

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

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Tony Pfeffer
Mr. Justin Verst
Mr. Michael Williams, arrived 7:04 PM
Ms. Kay Wright
Mr. Robert Huck, TPO
Ms. Cindy Minter, Vice-Chair, arrived at 7:15 PM
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 7:00 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 July 13, 2010 meeting minutes and asked if there were any additions or corrections. There being none, Ms. Blake called for a motion. Mr. Verst made a motion to approve the July 13th meeting minutes as submitted. Ms. Wright seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Verst, Ms. Wright and Mr. Huck in favor of the motion. Ms. Blake abstained. Motion passed. Mr. Williams arrived at 7:04 PM.

Ms. Blake introduced case #05-10-PPL-04, Trans-Ash Industrial Park, to the Planning Commission and asked Mr. Hutchinson to present the Staff Report and staff's recommendation to the Commission.

SUBDIVISION: 05-10-PPL-04 Trans-Ash Industrial Park
APPLICANT: Trans-Ash
LOCATION: A 31.524 acre area located on Mary Ingles Highway 0.75 miles west of Four Mile Road, City of Silver Grove.
REQUEST: The submitted request is for approval of a preliminary plat consisting of 31.524 acres and six (6) lots within an HC and R-RE Zone.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for Light Industrial. The Silver Grove Zoning Ordinance classifies the plat within the HC (Highway Commercial) Zone and R-RE (Residential Rural Estate) Zone. The HC Zone permits automotive uses, financial institutions, bowling alleys, hotels, restaurants, garages, police and fire stations, advertising signs and dry cleaners. The R-RE Zone permits detached single-family dwellings on a minimum lot size of three (3) acre. Areas to the east and west of the site in question are zoned HC and R-RE. Areas to the south are zoned R-RE and to the north are I-4 (Industrial River) Zone.
2. The site in question was formerly occupied by a driving range and a putt-putt golf course.

3. The Transportation Plan Element of the 2000 Campbell County Comprehensive Plan Update identifies Mary Ingles Highway as a collector roadway.
4. 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 31.524 acres.
 - b. The plat indicates existing elevations of the site are 476' and 506' feet.
 - c. The plat indicates the rear part of lots 4 & 5 is within both the floodplain and floodway.
 - d. The plat indicates approximate locations of existing underground utilities.
 - e. The plat indicates the location of proposed water lines, fire hydrants, and relocation of sanitary sewer lines.
 - f. The plat indicates the construction of a public street 24' feet wide, approximately 630' feet in length ending in a cul-de-sac.
 - g. The plat indicates the public right-of-way (ROW) over the proposed street is 60' feet.
 - h. The plat indicates an access easement for Harold Jackson beginning at the terminus of the cul-de-sac.
 - i. The plat indicates lot 1 will have direct access off Mary Ingles Highway, a collector roadway. Intersections with collector roadways shall be spaced not less than 400 feet apart. The proposed intersection is less than 130' feet from an existing intersection on Timothy Cain's property.
 - j. The plat indicates a lake on lot 5.
 - k. The plat does not show the bearings and distances of any of lot lines proposed.
 - l. The plat indicates lots #2 (1.066 acres) & #3 (1.2421 acres) don't meet the minimum lot requirement of 3 acres for the R-RE Zone.
 - m. The plat does not show sidewalks.
5. Three previous grading plans have been approved by the Planning Commission. The first case # 05-07-GRP-SIL-01, a grading plan for Carl J Schwarber Commerce Park, was approved April 10, 2007 with six conditions. The second case # 05-08-GRP-SIL-02, a grading plan for Trans Ash, was approved October 9, 2007 with four conditions. The third case # 05-08-GRP-03, a grading plan for Trans Ash, was approved February 10, 2009 with nine conditions. To date the applicant has complied with all conditions from the previously approved plans.

Campbell County Staff Recommendation – Silver Grove Zoning Ordinance:

To approve the Preliminary Plan subject to the following conditions:

1. That the applicant receives an approved land disturbance permit from Sanitation District #1 (SD#1) and complies with all conditions associated with the approval of that SD#1 land disturbance permit.
2. That the applicant submits an improvement plan to the Campbell County Municipal Planning and Zoning department for review and approval.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That the access point on Lot 1 be removed from the preliminary plat.
5. That the applicant submits a revised preliminary plat with lots #2 & #3 reconfigured to meet the minimum zoning requirement of the City of Silver Grove Zoning Ordinance.

6. That the applicant receives an approval from SD#1 regarding the relocation of the existing sanitary sewer line that runs through the property.
7. That the applicant complies with the City of Silver Grove, Grading Ordinance NO. 07-0601. Specifically, this ordinance regulates the placement of fill dirt or other material on property within the City of Silver Grove.
8. Fire flows in this area are not known. Fire flows should be in accord with the requirements of the Southern Campbell Fire District.
9. That note 13 be corrected or removed from the drawing, it states "Lot 1 as shown on the plat in not part of this application. It has been previously subdivided by identification plat." The lot this notation is referring to is labeled "1.289 acres out sale not part of this application." Lot 1 is a part of this preliminary plat.
10. That the applicant note the following on a revised preliminary plat "all lots gain access from the proposed internal street system, no lots will have direct access off State Route 8."
11. That the preliminary plat be revised to include sidewalks along one side of the internal street system.
12. That no parking be permitted along the proposed public street.

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. As of August 1, 2003, Sanitation District #1 has taken over the authority, by law, of reviewing storm water calculations and approving land disturbance permits for all land with a disturbed area of one acre or greater, to determine compliance with the newly adopted storm water regulations.
2. Campbell County Subdivision Regulations, Section 6.1 Intersections E.2: "In the case of collector streets, intersections with said streets shall be spaced not less than four hundred (400) feet apart..."
3. Campbell County Subdivision Regulations, Section 3.5 Improvement Drawings E.2: "Following approval or conditional approval of the preliminary plat by the Planning Commission the subdivider may elect to submit the improvement drawings and specifications, as prepared by a Kentucky Licensed Professional Engineer, to the Planning Commission's duly authorized representative for review and approval prior to the submission of the final plat..."
4. CITY OF SILVER GROVE, KY ORDINANCE NO. 07-0601., An ordinance regulating the placement of fill dirt or other material on property within the City of Silver Grove., States: "That if the applicant desires to raise the level of land above the five hundred four (504) feet mentioned above, then said applicant shall submit an application to the City of Silver Grove explaining the need and the desire to raise the land level above the limit mentioned above..."

5. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 7.2 states: "The design of the (water) system shall also make provision to insure adequate fire flow requirements, including adequate spacing of fire hydrants . . .";
6. CITY OF SILVER GROVE ZONING ORDINANCE, SECTION 10.1., D.1., RURAL-RESIDENTIAL ESTATE ZONE: Area and height regulations for permitted use. 1. Minimum lot size 3 acres.
7. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION TABLE 2 STATES: With 7-25 lots provided sidewalks along one side of the street."
8. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION TABLE 2 STATES: With 7-25 lots parking on street - none."

Additional Information:

1. The applicant split 1.289 acres from Trans Ash and sold the lot to Dollar General. A notation on the approved ID Plat stated the 1.289 acre tract will have access from the internal street not from State Route 8.
2. The plat indicates this site is an industrial park; the zoning for this site is residential and commercial. Before the applicant can use the site for industrial uses, the applicant must submit and receive approval for a zone change on this site from HC & R-RE to an Industrial Zone.

Mr. Hutchinson asked if there were any questions concerning the staff report. Ms. Blake asked Mr. Hutchinson to clarify how a potential future zone change should be indicated. Mr. Hutchinson replied that Applicant was aware of the potential need for a zone change in the future should they desire an industrial business be located within this industrial park. Mr. Hutchinson continued that the Comprehensive Plan supports industrial use for this area, but a zone change would be required before any industrial business may locate within this division. Mr. Verst asked for a clarification of why this preliminary plat was being submitted prior to the zone change request. Mr. Hutchinson stated that was a question for the Applicant. Mr. Verst continued with a comment that if the street is installed per the Subdivision Regulations requirements for a residential zone, that if a future zone change to industrial occurred, the street would be insufficient for industrial use. Mr. Hutchinson stated this was correct. Mr. Verst asked Mr. Hutchinson to clarify staff recommendation #5 regarding the reconfiguration of lots 2 and 3. Mr. Verst stated it appears that lots 2, 3, 4 & 5 do not meet the lot width requirements for the residential zone.

Ms. Wright asked Mr. Hutchinson to restate the need for a zone change as the lots in the front are currently in the Highway Commercial (HC) Zone. Mr. Hutchinson stated that, if an industrial business were to want to locate within this industrial park, a zone change would need to be submitted to the Commission for their approval to change the zone from either the HC or residential zone to an industrial zone in order to support the type of business desiring to move into the park. The HC Zone supports retail and commercial business, but does not allow for any industrial businesses. Ms. Wright asked how this zone change would affect the lot outsale that has already occurred. Mr. Hutchinson stated that specific lot was not in danger at this time because the use proposed for that outsale lot is supported by the zone it is currently located in. Ms. McEvoy Boh stated that the only area to be considered by the Commission tonight are the lots located within this preliminary plat as represented by the bold red outline on the slide in Mr.

Hutchinson's presentation. The outsale lot is not part of the preliminary plat and is not for consideration. Ms. Blake recognized Ms. Minter's arrival at 7:15 PM.

Mr. Barrow asked, if the access to lot 1 was not to come directly off of State Route 8, does that mean the preliminary plat needs to be reconfigured to show access for this lot to pull off of the street to be installed. Mr. Hutchinson stated that was correct. Mr. Barrow also stated that staff condition #8 states the Southern Campbell Fire District, but that area is actually maintained by District #1 Fire District. Mr. Barrow continued with a question on staff condition #10 in regards to who is responsible for State Route 8. Mr. Hutchinson asked if Mr. Barrow was asking about maintenance. Mr. Barrow replied that was his question. Mr. Hutchinson answered that the road is a state maintained corridor; however, the county has control over the curb cuts and traffic spacing requirements. Ms. Blake asked if the county also had control over signage for this area. Mr. Hutchinson replied that the county would have control over the signage for the businesses.

Mr. Williams asked why the paragraph regarding the zone change required for industrial uses of the park was placed in the Staff Report. Mr. Williams questioned, if the Commission approved the preliminary plat and then the Applicant comes back for a zone change (which requires a public hearing), is the Commission required then to approve the zone change request. Mr. Hutchinson stated the Applicant would need to go through the zone change process. Mr. Hutchinson stated that the Commission is not required to approve a zone change at a later date if the Commission decides to approve the preliminary plat tonight. The Commission always has the ability to deny a zone change request if they feel it is not in the best interest of the public or does not meet the regulations. Mr. Williams states it appears by the name of the plan alone that the Applicant intends to pursue industrial use of this area. Mr. Hutchinson agreed that appeared to be the case. Mr. Verst stated that was irrelevant as the Commission is being asked to approve this preliminary plat based on the current zoning only. Mr. Verst indicated again his concern is for the street design being insufficient for industrial use. Mr. Williams stated he understood that concern, but his concern is that the Commission is going backwards in how to approve this plan. Mr. Williams feels that the zone change would have been the prudent request to submit to the Commission at this time. Mr. Williams is worried that, if the Commission approves this plan and then a request for a zone change is submitted, but the information submitted by the Applicant does not support a zone change, the Applicant will attempt to use the approval of the preliminary plan as support for approval of the zone change. Mr. Hutchinson stated that the Applicant is aware that a zone change is needed to support industrial use of the property and is willing to take the chance that a zone change to be submitted later may or may not be approved by the Commission. Mr. Williams stated he wanted that reflected clearly in the minutes that the Applicant is aware of this information and is in no manner guaranteed an approval of a zone change to occur in the future.

Ms. Blake expressed concern with the physical lot area being located within a flood plain/way area and the impact that the curb cuts will have upon this issue. Ms. Blake stated that she cannot imagine the street coming in without a steep climb considering the temporary road that is presently located on the site. Mr. Hutchinson stated that the improvement plan would have to reflect the actual street design and would need to fall below 12% grade. Mr. Pfeffer asked for clarification that the street design required for a residential (use) differs from the standard for an industrial area. Mr. Hutchinson stated that was correct. Mr. Verst replied the road standard difference could be addressed at the time of the zone change with a condition upon the zone change being that the road be updated to meet the new zone's requirements. Mr. Hutchinson stated that the conditions adjust as changes occur in use or design.

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. Joe Kramer 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. Kramer stated that the

Applicant is Trans-Ash and explained that the Applicant had a buyer for a 1.289 acre site and the outsale of that site was done per an identification plat previously reviewed and approved by Staff. Mr. Kramer stated that the goal of the Applicant is to be able to construct the first 200 feet of the street for the use of the outsale lot. However, Mr. Kramer was not certain that a preliminary plat would be approved if it only reflected a street. Mr. Kramer stated that the Applicant is willing to meet all conditions stated in the Staff Report and will reconfigure the lots to meet the current zoning requirements. Mr. Kramer confirmed that the Applicant is aware that a zone change will be needed in the future and will submit it at a time more beneficial to the Applicant. Mr. Kramer reflected that it was an error on his part in overlooking the street design specifications and would be agreeable to updating the design to include the standards set forth in the industrial standards.

Ms. Blake asked if there were any questions of the Applicant. Mr. Verst commented to Mr. Kramer that the lots could not be approved as reflected on the plans submitted. Mr. Kramer stated, if the Commission approved the plat with the condition that the lots be reconfigured on the final plat submission to meet the current zoning requirements, the final plat will reflect lot dimensions that are acceptable for the current zone with input from Staff if needed. Mr. Verst questioned Staff about his concern that reconfiguring the lots is a substantial change to the plan and thereby unable to be approved by the Commission at this time. Mr. Klear clarified that the reconfiguring of lots are not considered a substantial change to the plan as long as it remains the same number or fewer lots and the changes are intended to comply with current zoning requirements. Mr. Klear stated that an increase in the total number of lots would be an example of a substantial change to a plan. Mr. Verst asked if the approval of the preliminary plat based upon what they see tonight would impact the future zone change to be proposed. Mr. Klear stated that concern does not impact the preliminary plan because they have not submitted a zone change request at this time. Mr. Klear reiterated that the Commission is considering the preliminary plat based upon the current zoning and what they see before them tonight and should not be influenced by a potential submission to occur in the future. Mr. Verst stated the concern of the Commission is if they will be causing issues for themselves in the future by approving the plan before them tonight without consideration for the zone or other design questions. Mr. Verst stated this really appears to be an instance where the zone change should have been proposed first. Mr. Klear stated he understood the Commissions concerns and commended the Commission for their proactive thinking in this situation.

Ms. Minter asked if the staff condition #5 which specifies lots 2 and 3 would not also impact the adjoining lots in order to get the area requirements. Mr. Kramer stated he agreed that the other lots would be reconfigured to reflect those changes. Mr. Barrow asked Staff, if a condition was added to require the street be constructed according to industrial standards, would Staff be able to review and approve that standard. Mr. Hutchinson and Mr. Klear agreed that Staff would be given the ability to review those plans. Mr. Verst asked Mr. Kramer for confirmation that the Applicant is willing to relocate access for lot 2 from Mary Ingles Highway to the public street to be built. Mr. Kramer replied that was correct.

Ms. Blake asked if there were any questions of the Applicant. There were none. Ms. Blake opened the floor for discussion among the Commission. Mr. Hutchinson requested permission to ask a question of the applicant. Ms. Blake agreed. Mr. Hutchinson asked, if the preliminary plat is approved, when the Applicant removes the access for lot 1 from Mary Ingles Highway, do you need an easement or has one been established to allow Mr. Harold Jackson to have access to his

property behind this industrial park? Mr. Ken Perry, as representative for the Applicant, came forward to address the Commission. Mr. Perry stated that a non-specific easement is already in place for Mr. Jackson. Mr. Hutchinson asked Mr. Kramer for clarification on the presence of the easement on the preliminary plat since the Applicant only intends to construct the first 200 feet of street initially. Mr. Perry stated the easement was already established and in place. Mr. Hutchinson asked if the easement could be reflected on the preliminary plat. Mr. Perry stated it would be shown.

Mr. Perry began his presentation by announcing the Trans-Ash Industrial Park has been renamed as the Wright Boyer Park in honor of Ms. Kay Wright. Mr. Perry stated he was aware that the property would need a zone change, but the issues have arisen that the Family Dollar Store wants to build on the outsale lot and the need for the street proposed on the preliminary plat became vitally necessary to complete their agreement with Family Dollar Store. Mr. Klear interrupted Mr. Perry at this point to clarify that the issue with the outsale lot cannot be discussed in any way. It is not part of the preliminary plat and it may affect a separate case that may be coming before the Commission in the near future. The Commission is convened tonight to review and make a determination on the preliminary plat only.

Mr. Barrow asked Mr. Perry to confirm that, as the Applicant, he was in complete agreement with the 12 conditions listed in the Staff Report, as well as the additional condition that the street be constructed to industrial standards. Mr. Perry replied he was in complete agreement and these items should have been on the plat prior to submission to Staff. Ms. Blake asked if there any additional questions of the Applicant. There being none, Ms. Blake opened the floor to discussion among the Commission. Ms. Minter asked Staff to assist in providing phrasing for the additional conditions that it appears the Commission would like to add to staff's recommendations in specific to the street design. Mr. Hutchinson stated he felt Mr. Verst's previous comment that should a zone change be submitted, the Applicant would be responsible to upgrade the street design to accommodate the new zone's regulations. Ms. Minter asked if the following statement would suffice as a condition for the zone change: "Approval of the preliminary plan does not imply acceptance of a zone change or any conditions which may be required of future zoning classification." Mr. Hutchinson stated that was acceptable.

Mr. Verst asked if Ms. Minter's statement would be an additional condition to the approval or just a statement to be reflected in the minutes. Ms. Minter advised she was proposing it be an additional condition. Ms. Minter asked Mr. Hutchinson for clarification of where he saw the easement for Mr. Jackson to be reflected on the plan. Mr. Hutchinson stated if only the first 200 feet of road was going to be constructed and dedicated for public use at this time that there is an additional 430 feet of access that Mr. Jackson would need on private property. Mr. Hutchinson believes that the additional 430 feet of property between the access starting at the public road and ending at his property line. Mr. Perry stated the existing driveway is non-specific easement allowing the developer to move the driveway as needed for construction purposes. Mr. Kramer continued that due to the different stages of construction, the access has been shifted several times over the past few years. Each time, a representative for the Applicant meets with Mr. Jackson to advise him of the change so that access is always granted. Mr. Jackson has been satisfied with this arrangement. There is no real way to put an exact location of where the easement will be as it may be shifted to accommodate the reconfiguration of the lots or other development issues that may arise. Mr. Jackson will definitely have the easement, but it will a few years until the final street and development has occurred before the exact location of the

easement can be identified. Mr. Kramer asked, if there can be a little leniency towards the phrasing of the condition, he would be most appreciative.

Ms. Blake asked Mr. Perry about the slope of the access road coming off of State Route 8. Mr. Perry and Mr. Kramer both advised the street would be gently sloping up to the finished building site elevation. Ms. Blake asked for a specific detail of the slope, but Mr. Perry and Mr. Kramer both advised they did not have the specific information, but the street would meet all requirements established in the zoning ordinance and subdivision regulations. The temporary street that is currently there will not be the final slope of the proposed street.

Ms. McEvoy Boh asked Mr. Verst if his concern regarding the lot widths addressed in the conditions or does an additional condition need to be added to cover this topic? Mr. Verst feels that staff condition #5 can be re-worded to accommodate his concern.

There being no further questions of the Applicant, Ms. Blake asked they be seated so the Commission could continue their discussion. Mr. Williams had a question for legal counsel. Mr. Pfeffer asked if, before Mr. Williams presents his question, it can be determined that Ms. Minter's question regarding the easement has been fully answered. Ms. Minter stated she felt it had been addressed. Mr. Verst added he would like Commission's and Staff's opinion on the following phrasing in consideration of Ms. Minter's previous question as an additional condition: "Proper access to an easement to Harold Jackson's property will be maintained at all times." Mr. Williams asked Ms. McEvoy Boh what the legal standard would be for making the determination to approve this plat. Mr. Williams is certain it is not "beyond a reasonable doubt", but would it be based upon "preponderance of evidence". Mr. Klear advised that the determination could be to approve the plat as submitted, approve with conditions or disapprove. If, as a Commission, you were to approve or approve with conditions, it implies that the plat meets the requirements of the subdivision regulations and zoning ordinance. If, as a Commission, you were to disapprove, there would have to be some item of the request that did not comply with the subdivision regulation or zoning ordinance. As an individual member of the Commission, you do not have to provide the basis for voting yes or no.

Mr. Williams further asked, if the Applicant does everything that is listed in the conditions, the plat will be appropriate for use under the current zoning. Mr. Hutchinson stated they would be in compliance with all current zoning requirements. Mr. Williams commented that he wants to make certain that if the plat is approved now, the Applicant does not come back in for a zone change using this specific approval of the plat as the stepping stone. Mr. Kramer asked to be recognized. Mr. Williams asked the Applicant be recognized to provide an answer to his question. Ms. Blake recognized Mr. Kramer. Mr. Kramer stated he understands the Commission's concern. Mr. Kramer is asking the Commission to consider the fact that the lots are being divided in a way that allows them to be used as two HC zone lots and five residential lots. Mr. Kramer stated the Applicant is aware of the zone and they will apply for a zone change if one is needed. If not, the lots will remain for the purpose in which they are currently zoned.

Ms. Blake asked if there were any additional comments or questions. There being none, Ms. Blake asked for a motion. Mr. Verst made a motion that the Planning Commission approve case #05-10-PPL-04, Trans-Ash Industrial Park, with the following 14 conditions:

1. That the applicant receives an approved land disturbance permit from Sanitation District #1

(SD#1) and complies with all conditions associated with the approval of that SD#1 land disturbance permit.

2. That the applicant submits an improvement plan to the Campbell County Municipal Planning and Zoning department for review and approval.
3. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
4. That the access point on Lot 1 be removed from the preliminary plat.
5. That the applicant submits a revised preliminary plat with all lots ~~#2 & #3~~ reconfigured to meet the minimum zoning requirement of the City of Silver Grove Zoning Ordinance.
6. That the applicant receives an approval from SD#1 regarding the relocation of the existing sanitary sewer line that runs through the property.
7. That the applicant complies with the City of Silver Grove, Grading Ordinance NO. 07-0601. Specifically, this ordinance regulates the placement of fill dirt or other material on property within the City of Silver Grove.
8. Fire flows in this area are not known. Fire flows should be in accord with the requirements of the ~~Southern Campbell~~ Fire District #1.
9. That note 13 be corrected or removed from the drawing, it states "Lot 1 as shown on the plat in not part of this application. It has been previously subdivided by identification plat." The lot this notation is referring to is labeled "1.289 acres out sale not part of this application." Lot 1 is a part of this preliminary plat.
10. That the applicant note the following on a revised preliminary plat "all lots gain access from the proposed internal street system, no lots will have direct access off State Route 8."
11. That the preliminary plat be revised to include sidewalks along one side of the internal street system.
12. That no parking be permitted along the proposed public street.
13. Proposed street construction will meet the Campbell County Subdivision Regulations for the appropriate use.
14. Proper access through an easement to Harold Jackson's property will be maintained at all times.

Mr. Verst asked the following point of information be attached to his motion: Approval of the preliminary plan does not imply acceptance of a zone change or any conditions which may be required of future zoning classification.

Mr. Verst cited the following as the bases 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 below:

1. As of August 1, 2003, Sanitation District #1 has taken over the authority, by law, of reviewing storm water calculations and approving land disturbance permits for all land with a disturbed area of one acre or greater, to determine compliance with the newly adopted storm water regulations.
2. Campbell County Subdivision Regulations, Section 6.1 Intersections E.2: "In the case of collector streets, intersections with said streets shall be spaced not less than four hundred (400) feet apart..."
3. Campbell County Subdivision Regulations, Section 3.5 Improvement Drawings E.2: "Following approval or conditional approval of the preliminary plat by the Planning Commission the subdivider may elect to submit the improvement drawings and specifications, as prepared by a Kentucky Licensed Professional Engineer, to the Planning Commission's duly authorized representative for review and approval prior to the submission of the final plat..."
4. CITY OF SILVER GROVE, KY ORDINANCE NO. 07-0601., An ordinance regulating the placement of fill dirt or other material on property within the City of Silver Grove., States: "That if the applicant desires to raise the level of land above the five hundred four (504) feet mentioned above, then said applicant shall submit an application to the City of Silver Grove explaining the need and the desire to raise the land level above the limit mentioned above..."
5. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 7.2 states: "The design of the (water) system shall also make provision to insure adequate fire flow requirements, including adequate spacing of fire hydrants . . .";
6. CITY OF SILVER GROVE ZONING ORDINANCE, SECTION 10.1., D.1., RURAL-RESIDENTIAL ESTATE ZONE: Area and height regulations for permitted use. 1. Minimum lot size 3 acres.
7. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION TABLE 2 STATES: With 7-25 lots provided sidewalks along one side of the street."
8. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION TABLE 2 STATES: With 7-25 lots parking on street - none."

Mr. Klear was recognized by Ms. Blake. Mr. Klear recommended adding the phrase "and the Silver Grove Zoning Ordinance" to the end of condition #13. Mr. Klear continued to suggest changing the phrasing of condition #14 to: "Any existing access easements to adjacent property will be maintained as necessary." Mr. Verst amended his motion to include Mr. Klear's suggestions. Mr. Williams asked Mr. Verst to repeat the comment introduced as Mr. Verst's point of information. Mr. Verst re-read his statement. Mr. Williams suggested a modification to the terminology to add "any opposition or approval for any proposed zone change." Mr. Williams stated the comment seemed to gravitate toward a negative perception by the Commission. Mr. Verst considered Mr. Williams suggestion and amended his point of information to state: "Approval of the preliminary plan does not imply any endorsement or objection to any future zone change which may be required for future zoning purposes." Ms. Minter 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 advised the Commission that the Board of Adjustments had participated in a 2 hour training session on Review of Policy and Policy Matters and asked the training be approved for those participants per HB 55. Ms. Minter made a motion to approve the training request for the Board of Adjustment. Mr. Huck seconded the motion. A roll call vote found Mr. Barrow, Mr. Pfeffer, Mr. Williams, Ms. Wright, Mr. Huck and Ms. Minter in favor of the motion. Mr. Verst and Ms. Blake abstained. Motion passed.

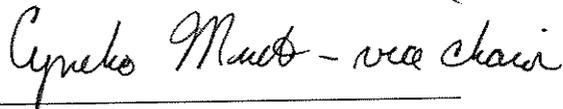
Mr. Klear indicated he had no further issues to present but again commended the Commission on their proactive thinking during the discussion tonight. Ms. Blake asked the Commission if there were any additional items for discussion. There being none, Ms. Minter made a motion to adjourn. Mr. Huck seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 8:14 PM.

Respectfully Submitted,

Approved:



Peter Klear, AICP
Director of P&Z



Deborah Blake
Chairperson

