

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE MARCH 10, 2010 MEETING**

**MEMBERS PRESENT:**

Mr. Larry Barrow  
Mr. Justin Verst  
Mr. Robert Huck, TPO  
Ms. Cindy Minter, Vice-Chair  
Ms. Debbie Blake, Chairperson

**MEMBERS ABSENT:**

Mr. Tony Pfeffer  
Mr. Michael Williams  
Ms. Kay Wright

**STAFF PRESENT:**

Ms. Molly McEvoy Boh, Legal Counsel  
Mr. Peter Klear, Director of Planning & Zoning  
Ms. Stephanie Turner, Secretary

**STAFF ABSENT:**

Mr. Ryan Hutchinson, Planner

Ms. Blake called the meeting to order at 7:02 PM. Ms. Blake asked for a roll call. Following roll call, a quorum was found to be present.

Ms. Blake asked if everyone had reviewed the January 12, 2010 meeting minutes and asked if there were any additions or corrections. There being none, Ms. Blake called for a motion. Mr. Barrow made a motion to approve the January 12<sup>th</sup> meeting minutes as submitted. Ms. Minter seconded the motion. A roll call vote found Mr. Barrow, Mr. Verst, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Ms. Blake introduced case #67-10-PPL-01, Humphreys-Verst Subdivision to the Planning Commission and asked Mr. Klear to give the staff report and staff's recommendation to the Commission.

**SUBDIVISION:** 67-10-PPL-01 Humphreys-Verst Subdivision  
**APPLICANT:** Justin D. Verst  
**LOCATION:** A 7.07-acre area near the intersection of Weaver & Walden Lane, Unincorporated Campbell County.  
**REQUEST:** To approve a Preliminary Plat consisting of four (4) lots, one (1) land addition and remainder tract, with no public improvements.

Mr. Klear made a request to table the case. Ms. Minter made the motion to table the case. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck and Ms. Minter in favor of the motion. Mr. Verst and Ms. Blake abstained. Motion passed.

Ms. Blake introduced case #68-10-PPD-01, Replat of Lot's #4 & 5 of Tug Creek Farms, to the Planning Commission and asked Mr. Klear to give the staff report and staff's recommendation to the Commission.

**SUBDIVISION:** 68-10-PPD-01 Replat of Lot's # 4 & 5 of Tug Creek Farms  
**APPLICANT:** Ryan Schaeffer  
**LOCATION:** A 30.26-acre area along the east side of Lower Tug Fork Road a mile north of Upper Tug Fork Road, Unincorporated Campbell County.  
**REQUEST:** To approve a Preliminary Plat consisting of two (2) lots and two (2) land additions, with no public improvements.

**Considerations:**

1. The 2008 Campbell County Comprehensive Plan Update designates the site for Rural Mixed Use. The area is PRDA, a Physically Restrictive Development Area due to steep slopes. The Campbell County Zoning Ordinance classifies the plat within the R-RE Zone, a Residential Rural Estate Zone, requiring a minimum lot size of one acre, lot widths of 100 feet, minimum setback dimension of 50 feet, side yards of 10 feet (one side) and 25 feet (total both sides), and a minimum rear yard depth of 35 feet, not including flag lots and/or mobile home lots.

Flag lots shall only be used in those locations where due to geometric, topographic and other physical features; it would be impractical to extend a publicly dedicated street to serve lots located in said areas. Flag lots shall be located no further than 250 feet from the right-of-way. The minimum lot area and setback requirements for flag lots shall be two and one-half (2 ½) times the requirements for residential zones.

**Recent History for this Property:**

2. The following is a summary of previous issues pertaining to the site in question:
  - a. On December 14, 2001, an application was submitted by Jay Shell for approval of a nine (9) lot, 73 acre Preliminary Plat to the Campbell County & Municipal Planning & Zoning Commission, with no public improvements. On that Preliminary Plat each proposed lot had a minimum road frontage of 100 feet. On January 8, 2002, Campbell County & Municipal Planning & Zoning Commission held a public hearing and approved the Preliminary Plat with five (5) conditions. All conditions have been completed by Mr. Shell.
  - b. On September 3, 2003, Mr. Shell submitted a Final Plat for all nine lots. That Final Plat was approved on October 14, 2003.

**Review of Plat:**

3. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
  - a) The Plat indicates a proposal to subdivide a 13.36-acre area along the east side of Lower Tug Fork Road for the creation of two flag lots, with no public improvements.
  - b) The Plat indicates two land additions each 1,246 sq. ft. are proposed between Lot's #5 & Lot # 4B.
  - c) The Plat shows all lots are currently vacant.

- d) The Plat shows an existing 30' wide access and electrical easement on Lots # 5 & 6.
- e) The Plat shows an existing 25-foot right-of-way parcel fronting along the proposed lots.
- f) The Plat indicates the front portion of Lots # 4B & 5 fall within the 100 year flood plain.
- g) County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems will be utilized subject to Health Department approval.
- h) County records indicate water is available fronting the lots.
- i) The Plat correctly notes that the new building development on areas containing ground slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
- j) The width of Lower Tug Fork Road is 14 feet, in conflict with minimum county standards. However the escrow funds required for widening this portion of road fronting the proposed plat was previously submitted. Therefore no additional funds are required for this division.

**Recommendation:**

To deny the proposed Preliminary Plat for the Replat of Tug Creek Farms Lots # 4 & 5.

**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 Zoning Ordinance, except as noted below:

1. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 6.6 A, states:  
 "Flag lots shall only be used in those locations where due to geometric, topographic and other physical features; it would be impractical to extend a publicly dedicated street to serve lots located in said areas."

*The Tug Creek Farms subdivision was platted in 2003, specifically with no flag lots. There are numerous options available to the applicants that would allow them to divide the property and still meet County requirements without creating Flag Lots. The applicants can also use the lot as it was created through the Tug Creek Farms subdivision.*

Ms. Blake asked the Commission if they had any questions on the staff report. Mr. Verst asked why this replat was submitted as a final plat and not a preliminary. If the Commission is supposed to evaluate whether a flag lot is necessary or preferred over a public street. Mr. Klear stated that normally a 2 lot division would not be presented to the Commission for review or approval. However, since these lots are flag lots, the Commission must review and approve the plat. Through discussions with the applicant it was determined that, to combine the land additions with the re-subdivision of the lot, a final plat was the best solution for their issues. Mr. Verst stated that Staff's report stated that there were options other than creating flag lots available to them, can you give examples. Mr. Klear stated that the two most obvious solutions would be (1) for the applicant to install a public street providing access to the lots; or (2) for the applicant to purchase the additional required road frontage from the owner of lot 3 to allow both

lots to meet the frontage requirement. The public street does not have to be any longer than that length required for each lot to obtain 100 feet of road frontage along this new public road. The front portion of the lot is relatively flat so it is possible that with some grade work they could establish a public road that meets county standards. As a third option, the applicants could enjoy the property as is. Mr. Verst asked for clarification if there is a structure on lot 3. Mr. Klear pointed out the approximate location of the home on lot 3. Mr. Barrow asked that, if the Commission asked the Applicant to install a public road, how would this affect the flood plain. Mr. Klear replied that the only impact would be that the road would be required to be installed at an elevation that allowed the road to be raised at least one foot above the flood plain level.

Ms. Minter asked for confirmation that the overall purpose of this plat was to basically split lot 4 into 2 lots and a small land addition to lot 5. Mr. Klear confirmed that was correct. Ms. Minter asked if access to those lots were via the easement reflected across lot 5 and that easement was in existence with the original plat of Tug Creek Farms. Mr. Klear replied it was platted as part of the original subdivision plat. Mr. Verst asked the plat reflects access across lot 6 to lot 5 and then lot 4. Mr. Klear replied that he believed the easement was already in existence, but he may want to ask that question of the Applicant's surveyor.

Ms. Blake asked if there were any additional questions of Staff. There being none, Ms. Blake asked the Applicant to come forward, state their name and address and their association to the case. Applicant stepped forward and identified himself as:

Mr. Ryan Schaeffer  
102 Longridge Drive  
Alexandria, Kentucky 41001  
Applicant

Mr. Eric Besse  
no address supplied  
Co-Applicant

Mr. Steven Stubbs  
Cardinal Engineer  
1 Mook Road  
Wilder, Kentucky 41071  
Engineer

Mr. Besse distributed copies of their presentation. A copy is attached to the meeting minutes. Mr. Schaeffer stated the Schaeffer and Besse families started looking at this property approximately four years ago. Mr. Schaeffer made an offer on Lot A of different subdivision owned by the same developer immediately adjacent to the Tug Creek Farms Subdivision. Mr. Besse was interested in purchasing lot 6 of this subdivision. However, another bidder purchased both of these lots and built his home upon lot A. They looked in other locations throughout the county, but wanted this location to be their home. Other development activity shows a home in process on lot 5 and existing homes on lots 2 and 3. Both the Applicant and Co-Applicant have ties to this specific subdivision with close friends living on other lots in the subdivision. The families joined together to purchase lot 4 from its' previous owner with the intention to split the lot so that each family could build their own home.

At the time of their bid on lot 4, they corresponded with Mr. Klear at that time to find out what hurdles they may face with their plan. Mr. Klear advised them at that time of the process they would need to go through. Mr. Schaeffer also spoke with Mr. Chuck Heilman, a past Commission member, to obtain information on what types of information they would be asked to supply or might be a concern for the Commission. As a result of these meetings, they decided it would be best to proceed without any type of flag lot situation. The best option they found was to do a land swap to the owner of lot 3 to obtain the necessary road frontage. However, the owner of lot 3 used the portion they requested in the swap because their leach fields are located

in that portion of the lot. The owner of lot 3's real estate attorney advised them to reject the Applicant's request for a land swap for this reason.

Upon the denial of the land swap, the Applicant hired Mr. Steven Stubbs with Cardinal Engineering to oversee the proposed plat you see before you showing flag lots. At that time, the Applicant scheduled a meeting with Mr. Klear and Mr. Robert Horine, the County Administrator. Both explained the position of Staff and gave them information on how to proceed with their application to the Commission.

Mr. Schaeffer stated that he felt like the Subdivision Regulations was really not intended for large plots of land. These lots are going to be 5 and 8 acre lots. They may not have been intended to be flag lots, but there are now flag lots within this community. Lot A is a flag lot, but it has access off the private street of Juniper Lane. With the creation of lots 8 & 9, lots 6 & 7 are now flag lots. There have been a number of changes since the original plat was approved and recorded.

Mr. Schaeffer commented on Staff's recommendations to obtain a land swap with lot 3. This was their first choice and they really did try to complete this transaction. They had the legal documents drawn up and ready to go, but the owner of lot 3 would not budge. The Applicants did review the possibility of putting in a public road, but the cost associated with this option would be too great. They would need a minimum of 200 feet of public road. The Subdivision Regulations stated that a flag lot was possible if the public road option was impractical and the Applicant proposes that in this situation it is. The public road would also be placed through some stone markers that were placed on the properties. The Applicant has no desire to remove or disturb the stone markers.

Mr. Schaeffer stated that the access easement was not part of the original plat as previously suggested. The owners of lot A stated that the easement was granted after that time. The owner of lot 5 erased a portion of the access easement to preserve the integrity of their privacy. Mr. Schaeffer continued by stating that the portion of the lot that was part of the flood plain was located in the front part of the lot. If they built a public road, it would cause additional flooding issues along Tug Creek. Mr. Schaeffer stated that the public road would also destroy natural landscaping in that area and that is not their desire. Mr. Schaeffer concluded that he is not a developer. They are just normal citizens trying to carve out a place to build their homes. Aesthetically, you will not notice that there are 2 flag lots. It will look like part of the natural landscaping of that community. It is the opinion of Mr. Schaeffer that there will be no disruption of the community by this division.

Ms. Blake asked if the Commission had any questions of the Applicant. Ms. Minter stated that the materials would have been helpful if they had been received prior to the meeting. In regards to Juniper Lane, Ms. Minter asked about the easement on lot 5. Is it an easement that is shown on the replat presented to the Commission or is it an item that needs to be added? Mr. Stubbs stated the vacated easement would be deleted from the drawings and the correctly recorded easement will be added on the final plat. He used simply the information that was reflected on the originally recorded Tug Creek Farm subdivision plat. Ms. Minter asked if the owner of lot 5 had been notified of the easement being added. Mr. Schaeffer stated that the owner of lot 5 is close friends and they have previously discussed this easement with them. The easement would actually go across lot 5 and touch on lot 6, who has also been made aware of this easement. Ms.

Minter asked if the owners of lots 5 and 6 had been given the opportunity to review the plat drawings as well. Mr. Schaeffer stated that he doesn't know if they have copies of the drawings, but they have previously discussed and agreed upon the approximate location of the easement. Mr. Schaeffer stated that the pictures he supplied showing the view of Juniper Lane from their proposed home sites were obtained with the explicit approval of those owner to clear the trees so that pictures could be taken to present to the Commission.

Ms. Minter asked how the private street of Juniper Lane is maintained. Mr. Schaeffer stated that this private lane is governed and maintenance regulated by a combination of Covenants and a Maintenance Agreement by the land owners. The Applicant has already received the approval of the other affected land owners to join the community and become equally responsible for their share of the costs. Once the Commission has approved their plat, the Applicant will seek to amend the Covenants and the Maintenance Agreement to reflect the addition of this split.

Ms. Minter asked Legal Counsel if the fact that lots 7 and A are flag lots previously approved would be pertinent to the decision before the Commission today. Ms. McEvoy-Boh replied this was not pertinent to the case before the Commission and played absolutely no part in the decision reached by the Commission. Mr. Klear added that at the time the flag lot for lots 7 and A were submitted to Staff, the Commission had a consultant providing Staff services. These lots should have come before the Commission for approval. However, the Consultant approved the plats erroneously and this was an administrative error on their part. Staff places no relevance on the 'fact' that these two lots are flag lots in regards to the request before the Commission today.

Mr. Verst asked how many lots were served by the private drive. Mr. Schaeffer replied there are currently 6 lots serviced by the drive. Mr. Verst asked Staff if there is any limitation on the number of lots serviceable by a private drive. Mr. Klear replied that it needs to be understood that there was no private drive on the original plat approved by the Commission nor a condition to the approval of the original plat. This was a private drive added for the convenience of the homeowners. There is no limit to the number of lots that can be serviced by a private drive.

Mr. Verst asked, if the relationship fell apart down the road, could the two lots we are looking to approve obtain access from another point. Mr. Schaeffer replied that they would be willing to concede that there is a shared drive that they would include in any legal description. Mr. Verst wanted to make certain it had been considered.

Ms. Blake asked what the previous land use was. Mr. Schaeffer stated that there are very large trees on the property. For the past 25 years, there has been no real activity on the property. When he questioned Mr. Jay Schell, the original developer, he stated it was a property that was auctioned off. Mr. Klear replied it was an old farmstead. Ms. Blake asked where other tree groves were located on the property. Mr. Schaeffer pointed out old oak groves were on the property.

Ms. Blake asked if there were any other questions for the Applicant. There being none, Ms. Blake opened the floor for discussion among the Commission. Mr. Verst replied he understands the concerns with flag lots, but he does not feel that in this instance this is a grievous misuse of a flag lot. There is sometimes a need for flag lots in rural situations. He continued that it would be impractical for the County to assume care for a public road of this nature should one be built, but it is also impractical for the homeowner's as well considering it would only service 2 homes.

Mr. Verst understands lot 3's owner for refusing the land swap to preserve his leach fields remain intact. He has no objection to this proposed flag lot plat.

Ms. Blake asked Mr. Klear if there is any other alternative that they have to consider. Mr. Klear stated Staff has already provided 2 alternatives in the land swap and the public road. The public road is doable. They just need 100 feet of road frontage for each lot. The land swap may be reconsidered if the Applicant promised not to compromise the leach fields. The leach fields themselves could potentially be resolved if they had public sewage. Another suggestion is that since they already have five lots on the private street, they could convert it to a public road. The final comment from Mr. Klear was that this is a viable and capable lot as it is. They could apply and receive a building permit today to build a home on the lot. The Applicant knew when they purchased the lot that it was one lot for one primary residence. They weren't forced to purchase the lot. If they wanted two lots they should have purchased two lots from the developer.

Ms. Minter asked if Staff had any confirmation on the owners of lots 5 and 6 were communicated with in regards to the ingress/egress easement. Mr. Klear replied he did not. It is a private easement and Staff has no responsibility to notify them. Even in the future if additional lots were added, Staff would not have any jurisdiction over the private drive because it is private among the homeowners themselves. The Commission can only bind lots 4 and 5 to a condition because they are the only items before the Commission. You cannot bind other lots in the community. Mr. Klear stated that the Commission could not approve the plat with a condition that Applicant obtains an easement from the owner of lot 5. Ms. McEvoy Boh added that the Applicant cannot be held responsible to obtain an item from a third party who has freewill beyond the control of the Applicant.

Ms. Blake asked if the case should be tabled tonight and give the Applicant the opportunity to come back before the Commission at a later date. Mr. Klear stated the Commission has the right to table any case they so desire, however, it is his opinion that enough information is available for the Commission to make a determination tonight. Mr. Verst added he didn't see any need to table the case. There is no definitive action the Applicant can take to rectify the flag lot that they have not already attempted.

Mr. Barrow asked if the Applicants attempted to put in separate driveways if they would have enough distance between driveways. Mr. Klear stated that there was not enough space between the two lots for each to have its own driveway. They could install a shared driveway. Ms. Minter stated the Applicants previously stated they would share a driveway.

Mr. Verst asked, if the Applicant were able to purchase additional land from lot 3 for road frontage, would they be able to place a permanent easement on that land to protect lot 3's leach field. Mr. Klear stated that was absolutely correct. Mr. Verst asked the Applicant if they had proposed that to the owners of lot 3. Mr. Besse replied that they had in fact offered to do that, but their request was denied by the owner of lot 3 based upon their real estate attorney's recommendation. Ms. Minter asked again that they did propose an easement for their leach fields. Mr. Besse confirmed that was correct. He continued that they had looked into purchase separate lots. His family looked at lot 1, but it was too steep until you got to the top. Mr. Besse stated he talked to Mr. Schell about the layout of the lots in the community. Mr. Schell advised he laid out the lots the way he did so each site could pass the soil test for sewage systems.

While the Commission continued to consider the facts before them, Mr. Klear advised the Commission that they could deny the request based upon the reasoning stated in the staff report or they could approve if due to "...geometric, topographic and other physical features; it would be impractical to extend a publicly dedicated street to serve lots located in said areas." Ms. McEvoy Boh added that the Commission need not be concerned with the private drive. As a "private" road, it is buyer beware and the owners have to assume responsibility for any impact that private road would have on them. Ms. Minter asked if the Commission need have concern as to if they have alternative access other than the private road should issues arise among the neighbors. Ms. McEvoy Boh stated they did not. Mr. Klear stated that is one of the reasons flag lots are not encouraged.

Ms. Minter asked Mr. Huck if he had any thoughts in regards to the plat. Mr. Huck replied he did not. Mr. Barrow stated if they are aware of the issues facing them in regards to the private drive and shared driveway then he is more than satisfied that should issues arise due to the flag lot that it is the Applicant's issue and not the responsibility of the Commission.

Ms. Blake asked for a motion, Mr. Verst made a motion to approve case #68-10-PPD-01 Replat of Lot's # 4 & 5 of Tug Creek Farms. He noted that the flag lots should be approved based upon a finding that due to geometric, topographic and other physical features of this site, it would be impractical to extend a publicly dedicated street to serve lots located in this area. He cited the following as his findings of fact and basis for his motion: the proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance, except as noted in the staff report. Ms. Minter asked if they could amend the motion to reflect a condition that they get approval from the Health Department for the required sewage system. Mr. Verst accepted that amendment. Mr. Klear stated that condition was already identified on the plat. Mr. Verst requested the condition remain as part of the motion to ensure all regulations are complied with by the Applicant. Mr. Verst restated his motion to approve case #68-10-PPD-01 Replat of Lot's # 4 & 5 of Tug Creek Farms approving the proposed flag lots based upon a finding that due to geometric, topographic and other physical features of this site making it impractical to extend a publicly dedicated street to serve lots located in this area and with the following condition:

1. Approval for building development be contingent upon issuance of a final sewage construction permit and inspections by the Northern Kentucky Independent Health District.

He cited the following as his findings of fact and basis for his motion: the proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance, except as noted in the staff report. Mr. Huck seconded the motion. A roll call vote found Mr. Barrow, Mr. Verst, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Ms. Blake advised there is a public hearing tonight for the next case to be heard. Ms. Blake opened the public hearing. Ms. Blake introduced case #69-10-TXT-01 to the Planning Commission and asked Mr. Klear to give the staff report and staff's recommendation to the Commission.

**FILE NUMBER:** 69-10-TXT-01  
**APPLICANT:** Campbell County Planning & Zoning Department  
**REQUEST:** REQUEST TO BE REVIEWED: A proposed text amendment to the Campbell County Subdivision Regulations Section 3.9.A.2, Section 5.0.B.6, and Section 7.16 all generally relating to Guarantees and Final Plat Approval.

**BACKGROUND:**

1. The current Campbell County & Municipal Planning & Zoning Commission (CC&MP&ZC) Subdivision Regulations (i.e. sub regs) provide that final plat approval may be granted prior to the completion of all improvements provided that guarantees are established to ensure the future installation of these improvements. It has been the long standing practice of staff that these guarantees would only be accepted for the last two inches (i.e. top coat) of asphalt for public roads; however, the current text of the sub regs allows for a much more broad interpretation. Under the current sub regs, it has been suggested that it is possible for a subdivider to request that in lieu of the construction of any and all improvements for a subdivision 100% of the improvements are secured through a guarantee. The current language of the text is problematic and needs to be corrected immediately.
2. The issue of guarantees is cited in Section 3.9.A.2 (Planning Commission Action: Final Approval), Section 5.0.B.6 (Additional Information to Be Submitted at the Time of Filing of Final Plat) and Section 7.16 (Agreements and Guarantees) of the sub regs. Section 5.0.B.6 of the sub regs requires only a minimal, typographic correction. The other two sections require significant modification to eliminate the deficiencies.

**PROPOSED TEXT AMENDMENTS:**

See the attachments for an annotated version of the proposed amendments.

**STAFF RECOMMENDATION:**

To adopt the proposed text amendments to the Campbell County Subdivision Regulations.

**SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:**

1. Pursuant to KRS 100.277 and KRS 100.281, the Planning and Zoning Commission has the authority to adopt regulations for the subdivision of land within its boundaries.
2. Pursuant to Campbell County Subdivision Regulations Article IX, the Planning and Zoning Commission has the authority to adopt and revise its subdivision regulations.
3. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

Mr. Klear explained that Staff's view has always been that the guarantee to be applicable only to the top coat of asphalt only. However, it was recently suggested that since it is not explicitly stated, a developer could bond 100% of the road and not just the topcoat. This amendment is simply intended to clarify any miscommunication about the Subdivision Regulations. Ms. McEvoy Boh asked if proper legal notice was issued. Mr. Klear stated that a legal notice had in fact been issued per regulations in the Campbell County Recorder on February 25<sup>th</sup>, 2010 which is more than 7 days, but less than 21 days, prior to the meeting.

Ms. Blake asked if the Commission had any questions of Staff. Mr. Verst asked if the Applicant wanted to bond more than just the topcoat if the would have to submit a Waiver of Subdivision Regulations. Mr. Klear replied that was correct. Mr. Verst asked if Staff would be better served if a condition was added that allowed Staff to negotiate with any applicants for the amount to be bonded. Mr. Klear stated he felt that although that was not explicitly stated that it is implied. Mr. Verst asked if the community reached 80% complete, but the developer had not installed sidewalks, what recourse would the Commission have to insure the sidewalks were completed. Mr. Klear stated it would be the same as any situation they would encounter today. The Commission would need to take the developer to court to demand compliance.

Ms. Blake asked if the Commission could make this amendment retroactive. Mr. Klear and Ms. McEvoy Boh both immediately replied that under no circumstances can an amendment be made retroactive. It merely takes effect upon approval by the Commission. Ms. Blake asked if the Commission had any additional questions for Staff. There being none, Ms. Blake asked if there were any comments or questions from the audience regarding the amendment. She noted for the record that there were no audience members present. There being no comments or questions from the public, Ms. Blake closed the public hearing. She asked for further discussion from members of the planning commission. There being none, Ms. Blake asked for a motion, Ms. Minter made a motion to approve case #69-10-TXT-01, a proposed text amendment to the Campbell County Subdivision Regulations Section 3.9.A.2, Section 5.0.B.6, and Section 7.16 all generally relating to Guarantees and Final Plat Approval. She cited the following as her bases for approval:

1. Pursuant to KRS 100.277 and KRS 100.281, the Planning and Zoning Commission has the authority to adopt regulations for the subdivision of land within its boundaries.
2. Pursuant to Campbell County Subdivision Regulations Article IX, the Planning and Zoning Commission has the authority to adopt and revise its subdivision regulations.
3. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.
4. Proper legal notice was issued through the Campbell County Recorded more than 7 days, but less than 21 days, prior to the meeting

Mr. Verst seconded the motion. A roll call vote found Mr. Barrow, Mr. Verst, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

There being no other items before the Commission, Ms. Blake recognized Mr. Klear to present the Director's Report.

## **DIRECTOR'S REPORT**

Mr. Klear began his report with a request for the Commission to approve a training session held on January 12, 2010 for the Planning & Zoning Commission entitled "Primer on Planning Commission and Planning Laws in the Commonwealth of Kentucky". This satisfied 1½ hours of training as required by HB 55. Ms. Minter made a motion to approve the training session for all participants. She also requested that this training be a requirement for all new Commission members upon their appointment to the Commission. Mr. Verst seconded the motion. A roll call vote found Mr. Barrow, Mr. Verst, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Mr. Klear continued with a request for the Commission to approve a training session held on January 19, 2010 for the Campbell County & Municipal Board of Adjustments entitled "Primer on Board of Adjustments and Planning Laws in the Commonwealth of Kentucky". This satisfied 1½ hours of training as required by HB 55. Mr. Verst made a motion to approve the training session for all participants. Ms. Minter seconded the motion. A roll call vote found Mr. Barrow, Mr. Verst, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Mr. Klear stated that it was recommended that the Planning & Zoning Commission be given the Board of Adjustment training and vice versa. This would enable all members a better understanding of how they interact together. Discussion among the Commission reflected they would be interested in this cross training.

Mr. Klear advised the Commission of HB 187 regarding ethics on Planning & Zoning passed the House on January 27<sup>th</sup> with a vote of 80-18. It was sent to the Senate and submitted to the legislative review committee for comment. This is a bill that has come about due to highly publicized issues regarding KACo. Mr. Klear continued that this would not greatly impact the Commission itself as Staff would be completing many of the requirements on their behalf. Some possible actions that will need to be taken may include amending our By-Laws to list ethics standards; votes would need to be recorded for each member (which we already do); and changes to the Comprehensive Plan to require notice given to other agencies and comp standards to be changed to 20 years for the horizon portion of the report. Mr. Klear will advise the Commission on any final requirements of the bill once it is finally approved and enacted.

Mr. Klear discussed the flow chart he attached to his Director's Report. It correlates with the training that was completed on January 12<sup>th</sup>.

Mr. Klear also advised the Commission that he had received a request to post meeting minutes online. He wanted to know the Commission's perspective of this request. Mr. Verst thought it was a great idea. Mr. Barrow stated it is public records. If the general public wanted to look at them in the comfort of their home, he approved. Ms. Blake stated her only concern was that some people with no vested interest in the issue at hand may potentially cause issues. Mr. Verst commented that there should be some annotation on the website that the minutes will not be

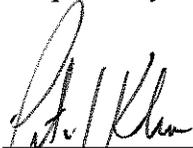
posted until they have been approved by the Commission. He added that he would also like to see the Meeting Agenda's posted online as well. Mr. Klear expressed a concern about posting the agenda noting that the agenda is 'fluid' until the Commission actually meets. If a case is tabled, there is no notation on the agenda to reflect this. Ms. Blake stated she would like to see the agenda added as well and just notate that the agenda is the "proposed" agenda with a disclaimer that issues may be tabled at the actual meeting. Mr. Klear stated he would see that this is completed by Staff.

Mr. Klear announced he was sad to inform the Commission that long standing Commission member Fran Reitman's term expired on March 2<sup>nd</sup> and she did not seek reappointment. She is, in effect, retiring from the Commission. Fiscal Court is working to obtain a plaque to commend her many years of experience with the Commission. As well, Mr. Klear stated at the next Planning Commission day to be held in November 2010, Mr. Klear would like to declare it Fran Reitman Planning Day. The Commission members all approved of this action and expressed their appreciation for Ms. Reitman's service and mentoring of Commission members through the years. Her experience and wisdom will be greatly missed. Mr. Klear advised the Commission that if they knew of anyone interested in serving on the Commission, to let him know so he can make contact with them.

Ms. Blake asked the Commission if there were any additional items for discussion. There being none, Ms. Blake called for a motion to adjourn. Ms. Minter made a motion to adjourn. Mr. Huck seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 9:04 PM.

Respectfully Submitted,

Approved:



Peter Klear, AICP  
Director of P&Z



Deborah Blake  
Chairperson