

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
November 12, 2013
7:00 PM

AGENDA

1. Meeting called to order
2. Roll call and determination of quorum
3. Approval of the July 9, 2013 minutes
4. Director's Report Introduction:
 - A. Introduction of new members and staff
 - B. Nominating Committee
 - C. Election of Officers
5. **FILE NUMBER:** 37-13-PPL-06
APPLICANT: Jeff Smith
LOCATION: A 52.816-acre area along Kensington Drive and the east side of East Nagel Road and the south side of State Route 154, a half a mile east of U.S. 27, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of seven (7) lots, with public improvements.
6. Director's Report Conclusion:
 - A. Updates in Commissioner Contact Information
 - B. Conclusion of Director's Report
7. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,
PLEASE CALL THE P&Z OFFICE AT 859-292-3880.**

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting, if there is a need for the Commission to be aware of, contact the office.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE NOVEMBER 12, 2013 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Dennis Bass
Ms. Deborah Blake
Ms. Lauri Harding
Mr. Tony Pfeffer
Mr. Edward Stubbs
Mr. Michael Williams, TPO
Mr. Justin Verst, Vice Chair

MEMBERS ABSENT:

None

STAFF PRESENT:

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

Mr. Verst called the meeting to order at 7:00 PM. Following roll call, a quorum was found to be present. The first call of business was to approve the meeting minutes from the last meeting of the Commission. Mr. Verst asked if everyone had reviewed the July 9, 2013 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrows made a motion to approve the July 9th meeting minutes as submitted. Mr. Bass seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Ms. Blake and Mr. Verst abstained. Motion passed.

Mr. Verst introduced and recognized Ms. Minter as the new Director of Planning & Zoning. Ms. Minter advised the Commission that she has assumed the role of Director of Planning & Zoning as of September 23, 2013. As a result of this change in her participation with the Commission, there is now a vacancy on the Commission for the Unincorporated Campbell County. This has also caused a vacancy in the role of Chair of the Commission. Per our By-Laws, a nominating committee is to be established to nominate candidates for office. If you so desire, you are allowed to dispense with the nominating committee and go straight to the nomination and election of officers. Ms. Minter stated the Commission has generally dispensed with the nominating committee in the past, but asked the Commission their preference. If the Commission wanted to dispense with the nominating committee, a motion must be made to do so. Mr. Verst asked if the Commission had a desire to dispense with the nominating committee. Ms. Harding made a motion to dispense with the nominating committee. Mr. Verst called for a second. Ms. Blake seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Ms. Minter started to introduce the election of officers. Mr. Williams was recognized. Mr. Williams stated he just wanted to recognize Ms. Minter for being the first female Director of Planning & Zoning in Campbell County history. Ms. Minter thanked Mr. Williams for his comments. Ms. Minter stated that the current officers are: the Chair is vacant, the Vice-Chair is Mr. Justin Verst and Mr. Michael Williams is the Temporary Presiding Officer. Ms. Minter asked Mr. Williams to direct the nomination and election of officers. Mr. Williams agreed he would do so. Mr. Williams nominated Mr. Verst as the Chair. Mr. Verst accepted the nomination. Ms. Minter stated that we have a nomination of Mr. Verst as Chair and asked if there were any other nominations. There being none, Ms. Minter stated that a motion and a second were required. Mr. Stubbs made a motion to elect Mr. Verst to the position of Chair. Ms. Blake

seconded that motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

With the Chair now elected, Ms. Minter turned the meeting over to Mr. Verst to address the empty position of Vice-Chair. Mr. Verst called for nominations for the Vice-Chair position. Mr. Williams nominated Ms. Harding as the new Vice-Chair. Ms. Harding stated that she could not accept as she is still too new to the Commission, but thanked Mr. Williams for the nomination. Mr. Williams nominated Mr. Barrow to the position of Vice-Chair. Mr. Barrow stated that due to personal circumstances he could not accept the nomination. Mr. Williams nominated Mr. Pfeffer to the position of Vice-Chair. Mr. Pfeffer accepted the nomination. Mr. Verst asked if there were any other nominations for Vice-Chair. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to elect Mr. Pfeffer to the position of Vice-Chair. Ms. Blake seconded that motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Mr. Pfeffer abstained. Motion passed.

Mr. Verst announced that the officers of the Commission are: Mr. Verst as Chair, Mr. Pfeffer as Vice-Chair and Mr. Williams as the Temporary Presiding Officer.

Ms. Minter stated that concluded the first part of the Director's Report. Ms. Minter turned the floor over to Mr. Hutchinson to present the only case to be heard tonight. Mr. Hutchinson approached the podium and introduced case #37-13-PPL-06, King's Run Subdivision, Section 3, a request to approve a Preliminary Plat consisting of seven (7) lots, with public improvements.

SUBDIVISION: 37-13-PPL-06 Kings Run Subdivision, Section 3.
APPLICANT: Jeff Smith
LOCATION: A 52.816-acre area along Kensington Drive and the east side of East Nagel Road and the south side of State Route 154, a half a mile east of U.S. 27, Unincorporated Campbell County.
REQUEST: To approve a Preliminary Plat consisting of seven (7) lots, with public improvements.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for rural mixed use. The Campbell County Zoning Ordinance classifies the plat within the A-1 Zone, an Agricultural One Zone, requiring a minimum lot size of one acre, lot widths of 100 feet, minimum front yard setback 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 52.816-acre area along Kensington Drive and the east side of East Nagel Road and the south side of State Route 154 (Peach Grove Road) for the creation of 7 new lots, with public improvements.
 - b) The plat indicates Kensington Drive will serve as the access point for all seven lots.
 - c) The plat indicates each lot is over one acre and meets the minimum lot size.
 - d) The right of way for Kensington Drive has been dedicated and is in the process of being accepted for public maintenance.
 - e) The plan indicates a cul-de-sac turn around at the end of Kensington Drive is to be installed.

- f) The county accepted a bond for a temporary T-Type turnaround (October 2012). That bond was secured for two years. The subdivision regulations permit T-Turnarounds on a temporary basis. County streets must be finished with a cul-de-sac.
- g) Staff has a letter from Chief Jim Bell stating that the Fire District is in agreement with the preliminary placement of the hydrants.
- h) The Plat shows existing lots are vacant.
- i) County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems will be utilized subject to Health Department approval.
- j) The Plat notes 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.
- k) The Plat indicates sidewalks will be placed only on one side of the street for Kensington Drive.
- l) The Plat shows the overhead electrical lines running east to west parallel to State Route 154.

Recommendation for Preliminary Plat:

To approve a Preliminary Plat for the Kings Run Subdivision Section 3, subject to the following condition:

That Kensington Drive has a permanent cul-de-sac installed or an agreement for installation between the County and developer be approved prior to approval of a Final Plat. The design must comply with the minimum requirements of the Campbell County Subdivision Regulations.

Bases for Recommendation for Preliminary Plat:

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:

CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 405 M states: "Cul-de-Sacs Streets - Proposed cul-de-sac streets designed to have a permanently closed end shall not be more than twelve hundred feet (1200') long for industrial, commercial or Conventional Residential Subdivisions, as measured from the intersection of the centerlines of the cul-de-sac and the intersecting street (from station 0+00 of the cul-de-sac street). This type of street serves twenty-five (25) residential lots or units or less. Residential subdivision with cul-de-sacs more than nine hundred feet (900') from an intersection shall be built with a radius equal to a commercial/industrial design. The Planning Commission may require the connection of streets internal to a subdivision to facilitate connectivity."

Mr. Hutchinson concluded his report by advising the Commission that he wanted to identify that his recommendation for approval has a condition that is actually two parts. The first part is that staff would want the cul-de-sac to be installed prior to the submission of the final plat. The applicant has expressed an interest in bonding the cul-de-sac. Staff is willing to do some type of compromise. There is an agreement in process of being completed that would allow the final plat to be approved and then using the funds from the first sale to finance the cash bond on installation of the cul-de-sac. Mr. Hutchinson would either want to see that language in place or for the cul-de-sac to actually be installed. The previous "T" type of turnaround was not properly maintained by the applicant. The gravel was put out there, but it

washed away and there were some drainage issues. Staff does not want any extra burden to be placed on the County if the road is accepted for County maintenance and then there is no proper turnaround out there. We are just trying to protect the County's interest as well as the people who would actually be using the road.

The second part of the recommendation is that the design would comply with the Subdivision Regulations. Mr. Hutchinson read from the Subdivision Regulations, Section 405, M) as follows:

M) Cul-de-Sacs Streets - Proposed cul-de-sac streets designed to have a permanently closed end shall not be more than twelve hundred feet (1200') long for industrial, commercial or Conventional Residential Subdivisions, as measured from the intersection of the centerlines of the cul-de-sac and the intersecting street (from station 0+00 of the cul-de-sac street). This type of street serves twenty-five (25) residential lots or units or less. ***Residential subdivision with cul-de-sacs more than nine hundred feet (900') from an intersection shall be built with a radius equal to a commercial/industrial design.*** The Planning Commission may require the connection of streets internal to a subdivision to facilitate connectivity.

It means that the radius or the interior turning area of the cul-de-sac is larger than the local cul-de-sac. The plan submitted by the applicant reflects a local cul-de-sac. Regulations state clearly that, if the road is over 900 feet, it must be constructed to an industrial standard. Mr. Hutchinson stated he is certain that the developer will comment upon that requirement. Mr. Hutchinson concluded his report by asking if there were any other questions he could answer for the Commission.

Mr. Verst asked Mr. Hutchinson if he had any insight into why the larger cul-de-sac was required. Mr. Hutchinson turned the floor over to Ms. Minter to address this issue. Ms. Minter stated she had discussions with the Transportation Department for Campbell County Schools and with the Public Works Department of Campbell County. She stated that they were very adamant about the termination of the street. A "T" type turnaround is definitely not acceptable when we are concluding a street. The pavement width is 20 feet. If you look at the plat, the width of this street is 25 feet, but our Regulations do allow a 20 foot street. They prefer a larger cul-de-sac, but they could make do with the smaller one if they had to. Mr. Verst asked her to confirm that the Public Works could operate their equipment on the smaller size. Ms. Minter stated that they could. Public Works did have some concerns with operating on the smaller sized cul-de-sac if there were vehicles parked in the cul-de-sac which happens on occasion. They are not supposed to park in cul-de-sacs, but people do it anyway.

Ms. Minter continued that the Schools had a little bit of a different issue. Their buses actually overhang by 8 feet. If the bus is turning around in the smaller cul-de-sac, they have to back up or even go around the circle. They have an 8 foot "butt" to account for. When you get into the smaller cul-de-sac, they do have legitimate concerns if obstacles such as mailboxes, fire hydrants, landscaping or anything else are present in that overhang area. There is a reason why they like the larger size. They have a "two-tenths of a mile" rule [right around 1,000 feet] which states that kids have to walk to the end of the street to get picked up. If it is more than two-tenths of a mile, the bus will try to go down that street to pick up/drop off kids. This is where streets longer than 900 feet come into play. It is considered acceptable walking distance for children to walk to a bus stop less than two-tenths of a mile from their home. When you surpass that distance, they typically look for opportunities to go down that street. It is based on the volume of children that are there and their age range. Mr. Verst stated that, if the schools had the larger cul-de-sac, they could just turn around in one large swoop rather than having to back up to turn around in the smaller cul-de-sac. Ms. Minter agreed that was correct. Mr. Verst asked if they could maneuver in the smaller cul-de-sac shown on the plan. Ms. Minter stated they were not happy about it, but they could maneuver a turnaround in the smaller cul-de-sac as well.

Mr. Smith asked Ms. Minter to confirm that the plat was submitted with the smaller local cul-de-sac. Ms. Minter confirmed that was correct. Mr. Smith continued that, as a point of clarification to the Commission, if an approval was to be made with the requirement of the larger commercial cul-de-sac

required by the Regulations, then there must be a condition to the approval that the larger commercial cul-de-sac be constructed. Mr. Smith stated that it was his perception that the applicant was potentially going to present a request for a waiver of the requirement for a commercial cul-de-sac. If the Commission approves the waiver, then this is a mechanism that the Subdivision Regulations would allow for a local cul-de-sac to be installed. Ms. Minter thanked Mr. Smith for his comments.

Mr. Bass asked what the difference in the sizes of the local cul-de-sac versus the commercial cul-de-sac. Ms. Minter replied that the radius of the commercial cul-de-sac was 45 feet and the local cul-de-sac was 32.5 feet. Mr. Verst replied that was a difference of 95 feet across versus 65 feet across. Ms. Harding asked if the size was the only substantial difference between the two cul-de-sacs. Ms. Minter stated that the size was the issue. It is an offset cul-de-sac, but that is perfectly acceptable in design standards. Ms. Minter stated that she had to commend the applicant in their willingness to work with staff to resolve issues that were present on the original submission of the plat. They have gone through numerous revisions based upon dialog with staff and it has been a very good and healthy discussion. We have been able to resolve most of the issues with the exception of this one.

Ms. Blake stated she wanted to point out that the city is "Alexandria" and not "Alexandra". The plat also indicates it will have Insight Cable which is now Time Warner Cable. Ms. Minter thanked Ms. Blake for pointing out these corrections. Ms. Blake asked if there was an easement for future street lights as required by the Zoning Ordinance Section 4.13. Mr. Smith stated that this was just a subdivision of land and we would only be looking at the Subdivision Regulations.

Ms. Blake asked if Kensington Drive already exists. Ms. Minter stated that Kensington Drive does exist. It will have a second reading before the Fiscal Court next week to be adopted as a County road. Ms. Blake asked if signage would be affected. Ms. Minter stated that she does not believe that signage will be affected in any way other than to maybe place a "No Parking In Cul-de-sac" sign.

Mr. Williams asked, in Ms. Minter's opinion, if a waiver was presented and granted by the Commission, if the smaller cul-de-sac would be less than what you would recommend for school buses and maintenance trucks. Correct? Ms. Minter agreed that was correct.

Ms. Harding stated that the site has silty loam soil some of which has already eroded and reached the 20% threshold. May we assume that this would come up at another stage? At the time a building permit was to be issued, would the erosion issues come before staff? Ms. Minter stated that she would have to defer to an engineer. Mr. Verst stated that those issues were addressed on the Improvement Drawings for the street. He does not know if it is part of the building permit process to review erosion control. Ms. Harding was just wondering if we recommended approval now would that be a subsequent step to have verified before a building goes on it. Mr. Verst replied that at this point it has already been addressed with the Improvement Drawings for the street. As far as the Commission is concerned, that issue has been addressed. If it comes up in the building permit process, they can address any deficiencies at that time. We have already completed our part of that process.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst called for the applicant to come forward and identify himself for the record. Mr. Joe Kramer, of Cardinal Engineering, came forward on behalf of the applicant. Mr. Kramer stated that the first part of the condition recommended by staff pertained to the bonding or agreement. Mr. Kramer stated that his client agrees with this condition as long as it does not delay the closing they have scheduled. Their intention is for the completion of the cul-de-sac to either occur or be bonded after the first sale. The cul-de-sac cannot be completed at this time of year anyway.

Mr. Kramer continued to provide a little bit of history of the site in regards to the size of the cul-de-sac. Mr. Kramer stated that they were asking for a waiver of the commercial subdivision cul-de-sac. To Mr. Kramer's knowledge, this size cul-de-sac has not been built in a residential area anywhere in Campbell County. What they had under the old Subdivision Regulations was 2 sizes of cul-de-sac: a radius of 27 ½

feet size which was for small streets or courts and then the normal sized with a radius of 32 ½ feet which is what most of our cul-de-sacs are sized at. Mr. Kramer stated he understands that the school bus may have trouble turning around, but when he thinks of smaller cul-de-sac he is thinking of the 27 ½ feet which we don't have anymore. Granted the normal cul-de-sac will cause them to have to maneuver to get around it. But when he thinks of a cul-de-sac that is 90 feet across and it only has a pavement area of 20 feet coming up to it, that is almost 5 times the width of the street. It is going to look like a parking lot out there. There is room to do it, but it is going to feel out of place with the rural character and nature of the area. From a cost stand point, it is doubled. While we are calling this a permanent turnaround, we are really in no different position than we were last spring. There is obviously still some hope that we may be able to push lot 7 through to future development. In our minds, this is still temporary. We are trying to obey the Regulations as best we can. We recognize the transition from the old Regulations to the new ones. But we do feel that the 32 ½ feet radius cul-de-sac is adequate. Mr. Kramer asked if there were any questions for him.

Mr. Smith stated that, for the benefit of the Commission, the standard for a waiver is in our Regulations. Mr. Smith read from Appendix T of the Subdivision Regulations:

Section 139

Waiver of Requirements

The Planning Commission through the official Administrative Official for the subject jurisdiction, may reasonably waive or modify, with conditions, the requirements of these regulations, if it is determined that such action is warranted give the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations. The Administrative Official can require a detailed traffic study from the applicant in order to make a determination.

Mr. Kramer stated he just wanted to add that in the staff report it mentions that this type of street is serving less than 25 residential lots. If you look at the plan, there are 15 residential lots that have frontages of 100, 200 and 250 feet wide. They are not your normal 60 foot lots where you have a lot of depth and little frontage. Factor in that perspective and it seems like a good idea to take a second look at the size of the cul-de-sac.

Mr. Verst asked Mr. Kramer how long the street was. Mr. Kramer replied he believes it is about 1,900 feet long. Mr. Verst stated that the commercial sized cul-de-sac would allow the school buses to turn around without having to back up. If the bus was forced to back up to maneuver around the cul-de-sac, they would need about an 8 foot clearance around the cul-de-sac area. From the pictures, we can see a fire hydrant which would have to be moved. Mr. Verst asked Mr. Kramer if, in his opinion, the fire hydrants, mailboxes and other items could be moved back behind the 8 foot clearance area. Mr. Kramer stated that they have considered this issue and are willing to move all items out of the 8 foot clearance area. Mr. Kramer continued that, with the way the sidewalk is set up, they could push it back as well.

Mr. Verst asked Mr. Kramer to clarify the location of the sidewalks. Are sidewalks on one side or both sides of the street? Mr. Kramer stated that they intended to bring the sidewalk all the way around the cul-de-sac and end it right at the point that the cul-de-sac ends. It was not their intention to have the sidewalk wrap both sides of the street.

Ms. Harding questioned Mr. Kramer regarding his comments that the estimate of the commercial cul-de-sac would be twice the cost of the local cul-de-sac. Ms. Harding asked, if the Commission were to approve the local cul-de-sac, and the cul-de-sac became untenable [such as the buses being unable to turn around in the smaller cul-de-sac] and they determined the larger cul-de-sac should have been installed, who would be responsible to correct the cul-de-sac? Mr. Kramer stated that he has not seen any condition of any cul-de-sacs becoming untenable. He is not aware of any instance, personally, where a residential cul-de-sac being built to commercial standard. It is in his experience that all of the cul-de-sacs have been built to the standard that he is proposing. Mr. Kramer stated he sees no reason (especially since they are

moving all the fire hydrants and mailboxes out of the overhang area) that this local cul-de-sac would not be more than sufficient for the buses to turn around.

Ms. Harding stated that she is concluding that the reason Planning & Zoning is recommending the commercial cul-de-sac size is because there have been some problems in the past with the smaller sized cul-de-sac. Mr. Kramer stated he is not sure there have been any problems. These regulations were copied from Boone County. Mr. Kramer stated he is not sure if this specific issue got thrown in here because of an issue in Campbell County or if this was just a copy from Boone County. Mr. Kramer stated he is not certain of the Commission's familiarity with Boone County, but he cannot recall any issues arising from the size of cul-de-sacs in Boone County.

Mr. Verst confirmed for Ms. Harding that the Subdivision Regulations that are currently in effect did in fact come from Boone County's. Boone County has had problems in past with some very long streets that have cul-de-sacs at the end or no turnaround at the end which creates a huge problem for buses, delivery trucks and other vehicular users. They added this to their regulations, but he is not aware of any cul-de-sac this size in Boone County. They have not built any commercial cul-de-sacs in residential areas in Boone County with the exception of the City of Walton. The City of Walton requires the large cul-de-sacs in the residential zones.

Mr. Verst stated, from his personal experience, when you are standing out there, it does feel like you are standing in a parking lot. This is a 90 foot turnaround and it would be larger than the size of this building. The bus can make a turnaround without having to back up, but if we required the larger sized, it would be the first one in Campbell County. If there were 100 houses on this street, it would make a lot of sense. Mr. Kramer stated that it is not their intention to object because they would be the first one in Campbell County, but rather because the number of lots is significantly lower than 25 and a commercial cul-de-sac would alter the characteristics of the neighborhood.

Mr. Pfeffer asked if lots 27 and 28 were new or just reconfigured. Mr. Hutchinson replied they were completely new lots. They were not considered in previous preliminary plats. Those lots do meeting the minimum lot design of the Subdivision Regulations. Mr. Pfeffer stated that it calls for an easement for storm water retention. There looks to be a small circular shape on the lots. Is that the storm water retention basin? Mr. Kramer stated it was. Mr. Pfeffer asked about driveway access and things of this nature. Do we have any concerns about access with this storm water retention basin being located there? Mr. Kramer stated that at this point the buyers of lots 27 and 28 are in fact the same person. Mr. Verst stated that was a great catch by Mr. Pfeffer. Mr. Verst asked if the applicant intends to add an access easement to the drawing. Mr. Kramer stated that he would do so.

Mr. Williams asked about there being no trees in the perimeter of the cul-de-sac. Mr. Kramer stated there was nothing up there currently. Mr. Verst stated that there is a 12 ½ feet right of way behind the curb there. The homeowners shouldn't be planting or placing items in the right of way. Ms. Minter stated that the Public Works and School Transportation both stated specifically there should be no landscaping (which trees would fall into), mailboxes and fire hydrants in that clearance area.

Mr. Williams asked, if all those obstacles are not going to be there, does staff feel comfortable with the Regulations being waived on the size of the cul-de-sac. Ms. Minter stated that it was not their preference, but there are conditions that can be put in place. Mr. Barrow asked Ms. Minter about her discussions with the School Transportation and the Road Department.

Ms. Blake expressed her concerns that if we go with the smaller cul-de-sac, then that means we have set aside our model of what we can and cannot do for that cul-de-sac and what it would look like in the future. It cannot have street trees or whatever because it would be conflicting with the needs of the school bus backing up. Ms. Blake stated she was just concerned with the Comprehensive Plan and the Subdivision Regulation being set aside. Mr. Bass clarified that we can have trees in this neighborhood just so long as they are placed outside the right of way. Ms. Blake asked if this was factoring in the

clearance area and the sidewalk. Mr. Verst stated that the applicant would have to confirm the location of the sidewalks.

Mr. Pfeffer stated that the cul-de-sac could be temporary if the applicant gets the opportunity to further develop lot 7. Mr. Pfeffer asked what would happen to the cul-de-sac if they do extend the street. Mr. Kramer explained that the cul-de-sac would remain and there would just be a continuation of the street attached to the end of the cul-de-sac. Ms. Minter pointed out that lot 7 actually has access to another point of entry off Highway 154. Mr. Pfeffer stated that he is not certain then which would be more beneficial to the community. If further development is possible, it may make sense to install the larger sized cul-de-sac. Mr. Kramer stated it would have little impact in extending the street. Mr. Verst reminded the Commission that, if the applicant desires to further develop lot 7, they would be coming back before the Commission with another preliminary plat.

Mr. Verst asked if there were any other questions for the applicant. There being none, Mr. Verst opened the public comment portion of the meeting. Mr. Verst asked the audience if there was anyone else that wanted to speak regarding this case either for or against. No one stepped forward. There being no other speakers, Mr. Verst closed the public comments and opened the floor for discussion among the Commissioners.

Mr. Verst stated he just wanted to summarize the points that need to be discussed and resolved as he sees it:

1. What size of cul-de-sac should be required of the applicant?
2. When must the cul-de-sac be completed?
3. Where do the sidewalks terminate?
4. Is an access easement necessary for lot 27 & 28?
5. If we allow the waiver on the size of the cul-de-sac, then should we stipulate that there must be an 8 foot clear zone to allow for vehicle maneuvering?

Mr. Smith advised that the easiest thing to proceed with is the issue of the waiver of the size of the cul-de-sac. Mr. Smith re-read the Subdivision Regulations, Appendix T, Section 139, Waiver of Requirements. Ms. Harding stated she felt as if the Commission were being asked to set a precedent. If the Commission grants a waiver, are we encumbering any future standards in other subdivisions? Mr. Verst stated he did not feel it was precedent setting. Our Regulations do allow for waivers if there is justification for it. Ms. Harding asked Mr. Smith to re-read the waiver section of the Regulations. Mr. Smith stated that the waiver is project dependent. You have to look at the individual project. It would be precedent setting if this were a subdivision with 50 to 75 lots. With the low number of lots reflected on this plat, it is a completely different situation.

Mr. Pfeffer asked about the fire hydrants since the Fire Chief has already written a letter of approval based on the preliminary plat before us. Mr. Verst stated that the revised plat could be forwarded to the Fire Chief for his review and approval of the relocation. Mr. Barrow stated that, as long as the applicant stays out of the right of way, he has no issue with the smaller size of cul-de-sac. Mr. Stubbs added that if you consider all the dead end roads in Campbell County where the buses and trucks manage to find a way to maneuver in those areas. He has no issue with the smaller cul-de-sac.

Mr. Pfeffer made a motion to approve a waiver of the Campbell County Subdivision Regulations, Section 405 requiring a commercial cul-de-sac be installed based upon the development being low density and narrow streets. Mr. Pfeffer stated the waiver of this requirement would still preserve the intent of the Regulations. Mr. Smith asked Mr. Pfeffer to confirm his motion was to waive the requirement of a commercial cul-de-sac; that the basis of his motion was that given the nature of the individual project that the action would serve the purpose and intent of these Regulations given the low density of the subdivision and the lots that would be affected. Mr. Pfeffer confirmed that was his motion. Mr. Smith asked Mr. Pfeffer if he intended to condition the waiver on an 8 foot clearance zone be provided around the cul-de-sac, that the fire hydrants be relocated to the satisfaction of the fire department and that

sidewalks be relocated out of the clearance zone. Mr. Pfeffer agreed that was his intent and the motion he desired to make. Mr. Barrow seconded the motion. Mr. Verst asked if there were discussion on the motion. Ms. Harding stated that she would like the record to reflect that the findings include the low density and additional access off Highway 154 if further development were to occur as reasoning for the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs, and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst asked if there were any additional discussion that needed to occur before a motion on the preliminary plat. Mr. Barrow made a motion on case #37-13-PPL-06, King's Run Subdivision, Section 3, to approve the preliminary plat. The basis for approving this plat is that it fits our Comprehensive Plan and based upon the recommendation of staff to approve. There are 3 conditions to this approval.

1. That they show the location of the access easement to lot 28.
2. That they show the location of where the sidewalks will begin and end.
3. That the applicant and the County execute an agreement as to the timing of the installation of the cul-de-sac.

After discussion among the Commission and legal counsel, it was determined that recommendation #3 would not be part of the motion. It is an issue that would be resolved at the time that the final plat is submitted for review. Mr. Barrow amended his motion to remove condition #3 as previously stated. Mr. Verst called for a second. Ms. Blake seconded the motion as amended. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst stated there is a separate action item to consider. That item is the timing of the installation of the cul-de-sac. Mr. Smith gave a brief description of the issue. With this time of year, it is unlikely the applicant will be capable of getting the cul-de-sac installed prior to bad weather. He advised the Commission that the County was willing to work with the applicant to allow the recording of the record plat for this section. The applicant has a sale pending that they are trying to close. Once that sale has occurred, the applicant will use the proceeds to purchase a cash bond in favor of the Fiscal Court and the Commission to insure that the cul-de-sac will be installed. Mr. Smith has already been contacted to draft the agreement that would accommodate that. The agreement states that within 5 days of a sale a cash bond must be purchased. Once the cul-de-sac is installed to the satisfaction of the Fiscal Court, the cash bond will be released. Mr. Smith cautioned the Commission from following this process with future developments. The Subdivision Regulations should be followed in all circumstances if at all possible. However, this situation is unique.

Mr. Verst asked if this would be an action item to be voted on by the Commission. Mr. Smith stated he recommended that a motion be made to allow staff to work out an agreement that is satisfactory to legal counsel to allow the bond to be placed in effect after the recording of the final plat. Mr. Bass stated that he made the motion as stated by Mr. Smith. Mr. Verst called for a second. Mr. Pfeffer seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

DIRECTOR'S REPORT

There being no other cases to come before the Planning Commission, Mr. Verst called for the conclusion of the Director's Report. Ms. Minter started with some routine maintenance items for the Commission. There was a handout provided for each of the Commissioners to update their personal contact information. With bad weather approaching, staff wants to make certain that they have the most accurate email addresses and phone numbers where the Commissioners could be reached.

Ms. Minter advised the Commission that, as regulated by House Bill 55, there are training obligations for the Commissioners that staff will be trying to assist in getting satisfied. Mr. Hutchinson has scheduled to borrow training session cds that the Commissioners are welcome to borrow and complete. You will need to fill out a form to submit to staff and they will prepare the necessary paperwork so that your training can be approved at the next scheduled meeting.

Ms. Minter has been taking training classes to satisfy her obligation. She asked for the Commission to approve her training. Ms. Minter requested approval for the following classes: Renaissance of the Cincinnati Central Riverfront (1 ½ hours), Better Decision Making for Planning & Zoning Officials (1 ½ hours), Local Food – Planning for Economic Development (1 ½ hours), OH APA Planning Conference Keynote Speaker (1 hour), North South Transportation Initiative (1 hour), FEMA – Basic Agent Part 1 (2 hours) and FEMA – Basic Agent Part 2 (2 hours). Mr. Verst stated that a motion would be needed to approve the training. Mr. Bass made a motion to approve the training submitted by Ms. Minter. Mr. Williams seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed. Ms. Minter thanked the Commission for their generosity.

Ms. Minter advised the Commission that they were invited to a Celebration of Stewardship of the St. Anne Woods and Wetlands being held on November 21 at 3:00 PM. There was a handout provided to each Commissioner. Ms. Minter continued with the issue of a vacancy on our Commission representing the Unincorporated Campbell County. Ms. Minter advised the Commissioners if they had anyone in mind for the vacancy, they could provide her name and number to the interested parties or they could give her the name of the applicant and she would be happy to contact them herself.

Ms. Minter addressed the Commission's representation with OKI. There are actually 2 boards that the Commission can elect representatives to. The first is the Intermodal Coordinating Committee (ICC) which acts as a technical advisor on transportation issues. They report to the OKI Board of Directors. This role is currently filled by Ms. Minter with Mr. Hutchinson as alternate. Ms. Minter asked that the Commission make a motion to confirm the appointments if they were acceptable to these roles staying the same. Ms. Blake made a motion to keep Ms. Minter as the representative and Mr. Hutchinson as her alternate as the representative of the Commission on the ICC Committee. Mr. Williams seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Ms. Minter stated that the other OKI board that the Commission has representation on is the Board of Directors. This Board addresses regional transportation, environmental and economic issues. This role, commonly filled by the planning commission, is currently vacant. In past, Mr. Williams served as our representative. Mr. Verst asked Mr. Williams if he desired to serve in this capacity. Mr. Williams stated he would be willing to do so. Mr. Bass made a motion to appoint Mr. Williams as the representative and Ms. Minter as his alternate to the Board of Directors. Mr. Barrow seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Pfeffer and Mr. Stubbs in favor of the motion. Mr. Williams and Mr. Verst abstained. Motion passed.

Ms. Minter gave the Commission a brief update on the activity of building permits, HVAC permits, and identification plats of 2012 versus 2013. There is a sign of increased activity and we still have approximately 2 months before we finish out the year. Ms. Minter also advised the Commission that, if they downloaded the Zoning Ordinance from our website to their I-pads, they will need to update their records. There was a change made in the text at the Fiscal Court meeting when the ACD Zone was adopted. Those changes were not reflected on our website. Those documents were updated recently to reflect those changes.

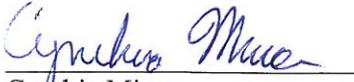
Ms. Minter reminded the Commission that after the start of the year we would be working to update our Comprehensive Plan. It will not be very intensive, but it will need to be done. She asked that they all

locate their copies of their Comprehensive Plan and let staff know if they needed copies so that we could begin to prepare for this update. With that, Ms. Minter concluded her Director's Report.

Mr. Verst asked if there was any other business to discuss. There being none, Mr. Verst asked for a motion to adjourn. Mr. Bass made a motion to adjourn. Mr. Verst seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 9:24 PM.

Respectfully Submitted,

Approved:



Cynthia Minter
Director



Justin Verst
Chair