

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

May 20, 2016

- I. **ATTENDANCE** – The Chairman called the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, May 20, 2016. Members present were Acting Chair Thomas Glover, Joan Whitman, Chad Needham, Larry Forester, Jan Meyer and Branden Gross. Absent was: Barry Stumbo. Others present were: Casey Kaucher, Division of Traffic Engineering; Thomas Clements, Engineering; Jim Marx, Zoning Enforcement; Tracy Jones and Andrea Brown, Department of Law. Staff members in attendance were: Bill Sallee, Jimmy Emmons, and Tammy McMullen.
- II. **APPROVAL OF MINUTES** – The Chair announced there were no minutes to be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**
- Swearing of Witnesses** – Prior to sounding the agenda, the Chair asked all those persons present who would be speaking or offering testimony to stand, raise their right hand and be sworn. The oath was administered at this time to several staff members and other persons in the audience.
- A. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair sounded the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair announced that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.
 2. **No Discussion Items** - The Chair asked if there were any other agenda items where no discussion is needed...that is, (a) The staff has recommended approval of the appeal and related plan(s); (b) The appellant concurs with the staff's recommendations. Appellant waives oral presentation, but may submit written evidence for the record; (c) No one present objects to the Board acting on the matter at this time without further discussion. For any such item, the Board would proceed to take action.

ABBREVIATED HEARINGS:

- a. **V-2016-21: LEX PROPERTIES, LLC** – requests two variances: 1) to reduce the side yard from 5 feet to 3.5 feet in order to construct a residence with available room for a driveway; and 2) to increase the maximum allowable parking in the Infill and Redevelopment Area from 3 spaces to 4 spaces in a Single Family Residential (R-1E) zone, at 153 Colfax St. (Council District 3).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested variances will not adversely affect the subject or surrounding properties and will not cause any health, safety or welfare concerns. The resulting development will not be out of character with the immediately adjoining properties, which have already been developed in a similar manner.
- b. Granting the requested variances will not result in an unreasonable circumvention of the Zoning Ordinance. The scope of the requested variances on this property, when reviewed in conjunction with the surrounding properties, is in character with the type of development immediately surrounding this lot.
- c. The built environment of the immediately adjoining properties, including the 4 immediately adjoining properties (two to the east and two to the west), and a 250+ space UK parking lot, create a unique circumstance that does not apply to most other similarly zoned properties.
- d. Strict application of the Zoning Ordinance would result in either a smaller/narrower residential home or the loss of rear parking, which is a desirable feature for this property. Furthermore, there will not be a material difference for this property, based on the surroundings, if one additional parking space is developed.
- e. This request is not a willful violation of the Zoning Ordinance. Site work has begun; but the final designs, and subsequent building permits for the development of this lot, are awaiting the decision of the Board concerning the requested variances.

This recommendation of approval is made subject to the following conditions:

1. That the property be developed as shown on the site plan submitted with this application.
2. All applicable permits for construction shall be obtained from the Division of Building Inspection.

Representation – Mr. Jacob Walbourn, attorney on behalf of the appellant, was present. He indicated that they had reviewed the recommended conditions and agreed to abide by them.

Board Questions – Ms. Meyer said that when she went out to view the property, she saw a slab there, and the width of the driveway. She asked if the slab was new, and what the width of the driveway was. Mr. Walbourn responded that he believed that it was 10 feet across, but it straddles the property line. He said that the applicant controls both properties on either side; and, pursuant to local and state law, the applicant has to execute an easement agreement, which has been done between the properties - 5 on either side. But that requires moving of

the house a little bit. Mr. Glover asked how wide the driveway would be. Mr. Emmons responded that the width of the driveway is a 10 feet. The applicant is proposing that 7 feet of that driveway would be on the subject property, and the other 3 feet would be on the neighboring property, which he owns. He said that the side yard variance is to the opposite side yard requirement, in order to provide the 7 feet to build the driveway.

Mr. Glover asked how many mature trees would be taken down to build the proposed driveway. Mr. Walbourn responded that he didn't think there would be any. Mr. Emmons presented a 2016 aerial photo of the subject property and the surrounding uses and discussed each.

Citizen Comment – Ms. Amy Clark, 628 Kastle Road, said that she had a question for the staff and the applicant. She asked if the uses are legally non-conforming or if they are illegal. Mr. Emmons replied that without doing research on the history of those particular building permits, he could say that the maximum parking-requirements for Infill & Redevelopment lots went into effect in 2009. On much of Colfax and surrounding areas, many were developed prior to that; it was a common practice before the current regulations. Mr. Glover asked when the regulations changed in 2009. Mr. Emmons replied that during that time, parking maximums were placed on properties. He said in this particular instance, when there is restrictive parking, one is allowed one extra parking space, and Colfax does have restrictive parking on one side of the street.

Mr. Glover noted that this property was the last property asking for relief from the zoning regulations. Mr. Emmons replied that it may not be the last one within this micro area – but, many of the properties have already been redeveloped.

Mr. Gross asked, with the applicant getting the four parking spaces, if they are still allowed to request permit parking spaces on the street. He asked if it would alleviate any parking issues. Mr. Emmons responded that the restricted parking, in this instance, is that the opposite side of Colfax is signed for no parking – people can only park on one side of the street. He said that the applicant's proposed plan would still allow some on-street parking, but that would be open to anyone who could legally park on a public street. Mr. Gross asked if this was a restricted tagged street, and if it was confirmed that it was. He then asked if the tenants would be able to request parking permits in addition to having the four spaces so they could possibly have eight spaces in the area. Mr. Emmons said that he believed that they could request the parking tag from the Parking Authority. Mr. Walbourn addressed Mr. Gross' questions, stating that this is a restricted parking street-much like South Hill or other areas. They would qualify as residences under the ordinance to request that; however, one of the big things in student housing is that, typically, there needs to be one space per bedroom in order to be able to rent the unit, and that is why they are requesting the variances.

Action – A motion was made by Mr. Needham, seconded by Mr. Forester and carried 5-1 (Gross opposed, Stumbo absent) to **approve V-2016-21: LEX PROPERTIES, LLC** – a request for two variances: 1) to reduce the side yard from 5 feet to 3.5 feet in order to construct a residence with available room for a driveway; and 2) to increase the maximum allowable parking in the Infill and Redevelopment Area from 3 spaces to 4 spaces in a Single Family Residential (R-1E) zone, at 153 Colfax St., based on the staff's recommendations and subject to the recommended conditions.

- b. **V-2016-28: LORA BROWNING** – requests a variance to reduce the required side street side yard from 30 feet to 12 feet in order to construct an in-ground lap pool in a Single Family Residential (R-1D) zone, at 4429 Hartland Parkway (Council District 8).

The Staff Recommends: Approval of a variance to 12 feet; for the following reasons:

- a. Granting the requested variance will not adversely affect the subject or surrounding properties and will not cause any health, safety or welfare concerns. The applicant's side yard is completely enclosed with an existing fence, and the in-ground lap pool will likely not be visible from the street. Furthermore, because of the open space drainage lot to the rear of this property, the proposed pool will not be adjacent to any other residential property.
- b. Granting the requested variance will not result in an unreasonable circumvention of the Zoning Ordinance. Reducing the side street side yard setback will provide the necessary variance to construct a pool in the side yard, which functions similarly to a rear yard for this corner lot.
- c. The topography, trees, and existing deck on the other side yard, the minimal rear yard, and the adjacent open space lot to the rear of this lot, in combination, create a unique set of circumstances that make the side street side yard the logical location for the proposed in-ground lap pool.
- d. Strict application of the Zoning Ordinance would result in the removal of a large deck and trees, and would require unnecessary grading to install the pool in the other side yard; whereas the requested variance to the side street side yard is relatively minor in nature to accomplish the applicant's desire for a lap pool, which will be primarily utilized for physical therapy.
- e. This request is not a willful violation of the Zoning Ordinance. Construction has not begun and the applicant

learned of the need for the variance during the normal permitting process.

This recommendation of approval is made subject to the following conditions:

1. That the pool be developed as shown on the site plan submitted with this application, allowing minor adjustments to be approved by Building Inspection during the normal permitting process, if necessary.
2. Any applicable permits shall be obtained from the Division of Building Inspection prior to construction.
3. That an Administrative Action Plat for Lancaster Woods, Unit 2, reflecting the Board's action for the subject property, be submitted to the Division of Planning, within 30 days.

Representation – Ms. Lora Browning, appellant, was present. She indicated that she had reviewed the recommended conditions and agreed to abide by them.

Action – A motion was made by Ms. Meyer, seconded by Ms. Whitman and carried 6-0 (Stumbo absent) to **approve V-2016-28: LORA BROWNING** – a request for a variance to reduce the required side street yard from 30 feet to 12 feet in order to construct an in-ground lap pool in a Single Family Residential (R-1D) zone, at 4429 Hartland Parkway, for the reasons recommended by the staff and subject to the three conditions outlined by the staff.

- c. **CV-2016-26: SYNCHRONICITY DEVELOPMENT, LLC** – requests a conditional use permit to construct and operate a drive-through facility for a bank; and a variance to reduce the minimum front yard to 8 feet in a Downtown Frame Business (B-2A) zone, at 367-375 East Main Street & 107-111 Eastern Avenue (Council District 1).

The Staff Recommends: **Approval** of the drive-through, for the following reasons:

- a. A drive-through facility for a proposed bank at this location should not adversely affect the subject or surrounding properties. Adequate vehicular stacking space and access from Eastern Avenue will be provided in the parking structure.
- b. By placing the drive-through in the parking structure at the rear of the building, it will not have any visual impact that similar facilities would have on the surrounding downtown environment.
- c. All necessary public services and facilities are available and adequate for the proposed use.

The Staff Recommends: **Approval** of the setback variance, for the following reasons:

- a. Granting the requested variance will not adversely affect the subject or surrounding properties and will not cause any health, safety or welfare concerns. The resulting development will not be out of character with the immediately adjoining properties, most of which have already been developed in a similar manner.
- b. Granting the requested variance will not result in an unreasonable circumvention of the Zoning Ordinance. The scope of the requested variance on this property, when reviewed in conjunction with the surrounding properties, is in character with the type of development immediately surrounding this lot.
- c. The built environment and setback of the immediately adjoining properties create a unique circumstance that does not apply to most other similarly zoned properties.
- d. Strict application of the Zoning Ordinance would result in a building setback that is offset from the adjacent buildings.
- e. This request is not a willful violation of the Zoning Ordinance, but rather a logical design response to the existing setbacks of the neighboring properties. Site work has not begun; and the need for the variance was identified during the design phase of this development and during the staff's review of the associated final development plan, recently approved by the Planning Commission.

This recommendation of approval is made subject to the following conditions:

1. The site shall be developed and the drive-through facility shall be established in accordance with the submitted application and site plan, or as amended by the Planning Commission on a final development plan.
2. All necessary permits, including a Zoning Compliance Permit, Demolition and Building Permit(s), shall be obtained from the Divisions of Planning and Building Inspection prior to construction.

Representation – Mr. Dick Murphy, attorney on behalf of the appellant, was present. Present with him was Mr. Jeff Morgan, developer of the project; and Mr. Adam Bender-Saunders with CMW Architects. He indicated that they had reviewed the recommended conditions and agreed to abide by them.

Mr. Murphy noted that they had received a letter of support from a neighbor 2 hours prior to today's hearing. He read one sentence from the letter and then he distributed it to the Board members.

Board Questions – Mr. Gross asked which property was being discussed. Mr. Murphy responded that it was the old A-1A Sandbar and Grill.

Mr. Gross noted that the downtown area does not have enough spaces for banks due to the fact that there are no teller lanes available in most of the lots that are developable downtown, and he is in favor of this because he thinks there needs to be more access for the banks downtown. Mr. Glover said that he agreed.

Mr. Needham asked if the bank was actually inside the parking garage. Mr. Murphy responded affirmatively. Mr. Glover asked how people would get in and out. Mr. Murphy said that all access is off of Eastern Avenue. There are no curb cuts on Main Street. To address the questions with regard to the access, Mr. Jeff Morgan, developer and builder, said that the ramp closest to Main Street goes down grade and loads the first floor of the parking garage and accesses the drive-through area. He then presented photos on the overhead projector and further explained this information. At this time, Mr. Glover asked about the traffic impact. Mr. Morgan pointed out on the photos how this would be addressed. Mr. Adams-Saunders noted that they have tested that drive-through with fairly large vehicles. Mr. Murphy said, with the low volume of traffic that's going to be on that floor of the garage, a lot of it is going to be bank employees who are going to be there all day – not coming and going - and a few may be even be residents of the building.

Action – A motion was made by Mr. Gross, seconded by Mr. Forester and carried 6-0 (Stumbo absent) to **approve CV-2016-26: SYNCHRONICITY DEVELOPMENT, LLC** – a request for a conditional use permit to construct and operate a drive-through facility for a bank; and a variance to reduce the minimum front yard to 8 feet in a Downtown Frame Business (B-2A) zone, at 367-375 East Main Street & 107-111 Eastern Avenue, based upon the recommendations of the staff and subject to the two conditions.

- d. **C-2016-22: TONY L. SHEETS, DVM** – requests a conditional use permit to establish a veterinary clinic/small animal hospital in a Neighborhood Business (B-1) zone, at 3090 Helmsdale Place, Ste. 220 (Council District 6).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The proposed veterinary clinic will be indoors within a soundproofed office, and will be conducted without overnight boarding of animals. Adequate parking is available, and the location of this suite should further prevent any potential for this use to be a nuisance to the nearby neighborhood.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The use shall be conducted in accordance with the submitted application and site plan.
2. All necessary permits, including a Zoning Compliance Permit and a Certificate of Occupancy, shall be issued by the Divisions of Planning and Building Inspection prior to the operation of this use.

Representation – Dr. Tony Sheets, appellant, was present. He indicated that he had reviewed the recommended conditions and agreed to abide by them.

Action – A motion was made by Mr. Forester, seconded by Ms. Whitman and carried 6-0 (Stumbo absent) to **approve C-2016-22: TONY L. SHEETS, DVM** – a request for a conditional use permit to establish a veterinary clinic/small animal hospital in a Neighborhood Business (B-1) zone, at 3090 Helmsdale Place, Ste. 220, based on the staff's recommendation and subject to the two conditions.

- e. **C-2016-23: SHARON SPOTTS** – requests a conditional use permit for a home occupation (creating natural skin care products) in a Single Family Residential (R-1C) zone, at 4712 Matthew Court (Council District 10).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely impact the subject or surrounding properties. Adequate parking will be provided for this use, should it be needed; and no significant increase in neighborhood traffic is expected. The activity does not involve the use of noisy or harmful equipment of any kind, so the potential of disturbing other property owners is minimal.
- b. All necessary public facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. This home occupation shall be established in accordance with the submitted application and site plan, and operated by the appellant within the residence.
2. All necessary permits, including a Zoning Compliance Permit and Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to operating this home occupation.
3. The activity shall at all times comply with the provisions of Article 1-11 of the Zoning Ordinance pertaining to home occupations.
4. The conditional use permit shall become null and void should the appellant cease to either own or reside at the subject property.

Representation – Ms. Sharon Spotts, appellant was present. She indicated that she had reviewed the recommended conditions and agreed to abide by them.

Action – A motion was made by Ms. Meyer, seconded by Ms. Whitman and carried 6-0 (Stumbo absent) to **approve C-2016-23: SHARON SPOTTS** – a request for a conditional use permit for a home occupation (creating natural skin care products) in a Single Family Residential (R-1C) zone, at 4712 Matthew Court, for the reasons recommended by the staff and subject to the four conditions.

- f. **C-2016-24: ST. JOSEPH HOSPITAL** – requests a conditional use permit to construct a helistop in a Professional Office (P-1) zone, at 150 N. Eagle Creek Drive (Council District 7).

The Staff Recommends: Approval, for the following reasons:

- a. Allowing operation of this helistop should not adversely affect the subject or surrounding properties, and will actually enhance the community services that this hospital provides. Wind and noise disturbances to surrounding properties are not expected due to the distance between the proposed helistop landing pad and other uses.
- b. The proposed helistop should not cause a safety problem. The landing destination does not have any overhead utilities, nearby buildings or trees, and is a safe distance from Richmond Road.

This recommendation of approval is made subject to the following conditions:

1. The site shall be developed in accordance with the submitted application and site plan, allowing minor modifications (movement in placement or design up to 50 feet) if required by the FAA; otherwise, this application will be subject to further review by the Board.
2. A note shall be placed on the development plan for this property, referencing the Board's action.
3. Fueling, maintenance or repair (other than for emergencies) shall not be routinely performed at this location without approval by the Board for a heliport.

Representation – Mr. Scott Southall, CDP Engineers, Inc. was present on behalf of the applicant. He indicated that they had reviewed the recommended conditions and agreed to abide by them.

Board Questions – Mr. Needham asked what CDP refers to. Mr. Southall replied that it stood for Carter Dixon Partners.

Mr. Glover said that it looked like it was going to be a helipad right next to Richmond Road, and asked if there had been any traffic studies done and/or flight patterns. Mr. Southall responded that they have reviewed this with one of the facilities that would be providing the air ambulance service, and they have selected this is a probable location. In the staff report, it was suggested that they have up to 50 feet to move the helipad from its current location to accommodate any FAA or Transportation Cabinet requests. He said that they will have a specialist as part of the design team that will go through the FAA and KYTC permitting process.

Mr. Gross asked if there was currently a helicopter service at this location. In response, Mr. Southall said that there is not currently a helicopter service for this facility; and in their report, there are two primary activities at the hospital that have accreditations - for the Cath lab and the mother/baby; and in their accreditation one of their criteria is to have a helistop. Mr. Gross asked if this would be the closest helipad in the city. Mr. Southall said that he could not say for sure, but he would say that it probably is. He said that, to date, services are either going to UK, Central Baptist, or St. Joseph's main hospital on Harrodsburg Rd, and they would be flying over this location.

Action – A motion was made by Mr. Forester, seconded by Ms. Whitman and carried 6-0 (Stumbo absent) to **approve C-2016-24: ST. JOSEPH HOSPITAL** – a request for a conditional use permit to construct a helistop in a Professional Office (P-1) zone, at 150 N. Eagle Creek Drive, based on the staff's recommendation and subject to the three conditions.

- g. **C-2016-25: CHRISTIAN ACADEMY OF THE BLUEGRASS** – requests a conditional use permit to establish a school for academic instruction in a Single Family Residential (R-1C) and a Townhouse Residential (R-1T) zone, at 549 Parkside Drive (Council District 6).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, as this site can easily accommodate the proposed enrollment for a school for academic instruction, and the accessory off-street parking and playground uses associated with the school. Parking is plentiful and adequate at this location, and that has not proven to be a problem to the immediate neighborhood in the past. The property has about four times the required parking on their site. The subject site is well screened and

buffered from the surrounding neighborhood by trees on two sides and a public elementary school on the third.

- b. All necessary public facilities and services are available and adequate for the proposed use, including police and fire protection.

This recommendation of approval is made subject to the following conditions:

1. The property shall be developed in accordance with the approved site plan and application, allowing for slight modifications, if necessary, during the normal permitting process.
2. All applicable permits, including Building Permits, Remodeling Permits, Fence Permit(s), Zoning Compliance Permits, and Certificates of Occupancy, shall be obtained by the applicant from the Divisions of Building Inspection and Planning.
3. Design of the existing parking lot, including any drop-off and pick-up locations involving vehicle circulation, will be subject to review & approval by the Division of Traffic Engineering.
4. The use of the property as a school shall be subject to review and approval of the Division of Water Quality through the Capacity Assurance Program.
5. The existing trees and shrub screening located on the eastern and southern property lines shall be maintained, although individual trees and shrubs may be removed in this area if it is determined that they are diseased or damaged by past weather conditions.

Representation – Mr. Dick Murphy, attorney for the applicant, was present. Also present was Mr. Terry Carter, one of the founding Board members. He indicated that they had reviewed the recommended conditions and agreed to abide by them.

Action – A motion was made by Mr. Needham, seconded by Ms. Meyer and carried 6-0 (Stumbo absent) to **approve C-2016-25: CHRISTIAN ACADEMY OF THE BLUEGRASS** – a request for a conditional use permit to establish a school for academic instruction in a Single Family Residential (R-1C) and a Townhouse Residential (R-1T) zone, at 549 Parkside Drive, based on the staff's recommendations and subject to the five conditions.

- B. **Transcript or Witnesses** - The Chair announced that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
- C. **Variance Appeals** - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

None Remaining

D. **Conditional Use Appeals**

1. **C-2016-14: CLAYS MILL BAPTIST CHURCH** – requests a conditional use permit to construct a new sanctuary and add to the existing parking in a Single Family Residential (R-1B) zone, at 3000 Clays Mill Road and 509 & 513 Andrea Drive (Council District 10).

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested conditional use for a church, including the improvements proposed on 3000 Clays Mill Road, and with proper restrictions regarding the timing and construction of the parking area on 509 and 513 Andrea Drive, should mitigate the potential for a negative effect of the expansion of the church into the residential character of the subject and surrounding properties on Andrea Drive. The main sanctuary expansion and redevelopment of the parking area on the main campus at 3000 Clays Mill Road will increase available parking and decrease total building square footage, while still providing a new sanctuary for the church.
- b. All necessary public facilities and services are available and adequate for the proposed church expansion.

This recommendation of approval is made subject to the following conditions:

1. The property shall be developed in accordance with the revised site plan (dated April 27, 2016) and application, with timing restrictions and additional screening for the parking area on 509 & 513 Andrea Drive, as listed below.
2. All applicable permits, including a Land Disturbance Permit, Zoning Compliance Permit, Demolition Permit, Building Permit, and Certificate of Occupancy, shall be obtained by the applicant from the Divisions of Planning, Building Inspection and Engineering, prior to demolition and/or construction, or utilization of 509 & 513 Andrea Drive properties, as appropriate.
3. The 44-space "overflow" parking area may only be constructed after all of the following conditions have been met:
 - a. all of the available 360 parking spaces on 3000 Clays Mill Road have been constructed as per the revised site plan (4/27/16);
 - b. the residences at 509 & 513 Andrea Drive are utilized as staff offices, parsonage(s), or for Sunday School;
 - c. the properties of 509 & 513 Andrea Drive have been consolidated (via plat) to 3000 Clays Mill Road; to ensure that these spaces will remain as accessory to the church;
 - d. the church has reduced the bus fleet parking at this location by 22 buses, with a maximum of 3 church buses regularly parked and stored on the campus; and
 - e. that the vehicular use area screening shall be enhanced with an additional 6' tall fence, wall, or hedge where adjacent to another residential property under different ownership.

Representation – Mr. Jay Million, with Million Architecture, LLC, was present on behalf of the appellant. He indicated that they had reviewed the recommended conditions, but take exception to a couple of conditions. He said that Pastor Jeff Fugate was present to discuss one of them. Mr. Million said that he would like to discuss the first condition requiring the underground detention parking spaces be placed before the 44 spaces are allowed to be constructed on the adjacent properties that they would consolidate with 3000 Clays Mill Road; they would submit to the Board that the construction of those parking spaces, and the investment that that would require on the property, would provide a financial hardship to the church in terms of financial liability of the project.

Staff Comments – Mr. Emmons said that he did speak with some neighbors that were present at today's hearing, and it was his understanding that they were concerned about this application – not in opposition - if the applicant agreed to the recommended conditions; and he wanted to make sure that everyone would be heard in today's hearing.

At this time, it was determined that this case was going to need further discussion, and was moved to the discussion items.

Mr. Emmons said that the staff had received several letters, and he distributed them to the Board. Mr. Million said that he wanted to point out, in reference to the letters, that their initial application to the Board requested the opening of Noel Court, which is a dead-end street that adjoins their property. Since their initial filing, they found that it was closed by action of the Council; therefore, they withdrew that application, and many of the letters may be addressing that issue. He wanted to make it clear that that is not part of their petition to the Board at today's hearing.

At this time, Mr. Emmons provided a presentation on the overhead projector with regard to the staff's recommendation of approval. He discussed the following points:

- Overview of the subject property
- The Staff's recommendation of approval
 - Condition #3, 44- space "overflow parking area
 - Timing restrictions
 - All of the available parking on the main campus is constructed
 - The residences at 509 & 513 Andrea Dr. are utilized for a church use
 - The properties at 509 & 513 Andrea Dr. be consolidated with 3000 Clays Mills
 - That 22 buses be removed, with a maximum of 3 buses regularly stored on campus
 - Additional screening of the parking area

(Note - This presentation is attached as an appendix to these minutes)

Mr. Emmons said that the staff believes that if all five conditions are met, the applicant will have exhausted their growth potential on their main campus. The church has done everything that it can do to reduce and mitigate any adverse impacts that there would be about expanding onto Andrea Drive, and that it is necessary for the function and continued ministry of the church.

Board Questions – With regard to condition 3d, Mr. Glover asked if the reduction of 22 buses was from another number. Mr. Emmons replied that in the staff's review, they found that there were anywhere from 17-25 buses regularly parked on the subject property. He said that according to the most recent (2016) aerials, which were not available when the staff was originally reviewing the application, roughly 28 buses were on the property on the day that

the aerial photograph was flown. Mr. Emmons said, as the staff noted, this is an atypical amount of buses that most churches do not have. He said that the staff is not recommending that the buses be removed from the property; however, they do feel that it is appropriate, if the church is going to expand onto Andrea Drive, that they do everything possible to mitigate the negative effects of bringing the church use onto the residential character of Andrea Drive. Mr. Glover asked if he was saying that the maximum number of buses that should be parked is 22. Mr. Emmons responded that, the staff feels that the number of buses that should be parked at this location should be 3, which is more typical of a church in a residential zone. At this time, there was further discussion as to how many buses should be parked on the property.

Mr. Gross asked if the Board should be concerned as to whether or not buses would be parked on Andrea Drive or if the turn radius is too small. Mr. Emmons said that he didn't know if buses would be able to easily maneuver Andrea Drive. He believed that they could drive back up in there, but he didn't know if it was advisable; it is more likely that they would be parked in the larger parking area on Clays Mill. In response to Mr. Emmons' statement, Mr. Million said that it was not the intention of the applicant to park buses on the Andrea Drive parking lot. Mr. Emmons said that the staff still feels that the overflow of the parking area is out of character with the other residential properties that are in the general vicinity – none of the other residences have parking lots in their back yards; however, if it were a church use, that is where the staff was going with this. The biggest concern of the staff is the expansion onto Andrea Drive.

Mr. Gross asked how many parking spaces are currently at the facility. Mr. Emmons responded that, by the staff's count, the facility currently has 272 parking spaces. Mr. Gross asked, ignoring the expansion area, how many they would have when they are done. Mr. Emmons said if they were to build everything on the main campus, they should have 360 parking spaces, which would be about 120 parking spaces over and above the minimum requirement of the Zoning Ordinance. Mr. Gross asked if the building square footage was actually being reduced. Mr. Emmons responded that, overall, there will be about 4% less square footage in buildings on this site than there is today.

In response to a question from Mr. Needham, Mr. Emmons responded that the staff assumed that the main campus would be built as proposed, so that 160 additional parking spaces would include the tear-down and construction of the new parking spaces; it would still meet the minimum requirement if they did not build that.

Mr. Gross asked if there was any kind of stormwater control being put on the property, to which Mr. Emmons responded that it would be required. The plan, if it were built out to the full extent that the applicant is proposing, would require vault detention underground. Ms. Meyer asked for a visual image of what Mr. Emmons was discussing with regard to the stormwater control and said that she believed that the greenspace that is currently there will be gone. At this time, there was discussion in reference to the greenspace and what was to become of it. Mr. Glover asked if there was vault storage in the applicant's plans. Mr. Emmons responded that on the 2-dimensional site plans that were submitted by the applicant, in order to meet the storm water requirements of the Engineering Manuals, it would require the vault detention. Mr. Glover asked if that would solve the problem of standing water. Mr. Emmons said that he did not know if it would or would not solve the problem, and he would defer the storm water questions to the Division of Engineering. Mr. Needham said that the question, rather than whether or not it resolves it, would be if it exacerbates the problem. Mr. Glover asked the Division of Engineering if that was a fair comment made by Mr. Emmons. Mr. Clements said that it couldn't make the current situation worse. Mr. Glover asked if the applicant would have to get approval from Engineering, if Engineering would have to sign off on the construction. Mr. Clements responded affirmatively.

Representation Comments – Mr. Million said that the number of parking spaces required for the 1,200-seat sanctuary, as they are proposing, is already met on their property as designed without the expansion into the greenspace, which is now above-ground detention. Their proposal is to construct that portion of the project eventually, as their church grows beyond the parking that they currently have. Mr. Million pointed out to the Board that the church's construction of underground vault detention is very expensive; and their application to do that is for their future growth- it is not necessarily the order in which they would like to proceed with the project. So the staff's requirement, as noted in the staff report that it be constructed prior to the 44 spaces on Andrea Drive, presents a hardship for the church. The investment to gain those parking spaces is not really reflected in the value of the property as it appraises and is allowed to be financed for the project; therefore, they do not want to be required to have to do that first. Mr. Glover asked if they did not want to do the responsible engineering water retention first. Mr. Million responded affirmatively. Mr. Glover said that he presumed that the church did not want to have standing water on their property. Mr. Million responded that was correct. At this time, there was further discussion with regard to the water retention and standing water situation.

Mr. Stan Lee was also present on behalf of the church. He said that their two concerns were the timing issue on the other parking spaces before they do the 44 spaces on the two properties on Andrea Drive and the issue with the buses. He said that they are requesting to be able to do the least expensive parts first. With regard to the buses, Mr. Lee said that he believed there has been a misunderstanding. He said, according to the staff report, there is an implication that because there are 25-28 buses parked there, it has been perceived that there is not enough parking. The fact is that the buses are moved – they are not there when services are conducted at the church. Mr. Lee said that

the buses are more than just buses- more than just vehicles used to transport people; they are vital and an important part of the church's mission and ministry and explained the importance of this ministry. He said that the church runs a church bus ministry.

Mr. Million asked that Engineering be consulted on the letters with photos in reference to the standing water on the property. He said that he wanted to point out to the Board that the purpose of detention is to catch the rain water run-off from the impervious material; in this case being the church's parking and the building, and hold that water so that it seeps into the stormwater system at a slower rate and does not flood the stormwater system. He said that if there are photographs of their detention pond holding water; that is by design. At this time, photos were presented on the overhead and there was further discussion with regard to the water retention basin concerns.

At this time, Mr. Glover questioned whether or not the applicant and the Planning staff had been able to sit down and discuss condition 3-d. Mr. Lee said that he had spoken with Mr. Emmons prior to today's hearing; however, they could not come to an agreement.

Mr. Glover asked if the applicant would be willing to continue this case until the next month's hearing in order to give them time to talk over the concerns with the Planning staff. Mr. Lee responded that they were requesting to have this case heard and hoping to get results at today's hearing.

Note: Acting Chair Glover declared a brief recess at 3:07 p.m. The meeting reconvened at 3:19 p.m. with the same members in attendance.

Mr. Glover asked if the applicant had agreed to a continuation of this case. Mr. Lee responded that they had some discussion with the staff on at least one of the conditions, and he wanted to hear that proposal. Mr. Emmons said that with regard to condition 3-d; based on the evidence that had been presented at today's hearing, the staff would understand if that condition was deleted; however, on the topic of buses, Mr. Emmons said there are a lot of buses there, and the staff had a brief conversation with the applicant about a bus management plan- to try and park the buses in such a way that they are the least intrusive to the neighborhood, so they are not parked along edges of the property and near residential properties. Mr. Emmons said that the staff did not have any specific recommendations on any bus management plan at that point.

Mr. Emmons suggested that the applicant submit a bus management plan prior to construction, and delete condition 3-d. He said, with regard to condition 3-a., the other condition that was discussed at length, the staff does believe that that is an important part of the recommendation. Mr. Lee said that if the staff's recommendation is acceptable to the Board to delete condition 3-d., and the applicant proposes a bus management plan, they would withdraw their opposition to condition 3-a., in order to have a vote today.

Citizen Comment – Mr. Marvin Rexroad, who lives at 501 Andrea Drive (the corner of Andrea Drive and Noel Court), was present. He requested the photos of the site plan to be displayed on the overhead projector, and discussed his concerns with regard to the detention pond. Mr. Gross said that he thought that the applicant was proposing the vault detention. Mr. Rexroad replied that it wasn't needed. (Mr. Rexroad said that he didn't understand why they needed the expense of an underground vault to gain 44 parking spots.) He believed that the detention pond that they have there now is quite adequate. Mr. Gross said that the applicant wants to expand their parking into the detention area. Mr. Rexroad replied again that he didn't think it was needed, and gave his reasons why he felt that way. Mr. Rexroad said that another concern that he had with the proposed use was how the excess water was going to be handled because it appears that the subject property, as well as some in the neighborhood were in jeopardy of being flooded in a hard rain.

Mr. Rexroad said that the lighting should be addressed as well. He said that he was sure that homeowners on Neal Drive did not need night lights because of the way the lighting is now. Mr. Rexroad said that the lighting should be addressed as a dim light and not interference light.

Board Questions/Comments - Mr. Needham asked for Engineering to confirm if there was a detention pond for the 44-spaces that are being proposed. Mr. Clements responded that they would not be able to increase the run-off from the property because of this development. Mr. Clements replied that that would be more at the applicant's discretion. Mr. Rexroad said that because of that, it would intrude into Andrea Drive with parking that they don't need. With regard to Mr. Needham's question, Mr. Gross said that he believed he was asking how, on the 44 new spaces, the water was going to be addressed; and the question about lighting on the adjacent properties- and asked who could address those issues. Mr. Million responded that the run-off calculations for the additional 44 spaces will be engineered into the underground vault detention, and will be installed at the rear of the property. There will not be any additional run-off. Mr. Million said that the lighting will be code compliant and will meet the minimum requirements for foot candles in the parking lot; and in terms of the light pollution, they will address that in accordance with the City requirements.

Mr. Emmons proposed different language for the Board to consider for a new condition 3-d and he presented it on the overhead projector. He said that he did have a chance to run it by the applicant, and he believed they were agreeable to such a condition. Mr. Million said that they did agree with the revised condition.

Ms. Meyer asked if there could be a 4th condition that addresses the parking lot lighting. Mr. Sallee presented an added condition (f) on the overhead projector. Mr. Million said that they were agreeable to this condition as well. At this time, there was some further discussion on the language of the additional condition(s).

Action – A motion was made by Mr. Gross, seconded by Ms. Meyer and carried 5-1 (Needham opposed; Stumbo absent) to **approve C-2016-14: CLAYS MILL BAPTIST CHURCH** – a request for a conditional use permit to construct a new sanctuary and add to the existing parking in a Single Family Residential (R-1B) zone, at 3000 Clays Mill Road and 509 & 513 Andrea Drive, based upon the staff's recommendation of approval as well as the testimony heard at today's hearing, and subject to the conditions in the staff report; provided condition 3-d; as presented, shall be amended to the verbiage staff and applicant have agreed to, and to add a condition 3f that will address the lighting as the staff and applicant have agreed to at this hearing.

The revised conditions were as follows:

3. The 44-space "overflow" parking area may only be constructed after all of the following conditions have been met:
 - a. all of the available 360 parking spaces on 3000 Clays Mill Road have been constructed as per the revised site plan (4/27/16);
 - b. the residences at 509 & 513 Andrea Drive are utilized as staff offices, parsonage(s), or for Sunday School;
 - c. the properties of 509 & 513 Andrea Drive have been consolidated (via plat) to 3000 Clays Mill Road; to ensure that these spaces will remain as accessory to the church;
 - d. ~~the church has reduced the bus fleet parking at this location by 22 buses, with a maximum of 3 church buses regularly parked and stored on the campus; and~~

Replaced with:

- d. a bus management plan shall be submitted, which addresses parking of the buses to provide the least impact to the surrounding neighborhood;
 - e. that the vehicular use area screening shall be enhanced with an additional 6' tall fence, wall, or hedge where adjacent to another residential property under different ownership; and
 - f. any lighting of the parking lot shall be shielded, such as a shoebox design, to direct light downward.
1. **CV-2016-27: CHRISTIAN STUDENT FELLOWSHIP, INC.** – requests a conditional use permit to establish a church and associated parking, and variances as follows: (a) to increase the maximum allowable height from 35 feet to 66 feet; (b) a front yard and side street side yard variance for 600 Woodland Avenue and 502-504 Columbia Avenue from 30 feet to 15 feet; (c) a rear yard variance for 502-504 Columbia Avenue from 30 feet to 7 feet; (d) to reduce the required front yard at 507-537 Columbia Avenue from 30 feet to 15 feet; and (e) to reduce the required off-street parking from 160 to 88 parking spaces in a Two Family Residential (R-2) zone, within the Infill and Redevelopment Area, at 600 Woodland Avenue and 502-504 and 507-537 Columbia Avenue (Council District 3).

The Staff Recommends: Approval of the requested Conditional Use, for the following reasons:

- a. Granting the requested conditional use for a church should not adversely affect the subject or surrounding properties. This church has existed at this location for 50 years; and the recent construction and re-investment by the University of Kentucky on this end of campus, in conjunction with the ability to purchase the 5 lots on Columbia Avenue to provide parking for the church, presents the applicant with a unique opportunity to expand their ministry at this location. Parking will be adequately addressed, both on site and through the use of available parking on the University of Kentucky campus during the off-peak periods. The primary hours of operation of this church are expected to peak during the hours that most of the nearby university uses are closed (except for the library).
- b. All necessary public facilities and services are available and adequate for the proposed church.

The Staff Recommends: Approval of the requested variances, for the following reasons:

- a. Granting the requested variances will not adversely affect the subject or surrounding properties. It will not affect the public health, safety, or welfare, nor will it alter the character of the vicinity. It will not cause a nuisance to the public, since most other properties in this area have a similar sizing and massing. The parking and other dimensional variances are appropriate at this location for the reasons listed in the staff report.
- b. Granting these variances will not allow an unreasonable circumvention of the Zoning Ordinance but will allow an appropriate use and development pattern at the edge of the University of Kentucky campus.
- c. Strict adherence to the Zoning Ordinance would constitute a hardship to the appellant, as the plans for renovation would have to be greatly reduced, especially if the variances related to parking are not granted. A less intense development of this site will result in a development that is not in character with the surrounding land uses and development pattern, particularly the nearby University buildings.
- d. There are several unique circumstances that justify each of the individual variances as detailed in the staff report.

Furthermore, overall, the variances work together to allow a building and an appropriate parking area that will be in character with the proposed, new, and other existing structures on the surrounding properties.

- e. The variance is not a result of the applicant's actions, as construction has not begun, and the applicant is in the planning phase of the proposed development. The requested variances are a logical response to the proposed design for this site, considering the unique surroundings of this church.

This recommendation of approval is made subject to the following conditions:

1. The property shall be developed in accordance with the approved site plan and application, allowing minor adjustments to the site plan and architecture of the building, as approved by the Division of Planning during the normal permitting process. The Division of Planning will have the right to refer any changes to the Board should there be any question about the final design of the building and the approved site plan.
2. All applicable permits, including a Zoning Compliance Permit and Building Permit, shall be obtained by the applicant from the Divisions of Planning and Building Inspection, prior to construction of either the church or the parking lot. A certificate of Occupancy is also required prior to the occupancy of the church.
3. The parking area will be designed to meet the requirements of the Engineering Manuals and will be landscaped with a combination of fencing and landscaping equivalent to the landscape and buffer proposed on the associated site plan.
4. All exterior lighting shall be directed away from any adjoining residential property.

Representation – Mr. Dick Murphy, attorney on behalf of the appellant, was present. He indicated that they had reviewed the recommended conditions and agreed to abide by them.

Staff Presentation – Mr. Emmons provided a PowerPoint presentation on the overhead projector, and discussed the following:

- Overview of the proposed use
- The variances that are being requested
- Parking for the proposed use

In conclusion, Mr. Emmons noted that the staff is recommending approval for the reasons that were stated in the staff report. The staff finds that the church expansion is a use that can be supported and believes the variances are justified. He said that the staff does anticipate that there will be a lighting plan.

(Note - This presentation is attached as an appendix to these minutes).

Board Question – Mr. Gross asked what height was of the proposed facility on the opposite corner. Mr. Emmons responded that he did not remember the exact height of that one.

Mr. Emmons said that the staff had received several letters of opposition and of support (with concern), and distributed them to the Board members. At this time, Mr. Murphy also distributed support letters, petitions, and other written letters of support to the Board members.

Citizen Comment – Mr. Jake Gibbs, 3rd District Councilmember, who lives at 220 Delmar Avenue, was present. He said that he rejects this proposal. Mr. Gibbs said that he had no problem with the church; it looks interesting to him, but he has several concerns with the parking lot. He said that Goal 1 of the 2013 Comprehensive Plan is to expand housing choices, and this goes in the wrong direction. Mr. Gibbs further discussed the Comprehensive Plan and its goals for housing. He said that he is also concerned about changes to the vicinity. He said that the staff report stated that it would not have an adverse effect with regard to health, or welfare; and it would not alter the character of the vicinity, which he finds questionable. At this time, Mr. Gibbs discussed his concerns about the parking. He said that residents in the neighborhood have also expressed concerns regarding increased traffic, and he relayed those concerns. Mr. Gibbs asked about how many pedestrians has it been perceived that go by the area. Mr. Emmons responded that, according to the applicant, it is approximately 5,000 a day.

Mr. Robin Michler, 439 Marquis Avenue, President of the Aylesford Place Neighborhood Association, said that their neighborhood association met at the beginning of May to review this project, and they decided to oppose the conditional use permit and one of the setback variances on the Columbia Avenue parking lot portion of the project. He read a letter into the record from the Aylesford Place Neighborhood Association. Mr. Michler discussed the formal neighborhood association's view, presented photos on the overhead projector, and discussed their reasons why they took that view.

In conclusion, Mr. Michler suggested that, instead of creating such a massive lot that is going to sit empty 6 days a week, except for a few services and a few events, they should look to partner with the University instead of demolishing housing in the neighborhood to address such a narrow need for such a narrow time frame during the

week.

Mr. Mark Barker, who lives at 439 Park Ave, said that he shared some of the concerns that were mentioned about tearing down houses and the variance; however, he had mixed feelings about that. He said that he didn't want the houses to be torn down, but he was also concerned that they may be torn down anyway. Mr. Barker agreed that less of a variance would be helpful, and perhaps they could tilt one of the parking areas so that they could just do 20 feet or more. If they are going to do a variance, he said that it should just be limited to parking.

Mr. Barker noted that, in the past, CSF has had some very loud concerts. He didn't think that the R-2 zone allowed that, but he was concerned that by approving this conditional use, CSF would think that it is appropriate to do that. He said that he would like to request an explicit restriction if the Board approves this, to specifically say: "No outdoor amplifiers or concerts on these premises." He also expressed concerns about the sidewalks; noting that the conditions needed to require a wider sidewalk. He expressed another concern with regard to no turnaround space for the loading and unloading areas. Mr. Barker said that stormwater is going to be an issue, and discussed his concerns. Another one of Mr. Barker's concerns was the increase in traffic.

Ms. Amy Clark, who lives 628 Kastle Road, said that the proposed project is near where she lives. She said that she does support the conditional use and the enlargement; however, she thinks that if the Board could put some restrictions on the conditions and back off some of the variances, there would be a very workable plan that would not unduly injure the welfare of the larger neighborhood. At this time, Ms. Clark provided a PowerPoint presentation and discussed her concerns with regard to the collectors street system.

(Note- This presentation is attached as an appendix to these minutes).

Representation Comments – Mr. Murphy said that the CSF has been at this location for half a century, and is celebrating its 50th anniversary this year, although it has been in existence for 55 years. He said that they are supported by 1,761 contributors. 80% of those are individual people; the other 20% are churches, which are listed in the handout that was distributed to the Board members. At this time, Mr. Murphy addressed some of the concerns that were presented in the earlier part of this hearing. Mr. Murphy asked for all supporters to stand to allow the Board to see how much support that the applicant had for this proposed project. At this time, Mr. Murphy provided a presentation on the overhead projector and discussed the history as to what CSF does and their proposed use that is before the Board today. His presentation consisted of the following points:

- History
- Current use
- Proposed use
- Expansion of the facility
- Parking
- Zoning

Mr. Brian Marshall, lead campus pastor at Christian Student Fellowship, said that to their knowledge, they are the largest student fellowship at the University of Kentucky. He said that they offered all of their services for free to students. Mr. Marshall discussed the purpose and services of the Christian Student Fellowship.

Mr. Rick Eckhoff, design partner with EOP Architects, presented slides on the overhead projector and discussed the design and dimensions of the proposed facility.

(Note - This presentation is attached as an appendix to these minutes).

Mr. Mike Woolum, civil engineer with Strand and Associates, addressed the stormwater, traffic, and other engineering issues and provided a presentation, which addressed the previous concerns that were presented today. They were as follows:

- Traffic and access points
- Sanitary Sewer Capacity (existing and proposed)
- Stormwater - existing
- Stormwater - proposed

Board Question - Mr. Needham asked if all of the water from the parking lot was going to exit from the front of the property, head down the street and onto Woodland. He asked which storm sewer would catch the water. Mr. Woolum indicated on his presentation where the run-off would go, which is a storm sewer and flows to the north that goes into an existing culvert system that runs to the west.

- Parking lot aesthetics

(Note - This presentation is attached as an appendix to these minutes).

(Cont. Board questions) - Ms. Meyer asked if Mr. Woolum had said something about a drop-off area for deliveries, and if there was one. Mr. Woolum responded affirmatively. She asked if it impeded traffic. Mr. Woolum replied that there is no parking there.

In summary, Mr. Murphy discussed and addressed the traffic issues by noting that the majority of their activities are after 6 p.m., and CSF is most active about 30 weeks a year; during the summer, (starting the week prior to this hearing), their activity level decreases a great deal. He said that they are mindful of the traffic issues; this is one piece of private property, and they are not capable of solving Lexington's and UK's transportation issues. With regard to the of sound issue, as Mr. Herndon had mentioned, they do have some activities outside that have some amplification during "K" week and other occasions. They are aware of the staff's conditions that have been placed on this recommendation, and are fully in agreement with them. Mr. Murphy said that they checked on their sound issues with Lexington Police and the University of Kentucky Police Department, which LPD keeps for a period of 5 years, and UKPD keeps for 7 years. They found that there was only one call on noise with LPD, and 0 calls to UKPD. Mr. Murphy said that they have distributed handouts to the Board members with regard to letters of support and other packets with regard to the proposed use.

Mr. Murphy noted that they had asked for additional time to complete this project, and Mr. Glover asked how long it would take. Mr. Murphy responded that they are asking for 3 years to initiate construction, with the ability to phase construction over a period of time, with an additional 5 years. He said that they think they will get it done more quickly than that, but they want to be safe. Mr. Murphy said that the language was placed in the staff report, but not in the findings. Mr. Glover said that he did not see it in the staff report and asked if he was suggesting that there is a need for additional language. Mr. Murphy pointed out in the staff report where the wording was.

Staff Comment – Mr. Emmons said that the staff is supportive of the additional time; they are recommending that in the fifth condition, and presented a highlighted condition (#3) on the overhead projector of a change in language. Mr. Glover asked if Mr. Murphy and his client were in agreement with the amendment of their application. Mr. Murphy responded affirmatively.

Citizen Comments (support) – Mr. William Herndon, director of the Wesley Foundation at the University of Kentucky, said that they have 48 students who live at the Wesley Foundation as part of the Christian living community and are very grateful for what has been done. Mr. Herndon noted that he had submitted a letter of support to the Board and would like to reiterate his letter.

Citizen Comments (concern/opposition) - Mr. Russ Williamson, who lives at 564 Woodland Avenue, expressed his concern about the stormwater run-off. He said that he wanted some reassurance that run-off will not go into the street.

Ms. Amy Clark addressed the Woodland dorm setback. She said that it is 18½ feet from the sidewalk to the terrace wall of the Woodland dorms; and then there is a 16-foot terrace. The Woodland dorms are actually 2 feet further back from the curb than the church wall. She said that there needs to be an on-site delivery area, as there is no room in any of the surrounding areas. At this time, Ms. Clark addressed some concerns that she had with regard to the sound condition. She asked that there be a condition for tree protection (Article 26 of the Zoning Ordinance) as well as the landscaping.

Citizen Comments (support) – Ms. Amanda Bledsoe, Urban County Council member; District 10, said that she has been a member of CSF for 8 years, and they do a phenomenal job reaching a demographic who is searching for a safe place to be and they are good neighbors. Ms. Bledsoe said she strongly urges the Board to approve this proposed use.

Mr. Jim & Ms. Jerry Harned, from Louisville, Kentucky, were present in support of the proposed project. Ms. Harned said that they have had two children that went through CSF when they attended UK, and it had a tremendous impact on them. She said that they occasionally help on Thursday evenings and bring dinner for 500 students, that they need the space. They are in the parking lot and setting up tables everywhere, trying to feed the students who want to eat there.

Mr. Jerrod Paulsen, staff member at CSF, said that he came through the ministry as a student and also played basketball for the University. He said that CSF is more important to him than UK basketball. Mr. Paulsen said that his brother and others that he knows have come through CSF, and it has had a great impact on everyone in a way that they will always have for the rest of their lives. He said that they do not want a building just to be "cool", but to

impact more people. They are at a plateau - they do not have enough room to impact. The first worship service of the year, they had over 800 students coming and he saw about 100 people leaving because there was not enough room to fit.

Mr. Kaim Standback, in his 2nd year working at Christian Student Fellowship, said that he when he came upon CSF in his freshman year, he was one of about 5 of the African American students that were involved. It has now increased to around 50-75, just minorities. Mr. Standback said that CSF is a community that focuses a lot on diversification. They have seen growth in the number of international students, and they have had events that have hosted, at the very least, 200 international students. He said that he would like to ask the Board to take into consideration that they are a place that cares about people from different backgrounds and cultures.

Ms. Allison Harvey said that she is from Chicago; and when she came to Kentucky, she didn't really have a community. Between her freshman and sophomore year, she became very sick and was in a coma for 10 days. Even though she didn't have many friends, a couple of people from CSF had heard about her story, and they came and prayed over her; they gave gift cards to her family and various things to comfort her, and she had never experienced a community like that. She noted that CSF has a good impact by making people feel welcome.

Note – Ms. Whitman left at 5:25 p.m.

Action – A motion was made by Ms. Meyer, seconded by Mr. Forester, and carried 5-0 (Whitman and Stumbo absent) to **approve CV-2016-27: CHRISTIAN STUDENT FELLOWSHIP, INC.** – a request for a conditional use permit to establish a church and associated parking, and variances as follows: (a) to increase the maximum allowable height from 35 feet to 66 feet; (b) a front yard and side street side yard variance for 600 Woodland Avenue and 502-504 Columbia Avenue from 30 feet to 15 feet; (c) a rear yard variance for 502-504 Columbia Avenue from 30 feet to 7 feet; (d) to reduce the required front yard at 507-537 Columbia Avenue from 30 feet to 15 feet; and (e) to reduce the required off-street parking from 160 to 88 parking spaces in a Two Family Residential (R-2) zone, within the Infill and Redevelopment Area, at 600 Woodland Avenue and 502-504 and 507-537 Columbia Avenue, for the reasons recommended by the staff and subject to the five conditions outlined by the staff and discussed at today's hearing.

E. Administrative Review

There were none remaining

IV. BOARD ITEMS

There were none remaining

V. STAFF ITEMS

- A. Landscape Review Committee - The term of Mr. Rory Kahly, Tree Board member of the Landscape Review Committee, has ended due to the expiration of his term on the Tree Board. A new member needs to be appointed to replace Mr. Kahly, and Ms. Anne Bowe has agreed to serve in that capacity. Names and terms of current Landscape Review Committee members are as follows:

<u>TERM</u>	<u>NAME</u>	<u>REPRESENTING</u>
Term on BOA	Ms. Jan Meyer	Board of Adjustment
11/30/2019	Ms. Anne Bowe	Tree Board
11/30/2016	Mr. Mike Cravens	Lexington Homebuilders
11/30/2017	Mr. Louis Hillenmeyer, III	Nurseryman
11/30/2018	Mr. Richard Weber	Landscape Architect

Action – A motion was made by Ms. Meyer, seconded by Mr. Gross and carried 5-0 (Whitman and Stumbo absent) to **appoint** Ms. Anne Bowe to serve on the Landscape Review Committee.

- VI. NEXT MEETING DATE – Mr. Glover confirmed that the Board's next meeting date would be June 24, 2016.

- VII. ADJOURNMENT - Since there was no further business, the Chair declared the meeting adjourned at 6:04 p.m.

Barry Stumbo, Chair

Joan Whitman, Secretary