

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County  
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project GRACE FELLOWSHIP CHURCH
2. Location of Project 9379 GUNPOWDER ROAD + 9447 Gunpowder Road + 9471 Gunpowder Road
3. Total Acreage of Site 27.1± PER BOONE COUNTY PVA
4. Current Zoning of Site RS / A-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) CHURCH FACILITY WITH OFFICES, STAFF RETREAT, PARKING, AND Monday to Friday School
7. Names of Applicant(s) VOX & VOX, INC  
Phone Number 727-3293 Fax No. \_\_\_\_\_
8. Address of Applicant(s) 466 ERLANGER RD  
ERLANGER KY 41018  
City State Zip
- \* 9. Name of Property Owner(s) GRACE FELLOWSHIP CHURCH  
Phone Number 371-7880 Fax No. 372-8094
10. Address of Property Owner(s) 9379 GUNPOWDER RD  
FLORENCE KY 41042  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? YES  
How many? 3
13. Deed Book SEE ATTACHED page No. \_\_\_\_\_ Group No. 2047
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Public Services Dept.
- \_\_\_\_\_ Duke Energy
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen Electric Cooperative, Inc.
- \_\_\_\_\_ Boone County Public Works Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

DB PG  
625 89  
246 160  
389 66

ADD'L OWNER  
JOHN HOWARD  
9471 GUNPOWDER RD  
FLORENCE KY 41042

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of **Viox & Viox, Inc. (applicant)** for **Grace Fellowship Church and John Howard (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.

October 6, 2010

### REQUEST

The applicant has applied for a zone change from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road. The request will allow a church, school, and related facilities on the subject site. The Concept Development Plan and application indicates that the following improvements are proposed:

Grace Fellowship Church Property (11.98 Acres at 9379 Gunpowder Road)

- Classroom addition on the front of the church
- Office addition on the southern facade of the church
- Trail and multi-purpose pavilion in the front yard
- Modifications to the southern parking lot
- Allow a Monday to Friday school to use the building

Grace Fellowship Church Property (Former Egnor Property - 7.281 Acres at 9447 Gunpowder Road)

- Demolition of Single-Family Residential Dwelling and Barn
- A portion of the existing driveway will be removed
- Approximate 200 stall parking addition
- Privacy fencing and gate
- Detention Basin

Howard Property (Under Contract by Grace Fellowship Church - 7.874 Acres at 9471 Gunpowder Road)

- Conversion of the Single-Family Residential Dwelling to a Staff Retreat
- Driveway connection from the church parking lot to the Staff Retreat
- Utilize residential driveway for emergency access
- Walking trail from the Staff Retreat to the church parking lot

### SITE HISTORY

- 9/11/96 – The Boone County Board of Adjustment approved a Conditional Use Permit to allow a 17,000 square foot church and 363 parking spaces. The facilities were proposed adjacent to and behind an existing house (see attached conditions).
- 5/20/02 – The Union Board of Adjustment approved a Conditional Use Permit which modified the 09/11/96 conditions of approval. The approval allowed a 27,000 square foot church, 317 parking stalls, and a recreational field on the 11.98 acre property (see attached conditions).

- 10/17/02 – The Boone County Planning Commission approved 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 to allow a 22,380 square foot building addition and 116 parking spaces to be constructed near the rear of the 11.98 acre property. The plans showed the building addition building would cause 108 parking stalls to be removed. The approval raised the overall building square footage to 45,467 square feet and the parking to 310 stalls (see attached conditions).
- 7/28/05 – The Boone County Planning Commission approved 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 (see attached conditions).
- 12/19/06 – The Boone County Planning Commission approved a Major Site Plan allowing the construction of 60 additional parking stalls in the rear parking lot.
- 5/17/10 – The Union Board of Adjustment denied a Conditional Use Permit request to allow an approximate 200 stall parking lot expansion onto the Egnor property. The request would have raised the permitted parking on the church campus from 370 stalls to approximately 570 stalls (see attached plan and meeting minutes).

### SITE CHARACTERISTICS

The church property is 11.98 acres in area and contains a 45,467 square foot church and 370 parking stalls, and 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 former 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.

The Howard property is 7.874 acres in area and contains a single-family residential dwelling. Access to the house is provided from a shared gravel driveway that connects to Gunpowder Road. The site is heavily wooded with mature deciduous trees. The topography of the parcel falls from 872 feet above sea level at the northwest property corner to 802 feet above sea level at Gunpowder Creek.

### ADJACENT LAND USES AND ZONING

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

South: Single-Family Dwellings Fronting on Gunpowder Road (A-2 & RS) and Windsor Way (RS)

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

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

#### RELATIONSHIP TO COMPREHENSIVE PLAN

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.

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. 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 (Utilization of Existing Vegetation and Topography, pg. 140).
- B. 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, pg. 141).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 141).

- D. 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 (Stormwater Management and Erosion Control, pg. 141).

- E. 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 (Access Management, pp. 141-142).

- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. All of the major stream valleys in Boone County should be evaluated closely for public path systems to serve pedestrians, bicycles, and horses. Public open space and recreation sites should be connected to each other and to residential development by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, pg. 142).

- G. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use (Designs, Signs, and Historic Preservation, pg. 142).

The Transportation Element provides the following comments that relate to the proposal:

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

The 2005 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).
- B. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth (Population, Goal).
- C. 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 maintained and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).
- D. Watersheds shall be studied, monitored and protected as to the quality and quantity of storm water runoff so as to prevent flooding and erosion and also promote habitats for wildlife (Environment, Objective).
- E. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective).
- F. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).
- G. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- H. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- I. Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways and roadway lanes (Transportation, Objective).
- J. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

- K. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Objective).

#### RELATIONSHIP TO BOONE COUNTY TRANSPORTATION PLAN 2030

- A. The current level of service (LOS) on Gunpowder Road, between US 42 and Ridgeview Road, is LOS C. There are 5,015 average daily trips on this section of road (Exhibit 2-8).
- B. The projected level of service (LOS) on Gunpowder Road, between US 42 and Ridgeview Road, is LOS C. There are projected to be 5,260 average daily trips on this section of road in the year 2030 (Exhibit 3-9).
- C. The plan recommends that Gunpowder Road should be widened from two to four lanes between US 42 and Mt. Zion Road. With this improvement, opportunities to incorporate combined bike/pedestrian facilities and/or recreational trails should be investigated (Exhibit 6-1).

#### STAFF COMMENTS

1. The properties are currently zoned Agricultural Estate (A-2) and Rural Suburban (RS). Churches and other places of religious assembly for worship are listed as Conditional Uses in these zones and are subject to approval from the appropriate Board of Adjustment. On May 17, 2010, the Union Board of Adjustment denied a Conditional Use Permit to allow an approximate 200 stall church parking lot addition on the Egnor property.

The March 22, 2010 and May 17, 2010 Union Board of Adjustment meeting minutes are attached to the Staff Report and are part of the record. It should be noted that the May 17, 2010 minutes are stamped "draft" because the Union Board of Adjustment has not met since this meeting and the minutes have not been approved.

2. The Concept Development Plan for the Zoning Map Amendment is different than the Concept Development Plan that was submitted for the Conditional Use Permit for the following reasons:
- A. The Howard property is part of the current application. Approval of the request will allow a single-family residential dwelling to be converted to a Staff Retreat;
- B. A driveway connection is proposed between the church parking lot and the Howard property;
- C. Building additions are proposed onto the church.
- D. A picnic pavilion and walking paths are proposed; and
- E. A Monday to Friday school is being proposed. The Public Facilities (PF) zone allows schools while the A-2 and RS zones do not.
3. The applicant explained the following items to Staff regarding the Concept Development Plan:
- A. The classroom addition on the front of the building is two-stories and approximately 5,000 square feet in area. The office addition on the south side of the building is one-story and approximately 900 square feet in area. Both additions will replicate the architecture of the existing building. The pavilion will be approximately 1,500 square feet in area.

- B. The church has three worship services on Sunday. Services are 8:15 AM - 9:30 AM, 9:45 AM - 11:00 AM, and 11:30 AM - 12:45 PM.
  - C. A Home School Coop class (150 people) is currently meeting in the church on Tuesdays between 8:00 AM - 3:00 PM.
  - D. The future Monday to Friday school will have an attendance of approximately 150 students. Transportation of the students to the school would be provided by their families.
  - E. The proposed parking lot lights will match the existing parking lot lights (12' tall). The lights can be placed on a timer.
  - F. A Traffic Study will be prepared to address the impact of the church use on Gunpowder Road.
  - G. The church will over-detain storm water as previously committed to the Union Board of Adjustment. The Planning Commission's Engineer previously reviewed the storm water letter and indicated that he supported the proposal (see attachments).
  - H. A portion of the Egnor driveway is being removed with the proposed improvements. The portion of the Howard driveway between Gunpowder Road and the church parking lot will only be used for emergency access.
  - I. A landscaping plan will be furnished at the Public Hearing.
4. The church has been experiencing parking shortages during Sunday worship services and the problem is at its worst between the first and second services. Lee Nordine, the Facilities Manager for the church, informed Staff 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 has 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 key factor that led to the parking shortage was the parking requirement found in the 2001/2002 Zoning Regulations. This was the code in place when the church and building addition were constructed. This code required a church to provide 1 parking stall per 5 seats that could be used at any given time. The 2008 zoning code currently requires a church to provide 1 parking stall per 3 seats that can be used at any given time. The current proposal would bring the church into compliance with the current parking requirements because 511 stalls (1532/3) would be required and approximately 570 spaces are proposed on the church campus.
5. Bob Thola, Assistant Chief with Union Emergency Services Alliance, wrote a letter that was submitted to the Union Board of Adjustment on May 17, 2010 (see attachments). The letter indicated that they did not see any problems with the proposed parking lot as it related to emergency vehicle access. The letter also states the extra parking may help access because it will allow drivers to find parking spaces faster and eliminate backups in the driveways.
6. Staff contacted Carol Callan-Ramler, with the Kentucky Transportation Cabinet, and was provided the following information:
- A. There are currently no legislatively funded projects for Gunpowder Road, between Ridgeview Drive (KY 237 project) and Carspens Lane (KY 536 project).

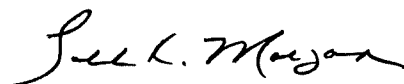
- B. Gunpowder Road is proposed to be upgraded between Carspens Lane and the Mt. Zion Road intersection as part of the KY 536 project. The current plans show that three traffic lanes (left, through, and right) are being proposed at the Mt. Zion Road intersection for southbound Gunpowder Road traffic. The project is on the State's 6 year plan but no construction money has been allocated toward the project. Construction is possible in 2013 if the project is funded and the needed right-of-way is acquired.
7. Staff was unaware that a Home School Coop class was meeting in the church every Tuesday. Based on the limited information received so far, the Zoning Administrator has determined that the use is school and can only be permitted in the PF zone. If this is the case, the Zone Change request must be approved for the use to be continued in the church building.
  8. Staff is concerned that the proposal could cause aesthetic, lighting, traffic, and noise impacts. Staff would like the applicant to address the following issues:
    - A. Will the proposed building additions add to the seating capacity during Sunday church services?
    - B. What time will the parking lot lights be turned off in the evening? Will any lights be left on for security purposes?
    - C. Can the Staff Retreat use be explained more thoroughly?
    - D. What are the proposed construction materials of the open air pavilion?
    - E. Could the Home School Coop and future school occupy the building at the same time?
    - F. What grades do the existing and proposed schools teach?
    - G. Will any school activities be conducted outside the building?
    - H. What are the findings of the traffic impact analysis?
    - I. Will a traffic monitor be placed at the access point during Sunday church services?
  9. Staff would like to note that following landscaping will be required if the Zoning Map Amendment is approved.
    - A. A street frontage buffer will be required immediately to the east of the proposed parking lot. A street frontage buffer is a minimum of 10' wide and contains a minimum of 3 large trees or 5 small trees and a defined number of small or large shrubs per 100 linear feet.
    - B. Buffer Yard D Plantings will be required to the south and west of the proposed parking lot. The church will be required to install 20 evergreen trees per 100 linear feet if the deciduous tree lines are retained. The evergreen trees are required to be a minimum of 6' tall at planting.
  10. Staff recommends the following conditions if the request is approved:
    - A. Staff Design Review shall occur when the Site Plans for the building additions and open air pavilion are submitted for review. Design standards should be created as the applicant works with the Zone Change/Concept Development Plan Committee.

- B. The proposed parking lot lighting shall match the existing lighting and shall be put on a timer system. The Zone Change/Concept Development Plan Committee should analyze what time the lights should be turned off and if any should be left on near the building for security purposes.
- C. The church shall over-detain storm water per Jonathan Brown's April 27, 2010 letter.
- D. The street frontage landscaping buffer immediately to the east of the proposed parking lot shall contain evergreen trees from Plant List D. Three evergreen trees will be required per 100 linear feet of buffer area and shall be 6' tall at planting.
- E. The Union Board of Adjustment conditions which pertain to the buffering of the northern and rear property lines (11.98 acre site) are still valid and in effect (see 5/20/02 and 6/20/05 Union Board of Adjustment conditions).
- F. The portion of the Howard driveway between Gunpowder Road and the church parking lot connection shall only be used for emergency access.
- G. Staff talked with Lee Nordine about the possibility of the church providing an access easement to Boone County in the event that the county property which fronts on Portage Trail and Gunpowder Road develops as a park. The easement would allow a public trail system (provided by others) to be extended to the future park, connect the church use and other land uses, and provide alternative transportation access to the church. Mr. Nordine indicated that the church would have no objections to providing an access easement.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Union City Commission in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

Attachments:

- \*Site Vicinity Map
- \*Proposed Concept Development Plan
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*5/20/02 UBOA - Approved Plans and Conditions of Approval
- \*6/20/05 UBOA - Approved Plans and Conditions of Approval
- \*11/14/06 UBOA - Approved Plan and Conditions of Approval
- \*3/22/10 & 5/17/10 UBOA - Denied Plan, Meeting Minutes, and Exhibits
- \*Application





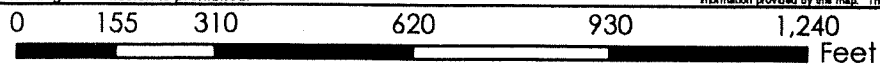
# 2009 AERIAL MAP

[www.boonecountygis.com](http://www.boonecountygis.com)



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**Boone County GIS - Putting Northern Kentucky on the Map**

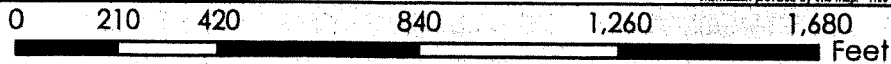
# ZONING MAP

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1 inch = 400 feet



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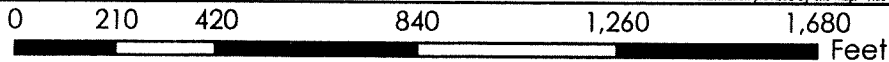
# FUTURE LAND USE MAP

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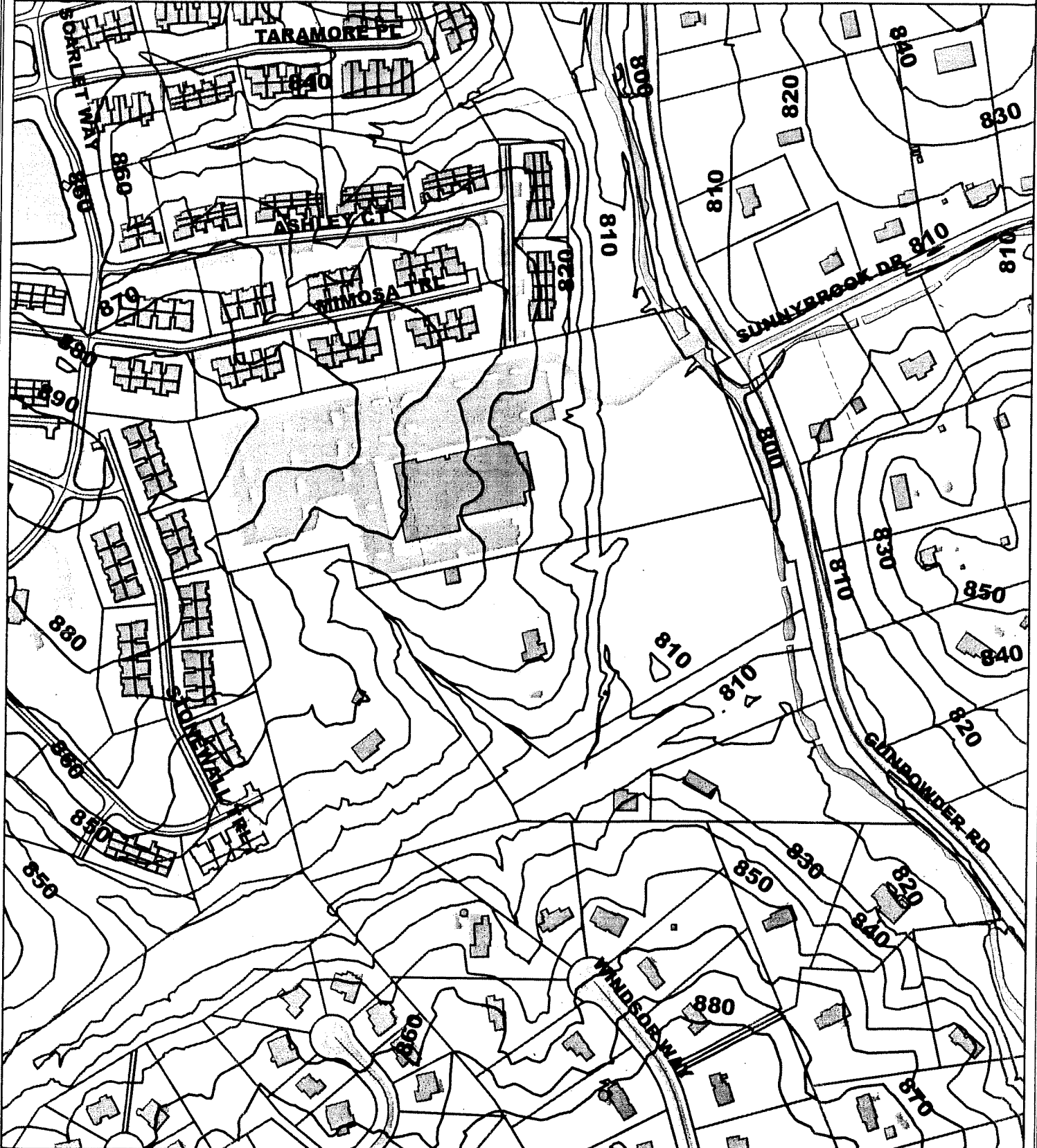
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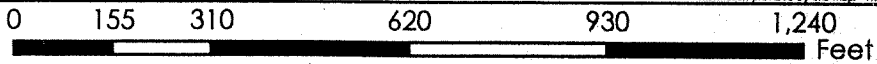
# TOPOGRAPHICAL MAP

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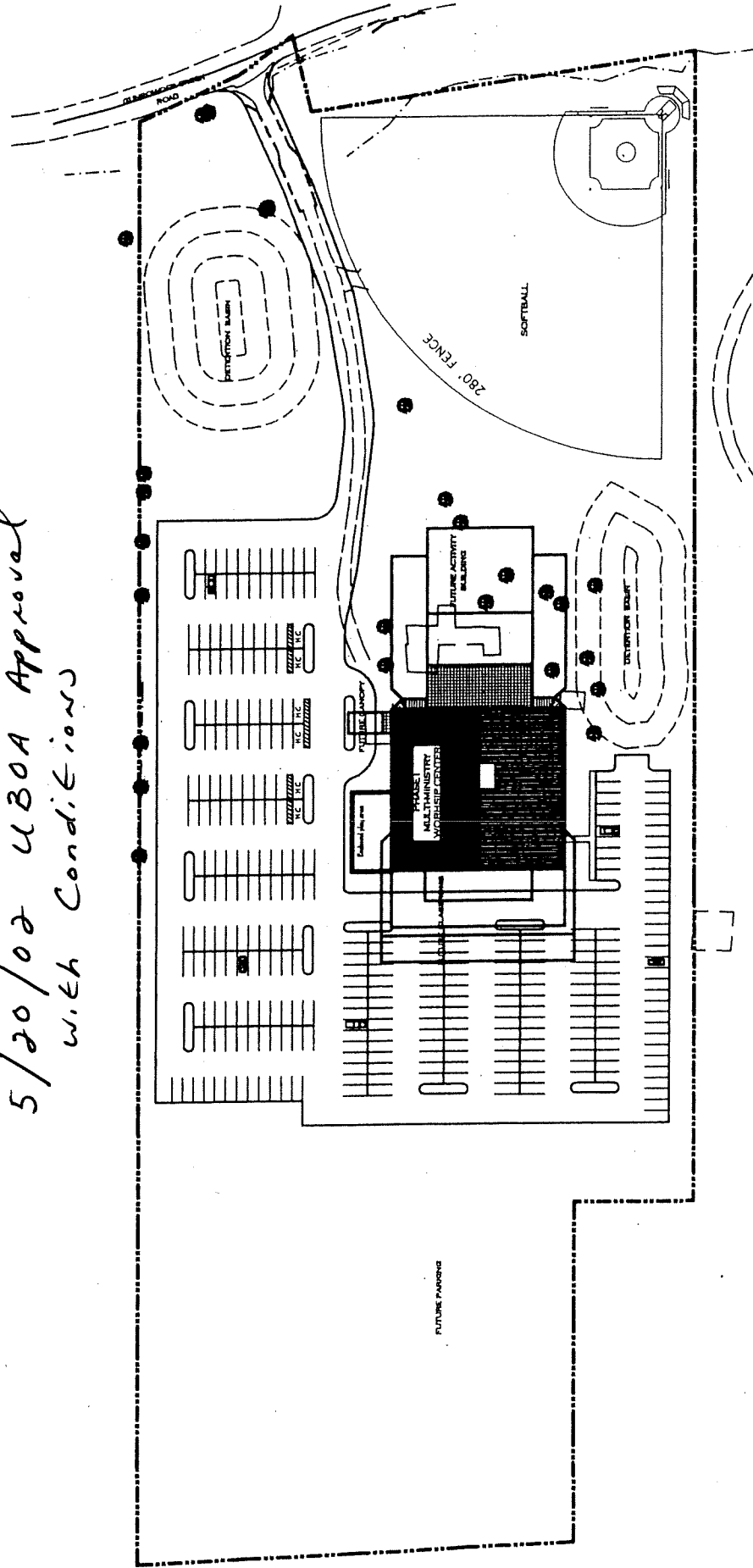
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**Boone County GIS - Putting Northern Kentucky on the Map**

5/20/02 UBOA Approval  
with Conditions



MASTER SITE PLAN  
SCALE: 1" = 40'

342 PARKING SPACES  
INCLUDING 6 H.C. SPACE (1 VAN ACCESSIBLE)

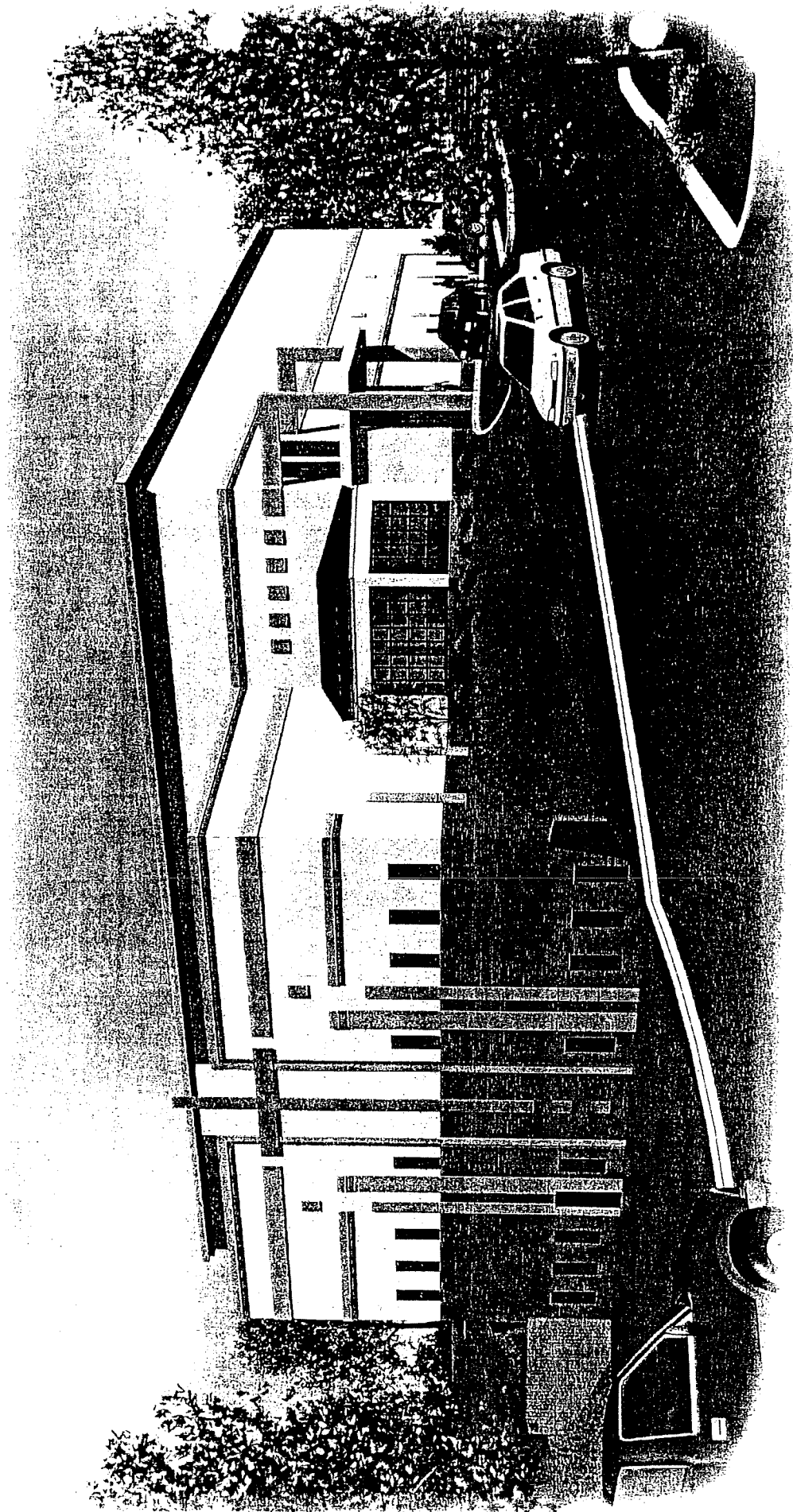


**MS**  
The  
McKnight  
Group

McKnight & Hosterman Architects, Inc.

GRACE FELLOWSHIP CHURCH

FLOWENCE, NY · APRIL 18, 2002 · COMM. NO. 200203



**MS**  
The  
McKnight  
Group

McKnight & Hosterman Architects, Inc.

**GRACE FELLOWSHIP CHURCH**  
FLORENCE, KY APRIL 16, 2002 COMM. NO. 200233

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).

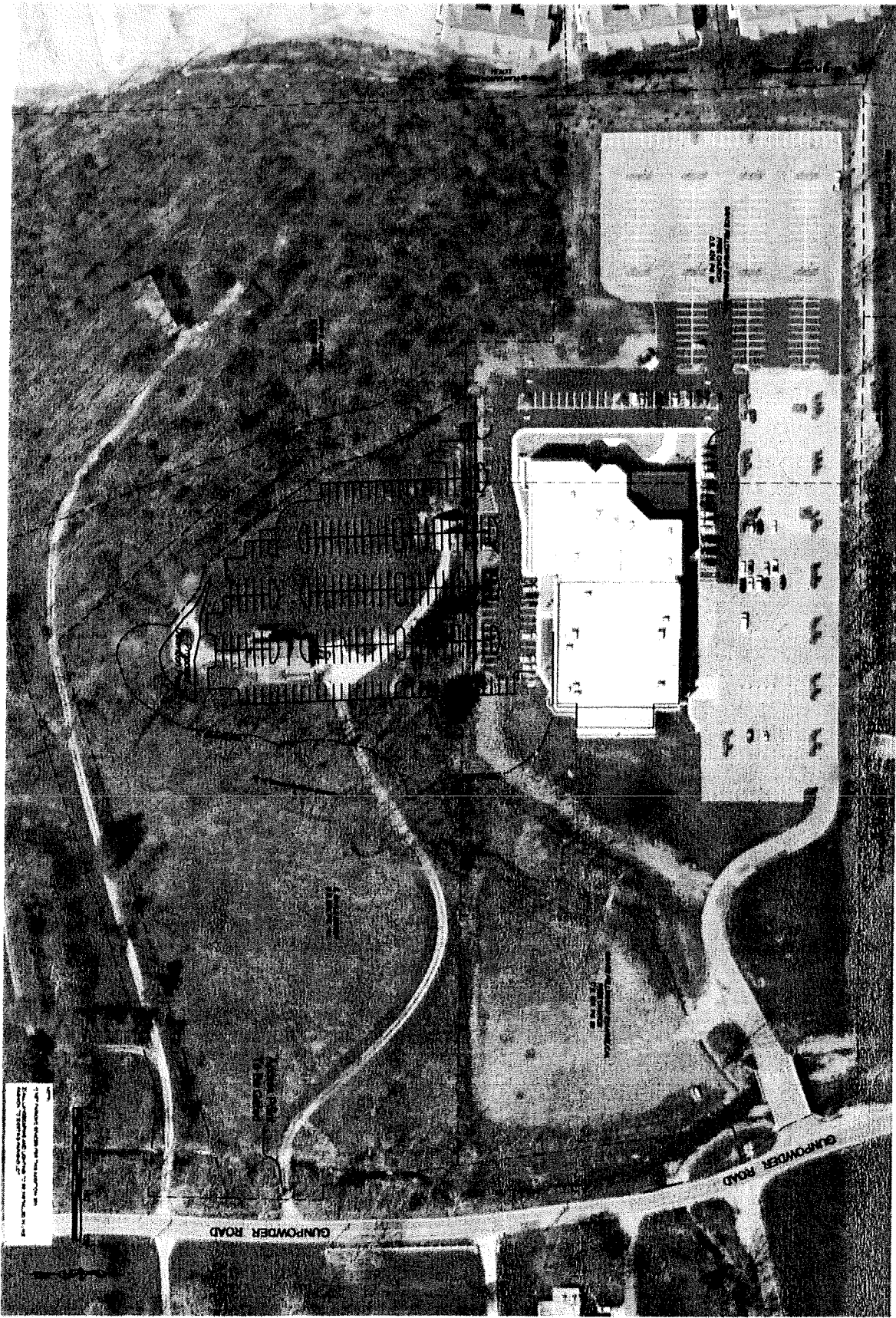
The following conditions will apply:

- 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

5/17/10 UBOA Denial



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

**UNION, BOONE COUNTY, KENTUCKY**

February 10, 2010 Scale: 1" = 50'

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

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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. He 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 flood 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.

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be responsible to look into that issue.

at happens if the project is approved and constructed and there are  
asked what recourse the residents would have? Mr. Wilson said the  
uld need to speak to a lawyer.

ie storm water impact would be analyzed by the county. Mr. Morgan  
nt would need to submit storm water and detention calculations at the  
eir Major Site Plan application to construct the proposed parking lot.  
uld address different storm events and would need to show that the  
orm water condition was no greater than the pre-development  
hat the Planning Commission's Engineer would review calculations  
letention area was sized appropriately.

ard needs to deliberate in an open meeting now that the comments  
e been heard.

concerns about water displacement and emergency vehicles being  
erty with only entrance and exit. He said he is not comfortable with  
like to make a motion to deny it.

nel they need to discuss it and decide why they are taking an action.  
er giving the applicant more time to address their concerns.

eves the lighting issue can be worked out. He said the majority of  
1:00 PM but that the lights in close proximity to the building should  
y. He said he would also like to see all the other Staff  
e conditions if the request was approved.

area by the creek could be used. Mr. Morgan replied the area by  
g church property is only permitted to be used for recreation. He  
board should impose a condition dealing with use of the creek area  
the request is approved. Mr. Rosen asked if the creek area on the  
y could be used for parking. Mr. Morgan said "no" because a  
approval limited the creek area to a recreational field. The church  
other Conditional Use Permit application if they wanted to modify

ning can be modified on the existing campus. Mr. Morgan replied  
has been built out per their past approvals and any modifications  
k to the Board.

it a previous condition that required trees to be replanted. Mr.  
s in the side buffer yard against Plantation Pointe died and a  
o be replanted. Mr. Morgan said the approved landscaping plans  
l all required landscaping needs to be maintained.

does not want to see the Egnor driveway used and recommended  
l and be locked at all times. Mr. Morgan replied that the church  
driveway to maintain the creek area. The plans show the bottom  
accessible after they grade the parking lot. Mr. Kidwell agreed  
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.

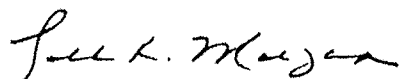
**Mr. Kidwell made a motion to rescind the original motion and table the request until May 17, 2010. The meeting will take place in this room at 6:30 P.M. Mr. Kidwell asked for a vote. Mr. Kidwell and Mrs. Sayers voted "yes" and Mr. Rosen voted "no". The motion carried 2-1.**

**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:

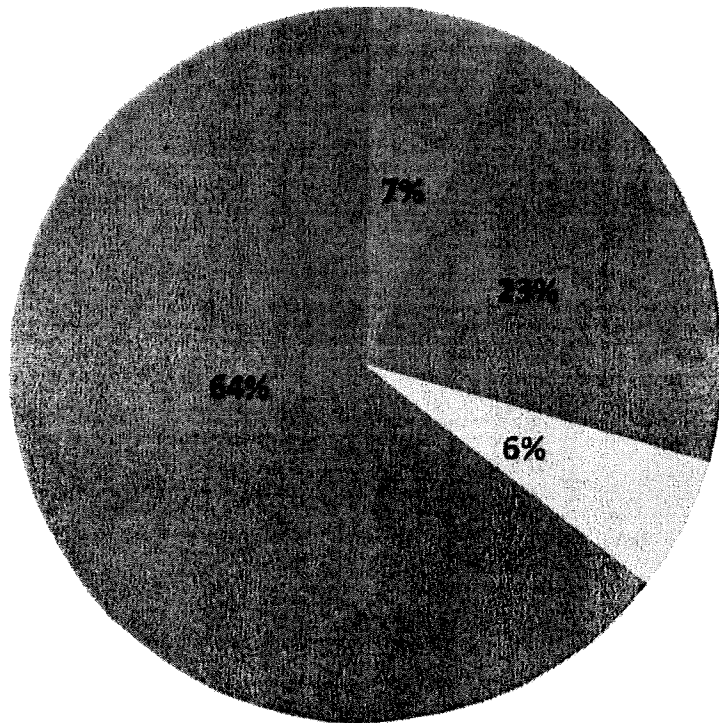


Todd K. Morgan, AICP  
Senior Planner, Zoning Services

Exhibit

1. Church attendance and parking needs

# Grace Fellowship Church 795 Families as of January 2010



- Children under 3
- Children ages 3-11
- Youth ages 12-18
- Adults

## Attendance Breakdown GFC for 2010 YTD

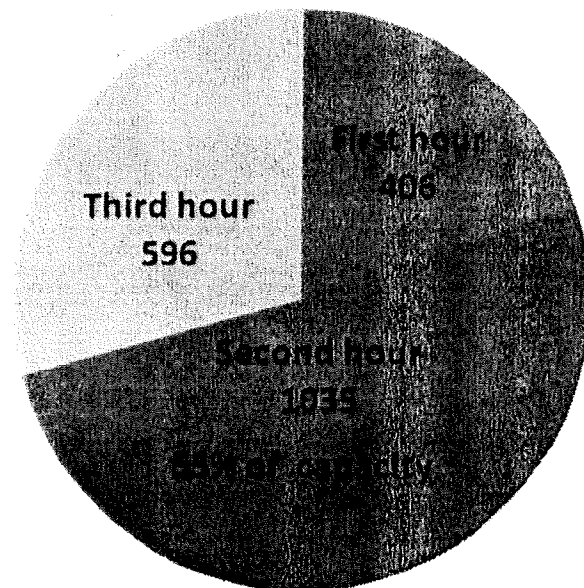
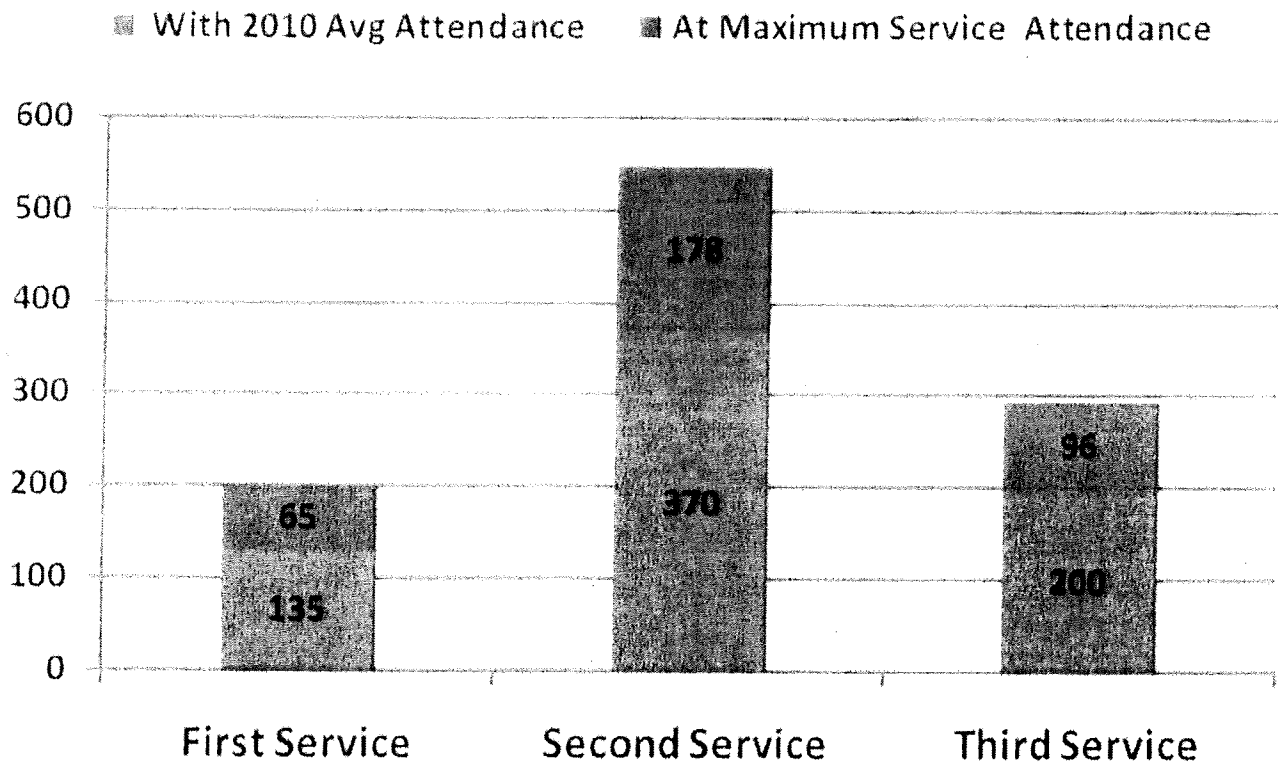
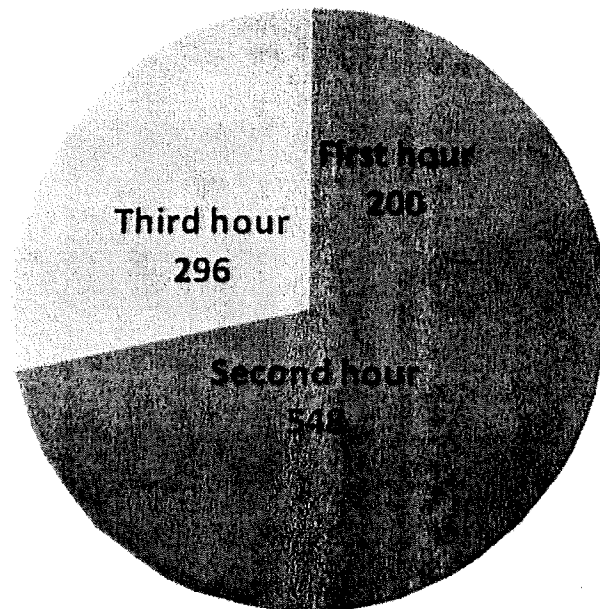


Exhibit 1

## Projected Parking Needs



## Parking Spaces Needed With Maximum Service Attendance of 1531



**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

**DRAFT**

**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.

**DRAFT**

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.

**DRAFT**

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.

**DRAFT**

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

## Todd Morgan

---

**From:** Greg Sketch  
**Sent:** Sunday, May 02, 2010 9:25 AM  
**To:** Todd Morgan  
**Subject:** RE: Grace Fellowship detention

UNION BOARD OF ADJUSTMENT  
MAY 17, 2010 - 6:30 P.M.  
EXHIBIT #1

Todd

I have reviewed the attached calculations and agree with the plan to over-detain post development stormwater on the more frequent storms. Please let me know if you need anything else.

Thanks

Greg

**From:** Todd Morgan  
**Sent:** Friday, April 30, 2010 11:53 AM  
**To:** Greg Sketch  
**Subject:** FW: Grace Fellowship detention

Greg:

On March 22, 2010, the Union Board of Adjustment heard Grace Fellowship Church's Conditional Use Permit request. The request would allow the property at 9447 Gunpowder Road to be converted to a church parking lot with approximately 200 parking spaces. The Union Board of Adjustment and many citizens expressed concerns about storm water and flooding because the property immediately adjoins the South Fork of Gunpowder Creek. The meeting was tabled until May 17, 2010, so the applicant could analyze storm water impacts.

Jonathan Brown, Professional Engineer with Viox & Viox, has submitted a letter addressing the storm water impacts. The letter also states that the church's is willing to over-detain. Could you please review the letter and provide me an e-mail which addresses the following:

1. Mr. Brown's letter claims that the parking expansion "will have no appreciable impact on water level of flooding frequency" of the creek. Do you agree?
2. Do you agree with the proposed over-detaining of storm water as outlined in Mr. Brown's letter?

Thanks for your help.

Todd

**From:** Greg Larison [mailto:GLarison@VioxInc.com]  
**Sent:** Tuesday, April 27, 2010 3:07 PM  
**To:** Todd Morgan  
**Cc:** Lee Nordine  
**Subject:** Grace Fellowship detention

Todd,



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Edinger Road  
Erlanger Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452

April 27 2010

Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, Kentucky 41005

ATTN: Todd K. Morgan, AICP  
Planner, Zoning Services

Re: Grace Fellowship  
Storm Water Drainage

Dear Mr. Morgan:

In response to the concerns expressed by the Union Board of Adjustments at its last meeting Grace Fellowship requested that I review the storm water drainage for its proposed parking addition.

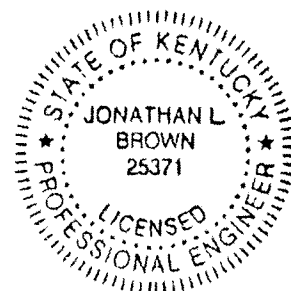
The site in question is located directly adjacent to the South Fork of the Gunpowder Creek. The total watershed area flowing to the site is in excess of 4500 acres and contains a variety of land uses. Additionally, much of the upstream area was developed before the advent of detention regulations. The occasional flooding experienced along Gunpowder Road is largely a result of the massive upstream area and to a lesser extent the lack of upstream detention. The proposed parking addition will result in an additional 1.65 Ac. area of impervious surface. This represents less than 0.04% increase in impervious surface for the basin. Given this fact, I can state with certainty that the development or future expansion of the Grace Fellowship site will have no appreciable impact on water level or flooding frequency of the South Fork Creek.

Despite the fact that this expansion does not present the risk of additional flooding, Grace Fellowship asked me to analyze the possibility for over-detaining the storm water from this expansion. Based on this analysis 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. This is well in excess of current regulations that only require detention to the pre-developed rate.

Given the vast size of the overall drainage basin it is impossible to solve the overall flooding issues of South Fork Creek via controls located solely on the Grace Fellowship site. However, the extra-regulatory improvements stated above will incrementally improve the situation and further represent Grace Fellowship's willingness to go above and beyond what is required to be a good neighbor.

Thank You,

Jonathan L. Brown, P.E.





# Union Emergency Services Alliance

9611 U.S. Hwy. 42  
Union, Kentucky 41091

(859) 384-3342 Phone

(859) 384-5281 Fax



May 3, 2010

UNION BOARD OF ADJUSTMENT  
MAY 17, 2010 - 6:30 P.M.  
EXHIBIT# 2

Lee Nordine  
Grace Fellowship Church  
9379 Gunpowder Rd.  
Florence, KY 41042

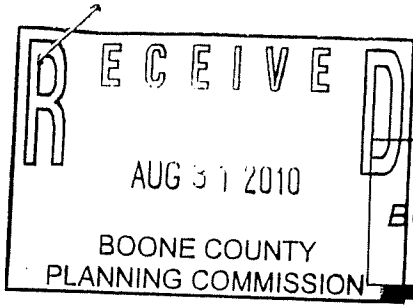
Dear Mr. Nordine:

Thank you for supplying the photograph and plans for the proposed parking lot expansion at Grace Fellowship Church. I have reviewed the plans you supplied and also discussed this with Chief Morgan. We do not see any problems that will be caused by the parking lot expansion as it relates to emergency vehicle access. It may even help access by allowing drivers to find a parking spot faster and reduce the backup in the driveways. It will also probably reduce the temptation to park in the fire lanes or other unmarked spots if there is additional parking available.

If you have any other concerns or questions please feel free to contact me.

Sincerely,

Bob Thola  
Assistant Chief



APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County  
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project GRACE FELLOWSHIP CHURCH
2. Location of Project 9379 GUNPOWDER ROAD + 9447 Gunpowder Road + 9471 Gunpowder Road
3. Total Acreage of Site 27.1±, PER BOONE COUNTY PVA
4. Current Zoning of Site RS / A-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) CHURCH FACILITY WITH OFFICES, STAFF RETREAT, PARKING, AND Monday to Friday School
7. Names of Applicant(s) VOX & VOX, INC  
Phone Number 727-3293 Fax No. \_\_\_\_\_
8. Address of Applicant(s) 466 ERLANGER RD  
ERLANGER KY 41018  
City State Zip
- \* 9. Name of Property Owner(s) GRACE FELLOWSHIP CHURCH  
Phone Number 371-7880 Fax No. 372-8094
10. Address of Property Owner(s) 9379 GUNPOWDER RD  
FLORENCE KY 41042  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? YES  
How many? 3
13. Deed Book SPE ATTACHED Page No. \_\_\_\_\_ Group No. 2047
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Public Services Dept.
- \_\_\_\_\_ Duke Energy
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen Electric Cooperative, Inc.
- \_\_\_\_\_ Boone County Public Works Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

DB PG  
625 89  
246 160  
389 66

ADD'L OWNER  
JOHN HOWARD  
9471 GUNPOWDER RD  
FLORENCE KY 41042

(over)

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, AICP, Senior Planner

Mr. Rolfsen, Chairman, called the meeting to order at 8:12 P.M. and introduced the second item on the Agenda:

**ZONING MAP AMENDMENT**

2. **Request of Viox & Viox, Inc. (applicant) for Grace Fellowship Church and John Howard (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.**

Staff Member, Todd Morgan presented the Staff Report which included a PowerPoint presentation (see Staff Report). The site is 27.1 acres in area and the request is to change the zoning from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF). The current church property itself is 11.98 acres. The Egnor property, which the church recently acquired is 7.28 acres. In addition, the Church has the Howard property under contract. It is 7.87 acres in size. Mr. Morgan noted there are 2 typos in the Staff Report. The first one is the current zoning of the property. It should read Rural Suburban (RS) versus Rural Suburban Estates (RSE). The second typo is on page 3 of the Staff Report. The reference to the "2025 Future Land Use Plan" is incorrect. It should be "2030 Future Land Use Plan." The existing church is 45,467 square feet in size with 370 parking stalls. The applicant is proposing an open air picnic pavilion, a walking trail, a classroom addition to the front of the building, an office addition to the southern facade and a new southern parking lot. In addition, the applicant is proposing the removal of an existing driveway and the construction of a new stormwater detention pond. The existing Howard house will be utilized as a staff retreat facility. A walking trail would be built from the new church parking lot to the retreat house and improvements would be made to provide access and parking to the retreat building. The area in green is the existing tree line that will be retained. Mr. Morgan explained the site history of the church as stated on pages 1-2 of the Staff Report. This includes several applications before the Union Board of Adjustment and Major Site Plan Review before the Boone County Planning Commission. Mr. Morgan stated that he included minutes from the Union Board of Adjustment meetings in the Staff Report. For the record, the Howard property was not part of any previous request. Under the current proposal, the applicant would like to include a Monday-Friday school. Under current zoning, this is not possible. Mr. Morgan described the site characteristics and surrounding land uses and zoning. He also displayed several photographs of the site and adjoining properties. In regard to the Comprehensive Plan, Mr. Morgan stated that the 2030 Future Land Use Plan indicated that the site is designated as Public/Institutional, Suburban Residential and Urban Density Residential. Mr. Morgan referred to the Future Land Use Development Guidelines on pages 3-4 and the Goals and Objectives on Page 5 of the Staff Report. Mr. Morgan also referenced the 2030 Boone County Transportation Plan on page 6. The current level of service on Gunpowder Road between U.S. 42 and Ridgeview Road is Level of Service C with 5,015 average daily trips on this section of the road. On the same section of road, the projected level of service is C with 5,260 average daily trips in the year 2030. Finally, the Transportation Plan recommends that Gunpowder Road should be widened from 2 to 4 lanes between U.S. 42 and Mt. Zion Road. Mr. Morgan continued his presentation by reviewing the Staff Comments identified in the Staff Report on pages 6-9. The comments involved the denial of the May 17, 2010 Conditional Use Permit by the Union Board of Adjustment, the differences between the submitted plan reviewed by the Union Board of Adjustment and the Planning Commission's review of the proposed Concept

Development Plan, operations and impact of the proposed improvements, parking formulas, feedback from the Union Emergency Services Alliance and the Kentucky Transportation Cabinet, details of the existing Home School Group, discussion of aesthetic, lighting, traffic and noise impacts of the proposed improvements, landscaping and other site details. This included parking lot lighting, storm water detention, landscape buffers, access easements and Board of Adjustment Conditions. Mr. Morgan was asked by Mr. Costello to verify an access easement request by David Whitehouse, the County Parks and Recreation Director because of County owned land in the vicinity.

Mr. William Viox, P.E., Viox & Viox, Inc. stated that his firm was the applicant for Grace Fellowship Church and John Howard. Mr. Viox distributed a booklet (See Exhibit #1) and began a PowerPoint presentation describing the project. He displayed an aerial of the project site that showed a lot of trees in the summertime and the limits of other improvements - retreat house and new parking lot. The new parking lot will be located in the area already cleared. The applicant wants to save as many trees as possible. They intend to meet the current landscaping requirements with the exception of the Howard property because they are going to acquire it. If they don't acquire it, they would be agreeable to meet the necessary requirements. Mr. Viox displayed an aerial photo of the site and surrounding area. He noted that Plantation Pointe subdivision was already in place and continues to grow. Gunpowder Road (KY 237) will be a cross county multi-lane highway from KY 536 to Hebron. This will also be true for KY 536. There are a lot of changes since the year 2000. Residentially, there have been 501 approved lots. This doesn't include Plantation Pointe and Harmony. The commercial changes include Pleasant Valley Commons, Gunpowder Center, Plantation Pointe Commercial and Summit Medical Facility. Currently, the parking lot at Gunpowder Center is being used by the Church for overflow parking. The highways are one of the biggest changes that has occurred in the area. The Mt. Zion Bridge over Gunpowder Creek was widened. Mt. Zion Road at I-75 was upgraded to help with the backups. A traffic signal was installed at Mt. Zion Road/Gunpowder Road to replace stop signs. There is an America Recovery Act/Stimulus project underway with the widening of Pleasant Valley Road and Gunpowder Road. There will be 5 lanes on Pleasant Valley Road and a new turn lane on Gunpowder Road. There will be sidewalks on the improved Gunpowder Road and Pleasant Valley Road. In terms of churches, Victory Baptist Church was sold to Good Shepherd Lutheran Church. Good Shepherd Lutheran Church expanded and Florence Baptist Church relocated in the area. Mr. Viox feels that the Church is in agreement with the Comprehensive Plan as it recommends a Public/Institutional use. It was never intended to have High Density and Suburban Residential uses on the subject property. If so, it would affect the traffic patterns Monday through Friday versus Sundays. Mr. Viox displayed some photographs of the building improvements. The actual seating of the church will be the same or reduced by a few. The proposed addition to the front of the building is a library. This will not increase seating in the auditorium. The small addition on the side of the building is office space. These building additions are not imminent but off in the future. Mr. Viox continued to show photographs of the site standing at the front of the building and looking east, the Egnor house and Staff Retreat House. The purpose of the Staff Retreat House is to have Staff meetings and to minister one on one in a private setting. Traffic counts were taken from the site and the Church Staff routinely manages the traffic on the site. People come to the services early to visit with friends and also drop their children off at Sunday School. The second service generates the most traffic. Changing the services to hours apart is not the

way the Church operates. The interconnection of people coming to the services is what it is all about. Since the Church attended the last Union Board of Adjustment meeting, there has been a drop in attendance for the second service and a slight increase in the first and third services. There are currently 64 single-family attached residences located close to the Church versus a few residences at a distance across Gunpowder Road. Mr. Viox described the Concept Development Plan with the Staff Retreat House. They have no intention to remove the trees. A privacy fence will be installed and the Church will meet the landscaping requirements. The Church will install a chained gate to funnel church traffic to leave and enter at one location. During the second service, the Church has a police officer, who directs traffic from and to Gunpowder Road for about 20 minutes. The other driveway can be used for emergency purposes only. They are not planning any other activities from the other driveway. The submitted Concept Development Plan shows the locations of the detention ponds. The Church is planning to over detain. The outdoor pavilion is planned for sometime in the future and the typical design is like the one in England-Idlewild Park. A cross-section of the site showing the Taylor home was presented to the Board. A traffic analysis was performed based on actual counts. Actual daily counts were provided along with future growth. The 10% growth figure includes new members gained in a year and loss in a year. As part of the traffic study, the Church has projected the K-3 school. The Church was not aware of the Home School violation. There is a need for a school in the future. They have been approached by an existing school in Northern Kentucky. Mr. Kent Ousley, elder at Grace Fellowship Church, gave a history of the Church's development (See Exhibit # 1). It started out in 1993 by 6 families as a church plant by Faith Evangelical Free Church in Milford, Ohio. They first met in the Cinergy offices in Covington and Florence. In 1994, the church moved to Turkeyfoot Middle School. In 1996, a pastor was hired and the Gunpowder Road property was purchased. In 1998, the Church moved to Dixie Heights High School and later to Scott High School in 2001. In 2004, the current Church facility opened. In 2006, they had a need for more Sunday School space, they added a 2-story structure of which the 2nd floor is unfinished due to limited finances. In 2007, the church purchased the Howard property under a land contract. In 2012, Mr. Howard will move out of the house. This year, the Church purchased the Egnor property and has started the process to finish the second floor of the 2006 addition. The current Church membership is 500 and attendance on any given Sunday averages about 1,500 people. Mr. Ousley stated that Grace Fellowship Church involves small group Bible studies throughout the area, Biblical counseling and missions. In terms of the future, Mr. Ousley stated that the Gunpowder Road facility will be their home base. They are not planning to move or expand the sanctuary. They want to maximize the use of the Church facility so that it can accommodate 684 people total. In terms of future growth, they would look at satellite churches in Northern Kentucky. Mr. Viox compared Grace Fellowship Church with Seven Hills Church in Florence, which recently opened up a satellite church in Campbell County. If you considered the various land uses identified in the Comprehensive Plan for the Church site, the type and amount of traffic is the same compared with other Public/Institutional Uses. The only difference is that the traffic changes from Sunday to Monday through Friday. Traffic congestion on Gunpowder Road is a 20 minute problem today and will improve when the road is widened to 4 lanes in the future.

At this time, Chairman Rolfsen left the Public Hearing and Vice-Chairman Ford took over. Vice-Chairman Ford asked if there was anyone in the audience who wanted to speak in favor of the project. Seeing no one present, Vice-Chairman Ford asked if there was anyone in the audience opposed to the request.

Ms. Kim Romer, 9513 Gunpowder Road, submitted a petition opposing the project (See Exhibit #2). Ms. Romer referred to the diagram showing the proposed 2 story school room addition. It was labeled Sunday School rooms and it is really a Monday thru Friday school. In his presentation, Mr. Viox referred to 10% growth. In the March 22nd Board of Adjustment minutes, Mr. Freeburne said that 64% of the congregation consists of adults with an average age of 25 and they have lots of children. Grace Fellowship started out as a small country church but they are there to fill a need. People just keep coming. It is steady growth. She expressed a concern about flooding. She lives on the lowest part. The water comes flowing from a hill where the proposed parking lot is located. It floods the Taylor front yard and the Howard driveway. The water comes from everywhere during a regular storm not a huge storm. It floods the lower part of the Egnor parcel and she expressed a concern because it is the same level as her house. She has never had water around her house. She has a concern about safety. It is very discerning to her that church representatives are contradicting themselves. It is hard to believe what their intentions are at this time. The minutes from the May 17th Board of Adjustment meeting indicated that the Church has no desire to put an addition on the building because there is nowhere they can put it. The minutes further indicate that 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. Ms. Romer also expressed a concern about the type of counseling at the Howard home. It is very vague. There are rumors about the facility being used for counseling ex-prisoners. No one will want to live next to such a facility. What are the laws protecting people? The original property is maxed out and the area is rural. Article 12 of the Boone County Zoning Regulations mentions compatibility of uses. She encourages the Board members to visit the site. The site is deceptive from the street. It is a large facility.

Mr. Gary Hendren, 9470 Gunpowder Road, stated he lives across from the proposed parking and his driveway is directly across from Mr. Howard's. He noted that if the driveway is used for non-emergency reasons, it will be a problem. He didn't understand why the existing street (Stonewall Trail) in Plantation Pointe Subdivision didn't connect to the church property. It would be a good exit for the church use. Mr. Hendren expressed a concern about the retreat building because he has a daughter. He wants to know who is in the community. He questions whether anyone from the church would live next door to it?

Mr. Donald Arien, 9758 Windsor Way, has lived in the community for 20 years and feels the Church is out of character for the area. There are a lot of single-family houses in the area that are set back. He feels that the proposed expansion is not appropriate. They want to take neighboring property and continue to expand. They have 150 Home School students today that use the church one day a week. With room on the second floor, it will continue to grow and grow in the facility. During peak traffic times, there is 500 vehicles coming in and out of the Church. They also want to add 200 parking spaces. It will be twice as bad. There is no road funding to improve Gunpowder Road. The Church is big enough. There was another Church in the area that moved on. A smaller Church moved in and the building sits back into the woods. This Church belongs next to the interstate like Florence Baptist Church.

Ms. Sandy Robb, 9601 Gunpowder Road, stated that she moved to the area from Ft. Mitchell. She lived previously next to Ft. Mitchell Baptist Church. She experienced the

same issues - buying neighboring houses and all sorts of activities in the early morning and late evenings such as Men's Prayer Group, Jazzercise classes, preschools, youth activities (Young Life) and housing homeless people. It was constant noise, traffic and lights. It was one of the reasons why they moved.

Ms. Shannon Dunhoff, 9340 Gunpowder Road, noted that the police officer sits at the entrance for 2 hours and not 20 minutes to direct traffic on Sundays. The flow is bad. It backs up and it sometimes takes 15 minutes to pull out of her driveway. It is not a 20 minute problem. It is a serious issue for those people living in the area. Ms. Dunhoff agrees that the proposed 200 parking lot expansion isn't going to fix the problem but will make it worse.

Mr. Jim Blackwood, 9406 Gunpowder Road, stated that he doesn't have a problem with the Church being there with the exception of traffic, noise, lighting and flooding. The congregation is fine and outstanding. The Church management is the problem. There has been a consistent and unrelenting pattern of development and deception. There are things they said they would never do but here we are. The Church's history speaks for itself. We can put a stop to the expansion. At what point do we stop it?

Mr. Michael Woods, 9758 Windsor Way, noted this area has a rural feel except for the eye sore on the hill. The trees are cleared out and it doesn't fit in with the neighborhood. There are no businesses that have built along Gunpowder Road. Many neighbors bought their property to have peace. This mega Church disturbs the peace with noise, lights and traffic. The Church plays the victim card claiming it is a victim of its growth, for them big is not big enough, unaware of parking requirements. Neighbors should not be penalized. Services can be spread further apart but they don't want to. If they want to continue to build, they should do it elsewhere. They have moved in the past, they should move again.

Mr. Bill Woods, 9758 Windsor Way, agrees with what everyone has said previously. He questioned whether there was only going to be 245 additional cars traveling on Gunpowder Road in the next 20 years.

Ms. Pamm Taylor, 9491 Gunpowder Road, noted her concern about the contradictions from the various meetings. The Church was originally not planning a school. What prevents the school from growing to 300 students daily? What would stop it from happening? She stated that she didn't want a school adjacent to her house. She likes her rural setting. She doesn't like the view of the proposed parking lot and flooding from the little creek as a result of this parking lot. She doesn't want to lose her privacy. She stated she is a member of the Church.

At this time, Vice-Chairman Ford asked whether the Board members had any questions or comments?

Mrs. Poston inquired about the Church's space not being used versus building expansion. Mr. Ousley explained that the space on the second floor will be used for Sunday School for the youth. It provides for seven Sunday School classrooms, a worship area and a café. The youth are currently using space in the basement and it is overcrowded. The bump out

in the front of the building will be used to expand the library. They would lose some classroom space in front the library. Mrs. Poston asked about the proposed Monday through Friday school. Mr. Ousley responded that the Church is not going to have a school that it will operate and finance. They have been approached by Cornerstone Classic Christian School. They have 40 students, K-3 and would like to use 4 classrooms for the next 2-3 years. They were trying to accommodate this school because some of the families of this school are members of Grace Fellowship Church. They understand that they are not presently zoned to have a school. That is one of the reasons why they are seeking a Zone Change. Mrs. Poston said she is concerned the church plans are short-term. Churches are not purposely deceptive but their leadership and vision changes.

Mr. Reynolds questioned whether Grace Fellowship Church was a satellite Church of a Church in Milford. Mr. Ousley responded yes. He explained that it is their long-term vision to have another satellite church. Mr. Reynolds asked whether it could be a short-term vision? Mr. Ousley stated that their goal is to have additional parking for the building they currently operate.

Mr. Schwenke asked if the zoning was changed to Public Facilities (PF) and in the future their vision changed based upon acquiring additional property. Mr. Morgan answered that the submitted Concept Development and conditions would run with the property. If the Church deviated from the approved plan, the applicant would have to re-apply before the Planning Commission and the City of Union. The applicant would be locked into this approved plan and conditions.

Mr. Bunger asked the applicant if they would consider changing the hours of service or distributing the flow of people to the Church on Sundays over a greater period of time? Also, he asked for further explanation of the counseling services. Mr. Ousley explained that the people who go to the first service help out with the second service. There would be a large gap of time. People like to go to church in the morning and not in the afternoon. Also, there is some time devoted to fellowship from one service to the next service. In regard to the Howard property, Mr. Ousley explained that the Staff could have "Prayer Days" at the Church Retreat instead of having it at the Church Building. Biblical counseling would also occur as well as marriage and family counseling. It could also be used by missionaries that are home on furlough. It is labeled as Staff Retreat because that it is what it will be used for a majority of the time.

Mr. Longano asked if the regular attendance maxes out at some point, are the building expansions adequate enough? Mr. Ousley answered that the goal is to maximize the use of the building based upon the occupancy of the auditorium.

Mr. Schwenke asked if the Committee could look at the flow of traffic and any improvements since Gunpowder Road will not be upgraded until sometime in the future when funding is available.

Mr. Brandstetter asked the applicant whether they could bring traffic information to the Committee meeting such as turning movement counts to warrant turning lanes. Also, could this be done for the storm water issue. Mr. Brandstetter asked the Staff what the

process would be if the applicant wanted to put a parking lot on the lower level? Mr. Morgan replied that the applicant would have to go through the Change In Concept Development Plan process again.

Mr. Ford asked the Applicant to provide more accurate details at the Committee meeting about the proposed school use and the Home School activities in terms of the number of children and operation of the school. What is the age division of the schools and hours of operation? This would be helpful to understand the traffic patterns.

Mr. McMillian asked whether the detention areas are big enough to address the flooding problems? Mr. Viox stated that his firm did a study previously on how the improvements impact the creeks. The Gunpowder Basin is so large and this area is ver minor. Mr. Viox explained that the church's ponds will not impact the creeks in the area and will not ultimately affect the neighbors yard flooding. Nothing they will do on the site will change Gunpowder Creek. The Church will over detain and not impact the side creeks. Their impact on the Gunpowder Creek Basin is negative. Mr. Viox Also submitted a letter dated September 27, 2010 from the Union Emergency Services Alliance (See Exhibit #3).

**There being no further comments, Vice-Chairman Ford stated that the Committee Meeting for this item will be on October 20, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 3, 2010 at 7:00 P.M. Vice-Chairman Ford closed this Public Hearing at 9:51 P.M.**

**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

**Exhibits**

- #1- Booklet submitted by William Viox**
- #2- Petition submitted by Kim Romer**
- #3- Letter from Union Emergency Services Alliance**

EXHIBIT #1  
October 6, 2010  
Boone County Planning Comm.  
Public Hearing No.2

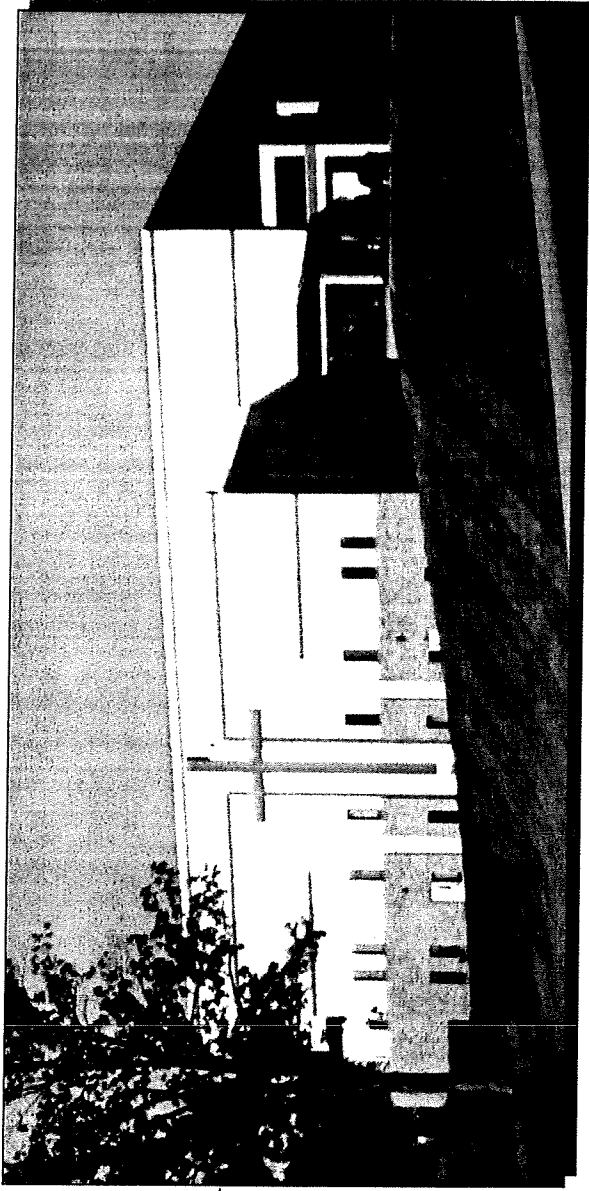
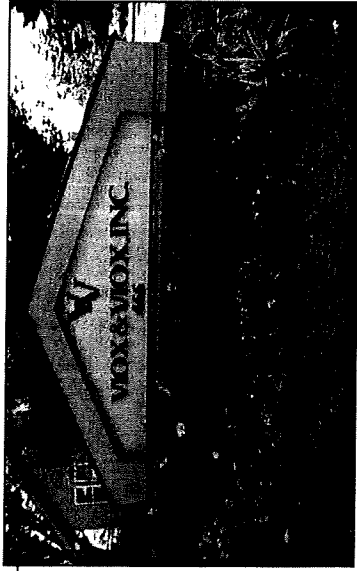
**CIVIL  
ENGINEERS:**

**VIOX & VIOX  
466 ERLANGER  
ROAD  
ERLANGER, KY  
41018**

**Grace Fellowship Church  
Boone County, Kentucky  
October 6, 2010**

**OWNER:  
GRACE FELLOWSHIP  
CHURCH  
9379 GUNPOWDER RD.  
FLORENCE, KY**





**•Viox & Viox was founded in Erlanger, Kentucky in 1945**

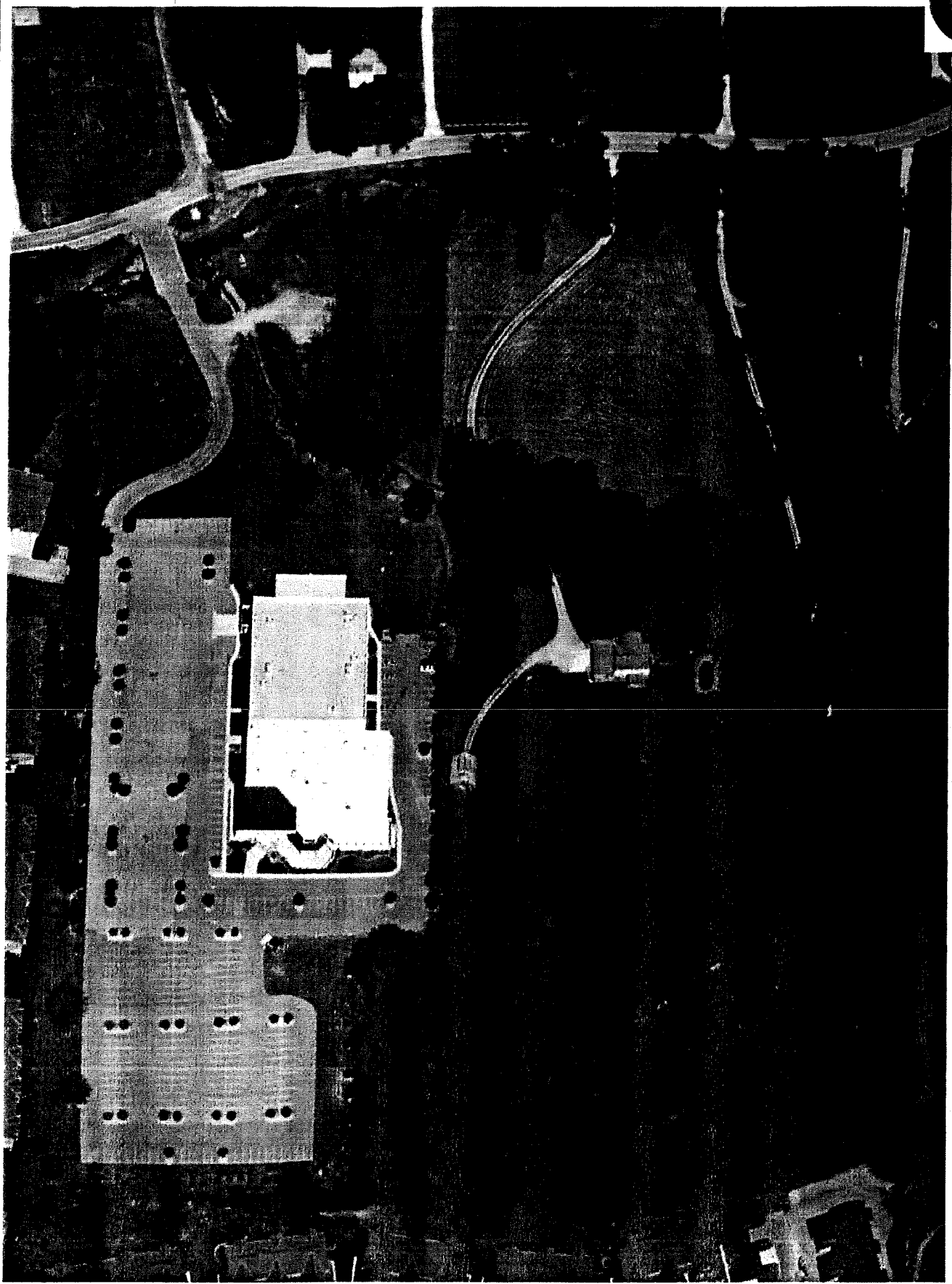
**•Multi-disciplinary firm specializing in Civil Engineering, Land Surveying & Landscape Architecture**

- Bill Viox – P.E.**
- Greg Larison – P.L.S.**
- Megan DeSola – AICP**

**Grace Fellowship Evangelical Free Church**

- Founded December 1993**
- Lee Nordine – Facility Manager**
- Kent Ousley – Church Elder**





2010 AERIAL PHOTOGRAPH



2010 AERIAL PHOTOGRAPH OF REGION



**CHANGES IN THE NEIGHBORHOOD SINCE 2000**

**Residential:** Gunpowder Pointe, Horseshoe Trails, Carspens Creek, Union Bluffs, Haven Hill, Hampshire, Sunnybrook Farms... 501 Lots

**Commercial:** Pleasant Valley Commons, Gunpowder Center, Plantation Pointe Commercial, Summit Medical Facility

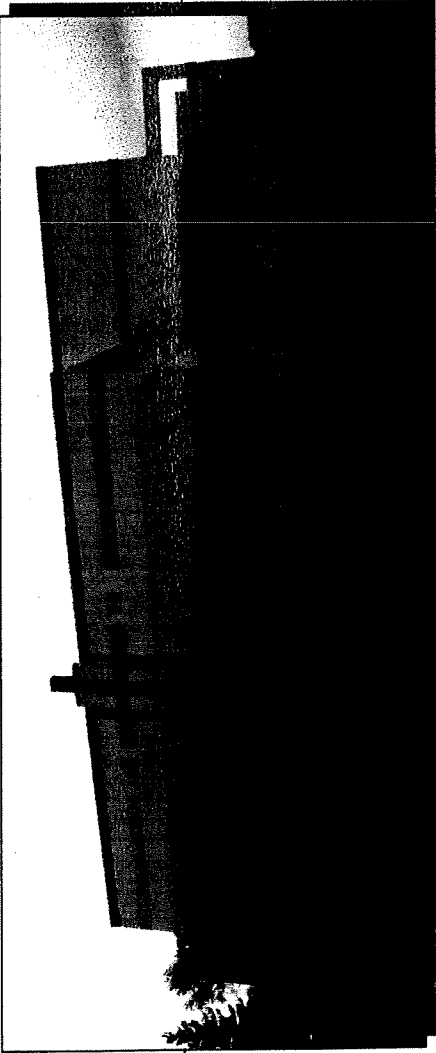
**Highways:** Mount Zion Bridge of Gunpowder, Mount Zion/I-75, Stop Light @ Mount Zion/Gunpowder, American Recovery Act Project @ US-42/Gunpowder, Gunpowder Designated State Route 237

**Churches:** Good Shepherd Lutheran Church Expansion, Florence Baptist Church

**Comprehensive Plan Future Land Use: Public Institutional**

**Proposed Zoning is in agreement with the Comprehensive Plan**

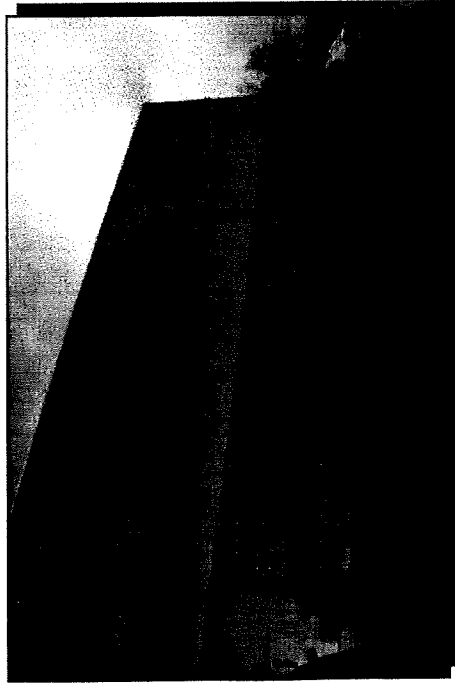




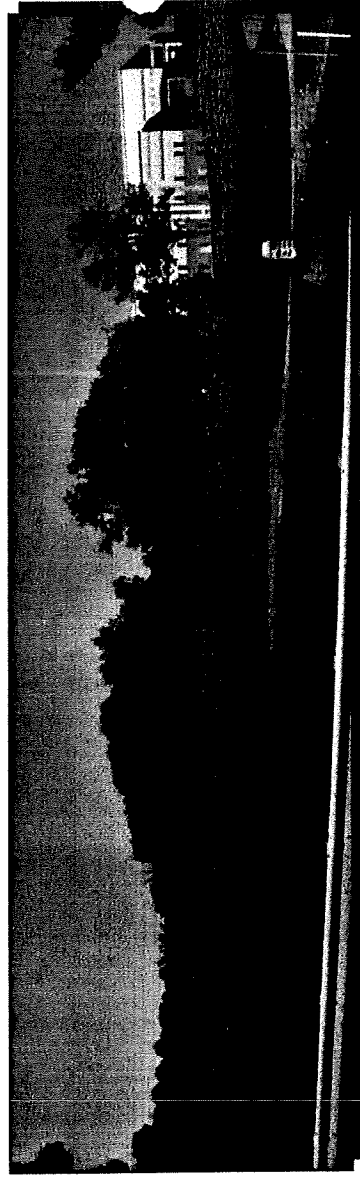
**POSSIBLE FUTURE ADDITIONS TO  
SUNDAY SCHOOL ROOMS ALONG  
FRONT FACADE**



**GRACE FELLOWSHIP  
CONGREGATION**

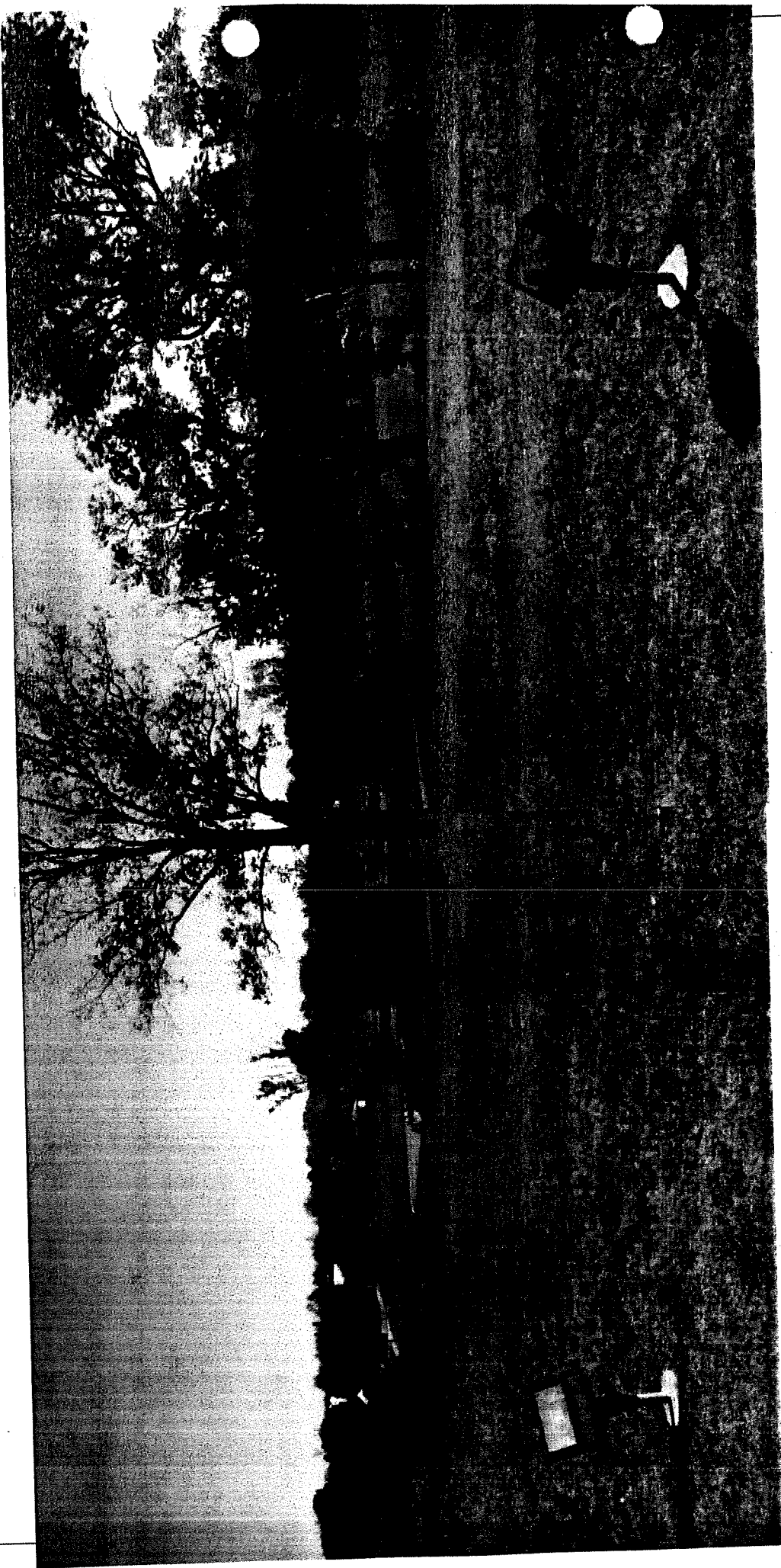


**POSSIBLE FUTURE ADDITION TO  
CHURCH OFFICES ON SOUTH SIDE**



**GRACE FELLOWSHIP CHURCH FROM GUNPOWDER ROAD  
MATURE TREE LINE IS TO REMAIN AFTER PROPOSED  
IMPROVEMENTS**



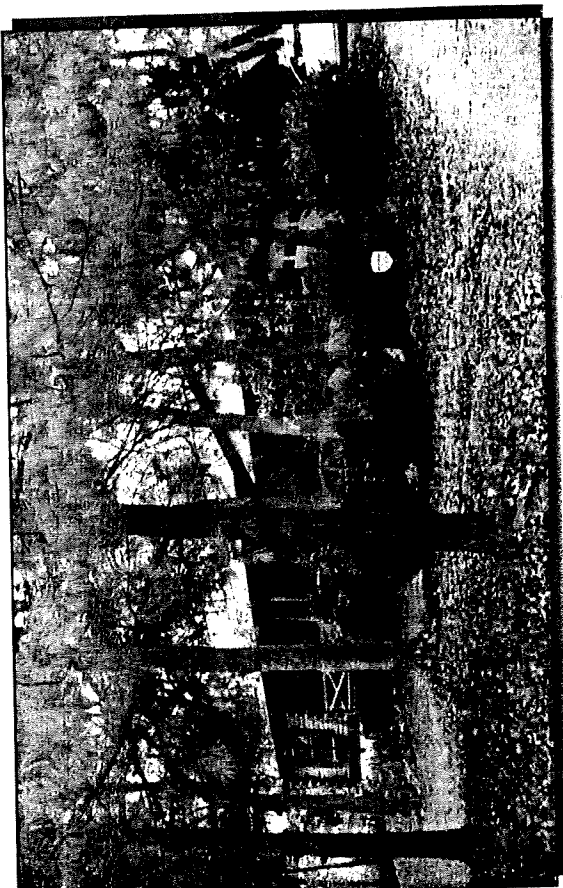


**PANORAMIC VIEW FROM CHURCH FAÇADE TO GUNPOWDER RD.**

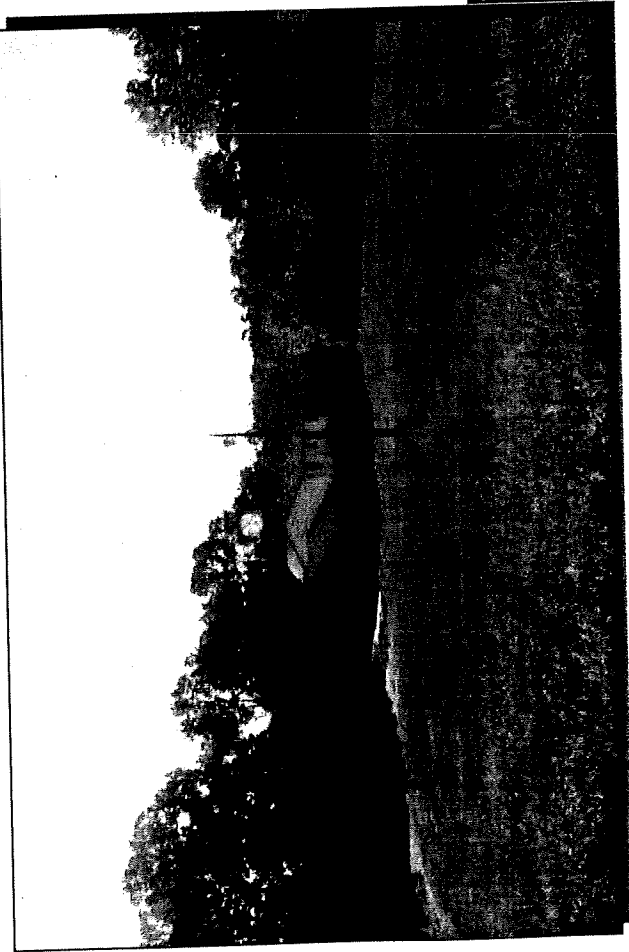




**VIEW FROM FUTURE CONNECTION TO HOWARD  
PROPERTY DRIVEWAY TO TAYLOR RESIDENCE**

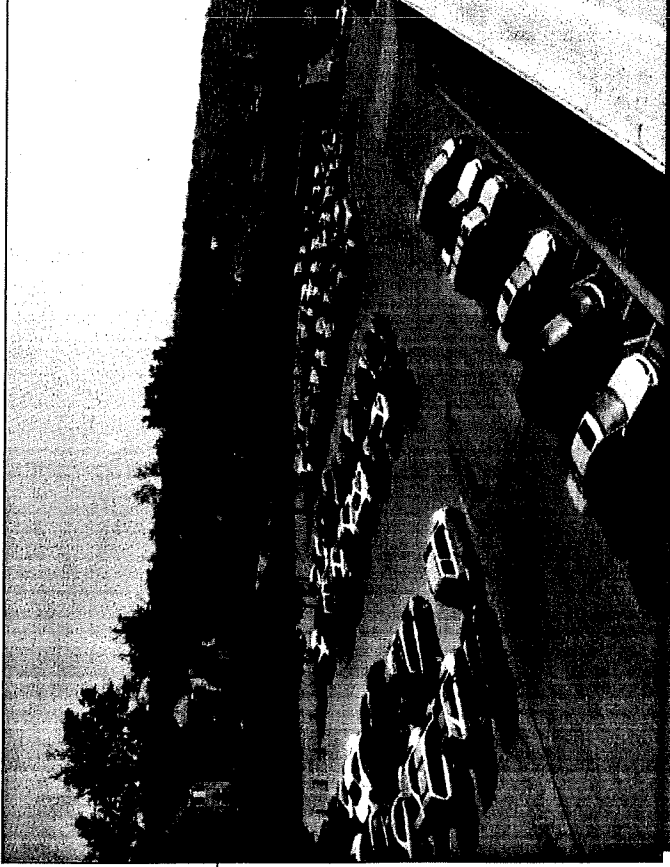
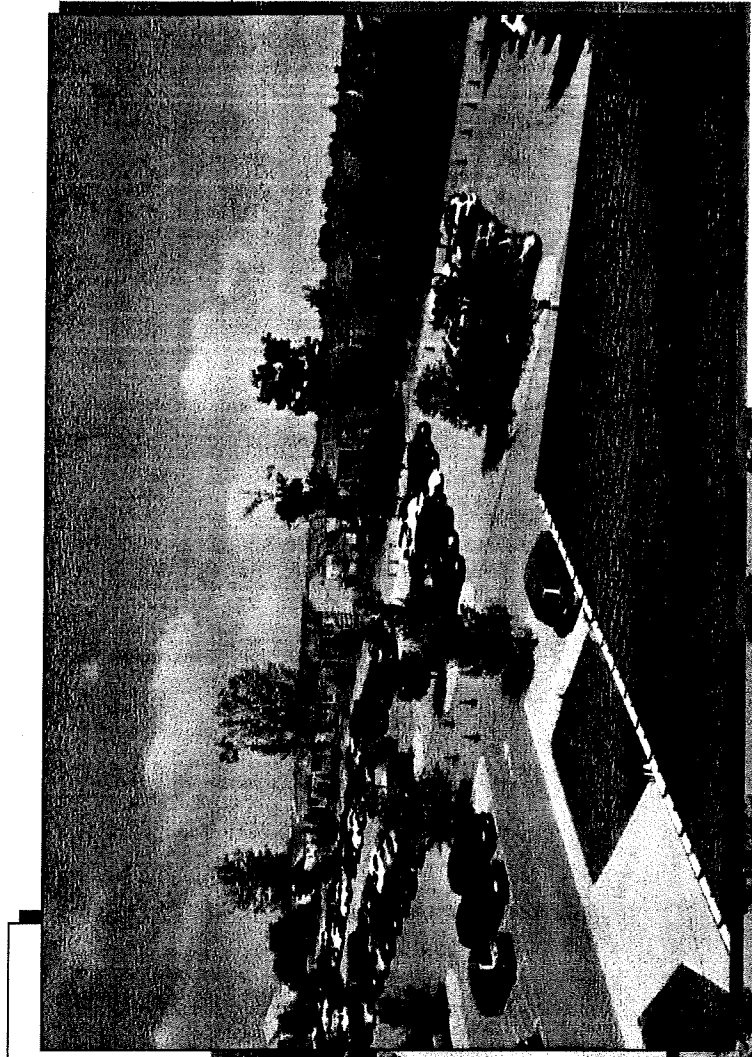


**STAFF RETREAT HOUSE (2012 ACQUISITION)**

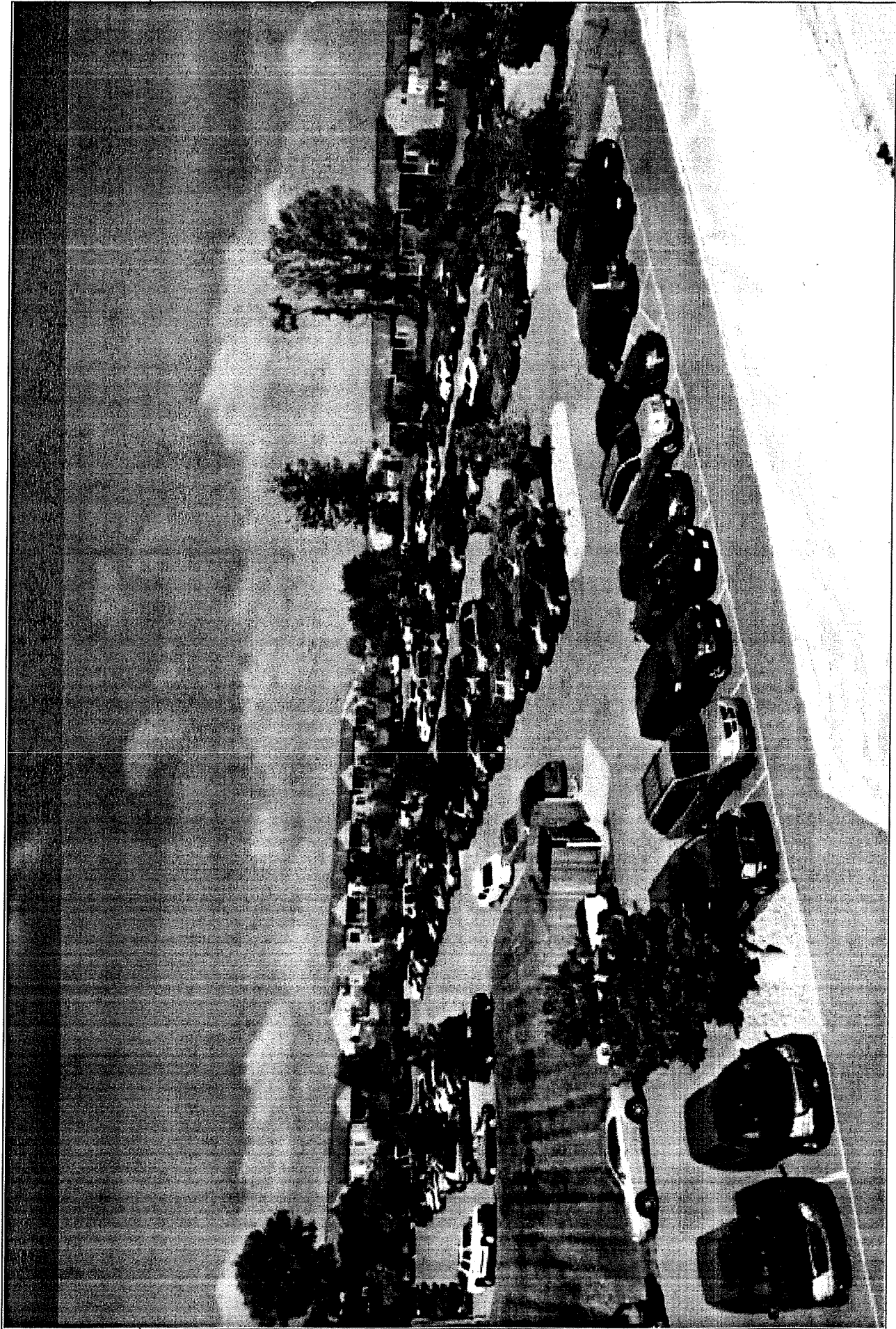


**EGNOR HOUSE  
-SITE OF PROPOSED PARKING LOT-  
MATURE TREE LINE TO EAST AND WEST OF HOUSE  
ARE TO REMAIN AFTER CONSTRUCTION**

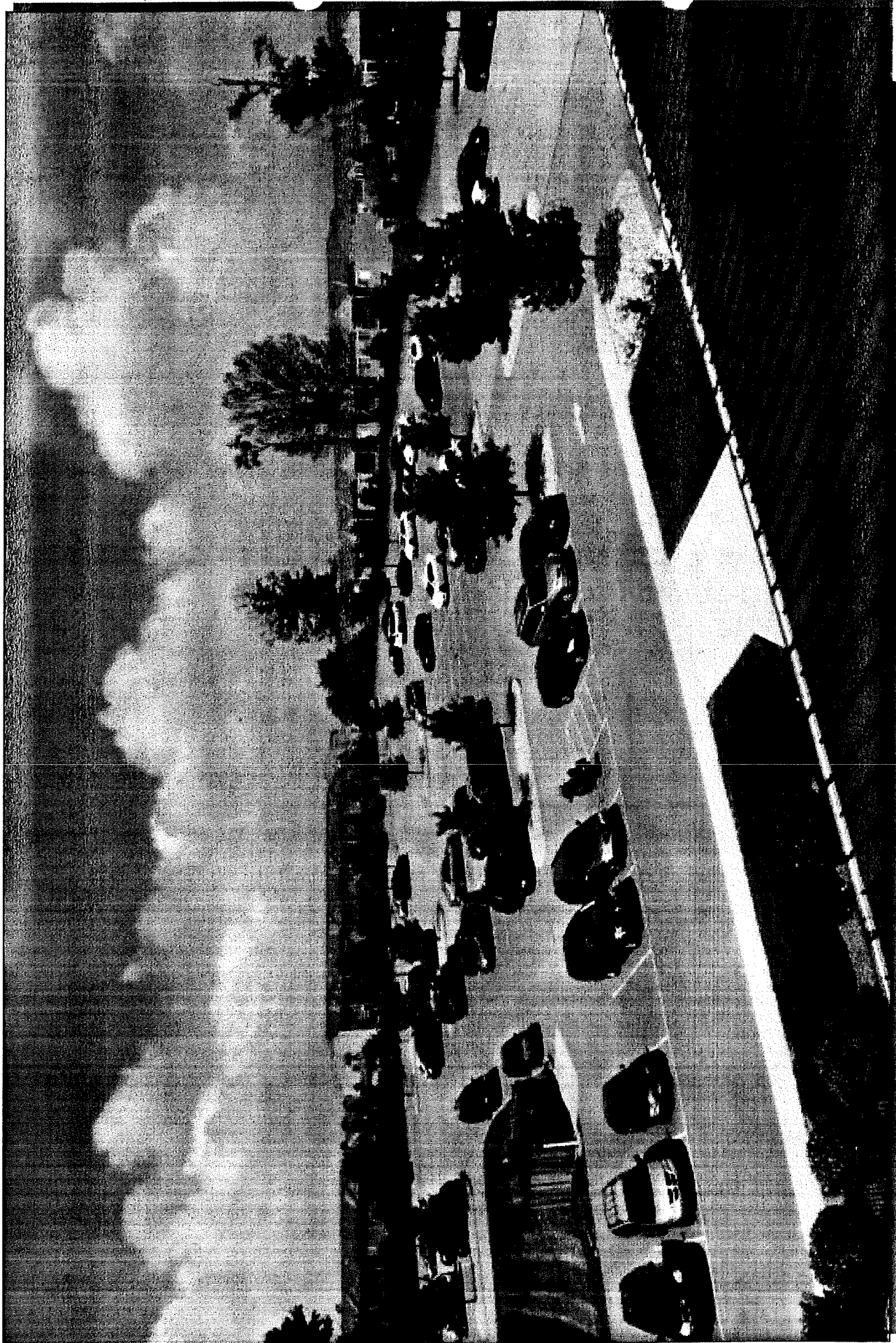




EXISTING TRAFFIC MANAGEMENT IN CHURCH PARKING LOT

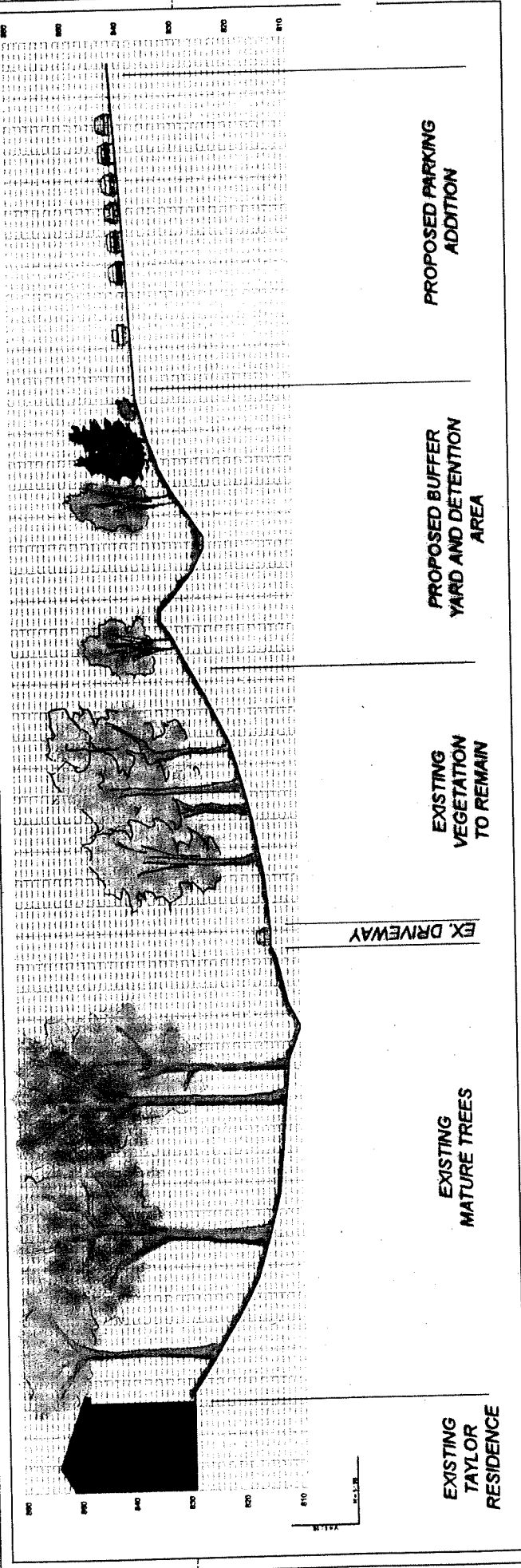


2nd Service Parking



3rd Service Parking





PROPOSED PARKING ADDITION

PROPOSED BUFFER YARD AND DETENTION AREA

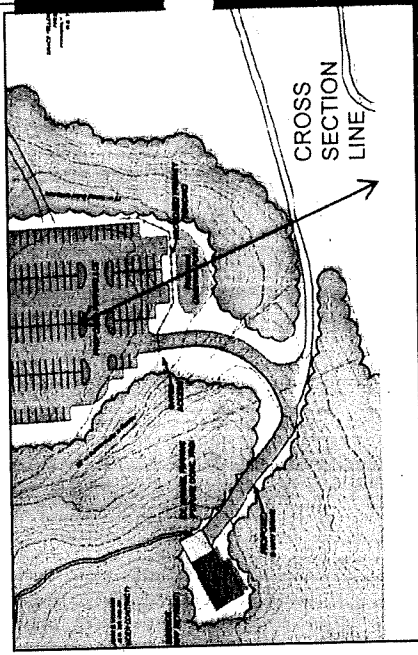
EXISTING VEGETATION TO REMAIN

EX. DRIVEWAY

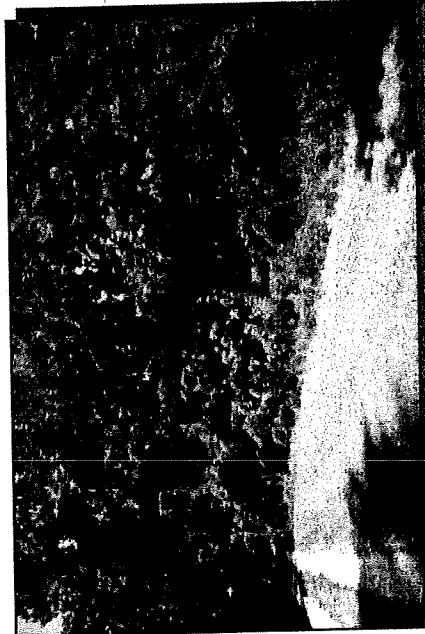
EXISTING MATURE TREES

EXISTING TAYLOR RESIDENCE

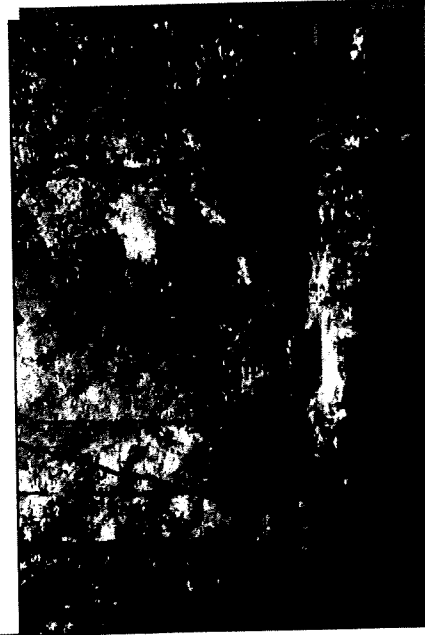
# CROSS SECTION DIAGRAM



CROSS SECTION LINE



**SOUTH EXISTING TREE-LINE AT DRIVEWAY TO HOWARD RESIDENCE**



**VIEW TOWARDS RESIDENCE FROM PROPOSED PARKING ADDITION**

**EXISTING VEGETATION AROUND PROPOSED PARKING LOT**

# EXISTING CHURCH AND DAILY TRAFFIC COUNTS

Day of the Week	Existing Uses	Necessary Parking for Existing Uses	Additional Future Uses	Necessary Parking for Future Uses
Monday	9-5 Office Hours (17 people)	17	9-5 Office Hours (5 additional people) Preschool - 125 students, 10 teachers (hours unknown)	5 100
Tuesday	9-5 Office Hours (17 people)	17	9-5 Office Hours (5 additional people) Preschool - 125 students, 10 teachers (hours unknown)	5 100
	8-3 Home School Coop (150 people)	60		
Wednesday	9-5 Office Hours (17 people)	17	9-5 Office Hours (5 additional people) Preschool - 125 students, 10 teachers (hours unknown)	5 100
	9:30-11 Ladies Bible Studies (150 people) 6-10pm Youth Group (160-200 people)	120 96		
Thursday	9-5 Office Hours (17 people)	17	9-5 Office Hours (5 additional people) Preschool - 125 students, 10 teachers (hours unknown)	5 100
Friday	9-5 Office Hours (17 people)	17	9-5 Office Hours (5 additional people) Preschool - 125 students, 10 teachers (hours unknown)	5 100
Saturday	Closed 7-8 Weddings per year (200-250 people) 8:15-9:30 1st Service (517 people) 9:45-11:00 2nd Service (985 people) 11:30-12:45 3rd Service (447 people)	17 on average per weekend 207 342 180	Anticipated 10% Growth	1
Sunday			Anticipated 10% Growth	21 34 18

•Peak hour traffic: Sundays 9:30am – 10:30am – 549 vehicles (38% exiting, 52% entering)

•Total existing parking spaces = 370

•Total parking spaces with proposed parking lot expansion = 566



# GRACE FELLOWSHIP EVANGELICAL FREE CHURCH



December 1993, GFC started as a church plant from Faith Evangelical Free Church in Milford, Ohio. They started with 6 families. They met in a conference room at Cineroy in downtown Covington. Several months later they moved to another Cineroy conference room in Florence. July 1994, GFC moved to Turkeyfoot Middle School where they first met in the library and then the cafeteria.

1996, The present property was purchased.

January 2004, GFC moved into the present building on Gunpowder Rd.

2006, 2nd phase of building completed, 2 story structure (1st floor finished, 2nd floor unfinished)

January 2007, Purchased the Howard property under land contract.

August 2010, Purchased Egnor property.

September 2010, Started process to finish the 2nd floor.

Present membership is approx. 500

Present attendance on any given Sunday for all services is approx. 1500











# Union Fire Protection District

9611 U.S. Hwy. 42  
Union, Kentucky 41091

(859) 384-3342 Phone

(859) 384-5281 Fax



September 27, 2010

EXHIBIT #3  
OCTOBER 6, 2010  
Boone County Planning Commission  
Public Hearing No. 2

Lee Nordine  
Grace Fellowship Church  
9379 Gunpowder Rd.  
Florence, KY 41042

Dear Mr. Nordine:

Thank you for supplying the concept plan for the proposed parking lot expansion at Grace Fellowship Church. I have reviewed the plans you supplied and also discussed this with Chief Morgan. We do not see any problems that will be caused by the parking lot expansion as it relates to emergency vehicle access. It may even help access by allowing drivers to find a parking spot faster and reduce the backup in the driveways. It will also probably reduce the temptation to park in the fire lanes or other unmarked spots if there is additional parking available. You also stated there may be a locked gate at the new parking lot exit to the existing driveway. This would not be a problem for access either if the gate is secured with a chain and padlock. We have the equipment to cut a chain if we need additional access to your facility.

If you have any other concerns or questions please feel free to contact me.

Sincerely,

Bob Thola  
Assistant Chief

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
NOVEMBER 3, 2010  
7:00 P.M.**

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Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Greg Breetz  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Linda Herald  
Mr. Charlie Reynolds  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director of Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Mitchell A. Light, Assistant Zoning Administrator/Enf. Officer

**Approval of the Minutes:**

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the October 6, 2010 Business Meeting and Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Ford moved that both sets of Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

**2010 BOONE COUNTY SUBDIVISION REGULATIONS UPDATE**

1. Request of the **Boone County Planning Commission Technical/Design Review Committee** to consider a series of amendments to the **2005 Boone County Subdivision Regulations** and to the **2005 Boone County Street, Storm and Sidewalk Specifications**.

Staff Member, Kevin Wall, presented the Committee Report, which recommended approval of the request based upon Findings of Facts (see Committee Report). Mr. Wall noted that Committee Members, Mr. Reynolds, Ms. Reeves, Mr. Brandstetter and Mr. Longano voted in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request with a 5 minute time limit.

**Seeing no one, Mr. Ford moved to approve the amendments to the Boone County Subdivision Regulations and the 2005 Boone County Street, Storm & Sidewalk Specifications. Mr. Brandstetter seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT**

2. Request of **Viox & Viox, Inc. (applicant)** for **Grace Fellowship Church and John Howard (owners)** for a **Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF)** for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously for the project with Mr. Brandstetter, Mr. Bunger, Mrs. Poston, Mr. Reynolds and Mrs. Kegley voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit.

Mr. Bill Viox, Viox & Viox, PSC, stated that at the Public Hearing he emphasized the number of churches and the population growth in the area. When the Church opened, Plantation Pointe Subdivision had just begun and since then over 500 new lots have been approved in the area. This project is a test case for the parking lot. Under the original application, the regulations were different for the number of required parking spaces. Since then, the Planning Commission has enhanced their regulations. More spaces are required

per seat. That is exactly what this Church is doing. In addition, the Church has to enhance their office administrative space due to the number of employees now and in the future. Traffic counts were provided to the Staff and the traffic circulation on Sundays is managed well by the Church staff. Photographs from the roof were shown. Mr. Viox stated that when there are more parking opportunities, then there are less stacking problems.

Ms. Kim Romer, 9513 Gunpowder Road, read a statement from the neighborhood. She thanked the Planning Commission's Zone Change Committee for placing conditions on the staff retreat facility and for not allowing the Monday through Friday school. They still strongly oppose the parking lot expansion even with the conditions. The request for the additional parking lot was declined by the City of Union (Board of Adjustment). They were told by Church representatives that the Egnor property sale would be contingent on approval of the parking lot. Why would the Church proceed with purchasing the property after being denied for the parking lot expansion? The Planning Commission didn't ask a lot of questions about their concern of flooding? They are being told about the construction of a detention pond and water will be directed towards the Howard property, which will control the flooding. However, if you direct the storm water toward the Howard house, it will go to the ravine, flow under the Howard driveway, into the creek on the Taylor property and ultimately into Gunpowder Creek. This will create additional flooding in our yards and on the road. The Viox Report says the water will have a minimal effect to a very large area and compares it with pouring a glass of water into the Ohio River. The neighbors are not concerned about the effect it has on the Ohio River. The neighbors are concerned about the flash flooding in their front yards and on Gunpowder Road. The neighbors are also concerned about the safety and the close proximity of the parking lot to their homes. The neighbors are concerned about non-members of the Church having access to the parking lot during off hours. When she asked why the Zone Change request was being recommended for approval even though the Committee did not recommend the school, the neighbors were told that the Future Land Use Map identified the site as Public/Institutional according to the Comprehensive Plan. Upon further research, the original Church parcel is labeled as P or PF for the year 2030 and the Egnor and Howard parcels are labeled Suburban Residential and Urban Density Residential and not PF. The Planning Commission should wait until 2030 to allow the zone change. We were also told that the zoning had to be changed because of home schooling. The community feels that the Church knew this when they allowed the group to meet there. They knew they were in violation of the zoning rules but chose to allow it anyway. The community feels that should stop meeting there if it means granting the Church the zone change. Article 12, Section 1200 states that the Planning Commission should insure that the zone change request have long-term continuity and compatibility with adjacent land uses. This does not.

At this time, Chairman Rolfsen asked for a motion either for or against the request.

**Mrs. Kegley recommended that Condition #6 be amended to eliminate the motion detector system for the parking lot lights and replace it with wording that states that "At 11:00 p.m., the parking lot lighting shall be greatly reduced. A minimal amount of lights may be left on for security purposes." She stated that she has never seen the use of motion detectors in parking lots. She has a concern of all of the lights going on and off at one time. This is more of a disturbance for the neighbors. Mr. Longano seconded the motion to amend Condition #6 as stated by Mrs. Kegley.**

Chairman Rolfsen asked whether Mr. Viox was in agreement with the amended condition. Mr. Viox said yes. Chairman Rolfsen asked for a vote on the amendment only and the motion passed unanimously.

Chairman Rolfsen then asked for a motion to act on the Committee's recommendation with the approved amendment. Mrs. Kegley moved that the request be approved by Resolution to the City of Union with conditions including the amended condition based on the Committee Report. Mr. Brandstetter seconded the motion. Chairman Rolfsen asked if there were any questions or comments from the Board on this motion?

Mr. Schwenke inquired about the one day a week school. Can the Church have more than 175 students? Mrs. Kegley responded that there can't be more than 175 students. The enrollment is currently 150 students. Mr. Schwenke stated that he is against the school as part of the application. Mrs. Kegley stated that the students are home schooled and use the day to plan their lessons.

Chairman Rolfsen asked about the storm water runoff issue identified by Ms. Romer. Mr. Morgan noted there has been flooding in the area and the property is adjacent to Gunpowder Creek. The neighbors have a concern about the additional impervious area from the new parking lot. The applicant has agreed to over detain storm water. Mr. Viox explained that the size of the parking lot is equivalent to half of a football field. Storm water will flow south toward U.S. 42 and then north to Gunpowder Creek. Water will flow toward Florence or U.S. 42. Mrs. Romer is located south of the site. Mr. Viox said that they will cut off the storm water from the parking lot. A small amount of storm water would travel down the driveway. It will be insignificant. The entire basin is 4,500 acres and the improved area for the project is only a few acres. There will be less water overall going toward Ms. Romer's residence once the improvement is made.

Chairman Rolfsen asked for a vote on the motion made by Mrs. Kegley and seconded by Mr. Brandstetter. The motion passed unanimously.

**NEW BUSINESS:**

**2010 BOONE COUNTY COMPREHENSIVE PLAN - Bob Schwenke, Chairman; Bob Jonas, Staff**

3. **Request of the Boone County Planning Commission Long Range Planning/Comp Plan Committee to review the 2010 update of the Boone County Comprehensive Plan Goals and Objectives. The Statement of the Goals and Objectives include the following sections: Overall, Population, Environment, Economy, Business Activity, Housing, Recreation and Open Space, Agriculture, Preservation, Public Services and Facilities and Transportation. The Statement of the Goals and Objectives form the basis for the update of the remaining Elements of the 2010 Boone County Comprehensive Plan.**

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Ben Brandstetter, Chairman

**DATE:** November 3, 2010

**RE:** Request of **Viox & Viox, Inc. (applicant)** for **Grace Fellowship Church and John Howard (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions:

### FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
  - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" shows the majority of the existing church campus forecasted for "Public/Institutional" uses and the remainder of the proposed zone change area forecasted for "Suburban Residential" and "Urban Density Residential" uses. Page 142 of the Boone Comprehensive Plan states that "future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies."
  - B. The proposal is in general agreement with the following passages from the Land Use Element:
    - 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 (Future Land Use Development Guidelines - Buffering, pg. 141).

The Committee determined the proposal would have minimal or no visual, noise, or lighting impacts on adjoining properties. The proposed parking lot is located in a clearing between mature deciduous tree lines and the applicant provided a cross section at the October 6, 2010 Public Hearing showing the view of the adjoining property owner to the south. The applicant has also agreed to lighting and landscaping conditions.

- Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water 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 (Future Land Use Development Guidelines - Storm Water Management and Erosion Control, pg. 141).

The church has agreed to a condition which requires them to over-detain storm water.

- 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 (Future Land Use Development Guidelines - Access Management, pp. 141-142).

The applicant provided an updated traffic count study (see attachment) and provided observations for the Church services that were held on October 17, 2010. The applicant stated that traffic backups on Gunpowder Road were never more than 15 cars and no car sat in traffic for more than 2 minutes. The church foresees keeping a traffic monitor at the access point as long as church attendance warrants it.

C. The project is in agreement with the following 2005 Goals and Objectives:

- Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective).

See Committee rationale in Section B. above.

- The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).

See Committee rationale in Section B. above.

- Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Objective).

See Committee rationale in Section B. above.

- Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways and roadway lanes (Transportation, Objective).

The applicant has agreed to provide an access easement across their property in the event that the county property which fronts on Portage Trail and Gunpowder Road develops as a park.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

### CONDITIONS

1. The approval is based on the submitted application and Concept Development Plan (see attachments), except as modified by the conditions below. The parking lot shall not be any larger than what is shown on the Concept Development Plan and the existing house and shed being converted to a Staff Retreat shall be the only structures permitted in the woods.
2. The approximate 900 square foot church office addition shown on the southern facade of the building and the approximate 1,500 square foot picnic pavilion shown in the front yard are permitted and shall go through a Staff Design Review process when the Site Plan application is submitted for review. The Staff Design Review shall analyze the following:

#### Office Addition

- A. The building materials shall match the existing building.
- B. An appropriate number of windows and/or doors shall be provided on the southern, eastern, and western elevations so the addition correlates with the rest of the building.

#### Picnic Pavilion

- A. The design and construction materials shall be similar to the photo that was submitted at the October 6, 2010 Public Hearing (see attachments).
3. The 5,000 square foot building addition shown on the front of the building is not permitted.
4. The following activities are permitted in the Staff Retreat building:
  - A. Church Parsonage
  - B. Church meetings
  - C. Temporary Missionary housing for one family.
  - D. Biblical counseling

E. Family counseling limited to family or domestic issues

The facility shall not be used for medical related treatment or prison ministry.

5. The church buildings and parking lots shall be vacated nightly by 11:00 PM. This condition does not apply to the Staff Retreat if it is being used for Missionary housing or overnight counseling.
6. The proposed parking lot lighting shall match the existing parking lot lighting (12' tall). At 11:00 PM the parking lot lighting shall be greatly reduced. A minimal amount of lights may be left on for security purposes.
7. A Home School meeting is permitted to run in the church building one day per week. The maximum enrollment shall not exceed 175 students. No other schools (pre-school, primary, secondary, technical, college, etc.) shall operate on the property.
8. The portion of the Howard driveway between Gunpowder Road and the church parking lot connection shall only be used for emergency access.
9. The church shall over-detain storm water per Jonathan Brown's April 27, 2010 letter (see attachments).
10. The following landscaping is required when the southern parking lot addition is constructed:
  - A. The street frontage landscaping buffer immediately to the east of the proposed parking lot shall contain three (3) evergreen trees per 100 linear feet of buffer area. The trees shall be a minimum of 6' tall at planting.
  - B. Twenty (20) evergreen trees per 100 linear feet of buffer area shall be installed immediately to the south and west of the proposed parking lot where there are gaps in the deciduous tree lines. The trees shall be a minimum of 6' tall at planting.
  - C. Vehicular Use Area (VUA) landscaping as required by Section 3625 of the Boone County Zoning Regulations.
11. The Union Board of Adjustment conditions which pertain to the buffering of the northern and rear property lines (11.98 acre site) are still valid and in effect (see 5/20/02 and 6/20/05 Union Board of Adjustment conditions).
12. The church shall provide an access easement to Boone County in the event that the county property which fronts on Portage Trail and Gunpowder Road develops as a park. The easement would go across the church property and allow a public trail system (provided by others) to be extended to the future park, connect the church use and other land uses, and provide alternative transportation access to the church.

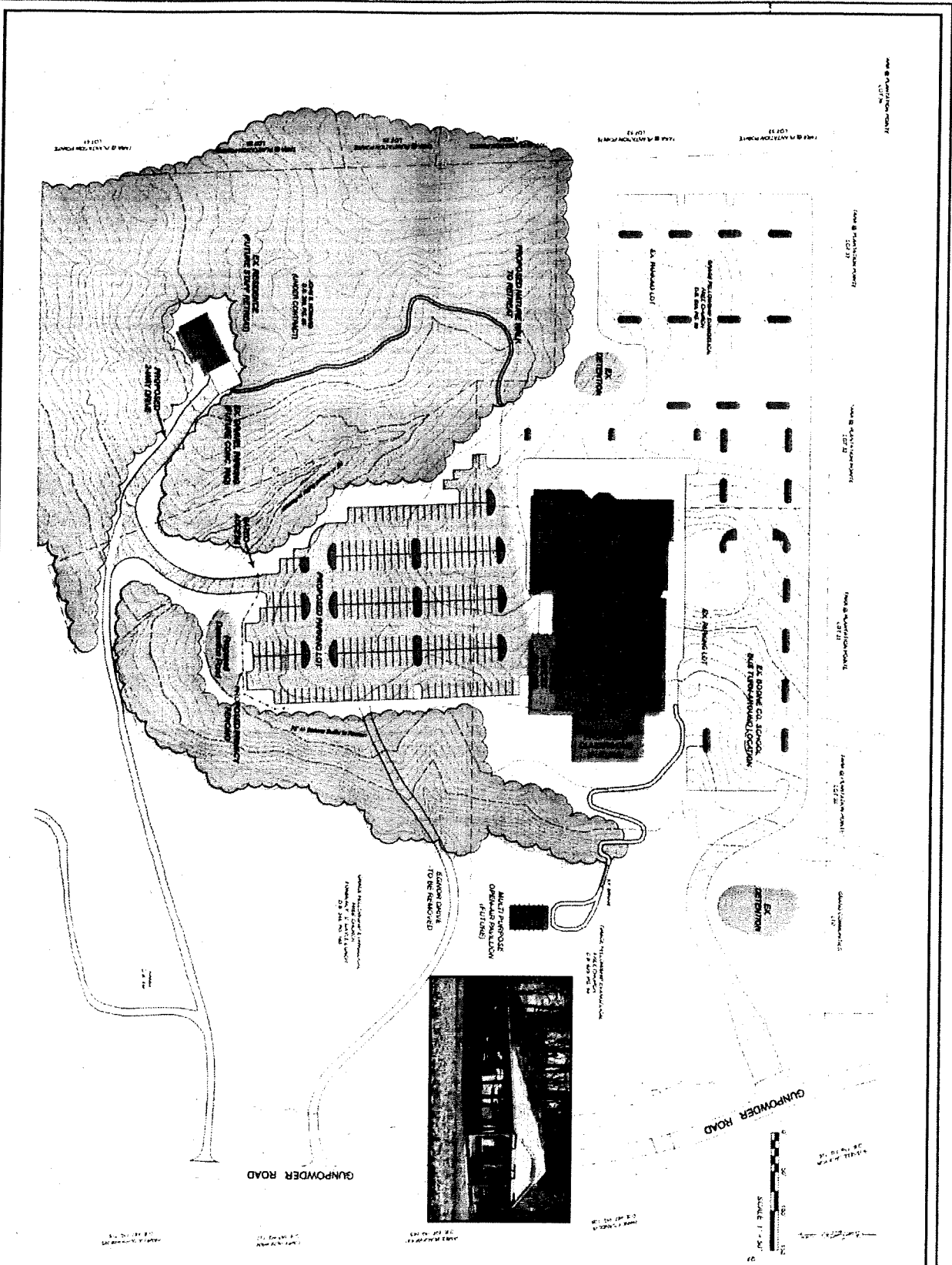
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

Submitted  
10/20/10  
By Bill Viox

Traffic Counts - Grace Fellowship Church  
Sunday, October 17, 2010

Movement	9:15 - 10:15 AM	10:15 - 11:45 AM
Right Into Grace	145	82
Left Into Grace	186	93
Northbound Through	95	232
Southbound Through	95	202
Right Out Of Grace	30	140
Left Out of Grace	63	165

CIVIL ENGINEER'S CONCEPT PLAN



**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 400 Franger Road - Erlanger, Kentucky 41010  
 P: 859-777-5295 - F: 859-777-8452 - www.viox.com

**GRACE FELLOWSHIP EVANGELICAL FREE CHURCH**  
 ZONE CHANGE CONCEPT PLAN  
 SEPTEMBER 29, 2010





# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452

April 27, 2010

Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, Kentucky 41005

ATTN: Todd K. Morgan, AICP  
Planner, Zoning Services

Re: Grace Fellowship  
Storm Water Drainage

Dear Mr. Morgan:

In response to the concerns expressed by the Union Board of Adjustments at its last meeting Grace Fellowship requested that I review the storm water drainage for its proposed parking addition.

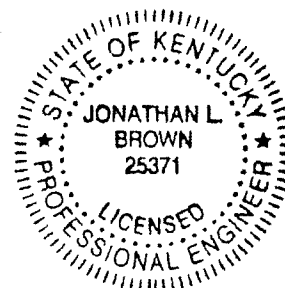
The site in question is located directly adjacent to the South Fork of the Gunpowder Creek. The total watershed area flowing to the site is in excess of 4500 acres and contains a variety of land uses. Additionally, much of the upstream area was developed before the advent of detention regulations. The occasional flooding experienced along Gunpowder Road is largely a result of the massive upstream area and to a lesser extent the lack of upstream detention. The proposed parking addition will result in an additional 1.65 Ac. area of impervious surface. This represents less than 0.04% increase in impervious surface for the basin. Given this fact, I can state with certainty that the development or future expansion of the Grace Fellowship site will have no appreciable impact on water level or flooding frequency of the South Fork Creek.

Despite the fact that this expansion does not present the risk of additional flooding, Grace Fellowship asked me to analyze the possibility for over-detaining the storm water from this expansion. Based on this analysis 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. This is well in excess of current regulations that only require detention to the pre-developed rate.

Given the vast size of the overall drainage basin it is impossible to solve the overall flooding issues of South Fork Creek via controls located solely on the Grace Fellowship site. However, the extra-regulatory improvements stated above will incrementally improve the situation and further represent Grace Fellowships willingness to go above and beyond what is required to be a good neighbor.

Thank You,

Jonathan L. Brown, P.E.



**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, AICP, Senior Planner

Mr. Rolfsen, Chairman, called the meeting to order at 8:12 P.M. and introduced the second item on the Agenda:

**ZONING MAP AMENDMENT**

2. **Request of Viox & Viox, Inc. (applicant) for Grace Fellowship Church and John Howard (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.**

Staff Member, Todd Morgan presented the Staff Report which included a PowerPoint presentation (see Staff Report). The site is 27.1 acres in area and the request is to change the zoning from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF). The current church property itself is 11.98 acres. The Egnor property, which the church recently acquired is 7.28 acres. In addition, the Church has the Howard property under contract. It is 7.87 acres in size. Mr. Morgan noted there are 2 typos in the Staff Report. The first one is the current zoning of the property. It should read Rural Suburban (RS) versus Rural Suburban Estates (RSE). The second typo is on page 3 of the Staff Report. The reference to the "2025 Future Land Use Plan" is incorrect. It should be "2030 Future Land Use Plan." The existing church is 45,467 square feet in size with 370 parking stalls. The applicant is proposing an open air picnic pavilion, a walking trail, a classroom addition to the front of the building, an office addition to the southern facade and a new southern parking lot. In addition, the applicant is proposing the removal of an existing driveway and the construction of a new stormwater detention pond. The existing Howard house will be utilized as a staff retreat facility. A walking trail would be built from the new church parking lot to the retreat house and improvements would be made to provide access and parking to the retreat building. The area in green is the existing tree line that will be retained. Mr. Morgan explained the site history of the church as stated on pages 1-2 of the Staff Report. This includes several applications before the Union Board of Adjustment and Major Site Plan Review before the Boone County Planning Commission. Mr. Morgan stated that he included minutes from the Union Board of Adjustment meetings in the Staff Report. For the record, the Howard property was not part of any previous request. Under the current proposal, the applicant would like to include a Monday-Friday school. Under current zoning, this is not possible. Mr. Morgan described the site characteristics and surrounding land uses and zoning. He also displayed several photographs of the site and adjoining properties. In regard to the Comprehensive Plan, Mr. Morgan stated that the 2030 Future Land Use Plan indicated that the site is designated as Public/Institutional, Suburban Residential and Urban Density Residential. Mr. Morgan referred to the Future Land Use Development Guidelines on pages 3-4 and the Goals and Objectives on Page 5 of the Staff Report. Mr. Morgan also referenced the 2030 Boone County Transportation Plan on page 6. The current level of service on Gunpowder Road between U.S. 42 and Ridgeview Road is Level of Service C with 5,015 average daily trips on this section of the road. On the same section of road, the projected level of service is C with 5,260 average daily trips in the year 2030. Finally, the Transportation Plan recommends that Gunpowder Road should be widened from 2 to 4 lanes between U.S. 42 and Mt. Zion Road. Mr. Morgan continued his presentation by reviewing the Staff Comments identified in the Staff Report on pages 6-9. The comments involved the denial of the May 17, 2010 Conditional Use Permit by the Union Board of Adjustment, the differences between the submitted plan reviewed by the Union Board of Adjustment and the Planning Commission's review of the proposed Concept

Development Plan, operations and impact of the proposed improvements, parking formulas, feedback from the Union Emergency Services Alliance and the Kentucky Transportation Cabinet, details of the existing Home School Group, discussion of aesthetic, lighting, traffic and noise impacts of the proposed improvements, landscaping and other site details. This included parking lot lighting, storm water detention, landscape buffers, access easements and Board of Adjustment Conditions. Mr. Morgan was asked by Mr. Costello to verify an access easement request by David Whitehouse, the County Parks and Recreation Director because of County owned land in the vicinity.

Mr. William Viox, P.E., Viox & Viox, Inc. stated that his firm was the applicant for Grace Fellowship Church and John Howard. Mr. Viox distributed a booklet (See Exhibit #1) and began a PowerPoint presentation describing the project. He displayed an aerial of the project site that showed a lot of trees in the summertime and the limits of other improvements - retreat house and new parking lot. The new parking lot will be located in the area already cleared. The applicant wants to save as many trees as possible. They intend to meet the current landscaping requirements with the exception of the Howard property because they are going to acquire it. If they don't acquire it, they would be agreeable to meet the necessary requirements. Mr. Viox displayed an aerial photo of the site and surrounding area. He noted that Plantation Pointe subdivision was already in place and continues to grow. Gunpowder Road (KY 237) will be a cross county multi-lane highway from KY 536 to Hebron. This will also be true for KY 536. There are a lot of changes since the year 2000. Residentially, there have been 501 approved lots. This doesn't include Plantation Pointe and Harmony. The commercial changes include Pleasant Valley Commons, Gunpowder Center, Plantation Pointe Commercial and Summit Medical Facility. Currently, the parking lot at Gunpowder Center is being used by the Church for overflow parking. The highways are one of the biggest changes that has occurred in the area. The Mt. Zion Bridge over Gunpowder Creek was widened. Mt. Zion Road at I-75 was upgraded to help with the backups. A traffic signal was installed at Mt. Zion Road/Gunpowder Road to replace stop signs. There is an America Recovery Act/Stimulus project underway with the widening of Pleasant Valley Road and Gunpowder Road. There will be 5 lanes on Pleasant Valley Road and a new turn lane on Gunpowder Road. There will be sidewalks on the improved Gunpowder Road and Pleasant Valley Road. In terms of churches, Victory Baptist Church was sold to Good Shepherd Lutheran Church. Good Shepherd Lutheran Church expanded and Florence Baptist Church relocated in the area. Mr. Viox feels that the Church is in agreement with the Comprehensive Plan as it recommends a Public/Institutional use. It was never intended to have High Density and Suburban Residential uses on the subject property. If so, it would affect the traffic patterns Monday through Friday versus Sundays. Mr. Viox displayed some photographs of the building improvements. The actual seating of the church will be the same or reduced by a few. The proposed addition to the front of the building is a library. This will not increase seating in the auditorium. The small addition on the side of the building is office space. These building additions are not imminent but off in the future. Mr. Viox continued to show photographs of the site standing at the front of the building and looking east, the Egnor house and Staff Retreat House. The purpose of the Staff Retreat House is to have Staff meetings and to minister one on one in a private setting. Traffic counts were taken from the site and the Church Staff routinely manages the traffic on the site. People come to the services early to visit with friends and also drop their children off at Sunday School. The second service generates the most traffic. Changing the services to hours apart is not the

way the Church operates. The interconnection of people coming to the services is what it is all about. Since the Church attended the last Union Board of Adjustment meeting, there has been a drop in attendance for the second service and a slight increase in the first and third services. There are currently 64 single-family attached residences located close to the Church versus a few residences at a distance across Gunpowder Road. Mr. Viox described the Concept Development Plan with the Staff Retreat House. They have no intention to remove the trees. A privacy fence will be installed and the Church will meet the landscaping requirements. The Church will install a chained gate to funnel church traffic to leave and enter at one location. During the second service, the Church has a police officer, who directs traffic from and to Gunpowder Road for about 20 minutes. The other driveway can be used for emergency purposes only. They are not planning any other activities from the other driveway. The submitted Concept Development Plan shows the locations of the detention ponds. The Church is planning to over detain. The outdoor pavilion is planned for sometime in the future and the typical design is like the one in England-Idlewild Park. A cross-section of the site showing the Taylor home was presented to the Board. A traffic analysis was performed based on actual counts. Actual daily counts were provided along with future growth. The 10% growth figure includes new members gained in a year and loss in a year. As part of the traffic study, the Church has projected the K-3 school. The Church was not aware of the Home School violation. There is a need for a school in the future. They have been approached by an existing school in Northern Kentucky. Mr. Kent Ousley, elder at Grace Fellowship Church, gave a history of the Church's development (See Exhibit # 1). It started out in 1993 by 6 families as a church plant by Faith Evangelical Free Church in Milford, Ohio. They first met in the Cinergy offices in Covington and Florence. In 1994, the church moved to Turkeyfoot Middle School. In 1996, a pastor was hired and the Gunpowder Road property was purchased. In 1998, the Church moved to Dixie Heights High School and later to Scott High School in 2001. In 2004, the current Church facility opened. In 2006, they had a need for more Sunday School space, they added a 2-story structure of which the 2nd floor is unfinished due to limited finances. In 2007, the church purchased the Howard property under a land contract. In 2012, Mr. Howard will move out of the house. This year, the Church purchased the Egnor property and has started the process to finish the second floor of the 2006 addition. The current Church membership is 500 and attendance on any given Sunday averages about 1,500 people. Mr. Ousley stated that Grace Fellowship Church involves small group Bible studies throughout the area, Biblical counseling and missions. In terms of the future, Mr. Ousley stated that the Gunpowder Road facility will be their home base. They are not planning to move or expand the sanctuary. They want to maximize the use of the Church facility so that it can accommodate 684 people total. In terms of future growth, they would look at satellite churches in Northern Kentucky. Mr. Viox compared Grace Fellowship Church with Seven Hills Church in Florence, which recently opened up a satellite church in Campbell County. If you considered the various land uses identified in the Comprehensive Plan for the Church site, the type and amount of traffic is the same compared with other Public/Institutional Uses. The only difference is that the traffic changes from Sunday to Monday through Friday. Traffic congestion on Gunpowder Road is a 20 minute problem today and will improve when the road is widened to 4 lanes in the future.

At this time, Chairman Rolfsen left the Public Hearing and Vice-Chairman Ford took over. Vice-Chairman Ford asked if there was anyone in the audience who wanted to speak in favor of the project. Seeing no one present, Vice-Chairman Ford asked if there was anyone in the audience opposed to the request.

Ms. Kim Romer, 9513 Gunpowder Road, submitted a petition opposing the project (See Exhibit #2). Ms. Romer referred to the diagram showing the proposed 2 story school room addition. It was labeled Sunday School rooms and it is really a Monday thru Friday school. In his presentation, Mr. Viox referred to 10% growth. In the March 22nd Board of Adjustment minutes, Mr. Freeburne said that 64% of the congregation consists of adults with an average age of 25 and they have lots of children. Grace Fellowship started out as a small country church but they are there to fill a need. People just keep coming. It is steady growth. She expressed a concern about flooding. She lives on the lowest part. The water comes flowing from a hill where the proposed parking lot is located. It floods the Taylor front yard and the Howard driveway. The water comes from everywhere during a regular storm not a huge storm. It floods the lower part of the Egnor parcel and she expressed a concern because it is the same level as her house. She has never had water around her house. She has a concern about safety. It is very discerning to her that church representatives are contradicting themselves. It is hard to believe what their intentions are at this time. The minutes from the May 17th Board of Adjustment meeting indicated that the Church has no desire to put an addition on the building because there is nowhere they can put it. The minutes further indicate that 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. Ms. Romer also expressed a concern about the type of counseling at the Howard home. It is very vague. There are rumors about the facility being used for counseling ex-prisoners. No one will want to live next to such a facility. What are the laws protecting people? The original property is maxed out and the area is rural. Article 12 of the Boone County Zoning Regulations mentions compatibility of uses. She encourages the Board members to visit the site. The site is deceptive from the street. It is a large facility.

Mr. Gary Hendren, 9470 Gunpowder Road, stated he lives across from the proposed parking and his driveway is directly across from Mr. Howard's. He noted that if the driveway is used for non-emergency reasons, it will be a problem. He didn't understand why the existing street (Stonewall Trail) in Plantation Pointe Subdivision didn't connect to the church property. It would be a good exit for the church use. Mr. Hendren expressed a concern about the retreat building because he has a daughter. He wants to know who is in the community. He questions whether anyone from the church would live next door to it?

Mr. Donald Arien, 9758 Windsor Way, has lived in the community for 20 years and feels the Church is out of character for the area. There are a lot of single-family houses in the area that are set back. He feels that the proposed expansion is not appropriate. They want to take neighboring property and continue to expand. They have 150 Home School students today that use the church one day a week. With room on the second floor, it will continue to grow and grow in the facility. During peak traffic times, there is 500 vehicles coming in and out of the Church. They also want to add 200 parking spaces. It will be twice as bad. There is no road funding to improve Gunpowder Road. The Church is big enough. There was another Church in the area that moved on. A smaller Church moved in and the building sits back into the woods. This Church belongs next to the interstate like Florence Baptist Church.

Ms. Sandy Robb, 9601 Gunpowder Road, stated that she moved to the area from Ft. Mitchell. She lived previously next to Ft. Mitchell Baptist Church. She experienced the

same issues - buying neighboring houses and all sorts of activities in the early morning and late evenings such as Men's Prayer Group, Jazzercise classes, preschools, youth activities (Young Life) and housing homeless people. It was constant noise, traffic and lights. It was one of the reasons why they moved.

Ms. Shannon Dunhoff, 9340 Gunpowder Road, noted that the police officer sits at the entrance for 2 hours and not 20 minutes to direct traffic on Sundays. The flow is bad. It backs up and it sometimes takes 15 minutes to pull out of her driveway. It is not a 20 minute problem. It is a serious issue for those people living in the area. Ms. Dunhoff agrees that the proposed 200 parking lot expansion isn't going to fix the problem but will make it worse.

Mr. Jim Blackwood, 9406 Gunpowder Road, stated that he doesn't have a problem with the Church being there with the exception of traffic, noise, lighting and flooding. The congregation is fine and outstanding. The Church management is the problem. There has been a consistent and unrelenting pattern of development and deception. There are things they said they would never do but here we are. The Church's history speaks for itself. We can put a stop to the expansion. At what point do we stop it?

Mr. Michael Woods, 9758 Windsor Way, noted this area has a rural feel except for the eye sore on the hill. The trees are cleared out and it doesn't fit in with the neighborhood. There are no businesses that have built along Gunpowder Road. Many neighbors bought their property to have peace. This mega Church disturbs the peace with noise, lights and traffic. The Church plays the victim card claiming it is a victim of its growth, for them big is not big enough, unaware of parking requirements. Neighbors should not be penalized. Services can be spread further apart but they don't want to. If they want to continue to build, they should do it elsewhere. They have moved in the past, they should move again.

Mr. Bill Woods, 9758 Windsor Way, agrees with what everyone has said previously. He questioned whether there was only going to be 245 additional cars traveling on Gunpowder Road in the next 20 years.

Ms. Pamm Taylor, 9491 Gunpowder Road, noted her concern about the contradictions from the various meetings. The Church was originally not planning a school. What prevents the school from growing to 300 students daily? What would stop it from happening? She stated that she didn't want a school adjacent to her house. She likes her rural setting. She doesn't like the view of the proposed parking lot and flooding from the little creek as a result of this parking lot. She doesn't want to lose her privacy. She stated she is a member of the Church.

At this time, Vice-Chairman Ford asked whether the Board members had any questions or comments?

Mrs. Poston inquired about the Church's space not being used versus building expansion. Mr. Ousley explained that the space on the second floor will be used for Sunday School for the youth. It provides for seven Sunday School classrooms, a worship area and a café. The youth are currently using space in the basement and it is overcrowded. The bump out

in the front of the building will be used to expand the library. They would lose some classroom space in front the library. Mrs. Poston asked about the proposed Monday through Friday school. Mr. Ousley responded that the Church is not going to have a school that it will operate and finance. They have been approached by Cornerstone Classic Christian School. They have 40 students, K-3 and would like to use 4 classrooms for the next 2-3 years. They were trying to accommodate this school because some of the families of this school are members of Grace Fellowship Church. They understand that they are not presently zoned to have a school. That is one of the reasons why they are seeking a Zone Change. Mrs. Poston said she is concerned the church plans are short-term. Churches are not purposely deceptive but their leadership and vision changes.

Mr. Reynolds questioned whether Grace Fellowship Church was a satellite Church of a Church in Milford. Mr. Ousley responded yes. He explained that it is their long-term vision to have another satellite church. Mr. Reynolds asked whether it could be a short-term vision? Mr. Ousley stated that their goal is to have additional parking for the building they currently operate.

Mr. Schwenke asked if the zoning was changed to Public Facilities (PF) and in the future their vision changed based upon acquiring additional property. Mr. Morgan answered that the submitted Concept Development and conditions would run with the property. If the Church deviated from the approved plan, the applicant would have to re-apply before the Planning Commission and the City of Union. The applicant would be locked into this approved plan and conditions.

Mr. Bunger asked the applicant if they would consider changing the hours of service or distributing the flow of people to the Church on Sundays over a greater period of time? Also, he asked for further explanation of the counseling services. Mr. Ousley explained that the people who go to the first service help out with the second service. There would be a large gap of time. People like to go to church in the morning and not in the afternoon. Also, there is some time devoted to fellowship from one service to the next service. In regard to the Howard property, Mr. Ousley explained that the Staff could have "Prayer Days" at the Church Retreat instead of having it at the Church Building. Biblical counseling would also occur as well as marriage and family counseling. It could also be used by missionaries that are home on furlough. It is labeled as Staff Retreat because that it is what it will be used for a majority of the time.

Mr. Longano asked if the regular attendance maxes out at some point, are the building expansions adequate enough? Mr. Ousley answered that the goal is to maximize the use of the building based upon the occupancy of the auditorium.

Mr. Schwenke asked if the Committee could look at the flow of traffic and any improvements since Gunpowder Road will not be upgraded until sometime in the future when funding is available.

Mr. Brandstetter asked the applicant whether they could bring traffic information to the Committee meeting such as turning movement counts to warrant turning lanes. Also, could this be done for the storm water issue. Mr. Brandstetter asked the Staff what the

process would be if the applicant wanted to put a parking lot on the lower level? Mr. Morgan replied that the applicant would have to go through the Change In Concept Development Plan process again.

Mr. Ford asked the Applicant to provide more accurate details at the Committee meeting about the proposed school use and the Home School activities in terms of the number of children and operation of the school. What is the age division of the schools and hours of operation? This would be helpful to understand the traffic patterns.

Mr. McMillian asked whether the detention areas are big enough to address the flooding problems? Mr. Viox stated that his firm did a study previously on how the improvements impact the creeks. The Gunpowder Basin is so large and this area is ver minor. Mr. Viox explained that the church's ponds will not impact the creeks in the area and will not ultimately affect the neighbors yard flooding. Nothing they will do on the site will change Gunpowder Creek. The Church will over detain and not impact the side creeks. Their impact on the Gunpowder Creek Basin is negative. Mr. Viox Also submitted a letter dated September 27, 2010 from the Union Emergency Services Alliance (See Exhibit #3).

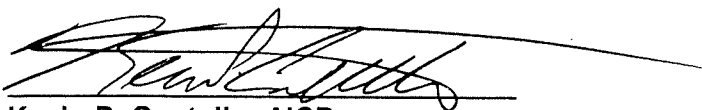
**There being no further comments, Vice-Chairman Ford stated that the Committee Meeting for this item will be on October 20, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 3, 2010 at 7:00 P.M. Vice-Chairman Ford closed this Public Hearing at 9:51 P.M.**

**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

**Exhibits**

- #1- Booklet submitted by William Viox**
- #2- Petition submitted by Kim Romer**
- #3- Letter from Union Emergency Services Alliance**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: October 20, 2010

RE: Request of **Viox & Viox, Inc. (applicant)** for **Grace Fellowship Church and John Howard (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.

### REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Grace Fellowship Church/John Howard/Viox

October 20, 2010

*Ben Brandstetter*  
**Ben Brandstetter, Chairman**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Greg Breetz**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Kim Bunger*  
**Kim Bunger**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Janet Kegley*  
**Janet Kegley**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Susan Poston*  
**Susan Poston**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Linda Herald (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Charlie Reynolds*  
**Charlie Reynolds (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**TOTAL:  DEFERRED 5 FOR PROJECT  ABSENT**  
 **AGAINST PROJECT  ABSTAIN**

# **SUPPORTING INFORMATION**



November 4, 2010

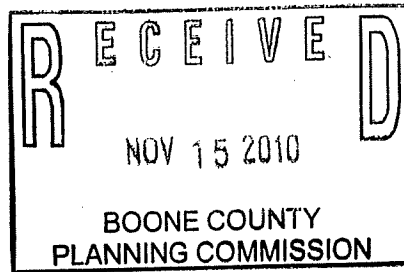
Mr. Greg Larison  
Viox & Viox, Inc.  
466 Erlanger Road  
Erlanger, KY 41018

# BOONE COUNTY PLANNING COMMISSION

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)



RE: Request of **Viox & Viox, Inc. (applicant)** for **Grace Fellowship Church and John Howard (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.

Dear Mr. Larison:

The following represents the conditions of approval for the above referenced Zoning Map Amendment application as discussed by the Boone County Planning Commission's Zone Change Committee at their October 20, 2010 meeting, and as amended before the full Planning Commission at their November 3, 2010 Business Meeting. Condition #6 regarding parking lot lighting was amended before the full Planning Commission. Please have the property owners sign the appropriate lines on the last page of this letter if they agree to the listed conditions. Please return this letter with the property owners original signatures to the Boone County Planning Commission office by November 11, 2010.

## CONDITIONS

1. The approval is based on the submitted application and Concept Development Plan (see attachments), except as modified by the conditions below. The parking lot shall not be any larger than what is shown on the Concept Development Plan and the existing house and shed being converted to a Staff Retreat shall be the only structures permitted in the woods.
2. The approximate 900 square foot church office addition shown on the southern facade of the building and the approximate 1,500 square foot picnic pavilion shown in the front yard are permitted and shall go through a Staff Design Review process when the Site Plan application is submitted for review. The Staff Design Review shall analyze the following:

### Office Addition

- A. The building materials shall match the existing building.
- B. An appropriate number of windows and/or doors shall be provided on the southern, eastern, and western elevations so the addition correlates with the rest of the building.

Picnic Pavilion

- A. The design and construction materials shall be similar to the photo that was submitted at the October 6, 2010 Public Hearing (see attachments).
3. The 5,000 square foot building addition shown on the front of the building is not permitted.
4. The following activities are permitted in the Staff Retreat building:
  - A. Church Parsonage
  - B. Church meetings
  - C. Temporary Missionary housing for one family.
  - D. Biblical counseling
  - E. Family counseling limited to family or domestic issues

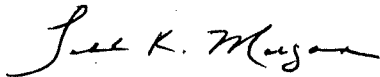
The facility shall not be used for medical related treatment or prison ministry.

5. The church buildings and parking lots shall be vacated nightly by 11:00 PM. This condition does not apply to the Staff Retreat if it is being used for Missionary housing or overnight counseling.
6. The proposed parking lot lighting shall match the existing parking lot lighting (12' tall). At 11:00 PM the parking lot lighting shall be greatly reduced. A minimal amount of lights may be left on for security purposes.
7. A Home School meeting is permitted to run in the church building one day per week. The maximum enrollment shall not exceed 175 students. No other schools (pre-school, primary, secondary, technical, college, etc.) shall operate on the property.
8. The portion of the Howard driveway between Gunpowder Road and the church parking lot connection shall only be used for emergency access.
9. The church shall over-detain storm water per Jonathan Brown's April 27, 2010 letter (see attachments).
10. The following landscaping is required when the southern parking lot addition is constructed:
  - A. The street frontage landscaping buffer immediately to the east of the proposed parking lot shall contain three (3) evergreen trees per 100 linear feet of buffer area. The trees shall be a minimum of 6' tall at planting.
  - B. Twenty (20) evergreen trees per 100 linear feet of buffer area shall be installed immediately to the south and west of the proposed parking lot where there are gaps in the deciduous tree lines. The trees shall be a minimum of 6' tall at planting.

Mr. Greg Larison  
November 4, 2010  
Page 3

- C. Vehicular Use Area (VUA) landscaping as required by Section 3625 of the Boone County Zoning Regulations.
11. The Union Board of Adjustment conditions which pertain to the buffering of the northern and rear property lines (11.98 acre site) are still valid and in effect (see 5/20/02 and 6/20/05 Union Board of Adjustment conditions).
12. The church shall provide an access easement to Boone County in the event that the county property which fronts on Portage Trail and Gunpowder Road develops as a park. The easement would go across the church property and allow a public trail system (provided by others) to be extended to the future park, connect the church use and other land uses, and provide alternative transportation access to the church.

Sincerely,

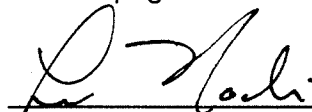


Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

AGREEMENT

We, Grace Fellowship Church and John Howard, do hereby agree to the listed conditions of approval for a Zoning Map Amendment for the approximate 27.1 acre tract which is described on the first page of this letter.



Mr. Lee Nordine - Facilities Manager, Grace Fellowship Church

11/11/10

Date



John Howard - Property Owner

13 Nov 10

Date





# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452

April 27, 2010

Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, Kentucky 41005

ATTN: Todd K. Morgan, AICP  
Planner, Zoning Services

Re: Grace Fellowship  
Storm Water Drainage

Dear Mr. Morgan:

In response to the concerns expressed by the Union Board of Adjustments at its last meeting Grace Fellowship requested that I review the storm water drainage for its proposed parking addition.

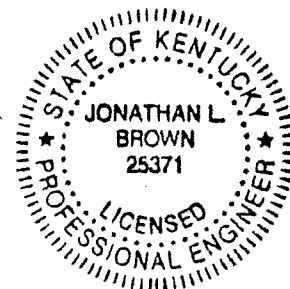
The site in question is located directly adjacent to the South Fork of the Gunpowder Creek. The total watershed area flowing to the site is in excess of 4500 acres and contains a variety of land uses. Additionally, much of the upstream area was developed before the advent of detention regulations. The occasional flooding experienced along Gunpowder Road is largely a result of the massive upstream area and to a lesser extent the lack of upstream detention. The proposed parking addition will result in an additional 1.65 Ac. area of impervious surface. This represents less than 0.04% increase in impervious surface for the basin. Given this fact, I can state with certainty that the development or future expansion of the Grace Fellowship site will have no appreciable impact on water level or flooding frequency of the South Fork Creek.

Despite the fact that this expansion does not present the risk of additional flooding, Grace Fellowship asked me to analyze the possibility for over-detaining the storm water from this expansion. Based on this analysis 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. This is well in excess of current regulations that only require detention to the pre-developed rate.

Given the vast size of the overall drainage basin it is impossible to solve the overall flooding issues of South Fork Creek via controls located solely on the Grace Fellowship site. However, the extra-regulatory improvements stated above will incrementally improve the situation and further represent Grace Fellowships willingness to go above and beyond what is required to be a good neighbor.

Thank You,

Jonathan L. Brown, P.E.



Grantee(s) Mailing Address & also for Taxes:  
Grace Fellowship Evangelical Free Church, Inc.  
9379 Gunpowder Road  
Florence, KY 41042

FAIR CASH VALUE: \$475,000.00  
TRANSFER TAX: \$475.00

PIDN: 063.00-00-004.01  
GROUP: 2047  
PLAT: \_\_\_\_\_

## DEED

### KNOW ALL MEN BY THESE PRESENTS:

That **E. GAYLE EGNOR**, a single, unmarried person, by and through her Power of Attorney, **Edward Wagner**,

whose mailing address is: 9447 Gunpowder Road, Florence, Kentucky 41042,

for and in consideration of Four Hundred Seventy-Five Thousand Dollars (\$475,000.00) and other good and valuable consideration to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell and convey to:

**GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, INC.**, a Kentucky Corporation,

his/her/their heirs (successors) and assigns, forever, the following described real estate in the City of Florence, County of Boone, and Commonwealth of Kentucky, to wit:

Grantee Mailing Address: 9379 Gunpowder Road, Florence, KY 41042      Group No.: 2047  
Property Mailing Address: 9447 Gunpowder Road, Florence, KY 41042      PIDN: 063.00-00-004.01

### DESCRIPTION

Group No. 2047

Situated in Boone County, Kentucky, and lying on the west side of Gunpowder Road, being part of the 10.90 acre, 12.27 acre, 0.3 acre tracts owned by John Howard and is described as follows: BEGINNING at a nail in the center of Gunpowder Road and corner to Gladys Shull, thence along the center of said road, S. 12° 53' E. 60.0 feet, S. 10° 13' E. 37.5 feet to a nail, thence along a new division line of John Howard S. 59° 43' W., 704.23 feet to a stake in a branch thence along said branch N. 53° 55' W. 382.58 feet, N. 26° 21' W. 77.35 feet, N. 48° 47' W. 124.12 feet to a stake, thence N. 77° 15' E. 940.47 feet to a point on the West side of Gunpowder Creek, thence S. 21° 06' E. 155.71 feet, N. 77° 06' E. 53.01 feet to the point of beginning containing 7.281 acres and subject to all legal right-of-ways.

Being the same property conveyed to the Grantor by JAMES W. PARKER AND DOROTHY G. PARKER, HUSBAND AND WIFE, by Deed date June 16, 1978 and recorded in Deed Book 246 at Page 160 of the Boone County Clerk's records at Burlington, Kentucky. ✓

This conveyance is subject to all easements and restrictions of record.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

**GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, INC.**, a Kentucky Corporation,

his/her/their heirs (successors) assigns, forever, the grantor, his/her/their heirs (successors), and assigns, HEREBY COVENANTING with the grantee, his/her/their heirs (successors) and assigns, that the TITLE so conveyed is

CLEAR, FREE AND UNENCUMBERED, and that he/she/they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said grantor:

E. GAYLE EGNOR, a single, unmarried person, by and through her Power of Attorney, Edward Wagner,

hereunto set their hands, this 5th day of August in the year 2010.

GRANTOR:  
E. Gayle Egnor by:  
Edward Wagner (POA)

E. GAYLE EGNOR

By: Edward Wagner, P.O.A. for E. Gayle Egnor

State of Kentucky )  
County of Boone )

The foregoing instrument was acknowledged before me this 5th day of August, 2010, by the grantor:

E. GAYLE EGNOR, a single, unmarried person, by and through her Power of Attorney, Edward Wagner,

Commission Expires: 3-6-2011

[Signature]  
Notary (Public, KY State at Large)

CERTIFICATE OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration reflected in this Deed is the full consideration for the property.

CURRENT FAIR MARKET VALUE: \$475,000.00

GRANTOR:  
E. Gayle Egnor by:  
Edward Wagner (POA)  
E. GAYLE EGNOR

GRANTEE:  
[Signature]

GRACE FELLOWSHIP  
EVANGELICAL FREE CHURCH, INC.

By: Edward Wagner, POA for E. Gayle Egnor

By: Robert Greenwood, Agent and Corporate Secretary

State of Kentucky )  
County of Boone )

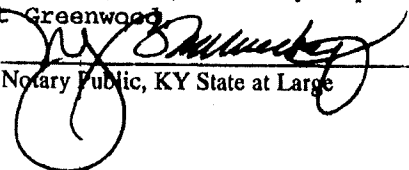
The foregoing certification was acknowledged and sworn to before me this 5th day of August, 2010, by:

**E. GAYLE EGNOR, a single, unmarried person, by and through her Power of Attorney, Edward Wagner,**

and

**GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, INC., a Kentucky Corporation, by and through its Agent and Corporate Secretary, Robert Greenwood**

Commission Expires: 3-6-2011

  
Notary Public, KY State at Large

I, \_\_\_\_\_, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from

**E. GAYLE EGNOR, a single, unmarried person, by and through her Power of Attorney, Edward Wagner,**  
to

**GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, INC., a Kentucky Corporation, by and through its Agent and Corporate Secretary, Robert Greenwood,**

was this day presented to me in my office, certified as above, and this day left for the record at \_\_\_\_ .m.

WHEREUPON THE SAME, the foregoing certificate, and this certificate were duly recorded in my office.

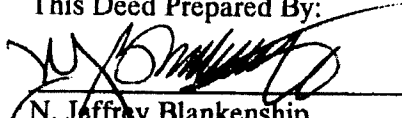
Given under my hand this \_\_\_\_ day of \_\_\_\_\_, in the year 2010.

Boone County Clerk

by \_\_\_\_\_, D.C.

Recorded in Deed Book No. \_\_\_\_\_ Page \_\_\_\_\_.

This Deed Prepared By:

  
N. Jeffrey Blankenship  
Monohan & Blankenship  
7711 Ewing Boulevard, Suite 100  
Florence, KY 41042  
(859) 283-1140

**RETURN TO:**

\\at\_winword\blankenship\corp\grace fellowship 06-268\deed

BOONE COUNTY  
D983 PG 378

DEED

Know All Men By These Presents:

BOOK 389 PAGE 66

CLERK'S OFFICE  
SHORT ★ FORM  
DEED

PROPERTY TRANSFER TAX PAID \$ EA  
JERRY W. ROUSE, CLERK DC

That NANCY L. HOWARD, single (a.k.a. Nancy Howard, single)

for and in consideration of One (\$1.00) Dollar and other valuable considerations them paid by the grantees herein, the receipt of which is acknowledged, do hereby remise, release and forever quit-claim to:

JOHN S. HOWARD, single, his

all of her right, title and interest in and to  
heirs and assigns forever, the following described Real Estate, in the City of Union  
Boone

County of ~~Kentox~~ and Commonwealth of Kentucky, to-wit: Group No. 2047

Present Street Address 9471 Gunpowder Road Plat No. \_\_\_\_\_

Mailing Address Same

PARCEL I

Lying on the west side of Gunpowder Creek approximately 1 1/2 mile southeast of the intersection of Gunpowder Road and U.S. 42, being part of the 32 acres owned by Margaret B. West, D.B. 167, Page 490, and described as follow: BEGINNING AT A HUB on the west side of Gunpowder Creek and a corner with Ferrante; thence North 88 degrees, 40 minutes West 832.35 feet to a stake and a corner with a 10.90 acre tract and Ferrante; thence along the 10.90 acre tract, North 21 degrees, 20 minutes West 591.94 feet to a stake and a corner with the 7.97 acre tract; thence along the 7.97 acre tract, North 77 degrees, 15 minutes East 780.17 feet to a stake on the west side of said creek an a corner with Gladys Shull; thence South 21 degrees, 6 minutes East 796.08 feet along the line of Shull and Ferrante to the point of beginning, CONTAINING 12.27 acres.

EASEMENT: The Center line of which is described as follows: --

Also conveyed herewith is an easement 50 feet in width, and lying on the west side of Gunpowder Road and the intersection of Sunnybrook Drive, running through the 7.97 acre tract mentioned above to the herein conveyed 12.27 acre tract for the purpose of ingress and egress to the said 12.27 acre tract, being more particularly described as follows: Beginning at a point in the center of Gunpowder Road, the point being North 48 degrees, 40 minutes West 26.91 feet from a spike at the intersection of Sunnybrook Drive and being a corner of the 7.97 acre tract; thence South 63 degeees, 4 minutes West 206 feet to a point; thence South 2 degrees, 4 minutes West 313 feet to a point with a 50 foot radius intersecting the two lines, the point being South 77 degrees, 15 minutes West 275 feet from the southeast corner of the 7.97 acre tract and the 12.27 acre tract, the above described easement being 50 foot in width.

(SEE ATTACHED SHEET.)

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

JOHN S. HOWARD, single, his

heirs and assigns, forever, the Grantor, and his heirs, executors and administrators, HEREBY COVENANTING with the Grantee, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that the Grantor will WARRANT AND DEFEND the same against all legal claims whatsoever.

The abovescribed easement is granted as an easement running with the land. Said easement is to be jointly maintained by the owners of said 7.97 acre tract and said 12.27 acre tract from the point of beginning for a period of 160 feet, with the remaining portion of the easement to be maintained by the owner of the 12.27 acre tract.

THERE IS EXCEPTED FROM THE ABOVE, and not intended to be conveyed the following described parcel:

7.281 acres conveyed to James W. Parker and Dorothy G. Parker, his wife as set out in Deed Book 224, page 166; and

2.056 acres conveyed to Charles Randy Davis and Faye Carol Davis, his wife as set out in Deed Book 278, page 122; and

.026 acres conveyed to Charles Randy Davis and Faye Carol Davis, his wife as set out in Deed Book 284, page 148; and

2.0 acres conveyed to Richard Taylor and Pam Taylor, his wife as set out in Deed Book 290, page 142.

A parcel conveyed to the County of Boone, Kentucky right-of-way deed recorded in Highway Deed Book 11, page 175.

All references are made to the Boone County Clerk's records at Burlington, Kentucky.

Being a part of the same property conveyed to John S. Howard and Nancy L. Howard, formerly husband and wife, by a deed from Margaret B. West and Clarence S. West, her husband, dated May 20, 1972 and recorded in Deed Book 198, page 383, of the Boone County Clerk's Records at Burlington, Kentucky.

PARCEL II 1

Beginning at the northeast corner of the .69 acre tract conveyed to John S. Howard by Margaret West recorded in Deed Book 224, page 166; thence North 77 degrees, 15 minutes East 160.73 feet to a point in the dividing line between Vater (D. B. 245, page 3) and the remaining land of the original 10.21 acres owned by Howard (D. B. 245, page 1) TO THE REAL POINT OF BEGINNING; thence North 48 degrees, 47 minutes West 124.12 feet; thence North 26 degrees, 21 minutes West 77.35 feet; thence North 53 degrees, 55 minutes West 173.0 feet; thence North 21 degrees, 20 minutes West 282.68 feet; thence North 77 degrees, 4 minutes East 497.33 feet; thence South 15 degrees, 3 minutes East 687.45 feet; thence South 77 degrees, 15 minutes West 276.22 feet; thence North 12 degrees, 45 minutes East 100 feet to the place of beginning, containing 6.20 acres, as surveyed by James E. Ranson, Ky. L. S. 111. See copy of survey attached to the mortgage.

Subject to easements of record, including but not limited to Union, Light, Heat & Power recorded in Easement Book 8, page 54.

Being a part of the same property conveyed to John S. Howard and Nancy L. Howard, formerly husband and wife, by a deed from Margaret B. West, single, dated April 21, 1978 and recorded in Deed Book 245, page 1 of the Boone County Clerk's Records at Burlington, Kentucky.

The marriage of Nancy L. Howard, a.k.a. Nancy Howard, and John S. Howard, a.k.a. John Howard, was dissolved by Decree of Dissolution entered by the Boone Circuit Court, Case no. 87-CI-639 on May 4, 1988. This conveyance by Nancy L. Howard, a.k.a. Nancy Howard conveying all of her interest to John S. Howard pursuant to the terms and conditions of the "Agreement Attendant to Dissolution of Marriage" dated May 4, 1988.

THIS CONVEYANCE IS ALL OF THE REMAINING PROPERTY OWNED BY THE GRANTOR AND GRANTEE HEREIN

IN WITNESS WHEREOF, The said Grantor, NANCY L. HOWARD, single (a.k.a. Nancy Howard, single)

hereunto sether hand, this 30th. day of June in the year 1988

STAMPS

	NANCY L. HOWARD, single (a.k.a. Nancy Howard, single)
	<i>Nancy L. Howard</i>

State of Kentucky  
County of Kenton

The foregoing instrument was acknowledged before me this 30th. day of June, 1988  
by NANCY L. HOWARD, single (a.k.a. Nancy Howard, single)

*[Signature]*  
 NOTARY PUBLIC  
 Kentucky, State at Large (Title)  
 Commission Expires: May 19, 1992

COMMONWEALTH OF KENTUCKY, } SCT.  
 KENTON COUNTY OF BOONE  
 JERRY W. ROUSE  
 I, ~~AKKWOOD~~, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of  
 writing from NANCY L. HOWARD, single (a.k.a. Nancy Howard, single)

to JOHN S. HOWARD, single, his

was this day presented to me in my office, certified as above, and this day left for record at 1:50 P. M.  
 Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office.  
 Given under my hand this 13th day of JULY in the year 1988

JERRY W. ROUSE ~~AKKWOOD~~, Clerk  
 By *Donna Callis*, D. C.

# WARRANTY DEED

From  
 NANCY L. HOWARD, single  
 (a.k.a. Nancy Howard, single)

MAIL To  
 JOHN S HOWARD, single  
 9471 Gunpowder Road  
 Florence, Kentucky 41042

Acknowledged

RECEIVED  
 Clerk  
 Left for Recording  
 BOONE COUNTY CLERK

Recorded in Deed Book No. 389 Page 66

GENERAL INDEX  
 GROUP 2047 (Boone)  
 Index Clerk

This Deed Prepared By  
*Frank R. Pichmann*  
 FRANK R. PICHMANN  
 715 S. 3rd St.  
 COWINGTON, KENTUCKY 41011

PROPERTY TRANSFER TAX PAID \$ 225.00  
JERRY W. ROUSE, CLERK 2/18/96

DEED

18.00 pt

KNOW ALL MEN BY THESE PRESENTS:

That DARRELL L. VATER, also known as DARRELL L. VATER, also known as DARREL LEE VATER, and VICKI D. VATER, also known as VICKI DALE VATER, also known as VICKIE D. VATER, husband and wife, whose mailing address is 9379 Gunpowder Road, Florence, Kentucky 41042 for and in consideration of TWO HUNDRED TWENTY FIVE THOUSAND (\$225,000) DOLLARS to them paid by the grantee herein, the receipt of which is acknowledged, do bargain, sell and convey to: GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, its successors and assigns forever, the following described Real Estate, in the County of Boone and Commonwealth of Kentucky, to wit:

Group No. 2047

Plat No. \_\_\_\_\_

Property Address:

9379 Gunpowder Road  
Florence, KY 41042

Grantee Mailing Address:

1868 Mt. Vernon Drive  
Ft. Wright, KY 41017

PROPERTY DESCRIPTION:

Approximately twelve (12) acres in three (3) separate parcels as follows:

PARCEL ONE:

A 7.97 acre tract as described on Exhibit "A" which is attached and incorporated the same as if fully set forth herein.

PARCEL TWO:

A 4.01 acre tract as described on Exhibit "B" which is attached and incorporated the same as if fully set forth herein.

PARCEL THREE:

An easement as described on Exhibit "C" which is attached and incorporated the same as if fully set forth herein.

Being the same property conveyed to Sellers by instruments recorded in Deed Book 204, Page 224, Deed Book 224, Page 165 and Deed Book 245, Page 3 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, its successors and assigns, forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantors, DARRELL L. VATER and VICKI D. VATER have hereunto set their hands, this 28<sup>th</sup> day of September in the year 1996.

Darrell L. Vater  
DARRELL L. VATER

Vicki D. Vater  
VICKI D. VATER

RETURN TO: Thos. Kerr

(11)

STATE OF KENTUCKY  
COUNTY OF Kenton

The foregoing instrument was acknowledged before me this 23<sup>rd</sup>  
day of September, 1996 by the Grantors DARRELL L. VATER  
and VICKI D. VATER.

Thomas R Kew  
NOTARY PUBLIC, STATE OF KY  
AT LARGE

MY COMMISSION EXPIRES: 6-21-93

CERTIFICATE OF CONSIDERATION

Grantors and grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 23<sup>rd</sup> day of September in the year 1996

GRANTORS:

Darrell L. Vater  
DARREL L. VATER

Vicki D. Vater  
VICKI D. VATER

ACKNOWLEDGED before me, a Notary Public, by Darrell L. Vater and Vicki D. Vater this 23<sup>rd</sup> day of September, 1996.

Thomas R Kew  
NOTARY PUBLIC, STATE OF KENTUCKY  
AT LARGE

MY COMMISSION EXPIRES: 6-21-93

GRANTEE:

GRACE FELLOWSHIP EVANGELICAL FREE CHURCH, a voluntary association by and through its deacons, Keith Black, Kevin Markesbery and Jim Coleman, duly authorized pursuant to resolution.

Sworn to this 23<sup>rd</sup> day of September, 1996.

Keith Black Deacon  
KEITH BLACK

ACKNOWLEDGED before me, a Notary Public, by Keith Black this 23<sup>rd</sup> day of September, 1996.

Thomas R Kew  
NOTARY PUBLIC, STATE OF KENTUCKY  
AT LARGE

MY COMMISSION EXPIRES: 6-27-96

Jim Coleman, Esq.  
JIM COLEMAN

ACKNOWLEDGED before me, a Notary Public, by Jim Coleman  
this 28th day of September (28) 1996.

Thomas R. Kerr  
NOTARY PUBLIC, STATE OF KENTUCKY  
AT LARGE

MY COMMISSION EXPIRES: 6-23-93

Kevin Markesbery, Esq.  
KEVIN MARKESBERY

ACKNOWLEDGED before me, a Notary Public, by Kevin  
Markesbery this 28th day of September, 1996.

Thomas R. Kerr  
NOTARY PUBLIC, STATE OF KENTUCKY  
AT LARGE

MY COMMISSION EXPIRES: 6-23-93

STATE OF KENTUCKY  
BOONE COUNTY

I, Jerry Rouse, clerk of the County Court, for the aforesaid, do  
hereby certify that this instrument of writing from DARRELL L.  
VATER and VICKI D. VATER to GRACE FELLOWSHIP EVANGELICAL FREE  
CHURCH

was this day presented to me in my office,  
certified as above, and this day left for the record at \_\_\_\_\_ M.  
Whereupon the same, the foregoing certificate, and this certificate  
were duly recorded in my office. Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ in the year 19 \_\_\_\_\_.

Clerk

By \_\_\_\_\_ D.C.

THIS DEED PREPARED

BY: Thomas R. Kerr  
THOMAS R. KERR  
Attorney at Law  
732 Scott Street  
Covington, KY 41011  
(606) 431-2222

EXHIBIT A

**PROPERTY DESCRIPTION:**

Located and situated in Boone County, Kentucky, and lying on the West side of Gunpowder Creek approximately  $\frac{1}{2}$  miles Southeast of the intersection of Gunpowder Road and U.S. 42, being part of the 32 acres owned by Margaret B. West and found on record in Deed Book 167, page 490, Group No. 2047 of the Boone County records at Burlington, Kentucky.

BEGINNING at a point in the centerline of Gunpowder Road and its intersection with Sunnybrook Drive at a spike, thence leaving said road, S 63° 04' W, 64.2' crossing Gunpowder Creek to a stake, thence along the West side of Gunpowder Creek along Gladys Shaw's line, S 21° 06' E, 318.89' to a stake, thence along a now division line and a new 12.72 acre tract of West's land, Thence along this property S 77° 15' W, 780.17' to a stake, thence N 12° 45' W, 458.0' along the lines of a new 10.90 acre tract to a stake in A. Erpenbeck's line, thence N 77° 15' E, 727.82' to a railroad spike in the left side of the now existing Gunpowder Road, being the original spike of that corner. Thence S 38° 36' E, 91.16' to a bolt and S 48° 40' E, 53.57' to the point of beginning containing 7.97 acres. This new tract is comprised of a small .34 acre tract and a .20 acre tract and part of the Parcel No. 3, an 8 acre tract, and part of Parcel No. 4, a 12 acre tract. This tract is subject to the legal right-of-way of Gunpowder Road, and also an easement for access to the above mentioned 12.27 acre tract granted to John S. Howard and Nancy L. Howard, his wife, and being more particularly described in the deed of said 12.27 acres to John S. Howard and Nancy L. Howard.

EMMETT B

Lying and being in the State of Kentucky and County of Boone located on the west side of Gunpowder Creek approximately 1-1/2 mile southeast of the intersection of Gunpowder Road and U.S. 42 and is described thus:

BEGINNING at the north east corner of the 0.69 acre tract conveyed to John S. Howard by Margaret West recorded in D.B. 224, page 166; thence N.  $12^{\circ}45'$  W. 458.0 feet; thence S.  $77^{\circ}15'$  W. 450.9 feet; thence S.  $13^{\circ}03'$  E. 358.29 feet; thence with a line partitioning the 10.21 acre tract for 2 calls; N.  $77^{\circ}15'$  E. 276.22 feet; thence S.  $12^{\circ}45'$  E. 100.0 feet to the most westerly corner of the 0.69 acre tract; thence with said tract N.  $77^{\circ}15'$  E. 160.3 feet to the beginning and containing 4.01 acres and being a part of the 10.21 acre tract.

This description does not represent a field survey and was prepared from existing descriptions by James E. Ransom, C.E. No. 673, L.S. No. 111.

Being part of the 10.21 acre tract conveyed to grantors by deed from Margaret B. West dated April 21, 1978, and recorded immediately prior to this deed in the Boone County records.

EXHIBIT C

An easement 50 feet in width, the center line of which is described as follows: Situated in Boone County, Kentucky, and lying on the West side of Gunpowder Road and the intersection of Sunnybrook Drive, running through the 7.97 acre tract mentioned in Deed Book 198 at Page 383 to the 12.27 acre tract in Deed Book 198 at page 383 for the purpose of ingress and egress to said 12.27 acre tract, being more particularly described as follows: BEGINNING at a point in the center of Gunpowder Road, the point being N. 48° 40' W. 26.91' from a spike at the intersection of Sunnybrook Drive and being a corner of the 7.97 acre tract, thence S. 63° 04' W., 206' to a point, thence S. 2° 4' W, 313' to a point with a 50' radius intersecting the two lines, the point being S. 77° 15' W, 275' from the Southeast corner of the 7.97 acre tract and the 12.27 acre tract, the above described easement being 50.' in width.

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County  
Court, do certify that the foregoing

Deed was, on the 1 day of Oct.

1996, at 4:07 P.M. lodged in my office for record, and that it has been duly recorded in my said office, together with this and the certificate thereon endorsed.

Given under my hand this 1 day of Oct.

1996

JERRY W. ROUSE, CLERK

By Jerry Rouse D.C.

