

**UNION BOARD OF ADJUSTMENT
UNION CITY BUILDING
1843 MT. ZION ROAD, UNION, KENTUCKY
BUSINESS MEETING
May 17, 2010
6:30 P.M.**

Mr. Terrill Kidwell, Chairman, called the meeting to order at 6:30 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 Minutes of the Union Board of Adjustment Meeting of April 19, 2010. Mr. Rosen made a motion to approve the 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 that this item came before the Board on March 22, 2010. The meeting minutes from that hearing were approved by the Union Board of Adjustment at their April 19, 2010 meeting. It was a lengthy session that started a 6:35 PM and ended at 8:40 PM. He said the Board's first motion was to deny based on storm water displacement and safety issues. The safety issue was a concern that the additional parking would not fix the narrowness of the driveway and stacking problems onto Gunpowder Road because the proposal did not include a second access point. The motion passed and was later rescinded, by a vote of 2 to 1, so the applicant would have a chance to come back and address those issues.

Mr. Morgan suggested that the Board should start by stating what they observed when they did their site visit with Staff. Mr. Wilson said the Board members have a right to do that but need to enter their observations into the record.

Mr. Kidwell said they walked the Grace Fellowship, Egnor, and Howard properties. He noted that the size of the church is deceptive because you don't realize the size until you go to the rear of the site. He has concerns that the proposal will make the church campus larger because it is a rural area. He doesn't feel that the proposal is harmonious with the

rural character of the area because the church and parking area keep getting bigger. He would feel differently if the property were located in the city.

Mr. Rosen said he observed the same things. There are a lot of woods between the properties and Tara at Plantation Pointe. He noted the lawn behind the house that would be converted to parking if the request were approved. He also observed the trees in front of the house and the drop in elevation. He had concerns about the trees in front of the house being removed because they probably help keep the hillside in place. To the south and northwest there were homes nestled in the woods.

Mrs. Sayers said she observed the same types of things. She said the Egnor property felt very rural once you got onto it. She didn't see how the storm water and safety issues could be addressed from her observations.

Mr. Rosen added that across the street there are some very nice houses that are setback on a hill. These houses and the area have a rural feel. Mr. Rosen said the character of the area and the neighbors have to be considered.

Mr. Morgan stated that the applicant did submit a storm water letter, which contains a commitment to over-detain. He forwarded this letter to the Planning Commission's Engineer and he commented that he is in support of over-detaining (see Exhibit 1). The Board asked if the applicant's Engineer would review the storm water letter.

Mr. Jonathan Brown, Professional Engineer with Viox & Viox, said he composed the letter they are looking at. He said the big thing to consider when looking at the storm water is the site sits right on South Fork Gunpowder Creek. This area has about 4,500 acres of water going through it. The drainage basin stretches across Interstate 75, across Dixie Highway, and into some areas of Kenton County. The parking lot they are looking at is 1.65 acres. The vast majority of the upstream area was developed before storm water and detention regulations existed. He can say with reasonable certainty that the subject area would still flood over the road even if there was not a single-piece of impervious area in the area. In a large creek like this you can expect the banks to handle the one year flows without any problems. After that you expect the water to go out to the flat areas that immediately adjoin the banks. These areas are the flood ways and have developed over thousands of years with floods and erosion. Flooding in this area is not a new occurrence. This is not to say that upstream activities have not exacerbated it. The 1.65 acre parking lot equates to 0.04% of new impervious area when it is compared to the 4,500 acres (7 square miles upstream). It would be comparable to pouring a glass of water in the Ohio River. He noted there would not be an appreciable affect even if you held all the storm water back because a property this size cannot change what is happening for 7 square miles upstream. That being said, the church is willing to over-detain to help with the storm water problem as much as they can. The over-detaining will help reduce point discharge coming from the site. The letter points out that they are prepared to over-detain for the proposed addition such that the post-development runoff is not greater than a pre-developed runoff rate based on 50% of the 2 and 5 year storm frequency, 75% of a 10 year storm, and 100% of 25 and 50 year storms.

Mr. Morgan indicated that he asked the applicant to provide more information regarding the following: (1) Approach Union Emergency Services Alliance and see if they would write a letter regarding safety; and (2) Submit a specific landscaping plan so the Board could analyze if the parking lot and lighting impacts could be minimized. He asked if the Board wanted the applicant to address these issues. The Board asked for these items to be addressed.

Mr. Bob Greenwood indicated that he is a Pastor at the church. Since the last meeting they have talked with Pamm Taylor because they want to be a good neighbor and address her concerns. They do not want to be a mega-church. They want to buy this property because it is adjacent to their existing parking lot. They cannot construct more parking on the lower half of their lot because of the flood plain and issues with getting people up the hill. He indicated that they would be agreeable to any reasonable conditions dealing with storm water detention and landscaping. They are also committed to picking up debris along the creek line. He indicated that the church is only wanting to purchase this property because of their parking issues. They have a person out on the road directing traffic and they are agreeable to keeping a person there if needed. They also contacted Union Emergency Service Alliance and the Assistant Chief wrote a letter indicating they do not see any problems with the parking lot expansion as it relates to emergency vehicle access (see Exhibit 2).

Mr. Brown said that one thing that needs to be noted is the parking lot expansion will serve the existing building. The church building is not getting larger and the existing parking lot is not sufficient. Mr. Kidwell asked if the church would come before the Board again? Mr. Brown stated he didn't know the answer to that. Mr. Kidwell said the Board has to consider how large the church is and at what time the additions will stop. The proposed parking lot will make the church campus larger. Mr. Brown said there is a rural feel in this area but the Future Land Use Map found in the Boone County Comprehensive Plan forecasts the property for Public/Institutional, Suburban Residential, and Urban Density Residential uses in the next 25 years. Mr. Morgan reviewed the Future Land Use slide with the Board. Mr. Kidwell asked Mr. Brown if he found the proposal harmonious with the area. Mr. Brown said he did based on 2025 Future Land Use Map found in the Comprehensive Plan.

Mr. Kidwell said he lived in the area since 1960 and he knows what Gunpowder Creek can do to property. The Board has to look at the storm water impact and how big the church is getting. He noted this is an agricultural and residential area and he cannot visualize the church getting any larger because of the impacts it will create. His site visit confirmed how big the existing facility is.

Mr. Brown said the use and demand are already in place. The proposal will allow for better traffic management by allowing people to get in and out of the parking lot quicker. The proposal doesn't involve any building additions.

Mr. Greenwood said he has been with the church for 10 years and the facility does look big. However, there are only 800 families and maybe a total of 2,000 people, including children, that attend the church. They have no desire to put an addition on the building because there is nowhere they can put it. The Senior Pastor and leaders of the church have stated that they would build a church in another location before they did another building addition. They are asking for the parking addition because it is an immediate need. He indicated that they have no desires to have a school.

Mr. Morgan said the record from the last meeting indicates that the church has the Howard property under a land contract. However, the Howard property is not part of the current proposal. A representative from the church said the Howard property would be used for counseling. Mr. Greenwood said they will not look to add onto the Howard property but will look to use it for Biblical Counseling. A couple would stay on-site for 2 or 3 days with a counselor. Mr. Kidwell reminded Mr. Greenwood that the church cannot use the property that way unless they received an approval to do so. Mr. Greenwood said he understood.

Mr. Rosen said Mr. Greenwood's comments concern him because they would construct 200 additional parking spaces and would leave the property after they have outgrown it. He also added to the church has been to the Board of Adjustment 4 times for expansion.

Mr. Bob Smith, with Grace Fellowship Church, said their intent would not be to leave the facility. They would take a group of people from this church and would start another. This plan has been in place for the last 3 years.

Mr. Kidwell said he has been part of church that has branched off. He found that the attendance at all facilities grow and that this location would continue to have the same problems they are experiencing now.

Ms. Kim Romer she has concerns about the Howard property because it is approximately 7 acres in area and they are only considering doing counseling there. She said that doesn't make sense to her. Mr. Greenwood replied that they put the property under land contract because it adjoins the church. Ms. Romer said she would rather see a parking lot addition on the Howard property. Mr. Smith said they have a 10 year land contract on Mr. Howard's property and he has the right to live there at least 2½ more years and maybe a total of 10 years. His property became available and they purchased it because it is adjacent to the church. They do not have a long term plan for it but family counseling is a possibility. He said that putting a parking addition on the Howard property would not be ideal because of the amount of fill that would be required and the number of trees that would have to be cut down.

Mr. Kidwell moved to deny the application. Mr. Rosen seconded the motion and added the following findings: (1) The proposal is not harmonious with the rural character of the area. (2) The parking addition may be hazardous to the environment. He added that the letter from Union Emergency Services Alliance does not address the following safety issues: (A) The driveway is very steep and there may be issues with people getting up and down the hill in the winter months; and (B) Other than the entrance, there are only 2 traffic lanes and the church will continue to grow. Mr. Kidwell asked for a vote and it carried unanimously. The motion carried 3-0.

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 7:05 P.M.

APPROVED

Terrill Kidwell, Chairman

Attest:

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

Exhibits

1. Storm Water and Detention Letter Submitted by Jonathan L. Brown and response by the Planning Commission's Engineer
2. Letter From Bob Thola, Assistant Chief with Union Emergency Services Alliance