

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE SEPTEMBER 12, 2017 SPECIAL MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Lauri Harding (*arrived 6:50 PM*)
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Mark Turner
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Kirk Hunter, Principal Planner
Mr. Matt Smith, Legal Counsel
Ms. Stephanie Turner, Recording Secretary

MEMBERS ABSENT:

Ms. Deborah Blake

STAFF ABSENT:

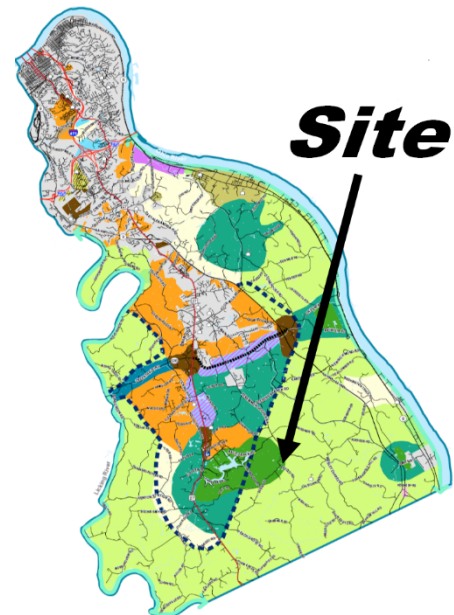
Mr. Verst called the meeting to order at 6:01 PM. Following the Pledge of Allegiance, Mr. Verst called for a roll call. The roll call found a quorum was present. Mr. Verst asked if everyone had reviewed the August 15, 2017 meeting minutes and if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the August 15 meeting minutes as submitted. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Stapleton, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Mr. Bass and Mr. Turner abstained. Motion passed.

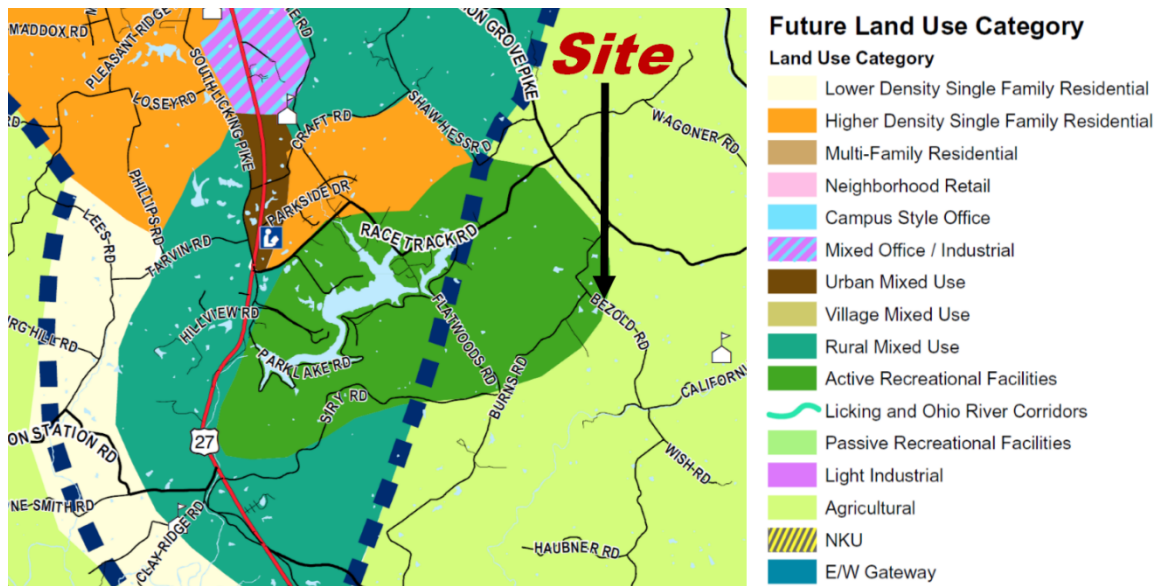
Mr. Verst introduced new business on the Agenda as case #PZ-17-001, a major division of land at 11675 Bezold Road in the Unincorporated Campbell County with no public improvements as requested by Jeffrey & Sandra Boesch. Mr. Verst asked staff to present the staff report. Mr. Hunter presented the staff report as follows:

SUBDIVISION:	181-17-PPL-01 H & E Ridge Subdivision
APPLICANT:	Jeff & Sandy Boesch
LOCATION:	11675 Bezold Road, Unincorporated Campbell County
REQUEST:	To approve a major division of land with no public improvements

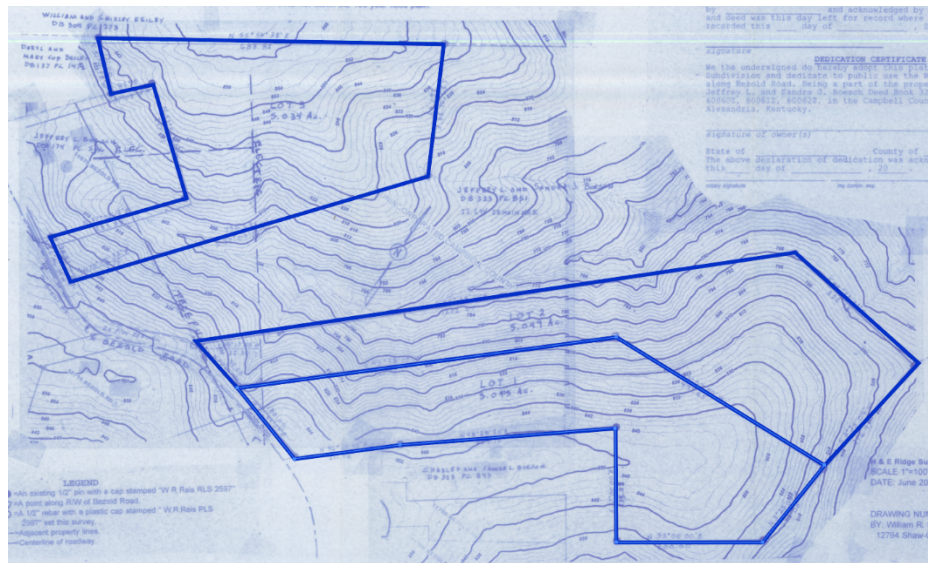
Considerations:

1. The site is situated in an area designated by the 2008 Campbell County Comprehensive Plan Update as Agricultural and is adjacent to designated by the plan as "Active Recreation Facilities." The Campbell County Zoning Ordinance classifies the plat within the Agricultural-One (A-1) Zone.





2. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following:
 - a. The Plat indicates a proposal to subdivide a 37.772-acre area along Bezold Road for the creation of 3 new lots of approximately five (5) acres each with no public improvements.



- i. The plat indicates that each lot meets the minimum lot area and width.
 - i. Lot 1 has one hundred and eighty (180) feet of road frontage and 5.095 Acres.
 - ii. Lot 2 has one hundred and twenty-six (126) feet of road frontage and 5.049 acres
 - iii. Lot 3 has one hundred and two (102) feet of road frontage and 5.034 acres.
 - ii. The plat does not indicate any private drives.
 - iii. The plat does not indicate the placement of any structures.
 - iv. 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.
 - v. The plat notes that new building development on areas containing ground slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
 - vi. The plat indicates that the 3 proposed divisions are not within the 100-year flood zone. However, the remainder tract does have flood-hazard areas along a creek at the rear of the property.
 - vii. The Plat does indicate that 25 feet of right-of-way has been dedicated on the east side of Bezold Road which is in conformance with County standards.
3. Records show that the parent tract is the fourth division of parcel I.D. (PIDN) #999-99-28-756.00. The proposed divisions would be the fifth, sixth and seventh divisions from the original tract.

4. The County records indicate the width of Bezold Road is 16 feet and is in conflict with minimum county standards. Local streets shall have a minimum pavement width of 25'.

When no public improvements are proposed, an engineer's estimate for escrow funds is required for the widening of one-half (1/2) of Bezold Road by approximately 4.5' for approximately 227.5 feet to achieve the minimum standard per the subdivision regulation standards. While the road frontage of the proposed subdivisions amounts to four hundred and seven (407) feet. Lot number 1 is not subject to escrow because it is still within the number of lot divisions that qualify as minor divisions. Lots 2 and 3, totaling two hundred and twenty-seven point five (227.5) feet will require escrow for road widening.

5. As per **Campbell County Subdivision Regulations Section 300: Summary of the Subdivision Review Procedure**: *"If an applicant or property owner originally used the conveyance plat or minor division of land procedure, but then decided to create more than five buildable lots from the parent tract, then he or she shall be required to follow the major division of land procedure."*
 - i. Previous divisions from the parent tract were executed through the Planning and Zoning office using the conveyance plat procedure. The proposed divisions in this case outnumber the maximum divisions allowed by the minor division or conveyance plat procedure. The sixth and seventh divisions constitute a major division of land.
 - ii. Campbell County Subdivision Regulations do not require an improvement plan when *"private streets are the only subdivision improvement involved or when no public street or utility improvements are involved"*
 - iii. Campbell County Subdivision Regulations require *"a written agreement or guarantee such as a surety (e.g. a performance bond from an insurance company or a financial institution) or cash deposit (e.g. certified check or escrow agreement) to be submitted with a Final Plat application before the Planning Commission in order to cover the cost of completing any public improvements. This includes the estimated cost of widening the road where the proposed divisions abut."*

Recommendation for Preliminary Plat:

To approve the proposed division of the H&E Ridge Subdivision subject to the following condition:

- That based upon the engineer's estimate and approved by staff, funds required to widen one half (1/2) of Bezold Road to the minimum subdivision regulation standards, for the portion contiguous to the proposed development, be escrowed with the Campbell County Fiscal Court prior to the recording of the Final Plat.

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.

Discussion:

Mr. Hunter asked if the Commission had any questions in regards to this request. Mr. Verst asked the Commission if there were any questions of staff. There being none, Mr. Verst asked the applicant to come forward.

Mr. Bill Reis of 12794 Shaw Goetz Road, California, KY 41007 identified himself as the surveyor for the applicants. Mr. Reis stated he did not have any additional information for the Commission but was willing to answer questions if they had any. Mr. Verst asked if the applicants would be dedicating right of way to the County. Mr. Reis stated they were. Mr. Verst asked if there were any other questions of the applicant's representative. There being none, Mr. Verst asked if anyone in the audience would like to speak either for or against this request. There being no one asking to be recognized, Mr. Verst opened the floor for discussion among the Commission.

Mr. Verst commented that the request seemed very straightforward and asked if there were any questions or points of discussion for the Commissioners. There being none, Mr. Verst called for a motion. Mr. Stapleton made a motion on case #PZ-17-001 a major division of land at 11675 Bezold Road in the Unincorporated Campbell County with no public improvements. His motion was to approve the request with the condition "that based upon an engineer's estimate as approved by staff funds required to widen one half (1/2) of Bezold Road to the minimum subdivision regulation standards, for the portion contiguous to the proposed development, be escrowed with the Campbell County Fiscal Court" prior to the recording of the Final Plat. 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 Zoning Ordinance. Mr. Verst called for a second. Mr. Turner seconded the motion. Mr. Verst asked if there were any questions or comments on the motion as seconded. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed

Mr. Verst thanked the audience for their presence. Mr. Verst reminded the Commission that the old business of administrative updates to the Campbell County Zoning Ordinance began earlier this year. The Commission did not get to finish their discussion and tabled the case to a future date. Mr. Verst asked for a motion to bring case# 176-17-TXA-01 off the table for discussion this evening. Mr. Barrow made a motion to bring case# 176-17-TXA-01 off the table for discussion this evening. Mr. Turner seconded the motion. Mr. Verst asked if there were any questions or comments regarding the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Mr. Verst announced case #176-17-TXA-01 a proposed text amendment to the Campbell County Zoning Ordinance to correct technical errors including spelling, grammar, punctuation and formatting. Mr. Verst called Mr. Hunter to present the staff report. Mr. Hunter advised the Commission that this case was originally presented at the April 18th meeting. Mr. Hunter presented the original staff report as follows:

CASE: 176-17-TXA-01
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission
REQUEST: Proposed amendment to the Campbell County Zoning Ordinance.

Proposed revisions:

- Thorough proofreading and correction of technical errors including spelling, grammar, punctuation and formatting.
- Substantive changes to the following sections:
 - ✓ Article V, Section 5.1 Effective Date
 - ✓ Article VII, Section 7.0 Words and Phrases
 - ✓ Article VIII, Section 8.1 Official Zoning Map
 - ✓ Article IX, Section 9.7 Excavation, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control
 - ✓ Article IX, Section 9.8 Unsightly or Unsanitary Storage
 - ✓ Article IX Section 9.10 Application on Zoning Regulation
 - ✓ Article IX Section 9.14 Conditional Uses
 - ✓ Article IX Section 9.15 Building Regulations and Water and Sanitary Sewer and Utility Services
 - ✓ Article IX Section 9.18 Outdoor Swimming Pools
 - ✓ Article IX Section 9.24 Flood Protection Development Controls
 - ✓ Article IX Section 9.27 General Mobile Home Regulations
 - ✓ Article IX Section 9.28 Individual Mobile Home Sites
 - Article X Section 10.0 River Recreation/Conservation (R/CO) Zone
 - ✓ Article X Section 10.1 A-1 Agriculture Zone
 - ✓ Article X Section 10.2 R-RE Residential Rural Estate
 - ✓ Article X Section 10.4 R-1A Residential One-A Zone
 - ✓ Article X Section 10.4 R-1B Residential One-B Zone
 - ✓ Article X Section 10.5 R-1C Residential One-C Zone
 - ✓ Article X Section 10.6 R-1CC Residential One-CC Zone
 - ✓ Article X Section 10.7 R-1D Residential One-D Zone
 - ✓ Article X Section 10.8 R-1DD Residential One-DD Zone
 - ✓ Article X Section 10.9 R-1E Residential One-E Zone
 - ✓ Article X Section 10.10 RMHP Residential Mobile Home Park Zone
 - ✓ Article X Section 10.11 R-2 Residential Two Zone
 - ✓ Article X Section 10.13 PUD Planned Unit Development Overlay Zone
 - ✓ Article X Section 10.15 INST Institutional Zone
 - ✓ Article X Section 10.16 MLU Mixed Land Use Zone
 - ✓ Article X Section 10.17 NC Neighborhood Commercial Zone
 - ✓ Article X Section 10.21 SC Shopping Center Zone
 - ✓ Article X Section 10.22 Rural Commercial
 - ✓ Article X Section 10.24 I-2 Industrial Two Zone
 - ✓ Article X Section 10.25 Industrial Mining (IM) Overlay Zone
 - ✓ Article X Section 10.28 ACD Agricultural Cluster Development Overlay Zone
 - Article XI Section 11.0 General Requirements
 - Article XI Section 11.1 Specific Off-Street Parking Requirements
 - Article XIII Section 13.0 Vision Clearance at Corners and Railroad Crossings
 - Article XIII Section 13.1 Classification of Fences and Walls
 - Article XIII Section 13.2 Agriculture & River Conservation Zones
 - Article XIII Section 13.3 Residential Zones
 - Article XIII Section 13.4 Commercial and Industrial Zones
 - Article XIII Section 13.5 Measurement of all Fence and/or wall heights and/or locations

- Article XIII Section 13.6 Height Of Any Barbed Wire Or Sharp Pointed Fences
 - Article XVI Section 16.0 Enforcing Officer
 - Article XVII Section 17.0 Amendment Of Maps And Zones Procedure
 - Article XVII Sections 17.1, 17.2 and 17.3
 - Article XVIII Section 18.0 Establishment Of Board Of Adjustment
 - Article XVIII Section 18.1 Meetings Of Board
 - Article XVIII Section 18.5 Powers of Board of Adjustment
 - Article XVIII Section 18.6 Variances
- Addition of Appendix B Flood Protection Controls

Mr. Hunter reminded the Commission that all items through Article X had been discussed. Staff has since that time received some public comments specifically regarding Article X, Section 10.0 River Recreation/Conservation (R/CO) Zone. Staff would like the opportunity to go back to that piece of text before proceeding with the previously proposed text amendments. The Commission agreed to this request.

Mr. Hunter stated that staff has been in receipt of feedback concerning the R/CO Zone and the number of campsites permitted per lot. Currently our Zoning Ordinance allows only 2 campsites per "lot" meaning if you have 1 acre you can have 2 campsites. If you have 25 acres, you can only have 2 campsites. This rationale is not recognizing the size of the lot to determine the number of campsites you can have. After general discussion among the Commission, a decision was reached to have staff perform additional research. Mr. Verst called for a motion. Mr. Barrow made a motion to direct staff to review improved and unimproved campgrounds in neighboring communities and municipalities and report back to the Commission with their findings. Mr. Verst called for a second to the motion. Mr. Bass seconded the motion. Mr. Verst asked if there were any discussion or comments regarding the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Mr. Verst called for the record to reflect that Ms. Harding arrived at 6:50 PM. Mr. Hunter moved forward with the remaining corrections proposed by staff. After discussion of the additional changes proposed, staff asked the Commission to advise how they wished to proceed with the case. The Commission determined that they would prefer to have a final draft of the changes prepared and forwarded to them for review. At the next scheduled meeting, the Commission would review the agreed upon changes and take action at that time. Once the Fiscal Court has approved these administrative updates, staff should be prepared to recommend these same corrections for each municipality within this joint Commission.

Mr. Verst called for a motion to table this case until the next Commission meeting. Mr. Barrow made a motion to table this case until the next Commission meeting and directing staff to review the city ordinances for similar changes. Mr. Verst called for a second. Mr. Turner seconded the motion. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Mr. Verst commended Mr. Hunter for his organized and concise review of the Zoning Ordinance and preparation of proposed updates. Mr. Verst stated the next item of action was to approve

training by the Commission, Board of Adjustment and staff. Ms. Minter presented the following training for approval by the Commission:

- P&Z:

Dennis Bass (3.0 Hrs.) APA Webinar: The Reinvention of America (1.5 hrs.); APA Webinar: Demographics are Destiny: How Demographic Trends are Reshaping Florida and the United States (1.5 hrs.)

Lauri Harding (5.0 Hrs.) FEMA: NFIP 101 Webinar (2.0 hrs.); PDSKC: Code Enforcement Board (3.0 hrs.)

Steve Stapleton (1.0 Hr.) Bench & Bar Magazine: Tiny House Big Problems (1.0 hr.)

- BOA:

Joseph Williams (3.0 Hrs.) Independent Review: KDOT, SD1, and NKWD (3.0 Hrs.)

- Staff:

Kirk Hunter (14.25 Hrs.) APA Ohio: David J. Allor Planning Conf. (6.25 hrs.); KAMP: 2017 Ky. GIS Conf. (8.0 hrs.)

Cindy Minter (7.25 Hrs.) PIE: Post-Disaster Temp Housing (1.0 hr.); APA Ohio: David J. Allor Planning Conf. (6.25 hrs.)

Mr. Verst called for a motion to approve training. Mr. Williams made a motion to approve the training identified above. Mr. Verst called for a second to the motion. Mr. Stapleton seconded the motion. Mr. Verst asked if there were any comments or questions regarding the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed

Ms. Minter advised the Commission that the regularly scheduled meeting for October 10th has been cancelled. Instead, the Commission will hold a special meeting on October 24th at 6:00 PM at the Campbell County Courthouse at 8352 E. Main Street, Alexandria KY to conduct business. Ms. Minter did not have any other comments for the Commission. Mr. Verst asked the Commission if there were any other comments or points for discussion. There being none, Mr. Verst asked for a motion to adjourn. Mr. Barrow made a motion to adjourn the meeting. Mr. Bass seconded the motion. An oral vote found all in favor, none opposed and none abstained. Motion passed. Meeting adjourned at 7:45 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

Justin Verst
Chair