



August 2, 2021

Campbell County and Municipal Planning and Zoning Commission

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, August 10, 2021
Campbell County Fiscal Court
1098 Monmouth Street
Newport, KY 41071

File Number: PZ-21-0021
Applicant: Vic Dawn on behalf of Dawn / Schoulthies, Owners and Developers
Location: Parcel bordered by (Flagg Springs Pike, Kennedy Road, AA Highway (SR 9) and Shortcut Road (PIDN 999-99-28-803.02), Unincorporated Campbell County
Request: Zone Change from A-1 to RC. No changes are proposed to the IM overlay.

Overview:

The area under review consists approximately nine (9) acres in unincorporated Campbell County on AA Highway (KY9) between Kennedy and Shortcut Roads.

The proposed zone map amendment is adjacent to an Agricultural One Zone with an Industrial Mining Overlay (IM-A-1) to the east, west and north. There is a Highway Commercial zone with an Industrial Mining Overlay (IM-HC) to the south.



Considerations of Zone Map Amendment

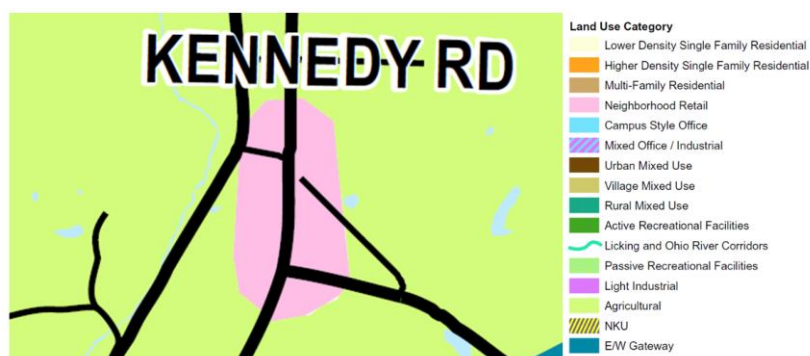
1. The use at the site is currently Agricultural.



2. Adjacent land uses are predominantly agricultural. There is one commercial use directly to the south of this area and another slightly farther down AA Highway.
3. The 2008 Campbell County Comprehensive Plan specifies the current land use as Single-Family Residential;



4. The future land use category for the site is identified as Neighborhood Retail in the 2008 Campbell County Comprehensive Plan.



5. Planning and zoning records for this property show no cases before the Campbell County & Municipal Planning Commission or Board of Adjustments.
6. The Campbell County Zoning Ordinance defines the following permitted and conditional uses for the A-1 (section 10.2) and RC (section 10.22) zones respectively.

Permitted Uses

A-1

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
4. Stands for sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.
8. Animal Hospitals and Veterinary Clinics.
9. Agritourism uses.
10. Butcher/meat processing in connection with other agricultural activities.

Accessory Uses

A-1

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Home-Based Businesses subject to the restrictions and limitations established in Section 9.11 of this ordinance.
4. Signs as regulated by Article XIV of this ordinance.
5. The keeping of not more than four (4) roomers or boarders by a resident family.
6. Living quarters for persons employed on a farm.

Conditional Uses

A-1

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.

4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
 - d. tennis courts/clubs
 - e. fishing lakes
 - f. gun clubs and ranges
 - g. boat harbors and marinas
8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.
9. Essential services and public utility stations.
10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
12. Sawmills.
13. Plants for the processing and storage of agricultural products.
14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
15. Kennels.
16. Bed and breakfast establishments.
17. Event facilities.
18. Restaurants.

Permitted Uses

RC

1. Auto repair shops
2. Bakery
3. Bank

4. Barber and beauty shops
5. Drug store
6. Restaurants and taverns excluding drive-ins
7. Farm Equipment- sales and service
8. Food stores
9. Grain, Feed and Seed stores, including sales of fertilizers, garden supplies, etc.
10. Hardware store
11. Lumber companies
12. Offices
13. Paint and wallpaper store
14. Plumber's office and sales of fixtures
15. Police and fire station
16. Post office
17. Tobacco warehouses
18. Contractor's offices and storage areas
19. Service stations
20. Veterinarian offices including small and large animal clinics.
21. Flea market.
22. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
23. Automotive repair and sale of new parts.
24. Mini Warehousing.

Conditional Uses

RC

1. Automobile Sales, New and Used.
2. Self Service Car Wash.
3. Churches for the purpose of recognized religious worship.
4. Childcare center.
5. Public, parochial or private schools.
6. Publicly owned or operated parks or recreational facilities.
7. Private recreational facilities including indoor and outdoor uses.

Further, no such conditional use shall be permitted until and unless the following performance criteria are fully met:

1. Any lot containing such conditional use shall contain a minimum of one (1) acre of land.
2. Each such conditional use shall be separated from any residential zone by a landscaped side yard in accordance with Section 10.22 of this ordinance.
3. In addition to the front yard requirements established by Section (C) of this ordinance, each such conditional use shall have a landscaped area

extending from the minimum set-back line of the property a minimum of fifty (50) feet to the start of the paved area intended or used for display of vehicles for sale.

4. No flashing lights, streamers, or lights strung on overhead wires or lines shall be permitted. All signs shall be in conformance with the requirements of Article XIV of this ordinance.
 5. Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and light trucks having a gross vehicle weight rating (G.V.W.R.) of one (1) ton or less. Sale of motorcycles, either new or used, shall not be permitted.
7. The Campbell County Zoning Ordinance defines the zone requirements for the A-1 zone (section 10.1):

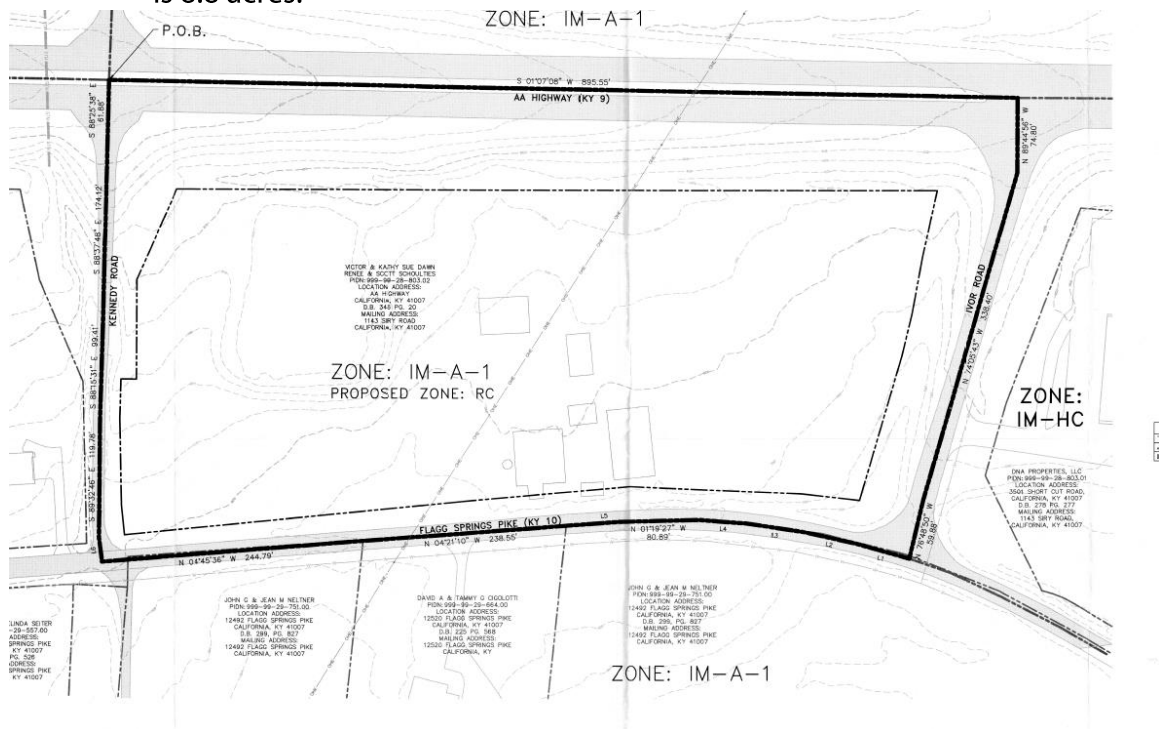
<u>Zone Requirements</u>	<u>A-1</u>
Minimum Lot Area	One (1) Acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	Total - Twenty-five (25) feet One Side – Ten (10) feet
Minimum Rear Yard Depth	Thirty-five (35) feet
Maximum Building Height	Thirty-five (35) feet

8. The Campbell County Zoning Ordinance defines the zone requirements for the Rural Commercial (RC) zone (section 10.22):

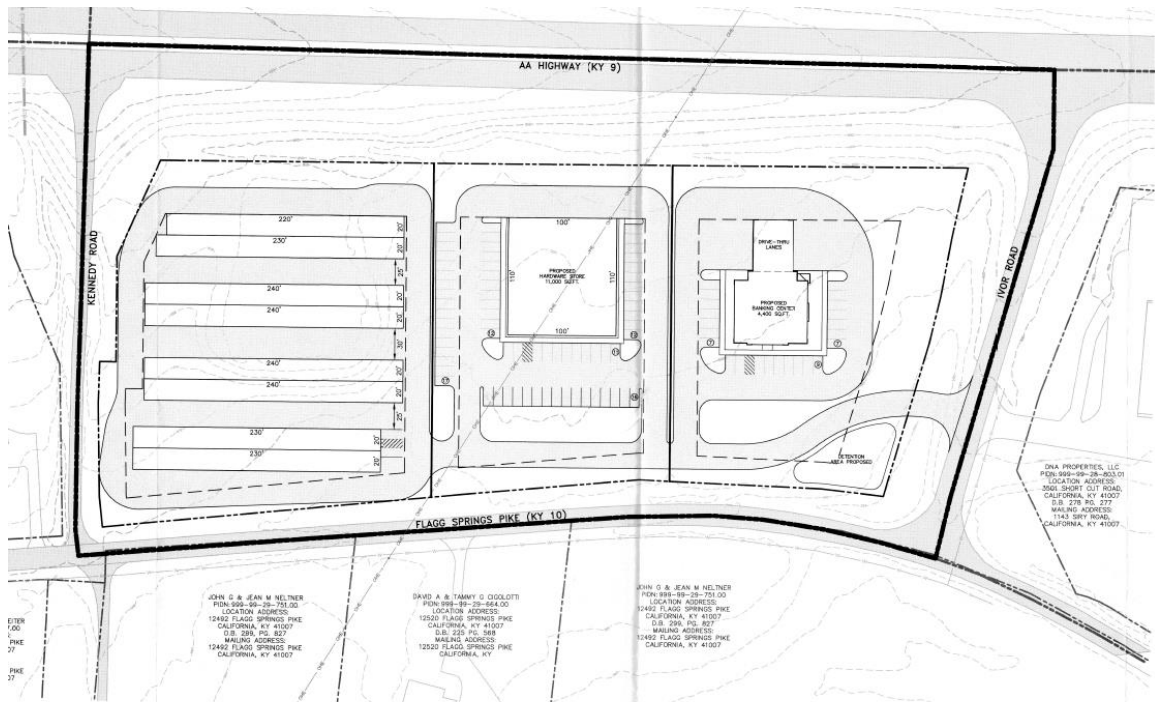
<u>Zone Requirements</u>	<u>RC</u>
Minimum Lot Area	One (1) acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	Restrictions when adjacent to a street or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the County's Building Code, shall be required. A side yard is never to be less than fifteen (15) feet.
Minimum Rear Yard Depth	Forty (40) feet
Maximum Building Height	Forty (40) feet

9. Article 17 of the Campbell County Zoning Ordinance also states that the zoning map or maps shall not be amended, changed, or modified in such manner as to create a freestanding zone of less than five (5) acres.

- Staff notes that the site of the proposed zone map amendment will not create a freestanding zone of less than five (5) acres. The lot itself is 5.4 acres, and the total area including half of the adjacent street rights-of-way is 8.8 acres.



10. The applicant has submitted a preliminary site plan showing the proposed uses at the site. The proposed uses include a bank, hardware store, and a self-storage (mini-warehousing) facility. All three uses are permitted in the proposed RC zone.



PARKING	
BANKING CENTER	REQ'D SP
1 SPACES/200 SF X 4,400 SF	22 SPACES
HARDWARE STORE	REQ'D SP
5.5 SPACES/1,000 SF X 11,000 SF	61 SPACES
MINI-WAREHOUSING	REQ'D SP
1 SPACE/2 EMPLOYEES X 1 EMPLOYEES	1 SPACES

OWNER/DEVELOPER:
VICTOR AND KATHY SUE DAWN
RENEE AND SCOTT SCHULTIES
1143 SIRY ROAD
CALIFORNIA, KENTUCKY 41007

- NOTES:**
1. EXISTING ZONE = INDUSTRIAL MINING/AGRICULTURAL-1 (IM-A-1)
 2. PROPOSED ZONE = RURAL COMMERCIAL (RC)
 3. EXISTING USE = AGRICULTURAL
 4. PROPOSED USES = USES PERMITTED IN THE RC ZONE. SAMPLES SHOWN ARE A HARDWARE STORE, BANK, AND MINI-WAREHOUSING
 5. WATER SERVICE WOULD BE PROVIDED BY NORTHERN KENTUCKY WATER DISTRICT.
 6. SANITARY SEWER SERVICE WILL BE PROVIDED BY SEPTIC SYSTEMS AS APPROVED AND REGULATED BY THE NORTHERN KENTUCKY HEALTH DEPARTMENT.
 7. NO PUBLIC INFRASTRUCTURE IS PROPOSED.
 8. NO SIGHT LIGHTING WILL GLARE ONTO THE ADJACENT RIGHT OF WAY.
 9. THIS PLAN IS BASED ON MAPS TAKEN FROM PLANET GIS, DEEDS & PLATS OF RECORD AND DOES NOT REPRESENT A FIELD SURVEY BY CARDINAL ENGINEERING.
 10. SITE SIGNAGE WILL BE SHOWN ON A FUTURE STAGE II PLAN.
 11. PROPOSED DUMPSTER AREAS WILL BE SCREENED IN ACCORD WITH THE CAMPBELL COUNTY ZONING ORDINANCE AND WILL BE DETAILED ON A FUTURE STAGE II PLAN.

11. Article XVII, Section 17.0 Amendment of Maps and Zones:

FINDINGS NECESSARY FOR MAP AMENDMENT: Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that

the amendment is in agreement with the adopted comprehensive plan by the Planning and Zoning Commission for the County or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.

1. That the original zoning classification given to the property was inappropriate or improper; and
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.

Staff Comments:

1. The proposed use is in agreement with the future land use map as identified in the Comprehensive Plan.

Staff Recommendation - Zone Map Amendment

To approve the request for a zone map amendment from IM-A-1 to IM-RC and forward the recommendation to the Campbell County Fiscal Court for adoption.

Bases for Recommendation:

1. Notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Campbell County Zoning Ordinance.
2. As defined in Article 17, the Planning Commission has the authority to review such Zone map Amendments and provide recommendations to the legislative body.
3. The proposed Zone Map Amendment has been reviewed for consistency with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Campbell County Zoning Ordinance.

Report prepared by:



Kirk Hunter, AICP
Principal Planner