

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MARCH 11, 2014 MEETING**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mr. Steve Stapleton

STAFF PRESENT:

Ms. Cynthia Minter, Director
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. Mr. Verst asked if everyone had reviewed the February 11, 2014 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the February 11th meeting minutes as submitted. Mr. Stubbs seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, and Ms. Harding in favor of the motion. Mr. Stubbs, Mr. Williams, Mr. Pfeffer and Mr. Verst abstained. Motion passed.

Mr. Verst explained to the public that there are zone changes on the agenda tonight. Whenever a zone change is requested, the Commission does not get the final approval of the change. The Commission takes a vote to recommend an approval to the Campbell County Fiscal Court who will take final action on these issues. Mr. Verst introduced case #128-14-ZMA-01, Chris & Mary Lee Reis with a request for approval of an Agriculture Cluster Development (ACD) over lay within the A-1 Zone to create 5 lots with no public road frontage and no public improvements and dedicate 41.61 acres added to a conservation easement to be granted to the Campbell County Conservation District. Mr. Verst called for Mr. Hutchinson to present the staff report and recommendations.

Ms. Minter advised the Commission and the public that, in regards to both cases being heard tonight, public notice was published in the Campbell County Recorder on February 27th, 2014. Notice was mailed to all adjoining property owners also on February 27th, 2014. Notice was posted at each site on March 5th, 2014. Mr. Verst thanked Ms. Minter for that information. Before presenting the staff report, Mr. Hutchinson advised the Commission and the public that there was one error in the staff report. The originally issued report stated that the conservation easement would be granted to the "Campbell County Conservation District". Staff has been advised that the correct entity will be the "Campbell County Conservancy". Everything else remains the same, but the legal entity that holds all binding easements is different. With that, Mr. Hutchinson presented the staff report.

FILE NUMBER: 128-14-ZMA-01

APPLICANT: Chris & Mary Lee Reis

LOCATION: A 48.3 acre lot located at 2251 Reis Ridge Road, Unincorporated Campbell County KY.

REQUEST: Approval of an Agriculture Cluster Development (ACD) overlay within the A-1 Zone to create 5 lots with no public road frontage and no public improvements and dedicate 41.61 acres added to a conservation easement to be granted to the ~~Campbell County Conservation District~~ Campbell County Conservancy.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the area for Agricultural and rural. The Campbell County Zoning Ordinance classifies the area within the A-1 (Agricultural- One) Zone.
2. The site in question is occupied by a house and outbuildings.
3. The request is to add an overlay zone on the property. The ACD (Agricultural Cluster Development) overlay zone is to preserve land used for agriculture and allow a limited number of lots to be developed in a flexible manner.
4. CAMPBELL COUNTY ZONING CLASSIFICATIONS:

ACD

The ACD Overlay zone minimum requirements.

<u>Zone Requirements</u>	<u>ACD</u>
Minimum tract size	- 40 AC.
Minimum lot size within tract	- 1 AC.
Maximum lot size within tract	- 5 AC.
Minimum Maximum number of lots within tract	- 6
Minimum lot width at building setback line	- Per the requirements of the A-1 zone
Minimum front yard depth	- Per the requirements of the A-1 zone
Minimum side yard width on each side of lot	- Per the requirements of the A-1 zone
Minimum rear yard	- Per the requirements of the A-1 zone
Maximum building height	- Per the requirements of the A-1 zone

CONSERVATION EASEMENT AND AREA: At least seventy-five percent (75%) of the total acreage (i.e. tract) of the proposed ACD Overlay Zone shall be retained for agricultural use under a conservation easement. The area placed within the easement shall not include any of the area of the new lots created within the tract or the access easement area for any private street. The Campbell County Conservancy shall be named as the grantee of the conservation easement.

A-1

The A-1 Zone is a single family detached zone.

<u>Zone Requirements</u>	<u>A-1</u>
Minimum lot area	- 1 AC.
Minimum lot width at building setback line	- One Hundred (100) feet
Minimum front yard depth	- Fifty (50) feet
Minimum side yard width on each side of lot	- Twenty Five & Ten (25 / 10) feet
Minimum rear yard	- Twenty Five (35) feet
Maximum building height	- Thirty Five (35) feet

5. The submitted plan indicates the following:

- a. The plan indicates a proposal to subdivide 48.3 acres with the ACD overlay.
- b. The site plans show a proposed access easement of an irregular width going 1,500' feet off Reis Ridge road terminating in a t-type turn around.
- c. The plan notes the private drive will be a 15' feet wide and constructed of gravel.
- d. The plan does not indicate the slope of the driveway.
- e. The proposal is to subdivide 5 lots all about 1 acre in size.
- f. The remainder tract 41.611 acres (86% of the development) will be dedicated to the Campbell County ~~Conservation District~~ Conservancy in an Easement.
- g. The site plans show a smaller easement 250' feet length and 30' feet wide splitting off the main driveway / easement to serve lots 2 and 3. The end of the driveway also terminates in a t-type turnaround.
- h. The surrounding zoning is A-1.
- i. The site plan shows an existing shed located in the main 1,500' foot easement this would need to be removed.
- j. The site plan shows contours at 5' foot intervals.
- k. The site plan does not show a notation for 20% slopes or hillside development controls.
- l. None of the proposed lots front along a publicly dedicated and maintained right-of-way.
- m. All of the proposed lots are vacant.
- n. The site plan does not show a north arrow.
- o. The site plan does not show the location of houses on the proposed lots.

Staff Recommendation:

The CC&MP&ZC recommend approval of the ACD overlay and division of land subject to the following conditions:

- 1. That the Legislative Body adopts the map amendment portion of the submitted request.
- 2. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
- 3. That the site plan be revised showing the approximate grades of the private street not to exceed 12%.
- 4. That the private street be a minimum of 20 feet wide and comply with the private street standards of the Campbell County Subdivision Regulations.
- 5. That the private driveway be located within the proposed access easement.
- 6. That language is added to the plat detailing the maintenance responsibilities of the easement and the users for the easement / private driveway accessing the 5 lots and remainder tract.
- 7. That the site plan be revised showing private drive names for both of the proposed private streets.
- 8. That the site plan be revised to show a north arrow.
- 9. That the following notation be added to the site plan "That the new building development on areas containing ground slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance."

Bases for Recommendation:

The proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance, except as noted below:

- 1. Section 9.23, A., of the Campbell County Zoning Ordinance regarding Hillside Development Controls states: "That when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20% or greater)

that said development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.”

2. Section 405.O.3., Campbell County Subdivision Regulations States: “Private streets may only consist of cul-de-sacs or local streets. Any newly proposed private street that will dead end shall terminate with a T turn-around or a cul-de-sac. Street grades shall meet the requirements in Section 405.I. Street names for private streets shall be proposed and approved through the Preliminary Plat process. Signage for private streets shall be installed, by the developer, in accordance with the policies of the applicable legislative body prior to Final Plat approval. Sidewalks shall be provided along private streets or roads in accordance with Section 405.Q for conventional subdivisions and Section 402 for Open Space and Cluster Residential Subdivisions.”
3. Section 405.I.3., Campbell County Subdivision Regulations States: “ Street Grades - Grades of both public and private streets in proposed subdivisions or developments shall not be greater than as follows: (See Definitions Section for type of street.) Grades shall not be less than one and one-half percent (1.5%) on any street...Residential and cul-de-sac shall not be steeper than 12%.”
4. Section 10.28 D., Campbell County Zoning Ordinance regarding design standards for Stage I Plans.
5. Section 405.5.A., Campbell County Subdivision Regulations States: “In the ACD Zone only, the private street must be a minimum of 20 feet in width and may be surfaced with gravel. Streets must be centered within a deeded access easement with a minimum width of 30 feet and which connects directly to a publicly maintained street. There must be a private agreement for maintenance of the private street. None of the newly created lots can be a flag lot. Newly proposed private streets in the ACD zone may serve no more than five (5) buildable lots plus one (1) remainder parent tract.”
6. Section 405.A., Campbell County Subdivision Regulations States: “In no case shall the name of a proposed street duplicate an existing street name, irrespective of the use of the suffix street, road, lane, avenue, boulevard, way, place, or court, nor shall a proposed street name phonetically approximate the name of any existing or approved street name in Campbell County. Proposed street names are added to a master list or index in order to reserve these names when the Preliminary Plat is approved.”

As Mr. Hutchinson was specifying the zoning classification information, Mr. Verst asked if there was a brief background and description of the purpose and intent of the ACD over lay that staff could present to the audience and the Commission so that everyone understood the nature and intent of what the ACD over lay was designed to accomplish. Ms. Minter gave the history of the zoning over lay and was able to access a training slide that showed the information Mr. Verst had requested. The intent and purpose of the ACD over lay is to preserve land to be used for agricultural purposed while still allowing for a limited number of lots to be developed. Mr. Hutchinson continued to present his staff report.

Mr. Hutchinson concluded his report by advising the Commission that based on his site visit, it was evident that the slope of the driveway was nowhere near the 12 % maximum allowed slope and would not be an issue. Mr. Hutchinson stated that, per the Zoning Ordinance, the site plan is required to show the location of houses on the proposed lots. Mr. Hutchinson feels that this is a little difficult to do at this stage and does not feel that this is vital to the approval of the plan. The exact location of the proposed home on the proposed lots would not need to be determined until such time as the property owners would come forth to file for a building permit.

Mr. Hutchinson continued that, after the staff report was issued to the Commission and the applicant, staff continued to have discussions regarding the request. Looking through some site plans, Mr. Hutchinson had additional items that might be discussion points for the Commission to consider. First, in regards to recommendation #5, it would be the intent that the private drive be placed within the proposed access easement. When you look at the submitted plan, you cannot tell from the drawing exactly where the road is located. The easement is irregular especially in the turn. One of the things that might help identify where that is would be if they showed the centerline of the private drive in the easement.

The second thing pertains to the 2 corner lots. Currently, there is 30 feet on that easement, but they may want to consider doing turning radius so that if someone pulling in or out of there would not be driving on someone else's property or put a fence up right to the edge and end up impeding someone's turning lane. Another item would be to correct the plat in regards to the entity of the holder of the conservation easement. They are 2 different legal entities and we would like to see this corrected to "Campbell County Conservancy". Staff would also like to see a private street sign out at the front of the property along Reis Ridge so that people could see that this is a private drive and see the name of it. You will not be able to see the homes from the publicly dedicated road. Mr. Hutchinson concluded his report by asking if there were any questions he could answer for the Commission.

Mr. Verst wanted to clarify that the request is for a zoning map amendment to allow an over lay. Per our Zoning Ordinance, before we can allow for a zoning map amendment, the Commission must find that the amendment is in agreement with the adopted comprehensive plan. If we find that this request is in agreement with the adopted comprehensive plan, then this is it and we stop. That is as far as we need to go and we have justification to approve it. Staff has identified on this case that they are finding that this request is in agreement with the adopted comprehensive plan. If we, as a Commission, do not agree with that finding, then there are a couple of other conditions we can consider. If we can determine that the original zoning classification given to the property was inappropriate or improper; or that there have been major changes of an economic, physical, or social nature within the area, then we have justification to approve this request. Mr. Verst reminded the Commission that staff has stated that they find that the request is in agreement with the adopted comprehensive plan.

Mr. Verst asked if anyone had any questions for staff at this time. Mr. Pfeffer asked for a clarification from staff regarding the ACD over lay. He understands that there can be 5 lots and the remainder parcel being part of the easement, but what happens to the existing buildings especially the mobile home and the house. Are they part of the easement? Mr. Hutchinson stated that they were part of the easement. In the A-1 Zone, you can have more than 1 dwelling unit on a property. The theory is that there will be the main home for the property owner and then a dwelling to be used by the extended family or workers that help out on the farm. Ms. Minter stated that a residential structure is a natural part of a farm and those structures would stay. Mr. Pfeffer asked for confirmation that they don't create a separate lot for the existing home and the buildings and then say everything else will be placed in the easement. Ms. Minter replied that was correct. Mr. Pfeffer stated that it just seems a little odd to him that you have this house sitting there in the middle of the conservancy area. Ms. Minter stated that this is considered a part of the farming activity. This is an issue that was discussed in detail by the Conservancy and they feel that the structure and the barns are actually a vital part of the farming activity. Mr. Hutchinson stated that one of the unique things about the ACD over lay, besides the fact that they are dedicating land to the Conservancy for the sole purpose of farming activity, is the fact that they are dividing lots without public road frontage. This is one of the main features that differ from every other division that we see. They would be permitted to divide without public road frontage. In theory, they are driving through someone else's property to get to the main road. They are all going to be responsible to do their part to help maintain the road and keep it up, but it is not public. It is not a public way. Mr. Verst stated that they are not

required to install a public street. Instead, they are responsible to create a private easement to allow access to the lots. Mr. Hutchinson agreed and added that the County is not going to come in 10 to 15 years later and pave or maintain the streets for them. There is absolutely no snow removal.

Mr. Verst thanked Mr. Hutchinson for his report and asked if there were any other questions for staff. There being no other questions for staff, Mr. Verst asked the applicant to step forward and state their name and address for the record. Mr. Hutchinson advised the Commission that the applicant's surveyor did submit immediately prior to the beginning of the hearing a revised plan for staff's review. Mr. Hutchinson has not had an opportunity to look at the plan at all, but wanted to make the Commission aware of this revised plan. Mr. Bill Reis, surveyor for the applicant, stated that he had nothing to add to staff's report unless the Commission had any questions for the applicants.

Mr. Verst asked if there were any questions of the applicant. There being none, Mr. Verst noted that there were a couple of audience members present at the meeting, Mr. Verst asked if anyone else wanted to speak either for or against the proposed zone overlay. There being no one that spoke up, Ms. Minter advised the Commission that no one registered to speak regarding this issue and that staff has not received any phone calls or inquiries regarding this issue.

Before getting into discussion with the Commissioners, Mr. Verst asked the applicants if they agreed with the recommendations made by staff. Mr. Bill Reis stated that he made most of the corrections that staff had asked for. If there are any additional one, Mr. B. Reis stated he would be happy to make them. He does not have anything regarding the turn radius of the street, but he can look into that and make adjustments. Mr. B. Reis stated that he did submit the revised plan to Mr. Hutchinson when he arrived tonight and acknowledged that Mr. Hutchinson has not had an opportunity to review them. Mr. B. Reis believes that he has accounted for all the conditions listed in the staff report. Mr. Verst advised Mr. B. Reis that after Commission has an opportunity to discuss any proposed additional recommendations that he would come back to the applicants to ask if they agree with the changes.

There being no other comments, Mr. Verst advised the public and the Commission that he was keeping the public hearing open while the Commission has their discussion so that they can address any additional questions that may need to be asked of the applicant or staff. With that, Mr. Verst opened the floor for discussion among the Commissioners by reviewing the conditions recommended by staff. Mr. Verst began with staff's recommendation for approval of this request with 9 conditions. On condition #5, staff feels it should be adjusted to reflect that the private driveway be reflected with the proposed access easement. Mr. Verst stated this could be accomplished by adding the words "and shown on the plan" at the end of the condition. Mr. Verst continued that staff was also recommending that a condition be added to require additional easement area at the corner lots to provide for turnarounds. Mr. Verst stated that the plat be revised to reflect the correction of "Campbell County Conservancy" versus the "Campbell County Conservation District". He also recommended that a street sign be installed at the public road stating this was a private street.

Mr. Pfeffer reminded the Commission that Mr. Hutchinson stated that the Zoning Ordinance calls for the proposed homes to be reflected on the proposed lots, but that Mr. Hutchinson did not feel this was really necessary. Is a condition required to exempt the plan from being required to be revised to reflect this? Ms. Minter stated that the Commission could do so if they desired. The actual Zoning Ordinance states that the homes must be reflected, but staff believes the intent was to just have them reflect the lots. The applicant has identified the lots, but not the homes. Ms. Minter stated that, at this stage, it is premature to require the proposed location of homes within each of the lots. Mr. Hutchinson stated that, when this ordinance was

created, the language was copied from the site plan review portion of the Zoning Ordinance and then edited to accommodate the intent and purpose of the ACD over lay. He firmly believes that the requirement of the location of the structure at this point was more intended for a commercial application versus a residential application. It is not as necessary at this time for this case.

Mr. Verst asked if there were any further discussion on the proposed conditions in the staff report. There being no comment, Mr. Verst asked if anyone had any objection to staff's proposed additions to the conditions. There being none, Mr. Verst asked if the applicant had any objections to the conditions on the staff report as amended per staff recommendations tonight. The applicants indicated that they did not have any objections. Mr. Verst called for the record to indicate that the applicant agrees with the conditions as amended. Mr. Verst closed the public hearing. There being no objections or comments regarding the conditions for this case, Mr. Verst called for a motion. Mr. Barrow made a motion to recommend to the Campbell County Fiscal Court to approve case #128-14-ZMA-01, Chris & Mary Lee Reis, a request for approval of an Agriculture Cluster Development (ACD) over lay within the A-1 Zone subject to the following conditions:

1. That the Legislative Body adopts the map amendment portion of the submitted request.
2. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
3. That the site plan be revised showing the approximate grades of the private street not to exceed 12%.
4. That the private street be a minimum of 20 feet wide and comply with the private street standards of the Campbell County Subdivision Regulations.
5. That the private driveway be located within the proposed access easement **and shown on the plan.**
6. That language is added to the plat detailing the maintenance responsibilities of the easement and the users for the easement / private driveway accessing the 5 lots and remainder tract.
7. That the site plan be revised showing private drive names for both of the proposed private streets.
8. That the site plan be revised to show a north arrow.
9. That the following notation be added to the site plan "That the new building development on areas containing ground slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance."
10. **That the access easement area be expanded at the corner lots to provide for turnaround of vehicular traffic.**
11. **That the plat be revised to reflect the correct entity of "Campbell County Conservancy".**
12. **That a street sign be installed at the public road stating this was a private street.**

Mr. Barrow stated that this request is consistent with the comprehensive plan and has been recommended by staff with conditions as agreed by the applicant. Mr. Verst asked if there were any questions or comments 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. Stubbs, Mr. Williams and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst advised the applicants that they were welcome to stay for the second hearing or to leave as they so desire. Ms. Minter asked the Commission if they desired to take a break or to continue to the next case. Mr. Verst stated he would prefer to continue to the next case.

With that, Mr. Verst introduced case #129-14-ZMA-01, Mark Schroder, Jr. with a request for approval of a zone map amendment proposing a change in zoning from R-1C to A-1. Mr. Verst called for Mr. Hutchinson to present the staff report and recommendations. Ms. Minter advised the Commission and the public that, as stated previously, public notice was published in the Campbell County Recorder on February 27th, 2014. Notice was mailed to all adjoining property owners also on February 27th, 2014. Notice was posted at each site on March 5th, 2014. Staff did receive 1 call regarding this case, but no comment was registered. Mr. Hutchinson presented the staff report and recommendation as follows:

FILE NUMBER: 129-14-ZMA-01
APPLICANT: Mark Schroder, Jr.
LOCATION: A 32 acre lot located at 5515 Dodsworth Lane, Unincorporated Campbell County KY.
REQUEST: Approval of a zone map amendment proposing a change in zoning from R-1C to A-1.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the area for Lower Density Single Family. The Campbell County Zoning Ordinance classifies the area within the R-1C (Residential-1C) Zone.
2. The site in question is occupied by a single family home two outbuildings and is used as a farm.
3. The request is to rezone the lot from R-1C to A-1. This would allow the applicant to build a home and be consistent with farming work that they have done on this property for many years.

4. CAMPBELL COUNTY ZONING CLASSIFICATIONS:

A-1

The A-1 Zone is a single family detached zone.

Zone Requirements

A-1

Minimum lot area	- 1 AC.
Minimum lot width at building setback line	- One Hundred (100) feet
Minimum front yard depth	- Fifty (50) feet
Minimum side yard width on each side of lot	- Twenty Five & Ten (25 / 10) feet
Minimum rear yard	- Twenty Five (35) feet
Maximum building height	- Thirty Five (35) feet

5. The submitted plan indicates the following:
 - a. The plan indicates a proposal to rezone a 32 acre parcel within the County from R-1C to A-1.
 - b. The front portion of the lot sits within the Cold Spring Municipal boundary. The proposed zone change area is all located within Unincorporated Campbell County.
 - c. The applicant intends to split a lot and build a new house on that lot.
 - d. The applicant intends to relocate an existing barn back into the remaining property in the proposed A-1 zone.
 - e. The site plans shows two barns would be placed within the A-1 zone on the 32 acre tract.

- f. The surrounding zoning is R-1C and R-1D.

Staff Recommendation:

The CC&MP&ZC recommend approval of the Map Amendment to subject to the following conditions:

1. That the Legislative Body adopts the map amendment portion of the submitted request.
2. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
3. That the applicant submits to Campbell County Planning staff an application to split the proposed building lot off the remainder tract.
4. That the applicant apply for and receive a demolition permit from the Campbell County Building Department for the existing house and accessory structures as needed.
5. That the applicant provides proof of the recorded deed and land division prior to or as part of the submission of a building permit application.

Bases for Recommendation:

The proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance.

Mr. Hutchinson concluded his report stating that staff supports this request because it is consistent with the current land use as an agricultural use and the density is changing and becoming less intense. If they were proposing to go to a different zone, it may be of greater concern. As submitted, staff has no issues or concerns with this request. Mr. Verst thanked Mr. Hutchinson for his report and reminded everyone that the same standard would need to be met to approve the request as was established in the previous case. The Commission must find that the amendment is in agreement with the adopted comprehensive plan. If not, then if the Commission can determine that the original zoning classification given to the property was inappropriate or improper; or that there have been major changes of an economic, physical, or social nature within the area, then we have justification to approve this request. Mr. Verst reminded the Commission that staff has stated that they find that the request is in agreement with the adopted comprehensive plan.

Mr. Verst asked if there were any questions of staff. Mr. Williams asked Mr. Hutchinson out of curiosity what the agriculture activity occurring on the site is exactly. Crops? Livestock? Mr. Hutchinson stated that he did not know specifically. Mr. Verst stated that question could be addressed to the applicant. As far as what is allowed, it could be livestock, crops, timber, hay or a range of other uses. Mr. Williams stated he was under the impression that this parcel was already being used, but with the snow he cannot tell what the activity is exactly. Ms. Minter stated that the parcel is currently being farmed. It is a very well reputed producer of hay. Mr. Williams stated that answered his question.

Mr. Verst asked if there were any other questions for staff. Mr. Pfeffer asked Mr. Hutchinson to clarify condition #3 "to split the proposed building lot off the remainder tract". Mr. Pfeffer stated it was unclear what staff was requesting there. Mr. Hutchinson replied that right now it was 1 large lot. The intention of the applicant is to demolish the house that is currently placed on the site and then build a new house. They are going to sell the lot where the new house is going to be. They have to split off the lot where the house is going to be. The current owner is going to sell that lot to his son to build a house. Mr. Pfeffer stated that the lot will be a different owner in simple terms. Mr. Hutchinson agreed.

Mr. Pfeffer asked staff to confirm that near the new lot there is a lot to the south that is 80 feet wide and he is uncertain what the depth is. He is assuming that this meets Cold Spring zoning

for lot size. Mr. Hutchinson replied that it does. Mr. Hutchinson stated that staff did look at that. Mr. Pfeffer asked about the section north of the new lot that is located in Cold Spring. It is part of the existing property that the owner owns. It is just that one portion of the lot is in Cold Spring and the rest is in the Unincorporated Campbell County. Mr. Verst identified that the portion located in Cold Spring is not before the Commission tonight. It will remain in Cold Spring Zoning within the R-1C Zone.

Mr. Pfeffer asked Mr. Hutchinson to confirm that the portion of the new lot that is the A-1 Zone is required to be 1 acre or just the entire new lot (regardless if it is in Cold Spring or the Unincorporated Campbell County) has to be 1 acre. Mr. Hutchinson answered that the new lot has to be at least 1 acre regardless of municipality. This new lot is actually going to be a little over 1 acre.

For clarification, Mr. Verst asked Mr. Hutchinson to confirm that this will be a stand-alone parcel in the A-1 Zone. That is – none of the parcel touching this piece of land is zoned A-1. Mr. Hutchinson confirmed that was correct. The surrounding parcels are zoned R-1C and R-1D. Mr. Verst stated he wanted that confirmed because no stand-alone zone can be less than 5 acres. This parcel is well above that limitation.

Mr. Verst asked Mr. Hutchinson about condition #3. If the applicant determines that he does not want to subdivide that parcel off to build a house, would it change staff's recommendation for approval. Mr. Hutchinson replied it would not change staff's recommendation. Mr. Verst asked if it was necessary to have that as a condition. Mr. Hutchinson replied that the purpose of the meeting tonight is for the zone change. When we know there are going to be additional items out there, we like to put it in as a condition for informational purposes so everyone knows what is coming. If the Commission does not feel comfortable with the condition, it can be removed, but then staff would ask that it remain on the record as a point of information. Mr. Verst stated that if the applicant is comfortable with the condition staying then it can stay.

Mr. Verst thanked Mr. Hutchinson for his report and asked if there were any other questions for staff. There being no other questions for staff, Mr. Verst stated that there were 2 speakers signed in to speak on this issue. Mr. Verst asked if anyone else wanted to register to speak. No one stepped forward. Mr. Verst asked either Mr. Schroder or Mr. Kramer (the 2 people registered to speak) to step forward and state their name and address for the record. Mr. Joseph Kramer, Cardinal Engineering, representative for the applicant, 1 Moock Road, Wilder, KY stepped forward. Mr. Kramer stated that the applicant agrees with all conditions stated by staff and was present to answer any questions the Commission might have.

Mr. Williams stated that the home shown in the slides is a beautiful looking home and asked why it was being torn down. Mr. Kramer stated that the home looked good from the outside, but there are issues with the interior of the home. It is an old farm house present on the site when the current owner purchased the land. Mr. Kramer continued that it was asked by the Commission if the lot split was contingent upon the zone change and it is not. One of the things his client looked at was that with the current zoning on the property, even if his son doesn't buy the lot, he has issues with trying to operate this site as a farm. If the owner was to apply for a demolition permit to tear down the home, a permit would not be issued because he has barns on the property and you cannot have a secondary structure without the primary structure in the current zone. If the house burned down tomorrow, they would not allow him to build additional barns. The zone change is necessary so they can continue to operate this site as a farm. It just happened that he found out about these issues when he was looking in to selling a lot to his son.

Mr. Verst asked if there were any other questions of Mr. Kramer. There being none, Mr. Verst asked the applicant to step forward and state their name and address for the record. Mr.

Schroder stated that he had no comments at this time. Ms. Harding asked the applicant to approach the podium. He did so and Ms. Harding thanked him for preserving some agriculture heritage for our community. The audience applauded Mr. Schroder.

Mr. Verst asked if any other audience member wished to speak. There being no one stepping forward, Mr. Verst advised everyone that he was keeping the public hearing open so that additional questions could be posed to staff and/or the applicant. Mr. Verst opened the floor for discussion among the Commission. The applicant has indicated they are in agreement with the conditions recommended by staff. Staff had indicated that the zone change is in agreement with the Comprehensive Plan. Are there any questions or comments by the Commission? There being none, Mr. Verst closed the public hearing. Mr. Verst called for a motion. Mr. Stubbs made a motion to recommend to the Campbell County Fiscal Court to approve case #128-14-ZMA-01, Mark Schroder Jr., a request for approval of a zone map amendment proposing a change in zoning from R-1C to A-1. Mr. Smith asked Mr. Stubbs to clarify that the motion was based on the bases listed in the staff report and with the conditions listed in the staff report. Mr. Stubbs stated that was correct. Mr. Verst asked Mr. Stubbs to confirm that the motion was to recommend to the Campbell County Fiscal Court to approve the zone change. Mr. Stubbs stated that was correct. Mr. Verst asked if there were any questions or comments regarding 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. Stubbs, Mr. Williams and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed.

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

DIRECTOR'S REPORT

Mr. Smith was recognized by Mr. Verst. Mr. Smith stated that he had a recommendation for preparation of future staff reports. It is Mr. Smith's opinion that there needs to be a clearer definition of true conditions versus informational comments. What you might want to consider on reports is that true conditions are items that need to be in place before staff can recommend approval of a request. There should probably be 2 sections on the report. One for true conditions such as, in our first case, the street be a minimum of 20 feet wide; that the private drive be placed in the proposed access easement, etc. The informational comments section is items that are not immediately pertinent to the decision being made by the Commission. They may be informative items for the applicant to be made aware of. For example, the legislative body must approve the request; the applicant should comply with all zoning ordinance, subdivision regulations or building permit requirements; etc. It will weed down the true conditions that we want the applicant's agreement on. There being no questions for Mr. Smith, he excused himself from the meeting so that the Commission could continue with their general discussions.

Ms. Harding expressed her desire to further develop the concept of the ACD Overlay Zone. Ms. Harding identified specific concerns in regards to the ownership, potential transfer of the easements from public agency to public agency, the property owner's rights, and the need to maintain the initial purpose of the conservation easement. Ms. Harding acknowledged that some of these points need to be in the agreement between the property owner and the Conservancy rather than Zoning. Ms. Minter encouraged the Commission to digest the discussions held during the meeting tonight and discuss in depth at a later date. Staff would be happy to prepare a text amendment on behalf of the Commission if they so desired.

Ms. Minter asked that the Commission approve training for the Commission and staff as follows:

Training for P&Z Commissioners:

- Larry Barrow: Article X, Section 10.28 ACD Overlay Training [1.0 hour]
- Dennis Bass: Article X, Section 10.28 ACD Overlay Training [1.0 hour]
- Deborah Blake: Article X, Section 10.28 ACD Overlay Training [1.0 hour] and The Eastern Corridor Program [3.0 hours]
- Lauri Harding: Article X, Section 10.28 ACD Overlay Training [1.0 hour]
- Steve Stapleton: Article X, Section 10.28 ACD Overlay Training [1.0 hour]; Introduction to Planning Commission [2.0 hours]; P&Z Training to Meet HB 55 Requirements [4.0 hours]; and Independent Study KRS Chapter 100 [2.0 hours]
- Edward Stubbs: P&Z Training to Meet HB 55 Requirements [4.0 hours]
- Justin Verst: Article X, Section 10.28 ACD Overlay Training [1.0 hour]; P&Z Training to Meet HB 55 Requirements [4.0 hours]; and Kenton Co. Subdivision Street Standards Update [3.0 hours]
- Michael Williams: Article X, Section 10.28 ACD Overlay Training [1.0 hour]; Regional Summit on Rail & Transit Integration [3.0 hours]; and P&Z Training to Meet HB 55 Requirements [4.0 hours]

Training for Staff:

- Cindy Minter: Current Housing & Economic Conditions [1.0 hour] and OKI Regional Planning Forum [2.0 hours]
- Ryan Hutchinson: Kenton Co. Subdivision Street Standards Update [3.0 hours]

Mr. Williams made a motion to approve training for the Commissioners and staff. Mr. Barrow 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. Stubbs, Mr. Williams and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed.

Ms. Minter commended the Commission for obtaining their training hours. Mr. Verst agreed and stated he had attended the “P&Z Training to Meet HB 55 Requirements” offered by the City of Covington. It was a very informative session and Mr. Verst is working to change his schedule so that he can attend the next session on March 25th. Mr. Verst encouraged everyone who could to attend that session. Ms. Minter agreed with Mr. Verst’s comments.

Ms. Minter advised the Commission that there were no cases submitted for our April meeting. We will be meeting to approve the minutes so that the zoning cases we heard tonight could proceed to the Fiscal Court for action. Ms. Minter proposed a training opportunity available immediately following next month’s meeting regarding flag lots. Mr. Verst stated that he wanted to make the comment that something he has been thinking about, and it came up in his training session, that the Commission needs to meet to determine situations that are truly appropriate to have the Commission discuss and take action on versus items that could be handled at the staff level. Mr. Verst stated we could think about items that we feel staff could handle and place them on a list for the Commission to discuss and decide upon.

Ms. Harding thanked staff for holding training on the ACD Over Lay Zone so that the Commissioners could be prepared for the case heard tonight. It really helped her to feel better prepared and confident in the determination that was made. Mr. Williams stated that he would encourage everyone who could attend the March 25th training to do so. He felt it was valuable and would benefit each of the Commissioners to be aware of the different topics they discussed.

Mr. Barrow complimented staff. It was a much easier process tonight because of the training staff offered last month on the ACD Over Lay Zone. He stated it was so much easier to decide what we should do.

Ms. Blake offered her general comments regarding training opportunities recently made available. She encouraged the Commissioners to borrow the “Embracing New Urbanism in Your Comprehensive Plan” Disc. Ms. Blake felt that it would be a wonderful discussion for this Commission to have.

Staff had no additional business to discuss with the Commission. Mr. Verst asked the Commissioners if they had any other business to discuss. There being none, Mr. Verst asked for a motion to adjourn. Mr. Barrow made a motion to adjourn. Mr. Stubbs seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:13 PM.

Respectfully Submitted,

Approved:

Cynthia Minter
Director of Planning & Zoning

Justin Verst
Chair