

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE JUNE 10, 2014 MEETING**

**MEMBERS PRESENT:**

Mr. Larry Barrow  
Mr. Dennis Bass  
Ms. Deborah Blake  
Ms. Lauri Harding  
Mr. Steve Stapleton  
Mr. Edward Stubbs  
Mr. Michael Williams, TPO  
Mr. Tony Pfeffer, Vice Chair  
Mr. Justin Verst, Chair

**MEMBERS ABSENT:**

None.

**STAFF PRESENT:**

Ms. Cynthia Minter, Director  
Ms. Stephanie Turner, Secretary

**STAFF ABSENT:**

Mr. Ryan Hutchinson, Planner  
Mr. Matt Smith, Legal Counsel

Mr. Verst called the meeting to order at 7:00 PM. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had reviewed the May 13, 2014 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the May 13th meeting minutes. Mr. Verst asked if there were any questions or comments on that motion. There being none, Mr. Verst called for a second. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stapleton, and Mr. Stubbs in favor of the motion. Mr. Bass and Mr. Verst abstained. 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 thanked the Commission for coming in to approve the minutes so that staff could proceed with the corrections to the text. Ms. Minter recognized the arrival of Mr. Williams at 7:04 PM. Ms. Minter asked that the Commission approve training completed by Mr. Pfeffer. Mr. Pfeffer used a training disc titled "Embracing New Urbanism in Your Comprehensive Plan" to obtain 1.0 hour of educational credit. Ms. Blake made a motion to approve the training for Mr. Pfeffer. Mr. Bass seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, and Mr. Williams in favor of the motion. Mr. Pfeffer and Mr. Verst abstained. Motion passed.

Ms. Minter had several updates to present to the Commission:

- BOA Case: Ms. Minter provided a brief summary of a prior case that was heard by the Board of Adjustment concerning a parcel in Melbourne KY. An application was made to the Board of Adjustment for a conditional use permit over a year ago by C & B Marina within the City of Melbourne. The property has a marina/docking area. Previously, it had a little restaurant. The ownership changed hands. The new owners went before the Board of Adjustment for a conditional use permit based upon a new use of the property. The area is zoned River Conservation and is in the Floodway. There was a lot of controversy at the BOA meeting and the room was full that night. The Board denied the conditional use request stating that the type of operation they were doing did not match the zone. The applicant appealed the decision and it did go to court. The court upheld the decision of the Board; thus, the applicant attempted to appeal the court's decision with a higher court. All of that upheld the decision of the Board of

Adjustment. A written decision from the US Army Corps of Engineers regarding the permit is still pending. We control the land use, but the Corps controls the activity on the water in the terms of the barge traffic and docking. The use of the dock is causing a great deal of controversy within the City of Melbourne area.

Ms. Minter just wanted the Commission to be aware of what was going on. Ms. Minter pointed the general areas out on a map, noting the floodway, the dock/marina and adjacent residential housing. Ms. Minter cautioned the Commission to avoid being drawn into any discussions regarding this site. Ms. Minter told the Commission that their best response is to listen, but do not comment or participate in any active discussions regarding it. Ms. Minter stated that she feels this issue will work itself out within the next 6 months.

Mr. Bass asked if this used to be the former Harrison Marina. Ms. Minter confirmed that this was the former Harrison Marina. A Commissioner asked where the railroad tracks were located in respect to the marina site and Ms. Minter pointed that out on the slide and clarified that the tracks were the basic dividing line between the floodplain and the floodway. Ms. Minter explained that, in simplest terms, the floodway is considered part of the river. You will have water in the ground just as saturated as when the river is coming through that area. Ms. Minter confirmed that this case has been decided in court with appeals. Mr. Williams provided general information regarding an appeal process. If the applicant appealed to the Circuit Court and the decision was upheld, then the applicant would appeal to the Ky. Court of Appeals. Ms. Minter stated that we have now been through the process and are waiting for the Corps of Engineers to issue their determination on the permit.

Ms. Blake indicated that people living in the area have forwarded emails to her about the BOA case. Ms. Minter agreed to make contact with the residents and advise them to communicate with City or County staff as opposed to members of the commission. Ms. Minter stated that on any land use issue, when approached by a property owner the Commissioner should direct the property owner to staff to prevent any conflict of interest.

Ms. Blake stated that she had no knowledge of this application to the Board of Adjustments and no information concerning the lawsuits until last month and was concerned about staying abreast of issues in her community. Ms. Blake stated that she felt like she was blind-sided by the residents and emphasized concern that the director advises the commissioners of actions going on in their community. Ms. Minter stated that she has made a commitment to every city we serve that if we have a case that is coming up in regards to their city she will be advising the mayor of that case. If it is in the Unincorporated Campbell County, then Ms. Minter is advising the Judge/Executive of that case. This way they can choose to engage or not engage. Ms. Minter apologized to the Commission for perceived lack of the miscommunication.

Ms. Blake asked how situations like this affect each Commissioner. Ms. Blake proposed that Ms. Minter as a matter of routine would just advise each Commissioner of any activity in their area. Ms. Minter stated that while she can provide the agenda for the Board of Adjustment to the planning commission when a case is ongoing, Commissioners must use caution not to be drawn into active discussions with people. It is not uncommon for a BOA case to also have a site plan up for later review with the Commission. You may have to be a little rude to people, but you cannot engage in the dialogue on the case. Doing so may jeopardize your ability to take an active role in the case when it comes before the Commission. Ms. Blake asked if the Board of Adjustment and the Planning Commission get together to discuss the different cases that are coming up before them. Ms. Minter replied that would not be advisable. There was a brief discussion amongst the Commission regarding ways to avoid a conflict of interest and when you need to recuse yourself.

Ms. Minter just wanted the Commission to be updated on the case, but we really can't go into any more details.

- Communications – Cell Towers: Ms. Minter recognized that the Commission has expressed previously that it would like some technical expert advice on cell towers being constructed within the County. We were so close to hiring a technical advisor, but we could not come to agreement with the indemnity clause. As a result, we are still searching for another individual to assist us

with the interpretation of the telecommunications side of the requests. If you are aware of another individual that may be of interest, please just pass it on to staff and we would be happy to contact them.

- R-RE and A-1 Zones: Ms. Minter gave the Commission a little bit of homework. She asked the Commissioners to review both the R-RE and A-1 zones in their Zoning Ordinances. We get regular questions coming in on both of those zones. Most of these requests for information deal with accessory structures. In the A-1 zone, if you have an accessory structure (like a barn) and you have a primary structure (a house) and you want to divide your property, you are allowed to divide that property with the house on one lot and the barn on a separate lot. However, if you are in the R-RE zone, this is not allowed. The accessory structure (barn) must stay with the primary structure (house). As a result, we get some very creative divisions and additions.
- Special Meeting in July: There is the potential for cases for July. Staff would like to see if the Commission feels they could fit in an extra meeting in July to accommodate the requests we have received. The earliest possible date for a second meeting would be July 15<sup>th</sup>. There was a brief discussion among the Commission. The Commissioners were willing to accommodate the request and it was determined that the Commission could meet on July 15<sup>th</sup> to approve the minutes of the July 8<sup>th</sup> meeting. Mr. Verst called for a motion to accommodate a special meeting in July. Mr. Williams made a motion to hold a special meeting on Tuesday, July 15<sup>th</sup>, 2014. Mr. Verst asked if there were any questions or comments on that motion. Mr. Pfeffer asked for confirmation on what time the meeting would start. After a brief discussion, it was determined that the meeting time would be at 6:30 PM. Mr. Williams amended his motion to add the meeting time would start at 6:30 PM. Mr. Verst called for a second. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams, and Mr. Pfeffer in favor of the motion. Mr. Verst abstained. Motion passed. Staff will proceed to place the legal notices and schedule for this meeting.

Staff had no additional business to discuss with the Commission. Mr. Verst asked the Commissioners if they had any other business to discuss. There being none, Mr. Verst asked for a motion to adjourn. Mr. Bass made a motion to adjourn. Mr. Williams seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 7:40 PM.

Respectfully Submitted,

Approved:

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Cynthia Minter  
Director of Planning & Zoning

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Justin Verst  
Chair