

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

JANUARY 12, 2016
7:00 PM

AGENDA

1. Meeting called to order.
2. Pledge of Allegiance
3. Roll call and determination of quorum.
4. Approval of the October 13, 2015 minutes.
5. Unfinished Business
6. New Business
 - A. FILE NUMBER: 159-15-PPL-01
APPLICANT: James & Kathleen Lauer
LOCATION: 2233 Reis Ridge Road, Unincorporated Campbell County.
REQUEST: The applicant has request to divide a 9.17 acre flag lot and leave a remainder 4.13 acre lot.
7. Approval of Training
8. Election of Officers
9. Director's Report
10. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,
PLEASE CALL THE P&Z OFFICE AT 859-292-3880.**

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting. If there is a need for the Commission to be aware of, contact the office seven (7) days prior to the meeting.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JANUARY 12, 2016 MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Edward Stubbs
Mr. Mark Turner
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

MEMBERS ABSENT:

Ms. Deborah Blake
Mr. Steve Stapleton

STAFF PRESENT:

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

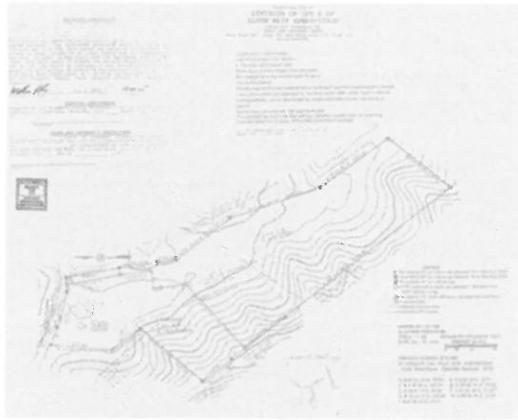
STAFF ABSENT:

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 October 13, 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 October 13th meeting minutes as submitted. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Ms. Harding 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 #159-15-PPL-01, a request by James & Kathleen Reis, for approval of a preliminary plat for the creation of a flag lot. Mr. Verst asked if there were any conflicts of interest or any points of information that need to be disclosed. Mr. Turner advised the Commission that he is the first cousin to one of the applicants, but does not have any vested interest in the outcome of the request. Mr. Verst asked Mr. Turner if he felt he could be fair and impartial in reaching a decision tonight. Mr. Turner confirmed that he could and would be fair and impartial. Mr. Smith advised the Commission that since Mr. Turner had no direct or indirect benefit from the decision to be made tonight, and with Mr. Turner's confidence that he could remain fair and impartial, Mr. Smith saw no issues with Mr. Turner's participation with the case to be heard. Mr. Verst called Mr. Hutchinson to present the staff report as follows:

SUBDIVISION: 159-15-PPL-01
APPLICANT: James & Kathleen Lauer
LOCATION: 2233 Reis Ridge Road, Unincorporated Campbell County.
REQUEST: A preliminary plat to divide a 9.17 acre flag lot and leave a remainder of 4.13 acres.



Considerations:

1. The site is approximately 13.3 acres and located at 2233 Reis Ridge Road in Unincorporated Campbell County.
2. Reis Ridge Road is a County-maintained road.
3. Per Article 3 of Procedure of Subdivision Approval, a division of land is considered a Major Division and subject to review by the Planning Commission when the division is six buildable lots or more from the parent tract. The proposed division of land is the sixth (6) division of the Alvin Reis Subdivision since January 1, 1982. This subdivision consists of the following parcels:
 - 12794 SHAW GOETZ RD (Parent Tract)
 - SUBDIVISION 1 2155 Reis Ridge Road
 - SUBDIVISION 2 2233 Reis Ridge Road
 - SUBDIVISION 3 2331 Reis Ridge Road
 - SUBDIVISION 4 2359 Reis Ridge Road
 - SUBDIVISION 5 2323 Reis Ridge Road

Divisions 1 and 2 are noncontiguous to the Parent Tract and other divisions.

4. The 2008 Campbell County Comprehensive Plan Update designates the area for agricultural and rural use.
5. The Campbell County Zoning Ordinance Section 10.1 classifies the area within the A-1 Agricultural Zone. Permitted uses within the A-1 Agricultural Zone include single family dwellings (detached) and customary accessory buildings and uses. The site is occupied by a house and four (4) outbuildings.
6. The setback requirements for permitted uses are as follows:

Minimum Lot Area	One (1) acre
Minimum Lot Width	One hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Width	Twenty Five (25) feet One side Ten (10) feet
Minimum Rear Yard Depth	Thirty Five (35) feet
Maximum Building Height	Thirty Five (35) feet

The existing home is located in the center of the remaining (4.13 acre) tract. The new property line will be approximately 35 feet from the nearest accessory structure.

7. This proposed division is a flag lot. There are no other flag lots within the Alvin Reis Subdivision. The surveyor has indicated that access for Lot 2B will be provided from the flag stem.
8. The submitted plat has been drawn to the minimum standards of the preliminary plat requirements as described in Section 315 of the Campbell County Subdivision Regulations. The submitted plan indicates the following:
 - a. A proposal to subdivide a 13.29 acre track into two parcels with no public improvements. Lot 2B is a 9.17 acre flag lot and Lot 2A is the remaining track of 4.13 acres.
 - b. The flag stem for Lot 2B is 25 feet wide and 350 feet deep.
 - c. The lot is not within the 100-year floodplain.
 - d. The remainder tract will have 250 feet of road frontage.
 - e. Lot 2B is the sixth division of land from the parent tract since 1982.
 - f. The pavement width of Reis Ridge Road is 15.5 feet and the right-of-way is 25 feet.
9. Campbell County Subdivision Regulations Section 415 Lot Arrangement and Sizes D) Flag Lots of the defines that,
 - Flag lots shall only be permitted in those locations where because of existing geometric, topographic, or other natural features, it would be impractical to extend a public street.
 - Flag lots shall have a panhandle extending directly to a publicly dedicated street.
 - Each flag lot shall have a minimum width of twenty-five feet (25) maximum length of 350 feet.

This proposed flag lot aligns with the natural lay of the land, connects to a publically dedicated street and meets with the dimensional characteristics of the panhandle.

10. Campbell County Subdivision Regulations Section 405 F) Public Right-of-Way Width, defines that local roads shall have a width of 50 feet and Section 405 H) Pavement Width, defines that local roads shall have a minimum pavement width of 25 feet. This Major Division is subject to public street improvements for Lot 2B including dedicated right-of-way and pavement width.

The Subdivision Regulations further defines that when a subdivision is located along only one side of an existing street, and where the pavement width of such existing street is less than that required by these regulations...to construct one-half the required pavement..., OR, the Planning Commission shall require the subdivider to deposit sufficient funds within an escrow account, maintained by the Campbell County Fiscal Court, to accomplish the street improvements.

The escrow payment amount must be determined by a registered professional engineer and include a ten (10) percent contingency. This escrow must be submitted prior to approval of the Final Plat.

Approximately 9.5 feet of additional pavement would be required in the vicinity of Lot 2B. One-half of this widening is 4.75 feet. The applicant's surveyor has indicated that they are prepared to calculate and escrow the funds.

11. Before permitting the payment of an escrow deposit, the Planning Commission shall find as follows:
 - (1) Requiring the applicant to make necessary road improvements at present time would be detrimental to the public safety or is impractical because of:

- [a] The current condition of the road at issue; and/or
- [b] The current condition of the existing storm water sewer system; and/or
- [c] The ratio of proposed lots to road frontage demonstrates a reasonably anticipated need for future road improvement in view of a consideration of the reasonably anticipated, future burden the development will have upon the existing road.

(2) The applicant has dedicated the appropriate required right-of-way width for future improvements;

It is impractical to make the necessary road improvements at this time as the current road is 15.5 feet wide in the vicinity of Lot 2B. The applicant's surveyor indicated that they are prepared to dedicate the right-of-way.

Summary:

The applicant has proposed a major division with a flag lot. The lot arrangement and sizes complies with the Campbell County Subdivision regulations. The proposed Lots 2A and 2B meet the minimum standards for lot design and setback requirements. The division requires approval of a flag lot and the escrow of funds for future roadway improvements.

The applicant is prepared to submit an engineer's estimate for roadway improvements and dedicate the required right-of-way with the Final Plat.

Recommendation:

To approve the proposed Major division with a flag lot with the following conditions:

1. The applicant provides an engineer's estimate for approval for the escrow amount for future pavement of Reis Ridge Road. This half of the pavement is approximated 4.75 feet.
2. That escrowed funds, as estimated by an engineer and approved by staff shall be paid prior to approval of a final plat.

Bases for Recommendation:

The proposed division is consistent with the Campbell County Subdivision Regulations and Zoning Ordinance. Noting that:

1. The proposed division is a major division per Campbell County Subdivision Regulations Section 300, Summary of the Subdivision Review Procedure and shall follow the requirements of a major division of land.
2. The proposed division complies with Campbell County Subdivision Regulations Section 405 Street Design H) 2. Construction of Required Pavement Width on Existing Streets by calculating and depositing sufficient funds within an escrow account, maintained by the Campbell County Fiscal Court.

Mr. Verst thanked Mr. Hutchinson for his report and asked the Commission if there were any discussion on the staff report. Ms. Harding asked staff about the prior subdivision. Were they made at one time or individually? Also, was Planning & Zoning involved in those subdivisions or were they recorded as Agricultural Subdivisions? Mr. Hutchinson stated that he was not certain. Ms. Harding stated that her concern was that if they were recorded as Agricultural Subdivisions, they may have terminology associated with them such as "for agricultural purposes only" or "no

residential subdivisions to be made to parcels". Ms. Minter advised the Commission that there was a statement in the staff report that Mr. Hutchinson did not verbalize. Item 9 reflects that there are topographical constraints on the site which determined the design and nature of the proposed lot lines. Ms. Harding stated that this was not her concern. Who checks the records to confirm that the previous subdivisions have no deed restrictions preventing further division by the property owners? Ms. Minter stated there does not appear to be any such restrictions on this case. She did not have any direct experience with those previous subdivisions. Staff does review the previous divisions and have the ability to search the County Clerk's records to confirm there were no restrictions placed on the parcels. Mr. Verst clarified the right of way. The twenty-five (25) feet of right-of-way is from the center of the road and not the entire road as previous suggested by Mr. Hutchinson. Mr. Hutchinson agreed, it is from the center of the road.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst asked the applicant to step forward and identify themselves for the record. Mr. William Reis, 12974 Shaw Goetz Road, Alexandria, stepped forward and identified himself as the surveyor for the applicant. Mr. Reis advised the Commission that the previous subdivisions were done in two instances: four (4) lots with the first subdivision [PZ-49-97 in 1997]; and one (1) lot in the last subdivision [PZ-07-02 in 2002]. Planning & Zoning were involved in all of their subdivisions. Mr. Reis asked if the Commission had any questions that he could answer for them.

Mr. Verst asked if there were any questions of the applicant. There being none, Mr. Verst asked if anyone else in the audience wanted to speak regarding this issue. There being no one wishing to speak, Mr. Verst closed the floor for comments and opened the floor for discussion among the Commission. Mr. Barrow asked Mr. Verst if the clarification he made concerning the twenty-five (25) feet of right-of-way affected any of the conditions recommended by staff. Mr. Verst stated it did not affect the conditions at all. It was simply a point of information to be clarified.

Mr. Verst asked if there were any other questions or comments. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the request for case #159-15-PPL-01, a request by James & Kathleen Reis, for approval of a preliminary plat for the creation of a flag lot. Mr. Barrow's motion included the following conditions:

1. The applicant provides an engineer's estimate for approval for the escrow amount for future pavement of Reis Ridge Road. This half of the pavement is approximated 4.75 feet.
2. That escrowed funds, as estimated by an engineer and approved by staff shall be paid prior to approval of a final plat.

Mr. Barrow cited the bases for his motion as information contained within the staff report; testimony by staff and the applicant heard tonight; and that the request is consistent with the Campbell County Subdivision Regulations and Zoning Ordinance. Mr. Verst asked if there were any questions or comments on the motion as proposed. There being none, Mr. Verst called for a second. Mr. Turner seconded the motion. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stubbs, Mr. Turner, Mr. Williams and Mr. Barrow in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst stated that the next item on the agenda was to approve training. Ms. Minter stated that members of the Commission and staff had obtained training on individual basis as follows:

- CC&MP&ZC

- Larry Barrow [5.5 hrs.] PDSKC: Neighbor Law (2.0 hrs.); Herbst Farm Tour (1.5 hrs.); PDSKC & CC&MP&ZC: Link-GIS Training (2.0 hrs.)
- Lauri Harding [3.0 hrs.] NKAPC: Ky. Agriculture Law Training Disc (3.0 hrs.)

- Staff
 - Cindy Minter [12.0 hrs.] NKBIA: When Disaster Strikes (12.0 hrs.)

Ms. Minter attended training with the Building Inspectors to prepare for "When Disaster Strikes". It was a very informative and necessary course to protect the general wellbeing of the citizens of Campbell County. Mr. Verst called for a motion to approve training. Mr. Bass made a motion to approve the training obtained by the Commissioners and staff. Mr. Verst asked if there were any questions or comments on the motion as proposed. There being none, Mr. Verst called for a second. Mr. Stubbs seconded the motion. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Ms. Harding asked if she could propose a question at this time so that legal counsel could participate in this inquiry. Ms. Harding was questioning in regards to KRS 100.111 when applicants claim an exemption from Planning & Zoning where you have agriculture land and are dividing it into more than five (5) lots and there is a stipulation that it is for continued agriculture use for these lots. Ms. Minter stated that she gets this question fairly frequently and asked legal counsel if she could take a shot at answering it first. Mr. Smith agreed. Ms. Minter explained that the situation Ms. Harding described is a choice that a property owner can make, but it is not mandatory for agriculture land. A property owner of agriculture land can step forward and state they want to do a farm exempt division for agricultural purposes. That is their right to do that for agriculture purposes. At that time that the property owner declares it is a farm exempt division and they provide evidence to us that they are in fact actively farming that property, they then take on all the liability to make sure that the property is meeting all the zoning and farm exempt construction requirements. As staff, we step back from it. We do intercept a farm exempt division at the Clerk's office and we will stamp that deed to state it was for agriculture purposes and not for the sale of a home. It is not automatic for every property. It is a property owner's choice if they want to go that route. Alternatively, the property owner can come to Planning & Zoning and follow the traditional path for obtaining approval for a subdivision of land. Ms. Harding asked if there were a checkpoint plan where staff verifies that there were no deed restrictions placed on the previous subdivisions of land precluding it for residential development. Ms. Minter stated that staff does speak to the applicants regarding the nature of the previous subdivisions. Staff keeps the files for every subdivision presented to the Commission so we can pull those files at any time to confirm the nature of the previous divisions. Staff also has access to pull up documents presented to the Clerk's office for recording to confirm there were no restrictions placed on the lot. Ms. Minter stated that in tonight's case she specifically went through and reviewed those records.

Mr. Smith stated that Ms. Minter was correct in her answer. There are two (2) tracks in which a subdivision is created. Mr. Smith referred to KRS 100.111 (22) where it specifically states:

*"Subdivision" means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that **a division of land for agricultural use and not involving a new street shall not be deemed a subdivision.** The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;*

Mr. Smith stated that one manner in which to create a subdivision was to identify the land is for agricultural use, but does not involve a new street. In this example, the deed **would** be stamped so that no future residential subdivisions of the land could be created. The second manner in which to

create a subdivision is to comply with all planning and zoning requirements for establishing a new subdivision as demonstrated by the applicants that appeared before us tonight. Those are the only two ways in which to divide property. Ms. Minter stated that we have had plats presented to us for review and approval where the previous owner divided the property as a farm exempt subdivision. The plats were indicated that they would not be for residential subdivision. The new owners express that the previous owners did it as agriculture divisions, but we really want to be capable of using the property for residential purposes. In that instance, staff has re-evaluated those divisions. There being no other questions for legal counsel, legal counsel was excused.

Mr. Verst stated that it was time to hold an Election of Officers for 2016. Our current officers are as follows:

- Chair: Mr. Verst
- Vice Chair: Mr. Barrow
- Temporary Presiding Officer: Mr. Williams

Per our By-laws, a nomination committee can be created to nominate individuals for office. Mr. Verst asked if the Commission wished to dispense with the nomination committee and proceed to the elections. Mr. Williams made a motion to dispense with the nomination committee and proceed to the actual elections. Mr. Bass seconded the motion. Mr. Verst asked if there were any questions or comments on the motion as proposed. There being none, Mr. Verst called for a roll call vote which found Mr. Bass, Ms. Harding, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Mr. Verst asked if there were any volunteers to serve as officer. Ms. Harding made a motion that the existing officers continue to serve in their current capacities. Mr. Williams seconded the motion. Ms. Minter asked Mr. Verst if he wished to serve in the office of the Chair and Mr. Verst confirmed he was willing. Ms. Minter asked Mr. Barrow if he wished to serve in the office of the Vice Chair and Mr. Barrow confirmed he was willing. Ms. Minter asked Mr. Williams if he wished to serve in the office of the Temporary Presiding Officer and Mr. Williams confirmed he was willing. Mr. Verst called for a roll call vote which found Mr. Bass, Ms. Harding, 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 Director's Report and then proceeded to excuse himself from the meeting as he had a pressing personal engagement to attend. Mr. Verst left at 7:26 PM and Mr. Barrow presided over the remainder of the meeting.

DIRECTOR'S REPORT

Ms. Minter advised the Commissioners that information had been mailed out to their homes. The mailing included a summary of all training the Commissioners had completed to date and reflected how many hours of training they still needed. Staff also included information for a wonderful training opportunity to be held by the Kentucky League of Cities (KLC).

The KLC will be coming to Erlanger, Kentucky on February 3, 2016. This will allow participants to obtain eight (8) full hours of training credit. The presentation is perfect for planning and zoning administrators and staff, commissioners, local elected officials, board of adjustment members, city attorneys, city planners, city administrators and city legislative body members.

The presentation is performed by David Pike and Shawn Moore. Several members of our Commission/Board attended a training session by Mr. Pike in 2013. They had very positive feedback about his presentation manner and content. It looks to be a promising opportunity to obtain the credit you may need to satisfy House Bill 55.

Those members appointed by a city (City of Crestview representative, City of Southgate representatives, etc.) will be considered as a member for calculation of the fee. Those members appointed to represent the Unincorporated Campbell County are considered non-members for the fee calculation. Staff will cover the cost of the training. You can register yourself by going to their website or let staff know you want to attend and we will be happy to register you.

Staff also mailed out information just received regarding the proposed location of KY 536. Please review the handouts and if you wish to go to their website to learn more, keep track of your time so that you can receive credit under HB 55 requirements.

Staff passed out was an article titled "The Legal Standard for Stating Reasons for Decisions". This article pertains to cellular and/or wireless communication facility, but had good information about what to include in your bases when making a motion. Ms. Minter's final point of information was that the Board of Adjustment is now fully seated. The City of Silver Grove just appointed Mr. John Fessler to represent them on the Board. Ms. Minter stated she had no other information for discussion.

Mr. Barrow stated he did want to briefly revisit the questions Ms. Harding previously brought up concerning agricultural subdivisions. Mr. Barrow felt that a brief training on the events leading up to and the resolution of the Nash vs. Campbell County case would be the best way to clarify Ms. Harding's concerns. Ms. Minter agreed to bring the case files to the next meeting and hold a short training session on agriculture subdivision at our next regularly scheduled meeting. Mr. Barrow and Ms. Harding believed this would be very beneficial.

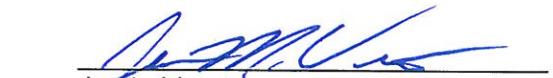
Mr. Barrow asked if there was any other business to discuss before they recessed. There being no other comments, Mr. Barrow called for a motion to adjourn. Mr. Bass made a motion to adjourn. Mr. Stubbs seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 7:32 PM.

Respectfully Submitted,



Cynthia Minter
Director of Planning & Zoning

Approved:



Justin Verst
Chair



Larry Barrow
Vice Chair