

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2011 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Robert Huck
Mr. Tony Pfeffer
Ms. Kay Wright
Ms. Deborah Blake, TPO
Mr. Justin Verst, Vice-Chair
Ms. Cindy Minter, Chair

MEMBERS ABSENT:

Ms. Lauri Harding
Mr. Michael Williams

STAFF PRESENT:

Mr. Peter Klear, AICP, Director of Planning & Zoning
Mr. Ryan Hutchinson, Principal Planner
Mr. Matt Smith, Legal Counsel
Ms. Stephanie Turner, Recording Secretary

Ms. Minter called the meeting to order at 7:08 PM and asked for a roll call. Following roll call, a quorum was found to be present. Ms. Minter asked if everyone had reviewed the April 12th, 2011 meeting minutes and asked if there were any additions or corrections. Ms. Wright noted that on line 21 it states "Mr. Verst. Minter called for a motion" and that was not Mr. Vice-Chair's last name. Mr. Verst agreed his last name was not "Verst. Minter". Ms. Wright also pointed out on line 23 that, while she was present for the meeting, her vote in favor of the motion was not recorded in the minutes. Mr. Klear apologized for both errors. Ms. Minter asked if there were any other corrections. There being none, Ms. Minter called for a motion. Mr. Verst made a motion to approve the April 12th meeting minutes as corrected. Ms. Wright seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Minter introduced case #94-11-PPL-01, Bowers Subdivision by applicant Richard W. Carr, to the Planning Commission and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

SUBDIVISION: 94-11-PPL-01 Bowers Subdivision
APPLICANT: Richard W. Carr
LOCATION: An approximate 25.2-acre area at 7151 Tippenhauer Road, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of two (2) lots a remainder tract and land addition, with no public improvements.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for lower density single family residential. The Campbell County Zoning Ordinance classifies the plat within the R-RE Zone, requiring a minimum lot size of one acre and minimum lot width of 100' feet.
2. Review of the Preliminary Plat is in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
 - a) The plat indicates a proposal to subdivide 22-acres into two lots, leave a remainder tract of 2.1-acres and add 0.6-acres to the adjacent tract.

- b) The 2 proposed lots have approximately 330' feet of road frontage. A notation on the plat indicates right-of-way to be dedicated.
- c) The plat indicates a proposal to subdivide 22-acres into two 11-acre lots.
- d) The plat shows a proposed 20' foot ingress / egress easement over the existing driveway crossing the 2 lots.
- e) The plat does show the remainder tract having 2 houses, 2.1-acres and approximately 550 feet of road frontage.
- f) The plat shows 0.6 acres being added to John and Linda Bowers 9.49 acre tract to the south.
- g) The plat does not indicate the bearings and distance on the property lines.
- h) The Plat does correctly note that the new building development on areas containing slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
- i) The plat does not indicate water or sewer lines fronting the proposed division.
- j) The width of Tippenhauer Road is 18' feet wide, in conflict with minimum county standards of 20' feet. The escrow funds required for widening this portion of road fronting the proposed Plat will need to be submitted.

Recommendation:

To approve the proposed Preliminary Plat with the following conditions:

1. That the funds required to widen one-half (1/2) of Tippenhauer Road to a minimum of 10' feet in accord with minimum subdivision regulation standards, for the portion contiguous to the proposed development, be escrowed with the Campbell County Fiscal Court.
2. That the water lines fronting the proposed division be shown on a revised drawing.
3. That the following notation be placed on the revised drawing "that the new building development on areas containing slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance."
4. That the bearings and distance be shown on a revised drawing and submitted to staff.

Bases for Recommendation:

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

1. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 7.3 states: "When a subdivision is located on only one side of an existing street, and where pavement width of such existing street is less than that required by these regulations, the subdivider may be required to construct one-half (1/2) the required pavement width, as per these regulations, along the side fronting his property on such street. The planning commission, in its discretion, may . . . require the subdivider to deposit sufficient funds within an escrow account, maintained by the Campbell County

Fiscal Court, to accomplish the street improvements contemplated by this ordinance, on the basis of the reasonably anticipated, future burden the development will have” upon Tippenhauer Road.

2. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.23 states: "This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20% or greater) that said development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards."
3. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 4.6 states: "The perimeter boundary lines of the tract to be subdivided and submitted as a preliminary plat shall be drawn to a scale showing all bearings and distances."
4. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 4.14.d., states: "The water and sewer systems: plan view layout of water lines, storm and sanitary sewer lines..."

Mr. Hutchinson offered to answer any questions the Commission might have. Ms. Minter asked if the Commission had questions of Mr. Hutchinson. Ms. Blake asked Mr. Hutchinson to point out on the slide where the two houses were located. Mr. Hutchinson did so. Mr. Pfeffer asked if the 0.6 acres was going to be added to lot #2. Mr. Hutchinson replied no, the land addition of 0.6 acres was going to the landowner directly to the south of the lots, not lot #2. Mr. Hutchinson explained the landowners are John and Linda Bowers and they own not only the parcels being divided tonight, but the land directly to the south as well. Mr. Hutchinson stated that Mr. & Mrs. Bowers want to create two lots of the exact same acreage for each of the children. Mr. Pfeffer continued to ask why the 0.6 parcel was cut off by itself. Mr. Pfeffer stated it was a minor issue, but now they have a lot that has an odd shape, less than an acre. What was the objective? Mr. Hutchinson stated it probably had to do with wanting to give the exact same acreage to each child. Also, it was originally shown as a flag stem off of the remainder parcel and staff advised them that didn't serve a purpose and it would be a maintenance issue. The applicant didn't want to try to reconfigure the lot dimensions to divide it. It was determined they would do it as a land addition to the landowner's property to the south. Ms. Minter stated that seemed like a reasonable solution to the stem. Ms. Minter asked Mr. Hutchinson to slow down a little bit in his responses so that the Commission could absorb the information. Mr. Hutchinson apologized for speaking too quickly.

Ms. Minter asked if there were any other questions of Mr. Hutchinson. There being none, Ms. Minter asked the applicant to come forward and state his name and address for the record. Mr. Richard Carr, PO Box 661, Alexandria, KY came forward on behalf of the landowners. Mr. Carr stated that Mr. Hutchinson pretty much stated everything correctly. The only thing Mr. Carr wanted to add was that the 0.6 land addition was also so that the owners could retain control over the maintenance of the dam around the lake/pond. Mr. Carr stated he just didn't feel comfortable bringing that little sliver out to the street and potentially having someone else in charge of that little sliver. Ms. Blake stated that on some of the visuals she had seen it appeared as if the size of the pond was different on each drawing. Mr. Carr stated he had no idea what "visuals" she was talking about. Ms. Blake stated she didn't know what visuals she was talking about either, maybe it was just the drawings, but it looked to her as though the pond size was larger at times than others. Ms. Minter stated its size could fluctuate due to rain or drought, but the general size would be consistent. Mr. Carr stated that the Bowers have owned that property for years and years. They live on the property to the south. Mr. Carr stated that they just want to convey land to their children. The remainder parcel contains two houses that are currently rented out. Ms. Minter asked if lot #2 would be responsible for the maintenance of the dam. Mr. Carr corrected her to state that John & Linda Bowers were accepting responsibility for maintenance of the dam with the land addition of the 0.6 acre parcel. Mr. Verst stated he understood why the 0.6 acre strip was not being taken all the way out to the road, but asked that Mr. Carr explain to him why it was added to the property to the south rather than split between the 2 lots. Mr. Carr replied that the landowners currently have approximately 9.5 acres and wanted to be over 10 acres.

Ms. Minter asked if there were any other questions for the applicant. There being none, Ms. Minter opened the floor for discussion among the Commission. Ms. Minter recognized Mr. Klear. Mr. Klear stated that before a motion would be made a modification to condition #3 or to add a condition #5 to state that a note needs to be added to the plat that the 0.6 land addition is not a stand alone parcel and not suitable for building purposes. It may be cleaner to modify condition #3. Ms. Minter asked Mr. Carr if this was acceptable to him. Mr. Carr stated that Mr. Bowers was present and he was in agreement with that condition being added. Ms. Minter asked if there were any other comments or discussion. There being none, Ms. Minter stated she would entertain a motion. Mr. Verst made a motion to approve case #94-11-PPL-01, Bowers Subdivision by applicant Richard W. Carr, a preliminary plat consisting of two lots, a remainder tract and a land addition, with no public improvements. Mr. Verst's approval was subject to the following conditions:

1. That the funds required to widen one-half (1/2) of Tippenhauer Road to a minimum of 10' feet in accord with minimum subdivision regulation standards, for the portion contiguous to the proposed development, be escrowed with the Campbell County Fiscal Court.
2. That the water lines fronting the proposed division be shown on a revised drawing.
3. That the following notation be placed on the revised drawing "that the new building development on areas containing slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance." and, additionally, a note stating that "the 0.6 acre Bowers addition will not be a stand alone buildable lot, but shall be a land addition to an adjacent lot."
4. That the bearings and distance be shown on a revised drawing and submitted to staff.

Mr. Verst cited that the proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update as his finding of facts. Ms. Wright seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Ms. Blake reminded the Commission that the next case was a public hearing and introduced case #91-11-ZMA-02, a 2.456 acre located at 5192 US 27, Unincorporated Campbell County a zone change request by applicant Richard W. Carr, to the Planning Commission and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

FILE NUMBER: 91-11-ZMA-02
APPLICANT: Richard W. Carr, P.E.
LOCATION: A 2.456 acre located at 5192 US 27, Unincorporated Campbell County.
REQUEST: The submitted request is for approval of a zone map amendment proposing a change in zoning from I-2 to NC.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the area for Urban Mixed Use. The Campbell County Zoning Map classifies the area as being within the I-2 (Industrial Two) Zone. The I-2 Zone permits the following: The manufacturing compounding, processing, packing, or assembling of the following: Acetylene, butane, asphalt, brewing and distilling, brick, tile or terracotta manufacturing candy and confectionery products, food and beverage, rendering of fats and oils, cement, chemicals including bleach, ammonia, bluing ect., billboards, electronics, machinery, fertilizer, furniture, instruments, iron, lumber, lampblack, paint, paper, plastic, pottery, rubber, soap, vinegar, gravel production and storage. Areas to the north are zoned NC (Neighborhood Commercial) and A-1 (Agricultural One) and areas to the south are zoned RC (Rural Commercial).

2. The site in question is currently vacant.
3. The request is to rezone 2.456 acres from I-2 to NC. The submitted site plan is a conceptual drawing of a private drive starting at the intersection of US 27 and Tarvin Road. The proposed driveway would service a proposed 40' x 60' office building with parking. The NC Zone would permit an office building. The concept is for an office building. Before the lot can be developed, the applicant would have to submit an individual site development plan to the Planning Commission for review and approval.

4. CAMPBELL COUNTY ZONING CLASSIFICATIONS:

NC (Neighborhood Commercial) Zone

The NC Zone permits the following retail sales and services: Apparel shop, art supplies, bakery, banks, barber shop, billiard hall, book, camera, candy, drug stores, dry cleaning, restaurant, flea market, florist, furniture store, garden supply, pottery store, haberdashery, hardware, health spa, hoppy shop, appliance store, jewelry store, laundromats, leather store, library, locksmith, music store, offices, off street parking lots, opticians, liquor store, paint store pet store, police and fire station, post office, gas station, shoe store, residential living, sporting goods, tailor, toy and variety store.

Zone Requirements

NC

Minimum Lot Area Within Minimum Tract	- 1 acre
Minimum lot width at building setback line	- One Hundred (100) feet
Minimum front yard depth	- Fifty (50) feet; except when abutting an arterial street, then there shall be 100 feet.
Minimum side yard width on each side of lot	- Restrictions when adjacent to a street, road, highway or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the County's building code shall be required.
Minimum rear yard depth	- Fifty (50) feet
Maximum building height	- Forty (40) feet
In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.	

5. The submitted plan indicates the following:
 - a. The plan indicates existing elevations of the site are 708' and 698' feet.
 - b. The plan indicates approximate locations of existing underground utilities.
 - c. The plan indicates an existing concrete slab on the northern portion of the site.
 - d. The plan shows a conceptual private drive.
 - e. The plan shows a conceptual office building with parking.
 - f. The plan shows a concept of how the site would be changed to accommodate the private driveway. *These are just conceptual designs. Staff did not review the plan for compliance with the zoning ordinance for things such as parking, lighting, signage etc. Such a review would be completed when the applicant submits a site plan.*

6. The plan is conceptual; however, a connection to adjacent parcels is not shown. With US 27 being a limited access highway, it will not be possible to provide multiple access points to adjacent property. The property does border larger tracts of land that have the potential to develop in the future. It's logical to provide access to adjacent properties to encourage future development at one access point.
7. History of this site indicates the applicant has submitted a grading plan for the site. It is still under review at this time.
8. Findings necessary for a map amendment: Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan by the Planning and Zoning Commission for the County or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.
 1. That the original zoning classification given to the property was inappropriate or improper; and
 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.

Campbell County Staff Recommendation:

To recommend approval of the Map Amendment subject to the following conditions:

1. That the Legislative Body adopts the map amendment portion of the submitted request.
2. That the applicant submits a site development plan to the Campbell County Planning Commission for review and approval prior to construction.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That the site development plan provide access to adjacent lots through ingress / egress easement or right-of-way dedication.

Bases for Recommendation:

The proposed map amendment is in agreement with the adopted Comprehensive Plan.

Mr. Hutchinson asked if the Commission had any questions he could answer. Ms. Minter asked if the Commission had questions. Mr. Verst asked if the setback requirements were because Alexandria Pike is considered an arterial highway. Mr. Hutchinson confirmed it was. Ms. Blake asked what "channel lining" was. Mr. Hutchinson stated that question would need to be saved for the applicant because he is an engineer and could give a better response. Ms. Blake asked what happens if the channel lining needs to be adjusted. Ms. Minter stated we will save those questions for later. Mr. Verst advised Ms. Blake that she should ask him later. It was a good question, but not really pertinent to the zone change request. Ms. Minter reminded the Commission that the site plan is conceptual only and that only the zone request was before the Commission.

Mr. Barrow asked if the NC Zone to the north actually touched this parcel or not. Mr. Hutchinson replied it did touch the parcel. The slides and drawings are a little skewed, but the lines do touch. Mr. Pfeffer added to Mr. Barrow's question by asking if this was a lone piece of I-2 or was it a parcel likely to keep flipping from NC to I-2 in future. Mr. Hutchinson pointed out on the slide presentation that this parcel is a stranded piece of I-2 surround by 4 different zones. There is NC to the north; RC to the south; HC to the east and A-1 to the west. (Each parcel was pointed out for the Commission so that they could clearly see the outlining border of each zone.) The NC zone will allow the owners to accomplish their objective of an office building and eliminate this isolated piece of I-2.

Ms. Minter asked for confirmation that the site has no road frontage on any road other than US 27. Mr. Hutchinson confirmed that road frontage along US 27 is what the State gave them. Ms. Minter stated then it is logical for them to have a curb cut on US 27. She asked if the curb cut already existed or if it is just a future planned curb cut. Mr. Hutchinson stated he did not observe a curb cut there on his visit. Mr. Hutchinson stated that the State promised them a curb cut in that location, but more details would be reflected on their site development plan. Ms. Minter asked if this is the stage where signage would be addressed. She reminded the Commission of the signage regulations that covered several businesses sharing a sign. Mr. Hutchinson asked Mr. Klear to correct him, but he believed that would be covered at the site development plan review stage. Mr. Klear stated he did not fully understand Ms. Minter's question. Ms. Minter clarified that if the Commission wanted to restrict the size or type of sign that could be placed on this site with it's potential to connect to future retail/commercial sites would those restrictions be placed on the site with the zone change. Mr. Klear stated the only types of facilities that can have multiple identification signs would be shopping complexes or industrial facilities. Rezoning this property to the NC zone there is the potential for three or more businesses and could qualify this as a shopping complex. If you are concerned about placing a restriction on the number of signs, here would be the best opportunity to place that restriction. Mr. Klear stated the way state law is written is that when a zone change is before the Commission, one thing you can request is the submission of a development plan. The Commission has the ability to place certain restrictions as part of the zone map amendment process so it is very explicit. It is less explicit to place reasonable restriction on site development plans. Mr. Smith agreed with Mr. Klear stating that case law defends and supports conditions asserted at the zone change stage more effectively than conditions assigned at any other stage. Mr. Smith continued stating that at the site development state it almost appears that the applicant must agree to the condition with you. Ms. Minter thanked both Mr. Klear and Mr. Smith for their clarification.

Ms. Minter asked Mr. Hutchinson what the previous use of the site was. Mr. Hutchinson replied it was previously used as a concrete facility. Ms. Minter asked if all previous waste was removed. Mr. Hutchinson stated he was uncertain as to the status of the site in that respect. Ms. Minter stated she would save that question for the applicant. Mr. Verst asked about the adjacent property that is reflected as future development on the slide. Do you know who the landowners are or what is planned around it? Mr. Hutchinson apologized for not including the landowner's names. He stated he did not include that information. Ms. Minter asked if there were any other questions for Mr. Hutchinson. There were none.

Ms. Blake asked the applicant to come forward and state his name and address for the record. Mr. Richard Carr, PO Box 661, Alexandria, KY came forward. Mr. Carr stated he has not been before the Commission for the past few years and now he has both cases before the Commission tonight. This time Mr. Carr was acting as the project engineer as he introduced Mr. Larry Varney, the Chairman, for the Campbell County Conservation District. Mr. Carr first wanted to clarify the name of his client. It is the Campbell County *Conservation District* and not the Campbell County *Conservancy* as listed on the slides. This organization has been renting the building right across the street from this courthouse for years. They got a good price on a couple of acres. Mr. Carr met with Mr. Hutchinson and Mr. Klear to determine the best zone for the property. Mr. Carr stated the site was previously occupied by Alexandria Contractors owned and operated by John Rawe. When the Highway Dept. took park of the land and left this portion as the remainder, they determined the access point off of US 27. Mr. Carr stated he knows there is some concern about the location of that, but the access point was assigned to them by the State. The State wants it to be where it is so that it creates an intersection with Tarvin Road. Mr. Carr went on

to answer Ms. Blake's questions on channel lining as well. Channel lining are large rocks placed to reduce the energy from the flow of water runoff before it goes into the swale.

Mr. Carr stated that conditions #1 through 3 of staff recommendation are agreeable to the applicant; however, condition #4 is the one we have an issue with. Ms. Minter read condition #4 to the applicant: "That the site development plan provide access to adjacent lots through ingress / egress easement or right-of-way dedication." Mr. Carr agreed that this was indeed the issue. Mr. Carr pointed out that this is the *Conservation* District. There is a large creek on this site and the applicant has paid Lee Otte & Associates, an environmental group, to obtain permits to tell us how we can minimize impact to that creek. Ms. Minter asked Mr. Carr to point out the creek on the slides which he did. Mr. Carr stated his plan made certain that they took a hard left to protect that creek; however, in the future, if someone wanted to build something adjacent to our property, we want to have the option to negotiate with them to get that easement and to make certain that it circumvents the creek. If we have to record something up front of the development stage we're concerned that the developers will come in and say that easement supersedes your conservation efforts. The future developers really didn't pay for that access; our applicant did with their hard earned money. Mr. Carr stated he has met with Mr. Klear regarding this issue and they agreed upon some language that could be used in substitution. Mr. Carr asked Mr. Klear to share that language. Mr. Klear stated that the specific language is not really important at this stage; what is important is the issue. Mr. Klear clarified what we need to agree on is the methodology. He continued that at this point US 27 is considered a controlled access highway. The State is not going to allow multiple curb cuts in close proximity. That's fine. What we want to do in the future is to allow for the potential for that access to possibly become a public street to allow for the property to the east to be developed. Mr. Carr emphasized "allow" versus "provide". Mr. Klear agreed. Mr. Klear continued that at the same time, and he is in agreement with Mr. Carr and the applicant, that the applicant should not be burdened to provide access without compensation. It should actually probably be a public right-of-way rather than an easement. We agree that connectivity to the east is important, but we also agree that the financial burden shouldn't be to the applicant to provide it. Mr. Klear believes they have the sufficient language for the future document to resolve this issue. Mr. Carr stated he is not opposed to show a proposed conceptual access, but not a dedicated easement. Ms. Blake asked if they were talking about maybe a "stub" street. Mr. Klear stated that was very similar to what they were talking about, but reminded the Commissioners that they were not reviewing or approving the conceptual plan today. Ms. Minter clarified that as the language as written in condition #4 is unacceptable; however, Mr. Carr was not opposed to some alternative language. Mr. Carr agreed and formally requested that condition #4 be stricken and then during the site plan review phase a proposed access can be reflected. Mr. Carr emphasized that the Commission had to understand that they just didn't want to show a required easement and then have some shopping center coming in and demand access and plow through there for free. They're a conservation district. That's their whole gig. We want to work with their neighbors, but we want to protect our property owners as well.

Ms. Minter asked Mr. Carr if all previous waste from the use as a concrete facility was removed from the site. Her concern was if there was waste remaining preventing the site from being transitioned over to the NC Zone. Mr. Carr stated that to his knowledge the site had been cleaned up. Mr. Carr said he was advised by the applicant that a Phase I Audit had been performed. Mr. Carr repeated that Lee Otte & Associates had obtained the permits for the creek for them. Ms. Minter asked Mr. Carr if he had any comments regarding the Commission's comments about restrictions on signage. Mr. Carr stated that what they would agree to would be any sign regulations for the zone they are apply for would be agreeable to the applicant.

Ms. Minter asked if the Commission had any additional comments for Mr. Carr. There being none, Ms. Minter reminded the audience that this was a public hearing and anyone wishing to speak needed to sign in. Ms. Minter had the sign in sheet and the first signature belonged to Mr. Larry Varney of the Campbell County Conservation District. Ms. Minter asked Mr. Varney if he wished to speak. Mr. Varney stated he did not since Mr. Carr had covered everything he needed to say.

Ms. Minter went to the next signature on the list which belonged to Mr. Tom Russell. She asked him if he still wished to speak and he did. Ms. Minter asked him to come forward and state his name and address for the record. Mr. Tom Russell, Racetrack Road, Alexandria, KY came forward and identified himself as the owner of an adjacent parcel to the east in the A-1 Zone. He trains racehorses. Mr. Russell stated he was concerned with how many buildings were going in on the site and when. Mr. Russell does not want any subdivisions or grocery stores going in next to his property. He is a retired teacher and currently raises and trains racehorses. Mr. Russell is 67 and doesn't plan to develop the property for the rest of his life. Maybe his kids will once he dies, but he doesn't plan to do anything with it. Mr. Russell has no objection to the Conservation District or what has been discussed so far tonight. Mr. Russell just wants to stay updated on how this is going to affect his property. He plans to spend the rest of his life working with his horses and he doesn't want any type of development that may harm or deter his work.

Ms. Minter asked if anyone else from the audience wished to speak regarding the zone change request. There being no one else wishing to speak, Ms. Minter closed the public hearing and opened the floor for discussion among the Commission.

Mr. Verst stated he appreciated staff recommendation for the provision for future access. Mr. Verst thinks if you review the Comprehensive Plan and information in the Zoning Ordinance for mixed land use, you will find that having this combined point of access is an important condition. Mr. Verst stated he really appreciated the applicant's willingness to work with staff to find language that they both could find mutually agreeable. Mr. Verst stated, for the Commission, he had language as a potential condition for the motion if they were of a mind to hear it. Ms. Minter stated she wanted to hold off before any proposed language for a condition as of yet. She wanted to hear comments from the Commission first.

Mr. Barrow stated his only comment is that the zone change fits the area. As far as the signage goes, Mr. Barrow felt it should be resolved during the site development plan review phase and not the zoning phase. Mr. Barrow also felt the easement comments could be changed to "proposed" access points for the site development phase. Mr. Klear stated when you look at the specifics of a development plan obviously it is going to include the access aisle. The issue of the transportation and connectivity is a Comprehensive Plan issue and that why we brought it up before your attention at this stage of your review process. Ms. Minter asked if there were any other comments or question from the Commission. There being none, Ms. Minter asked if Mr. Verst would present his proposed language for condition #4 for a proposed motion for discussion among the Commission. Mr. Verst stated that the language he is proposing for condition #4 is: "That the site development plan demonstrate how future access to adjacent properties could be created through ingress / egress easement or right-of-way dedication." Mr. Carr stated it was great to have a civil engineer on the Commission. Mr. Carr stated that both Mr. Varney and he agreed that is well written. Ms. Minter stated that the public hearing was closed. Ms. Minter asked if there was any further discussion for the Commission. There being none, Ms. Minter called for a motion. Mr. Verst made a motion to recommend to the Fiscal Court to approve case #91-11-ZMA-02, a 2.456 acre located at 5192 US 27 for a zone map amendment proposing a change in zoning from I-2 to NC. Mr. Verst stated that the conditions for this approval would be as follows:

1. That the Legislative Body adopts the map amendment portion of the submitted request.
2. That the applicant submits a site development plan to the Campbell County Planning Commission for review and approval prior to construction.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That the site development plan demonstrate how future access to adjacent properties could be created through ingress / egress easement or right-of-way dedication.

Mr. Verst stated that his finding of facts is that the proposed map amendment is in agreement with the adopted Comprehensive Plan, information submitted in the staff report and on the concept plan. Mr. Huck seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed. Mr. Klear clarified that the meeting minutes from this case will be approved at the regularly scheduled meeting next month. Once Mr. Klear has those minutes, he will have the complete packet he needs to submit the recommendation to the Fiscal Court. The Fiscal Court will need to approve the zone change by Ordinance which requires they have two readings on this item before they can take action. This means that the Fiscal Court will not be able to get their 1st reading in until their July meeting. Mr. Verst also advised the applicant just for their information that the conceptual drawings appear to have a building closer to the road than the setbacks allow.

Director's Report

Mr. Klear reminded the Commission that on May 12th, this Thursday, the Northern KY. Forum "Place Matters" event was occurring from 5:30 to 7:30 pm at Thomas More College Steigerwald Hall. Mr. Klear stated this was a partnership effort in fact between the Northern KY Forum with the Campbell County Planning & Zoning, Boone County Planning Commission and Northern Ky. Area Planning Commission. Mr. Klear strongly encouraged the Commission to attend. Roxanne Qualls will be the keynote speaker. It looks to be a very informative event. Mr. Verst stated he could not be there although he was very much interested in the panel. He asked if the event would be telecasted on cable at a later date. Mr. Klear stated he did not know. Ms. Minter stated it was a participant oriented event and telecasting it wouldn't be as productive or effective as actually attending. She also strongly encouraged the Commissioners to attend.

Mr. Klear advised the Commission that he has two training items that were provided after the conclusion of the April 12th meeting: Introduction to Site Planning and Innovative Land Development Case Study. Mr. Klear requested that the Commission accept this training to satisfy a portion of HB 55 requirements. Ms. Minter called for a motion. Mr. Barrow made a motion to accept the "Introduction to Site Planning" of April 12th as satisfying a portion of HB 55 requirements. Ms. Blake seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed. Mr. Klear stated there was a second training that evening as well that needs a motion to be approved. Ms. Minter called for a motion. Mr. Barrow made a motion to recognize the "Innovative Land Development Case Study" as satisfying a portion of HB 55 requirements. Mr. Verst seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Mr. Klear reminded the Commission they had previously discussed moving their meeting location to the County Administration Building in Newport. After discussion with the Judge/Executive, there was a review of other sites in Campbell County that were felt to be more accessible to the citizens of Campbell County. As a result, Mr. Klear has potentially found a new location for the Commission meetings to be held at the Southern Campbell County Fire Station on US 27 near Racetrack Road. The building has ample parking, there are no ramps, it is well lit and appears to be a safe location. The building would not accommodate a large public hearing any more than our current location would. Mr. Klear asked the Commission if they wanted to discuss this item at this time. Ms. Minter stated she knows they have discussed this previously and asked the Commission if they wanted to reopen this discussion at this time. Mr. Pfeffer asked what other sites were reviewed. Mr. Klear stated they looked at other meeting locations in the southern portion of Campbell County including the City of Alexandria building. The issue with that location was the potential for scheduling conflicts with their city meetings. The Commission would not have control over the schedule. There is little to no opportunity for conflict with the fire department. Ms. Minter was concerned about staff driving further. Mr. Klear assured the Commission that staff is not a concern. The concern is the Commission and the citizens of Campbell County. Ms. Minter stated she respected the feedback from County Administration in assisting the Commission to find a safer location. Ms. Blake asked if the Commission had to issue an explanation to County Administration as to the reason

behind their change in location. Mr. Klear and Ms. Minter both stated no explanation was necessary. Ms. Blake asked if the Commission owed an explanation to the public. Again, both Mr. Klear and Ms. Minter stated no. Mr. Pfeffer asked what county meetings were held at this current location. Mr. Klear replied that the Fiscal Court held a meeting at this location the 1st Wednesday of each month; the Commission held their meetings when applicable on the 2nd Tuesday of each month; and the Board of Adjustment held their meetings when applicable on the 3rd Tuesday of each month. This means this building is for meetings only used 3 times a month. Mr. Klear stated that the Campbell County Historical Society on the 2nd floor uses the building a couple of days a week based upon their volunteer hours. They do not have meetings, but rather open hours.

Ms. Minter stated, at this time, if you have a preference to change locations, she would entertain a motion, if not, we'll just keep meeting at this location. Mr. Huck stated he had a preference to move to the Southern Campbell Fire District on Racetrack Road. He stated that location had better lighting in the parking lot. This current location is surrounded by drug activity and he thinks that location is safer. Ms. Minter asked if Mr. Huck wanted to make that in the form of a motion. Mr. Huck made a motion to move the location of the meetings to the Southern Campbell Fire District. Ms. Blake seconded that motion. Mr. Klear clarified that the motion needed to be that they amend the By-Laws. Mr. Smith stated they needed to be specific to state they were amending the By-Laws to change the meeting location. Also, in regards to the legal notice, if you have been notified by any news media to advise them of your meeting times and locations, then you have an obligation to notify them of your new location. You are not required by law to issue a legal notice just to state that you have moved your meeting location. You post a notice on the door of the building and on the door of the meeting location where you used to meet as well as on the new location stating that you have changed location. This is the only notice to the public you are required to provide. Ms. Minter asked Mr. Huck if he wanted to amend his motion. Mr. Huck amended his motion to request a changed to the By-Laws to change the meeting location to the Southern Campbell Fire Station. Ms. Blake seconded the motion. Mr. Verst asked if the new facilities had appropriate acoustic media capabilities. Mr. Klear replied there was. Mr. Pfeffer asked if there was a cost to the Commission to use the firehouse. Mr. Klear stated there was no cost at this time. Mr. Barrow asked if the Judge/Executive recommended this location. Mr. Klear stated they supported this move. Ms. Wright asked how far you traveled once you turned onto Racetrack Road. Mr. Klear replied it was on the corner as soon as you turned. You could see the firehouse from US 27. Ms. Minter called for a vote. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, Ms. Blake and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed. Mr. Klear asked how the Commission wanted to proceed. Did they want to meet at the Alexandria Courthouse in June to approve the minutes and the amendment to the By-Laws and meet at the new location in July? Or did they want to meet immediately at the new location in June and approve the By-Laws at the new location? If we meet at the new location in June, we will need to post the June meeting as a special meeting because we will be at a location that differs from what is specified in the By-Laws, but it is simple to do and is at your leisure to decide? Ms. Minter stated she would prefer to move immediately. Mr. Klear stated that would be fine. Once he posts the legal notice, there can be no changes to the agenda. Mr. Huck advised the other Commissioners that once you turn onto Racetrack Road there is no street lighting which won't be an issue when you get there, but may cause you a little concern when you leave.

Mr. Klear stated he had originally planned to present training on flag lots after tonight's meeting. Mr. Klear wanted to know if the Commission wanted to remain for training or wait until another night for training. Ms. Minter stated the Commission looked like they had items put away to leave. Mr. Barrow and Mr. Verst stated they were looking forward to the training. It was determined they would pursue the training at the conclusion of the meeting.

Ms. Minter asked if there was any other business to discuss. Ms. Blake stated she had been traveling a lot recently and had been to Pittsburgh. She found some articles where fly-ash disposal has become a large concern for that area due to leaching of chromium into the groundwater tables. Due to comments made at recent cases and the Trans-Ash and LaFarge sites in Silver Grove, these articles caused Ms. Blake a great deal of distress. Ms. Blake asked do we have someone testing for groundwater testing and run-off. She

raised the issue of how would the Commission address similar concerns. Mr. Smith stated this was not an issue for the Commission. Groundwater table issues were the jurisdiction of Sanitation District #1 (SD1). Mr. Verst agreed SD1 would be responsible to oversee the issue. He was interested in seeing the articles Ms. Blake had and asked her to email him copies of them especially with all the fly-ash sites we have in this area. Ms. Minter advised Ms. Blake that there wasn't anything the Commission could do, but express their concerns to SD1. Ms. Minter asked staff to prepare correspondence to SD1 on the Commission's behalf. Mr. Klear stated he would do so.

Ms. Minter asked if there was any other business to discuss. There being none, Ms. Minter asked for a motion to adjourn. Mr. Verst made a motion to adjourn. Mr. Barrow seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 8:35 PM.

Respectfully Submitted,

Approved:



Peter J. Klear, AICP
Director of P&Z



Cynthia Minter
Chair