



CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE AUGUST 10, 2021 MEETING

MEMBERS PRESENT:

Mr. Larry Barrow, Vice Chair
Mr. Michael Williams
Mr. Dennis Bass
Mr. Mark Turner
Mr. Justin Verst, TPO
Mr. CJ Peters, Chair
Mr. Roger Mason

MEMBERS ABSENT:

Ms. Sharon Haynes

STAFF PRESENT:

Mr. Kirk Hunter, Principal Planner
Mr. Matt Smith, Legal Counsel
Ms. Cindy Minter

Mr. Peters called the meeting to order at 6 pm. Following the pledge of allegiance, the clerk called the roll. A quorum was found to be present with Mr. Barrow, Mr. Mason, Mr. Peters, Mr. Turner, Mr. Williams and Mr. Verst in attendance, and Mr. Bass and Ms. Haynes noted as absent.

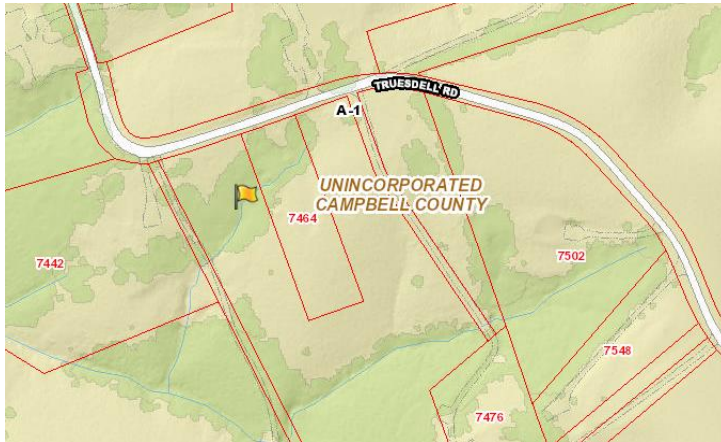
Mr. Peters then brought the commissions attention to the previous meetings minutes. The being no changes or comments, Mr. Verst made a motion to approve the minutes as submitted. The motion was seconded by Mr. Mason. A roll call vote found Mr. Barrow, Mr. Mason, Mr. Turner, Mr. Williams and Mr. Verst in favor and Mr. Peters abstaining. The motion passed and the minutes were approved.

Mr. Peters then turned the floor over to staff to present the first case. Mr. Hunter did so as follows:

SUBDIVISION:	ID-21-0041 Section B Edwin Schultz Subdivision
APPLICANT:	Christopher and Lisa Brune
LOCATION:	7476 Truesdell Road, Unincorporated Campbell County
REQUEST:	To approve a major division of land with no public improvements

Considerations:

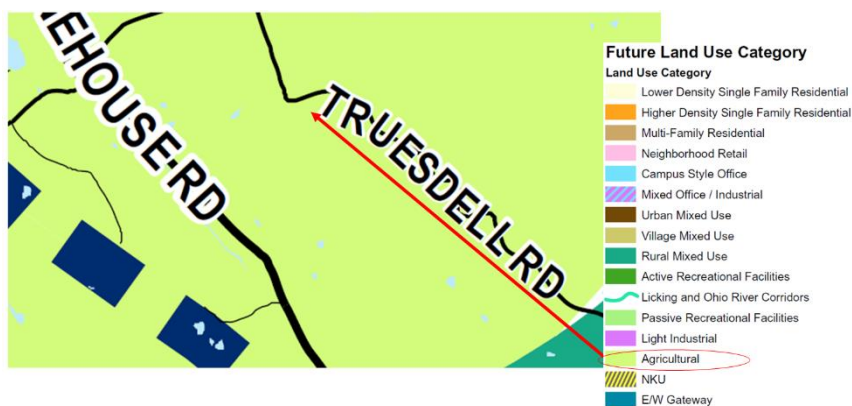
1. The Campbell County Zoning Ordinance classifies the location as within the Agricultural-One (A-1) Zone.



- The current land use site at the site is identified by the 2008 Campbell County Comprehensive Plan Update as "Single-Family Residential".

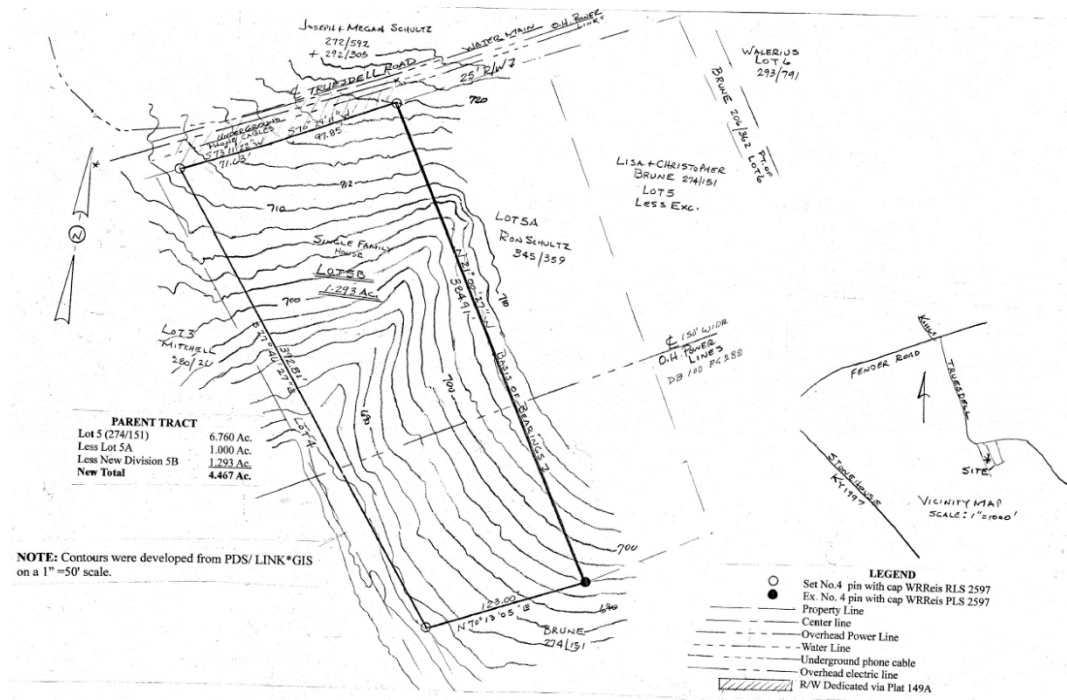


- The site is situated in an area designated by the 2008 Campbell County Future Land Use Map as "Agricultural".



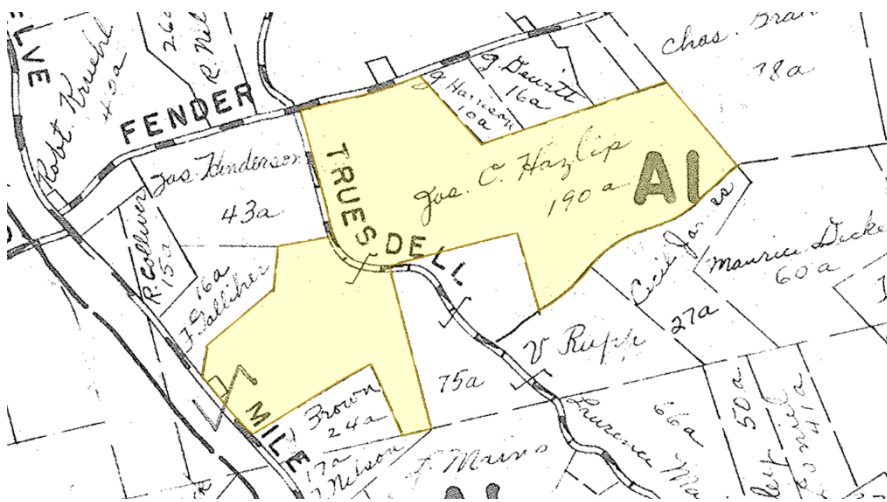


4. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following:
 - a. The Plat indicates a proposal to subdivide a 1.293-acre area along Truesdell Road for the creation of one (1) new lot with no public improvements.



- b. The plat indicates that each lot meets the minimum lot area and width.
- c. The plat does not indicate any private drives.

- d. The plat does not indicate any public improvements.
 - e. The plat does not indicate the placement of any structures.
 - f. County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems will be utilized subject to Health Department approval.
 - g. The plat notes that 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.
 - h. The plat indicates that the proposed division is not within the 100-year flood zone.
 - i. The Plat does indicate that 25 feet of right-of-way has been dedicated on the south side of Truesdell Road which is in conformance with County standards.
5. The original farm from which the proposed parcel is being conveyed has undergone multiple subdivision over the years. County records indicate that the farm was 190 acres as late as 1969.



6. Records show that the proposed land division is the sixth division of the Edwin Schultz Subdivision Section B since January 1, 1982.
7. As per **Campbell County Subdivision Regulations Section 300: Summary of the Subdivision Review Procedure:** *"If an applicant or property owner originally used the conveyance plat or minor division of land procedure, but them decided to create more than five buildable lots from the parent tract, then he or she shall be required to follow the major division of land procedure."*
8. County records indicate the width of Truesdell Road is sixteen (16) feet and is in conflict with minimum county standards. Local streets shall have a minimum pavement width of 25'.

As per Campbell County Subdivision Regulations Section 405: Street design:

Where the pavement width of such existing street is less than that required by these regulations. The Planning Commission, before requiring street improvements along the property of such street in each case, shall conduct an individual analysis as to whether it is reasonable to require the street improvements based on the anticipated burden of development. Before requiring street improvements, the Planning Commission shall find:

- (1) That it is reasonable to require the street improvements be provided, based on the anticipated burden of the new development on the existing street.
- (2) The need for street improvements is reasonably necessitated by the nature of the proposed development; and
- (3) That it is reasonable for the developer to bear the street improvement costs based on the nature of the development.

If the Planning Commission cannot make the findings required, then it shall not require that street improvements be made or an escrow of funds be deposited as a condition to plat approval.

Staff Comments:

1. It is not reasonable to require the street improvements be provided, based on the anticipated burden of the new development consistent of one home site on the existing street.
2. The need for street improvements is not reasonably necessitated by the nature of the proposed development; the proposed road frontage is one hundred and sixty-nine (169) feet.
3. That it is not reasonable for the developer to bear the street improvement costs based on the nature of the development.
4. The applicant has dedicated the appropriate required right-of-way width for future improvements as required by this ordinance;
5. Staff finds that the ratio of proposed lots to street frontage does not demonstrate a reasonably anticipated need for future street improvement in view of a consideration of the reasonably anticipated, future burden the development will have upon the existing street.

Recommendation for Preliminary Plat:

To approve the proposed division of the Edwin Schultz Section B Subdivision.

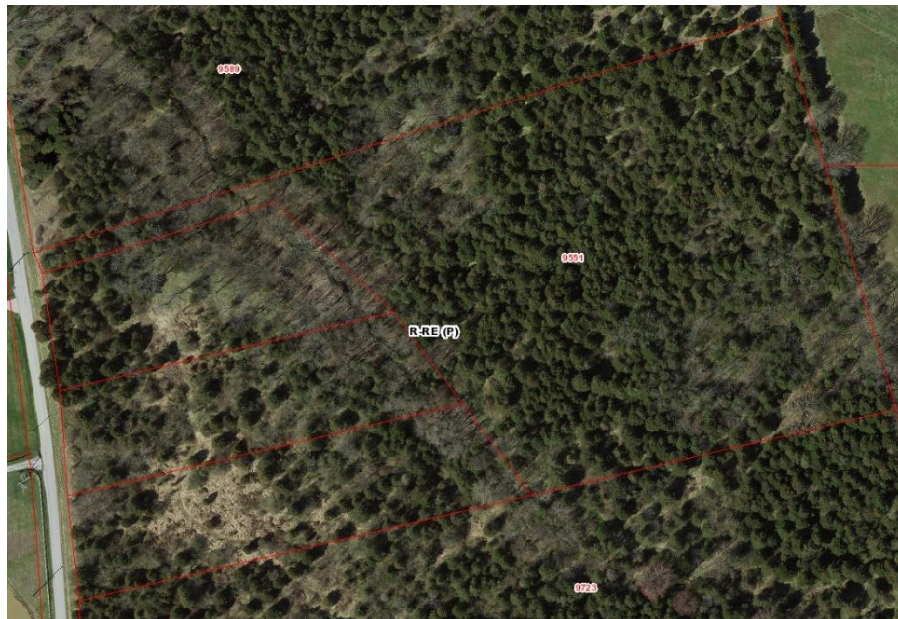
Bases for Recommendation for Preliminary Plat:

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

Following Mr. Hunter's presentation, the floor was opened for public comment. There being no comment, either in person or via Facebook, Mr. Peters closed the public comment portion of the meeting and asked the commission for discussion and a motion. Mr. Verst made a motion to approve, seconded by Mr. Turner. A roll call vote found all in favor, none abstaining. The motion passed.

Mr. Peters then turned the floor over to staff to present the next case. Mr. Hunter did so as follows:

SUBDIVISION: ID-21-0046
APPLICANT: Litmer Household
LOCATION: 9551 Jerry Wright Rd. Unincorporated Campbell County
REQUEST: To approve a major division of land with no public improvements



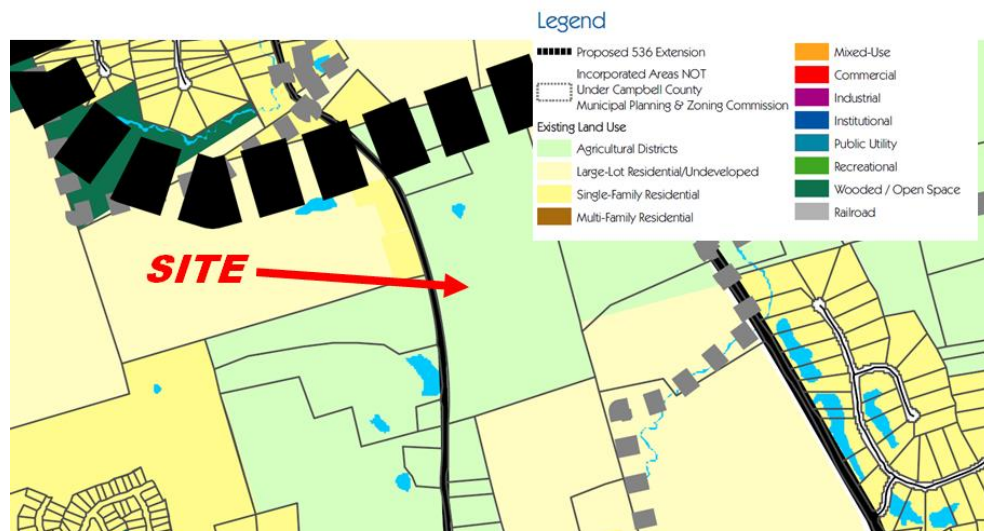
Considerations:

9. The Campbell County Zoning Ordinance classifies the location as within the Residential-Rural Estate (R-RE) Zone. The (P) following the the Zoning designation indicates the area is within a phased zoning overlay district. From §9.26 – Phased Zoning Regulations:

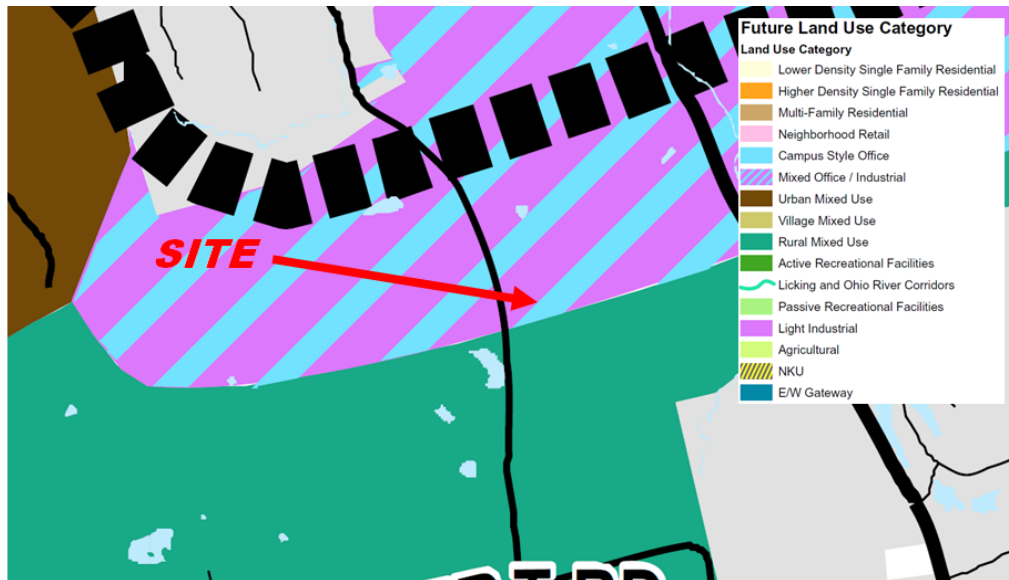
"Phased zoning is an overlay type regulation to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted comprehensive plan. The intent of the phased zoning regulations is to

encourage development or redevelopment of a specified area for the use and/or density designated on the comprehensive plan when the necessary conditions for such development are realized (e.g., demolition of existing deteriorated areas; provision of urban services, such as public water and centralized sanitary sewer systems). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development identified by the comprehensive plan is premature; such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future re-zoning, which would be in compliance with the adopted comprehensive plan.”

10. Currently, the area is unimproved vacant land.
11. The current land use site at the site is identified by the 2008 Campbell County Comprehensive Plan Update as “Agricultural Districts”.



12. The site is situated in an area designated by the 2008 Campbell County Future Land Use Map as “Mixed-Use /Industrial” and “Rural Mixed-Use”.



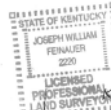
13. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following:

- b. The Plat indicates a proposal to subdivide an approximately eleven (11) acre area along Jerry Wright Road for the creation of three (3) new lots with no public improvements.

I do hereby state that I am duly qualified and Licensed Kentucky Surveyor in accordance with KRS 322 and that this plat depicts a survey performed by me, or under my direct supervision, in accordance with the Code of Professional Practice and Conduct for Professional Engineers and Professional Surveyors, by the method of random traverse. The unadjusted precision ratio of the traverse was 1:42622 and has been adjusted for closure. The survey as shown hereon is a Class Urban survey and the accuracy and precision of said survey meets all the specifications of this class. This plat meets or exceeds the minimum requirements of 201 KAR 18.150. The basis of bearing is common line to Luggen's 10.536 Acre Trace S 72° 56' 05" W

Joseph W. Feinauer
 SURVEYED BY: JOSEPH W. FEINAUER
 1229 LICKERT ROAD
 ALEXANDRIA, KENTUCKY 41001
 859-908-0144

6-28-2021
 DATE



PRELIMINARY PLAT
 of
Land L ESTATES
 Owned and Developed by
Bret Litmer and Thomas Luggen
 at
9551 Jerry Wright Road
Alexandria, Ky. 41001
Deed Book 344, Page 870
GROUP 70303/Z

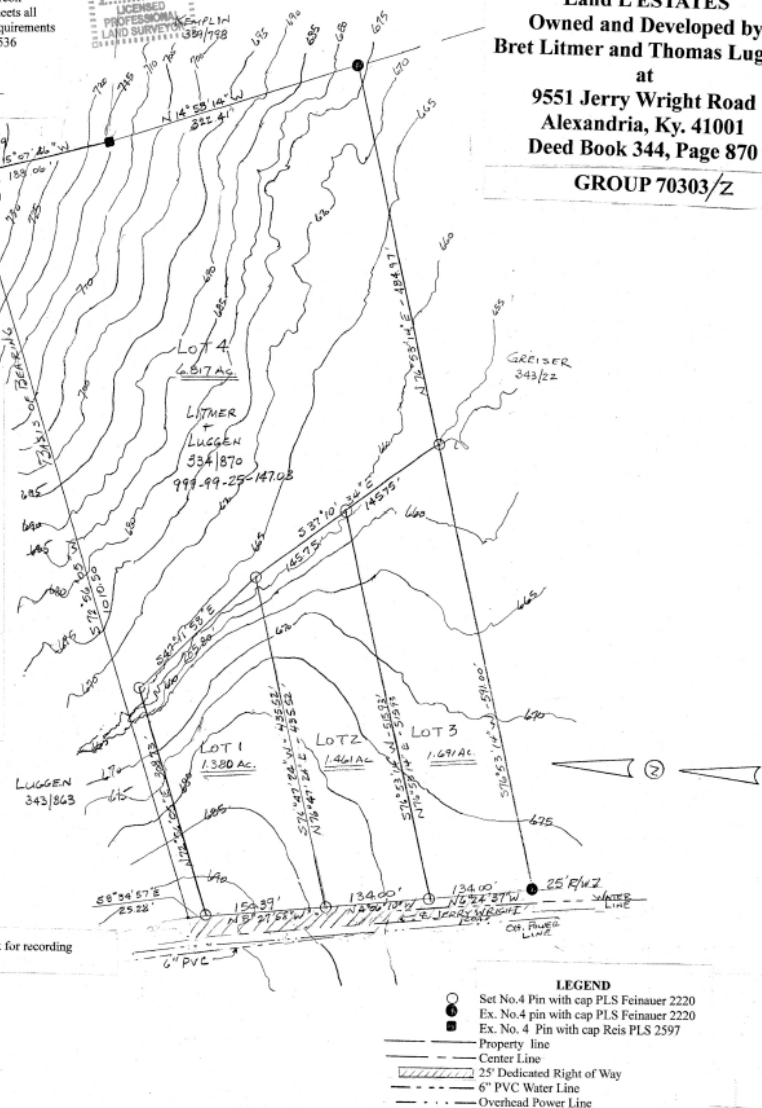


SOIL TYPES
 from the
 SOIL SURVEY OF BOONE, CAMPBELL,
 AND KENTON COUNTIES- 1973.
 LID, In, Nk, and CaB

Preliminary Plat approval shall be in effect for two (2) years from the approval date.

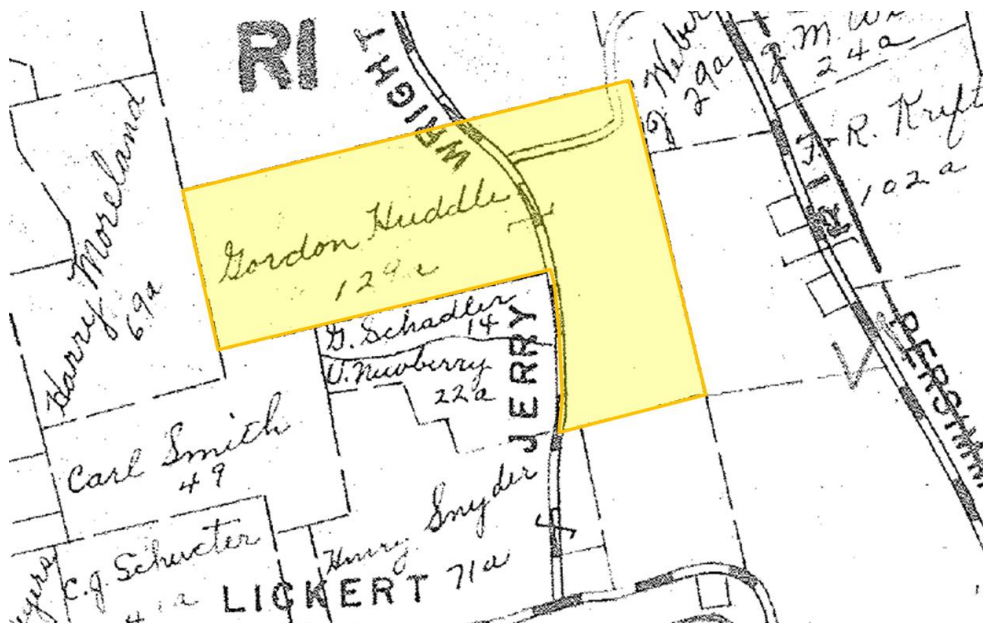
NOTE: Contours were developed from PDS/ LINK*GIS on a 1" = 100' scale.

This plat shall be void if not filed with the Campbell County Clerk for recording purposes within two (2) years of Planning Commission approval.



- j. The plat indicates that each lot meets the minimum lot area and width.
- k. The plat does not indicate any private drives.
- l. The plat does not indicate any public improvements.
- m. The plat does not indicate the placement of any structures.
- n. County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems will be utilized subject to Health Department approval.

- o. The plat notes that 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.
 - p. The plat indicates that the proposed division is not within the 100-year flood zone.
 - q. The Plat does indicate that 25 feet of right-of-way has been dedicated on the east side of Jerry Wright Road which is in conformance with County standards.
14. The original farm from which the proposed parcel is being conveyed has undergone multiple subdivision over the years. County records indicate that the farm was 129 acres as late as 1969.



15. Records show that the proposed land divisions are the fourth, fifth and sixth division of from the parent tract since January 1, 1982.
16. As per **Campbell County Subdivision Regulations Section 300: Summary of the Subdivision Review Procedure**: *"If an applicant or property owner originally used the conveyance plat or minor division of land procedure, but them decided to create more than five buildable lots from the parent tract, then he or she shall be required to follow the major division of land procedure."*
17. County records indicate the width of Truesdell Road is seventeen (17) feet and is in conflict with minimum county standards. Local streets shall have a minimum pavement width of 25'.

As per **Campbell County Subdivision Regulations Section 405: Street design**:

Where the pavement width of such existing street is less than that required by these regulations. The Planning Commission, before requiring street improvements along the

property of such street in each case, shall conduct an individual analysis as to whether it is reasonable to require the street improvements based on the anticipated burden of development. Before requiring street improvements, the Planning Commission shall find:

- (4) That it is reasonable to require the street improvements be provided, based on the anticipated burden of the new development on the existing street.
- (5) The need for street improvements is reasonably necessitated by the nature of the proposed development; and
- (6) That it is reasonable for the developer to bear the street improvement costs based on the nature of the development.

If the Planning Commission cannot make the findings required, then it shall not require that street improvements be made or an escrow of funds be deposited as a condition to plat approval.

Staff Comments:

- 6. It is not reasonable to require the street improvements be provided, based on the anticipated burden of the new development consistent of four (4) home sites on the existing street.
- 7. The need for street improvements is not reasonably necessitated by the nature of the proposed development; the proposed road frontage of the four lots is four hundred and forty-four (444) feet.
- 8. It is not reasonable for the developer to bear the street improvement costs based on the nature of the development.
- 9. The applicant has dedicated the appropriate required right-of-way width for future improvements as required by this ordinance;
- 10. Staff finds that the ratio of proposed lots to street frontage does not demonstrate a reasonably anticipated need for future street improvement in view of a consideration of the reasonably anticipated, future burden the development will have upon the existing street.

Recommendation for Preliminary Plat:

To approve the proposed division of the Land L Estates Subdivision.

Bases for Recommendation for Preliminary Plat:

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

Following Mr. Hunter's presentation, the floor was opened for public comment. There being no comment, either in person or via Facebook, Mr. Peters closed the public comment portion of the meeting and asked the commission for discussion and a motion. Mr. Mason made a motion to approve, seconded by Mr. Verst. A roll call vote found all in favor, none abstaining. The motion passed.

Mr. Hunter then presented the third case of the evening as follows:

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

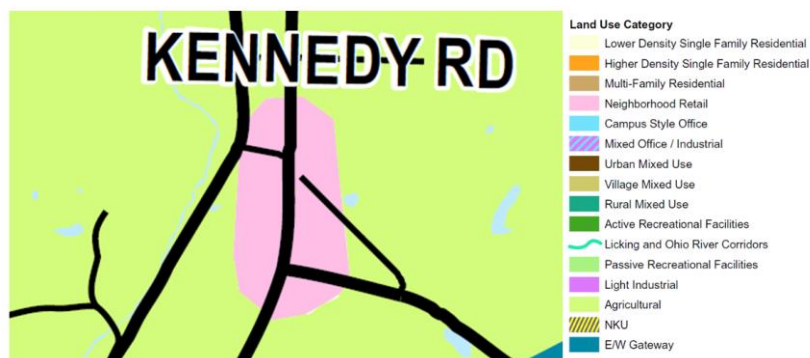
1. The use at the site is currently Agricultural.



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):

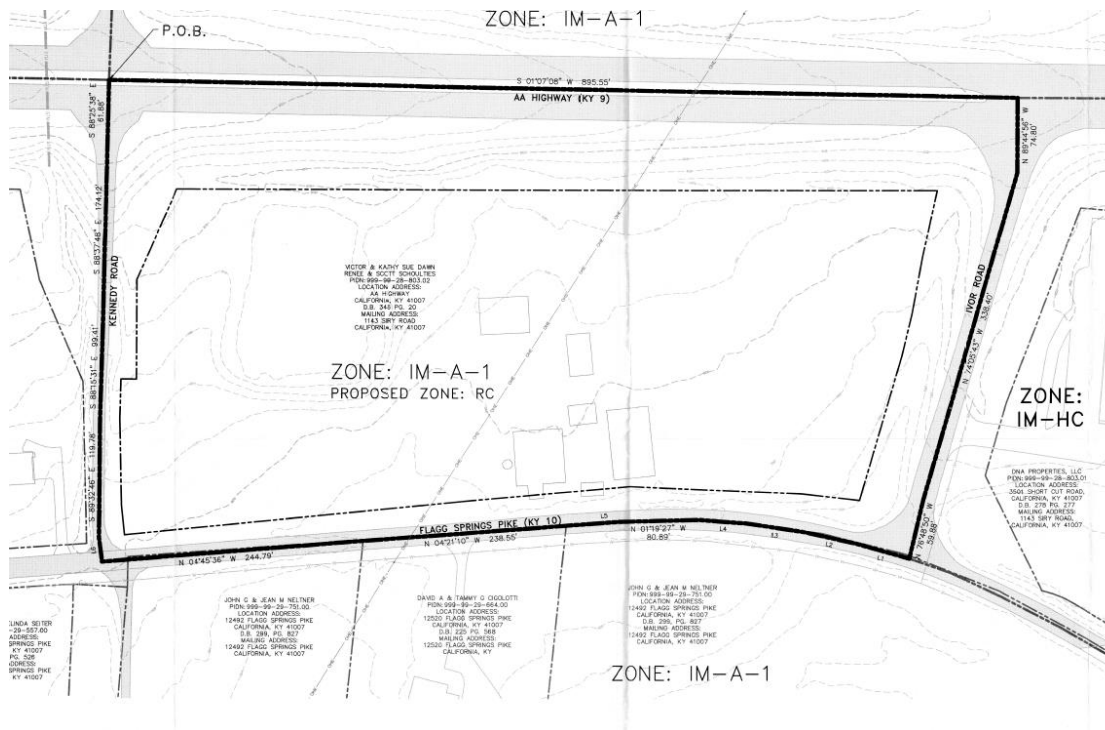
Zone Requirements	A-1
Minimum Lot Area	One (1) Acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet

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

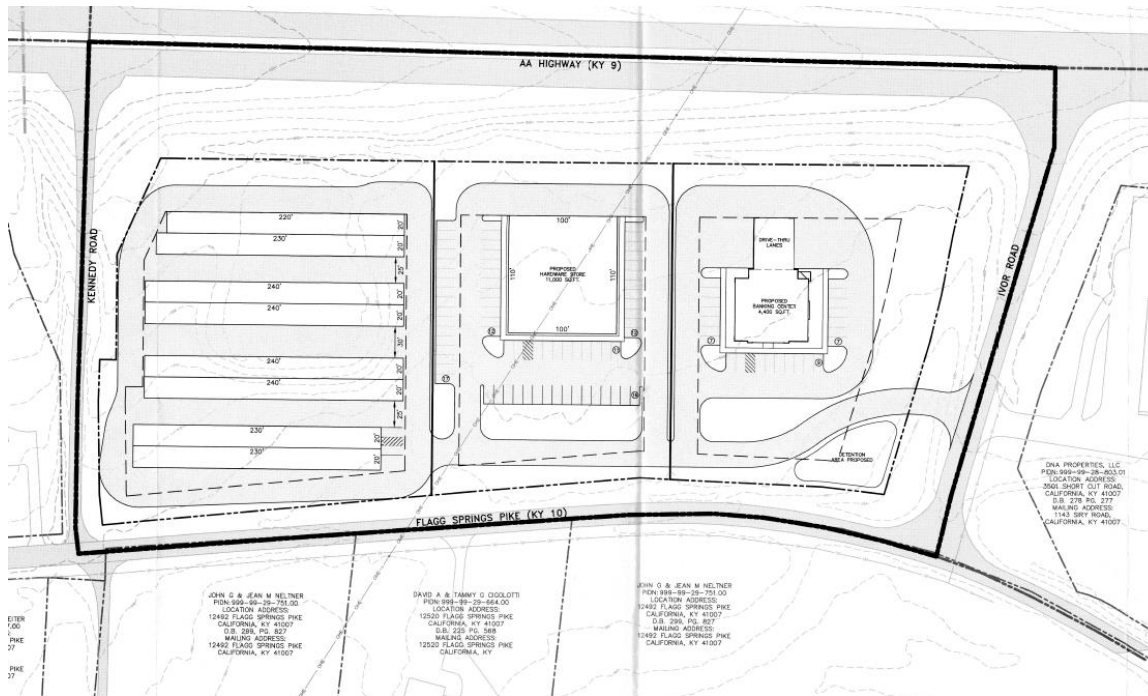
8. The Campbell County Zoning Ordinance defines the zone requirements for the Rural Commercial (RC) zone (section 10.22):

<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 SIRC ROAD
CALIFORNIA, KENTUCKY 41007

NOTES:

1. EXISTING ZONE = INDUSTRIAL MINING/AGRICULTURAL-1 (M-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.

Mr. Hunter returned the floor to the commission. Mr. Verst inquired about the availability of an aerial photo in order to see the relative distance of neighboring homes. Mr. Hunter used LinkGIS to offer the requested information. Mr. Verst then inquired about landscape buffer requirements. The commission also discussed the point of access proposed.

There being no additional questions from the commission, the applicant then spoke. Mr. Dawn noted that he was also involved with the development of the neighboring market, and that they have been respectful in that venture and will be with this venture as well.

Mr. Peters then began the public comment portion of the meeting.

Mr. and Mr. Radford of Flagg Springs pike spoke in turn. Both noting concern about their view, traffic, litter and resale value. Mr. Harold Dawn also of Flagg Springs then spoke and noted that he felt they did not need more businesses in the area. Ms. Martha Teegarden of

Muinn Rd. spoke and echoed concerns over noise, garbage, crime and traffic. Ms. Lily Teegarden then discussed her concerns about future expansion of commercial uses. The commission and staff then discussed the public comments, as well as the Comprehensive plan and future land use plan for the area.

Following their discussion, Mr. Verst made a motion to approve the recommendation for the Zone Change, seconded by Mr. Mason. A roll call vote found all in favor, none opposed, the motion passed. Mr. Smith then explained that the Planning Commission is a recommending body, and that this change would be passed along to the Fiscal Court, and that this motion was not a final action.

Mr. Peters then turned the floor to staff for the presentation of the final case for the evening. Ms. Minter Presented the staff report as follows:

CASE: PZ-21-0009
APPLICANT: American Tower LLC
LAND OWNER: Licking Valley Cattel Company
APPLICANT AGENT: NETWORK BUILDING + CONSULTING
REQUEST: New antenna tower at 9592 Indian Trace Road,
Campbell County

The Licking Valley Cattle Company property encompasses approximately 97 acres including parcel 999-99-23-188.00 at 9586 INDIAN TRACE RD and parcel 999-99-22-804.00 at 9592 INDIAN TRACE RD. A residential structures exists on both parcels. The mail address Licking Valley Cattle Company is 10291 POND CREEK RD

A Federal Communications Commission (FCC) National Environmental Policy Act (NEPA) document was prepared for the site.

The Federal Communications Commission regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia and U.S. territories. An independent U.S. government agency overseen by Congress, the Commission is the federal agency responsible for implementing and enforcing America's communications law and regulations.

As identified on the FCC NEPA checklist, the site was within the 100-year flood zone and required Section 106 consultation. The Osage Nation provided comment. The Cherokee Nation requested government-to-government consultation. The NEPA addendum summarizing these two items is attached.

American Tower Corporation FCC NEPA CHECKLIST
(47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.1319)

Site Name: Mount Olympus
Site Address: 9592 Indian Trace Road

Site Number: 205299

Category	Special Interest Item	Potential Effect		
		Yes	No	N/A
1	Is the antenna structure located in an officially designated wilderness area?		X	
2	Is the antenna structure located in an officially designated wildlife preserve?		X	
3	Is the proposed facility located within one mile of a National Scenic Trail?		X	
4	Will the antenna structure likely affect threatened or endangered species or designated critical habitats? (Ref. 50 CFR Part 402)		X	
5	Will the antenna structure likely impact migratory birds? (Ref. Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program 08/26/11)		X	
6	Will the antenna structure affect districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture that are listed, or potentially eligible for listing in the National Register of Historic Places (NRHP)? (Ref. 36CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act)		X	
7	Will the antenna structure affect Indian religious site(s)?	X		
8	Will the antenna structure be located in a flood plain? (Ref. Executive Order 11988 and 40 CFR Part 6, Appendix A)	X		
9	Will construction of the antenna structure involve significant change in surface features (e.g. wetlands, deforestation, or water diversion)? (Ref. Executive Order 11990 and 40 CFR Part 6, Appendix A)		X	
10	Is the antenna structure located in a residential neighborhood and required to be equipped with high intensity white lights?		X	
11	Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?		X	
12	Will the roof-top antenna project equal or exceed total power (of all channels)?		X	
If any of the above responses is 'yes', an Environmental Assessment must be prepared and filed with FCC Form 854. Construction can not start until the FCC issues a 'Finding of No Significant Impact' (FONSI)				
Preparer's Signature:  Date: January 31, 2020 Printed Name and Title: Robert Atzl, Environmental Professional Company Name: CBRE, Inc...				

Section 106 Mitigation Measures –

1. The Osage Nation concurred with mitigation measures to use a geogrid over sensitive areas.
2. The Cherokee Nation requests that an archeological professional defined by the Secretary of Interior's standards and guidelines is present throughout the ground-disturbing activities for this proposed project. The Cherokee Nation also requests a copy of the related monitoring report with photographs.
3. The Cherokee Nation requests that American Towers halt all project activities immediately and re-contact their Offices for further consultation if items of cultural significance are discovered or as requested by the archeologist during the course of this project; and
4. The Cherokee Nation requests that American Towers re-contact their office if there are any amendments or edits to this project; and
5. The Cherokee Nation requests that American Towers contact their office if there are any pre-contact or post-contact artifacts located throughout the course of this project. Examples of pre-contact artifacts may include but are not limited to arrowheads, stone-ground tools, mortars, pestles, pottery shards, or fire pits. Post-contact artifacts may include but are not limited to cellars, cabins, or ceramic vessels.

Additional consultation resulted in American Towers concurring to use a geogrid as specified on their submitted plan. Similar to the OSAGE Nation, the Cherokee Nation concurred with this mitigation plan and continues to request an archaeologist onsite at the time of any ground disturbance.



Stream Construction Permit - American Towers LLC has received a Stream Construction Permit from the Kentucky Division of Water related to the proposed construction site.

The finished floor of the project must be above the Base Flood Elevation which is approximated at 515 feet or be flood proofed. A post construction elevation certificate is required.



Zoning Review:

Kentucky Revised Statutes (KRS) 100.985, 100.986, 100.9865 and 100.987 defines the authority of the planning commission as it relates to cellular towers.

Campbell County & Municipal Planning and Zoning Ordinance, Article 9, Section 9.29 Cellular Towers and Small Cell System Towers applies to this type of installation.

An initial Notice of intent was placed in the January 20, 2020 edition of the Cincinnati Enquirer by American Towers.

Notice Content

American Towers LLC is proposing to construct a 180-foot monopole telecommunications tower at 9592 Indian Trace Road, Alexandria, Campbell County, KY 41001 (PIDN: 999-99-22-804.00). The new tower structure will be fitted with no lighting and the tower facility will include a 100-foot by 100-foot lease area and associated easements, along with a 30-foot buffer surrounding the lease area. American Towers LLC seeks comments from all interested persons on any potential significant impact the proposed action could have on the quality of the human environment pursuant to 47 C.F.R. Section 1.1307, including potential impacts to historic or cultural resources that are listed or eligible for listing in the National Register of Historic Places. Interested persons may comment or raise concerns about the proposed action by submitting an e-mail to enviro.services@americantower.com. Paper comments can be sent to: American Towers LLC, Attn: Environmental Compliance, 10 Presidential Way, Woburn, MA 01801. Requests or comments should be limited to environmental and historic/cultural resource impact concerns and must be received on or before March 1, 2020. This invitation to comment is separate from any local planning/zoning process that may apply to this project. KY,Jan30,'20#4022594

SECTION 9.29 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS

A. *PURPOSE: The purpose of these regulations is to facilitate the planning and placement of Cellular Antenna Towers and Small Cell System Towers and facilities within the community in accordance with the requirements of the most recent and applicable Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and Federal Communications Commission (FCC). These regulations are intended to:*

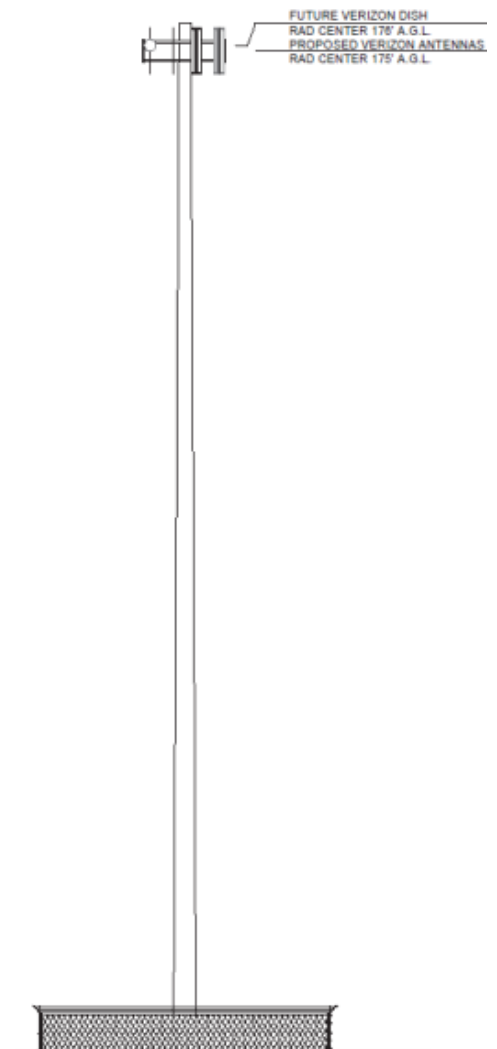
- 1. Accommodate the need for Cellular Antenna Towers and Small Cell System Towers and facilities, while regulating their location;*
- 2. Balance the visual effects of Cellular Antenna Towers and Small Cell System Towers and facilities through proper siting, design, and screening;*

The applicant has submitted a Plans package including:

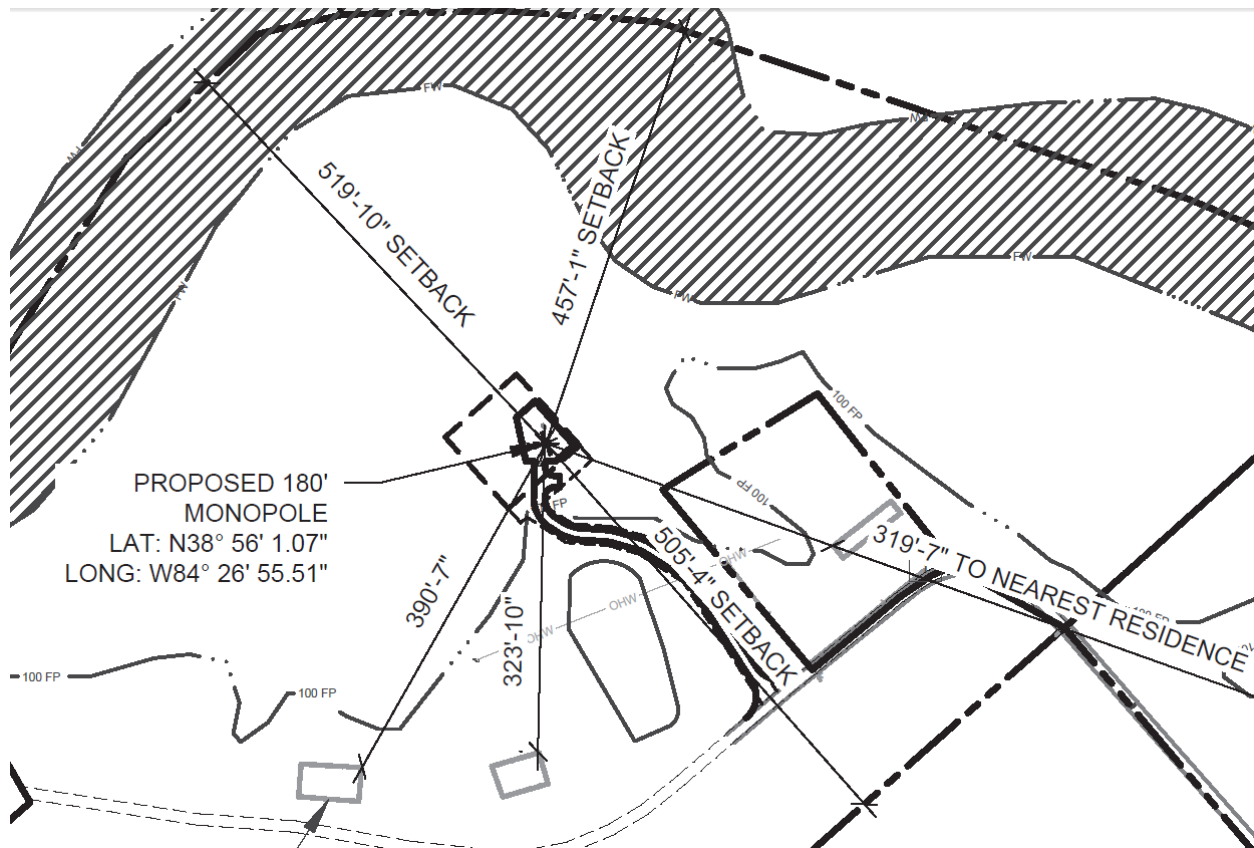
- V-101 AS BUILT/TITLE AND BOUNDARY PLAN
- V-102 EXISTING CONDITIONS/ TOPOGRAPHIC PLAN
- C-101 OVERALL SITE PLAN A
- C-102 GRADING PLAN & PROFILE D
- C-103 EROSION & SEDIMENT CONTROL PLAN D
- C-401 COMPOUND PLAN C
- C-402 TOWER ELEVATION D
- C-403 - C503 CONSTRUCTION DETAILS
- C-504 SIGNAGE A
- E-401 -502 GROUNDING & ELECTRICAL
- E-601-602 PANEL
- R-601-605 SUPPLEMENTAL

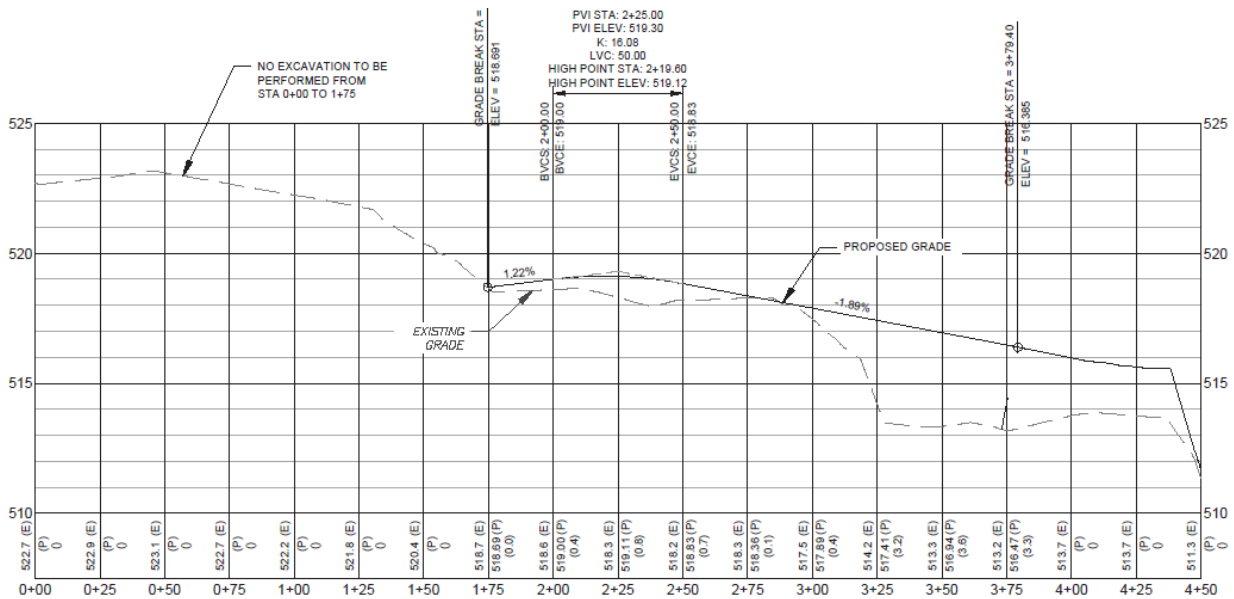
A geotechnical report for the Tower was also submitted. Subsets of these plans are included in this package for your review.

A. The site is zoned Agricultural-one (A-1). Surrounding land uses include residential and farming.



- B. The proposed tower is a 180' monopole. Towers within agricultural zones may exceed 199' but shall not be more than 315'.





E. Parking is available adjacent to the Tower for maintenance purposes.

F. The proposed leased area is approximately 100' by 100' with a fenced area. The site will be secured by an 8' high chain link fence. The Tower and utility building will be within the fenced area. No landscaping is proposed. Due to the agricultural setting of the area, a waiver for landscaping is requested.

Fencing and Landscaping:

A privacy fence, not less than eight (8) feet, shall enclose the base of the Cellular Antenna Tower and associated ground equipment. In addition, the outside perimeter of the fence compound (except the access gate) shall be bound on all sides by a ten (10) foot wide landscaping buffer.

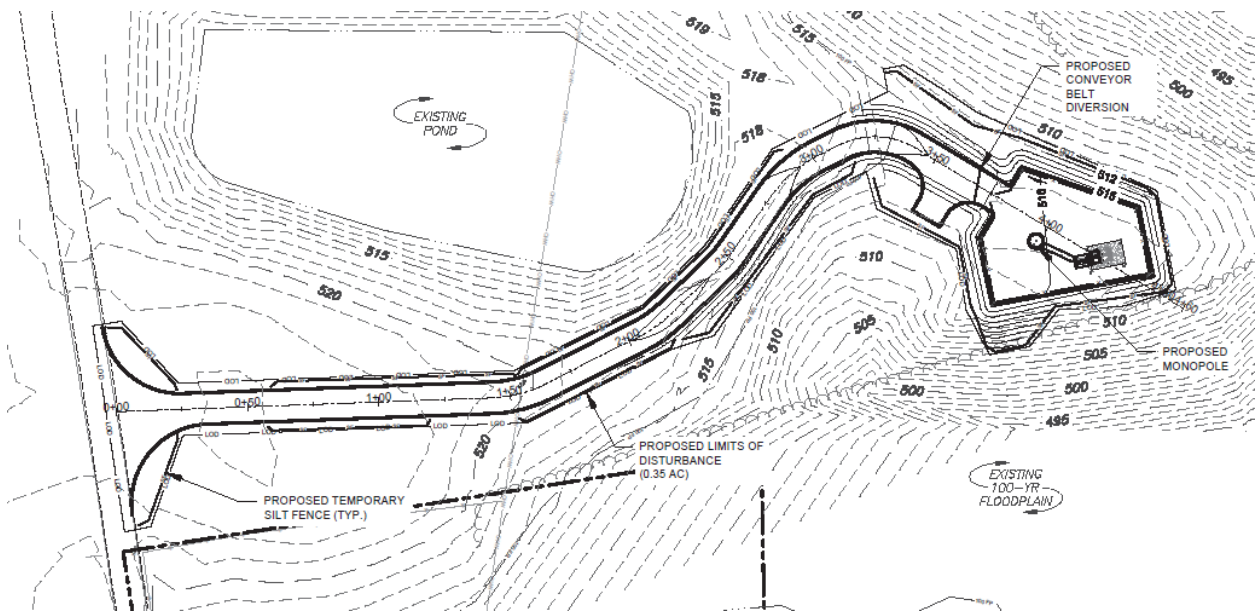
G. Residential Structures - There are residential structures at 9594, 9594 and 9590 Indian Trace Road. These home sites range from over 700 to approximately 320 feet from the proposed tower site. The closest site is a mobile home at 9590 Indian Trace Road. A variance would be required for the distance from this residence.

- The variance is the minimum necessary for the project in order to match the topography.
- Granting of the variances will not alter the essential character of the neighborhood.
- The general vicinity is agricultural. Granting of the variances will not be considered injurious to the neighborhood or otherwise detrimental to the public welfare.

Setback Requirements:

- Cellular Antenna Towers shall be setback a minimum of one (1) times the tower height (tower, antennas and lightning rod) from any public or private street.*
- Cellular Antenna Towers shall be setback a minimum of two (2) times the tower height (tower, antennas, and lightning rod) from any residence or residentially zoned property.*
- Cellular Antenna Towers shall be setback a minimum of one (1) times the tower height (tower, antennas, lightning rod) from agriculturally zoned property.*
- Cellular Antenna Towers shall be setback a minimum of one-fourth ($\frac{1}{4}$) the tower height (tower, antennas, lightning rod) from any non-residentially zoned properties (does not apply to agriculturally zoned properties).*
- All accessory structures associated with the Cellular Antenna Tower shall be located as close to the tower base as tower less as possible. All accessory structures and*

H. An erosion and sediment control plan was submitted, indicating limits of disturbance.



The applicant has provided the following supporting information for variance and waiver for the proposed telecommunications facility at 9592 Indian Trace Road:

- A. *The proposed use at this location is necessary to provide a service that will contribute to the general well-being of the community because it will provide improved wireless telecommunications service to an area where the existing coverage and capacity are currently limited.*
- B. *The proposed use will not be detrimental to the health, safety, or overall welfare of the persons residing or working in the vicinity, or injurious to the property or improvements of the vicinity because all FCC guidelines will be followed and the increased telecommunications service in the area provides increased reliable access to E-911 services.*
- C. *Once these variances and waiver are granted, this use will comply with any regulations in the Zoning Ordinance and Subdivision Regulations for this use.*
- D. *The requested variances/waiver arise from special existing circumstances which do not generally apply to the land in the general vicinity, specifically:*
 - 1) *Proposing the facility in this location, rather than the surrounding area, will minimize the impacts on the surrounding flood zone*
 - 2) *Proposing the facility in this location, rather than the surrounding area, will minimize the impact on surrounding areas of environmental sensitivity*
 - 3) *The design of this facility as a monopole, rather than lattice tower, minimizes the viewshed to the neighboring house*
 - 4) *Given that the existing access road that is used to access this portion of the property is a gravel road, proposing the access road to the tower as gravel also makes the most sense.*
- E. *The application of the provisions of the Zoning Ordinance without these variances/waiver would deprive the applicant of a reasonable use of the land, specifically the location of a telecommunications facility on a large parcel away from neighboring property owners and in an area that minimizes the impact on the surrounding flood zone and areas of environmental sensitivity.*
- F. *The variance will not allow unreasonable conditions of the zoning regulations and will not alter the essential character of the neighborhood due to its location and design.*
- G. *The granting of these variances/waiver will not confer on the applicant any special privilege that is not conferred by this ordinance to other land in the same zone; the need for the variance/waiver arises from features specific to this parcel, but wireless*

Staff Recommendation:

To approve the proposed site development plan with the following waivers and variance:

- A dimensional variance for distance to the nearest residential structure. The minimum distance shall be no less than 310 feet.
- A waiver allowing the driveway to be a combination of gravel and an unpaved geogrid system.
- A waiver of the need for a 10-foot landscape buffer.

American Tower must comply with all requirements and conditions of the permits and agreements with the KDOW and as identified in the FCC NEPA document and addendum.

Supporting Information / Basis for Recommendation:

1. The proposed site development plan is consistent with the Zoning Ordinance Article 9, Section 9.29 and KRS 100.985, 100.986, 100.9865 and 100.987
2. The variances are consistent with Article 18, Section 18.6 and KRS 100.241 and 100.243.
3. KRS100.203 6(a) grants the Planning Commission the authority to at assume the powers of the Board of Adjustment when reviewing site plan.

Following the presentation of the staff report, and some discussion amongst the Commission about the location specifics, Mr. Peters invited the applicant to speak. With nothing to add from the applicant Mr. Peters opened the floor to public comment.

Ms. Kasse of 9590 and 9596 Indian Trace raised concern over distances from property lines and ponds. The owner of the property where the proposed site would be entered photos of the site into the record. Mr. Kasse of the same address added concern over noise, light and health.

The representative of the applicant clarified that there would be no lighting on the site, only noise from a generator, and that the health concerns are not able to be addressed by this commission as they are regulated by another governing body.

After discussing these concerns with the applicant Mr. Verst made a motion to approve with all requested waivers and variances. Mr. Williams seconded the motion. A roll call vote found all in favor, none opposed and the motion passed.

Mr. Verst then made a motion to sponsor a text amendment related to waivers and variances. The motion was seconded by Mr. Williams. A roll call vote found all in favor, none opposed. The motion passed.

Ms. Minter added that there would be a meeting in September. Mr. Williams added that he would likely be out for that meeting. Ms. Minter also noted that the October meeting would fall within the normal County schools fall break.

There being no additional discussion, Mr. Peters asked for a motion to adjourn. Mr. Mason made the motion, seconded by Mr. Williams, an oral vote found all in favor and the meeting was adjourned at 8:08 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

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