

February 22, 2024

Campbell County and Municipal Planning and Zoning Commission

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, March 12, 2024
Campbell County Fiscal Court
1098 Monmouth Street
Newport, KY 41071

FILE NUMBER: PZ-24-001
APPLICANT: US 27 Red Barn, LLC
LOCATION: 13724 Alexandria Pike in Unincorporated Campbell County, KY.
REQUEST: Zone map amendment from Agricultural One (A-1) Zone to Rural Commercial (RC) Zone.

Overview:

The applicant intends to construct a self-storage facility that includes recreational vehicle and contractor storage. The area under review consists approximately ten (10) acres in Unincorporated Campbell County on Alexandria Pike (US 27) near the intersection of Plum Creek Road.



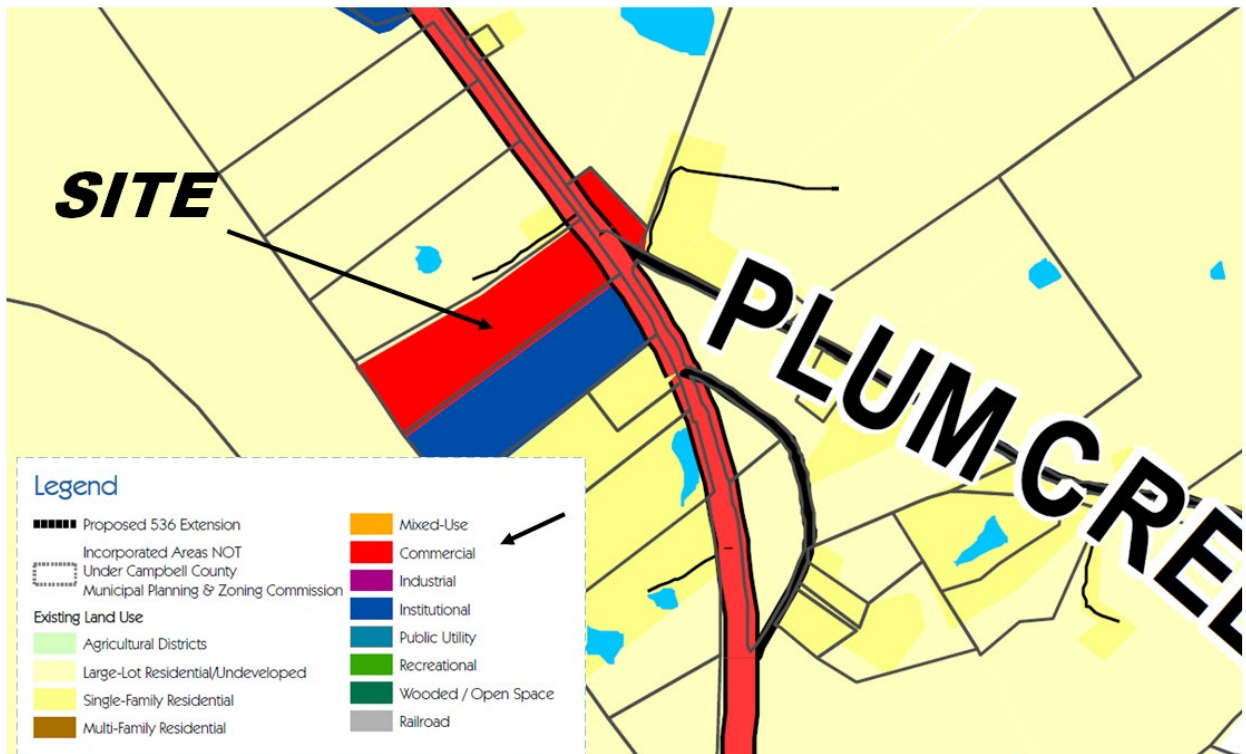
The parcel is currently zoned Agricultural-One (A-1). The adjoining parcels in all direction are also zoned A-1.

The applicant is also requesting a variance of the off-street parking regulations to pave the parking lot with gravel.

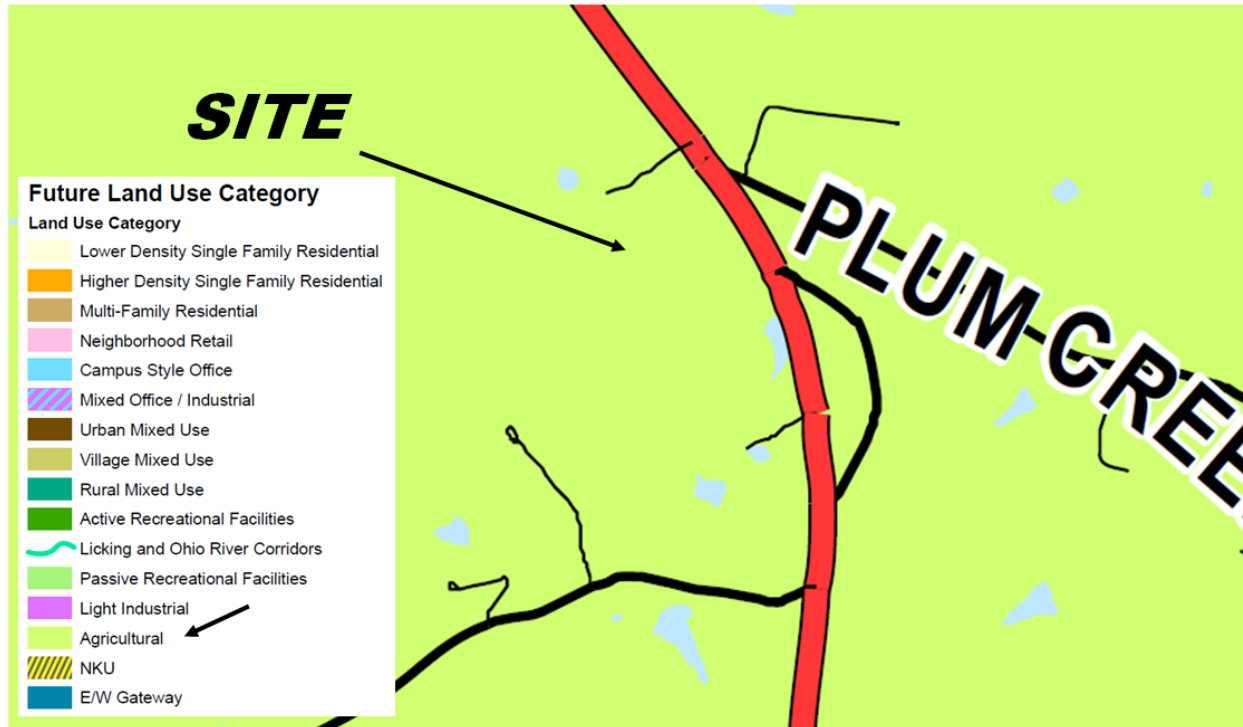
I. Zone Map Amendment

Considerations:

1. The area under consideration consists of approximately ten (10) acres.
2. The site is currently zoned Agricultural (A-1) as defined in the Campbell County Zoning Ordinance, Article X.
3. Adjacent zoning is Agricultural (A-1).
4. Adjacent land uses include an event facility, church and bar. Directly behind the property is undeveloped land. Beyond these immediate parcels are predominantly agricultural and residential uses.
5. The 2008 Campbell County Comprehensive Plan specifies the current land use as commercial.



6. The future land use category for the site is identified as *Agricultural* in the 2008 Campbell County Comprehensive Plan.



7. The Campbell County Zoning Ordinance defines the following permitted and conditional uses for the A-1 Agriculture Zone (section 10.1) and RC Rural Commercial zones (section 10.22) respectively.

Permitted Uses

A-

1

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
4. Stands for sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.
8. Animal Hospitals and Veterinary Clinics.
9. Agritourism uses.
10. Butcher/meat processing in connection with other agricultural activities.

Conditional Uses

A-

1

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
 - d. tennis courts/clubs
 - e. fishing lakes
 - f. gun clubs and ranges
 - g. boat harbors and marinas
8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.
9. Essential services and public utility stations.
10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
12. Sawmills.
13. Plants for the processing and storage of agricultural products.
14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
15. Kennels.
16. Bed and breakfast establishments.
17. Event facilities.
18. Restaurants.

Permitted Uses

RC

1. Auto repair shops
2. Bakery

3. Bank
4. Barber and beauty shops
5. Drug store
6. Restaurants and taverns excluding drive-ins
7. Farm Equipment- sales and service
8. Food stores
9. Grain, Feed and Seed stores, including sales of fertilizers, garden supplies, etc.
10. Hardware store
11. Lumber companies
12. Offices
13. Paint and wallpaper store
14. Plumber's office and sales of fixtures
15. Police and fire station
16. Post office
17. Tobacco warehouses
18. Contractor's offices and storage areas
19. Service stations
20. Veterinarian offices including small and large animal clinics.
21. Flea market.
22. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
23. Automotive repair and sale of new parts.
24. **Mini Warehousing.**

Conditional Uses

RC

1. Automobile Sales, New and Used.
2. Self Service Car Wash.
3. Churches for the purpose of recognized religious worship.
4. Childcare center.
5. Public, parochial or private schools.
6. Publicly owned or operated parks or recreational facilities.
7. Private recreational facilities including indoor and outdoor uses.

Further, no such conditional use shall be permitted until and unless the following performance criteria are fully met:

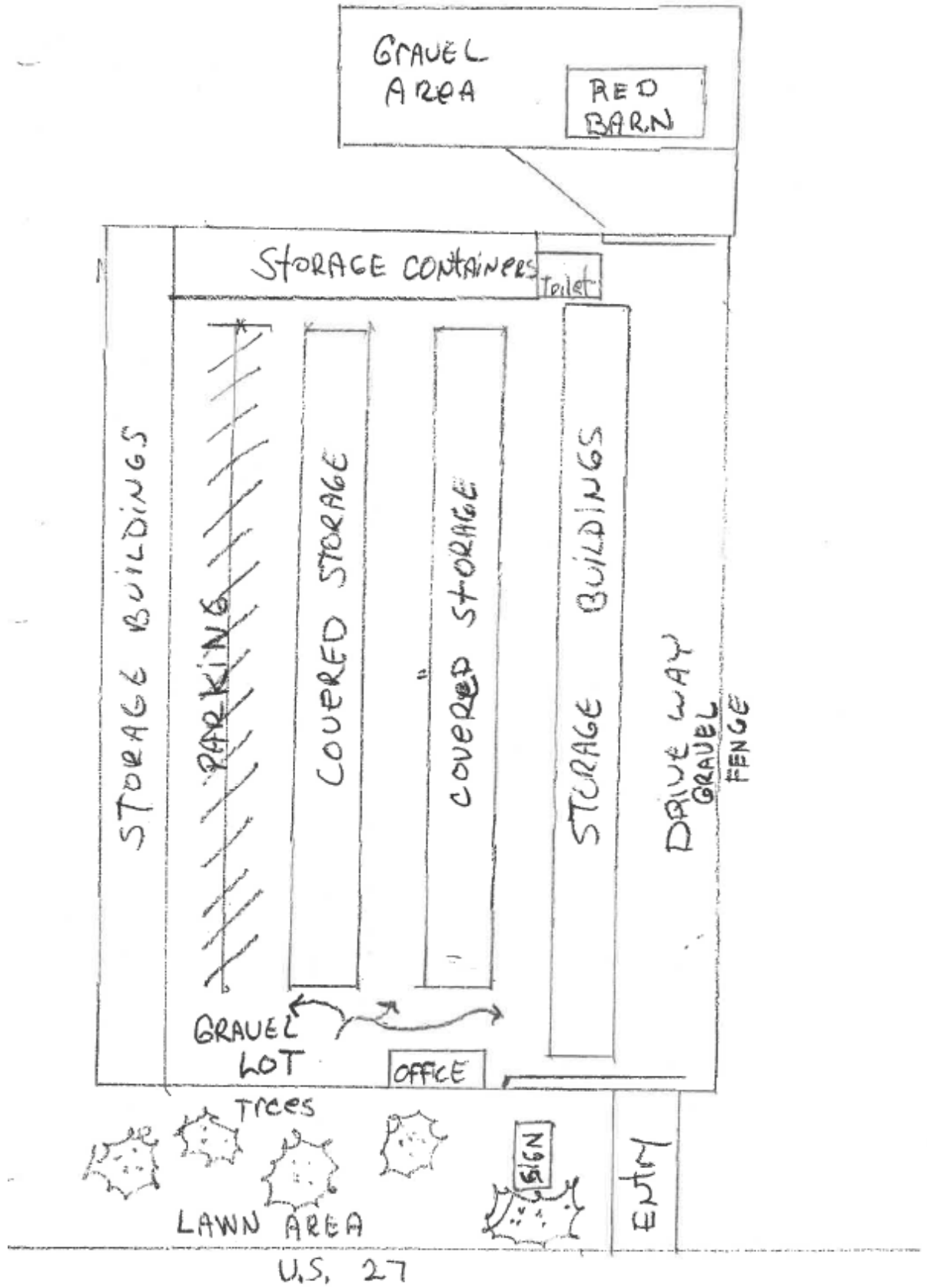
1. Any lot containing such conditional use shall contain a minimum of one (1) acre of land.
2. Each such conditional use shall be separated from any residential zone by a landscaped side yard in accordance with Section 10.22 of this ordinance.
3. In addition to the front yard requirements established by Section (C) of this ordinance, each such conditional use shall have a landscaped area extending from the minimum set-back line of the property a minimum of fifty (50) feet to the start of the paved area intended or used for display of vehicles for sale.

4. No flashing lights, streamers, or lights strung on overhead wires or lines shall be permitted. All signs shall be in conformance with the requirements of Article XIV of this ordinance.
 5. Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and light trucks having a gross vehicle weight rating (G.V.W.R.) of one (1) ton or less. Sale of motorcycles, either new or used, shall not be permitted.
8. The Campbell County Zoning Ordinance defines the zone requirements for the A-1 zone (section 10.1):

<u>Zone Requirements</u>	<u>A-1</u>
Minimum Lot Area	One (1) Acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	Total – Twenty-five (25) feet One Side - Ten (10) feet
Minimum Rear Yard Depth	Thirty-five (35) feet
Maximum Building Height	Thirty-five (35) feet

9. The Campbell County Zoning Ordinance defines the zone requirements for the Rural Commercial (RC) zone (section 10.22):

<u>Zone Requirements</u>	<u>RC</u>
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 or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the County's Building Code, shall be required. A side yard is never to be less than fifteen (15) feet.
Minimum Rear Yard Depth	Forty (40) feet
Maximum Building Height	Forty (40) feet



10. The applicant has provided a site plan illustrating the following:
 - Storage buildings, including storage containers and covered storage;
 - Parking area;
 - Office location;
 - Bathroom location;
 - Gravel surfaces;
 - Simplified landscaping;
 - Lighting; and
 - Fencing.
11. The applicant has indicated in discussions with staff that the storage options will include traditional self-storage units and long-term RV parking in addition to storage options geared toward contractors and businesses.
12. Article 17 of the Campbell County Zoning Ordinance also states that the zoning map or maps shall not be amended, changed, or modified in such manner as to create a freestanding zone of less than five (5) acres.
 - Staff notes that the site of the proposed zone map amendment is over five (5) acres.
13. Article XVII, Section 17.0 Amendment of Maps and Zones:

FINDINGS NECESSARY FOR MAP AMENDMENT: Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan by the Planning and Zoning Commission for the County or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.

1. That the original zoning classification given to the property was inappropriate or improper; and
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.

Staff Comments:

1. The original zoning classification of the property was inappropriate due to the existence of a commercial use at the location at the time of the creation of the 2008 Current Land Use Map.
2. There have been major changes of an economic and physical nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.

The future land use map of the 2008 Comprehensive Plan Update anticipated a return to the surrounding Agricultural Land Use. In the time since that plan was adopted, a

Church and event facility have gone in on either side of this property. Across the street a restaurant bar continues to operate and 700 feet to the south, a trucking company continues to operate. The existing variety of uses in the area has moved toward more of what the Comprehensive Plan would characterize as a *"Rural Mixed-Use"*. In addition to the economic changes in the area, the re-alignment of Plum Creek Road has improved safety and access in this area, which can accommodate the modest increase in traffic for these uses.

3. The current (A-1) zoning classification is not appropriate for recreational vehicle storage and self-storage (Mini Warehousing).

Staff Recommendations:

To approve a Zone Map Amendment from Agricultural-One (A-1) to Rural commercial (RC) and to refer these recommendations to the Campbell County Fiscal Court for further action.

Bases for Recommendation:

1. Notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Campbell County Zoning Ordinance.
2. As defined in Article 17, the Planning Commission has the authority to review such Zone map Amendments and provide recommendations to the legislative body.
3. The proposed Zone Map Amendment has been reviewed for consistency with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Campbell County Zoning Ordinance.

II. BA-24-002: Variance Request

Considerations:

The applicant is requesting a variance for the construction of a gravel surfaced RV storage lot as part of a new self-storage facility.

Article XI Off-Street Parking Regulations Section 11.0 General Requirements, paragraph M paving of new off-street parking states:

"All new off-street parking facilities shall be paved with asphalt concrete or Portland cement concrete and shall be designed and constructed in accordance with the standards and procedure herein established"

1. The site is comprised of a total area of approximately ten (10) acres. This site is currently located in the Agricultural-One (A-1) Zone. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas as "Agricultural".
2. To the west of the parcel, the land use is open space. To the immediate north is an event facility, a conditional use in the A-1 zone. To the west is a restaurant/bar, a conditional use in the A-1 zone. There also numerous agricultural uses to the east beyond the bar as well.

To the south there is a church, also a conditional use in the zone. Beyond these immediate parcels lies a trucking company and mostly agricultural uses.

3. The site plan indicates gravel-surfaced storage areas and a gravel-surfaced driveway.

The proposed pavement variance is intended only for the *storage* lot section of the business.

4. Per Section 18.6, A., 2., Notice: Notice of public hearing was given in accordance with Section 18.2 of the Campbell County Zoning Ordinance.
5. According to Section 18.6, A., 4., the Board of Adjustment must find that the granting of the variance will be in harmony with the general purpose and intent of the Ordinance as well as the adopted Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.

The use of the property is not consistent with the adopted 2008 Comprehensive Plan; however, the granting of a zone change confirms that changes of an economic and physical nature have occurred that were not anticipated in the Plan.

Supporting Information

VARIANCES: Before any variance is granted, the Board of Adjustment 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 nuisance to the public. Such variance shall not be granted by the Board of Adjustment unless and until:

- a. That the requested variance arises from special existing circumstances which do not generally apply to land in the general vicinity.
- b. That the manner in which the strict application of the provisions of the Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant;
- c. That the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- d. Reasons that the variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
- e. That granting the variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone.

Staff Comments:

The site includes several surfaced areas:

1. Long-term RV parking indicated as "parking" and "gravel lot" on the site plan;
2. Driveway indicated as "Drive Way Gravel" on the site plan;
3. Loading and unloading areas adjacent to the storage buildings; and
4. Entry from US27.

The gravel parking area is intended for long-term storage of recreational vehicles. It will not be used for normal in-and-out business activity.

Article XII Off-Street Loading and/or Unloading Use and Bulk Regulations requires paved areas where the storage areas are located. See appendix for Article XII.

The adjoining parcel to the north is an owner-occupied event facility that also includes contractor storage. The site plan shows the gravel driveway along that property line. Staff does not recommend approval of a gravel driveway or entryway.

Please note that Article IX, § 9.10 Application on Zoning Regulation, paragraph e.1. requires all driveways to be at least two (2) feet from the property line.

Staff recommends sufficient screening to the northern property in the form of a privacy fence or landscape buffer.

The requested variance does arise from special circumstances, which exist and do not generally apply to land in the general vicinity or in the same zone. The language of the ordinance does not distinguish from “parking” and long-term storage of vehicles and staff argues that the uses are separate and distinct.

The strict application of the provisions of this Ordinance would create unnecessary hardship on the applicant. The requirement to pave all of these areas will add significant cost to the project.

The applicant is requesting this variance subsequent to the approval of these regulations.

The essential character of the neighborhood is commercial and agricultural and this action is compatible with those uses.

This variance would not be granting the applicant a special privilege.

Summary of Applicants Request:

The applicant is requesting variance from *Article XI, Section 11.0, Paragraph M: Paving of New Off-Street Parking* to construct a gravel-surfaced storage lot.

Staff Recommendation:

To approve the applicant’s request for a pavement variance for the large vehicle storage area with the following conditions:

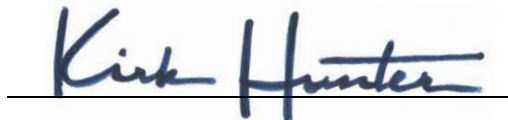
1. That the applicant complies with all Campbell County ordinances, regulations and building codes.
2. That the applicant applies for applicable building and fence permits.

This variance of pavement regulations shall not be applied to the loading and unloading areas, nor shall it apply to the driveway.

Basis for Recommendation

1. In accordance with Section 18.2 of the Campbell county Zoning Ordinance, notice of public hearing was given.
2. In accordance with KRS 100.241 Variances, 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.
3. The evidence presented by the applicant and staff is such as to make a finding that:
 - a. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board considered whether:
 - i. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - ii. 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
 - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
 - iv. The variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
 - v. The variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone.

Report prepared by:



Kirk Hunter, AICP
Principal Planner

APPENDIX A

ARTICLE XII - OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

SECTION 12.0 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS: For all buildings and structures erected, altered or extended, and all uses of land established as specified therein, after the effective date of this Ordinance, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this Ordinance, and provided that construction has not begun within ninety (90) days of such effective date, off-street loading and/or unloading facilities in the amounts required by this Ordinance shall prevail.

SECTION 12.1 OFF-STREET LOADING AND/OR UNLOADING USE AND BULK REGULATIONS: Off-street loading and/or unloading facilities shall be provided in accordance with the following regulations.

- A. **Spaces Required:** Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional 10,000 square feet, or fraction thereof, of gross floor area in the building.

If sufficient proof can be shown that less than these requirements (only that part which has to do with over five thousand (5,000) square feet) will be satisfactory for the operation in question, if approved by the Planning and Zoning Commission.

- B. **Size of Off-Street Loading and/or Unloading Space:** Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet; provided however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Planning and Zoning Commission may reduce the minimum length to not less than thirty-five (35) feet.
- C. **Location:** All required loading and/or unloading spaces shall be located on the same zoning lot as the use served. No loading and/or unloading space for vehicles over two-ton capacity shall be closer than fifty (50) feet to any property in a residential zone unless completely enclosed by a fence, wall or screen as regulated by Article XIII of this ordinance. No loading and/or unloading space shall be located in any required yards, except as herein provided.
- D. **Access:** Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least twelve feet for one-way circulation and at least twenty-four (24) feet for two-way circulation.

Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway or deeded rights-of-way.

- E. Enlargement of Buildings: The off-street loading and/or unloading requirements, as listed in this article of the ordinance, shall apply at any time any building is enlarged or increased in capacity by adding floor area.
- F. Design and Maintenance
 - 1. Surfacing - All open off-street loading and/or unloading spaces shall be paved subject to the provisions in Article XI, Section 11.0, M, 3 of this ordinance.
 - 2. Lighting - Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.
 - 3. Space allocated to any off-street loading and/or unloading space shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.
- G. Off-Street Loading and/or Unloading Plan Approval Required: Plans for all loading and/or unloading facilities shall be submitted to the Planning and Zoning Commission for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the County. Such plans shall show the exact proposed layout of all loading and/or unloading areas, drives and accessories, entrances and exits, type of surface to be used, typical cross sections of pavement, base and sub-base, location of lighting facilities, storm drainage facilities, proposed grade of off-street loading and/or unloading area, and such other information or plans as the circumstances may warrant.