

**UNION BOARD OF ADJUSTMENT
UNION CITY BUILDING
1843 MT. ZION ROAD, UNION, KENTUCKY
BUSINESS MEETING
March 22, 2010
6:30 P.M.**

Mr. Terrill Kidwell, Chairman, called the meeting to order at 6:35 P.M.

BOARD MEMBERS PRESENT:

Mr. Terrill Kidwell, Chairman
Mr. Andrew Rosen
Mrs. Pamela Sayers

All members were present

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Mr. Kidwell stated that the Board members received copies of the ratified Minutes of the Union Board of Adjustment Meeting of August 24, 2009. Mr. Rosen made a motion to accept the ratified minutes and Mrs. Sayers seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously.

Agenda Items:

- 1. Request of Grace Fellowship Church for a Conditional Use Permit to allow additional church parking for property located at 9379 and 9447 Gunpowder Road, Union, Kentucky. The property is currently zoned Agricultural Estate (A-2) and Rural Suburban (RS).**

Mr. Wilson explained the procedure for the meeting to the audience. He indicated that Mr. Morgan is a Staff member serving the Board of Adjustment and he will give a Staff Report and the Board can ask questions. The applicant will then give a presentation and the Board may ask questions. Lastly, anybody in the audience in favor or opposed to the request can ask questions.

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Rosen asked Mr. Morgan what a metal stop bar was. Mr. Morgan responded that it was a locking waist-high bar that would be used to prohibit access to the property. He stated that he did not want a full size gate to prohibit access because it would look like a barrier from the road. He indicated that something was needed to indicate that the driveway could not be used to access the church. It would also stop kids from pulling back into the property and parking.

Mr. Steve Freeburne, Executive Pastor of Grace Fellowship Church, indicated that he has been with the church since the very beginning and has been on Staff since 2004. He indicated that Lee Nordine, the Facilities Manager, would be helping him with the presentation. He passed out some tables and charts which provided an overview of church attendance and parking needs (see Exhibit 1). He indicated the church has about 800 families. Sixty-four percent of the congregation is comprised of adults and the average age is 25. It is a very young congregation with a lot of children. At the present time, they have three services beginning at 8:15 A.M. on Sunday. They also have services at 9:45 A.M. and 11:30 A.M. on Sunday. The early service is the least attended because most people do not like to get up that early. The second service has the largest attendance and is bigger than the other two combined. This service causes the parking issues. The second page of the handout shows the projected parking needs. With an attendance of 1,531 people, 548 parking spaces will be needed. This is very close to the parking requirement that is found in the zoning regulations.

The parking issues happen when they are at parking capacity because the movements up the driveway become very slow and cars backup as people are searching for the last parking spaces. They believe the proposed parking spaces will free up the flow and eliminate some, if not all, of the traffic issues they are experiencing during the second service. He introduced Lee Nordine so they could answer the Staff questions found in the Staff Report.

- A. The plan shows that the existing driveway will be gated off. What will the gate look like? When will the gate be used?

Mr. Nordine indicated that they do not have a great idea of what the gate will look like. They can bar it off per Staff's recommendations so it will not stick out as a barrier. It will be able to be locked. Mr. Kidwell asked if the structure could be opened. Mr. Nordine indicated the gate or bar could be opened but would not provide access to the church parking lot.

- B. Will the grass field between the road and proposed parking lot be used for any church activities?

Mr. Freeburne stated that the church never did construct the ballfield on their existing campus. There have been times when children have used the area to play during the day. They don't plan on using the bottom portion of the Egnor property any differently.

- C. On May 20, 2002, the Union Board of Adjustment imposed a condition stating that no public assembly activities could occur on the property after 11 P.M. Is this still the case?

Mr. Freeburne indicated that this statement was true. They do not hold any activities that late at night.

- D. Are parking lot lights turned off once church activities conclude for the evening?

Mr. Freeburne stated that the parking lot lights are on a timer. The lights come on automatically when the sun goes down.

- E. Have there been any traffic issues when worship services conclude? Does anyone control traffic at Gunpowder Road?

Mr. Freeburne stated the problem time is the transition between the first and second services. This is the time when people are searching for parking spaces and backups occur. He believes the additional parking stalls will solve this problem.

Mr. Freeburne asked if Staff had any other questions. Mr. Morgan asked Mr. Freeburne if he had read the conditions and was agreeable to them. Mr. Freeburne said he was fine with the recommended conditions but also wanted to disclose more information to the Board and audience. He stated the church has the Howard property under contract and intends on utilizing the log cabin that is there. His questioned if the recommended buffer along the Howard property line was needed based on this information. Mr. Morgan said that is something the Board can discuss. He also noted that converting the Howard property to a church use will be subject to another Conditional Use Permit application. Mr. Freeburne stated that Mr. Howard has the right to stay on the property for another two years. Their intent is to use the cabin as a meeting place for the Staff and as a counseling area. Sometimes counseling could involve 3 or 4 people staying in the cabin for a period of 3 or 4 days. Mr. Kidwell indicated that the conversion of the Howard property would need to come back to the Board at a future time.

Mr. Wilson informed the audience that the Howard property is not part of the application tonight. Mr. Freeburne agreed and stated that he just wanted to make everyone aware that the church is buying it.

Mr. Kidwell asked if anybody in the audience would like to speak in favor of the request. Mr. Allen Lucas indicated that he lives in Hempsteade Subdivision and has visited the church. He passes the facility many times a day. He has more problems getting in and out of Hempsteade than he does the church. About 6 months ago he received a phone call asking if he could pick up a young man at the bus station in Cincinnati. The man had just been released from prison and he thought it would be a good idea to take him to this church. The church was full and the number of young people and young families was impressive.

He indicated that there have been a lot of robberies in Hempsteade. A lot of robberies are committed by young men, just like the 23 year old man that he brought to church. He believes that the community needs more churches like this. He thinks they should be allowed to have an additional parking lot if they need it. He encouraged the Board and the audience to go to the church one Sunday and look at the number of young people.

He indicated that he did a study on the 67 Southern Baptist Churches in Northern Kentucky. In 2005, he asked if he could go to the church to see how it was run. He was stunned at how well it is run. He wished that the church had existed when his children were younger. He does not see anything wrong with the proposed parking lot addition.

Mr. Gary Wilmhoff, 1079 Cayton Road, Florence, KY, indicated that he is a member of Grace Fellowship Church. He stated that another church is located next to him on Cayton Road and they use their lot from 9 AM to 1 PM on Sundays. The traffic at these times is minimal because kids are not in school and people are not going back and forth to work. His experience living next to a church is that they have a minimal impact. He believes Grace Fellowship has a low impact because 99% of their activity occurs between 9 AM and 1 PM on Sundays. In addition, Grace Fellowship continues to provide a great benefit to the Boone County and the City of Union by assisting families in need. Lastly, he believes that the Board should consider that the request will bring the church in compliance with the current parking requirements (1 space per 3 seats).

Mr. Steve Johnston, 1103 Ashton Court, Union, KY, said he has been a member of Grace Fellowship Church for the last 9 or 10 years. About a month ago he was standing in the illegal gravel parking area by the creek for about an hour. He saw that the church traffic backed up onto Gunpowder Road. He found the situation to be dangerous. Nobody, including ambulances or other emergency personnel, could have gotten into the lot quickly. He believes that the church is having a positive impact on the community and that people will continue to come in larger numbers. He believes the additional parking stalls will help the traffic situation because people will not have to jockey for the last remaining parking stalls and traffic will flow.

Mr. Kidwell asked if anybody in the audience was opposed and wanted to speak.

Ms. Kim Romer, 9513 Gunpowder Road, Florence, KY, said she is not against the church but is concerned that it will continue to grow. She sees it as a mega-church. The facility is currently on 11.98 acres, the Egnor property is over 7 acres, and the Howard property, which the church has already acquired is over 7 acres. As a result, what they are attempting to buy is larger than what they already own. The current facility is huge and the proposal will bring the church closer to the valley and her property. Her property is level with the field on the Egnor property and she has concerns that she will not see the sun because of the size of the church. She does not believe the proposal fits into a rural neighborhood. She believes the church would fit in better on US 42. She is sure they are a wonderful church but she is afraid that things will get out of control. The parking need is just for what they have now. She has lived at her property for 26 years and there have been flooding issues. The front part of the Egnor property has been under water many times.

Mr. Freeburne stated that he appreciated Ms. Romer's comments. The church wants to be a good neighbor. Growth has not been an objective but it has just happened. The parking lot is a need. The church leadership has indicated that they are not looking to go beyond what the existing building can do. They are looking for ways to spread the traffic out. They understand the concerns but are also trying to minister to people, provide counseling, provide programs to young children, and provide for people's needs. He believes they are growing because they are responding to people's needs. However, he understands that there needs to be a limit to their growth. They are saying that the existing building is it. They are trying to figure out how to deal with the existing building and look for other alternatives outside of this property. They want to work with the neighbors.

Mr. Gary Hendren, 9470 Gunpowder Road, Florence, KY, said he sees the property when he looks out his front door. He doesn't have a problem with the parking lot but doesn't want to see the church grow larger. He already has issues with getting in and out of his driveway on Sundays. He is concerned with the plan because it shows a large number of trees will be removed to accommodate the proposed parking lot. He would like to see the proposed parking lot moved further back onto the Howard property so the larger trees can be preserved.

He stated the front portion of the property is a flood zone and they cannot build on it. When they elevated the church driveway it began to back the creek up and water now flows more toward Gunpowder Road. He does not want to see the water raised up more toward Gunpowder Road on the Egnor property. Another issue he had was the contractors that constructed the original building and parking lot removed the trees and burned them. His daughter has breathing problems and the embers from the fire burned his boat surface, car surface, and hot tub cover. If he wouldn't have been there, he might have lost his house. He doesn't want to see more burning.

He stated that another problem he foresees is the condominium road (Twelve Oaks Drive) behind the Howard property. He believes this road will eventually connect to the church property and will terminate across from his driveway. Mr. Morgan responded that any proposed driveway connection to Twelve Oaks Drive would have to come back to the Union Board of Adjustment for approval.

Ms. Pamm Taylor, 9491 Gunpowder Road, asked Mr. Morgan to show the slide with the pool on the Egnor property. She said that the slide shows her house and expressed concern that she would be looking at a parking lot. She indicated that she was a member of Grace Fellowship and loves the church. She explained that her family sold the church their property. They thought it was going to be a small community family church. She was at the church for the first service and has been amazed with the growth. However, this is her back yard and her rural setting will be impacted by the current proposal. This is devastating because she has lived on the property for 30 years and will now be looking at a parking lot. She is also concerned that they have bought the Howard property and that they share a driveway. She is concerned about safety because she is currently hidden away. She is concerned about being burglarized because more people will see her house and park by it. She knows Mr. Howard was burglarized after the condominiums were constructed. She is also concerned about noise, lights shining in her house, and storm water. She indicated that this portion of Gunpowder Road was the lowest and that she was unable to get out of her driveway on many occasions. She does not want to see the flooding issues get worse.

Mr. Jim Blackwood, 9406 Gunpowder Road, Florence, KY, said he lives across the street (diagonally across from the Egnor Driveway). He understands the church's need for more parking but there are some issues. The church has been guilty of some deceptive practices. First, they tore out all the trees along the road and did not replant them. The contractors told him that a guard rail would be installed along Gunpowder Road after the trees were removed. The guard rail was installed but it does not extend as far as his driveway. As a result, there is nothing to stop him or his wife from sliding down their driveway and going into the creek. Second, when they added onto the church they brought a lot of dirt down the hill and filled in the flood plain. He doesn't understand how they could be allowed to fill the food plain. The affect is that the flood water backs up and goes onto Gunpowder Road. He is sure that the construction of the bridge also had an affect on the storm water. Based on past history, he doesn't feel confident that the church will do what they say they are going to do.

Mr. Freeburne stated the church has followed the requirements as laid out before them. There are issues when neighbors talk to contractors because the contractors are representing themselves. They received the proper approvals from zoning and the state. They were told to cut down the trees by the county. He understands that the design may have affected Mr. Blackwood in a negative way but the church has to follow their approvals. He would like to point out that the church has dismissed a couple of contractors because of things that were going on. The church has also talked with Ms. Taylor about trying to minimize the impact of the church on her property.

Ms. Romer questioned the filling of the church property by Gunpowder Creek. She thought it was supposed to be a baseball field or a parking area. She questioned if the Planning Commission required them to fill that area. Mr. Morgan replied there are multiple approvals that are needed. An Engineered Grading Plan is required from the Planning Commission, a Land Disturbance Permit is required from Sanitation District No. 1, and permits are needed from the Kentucky Division of Water to grade or construct within the banks of a blue line stream.

Mr. Freeburne added that dirt was brought down the hill after the excavation was done for the building. They were encouraged to bring the dirt down to this area by the Department of Natural Resources (Division of Water) and received the proper approvals. Ms. Romer asked if they are aware of the flooding. Mr. Morgan responded that is one of the agency's primary functions and added that the church would have been fined significantly if they didn't follow their approvals.

Mr. Morgan pointed out that the county asked that the trees be removed when the church entrance was constructed. Sight distance from the curb cut is analyzed before Encroachment Permits are granted. Mr. Rosen asked if the Board could help the gentleman with the guard rail. Mr. Morgan replied that the Board could not impose a condition which requires them to make an improvement in a state or county right-of-way. Mr. Wilson agreed and stated that the Board can impose reasonable conditions.

Ms. Romer indicated that she worries that all of the agencies are in sync with one another because the flood water comes her way. Mr. Wilson replied that a Division of Natural Resources permitted them to add fill in the flood plain.

Ms. Rhonda Hendren, 9470 Gunpowder Road, asked about the business hours of the church. Mr. Kidwell said the current condition reads that they cannot have activities that go past 11 PM any day of the week.

Ms. Augusta Courtney asked if there were requirements regarding the number of lights that are permitted to go up in a parking lot. Mr. Morgan responded there is a condition which limits the church parking lot to an average foot candle measurement of 3.6. Foot candle measurements at the property line cannot exceed 1.0. As a result, the condition does not limit the number of lights but instead limits the permitted footcandle measurements. Ms. Courtney asked if the number of parking lot lights would double with the parking lot addition. Mr. Freeburne replied "yes". She asked if there would be lighting around the Howard property. Mr. Morgan replied that the Howard property is not part of the request.

Mr. Freeburne estimated that the existing parking lot lights are spaced every 40 feet or so and that they would be going from 30 lights to 50 lights. Ms. Courtney commented the area is a rural setting and the existing parking lot already lights up the area. Adding more lights will be the equivalent of looking at a mall parking lot. Can anything be done? Mr. Morgan responded that he recommended condition 6D. in the Staff Report and the Board will be discussing this issue. Mr. Freeburne stated the church can turn off the parking lot lights after hours. Mr. Morgan indicated that he recommended this condition because the church parking would be getting closer to residential areas. Ms. Courtney asked if they could have dimmer lights? Mr. Kidwell said the board would address lighting.

Mr. Shawn Starns, 984 Carspen Lane, Florence, KY, said he is for the church but would like the speed limit reduced on Gunpowder Road. Mr. Kidwell indicated the speed limit on Gunpowder Road is controlled by the state. Mr. Morgan responded that the residents could contact the Kentucky Transportation Cabinet office on Buttermilk Pike if they have concerns about the speed limit.

Ms. Romer stated that the parking lot would have less impact if it were located further back on the Howard property. The existing parking lot is already located by the condominiums and it would be easy to access the Howard property from the rear parking lot. Mr. Freeburne indicated there is a big ravine there.

Mr. Richard Harvey, 9204 Gunpowder Road, stated that he moved on his property in 1996 or 1997. In the fall and spring of each year the water went across Gunpowder Road and went half way up his lot. He hasn't had any flooding problems in the last 10 years.

Mr. Rosen asked if he lives south or north of the existing church access point. Mr. Harvey replied that he lives to the north (toward US 42). Mr. Rosen replied that the storm water problems are worse to the south.

Mrs. Sayers stated there were concerns about too much lighting and security. However, a parking lot with no lights would create security issues. She asked what could be done? Mr. Morgan responded that the Board could impose lighting conditions dealing with hours of illumination or sensor requirements. Mr. Kidwell stated the church needs some lights on after hours for security. He recommended the lights should be left on in close proximity to the building.

Mrs. Sayers said she knows how high the creek can get. She asked if the next step would involve taking another look at the storm water. Mr. Morgan responded that they would have to go through the Major Site Plan application process if the Conditional Use Permit is approved. The Planning Commission's Engineer will review the storm water and detention calculations to determine if they comply with code. They will also need to get a Land Disturbance Permit from Sanitation District No. 1 because they will be disturbing more than an acre of ground. He doubts the Division of Water will get involved because they will not be disturbing near the banks of Gunpowder Creek.

Mr. Rosen said the first thing that strikes him about this proposal is safety, traffic between services, and emergency vehicles. He is concerned that an emergency vehicle could not get onto the site between services. He is concerned that the bridge on the Egnor property is being cut out of the proposal. Mr. Morgan indicated that the converting the Egnor driveway to a church driveway would have to be part of their Conditional Use Permit request. The driveway and bridge would need to be upgraded to accommodate two-way traffic (20' wide minimum) and approvals would be needed from the Division of Water and Kentucky Transportation Cabinet.

Mr. Morgan stated that he contacted Chief Morgan, with Union Fire Department, when the request was submitted. Chief Morgan believed that any additional parking would be helpful because it would allow people to park quicker and free up the entrance and driveway aisles.

Mr. Kidwell stated that putting another church driveway on the Egnor property could create more havoc on Gunpowder Road because of the proximity of the curb cuts. Mr. Rosen said a circle loop would create redundancy. Mr. Freeburne said multiple access points would create more traffic problems on Gunpowder Road. They are trying to get better flow on their lot by adding additional parking. The problem is cars stopping in the driveway aisles in between services. They are also trying to figure out a way to spread the attendance out between the different services.

Mr. Rosen commented that it might make sense for the church to stagger all their services back half an hour. It was pointed out that the attendance is low the first service, extremely high at the second service, and moderate at the third service. Mr. Freeburne said the church is evaluating what is best to do. They are talking to other churches that have similar problems.

Mr. Kidwell asked Mr. Freeburne to explain the adult activities and children activities. Mr. Freeburne replied that the adults go into the main sanctuary and the children go to another area. He said the church has been trying to encourage more people to come to the early service by having more child activities during this time. They have seen attendance jump from 250 to 400 after they implemented this change.

Mr. Kidwell said his biggest problem with the request from the beginning has been the parking lot. While he understands that the church needs the parking, he has concerns about storm water and other impacts it will have on the neighbors. The Board needs to address all these problems now. He has concerns about how much storm water a parking lot this size could generate and it going to a small detention area. He questioned if the detention area could be designed to hold all the storm water. He stated that Engineers typically look at the minimum they are required to do. Mr. Freeburne said that Mr. Kidwell has a valid concern and the church should do an assessment of the storm water. He asked what the Board would like them to do to address this concern.

Mr. Rosen asked Mr. Freeburne if he considers Grace Fellowship a rural or urban church. Mr. Freeburne said he didn't know how to answer the question. They are a church in suburbia that is in one of the fast growing areas of Kentucky. When they bought the land in 1996 many people said why are you buying that piece of land out in the middle of nowhere. They really didn't have an idea of how many people God was going to send them.

Ms. Romer agreed with Mr. Freeburne and said that the church will continue to grow. She asked if the church has given any thought the dividing the facility up, instead of getting so large at one location. She doesn't see money as a factor because the properties they are buying are not cheap. She asked if they could have services at other locations. Mr. Kidwell stated that the Board had to act on the subject request.

Mr. Hendren said he didn't want to see a church driveway installed on the Egnor property to create a circle because another bridge would need to be constructed and it would alter the flow of the creek and cause more flooding. Mr. Kidwell said a church driveway on the Egnor property is not part of the request. A new application would need to be submitted if that were proposed.

Ms. Taylor asked Mr. Freeburne if he was aware of the small feeder creek on her property that flows into Gunpowder Creek. She stated that these feeder creeks can flood and there is significant flooding where they join up with Gunpowder Creek. She is concerned what will happen after the trees and grass are cleared.

Mr. Rosen asked Mr. Morgan to address the topographical map that was presented. He does not see a significant drop between the church's rear parking lot and the Howard property. Mr. Greg Larison, with Viox and Viox, stated that the topography on Boone County G.I.S. predates the construction of the church parking lot. Mr. Larison indicated the topography shown on Boone County G.I.S. is from 1998 and the rear parking lot was constructed in 2005 or 2006.

Mr. Kidwell asked Mr. Morgan to go back to the PowerPoint slide that showed the proposed parking lot and detention area. He asked where the water would go from the detention area. Mr. Larison said they have not gotten that far with the engineering but it would probably discharge toward the rear toward Mr. Howard's property, and would eventually wind up in Gunpowder Creek.

Mr. Kidwell asked if it was all going to be one huge parking lot. Mr. Larison agreed and noted that there would be no sheet flow. All the storm water would be contained in a storm sewer system and detention pond with one outlet structure.

Mr. Wilson asked if the Board was trying to impose conditions on storm water. Mr. Kidwell said no. Mr. Rosen said he has been trying to reach a comfort level with the issue. Mr. Freeburne said the church cannot move the parking lot any further toward the Howard property because of the ravine that is there.

Ms. Taylor said at one time a development was blocked because certain wildlife was found in the creek. Mr. Rosen said that was Antebellum at Plantation Pointe. Mr. Kidwell said other agencies would be responsible to look into that issue.

Ms. Romer asked what happens if the project is approved and constructed and there are flooding issues. She asked what recourse the residents would have? Mr. Wilson said the affected residents would need to speak to a lawyer.

Mr. Kidwell said that the storm water impact would be analyzed by the county. Mr. Morgan added that the applicant would need to submit storm water and detention calculations at the time they submitted their Major Site Plan application to construct the proposed parking lot. These calculations would address different storm events and would need to show that the post-development storm water condition was no greater than the pre-development condition. He stated that the Planning Commission's Engineer would review calculations to determine that the detention area was sized appropriately.

Mr. Wilson said the Board needs to deliberate in an open meeting now that the comments from the audience have been heard.

Mr. Rosen said he has concerns about water displacement and emergency vehicles being able to access the property with only entrance and exit. He said he is not comfortable with the request and would like to make a motion to deny it.

Mr. Wilson said as a panel they need to discuss it and decide why they are taking an action. They might also consider giving the applicant more time to address their concerns.

Mr. Kidwell said he believes the lighting issue can be worked out. He said the majority of lights should go off at 11:00 PM but that the lights in close proximity to the building should be left on for security. He said he would also like to see all the other Staff recommendations made conditions if the request was approved.

Mr. Kidwell asked if the area by the creek could be used. Mr. Morgan replied the area by the creek on the existing church property is only permitted to be used for recreation. He recommended that the Board should impose a condition dealing with use of the creek area on the Egnor property if the request is approved. Mr. Rosen asked if the creek area on the existing church property could be used for parking. Mr. Morgan said "no" because a condition on the original approval limited the creek area to a recreational field. The church would need to submit another Conditional Use Permit application if they wanted to modify that condition.

Mr. Kidwell asked if anything can be modified on the existing campus. Mr. Morgan replied that the existing campus has been built out per their past approvals and any modifications would need to come back to the Board.

Mrs. Sayers asked about a previous condition that required trees to be replanted. Mr. Morgan said some trees in the side buffer yard against Plantation Pointe died and a condition required them to be replanted. Mr. Morgan said the approved landscaping plans ride with the property and all required landscaping needs to be maintained.

Mr. Kidwell stated that he does not want to see the Egnor driveway used and recommended a gate should be installed and be locked at all times. Mr. Morgan replied that the church is going to have to use the driveway to maintain the creek area. The plans show the bottom of the property will not be accessible after they grade the parking lot. Mr. Kidwell agreed and said they could word that into a condition.

Mrs. Sayers asked about the trees that line the Howard property. Mr. Morgan stated the church's long term plan is to convert the Howard property into a church use. The Board needs to determine if buffering is needed against this property line. Mr. Kidwell asked if the church has already purchased the land. Mr. Freeburne said the church has a land contract and they are making monthly payments. Mr. Howard has the right to stay on the property for another two years. Mr. Morgan said the condition needs to be worded carefully because a landscaping plan would be required with the Site Plan application and the applicant typically has 6 months to install landscaping after the improvements are completed. Mr. Kidwell said the landscaping could be moved and be relocated elsewhere at a later date. Mr. Morgan agreed but stated that would be costly. Mr. Freeburne said his intent was to make the Board aware that they have a land contract with Mr. Howard. The Board can decide if they need to put trees there or not.

Mr. Freeburne said that the church probably needs to examine the emergency vehicle issue. There are 3 lanes on the bridge but the driveway up the hill is 2 lanes. Maybe they need to put a third lane in. They are willing to work with the Fire Department to see what they need.

Ms. Sayers asked for clarification that the Fire Chief didn't see an issue with the proposal. Mr. Morgan replied that Chief Morgan told him that any additional parking would be helpful because it would allow people to park faster and would free up the driveway aisles.

Mr. Kidwell asked if the Board should start putting into the record what they recommend. Mr. Morgan stated that the Board should start by wording some conditions. The Board is welcome to use or modify his recommendations found in the Staff Report as a starting point. Mr. Kidwell asked if it needed to be a unanimous vote. Mr. Wilson responded the vote needed to be a majority of a quorum. He added that the Board needs to come up with conditions. This does not mean that the Board is going to approve the project but allows them to consider what conditions they might want to impose. These conditions may pass or fail depending on the motion made. The Board has been deliberating on the subjects that would be appropriate for conditions.

Mr. Kidwell stated that he is not comfortable with the proposed parking lot. **Mr. Rosen said he would like to make a motion to deny the project. Mr. Kidwell seconded the motion.** Mr. Wilson stated that the Board needs to give their reasons. Mr. Rosen stated that denial is based on storm water displacement (it is not clear where the storm water is going) and safety issues because adding more parking does not fix the problem that there is only one access point and people still will not be able to get in or out of the back parking lots quickly. Mr. Kidwell agreed.

Mr. Wilson stated that the Board has a motion. The Board could vote on that motion or put it on hold and give the applicant some time to address the issues. Mr. Rosen added that he would like to vote on the motion that was made, he believes the proposal needs to go back to the drawing board. **The Board voted on the motion and Mr. Kidwell, Mr. Rosen, and Mrs. Sayers voted unanimously to deny the application.**

Mr. Freeburne asked for a point of order so he could understand what happened. He asked if the church will have an opportunity to address the Board's concerns. Mr. Wilson said the vote means that they would have to start from the drawing board and the church should consider what was said and address those issues. Mr. Morgan added that a new application and new legal notice would be required if the church reapplied. Mr. Kidwell asked if they would need to pay the application fee again. Mr. Morgan replied that new review fees would be required because the Board just took final action on the application.

Mr. Wilson said that if the Board wants to give them time to address the issues without new legal notice and more fees they could make another motion to rescind their prior motion. He added that nobody has left the room so if the Board wants to give them more time they can do that. If that were to occur, notice of time and place of the meeting would be given tonight.

Mr. Kidwell asked Mr. Freeburne how long the church would need to address the Board's issues. Mr. Larison stated that the church needs some direction from the Board on the storm water issue because they are obligated to comply with the Planning Commission's regulations. He said they would also be required to meet the erosion control requirements of Sanitation District No. 1. Mr. Morgan agreed but said that there is a possibility that they could over detain. He said he doesn't know if that will do anything or not but the applicant, staff, and Planning Commission's Engineer could have discussions and they could come back with a report. He could then let the Board know what conclusions the Planning Commission's Engineer has reached. Mr. Wilson said he believes the Board is looking at whether the applicant needs to do more than what the regulations require. Mr. Kidwell agreed. Mr. Freeburne said the church would need 60 days to address the Board's issues.

Mr. Morgan said May 17, 2010 is a Monday and is a little more than 60 days away. He recommended that the meeting should take place at 6:30 P.M. in this room if that is what the Board decides to do. He pointed out that there wouldn't be any new signs up by the road and adjoining property owners wouldn't receive a new notice. People are welcome to call him to verify that the meeting will take place.

Mr. Kidwell made a motion to rescind the original motion and table the request until May 17, 2010. The meeting will take place in this room at 6:30 P.M. Mr. Kidwell asked for a vote. Mr. Kidwell and Mrs. Sayers voted "yes" and Mr. Rosen voted "no". The motion carried 2-1.

Mr. Rosen made a motion to adjourn and Mrs. Sayers seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously. The meeting adjourned at 8:40 P.M.

APPROVED

Terrill Kidwell, Chairman

Attest:

**Todd K. Morgan, AICP
Senior Planner, Zoning Services**

Exhibit

1. Church attendance and parking needs