

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 11, 2010 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Tony Pfeffer
Mr. Michael Williams
Ms. Kay Wright
Mr. Robert Huck, TPO
Ms. Cindy Minter, Vice-Chair
Ms. Debbie Blake, Chairperson

MEMBERS ABSENT:

Mr. Justin Verst

STAFF PRESENT:

Mr. Peter Klear, AICP, Director of Planning & Zoning
Ms. Molly McEvoy Boh, Legal Counsel

Ms. Blake called the meeting to order at 7:00 PM. Ms. Blake asked for a roll call. Following roll call, a quorum was found to be present.

Ms. Blake asked if everyone had reviewed the April 13, 2010 meeting minutes and asked if there were any additions or corrections. Ms. Blake had some questions about the content and format on meeting minutes in general. Ms McEvoy Boh indicated that minutes serve as the record for the meeting. Minutes are a summary of what happened at the meeting. Mr. Klear added that minutes are not a transcript of the meeting. Transcripts are a different standard of records. Ms. McEvoy Boh noted that your actions are very critical. Mr. Klear concurred and noted that was the area that staff focused on the action and the findings in the preparation of the minutes. Ms. Blake had a question on page 4 of the April 13th minutes. She referenced the fourth paragraph and the line which read "Mr. Hutchinson stated that was correct." Ms. Blake wanted to know what Mr. Hutchinson was referring to as being correct. Ms. Blake asked if Mr. Hutchinson meant the features of the lot are applicable to this case. Mr. Klear indicated that he thought what Ms. Blake had just said was correct. Ms. Blake had some concerns with the next few sentences. Ms. Minter indicated that what was contained in the minutes was an accurate description of the dialogue that the Planning Commission had on this issue. Mr. Barrow concurred. Mr. Barrow indicated that these were the items that were said during the meeting. There was some discussion about the recordings of the meetings. Ms. McEvoy Boh indicated that the recordings are just a tool to help the recording secretary prepare the meetings minutes. The recordings are not the official record. Mr. Klear agreed and indicated that the recordings were eliminated once the meeting minutes had been prepared and approved. The only exception is when there has been a specific request to retain the recordings. Ms. Blake questioned if there should be a source of concern over the appearance of the minutes. Mr. Klear responded that the primary emphasis of the minutes should be the facts of the case. If there is a problem with the facts of the case, there is a big problem with the minutes. On the other hand, if there is a question concerning what was said, Mr. Klear indicated that he could not change what was said. Mr. Klear indicated that the minutes reflect the dialogue of what was said. Ms. Blake indicated that she was satisfied

with this explanation. Ms. Blake asked if there were any other comments or corrections. There being none, Ms. Blake called for a motion. Ms. Minter made a motion to approve the April 13th meeting minutes as submitted. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Ms. Wright, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake and Mr. Williams abstained. Motion passed.

Ms. Blake introduced case #70-10-PPD-01, Leahy Subdivision to the Planning Commission and asked Mr. Klear to give the staff report and staff's recommendation to the Commission. Mr. Klear indicated that the applicant has requested that this item be tabled. Ms. Minter made a motion to table the case. Mr. Pfeffer seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Williams, Ms. Wright, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Ms. Blake advised there is a public hearing tonight for the next case to be heard. Ms. Blake opened the public hearing. Ms. Blake introduced case #71-10-TXT-01 to the Planning Commission and asked Mr. Klear to give the staff report and staff's recommendation to the Commission.

FILE NUMBER: 71-10-TXA-01

APPLICANT: Campbell County Planning & Zoning Department on behalf of the City of Crestview

REQUEST: Proposed text amendments to the City of Crestview Zoning Ordinance Article IX Section 9.10 Application of Zoning Regulations D. Permitted Obstructions in Minimum Required Yards 2. In Minimum Front Yard Depths.

BACKGROUND:

The City of Crestview has requested the Planning Department staff to prepare a modification to the city's Zoning Ordinance. Specifically, the City wants to allow porches, attached to residential dwelling units, to extend into the minimum required front yard. The city considered reducing the minimum required front yard but decided against this amendment to their zoning ordinance. The City has indicated that they want the design and construction of these porches to be complimentary to the residential unit. Further, the City does not want these porches to become enclosed or have finished space above the porch. Last, the City wants to remove the provision that would allow for air conditioning equipment to be placed within the minimum required front yard.

PROPOSED TEXT AMENDMENTS:

The following additions and modifications are proposed:

2. In Minimum Front Yard Depths – Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; ~~air conditioning equipment;~~ and awning and canopies extending not more than four (4) feet into the minimum required front yard **and**

porches attached to single family dwellings, with or without a roof structure, extending not more than eight (8) feet into the minimum required front yard, provided the porch is not permanently enclosed and shall be limited to one-story. The design, construction and materials of said porch shall be consistent with the design, construction and materials of the single family dwelling to which it is attached.

STAFF RECOMMENDATION:

To adopt the proposed text amendments to the City of Crestview Zoning Ordinance.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

1. Per Kentucky Revised Statutes (KRS) 100.203, the City of Crestview has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications, uses, etc. as necessary.
2. Pursuant to the City of Crestview Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. The proposed text amendments are consistent with the general intent and purpose of the zoning ordinance and comprehensive plan.
4. Proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Crestview Zoning Ordinance.

Ms. Blake asked if the Commission had any questions of Staff. Mr. Pfeffer had a question concerning permanent enclosure. Mr. Pfeffer asked if screens would be allowed. Mr. Klear responded that the intent was to prevent the porch from being modified over time to become an enclosed addition. Staff would consider screens to be acceptable. Ms. Wright asked what the required front yard depth was in the city. Mr. Klear responded that the City of Crestview has four residential zones with minimum front yard depths ranging between 25, 30 and 35 feet. Ms. Wright expressed concern about the width of the porches. Mr. Klear responded that the porches could not be any greater than eight feet, unless the homeowner obtained a variance from the Board of Adjustment. Mr. Huck noted that the homeowner would have to obtain a building permit regardless of the width of the porch. Mr. Klear affirmed Mr. Huck's comment. Ms. Blake asked if the Commission had any additional questions for Staff. There being none, Ms. Blake asked if there were any comments or questions from the audience regarding the amendment. She noted for the record that there were no audience members present. There being no comments or questions from the public, Ms. Blake closed the public hearing. She asked for further discussion from members of the planning commission. Mr. Barrow noted that Mr. Klear has been working on this item with the City for several months. Mr. Barrow suggested that this text is what the city wants and the commission should recommend approval. Ms. Blake called for further discussion or questions. There being none, Ms. Blake asked for a motion, Ms. Minter made a motion to approve case #71-10-TXT-01, a proposed text amendment to the City of Crestview

Zoning Ordinance Article IX Section 9.10 D Permitted Obstructions in Minimum Required Yards 2. In Minimum Front Yard Depths. She cited the following as her bases for approval:

1. Per Kentucky Revised Statutes (KRS) 100.203, the City of Crestview has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications, uses, etc. as necessary.
2. Pursuant to the City of Crestview Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. The proposed text amendments are consistent with the general intent and purpose of the zoning ordinance and comprehensive plan.
4. Proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Crestview Zoning Ordinance.

Mr. Huck seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Williams, Ms. Wright, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

There being no other items before the Commission, Ms. Blake recognized Mr. Klear to present the Director's Report.

DIRECTOR'S REPORT

Mr. Klear advised the Commission on the status of HB 187. The bill has passed the House and sent to the Senate. The Senate forwarded the bill to the LRC for review. The Legislature has since ended their current session and taken no further action on this bill. Mr. Klear indicated that he would keep the Commission updated on this issue. Mr. Klear also indicated that he had a training session on Boards of Adjustment. Mr. Klear offered to provide this training at the conclusion of the Planning Commission meeting if anyone was interested. Mr. Klear indicated he had no further issues for discussion.

Ms. Blake asked the Commission if there were any additional items for discussion. There being none, Ms. Blake called for a motion to adjourn. Ms. Minter made a motion to adjourn. Mr. Huck seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 7:23 PM.

Respectfully Submitted,

Approved:

Peter Klear, AICP
Director of P&Z

Deborah Blake
Chairperson