

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MARCH 8, 2011 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Ms. Lauri Harding
Mr. Tony Pfeffer
Ms. Kay Wright
Mr. Michael Williams
Ms. Deborah Blake, TPO
Mr. Justin Verst, Vice-Chair
Ms. Cindy Minter, Chair

MEMBERS ABSENT:

Mr. Robert Huck

STAFF PRESENT:

Mr. Peter Klear, AICP, Director of Planning & Zoning
Mr. Ryan Hutchinson, Principal Planner
Ms. Molly McEvoy-Boh, Legal Counsel
Ms. Stephanie Turner, Recording Secretary

Ms. Minter called the meeting to order at 7:04 PM and asked for a roll call. Following roll call, a quorum was found to be present. Ms. Minter reminded the audience that there were two public hearings occurring tonight and that if anyone wanted to speak, they needed to sign up with Ms. Turner to do so. Ms. Minter asked if everyone had reviewed the February 8, 2011 meeting minutes and asked if there were any additions or corrections. There being none, Ms. Minter called for a motion. Mr. Verst made a motion to approve the February 8th meeting minutes as submitted. Ms. Blake seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Minter opened the public hearing for case #05-11-ZMA-07, a request submitted by Trans-Ash for a zone map amendment proposing a change in zoning from R-RE/HC to IP, to the Planning Commission and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission. Mr. Hutchinson began by stating clearly for the record that all KRS requirements for public notification were followed including a sign posted on the site. Mr. Hutchinson also pointed out there was a conflict between the agenda and the report as to the acreage listed. The agenda listed 31 acres which is the total acreage of the entire Trans-Ash project; while the report lists only 29 acres which is correct because there were approximately 2 acres cut out for a Dollar General project that is not included in this zone change request. Ms. Minter recognized Mr. Williams' arrival at 7:07 PM as he joined the Commission while Staff took the podium. Mr. Hutchinson presented his report to the Commission.

FILE NUMBER: 05-11-ZMA-07

APPLICANT: Trans-Ash

LOCATION: A 29 acre area located on Mary Ingles Highway 0.75 miles west of Four Mile Road, City of Silver Grove.

REQUEST: The submitted request is for approval of a zone map amendment proposing a change in zoning from R-RE / HC to IP. The proposal includes five lots and five industrial / warehouse users.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the area for Light Industrial. The Silver Grove Zoning Ordinance classifies the plan within the HC (Highway Commercial)

Zone and R-RE (Residential Rural Estate) Zone. The HC Zone permits automotive uses, financial institutions, bowling alleys, hotels, restaurants, garages, police and fire stations, advertising signs and dry cleaners. The R-RE Zone permits detached single-family dwellings on a minimum lot size of three (3) acre. Areas to the east and west of the site in question are zoned HC and R-RE. Areas to the south are zoned R-RE and to the north are I-4 (Industrial River) Zone.

2. The site in question was formerly occupied by a driving range and a putt-putt golf course.
3. The Transportation Plan Element of the 2008 Campbell County Comprehensive Plan Update identifies Mary Ingles Highway as a collector roadway.
4. The request is to rezone 5 lots 29 acres from HC and R-RE to IP (Industrial Park). The submitted site plan is a conceptual drawing of lots #3-7. The concept is for industrial and warehousing with components that include outside and inside storage. Before lots #3-7 are developed, the applicant will have to submit individual site plans to the Planning Commission for review and approval. Lot #1 & #2 are to remain in the HC Zone.

5. CITY OF SILVER GROVE ZONING CLASSIFICATIONS:

IP (Industrial Park) Zone

The IP Zone is established to provide a location for the rendering of food products, production of cigars, cosmetics, pharmaceuticals, toiletries, commercial advertising structures, electric appliances, electrical machinery, fountain and beverage dispensing equipment, furniture, instruments, metal products, office equipment, pottery, textiles, dairy products, glass products, jewelry, leather products, craftsman and artisan shapes, taxidermy, blacksmith, welding shops, fire stations, industrial engineering offices, laboratories, offices, machine shops, printing, publishing, schools for industrial or business training, *warehousing, distribution*, building materials, *sales yards*, governmentally owned garages, carpet and rug cleaning, contractors office and *storage yard*, bus lines shops, stone and monument works, dry cleaning, marine warehousing sales and services, nurseries.

The area and density regulations for permitted uses in the IP Zone in the Silver Grove Zoning Ordinance are as follows:

<u>Zone Requirements</u>	<u>IP</u>
Minimum tract for industrial development	- 20 acres
Minimum Lot Area Within Minimum Tract	- 1 acre
Minimum lot width at building setback line	- One Hundred Fifty (150) Feet
Minimum front yard depth	- Along internal roads Fifty (50) feet, along arterial streets Seventy Five (75)
Minimum side yard width on each side of lot	- In internal parts of the park Fifty Feet (50), adjacent to arterial roads Seventy Five (75)
Minimum rear yard depth	- Fifty (50) feet
Maximum building height	- Forty (40) feet

6. The submitted plan indicates the following:
 - a. The plan indicates existing elevations of the site are 476' and 506' feet.
 - b. The plan indicates the rear part of lots 5 & 6 is within both the floodplain and floodway.

- c. The plan indicates approximate locations of existing underground utilities.
 - d. The plan indicates the location of proposed water lines, fire hydrants, and relocation of sanitary sewer lines.
 - e. The plan indicates the construction of a public street 25' feet wide, approximately 600' feet in length ending in a cul-de-sac.
 - f. The plan indicates the public right-of-way (ROW) over the proposed street is 60' feet.
 - g. The plan indicates an access easement for Harold Jackson beginning at the terminus of the cul-de-sac.
 - h. The plan indicates only one access point for the property.
 - i. The plan indicates lots # 1 & #2 are to remain HC for commercial use.
 - j. The plan indicates lot # 2 will share a 25' foot access drive with lots #1 & #3 for ingress / egress.
 - k. The plan indicates the existing vegetation along the creek will remain.
 - l. The plan indicates a lake on lot 5 to remain for detention.
 - m. The plan does not show the bearings and distances of any internal lot lines.
 - n. The plan indicates lots #2 (1.066 acres) & #3 (1.2421 acres) don't meet the minimum lot requirement of 3 acres for the R-RE Zone.
 - o. The plan does not show sidewalks.
 - p. The plan shows a conceptual design for lot's #3-7. The concept shows five industrial buildings on a variety of scales. The drawing shows outside storage for materials on lot's # 5 & 6. Lot #7 is shown to be a warehouse area with several loading and unloading docks for shipping. *These are just conceptual designs staff did not review the buildings on lot's #3-7 for compliance to the zoning ordinance for things such as parking, lighting, signage etc. That review will be completed when they submit a site plan for individual lots.*
 - q. The plan notes a 10' foot screening buffer will be provided when any of the proposed uses is adjacent to residential.
 - r. The plan notes "proposed buildings, storage areas and parking are approximate. A site plan meeting the requirements of section 9.19 of the Silver Grove Zoning Ordinance will be submitted for each site as uses are determined."
 - s. The plan notes loading and unloading areas shall be provided in accordance with the Ordinance.
 - t. The plan notes all fences, lighting & signage will conform to the Silver Grove Zoning Ordinance.
7. Four previous plans for this site have been approved by the Planning Commission. The first case # 05-07-GRP-SIL-01, a grading plan for Carl J Schwarber Commerce Park, was approved April 10, 2007 with six conditions. The second case # 05-08-GRP-SIL-02, a grading plan for Trans Ash, was approved October 9, 2007 with four conditions. The third case # 05-08-GRP-03, a grading plan for Trans Ash, was approved February 10, 2009 with nine conditions. The fourth case # 05-10-PPL-04, a preliminary plan Trans Ash, was approved August 10, 2010 with fourteen conditions. To date the applicant has complied with all conditions from the previously approved plans.
8. A site plan for Lot #1 of the Trans Ash Development case 05-10-SPD-05 was approved by the Planning Commission on October 12, 2010. There were fourteen conditions associated with this approval. Condition #8 specifically stated "That the parking lot / drive aisle along the east end of the parking lot be opened when development occurs to improve connectivity." That refers to a connection between future parking lots on parcels #1 and 2. Condition #3 stated "That all access points be from the internal street system, not State Route 8."

Campbell County Staff Recommendation – Silver Grove Zoning Ordinance:

To approve the Map Amendment subject to the following conditions:

1. That the Legislative Body adopts the map amendment portion of the submitted request.
2. That the applicant submits site development plans to the Campbell County Planning Commission for review and approval prior to construction on lot's #3, 4, 5, 6 & 7.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That access to lot #2 be from the internal street system not Mary Ingles Highway.
5. That sidewalks be placed along the internal street system.

Bases for Recommendation:

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

1. Silver Grove Zoning Ordinance, Section 10.7 IP E.5: "A site plan as regulated by Section 9.19 of this ordinance shall be required for any use in this zone."
2. Campbell County Subdivision Regulations, Section 6.1 Intersections E.2: "In the case of collector streets, intersections with said streets shall be spaced not less than four hundred (400) feet apart..."
3. Campbell County Subdivision Regulations Table 2 States: With 7-25 lots provided sidewalks along one side of the street."

Mr. Hutchinson asked if the Commission had any questions of Staff. Ms. Minter asked the Commission to remember, before the began questions of Staff, that the questions they ask should be in regards to the zone change request before them and not in regards to the conceptual site plan that was submitted. Mr. Verst asked Mr. Hutchinson to confirm the side yard width requirement listed on page 3 of his report listed as 50' feet. Mr. Verst felt it seemed a little excessive. Mr. Hutchinson felt certain it was correct. Ms. Harding stated that she can understand taking this portion of land and moving it to the HC Zone. Ms. Harding wanted confirmation that she was reading the map correctly. There is a lake currently on lot 6 and the existing lake shown on lot 6 is being partially filled and the remainder used as a detention basin. Mr. Hutchinson confirmed she was correct. Ms. Harding has a greater difficulty reconciling moving the site to the IP Zone. The site has been graded and so that it is raised above the flood plain. Ms. Harding is highly concerned about possible contamination should an industry move onto this site that uses chemicals like trichlorine, tretacycline and benzene just to name a few. Ms. Harding knows you could say that the EPA would take care of this, but she strongly feels you have to be proactive with these issues. Ms. Harding asked what kind of conditions can the Commission impart that would keep those types of industrial users from moving into the industrial park. Mr. Hutchinson stated that at this time, the Commission is not looking at any individual application or business that would be in this industrial park. By approving the IP Zone, you are approving any business listed under the permitted uses in the zoning ordinance. Ms. Harding asked, for future reference, if the approval of the IP Zone meant any of the businesses listed would be capable of applying for a site development plan review. Mr. Hutchinson stated that was correct. Mr. Hutchinson pointed out on the drawing the dividing line between the portion of the property that was HC and where the land became R-RE. The objective of the applicant was to change this portion of property to the IP Zone allowing for industrial users to make use of the property. When the applicant submits their site development plan for a specific site review and approval by the Commission, then that would be the time for the Commission to express their concerns and make the applicant deal with how a potential metal working establishment would deal with their by-products to prevent any potential contamination. Ms. Harding stated she understood what Mr. Hutchinson was stating, but if the Commission waited until the site development plan review phase then it would be too late to regulate or omit any specific possible polluters if the Commission approved the change to the IP Zone today without any conditions regulating the permitted uses. Ms. Minter referred the question to Legal Counsel. Ms. McEvoy-Boh stated that, when the applicant comes back before the Commission with the site development plan review, they have to meet a brand new set of parameters. At that time, we evaluate if

they meet each of those items. That's not what we are doing today. Today we are discussing only the zone change aspect of this project. Unfortunately, it is not even something we can even touch on today. Ms. Harding understands, but if we approve the zone change and later they come before us and want us to approve a site plan for a business that is on the list and they meet all the parameters for a business that is allowed, do we have to approve it? Ms. McEvoy-Boh replied that the Commission would have to approve the plan as long as all parameters were met. You cannot reject or deny a plan because you don't like the applicant or the business. Ms. Harding replied that was exactly her point. This is the time to deny a request for a zone change if you don't want to see that type of business in this area because once we approve the zone change we don't get a chance to prevent high ground water pollution. Ms. Harding is from the State of Michigan where everyone complies with all the requirements, but still somehow manages to pollute the ground water. Ms. Harding wants to make certain that before the Commission approves this request, that we are all aware, that this is our one and only opportunity to impose any conditions that would help regulate permitted uses.

Ms. Minter reminded the Commission that the public hearing was still open and this was not the discussion phase for this case. Mr. Hutchinson asked if there were any other questions for Staff. Mr. Verst asked Mr. Klear if he was able to confirm the side yard width requirement. Mr. Klear corrected the report to state that the side yard requirement was 25' feet on the internal street system. Ms. Minter asked if there were any additional questions of Staff. Mr. Pfeffer wanted clarification that lots 1 & 2 are already in the HC Zone. Mr. Hutchinson replied that was correct. Mr. Pfeffer clarified that adjacent property to the right is HC. Mr. Hutchinson replied that was correct. Mr. Pfeffer clarified that adjacent property to the left is HC. Mr. Hutchinson replied that was correct. Mr. Pfeffer stated that what you have is, basically, that we are going to break up one long contiguous section of HC to plop in a little piece of IP right in the middle of it. Mr. Hutchinson stated that was correct.

Ms. Minter asked if there were any other questions of Staff. There being none, Ms. Minter asked the applicant to come forward, state his name and address for the record. Mr. Joe Kramer, Cardinal Engineering, 1 Moock Road, Wilder, KY came forward for the applicant, Trans-Ash. Mr. Kramer stated that after reading the report prepared by Staff, the applicant agrees with the conditions listed in the report. Mr. Kramer stated both his client and he feel that the current R-RE Zone is definitely inappropriate and the HC Zone is somewhat more appropriate, but is intended more for light industrial use. Based on the 2008 Comprehensive Plan, Mr. Kramer feels the IP Zone is the best intended use of land. Mr. Kramer asked if the Commission had any questions that he could answer for them. Ms. Minter asked if there were questions for the applicant. Mr. Verst asked if the applicant would be willing to consider a condition that states if a warehousing facility were to be placed on the lots facing Mary Ingles Highway, that no truck docks would face Mary Ingles Highway. Mr. Kramer replied they would not be willing to agree to that condition at this time as they cannot foresee what type of business would actually be placed on that lot. Mr. Kramer stated he would rather face that issue at the time of the site development plan review. Mr. Kramer feels it may restrict the potential sale of that lot.

Ms. Minter asked if there were any other questions for the applicant. There being none, Ms. Minter opened the floor to the general public. The only signature was Mr. Joe Kramer. He had nothing to add to his comments. There was no one else that wished to speak. Ms. Minter closed the public hearing and opened the floor to discussion among the Commission.

Mr. Verst stated he would like to explain his question to the applicant about the truck docks. Mr. Verst stated that commonly for industrial zone changes it is addressed that truck docks should be faced away from residential zones. Mr. Verst believes this is more difficult to address at the site development plan stage. At the very least, if the truck docks are not faced away from Mary Ingles Highway, heavy screening should be required from the applicant. Mr. Verst wants the record to clearly reflect his concerns and the need for heavy screening of the truck docks if they face Mary Ingles Highway.

Ms. Minter asked Ms. Harding if she wanted to add to her previous comments on high ground water contamination. Ms. Harding stated she felt she clearly expressed her concerns, but wants to make certain

they are clearly stated in the record for review by the City of Silver Grove when the Commission's recommendation is referred to them. Mr. Verst recommended to Ms. Harding that if she felt that certain uses should not be allowed within the IP Zone due to high ground water contamination factors, she could request a text amendment be considered by the City of Silver Grove removing the suspect industries from the permitted uses. Ms. Blake asked if there would be any point in making any special conditions on this approval in regards to drainage. Ms. Harding stated she was not certain. Mr. Verst stated that as of today there was no requirement for water quality conditions. He is aware that they are in the process of being implemented in the near future, but as for this case there is nothing in place.

Ms. Minter asked if there were any other comments. Mr. Pfeffer stated he had an issue with the Dollar General traffic using the same site access road as semi-trailer traffic. Mr. Pfeffer stated he knows they travel along Mary Ingles Highway frequently, but to be leaving/entering a site from a single driveway at the same time as residential traffic, truly is a safety concern. Mr. Hutchinson reminded the Commission that the applicant is required, from previous approvals by the Commission, to install roads per the higher standards fit to withstand the industrial traffic. Mr. Pfeffer understood that requirement, but stated he felt the Dollar General was more of a "residential" or family time traffic and felt that the semi-trailer would require a wider width road or clear sight distance to provide a safer environment.

Mr. Klear commended the Commission on their discussions on the zone change and not getting distracted by the conceptual plan. Mr. Klear replied to Mr. Pfeffer's concern that the County does not have a heightened width standard that requires a wider road to accommodate a semi-trailer versus a sedan vehicle. In addressing Ms. Harding's concerns, Mr. Klear stated that the Commission has a greater ability to attach conditions at this time rather than at the site development plan review phase. Mr. Klear informed the Commission that the IP Zone is intended to be less manufacturing based and more research based. It is not the more intensive production that you might see in the other industrial zones which is more likely to result in the types of issues that Ms. Harding has raised; however, the IP Zone does allow for all uses listed under the permitted uses are allowed at this point in time. Manufacturing is an activity that can be part of the permitted use. The Planning Commission needs to take that element into consideration with their deliberations.

Mr. Barrow asked if the lot layout and numbers are final or if they are conceptual at this point as well. Mr. Klear stated they were approved this way as a subdivision plat. They can still be changed just by submitting a re-subdivision plat, but this is how they appear today. Mr. Barrow asked if they could break the larger lot down into smaller lots. Mr. Klear stated that they could absolutely do that if they desired.

A member of the audience asked if he could speak. Ms. Minter asked him to wait one moment. Ms. Minter stated she would entertain a motion. Mr. Verst made a motion to re-open the public hearing. Mr. Williams seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Williams, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Minter re-opened the public hearing. Ms. Minter asked the audience member to step forward, state his name and address for the record, and then remember to sign in when he had a chance. Mr. Timothy Caine, owner of Die Hard Paintball, 4936 Mary Ingles Highway, Silver Grove, KY stepped forward. Mr. Caine's property is downwind from both Trans-Ash and LaFarge. His business is on the first floor and his family lives on the second floor. Mr. Caine stated he already had difficulty when Trans-Ash was grading and using fly ash to fill in the area. The fly ash kept blowing in through all the windows. He eventually had to keep all his windows shut and dust all his goods two to three times a week to remove grime that came in when the door was opened through normal business traffic coming and going. LaFarge is across the street and up and he gets the dust and rotten egg smell from them. Mr. Caine stated he already has an on-going problem with LaFarge and doesn't need another company producing air or water pollutants immediately next door to his home. Mr. Caine thanked the Commission for re-opening the hearing to let him speak and asked the Commission to just keep him and his family in mind when they make their decision.

Ms. Minter asked the audience if anyone else wished to speak. There being none, Ms. Minter closed the public hearing. Mr. Klear made a point of clarification. The Commission does not actually approve the zone change request. The Commission makes a recommendation to the City of Silver Grove. The City of Silver Grove either approves or denies the zone change request. Mr. Verst added to what Mr. Kramer stated previously in the fact that the Comprehensive Plan shows this area being light industrial and highway commercial. Mr. Verst believes the zone map amendment is in conformance with the intention of the Comprehensive Plan and/or at least moving into that direction.

Ms. Minter asked Ms. McEvoy-Boh to review what was necessary to approve the zone change request. Ms. McEvoy-Boh read KRS 100.213:

- (1) Before any map amendment is granted, the planning commission or legislative body or fiscal court must find that the map amendment is in agreement with the comprehensive plan, or such a finding that one or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
 - a. that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
 - b. that there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- (2) The planning commission, legislative body, or fiscal court may adopt provisions which prohibit for a period of two (2) years, the reconsideration of a denied map amendment or the consideration of a map amendment identical to a denied map amendment.

Mr. Pfeffer asked Ms. McEvoy-Boh to repeat the portion before the “or”, the first part. Ms. McEvoy-Boh repeated “the planning commission or legislative body or fiscal court must find that the map amendment is in agreement with the comprehensive plan.” Ms. Harding stated that if it were up to her she would break down the IP Zone into and IP 1 and IP 2 so that the more intense industrial users could be separated out. Mr. Klear advised Ms. Harding that Silver Grove actually has I-1, I-2, and I-4 Zones. Ms. Harding asked if these were within the IP Zone. Mr. Klear stated that these were individual and separate from the IP Zone. Mr. Hutchinson identified that the LaFarge Plant across the street was located in the I-4 Zone. Mr. Klear advised Ms. Harding that the City of Silver Grove revised the IP Zone within the last three years to increase the number of permitted uses for this zone. If Ms. Harding’s decision would be based upon thinking a text amendment would be possible to reduce permitted uses, Mr. Klear advised her that this would be a faulty assumption.

Mr. Williams asked legal counsel if a category of use is appropriate in the IP Zone if the Commission could find that a particular use for this particular site plan is not appropriate. Ms. McEvoy-Boh asked him to clarify if he was asking about the use or the site plan. Ms. McEvoy-Boh stated Mr. Klear previously explained you could exclude uses at this level now. Mr. Klear reiterated his statement using as an example the first permitted use listed is candy and confectionary. For example, if the first site plan that comes before you is for a candy and confectionary, the Commission cannot say “No, you cannot have a candy and confectionary business!” However, you could say, “The loading dock has to be in the southern portion of the building versus the northern portion.” Mr. Williams stated he was trying to find a delicate way to ask if you could exclude a business at the site development plan review phase. Ms. McEvoy-Boh supported Mr. Klear’s statement stating that you cannot place restriction based up on personal bias; however, if you could link direct actions of by-products of the candy and confectionary business to the affects they would have on the ground water, you could deny their request based on the harm to the general welfare of the public. Mr. Williams stated he had difficulty placing a condition on a hypothetical situation when he doesn’t have enough information to fully discredit a permitted use without knowing the how, why or what of the materials used in the profession, the storage of the chemicals, the processing of the materials or disposal of the by-products. Mr. Williams stated he just doesn’t feel comfortable with that kind of decision at this stage because it is all hypothetical. Mr. Klear answered Mr. Williams stating

that questions Mr. Williams has that pertain to the site plan elements, yes, that would be hypothetical; but, questions, to the overall use, no, that is not hypothetical. Those are points that can be used as basis to make a yes or no determination as to if Mr. Williams feels the zone map amendment should be approved. Ms. McEvoy-Boh stated there were legitimate issues raised that would be basis for denial of the zone map amendment, but you cannot use "I don't like you because you're my competitor" as the basis for the decision to not allow a permitted use. The Commission has discussed safety concerns in regards to traffic and water pollution. Ms. McEvoy-Boh stated these concerns are legitimate, but she wasn't certain how you wanted to determine which permitted uses would be violators or contributors to these concerns. Mr. Williams stated he understood what she was stating now. Mr. Williams stated that the Commission could not object to the permitted use, but how would the Commission deal with objections to how the applicant planned to deal with the chemicals or pollutants. Ms. McEvoy-Boh stated you would have to work with the applicant to reach a compromise. Mr. Williams stated he wasn't concerned about this before he got to the meeting until he heard the comments and discussion from others. Mr. Klear stated maybe the issue is that the Commonwealth of Kentucky does not have very strong environmental restrictions. Ms. Harding stated that this is why it is so important the Commission make the right decision at this stage.

Ms. McEvoy-Boh reminded the Commission that this is a decision that is actually going to be made by the City of Silver Grove. The Commission is obviously taking this request seriously and investing a lot of thought and consideration to this situation, but be aware that the City can choose to accept or deny the recommendation of the Commission. It is ultimately their decision. Ms. Minter asked if there were any additional comments regarding this case. Ms. Blake stated that in past the Commission has had discussions regarding the need for information or training on ground water table contamination. Ms. Blake suggested maybe this was a time to step back and have someone more knowledgeable to examine this situation and advise us if they feel there is danger of contamination. Mr. Williams suggested maybe the move was to let the City of Silver Grove determine if they were concerned with ground water table contamination. Let them determine the course of action they desire to see taken. Ms. Minter stated that she sees two items. First, we can decide or not decide today. We can table this item if needed until we have the necessary input to make an informed decision. Secondly, to be discussed after the Director's Report later tonight, the Commission's need to obtain additional training, information or education regarding ground water contamination. Ms. Minter stated she was just putting these items out there for the Commission's consideration.

Mr. Verst stated that he did not feel it was fair to the applicant to put them on hold while the Commission tables this case and goes out to get additional training. Mr. Verst strongly believes that the site development plan review process will allow the Commission an opportunity to provide input on each individual site as they are developed and prevent any of these worst case scenarios from happening. Ms. Harding stated she agreed with Mr. Verst. The Commission is not to act as arbitrators or the decision makers. We can voice our concerns and we've done our job. Mr. Barrow stated that Staff has reviewed everything and recommended approval. It fits with the Comprehensive Plan. Mr. Barrow stated he feels like some of the stuff we have discussed is likely to never come up before us.

Ms. Minter asked if there were any other questions or comments. There being none, Ms. Minter called for a motion. Mr. Verst made a motion to recommend approval to the City of Silver Grove to approve case #05-11-ZMA-07, a request submitted by Trans-Ash for a zone map amendment proposing a change in zoning from R-RE / HC to IP, subject to the following conditions:

1. That the Legislative Body adopts the map amendment portion of the submitted request.
2. That the applicant submits site development plans to the Campbell County Planning Commission for review and approval prior to construction on lot's #3, 4, 5, 6 & 7.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That access to lot #2 be from the internal street system not Mary Ingles Highway.
5. That sidewalks be placed along the internal street system.

Mr. Verst cited that the zone map amendment is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance, except as noted in the staff report. Mr. Pfeffer asked how the Commission was to include their concerns with the ground water contamination, the truck docks facing Mary Ingles Highway and the traffic safety concerns. Mr. Klear advised the Commission that the approved meeting minutes would be sent with the Commission's recommendation to the City of Silver Grove thus being part of the package and part of the record. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Williams, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Minter called for a five minute recess at 8:20 PM. Ms. Minter called the meeting to order at 8:25 PM.

Ms. Minter introduced case #90-11-TXA-01, City of Silver Grove Zoning Ordinance Article XI Off-Street Parking Regulations Text Amendment, to the Planning Commission and asked Mr. Klear to present the staff report and staff's recommendation to the Commission.

FILE NUMBER: 90-11-TXA-01
APPLICANT: Campbell County Planning Department on behalf of the City of Silver Grove
REQUEST: Proposed text amendment to the City of Silver Grove Zoning Ordinance Article XI Off-Street Parking Regulations.

Background:

The City of Silver Grove has submitted a request to modify its Zoning Ordinance to update provisions with the Off-Street Parking Regulations.

Proposed Text Amendment:

See attachment. (A copy of the actual text amendment is attached at the end of these meeting minutes.)

Campbell County Staff Recommendation – Silver Grove Zoning Ordinance:

That the Planning Commission recommends that the City of Silver Grove adopt the proposed text amendment to the City of Silver Grove Zoning Ordinance.

Bases for Recommendation:

1. Per Kentucky Revised Statutes (KRS) 100.203, the City of Silver Grove has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications, uses, etc.
2. Pursuant to the City of Silver Grove Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Silver Grove Zoning Ordinance.

Mr. Klear asked if the Commission had any questions of Staff. Ms. Minter asked Mr. Klear to confirm that since this is a public hearing tonight that proper notification was issued. Mr. Klear answered in the affirmative. Ms. Minter asked if the Commission had any questions of Staff. Mr. Verst asked what standard the City of Silver Grove was trying to come into alignment with. Mr. Klear did a study of the Cities of Alexandria, Fort Thomas, Highland Heights and Cold Spring, per the City of Silver Grove's

request, and tried to bring Silver Grove's standards a little closer in alignment with the other cities. Mr. Pfeffer asked for a clarification of pg 11-5, line 19 of the reference to Section 9.19 of this Ordinance. Mr. Klear stated that the reference was in the existing unchanged text so he did not personally change this reference, but Section 9.19 is the portion of the Zoning Ordinance that deals with Site Plan requirements. Mr. Pfeffer asked for a confirmation that on page 11-7, the handicap parking requirement chart, it requires 1 space, but the applicant can have 5. Mr. Pfeffer wanted assurance that only a *minimum* number of required spaces were listed. Mr. Klear stated that was correct. Mr. Verst asked if there was any mention of van accessible aisle. Mr. Klear stated that he did not specifically call out anything regarding vans.

Ms. Minter asked if there were any additional questions for Staff. There being none, Ms. Minter asked if anyone in the audience wanted to come forward and speak. An audience member decided at the last moment to speak. Ms. Minter asked her to come forward, state her name and address for the record and make certain she signed in before she left. Ms. Jill Fessler, 224 E. 2nd Street, Silver Grove, KY thanked Mr. Klear for the excellent job in his attention to detail when rewriting the parking guidelines. Ms. Fessler stated she was so impressed that he included the ADA standards. As it stands today, there is nothing like it in their parking guidelines and it is just amazing. Thank you. Ms. Minter thanked Ms. Fessler for her comments.

Ms. Minter closed the public hearing and opened the floor for discussion among the Commission. Mr. Verst asked Ms. Blake what her opinion was on the van spaces. Ms. Blake stated that she was not as concerned because of the size of the city. In future developments, it may be a concern. Mr. Barrow commented that he has a friend with a new Ford van that can lower a wheelchair within a remarkably small space that doesn't even require the extra wide special van accessible handicap parking space.

Mr. Verst made a motion to approve case #9-11-TXA-01, City of Silver Grove Zoning Ordinance Article XI Off-Street Parking Regulations Text Amendment. The basis for his motion is that per Kentucky Revised Statutes (KRS) 100.203, the City of Silver Grove has the authority to enact zoning regulations within its jurisdiction and that this authority includes the provision to amend its zoning classifications, uses, etc.; that pursuant to the City of Silver Grove Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to amend the zoning ordinance; and that proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Silver Grove Zoning Ordinance. Ms. Minter asked if Mr. Verst wanted to include the spelling correction from "waling" to "walking" on page 11-3, line 19. Mr. Verst replied in the affirmative. Mr. Barrows seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Williams, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Director's Report

Mr. Klear asked the Commission on their thoughts in regards to receiving their packets electronically for the first time. Ms. Minter liked getting the email, but did find herself printing so she could make comments in the margins. Mr. Williams loved it as he didn't have to worry about carrying around a bunch of papers and could read the information on his laptop. Mr. Verst stated he liked receiving the email packet as well, but he doesn't feel the burden for printing out the packet should be on a volunteer Commissioner. Mr. Verst stated if any of the Commissioners felt they would rather have the packets mailed, they should have it mailed to them. Mr. Barrows stated that per a conversation with Ms. Turner prior to tonight's meeting, it wouldn't be difficult to have paper copies mailed if needed. Ms. Blake asked to receive a paper copy mailed to her. Ms. Minter advised the Commission to email Ms. Turner if they wanted a paper copy mailed to them otherwise emailed copies would be the continued method of communication.

Mr. Klear advised the Commission that it had been brought to his attention that the Commission may be interested in moving the location of their meeting to the new County Administration Building. Mr. Klear stated he had performed some research and the meetings can be moved however this action would require

that the Commission to amend their By-laws to change the primary location of where they conducted their business. Mr. Williams stated the Newport location was a safer building with secure parking and handicap accessible parking. Mr. Williams asked Mr. Klear where the majority of the applicants were arriving from. Mr. Klear stated that the applicants varied from meeting to meeting. Tonight's applicants were all from the City of Silver Grove. Tonight's case for the zone change, the applicant, Trans-Ash, is located in Cincinnati and their representative, Mr. Kramer, works in Wilder and lives in Alexandria. The locations vary greatly from month to month. Mr. Verst stated that if you're from the south end of the county, the drive to Newport is going to be a drive, but being in the south part of the county, you're used to driving to getting places. Ms. Minter stated she had been concerned about the parking and older building as well. Ms. Blake stated she rarely is able to make use of the handicap parking space to the side of building. The ramp and stairs are hazardous in the dark, let alone in any foul weather. Ms. Blake is supportive of moving the meetings to the new location where adequate handicap parking, off-street parking, and street lights are available to make it safer for everyone to reach their cars. Mr. Williams stated it does get dangerous when there is foul weather. Ms. Minter asked how we go about changing the bylaws. Mr. Klear stated the Commission would instruct Staff to make the proposed change to the bylaws and the Commission would vote on the change at one of their meetings. Mr. Verst stated that it would be best if the Board of Adjustment moved their meeting location as well. It would be less confusing to the public if both meetings were moved at the same time to the same location. Ms. Minter asked if the Commission wanted to take action at this time or leave this as information to consider only. Mr. Klear stated that wasn't really necessary for both bodies to have the same meeting location; however, the Board is meeting next week and he will advise them on this issue. Ms. Blake made a motion to have Staff act on the Commission's behalf to have the By-laws amended to change the location of the Commission's location for conducting business to 1098 Monmouth Street, Newport, KY. Ms. Wright seconded that motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeiffer, Mr. Williams, Ms. Wright, Ms. Blake, and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Mr. Klear reminded the Commission that OKI has issued a general invitation to the Commission to attend the OKI Regional Planning Forum Quarterly Meetings beginning on March 18th at 10am. OKI is requesting that you pre-register for the meeting just so they have a final head count for how many participants to expect.

Mr. Klear's final item for discussion was House Bill 68 (HB 68) which has not yet been issued into law, but is being closely monitored. This bill will prevent individuals from serving on both the Board of Adjustments and the Planning Commission. We currently only have one member on both boards, but in past have had up to two. Mr. Klear will continue to monitor this legislation and keep us updated. Mr. Klear concluded the Director's Report.

Ms. Minter stated that she wanted it noted that there are three items that the Commission has expressed an interest in receiving additional training: minutes; flag lots; and ground water quality. Mr. Klear stated there were no cases before the Commission for the month of April. There was a brief discussion if the Commission should meet anyway just to prevent any delay to the zone change or text change case approved tonight. Mr. Klear recommended a brief meeting to approve the minutes to keep those cases moving forward and this would also allow the By-laws to be approved. To prevent any confusion, Ms. Minter reminded everyone, that April's meeting would be held at the Alexandria location. Ms. Minter asked if there was any other business to discuss. There being none, Ms. Minter asked for a motion to adjourn. Mr. Verst made a motion to adjourn. Ms. Wright seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 9:10 PM.

Respectfully Submitted,

Approved:

Peter Klear, AICP
Director of P&Z

Justin Verst
Vice Chair