



December 8, 2020

Mr. C.J. Peters, Chair
Campbell County & Municipal Planning & Zoning Commission
1098 Monmouth Street, Suite 343
Newport, KY 41071

The meeting will be held via video conference to adhere to local ordinances regarding gatherings.

Mr. Peters,

The Campbell County & Municipal Planning & Zoning Commission will hold a special meeting and public hearing on Tuesday, December 8, 2020 at 6:00 P.M. via teleconference and streamed on Facebook live.

The Campbell County staff respectfully submits the attached report for review and consideration related to:

File Number: 235-20-S1P-01
Applicant: Troy Franzen
Location: Mary Ingles Hwy Silver Grove, KY
Request: A proposed site development plan to construct an RV repair and sales facility with a storage lot., and variance for gravel parking lot.

Per Section 18, notice of public hearing was placed in the November 25, 2020 edition of the Campbell County Recorder. Notice was sent to eight adjoining and neighboring property owners.

Information concerning these cases is available for review at the Campbell County & Municipal Planning & Zoning Office, 1098 Monmouth Street, Suite 343, Newport, KY. Monday-Friday during normal business hours. A staff report for the case is available on the county website at <https://campbellcountky.gov/meetings/>.

Kentucky Revised Statutes (KRS) of note include:

- KRS 100.277 provides that all subdivision of land shall receive Planning Commission approval.
- KRS 100.281 provides that the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment during approval of a development plan.
- KRS 100.241 provides that the Board shall have the power to hear and decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
- KRS 100.243 states that before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public,

and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Subdivision Regulation paragraphs of note:

- Section 140 Waiver of Subdivision Regulations - Upon request to the Administrative Official, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request (including a completed application and related fees). The Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances or refer the request to the Planning Commission for action. An action must make a finding of facts to support the granting of the waiver. This finding of facts must include:
 - a) The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and,
 - b) The waiver will not be detrimental to the public welfare.

AND at least one of the following:

- a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR
 - b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,
 - c) The waiver will provide for an innovative design layout of the subdivision.
- Section 405 Item P) Private Access Driveway - Private access driveways shall conform to the same pavement width, right-of-way width, and construction standards as set forth in these regulations for publicly dedicated alleys.

Zoning Ordinance of note:

- ARTICLE XI -OFF-STREET PARKING REGULATIONS, Section 11.0 Item N) Paving of New off-Street Parking: All new off-street parking facilities shall be paved with asphalt concrete or portland cement concrete.

Background:

This site is formerly known as the *TransASH* site in Silver Grove KY. Fill was placed on the site to bring the site above the Base Flood Elevation. The site has an active Letter of Map Amendment based upon fill (LOMA-F) which removed the land from the flood hazard area.

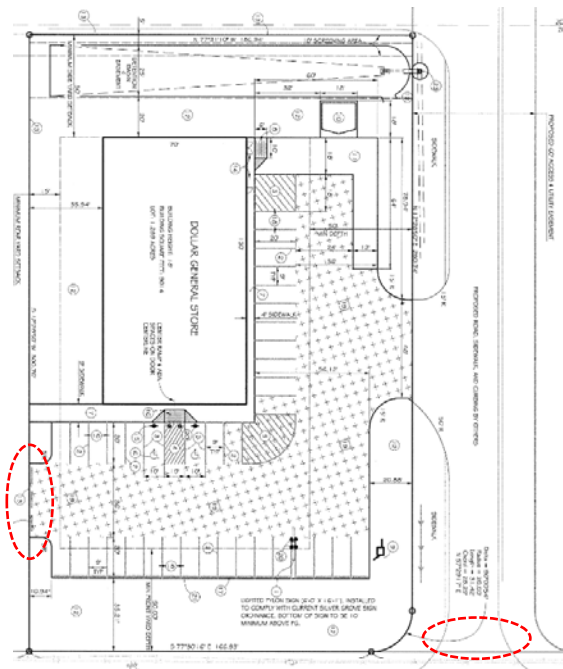
The site is zoned Highway Commercial (HC). Approximately 320 feet of Kay Wright Lane was constructed to provide access within the Industrial Park. Kay Wright Lane is a publicly maintained street and currently serves one business, Dollar General Store.



The approval of the plans for the Dollar General Store included several Action items that may be relevant for future cases.

- That all access points be from the internal street system, not State Route 8.
- That the parking lot / drive aisle along the east end of the parking lot be opened when a development occurs to improve connectivity.

A waiver was also given to reduce the number of parking spaces from 72 to 37 spaces.





The property owner/applicant desires to add a sales lot and repair/service for recreational vehicles to be located east of the Dollar General Store. While the lot would be visible from State Route 8, it would be accessed via Kay Wright Lane. The customer parking area may also connect to the parking lot of the Dollar General parking lot.

Considerations:

1. The site is approximately one acre located between 4821 Kay Wright Lane and 4936 Mary Ingles Highway, Silver Grove KY. The site is a subset of an 18.42-acre PIDN 999-99-28-030.00.
2. The area to be used as the sale lot is within the Highway Commercial (HC) Zone. The proposed access drive for the recreational vehicles will be through the Industrial Park (IP) zone.
3. The site is bordered on the north by I-4 zoning. The area south of the proposed site is zoned IP. Areas to the east and west are zoned R-RE.



4. The site is currently undeveloped. The Future Land Use Map within 2008 Campbell County comprehensive plan designates this site as Light Industrial.

5. Silver Grove Zoning Ordinance, Section 10.7 Highway Commercial (HC) Zone identifies relevant permitted uses including:

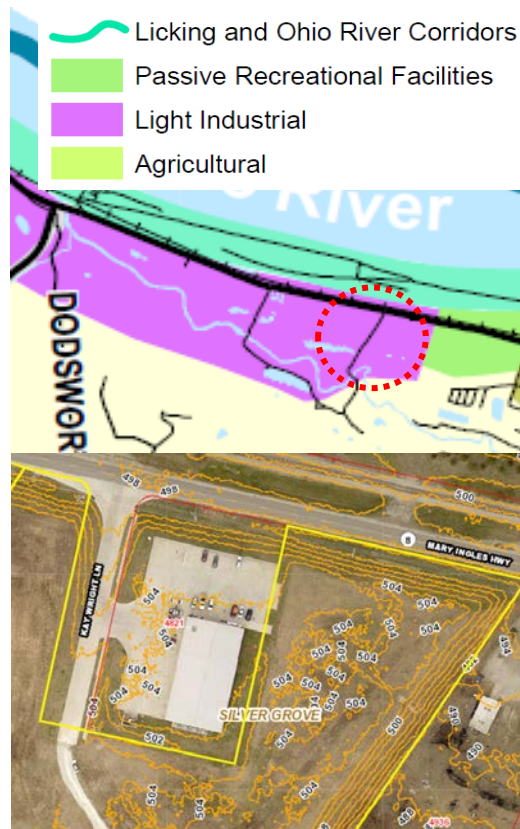
- Automobile, motorcycle, and truck sales, new or used
- Automotive service and repairs provided that all business activities shall be conducted within a completely enclosed building.
- Boat and other marine equipment sales and service new and used.
- Mobile home and trailer sales, rental and service (new and used).
- Off-street parking lots and garages.

6. A review of the topography indicates that the site is relatively flat. It should be noted that this is a fill site. No substantial grading is required for this development.

7. No housing is proposed.

8. The site plan shows the arrangement and location of:

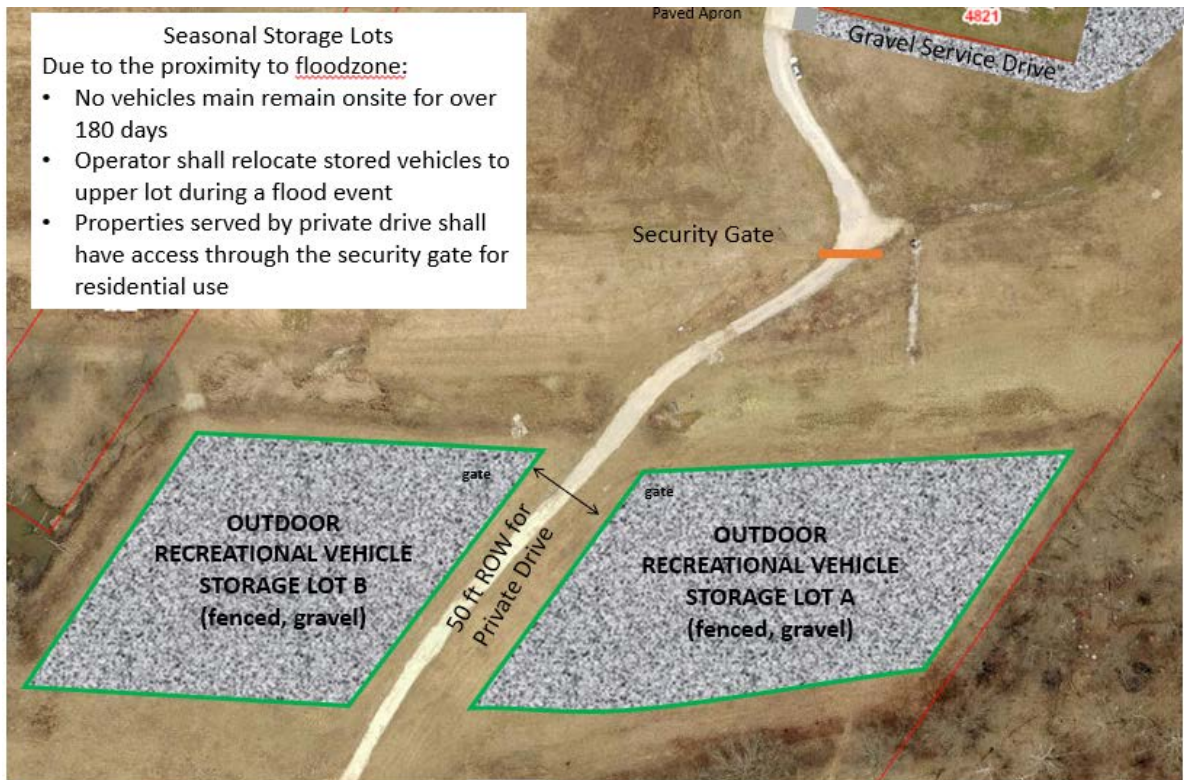
- Building for customer sales / service
- Customer parking lot
- Service drive for large vehicles and commercial deliveries
- Fenced inventory / sales lot
- Gravel Service Drive
- Seasonal Storage Area





SCALES ARE APPROXIMATE

0 20 40 80 120 160 Feet



9. The proposed site plan meets Highway Commercial (HC) zone dimensional requirements.

HC Zone Regulations Require:	
Minimum Lot Area:	One (1) acre
Minimum Lot Width:	One hundred (100) feet
Minimum Front Yard Depth:	Fifty (50) feet
Minimum Side Yard Depth:	Restrictions when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone.
Minimum Rear Yard Depth:	Twenty-five (25)
Maximum Building Height:	Forty (40) feet

10. There is no recreational area proposed.
11. The drawing indicates a fence around the storage/sales lot.
12. There are no signs indicated on the site plan.
13. No utility lines or easements are shown.
14. The drawing indicates the size and location of the parking lot as well as the sales lot.
15. The off-street parking lot will have 8 spaces as shown. The customer parking will be paved. The Sales/Service lot, and Seasonal Storage lots are planned to be gravel, and fenced.

Summary of Applicants Request:

The applicant has submitted a request for approval of a Site Plan for the construction of a new building, parking lot, RV sales lot, and two seasonal storage lots.

Staff Recommendation:

- A. Approval of the Site Development Plan for the construction of a new building, parking lot, and RV sales lot a waiver to allow a gravel service drive, and fenced sales lot for large vehicles subject to the following conditions:
1. The sale or storage of manufactured homes are not permitted.
 2. The storage of parts shall be indoors.
 3. The RV sales and maintenance lot be fenced.
 4. Salvaged or junk vehicles are shall not be stored in the RV sales or maintenance lot.

- B. Approval of the Site Development Plan for the construction of a new building, parking lot, RV sales lot, and two seasonal storage lots with a waiver to allow a gravel service drives, and gravel seasonal storage lots which is subject to the following conditions:
1. A Stream Construction Permit from the Kentucky Division of Water (KDOW) be obtained for all development below the Base Flood Elevation (BFE). In addition to the requirements imposed within the KDOW permit, no buildings shall be located below the base flood elevation on this site and no part of this development shall be in the floodway.
 2. Subject to approval by the KDOW, these following items will be permitted within the seasonal lots:
 - Security fencing that is 50% open below the BFE
 - Lighting poles (with fixtures above the BFE)
 - Electrical meters and main power supply junction located above the BFE
 - GFCI (ground fault circuit interrupter) or compatible electric at storage sites
 3. Temporary storage for all properly licensed recreational vehicles subject to the following conditions:
 - Storage shall not exceed 180 days for any vehicles
 - Damaged, inoperable, or salvaged vehicles or equipment are not to be stored below the base flood elevation
 - Vehicles who license is expired or missing are not to be stored below the base flood elevation
 - Site manager shall maintain equipment and permission on site to move any vehicle at any time
 - No site storage site shall be considered habitable

Basis for Recommendation:

1. The plan has been reviewed and found to be in general compliance with Article IX, Section 9.19.
2. Proper notice has been given for a site development plan.
3. Under KRS 100.237, the Board of Adjustment has the power to hear and decide applications for Conditional Use Permits. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.
4. The planning commission may hear and finally decide applications for conditional use permits with a proposed development assuming all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.
5. The waivers are not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; will not be detrimental to the public welfare, exceptional physical conditions exist (floodzones) on the proposed site, strict compliance and the waivers will provide for an innovative and flexible parking for a variety of large vehicles.

6. The variances will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

If you need additional information or clarification prior the meeting, you may contact us at 859-292-3880.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Minter". The signature is written in a cursive, flowing style.

Cynthia Minter, AICP CFM
Director of Planning and Zoning, Campbell County

cc: Planning Commission
Commission Legal