

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 8, 2012 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Dennis Bass
Ms. Deborah Blake
Ms. Lauri Harding
Mr. Tony Pfeffer
Mr. Edward Stubbs
Mr. Justin Verst, Vice Chair
Ms. Cindy Minter, Chair

MEMBERS ABSENT:

Mr. Michael Williams, TPO

STAFF PRESENT:

Mr. Peter Klear, AICP, Director of Planning & Zoning
Mr. Matt Smith, Legal Counsel
Mr. Ryan Hutchinson, Planner
Ms. Stephanie Turner, Secretary

Ms. Minter called the meeting to order at 7:05 PM. Following roll call, a quorum was found to be present. Ms. Minter asked if everyone had reviewed the February 14, 2012 meeting minutes and asked if there were any additions or corrections. There being none, Ms. Minter called for a motion to approve the minutes. Mr. Barrow made a motion to approve the March 13th meeting minutes as submitted. Ms. Blake seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Mr. Pfeffer, Mr. Stubbs and Mr. Verst in favor of the motion. Ms. Blake, Ms. Harding and Ms. Minter abstained. Motion passed.

Ms. Minter introduced case #105-12-PPD-01, Sisters of Divine Providence, and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

SUBDIVISION: 105-12-PPD-01
APPLICANT: Sisters of Divine Providence
LOCATION: A 13.2 acre area along the north side of Four Mile Road, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of two (2) lots, with no public improvements.

Considerations:

1. This site is occupied by St Anne's Convent (Sisters of Divine Providence) and fronts Four Mile Road (KY 547). The land uses surrounding the property to the east, west and south is residential and vacant land.
2. The site is located within the City of Melbourne.
3. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas for Village Mixed Use.
4. The property is currently zoned Residential 1A (R-1A). The minimum area and height regulations for conditionally permitted uses are:
 - Minimum lot size 1 ac
 - Minimum lot width 100 ft.

- Minimum front yard 50 feet
- Minimum side yard 25 ft.
- Minimum rear yard 25 ft.
- Minimum building height 35 ft.

5. The submitted drawing indicate the following:

- a. The plat indicates 2 land divisions. Lot #1 is 10 acres, has a house and several accessory structures. Lot #2 is 3.2 acres and is vacant land.
- b. The plat indicates all the buildings on Lot #1 will stay.
- c. The plat shows an existing driveway on Lot #1 with a proposed 40' foot ingress / egress easement.
- d. The plat shows the front half of both Lot #1 & 2 to be within the 100 year flood plain.
- e. The plat shows a 50' foot right of way fronting both lots. It's not clear if the right of way exists or is proposed.
- f. Four Mile Road is a collector roadway. Collector roads require intersections to be spaced 400' feet and driveways to be spaced 200' feet apart.
- g. The sight plan does not indicate if Lot #2 can meet sight distance requirements for new access points along Four Mile Road.
- h. 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.

Recommendation for Preliminary Plat:

To approve a Preliminary Plat for the Sisters of Devine Providence, subject to the following conditions:

- 1. That driveway spacing requirements be followed along Four Mile Road.
- 2. That site distance for any new access point be met for Lot's #1 & 2.
- 3. That the necessary right of way along Four Mile Road be dedicated.

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 SUBDIVISION REGULATIONS SECTION 6.1.E.2 states: "Wherever practicable, such intersections shall be spaced not less than 600 feet apart. In the case of collector streets, intersections with said streets shall be spaced not less than four hundred feet apart and access to driveways shall be spaced at intervals of not less than 200 feet...";
- 2. CAMPBELL COUNTY SUBDIVISION REGULATIONS APPENDIX F: Table 7a & 7b, Sight distance for vehicles exiting from access points and turning left...
- 3. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.19., K.3., SITE PLAN REQUIREMENTS states: k.3. "Dedication of land to public use or set aside for common ownership."

Mr. Hutchinson asked if there were any questions he could answer for the Commission. Ms. Harding stated she was looking at the beginning of the Regulations at Article 3; Section 300D, where it is talking

about the creation of a remainder and residual tracts. It specifies that the creation of a remainder is subject, except in the case that the land is for agricultural purposes, to providing evidence that the remainder is a buildable lot. If this plat were approved, does it render the remainder as non-usable as buildable lots? Mr. Hutchinson stated that the remainder would be over one acre and have over 100 feet of road frontage and that is all the applicant would have to demonstrate besides the capability to meet setback requirements for the new division. There are no structures within twenty-five feet of the new property lines so they can demonstrate that. Ms. Harding stated she was just concerned because the Regulations stated such evidence would have to be submitted at the time of the plat and she did not see it attached and she was curious if they had plans for future developments. Mr. Hutchinson stated that they meet the necessary requirements because they have road frontage along Four Mile Road and along Mary Ingles Highway.

Mr. Verst asked if these were separate parcels or if they have been consolidated. Mr. Verst stated it looks like there is a small triangle of land that may be split off from the remainder of the parcels. Mr. Hutchinson took a moment to consult with Mr. Klear. Mr. Klear responded that these are separate tracts. Per the Zoning Ordinance, when you have multiple tracts owned by the same owner, we consider them as one parcel. There are multiple tracts under common ownership. We do not have the full information here. You can begin to get a sense of the multiple tracts if you take a look at the subdivision map in the bottom right hand corner. The property actually goes beyond Mary Ingles Highway and goes all the way to the Ohio River. In terms of the question 'are we leaving the property owner with land that is non-usable', we are not.

Ms. Harding stated that she was thinking about drainage and watershed. How does this render the remainder if we split off these lots? How would the natural drainage affect lots 1 and 2? You can have drainage from your property, but you cannot have drainage from your property onto someone else's property. Mr. Klear stated that when you look at the overall size of not just these two lots, but the property in general, and you look at the topography you do have a portion of the drainage that is going to drain south and west towards Four Mile. You also have portions that are going to migrate north and east and then another portion going towards the Ohio River.

Mr. Verst stated if you look at the parcel these lots are being cut out of, it appears to be an "L" shaped lot. Behind lot 2, there appears to be a small triangle of land that is being cut off from the remainder tract. Mr. Verst stated that his question to staff would be is it not normal practice to have that triangular portion be consolidated with the remainder tract. Ms. Blake asked if Mr. Verst is asking it to be consolidated with tract 2 or with the remainder tract. Mr. Klear stated that in past it has been staff's practice to handle these issues administratively whenever we could. Mr. Klear stated he is aware of future transactions to occur with this property and based upon these additional plans that the property owner has, he does not know that this is necessarily the right time to consolidate these parcels. Mr. Verst asked if he could make a recommendation for a condition that this triangular parcel not be sold independently. Mr. Klear replied that was absolutely an option for the Commission to consider.

Ms. Blake asked what the building are being used for. Mr. Hutchinson stated he assumed the buildings were used to grow flowers, etc. Ms. Blake asked if there was a connection via underground between these buildings. Ms. Minter advised that would be a question for the applicant.

Ms. Minter asked if there were any additional questions for staff. There being none, Ms. Minter asked the applicant to come forward and to state their name for the record. Mr. Jay Bayer, of Bayer Becker Engineering, came forward as the representative for the applicant, the Sister of Divine Providence. Mr. Bayer stated he was in attendance with Sister Alice Gerdeman. Mr. Bayer stated that they agreed with the conditions stated in the report, but he wanted to clarify the right of way in condition #3. There is currently 95 feet of right of way, but only 50 feet of right of way is required. The right of way is existing. Mr. Bayer stated they will mark the right of way as existing on the plat to clarify that for staff.

Mr. Bayer stated that the reason they are selling this parcel is that the past few years the Sisters have been in a planning process reviewing and evaluating their position, their property and where they need to be in the long term. The sale of this piece of property will help their financial situation to meet those needs. They hope to be before you with another plat to preserve their forest so they want to hold off on any additional cost to consolidate any plats at this time.

Ms. Blake asked if the outbuildings were presently in use. Sister Gerdeman stated the buildings are not in use. Ms. Blake asked if they were connected in any way. Mr. Bayer stated the buildings are free standing. They will be sold with the house on the 10 acre lot. Ms. Blake asked if they shared any interconnections. Sister Gerdeman stated they did not. Ms. Blake asked if they had utilities. Sister Gerdeman answered that there was a wood burning stove and a gas stove in the greenhouse. There is an independent (electric) service to the barn.

Mr. Verst asked Mr. Bayer to confirm that the drawing shows a fifty foot right of way from the center of the road that is existing. Mr. Bayer replied that was correct. Ms. Minter asked if there were any further questions for the applicant. There being none, Ms. Minter advised the applicant they could be seated. Ms. Minter asked the Commission if they had any discussion. Mr. Verst stated it sounded like it was a pretty straight forward request. Mr. Verst asked Mr. Klear if condition #3 could be deleted. Mr. Klear stated he recommended it stayed, but that it be revised to say "existing" instead of "dedicated".

Ms. Minter asked if there were any comments or questions among the Commission. Mr. Verst made a motion to approve case #105-12-PPD-01, Sisters of Divine Providence, with four conditions:

1. That driveway spacing requirements be followed along Four Mile Road.
2. That site distance for any new access point be met for Lot's #1 & 2.
3. That the *preliminary plat be revised to show the* necessary right of way along Four Mile Road ~~be is existing dedicated~~
4. ***That the eastern remaining portion of tract 1, that is proposed to be severed from it's road frontage, not be transferred as a separate parcel and shall remain in common ownership with remainder of tract 2 until such time as the road frontage is addressed by a future action.***

Ms. Verst sited that the basis for his motion was that the proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance. Ms. Harding asked if the word "transferred" should be changed to "conveyed". Mr. Verst amended his motion such that the last condition would read

4. ***That the eastern remaining portion of tract 1, that is proposed to be severed from it's road frontage, not be conveyed ~~transferred~~ as a separate parcel and shall remain in common ownership with remainder of tract 2 until such time as the road frontage is addressed by a future action.***

Ms. Minter asked if there were any comments or a second on the motion. Mr. Barrow seconded the motion. Mr. Bayer asked if the word "conveyed" was correct. Would it allow for that portion to be sold to the owner of lot 2? Mr. Bayer would prefer the words "sold as a lot without road frontage". Mr. Verst re-read his condition and stated that it would allow for the sale to the owner of lot 2. He feels they are saying the same thing, just using different words. Ms. Minter asked if there were any further discussion on this motion. There being none, Ms. Minter called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

There being no other cases to come before the Planning Commission, Ms. Minter requested that Mr. Klear present his Director's Report.

DIRECTOR'S REPORT

Mr. Klear advised the Commission that Mr. Joseph Williams of the Board of Adjustment had training on April 17th on the Primer of the Board of Adjustment. Mr. Klear requested that the Commission approve this training for Mr. Williams as partial satisfaction for the training requirement specified in House Bill (HB) 55. Mr. Verst made a motion to approve the training for Mr. Williams. Ms. Harding seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Mr. Klear advised the Commission that Ms. Blake, Ms. Harding, Mr. Bass, and Mr. Pfeffer attended the OKI 2040 Regional Transportation Plan on April 25th. Mr. Klear requested that the Commission approve this training for the Commissioners as partial satisfaction for the training requirement specified in HB 55. Mr. Barrow made a motion to approve the training for those participating members. Mr. Verst seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Last, Mr. Klear advised the Commission that they would be capable of having a public hearing on the update of the Subdivision Regulation in July. Ms. Minter asked if there was the need for a motion to do so. Mr. Klear stated there was not. Mr. Klear had no other issues for his Directors' Report.

Ms. Minter brought up the discussion that was begun at a previous meeting to move the meetings back to the Alexandria Courthouse. Mr. Verst and Mr. Klear agreed that this location offered great parking; however, the configuration of the meeting room left the Commissioners backs to the community. This arrangement is unprofessional. Ms. Minter stated that she has noticed that in this current formation there seems to be a lot of breakout discussion occurring over top of the main discussion. Mr. Klear stated the configuration offered in the room is limited. Mr. Smith asked if parking was the only concern at the Courthouse. Mr. Klear replied primarily the concern was parking and handicap accessibility. Mr. Verst agreed that parking was an issue, but you rarely had a lot of attendees. Mr. Verst stated he has been to several Planning & Zoning Commission meetings in other jurisdictions and this was not a very professional set up to be staring at the backs of the Commissioners with no one able to see their faces. Mr. Verst continued that he knows in past we have had confusion on people arriving uncertain if they were in the correct location. Ms. Blake asked why we couldn't put the tables across the opposite wall so that we could face the audience. Mr. Klear stated that would put the tables all the way against the back wall. Ms. Blake stated she was aware of that. Ms. Minter stated we would have to move every table in the room to accomplish that configuration. Ms. Blake stated she is aware it would take some time, but that would accomplish the goal of allowing the audience to face the Commissioners. Mr. Verst stated we've been lucky that we've haven't had as many fire runs of late. Ms. Minter stated she knew they needed to make repairs to the curb at the Courthouse and asked Mr. Klear if he was aware if that had been done. Mr. Verst stated he does not think anything has been done. Mr. Klear replied that might not be county property. He's not certain where the property line is, but half of it (the driveway) is for the small apartment building next door. Ms. Minter stated the curb needs some repair so that the handicap space is more accessible. Ms. Blake stated she was concerned about being run down crossing the street. The handicap parking space is rarely available. You have to hit the gas, then slam on your brakes and hope you don't hit the building to get into the space.

Mr. Bass asked why the Newport location was not an option. When we met there for the Subdivision Regulation update meetings, we had the nice meeting rooms, the staff materials were on hand, handicap spaces, lighted parking spaces, it was perfect. We can't meet there? Mr. Klear stated that it has been suggested that location is too far north. Ms. Minter stated that the largest area serviced is in southern Campbell County. Mr. Verst stated that the parking is an issue at the Alexandria Courthouse, but given that it is an official County location, it is a better representation for the Commission than the fire house where we are currently meeting. For a really populated meeting, you are going to have to go somewhere else, but we can move for that situation. Mr. Klear stated we have held special meetings in the past at the

Campbell County High School. Ms. Minter stated if we want to stay at this location that is fine, but if we want to move, we need to make a motion to do so. Mr. Klear confirmed that a motion was necessary if they desired to change their location. Mr. Verst asked how far in advance they needed to make the motion. Mr. Klear stated just prior to the issuance of the legal notice. Mr. Verst stated his goal was to have the Subdivision Regulation Update meeting in July in the Alexandria Courthouse. Mr. Klear stated the decision did not have to be made tonight. The motion could be made at the June meeting and we can have a "special meeting" in July at the Alexandria Courthouse for the Subdivision Regulations. Ms. Blake asked since she was unable to make the final Subdivision Regulation Update Work Session, if she could get a copy of those changes. Mr. Klear advised her if she didn't mind waiting, he was waiting on feedback from two remaining sources. As soon as that information comes to him, he will be making the final changes and sending out the final draft to everyone.

Mr. Smith stated that, in terms of timing, the motion to change locations would need to be made prior to the legal notice being issued for the July meeting. Mr. Klear stated that motion could be made at the June meeting. We have received cases to be heard at the June meeting so the motion could be made at that time. We can post the July meeting as a special meeting so that it would keep the same date and time and just have the location listed as the Alexandria Courthouse. Mr. Verst stated he would prefer to make the motion in June so that the Commissioners have the option to shoot emails back and forth to discuss the change in location. Ms. Blake asked what other options we had in addition to the current location and the Alexandria Courthouse. Mr. Klear replied there were no other options. It is either the current location or the Alexandria Courthouse. There are no other venues in southern Campbell County that would fit our meeting needs and that have scheduling that is under the control of the county. Ms. Minter asked Mr. Klear to look into the issue of handicap parking at the Courthouse in general. Mr. Klear agreed to do so.

Ms. Minter stated that was the only item she had to discuss. Did anyone else have anything to discuss? Ms. Harding asked if everyone had congratulated Mr. Verst on his Engineer of the Year award. Everyone had, but did so again.

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. Mr. Barrow seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:06 PM.

Respectfully Submitted,

Approved:

Peter J. Klear, AICP
Director of P&Z

Cynthia Minter
Chair