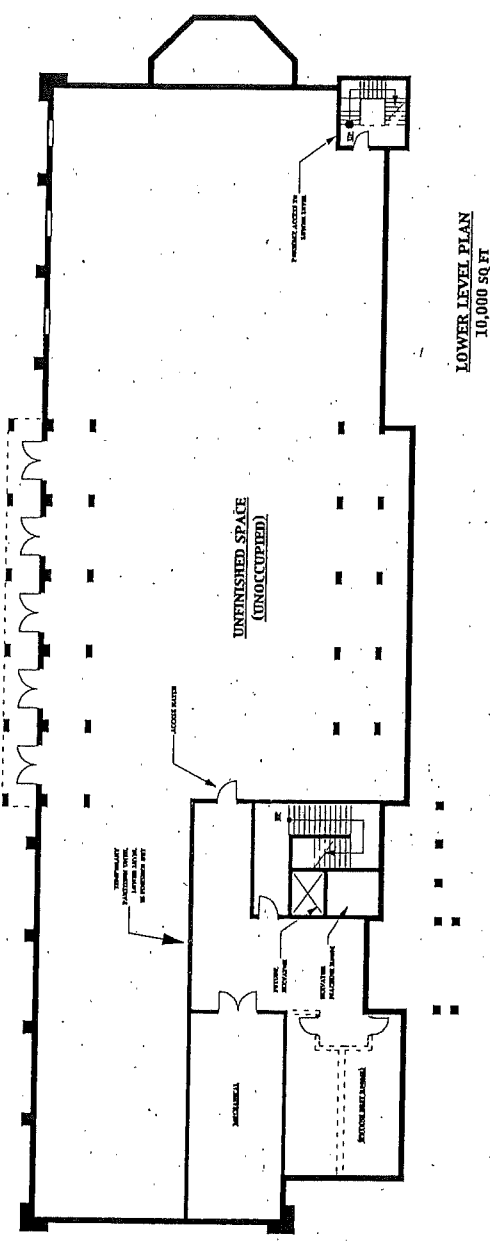
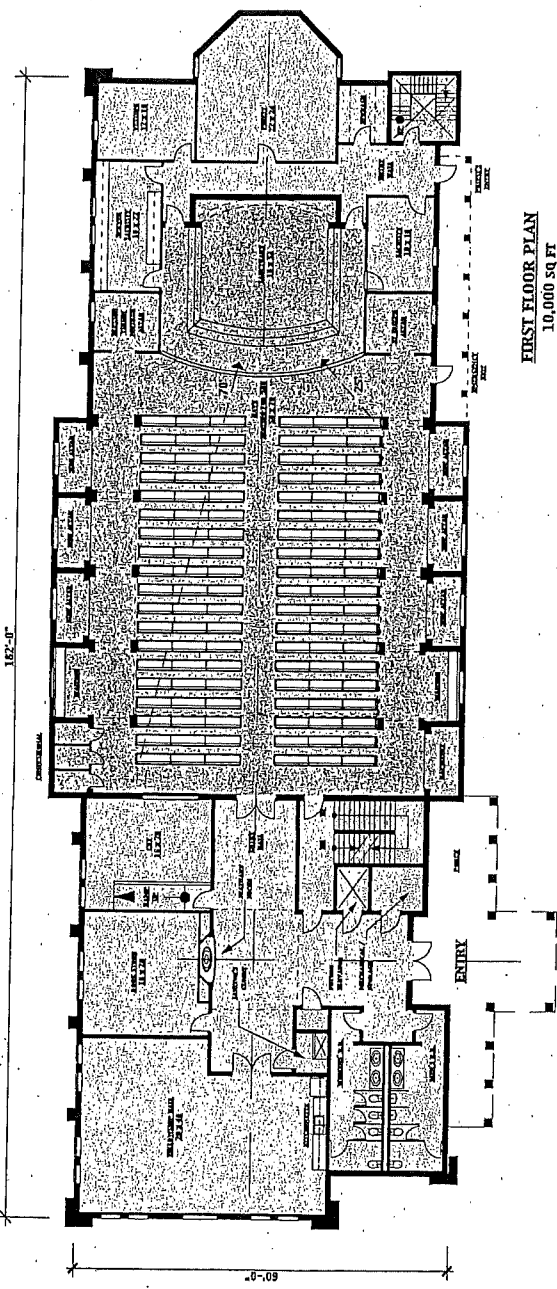
LOFT: 1,150 SQ FT
 FIRST FLOOR: 10,000 SQ FT
 LOWER LEVEL: 10,000 SQ FT (MAX)
 TOTAL: 21,150 SQ FT

SITE

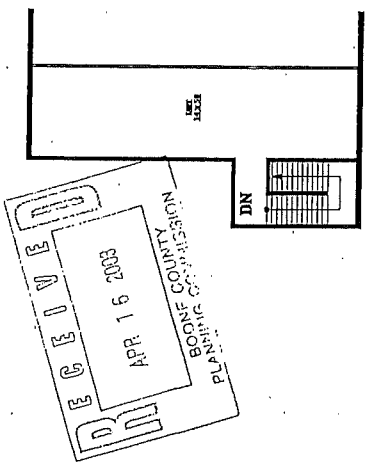
PROPOSED PAVED AREA: +/- 68,000 SQ FT
 PARKING:
 EAST LOT: 72 SPACES
 WEST LOT: 57 SPACES
 TOTAL: 129 SPACES
 (380 SEATS / 152 CARS - 2.95 / CAR)
 SERVICE PARKING: 7 SPACES



REVISED CONCEPT SITE PLAN FOR
OUR LADY OF GOOD COUNSEL CHURCH
 1" = 60'-0"
 FEBRUARY 26, 2003

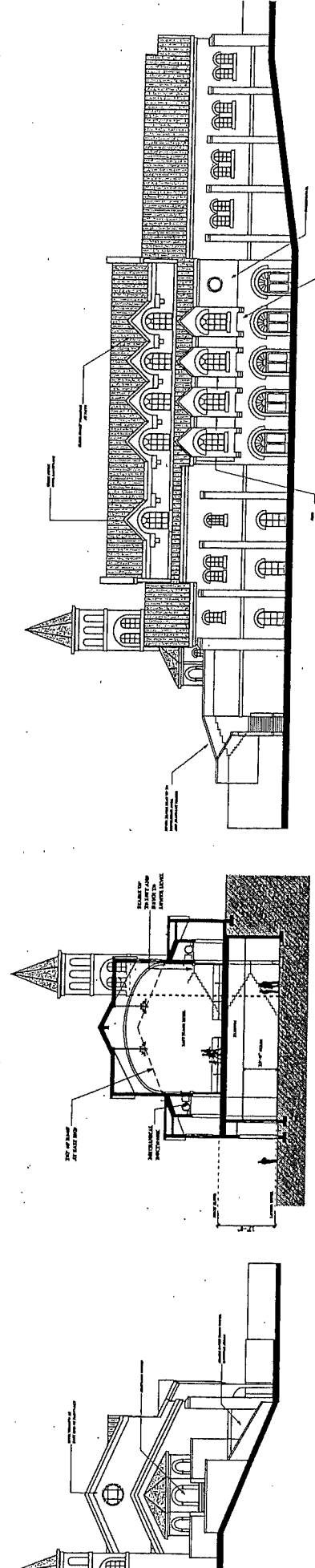
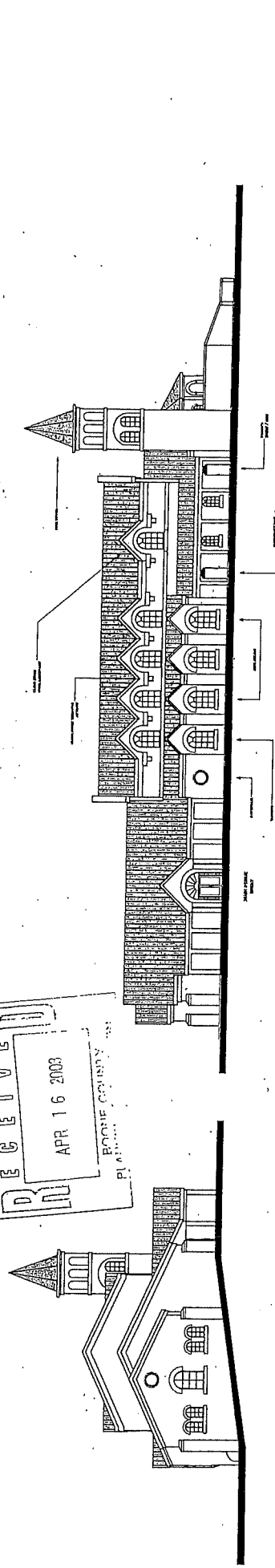


REVISED CONCEPT FLOOR PLANS FOR
OUR LADY OF GOOD COUNSEL CHURCH
 1"=20'-0"
 FEBRUARY 26, 2003

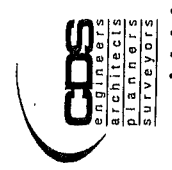


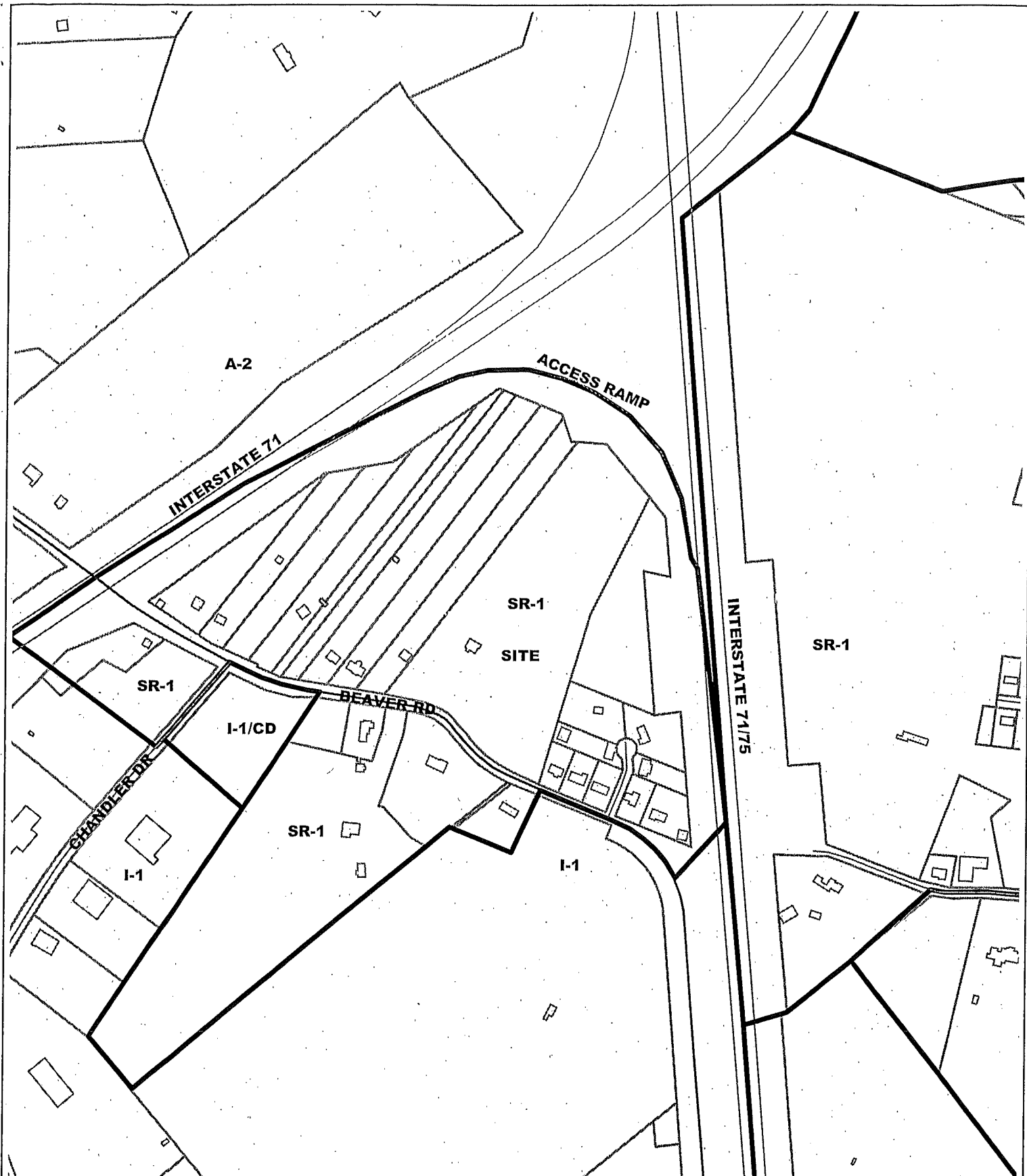
RECEIVED
 APR 16 2003
 PLANNING COMMISSION
 BOONE COUNTY, MISSOURI

RECEIVED
APR 16 2003
BOONE COUNTY
PLANNING DEPARTMENT



REVISED CONCEPT ELEVATIONS FOR
OUR LADY OF GOOD COUNSEL CHURCH
1"=30'-0"
FEBRUARY 26, 2003



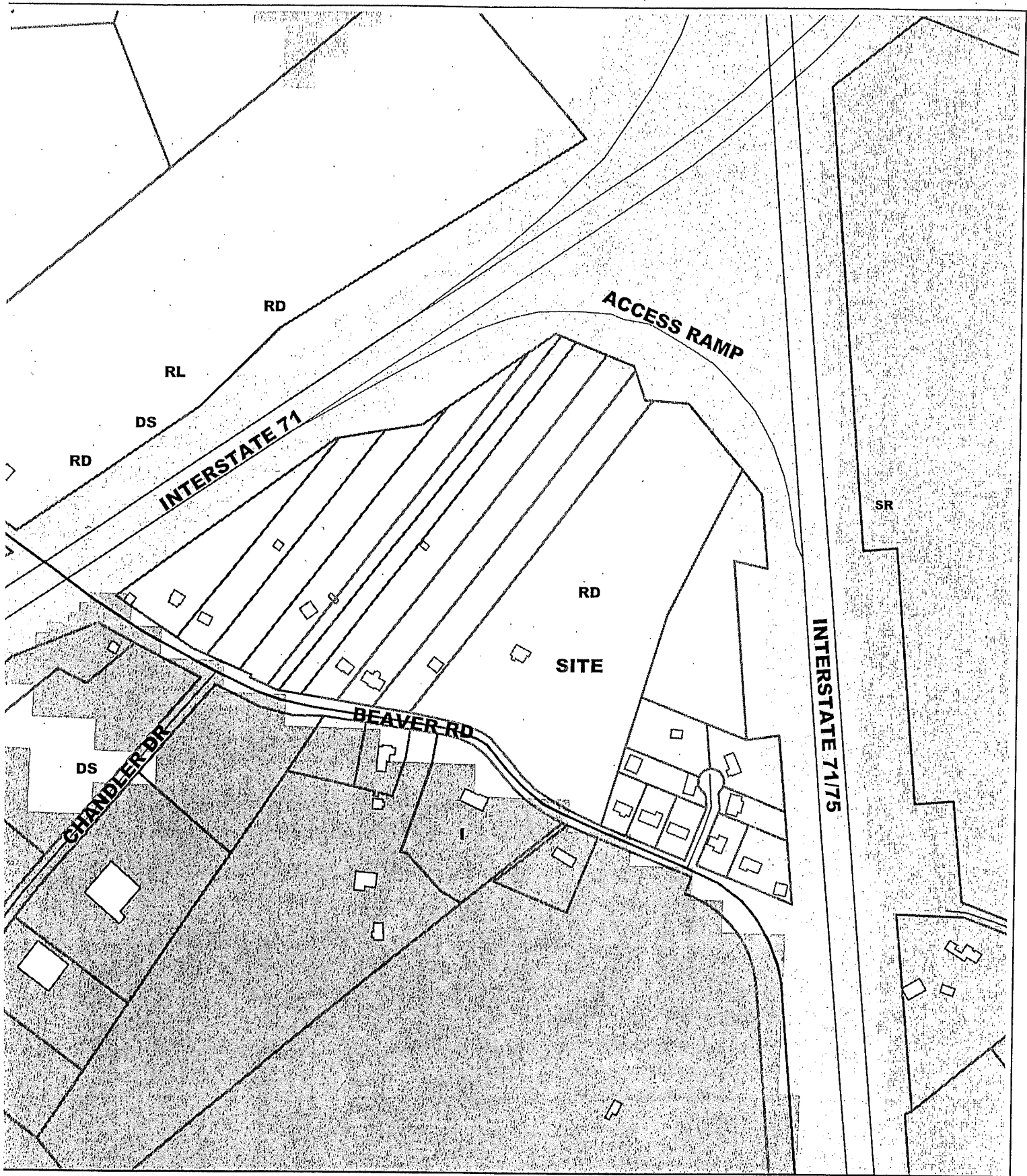


Zoning Map

500 0 500 Feet

1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 5, 2003



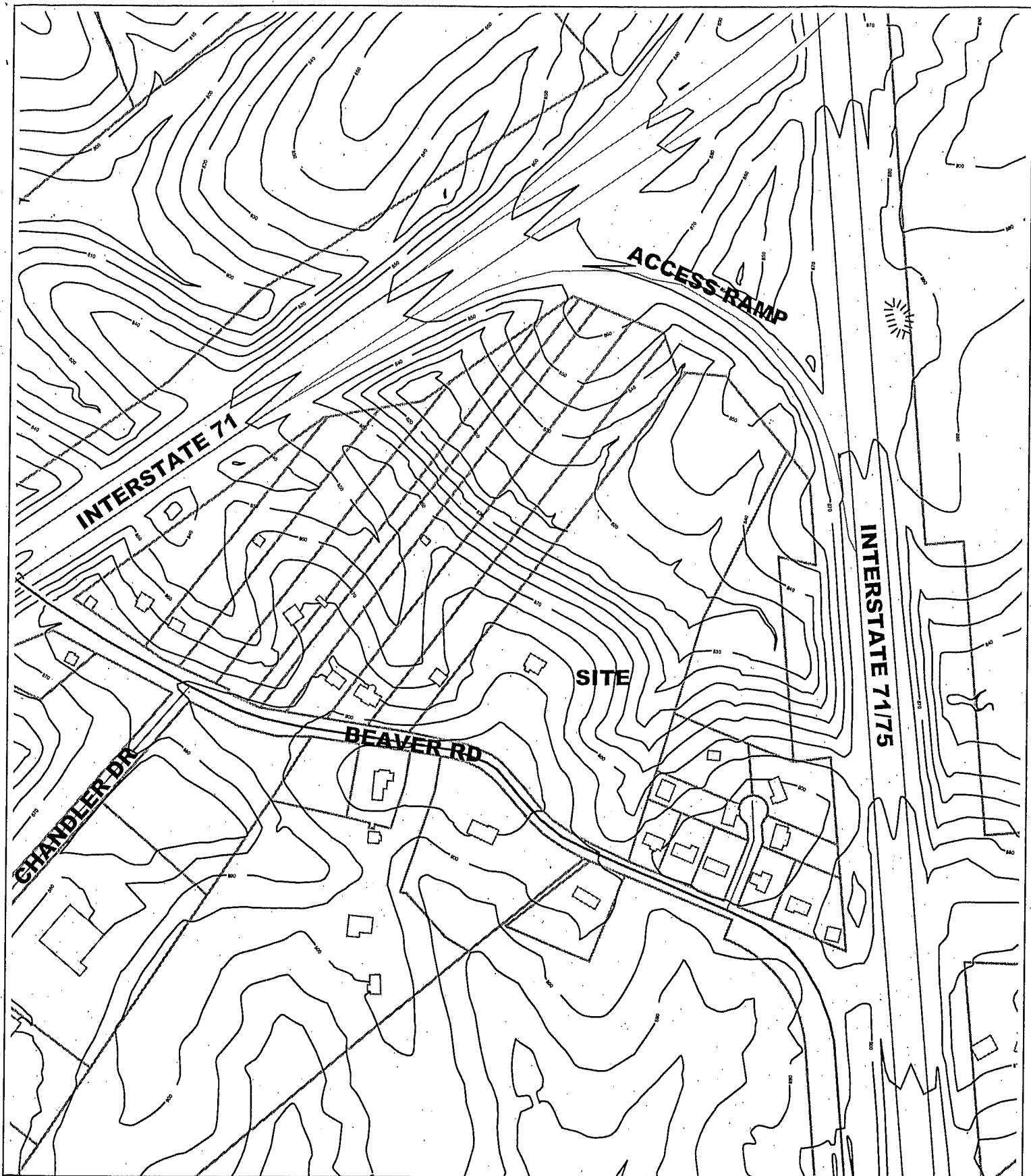


400 0 400 Feet

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 5, 2003



Future Land Use Map



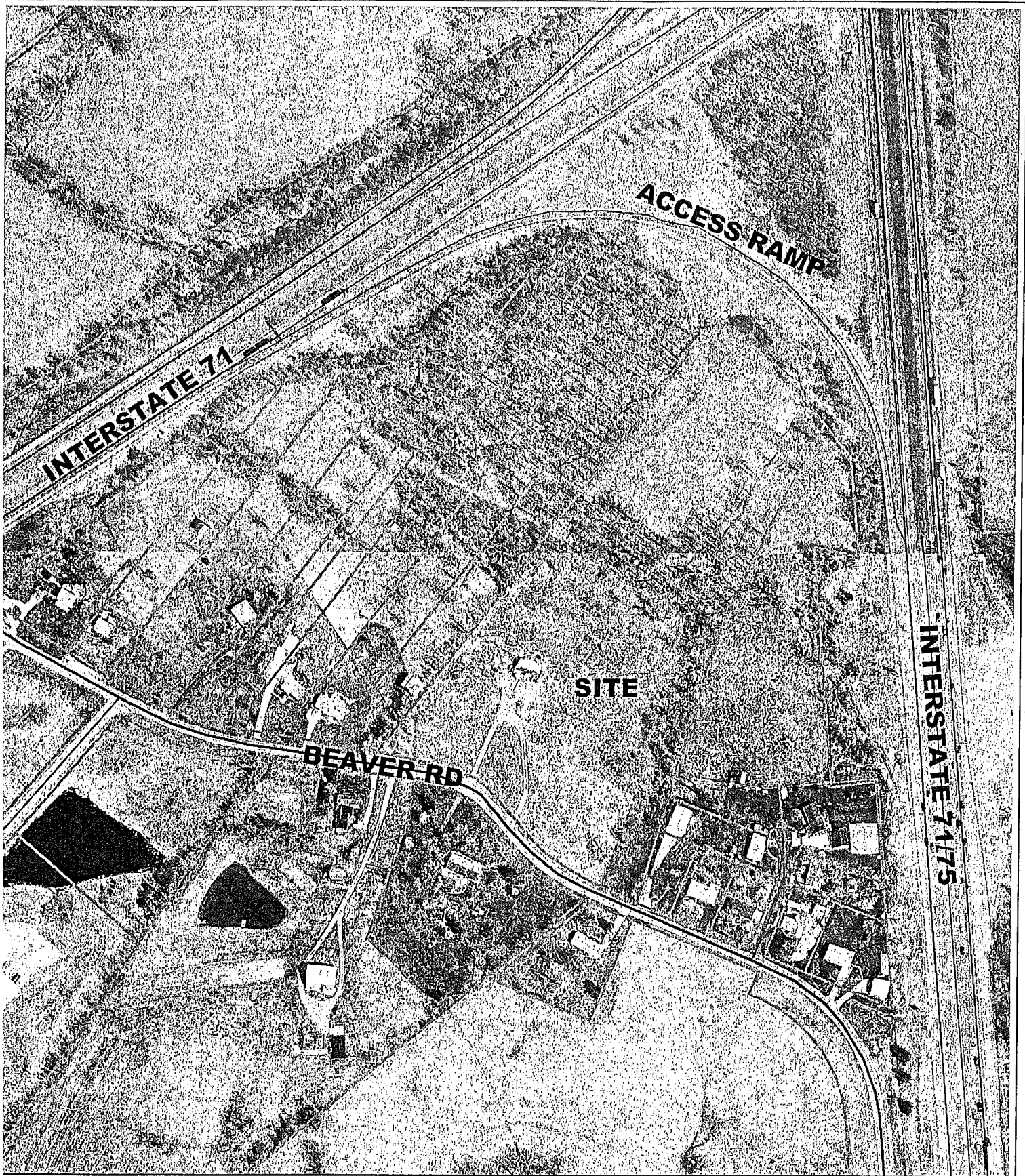
350 0 350 Feet

1 inch equals 350 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 5, 2003



Topographical Map

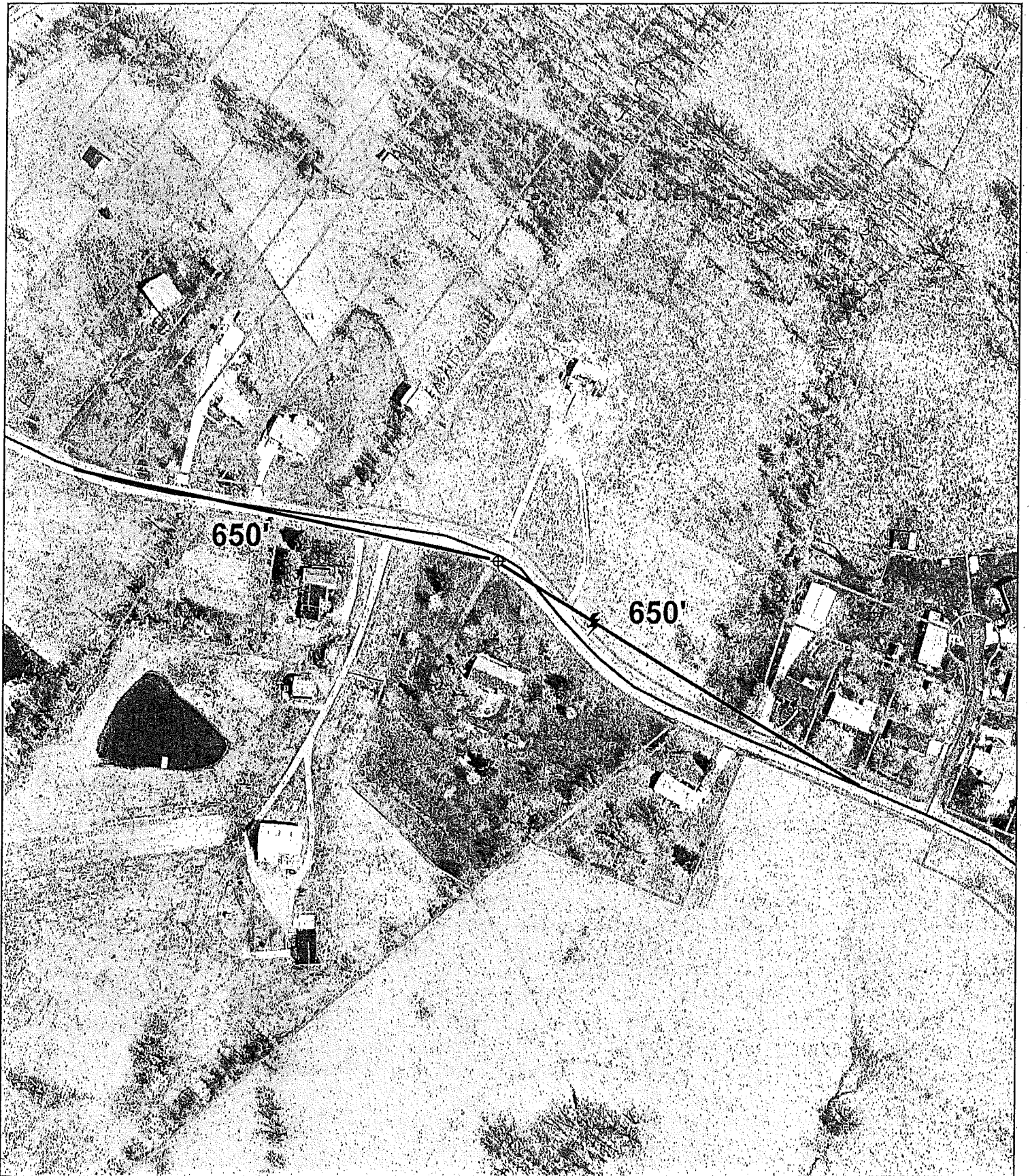


Aerial Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 5, 2003



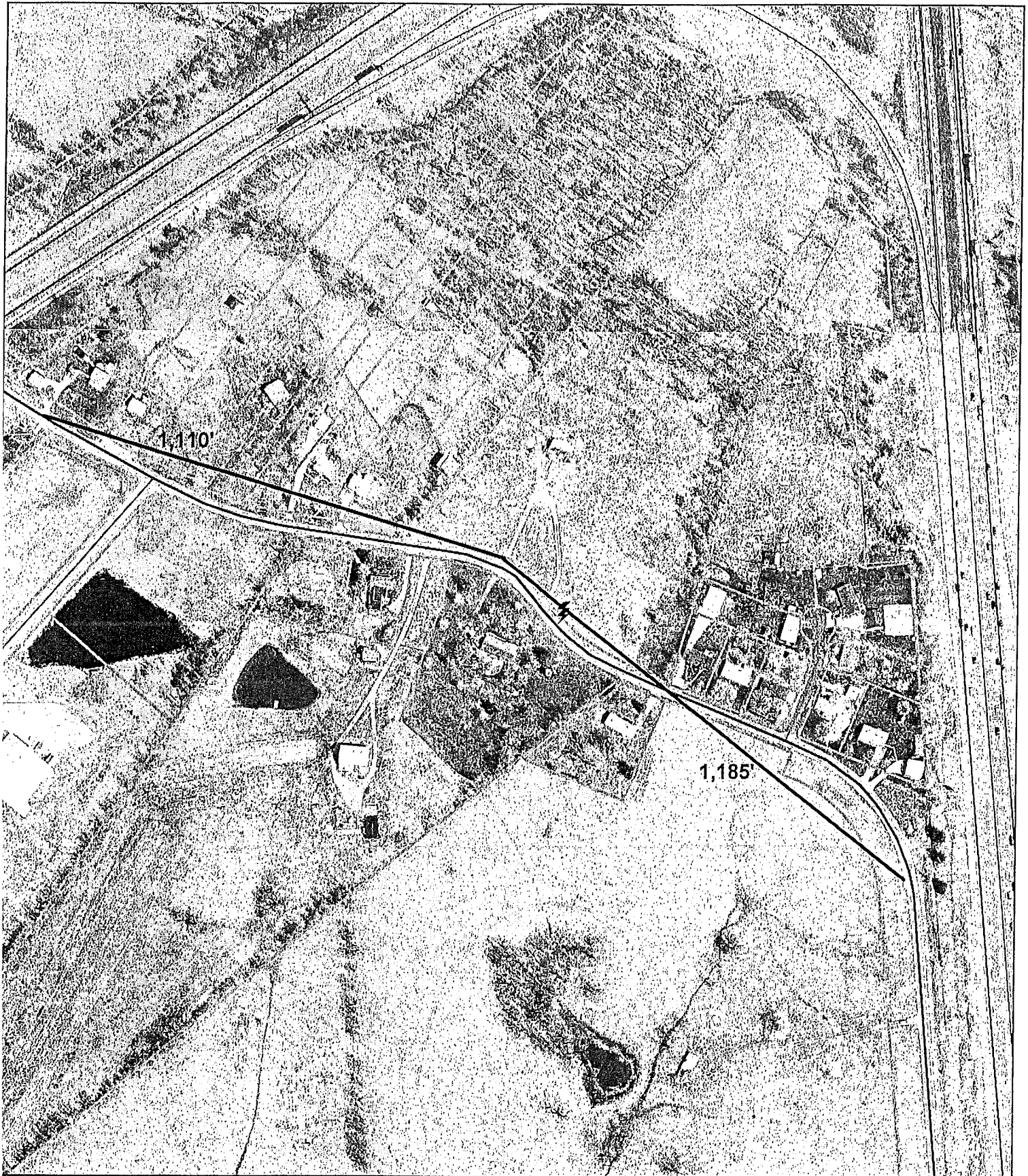


Site Distance Vehicle Entering Facility

1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 7, 2003





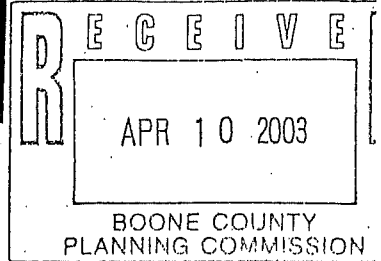
Site Distance Vehicle Exiting Facility

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 7, 2003



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
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name OUR LADY OF GOOD COUNSEL CHURCH - Jim Brueggemann, Trustee
Phone Number 859-485-4416 Fax No. 859-485-1406
Applicant's Address 12665 MCCOY FORK ROAD
WALTON KY 41094
City State Zip
4. Description of Request: TO ALLOW FOR THE CONSTRUCTION OF A NEW CHURCH
- A Conditional Use in the SR-1 ZONE
5. Name of Development OUR LADY OF GOOD COUNSEL CHURCH
6. Location of Development NORTH SIDE OF BEAVER ROAD - APPROXIMATELY
800 FEET EAST OF CHANDLER DRIVE
7. Acreage Under Review 13.80
8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
9. Owner of Property OUR LADY OF GOOD COUNCIL CHURCH
Phone Number of Owner 859-485-4416
10. Address of Property Owner WALTON Ky 41094
City State Zip
11. Proposed Use(s) on Site CHURCH
12. Total Square Footage of Existing and/or Proposed Buildings 21,150 +/-
13. Current Zoning on Property SR-1
14. Deed Book 851 Page No. 61 Group No. 2077A
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? CONCEPT PLAN
17. Have you submitted a list of adjoining property owners with this request? _____
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: Jim Brueggemann Trustee

Property Owner's Signature: Jim Brueggemann Trustee

(over)

COPY

CLUR #03-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Our Lady of Good Counsel Church
12665 McCoy Fork Road
Walton, KY 41094
2. ADDRESS OF PROPERTY
Beaver Road
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Our Lady of Good Counsel Church
4. DEED BOOK 821 PAGE NO. 61 GROUP NO. 2078
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



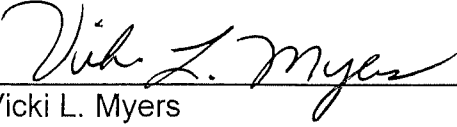
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

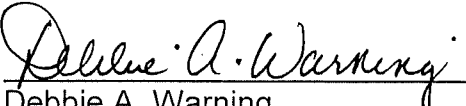
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of July, 2003.



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 Walton Board of Adjustments and in accordance with the current zoning in effect as of June 26, 2003 Certificate of Land Use Restriction (#03-WBOA-001-A), for Our Lady of Good Counsel Church, Property Owner(s).

The following conditions will apply:

- 1) The main driveway will be moved to provide maximum sight distance and the additional curb cut will be right-in only.
- 2) There will be potential grade work on the southeast portion of the property to ensure adequate sight distance.
- 3) The applicant will work with the overhead electrical and communication utilities to increase clearance of the conductors over the property and relocate a pole on the east portion of the property.
- 4) The applicant will submit engineered sight distance calculations during Site Plan Review.
- 5) The applicant will obtain an Encroachment Permit from the Kentucky Transportation Cabinet.
- 6) The maximum height of any light standard shall not exceed twelve feet, cut off shields or other means must be provided, and a photometric plan will be required during Site Plan Review. Average foot candles measurements permitted for the parking lot will be 3.6 and along the property lines 1.0 or less.
- 7) Street frontage landscaping with Type A buffer shall be installed along the front property line. The Landscaping Plan needs to show that the plantings are not in the right-of-way or any utility easements and not affecting sight distance. On the east and west side property lines, twenty-foot wide buffers shall exist or be planted on those portions which adjoin building or parking areas and must contain at least ten small trees (1 ½" caliper) and five evergreen trees (6 feet tall) per one hundred linear feet. The applicant will need to submit a tree survey to receive credit for the existing trees in the buffer yards.

- 8) A total of 99 parking spaces will be permitted for the facility. A parking study may take place and additional parking spaces may be approved by the Zoning Administrator.

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

DEED BOOK 851

PAGE NO. 61

GROUP NO. 2078