

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JULY 13, 2010 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Tony Pfeffer
Mr. Justin Verst
Mr. Michael Williams, arrived 7:04PM
Ms. Kay Wright
Mr. Robert Huck, TPO
Ms. Cindy Minter, Vice-Chair
Ms. Debbie Blake, Chairperson

STAFF PRESENT:

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

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 June 8, 2010 meeting minutes and asked if there were any additions or corrections. Ms. Blake recognized Mr. Williams' arrival at 7:04 PM. Ms. Wright indicated there was a correction on page 11, in the paragraph following the Supporting Information/Bases for Staff Recommendation, line 16 ends with "Mr. Verst seconded the motion." This statement is reflected twice. It was agreed the duplicate statement would be deleted. Ms. Wright also indicated on page 13, at the end of the second paragraph, her name was omitted from the list of members that voted to approve the training the members received on May 11th. Ms. McEvoy Boh commented there was an extra period (".") on page 3 in the second line of the paragraph following the Bases for Recommendation. Ms. Blake asked if there were any additional corrections. There being none, Ms. Blake called for a motion. Mr. Pfeffer made a motion to approve the June 8th meeting minutes as corrected. Mr. Verst seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Verst, Ms. Wright and Ms. Minter in favor of the motion. Mr. Williams, Mr. Huck and Ms. Blake abstained. Motion passed.

Ms. Blake introduced case #76-10-PPD-01, Grizzell Estate Lot 7, to the Planning Commission and asked Mr. Hutchinson to present the Staff Report and staff's recommendation to the Commission. Before Mr. Hutchinson began the staff report, he advised the Commission of a correction to his report under item 2. g) that "Reitman Road" should read "Siry Road".

SUBDIVISION: 76-10-PPD-01 Grizzell Estate Lot 7
APPLICANT: Kendall & Debbie Grizzell
LOCATION: A 4.02-acre area across the street from 1490 Siry Road, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of one (1) lot, with no public improvements.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for Rural Mixed Use & Active Recreational Facilities. A portion of the building lot is PRDA, a Physically Restrictive Development Area due to steep slopes. The Campbell County Zoning Ordinance classifies the plat within the A-1 Zone, Agriculture 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.
2. 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 4.02-acre area along the south side of Siry Road for the creation of one lot, with no public improvements.
 - b) The Plat shows the proposed lot slopes down away from Siry Road and then back up. The lot is partially wooded and vacant. There are still 126.25-acres that remain along both sides of Siry road.
 - c) The Plat shows an existing 8" PVC water line and overhead electric fronting the proposed lot.
 - d) The Plat shows a 25-foot right-of-way parcel fronting along the proposed lot to be dedicated.
 - e) County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems are being utilized.
 - f) 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.
 - g) The width of Reitman Road is 16 feet, in conflict with minimum county standards of 20 feet. The escrow funds required for widening this portion of road fronting the proposed will need to be submitted.
 - h). The Plat shows that lot # 3 exceeds the maximum four to one lot width to depth ratio.

Recommendation:

To approve the proposed Preliminary Plat with the following conditions:

1. That the funds required to widen one-half (1/2) of Siry 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 lot be reconfigured to meet the 4 to 1 width to depth ratio.

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 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 Siry Road.
2. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 6.6, states:
"Conformance to Zoning: All lots shall conform to the requirements of the applicable zoning ordinance".

Mr. Hutchinson advised the Commission that the Applicant had submitted a revised plat showing the lot reconfigured to meet the 4 to 1 width to depth ration desired by Staff. Mr. Hutchinson also stated that the Applicant measured the road width in front of the proposed lot and stated the road is actually 17 feet wide at this portion of the road. As a result, the Applicant also submitted an estimate for 1.5 feet additional road width. Mr. Hutchinson concluded the staff report. Mr. Hutchinson asked if there were any questions concerning the staff report. Ms. Blake asked Mr. Hutchinson for an explanation of item 2. e) from his Staff Report. Mr. Hutchinson replied that since public sewage was not available to this site, the Applicant would be required to install an on-site sewage system obtaining the necessary permits and approvals from the Health Department which regulates these systems.

Ms. Blake asked if the Commission had any questions of Staff. There being none, Ms. Blake requested that the Applicant come forward to address the Commission. Mr. Bill Reis introduced himself as the representative and surveyor for the Applicant. Ms. Blake asked if he had any comments or statements to make regarding the Staff Report. Mr. Reis stated that he had no additional comments to make as Mr. Hutchinson had included all the necessary information in his presentation.

Ms. Blake asked if there were any questions of the Applicant. There were none. Mr. Verst asked Staff who and how would it be determined if the site was in a floodplain area. Mr. Klear replied that when a building permit was applied for, this issue would come into play. Staff would review the information submitted and make the determination if the site was located in the floodplain. If they are determined to be in the floodplain, the Applicant would be required to

submit an application to the Kentucky Division of Water for approval to construct a structure in the floodplain. Mr. Klear explained to the Commission that the floodplain maps are a general guide as to if a site is in danger of being in the floodplain. An actual field measurement would need to be made to determine if the site were actually below the floodplain level or not.

Ms. Blake opened the case up for further discussion. There being no additional comments or questions, Ms. Blake asked for a motion. Ms. Minter made a motion that the Planning Commission approve case #76-10-PPD-01, Grizzell Estate Lot 7, as stated in the Staff Report with the correction to 2. g) showing "Siry Road" and to correct the road width to 17 feet instead of 16 feet as stated. Mr. Klear was recognized by Ms. Blake. Mr. Klear stated that he agreed with the street correction, however, the road width would have to remain at 16 feet as reflected in the County's records. Ms. Minter amended her motion to approve this request with the modification to the street name, but not the road width. Ms. Minter indicated the approval would be with the following conditions:

1. That the funds required to widen one-half (1/2) of Siry 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 lot be reconfigured to meet the 4 to 1 width to depth ratio.

Ms. Minter cited the following as her findings of fact and basis for her 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. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright, Mr. Huck and Ms. Minter in favor of the motion. Ms. Blake abstained. Motion passed.

Ms. Blake introduced case #77-10-PPD-01, Leo 3 Land Division, to the Planning Commission and asked Mr. Hutchinson to present the Staff Report and staff's recommendation to the Commission.

SUBDIVISION: 77-10-PPD-01 Leo 3 Land Division
APPLICANT: Justin & Christy Schneider
LOCATION: A 2.33-acre area at 7029 Reitman Road, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of one (1) lot, with no public improvements.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for Rural Mixed Use. A portion of the building lot 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.

2. 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 2.33-acre area along the west side of Reitman Road for the creation of one lot, with no public improvements.
 - b) The Plat shows the proposed lot slopes down and away from Reitman Road, the lot is partially wooded and vacant. This tract is all that remains on the west side of the road. The remaining 18.5-acre tract is on the east side of Reitman Road.
 - c) The Plat shows an existing 3" PVC water line and overhead electric fronting the proposed lot.
 - d) The Plat shows a 25-foot right-of-way parcel fronting along the proposed lot to be dedicated.
 - e) The Plat indicates the lot does not fall within the 100 year floodplain.
 - f) County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems are being utilized.
 - g) 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.
 - h) The width of Reitman Road is 15 feet, in conflict with minimum county standards of 20 feet. The escrow funds required for widening this portion of road fronting the proposed 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 Reitman 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.

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 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 Reitman Road.

Mr. Hutchinson concluded the Staff Report by explaining to the Commission that Staff prefers the Applicant escrow the amount needed to widen the road rather than complete this work themselves at this time due to safety issues. If the Applicant were to widen their portion of the road, but the remainder of the road remained a different width, there would be traffic issues leading to injuries and confusion among the drivers along this road. By escrowing the amount needed to widen their portion, the majority length of the road would be improved at a future date allowing for less disruption of use of the road and diminishing the capacity to confuse drivers.

Mr. Hutchinson asked if there were any questions. Ms. Blake commented that he did not read directly from his report when he was speaking. Ms. Blake commented again that item 2. f) was the same as in the previous case just heard by the Commission. While the report states: "County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems are being utilized." Mr. Hutchinson in speaking added the comment that the on-site sewage disposal system would need to comply with the Health Department regulations. Ms. Blake appeared concerned that this was not indicated in the report.

There were no other comments or question by the Commission. Thereby, Ms. Blake asked the Applicant to come forward and introduce himself. Mr. Bill Reis identified himself as the representative and surveyor for the Applicant. Mr. Reis stated that when he surveyed this property for his client, he notified the owner that the road would be required to be widened. Mr. Reis stated the owner seemed agreeable to do this and that the condition stated in Staff's Report was anticipated and accepted. Mr. Reis stated he was currently working to complete the estimate for the widening of the road and would submit that to Staff as soon as he had it completed. Mr. Reis continue that this estimate would be more difficult to complete as there were portions requiring fill and it would be more expensive than the escrow calculations submitted on the previous case heard tonight by the Commission.

Ms. Blake asked if any members of the Commission had any questions or concerns. Mr. Barrow replied he had no questions or concerns as there was only one condition and the Applicant was in agreement with it. Ms. Blake asked if there any additional questions or comments from the Commission. Ms. Minter commented to the Commission that, although the Staff Report did not specifically identify that the on-site sewage system was regulated by the Health Department, this information was reflected on the plat itself. Ms. Blake stated that she saw that comment reflected on the plat but was unsure if that was referring to the same thing as item 2. g) of the Staff Report. Ms. Blake asked for confirmation that there was no discrepancy between the Staff

Report and the comments included on the plat. Ms. Minter and Ms. McEvoy Boh both agreed there were no discrepancies. Ms. Blake asked if there were any further questions or comments. There being none, Ms. Blake called for a motion. Mr. Verst made the motion to approve the preliminary plat for case # 77-10-PPD-01, Leo 3 Land Division subject to the following condition:

1. That the funds required to widen one-half (1/2) of Reitman 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.

Mr. Verst cited the following as the 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. Wright seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Verst, Mr. Williams, Ms. Wright, 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 stated he had no report to present to the Commission; however, he did want to bring one item up for discussion. Mr. Klear explained that the Planning & Zoning Commission meetings are always open to the public to attend and observe; however, public comment is only "required" at public hearings. Cases such as those cases that were presented tonight are were not public hearing cases. Public hearings are reserved for instances where the regulations or ordinances are being asked to be changed for some purpose such as the Commission would hear in cases involving text amendments or zone map amendments. In those instances, the public is there not only to observe, but to provide input as to the implementation to the proposed changes. Ms. McEvoy Boh commented that the cover letter to the Staff Report that was issued stated the items were "public hearings" even though they were not. Mr. Klear stated he was unaware that this was listed in the cover letter and that this would be corrected.

Mr. Williams commented that not only are actions by the Commission governed by regulations and ordinances, but the actions of the Commission are steeped in tradition. It is critical to the success of the Commission that there be consistency when dealing with the public. If the public is allowed to speak one time, but the next time denied an opportunity, there is a perceived "special treatment" given to one applicant or project that was denied to another. The Commission needs to set a type of "policy" in the time allotted for each speaker, etc. Ms. Blake asked how that policy was set and by whom. Ms. McEvoy Boh stated the Chair of the Commission is responsible to set any policy as long as they are following the law. Mr. Verst asked for a clarification if the applicant would be considered as the general public or are they given special designation. Mr. Klear stated that the applicant is coming before the Commission with a request that has been scheduled for the agenda that evening. The applicant is not

considered the general public and cannot be denied the opportunity to be heard by the Commission. Ms. McEvoy Boh added that the applicant is not restricted unless they become unruly or offensive.

Mr. Barrow suggested that maybe at the beginning of each meeting the Chair could recognize that each speaker be allotted 2 minutes to speak. Ms. Minter stated she did not feel this was necessary as there are times that it really does take 20 or 30 minutes or more to explain the impact of a case on a particular situation. Ms. McEvoy Boh supported Ms. Minter's comments. Both Ms. McEvoy Boh and Ms. Minter stated they felt it should be determined on a case by case review if a time allotment was necessary.

Mr. Williams stated that, in his time on the Commission, he could not recall an instance where a member of the public just stopped in to discuss an issue or topic without being immediately pertaining to a case on the agenda. Mr. Williams continued that mainly all he has seen is the applicant or neighbors of the applicant. Mr. Klear and Ms. McEvoy Boh stated that was not always the case. There have been instances when parties have wanted to approach the Commission regarding issues or situations not before the Commission. Under these circumstances, Mr. Klear has had to deny the request either because the issue was outside the jurisdiction of the Commission or the issue was not ripe for discussion.

Mr. Klear indicated he had no further issues for discussion. Ms. Blake asked the Commission if there were any additional items for discussion. There being none, Mr. Verst made a motion to adjourn. Ms. Minter seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 7:47 PM.

Respectfully Submitted,

Approved:



Peter Klear, AICP
Director of P&Z



Deborah Blake
Chairperson