

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
3. Applicant's Name Grace Fellowship Church
4. Description of Request: Additional parking
5. Name of Development
6. Location of Development South side of existing building; see drawings
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property Grace Fellowship Church
10. Address of Property Owner same as above
11. Proposed Use(s) on Site additional parking
12. Total Square Footage of Existing and/or Proposed Buildings 45,467 sq. ft.
13. Current Zoning on Property RS + A-2
14. Deed Book 625 Page No. 89 Group No. 2047
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request? yes
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.

ORIGINAL Property Owner's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

STAFF REPORT

APPLICANT: Grace Fellowship Church

LOCATION: 9379 and 9447 Gunpowder Road, Union, Kentucky

ZONING: Agricultural Estate (A-2) and Rural Suburban (RS)

DATE: March 22, 2010

Proposal

Grace Fellowship Church has requested a Conditional Use Permit so they can construct additional church parking. The submitted plan shows that the church is planning on acquiring the Egnor property and adding onto their southern parking lot. The Egnor household will be demolished and the driveway serving the house will be gated off to prohibit access. The proposed parking lot will be screened by a deciduous tree line that runs through the central and rear portions of the Egnor property. The proposal would increase the permitted parking on the church campus from 370 stalls to approximately 570 stalls.

Site History

- 9/11/96 – The Boone County Board of Adjustment approved a Conditional Use Permit for a 17,000 square foot church, 8,000 square foot Recreational Center, and 363 parking spaces. The facilities were proposed adjacent to and behind an existing house.
- 5/20/02 – The Union Board of Adjustment approved a Conditional Use Permit which modified the 09/11/96 conditions of approval. The approval was for a 44,940 square foot church, 317 parking stalls, and a softball field.
- 10/17/02 – The Boone County Planning Commission approves a Major Site Plan for a 26,395 square foot church with 302 parking stalls.
- 6/20/05 – The Union Board of Adjustment approved a Conditional Use Permit for a 22,380 square foot building addition and 116 additional parking spaces. The approval raised the overall building square footage to 45,467 square feet and the parking to 310 stalls.
- 7/28/05 – The Boone County Planning Commission approves a Major Site Plan which raises the overall building square footage to 45,467 square feet and on-site parking to 310 stalls.
- 11/14/06 – The Union Board of Adjustment approved a Conditional Use Permit allowing 60 additional parking stalls to be constructed in the rear parking lot. The approval raised the permitted parking on site from 310 stalls to 370 stalls.
- 12/19/06 – The Boone County Planning Commission approves a Major Site Plan allowing the construction of 60 additional parking stalls in the rear parking lot.

Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Section 923 of the Boone County Zoning Regulations permits churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within the Rural Suburban (RS) zoning district.

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 923 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.

Section 923 of the Boone County Zoning Regulations allows churches as a conditional use in the RS district provided that:

- 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;
- C. Require or contribute to infrastructure needs above than common to the permitted uses of the district;
- D. Is of direct relation to and in support of the purpose of the district; and,

- E. the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Section 3325 of the Boone County Zoning Regulations states that the parking requirement for a church is one space per three seats.

Relationship to the Comprehensive Plan

- A. The 2005 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site for Public/Institutional (P), Suburban Residential (SR), and Urban Density Residential (UD) uses. These designations are described as follows:

Public/Institutional – Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

Suburban Residential – single-family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.

Urban Density Residential – attached housing, generally condominiums or apartments, of over 8 dwelling units per acre.

- B. There are a number of general development guidelines (Future Land Use Development Guidelines) which are applicable to all future growth in Boone County, regardless of type or scale. These guidelines are intended to mitigate the impacts of growth on the existing land uses, adjoining properties, public infrastructure, and the quality of life and safety in the County. These guidelines represent some of the items which the Planning Commission includes in the review of all projects proposed for Boone County. These guidelines are detailed below.

Utilization of Existing Vegetation and Topography - Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character.

Buffering - Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate.

Buffering -- Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds.

Access Management – Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service.

C. The following Goals and Objectives relate to the proposal:

- New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).
- The incremental effects of developments on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Social Objective).
- The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation, Goal).

Surrounding Land Uses and Zoning

North: Multi-Family Buildings in Plantation Pointe (RPD/CD)

South: Single-Family Dwelling Fronting on Gunpowder Road (A-2 & RS)

East: Single-Family Residential Dwellings Fronting on Gunpowder Road and Sunnybrook Drive (SR-1)

West: Multi-Family Buildings in Plantation Pointe (RPD/CD) and Single-Family Residential Dwelling Fronting on Gunpowder Road (A-2 & RS)

Site Characteristics

The church property is 11.88 acres in area and contains a 45,467 square foot church and 370 parking stalls. The southeastern portion of the site contains a grass recreational area which immediately adjoins Gunpowder Creek. Access to the church is provided from a long asphalt driveway which connects to Gunpowder Road. The driveway contains one ingress lane and two egress lanes. The topography of the parcel falls from approximately 880 feet above sea level at the northwest corner of the parking lot to 810 feet above sea level at Gunpowder Creek.

The Egnor property is 7.28 acres in area and contains a single-family residential dwelling, swimming pool, and barn. Access to the house is provided from a long gravel driveway that connects to Gunpowder Road. A Mature deciduous tree line exists in the center of the site and along the rear property line. The topography of the parcel falls from approximately 850 feet above sea level at the northwest property corner to 810 feet above sea level at Gunpowder Creek.

Staff Comments

1. The church needs another Conditional Use Permit for the following reasons:
 - A. The church is proposing to acquire the Egnor property. This property was not part of any of the previous Conditional Use Permit requests.
 - B. The proposal would increase the parking on the church campus by approximately 200 parking spaces (370 to 570 +/-).
2. The church has been experiencing parking shortages during Sunday worship services and patrons have been using an illegal gravel area near Gunpowder Creek as a parking lot. The Facilities Manager informed Staff that the church has been averaging 568 people in the Main Sanctuary and 1,085 people overall during their most attended worship services. He anticipates that the church will have the potential to seat 1,532 people (846 in the Main Sanctuary and 686 in other areas of the building) at any given time when the interior of the building is fully built out.

The parking requirements for a church changed during the last zoning update. The 2002 code required a church to provide 1 parking stall per 5 seats and the 2008 code requires 1 parking stall per 3 seats. The proposal will bring the church into compliance with the current parking requirements (1,532 / 3 = 511 required parking stalls)
3. The proposal will alter the following conditions from previous approvals (see attachments):
 - A. Conditions 3 and 4 from the May 22, 2002 approval required a 6' cedar fence and 5' wide grass buffer for the length of the building and parking lot against the Egnor property. The current proposal will eliminate this fencing and buffer.
4. Staff would like the applicant to explain the following:
 - A. The plan shows that the existing driveway will be gated off. What will the gate look like? When will the gate be used?

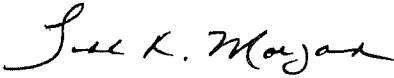
- B. Will the grass field between the road and proposed parking lot be used for any church activities?
 - C. On May 20, 2002, the Union Board of Adjustment imposed a condition stating that no public assembly activities could occur on the property after 11 P.M. Is this still the case?
 - D. Are parking lot lights turned off once church activities conclude for the evening?
 - E. Have there been any traffic issues when worship services conclude? Does anyone control traffic at Gunpowder Road?
5. The proposed parking lot could cause aesthetic and lighting impacts. Staff believes these impacts can be minimized with buffering and lighting conditions.
6. Staff recommends the following conditions if the request is approved:
- A. The approval shall be based on the submitted plan.
 - B. A metal stop bar shall be installed at the front of the bridge to prohibit access to the lower portion of the property. The stop bar shall be visually non-obtrusive from Gunpowder Road.
 - C. The proposed parking lot lights shall match the existing parking lot lights.
 - D. All parking lot lights (existing and proposed parking lots) shall be turned off once church activities conclude for the evening.
 - E. The following landscaping shall be required:
 - The existing tree lines to the front, rear, and side of the proposed parking lot shall be retained as shown on the submitted plan.
 - The parking lot shall contain VUA landscaping islands as shown on the plan. All VUA landscaping islands shall contain 1 large tree from Plant List A per 162 square feet of area.
 - The eastern boundary of the proposed parking lot shall be screened with 5 evergreen trees per 100 linear feet of buffer area. At least 2 species of non-columnar evergreen trees shall be selected from Plant List D (see Boone County Zoning Regulations). The trees shall be a minimum of 6' tall at installation and shall be planted in close proximity to the parking lot.
 - The southern and western boundaries of the proposed parking lot shall be screened with 8 evergreen trees per 100 linear feet of buffer area. At least 2 species of non-columnar evergreen trees shall be selected from Plant List D (see Boone County Zoning Regulations). The trees shall be a minimum of 6' tall at installation and shall be planted in close proximity to the parking lot.

- F. All Union Board of Adjustment conditions from 5/20/02, 6/20/05, and 11/14/06 that are not impacted by this approval shall remain in effect.
7. 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 driveway and parking requirements, landscaping, storm water management, lighting, etc.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- Site Vicinity Map
- Proposed Plan
- 2007 Aerial Map
- Zoning Map
- Topographical Map
- Future Land Use Map
- 9/11/96 Conditions of Approval
- 5/20/02 Conditions of Approval
- 6/20/05 Conditions of Approval
- 11/14/06 Conditions of Approval
- Application

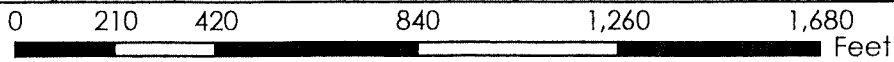
SITE VICINITY MAP

www.boonecountygis.com

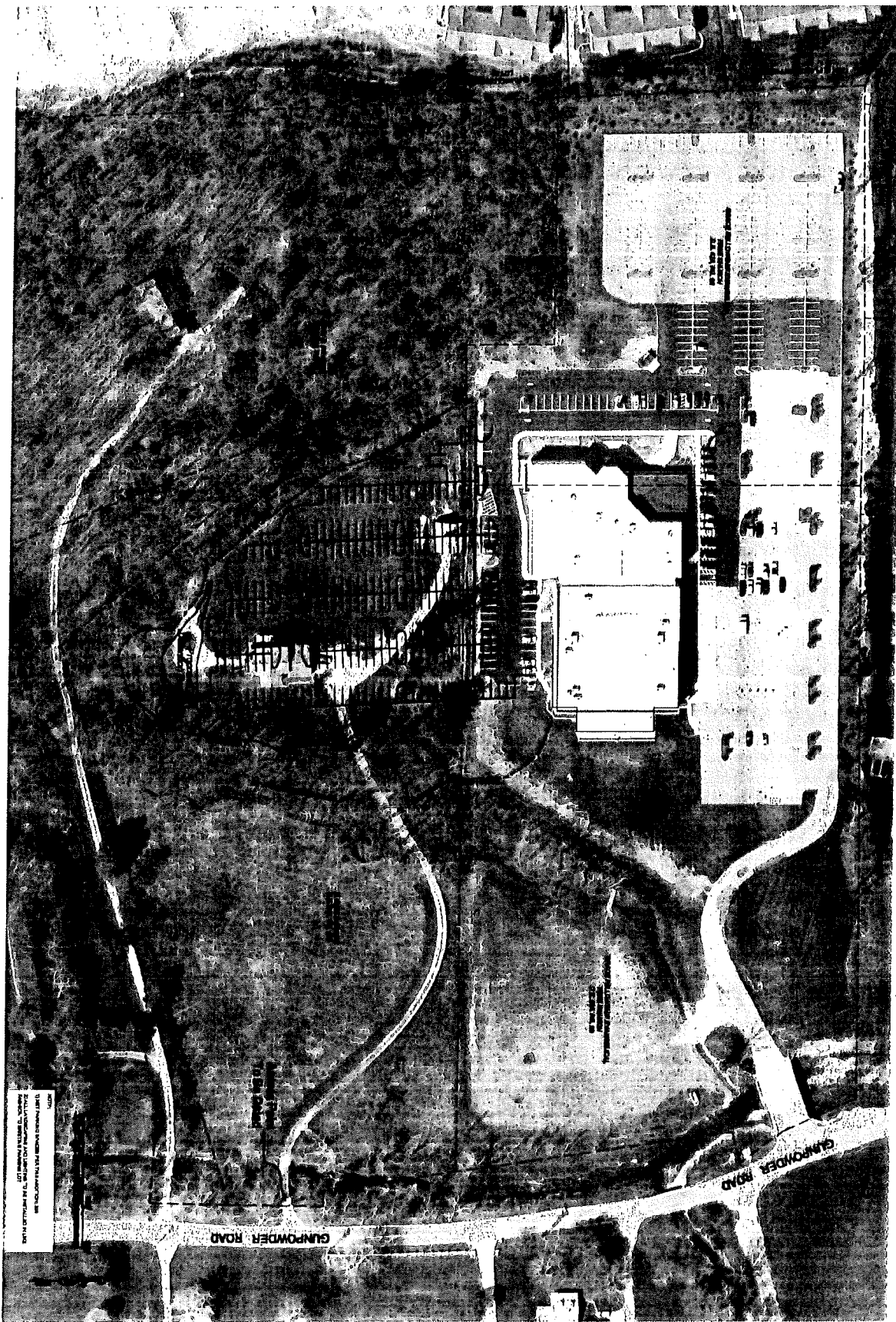


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Boone County GIS - Putting Northern Kentucky on the Map



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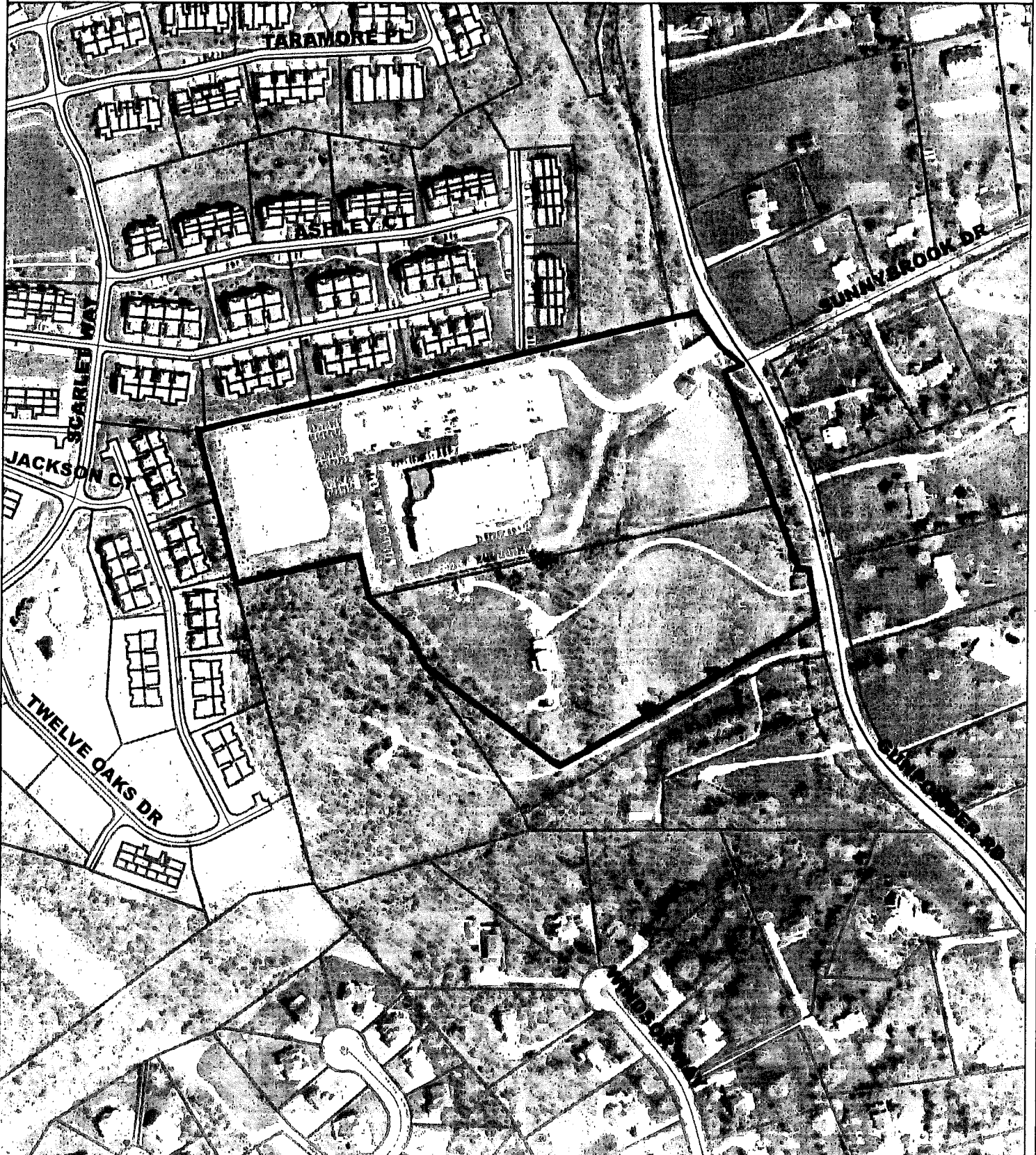
**PROPOSED PARKING ADDITION FOR
 GRACE FELLOWSHIP EVANGELICAL FREE CHURCH**

UNION, BOONE COUNTY, KENTUCKY

February 10, 2010 Scale: 1" = 50'

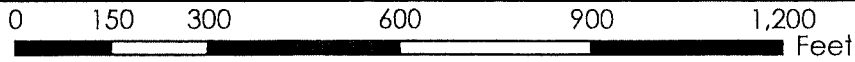
2007 AERIAL MAP

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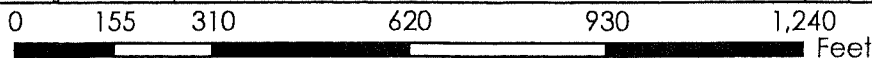
ZONING MAP

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Boone County GIS - Putting Northern Kentucky on the Map



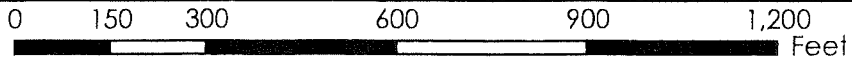
FUTURE LAND USE MAP

www.boonecountygis.com

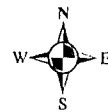


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Boone County GIS - Putting Northern Kentucky on the Map



CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of September 11, 1996 Certificate of Land Use Restriction (# 96-BCBOA-016-A), for Darrell L. and Vickie Vater, Property Owner

The following conditions will apply: (1) That the building not exceed 17,000 square feet as presented, (2) that there be screening, and that the parking lots will not be closer than 50 feet from the property line. (3) The building is to be constructed of masonry material. (4) The church sign is to be of monument style and shall not exceed 32 square foot.

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

described in: DEED BOOK 245

PAGE NO. 3

Group No. 2047

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of May 20, 2002 Certificate of Land Use Restriction (#02-UBOA-001-A), for Grace Fellowship Church, Property Owner(s).

The following conditions will apply:

- 1) The total square footage of the building is to be no greater than 27,000 square feet.
- 2) The number of parking spaces is limited to three hundred and seventeen.
- 3) There is to be a six-foot tall cedar fence for the length of the improvements (building and parking) on the south side of the property and it is to be five feet back from the property line on the church side.
- 4) The five feet between the fence and the property line is to be seeded.
- 5) The softball field is limited to church use only; no leagues, no lights, no dirt diamond, no fence.
- 6) The maximum height of any light standard on the parking lot shall not exceed twelve feet.
- 7) Cutoff shields must be provided on all light standards on the parking lot.
- 8) A photometric plan will be required during Site Plan Review. 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.
- 9) The architecture of the building is based on the conceptual rendering. The back wall can be made of a different material (metal) to allow for expansion of the west wall.

- 10) The applicant is to work with the state or county to improve the sight distance of the egress point.
- 11) A major Site Plan Review is required.
- 12) The applicant is to talk to the applicable state agency about replacing and upgrading the bridge that crosses Gunpowder Creek.
- 13) The landscaping buffer on the northern property line will be twenty feet wide and will run approximately 560 linear feet between the rear of the parking lot and the bend in the church driveway. The buffer is to contain five evergreen trees and one deciduous tree per 100 linear feet. In addition a three foot tall berm is required.

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

DEED BOOK 245

PAGE NO. 3

GROUP NO. 2047

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of June 20, 2005 Certificate of Land Use Restriction (#05-UBOA-001-A), for Grace Fellowship Church, Property Owner(s).

The following conditions will apply:

- 1) The tree missing from the original approval is to be replaced.
- 2) There are to be no entrances other than the existing driveway to and from the church.
- 3) The maximum height of any proposed light standard shall not exceed 12 feet.
- 4) Cutoff shields must be provided on all light standards.
- 5) A photometric plan will be required during the Site Plan Review process. The average foot candle measurements for the parking lot cannot exceed 3.6 and foot candle measurements at the property lines cannot exceed 1.0.
- 6) A 40-foot wide landscape buffer will be required along the rear property line and will contain a 3-foot berm and 5 deciduous trees and 8 evergreen trees per 100 linear feet.
- 7) Twenty-foot wide landscape buffers will be required along the sides of the parking lot addition and will contain a 3-foot berm and 5 evergreen trees and one deciduous tree per 100 linear feet.
- 8) There is to be no public assembly activities on the property after 11 PM.
- 9) The building elevations are to be consistent with what was presented at the 6/20/05 Union Board of Adjustment meeting.
- 10) All conditions from the May 20, 2002 approval not affected by the new conditions will remain in effect.
- 11) The garbage container is to be moved to the southernmost corner of the southern access point to the new parking lot and it is to be fenced and gated as it is now. The dumpster may face in any direction the church chooses.

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of November 14, 2006 Certificate of Land Use Restriction (#06-UBOA-002-A), for Grace Fellowship Church, Property Owner(s).

The following conditions will apply:

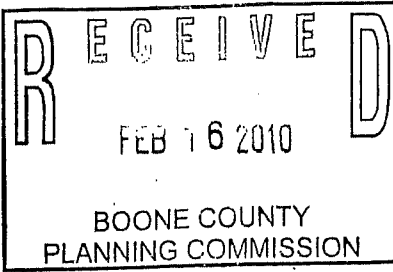
- 1) A lighting and photometric study is to be submitted.
- 2) Any new lighting must match the existing lighting.
- 3) A major Site Plan Review Application that meets all of the requirements must be submitted.

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

DEED BOOK 625

PAGE NO. 89

GROUP NO. 2047



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

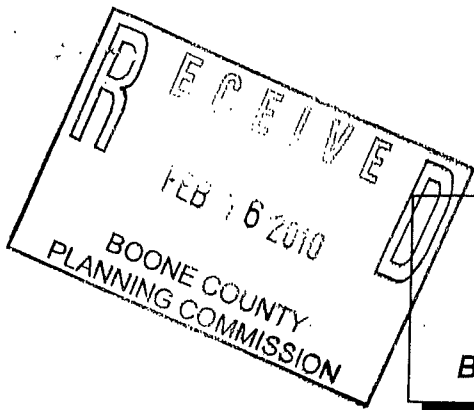
See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union [checked]
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name Grace Fellowship Church, Phone Number 859-371-7880, Fax No. 859-372-8094, Applicant's Address 9379 Gunpowder Rd, Florence, KY 41042
4. Description of Request: Additional parking
5. Name of Development
6. Location of Development South side of existing building; see drawings
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Grace Fellowship Church, Address of Property Owner same as above, Phone No.
10. City above, State, Zip
11. Proposed Use(s) on Site additional parking
12. Total Square Footage of Existing and/or Proposed Buildings 45,467 sq. ft
13. Current Zoning on Property RS + A-2
14. Deed Book 625, Page No. 89, Group No. 2047
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request? YES
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.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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) Boone Florence Walton Union
(Conditional Use Permit Variance Appeal)
Applicant's Name Grace Fellowship
Phone Number 859-371-7880 Fax No. 859-372-8094
Applicant's Address 9379 Gunpowder Rd. Florence KY 41042
Description of Request: Additional parking
Name of Development
Location of Development south side of existing building; see drawings
Acreage Under Review
Lot Number and Name of Subdivision (if part of a subdivision)
Owner of Property E. Gayle Egnor
Address of Property Owner 9447 Gunpowder Rd. Phone No.
City Florence KY State KY Zip 41042
Proposed Use(s) on Site Parking
Total Square Footage of Existing and/or Proposed Buildings 2,392 sq ft.
Current Zoning on Property RS + A-2
Deed Book 246 Page No. 160 Group No. 2047
Is the site subject to a zone change?
If yes, give date of approval
Have you submitted a Site Plan with this request?
Have you submitted a list of adjoining property owners with this request?
I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: E. Gayle Egnor (port)
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] 11/13/10
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)