

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

JANUARY 13, 2015

7:00 PM

AGENDA

1. Meeting called to order.
2. Roll call and determination of quorum.
3. Approval of the November 11, 2014 minutes.
4. Update on Case Number: 12-14-PPD-03 Sun Valley Real Estate
5. File Number: 144-14-WAV-01
Applicant: Carol J. Leap Sipple
Location: 325 Poplar Thicket Road, Unincorporated Campbell County
Request: Dimensional Waiver of Section 415 Lot Arrangement and Sizes, (D)
Flag Lots of the Campbell County Subdivision Regulations
6. Election of Officers for 2015
7. Election OKI Representatives for 2015
8. Approval of Training
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 13, 2015 MEETING**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

STAFF PRESENT:

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

STAFF ABSENT:

Mr. Ryan Hutchinson, Planner

Mr. Verst called the meeting to order at 7:02 PM. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had reviewed the November 11, 2014 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Williams made a motion to approve the November 11th meeting minutes as submitted. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Ms. Blake abstained. Motion passed.

Ms. Minter advised the Commission that there will be a new format to the agendas in 2015. We will be adding a section for "Unfinished Business" and listing the new cases to be heard as "New Business". Mr. Verst thanked Ms. Minter for that update. Mr. Verst called for the update on case #12-14-PPD-03, Sun Valley Real Estate. Ms. Minter stated that the request heard by the Commission was for approval of a revision of a plat creating six lots from 39.37 acres on Race Track Road. Ms. Minter reminded the Commission that a condition of the approval of that plat was: "That lot 6 not increased in size unless the rest of the lot can comply with the county zoning and subdivision regulations for the R-1C zone." Just to update you, they did record a plat with lots 4 and 5 on it and they may have even sold by this point. It was lot 6 that had items that needed to be worked out between the applicant and staff.

Staff has done some additional research with respect to the title and deeds of the parcels. When they were first laid out [before the current applicant took ownership of the property], there were lots "A", "B" and "C". At some point in time, there was a lot "D" created and there were changes made to the dimensions of lots "B" and "C". From that point on, lots "B" and "C" were deeded together and became one lot comprised of the two parcels. They were taxed as one lot and deeded as one lot.

Ms. Minter directed the Commissioners to read Section 9.12., A., 2. from the Zoning Ordinance. [Text is copied into our minutes below.]

**SECTION 9.12 NONCONFORMING LOTS, NONCONFORMING USES,
NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE AND
NONCONFORMING SIGNS:**

A. NONCONFORMING LOTS OF RECORD:

1. Any lot of record, which does not meet the requirements of this ordinance, shall be considered a nonconforming lot of record.

2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Ms. Minter went on to place emphases on the text "*the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance*". As a result, the applicant is going to submit a new plat for lot #6 and it will be approved. Mr. Verst asked if the Commission needed to take any action at this time. Ms. Minter replied that no action is required by the Commission. Staff is just updating the Commission on this lingering question.

There being no other unfinished business to discuss. Mr. Verst introduced case #144-14-WAV-01, a request by Carol (Leap) Sipple for a Dimensional Waiver of Section 415 Lot Arrangement and Size, (D) Flag Lots of the Campbell County Subdivision Regulations. Mr. Verst asked Ms. Minter to present the staff report. Ms. Minter advised the Commission that, as the Zoning Official for Campbell County and Municipal Planning & Zoning Commission, she is tasked, per the Subdivision Regulations, with administratively reviewing and approving waiver request. Ms. Minter is asking the Commission to review the application and provide feedback as to what recommendation they would make for this request. With that, Ms. Minter presented the staff report as follows:

FILE NUMBER: 144-14-WAV-01
APPLICANT: Carol (Leap) Sipple
LOCATION: 325 Poplar Thicket Road, Unincorporated Campbell County.
REQUEST: Dimensional Waiver of Section 415 Lot Arrangement and Size, (D) Flag Lots of the Campbell County Subdivision Regulations

As Zoning Official for representing the Campbell County and Municipal Planning & Zoning Commission, I am requesting the review and input of the Planning Commission regarding a waiver request for the width of a flag stem along Blue Sky Lane.

Mr. Carol (Leap) Sipple has submitted a conveyance plat requesting a division from her farm property including a pre-existing flag stem (roadbed). Ms. Sipple submitted her information a preliminary level due to the complexity of the parcels along Blue Sky Lane and Popular Thicket Road.

REQUEST:

Grant a waiver to create a new flag lot with a dimensional variation from a 25 foot width to a 16 foot width.

CONSIDERATIONS:

1. The farm consists of two parcels (19.07 acres and 22.432 acres) deeded to Melvin (deceased) and Carol Leap.
2. The farm is accessible by two private roadbeds. A review of the 1962 and 1973 aerial indicate that these private roadbeds were in existence prior to the 1982 adoption of countywide zoning.
3. One private roadbed ranges from a width of 25 to 40 feet and is actively servicing 4 homes built between 1976 and 1983. This active stem connects to Popular Thicket Road. Popular Thicket Road was adopted as a County Road in 1987. This private roadbed is deeded to Melvin and Carol Leap & Rudy and Lynne Bamforth.

4. The other roadbed is 16 feet wide and is dormant. This stem connects to Blue Sky Lane (formerly named Old Popular Thicket Road). Blue Sky Lane was adopted as a County Road in 1989. This private roadbed is deeded to Melvin and Carol Leap.
5. The applicant desires to divide a parcel from the 19.07 parcel of the Leap Farm and adjoin this division with the dormant stem to create new flag lot of approximately 2.304 acres.
6. This new flag stem would have a width of 16 feet and when adjoined to the newly divided parcel will be less than the 350 feet maximum length. This flag stem will only serve the proposed new parcel.
7. The applicant desires to also provide access from the new flag lot to the remaining active private road.

ADDITIONAL INFORMATION:

1. Campbell County Subdivision Regulations, Section 415 Lot Arrangement and Sizes, (D) Flag Lots defines residential flag standards to have a stem with at a minimum width of 25 feet and maximum length of 350 feet. (Page 4.25).
2. As defined in Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, the Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances; however, the Administrative Official must make a finding of facts to support the granting of the waiver. This finding of facts must include:

1.
 - a) The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and,
 - b) The waiver will not be detrimental to the public welfare.

AND at least one of the following:
2.
 - a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR
 - b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,
 - c) The waiver will provide for an innovative design layout of the subdivision.

The Administrative Official shall also inform the Planning Commission, on a regular basis, of the results of all waiver requests.

STAFF PRELIMINARY RECOMMENDATION:

To recommend approval of the flag stem waiver and approve the division subject to the following conditions:

1. That the Planning Commission review and provide input to the Administrative Official.
2. That the northern portion of the 16 foot dormant roadbed be joined with the proposed new parcel to create a flag lot originating from Blue Sky Lane.
3. That the remaining (southern) portion of the 16 foot roadbed be consolidated to the Leap farm.
4. That an access easement from the new parcel via the existing active private road be provided.
5. That a maintenance agreement serving all parcels on the private road be recorded.
6. That parcels comprising the Leap farm be surveyed and consolidated into one lot.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

1. The Subdivision Regulations for the Campbell County Municipal Planning & Zoning Commission were adopted in accordance with Kentucky Revised Statutes (KRS) Chapter 100.
2. Consistent with the Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, evidence has been presented that these are unusual circumstances that are not detrimental to the public welfare, and that the waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and that strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land.
3. The Administrative Official has informed the Planning Commission of this waiver requests.

Mr. Verst asked if all parcels (A, B1, B2, C and D) use the access from Poplar Thicket Road or do any of them have access from Pond Creek Road. Ms. Minter replied that all of the lots are using the Poplar Thicket Road access and there is a recorded easement granting them use of the access. Mr. Verst asked Ms. Minter to leave the slide showing all of the lots up on the screen. Mr. Verst asked Ms. Minter to confirm that lots identified as B1 and B2 are on the same deed. Ms. Minter stated that they were not on the same deed. Mr. Verst asked if both portions identified as B2 are on the same deed. Ms. Minter replied that they were on the same deed, but separate from the deed for B1. Mr. Verst asked Ms. Minter to confirm that neither lot B1 or B2 have direct road frontage on a publicly dedicated road. Ms. Minter confirmed that all parcels were land locked with no direct access to road frontage. Mr. Verst asked if the proposal was to take a portion of that private roadway that goes out to Blue Sky Lane so that we now have a lot that has road frontage.

Ms. Harding asked to be recognized and was so recognized by Mr. Verst. Ms. Harding stated that she thinks she is following along with the intent of the request. If you look at the drawing prepared by Mr. William Reis and submitted as an attachment to the staff report, you will see that there is a triangular shaped lot which is the smaller distant piece of parcel B-2. If you look at the "flag stem" portion of the drawing, this is a portion of the dormant private road that was deeded to the applicant. The driveway easement running along the angle of the proposed lot is the active private road that is between 25 feet and 40 feet. It is Ms. Harding's belief that what Ms. Minter is stating is that, while this active private road is attached to the property owned by the Rauch's, it is actually within the ownership of the applicant. Staff is asking that this individual lot be attached to the triangular piece as the "flag stem" for the new lot so that it has access to a publicly dedicated road. Ms. Minter agreed that this was correct.

Mr. Verst stated that what we have is several land locked parcels with one parcel that actually has road frontage. We are being asked to allow that access to be joined to one parcel so that it can be called a flag lot and then all the other lots will remain land locked with no possibility of road frontage. Ms. Minter agreed. Ms. Harding asked if she could approach the screen. She pointed out the lot with road frontage as an easement. Mr. Verst and Ms. Minter corrected that it was not an easement. Ms. Minter stated that this is a lot of record that is only 16 feet wide and it travels alongside the triangular piece of property down to the lot identified as B1. The applicant would like to take a portion of this parcel and attach it to the triangular piece to make it a legal flag lot. The waiver request is because the width of that road frontage is only 16 feet and not the 25 feet our regulations require for a normal flag lot design.

Mr. Verst asked if they intended to continue to use the access easement from the other point of access off of Poplar Thicket Road. Ms. Minter replied that this was their intention. The remaining portion of the 16 feet wide lot would need to be attached to the remainder of the lot identified as B2. Staff is asking that this remaining portion of the 16 foot wide lot and the remainder of the lot identified as B2 be consolidated with the lot identified on our drawing as B1 so that there is only 1 lot remaining and we have no more little pieces or portions of lots just hanging out there. Mr. Verst stated that this would mean that instead of having 3 parcels that are land locked, we would only have 1 large parcel that is land locked. Ms. Minter stated that was correct. Mr. Verst stated that this would preclude the applicant from further dividing this property unless they were able to obtain direct road frontage. Ms. Minter stated that they could do an agriculture subdivision, but that would mean that the new agricultural lot would not be a buildable lot.

Ms. Harding asked if this means the new flag lot would be rezoned. Ms. Minter replied it would not need to be rezoned. The only issue would be that it is less acreage than what is required for taxing purposes to receive an agricultural exemption. It would remain in the A-1 Zone and could still be used for agricultural purposes,

but it would not get the tax exemption for agricultural purposes. Mr. Bass asked if staff was stating they could never build on B1. Ms. Minter stated that there is already a home and farm related structures on B1. They would not be able to divide B1 so that another primary home could be built on it, but they could continue to operate the farming activity and build farm related structures on the property.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst asked staff if they had any last comments. Ms. Minter stated that her only comment at this point would be to read into the record the bases for the recommendation which she did so. Mr. Verst asked Ms. Minter to confirm that as the Zoning Administrator she was tasked with making the decision, but she is asking the Commission to make a recommendation to staff on how they would like the request to be handled. Ms. Minter agreed that was the situation.

Mr. Verst announced for the audience as a point of clarity that now that the Commission had heard the staff report he was going to ask for the applicant or their representative to come forward and present any information that they feel would assist the Commission in making their decision. Once that was done, Mr. Verst stated he would ask the audience if there were any other comments or questions to be heard by the Commission. Once all audience members had an opportunity to speak, Mr. Verst explained that the Commission would then open the floor for discussion among themselves. If they had questions that arise as part of that discussion, they may request that staff, the applicant or the audience member to come back up to the podium to answer those questions. Mr. Verst stated that it was very important that whoever was speaking must be at the podium and speak into the microphone so that their comments could be clearly recorded. They should also state their name and residence.

With that explanation, Mr. Verst asked the applicant or their representative to step forward and identify themselves for the record. Mr. Rich Johnson stepped forward and identified himself as the legal representation for the applicant. Mrs. Carol Sipple also stepped forward and identified herself as the applicant. Mr. Johnson stated that they have a few brief comments, but first they wanted to thank Ms. Minter for her assistance and guidance throughout this process. She has taken a very complex situation and turned it into something that is quite simple and understandable. Mr. Johnson stated that the easement identified as a blue line was a deeded owned roadway between Mrs. Sipple and the Bamforths. The other point is that the 16 foot road way is a completely separate parcel.

Mrs. Sipple approached the screen to point out the lots as she discussed them. Ms. Sipple stated that B1 was the first property that she and her deceased husband purchased. They also purchased the 16 foot wide parcel to provide access to that parcel. At some time later, Mrs. Sipple and her sister bought an adjoining parcel together. Her sister cut out approximately 9 acres out of that parcel and Mrs. Sipple got the remainder. Mrs. Sipple portion is what is referred to as B2. There was a separate parcel they purchased that was a 25 foot roadway so they could all share that access. At the point where that roadway touched their jointly owned lot, they expanded the roadway to 40 feet wide and it goes all the way back to their home on the parcel labeled as B1.

At the time they were surveying off their property, her sister and brother in law accidentally separated off the little triangular piece. They had lawyers and surveyors, but did not realize they had cut off the triangular piece. In the meantime, her two brothers each bought 20 acres off of a farmer on Pond Creek Road. Mrs. Sipple and her sister granted her two brothers an access easement off of their roadway so that they could have access to their properties. Mr. Johnson inserted here that all of the easements were recorded with the Clerk's office. Mrs. Sipple stated that all members using the roadway are part of a maintenance and upkeep agreement to equally share the cost of the roadway.

Mrs. Sipple stated that all of these easements and deeds were recorded in the 1970's before any of these zoning regulations went into effect. They didn't have any issues with the way they were land locked. Mrs. Sipple stated she just wants to cut off this little triangular piece for her daughter. Mrs. Sipple stated they involved the surveyors and lawyers in the 1970's so that there would not be any future issues with the way they handled the property.

Mr. Verst asked Mrs. Sipple to return to the podium to speak into the microphone. Mr. Verst asked that the record reflect that Mrs. Sipple approached the screen to point out lots and gave a brief history on the property and its ownership. Mrs. Sipple continued that she doesn't want to get the entire property surveyed because it was surveyed in 1970's. She doesn't understand why they can't use that survey information. Mr. Johnson

clarified that they are in agreement with what Ms. Minter is recommending as conditions to the approval, but they are asking that condition #6 on the staff report be waived. Mrs. Sipple understands that the remainder of parcel B2 would need to be surveyed to add to the original parcel B1, but it isn't necessary to re-survey B1 just because the last survey was in the 1970's. It is still a good survey.

Mr. Verst stated what he wanted to make certain that the applicant realizes that if this was approved, and the new triangular flag lot was created, then you have used up any direct access to a publicly dedicated road. You would not be eligible to further subdivide the property because it is entirely land locked. You would only have access easements, but no direct road frontage. You could not separate another lot off to anyone else unless you gain additional property with road frontage. Mr. Johnson stated that the applicant understands and is fully aware there would not be any further divisions allowed. Mrs. Sipple stated she would not be able to do that anyway since the road frontage is only 16 feet wide. Isn't that correct? Mr. Stapleton stated that Mr. Verst is just trying to confirm that Mrs. Sipple understand that there would not be any further subdivisions allowed.

Ms. Blake had a question as to why the applicant took the 16 foot roadway and turn it into a 40 foot roadway. Ms. Minter summarized the property history to clarify the confusion on the roadway access. Ms. Minter advised that, at the time this was occurring, it predated the zoning ordinance and even the County Maintained Road List. Mr. Raymond Sipple stated that part of their decision to use the 25 foot roadway was because the gradual grading made it an easier access point than the 16 foot wide roadway. Mr. Verst stated that he appreciated this discussion, but he still is concerned about land locking the parcels to the rear of the 16 foot roadway. Mrs. Sipple stated that she would not be able to further divide her property anyway with only a 16 foot wide roadway to provide road frontage for all of that acreage. She doesn't know what the future holds, but she has done a lot of soul searching and praying on this. She has had a lot of discussions with her sister, brother and son who are her neighbors using this roadway. This is what she is left with and the situation she is in. She really just wants to create a lot for her daughter. Mrs. Sipple stated this is what she has had to deal with.

Mrs. Sipple continued to state she has had numerous conversations and meetings with Ms. Minter. Mrs. Sipple stated very clearly and concisely that she understands that she will have 1 farm and 1 home there and she could maybe have an agricultural division, but that it is not her intention to do so. Mr. Stapleton stated that the Commission just wants to make certain she understood that before they recommend approval. Ms. Harding thanked Mrs. Sipple for her expressing that the property is for her daughter. Unfortunately, the Commission is charged with looking at the long term ownership of the property years down the road. Ms. Harding stated that Mrs. Sipple's daughter may desire to sell her property at some point in the future and the Commission would have to take that possibility into consideration. Mrs. Sipple stated she as well had considered what would happen if her daughter wanted to sell. Mrs. Sipple advised the Commission that she will have a first right of refusal if her daughter determines she wants to sell the property at some time in the future.

Mr. Verst asked Ms. Minter to provide a little more information regarding the consolidation part of her conditions. Mr. Verst asked that before staff provide that information can the applicant confirm if they were asking that they not be required to consolidate the lots or that they just not be required to survey B1 again in order to perform that consolidation. Mr. Johnson stated that they do not object to consolidating the lot, but they would prefer to use the original survey of lot B1 and just join the remainder of B2 to it. Mrs. Sipple stated that Mr. William Reis is her surveyor and he advised her that he could use the original survey of lot B1 from 1970 and just do a land addition to add the remainder of lot B2 to it once the new lot was created for her daughter. She stated that the price quoted to survey the entire farm (B1 and B2) would be very costly.

Mr. Verst asked Ms. Minter to address the importance of the consolidation of the lots. Ms. Minter stated that basically staff would prefer to get this all cleaned up into 1 parcel with clear ownership. Ms. Minter stated that the original survey from 1970 was done on a separate system different from what is used today which is why they would prefer to obtain a new survey. However, since we are not really changing anything regarding lot B1, we are willing to compromise and allow the original survey done in 1970 to stand as is. Lot B2 though will require an updated survey so that it can be added to lot B1. Mr. Verst asked her to repeat she would not be opposed to allowing the applicant to use the B1 survey from 1970. Ms. Minter stated again that she would be ok with that. Ms. Minter stated she had to give Mrs. Sipple credit for maintaining such wonderful record keeping pertaining to her property.

Mrs. Sipple asked if she would be allowed to divide off another lot if they were land locked. Mr. Verst stated that one of the problems that the Commission has encountered is that a land locked parcel could be sold off. The new owners come in and want to build and do their own subdivisions, etc. not realizing that they cannot accomplish any of their plans because the parcel is land locked and has no publically dedicated road frontage. It is confusion for the public who would want to purchase and by requiring her lots to be consolidated just clarifies the issues. Mrs. Sipple questioned that if she could obtain road frontage from a neighbor if she could divide at that time. Mr. Verst stated that if she could locate the road frontage then she could subdivide further. Mrs. Sipple stated that is her biggest concern now is how to divide the property between her 2 children. She has had discussions with her children of what they want, but they do not have a vision for what they want to see happen. At this point, she is going to leave any other divisions and actions to her kids to deal with. Mr. Stapleton stated that he would highly recommend that she begin a discussion with the Campbell County Conservation District. Mr. Dennis Walter has a lot of contacts and information available to assist her in accomplishing what she wants to see occur with her property.

Mr. Verst asked if the Commission had any other questions for the applicant. There being none, Mr. Verst asked if the applicant had any additional comments or questions of the Commission. There being none, Mr. Verst asked the applicants to have a seat. Mr. Verst asked the audience if anyone wanted to speak either for or against this request. The audience had no desire to speak on this issue. Mr. Verst stated that he would open the floor for discussion amongst the Commission.

Mr. Verst opened the discussion with the way he understands this request to be. Basically, there are 3 pieces of property that are landlocked out there. We are being asked to take a portion of the private roadway parcel and adjoin it to a portion of one of the larger land locked parcels providing it with road frontage and making it conform to the current ordinance. We are making this situation better. We are taking the option for the back parcel to have road frontage away from it, but I don't think that is really going to affect this specific parcel. Mr. Verst commended staff for their assistance to the applicant.

Ms. Harding stated that to her it appears to be a clean cut issue. Her major concern was if the new "flag lot stem" was deeded to the applicant or not. Since this parcel is already in the ownership of the applicant, it satisfies her concern. Ms. Harding stated that this request appears to be eligible for and probably should be granted the waiver because looking at the regulations she does not feel it is conflict with intent and purpose of the regulations or the comprehensive plan. As far as what exceptions are needed to grant the waiver, she does not feel it qualifies for 2A as an unusual topographic condition because it was unfortunately a situation created by the actions of the applicant. However, it does qualify for 2B because it does deprive the subdivider of reasonable use of the land because the portion of the parcel to be used to create the flag lot is useless to you as it exist today. The waiver could be granted and she would recommend it under that circumstance. Mr. Verst asked if Ms. Harding was making a motion. Ms. Harding replied she was not.

Mr. Verst reminded the Commission that they were being asked to provide a recommendation to staff as to how the Commission would like staff to take action on this request. Do we approve of this or disapprove of this? If we approve, then are there any conditions to be associated with that approval. Staff has provided us with 6 recommendations and the applicant has asked that we amend condition #6 with currently states: "That parcels comprising the Leap farm be surveyed and consolidated into one lot." The applicant has requested that the parcel identified as lot "B1" not be required to be surveyed. Ms. Minter indicated that the address for that parcel is 325 Poplar Thicket Road. Mr. Verst continued that staff has already agreed that this change would be satisfactory to them. Mr. Barrows asked Mr. Verst to confirm that the survey would be only for the land addition. Mr. Verst confirmed that was correct. Mr. Verst asked if the Commission's had any comments with that compromise. Mr. Barrow stated he did not see that as an issue.

Mr. Barrow made a motion to make a recommendation to the Administrative Official that the waiver requested in case #144-14-WAV-01, a request by Carol (Leap) Sipple for a Dimensional Waiver of Section 415 Lot Arrangement and Size, (D) Flag Lots of the Campbell County Subdivision Regulations, be approved with the following conditions:

1. That the Planning Commission review and provide input to the Administrative Official.
2. That the northern portion of the approximately 16-foot dormant roadbed be joined with the proposed new parcel to create a flag lot originating from Blue Sky Lane.
3. That the remaining (southern) portion of the approximately 16-foot roadbed be consolidated to the Leap farm.

4. That an access easement from the new parcel via the existing active private road be provided.
5. That a maintenance agreement serving all parcels on the private road be recorded.
6. That remainder parcels comprising the roadbed parcel from Blue Sky Lane and the northern portion of Leap farm be surveyed and consolidated with the southern portion of the farm located at 325 Poplar Thicket Road into one lot.

Mr. Barrow stated that the bases for his motion is that this waiver request is consistent with the Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, evidence has been presented that the request is not detrimental to the public welfare, and that the waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the Zoning Ordinance and the adopted Comprehensive Plan; and that strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a second to the motion. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. No one opposed nor abstained. Motion passed.

Ms. Minter stated that she and the applicant did have a discussion just now regarding condition #5. The maintenance agreements are recorded with the Clerk's office. All we need to get now is a new maintenance agreement for the new user of this new flag lot recorded. Mr. Verst asked for the record to indicate that the applicant has stated that any new or revised access and/or maintenance agreements will be recorded with the Clerk's office.

Ms. Minter asked the Commission if they would be interested in taking a 5 minute recess. Mr. Williams stated he would like to take a brief recess. General consensus was that a small break would be appreciated. Mr. Verst called for a 5 minutes recess at 8:12 PM.

Mr. Verst called the meeting back to order at 8:17 PM. Mr. Verst called the next item of business as the election of officers for 2015. Mr. Verst reminded everyone the current officers are: Mr. Verst as Chair, Mr. Pfeffer was the Vice Chair until his recent resignation and that position is now vacant; and Mr. Williams as the Temporary Presiding Officer. Mr. Verst reminded everyone that basically the Chair presides over the meeting, the Vice Chair does so when the Chair is absent, and the Temporary Presiding Officer does it if both the Chair and Vice Chair are absent. Mr. Verst asked if anyone wanted to make a nomination for any offices or wanted to volunteer to serve as an officer. Ms. Harding stated that she thought we could continue as is. Ms. Minter reminded her that Mr. Pfeffer is no long with the Commission so the Vice Chair position needs to be filled. Ms. Harding nominated Mr. Verst to continue to serve as Chair and Mr. Williams as Vice Chair. Ms. Minter asked Mr. Verst if he would accept the nomination for Chair. Mr. Verst accepted the nomination. Ms. Minter asked Mr. Williams if he would be willing to accept the nomination as Vice Chair. Mr. Williams replied he would not. He would be happy to continue to serve as Temporary Presiding Officer though. Mr. Verst nominated Mr. Barrow to serve as Vice Chair. Mr. Barrow accepted the nomination. Mr. Verst asked Mr. Williams if he would accept a nomination to continue as Temporary Presiding Officer. Mr. Williams accepted that nomination. Mr. Verst asked if there were any other nominations. There being none, Mr. Verst summarized that the nominations were Mr. Verst as Chair, Mr. Barrow as Vice Chair and Mr. Williams as Temporary Presiding Officer. Mr. Verst called for a motion. Mr. Bass made a motion to accept the officers as summarized by Mr. Verst. Mr. Verst called for a second. Ms. Blake seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. No one opposed or abstained. Motion passed.

Ms. Minter identified that there are two positions for representation at OKI. We have the position that the Commission has for the Board of Directors. The current status is that Mr. Williams is our representative with Ms. Minter listed as the alternate. We also have representation on the Intermodal Coordinating Committee (ICC) at OKI which is Ms. Minter is listed as our representative with Mr. Hutchinson as our alternative. Ms. Minter asked the Commission if they wanted to change either of those or continue with current representation. Mr. Williams gave the Commission a brief explanation of what being a representative meant and an idea of how the meetings proceed.

After a brief discussion among the Commissioners, Mr. Verst stated he would entertain motions for representation at OKI. Mr. Barrow made a motion that the representation on the ICC committee remains the same with Ms. Minter as our representative and Mr. Hutchinson as the alternate. Ms. Blake seconded the

motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. No one opposed or abstained. Motion passed.

Ms. Blake expressed an interest in serving as alternate for the Board of Directors. Mr. Verst asked if anyone wanted to make a motion. Mr. Stapleton made a motion that representation for the Board of Directors to be Mr. Williams as our representative with Ms. Blake as our alternative. Ms. Harding seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. No one opposed or abstained. Motion passed.

Ms. Minter indicated that there are training items for approval. For our Commission, we have Mr. Barrow and Ms. Harding each with 2 hours. From our Board of Adjustment, we have Mr. Williams with 3.5 hours. For staff, Ms. Minter has 8 hours. Mr. Verst asked for a motion to approve the training as submitted. Mr. Williams made the motion to approve the training as submitted. Mr. Stapleton seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. No one opposed or abstained. Motion passed. Ms. Minter stated that they just learned of Ms. Harding's training this evening. A training form will be prepared and presented for Mr. Verst signature at the next meeting.

DIRECTOR'S REPORT

Ms. Minter stated that we did really well with our last work session on the Comprehensive Plan Goals and Objectives. We need to hold another work session so that we can move forward. Ms. Minter stated that it is up to the Chair and your discretion if you want to meet on January 20th to have a work session. After a brief discussion among the Commission, it was decided the Commission would meet on January 20th at 7:00 PM to have a work session and hopefully finish their discussion on the Goals and Objectives. Ms. Minter advised the Commissioners to bring their Zoning Ordinance binders to this work session so that they can all be updated.

Ms. Minter continued that there have been several topics that need to be brought up for further discussion. The first of those being this unusual anomaly with the Administrative Official tasked with approving waiver requests. This was a change that was made to the Subdivision Regulations during the update that occurred in 2012. Ms. Minter has since gone through the Regulations to highlight situations where the Administrative Official and not the Commission is authorized to take action on requests. Ms. Minter would like to get the Commission's input on the authority to approve these items. Mr. Verst stated he recalls the meetings where we decided there were several items that staff was authorized to act without input from Commission because it provided a greater service to our citizens and it made sense to do so. However, there are a couple of instances that staff was given authority, such as what was brought before the Commission tonight, that may need to be discussed to determine how the Commission want these issues addressed in the future. Mr. Williams asked if Ms. Minter would have the time to present something to the Commission. Ms. Minter stated that she is tasked with gathering information for the Commission and she would be happy to prepare something. The general consensus was that the Commission would be interested in readdressing this issue.

Ms. Minter stated that she did want to give some feedback to the Commission regarding signs as addressed in our Zoning Ordinance. If you recall, a couple of months ago a text change was proposed and then withdrawn by the City of Southgate. Staff was going to prepare a proposed change to the text to present to the Commission. We are in a holding pattern right now. There are decisions that are imminent on a national level that may affect what can and cannot be allowed. As soon as those decisions are issued, we will review and incorporate those decisions into our proposal.

Ms. Minter asked the Commission if they would be interested in received additional information pertaining to wood burning stoves and/or outdoor furnaces whatever you terminology you wanted to use. Mr. Bass stated that was exactly the issue. What do you want to call them? He has a wood burning stove that he uses to heat his house. He has followed all recommended installation regulations. He does not have the outdoor smoke issue that disrupts his neighbors. Mr. Bass stated he does not want to see any regulation pertaining to heating your home by wood. Ms. Minter stated she does not disagree with Mr. Bass. There are many homes in Campbell County that heat by wood burning stoves.

Mr. Verst stated he thinks maybe the Commission needs training on wood burning heaters. Ms. Minter can prepare training so that we can have a discussion to see if there is anything we need to do. Mr. Verst stated he thinks we need to have discussion regarding this and then see if Fiscal Court has any interest or recommendations regarding the issue. Ms. Blake stated she has pushed for this for the past 18 months. Mr. Verst asked if Ms. Minter had anything to present tonight or if she wanted to know if they were interested in the topic. Ms. Harding stated that she is not concerned with the wood burning stoves heating homes at all. Her main concern is what is referred to as "OWB" or Outdoor Wood Boilers. She didn't want anyone to think she is against wood burning heaters. Thousands upon thousands of cities and counties have regulated OWB's. This is not a nuisance issue, but an environmental concern.

Mr. Verst stated he did not want to have this discussion tonight. What he wants to know is if the Commission feels there is enough of a concern that we would like Ms. Minter to do additional research for us. Ms. Blake stated absolutely there is concern and the research should be done. Ms. Blake stated that the particulates in the smoke are not your average particulates you would find in air and are very detrimental to human health. Mr. Verst asked how the rest of the Commission felt. After a brief discussion, Mr. Verst asked Ms. Minter to perform some additional research for the Commission. Ms. Minter stated that she would perform the research and would reach out to the Fiscal Court to see if there were any vital information they would like to include or see included in the research. Ms. Minter wanted to clarify on the planning and zoning perspective of wood burning stoves and/or boilers and would not include any EPA or other regulations already in existence.

Ms. Minter brought up the issue that our Zoning Ordinance uses terms such as "boat harbors", "dockage facility" and "marina". However, these items are not defined. Ms. Minter asked the Commission if there was any benefit to defining these items or leaving them abstract the way they currently are. After a brief discussion, the decision was reached that these items should be defined. Ms. Minter will research and propose general definitions and will present those to the Commission for consideration.

Mr. Verst asked if there was any other business to discuss. There being none, Mr. Verst called for a motion to adjourn. Mr. Williams made a motion to adjourn. Mr. Stapleton seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:55 PM.

Respectfully Submitted,



Cynthia Minter
Director of Planning & Zoning

Approved:



Justin Verst
Chair