

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JULY 8, 2014 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Ms. Deborah Blake
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Michael Williams, TPO *arrived 7:05 PM*
Mr. Tony Pfeffer, Vice Chair
Mr. Justin Verst, Chair

MEMBERS ABSENT:

Mr. Dennis Bass
Ms. Lauri Harding

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Ryan Hutchinson, Planner
Mr. Michael Duncan, Legal Counsel
Ms. Stephanie Turner, Secretary

Mr. Verst called the meeting to order at 7:00 PM. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had reviewed the June 10, 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 June 10th meeting minutes. Mr. Verst asked if there were any questions or comments on that motion. There being none, Mr. Verst called for a second. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Blake, Mr. Stapleton, Mr. Stubbs and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst introduced case #75-14-ZMA-02, Prestress Services Industries LLC., with a request for approval of a zone map amendment proposing a change in zoning from R-RE to RC. Mr. Verst called for Mr. Hutchinson to present the staff report and recommendations. Mr. Hutchinson presented the staff report and recommendation as follows:

CASE: 75-14-ZMA-02
APPLICANT: Prestress Services Industries LLC.
LOCATION: A 13.574 acres located at 5783 Mary Ingles Highway, partially within the City of Melbourne and partially within the Unincorporated Campbell County, KY.
REQUEST: Approval of a zone map amendment proposing a change in zoning from R-RE to RC.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the area for Village Mixed Use. The Campbell County Zoning Ordinance classifies the area as the Rural Residential Estate (R-RE).
2. The site in question is occupied by a vacant church.
3. The original request to rezone 13.574 acres was modified to rezone only 12.48 acres from R-RE to Rural Commercial - RC. This would allow the applicant to provide additional offices for its adjacent business and comply with the zoning ordinance.

Mr. Hutchinson explained at this point that the original request submitted by the applicant was for an area of 13.574 acres. However, this request was amended to decrease the area to 12.48 acres. Mr. Hutchinson pointed out on the site map the reason for the change. There is going to be a land swap to change the location of the road frontage for the private residence. Mr. Hutchinson explained what a land addition was and how it would impact the drawing submitted. The private drive will still serve both sites

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and an easement will be needed to accomplish this. This will be handled during the conveyance plat process.

Mr. Hutchinson explained that Prestress approached staff approximately 6-8 months ago regarding expanding their existing office building on their site. Due to the site being located in the floodplain/floodway, there were going to be challenges with getting the size of the building that they wanted. There was no way to achieve their goal in the current location. Prestress started looking for sites external of their construction site to accomplish the desire for additional office space. The church in their immediate area was put up for sale and looked like a feasible site. Prestress started considering zoning options. They didn't want people to think they were looking to expand the actual construction portion of the business outside of their existing facilities. That is why this property is going to be a different zone than their actual construction site. They chose the RC – Rural Commercial because it didn't have the capacity for the construction side of their business, but it did allow for the administrative offices that they desired.

Mr. Verst asked Mr. Hutchinson if he had a copy of the RC Zone from the City of Melbourne Zoning Ordinance and the Unincorporated Campbell County Zoning Ordinance. Mr. Hutchinson located copies. Mr. Verst asked Mr. Hutchinson to read aloud the permitted uses in the City of Melbourne RC zone. Mr. Hutchinson read:

SECTION 10.22 RC RURAL COMMERCIAL

A. USES PERMITTED:

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. In the case of this use, more than one principal use may be constructed on one lot.

Mr. Verst followed along and added that those are the same as in the Unincorporated Campbell County, but they also include:

23. Automotive repair and sale of new parts.
24. Mini Warehousing.

Mr. Verst stated he just wanted that read out loud so that everyone can hear what kinds of uses were permitted in the zone they are requesting. There is no manufacturing or construction type of use for this zone.

Mr. Hutchinson continued with his staff report as follows:

4. Melbourne Zoning Classification:

Zone Requirements	R-RE
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 (25) feet
Maximum building height	- Thirty Five (35) feet
Church is a conditional use in the R-RE Zone	
Zone Requirements	RC
Minimum Lot Area	- One (1) acre
Minimum Lot Width	- One hundred (100) feet
Minimum Front Yard Depth	- Fifty (50) feet
Minimum Rear Yard Depth	- Forty (40) feet
Maximum Building Height	- Forty (40) feet

5. The submitted plan indicates the following:

- a. The plan indicates a proposal to rezone 12.48 acres within the County from R-RE to RC.
- b. The proposal includes multiple lots and owners. Once the zone change is approved there will be land additions between the parties creating new lots lines and adequate frontages.
- c. The applicant intends to share the existing private driveway with an easement.
- d. The applicant intends to remodel the existing building into offices.
- e. The applicant has an existing gravel parking facility.
- f. The surrounding zoning is R-RE and I-4.

Staff Recommendation:

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

1. That the Legislative Body adopts the Zone 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 and receive approval for the land additions.
4. That the applicant applies for and receives a permit from the Campbell County Building Department.

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 asked if there were any questions for staff. Mr. Verst asked if there were any questions for staff. Ms. Blake stated that she would like to see that the gravel parking lot remains since this is in the floodplain and it would benefit the property to have that porous surface. Mr. Verst stated that Ms. Blake's concern would be something addressed at the site plan stage. Our Zoning Ordinance does require asphalt or pavement. Mr. Hutchinson agreed and stated that would be addressed with the site plan. The applicant has not stated that he intends to change the footprint of the building. They are just planning some interior remodeling. If that is the case, there may not need to be a change to the parking surface. Mr. Hutchinson confirmed for Mr. Verst that if they do not change the footprint of the building the gravel surface is not required to be changed. However, if they enlarge the building, they would need to address the gravel surface at that time.

Mr. Hutchinson asked if there were any other questions. Mr. Stapleton asked about the overhead electric easement on the property. He wanted to know where the tower was located. Mr. Hutchinson referred to

photographs of the property and indicated the utility poles on the site. There is no utility tower anywhere; just utility poles.

Mr. Pfeffer asked Mr. Hutchinson to confirm the zone change area. Mr. Hutchinson indicated the yellow outlined area on the aerial and revised site plan. Mr. Pfeffer asked if the cross-hatched area was included in the zone change. Mr. Hutchinson confirmed it was not. Mr. Pfeffer stated that, in the large drawing mailed with the meeting packets, the area was included. Mr. Verst stated that the drawing Mr. Pfeffer is referring to was the original submission. Revised drawings have since been submitted to staff. Mr. Hutchinson confirmed that was correct. Mr. Pfeffer asked who owned the property to the right of the church. Mr. Hutchinson stated it was owned by Prestress Services. Mr. Verst asked staff to confirm they have the necessary corrected drawings based upon the revision of their request to reduce the acreage. Mr. Hutchinson replied that he does have corrected drawings reflecting the 12.48 acres.

Mr. Verst asked if there were any other questions for staff. Ms. Minter advised the Commission and the public that public notice was published in the Campbell County Recorder on Thursday, June 26th, 2014. Notice was mailed to all adjoining property owners also on June 26th, 2014. Notice was posted on site on Friday, June 27th, 2014. Mr. Verst thanked staff for their report and called the applicant to come forward and state their name and address for the record. Mr. Kevin Hanson, Cardinal Engineering, 1 Moock Road, Wilder, KY, 41071, came forward as representative for the applicant. Mr. Hanson stated that his office would be the engineer for the project. The request is pretty straight forward and staff pretty much covered all the issues. Mr. Hanson stated that they were not going to do any site improvements other than renovating the interior of the building and nothing to do with the zone change request. Mr. Hanson stated he was here to answer any questions the Commission might have.

Mr. Chad Smith, representative for Prestress Services, 5783 Mary Ingles Highway, Melbourne, KY, 41059 introduced himself for the record. Mr. Smith stated that the building is going to be renovated for office space for their management and engineering personnel. The production facility will stay where it is at. Mr. Verst stated that the zone they chose does not allow for that type of activity anyway. Mr. Smith stated that was exactly their intent. Mr. Verst asked the Commission if there were any questions for the applicant. Ms. Blake asked if there would be anyone staying there overnight. Mr. Smith stated no there would not be anyone staying overnight at that location.

Mr. Verst asked if there were any other questions of the applicant. There being none, Mr. Verst asked if there were anyone in the audience that wished to speak. Mr. Maurice Hehman, 1102 Mary Ingles Highway, Melbourne stepped forward. Mr. Hehman stated that, in regards to the gravel drive, you do not want to pave that parking lot because then you would be liable for storm water run-off fee. Secondly, would any additional buildings be required to be at the 503 feet elevation? Mr. Verst referred that question to Ms. Minter as our Floodplain Coordinator. Ms. Minter advised that this would be a business. Businesses do need to submit to the Kentucky Division of Water for any type of substantial improvements to a property. By substantial improvement, we mean that it would be more than 50 percent of the value of the property. There are 2 ways they can address it. They can address it by elevation, but since this is not a residential structure, they can construct it as a "dry" facility. It is a little bit different from a residential structure. It does not always have to be elevated, but there would be modifications made if there is substantial improvement to the property. Mr. Hehman stated that, when the church was built, they did have to get a waiver to build the way they did. Mr. Hehman stated his last issue is that the edge of the private driveway is on the area being rezoned. Mr. Hehman estimated it was about the first 50 feet of the driveway. Referring back to the overall site plan, Mr. Hehman pointed out the driveway location. He did not have an issue with it, but feels it needs to be addressed.

Mr. Verst asked if there were any other comments from the audience. There being none, Mr. Verst closed the public hearing portion of this meeting and opened the floor for discussion among the Commission. Mr. Verst stated that he just wanted to make a comment in regards to comments from Mr. Hehman. It does look like the driveway is a little bit off the property. The Commission could add a condition to place an easement if it were necessary to the approval of the applicant's request. Mr. Verst asked if there were any questions, comments or concerns from the Commission.

Mr. Verst continued that staff's recommendation is for approval. There is industrial on one side and residential on the other so this would be a kind of buffer from those two different zones. Mr. Pfeffer asked if the driveway comment would be addressed if staff recommendation #3 was adjusted to include a proper easement was shown on the drawing for the land addition. Mr. Verst replied that was correct. Mr. Verst

stated that, contrary to some of the drawings that the Commission received, corrected drawings have been received by staff.

Mr. Hutchinson made a statement that an easement is part of the conveyance plat review process and would not reflect upon the zone change application. He knows that they desire to see an easement for the access, but it would not necessarily be part of the recommendations on the zone change. Mr. Verst stated that the phrase "and all applicable easements" could be added to recommendation #3 and that would satisfy any concerns of the Commission or the public. Mr. Verst asked legal counsel's thoughts on the addition of the phrase to the recommendations by staff. Even if the easement is not required to be approved by the Commission, the Commission desires to see that the easement is addressed if it is necessary. Mr. Duncan replied that the request was reasonable and, as long as the condition is acceptable to the applicant, it can be done.

Ms. Blake asked if there were only 1 applicant on this request. Mr. Verst asked staff for clarification. Technically, the property owner would have to be the applicant. Ms. Minter clarified that this is a joint application by Prestress Services and the Chaney's. The Chaney's currently own the property. Prestress is requesting the zone change. Our application has the signatures of both parties. Mr. Verst asked if Prestress has purchased the property yet. Ms. Minter stated that she does not believe the actual transfer of property has occurred as this point in time. She believes it is their intent to do so if the zone change were to be approved. Mr. Verst asked for confirmation that the church is one of the land owners. Ms. Minter replied that the church is one of the landowners' in that they are actually owned by the Chaney's. The legal property owner must be the one to sign the application. Mr. Verst asked if the legal property owners have signed the application. Ms. Minter replied that they had. Mr. Pfeffer stated they are also listed on the drawing. Mr. Verst pointed out that zone changes stay with the land. So if the owners request the zone change and then sell the property, the zone remains the same for the new owners.

Mr. Verst asked if there were any other questions or comments. There being none, Mr. Verst called for a motion. Mr. Pfeffer made a motion on case #75-14-ZMA-02, Prestress Services Industries LLC., to approve a zone map amendment changing the zoning from R-RE to RC with the recommendation as stated in the staff report with the modification to condition #3 as reflected below:

1. That the Legislative Body adopts the Zone 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 and receive approval for the land additions **and all applicable easements**.
4. That the applicant applies for and receives a permit from the Campbell County Building Department.

Mr. Verst asked Mr. Pfeffer if he was willing to amend his motion to state that the Commission is recommending to the City of Melbourne and the Campbell County Fiscal Court to take the final action to approve the zone map amendments. Mr. Pfeffer replied that he would change his motion thus. Mr. Verst asked the applicant if they understood the conditions and were agreeable to them. Mr. Smith replied that he understood and is willing to comply with the conditions. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a second to the motion. Mr. Barrow seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst explained to the audience that the minutes would be approved at our next meeting scheduled for next Tuesday at 6:30 PM. The information would then be forwarded to the City of Melbourne and the Campbell County Fiscal Court for action upon the zone change.

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

DIRECTOR'S REPORT

Ms. Minter advised the Commission that training was obtained by several Commissions as well as staff and asked the Commission to consider a motion to approve the following training:

Approve Training for P&Z Commissioners:

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| • Dennis Bass(1) | 2013 Water Quality Report | [1.0 hour] |
| • Steve Stapleton(2.5) | 2013 Water Quality Report & Website | [1.5 hours] |
| | FEMA: Getting to Know Flood Reform | [1.0 hour] |
| • Justin Verst(1.5) | 2014 Planning Law Review @ NKAPC | [1.5 hours] |
| • Mike Williams (1.5) | 2014 Planning Law Review @ NKAPC | [1.5 hours] |

Approve Training for Staff:

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| • Cindy Minter (1.5) | 2014 Planning Law Review @ NKAPC | [1.5 hours] |
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Mr. Verst called for a motion to approve training for Commissioners and staff. Mr. Barrow made a motion to approve training completed by Commissioners and staff. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a second to the motion. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed.

Ms. Minter advised the Commission that she had training available tonight following the meeting regarding Telecommunications. The Board of Adjustment meeting next week will be immediately following the Commission meeting. Ms. Minter anticipates that the meeting will be relatively short. If the Commissioners wished to stay for that meeting, Ms. Minter would be offering training on Kentucky Agriculture Law immediately following the meetings.

Ms. Minter reminded the Commission that a special meeting has been scheduled and advertised for July 15, 2014 at 6:30 PM for the purpose of approving the minutes from tonight's meeting. 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. Ms. Blake made a motion to adjourn. Mr. Pfeffer seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 7:40 PM.

Respectfully Submitted,

Approved:

Cynthia Minter
Director of Planning & Zoning

Justin Verst
Chair