

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE OCTOBER 13, 2015 MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Deborah Blake
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Mark Turner
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

MEMBERS ABSENT:

Ms. Lauri Harding

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Ryan Hutchinson, Planner
Ms. Stephanie Turner, Secretary
Mr. Matt Smith, Legal Counsel

STAFF ABSENT:

None.

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 July 14, 2015 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 July 14th 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. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Mr. Bass and Ms. Blake abstained. Motion passed.

Mr. Verst called for any discussion on unfinished business. Ms. Minter stated there was no unfinished business for the Commission's consideration. Mr. Verst proceeded to new business and introduced case #115-15-SPD-02, a request by COPAC Warehouse Systems, LLC, for approval of a site development plan for additional storage units. Mr. Hutchinson presented the staff report as follows:

FILE NUMBER: 115-15-SPD-02
APPLICANT: COPAC Warehouse Systems, LLC
LOCATION: A 0.996 acre area located at 963 Creektrace Road, Unincorporated Campbell County.
REQUEST: The submitted request is for approval of a Site Plan for storage unit buildings.

Considerations:

1. The site is approximately 0.996 acre at 963 Creektrace Road, Unincorporated Campbell County. The site is Phase 2 Expansion of the existing Eagle Storage complex.
2. The 2008 Campbell County Comprehensive Plan Update designates the site for Urban Mixed use.

3. 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 and east are zoned RC and R-3. Areas to the west are zoned R-RE (P).
4. Section 10.22 Rural Commercial (RC) Zone requires a site plan be submitted in compliance with Section 9.19 of the Campbell County Zoning Code.
 - A. Plans of the subject property shall be drawn to a scale not smaller than one inch equals 100 feet showing: ***The plan submitted is drawn to a scale of one (1) inch equals thirty (20) feet.***
 - B. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet. ***Topography is reflected on the site with contour intervals at five (5) feet.***
 - C. All housing units on the property. ***N/A***
 - D. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.
 1. ***The site plan shows 4 storage buildings to be constructed F, G, H & I. The site plan also shows building "I" to be future storage, indicating the construction of this is to occur at a later date.***
 2. ***Sheet C-2 shows the location of existing treatment plant for Dairy Mart to remain.***
 3. ***The site plan shows this lot as being owned by James G & Sarah G Davis.***

<i>Building:</i>	<i>F</i>
<i>Dimensions</i>	<i>30 feet deep X 220 feet width</i>
<i>Number of Units</i>	<i>41</i>
<i>Slab Elevation</i>	<i>784 Elevation</i>

<i>Building:</i>	<i>G</i>
<i>Dimensions</i>	<i>30 feet deep X 220 feet width</i>
<i>Number of Units</i>	<i>42</i>
<i>Slab Elevation</i>	<i>782.95 Elevation</i>

<i>Building Number:</i>	<i>H</i>
<i>Dimensions</i>	<i>20 feet deep X 170 feet width</i>
<i>Number of Units</i>	<i>17</i>
<i>Slab Elevation</i>	<i>490 Elevation</i>

<i>Building Number:</i>	<i>I = Future Storage</i>
<i>Dimensions</i>	<i>20 feet deep X 70 feet width</i>
<i>Number of Units</i>	<i>7</i>
<i>Slab Elevation</i>	<i>492 Elevation</i>

- E. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities. ***Page C-1 shows the lot dimensions, the proposed expansion area and arrangement of buildings. There is no recreational area proposed.***

- F. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
1. ***Page C-2 shows the existing fence between the current and proposed storage area to be removed.***
 2. ***Page C-3 shows a fence being located around the proposed storage area. There is a notation for a proposed chain link fence. There is no fence detail noted on the plat.***
 3. ***Page C-4 shows landscaping to be along the east side of the proposed addition. The site plan notes trees shall be evergreen a minimum of 6 feet in height after one year of growth and hedges 3 feet when planted.***
- G. Locations of signs indicating their orientation, size and height. **Phase 2 does not include any signs.**
- H. All utility lines and easements:
1. ***Page C-2 shows an access easement for the Dairy Mart treatment plant.***
 2. ***Notes on page C-2 states a 15 foot easement for the treatment plant will be relocated.***
 3. ***Notes on page C-2 states a portion of the existing 35 foot access easement will be vacated.***
 4. ***Page C-3 shows the Dairy Mart access easement to be relocated north of the property parallel to Creektrace Road (KY 536).***
 5. ***Page C-3 notes water and underground electric to the north needs to be properly located by the field contractor.***
 6. ***Page C-3 shows 10" storm pipe to be placed between the storage buildings with an inlets to be placed no further apart than every 70 feet.***
 7. ***The new drainage system will connect with the existing storm drainage facility.***
 8. ***Page C-3 notes state no water or sanitary sewer is proposed as part of this site plan.***
- I. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
1. ***The plans show the proposed drive isles will connect with the existing internal street system.***
 2. ***The site plan shows internal drive isles between buildings approximately 24 feet wide.***
- J. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
1. ***Page C-3 notes all grading shall comply with the hillside development controls in Section 9.23 of the Campbell County Zoning Ordinance.***
 2. ***Page C-3 notes the developer shall obtain a grading easement from Milkmaid Property IV, LLC for grading work on their property.***
 3. ***Page C-3 notes the approximate area to be disturbed = 1.21 AC.***

Summary of Applicants Request:

The applicant has submitted a request for approval of a Site Plan for the construction of storage buildings.

Staff Recommendation:

To approve the submitted Site Plan subject to the following conditions:

- 1) That the applicant complies with all Campbell County ordinances, regulations and building codes.
- 2) That the applicant apply for applicable building and fence permits.
- 3) That the applicant provide staff with an approval letter from SD1 for the proposed grading project.
- 4) That modifications to the plan and landscaping are subject to the review and approval of staff due to unknown locations of underground utilities.
- 5) That the 0.996 acre lot be a land addition to 963 Creektrace Road, the existing COPAC storage facility site.

Supporting Information / Basis for Recommendation

The proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance.

1. 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."
2. CAMPBELL COUNTY ZONING ORDINANCE SECTION 13.4 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:
 - A. Except as provided for in Section 13.0, fences of classes 1, 2,3,4,5, or 6 may be erected in front, side and rear yards of commercial zones up to a maximum height of ninety-six (96) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of ninety-six (96) inches. In all commercial and industrial zones, except NSC, SC, a combination of class 3 and 7 fence (chain link with three strands of barb wire) may be erected, including corner lots as governed by Section 13.0, up to a maximum height of ninety-six (96) inches.
3. Campbell County Subdivision Regulations Section 300 States: Minor Subdivision
 - A) Minor Division of Land - The subdivider or applicant submits a Conveyance Plat to the Planning Commission for review and approval based upon the requirements in Section 375 of this document. Once approved, the subdivider or applicant may then proceed to record the conveyance plat in the County Clerk's office. If the new owner of the property intends to build a structure, then he or she may then proceed to obtain a zoning permit for each tract in the subdivision from the Planning Commission staff and a building permit from the Campbell County Building Inspection Department.

Mr. Verst thanked Mr. Hutchinson for his report and asked the Commission if there were any discussion on the staff report. Mr. Stapleton asked Mr. Hutchinson to return to the slide showing the topography of the site. Mr. Hutchinson pointed out the steep slopes on the slide and indicated that the site plan submitted by the applicant does state that the slope is greater than 20% and that the Hillside Development Controls outlined in the Campbell County Zoning Ordinance, Article IX,

Section 9.23 would be implemented. Mr. Stapleton stated that he was concerned with the steep slopes in regards to the unknown location of the water line as indicated on Page C-3 of the applicant's site plan. With a 50 foot easement to the treatment plant, what would happen if the water is under the easement? This isn't leaving them a lot of space to navigate. There is also the unknown location of the electric. Mr. Verst stated that may be a question better posed to the applicant rather than staff. Mr. Stapleton agreed. Mr. Verst asked if there were any other questions for staff.

Mr. Verst questioned Mr. Hutchinson on the landscaping. The landscaping plan indicates the buffering trees are located on the DairyMart land. Is there an easement in place to allow them to place and maintain the trees on the other property? Mr. Hutchinson stated that there is a requirement in the Zoning Ordinance that landscaping exist; however, it does not require it to be on their property. At this time, he is not aware of any landscaping easement in place to maintain the landscaping. Mr. Verst stated that the top side of the drawing reflects some grading and fill as well as detention basin structures going on the property. Is that in the public right of way? Mr. Hutchinson stated that he observed in the field that this already appears to be in place. Mr. Verst asked if this was installed for this development. Mr. Hutchinson stated that the piping was in place and he is unaware if that was the result of this site or just to benefit the community. Mr. Hutchinson advised that the applicant may have additional information regarding this issue.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst asked the applicant to come forward and state their name and address for the record. Mr. Joe Kramer, of Cardinal Engineering, came forward as the representative for the applicant. Mr. Kramer stated that the staff report was very thorough and he wanted to answer questions that the Commission may have for the applicant. In regards to the "unknown" utilities that exist on the site, these utilities are private utilities that service the treatment plant for DairyMart. DairyMart has easements to have their treatment plant located on this site as well as for the utilities that service it. The private utilities do not do a good job of indicating exactly where they are located. The applicant has to go off old plans and water valves as they locate them.

Mr. Kramer put the comments on there for the contractors. Mr. Kramer stated that if a contractor hits the water line it would not be the "end of the world". We are talking about a three-quarter inch water service line to service the treatment plant. If they hit the sanitary lateral, it is just a six inch lateral so again it is very possible that the contractors may hit them. It does happen on sites. The applicants have agreed to relocate the utilities on site between the building and the right of way and it will be done as that occurs. As far as the drainage or work done on the state right of way, they were placing fill on the state right of way. They also replaced a storm sewer on the state right of way. However, the detention itself is on private property. The applicant is in the process of obtaining the encroachment permits with the state who are currently reviewing those plans.

Mr. Kramer asked what other question he could answer. Mr. Verst asked for additional information regarding any landscape easements. Mr. Kramer stated that the applicant was working with DairyMart to secure a landscape easement and a grading easement for placement of the fill. Mr. Verst asked about the drainage. The property line goes along the berm. Mr. Kramer stated that the property owner has the "finger" located on the site plan which is why it all looks so odd.

Mr. Stapleton asked about the 20% grade on the site. Do you have any indication of what the plan is? Mr. Kramer stated that the steep slope area will be getting fill from the state property. As far as the Hillside Development Controls, we are required to have that supervised by a geotechnical engineering technician to make sure we are not placing it on bad fill. They will ensure we are doing this on good fill. Mr. Kramer stated he did not have the plan in front of him, but it will meet the requirements.

Ms. Blake asked whom the treatment plant served. Mr. Kramer answered that it served the DairyMart only. Years before the sewer system was available, the treatment plant was installed to service DairyMart and this site. This site was never developed and now public sewer is available in that vicinity so this site would connect to the sewer system. Our hands are tied at this point. Until they are required to connect to the public sewer, they have the right to continue to use this treatment plan. The applicant would like to develop that area further and place fill so they could expand and they may do so in the future.

Mr. Verst asked the audience if they had any questions, comments or issues that they would like to address to the Commission. Mr. Jim Davis, owner of this site, came forward. He and his wife owned the property when it was a farm. In 1997 Ashland came forward with an offer for the front of the parcel. Ashland and Marathon then merged. DairyMart picked up the site and built their new store in the front. There was an agreement between the Davis' and DairyMart that they could both use the treatment plant with the payment of the service being split according to the percentage of use by each party. Mr. Davis stated that he sold property to the storage company and it has done quite well in this location. The new development in Alexandria between Drees Homes and Fischer Homes has created a need for the owners to store their bikes, sleds and stuff. This storage might alleviate some eight foot by ten foot sheds in their backyards. It is a nice piece of property. Mr. Davis asked if there were any questions he could answer for the Commission. Mr. Verst asked the Commission if they had any questions for Mr. Davis. There being none, Mr. Verst thanked Mr. Davis for his comments.

Mr. Verst asked if anyone else from the audience wished to speak. Mr. Mike Combs, owner of COPAC Warehouse Systems, came forward to address the Commission. Mr. Combs stated that people have a negative connotation of self-storage businesses. Mr. Combs stated that his company works closely with police to resolve any illicit activity within their area. If you can recall the theft of the Duke copper wiring, we realized that two of the six thieves had storage units under their spouse's names. We initiated contact with the police to assist them with their investigation. We are very aggressive when dealing with criminal elements.

Mr. Combs continued to explain that times have changed. When people are downsizing, they need additional space. Our grandparents had one vehicle. Now the wife has the garage space and the husband has to park in the driveway or on the street. We have "fun" stuff like quads, motorcycles, boats, collectible cars, etc. We have an absolute incredible collection of cars at our storage facility. Self-storage units have become like a cell phone bill. We are a garage that you don't own. There is an inherent demand for service. We have 30% pre-leased upon opening. The demand for service is that great. We have a cohesive property all in one location. Our color schemes and products are not flashy. We have cream colored buildings with dark green doors. This is a conscience effort on our part. We don't need curb appeal to be an eyesore. We blend into the community. Mr. Combs asked if there were any questions that he could answer.

Ms. Blake asked what size the units were. Mr. Combs stated that they have a limited number of 10 X 40 units that are corporate leases [which they have several corporate accounts]; 10 X 25; 10 X 20; 10 X 15; and 10 X 10 units. Mr. Stapleton asked if they allowed for outdoor storage. Mr. Combs indicated they do not have any outdoor storage. Mr. Verst asked if there were exterior lighting. Mr. Combs stated they were debating this because there is already some outdoor lighting around the perimeter. We will have less lighting than in the first phase.

Mr. Verst asked if there were any other questions for Mr. Combs. There being none, Mr. Verst called Mr. Hutchinson to come forward and provide some information about the lighting requirements for site plan submittal if lighting is not shown on the current application. Mr. Hutchinson stated that, if the applicant wanted to add lighting or signage at a later point in time, they would submit a lighting plan or sign application to staff for review.

Mr. Kramer asked to be recognized and was by Mr. Verst. Mr. Kramer stated that if you look at page C-3 of the plan, there is an indication of side lighting that is going to be wall pack lighting similar to what is already installed on the other buildings. It will be security lighting, but there are no light poles or things of that nature. It will not glare onto any adjoining property or things of that nature. Mr. Kramer was not aware of any regulation regarding the intensity of the light. Mr. Verst asked if Mr. Hutchinson was aware of any lighting regulations or if Mr. Hutchinson had any concerns with the lighting. Mr. Hutchinson stated he was not aware of any real concerns. Mr. Verst asked if staff felt the note on the plan was sufficient: "no lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone." Mr. Hutchinson stated that notation was sufficient. Mr. Hutchinson continued that as long as the applicant is aware that they must submit a lighting plan for review prior to installation of any exterior lights, staff has no issues.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst advised the Commission that the floor was open for discussion. Mr. Verst stated that the Commission had previous discussions regarding the nature of the conditions recommended by staff in their staff report. Mr. Verst stated that items 1 and 2 in the staff report are administrative.

- 1) That the applicant complies with all Campbell County ordinances, regulations and building codes.
- 2) That the applicant apply for applicable building and fence permits.

They are conditions that apply to all applicants and are required by our ordinances. Mr. Verst added that he acknowledged and understood that staff wants to make certain the applicant is aware of their next step in the process. However, these items are more an administrative reminder to the applicant and are not true conditions to the approval. True conditions to the approval should be specific and unique to the case presented to the Commission such as represented in conditions 3 through 5:

- 3) That the applicant provide staff with an approval letter from SD1 for the proposed grading project.
- 4) That modifications to the plan and landscaping are subject to the review and approval of staff due to unknown locations of underground utilities.
- 5) That the 0.996 acre lot be a land addition to 963 Creektrace Road, the existing COPAC storage facility site.

Mr. Verst reiterated that administrative issues should be points of information to the applicant and can be mentioned to the Commission, but should not be considered as a condition to the action to be taken by the Commission.

Mr. Verst reminded the Commission that staff has recommended approval of the site plan subject to five conditions. Mr. Verst reiterated that he feels that conditions 1 and 2 can be removed as administrative items and listed as points of interest. There has also been discussion on signage and hillside development controls which may be things that need to be included as points of information. We also talked briefly about a permanent landscape easement. If you have a landscaping buffer and it is located on someone else's property, you will need an easement in place so that you can continue to maintain it.

Mr. Stapleton asked for clarification that Mr. Verst was asking that the landscape easement be a condition to the approval of the request. Mr. Verst replied that was correct. Otherwise, they can install the trees and the real property owner can come in and cut them down. It would create a cycle of issues regarding the maintenance of the trees.

Mr. Stapleton asked for additional clarification that Mr. Verst wanted to delete conditions 1 and 2 from the staff report. Mr. Verst stated that those items were administrative in nature and applies to all applicants to come before the Commission. Therefore, they are not specific to this site. Mr. Verst recommended that those items be deleted as conditions and expressed as points of information to the applicant.

Mr. Hutchinson asked to be recognized by Mr. Verst and was. Mr. Hutchinson asked that condition 2 remain in place. The applicant did not reflect the type of fencing that would be installed. Staff needs an avenue of confirming the fence complies with the Zoning Ordinance. This would be an internal review so that we could share this with our building inspectors. Mr. Verst asked if they had included the fencing with this site plan, would they still be required to obtain a fence permit. Mr. Hutchinson replied it would not; it would be approved as part of the site plan before the Commission tonight.

Mr. Kramer asked to be recognized and Mr. Verst did so. Mr. Kramer stated that, with respect to the landscape easement, if you could state "landscape easement or maintenance agreement", it does help alleviate some concern felt by commercial entities when entering into this type of agreement. Either way, we would like to make certain that we have the right to maintain the landscaping on their properties, but it helps if you add these few words. Mr. Verst asked Mr. Smith to provide feedback. Mr. Smith stated that the terminology of "maintenance agreement" is fine so long as the agreement concerns perpetual maintenance of the property is required.

Ms. Blake asked if hedges were mentioned tonight as potential fencing. Would that not be included in the landscaping plan? Mr. Verst replied that he thought that was mentioned on the landscaping plan. Ms. Blake asked if the trees would comply with the Comprehensive Plan choices. Mr. Smith stated that he thinks staff has reviewed the landscape plan and feels it does meet the requirements. Ms. Minter stated that staff has reviewed the landscape plan and will continue to monitor as they come in for their construction drawings as to what type of trees they will be.

Mr. Combs asked to be recognized and Mr. Verst did so. Mr. Combs stated that the landscaping easement would be a security buffer to his perimeter. Mr. Combs wants this buffer maintenance agreement. It is a strong desire on his part. The Circle K is a challenge. Their corporate structure and finding out who is in charge and can make decisions is a real quagmire. It took a long time to get through that research. We were prepared to go with a retaining wall, but it had an almost "prison" atmosphere to it. It was a very hard appearance. After discussions with Circle K, we are able to do a softer approach with landscaping which would benefit both properties. Trees are a natural deterrent in regards to security.

Mr. Verst asked if the landscaping was required by the Zoning Ordinance or is it voluntary landscaping. Mr. Hutchinson stated that landscaping is required if it is an incompatible land use or if it is a buffer between a commercial zone and a residential zone. If it is a commercial use in a commercial zone, it would be voluntary landscaping. If it is commercial use abutting residential zone, it is landscaping required by the Zoning Ordinance. Mr. Hutchinson stated that if you look at their previous addition to this business, there was some landscaping required because it was a commercial use backing up to a residential zone. Mr. Verst summarized that the landscaping between the self-storage and the DairyMart is voluntary landscaping. Since this is voluntary, it is really an issue between two property owners and does not involve the Commission. There is nothing for the Commission to request be enforced. Mr. Verst withdrew his recommendation for a condition requiring a landscape corridor agreement.

Mr. Stapleton commented that the approval of a motion would be based on deleting condition number 1 and having only the remaining four conditions listed in the staff report. Mr. Verst stated that he believed this was what was discussed. Make condition 1 a point of information for the application, but it is not a true condition. Mr. Smith stated that to clarify that true conditions are

conditions that we need to have to be able to be able to approve a site plan that we are looking at. These should all be site specific to the site plan we are reviewing. Mr. Smith understood staff's desire to advise the applicants of information they need to proceed, but they do not fit the category of site specific conditions. They are just general information comments.

Mr. Verst stated that would apply to condition 2 as well. Mr. Stapleton commented that staff wanted to leave that condition in since the fence is not described on the site plan. Mr. Smith asked if internally staff used the approval as a checklist. Mr. Hutchinson stated that signage and fencing can be reviewed and approved as part of the site plan. Staff wants to call out items that are not on the site plan so that the building inspector will know that the signage and fencing would not require a permit if they were approved on the site plan.

Mr. Verst asked if there were any other comments or questions. There being none, Mr. Verst called for a motion. Mr. Stapleton made a motion to approve the site plan as submitted with the following five conditions as listed in the staff report:

- 1) That the applicant complies with all Campbell County ordinances, regulations and building codes.
- 2) That the applicant apply for applicable building and fence permits.
- 3) That the applicant provide staff with an approval letter from SD1 for the proposed grading project.
- 4) That modifications to the plan and landscaping are subject to the review and approval of staff due to unknown locations of underground utilities.
- 5) That the 0.996 acre lot be a land addition to 963 Creektrace Road, the existing COPAC storage facility site.

The bases of his motion was that this proposed action is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance. Mr. Verst asked if Mr. Stapleton was removing condition 1 as a point of information. Mr. Stapleton stated he believes, since signage was not included on the site plan, that the best mode to address this issue would be to leave the conditions as stated in the staff report. Mr. Verst called for a second. Mr. Turner seconded the motion. Mr. Verst asked if there were any questions or discussion regarding the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, and Mr. Barrow in favor of the motion. Mr. Verst abstained. Motion passed.

Ms. Minter apologized for the oversight and endeavored to move administrative items to points of information on future reports to the Commission. Ms. Minter thanked Mr. Verst and Mr. Smith for their comments. Mr. Smith stated that general compliance is general information to the applicant and should be kept separate from the conditions of the site plan.

Ms. Minter provided some information regarding changes made to the process when a road is being discontinued. Previously, this was conducted strictly by the Fiscal Court. Due to recent changes in KRS, these sites will now require Commission review to determine that the discontinuance is not in opposition to the Comprehensive Plan's Future Land Use. Ms. Minter introduced the case identified as ID-51-15, a request from Campbell County Fiscal Court regarding the discontinuance and release of an unused portion of East Nagel Road. Ms. Minter presented the following staff report:

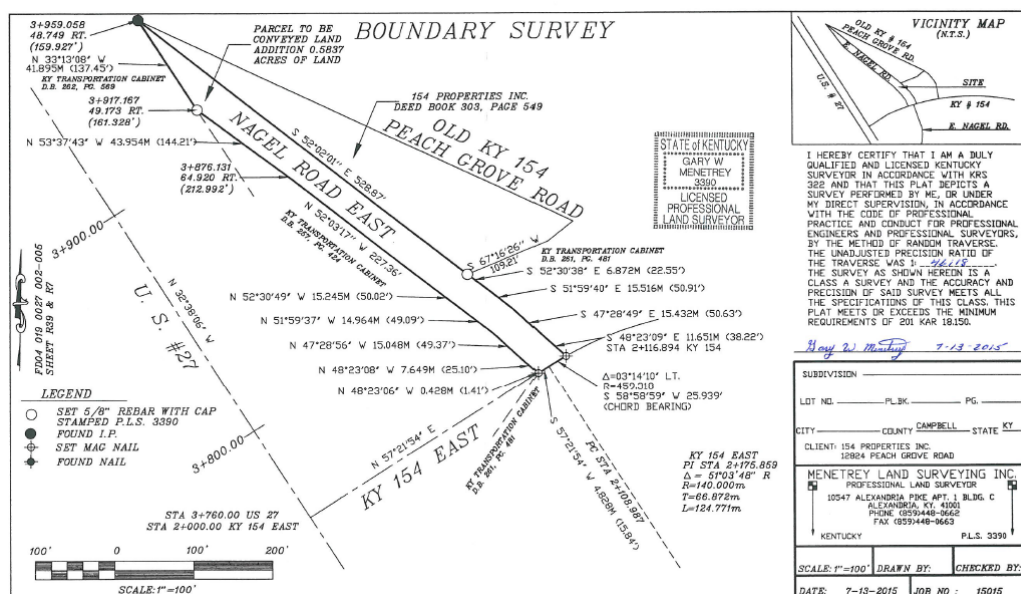
FILE NUMBER: ID-51-15 Land Division and Discontinuance of Use
APPLICANT: Campbell County Fiscal Court
LOCATION: Former East Nagel Road, Unincorporated Campbell County.
REQUEST: For discontinuance and release as a public facility of a portion of Nagel Road East on the south side of Peach Grove Road-Old KY154, west of State Route 154, and east of US 27 in unincorporated Campbell County

Considerations:

1. A portion of Nagel Road East, located on the south side of Peach Grove Road-Old KY154, west of State Route 154, and east of US 27 in unincorporated Campbell County was removed from service as part of the widening of US 27.
2. Mr. Tim Nolan, the only abutting private property owner has requested the release a portion of former East Nagel Road (red). Mr. Nolan also intends to acquire a portion of property owned by the State (blue). The former East Nagel (red) separates his property from the State (blue) property.
3. A survey has been prepared for the area to be vacated.



The former right-of-way lies between properties owned by Mr. Nolan and the Kentucky Transportation Cabinet. There are no remaining transportation improvements on this site.



4. KRS 100.11(19) defines Public Facility as any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

In March 2014, the County Maintained Road list was modified by the Fiscal Court based upon the reconstruction and widening of US 27. This reconstruction realigned east Nagel Road and removed this portion of the former roadway. In addition, Mr. Luke Mantle, County Road Supervisor has confirmed that there are no public improvements remaining on the site, the site is no longer in service, and that no inconvenience would result from the discontinuance.

5. KRS 100.324 states: Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan.

The Comprehensive Plan does not indicate any public improvements for this property.

6. For information purposes, following action by the planning commissions, the Fiscal Court shall follow KRS 178.070, Discontinuance of county roads. The fiscal court may direct any county road to be discontinued. Notice must be published, according to the provisions of KRS 178.050, and in addition, notices must be placed at three (3) prominent and visible public places within one (1) mile of the road. After posting the notices, the fiscal court shall appoint two (2) viewers who have no vested interest in the discontinuance of the road and who, together with the county road engineer, shall view the road and report in writing at the hearing what inconvenience would result from the discontinuance. Upon presentation of the report and other evidences, if any, at a public meeting of the fiscal court, the court may discontinue the road.

Publication notification and additional verifications are ongoing.

Public Hearing Notice

For discontinuance of a portion of
Nagel Road East

on the southside of Peach Grove Road-Old KY154, west of State Route154,
and east of US 27 in unincorporated Campbell County

Wednesday, October 21, 2015 5:30 pm

Campbell County Fiscal Court Chambers
1098 Monmouth Street
Newport, KY 41001

Please call Planning and Zoning @ 292-3880 for further details

Summary of Applicants Request:

For discontinuance and release as a public facility of a portion of Nagel Road East on the south side of Peach Grove Road-Old KY154, west of State Route154, and east of US 27 in unincorporated Campbell County

Staff Recommendation:

To approve the disposition of land as a public facility and forward the recommendation to the Campbell County Fiscal Court for additional actions.

Supporting Information / Basis for Recommendation:

The proposed action is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance.

Mr. Verst thanked Ms. Minter for her report and asked the Commission if there were any discussion on the staff report. Mr. Stapleton asked Ms. Minter if the property owner had frontage on the other side of the property or if he was looking to acquire this piece to gain road side frontage. Ms. Minter clarified that the property owner did have road frontage on the other side of the property. This is just an expansion of his site. Mr. Barrow asked Ms. Minter to confirm that Peach Grove Road has nothing to do with this piece to be vacated. Ms. Minter stated this piece does not impact Peach Grove Road at all.

Mr. Verst asked if there were any other questions or comments regarding this case. There being none, Mr. Verst called for a motion. Mr. Bass made a motion to approve the disposition of land as a public facility and forward the recommendation to the Campbell County Fiscal Court for additional actions. The bases of his motion was that this proposed action is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance. Mr. Williams 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, Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, and Mr. Barrow in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst stated the next item of business was to approve training completed by staff, Commissioners and the Board of Adjustment. Mr. Turner completed 4.0 hours of training to satisfy his initial training requirement. From the Board of Adjustment, Mr. Roger Mason completed 3.0 hours and Mr. Joe Williams completed 2.5 hours. Ms. Minter attended the KAMM Conference where she was named Mitigation Manager of the Year and received 18.0 hours of certified training. Mr. Verst called for a motion. Mr. Bass made a motion to approve the training completed. Mr. Williams 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. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, and Mr. Barrow in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst called for the Director's Report.

DIRECTOR'S REPORT

Ms. Minter passed out two articles that were brought to her attention regarding issues for which the Commission or Board had previously indicated they would like additional information. One article pertained to "Commission Wars". It discusses how to handle conflicts that may arise at Commission meetings. The second article was "Sign Regulations" and it was a brief summary of

the changes brought about by the Supreme Court ruling on sign regulations. Ms. Minter encouraged the Commission to read this article carefully as we will begin having discussion on signs soon. Campbell County has been waiting for this decision to be published so that we can rewrite our sign ordinance.

Mr. Verst asked if there was any other business to discuss before they recessed. There being no other comments, Mr. Verst called for a motion to adjourn. Mr. Williams made a motion to adjourn. Mr. Barrow seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:10 PM.

Respectfully Submitted,

Approved:

Cynthia Minter
Director of Planning & Zoning

Justin Verst
Chair