

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE DECEMBER 11, 2012 MEETING**

**MEMBERS PRESENT:**

Mr. Dennis Bass  
Ms. Lauri Harding  
Mr. Edward Stubbs  
Mr. Michael Williams, TPO  
Mr. Justin Verst, Vice Chair  
Ms. Cindy Minter, Chair

**MEMBERS ABSENT:**

Ms. Deborah Blake  
Mr. Larry Barrow  
Mr. Tony Pfeffer

**STAFF PRESENT:**

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

Ms. Minter called the meeting to order at 7:00 PM at the Campbell County Courthouse at 8352 E. Main Street, Alexandria, Kentucky. Following roll call, a quorum was found to be present. Ms. Minter asked if everyone had reviewed the November 13, 2012 meeting minutes and asked if there were any additions or corrections. There being none, Ms. Minter called for a motion. Mr. Williams made a motion to approve the November 13<sup>th</sup> meeting minutes as submitted. Mr. Stubbs seconded the motion. A roll call vote found Ms. Harding, Mr. Bass, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Minter introduced case #115-12-SPD-01, COPAC Warehouse Systems, LLC, with a request to approve a Site Plan for storage unit buildings and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

|                   |                                                                                        |
|-------------------|----------------------------------------------------------------------------------------|
| <b>CASE:</b>      | 115-12-SPD-01                                                                          |
| <b>APPLICANT:</b> | COPAC Warehouse Systems, LLC                                                           |
| <b>LOCATION:</b>  | A 0.969 acre area located behind 9306 Alexandria Pike, Unincorporated Campbell County. |
| <b>REQUEST:</b>   | The submitted request is for approval of a Site Plan for storage unit buildings.       |

**Considerations:**

1. The 2008 Campbell County Comprehensive Plan Update designates the site for Urban Mixed use. The Campbell County Zoning Ordinance classifies the plan within the Rural Commercial (RC) Zone. The RC Zone permits automotive uses, financial institutions, antique shops, bakery, office, lumber yard, *storage areas, mini warehousing*. Areas to the north, south & east are zoned RC. Areas to the west are zoned R-RE (P).
2. The site in question is the rear yard of an existing business. Currently, this site appears to be in use as a storage area for recreational vehicles.
3. Review of the site plan in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
  - a. The site plan submitted to staff for review shows two separate lots under common

ownership for Charles H. Heilman: Tract 1 and Tract 2. (Sheet C-1.0 version 'A').

- b. The site plan shows a proposal for COPAC to construct four storage buildings (A, B, C, & D). As shown, the proposed development on this site plan does not meet minimum requirements for zoning setbacks and should be denied. However, the applicant has indicated proposed land additions to be filed and recorded to combine the COPAC Parcel with 0.969 acres from Mr. Heilman's Tract 1 & Tract 2. (Sheet C-1.0 version 'B').
  - c. The site plan shows an existing tree line along the western property boundary, but does not indicate if it meets the ten foot screening requirements for development between commercial and residential zones.
  - d. The site plan shows slopes of 20% or greater. This will require the implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
  - e. The site plan shows existing and proposed chain link fencing.
  - f. The site plan shows existing water lines.
  - g. The site plan shows proposed 6" inch curb.
  - h. The site plan shows the new storage area to be paved.
  - i. The site plan shows grading across the entire site and placement of a retaining wall varying in height from 4' to 7.85' behind Storage Buildings 'D' & 'C'.
  - j. The site plan also shows grading in the northeast corner of the site plan and the installation of a 3' foot retaining wall.
  - k. The site plan shows catch basins and 12" inch storm pipe along each proposed drive isle that drain to a head wall at the south west corner of Mr. Heilman's Tract 1.
  - l. The site plan indicates existing light poles to be removed.
  - m. The site plan notes wall pack lighting will be installed on new buildings and won't glare onto adjoining property.
  - n. The site plan indicates proper use of best management practices (BMP).
  - o. The site plan notes no water or sanitary sewer is part of this site plan.
4. The following is a summary of previous issues pertaining to the site in question:
- a. On March 10, 1998, Eagle Storage Inc. submitted a Development Plan for review and recommendation by the Campbell County & Municipal Planning & Zoning Commission (Case # PZ-12-98). On April 14, 1998, the CC&MP&ZC recommended approval of the Development Plan with no conditions.
  - b. On September 3, 2002, Eagle Storage Inc. submitted an application for Zone Map Amendment and Development Plan for review and recommendation by the Campbell County & Municipal Planning & Zoning Commission (Case # PZ-44-02). On November 12, 2002, the CC&MP&ZC recommended approval of the Zone Map Amendment with no conditions. The CC&MP&ZC denied the submitted

Development Plan. On that plan was a proposed 22,600 square-foot storage building that did not meet the minimum rear yard setback requirements.

**Campbell County Staff Recommendation:**

To approve the proposed site plan subject to the following conditions:

1. That the land addition to COPAC from Heilman Tracts 1 & 2 be reviewed and approved by staff.
2. That the applicant provides proof of the recorded deed and consolidation of land addition prior to or as part of the submission of a building permit application.
3. That the remainder of Mr. Heilman's Tract 2 be attached to Tract 1 by means of a land addition plat. The remainder of Tract 2 would not meet zoning regulations.
4. That a revised site plan be submitted showing the ten foot screening buffer along the western portion of the property line that abuts the residential zone.
5. That the applicant provides a ten foot screening area along all yards which abut residential zones.
6. That the applicant submits plans to the Campbell County Building Department for review and approval of a fence.
7. That the storm sewer designs comply with the Campbell County Zoning ordinance, Subdivision Regulations and SD1 requirements.
8. That the applicant submits plans to the Campbell County Building Department for review and approval of the retaining walls.
9. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.

**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 the Campbell County Zoning Ordinance, except as noted below:

1. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 9.23., B.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 percent, or greater shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as "Physically Restrictive Development Areas" and containing slopes less than percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the Engineer it is determined that said development will not result in hillside slippage or soil erosion.
2. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 10.22., E.4 States: "Where any yard of any use permitted in this zone abuts a residential zone...said zone shall be provide a ten (10) foot screening area as regulated by section 9.17 of this ordinance."
3. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 13.4 States: "COMMERCIAL AND INDUSTRIAL ZONES: Fences and/or walls within all commercial & industrial zones including

those permitted with all conditionally permitted uses in this zone shall conform to the following requirements.”

4. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 9.21., E.4 States: “REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations.”
5. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 10.22., E.4 States: “Minimum lot size is 1 acre.”

Mr. Hutchinson concluded his presentation by asking if there were any questions he could answer for the Commission. Ms. Minter asked Mr. Hutchinson to point out how these parcels were going to be linked together and how many driveways there were. Mr. Hutchinson pointed out the existing drive aisle on the Powerpoint slide and indicated where the applicant was proposing to pull a driving aisle off to the additional storage buildings. Mr. Hutchinson also indicated where the retaining wall was going to start and end. Ms. Minter asked if anyone else on the Commission had questions for staff. Ms. Harding asked if there were any entrances off of KY 536. Mr. Hutchinson answered that there was and pointed it out to the Commission on the aerial slide. Mr. Hutchinson stated that it goes up the hill and off to the left to where the proposed addition is located. Ms. Harding asked that, since we talked about tent sales last month, are we talking about rental storage, mini storage of things or are we talking about RV's and that sort of thing. Are they opened to the public rental storage? Mr. Verst answered that they were proposing an enclosed storage area. Ms. Harding asked Mr. Hutchinson to confirm it was not for their private use, but for public rental. Mr. Hutchinson stated that was correct. They are for public rental.

Ms. Minter asked if there were any other questions for staff. There being none, Ms. Minter asked the applicant to come forward and state his name for the record. Mr. Joe Kramer from Cardinal Engineering came forward on behalf of the applicant. Mr. Kramer stated that they really didn't have anything to add. The conditions stated in the staff report are fine, but they did want to clarify one item. Through the slides, you can see there is some existing screening along the property. We intend to supplement that screening. There were pines and ashes that died out due to drought. In the area of their development that abuts residential, they will supplement it as necessary. Mr. Kramer asked if there were any questions he could answer for the Commission.

Ms. Minter asked if there were any questions for the applicant. There being none, Ms. Minter opened the floor for discussion among the Commission. Mr. Verst asked staff about what the applicant stated about filling in the gaps where the trees had died. With the existing storage units that up there on top, was the buffering along the property line a part of the original approval of that storage unit atop the hill? Mr. Verst stated his question was since we are modifying properties, do we need to make sure that the buffering area is needed just for the portion that is before us today. Mr. Hutchinson stated that the buffering requirement he spoke of is for the entire property.

Ms. Minter asked if there were any other points for discussion. There being none, Ms. Minter asked if the Commission had the desire to make a motion. Mr. Verst made a motion to approve the submitted site plan known as case #115-12-SPD-01, COPAC Warehouse Systems LLC, subject to the nine conditions recommended by staff in the staff report. The basis for his motion is information provided tonight by staff and the finding of facts of this case. Mr. Verst also found that the proposed site plan is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and the Zoning Ordinance. Mr. Williams seconded the motion. Ms. Minter called for a roll call vote. A roll call vote found Ms. Harding, Mr. Bass, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

## DIRECTOR'S REPORT

There being no other cases to come before the Planning Commission, Ms. Minter asked if there was a Director's Report this evening. Mr. Klear replied that there was a Director's Report.

Mr. Klear advised the Commission that there were no new items for consideration at the January 2013 meeting. However, he continued to remind the Commission that they are set to resume discussion on text change cases relating to proposed Section 9.30. Ms. Minter asked Mr. Klear if he was going to have new information to submit regarding those cases. Mr. Klear stated he was requested to gather two points of information. The first request was if outside sales were addressed in any other capacity within our existing Zoning Ordinance. The second request was for searches for ad hoc sales throughout other parts of the county. This information will be provided at that January meeting. Staff is also going to place another legal notice in the paper advertising the January meeting even though there is no statutory requirement to do so. Ms. Minter asked if it was just a statement that the meeting is to occur or would it announce another public hearing. Mr. Klear advised Ms. Minter that it would be up to the pleasure of this body. The Commission tabled action upon that item. They can resume discussion in January as previously stated. If the Commission chooses to re-open the public hearing at that meeting, then they are welcome to do that. Ms. Minter stated that the legal ad should basically say we are resuming discussion on this issue. Mr. Klear stated that is what it will say unless you provide him with other instructions tonight. Mr. Klear restated that we are not required to do this, but because there was some considerable public interest in that particular case and the Commission requested us to do so, we will put another legal notice in the paper. Ms. Minter thanked Mr. Klear for taking care of posting the legal notice.

Mr. Williams asked Mr. Klear what the two items he would be providing information on were. Mr. Klear restated that they were if outside sales were addressed in any other capacity within our existing Zoning Ordinance and for searches for ad hoc sales throughout other parts of the county. Mr. Williams thanked Mr. Klear. Ms. Minter advised the Commission to keep the minutes from the last meeting so that they could refer back to them in the January meeting if necessary.

Mr. Klear stated that he also wanted to remind the Commission that in January is when we have the election of officers. Mr. Klear advised the Commission that the By-laws state that a nomination committee should be established in December, but in the past we have foregone that requirement and have had the nomination of officers within the same meeting as the election. As a reminder, there are three positions up for election: Chair, Vice-Chair and Temporary Presiding Officer. Mr. Klear stated the Commission can choose to delay the election, but he advised it be performed at the January meeting.

Mr. Klear concluded his Directors Report by thanking the Commission for their efforts this past year. You have worked hard this past year and the previous year to update our Subdivision Regulations. Mr. Klear let the Commissioners know how much staff appreciates the work they do without any public recognition for their time and work. Staff appreciates their contributions to the community and wishes the Commissioners a happy holiday season.

Mr. Williams asked to be recognized by Ms. Minter which she did. Mr. Williams stated he has been thinking about the meeting held in November and has additional questions that he wants to ask staff at the next meeting. Mr. Williams asked if he was allowed to send them to Mr. Klear so that Mr. Klear could fully answer his questions and concerns at that meeting. Mr. Smith stated that it was perfectly allowable to forward questions that you intend to raise at a public hearing. Mr. Klear advised the Commission he really appreciated knowing the questions beforehand so that he can bring the correct and full response to the meeting and doesn't further delay the meeting to do research. Mr. Williams advised Mr. Klear he would be forwarding questions to him.

Ms. Minter stated she wanted to add two items to tonight's discussion. The first item is that she wants to thank Mr. Klear and Mr. Verst for addressing the handicap parking issues at the Alexandria Courthouse location. She has reviewed the repairs and finds they are adequate. Ms. Minter wanted to entertain the

discussion of whether or not the Commission wanted to consider moving the meeting location of their regularly scheduled meetings back to the Alexandria Courthouse. Right now, at each meeting, the Commission is deciding to hold the next meeting at the Alexandria Courthouse rather than the firehouse. It will eliminate confusion on where we are meeting.

Mr. Williams asked if they needed a motion to do that. Mr. Smith answered they would. Mr. Williams made a motion to move all regularly scheduled meetings of the Commission to the Alexandria Courthouse. Mr. Bass seconded that motion. Ms. Minter called for a roll call vote. A roll call vote found Ms. Harding, Mr. Bass, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Minter's second item was to thank staff for their efforts in helping the Commissioners to be prepared for the meetings and for working with the applicants to resolve as many issues as possible prior to the meetings. Ms. Minter stated she feels that it shows and it is important to recognize the effort staff puts in. Ms. Minter wished staff a happy holidays as well. Mr. Verst stated it was important to add legal counsel to that as well. It makes a difference to have available such a high quality of legal counsel as we have with us.

Mr. Williams stated he has spoken to several people who were present at the November meeting – he won't mention any names – and they were very complimentary to the Commission that they were so involved in the discussion and they felt that we really listened.

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. Williams seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 7:30 PM.

Respectfully Submitted,

Approved:

---

Peter J. Klear, AICP  
Director of P&Z

---

Cynthia Minter  
Chair