

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mr. Robert Huck, TPO

STAFF PRESENT:

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

Ms. Blake called the meeting to order at 7:00 PM. Mr. Klear was recognized by the Chair. Mr. Klear proceeded to inform the Commission that a new member was appointed and sworn in prior to the meeting. Therefore, she is eligible to participate in the meeting this evening. The newest member to join the Commission is Ms. Laurie Harding. The Commission welcomed Ms. Harding. 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 October 12, 2010 meeting minutes and asked if there were any additions or corrections. Ms. Blake stated she wanted to discuss the comment on page 6, item #8, in bold where it begins "The applicant does have an issue with the connectivity to the future site." Ms. Blake asked what does this mean exactly in relation to the action taken on the case. Ms. Minter stated that since an action was taken on that case at that time, there is need for discussion on the applicants issue with connectivity. Ms. Blake wanted to make a point of clarification on page 16, in the first full paragraph; line 5, the first complete sentence states "Ms. Blake states it all boils down to interpretation." Ms. Blake wanted to make certain that the Commission in no way took her words out of context to imply she was suggesting the regulations were being frivolously being applied to this situation. The Commission assured Ms. Blake they was no confusion. Ms. Blake asked if there were any other corrections or comments on the minutes. There being none, Ms. Blake called for a motion. Mr. Verst made a motion to approve the October 12th meeting minutes as submitted. Ms. Minter seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Verst, Mr. Williams and Ms. Minter in favor of the motion. Ms. Harding, Ms. Wright and Ms. Blake abstained. Motion passed.

Ms. Blake introduced case #59-10-GRP-02, Bass Grading Plan, to the Planning Commission and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

SUBDIVISION:	59-10-GRP-02 Bass Grading
APPLICANT:	Dennis Bass
LOCATION:	An approximate 1.67 acre area located at the intersection of E 3 rd Street and Four Mile in Silver Grove, KY.
REQUEST:	A proposed Grading Plan for the area described herein, within the R-1E Zone.

Considerations:

1. The site in question, containing approximately 1.67 acres combined over four adjoining lots (Doyle, Schwierjohann, Bass & Bedel, is located at the intersection of E 3rd Street and Four Mile in Silver Grove. The site in question is currently zoned R-1E (Residential – One E). The R-1E Zone, requires a minimum lot size of 7,500 SQ. FT., lot widths of 50 feet, minimum setback dimension of 30 feet, side yards of 8 feet (each side) and rear yard depth of 25 feet.
2. The submitted request is for approval of a grading permit for 1.67 acres combined over four adjoining lots (Doyle, Schwierjohann, Bass & Bedel). The top elevation is 500 feet, bottom elevation is 482 feet. The site contains steep slopes of 20% or greater. The applicant is proposing to fill the southern portion of the site to an elevation of 500 feet. The remainder of the site will taper south-east from 500 feet to 482 feet.
3. The site in question is residential.
4. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies this site and areas for Village Mixed Use.
5. The submitted Grading Plan indicates the following:
 - a. Approximate disturbance area of 1.67 acres.
 - b. The plans show the finished grade along the slopes will be at a 3 to 1 ratio. This is greater than 20 percent.
 - c. Pre and post fill elevations.
 - d. Several general erosion notations, including installation of erosion control silt fencing, straw bales and seed/straw.
 - e. The plans do show approximate location of existing underground water line on the plat. It is not marked but it is the dashed line along Four Mile Road.
 - f. The applicant provided staff with a copy's of the approval letters from SD1.
 - g. The applicant provided staff with copy's of the approval letters from the KY Division of Water.

Campbell County Staff Recommendation – Silver Grove Zoning Ordinance:

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

1. That the applicant receives an approved permit for construction/placement of fill in a floodplain & floodway from the Kentucky Division of Water (KDOW) and complies with all conditions associated with the approval of that KDOW permit.
2. That the applicant apply for a grading permit with The City of Silver Grove. Specifically, Grading Ordinance NO. 07-0601., this ordinance regulates the placement of fill dirt or other material on property within the City of Silver Grove.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That the applicant completes all grading work within one year of this approval letter.

Bases for Recommendation:

1. Pursuant to Article VII Improvements of the Campbell County Subdivision Regulations, the Planning Commission has the authority to review site plans wherein grading activities occur.
2. As of August 1, 2003, Sanitation District #1 has taken over the authority, by law, of reviewing storm water calculations and approving land disturbance permits for all land with a disturbed area of one acre or greater, to determine compliance with the newly adopted storm water regulations.
3. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.23.a., HILLSIDE DEVELOPMENT CONTROLS States: "hillside slopes of 20 percent or greater will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards."
4. The City of Silver Grove Grading Ordinance NO. 07-0601., this ordinance regulates the placement of fill dirt or other material on property within the City of Silver Grove.

Additional Information:

1. The applicant applied for and received an approved grading permit on March 9, 2009. This approval was just for his property located at 202 E Third St.
2. On September 22, 2010 staff issued a stop work order for Mr. Bass because he began grading on adjacent properties without an approved permit.

Mr. Hutchinson asked if the Commission had any questions of Staff. Ms. Blake asked what "regulate the fill" means? "Are there any regulations or specifications on what the fill can be?" Ms. Minter stated the Commission would be regulating the placement of the fill. Ms. Minter asked what is the fill? Is it clean fill? Ms. Minter stated actually that would probably be better addressed to the applicant. Mr. Hutchinson agreed. Ms. Harding asked for clarification if the Sanitation District #1 (SD1) approval received by the applicant was for one lot or for all four lots. Mr. Hutchinson replied the SD1 approval was received on all four lots. Mr. Verst asked if there was any indication if or when a geotechnical report was provided. Mr. Hutchinson stated that was question best addressed to the applicant. Ms. Blake asked if there were any further questions for staff. There being none, Ms. Blake asked the applicant to come forward and state his name and address for the record. The applicant identified himself as Dennis Bass, 202 E. 3rd Street, Silver Grove, KY. Mr. Bass has lived there for 13 years. He stated that the property has, at the rear, a 21" culvert that drains when Fillhardt Lake overflows. They have never been able to make use of the land due to the way it drops off back there so he applied for a grading permit and started filling it in just to get a more usable yard. Once his neighbors seen it, they liked it and Mr. Bedel came down and applied for his grading permit next and they started working on his and they were still under an acre. Mr. Bass pointed out on the map the individual properties for the Commissioners. Once they reached the point where some fill was dumped on Ms. Schweirjohann's property, they had reached the point where they were over an acre and a stop work order was issued by the County. Mr. Bass stated he had to stop receiving fill and working on the project until he came back in to get new permits for grading and from SD1. The fill is clean; there is nothing in there that will rot or float. Mr. Bass stated he has separated out all the tree stumps into a pile to burn and has kept the better topsoil to place over the fill in a separate location. Mr. Bass and Mr. Bedel's properties were originally approved at a slope of 2:1, but the plan currently shows 3:1. Their intentions are strictly to fill in the area, throw down some grass seed and have back yards that they can use. Mr. Bass stated he has kept a bobcat on site with a street sweeper attachment so that he can clean the street each evening after the fill has been dumped. Mr. Bass asked the Commission if they had any questions that he could answer for them.

Mr. Verst asked Mr. Bass if there has been a geotechnical report prepared or if the soil has just been compacted. Mr. Bass replied there has not been a geotechnical report prepared. Mr. Bass stated that he used a bobcat nightly for several hours cutting in keyways. The bobcat has 450 g's and can cut 6' feet deep. Mr. Bass keyed the soil every 15' feet and the back side of the fill will be tapered down and have vegetation growing on it to stabilize it. Ms. Blake asked if that was the topsoil from Route 8, wouldn't it be loamy soil? Mr. Bass stated that he is using it for fill. He has topsoil to place overtop of it stored elsewhere. Ms. Blake is concerned that it might not compact as well since it is originally farm soil.

Mr. Verst asked if Mr. Bass could complete the grading within one year. Mr. Bass stated he would try to complete it in one year, but if he could get more than one year, it would be more beneficial and help him from having to apply for extensions. Mr. Bass stated he received 10-15 loads a day. Mr. Verst asked Staff if there was a timeline stipulated by the Subdivision Regulations or Zoning Ordinance. Mr. Klear stated there was no time limit specified for grading plans. Mr. Klear clarified this by advising the Commission that preliminary plats and improvement plans do have a definitive two year stipulation. Staff stated one year in their recommendation as a safe guard for the community. The project cannot be allowed to continue indefinitely and the time limit prevents the project from dragging on; however, it sounds like the applicant may need more than one year. Staff is willing to accommodate Mr. Bass' request and change the recommendation to two years. This change will allow the applicant additional time, but continues to place a time limit so that the community continues to be protected. If the applicant needs additional time after that, he can apply for an extension of time once his two years has expired.

Mr. Bass asked the Commission for clarification of the grade he can follow. Does he follow the 2:1 grade on his original application or the 3:1 grade on this application? Upon review of the application, Mr. Klear stated the applicant must go with what is stated on this application, namely 3:1. Mr. Smith supported Mr. Klear and Mr. Verst's statements. Mr. Klear clarified an issue before the Commission as well. Any time there is grading done in Campbell County, the applicant must apply for a permit. SD1 is the entity that regulates placement of fill and land disturbances for land areas of one acre or greater.

Ms. Harding asked if the culvert would be affected by the fill? Mr. Bass assured the Commission it would not. SD1 did a field measurement and the culvert is 110' feet from the tapered edge of the fill. Ms. Blake asked if there were any other questions for staff or applicant. There were none. Ms. Blake asked if there were any audience members that wished to speak. There were none. Ms. Blake opened the floor for discussion among the Commissioners.

Mr. Verst commented that he understood and wanted to see the project completed as soon as possible, but he understood the applicant's need for more than one year. Mr. Verst agrees with the applicant's request to change the timeline to two years. Mr. Verst does not agree, however, with a 2:1 slope. He feels that a 3:1 slope will be plenty steep enough for this area.

Ms. Blake asked if there were any other questions or comments. There being none, Ms. Blake called for a motion. Ms. Minter made a motion to approve case #59-10-GRP-02, Bass Grading Plan, subject to the following conditions:

1. That the applicant receives an approved permit for construction/placement of fill in a floodplain & floodway from the Kentucky Division of Water (KDOW) and complies with all conditions associated with the approval of that KDOW permit.
2. That the applicant apply for a grading permit with The City of Silver Grove. Specifically Grading Ordinance NO. 07-0601., this ordinance regulates the placement of fill dirt or other material on property within the City of Silver Grove.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.

4. That the applicant completes all grading work within two years of this approval letter.

Ms. Minter cited that the grading plan is consistent with the recommendations of the Campbell County Subdivision Regulations, Sanitation District #1, Campbell County Zoning Ordinance Section 9.23.a and the City of Silver Grove Grading Ordinance No. 07-0601, except as noted in the staff report. Mr. Verst seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Mr. Klear acknowledged the patience and understanding of Mr. Bass. His case was originally scheduled to be heard in December 2010. We had to cancel both the December 2010 and the January 2011 meetings due to poor weather conditions. Staff appreciates his cooperation.

Ms. Blake introduced case #89-10-PPL-01, Ahrman Acres, to the Planning Commission and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

SUBDIVISION: 89-10-PPL-01 Ahrman Acres
APPLICANT: Alan Aharman
LOCATION: An approximate 1.3935-acre area at 708 Kenton Station Road, a mile west of Alexandria Pike, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of one (1) lot, with no public improvements.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for lower density single family residential. The Campbell County Zoning Ordinance classifies the plat within the A-1 Zone, requiring a minimum lot size of one acre and minimum lot width of 100' feet.
2. Review of the Preliminary Plat is in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
 - a) The Plat indicates a proposal to subdivide a 1.3935-acre tract off the southern most portion of the main 5.98 acre tract.
 - b) The proposed lot is vacant and has approximately 105' feet of road frontage.
 - c) The Plat shows a proposed 25' foot ingress / egress easement over the existing driveway.
 - d) The Plat does show a dedication statement for a 30' foot right-of-way fronting along the proposed division.
 - e) The remainder tract has approximately 550' feet of road frontage and 4.5 acres.
 - f) The Plat does correctly note that the new building development on areas containing slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
 - g) The Plat does not indicate water or sewer lines fronting the proposed division.
 - h) The width of Kenton Station Road varies fronting the proposed plat from 19' feet to 25' feet in width, in conflict with minimum county standards of 20' feet. The escrow funds required for widening this portion of road fronting the proposed Plat will need to be submitted.

Recommendation:

To approve the proposed Preliminary Plat with the following conditions:

1. That the funds required to widen one-half (1/2) of Kenton Station Road to a minimum of 10' feet in accord with minimum subdivision regulation standards, for the portion contiguous to the proposed development, be escrowed with the Campbell County Fiscal Court.

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 City of Crestview Zoning Ordinance, except as noted below:

1. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 7.3 states: "When a subdivision is located on only one side of an existing street, and where pavement width of such existing street is less than that required by these regulations, the subdivider may be required to construct one-half (1/2) the required pavement width, as per these regulations, along the side fronting his property on such street. The planning commission, in its discretion, may . . . require the subdivider to deposit sufficient funds within an escrow account, maintained by the Campbell County Fiscal Court, to accomplish the street improvements contemplated by this ordinance, on the basis of the reasonably anticipated, future burden the development will have" upon Kenton Station Road.

Mr. Hutchinson advised the Commission that he needed to amend his report at this time to reflect that this road is in fact a state not a county road. As a result, item #2 h) should read: "h) The width of Kenton Station Road varies fronting the proposed plat from 19' feet to 25' feet." There would be no need to require the applicant to submit funds into an escrow account. Therefore, Mr. Hutchinson is deleting condition #1 from his approval. Mr. Hutchinson's recommendation should now read: "To approve the proposed Preliminary Plat as submitted."

Mr. Hutchinson asked if the Commission had any questions of staff. Ms. Blake asked for the correct spelling of "Ahrman" (or "Aharman") as it is spelled two different ways in the report. Mr. Hutchinson replied it is "Ahrman". Ms. Blake asked if there were any additional questions for staff. There being none, Ms. Blake asked the applicant to come forward and state his name and address for the record. The applicant identified himself as Mr. Alan Ahrman, 708 Kenton Station Road, Alexandria, KY. Mr. Ahrman stated he was dividing this lot so that his daughter and son-in-law could build their own home. They currently live with him and he wants them out of his house. Mr. Ahrman, in good humor, stated he would appreciate any help the Commission could give him in making this happen. Mr. Ahrman offered to answer any questions the Commission might have. Ms. Blake asked if there were any questions for the applicant. There being none, Ms. Blake opened the floor for discussion among the Commission.

Mr. Verst commented that the plat does reflect a comment that the site is subject to the Health Dept. approval of a septic system. Mr. Verst made a motion to approve the preliminary plat for the subdivision case #89-10-PPL-01, Ahrman Acres, with no conditions. The basis for his motion is that the proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Campbell County Zoning Ordinance. Mr. Barrows seconded the motion. Ms. Minter would like to have it noted for the record that the report shall be amended to reflect the correct spelling to "Ahrman" throughout the entire report. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright and Ms. Minter in favor of the motion. Ms. Harding and Ms. Blake abstained. Motion passed.

Director's Report

Mr. Klear again introduced Ms. Lauri Harding to the Commission. She was welcomed by all members of the Commission.

Mr. Klear continued to advise the Commission that it is time to hold election of officers. The positions are one year terms for Chair, Vice Chair and Temporary Presiding Officer (TPO). In December, a nomination committee was supposed to be appointed. Due to weather conditions, December and January meetings were cancelled. Mr. Klear proposed that at this time that the nomination committee be dispensed with and all members of the Commission participate in the election of officers. Ms. Minter made a motion that a nomination committee be dispensed with and that all Commissioners participate in nomination and election of officers. Mr. Williams seconded that motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Mr. Verst nominated Ms. Minter for Chair. Ms. Minter accepted. Mr. Williams seconded that motion.

Ms. Minter nominated Mr. Pfeffer for Vice Chair. Mr. Pfeffer declined.

Mr. Williams nominated Mr. Verst for Vice Chair. Mr. Verst accepted. Mr. Barrow seconded that motion.

Ms. Minter nominated Ms. Blake for TPO. Ms. Blake accepted. Mr. Williams seconded that motion.

Mr. Verst made a motion to appoint Ms. Minter as Chair, Mr. Verst as Vice Chair, and Ms. Blake as TPO. Mr. Williams seconded that motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Mr. Klear identified the next item before the Commission is the appointment for the OKI Board of Directors. In past, it has been a member of the Commission, most recently Mr. Williams. It is time to reappoint a representative to this position. Mr. Klear would propose that representative change to be a member of Staff to relieve the Commission of the stress of trying to meet the commitment of trying to commit to that responsibility since the OKI Board of Directors meets during the daytime hours. Mr. Williams made a motion to this effect. Ms. Minter asked if Mr. Klear was going to continue serve on the OKI ICC. Mr. Klear explained to the Commissioners that the OKI Board of Directors receives technical advice on transportation issues from the Intermodal Coordinating Committee (ICC) and that Campbell County also had a seat on this Board as well. Mr. Klear informed the Commission that his intention was list Mr. Hutchinson as the primary representative on the ICC with Mr. Klear as the alternate. The ICC position will be renewed in July. Ms. Blake asked if only the representative could attend or if he could bring guests. Mr. Klear stated that the meetings occur during the day and they are open to the public. Mr. Williams stated that one of the issues he had was getting to the meeting during the daytime. He re-affirmed that they were open to the general public to attend. Mr. Klear proposes the Commission appoint the position title and not a specific persons name so that there will be continuity should any person leave their position. Mr. Williams made a motion to appoint the Director of Planning & Zoning as the Campbell County representative to the OKI Board of Directors. Ms. Minter seconded that motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed. Mr. Klear informed the Commission that the OKI meetings were the second Thursday of each month at 10:30 am at the OKI offices located at 720 E. Pete Rose Way, Suite 400, Cincinnati, Ohio. The agendas are published in advance on their website.

Mr. Klear advised the Commission on two articles reflecting tri-state area projects published in the national arena showcasing our area. Mr. Klear noted that OKI has issued a general invitation to attend their Regional Planning Forum Quarterly Meetings beginning on March 18th at 10am.

Mr. Williams asked if the Planning & Zoning packets could be emailed to the Commissioners. After much discussion, it was decided to try a new method in March. A packet will be emailed to all Commissioners. The drawings will be mailed to the Commissioners along with a copy of the agenda through regular mail. A hard copy of the packet will be brought to the meeting for each Commissioner. Mr. Klear suggested that we will try this method to see if the Commissioners find it useful. If not, we can revert to the old system or try another method.

Mr. Klear updated the Commission on the status of the review of the Subdivision Regulations. Mr. Klear is currently reviewing and making necessary changes and additions to the Regulations. He hopes to have a draft to the Commission by early summer for their review and comment. Mr. Klear's goal is to have final draft in place by year end 2011.

Ms. Blake asked if there was any other business to discuss. There being none, Ms. Blake asked for a motion to adjourn. Mr. Barrow made a motion to adjourn. Ms. Minter seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 8:29 PM.

Respectfully Submitted,

Approved:

Peter Klear, AICP
Director of P&Z

Deborah Blake
Chair