

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JANUARY 14, 2014 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Dennis Bass
Ms. Deborah Blake
Ms. Lauri Harding
Mr. Edward Stubbs
Mr. Tony Pfeffer, Vice Chair
Mr. Justin Verst, Chair

MEMBERS ABSENT:

Mr. Michael Williams, TPO

STAFF PRESENT:

Mr. Ryan Hutchinson, Planner
Mr. Matt Smith, Legal Counsel
Ms. Stephanie Turner, Secretary

Mr. Verst called the meeting to order at 7:01 PM. Following roll call, a quorum was found to be present. The first call of business was to approve the meeting minutes from the last meeting of the Commission. Mr. Verst asked if everyone had reviewed the December 10, 2013 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrows made a motion to approve the December 10th meeting minutes as submitted. Mr. Stubbs seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Harding, Mr. Pfeffer and Mr. Stubbs in favor of the motion. Ms. Blake and Mr. Verst abstained. Motion passed.

Mr. Verst introduced case #ID-57-13, a proposed lot division resulting in a 4 acre flag lot and leaving a remainder 15.99 acre flag lot. Mr. Hutchinson presented the staff report and recommendations.

SUBDIVISION:	ID-57-13
APPLICANT:	Ian & Erin Polatka
LOCATION:	Plum Creek Road, Unincorporated Campbell County.
REQUEST:	The applicant has request to divide a 4 acre flag lot and leave a remainder 15.99 acre flag lot.

Considerations:

1. Review of the Identification Plats in accord with the Zoning Ordinance and Subdivision Regulations results in the following issues:
 - a) The existing lot has 20 acres and 117.7' feet of road frontage.
 - b) The current zoning for the site in question is Rural Residential Estate (R-RE). The R-RE Zone requires a minimum 100 foot lot width for full dimension lots. Flag lots can be submitted as minor subdivisions but require an approval by Planning Commission.
 - c) The existing tract does not have the required frontage for two lots. The only option for the applicant is a flag lot design. The resulting flag lot design for both lots meets our minimum standards. Each lot is 58.85' feet wide and is over 100' wide at the setback of 250' feet.

- d) The first plat shows the proposed flag lot has an existing house on the lot.
- e) The plat indicates a 25' foot right-of-way to be dedicated along Plum Creek Road a publicly maintained County road.
- f) The plan indicates overhead utilities exist.
- g) The plan indicates this is the first and second outsale for the property.

Recommendation for Identification Plats:

To approve the proposed flag lots.

Bases for Recommendation for Identification Plats:

The proposed division is consistent with the Campbell County Subdivision Regulations and Zoning Ordinance.

The proposed flag lot is consistent with the Campbell County Subdivision Regulations and Zoning Ordinance. The existing tract meets current Campbell County Subdivision Regulations and Zoning Ordinance standards. The applicant is creating the conditions that would necessitate the creation of a flag lot.

Mr. Hutchinson concluded his report by asking if there were any questions he could answer for the Commission. Mr. Verst asked Mr. Hutchinson about the notation on the plat that indicates that the 25' feet of right of way is already existing and not proposed. There is no dedication certificate on the plat. Mr. Hutchinson reviewed the plat again and stated that Mr. Verst is correct and the right of way is indicated as existing. He is not aware if that is a carryover from another existing plan, but he did work with the surveyor, Mr. Gary Menetrey, to correct the plat.

Mr. Verst thanked Mr. Hutchinson for his report and asked if there were any questions for staff. Mr. Pfeffer asked Mr. Hutchinson about the shared driveway. Is the shared driveway going away once these two lots are split up? Mr. Hutchinson replied that the shared driveway is going to remain for use by the remainder parcel. It would not be servicing the proposed new lot is his understanding of the situation. If that is not the case, then staff would want an egress/ingress easement to be shown on the plat. Mr. Hutchinson advised Mr. Pfeffer to ask the applicant for a clarification. Mr. Pfeffer asked if the shared driveway stays does that impact the proposed flag lot. It goes to the existing land so what is really in question is what is going on with the new lot. Mr. Hutchinson agreed that he is only looking at the remainder tract for its' minimum design standards. He is not looking at it from an access standpoint as that access already exists. The new lot would be a concern if it was gaining access from any point that crosses another lot, but it has been expressed to him that this would not be the case.

Mr. Verst followed up with a question regarding Mr. Hutchinson's observations when he was on site. While Mr. Hutchinson was on site, did he see any site conditions that would prevent this new lot from gaining direct access from Plum Creek Road? Mr. Hutchinson replied that he did not observe any such conditions. There were some wooded areas, but nothing that would prevent access. Mr. Verst asked if there were any additional questions for staff. Ms. Harding asked about the parcel of land not included in this plat. Does it have access from Plum Creek Road? Mr. Hutchinson showed the site on one of his slides and pointed out the driveway off of Plum Creek Road.

Mr. Verst thanked Mr. Hutchinson for his report and asked if there were any questions for staff. There being none, Mr. Verst asked the applicant if they wanted to come before the Commission

to speak. Both applicants were present, but stated that Mr. Hutchinson addressed the issue to their satisfaction and neither had anything to add. There being several audience members present at the meeting, Mr. Verst asked if anyone else wanted to speak either for or against the proposed flag lot. The audience members did not wish to speak, but stated they were for the lot division. Mr. Verst closed the public comment portion of the meeting. Mr. Verst opened the floor for discussion among the Commissioners.

Mr. Verst asked if there were any comments or items for discussion regarding this case. Mr. Pfeffer asked if the applicant needed to supply information to clarify the issue of the drive. Mr. Verst replied that Mr. Hutchinson would need to know if the applicants intended to share the existing shared driveway, but from the Commission's standpoint there is no concern with the point of access to the flag lot. The drive is a private issue between the applicant and the owners of the driveway. There is no public concern on where they pull their driveway from. Mr. Pfeffer was satisfied.

Mr. Verst asked if there were any other questions or comments. Ms. Harding stated she had no issue with the flag lot division. There being no other comments, Mr. Verst called for a motion. Mr. Barrow made a motion on case #ID-57-13, to approve the proposed lot division resulting in a 4 acre flag lot and leaving a remainder 15.99 acre flag lot. Mr. Barrow stated that his finding of fact was based upon the staff report and the fact that it meets the Comprehensive Plan. Mr. Verst asked Mr. Barrow what the bases of his recommendation was. Mr. Barrow stated that the proposed division is consistent with the Campbell County Subdivision Regulations and Zoning Ordinance. The proposed flag lot is consistent with the Campbell County Subdivision Regulations and Zoning Ordinance. The existing tract meets current Campbell County Subdivision Regulations and Zoning Ordinance standards. Mr. Verst asked if there were any discussion on the motion. There being none, Mr. Verst called for a second. Mr. Pfeffer seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer and Mr. Stubbs in favor of the motion. Mr. Verst abstained. Motion passed.

The applicant asked to speak to Mr. Hutchinson for a moment. Mr. Verst called for a motion for a brief recess so that the applicants' wishes could be addressed. Mr. Barrow made a motion to go to a brief recess. Mr. Pfeffer seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. The Commission went into recess at 7:15 PM.

Mr. Verst called the meeting back to order at 7:17 PM.

There being no other cases to come before the Planning Commission, Mr. Verst called for the Director's Report.

DIRECTOR'S REPORT

Mr. Hutchinson asked that the Commission approve training for the following:

Approve Training for P&Z Commissioners:

- Lauri Harding – Getting To Know Flood Reform [1.0 hour]
- Edward Stubbs – Code Enforcement Board CD [2.0 hours]
- Michael Williams – Adapting Cities to Climate Changes [3.0 hours]

Approve Training for BOA Commissioners:

- Sharon Haynes– General Policy Review [2.5 hours]
- Sharon Haynes– Getting To Know Flood Reform [1.0 hour]
- Sharon Haynes– Code Enforcement Board CD [2.0 hours]
- Sharon Haynes – Adapting Cities to Climate Changes [2.0 hours]

- Sharon Haynes – Embracing New Urbanism in Your Comprehensive Plan [1.5 hours]

Mr. Barrow made a motion to approve training for the Commissioners of the Planning & Zoning Commission and the Board of Adjustment. Ms. Harding asked if she would be eligible to vote on the issue since some of the training was hers. Mr. Hutchinson advised that, since it was a group vote, she would be eligible to vote to approve the training. Ms. Blake seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer and Mr. Stubbs in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Hutchinson made the Commission aware of upcoming potential training on flag lots and cul-de-sacs. Mr. Hutchinson explained that it would enable the Commission to have a healthy discussion about any changes that might need to be made to our Subdivision Regulations or Zoning Ordinance. We will be meeting in both February and March so the training can be conducted at the conclusion of either of those meetings.

There was a general discussion regarding the need to hold elections for officers. Several Commissioners felt that the previous election was for the remainder of 2013 and the entire year of 2014. Since the current TPO was not present, it was determined that the minutes would be consulted to determine if the previous elections specified a time frame. If any election is necessary, it would be conducted at the February meeting. Mr. Hutchinson concluded the Director's Report.

Mr. Verst asked if there was any other business to discuss. There being none, Mr. Verst asked for a motion to adjourn. Mr. Pfeffer made a motion to adjourn. Mr. Barrow seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 7:32 PM.

Respectfully Submitted,

Approved:

Ryan Hutchinson
Planner

Justin Verst
Chair