

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
FEBRUARY 11, 2014
7:00 PM

AGENDA

1. Meeting called to order.
2. Roll call and determination of quorum.
3. Approval of the ^{Jan. 14 2014}~~December 10, 2013~~ minutes.
4. **CASE:** 127-14-SPD-01
APPLICANT: Morning Star Partners, LLC
LOCATION: A 1.97 acre area located at the south east corner of AA Hwy and Ivor Road, Unincorporated Campbell County KY.
REQUEST: The submitted request is for approval of a Family Dollar store located within the HC-IM Zone.
5. Director's Report
6. 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.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE FEBRUARY 11, 2014 MEETING**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mr. Edward Stubbs
Mr. Tony Pfeffer, Vice Chair

STAFF PRESENT:

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

Mr. Verst called the meeting to order at 7:03 PM. Following roll call, a quorum was found to be present. Ms. Minter was recognized by Mr. Verst. Ms. Minter introduced the newest Commissioner as Mr. Steve Stapleton representing the Unincorporated Campbell County. Mr. Stapleton has much to offer to the Commission. Ms. Minter advised Mr. Verst that Mr. Stapleton was previously sworn in and capable of participating in the meeting tonight. Ms. Minter also recognized Ms. Harding and Mr. Stubbs are being reappointed to the Commission.

Mr. Verst asked if everyone had reviewed the January 14, 2014 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 January 14th meeting minutes as submitted. Mr. Stapleton seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, and Ms. Harding in favor of the motion. Mr. Stapleton, Mr. Williams and Mr. Verst abstained. Motion passed.

Mr. Verst introduced case #127-14-SPD-01, a site plan for approval of a Family Dollar store located within the HC-IM Zone. Mr. Williams asked a question of legal counsel. Mr. Williams participates on the Board of Adjustment which recently granted a variance to this developer for this project. Does that disqualify him from participating in the discussion and voting on this site plan tonight? Mr. Smith stated that there was no conflict of interest or duty in this situation. Mr. Williams is fully able to participate in tonight's discussion and voting on this proposed site plan. With that, Mr. Verst called for Mr. Hutchinson to present the staff report and recommendations.

CASE: 127-14-SPD-01

APPLICANT: Morning Star Partners, LLC

LOCATION: A 1.97 acre area located at the south east corner of AA Hwy and Ivor Road, Unincorporated Campbell County KY.

REQUEST: The submitted request is for approval of a Family Dollar store located within the HC-IM Zone.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site Neighborhood Retail. The property is currently zoned Highway Commercial and

Industrial Mining (HC-IM). The minimum front yard setback is 50' feet, side is 15' feet, rear is 25' feet. Areas to the west and east are zoned Industrial Mining - Agricultural One (IM-A-1) to the north is zoned HC and south is zoned HC-IM. The HC zone permits apparel shops, art store, candy store, camera store, book store, pottery store, hardware store, hobby shop and variety store.

2. The site in question is a vacant, hilly and wooded 1.97 acre corner lot.
3. The HC and HC-IM Zones within the Campbell County Zoning Ordinance permits a variety of retail and service. The IM Overlay exists on this site and the mineral rights to the property are under separate ownership.
4. Review of the site plan in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
 - a. The site plan shows the proposed Family Dollar located 78.62' feet from the proposed property line.
 - b. The applicant received two variances to locate the parking 9' feet and 7.09' feet into the front yard setback.
 - c. The drawing shows the applicant will be providing 39 parking spaces. This meets the minimum parking requirements per the zoning ordinance.
 - d. The drawing shows a proposed loading and unloading zone 12' x 70' feet.
 - e. The drawing shows the proposed entrance along Ivor Road lines up with the store/gas station entrance across the street.
 - f. The drawing shows a proposed sign at the north west corner of the property 15' feet and 11' feet off the property line. This meets the minimum setback requirement for signs.
 - g. The site plan submitted to staff for review shows a "future lot line".
 - h. The site plan notes "possible future shared drive" at the north east corner of the development terminating into the remainder tract labeled "Part Lot #2 Unit Two".
 - i. The site plan shows the remainder tract labeled "Part Lot #2 Unit Two" will receive an access easement to the curb cut shown on the proposed site plan. AA Highway is a limited access roadway for safety reasons any future access to the remainder tract should be from Ivor Road (classified as a Local Road). Due to safety concerns, multiple access points along Ivor Road should also be limited.
 - j. The site plan shows an ingress egress easement on the existing property to be vacated.
 - k. The site plan shows a proposed 10' foot screening buffer along the western edge of the property line consisting of staggered pines.
 - l. The site plan shows slopes of 20% or greater. This will require the implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
 - m. The site plan shows a proposed dumpster area with a heavy duty concrete pad.
 - n. The site plan shows 2 handicapped parking spaces.
 - o. The site plan shows existing 8" inch public water lines.
 - p. The site plan shows proposed storm lines on site to capture drainage.
 - q. The site plan shows existing overhead utility lines.
 - r. The site plan indicates grading along the south east portion of the site.
 - s. The site plan shows a proposed septic system along the north east part of the site.
 - t. Fire flows in this area are not known. Fire flows should be in accord with the requirements of the Southern Campbell Fire District.

- u. The site plan notes wall pack lighting will be installed on new buildings and won't glare onto adjoining property.
- v. The site plan notes existing fencing to be removed & replaced. Any new fencing must receive a fence permit.
- w. The site plan indicates proper use of best management practices (BMP).

5. The following is a summary of previous issues pertaining to the site in question:

On December 17, 2013, Morning Star Partners, LLC received two dimensional variances by the Campbell County Board of Adjustments with no conditions, to allow parking in the front setbacks.

Campbell County Staff Recommendation:

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

1. That the applicant submits to Campbell County Planning staff an application to split the proposed 1.97 acre lot off the remainder tract.
2. That the applicant provides proof of the recorded deed and land division prior to or as part of the submission of a building permit application.
3. That the remainder tract labeled "Part Lot #2 Unit Two" receive a recorded access easement to the curb cut shown on the proposed site plan.
4. That the septic system not be placed within the access easement for the remainder tract labeled "Part Lot #2 Unit Two".
5. That the applicant submits plans to the Campbell County Building Department for review and approval including both fencing and signage.
6. That the sign not encroach on the minimum 10' foot setback.
7. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
8. That the applicant complies with the requirements of the Southern Campbell Fire District regarding fire flows.

Bases for Recommendation:

The proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and the Campbell County Zoning Ordinance, except as noted below:

1. CAMPBELL COUNTY ZONING SUBDIVISION REGULATIONS, SECTION 300 States: "The subdivider or applicant submits a Conveyance Plat to the Planning Commission for review and approval."
2. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 9.19.G. States: "Site Plan Requirements: All utility lines and easements must be shown."

3. CAMPBELL COUNTY ZONING ORDINANCE, SECTION 13.4. States: "Commercial and Industrial Zones: Fences and or walls within all commercial and industrial zones including those permitted with all conditionally permitted uses in this zone shall conform to the requirements."

While presenting his report, Mr. Hutchinson advised the Commission that a neighbor (Mr. Rick Carr) did visit staff's office and provided to staff a plat showing the ingress/egress easement as it was recorded on the existing lots. This plat was not included in the packet to the Commissioners. Mr. Hutchinson included a copy of the recorded easement as slide #22 of his presentation so that the Commission could clearly see the easement's location. Mr. Carr wanted to make sure that the neighbors are properly represented and to express their desire for the easement to continue. Mr. Hutchinson stated that the Commission could discuss this easement in further detail later in the meeting. However, it is important that we recognize that easement exists and that it should continue to be maintained in some form for the use of the neighbors.

Mr. Hutchinson concluded his report by asking if there were any questions he could answer for the Commission. Mr. Verst asked Mr. Hutchinson about the photograph showing the driveway. Mr. Verst asked if the driveway is shown inside the access easement. Mr. Hutchinson stated that he did not know the answer to that. Mr. Verst stated he would save that question for the applicant. Mr. Verst stated he did not see anywhere on the plans where the access of that easement would reconnect with the existing drive. He added that he would save that question for the applicant as well.

Mr. Stapleton asked about the power line easement running across the property. With the Commission requiring a screening buffer, Duke will likely cut down the pine trees if they go into the easement area. They will not allow you to have any trees that would grow into the power lines in that area. Ms. Blake agreed that pines would not be a good choice for this buffer. Mr. Stapleton stated that his second comment is that the septic system looks like it is in the easement area. Duke would bring in this piece of equipment to do the clearing and it weighs about 5 tons. If it goes across the septic area, it could crush the tank.

Mr. Verst thanked Mr. Hutchinson for his report and asked if there were any questions for staff. Ms. Blake stated that she also had intended to comment about the pine trees. Mr. Verst stated those comments could be saved for when the Commission is having their general discussion. Ms. Blake stated that her other question is on staff recommendation #5. Does the signage referenced include the signs for the handicap parking? Ms. Minter clarified that when staff is referring to signage, they are discussing marking signs for the business. We do not require permits for parking signs to be installed in any particular parking lot. We are talking about the store name signs advertising the business.

Ms. Harding asked Mr. Hutchinson to go back to the aerial photo showing the AA Highway. Ms. Hardin commented that it looks like AA Highway is a two lane road at this point. Are there any plans to expand AA Highway in this area? Ms. Minter stated that AA Highway is a state maintained road. At this time, staff has not been made aware of any plans to expand AA Highway at any point. Ms. Harding stated that her concern is for truck traffic (delivery trucks) as they turn onto Ivor Road. Mr. Hutchinson stated that, personally, he would not be as concerned about the widening of the AA Highway because if you look at this area there is an irregular right-of-way along the AA Highway. There is over 100 feet of right-of-way from the edge of pavement over. Per our Zoning Ordinance, the right-of-way only has to be 60 feet from centerline of the road out. It is substantially wider than it needs to be.

Ms. Harding asked if there were turn lanes. Mr. Hutchinson asked her to clarify from which direction. Ms. Harding stated both north and south directions. Mr. Hutchinson stated that there

is a turn lane coming south on AA Highway so they can turn onto Ivor Road. Going north on AA Highway does not have a turn lane, but it does have large shoulders along AA Highway. Ms. Harding stated that she is just concerned about how close to the property line this is going to get if they are trying to turn at this intersection. Mr. Verst added that the thing to remember is that if the applicant were to request a turn lane, they would have to submit their request to the Kentucky Department of Transportation, District 6. They would review the request and determine if a turn lane were needed or not. It would not be up to the County. The County could only determine what would be necessary on Ivor Road itself.

Mr. Verst thanked Mr. Hutchinson for his report and asked if there were any other questions for staff. There being no other questions for staff, Mr. Verst asked the applicant to step forward and state their name and address for the record. Mr. Dan McCarthy, the Development Manager for Morning Star Partners LLC, fully owned by Core Resources here in Cincinnati, stepped forward. Their office is located at 1404 Vine Street, Cincinnati, Ohio 45202. Mr. McCarthy stated that their proposal would allow them to develop a Family Dollar store on 1.97 acres on Ivor Road. It is a challenging site with slopes in excess of 20% in some areas. Mr. McCarthy stated that, of all the different designs they went through to get to this plan, this plan works best for the site and for Family Dollar layout wise and with the Zoning Ordinance. They slanted the store on the site and pushed it back into the hillside because that is what was necessary to get the parking requirements met. The spacing for the parking does meet the Zoning Ordinance even though they are larger than what they would normally build. The layout of the building is situated so that it does have two fronts – Ivor Road and AA Highway. It will have good visibility and works with the natural grade of the site. Mr. McCarthy stated that was the basic summary of the project and asked if the Commission had any questions of him.

Mr. Verst asked the questions he previously posed to staff. With the photo of the driveway, is the driveway located on the access easement? Mr. McCarthy replied that, according to their survey, it is. Mr. Verst stated that he could not discern from the plans what the plan was to reconnect that existing driveway to provide access for the lots behind the store. Mr. McCarthy put up the slide titled "Site Plan & Landscaping" so that the access drive could be seen in shaded grey. Mr. McCarthy stated they had several ideas how to reconnect the entrance off Ivor Road to the driveway at the proposed rear property lines. The first one was to take the entrance by the loading/unloading area on the plan and connect it to the "flag stem" they would be creating with the land division. However, this property is owned by several property owners and the grade is steep so they don't feel that would be a viable option after all. The current plan they are looking at, and this has not been presented to the grantees of the easement yet, is to route the users of the easement through the parking lot in front of the store and pave back to the rear proposed property line to reconnect to the existing gravel drive. This would be on a flatter portion of the site. Mr. McCarthy stated that they didn't have all the details worked out and don't know if this will work, but this option seems far more likely to occur. Mr. Verst asked if there would be any objections or concerns if the Commission were to propose a recommendation that a revised drawing be submitted showing the location of the easement? Mr. McCarthy replied it would not be a concern and they would be happy to do so.

Mr. Verst asked if the applicant had any contact with the owner of the utility easement for the overhead lines. Mr. McCarthy replied that they have not. Mr. Verst stated that, if you look at the grading plan where the flag stem is proposed, there is a dotted or dashed line going from the top right hand of the property down to the middle of the property behind the building. It looks like a drainage swale. It appears that the site grading cuts the swale off right behind the building. Further, it looks like it will cause the drainage to empty out behind the corner of the building. Mr. Verst would like to see that addressed on the plan to make certain that the drainage is not going to the corner of that building. Mr. McCarthy stated that he saw what Mr. Verst was talking about. These are proposed drawings and they have not been reviewed by the

civil engineer so that these types of issues could be addressed. He will highlight this issue for further review at their office.

Ms. Blake asked about the slope in the rear of the building and if the applicant had begun any grading work at this site. Mr. McCarthy stated that this is a proposed development plan and proposed grading plan. They have not performed any grading on the site and would not without proper approval by the Commission and staff that the work proposed would be acceptable. They don't even own the property yet.

Mr. Stapleton asked for a confirmation that the easement, as previously stated, could come directly across the parking lot. Mr. McCarthy stated that was correct. It is actually a common practice with the Family Dollar Stores when they need to provide an ingress/egress easement to have the easement run through their parking lot. Mr. Stapleton asked what the property to the rear was. Is it a farm or what? Mr. Hutchinson stated that the property was zoned A-1 Agriculture allowing for residential use of the property. Mr. Stapleton asked if that was the only point of access for that property. Mr. Hutchinson replied that it was currently the only point of access to the property. Mr. Stapleton asked if someone wanted to build a house there could they get access off the AA Highway there. Mr. Hutchinson replied that the AA Highway is a limited access highway requiring the owner to obtain access off the local road that they currently have access from.

Mr. Stapleton asked if that meant they would have to get access through the Family Dollar parking lot. Mr. Hutchinson replied that the access would come wherever the owner and the applicant decided to place their easement. There is currently an easement on site and we would need to make certain that an easement needs to be maintained on the new plans. Staff is not necessarily concerned with where it is so long as it exists. The easement is a private issue between the owners and the applicant and they would have to work out the placement of that easement. Ms. Minter pointed out that the location of the easement has not been presented to staff. She appreciated the applicant bringing options forward for consideration. Ms. Minter requested the flexibility to mutually define an acceptable easement for both ingress/egress and utilities, but to not lock the easement in to a specific location at this point until staff and the applicant have an opportunity to review the proposed easement as well as the parties to that easement.

Mr. Hutchinson added that was why recommendation #3 was just a general statement that an easement be recorded. An easement needs to be shown and defined at some point prior to the site conveyance plan. At this point, the applicant has not even had an opportunity to present this to all of the neighbors yet. Mr. Verst stated that recommendation #3 indicates access easement, but does not address utilities. Mr. Hutchinson stated that the Commission can add to the recommendations, and should probably add the utilities. In this instance, just try to keep it as general as possible. Mr. Smith added that he would recommend that the Commission also add the phrase "to the satisfaction of staff".

Mr. Verst asked if there were any further questions of the applicant. There being none, Mr. Verst noted that there were a couple of audience members present at the meeting, Mr. Verst asked if anyone else wanted to speak either for or against the proposed site development plan. A member of the audience stepped forward and identified himself as Mr. Rick Carr, 3666 Meadowview Drive in Alexandria. Mr. Carr and his wife are the owners of the 16.38 acre lot to the rear of this site and the driveway was to provide access to his property. Mr. Carr recorded the easement some 23 years ago. He stated that they built the driveway in there. They then measured out from the centerline of that drive. He put all those call signs reflected on the recorded easement. There is a little box to the side that describes the details of that 25' foot ingress/egress easement to lot 1, unit 1 and lot 2, unit 1. This driveway was really just for those 2 lots back there.

Mr. Carr stated that they bought that property right before the AA Highway opened. They bought it to develop the sites and still be able to access the road. That driveway only serves those 2 lots. There was another driveway further up the hill some ways that would serve 3 lots on that piece (from the preliminary plat that he prepared). But then someone approached him and wanted to purchase this and they just platted unit 1. Then someone wanted to buy this parcel over here and they platted that piece.

Mr. Carr commented to Mr. Stapleton that he had mentioned a 50' foot easement for the power lines, but Mr. Carr believes it is actually a 75' foot easement from what he remembers. Mr. Carr continued that they did 2 plats for Ivor Estates. Both of those plats have a note down at the bottom about easements. He doesn't believe the Commission was provided that, but he gave it to Cindy (Ms. Minter). It highlights the description of the ingress/egress for unit 1, but it also talks about the utilities.

Mr. Carr stated that he is all for the Family Dollar store, but he just wants to provide for his property rights. It is a platted easement and he feels pretty good about that and he is going to retain his rights. He just wants to make sure that somewhere in their approval maybe the Commission can say something about the easement for ingress/egress and the utilities. He still needs to get utilities back to his property. If they have a water main out there, he wants to get a water line easement so he can get water to his property back there. Mr. Carr thanked the Commission for listening to him.

Mr. Verst stated that the Commission would likely leave the location of the easement up to Mr. Carr and Mr. McCarthy to negotiate to the satisfaction of staff as to how the access easement gets handled. As far as the utility easement, that is a little different. Once the Family Dollar puts down pavement, you can drive across the pavement. But if you want to install a water line back all the way out to the street, you would have to cut through the Family Dollar's paved parking lot. That's a different thing. Mr. Carr restated that he would like to see for permission of his utilities as well.

Mr. Verst asked if there were any further questions of Mr. Carr. There being none, Mr. Verst asked if the remaining audience member wished to speak. Mrs. Carr stated that she agreed with her husband's comments and had nothing to add. There being no other audience members, Mr. Verst closed the public comment portion of the meeting. Mr. Verst opened the floor for discussion among the Commissioners. Mr. Verst stated that staff gave a recommendation of approval for the plan and provided some conditions. Where did the Commission wish to begin their discussion?

Mr. Stapleton asked if the easement would provide both access and utilities. Mr. Hutchinson replied that would actually be something that Mr. Carr would have to work out with the applicant. The existing easement is for ingress/egress and for the placement of utilities. But the matter of the location of the easement is something that the applicant and the neighbors would have to work out. Staff would want to see it to make sure that it is appropriate, but that is really a private issue. We just want to try to make sure that it is covered. Mr. Verst asked, if the Commission were to make a motion to approve this application, would it be appropriate for the Commission to amend staff recommendation #3 to include language about utilities in addition to the access and to require the applicant to work with the owners and staff to work out the details of that easement. That way the Commission doesn't have to work out the details tonight. We just set the framework to make certain that it occurs. It's kind of similar to recommendation #4. We don't want the septic system to be placed in the easement area. We don't know where they are going to place it, but we leave it up to staff to insure it is not in the easement.

Ms. Harding stated that she had a question regarding recommendation #2. We want them to provide proof of the recorded deed and land division prior to or as part of the submission of a building permit application. She thinks that the closing on the property would be preceded by the division occurring. Mr. Hutchinson answered that they may come in tomorrow and bring their building permit application in. We try to keep communication with our building inspectors, but this is one more layer to add security that the inspectors know to look at this specific item and insure that the lot division has occurred and been recorded with the Clerk's office. Otherwise, what we have is an approved site plan, but the lot lines are not defined yet. We want to make sure that the site plan approval is in place, that the land division has occurred and that the deed has been recorded. We don't want to approve a plan and then the building inspectors not realize the land division is supposed to occur and then they might perform their review and approval on a 10 acre site versus a 1.97 acre site.

Mr. Verst stated that, if the Commission is going to approve this site plan, he would recommend that we attach another condition that requires the applicant to provide a letter from the owner of the utility easement stating that they are in agreement with what the applicant is proposing. Most utility companies don't have a formal process for submitting a plan and getting a formal approval, but if you provide them with the plan, they will usually provide you with a letter that they have reviewed it and approve the proposed plan. Mr. McCarthy replied that usually all they will do is issue you a letter telling you to install whatever and they will just knock them down or tear them out when they come through to clear landscaping from the lines. Mr. Verst stated that many times they will clarify what you can and cannot put in there. We don't want to approve something that we know is going to be ripped out because of the buffering requirement. We don't want Duke or somebody tearing out the buffering/screening landscape and then have to require that the property owner put it right back up because of the Zoning Ordinance requirements. That is just a vicious cycle. Mr. Verst stated that he feels it is totally appropriate to require the applicant to supply a letter from the easement owner telling us what is or is not permitted in that area based up on the easement they have in existence. We can make it possible for the applicant to work with staff to make some adjustments so that the buffering requirement can be met without interfering with the easement parameters.

If we are to recommend approval, Mr. Verst continued that he would also suggest that the plan be revised to address the hillside drainage swale behind the building. As designed on the plan, it would be an issue. There is a hillside drainage swale behind the building and it will wrap around the hill and it drops down to the back corner of the building. This needs to be addressed.

Mr. McCarthy asked to be recognized and was by Mr. Verst. Mr. McCarthy approached the podium and began with a concern about the owner of the overhead utilities. His past experience has been that the overhead utility owners will refuse to put any approvals in writing. They usually go down the fickle route and just issue a letter stating to go ahead and put in the screening and then they will rip it out later if it interferes with the utilities. How does he as an applicant get this approved if they simply refuse to put anything in writing? Mr. McCarthy stated that he wants to work with the Commission and would be perfectly happy approaching the owners, but he doesn't want the language written so that he is denied the ability to develop this plan if they won't put it in writing. They will know what is going on and planned to be installed, but they just won't put it in writing that they approve of the plan.

Mr. Verst stated that he would think the Commission would want to give latitude to the applicant and just have them work with staff to try to come to some sort of resolution if the owner of the easement won't issue a written approval. If you cannot come to terms with staff, then the applicant has the ability to file an appeal of the zoning administrators' determination and come before the Commission or Board of Adjustment for review of the items. Mr. Verst thinks staff could work this out. Ms. Minter suggested the Commission add a condition on the site plan as

to what that easement actually is. This way we will know the exact dimensions of it – if it is 50 feet or 75 feet. In terms of coordination with staff, this way we have evidence that coordination was undertaken with the utility company regarding that easement.

Mr. Hutchinson added that staff has worked in the past with individuals where screening and meeting the minimum requirements has not been necessarily obtainable or there have been alternative screenings provided like a landscaping mound at one time. We have worked with applicants on alternatives and there may even be some type of barrier created with cutting into the hill. Staff has the capability to work with the applicant.

Mr. Stapleton stated that after his years of experience of dealing with the overhead utilities on his own property he is fully certain that they will not issue any letters of approval. It is their easement. Mr. Stapleton stated he feels that this is something the applicant should work out with staff. Mr. Verst stated that they may not specifically state they approve of the site development plan, but they can outline what is and is not allowed per the existing easement. Mr. Verst stated that he feels the Commission should state that this is a condition that the buffering be worked out to the satisfaction of staff and give staff the latitude to determine how that is actually done.

Mr. Williams asked if this was so that if the applicant could not get an approval letter out of the owner of the overhead utilities that this would not be a “deal-breaker” for the applicant. Mr. McCarthy stated that was his question as well. Mr. Williams stated that he has also had limited experience with utility companies and they would not put anything in writing. Mr. Verst clarified that they probably would not give you a letter of express approval, but they would grant you a letter citing what is allowed within that area, what types of trees are acceptable, and what the owners are allowed to place there. The applicant can then provide a copy of that letter to staff, tell them what they can and cannot do and propose how they plan to buffer the area. Mr. McCarthy stated that they would approach Duke and they will provide a letter of what you can and cannot do in that area. They will provide a copy of that letter to staff and then work with them on how they can meet the buffering requirements of the Zoning Ordinance. Mr. McCarthy will work with staff to meet this requirement. Mr. Verst agreed and stated that staff could work that item out and the Commission need not expressly approve the location or type of screening that will be used unless the applicant and staff cannot agree on how to proceed with this requirement.

Ms. Harding asked Mr. McCarthy if he stated on record that he agreed to the conditions that staff proposed. Mr. McCarthy stated that they do agree with the conditions. Mr. Verst asked, since you agreed with the conditions as stated by staff, if the Commission were to modify recommendation #3 to include access and utility easement and add to that that they driveway will be reconnected to the easement if the applicant would be in agreement with that modification. Mr. McCarthy agreed that they would not have an issue with the modification. Mr. Verst continued to confirm that Mr. McCarthy would be willing to provide to staff the restrictions of the overhead utility easement and work with staff to provide buffering along the property line. Mr. McCarthy stated he absolutely agreed. Mr. McCarthy wanted to clarify for the Commission that the applicant has never objected to providing access to the owners of the property at the rear of their proposed property line. This is a cordial matter between the applicable parties and they just have not worked out a final agreement that satisfies all parties yet. Mr. Verst asked Mr. McCarthy if he agreed with the statement that the drainage swale located at the rear of the building along the hillside needs to be addressed in their drawings as well. Mr. McCarthy stated they agreed with that condition as well.

Mr. Verst asked if there were any other questions or comments. There being no other comments, Mr. Verst asked if the Commission wanted to review the conditions they desire to place on any proposed approvals. He also called for staff to assist them in constructing the

conditions. After much general discussion between the Commission, staff and legal counsel, the consensus was that if an approval were to be recommended that the following conditions would apply to that approval:

1. That the applicant submits to Campbell County Planning staff an application to split the proposed 1.97 acre lot off the remainder tract.
2. That the applicant provides proof of the recorded deed and land division prior to or as part of the submission of a building permit application.
3. That the ~~remainder tract labeled "Part Lot #2 Unit Two"~~ **existing lots currently served by the existing easement** receive a **relocated** recorded access **and utility** easement to the curb cut shown on the proposed site plan **to the satisfaction of staff, the applicant and the existing easement grantees.**
4. That the septic system not be placed within the **relocated** access easement. ~~for the remainder tract labeled "Part Lot #2 Unit Two".~~
5. That the applicant submits plans to the Campbell County Building Department for review and approval including both fencing and signage.
6. That the sign not encroach on the minimum 10' foot setback.
7. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
8. That the applicant complies with the requirements of the Southern Campbell Fire District regarding fire flows.
9. **That the existing overhead utility easement be dimensioned on the plan and that the applicant complies with the requirements of the existing overhead utility company and provide a buffer to the satisfaction of staff and the applicant.**
10. **That the existing drainage swale located on the south eastern portion of the property be addressed on a revised grading plan to the satisfaction of staff.**

Mr. Verst asked if there were any further discussion on the proposed conditions. There being none, Mr. Verst called for a motion. Mr. Stapleton made a motion to approve case #127-14-SPD-01, a 1.97 acre area located at the south east corner of AA Hwy and Ivor Road in the Unincorporated Campbell County, Ky. The proposed plan is consistent with our Comprehensive Plan and has been recommended by staff for approval in their staff report. Mr. Smith asked Mr. Stapleton to confirm that his approval was subject to the 8 conditions submitted by staff with conditions #3 & #4 as modified per previous discussion among the Commission and with the addition of conditions #9 and #10 as previously discussed by the Commission. Mr. Stapleton stated that was his intention. Mr. Verst stated that there was a motion on the floor. Was there any discussion or comments on the motion? There being none, Mr. Verst asked if there was a second on that motion. Mr. Barrow 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 and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

There being no other cases to come before the Planning Commission, Mr. Verst called for the Director's Report.

DIRECTOR'S REPORT

Ms. Minter asked that the Commission approve training for the following:

Approve Training for P&Z Commissioners:

- Larry Barrow – Getting to Know Flood Reform (Parts 1, 2 & 3) [1.0 hour]
- Lauri Harding – Getting to Know Flood Reform (Parts 1, 2 & 3) [1.0 hour]
- Justin Verst – Flood Reform Video & Flood Insurance Manual [1.0 hour]

Approve Training for Staff:

- Cindy Minter – Intro to FEMA Community Rating System [1.0 hour]

Ms. Blake made a motion to approve training for the Commissioners and staff. Mr. Williams 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 and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Ms. Minter reminded the Commission that there was a training opportunity available immediately following tonight's meeting regarding Article X, Section 10.28, ACD – Agricultural Cluster Development Overlay Zone. Staff had no additional business to discuss with the Commission.

Mr. Verst asked the Commissioners if they had any other business to discuss. There being none, Mr. Verst asked 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 8:22 PM.

Respectfully Submitted,

Approved:


Cynthia Minter
Director of Planning & Zoning


Justin Verst
Chair