

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

MEMBERS PRESENT:

Mr. Larry Barrow
Ms. Deborah Blake
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Michael Williams, TPO
Mr. Justin Verst, Chair, *arrived 7:40 PM*

MEMBERS ABSENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Tony Pfeffer, Vice Chair

STAFF PRESENT:

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

Mr. Williams called the meeting to order at 7:05 PM. Following roll call, a quorum was found to be present. Mr. Williams asked if everyone had reviewed the September 22, 2014 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Williams called for a motion. Mr. Barrow made a motion to approve the September 22nd meeting minutes. Mr. Stubbs seconded the motion. A roll call vote found Mr. Barrow, Mr. Stapleton and Mr. Stubbs in favor of the motion. Ms. Blake and Mr. Williams abstained. Motion passed.

Mr. Williams introduced case #12-14-PPD-03, Sun Valley Real Estate, with a request for approval of a revision of a plat creating six lots from 39.37 acres on Race Track Road. Mr. Williams called for Mr. Hutchinson to present the staff report and recommendations. Mr. Hutchinson presented the staff report and recommendation as follows:

SUBDIVISION: 12-14-PPD-03

APPLICANT: Sun Valley Real Estate

LOCATION: Race Track Road, Unincorporated Campbell County.

REQUEST: Revision of a plat creating 6 lots from 39.37 acres on Race Track Road.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for higher density single family residential. The Campbell County Zoning Ordinance classifies the plat within the R-1C Zone, an Residential One C, requiring a minimum lot size of 12,500 square feet, lot widths of 70 feet, minimum front yard setback of 35 feet, side yards of 7 feet (one side) and 20 feet (total both sides), and a minimum rear yard depth of 25 feet, not including flag lots and/or mobile home lots.
2. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
 - a) The Plat indicates a revision of a plat to subdivide 39.37 acres on Race Track Road (collector road) for the creation of 6 new lots, with no public improvements.
 - b) The plat indicates access will come from Race Track Road for all six lots.
 - c) The right of way for Race Track Road indicated on the plat is 60' feet.
 - d) The plan indicates larger irregular shaped acreage lots. The largest lot being 12.27 acres and the smallest being 2.09 acres.
 - e) The plan indicates five of six lots meet the minimum lot width.

- f) The proposed lot six is a remainder of the combined tracts. The flag stem to this existing lot does not meet the minimum requirements.
- g) The plat indicates a common access easement on lots 1 to 3.
- h) Lot six is the only tract that has an existing home the rest of the lots are vacant.
- i) The plat indicates a 12" water main is fronting along Race Track Road.
- j) The applicant has indicated this acreage is not feasible to connect to the northern part of the development. The development showed in gray. Because of the economic conditions it makes more sense for the developer to split these lots from the originally approved subdivision.
- k) 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.
- l) The Plat does not note 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.
- m) The Plat indicates a small portion of Lot 1 along race track road sits within the 100 year flood zone.

Recommendation for Preliminary Plat:

To approve a revised Preliminary Plat for the Parkside Subdivision III, but only subject to the following conditions:

1. That the applicant meets minimum driveway spacing requirements of a collector road, 185' feet.
2. That the Plat be revised with the "Hillside Development Controls..." statement, contained within the Campbell County Zoning Ordinance, prior to approval of the Final Plat.
3. That lot 6 not increased in size unless the rest of the lot can comply with the county zoning and subdivision regulations for the R-1C zone.

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, except as noted below:

1. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.23B.1 states: "All land areas located within the County and identified on the Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas, which have slopes of 20%, or greater shall require approval before development may occur...";
2. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 415.D: "Each flag lot shall have a minimum of twenty-five feet (25') of frontage on a publicly dedicated street. Flag lots shall have a panhandle with a uniform and consistent width with a maximum length of two hundred fifty feet (350') from a publicly dedicated street."
3. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 115 SPACING REQUIREMENTS: "Collector roads less than 40 MPH require spacing of 185' feet."

Mr. Hutchinson concluded his report asking if there were any questions he could answer for the Commission. Mr. Williams thanked Mr. Hutchinson for the report and asked if there were any questions for staff at this time.

Mr. Stapleton asked Mr. Hutchinson to put up the slide showing the gravel driveway running back to lots 5 and 6. Which house does that serve? Mr. Hutchinson replied that the only house out there currently is on lot 6. Mr. Stapleton asked about the dark line to the right of that driveway. What is it? Is it the utility easement? Mr. Hutchinson replied that the dark line reflected the access easement for lots 1 through 3. Mr. Stapleton continued that if this is the easement off the road for lot 2, it cutting right up the center of where the driveway is going to be, if that is the standard 12-foot driveway, how is the utility easement going to be put under the driveway? Mr. Stapleton stated it should be to the left or right of the driveway. To his knowledge, you can't put a utility easement directly underneath the driveway. Mr. Stapleton asked if that is existing or just proposed. Mr. Hutchinson replied that it is a proposed access easement. None of this is currently in existence except portions of lot 6. Mr. Stapleton replied that he just doesn't see how this is going to work where you have access off the street and utility easement is centered and it comes up and backslides literally flush to the entire easement back to the road. Mr. Hutchinson replied that it was a common access easement. They don't even have a dimension on the drawing. Certainly, those easements are something that staff wants to see on there and in place, but we are going to leave it up to the individual property owners to negotiate. I'm sure the developer is going to take that into account. You can definitely ask the applicant for additional information on that, but as long as there is an easement shown, that is what staff is concerned about. We do not become involved in private matters between property owners. If there is something specific you want to see in there, we can definitely condition it so it is included, but generally speaking it is a private matter. We would let the developer and the property owner deal with that. Mr. Stapleton asked about the creek coming down from the north side of the property. Where and what does that drain in to? Mr. Hutchinson answered that the water drains down from the top of lot 1 south towards Race Track Road and then goes under the road into the Campbell County Park. Mr. Stapleton asked if there was already a pipe in there. Mr. Hutchinson and Ms. Minter agreed there was a pipe running under Race Track Road currently.

Mr. Barrow asked about the access easement on lots 1, 2 and 3. We are showing one easement for the driveway coming in that is going to service all three lots. Mr. Barrow commented that we have seen this issue many times before where there is an easement for access and then someone sells to someone else or gets mad at someone. Mr. Barrow asked if the easement could be extended over each individual property so that if that problem ever arises that they could just come in the drive and then turn right into their own property rather. Mr. Hutchinson commented that the topography lays pretty nice on this property and the design of the lots is such that they do meet the minimum lot width of 70 feet all the way back. They do not exceed the 4:1 lot ratio because they are more than 5 acres. Theoretically, if they wanted to put their own driveway in so that they come in and then turn off to their individual lot and they could take the drive all the way back. Mr. Barrow stated that they have had trouble in the past, but where that right exists and then there is no problem. Mr. Hutchinson stated that he understood, but that easements are private matters between property owners. The county as a rule does not become involved in those private issues between homeowners. We do like to see the design of the properties to be laid out so that property owners have their own individual and unique access point. Mr. Barrow asked if the Commission could make that a condition of the approval that each property owner has their own access to their own property. Mr. Hutchinson asked Mr. Barrow to repeat what he wants to see as a condition. Mr. Barrow explained that instead of a long driveway servicing all three owners, he would like to see one access point from the road that immediately allows each property owner to be directed to their own property for driveway access to their individual homes. Mr. Hutchinson replied this was a preemptive strike to make certain that if there was a problem then this issue has already been addressed. Mr. Barrow agreed that was his intent. Mr. Hutchinson replied that the Commission could make this a condition of their approval or ask the applicant if they would be willing to add this to their plan.

Mr. Williams asked if there were any other questions of staff at the moment. There being none, Mr. Williams asked the applicant if they would like to step forward. Mr. Joe Kramer of Cardinal Engineering located at 1 Moock Road in Wilder stepped forward to speak on behalf of the applicant. Mr. Kramer started by commenting that the easement providing access to lots 1 through 3 were shown just in a general nature so that they could show how they were going to meet the spacing requirement between driveways on Race Track Road. The easements will be shown in detail on the final plat as 20 feet wide with utilities to be placed 3 feet off the sides of the easement. As far as if they do an easement to allow

each individual lot to have their own driveway, Mr. Kramer stated he did not feel that this was really necessary. There have been issues in the past with lots being created, some even without road frontage, and some without easements, but part of this process is to establish the easement. Once it has been recorded on the final plat, Mr. Kramer stated he was not aware that anyone could take away the right to that easement since it will be put on the final plat and specifically called out as the access easement to lots 1, 2 and 3. He is not aware of any mechanism that would permit that easement to be taken away from them so Mr. Kramer feels the condition to require individual driveways from a mutual access point would be excessive.

Mr. Kramer stated that there are 3 conditions listed in the staff report and they do not have any issues with conditions 1 or 2, but does have some questions and concerns on condition 3. Their real concern is the condition pertaining to lot 6. Mr. Kramer pointed out lot 6 on the slide. Lot 6 is currently 3.9 acres with a 10-foot wide flag stem. This is the driveway we were talking about earlier. From what Mr. Kramer understands from what has been commented here tonight is that if someone purchased lot 6 they would not be allowed to purchase additional land around it and add it to their lot to make it bigger. Mr. Hutchinson asked Mr. Kramer how big was the parcel with the house on it currently. Mr. Kramer replied that it was between 12 and 15 acres. Mr. Dennis MacDonald, managing member of Sun Valley Real Estate, commented from the audience that it was 3.9 acres; it was bought as a 15-acre tract and that is how it exist today.

Mr. Hutchinson pointed out the lot reflect on the County's Property Valuation Administration (PVA) website and replied that this tract was not 15 acres. Mr. Kramer stated that was the issue. He doesn't know where the line came from on the PVA's website. As he read the deeds, this entire piece is all being fed by this 10-foot stem. Mr. Hutchinson asked Mr. Kramer to confirm that he believes that the PVA data is incorrect. Mr. Kramer replied that is correct. There is only one flag stem and if the PVA data is correct it means that one of these parcels would be landlocked. Mr. Kramer stated that as he read the deeds they are one lot. Mr. Hutchinson stated that this condition was based upon the PVA data. The issue being that, if the lot was already that size and then they added to it, you would be enlarging a nonconforming lot. If you allow them to do so and then in the future they want to divide it, we would have to deny their request and it would be an issue. Mr. Kramer stated that he thinks the concern is really the potential for future division of lot 6. If that is it, then the developer can place a restriction on lot 6 that says that lot 6 cannot be divided in the future unless they acquire additional road frontage. They have a 10-foot flag stem that has existed for 20 to 25 years. My concern is that if they were to sell lot 6 and then they want to purchase land from a neighbor in the future they would not be able to do so. The access is still the same, but if he wants to make this lot bigger, Mr. Kramer doesn't see the concern with this. But if you want to prevent a future division, we could add the restriction unless he purchases road frontage and that would take care of the issue. Mr. Hutchinson explained that staff's perspective is that if the information from PVA is wrong it changes the way staff would review the lot. If it is currently 13 acres and you are reducing it in size to 3.9 acres, staff would like to see the reduction in the nonconforming design. However, if the lot is currently 1 acre and you want to increase it to 3.9 acres, you are enlarging the nonconforming design and that is not permitted. You never want to see a lot that does not meet the minimum configuration to get larger. Mr. Hutchinson stated that staff would need some kind of proof as to the validity of the information on the PVA website. Mr. Kramer stated he just didn't want to burden the future homeowner if it was unnecessary. The applicant has copies of the deeds that they can supply to staff is they need them. Mr. Hutchinson stated he would have to do additional research on this parcel.

Mr. Stapleton commented that his view is that if the PVA is wrong in their lot lines he is not sure what it is that we are trying to prove now. Is this wrong or what? Mr. Kramer stated that regardless of how the lot exists they are still trying to subdivide the same amount of acreage in this configuration. Mr. Kramer stated he was just questioning condition 3. The issue with lot 6 has nothing to do with setback requirements or lot size; it is frontage which is only 10 feet. Mr. Hutchinson clarified that lot 6 was nothing more than a remainder tract, but they are calling it lot 6. In the PVA website, they show it as being only a little over 1 acre, but if they are enlarging it to be 3.9 acres, that is where the issues lays. If they currently have 13 acres and want to reduce it to 3.9 acres, we are fine with that. Otherwise, you have a future homeowner that adds even more land to his property and then wants to subdivide and can't because they cannot meet road frontage requirements. The current 10-foot stem is preexisting nonconforming. We want to bring them closer to conforming to current requirements. We do not want to see them further exasperate a nonconforming requirement. This happens and it really upsets the homeowner who argues

that you shouldn't have let me buy the additional land for future generations if you weren't going to allow me to divide at some point in the future for a lot for that child, grandchild or other family member.

Ms. Minter suggested that condition 3 remain attached to the motion by the Commission. After additional research on the website issue, if it is determined that the lot is actually decreasing in size, then this becomes an irrelevant condition. However, if it is increasing in size, we want to see this condition set in place to reduce confusion in the future. Mr. Stapleton that at this point if someone is going to come in and buy lot 6 and then also buys the land behind it, I personally don't think this is an issue. Ms. Minter replied that if an owner came in and bought lot 6 and then bought lot 3 to adjoin to his parcel, that would be great because lot 3 has the necessary road frontage. If an owner came in to buy lot 6 and then a couple of acres off of lot 3, then that would be increasing a nonconforming lot which we don't want to allow. Ms. Blake asked the size PVA currently shows for lot 6. Mr. Hutchinson stated that it shows the lot is just a little over 1 acre.

Mr. Kramer asked if there were any other questions he could answer for the Commission. Mr. Barrow commented that he would still like to see something regarding access for lots 1, 2 and 3. Many times we see people coming to us for issues regarding their access. Changes in ownership have shown issues will still arise with common driveways. Mr. Kramer stated that as long as it doesn't restrict the lot in any way. Mr. Stapleton stated you were next to a really nice subdivision. Mr. Barrow asked Mr. Hutchinson to construct a condition to add to the recommendation that would address this issue. Mr. Hutchinson proposed:

4. *That the applicant provide an additional 25-foot access easement fronting lots 1, 2 and 3 along Race Track Road.*

Mr. Barrow and Mr. Kramer were both fine with this condition.

Mr. Williams asked the applicant if he wished to address the Commission. He did not. Mr. Williams asked if there were any other items for discussion on this case. There being none, Mr. Williams asked if the Commission would be ready to consider a motion. Mr. Barrow made a motion on case #12-14-PPD-03, Sun Valley Real Estate, with a request for approval of a revision of a plat creating 6 lots from 39.37 acres on Race Track Road to approve the request with the conditions listed in the staff report and adding recommendation 4 as previously stated. Ms. Blake seconded the motion. Mr. Williams asked if there were any discussion regarding what the motion would be. Ms. Minter asked Mr. Barrow if the bases for his motion were as listed in the staff report and the discussion here tonight. Mr. Barrow concurred that it was. Mr. Williams called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton and Mr. Stubbs in favor of the motion. Mr. Williams abstained. Motion passed.

Mr. Verst arrived at 7:40 PM and was recognized by Mr. Williams. Mr. Verst assumed the Chair position and Mr. Williams joined the Commission for discussion. Ms. Minter advised the Commission that item 7 on the agenda was an information only item for the Commission. The Board of Adjustment (BOA) would be voting next week to amend their By-Laws. Later tonight, the Commission will review a text change to their By-Laws.

Mr. Verst advised the Commission that this was a public hearing as he introduced case #134-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance. Mr. Verst called for Ms. Minter to present the staff report and recommendations. Ms. Minter presented the staff report and recommendation as follows:

FILE NUMBER: 134-14-TXA-01

APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court

REQUEST: Proposed update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance.

Background:

On behalf of the Campbell County Planning and Zoning Commission, the Campbell County Planning & Zoning staff is submitting this request for a Public Hearing to modify the text of Section 9.29. The purpose of these proposed revisions are to streamline the planning review and avoid conflict with guidelines and regulations defined by the Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and Federal Communications Commission (FCC).

Proposed Text Amendment:

Per the attachments.

Recommendation:

To recommend the proposed text amendments to the Campbell County Fiscal Court for adoption into the Campbell County Official Zoning Ordinance.

Supporting Information/Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Campbell County & Municipal Planning & Zoning Commission has the authority to recommend that adoption of text changes to the Campbell County Fiscal Court.
2. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure of the Campbell County Zoning Ordinance.
4. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

[A copy of the proposed text amendment is attached to these minutes.] During the review of the proposed text change, Mr. Williams asked about what happens if the cell tower is going to interfere with agriculture use of the property. Ms. Minter explained that the County does not determine that a cell tower is required to be placed on a specific site. The cell tower owner contacts the property owner individually and negotiates to place a cell tower on a site. If the farmer feels that it is going to interfere with their farm or they don't want it on their property, they have the right to refuse to allow the cell tower to be placed on their site. The cell tower owners then go to the next property or farm and ask them to negotiate to allow a cell tower to be placed on the site. The County does not force the issue. That is a private deal between the property owner and the cell tower owner. Mr. Smith stated that since a cell tower is not agriculture, the placement of the cell tower on a farm is not protected under the statute and we are able to regulate it.

Ms. Minter continued her report. Upon reaching the section for temporary towers, Ms. Minter stated that this was a new section we did not have previously, but neighboring counties have seen this type of activity and it is conceivable that it would also occur in Campbell County. Ms. Blake asked her for an example of what would be considered a "temporary" tower. Ms. Minter explained that sometimes there are very large events or major construction occurring that may require a tower or that the tower is needed only for maybe 6 months while repair or alteration is being made to a more permanent tower. Ms. Blake asked for further clarification. Mr. Barrow was able to explain that at times there are instances where temporary tower are needed. For example, there was a temporary relocation of service that did occur recently for the Firefighters Education Association in Highland Heights for approximately 5 months. When they switched from Sprint to ATT, they needed a temporary tower. It did not disrupt the community and it was unnoticed by many citizens in Campbell County.

Ms. Minter concluded her report by asking the Commission if they had any other questions for staff. Mr. Verst asked the Commission if they had any questions for staff. Mr. Smith asked about the cell tower application. It cites KAR regulations and does not include uniform application regulations from KRS. Ms. Minter stated that the cell tower application form she distributed with their packet was just to reflect what we currently require to be completed. Mr. Smith stated that he would advise an additional condition or terminology that stated that our application will conform to statutes set forth in KRS 100.9865 and KRS 100.987. Ms. Minter asked him to expand that thought to give staff language to add to the zoning

ordinance. After a brief discussion, it was proposed that an additional section be added to the end of the proposed text by staff as follows:

J. *APPLICATION REQUIREMENT: Application for a cell tower shall conform to the requirements as set forth in KRS 100.9865 and KRS 100.987 on a form prescribed by the Planning & Zoning Commission.*

Mr. Verst asked staff if they objected to the addition to the text. Ms. Minter stated she had no objections to the addition.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst reminded the Commission this was a public hearing. Mr. Verst stated that there being no one in the audience, he was closing the public hearing and opened the floor for discussion among the Commission. Mr. Verst asked if there were any points or thoughts to discuss. Mr. Barrow stated that legal counsel added what was needed.

Mr. Verst asked if there were any other comments. There being none, Mr. Verst called for a motion to be made. Mr. Barrow made a motion on case #134-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance to approve the text amendment as presented by staff and adding item "J" as read into the record previously. Mr. Barrow cited the bases for his motion was the items reflected in the staff report and the discussion here tonight. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst advised the Commission that this was a public hearing as he introduced case #137-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission, with a request for an update to the By-Laws for the Commission. Mr. Verst called for Ms. Minter to present the staff report and recommendations. Ms. Minter presented the staff report and recommendation as follows:

FILE NUMBER: 137-14-TXA-01
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission.
REQUEST: Proposed update to the By-Laws of the Campbell County and Municipal Planning and Zoning Commission.

Background:

Staff has submitted a request to modify the By-Laws of the Campbell County and Municipal Planning and Zoning Commission. These bylaws were last updated in 2007. The proposed revisions will largely correlate text with the Bylaws for Board of Adjustment, clarify dates for critical items, align text with current Kentucky Statutes, and provide best business practices.

Proposed Text Amendment:

Addition and deletions of text as underlined and struck below within this section (See attachment).

Recommendation:

To adopt the proposed text amendments to the By-Laws of the Campbell County and Municipal Planning and Zoning Commission.

Supporting Information/Bases for Staff Recommendation:

1. Pursuant to KRS 100.167 Minutes and bylaws, and KRS 100.328 Bylaws and procedures, the Campbell County & Municipal Planning & Zoning Commission has the authority to adopt by-laws.
2. The proposed modifications are consistent with KRS 100.
3. Proper notice, in accordance with KRS 424, of the public hearing has been given.

[A copy of the proposed text amendment is attached to these minutes.] Ms. Minter went through the proposed text changes page by page. At the conclusion of her report, Mr. Verst reminded the Commission this was a public hearing. Mr. Verst stated that there being no one in the audience, he was leaving the public hearing open for the time being, but opened the floor for discussion among the Commission. There was intensive discussion on the proposed changes to the By-Laws.

A discussion was held regarding the difference between recusing, abstaining and/or leaving the room when a commission member perceives a potential conflict of interest. The proposed changes reflect the outcome of this discussion. At the conclusion of this discussion, Mr. Smith clarified for the Commission that the Chair is not required to abstain from voting unless there is a tie. That may be tradition for certain areas, but the Chair is fully entitled to vote either for, against or to abstain and/or recuse himself as any other member of the Commission would be entitled to do. The only restriction is that the Chair votes last. Mr. Smith encourages the Chair and/or Acting Chair to vote.

Referencing Page 6, Lines 2 through 5, Mr. Verst asked the question what happens if the Commission does not take action on a case within 60 days of the application. Mr. Smith stated that in those circumstances the case will continue on to the Fiscal Court and/or legislative body for action without a recommendation from the Commission.

A discussion was held regarding the methodology and equipment used to record and preserve the meeting minutes. Ms. Minter and Ms. Turner highlighted the current procedures based upon the current equipment. Mr. Smith recommended that the recordings of the meetings be preserved for to be able to create future transcript. Mr. Williams suggested some general equipment and software. Mr. Minter acknowledged that there were some technological challenges and that she would need to bring a solution back to the planning commission after further research.

The following is a summary of the additional changes made to the text proposed by staff:

1. Page 1, Line 12: capitalize the "r" in "Subdivision Regulations".
2. Page 2, Line 35: delete the word "for".
3. Page 4, Line 14: add "," after "lack of business to conduct or decide".
4. Page 4, Line 15: change "or" to "of".
5. Page 4, Lines 31: replace "for each party" with "by the applicant".
6. Page 4, Line 31: change "one (1) hour" to "thirty (30) minutes" then add "; for the opposition shall be limited to a total of thirty (30) minutes; and for those in favor or neutral to the application shall be limited to a total of fifteen (15) minutes".
7. Page 4, Line 33: add to the end of the paragraph "At the discretion of the chair, only those persons that have registered to speak prior to the start of the meeting may do so."
8. Page 4, Line 38: after "support or opposition to the party with the floor," add "it is encouraged that".
9. Page 4, Line 39: delete "in cross examination".
10. Page 5, Line 27: delete "taken verbally and" and add "by" before "roll call vote".
11. Page 5, Line 27: after "roll call vote" add on all applications before the P&Z. A verbal vote may be taken for administrative procedures."
12. Page 5, Line 27: delete "except that the Chair, if applicable, shall vote last."
13. Page 5, Line 28: change "Abstention" to "Abstentions".
14. Page 6, Line 13: change "mailed" to "provided".
15. Page 6, Line 28: after "Regulations as well as" change "the Zoning Ordinances and Subdivision Regulations" to "those".
16. Page 8, Line 17: change "disqualify themselves" to "disclose the conflict".
17. Page 8, Line 19: delete "of the Board, nor be counted towards the quorum required to decide the application" and add "on behalf of the P&Z, and shall abstain and/or recuse themselves from the vote on the matter"

Mr. Verst asked if there were any additional questions or comments for staff. There being none, Mr. Verst closed the public hearing. Mr. Verst asked if there were any further comments or discussion for the Commission on this case. There being none, Mr. Verst called for a motion. Mr. Williams made a motion on case #137-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell

County & Municipal Planning & Zoning Commission, with a request for an update to the By-Laws for the Commission. Mr. Williams motion was to approve the text amendment as presented by staff and modifying the items previously discussed and read into the record. Mr. Williams cited the bases for his motion was the items reflected in the staff report and the discussion here tonight. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

Mr. Verst advised the Commission that this was a public hearing as he introduced case #139-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 10.10 RMHP Residential Mobile Home Park Zone of the Zoning Ordinance. Mr. Verst called for Ms. Minter to present the staff report and recommendations. Ms. Minter presented the staff report and recommendation as follows:

FILE NUMBER: 139-14-TXA-01
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission
REQUEST: Proposed update to Section 10.10 RMHP Residential Mobile Home Park (RMHP) Zone, of the Zoning Ordinance.

Background:

On behalf of the Campbell County Planning and Zoning Commission, the Campbell County Planning & Zoning staff is submitting this request for a Public Hearing to modify SECTION 10.10 RMHP Residential Mobile Home Park (RMHP) Zone of the Campbell County Official Zoning Ordinance. This text amendment is proposed to address the need for decals and to align the text with other sections of our zoning ordinance.

Proposed Text Amendment:

Addition and deletions of text as underlined and struck below including the renumbering of items within this section (See attachment)

SECTION 10.10 RMHP RESIDENTIAL MOBILE HOME PARK ZONE:

B. ACCESSORY USES:

3. d. Accessory use structures ~~(rev /97)~~;

D. OTHER DEVELOPMENT CONTROLS:

- ~~11. Mobile home installations shall comply with all requirements in Section of the Ordinance.~~
~~12. Each mobile home must display the County's twenty five (\$25.00) dollar decal.~~

E. SALE OF MOBILE HOMES:

- ~~5. One sign for each unit for sale may be placed in front of, or on inside the unit. aid sign shall not be more than three square feet in area.~~
~~6. A general site sign indicating sales may be displayed at the entrance to the site. Said sign shall be a Class 8 sign which when added to the area of all other signs identifying the mobile home park, shall not exceed twenty five (25) square feet in area.~~

Staff Recommendation:

To recommend the proposed text amendments to the Campbell County Fiscal Court for adoption into the Campbell County Official Zoning Ordinance.

Supporting Information/Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Campbell County & Municipal Planning & Zoning Commission has the authority to recommend the adoption of text changes to the Campbell County Fiscal Court.
2. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure of the Campbell County Zoning Ordinance.
4. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

Ms. Minter concluded her report asking the Commission if they had any questions for staff. Mr. Verst asked if there were any questions for staff. There being none, Mr. Verst reminded the Commission this was a public hearing. There was no audience, Mr. Verst closed the public hearing and opened the floor for discussion among the Commission.

There being no comments or questions, Mr. Verst called for a motion. Mr. Williams made a motion on case #139-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 10.10 RMHP Residential Mobile Home Park Zone of the Zoning Ordinance. Mr. Williams' motion was to approve the text amendment as presented by staff. Mr. Williams cited the bases for his motion was the items reflected in the staff report and the discussion here tonight. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

Ms. Minter thanked the Commission for their efforts to obtain the necessary training. There are quite a few training credits that need to be approved for the Commission, the BOA and for staff. Ms. Minter asked the Commission to consider a motion to approve the following training credits:

P&Z Commissioners:

Larry Barrow (4.5)	Telecommunications [1.0 hour] NKWD: 2013 Water Quality Report [1.0 hour] CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] CC Conservation District: Backroads Farm Tour [1.5]
Deborah Blake (4)	Telecommunications [1.0 hour] CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] NKAPC: Ky. Agriculture Law Disc [2.0 hours]
Steve Stapleton (5)	Telecommunications [1.0 hour] CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] CC Conservation District: Backroads Farm Tour [3.0]
Ed Stubbs (1)	Telecommunications [1.0 hour]
Mike Williams (2)	Telecommunications [1.0 hour] CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
Tony Pfeffer (2)	Telecommunications [1.0 hour] CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
Justin Verst (2)	Telecommunications [1.0 hour] CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]

BOA Members:

Scott Bachmann (3)	CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] NKAPC: Ky. Agriculture Law Disc [2.0 hours]
Sharon Haynes (3)	CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] NKAPC: Ky. Agriculture Law Disc [2.0 hours]
Roger Mason (3)	CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] NKAPC: Ky. Agriculture Law Disc [2.0 hours]
Dave Schaber (1)	CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
Joe Williams (3)	CCP&Z Dept.: Ky. Agriculture Law [1.0 hour] NKAPC: Ky. Agriculture Law Disc [2.0 hours] FEMA: Getting to Know Flood Reform Videos [0.75 hour]

Staff:

Ryan Hutchinson (1) Telecommunications [1.0 hour]
Cindy Minter (19) KAMM Annual Conference [19.0 hours]

Mr. Verst asked if there were any questions or discussion on the training. There being none, Mr. Verst called for a motion to approve training. Mr. Barrow made a motion to approve training as submitted by staff. Mr. Williams 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. Verst in favor of the motion. Motion passed.

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

DIRECTOR'S REPORT

Ms. Minter passed out an invitation to participate in an "Agriculture Tax Workshop: "Reducing Your Farm Tax Liability"" being sponsored by Campbell County Farmland Workgroup, Campbell County Conservation District, Campbell County Cooperative Extension Service and the University of Kentucky College of Agriculture. This class does not count towards the HB 55 training requirements. However, you may participate in the event if you so desire.

Ms. Minter next distributed a draft of Goals and Objectives of our Comprehensive Plan and asked the Commission if they wanted to schedule a work session on a special date or do they want to tackle the update after a normally scheduled meeting. The consensus was to work on these after a normally scheduled meeting. Their only request was to add this item to a shorter meeting when there are not so many cases to be heard.

Ms. Minter gave an update on the community rating system for the Floodplain items. Ms. Minter received her official certification on September 8th so we have a Floodplain Manager representing Campbell County. The second item was that we need to have an inspection with Kentucky Division of Water (KDOW) which occurred on October 13th. The next step is to meet with FEMA directly which will occur once KDOW issues their recommendation. This is very important because it will offer some relief in the rates being charged for flood insurance.

Ms. Minter had no other items to present for discussion. Mr. Verst thanked Mr. Smith for his participation and for coming so thoroughly prepared to help the Commission update the By-Laws. It is really a relief to the Commission to know they are so well represented. Mr. Smith thanked them for their kind comments.

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. Williams made a motion to adjourn. Mr. Stubbs seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 9:33 PM.

Respectfully Submitted,

Approved:

Cynthia Minter
Director of Planning & Zoning

Justin Verst
Chair